



## Development Assessment Panel Meeting Agenda

Tuesday 07 February 2017 at 6pm

Linden/Tusmore Rooms, 401 Greenhill Road, Tusmore

<b>Members:</b>	Bill Chandler (Presiding Member) Don Donaldson (Deputy Presiding Member) Ross Bateup, Graeme Brown, Peter Cornish, Mark Osterstock and Di Wilkins
-----------------	---

**1 APOLOGIES**

Nil

**2 KAURNA ACKNOWLEDGEMENT**

The Presiding Member will take the opportunity to acknowledge the Kurna people.

**3 CONFIRMATION OF MINUTES**

Recommendation: That the minutes of the meeting held on Tuesday 06 December 2016 be taken as read and confirmed.

**4 APPLICATIONS WITHDRAWN FROM THE AGENDA**

Nil

**5 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – PERSONS WISH TO BE HEARD**

**(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (HEARING)**

Nil

**(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (HEARING)**

Nil

**(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (HEARING)**

Recommendation: As the opportunity to make a verbal presentation for Category 2 applications is at the Panel's discretion, that the Panel provide an opportunity to be heard.

<b>Report Number:</b>	<b>5713.1</b>
<b>Page:</b>	<b>5</b>
Application Number:	180\0934\16
Applicant:	Q Fang
Location:	61 Sydney Street, Glenunga
Proposal:	Demolition of existing dwelling and ancillary structures and construction of a two-storey detached dwelling, masonry fence and habitable outbuilding
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"><li>• 3/62 Sydney Street, Glenunga (wish to be heard)</li><li>• 63 Sydney Street, Glenunga (wish to be heard)</li></ul>
Applicant:	<ul style="list-style-type: none"><li>• 61 Sydney Street, Glenunga</li></ul>

<b>Report Number:</b>	<b>5713.2</b>
<b>Page:</b>	<b>19</b>
Application Number:	180\1031\16
Applicant:	Parolin Pty Ltd
Location:	47 Glen Osmond Road, Eastwood
Proposal:	Single storey alterations and additions to existing Local Heritage Place building including partial demolition, internal alterations, construction of pergolas (x2), masonry walls, landscaping and change in land use to office and pre-school
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> <li>• 27 Main Street, Eastwood (wish to be heard)</li> <li>• 29 Main Street, Eastwood (wish to be heard)</li> <li>• 45 Glen Osmond Road, Eastwood (do not wish to be heard)</li> </ul>
Applicant:	• c/- 33 Carrington Street, Adelaide

<b>Report Number:</b>	<b>5713.3</b>
<b>Page:</b>	<b>32</b>
Application Number:	180\1062\16
Applicant:	A L H Lim
Location:	59 Linden Avenue, Hazelwood Park
Proposal:	Demolition of existing dwelling and construction of two single storey dwellings including garages, verandahs, retaining walls and fencing
Recommendation:	Development Plan Consent be refused
Representors:	<ul style="list-style-type: none"> <li>• 57 Linden Avenue, Hazelwood Park (wish to be heard)</li> <li>• 61 Linden Avenue, Hazelwood Park (wish to be heard)</li> <li>• 72 Linden Avenue, Hazelwood Park (wish to be heard)</li> <li>• 74 Linden Avenue, Hazelwood Park (do not wish to be heard)</li> <li>• 10A Seaforth Avenue, Hazelwood Park (do not wish to be heard)</li> <li>• 23 Seaforth Avenue, Hazelwood Park (wish to be heard)</li> </ul>
Applicant:	• 2 Alpha Street, Kensington Park

<b>Report Number:</b>	<b>5713.4</b>
<b>Page:</b>	<b>46</b>
Application Number:	180\0919\16
Applicant:	Metricon Homes Pty Ltd
Location:	4 Brae Road, St Georges
Proposal:	Two storey detached dwelling, including garage, entry portico, front balcony, rear verandah, retaining walls and fencing
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> <li>• 2 Brae Road, St Georges (wish to be heard)</li> <li>• 6 Brae Road, St Georges (wish to be heard)</li> </ul>
Applicant:	• 88 Fullarton Road, Norwood

## 6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

### (A) NON-COMPLYING DEVELOPMENT APPLICATIONS (NO HEARING)

<b>Report Number:</b>	<b>5713.5</b>
-----------------------	---------------

<b>Page:</b>	<b>59</b>
Application Number:	180\0993\16
Applicant:	R Steen
Location:	28 Hayward Drive, Mount Osmond
Proposal:	(Non-Complying) Establishment of residential use of the land through the construction of a two-storey detached dwelling including swimming pool, rainwater tank, driveway construction and associated earthworks
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted

**(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (NO HEARING)**

Nil

**(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (NO HEARING)**

Nil

**7 CATEGORY 1 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD**

Nil

**8 OTHER BUSINESS**

Nil

**9 ORDER FOR EXCLUSION OF THE PUBLIC FROM THE MEETING TO DEBATE CONFIDENTIAL MATTERS**

That, pursuant to Section 56A(12) of the Development Act, 1993, the public be excluded from this part of the meeting of the City of Burnside Development Assessment Panel dated Tuesday 07 February 2017 (with the exception of members of Council staff who are hereby permitted to remain), to enable the Panel to receive, discuss or consider legal advice, or advice from a person who is providing specialist professional advice.

**10 CONFIDENTIAL MATTERS**

**10.1 LEGAL MATTER APPEAL**

Nil

**NOTES FOR THE READER****Purpose**

The purpose of each report prepared for the Development Assessment Panel is to assist the applicant, those assessing the application and members of the public alike, to understand all of the relevant factors and considerations involved in the assessment of each particular development application.

**Development Plan Assessment**

Development in South Australia is regulated under the Development Act, 1993 and the Development Regulations, 2008.

This legislation requires Council, which is a relevant planning authority under this legislation, to assess most applications for development against the provisions of Council's "Development Plan".

The Development Plan is a policy document. The policy is formulated by the Council. It uses some "planning language" but is intended to form a useful and practical guide for the public and those responsible for the assessment of development. It is a practical policy document which the planning authority must apply to development assessment in a practical way.

When assessing development, the relevant provisions within the Development Plan are identified. The planning authority will then usually be required to consider whether those provisions speak for or against a proposed development. Quite often the assessment task will require the planning authority to weigh the "pros and cons" of a proposed development by reference to the relevant policies within the Development Plan.

The process involved in the assessment of each development application is contained within the above legislation. Depending on a variety of factors, including the nature of the development and the Zone within which it is proposed, applications may be classified as "complying", "non-complying" or "merit" development. The classification of the application will determine the procedure to be followed under the legislation. Classification will also determine the public notification protocol, that is, whether the planning authority is able to provide public notification and if so, the extent of the public notification.

**Representations**

Representors will usually be provided with an opportunity to address the planning authority at its relevant meeting if they wish to be heard. In this case the relevant planning authority will hear and consider the representations prior to making its decision. It is the role of the planning authority to act as a mediator or arbitrator between representor(s) and applicant.

The reports prepared by the Council's staff will not separately address the content of each representation, but rather will deal with relevant town planning issues raised in any representation, together with all other relevant considerations involved in the assessment of a proposed development.

**DEVELOPMENT APPLICATION**

<b>Application Number:</b>	180\0934\16
<b>Applicant:</b>	Q Fang
<b>Location:</b>	61 Sydney Street GLENSIDE SA 5065
<b>Proposal:</b>	Demolition of existing dwelling and ancillary structures and construction of a two-storey detached dwelling, masonry fence and habitable outbuilding
<b>Zone/Policy Area:</b>	Residential Zone Residential Policy Area 20 – Glenside (Village) Development Plan consolidated 28 April 2016
<b>Kind of Assessment:</b>	Merit
<b>Public Notification:</b>	Category 2 Two (2) representations received
<b>Appeal Opportunity</b>	Applicant only, no third party appeal rights
<b>Referrals – Non Statutory:</b>	Technical Officer / Urban Forestry Officer
<b>Delegations Policy:</b>	Unresolved representations
<b>Recommendation:</b>	Development Plan Consent be granted
<b>Recommending Officer:</b>	Jason Cattonar

**REPORT CONTENTS**

- Assessment report:
  - Appendix 1 – Aerial Locality Map
  - Appendix 2 – Detailed Planning Assessment
  - Appendix 3 – Development Data Table

**Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.**

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Internal agency referral reports
- Representations received
- Photographs

## 1. DESCRIPTION OF PROPOSAL

The applicant seeks Development Plan Consent for the construction of a two-storey detached dwelling on a single existing residential allotment within Residential Policy Area 20 – Glenside (Village) (RPA20).

The dwelling features five bedrooms (two with ensuite and walk in robe), two bathrooms, double garage, open plan living areas, an upstairs living room, front entry portico and rear alfresco.

The proposed building will be clad with rendered external walls, feature stone work and a conventional hipped roof with overhanging eaves and concrete tiles.

Also included in the application is a habitable outbuilding to be sited in the north-eastern corner of the land and a front fence to be constructed using six masonry pillars measuring 1500mm tall with vertical steel slat infill.

## 2. BACKGROUND

Development Application 180\0934\16 was lodged on 18 October 2016 by Qi Ying Fang who is the registered owner of the land. The proposal was determined to be a Category 2 development pursuant to the Burnside (City) Development Plan, to be assessed on merit.

The application was made available for public consultation from 31 October 2016 14 November 2016 (inclusive), during which time Council received two written submission identifying concerns relating primarily to the siting of the outbuilding, damage to a non-regulated tree and building setbacks.

The applicant has responded to the representation by providing additional amended plans that increase the front setback from 4.8m to 6m, lower the FFL by 150mm and re-site the outbuilding from the southwest corner to the northwest corner with 1.2m setbacks from the side and read boundary.

As part of the assessment process the application was also referred to Council's Engineering Services department and Open Space department to assess the suitability of access arrangements, as well as general impacts on Council infrastructure.

An assessment against the relevant provisions of the Development Plan has now been completed and the application is presented to the Development Assessment Panel (the Panel) with a staff recommendation that consent be granted, subject to conditions.

## 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

### 3.1. Subject Land

The subject land is an existing rectangular shaped residential allotment fronting Sydney Street towards the southeast corner of RPA20. The land has a single frontage to the public road measuring approximately 15.2m, a depth of approximately 45.7m and a total area of approximately 694.6m<sup>2</sup>.

The land has a descending slope from front to rear of approximately 1.2 metres and is currently occupied by a single storey detached dwelling constructed during the inter-war period in the Bungalow style. A custom-orn front fence runs along the front boundary and vehicle access is obtained via a single crossover at the northeast corner of the property.

### 3.2. Locality

The locality comprises both sides of Sydney Street and Broughton Street extending as far 60m from the subject land. The pattern of subdivision varies between the east and west sides of Sydney Street due to concentrated areas of 1960's and 1970's residential flat buildings interspersed with detached and semi-detached dwellings being sited on more conventional allotments.

The locality is comprised of a variety of architectural styles or varying bulk, scale and form. Streetscape amenity is improved by the wide road reserve and mature street tree plantings that provide shade and landscape amenity to the locality.

## 4. KIND OF ASSESSMENT

<b>Kind:</b>	Merit
<b>Reason:</b>	Development Act 1993, Section 35(5)
<b>Applicant Appeal Opportunity:</b>	Yes

## 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 2
<b>Reason:</b>	Residential Policy Area 20 Principle of Development Control 11
<b>Cut / Fill:</b>	Although a degree of earthworks is to be introduced to the site...
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>Alice Davidson &amp; Ted Jennings – 3/62 Sydney Street (wish to be heard)</li> <li>Ainslie L Kemp &amp; Derrick Roberts – 63 Sydney Street (wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	No

- Representations received are provided as an attachment to the Panel.
- Applicant's response(s) to representations are provided as an attachment to the Panel.

## 6. AGENCY REFERRALS

- Internal agency referrals are provided as an attachment to the Panel.

## 7. EXECUTIVE SUMMARY

### 7.1. Land Use

The development maintains and continues the established residential use of the site and is not considered to be seriously at variance with the policies of the Burnside (City) Development Plan.

### 7.2. Character and Amenity

The Development Plan, through the provisions of RPA20, seeks to maintain and enhance a low-to-medium density residential character derived from a wide variety of dwellings in terms of type, height and style including multi-storeyed residential flat buildings to the south of the policy area. The policy area encourages increased density and housing choice with a particular focus on creating pedestrian linkages to the District Centre Zone and public transport services.

The proposed development is generally compatible with these characteristics and is anticipated to enhance the streetscape character by introducing a new building of a suitably high design standard.

The proposed dwelling has been centrally sited away from both side boundaries to provide visual balance and preserve the continuity of vistas between buildings along Sydney Street and the two-storey form is compatible with the scale and siting of existing dwellings within the locality. The modern design includes conventional features, including the front fence that complement architectural forms within the locality and is considered to be of a suitably high standard that will contribute to the variety of architectural styles envisaged for the policy area.

In terms of its visual impact from adjoining properties either side of the subject land, the proposed building includes vertical wall heights that are compatible with existing housing stock and an upper level that appears proportionate to the ground floor, dimensions of the subject land and adjoining dwellings.

In terms of overlooking opportunities, the proposed dwelling incorporates upper level side and rear windows set at a minimum sill height of 1.6 metres, as per the preference of the Development Plan.

### **7.3. Site Functionality**

The development is largely consistent with the relevant quantitative guidelines of the Development Plan and is not considered to be an overdevelopment of the site. Despite encroachments to setback guidelines concerning side boundaries, the ground floor of the dwelling occupies a footprint representing 28% of the total site area with the total floor area representing 45% (the Development Plan preferences 40% GF and 50% TFA). The land also retains a private open rear yard that complies with the desired floor area ratio and conforms to the various qualitative standards.

The development provides generous space for on-site car parking to meet the needs of residents and visitors and to avoid on-street parking that would restrict the free flow of traffic (including pedestrian traffic) along Sydney Street or cause significant nuisance to nearby residents or other users of land. Council's Engineering Services and Open Space departments have reviewed the proposal and are satisfied with the design.

### **7.4. Public Notification**

The application was determined to be a Category 2 development pursuant to Residential Policy Area 20 Principle of Development Control 7, which states:

*"The following kinds of development are assigned to Category 1:*

*Dwelling, except where*

- (a) the dwelling or outbuilding is two or more storeys in height (where "two storeys" is defined as a total of one habitable floor level directly above another, not including an understorey garage), or more than 6.5 metres building height above natural ground level;*

The proposal was placed on public notification towards the end of October 2016, during which time Council received two written submission from adjoining neighbours to the south and east (63 Sydney Street and 3/62 Sydney Street).



The primary issues raised through this process relate to the extent to which the proposal departs from side boundary setback guidelines and total site coverage including the proposed outbuilding. Concerns were also raised regarding the impacts of the development upon a non-regulated tree planted in the rear yard of 63 Sydney Street.

The applicant did not consider the objections to be of reasonable planning merit but did respond to the concerns of planning staff regarding the front setback and finished floor level of the dwelling.

A review of the updated diagrams suggests confirms that the dwelling now accords with front boundary setback guidelines and the finished floor level better responds to topographical features of the subject land and adjoining properties so as to avoid the need for excessive earthworks and retaining on property boundaries.

Council is satisfied that proposed building has been sited in a manner that reasonably accords with the policies of the Development Plan and ensures the development makes a positive contribution to the character of the locality with a reasonable and expected level of impact to adjoining land as anticipated by the qualitative provisions of the Development Plan.

Council is satisfied that the planning matters raised through the public notification process are sufficiently addressed through the overall design of the development insofar as they are to be determined under the Development Act 1993.

#### **7.5. Conclusion**

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

### **8. RECOMMENDATIONS**

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0934\16, by Q Fang is **granted** Development Plan Consent subject to the following conditions:

#### **Conditions**

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

#### **Reason:**

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 The first floor windows as depicted on the stamped and approved plans granted Development Plan Consent shall fitted with fixed obscure glass and shall be installed prior to the occupation or use of the building and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

**Reason:**

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties

**Advisory Notes****1 Engineering Requirements:**

- Unless approved otherwise, construction of the driveway crossover shall be in accordance with Council's Standard Specification and General Conditions and completed to the reasonable satisfaction of Council.
- A driveway width of 4.5 metres is permitted across the verge and a crossover width of 5.5 metres (maximum) is permitted at the kerb and gutter.
- A minimum driveway width of 3 metres must be maintained across the verge
- A minimum distance of 1.5 metres shall be maintained from the closest point of the driveway to the adjacent street tree.
- A minimum distance of 1.0 metre shall be maintained from the closest point of the driveway to the stobie pole.
- If you elect to carry out the works yourself (or via a contractor) evidence of Public Liability Insurance must be provided to Council before any works can commence on the public verge/road.
- Existing footpath levels, grades etc. shall not be altered as a result of the new works associated with the development.
- Due to the significant increase of the impermeable area, detention shall be provided to limit post development flows. Calculations shall be provided to verify the ability of the proposed detention quantity to meet the Council's default detention and discharge requirements below:
  - The volume of any detention device shall be equal to the volume of water generated on the site with an impervious ( $C_p = 0.9$ ) site coverage of 75% and pervious ( $C_p = 0.1$ ) area of 25%, during a 1 in 20 year flood event for a 10 minute duration.
  - The maximum rate of discharge from the site shall be equal to the volume of water generated on the site with an impervious ( $C_p = 0.9$ ) site coverage of 40% and pervious ( $C_p = 0.1$ ) area of 60%, during a 1 in 5 year flood event for a 10 minute duration.
- For stormwater management purposes, it is desirable that:
  - An additional detention storage of 1,000Ltrs be provided in addition to the standard 1,000Ltrs retention tank provided; and
  - The development utilises permeable paving for the proposed external paving work within the development site.
- The stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
- If the cover to the stormwater pipe across the Council verge is less than 65mm, steel pipe housing is to be used as per Council's standards.
- The developer is responsible for locating all existing services and to consult with the necessary service providers if there is a conflict when placing stormwater infrastructure.
- Construction of the stormwater infrastructure is in accordance with Council's Standard Specification and General Conditions and to the overall satisfaction of Council.
- Trenching and connections are to be undertaken as per Australian Plumbing Standards.
- Excess stormwater runoff from surfaces within the subject land shall be controlled and managed within the subject land.
- Excess stormwater runoff from the roof catchment shall be discharged to the street

water table through a sealed system to the satisfaction of the Council.

- Excess stormwater runoff from the roof catchment can be connected to the Council's main underground drainage system. Required permits from the Council are to be obtained prior to undertaking the connection to the main drainage pipe.

**RECOMMENDING OFFICER**

Jason Cattonar  
Team Leader – Planning

**APPENDIX 1**

**AERIAL LOCALITY MAP**



**Legend**



**Subject Land**



**Representor's Land**

APPENDIX 2

DETAILED PLANNING ASSESSMENT

**Summary of Policy Area Objectives and Principles**

**Primary Residential Policy Area 20 Objectives:**

Objective 1:

*Enhancement of the low-to-medium density residential character that is derived particularly from:*

- (a) a wide variety of dwellings, in terms of their types, heights, periods and styles, with multi-storey residential flat buildings to the south of the District Centre; and*
- (b) continuing provision being made for a greater range and increased density of residential development, given the proximity of the Policy Area, and its ready pedestrian access, to the District Centre Zone and to public transport services.*

*Acknowledged, significant variations from the desired character, or the prevailing character or environmental conditions, forming, nevertheless, part of the character that is to be enhanced, are found:*

- (a) on land with frontage to Portrush Road and to Greenhill Road;*
- (b) in the interfaces with the District Centre Zone, the Mixed Use (Glenside) Zone and the Local Centre Zone; and*
- (c) within 150 metres of Portrush Road and the District Centre Zone, where greater intensity of activity and movement occurs.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Desired Land Use</b> O 1	Satisfied. <ul style="list-style-type: none"> <li>• The proposal seeks to continue the established and desired residential use of the subject land.</li> </ul>
<b>Local Compatibility</b> PDC 1	Satisfied. <ul style="list-style-type: none"> <li>• The proposed density is consistent with the medium-to-low density residential character of the policy area.</li> <li>• The two-storey form exhibits appropriate external wall heights and proportions to be considered compatible with the character of the locality which includes buildings of similar scale.</li> <li>• The locality comprises a mix of single and two-storey development, as well as a mix of dwelling densities.</li> <li>• The modern design takes visual cues from the roof form and pitch of existing dwellings in the street.</li> <li>• The front set-back contributes to the open character of the streetscape while remaining compatible with adjacent buildings on neighbouring land.</li> <li>• The siting of the proposed building enables future landscaping to contribute to the visual amenity of the streetscape.</li> </ul>

**Summary of Residential Zone Objectives and Principles**

**Primary Residential Zone Objectives:**

Objective 1:

*A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.*

Objective 2:

*Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.*

Objective 3:

*Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.*

Objective 5:

*Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.*

Objective 8:

*Use of design, management and other techniques to improve all aspects of the environmental performance of development.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 1-8 PDC 1	Satisfied.
<b>Building Appearance</b> PDC 2-4	Satisfied.

**Summary of Council Wide Objectives and Principles**

**Primary Residential Development Objectives:**

Objective 11:

*Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.*

Objective 52:

*A compact metropolitan area.*

Objective 53:

*A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.*

Objective 54:

*Containment of housing costs through the encouragement of a full range of design and development techniques.*

Objective 55:

*Safe, pleasant, accessible and convenient residential areas.*

Objective 56:

*Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.*

Objective 58:

*The revitalisation of residential areas to support the viability of community services and infrastructure.*

Objective 60:

*Increased affordable housing opportunities through land division and the conversion of buildings to a residential use.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Zoning and Land Use</b> O 52-60	Satisfied.
<b>Design and Appearance</b> O 11 PDC 14-18, 23-28	Satisfied.
<b>Building Set-backs</b> PDC 161-163	<p><b><u>Front Set-backs</u></b> Satisfied.</p> <p><b><u>Side Set-backs</u></b> Minor departure.</p> <ul style="list-style-type: none"> <li>• The ground floor of the proposed building will be set back 1210mm from the southern side boundary, which signifies a departure from the 1.5m-2m metre guideline.</li> <li>• The first floor of the proposed building will be predominantly set back in accordance with the 4m guideline from each external side boundary, with encroachments of 660mm (south) and 16mm (north).</li> <li>• The proposed siting is not anticipated to cause a significant loss of amenity, in terms of visual impact, overshadowing or access to sunlight, to occupants of adjoining land thereby signifying an acceptable spatial relationship and general accordance with qualitative guidelines.</li> <li>• The proposed siting does not disrupt the established pattern of space between buildings along Sydney Street, but instead offers a balanced presentation when viewed from the road to which the site has frontage.</li> </ul>

	<b>Rear Set-backs</b> Satisfied.
<b>Building Height</b> PDC 164	Satisfied.
<b>Site Coverage</b> PDC 165	Satisfied. <ul style="list-style-type: none"> <li>• The ground and total floor area of the dwelling comfortably satisfy site coverage guidelines (28% and 45%).</li> <li>• With the inclusion of the outbuilding, the proposed development entails site coverage figures of 37% at ground floor and 55% when the total floor area of the dwelling (ground/first floor) is combined with the floor area of the outbuilding.</li> <li>• The development provides an abundance of functional private open space which demonstrates that the extent to which the proposed outbuilding contributes to the site coverage figures does not trivialise the merits of the application.</li> </ul>
<b>Private Open Space</b> PDC 166, 169	Satisfied.
<b>Amenity</b> O11, 20–22 PDC 14–18, 52-69, 170-173	Satisfied. <ul style="list-style-type: none"> <li>• The proposed building is considered suitable to the site and locality in terms of scale and proportions and is not anticipated to impair the amenity of the locality through the appearance of land, buildings or other conditions or factors.</li> <li>• The proposed development is considered to protect and enhance the visual amenity of the locality by providing a new development of a high design standard and appearance.</li> <li>• The central siting of the proposed building maintains the continuity of vistas between buildings within the streetscape.</li> <li>• The proposed front set-back is compatible with the siting of adjacent buildings and, in the absence of a specific set-back prescribed in the zone and policy area, is consistent with the council wide set-back guideline.</li> </ul>
<b>Privacy</b> PDC 22, 174–176	Satisfied. <ul style="list-style-type: none"> <li>• The proposal involves a two-storey building with floor levels that could overlook adjacent properties.</li> <li>• The proposal addresses this issue with the use of 1600mm high sill windows on both side and the rear elevation of dwelling.</li> </ul>
<b>Access and On-Site Car Parking</b> PDC 177–182	Satisfied. <ul style="list-style-type: none"> <li>• The dwelling is provided with off-street car parking spaces that deliver a surplus when tested against Table Bur/5.</li> <li>• The driveway design accords with DP guidelines regarding safe and convenient access.</li> <li>• Council’s Technical Officer and Urban Forestry Officer are satisfied with the location and design of the driveway and have advised Section 221 authorisation will be issued should the Panel see fit to approve the proposal.</li> </ul>
<b>Access to Sunlight</b> PDC 21, 183–186	Satisfied.



	<ul style="list-style-type: none"> <li>• The dwelling is two-storeys in height and therefore could reasonably be expected to impose a degree of shadow over adjoining properties at certain times of the day.</li> <li>• The applicant has provided shadow diagrams to demonstrate the extent of shadow cast at different times of the day on the winter solstice.</li> <li>• The shadow diagrams provided indicate the amount of sunlight afforded to each adjoining property will remain consistent with DP guidelines.</li> </ul>
<b>Domestic Outbuildings</b> PDC 187–189	Satisfied.
<b>Fences and Retaining Walls</b> PDC 190–194	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The applicant seeks to protect and retain all existing boundary fencing where possible to minimise disruption to adjoining residents.</li> </ul>
<b>Safety and Security</b> PDC 195–198	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposed dwelling has been designed to facilitate casual surveillance over the public road and footpath.</li> <li>• The central siting of the building and its built form set-backs prevent access between roofs and windows of adjoining dwellings.</li> </ul>
<b>Water Conservation</b> PDC 200–201	Satisfied.
<b>Energy Conservation</b> PDC 31-32	Satisfied.
<b>Trees and Other Vegetation</b> O 24-28 PDC 77-92	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The tree planted in the rear yard of 63 Sydney Street is not a regulated tree pursuant to Regulation 6A of the <i>Development Regulations 2008</i>.</li> </ul>

**APPENDIX 3**
**DEVELOPMENT DATA TABLE**

<b>Site Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Area</i>	694m <sup>2</sup>	450m <sup>2</sup>
<i>Street Frontage</i>	15.2m	15m
<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Coverage</i>		
- Buildings only	28%	40%
- Buildings and driveways	35%	50%
- Total floor area	45% (excl. outbuilding) 55% (incl. outbuilding)	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	6m	6m
- side boundary	1.2m (south) 3.8m (north)	1.5m-2m
- rear boundary	22m	4m
<i>Upper Level</i>		
- front boundary	6.3m	6m
- side boundary	3.34m (south) 3.84m (north)	4m
- rear boundary	22m	8m
<i>Boundary Wall</i>		
- length	6.6m	8m
- height	3.4m	3m
<i>Private Open Space</i>		
- percentage	91%	50%
- dimensions	14m x 15m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	2	2
- width of driveway	4.5m	4.5m
- width of garage/carport door	29%	33%

**DEVELOPMENT APPLICATION**

<b>Application Number:</b>	180\1031\16
<b>Applicant:</b>	Parolin Pty Ltd C/- Masterplan
<b>Location:</b>	47 Glen Osmond Road, Eastwood
<b>Proposal:</b>	Single storey alterations and additions to existing Local Heritage Place building including partial demolition, internal alterations, construction of pergolas (x2), masonry walls, landscaping and change in land use to office and preschool
<b>Zone/Policy Area:</b>	Business (Glen Osmond Road) Zone Development Plan consolidated 28 April 2016
<b>Kind of Assessment:</b>	Merit
<b>Public Notification:</b>	Category 2 Three (3) representations received
<b>Appeal Opportunity</b>	Applicant only, no third party appeal rights
<b>Referrals – Statutory:</b>	N/A
<b>Referrals – Non Statutory:</b>	Engineering Services Local Heritage Consultant
<b>Delegations Policy:</b>	Unresolved representations
<b>Recommendation:</b>	Development Plan Consent be granted
<b>Recommending Officer:</b>	James Moss

**REPORT CONTENTS**

- Assessment report:
  - Appendix 1 – Aerial Locality Map
  - Appendix 2 – Detailed Planning Assessment

**Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.**

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Internal agency referral reports
- Representations received
- Applicant's response to representations
- Photographs

## **1. DESCRIPTION OF PROPOSAL**

The applicant seeks development plan consent for building works comprising single storey alterations and additions to an existing Local Heritage Place building, including partial demolition of non-original elements, internal alterations, the construction of two pergola structures and two masonry walls.

The proposal includes the change in the use of the land from an aged care facility to office and preschool. The change of use to the eastern side of the existing building is to accommodate a child care and early learning facility, and the western side of the existing building is to accommodate 12 offices with associated amenities.

The proposed demolition of the later additions also allows for the proposal of new secure access via Main Street, and additional car parking at the rear of the site, to create a total of 25 on site car parking spaces.

## **2. BACKGROUND**

Development Application 180\1031\16 was lodged on 07 November 2016 and determined to be a category 2 development for the purposes of public consultation, to be assessed on merit against the relevant provisions of the Burnside (City) Development Plan.

The classification of the proposal has been considered having regard to the fact that the subject land crosses two different zones within the Development Plan; the Business (Glen Osmond Road) Zone and the Historic Conservation Zone. Although an 'office' is identified as a non-complying development within the latter this component of the proposal is contained wholly within former. The pre-school component does not fall within the definition of an 'educational establishment' and is also not listed as a non-complying development for either zone.

The development was determined to be a category 2 form of development for the purposes of public consultation pursuant to the Development Plan and made available for viewing in late November/early December 2016, during which time Council received three written submissions from adjoining land owners. Two of the submissions expressed opposition to the proposed development, as well as a desire to address the Development Assessment Panel (the Panel) in person. Primary concerns related to the question of on-site car parking and whether the proposed land uses would have an adverse impact on local traffic and on-street parking congestion.

The applicant has since responded to these concerns by implementing minor amendments to the car parking arrangements to the rear of the site, including two new masonry screen walls and landscaping. The applicant has also drawn attention to the findings of a detailed traffic impact statement provided as supporting evidence.

As part of the assessment process the proposal was referred to Council's Engineering Services department to assess traffic safety and parking. The application was also referred to Council's local heritage adviser to review the proposal in the context of the Local Heritage Place and associated impacts to the Historic Conservation Zone to the rear of the site.

A full assessment of the proposed development has now been undertaken, and the application is presented to the Development Assessment Panel (the Panel) for consideration as a merit development with a staff recommendation that development plan consent be granted, subject to conditions.

### 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

#### 3.1. Subject Land

The subject land is an irregular shaped allotment with two street frontages, the primary frontage being to the north-eastern side of Glen Osmond Road of some 36.58 metres and the secondary frontage facing Main Street to the rear of some 39.58 metres. The land has an approximate site area of 2503 square metres, which is split over two zones with the majority of the site being located within the Business (Glen Osmond Road) Zone and a smaller rear portion being located within the Historic Conservation Zone (Policy Area 2 – Eastwood).

The site contains a large single storey building identified as a Local Heritage Place under Table Bur/2 in the Development Plan. The extent of the listing refers to '*Nursing Home – Anaster – former Residence*' and the description reads '*external form and fabric of the 1877 bluestone building. Key features include projecting gable ended wings and bay windows, Bluestone walls, rendered dressings and prominent chimneys. Excludes aluminium tile roof cladding and extensions to the original house*'. The building has undergone extensive additions in the past, and has formerly been used as an aged care facility.

#### 3.2. Locality

The locality comprises those properties on either side of Glen Osmond Road extending approximately 200 metres in each direction, based on a visual connection to the subject site. The locality extends to the north and east to properties fronting Main Street, given the site has a secondary road frontage to Main Street.

The locality spans across two metropolitan Council jurisdictions and differing zones. The City of Burnside Business (Glen Osmond Road) Zone comprises those properties fronting Glen Osmond Road on the north-eastern side of the road and a small number of properties fronting Main Street, with the remaining properties fronting Main Street being located within the Historic Conservation Zone (Policy Area 2 – Eastwood). The opposite side of Glen Osmond Road sits within the City of Unley, and is zoned Office 1.

The locality consists primarily of a broad collection of commercial businesses and on-site car parking facilities. Medium density low scale dwellings of historic significance are to be found along Main Street to the rear of the site.

### 4. KIND OF ASSESSMENT

<b>Kind:</b>	Merit
<b>Reason:</b>	Development Act 1993, Section 35(5)
<b>Applicant Appeal Opportunity:</b>	Yes

### 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 2
<b>Reason:</b>	Development Plan, Business (Glen Osmond Road) Zone, Principle of Development Control 17
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• 45 Glen Osmond Road Eastwood (do not wish to be heard)</li> <li>• 29 Main Street Eastwood (wish to be heard)</li> <li>• 27 Main Street Eastwood (wish to be heard)</li> </ul>

<b>Third Party Appeal Opportunity:</b>	No
--	----

- Representations received are provided as an attachment to the Panel.
- Applicant's response(s) to representations are provided as an attachment to the Panel.

## 6. AGENCY REFERRALS

- Internal agency referrals are provided as an attachment to the Panel.

## 7. EXECUTIVE SUMMARY

### 7.1. Land Use

The proposed development is viewed as a comprehensive redevelopment and rehabilitation of the existing site, and one that remains compatible with the established and desired uses prescribed for both the Business (Glen Osmond Road) Zone and the Historic Conservation Zone.

The proposal seeks to continue the established commercial use of the land in a manner that is compatible with the surrounding land uses and strategic importance of Glen Osmond Road as a main traffic corridor, but also one that is not anticipated to adversely impact the sensitive character of the Historic Conservation Zone to the rear.

The proposal is therefore not considered to be seriously at variance to the policies of the Burnside (City) Development Plan.

### 7.2. Character and Amenity

The proposal continues the ongoing use of the site for commercial purposes in a manner that is of a low traffic generating nature and considered to be a suitable and inoffensive planning outcome for the subject land and broader locality.

The proposal seeks the removal of additions to the existing Local Heritage Place, as well as various internal alterations, which works to enhance the understanding of the original configuration of the residence. Proposed works within the area of the site falling within the HCZ involve removal of non-significant elements that will not impact on heritage value.

The development is not anticipated to have an adverse impact on the free-flow of traffic along Glen Osmond Road, nor is it anticipated to generate unduly large traffic volumes in adjacent residential streets.

The proposal is viewed to have no adverse impact on the character of the locality, given that there will be no new additions to the existing building on the land and the scale and intensity of the proposed land uses is such that the enjoyment of adjacent land would not be compromised.

### 7.3. Public Notification

The application was placed on category 2 public consultation in late November/early December 2016, during which time three written submissions were received. The primary issue of concern identified in the submissions was the question of on-site car parking and whether the proposed land uses would have an adverse impact on local traffic and on-street parking congestion.

The applicant responded to the representations by highlighting that the proposal was accompanied by a detailed traffic impact statement prepared by GTA Consultants, which confirmed:

- The proposal will provide 30 off-street car parks to meet the Development Plan requirements for both the office use and peak demands of the child care centre; and
- The proposed access and car parking layout is consistent with the requirements of the relevant Australian Standards for off-street car parking.

Council's traffic engineers have reviewed the accompanying traffic impact statement prepared by GTA Consultants and concur with its findings in relation to the ability of the site to accommodate sufficient off-street car parking relative to the needs of the proposed land uses in a safe and convenient manner.

The applicant has also reviewed the representor's request to ensure no pick up/drop off activity is conducted along Main Street to the rear of the site and confirmed that this rear car park will be used solely for staff parking relating for child care facility. This is reinforced through Condition 3. Additional landscaping details have also been provided to improve the visual appearance of the rear car park and reduce noise disturbance for local residents.

Council is satisfied that the planning matters raised through the public notification process are sufficiently addressed through the overall design of the development insofar as they are to be determined under the Development Act 1993.

#### **7.4. Agency Referrals**

No statutory referrals were required in the assessment of the proposed development. As part of the internal review, the application was referred to Council's local heritage adviser and traffic engineer to consider its suitability. Both responses have indicated support for the proposal.

#### **7.5. Conclusion**

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

### **8. RECOMMENDATIONS**

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\1031\16, by Parolin Pty Ltd C/- Masterplan, is **granted** development plan consent subject to the following conditions:

#### **Conditions**

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

**Reason:**

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 The landscaping delineated on the stamped and approved plans shall be planted within three months of the substantial completion of the development and in any case prior to the occupation of the building. The landscaping shall thereafter be maintained in good health and condition at all times to the reasonable satisfaction of Council.

**Reason:**

To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

- 3 The use of the rear car park accessed from Main Street shall at all times be restricted to staff members of the child care facility only.

**Reason:**

To reduce traffic congestion along Main Street and ensure minimal disturbance to local residents.

**RECOMMENDING OFFICER**

James Moss  
Development Officer – Planning





APPENDIX 1

AERIAL LOCALITY MAP



Legend

-  Subject Land
-  Representor's Land

APPENDIX 2

DETAILED PLANNING ASSESSMENT

Summary of Zone Objectives and Principles

**Primary Business (Glen Osmond Road) Zone Objectives:**

Objective 1:

A zone accommodating primarily offices, commercial and residential development of a low traffic-generating nature with limited vehicle movements which do not disrupt the free flow of traffic on Glen Osmond Road or generate unduly large traffic volumes in residential streets.

Objective 2:

Development undertaken in a manner which preserves and enhances the character and amenity of residential areas in adjoining zones.

Objective 3:

Buildings of a high standard of design in scale with adjoining development.

Objective 4:

Orderly and proper development of the zone through comprehensive redevelopment and rehabilitation of existing buildings.

Objective 5:

A zone with an attractive character and amenity, not marred by large or inappropriately located signs.

Objective 6:

Complementary development on each side of Glen Osmond Road.

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Desired Land Use</b> O 1	Satisfied.
<b>Local Compatibility</b> PDC 1	Satisfied. <ul style="list-style-type: none"> <li>The development comprises both office and commercial land uses.</li> <li>The development is viewed as a being of a low traffic-generating nature, which minimises impacts on Glen Osmond Road.</li> <li>The development is consistent with other existing land uses observed within the locality.</li> </ul>
<b>Character and Amenity</b> PDC 2 - 4	Satisfied. <ul style="list-style-type: none"> <li>The development is considered to have due regard to the character and amenity of the streetscape in which it is situated (both Glen Osmond Road and Main Street), given the preservation and enhancement of the original Local Heritage Place and added features to improve visual appearance of the rear car park for local residents.</li> <li>The proposal seeks to remove later additions on the eastern side of the building, which opens up new aspects of the building and enhances its visual contribution.</li> </ul>
<b>Built Form</b> PDC 3	Satisfied. <ul style="list-style-type: none"> <li>The development does not seek to substantially alter the external form and appearance of the existing building, nor does it involve</li> </ul>

	<p>encroaching closer to external boundaries.</p> <ul style="list-style-type: none"><li>• The development will not add to any existing shadow cast by the existing single storey building, nor will it provide new and unreasonable overlooking opportunities to adjacent dwellings.</li></ul>
--	--

**Summary of Policy Area Objectives and Principles**

**Primary Historic Conservation Policy Area 2 Objectives:**

Objective 1:

Development that conserves and enhances the Established Historic Character.

Objective 2:

Development accommodating detached and semi-detached dwellings and row dwellings.

Objective 3:

Maintenance and enhancement of the low scale, medium density residential character.

Objective 4:

The establishment of single-storey dwellings.

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Desired Land Use</b> O 2	Satisfied. <ul style="list-style-type: none"> <li>Although not residential in nature, the proposed development continues the established commercial use of the land.</li> <li>The rear portion of land will continue to be used as an at-grade car park for the occupants of the site, signalling no change in the nature of the use of that portion that resides within the zone.</li> </ul>
<b>Local Compatibility</b> O 1-4 PDC 1-4	Satisfied. <ul style="list-style-type: none"> <li>The development is compatible with the established historic character of the policy area insofar as it does not seek to remove items of heritage value from the land.</li> <li>Proposed building works will enhance the heritage value of the existing Local Heritage Place by removing non-original additions and opening up new vistas of the original building.</li> <li>The development does not involve the construction or accommodation of detached or semi-detached dwellings.</li> <li>The low scale, medium density character will not be disturbed by the development.</li> <li>Council's local heritage advisers have reviewed the details of the proposal and have recommended that development plan consent be granted.</li> </ul>
<b>Building Set-backs</b> PDC 8	Satisfied. <ul style="list-style-type: none"> <li>The removal of buildings to the rear of the land opens the streetscape and increases the distance between existing buildings and the road boundary.</li> </ul>
<b>Site Coverage</b> PDC 7	Satisfied. <ul style="list-style-type: none"> <li>By removing non-original buildings and features to the side and rear of the site the proposed development reduces the extent of site coverage previously established on the land.</li> </ul>

**Summary of Zone Objectives and Principles**

**Primary Historic Conservation Zone Objectives:**

Objective 1:

*The conservation and enhancement of the historic character of the relevant Policy Area.*

Objective 4:

*Development which conserves and enhances the historic character of the relevant Policy Areas of the zone, in terms of:*

- (a) overall and detailed design of buildings;*
- (b) dwelling type and overall form;*
- (c) allotment dimensions and proportions;*
- (d) placement of buildings on the allotment and alignment to the street;*
- (e) layout of the site and the type and height of fencing;*
- (f) streetscapes, verge treatment and street planting; and*
- (g) curtilages and garden areas.*

Principle of Development Control 10:

*Fences should be consistent with the historic character of the particular Policy Area and in accordance with the conservation and development guidelines set out in Table Bur/1.*

Table Bur/1:

*Except on the frontage to an arterial road, the erection of high walling in concrete, masonry or timber is not appropriate where it is liable to obscure a dwelling from the street, or disrupt the existing open landscaped character of the locality.*

*Relatively low and open fencing is appropriate to enable visually attractive detailing of the design of a dwelling to remain visible from a road. Solid side fencing should be built of traditional materials such as timber, corrugated iron (pre-painted if desired), brush or well-detailed masonry.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Desired Land Use/Character</b> O 1	Satisfied.
<b>Conservation Guidelines</b> PDC 10	Satisfied.

### Summary of Council Wide Objectives and Principles

#### Primary Council Wide Development Objectives:

Objective 4:

*Provision and maintenance of employment opportunities.*

Objective 7:

*Coordination of development with that in surrounding Council areas.*

Objective 8:

*A rational distribution and arrangement of land uses to avoid incompatibility between activities, and permit efficient use of land within the metropolitan area.*

Objective 20:

*The amenity of localities not impaired by the appearance of land, buildings and objects, or by noise, light, emissions, traffic or any other quality, condition or factor.*

Objective 55:

*Safe, pleasant, accessible and convenient residential areas.*

Objective 74:

*Community facilities and services conveniently located and designed to meet existing and future needs and minimise adverse effects on residential amenity.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 4, 7, 8, 20, 55 and 74	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposal provides employment opportunities within the City of Burnside by establishing a new office and child care facility within a strategically suitable location.</li> <li>• The proposed land uses are compatible in scale and nature with the use of adjacent land to the northwest and southeast of the subject land.</li> <li>• The proposed land use is well positioned along a public transport routes and on the outer edge of the established residential area.</li> </ul>
<b>Amenity</b> O20 PDC 52	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposed land use does not impact the general appearance of the existing Local Heritage Place.</li> <li>• The nature of the proposed land uses are not commonly associated with the emission of noise, vibration, odour, fumes, smoke, or other detrimental conditions or factors and are generally restricted to regular operating hours.</li> <li>• Proposed landscaping to the rear of the site will further ensure amenity impacts are within reason.</li> </ul>
<b>Movement and Parking of Vehicles</b> O29, 35 PDC 94, 95, 96, 107, 108, 109, 111	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• Traffic generation is anticipated to be consistent with the objectives of the zone, given the scale and nature of the proposed land use.</li> <li>• The proposal utilises existing vehicle access arrangements to Glen Osmond Road and Main Street, which have been deemed suitable for purpose.</li> <li>• The proposal includes off-street car parking to the front and rear of</li> </ul>

	the site, which has been deemed suitable in accommodating the anticipated demand by both GTA Consultants and Council's traffic engineer.
--	--

**DEVELOPMENT APPLICATION**

<b>Application Number:</b>	180\1062\16
<b>Applicant:</b>	A L H Lim
<b>Location:</b>	59 Linden Avenue, Hazelwood Park
<b>Proposal:</b>	Demolition of existing dwelling and construction of two single storey dwellings including garages, verandahs, retaining walls and fencing
<b>Zone/Policy Area:</b>	Residential Zone Residential Policy Area 22 Development Plan consolidated 28 April 2016
<b>Kind of Assessment:</b>	Merit
<b>Public Notification:</b>	Category 2 Six (6) representations received
<b>Appeal Opportunity</b>	Applicant only, no third party appeal rights
<b>Referrals – Statutory:</b>	N/A
<b>Referrals – Non Statutory:</b>	Traffic Management Engineer Tree Management Officer
<b>Delegations Policy:</b>	Unresolved representations
<b>Recommendation:</b>	Development Plan Consent be refused
<b>Recommending Officer:</b>	James Moss

**REPORT CONTENTS**

- Assessment report:
  - Appendix 1 – Aerial Locality Map
  - Appendix 2 – Detailed Planning Assessment
  - Appendix 3 – Development Data Table

**Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.**

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Internal agency referral reports
- Representations received
- Photographs



## 1. DESCRIPTION OF PROPOSAL

The applicant seeks development plan consent for the demolition of an existing single storey 1960s dwelling on a residential allotment at the intersection of Linden Avenue and Seaforth Avenue, Hazelwood Park, and the construction of two single storey dwellings in its place.

The southernmost dwelling (Dwelling 1) will present to Linden Avenue as the primary frontage with a secondary frontage to Seaforth Avenue. The dwelling will contain three bedrooms, two bathrooms, study, open plan living/dining/kitchen area and a double garage with panel lift door facing Seaforth Avenue. A front verandah and rear pergola are also proposed.

The northernmost dwelling (Dwelling 2) will present to Seaforth Avenue as its primary and only frontage. This dwelling will contain the same features as Dwelling 1 (i.e. number of bedrooms, bathrooms, etc.), but in a different floorplan configuration. A front verandah and rear pergola are also proposed.

To achieve the desired bench and finished floor levels, retaining walls are proposed along the western boundary, the eastern boundary, the northern boundary and the internal boundary separating the two dwellings. 1.8 metre high Good Neighbour fencing is proposed on top of the retaining walls to the sides and rear.

Vehicle access for each dwelling is to be obtained via new crossovers to Seaforth avenue, requiring the removal of at least one street tree (Bottlebrush).

## 2. BACKGROUND

Recent council records shown only one previous development application registered against the subject land (DA 180\0673\16). Submitted earlier in the year, this proposal comprised the exact same development as is currently put before the Development Assessment Panel (the Panel) for consideration.

The previous application was withdrawn by the applicant after being advised of Council's intention to refuse the application under delegated authority on the grounds that the departure in land size requirements was considered too great to be supportable under current Development Plan policy.

The proposal was subsequently resubmitted as a new application (DA 180\1062\16) in the hope that the outcome of the public consultation process would put the application on the path to be determined by the Panel and not the administration.

The application was determined to be a category 2 development for the purposes of public consultation, to be assessed on merit against the Burnside (City) Development Plan. The application was made available for public viewing in late November, early December 2016, during which time Council received six representations expressing support for the proposal, four of those wishing to be heard by the Panel.

The application was again referred to Council's Engineering Services and Open Space departments for review.

An assessment against the relevant provisions of the Development Plan has now been completed and the application is presented to the Panel with a staff recommendation of refusal.

### 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

#### 3.1. Subject Land

The subject land is an existing corner allotment at the intersection of Linden Avenue and Seaforth Avenue, Hazelwood Park. The land has an approximate area of 693 square metres, a primary frontage of 15.6 metres to Linden Avenue and a secondary frontage of 21.6 metres to Seaforth Avenue.

The land has historically been utilised for residential purposes and is currently occupied by a single storey 1960s detached dwelling constructed in the Conventional style with face brick walls and a tiled roof. A low masonry wall border the land along both frontages and vehicle access is currently obtained via an existing crossover to Seaforth Avenue. A modest extent of vegetation and landscaping has been observed.

#### 3.2. Locality

The subject land is located within the Residential Zone of the City of Burnside, towards the southeast corner of Residential Policy Area 22 – Beaumont Common (RPA 22). The locality is comprised of those properties with direct frontage to Linden Avenue or Seaforth Avenue, in proximity to the intersection of the two roads extending approximately 100 metres in all directions by line of sight.

The locality is primarily residential in nature and characterised by a predominance of single and two storey detached dwellings on medium sized rectangular shaped allotments of approximately 690 square metres. Examples of small sized allotments can be found in the form of corner cut-off site nearby, but few fall below the policy area guidelines.

### 4. KIND OF ASSESSMENT

<b>Kind:</b>	Merit
<b>Reason:</b>	Development Act 1993, Section 35(5)
<b>Applicant Appeal Opportunity:</b>	Yes

### 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 2
<b>Reason:</b>	Residential Policy Area 22 Principle of Development Control 9 (c) & (d)
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• 74 Linden Avenue, Hazelwood Park (do not wish to be heard)</li> <li>• 61 Linden Avenue, Hazelwood Park (wish to be heard)</li> <li>• 72 Linden Avenue, Hazelwood Park (wish to be heard)</li> <li>• 57 Linden Avenue, Hazelwood Park (wish to be heard)</li> <li>• 10A Seaforth Avenue, Hazelwood Park (do not wish to be heard)</li> <li>• 23 Seaforth Avenue, Hazelwood Park (wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	No

- Representations received are provided as an attachment to the Panel.

### 6. AGENCY REFERRALS

- Internal agency referrals are provided as an attachment to the Panel.

## **7. EXECUTIVE SUMMARY**

### **7.1. Land Use**

The site of development is located within the Residential Zone of the City of Burnside, and has long been used for residential purposes associated with a single storey Conventional dwelling constructed during the late 1960s.

The proposal seeks to continue the residential use of the land and is therefore not considered to be seriously at variance with the policies of the Development Plan in this respect.

### **7.2. Character and Amenity**

The proposal is not considered to be consistent with the low density residential character prescribed by Objective 1 of the policy area (RPA 22) on account of the reduced site area afforded to each individual dwelling and the subsequent implications for built form siting and configuration.

The development seeks to double the land use density of an undersized corner allotment, which would serve as an undesired precedent for the locality wherein other land owners could be justified in pursuing similar developments, much to the detriment of the established and desired low density residential character.

Dwelling 1 has a site area of just 347 square metres, which represents a shortfall of more than 200 square metres from the prescribed guideline minimum area for new dwellings. This is a shortfall of more than one third the required land size. Similarly Dwelling 2 has a site area of just 346 square metres, which also represents a shortfall of more than 200 square metres.

These areas are more consistent with what the Development Plan identifies as 'low-to-medium density' character, such as that found throughout inner suburbs such as Beulah Park (RPA 1), Kensington Park (RPA 2) and Eastwood (RPA 18), but not with established lower density suburbs such as Hazelwood Park and Beaumont (RPA 22).

This is also in stark contrast to most properties within the locality where the predominant building form is that of detached dwellings on individual allotments of more than 650 square metres.

While there are notable examples of corner cut-off redevelopments in proximity to the subject land, those with areas below the policy area guideline generally were established before current planning controls, while the two new dwellings closest to the subject land both exceed the minimum site area guidelines and are far more consistent with other key quantitative parameters so as to preserve the desired character.

In contrast, the size and siting of each dwelling has not been adjusted to ensure compliance with key Development Plan provisions such as front, side and rear boundary set-backs, and in order to achieve this the resulting buildings would likely bear even smaller resemblance to that desired within the policy area. Instead, the reduced size of each site pushes the proposed buildings closer to the street and neighbouring properties, and fails to private open space areas that are proportionate to the demands of a three bedroom residence.

### **7.3. Site Functionality and Agency Referrals**

Despite the clear and substantial departure in required site area, Council is satisfied that should the Panel see fit to approve the development both buildings could function as individual self-contained residences, albeit with minimal boundary set-backs and substantially undersized private open space provisions.

Site coverage is within tolerable limits for a new residential development and Council's engineers have advised that stormwater management across each site does not require further attention. The proposed bench and finished floor levels are appropriately sited so as not to impose excessive changes in the land form or require large scale retaining walls.

In consultation with Council's engineering staff and tree management officer, the applicant has also secured support for the two new driveway crossovers to Seaforth Avenue and provides sufficient off-street car parking facilities consistent with the guidelines of the Development Plan.

### **7.4. Public Notification**

The application was determined as a category 2 development for the purposes of public consultation on account of the number of dwellings to be constructed and the raised siting of the floor levels. The application details were made available for public viewing in late November, early December 2016, during which time Council received six representations each expressing support for the proposal.

Based on this positive response and absence of concerns identified, Council is satisfied that there are no planning matters raised through the public notification process that remain unresolved through the overall design of the development insofar as they are to be determined under the Development Act 1993.

#### **Conclusion**

The proposed development seeks to continue the established residential use of the subject land and is, in this sense, not considered to be seriously at variance with the Burnside (City) Development Plan.

The proposed development does however constitute a substantial and detrimental departure in fact and degree from the relevant provisions of the Development Plan which seek to ensure new developments are compatible with the objectives and design principles for their location.

The proposed development is viewed as an overdevelopment of an undersized allotment in an area of the City of Burnside that is earmarked for low density development only. The departure in land size is not conducive to a good planning outcome given the resultant deficiencies in achieving key built form requirements. The proposed development goes beyond other examples of corner site redevelopment and sets an undesired precedent for others to seek the same.

Refusal is warranted.

## **8. RECOMMENDATIONS**

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and

2. Development Application 180\1062\16, by A L H Lim, is **refused** Development Plan Consent for the following reasons:

**Reasons**

The proposed development is at variance with the following provisions of the Burnside (City) Development Plan:

- Residential Policy Area 22 Principle of Development Control 1 in that the proposed development does not conserve and enhance the low density residential character of the policy area as described in Objective 1;
- Residential Policy Area 22 Principle of Development Control 3 in that the proposed development does not satisfy the minimum site area requirements for subdivision;
- Residential Zone Objective 3 in that the proposed density of development is not consistent with the objectives of the relevant policy area;
- Council Wide Principle of Development Control 161 in that the siting of the northernmost dwelling fails to satisfy the minimum front set-back distance for new dwellings; and
- Council Wide Principle of Development Control 167 in that the private open space area provided with each dwelling fails to satisfy the minimum size and quality requirements.



**RECOMMENDING OFFICER**

James Moss  
Development Officer – Planning

**AERIAL LOCALITY MAP**



**Legend**

-  **Subject Land**
-  **Representor's Land**

APPENDIX 2

DETAILED PLANNING ASSESSMENT

**Summary of Policy Area Objectives and Principles**

**Primary Residential Policy Area 22 Objectives:**

Objective 1:

*Maintenance and enhancement of the low scale, low density residential character that is derived particularly from:*

- (a) *one-storeyed, detached dwellings, predominantly from the post-war period, in a variety of styles, with more recently built dwellings, of one or two-storeys, on rising ground towards the south-eastern corner;*
- (b) *streetscapes enhanced by open, well-established, front gardens, grassed verges, and views of public open space;*
- (c) *the existence of Beaumont Common and stands of indigenous trees throughout much of the eastern part of the Policy Area.*

*Acknowledged, significant variations from the desired character, or the prevailing character or environmental conditions, forming, nevertheless, part of the character that is to be maintained and enhanced, are to be found:*

- (a) *on Beaumont Common, a large open space significant as a landscape feature and for its remnant indigenous vegetation;*
- (b) *on the site of Beaumont House, State heritage place; and*
- (c) *on land with frontage to Greenhill Road.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Desired Land Use</b> O 1	Partially satisfied. <ul style="list-style-type: none"> <li>• The development involves the continuation of use of the land for residential purposes and is therefore appropriate from a land use perspective.</li> <li>• The proposal is not considered to be consistent with the low density residential character prescribed on account of the reduced site area afforded to each individual dwelling.</li> <li>• The site areas provided are more consistent with what the Development Plan identifies as 'low-to-medium density', such as that found throughout inner suburbs such as Beulah Park (RPA 1), Kensington Park (RPA 2), parts of Magill (RPA 3), Eastwood (RPA 18) and west of Devereux Road (RPA 21) to name a few.</li> <li>• The single storey form and the general form and appearance of the development are compatible with the policy area objective.</li> <li>• The siting, however, is less compatible with the open streetscape character comprised of open, well-established front gardens.</li> </ul>
<b>Local Compatibility</b> PDC 1	Departure. <ul style="list-style-type: none"> <li>• The proposal does not conserve the low density residential character described in Objective 1 above.</li> </ul>
<b>Site Areas and Frontages</b> PDC 2–5	Departure. <ul style="list-style-type: none"> <li>• Dwelling 1 has a site area of just 347 square metres, where the policy area calls for a minimum site area of 550 square metres.</li> <li>• The site area for Dwelling 1 falls short of the prescribed guideline by more than 200 square metres.</li> </ul>

- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>• Dwelling 2 has a site area of just 346 square metres, where the policy area calls for a minimum site area of 550 square metres, also falling short of the prescribed guideline by more than 200 square metres.</li><li>• Unlike Adjacent RPA 21 (Linden Park), RPA 22 does not grant further dispensation for subdivision of corner allotments.</li><li>• Although a number of corner cut-off redevelopments can be observed throughout the locality, those in proximity to the subject land are far more in keeping with the prescribed site area guidelines and allow for buildings to be sited generally in accordance with the minimum front, side and rear boundary set-backs.</li></ul> |
|--|---|



**Summary of Residential Zone Objectives and Principles**

**Primary Residential Zone Objectives:**

Objective 1:

*A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.*

Objective 2:

*Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.*

Objective 3:

*Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.*

Objective 5:

*Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.*

Objective 8:

*Use of design, management and other techniques to improve all aspects of the environmental performance of development.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Zoning and Land Use</b> O 1–8 PDC 1	Partially satisfied. <ul style="list-style-type: none"> <li>• The development involves the continuation of use of the land for residential purposes.</li> <li>• The proposed density could be viewed as not in keeping with the objectives of the relevant policy area, given that the site areas proposed are significantly below the minimum guidelines established for new dwellings in that area.</li> </ul>
<b>Building Appearance</b> PDC 2–4	Partially satisfied. <ul style="list-style-type: none"> <li>• The development is not considered detrimental to preservation of mature vegetation seeing as the applicant has worked to ensure the new driveways to not adversely impact the health of a significant street tree nearby.</li> <li>• The development avoids highly reflective materials that would otherwise cause nuisance to residents.</li> <li>• The development not consistent with and will not contribute to the achievement of the objectives of the policy area, that being low density residential development.</li> <li>• The development is generally sufficient with the siting of dwellings from Linden Avenue, but fails to achieve appropriate set-backs to Seaforth Avenue.</li> <li>• The ground floor is appropriately sited so as to be compatible with adjacent buildings.</li> <li>• The architectural style of the dwellings is sufficiently compatible with existing housing stock within the locality.</li> <li>• Proposed fencing is of a height and scale that is compatible with existing fencing structures within the locality.</li> </ul>

## Summary of Council Wide Objectives and Principles

### **Primary Residential Development Objectives:**

Objective 11:

*Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.*

Objective 52:

*A compact metropolitan area.*

Objective 53:

*A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.*

Objective 54:

*Containment of housing costs through the encouragement of a full range of design and development techniques.*

Objective 55:

*Safe, pleasant, accessible and convenient residential areas.*

Objective 56:

*Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.*

Objective 57:

*Medium and high density residential development in areas close to activity centres, public and community transport and public open spaces.*

Objective 58:

*The revitalisation of residential areas to support the viability of community services and infrastructure.*

Objective 59:

*Affordable housing, student housing and housing for aged persons provided in appropriate locations.*

Objective 60:

*Increased affordable housing opportunities through land division and the conversion of buildings to a residential use.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 52-60	Partially satisfied.
<b>Design and Appearance</b> O 11 PDC 14-18, 23-28	Partially satisfied.
<b>Building Set-backs</b> PDC 161-163	<p><b><u>Front Set-backs</u></b> Departure.</p> <ul style="list-style-type: none"> <li>Dwelling 1 has a minimum front set-back of 5 metres to Linden Avenue, with the main visual bulk sitting further back at a distance of 6 metres, which is compatible with the siting of dwellings within the locality.</li> <li>Dwelling 2 has a front set-back of 2.2 metres to Linden Avenue with the main visual bulk sited at 3 metres.</li> </ul> <p><b><u>Side Set-backs</u></b> Departure.</p> <ul style="list-style-type: none"> <li>Dwelling 1 has a secondary frontage set-back of 2 metres where the Development Plan envisages a minimum distance of 3 metres.</li> <li>Dwelling 1 has a set-back to the northwest neighbouring property of 1.6 metres where the Development Plan envisages a</li> </ul>

	<p>2 metre distance on account of windows to the family/dining habitable room.</p> <ul style="list-style-type: none"> <li>• Dwelling 2 has a northern side set-back of 1 metre, however this relates to the garage.</li> <li>• The remaining side set-back for Dwelling 2 achieves the guidelines 2 metre distance.</li> </ul> <p><b><u>Rear Set-backs</u></b> Departure.</p> <ul style="list-style-type: none"> <li>• Excluding the garage, Dwelling 1 exceeds the rear set-back distance prescribed.</li> <li>• As the garage forms part of the dwelling under the main roof this is considered part of the dwelling and as such does not meet the minimum rear set-back guideline.</li> <li>• Dwelling 2 has a rear set-back of just 2.3 metres, which fall well below the prescribed 4 metre distance.</li> </ul>
<b>Building Height</b> PDC 164	Satisfied.
<b>Site Coverage</b> PDC 165	Satisfied.
<b>Private Open Space</b> PDC 166, 169	<p>Departure.</p> <ul style="list-style-type: none"> <li>• Dwelling 1 has a private open space area equivalent to approximately 23% of the total floor area of that building where the Development Plan prescribes a 50% guideline.</li> <li>• Dwelling 2 has a slightly larger private open space area equivalent to approximately 36.2% when individual courtyard-sized areas are added up.</li> <li>• The Development Plan states that private open space must have a minimum dimension of 2.5 metres.</li> </ul>
<b>Amenity</b> O11, 20–22 PDC 14–18, 52-69, 170-173	Satisfied.
<b>Privacy</b> PDC 22, 174–176	Satisfied.
<b>Access and On-Site Car Parking</b> PDC 177–182	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The applicant has worked with Council's Urban Forestry Officer to devise new driveway crossovers along Seaforth Avenue that will have minimal impact on street trees deemed worthy of retention.</li> <li>• One small street tree would need to be removed to secure the proposed access arrangements.</li> <li>• Council's Urban Forestry Officer has indicated removal and replacement of this tree can occur, at the applicant's cost.</li> </ul>
<b>Access to Sunlight</b> PDC 21, 183–186	Satisfied.
<b>Fences and Retaining Walls</b> PDC 190–194	Satisfied.
<b>Safety and Security</b> PDC 195–198	Satisfied.
<b>Water Conservation</b> PDC 200–201	Satisfied.
<b>Energy Conservation</b>	Satisfied.

PDC 31-32	
<b>Trees and Other Vegetation</b> O 24-28 PDC 77-92	Satisfied.

**APPENDIX 3**
**DEVELOPMENT DATA TABLE**

<b>Site Characteristics</b>	<b>Dwelling 1</b>	<b>Dwelling 2</b>	<b>Guideline</b>
<i>Site Area</i>	347m <sup>2</sup>	346m <sup>2</sup>	550m <sup>2</sup>
<i>Street Frontage</i>	15.6m	21.6m	15m
<b>Design Characteristics</b>			<b>Guideline</b>
<i>Site Coverage</i>			
- Buildings only	41.5%	41.9%	40%
- Buildings and driveways	44.3%	47.3%	50%
<i>Building Height</i>			
- storeys	1 storey	1 storey	2 storeys
- metres	5.2m	4.9m	9m
<i>Set-backs</i>			
- front boundary	5m	2.2m	6m
- side boundary	1.6m (NW) 2m (SE)	1m (N) 2m (S)	2m
- rear boundary	5m (dwelling) 0m (garage)	2.3m	4m
<i>Boundary Wall</i>			
- length	5.6m (internal)	N/A	8m
- height	3.1m (internal)	N/A	3m
<i>Private Open Space</i>			
- percentage	23.2%	36.2%	50%
- dimensions	5m x 6.7m	4.3 x 6.2m	5m x 8m
<i>Car Parking and Access</i>			
- number of parks	2	2	2
- width of driveway	4.9m	3.6m	4.5m
- width of garage/carport door	24%	20.8%	33%

## DEVELOPMENT APPLICATION

<b>Application Number:</b>	<i>180\0919\16</i>
<b>Applicant:</b>	<i>Metricon Homes Pty Ltd</i>
<b>Location:</b>	<i>4 Brae Road, St Georges</i>
<b>Proposal:</b>	<i>Two storey detached dwelling, including garage, entry portico, front balcony, rear verandah, retaining walls and fencing</i>
<b>Zone/Policy Area:</b>	<i>Residential Zone Residential Policy Area 25 Development Plan consolidated 28 April 2016</i>
<b>Kind of Assessment:</b>	<i>Merit</i>
<b>Public Notification:</b>	<i>Category 2 Two (2) representations received</i>
<b>Appeal Opportunity</b>	<i>Applicant only, no third party appeal rights</i>
<b>Referrals – Statutory:</b>	<i>N/A</i>
<b>Referrals – Non Statutory:</b>	<i>Engineering Services</i>
<b>Delegations Policy:</b>	<i>Unresolved representations</i>
<b>Recommendation:</b>	<i>Development Plan Consent be granted</i>
<b>Recommending Officer:</b>	<i>James Moss</i>

## REPORT CONTENTS

- Assessment report:
  - Appendix 1 – Aerial Locality Map
  - Appendix 2 – Detailed Planning Assessment
  - Appendix 3 – Development Data Table

**Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.**

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Internal agency referral reports
- Representations received
- Applicant's response to representations
- Photographs

## 1. DESCRIPTION OF PROPOSAL

The applicant seeks development plan consent for the construction of a two storey detached dwelling including garage, portico, balcony and verandah within Residential Policy Area 25 – St Georges (RPA 25).

The dwelling features four bedrooms, each inclusive of ensuites and walk in robes, an additional guest bedroom with access to an additional two-way bathroom, theatre room, leisure room, open plan living areas, double garage, front balcony and rear verandah.

The proposed building will be of hebel panel construction, finished is rendered external walls, a hipped roof form including overhanging eaves and Colorbond roof sheeting.

Also included in the application is retaining wall along the western side boundary 1.8 metre high Colorbond fencing.

## 2. BACKGROUND

Development Application 180\0919\16 was lodged on 07 October 2016 by Metricon Homes on behalf of the registered land owner. The proposal was deemed to be a category 2 form of development pursuant to the Burnside (City) Development Plan and to be assessed on merit.

Public consultation commenced on 31 October 2016 and concluded on 14 November 2016, during which time Council received two (2) written submissions, primarily identifying concerns with the two storey nature of the proposed building and associated amenity and visual streetscape impacts, as well as concerns with respect to the proposed height of retaining walls and privacy.

The applicant has responded to the representations received by providing additional plans, by way of shadow diagrams to demonstrate the extent of shadow impacts, as well as amendments to setbacks to the ground and upper level side setbacks, and an increase to the front setback.

As part of the assessment process, the application was also referred to Council's Engineering Services department to assess site stormwater management and general impacts to local infrastructure.

An assessment against the relevant provisions of the Development Plan has now been completed and the application is presented to the Development Assessment Panel (the Panel) with a staff recommendation that consent be granted, subject to conditions.

## 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

### 3.1. Subject Land

The subject land is an existing rectangular shaped residential allotment with a single frontage to Brae Road measuring approximately 18.29 metres, with a depth of approximately 48.16 metres and an overall area of approximately 880.8 square metres.

The land elevates from the front north-western corner to the rear south-eastern corner of approximately 2.1 metres. The site is currently vacant, as demolition has occurred to the single storey 1950's conventional style dwelling that previously occupied the site. Vehicle access currently exists at the western end of the frontage, which is to be maintained.

### 3.2. Locality

The locality comprises both the northern and southern sides of Brae Road, extending from the Brae Road Reserve to the west (adjacent Portrush Road) and extending approximately a further 100 metres to the east of the site.

The locality is comprised predominantly of 1950's conventional style dwellings on single allotments, with the exception of some later developed semi-detached dwelling on the northern side of Brae Road. Most development within the locality is of relatively uniform front setbacks and single storey in built form, with few examples of two storey development observed as being well set back from the front property boundary.

## 4. KIND OF ASSESSMENT

<b>Kind:</b>	Merit
<b>Reason:</b>	Development Act 1993, Section 35(5)
<b>Applicant Appeal Opportunity:</b>	Yes

## 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 2
<b>Reason:</b>	Residential Policy Area 25 Principle of Development Control 7 (a) & (c)
<b>Cut / Fill:</b>	The development requires a degree of excavation within the site to achieve the proposed bench levels. The extent of works is restricted to the site of the dwelling and does not, in itself, constitute a form of development.
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• 2 Brae Road, St Georges (wish to be heard)</li> <li>• 6 Brae Road, St Georges (wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	No

- Representations received are provided as an attachment to the Panel.
- Applicant's response(s) to representations are provided as an attachment to the Panel.

## 6. AGENCY REFERRALS

- Internal agency referrals are provided as an attachment to the Panel.

## 7. EXECUTIVE SUMMARY

### 7.1. Land Use

The development maintains and continues the established residential use of the site and is not considered to be seriously at variance with the policies of the Burnside (City) Development Plan.

### 7.2. Character and Amenity

The Residential Policy Area 25 – St Georges seeks the maintenance and enhancement of the low scale, low density residential character derived from primarily one-storeyed or split-level detached dwellings in a variety of post-war styles, with open front gardens and in certain areas, tall trees, including indigenous eucalypts. Whilst the proposed building is



two storey in nature, the development is generally compatible with the policy area characteristics and the quantitative requirements of the Burnside (City) Development Plan.

Whilst the dominance of two storey built form is not prevalent within the existing streetscape of Brae Road, it is anticipated that the redevelopment of older housing stock may facilitate a change in the existing streetscape character. That being said, the scale of the proposed building is not at odds with the locality at present, and is not of an unreasonably obtrusive built form outcome, enabled by appropriate set-backs to front and side boundaries.

The modern design of the proposed dwelling is considered to be of a suitable standard so as to contribute to the variety of architectural styles envisaged within the policy area.

### **7.3. Site Functionality**

The proposed development generally satisfies the relevant quantitative guidelines of the Development Plan. Whilst there are some shortfalls relative to quantitative measures, the dwelling is considered to be appropriately sited so as to not detract from streetscape amenity and the amenity currently enjoyed by adjoining residents.

With the exceptions of upper level side set-back falling marginally short of the four metre guideline, the proposal on balance is compliant with the relevant provisions of the Development Plan. The retention and reuse of the existing crossover means that there is no impact to the existing mature street tree located on the Council road reserve.

### **7.4. Public Notification**

The proposal was determined to be a category 2 development pursuant to RPA 25 Principle of Development Control 7, which states:

*“The following kinds of development are assigned to Category 1:*

*Dwelling, except where*

- (a) the dwelling or outbuilding is two or more storeys in height (where “two storeys” is defined as a total of one habitable floor level directly above another, not including an understorey garage), or more than 6.5 metres building height above natural ground level”*

The proposal was placed on public notification for a period of ten (10) days in which time two (2) written submissions were received, both which expressed a desire to be heard by the Development Assessment Panel (the Panel) in support of their submission.

The primary issues raised through this process relate to visual impact, visual privacy, streetscape amenity and the built form of the proposed two storey building. The applicant has made amendments to the proposed design in order to address the concerns raised, as well as shadow diagrams and an aerial image/site plan overlay.

The siting of the building on the land has been amended following the public notification process, centralising its position and allowing for increased ground level and upper level side set-backs that align more greatly with the guidelines of the Development Plan. The front set-back has also been increased.

Anticipated overshadowing is not considered to be unreasonable, given the orientation of the allotment, the shadow cast will not unduly restrict any one site from access to sunlight for more than three hours on the winter solstice (21 June).

Given the shift in the proposed siting of the building, impact on amenity to adjoining owners and as it presents to the streetscape is considered to be suitable and reasonable. There is no opportunity to overlook adjoining properties, and the siting of the building retains the pattern of development and pattern of space around buildings that contributes to streetscape amenity.

In terms of overlooking opportunities, the proposed building includes side upper level fixed obscure glazing to a minimum height of 1.7 metres above the upper floor level so as to restrict any potential for direct views into the habitable room windows or private open space of adjoining properties. No upper level windows are provided across the rear façade.

The front balcony has been identified as an issue of concern, however is orientated to overlook the public realm, which enhances public safety by providing a sense of casual surveillance of the road and adjacent footpath. The eastern neighbour's preference to utilise their front yard for recreational use is not unreasonably compromised by oblique views from the proposed balcony, while the nature of the associated space (Bedroom 1) suggests minimal occupation of the balcony during daylight hours and the reduced size of the balcony overall is not conducive to prolonged occupation.

Council is satisfied that the planning matters raised through the public notification process are sufficiently addressed through the overall design of the development insofar as they are to be determined under the Development Act 1993.

#### **7.5. Agency Referrals**

As part of the assessment process, the application was referred to Council's Engineering Services department. No concerns were raised with the proposal given the application seeks to retain an existing crossover to access the site.

#### **7.6. Conclusion**

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

### **8. RECOMMENDATIONS**

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0919\16, by Metricon Homes Pty Ltd, is **granted** Development Plan Consent subject to the following conditions:

#### **Conditions**

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

**Reason:**

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 All side upper level windows as depicted on the stamped and approved plans granted Development Plan Consent shall be fitted with fixed and obscured glazing to a minimum height of 1.7m above the finished floor level.

The fixed and obscured glazing shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

**Reason:**

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

- 3 The driveway depicted on the stamped and approved plans granted Development Plan Consent shall be tapered to a maximum width of 4.5m at the property boundary.

**Reason:**

To ensure minimal impacts to Council verge.

**Advisory Notes**

1 **Engineering Requirements:**

- Existing footpath levels, grades etc. shall not be altered as a result of the new works associated with the development.
- Due to the significant increase of the impermeable area, detention shall be provided to limit post development flows. Calculations shall be provided to verify the ability of the proposed detention quantity to meet the Council's default detention and discharge requirements below:
  - The volume of any detention device shall be equal to the volume of water generated on the site with an impervious ( $C_p = 0.9$ ) site coverage of 75% and pervious ( $C_p = 0.1$ ) area of 25%, during a 1 in 20 year flood event for a 10 minute duration.
  - The maximum rate of discharge from the site shall be equal to the volume of water generated on the site with an impervious ( $C_p = 0.9$ ) site coverage of 40% and pervious ( $C_p = 0.1$ ) area of 60%, during a 1 in 5 year flood event for a 10 minute duration.
- For stormwater management purposes, it is desirable that:
  - An additional detention storage of 1,000Ltrs be provided in addition to the standard 1,000Ltrs retention tank provided; and
  - The development utilises permeable paving for the proposed external paving work within the development site.
- The stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
- If the cover to the stormwater pipe across the Council verge is less than 65mm, steel pipe housing is to be used as per Council's standards.
- The developer is responsible for locating all existing services and to consult with the necessary service providers if there is a conflict when placing stormwater infrastructure.
- Construction of the stormwater infrastructure is in accordance with Council's Standard Specification and General Conditions and to the overall satisfaction of Council.

- Trenching and connections are to be undertaken as per Australian Plumbing Standards.
- Excess stormwater runoff from surfaces within the subject land shall be controlled and managed within the subject land.
- Excess stormwater runoff from the roof catchment shall be discharged to the street water table through a sealed system to the satisfaction of the Council.

**RECOMMENDING OFFICER**



James Moss  
Development Officer – Planning

**APPENDIX 1**

**AERIAL LOCALITY MAP**



**Legend**

-  **Subject Land**
-  **Representor's Land**

APPENDIX 2

DETAILED PLANNING ASSESSMENT

**Summary of Policy Area Objectives and Principles**

**Primary Residential Policy Area 25 Objectives:**

Objective 1:

*Maintenance and enhancement of the low scale, low density residential character that is derived particularly from:*

- (a) primarily one-storeyed, or split-level, detached dwellings in a variety of post-war period styles (typically conventional);*
- (b) streetscapes enhanced by well-established, open, front gardens, and grassed verges; and*
- (c) in certain areas, tall trees, including indigenous eucalypts.*

*Acknowledged, significant variations from the desired character, or the prevailing character or environmental conditions, forming, nevertheless, part of the character that is to be maintained and enhanced, are found:*

- (a) along eastern Woottona Terrace and Olde Coach Lane, where bulky, recently built, two-storeyed dwellings dominate the streetscape, contrasting with older substantial single-storeyed dwellings with a lower floor area ratio and height;*
- (b) on land with frontage to Portrush Road; and*
- (c) adjacent to the Community Zone and the Historic (Conservation) Zone.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Desired Land Use</b> O 1	Satisfied. <ul style="list-style-type: none"> <li>• Continued residential use of existing residential allotment.</li> </ul>
<b>Local Compatibility</b> PDC 1	Satisfied. <ul style="list-style-type: none"> <li>• The proposal is residential in nature.</li> <li>• There will be no increase in density.</li> <li>• The development is two storeys in form and presentation.</li> <li>• Two storey development may be considered compatible with the single storey streetscape in light of the increased front set-back (9 metres to dwelling, 12.49 metres to garage), articulation of the front façade and adherence to maximum building height restrictions.</li> <li>• Two storey development is a well-established characteristic of the broader locality and policy area.</li> <li>• The generous front set-back complements the siting of adjacent buildings and contributes to the open streetscape character of the locality.</li> <li>• Opting for a hip roof with overhanging eaves draws similarities with existing roof structure designs within the streetscape.</li> </ul>
<b>Site Areas and Frontages</b> PDC 2–5	Satisfied.

## Summary of Residential Zone Objectives and Principles

### **Primary Residential Zone Objectives:**

Objective 1:

*A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.*

Objective 2:

*Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.*

Objective 3:

*Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.*

Objective 4:

*Provision of residential and community facilities and services for the aged community.*

Objective 5:

*Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.*

Objective 6:

*A zone accommodating non-residential activities which are small in scale, benign in external impact, and serve the needs of the local community.*

Objective 7:

*Reduction of the impact of established non-residential uses on the amenity of residential areas.*

Objective 8:

*Use of design, management and other techniques to improve all aspects of the environmental performance of development.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 1-8 PDC 1	Satisfied.
<b>Building Appearance</b> PDC 2-4	Satisfied.
<b>Design for Topography</b> PDC 5-6	Satisfied.

**Summary of Council Wide Objectives and Principles**

**Primary Residential Development Objectives:**

Objective 11:

*Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.*

Objective 52:

*A compact metropolitan area.*

Objective 53:

*A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.*

Objective 54:

*Containment of housing costs through the encouragement of a full range of design and development techniques.*

Objective 55:

*Safe, pleasant, accessible and convenient residential areas.*

Objective 56:

*Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.*

Objective 57:

*Medium and high density residential development in areas close to activity centres, public and community transport and public open spaces.*

Objective 58:

*The revitalisation of residential areas to support the viability of community services and infrastructure.*

Objective 59:

*Affordable housing, student housing and housing for aged persons provided in appropriate locations.*

Objective 60:

*Increased affordable housing opportunities through land division and the conversion of buildings to a residential use.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 52–60	Satisfied.
<b>Design and Appearance</b> O 11 PDC 14–18, 23-28	Satisfied.
<b>Building Set-backs</b> PDC 161–163	<p><b><u>Front Set-backs</u></b> Satisfied.</p> <p><b><u>Side Set-backs</u></b> Partially Satisfied.</p> <ul style="list-style-type: none"> <li>• The ground floor meets and exceeds the minimum set-back distance from side boundaries.</li> <li>• The first floor does not achieve the 4 metre set-back distance.</li> </ul> <p><b><u>Rear Set-backs</u></b> Satisfied.</p>
<b>Building Height</b> PDC 164	Satisfied.
<b>Site Coverage</b> PDC 165	Satisfied.
<b>Private Open Space</b>	Satisfied.



PDC 166, 169	
<b>Amenity</b> O11, 20-22 PDC 14-18, 52-69, 170-173	Satisfied.
<b>Privacy</b> PDC 22, 174-176	Satisfied.
<b>Access and On-Site Car Parking</b> PDC 177-182	Satisfied.
<b>Access to Sunlight</b> PDC 21, 183-186	Satisfied.
<b>Fences and Retaining Walls</b> PDC 190-194	Satisfied.
<b>Safety and Security</b> PDC 195-198	Satisfied.
<b>Water Conservation</b> PDC 200-201	Satisfied.
<b>Energy Conservation</b> PDC 31-32	Satisfied.

APPENDIX 3

DEVELOPMENT DATA TABLE

<b>Site Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Area</i>	880.8m <sup>2</sup>	550m <sup>2</sup>
<i>Street Frontage</i>	18.29m	15m
<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Coverage</i>		
- Buildings only	26.9% (237.2m <sup>2</sup> )	40%
- Buildings and driveways	34.8% (307.1m <sup>2</sup> )	50%
- Total floor area	50.5% (445m <sup>2</sup> )	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8.2m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	9m	6m
- side boundary	3.768m (east), 3.350m (west), 0.6m (garage)	2m
- rear boundary	14.2m	4m
<i>Upper Level</i>		
- front boundary	9m	6m
- side boundary	3.768m (east), 3.350m (west)	4m
- rear boundary	14.2m	8m
<i>Private Open Space</i>		
- percentage	82.8% (368.7m <sup>2</sup> )	50%
- dimensions	15.2m x 18.2m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	3	2
- width of driveway	3m	4.5m
- width of garage/carport door	25.6% (4.7m)	33%

## DEVELOPMENT APPLICATION

<b>Application Number:</b>	180\0993\16
<b>Applicant:</b>	R H Steen
<b>Location:</b>	28 Hayward Drive, Mount Osmond
<b>Proposal:</b>	<i>(Non-complying) Establishment of residential use of the land through the construction of a two-storey detached dwelling including swimming pool, rainwater tank, driveway construction and associated earthworks</i>
<b>Zone/Policy Area:</b>	<i>Hills Face Zone Development Plan consolidated 28 April 2016</i>
<b>Kind of Assessment:</b>	<i>Non-complying</i>
<b>Public Notification:</b>	<i>Category 3 Nil (0) representations received</i>
<b>Appeal Opportunity</b>	<i>Third party only, no Applicant appeal rights</i>
<b>Referrals – Statutory:</b>	<i>Country Fire Service (Section 37AA pre-lodgement agreement)</i>
<b>Referrals – Non Statutory:</b>	<i>Engineering Services</i>
<b>Delegations Policy:</b>	<i>Non-complying development</i>
<b>Recommendation:</b>	<i>Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted</i>
<b>Recommending Officer:</b>	<i>James Moss</i>

## REPORT CONTENTS

- Assessment report:
  - Appendix 1 – Aerial Locality Map
  - Appendix 2 – Detailed Planning Assessment

**Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.**

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- External agency referral reports
- Internal agency referral reports
- Photographs

## **1. DESCRIPTION OF PROPOSAL**

The proposal involves the establishment of residential use on the land through the construction of a two-storey detached dwelling including a swimming pool, rainwater tanks (for bushfire fighting purposes), driveway construction and associated earthworks greater than 9 cubic metres on the land known as 28 Hayward Drive in the suburb of Mount Osmond.

The dwelling will feature four bedrooms, an open plan kitchen, dining and living room and laundry. Attached to the main building is a double carport and garage for the storage of vehicles and other domestic items.

Vehicular access to the land is proposed from Hayward Drive at the eastern end of the allotment.

The proposal will involve a substantial amount of earthworks in excess of 9 cubic metres and involving excavation greater than 2 metres and filling in excess of 1.5 metres.

## **2. BACKGROUND**

Development Application 180\0993\16 was lodged on 26 October 2016 by the registered owner of the land. The proposal was determined to be a non-complying form of development pursuant to Hills Face Zone Principle of Development Control 27 of the Burnside (City) Development Plan.

Despite this non-complying classification the proposal was deemed to have sufficient merit to warrant a full assessment, given the high quality of the design and limited visibility outside of the immediate locality. The Team Leader – Planning, subsequently determined to proceed with a full assessment of the application in accordance with Council's development delegations policy.

The development was determined to be category 3 for the purposes of public consultation under Section 38 of the Development Act 1993 (the Act) and made available for public viewing between 15 November 2016 and 29 November 2016. No representations were received during this time.

As part of the assessment process the application was also referred internally to Council's Engineering Services department. In accordance with Section 37AA of the Act, the applicant had already sought preliminary advice and agreement from the Country Fire Service (CFS), removing the necessity for a formal referral by Council under Section 37.

A full assessment of the proposed development has now been undertaken, and the application is presented to the Panel for consideration as a non-complying development with a staff recommendation for approval.

## **3. SUBJECT LAND AND LOCALITY ATTRIBUTES**

### **3.1. Subject Land**

The subject land is an irregular shaped allotment of substantial size and gradient situated on the southern side of Hayward Road, Mount Osmond, with a northern aspect to the opposing hill. The land measures approximately 7548 square metres in area, with a single frontage to the public road of over 200 metres, and is currently vacant of any domestic buildings or structures with sporadic pockets of vegetation.

### 3.2. Locality

The locality forms part of the Hills Face Zone and comprises properties on both sides of Hayward Drive between Sherwood Terrace to the northwest and the Mount Osmond Golf Course to the southeast. The character of the locality is dominated by the steep ascent and natural features of the valley, with only one other example of residential development on the land opposite.

Themeda Reserve sits to the south above the land, with more visually prominent residential development bordering the golf course along the ridgeline beyond.

## 4. KIND OF ASSESSMENT

<b>Kind:</b>	Non-complying
<b>Reason:</b>	Hills Face Zone Principle of Development Control 27
<b>Applicant Appeal Opportunity:</b>	No

## 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 3
<b>Reason:</b>	Development Act 1993, Section 38 (2)(c)
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

## 6. AGENCY REFERRALS

- External agency referrals are provided as an attachment to the Panel.
- Internal agency referrals are provided as an attachment to the Panel.

## 7. EXECUTIVE SUMMARY

### 7.1. Land Use

The Hills Face Zone serves as a natural backdrop to the Adelaide Plains, providing a buffer area between metropolitan districts and preventing the urban area from extending into the western slopes of the ranges. The Development Plan envisages a zone accommodating low-intensity agricultural activities and public/private open space where the natural character is preserved and visual intrusion of development is limited.

The Development Plan does however permit low scale detached dwellings on land within the Hills Face Zone provided the natural character of the zone is preserved and the development, in itself, does not create a demand for provision of services at a cost to the community. The proposed use has been deemed compatible with that envisaged for the zone and is not considered to be seriously at variance to the Development Plan.

### 7.2. Character and Amenity

Despite the two storey form the proposed development is considered to be suitably conducive to the established and desired natural character of the Hills Face Zone. The design represents a practical and well considered planning solution to the site and one which exhibits high architectural merit and consideration of the local environment.

The development is appropriately sited on an existing allotment of substantial size in a position that sits well below the ridgeline of the hill and has been designed to exhibit a low

vertical profile that is set into the hill to compensate for the two storey form. This is consistent with zone guidelines which envisage buildings set well back from public roads and well below the ridgeline, so as to minimise their presence against the skyline and from local roads within the zone.

The dwelling has been designed to utilise the natural contours of the land and correspond with its natural fall to the north so as to sit into the hillside rather than project outwards on a filled site or on a stilt frame. As the applicant has suggested, by following the site contours the visibility of the proposed driveway will be minimised, while the decision to opt for excavation rather than fill to provide the level surface will eliminate the visual impact of large scale retaining walls upon the landscape.

The development will be constructed using predominantly non-reflective materials, in tones that blend with the natural rural landscape to reduce the visual impact of built form upon the land.

### **7.3. Site Functionality and Agency Referrals**

The proposed development is considered to constitute a workable site solution for the land in question that is sufficiently in accordance with the relevant quantitative built form parameters of the Development Plan.

The application has taken advantage of the preliminary referral process established under Section 37AA of the Act and sought advice and agreement from the CFS prior to submitting their application with Council. A thorough review has been conducted and the CFS have confirmed there are no objections to the development, subject to the implantation of suitable planning conditions (see Conditions, 2, 3, 4, 5, and 6).

The applicant has also consulted with Council's engineers prior to lodging their application in relation to the proposed driveway and vehicle access. Council has reviewed the proposed access arrangements and considers the design and location of the driveway to be acceptable. The applicant has also complied with Council's request to undertake a geotechnical assessment of the land to confirm the site is adequately stable to accommodate the proposed works.

### **7.4. Public Notification**

The development was determined to be category 3 for the purposes of public consultation on account of being an undefined form of development. The proposal was made available for public viewing between 15 November 2016 and 29 November 2016, however no written representations were received during this time.

### **7.5. Conclusion**

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

## **8. RECOMMENDATIONS**

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and

2. Subject to concurrence from the Development Assessment Commission, that Development Application 180\0993\16 is **granted** Development Plan Consent subject to the following conditions:

### Conditions

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

#### Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 The Code Part 2.3.3.1 describes the mandatory provision for 'private' roads and driveways to buildings, where the furthest point to the building from the nearest public road is more than 30 metres, shall provide safe and convenient access/egress for large bushfire-fighting vehicles:

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3m and must allow forward entry and exit for large bushfire fighting vehicles.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vertical height clearance of 4m.
- The all-weather road shall incorporate passing bays. The combined width of the passing bay & access track shall be 7 metres, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the driveway. Where it is necessary to provide adequate visibility, such as the nearest point to the public road or other passing bays, passing bays may be required at intervals of less than 200 metres.
- The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.
- The all-weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage stormwater run-off to appropriate drains, at one or both sides of the traffic surface.
- The accumulated volumes of water shall be directed via:
  - (a) open drains, or
  - (b) culverts and pipes under the traffic surface, and/or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.
- Solid crossings over waterways shall be provided to withstand the weight of large fire appliances (GVW 21 tonnes).

#### Reason:

To ensure requirements of the CFS are upheld.

- 3 The Code Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA 78 describes the mandatory provision for access to the dedicated water for fire-fighting vehicles where the path of travel from the entrance to the property to the water storage facility is more than 30 metres in length, by an all-weather roadway:

- The water supply outlet shall be easily accessible and clearly visible from the

access way.

- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent to the water supply for a hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the CFS appliance can easily connect to it rear facing.
- The water supply outlet may be remotely located from the tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below the minimum depth of 300mm with no metal parts above ground level.
- All water pipes for drafting purposes shall be capable of withstanding the required pressure for drafting.
- The dedicated water supply outlet must not exceed the 5 metre maximum vertical lift for drafting purposes (calculated on the height of the road surface to the lowest point of the storage).
- The suction outlet pipework from the tank shall be fitted within an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

**Reason:**

To ensure requirements of the CFS are upheld.

- 4 The Code Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Minister's Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78.

- A minimum supply of 22,000 (thirty thousand) litres of water shall be available at all times for bushfire fighting purposes.
- The bushfire-fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a CFS compliant fire service adaptor, which shall be accessible to bushfire-fighting vehicles at all times.
- The water storage facility (and any supporting structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has:
  - A minimum inlet diameter of 38mm; AND
  - Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp); OR
  - A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. Note: An "Operations Instruction Procedure" shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.



- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal fire-fighting water supply pipes, other than flexible connections to fire-fighting pumps, shall be buried at least 300mm below finished ground level with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

**Reason:**

To ensure requirements of the CFS are upheld.

- 5 The Code Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

A Vegetation Management Zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries - whichever comes first) as follows:

- The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
- Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2003.
- Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
- Shrubs must not be planted under trees and must be separated by 1.5 times their mature height.
- Grasses within the zone must be shall be reduced to a maximum height of 10cm during the Fire Danger Season.
- No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2m in height).
- Flammable objects such as plants, mulches and fences must not be located adjacent vulnerable parts of the building such as windows, decks and eaves.
- The VMZ shall be maintained to be free of accumulated dead vegetation.

**Reason:**

To ensure requirements of the CFS are upheld.

- 6 Bushfire prevention and safety requirements shall be completed prior to occupancy of the building(s).

For construction requirements and performance provisions, refer to the BCA Part 3.7 "FIRE SAFETY" Australian Standard 3969 (AS3959) "Construction of buildings in bushfire prone areas".

Compliance with the fire protection requirements is not a guarantee that the dwelling will not burn, but its intent is to provide a '*measure of protection*' from the approach, impact and passing of a bushfire.

Should there be any need for further information, please contact the CFS Development Assessment Service on (08) 8391 6077.

**Reason:**

To ensure requirements of the CFS are upheld.

**Advisory Notes**

- 1 **Engineering Requirements:**
- Unless approved otherwise, construction of the driveway crossover shall be in accordance with Council's Standard Specification and General Conditions and completed to the reasonable satisfaction of Council.
  - A maximum driveway gradient of 1 in 5.
  - A driveway width of 4.5 metres is permitted across the verge and a crossover width of 5.5 metres (maximum) is permitted at the kerb and gutter.
  - If you elect to carry out the works yourself (or via a contractor) evidence of Public Liability Insurance must be provided to Council before any works can commence on the public verge/road.
  - Due to the significant increase of the impermeable area, detention shall be provided to limit post development flows. Detention quantity to meet the Council's default detention and discharge requirements below:
    - The volume of any detention device shall be equal to the volume of water generated on the site with an impervious ( $C_p = 0.9$ ) site coverage of 75% and pervious ( $C_p = 0.1$ ) area of 25%, during a 1 in 20 year flood event for a 10 minute duration.
    - The maximum rate of discharge from the site shall be equal to the volume of water generated on the site with an impervious ( $C_p = 0.9$ ) site coverage of 40% and pervious ( $C_p = 0.1$ ) area of 60%, during a 1 in 5 year flood event for a 10 minute duration.
  - The developer is responsible for locating all existing services and to consult with the necessary service providers if there is a conflict when placing stormwater infrastructure.
  - Construction of the stormwater infrastructure is in accordance with Council's Standard Specification and General Conditions and to the overall satisfaction of Council.
  - Trenching and connections are to be undertaken as per Australian Plumbing Standards.
  - Excess stormwater runoff from surfaces within the subject land shall be controlled and managed within the subject land.

---

**RECOMMENDING OFFICER**

James Moss  
Development Officer – Planning

AERIAL LOCALITY MAP



Legend



Subject Land

APPENDIX 2

DETAILED PLANNING ASSESSMENT

**Summary of Hills Face Zone Objectives and Principles**

**Primary Hills Face Zone Objectives:**

Objective 1:

A zone in which the natural character is preserved and enhanced or in which a natural character is re-established in order to:

- (a) provide a natural backdrop to the Adelaide Plains and a contrast to the urban area;
- (b) preserve and develop native vegetation and fauna habitats close to metropolitan Adelaide;
- (c) provide for passive recreation in an area of natural character close to the metropolitan area;
- (d) provide a part of the buffer area between metropolitan districts and prevent the urban area extending into the western slopes of the ranges; and
- (e) ensure that the community is not required to bear the cost of providing services to land within the zone.

Objective 2:

A zone accommodating low-intensity agricultural activities and public/private open space and one where structures are located and designed in such a way as to:

- (a) preserve and enhance the natural character or assist in the re-establishment of a natural character in the zone;
- (b) limit the visual intrusion of development in the zone, particularly when viewed from roads within the zone or from the Adelaide Plains;
- (c) not create, either in themselves, or in association with other developments, a potential demand for the provision of services at a cost to the community; and
- (d) prevent the loss of life and property resulting from bushfires.

Principle of Development Control 1:

Development should not be undertaken unless:

- (a) it is associated with a low-intensity agricultural activity, a public open space area or a private use of an open character, or is a detached single-storey dwelling, including outbuildings and structures normally associated with such dwellings, on a single allotment; and
- (b) together with associated native landscaping, it preserves and enhances the natural character of the zone or assists in the re-establishment of a natural character.

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Desired Land Use</b> O 1, PDC 1	Satisfied. <ul style="list-style-type: none"> <li>• The development involves the private use of a single existing allotment for residential purposes in association with a new detached dwelling.</li> <li>• The development has been designed to a high standard and positioned in such a way as to have minimal visual impact on the natural character of the zone.</li> </ul>
<b>Design for Topography</b> PDC 2	Satisfied. <ul style="list-style-type: none"> <li>• The development requires a relatively substantial degree of earthworks to achieve the proposed vehicle access arrangements and dwelling floor levels.</li> <li>• Given the steep topography of the site, a degree of excavation and/or fill is to be expected in order to facilitate a residential land use.</li> <li>• The development sits into the hillside so as to preserve the natural form of the land and reduce the visual prominence of the building.</li> </ul>

	<ul style="list-style-type: none"> <li>The position and gradient of the driveway along the hillside suggests the sealed surface will not be visible from most vantage points along Haywood Drive.</li> </ul>
<p><b>Operation and Management</b> PDC 3</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>The operation and ongoing management of the development is not anticipated to give rise to concerns regarding pollution or exploitation of local water sources, nor is it anticipated to impose other unacceptable environmental impacts.</li> <li>The development has been designed to have minimal impact on native vegetation.</li> <li>The applicant has provided geotechnical evidence to confirm the land is stable and suitable for purpose.</li> </ul>
<p><b>Building Design and Location</b> PDC 7–14</p>	<ul style="list-style-type: none"> <li>The development has been sited well below the ridgeline and within the valley so as not to be visible against the skyline from local roads or the Adelaide Plains.</li> <li>The dwelling will be set back approximately 50 metres from Hayward Drive below.</li> <li>Despite the two storey form, the dwelling will be sited on an excavated rather than filled site to reduce its vertical profile and minimise visual disturbance to the natural character of the landscape.</li> <li>Proposed materials and colours are considered suitable to the residential character of the locality while remaining respectful of the Hills Face Zone objectives.</li> </ul>

**Summary of Council Wide Objectives and Principles**

**Primary Residential Development Objectives:**

Objective 50:

*A compact metropolitan area.*

Objective 51:

*A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.*

Objective 52:

*Containment of housing costs through the encouragement of a full range of design and development techniques.*

Objective 53:

*Safe, pleasant, accessible and convenient residential areas.*

Objective 54:

*Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 8–9, 50–54 PDC 1, 3	Satisfied.
<b>Building Set-backs</b> PDC 161–162	<b>Front Set-backs</b> Satisfied.  <b>Side Set-backs</b> Satisfied.  <b>Rear Set-backs</b> Satisfied.
<b>Building Height</b> PDC 164	Satisfied.
<b>Site Coverage</b> PDC 165	Satisfied.
<b>Private Open Space</b> PDC 166 - 169	Satisfied.
<b>Amenity</b> O20–22 PDC 52–55	Satisfied.
<b>Access / Street Trees / On-site Car Parking</b> PDC 177–182	Satisfied.
<b>Privacy</b> O15 PDC 23, 134–136	Satisfied.  • The nearest dwelling to the east is more than 100m away.
<b>Access to Sunlight</b> PDC143–146	Satisfied.