



Development Assessment Panel Meeting Agenda

Tuesday 04 April 2017 at 6pm

Linden Tusmore Rooms, 401 Greenhill Road, Tusmore

Members:	Bill Chandler (Presiding Member) Don Donaldson (Deputy Presiding Member) Ross Bateup, Graeme Brown, Peter Cornish, Mark Osterstock and Di Wilkins
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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 7 March 2017 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4 APPLICATIONS WITHDRAWN FROM THE AGENDA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)

Report Number:	5715.1
Page:	6
Application Number:	180\1186\16
Applicant:	Craig Brown – GHD Pty Ltd
Location:	537-557 Portrush Road, Glenunga
Proposal:	Alterations and additions to existing shop and car parking reconfiguration
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> • <i>Neville Hall c/- Masterplan – 60 Queen Street (wishes to be heard)</i> • <i>Glen Walker – 2/490 Portrush Road (does not wish to be heard)</i> • <i>Martin Baily c/- Craig Brown – 527-535 Portrush Road (wishes to be heard)</i> • <i>Jianxin Wang and Mark Stevens – 98 Sydney Street (wishes to be heard)</i>
Applicant:	• <i>L4, 211 Victoria Square, Adelaide</i>

(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.

Report Number:	5715.2
Page:	16
Application Number:	180\1202\16
Applicant:	Dechellis Homes Pty Ltd
Location:	3 Cotham Avenue, Kensington Park
Proposal:	Two-storey detached dwelling including garage, portico, verandah, retaining walls and fencing
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	<ul style="list-style-type: none"> • <i>Ganyk Jankewicz – 5 Cotham Avenue (wishes to be heard)</i>
<i>Applicant:</i>	<ul style="list-style-type: none"> • <i>170 Payneham Road, Evandale</i>

Report Number:	5715.3
Page:	30
Application Number:	180\1149\16
Applicant:	TRV Homes
Location:	2 Booth Avenue, Linden Park
Proposal:	Three two-storey dwellings including garages, verandahs and porticos
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	<ul style="list-style-type: none"> • <i>Penny and Athan Anagnostou – 27 Austral Avenue (wishes to be heard)</i> • <i>Santhosh Daniel – 1 Booth Avenue (does not wish to be heard)</i> • <i>Jane and Geoffrey Hocking – 4 Booth Avenue (does not wish to be heard)</i>
<i>Applicant:</i>	<ul style="list-style-type: none"> • <i>54 OG Road, Klemzig</i>

Report Number:	5715.4
Page:	50
Application Number:	180\0010\17
Applicant:	Mr J Camerlengo
Location:	26 Katoomba Road, Beaumont
Proposal:	Construction of two-storey detached dwelling including portico, verandah, balcony, retaining walls and fencing
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	<ul style="list-style-type: none"> • <i>Pamela Michelmore – 28 Katoomba Road (does not wish to be heard)</i> • <i>Emma Brown – 27 Katoomba Road (wishes to be heard)</i>
<i>Applicant:</i>	<ul style="list-style-type: none"> • <i>46 North Parkway, Lightsvie</i>

Report Number:	5715.5
Page:	65
Application Number:	180\1153\16
Applicant:	G J Ambrose-Pearce
Location:	27 Davenport Terrace, Hazelwood Park

Proposal:	Construction of two-storey detached dwelling including cellar, store, carport, verandahs, swimming pool, balconies and fencing
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> • Jillian Properjohn – 7 Maud Street (wishes to be heard) • Isobel Barrett – 29 Davenport Terrace (wishes to be heard) • Paul Kirchner c/- URPS – 25 Davenport Terrace (wishes to be heard)
Applicant:	• GPO Box 565, Darwin

Report Number:	5715.6
Page:	79
Application Number:	180\1210\16
Applicant:	Mahogany Homes Pty Ltd – Michael Bartemucci
Location:	19 Verdale Avenue, Linden Park
Proposal:	Construction of two-storey detached dwelling including rear verandah, portico, retaining walls and fencing
Recommendation:	Development Plan Consent be granted
Representors:	• Vangal Mohan – 17A Verdale Avenue (wishes to be heard)
Applicant:	• 280 Payneham Road, Payneham

6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

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

Report Number:	5715.7
Page:	91
Application Number:	180\0105\16
Applicant:	Serenity Homes (SA)
Location:	7 Whitbread Grove, Skye
Proposal:	Non-complying – Two-storey detached dwelling, freestanding carport, two water tanks, retaining walls 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 04 April 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

Application Number:	180\1186\16
Applicant:	C Brown
Location:	537-557 Portrush Road GLENUNGA SA 5064
Proposal:	Alterations and additions to existing shop and car parking reconfiguration
Zone/Policy Area:	Local Centre Zone Development Plan consolidated 08 December 2016
Kind of Assessment:	Merit
Public Notification:	Category 3 Four (4) representations received
Appeal Opportunity	Applicant and third party appeal rights
Referrals – Statutory:	n/a
Referrals – Non Statutory:	Traffic Management Engineer
Delegations Policy:	Unresolved representations
Recommendation:	Development Plan Consent be granted
Recommending Officer:	Jason Cattonar

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
- Representations received
- Applicant's response to representations
- Photographs

1. DESCRIPTION OF PROPOSAL

The Applicant seeks development plan consent to construct extensions to the northern end of the existing retail building currently occupied by Tony and Mark's. The total increase to the retail floor area is 280 square metres and will facilitate a number of internal reconfigurations.

The proposed development also includes a series of reconfigurations and improvements to the existing car park area so as to improve vehicle circulation and pedestrian access and safety across the subject land.

2. BACKGROUND

Development Application 180\1186\16 was lodged during December 2016 by Mr C Brown from GHD Pty Ltd on behalf of the registered owner of the land. The proposed development was determined to be Category 3 for the purposes of public consultation and to be assessed on merit against the Burnside (City) Development Plan.

The application was made available for public viewing between 07 February 2017 and 21 February 2017, during which time four written submissions were submitted to Council. One of the representors expressed support for the proposal, two expressed concerns but no fundamental objection and one raised a series of concerns in relation to matters pertaining to a previous application that was approved on the land.

The applicant responded through Mr Brown of GHD Pty Ltd who reasserted that the concerns raised were considered during the design process and appropriately addressed in the current design. The response also confirmed that the adjacent land owner has no legal right of way over the subject land and that the application therefore does not represent a hypothetical situation.

Having now undertaken a full and thorough assessment of the application against the relevant objectives and principles of development control within the Burnside (City) Development Plan, the application is now presented to the Development Assessment Panel (the Panel) 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 known by the street address 537-557 Portrush Road and is located in the suburb of Glenunga. The land has a total area of 9,287m² with frontage to 3 public roads including Portrush Road, Queen Street and Sydney Street. Points of access and egress are located on each road frontage however the Queen Street crossover provides for access only.

The land is occupied by three large commercial buildings most notably the Dan Murphy's and Tony and Mark's buildings which are centrally located, and in the north eastern corner a single building that is tenanted by a take-away food outlet.

Car parking and vehicle circulation areas are located at both the eastern and western ends of the land with landscaping treatments featuring across the site.

3.2. Locality

The locality is comprised of a variety of land uses that include low scale commercial buildings to the north and south and residential development to the east and west. There is no coherent built form character in terms of architectural style and residential densities are equally varied.

Vehicular traffic along Portrush Road, a main arterial road, heavily influences the amenity of the locality as it serves as a National Trade route.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 3
Reason:	<i>Development Act 1993, Section 38(3)(c)</i>
Representations Received:	<ul style="list-style-type: none"> • Neville Hall (represented by Masterplan) – 60 Queen Street, Glenunga (wish to be heard) • Glen Walker – 2/490 Portrush Road, St Georges (does not wish to be heard) • Martin Baily – 527-535 Portrush Road, Glenunga (wish to be heard) • Jianxin Wang & Mark Stevens – 98 Sydney Street, Glenunga (wish to be heard)
Third Party Appeal Opportunity:	Yes

- 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 involves the construction of additions to an existing building that has been designed and approved for commercial retail activities that are consistent with the primary land use objectives for the Local Centre Zone.

The proposed reconfiguration of the car parking area will improve the surface treatments, line markings, vehicle circulation and landscaping treatments in that area; causing less congestion and confusion while also enhancing visual amenity.

Given that the development maintains and continues the established use of the land the proposal is not considered to be seriously at variance with the relevant policies for the Zone as contained within the Burnside (City) Development Plan.

7.2. Character and Amenity

The Local Centre Zone encourages small scale shops, offices, consulting rooms and commercial premises suited to meeting the needs of the local community. The subject land has historically provided land uses that meet primary objective of the zone and the proposed development will facilitate the continuance of those desired uses. In that respect, the continuation of the existing use to the scale proposed is not likely to impact upon the current level of amenity that is enjoyed by nearby residents.

The subject land is in a location that is visually prominent from Portrush Road and in that context it sits amongst other sites containing development that is commercial in nature. The streetscape Portrush Road includes buildings of varying scale and architectural style that is most notably contrasted by the existing 1950-1960 circa buildings on the Portrush Road, Queen Street intersection and the modern appearance of the Dan Murphy's building which arguably gives the Local Centre Zone its identity. The proposed additions take design cues from the existing Tony and Mark's building and will appear as a fully integrated building component. The development is considered to contribute to the existing character of the locality and enhance the visual amenity by offering a suitable contemporary appearance.

7.3. Site Functionality

The existing development provides a total of 122 car parking spaces on site. The application presented to the Panel increases that supply by 1 space; 123 on-site parking spaces.

According to Table Bur/6 "*Off-street Vehicle Parking Requirements for Designated Areas*" the development is required to provide on-site parking as follows:

- desired minimum number of vehicle parking spaces: 3 spaces per 100 square metres of gross leasable floor area; and
- desired maximum number of vehicle parking spaces: 6 spaces per 100 square metres of gross leasable floor area.

The proposal development will increase the total building floor area by 280 square metres resulting in a gross building footprint of 2,498 square metres across the subject land. The development therefore provides on-site parking at a rate of 4.9 spaces per 100 square metres which represents a comfortable median between the desired minimum and desired maximum rates applied through Table Bur/6.

The expert traffic and parking advice from MFY concludes that there will be little to no impact to the surrounding road network as a result of the proposal and that on site car parking is sufficient in number to meet the expected demand. Council's Traffic Engineer has also reviewed the application details and concurs with the conclusions made by MFY.

7.4. Public Notification

The development was determined to be a Category 3 development in accordance with the *Development Act 1993*, Section 38(2)(c).

Council received four written submissions during the consultation period which commenced on 07 February 2017 and concluded on 21 February 2017. Two of the representors expressed concerns, but no fundamental objection to the proposed development with one representor raising a series of concerns in relation to matters pertaining to a previous application that was approved on the land.

The applicant responded through Mr Brown of GHD Pty Ltd who reasserted that the concerns raised were considered during the design process and appropriately addressed in the design as proposed. The response also confirmed that the adjacent land owner has no legal right of way over the subject land and that the application therefore does not represent a hypothetical situation.

Council planning staff are satisfied that the applicant has responded to and addressed the planning matters raised through the public notification process through the overall design of the development insofar as they are to be determined under the *Development Act 1993*.

7.5. Internal Referrals

The application was referred to Council Technical Officer – Engineering for a review of the proposed vehicle circulation areas, car parking supply and impacts to the local road network. Council's Technical Officer is satisfied that the findings and conclusions made in the MFY traffic impact assessment are accurate and that on-site parking will meet the continuing demand generated by existing activities on the subject land.

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\1186\16, by C Brown, 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 3 months of the practical completion of the approved works and thereafter 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 All car parks, driveways and vehicle manoeuvring areas shall be graded to ensure that no surface water or rubble from within the property is transported across the footpath.

Reason:

To ensure adequate provision is made for the connection of stormwater.

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 Zone Objectives and Principles

Primary Local Centre Zone Objectives and Principles:

Objective 1:

A zone accommodating a range of shops, offices, business, health and community service providers all being of a small-scale suited to servicing the needs of the local community.

Principle of Development Control 1:

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

Principle of Development Control 4:

Buildings should not contain one floor level directly above another floor level except where the lower floor level is for the provision of car parking space and the level of that floor is located not less than one metre below the predominant natural ground level for the site.

Principle of Development Control 5:

Undercroft vehicle parking areas should be reasonably screened from view from public roads by the use of landscaping or other means which enhance the external appearance of the land and buildings.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1 PDC 1	Satisfied.
Amenity PDC 1	<p>Satisfied.</p> <ul style="list-style-type: none"> The proposed development comprises a substantial boundary wall on the common boundary with 60 Queen Street. The visual impacts of the wall are considered to be suitably controlled given the property at 60 Queen Street has an existing, large outbuilding sited in the rear corner of the land that will obscure a great portion of the building. In addition, the applicant has committed to installing a Greenwall System on the northern elevation to soften the impact of otherwise exposed hard surfaces. It is also of importance to note that the property 60 Queen Street is wholly contained within the Local Centre Zone despite it currently being occupied by a dwelling. The owner of that property has not raised any concern with the extent of built form on the common boundary. With that in mind, it is reasonable to hold the view occupants of dwellings within the Local Centre Zone should expect buildings that are larger in scale and built to property boundaries as such is generally the case in commercially zone land.
Building Height PDC 4	Satisfied.
Undercroft Parking PDC 5	Satisfied.

Summary of Council Wide Objectives and Principles

Primary Retailing and Centres Objectives:

Objective 65:

Shopping, administrative, cultural, community, entertainment, educational, religious, and recreational facilities located in integrated centres and corridor zones.

Objective 66:

Centres established and developed in accordance with a hierarchy based on function, so that each type of centre provides a proportion of the total requirement of goods and services commensurate with its role.

Objective 71:

Local centres and corridor zones to include shopping and local facilities and services to serve the day-to-day needs of the local community.

Principle of Development Control 223:

Development located within any centre zone should be designed and located to minimise its impact on existing or potential dwellings in an adjacent zone due to:

- (a) vehicular access, egress and circulation within the site of the development;*
- (b) the location and arrangement of service, refuse and waste storage and collection facilities;*
- (c) the scale, height and bulk of buildings where located close to the boundaries of the zone;*
- (d) unreasonably adverse visual impact when viewed from the site of any dwelling;*
- (e) loss of privacy or overshadowing; and*
- (f) the generation of noise, odour, light or particulate matter.*

Principle of Development Control 224:

Development in a centre zone should:

- (a) accord with the intended role of the centre within the centres hierarchy, and provide for any future expansion needs commensurate with that role;*
- (b) provide for multiple use of facilities, sharing of utility spaces, and consolidated, coordinated and convenient parking;*
- (c) ensure appropriate integration of facilities and public transport;*
- (d) be concentrated and designed for pedestrian convenience, avoiding conflict between pedestrian and vehicular traffic movement;*
- (e) produce a close relationship between shops in a "lively" setting;*
- (f) enhance the amenity of the site and locally through unified design of buildings and signs, with landscaping forming an integral part of centre design and used to foster human scale, provide shade and visual relief, define spaces, reinforce paths and edges, and screen utility areas; and*
- (g) not cause congestion, detract from the safety of users of adjoining roads, or cause a need for a significant expenditure on transport and traffic works or facilities in or outside the locality.*

Principle of Development Control 225:

The development of shops should be as follows:

- (a) a shop or group of shops with a gross leasable area of greater than 250 square metres should be located in the District Centre Zone, a Neighbourhood Centre Zone, or the Urban Corridor Zone;*
- (b) a shop or group of shops with a gross leasable area of 250 square metres or less should not be located on an arterial road (as shown on Map Bur/1 (Overlay 1)), except within the District Centre Zone, a Neighbourhood Centre Zone, a Local Centre Zone, or the Urban Corridor Zone;*
- (c) a shop or group of shops located outside the District Centre Zone, a Neighbourhood Centre Zone, a Local Centre Zone, or the Urban Corridor Zone should:*
 - (i) not hinder the development or function of any of those zones (or a designated centre in any other Council area);*
 - (ii) provide retail services of a strictly local nature; and*
 - (iii) not diminish the amenity of the locality;*
- (d) development in the form of retail showrooms trading in bulky goods merchandise, should provide adequate manoeuvring and circulation areas in order to accommodate truck and trailer*

*movements and safe access points; and
(e) shopping development should include designated parking space for disabled persons.*

Subject: DP Ref	Assessment:
Zone Hierarchy and Land Use O 65-71 PDC 224 - 225	Satisfied.
Impacts to Residential Uses PDC 223	Satisfied.

DEVELOPMENT APPLICATION

Application Number:	180\1202\16
Applicant:	<i>Dechellis Homes Pty Ltd 170 Payneham Road EVANDALE SA 5069</i>
Location:	<i>3 Cotham Avenue KENSINGTON PARK SA 5068</i>
Proposal:	<i>Two-storey detached dwelling including garage, portico, verandah, retaining walls and fencing</i>
Zone/Policy Area:	<i>Residential Zone Residential Policy Area 2 - Northern Development Plan consolidated 8 December 2016</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category 2 One (1) representation received</i>
Appeal Opportunity	<i>Applicant only, no third party appeal rights</i>
Referrals – Statutory:	<i>N/A</i>
Referrals – Non Statutory:	<i>Traffic Management Engineer Tree Management Officer</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>Development Plan Consent be granted</i>
Recommending Officer:	<i>Renae Grida</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 and verandah under the main roof, on an existing residential allotment at 3 Cotham Avenue Kensington Park.

The dwelling comprises four (4) bedrooms, three (3) bathrooms, retreat, study, home theatre, laundry, open plan living, alfresco, double garage and portico. The façade will be clad with sandstone veneer, rendered quoins and rendered portico, with Colorbond roof sheeting.

2. BACKGROUND

Development Application 180\1202\16 was lodged on 22 December 2016 by Dechellis Homes on behalf of the registered owners of the land. The proposal was determined to be a Category 2 development for the purposes of public notification, to be assessed on merit, pursuant to Section 35(5) of the Development Act 1993 and against the provisions of the Burnside (City) Development Plan.

During the notification period Council received one (1) written submission from the owner of the adjoining land to the east expressing an opposition to the development and a desire to address the Development Assessment Panel (the Panel) in person. The applicant has responded via written correspondence and provided further supporting documentation comprising shadow diagrams.

As part of Council's internal assessment process, the proposal was also referred to the Senior Engineer to assess the impact of development on local infrastructure, and Council's Tree Management Officer to assess impacts to the adjacent street tree as a result of proposed crossover modifications.

Pursuant to Council's Delegation Policy, the application is presented to the Panel for consideration as a Category 2 development with an unresolved representation.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is an existing regular shaped, residential allotment and located on the northern side of Cotham Avenue in the suburb of Kensington Park. The land currently contains a single storey Tudor style dwelling constructed in 1930. The site has a total area measuring 696.87m² and a frontage to Cotham Avenue measuring 15.24 metres.

Vehicular access is gained via an existing crossover located on the eastern end of the frontage.

3.2. Locality

The locality comprises properties on both sides of Cotham Avenue, and to a lesser extent, those fronting Treloar Avenue and Glynburn Road to the east and west of the subject land.

The locality is primarily comprised of single storey detached dwellings, with dispersed examples of two storey development, predominantly of interwar and post war styles, which are moderately set back from the public road with well landscaped front yards.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 2 – Northern, Principle of Development Control 7(a) and (c).
Cut / Fill:	The development requires site works comprising both cut and fill to accommodate proposed bench levels. The site works do not constitute development in their own right.
Representations Received:	<ul style="list-style-type: none"> Ganyk Jankewicz - 5 Cotham Avenue, Kensington Park (wish to be heard)
Third Party Appeal Opportunity:	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 seeks to maintain the existing and lawful residential use of the subject land in accordance with the primary land use objectives of the zone and policy area. Accordingly, the proposed development is therefore not considered to be seriously at variance to the Burnside (City) Development Plan.

7.2. Character and Amenity

Residential Policy Area 2 – Northern (RPA 2) seeks the maintenance and enhancement of the residential character which is derived particularly from dwellings of low scale and a low to medium density which are widely varied in age but predominantly of interwar and post-war periods. The streetscape generally comprises single storey detached dwellings and semi-detached dwellings which are moderately setback from road boundaries and similar in scale.

Despite the policy area envisaging predominantly single storey development, there are examples of two storeyed dwellings within the immediate locality to the west, and within the broader locality. The proposed two storey dwelling is therefore considered to be generally compatible with the established character of the locality and more broadly the policy area.

The scale of the proposed dwelling is not considered to be at odds with the established character of the locality at present, is not of an obtrusive nature, and responds to property boundaries in a manner that preserves the established patterns of space between buildings within the streetscape.

The design of the dwelling is considered to be of a suitable design standard so as to positively contribute to streetscape amenity and the variety of dwelling styles and ages within the Policy Area.

7.3. Site Functionality

The proposal is generally consistent with the quantitative guidelines of the Development Plan, and meets the intent of the qualitative guidelines. There are some departures noted, including front setbacks and the eastern side upper level setback. Notwithstanding these shortfalls, the dwelling is considered to be appropriately sited on the land so as to not detract from streetscape amenity, or the amenity of adjoining properties.

The front setback, whilst closer than 6 metres, achieves an average of the two adjoining dwellings, and as such satisfies Council Wide principle of development control 161. It is also noted that the northern side of Cotham Avenue has varied front setbacks, given the size and shape of the allotments at the outer edges of the street, and later developments are sited further forward than the earlier conventional dwellings.

The upper level side setbacks adhere to the 4m setback guideline, with a minor departure relating to a 2.4m section of the eastern side wall, which has a reduced setback of 3m. This section of the dwelling relates to the staircase, and impacts associated with the departure are considered negligible and will not have a detrimental impact on the adjoining property in terms of visual outlook and overshadowing.

The allotment has a north-south orientation, in which there is little impact by way of overshadowing when tested against Council Wide principle of development control 184, thereby maintaining solar access to northern facing habitable room windows and areas of private open space.

7.4. Public Notification

The application was determined to be a Category 2 development pursuant to Residential Policy Area 2 – Northern, 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 directly above another, not including an understorey garage), or more than 6.5 metres building height above natural ground level”.

and

(c) The proposed finished ground floor level of a dwelling or outbuilding, or the level of any outdoor paved surface adjacent thereto, is more than 0.6 metres above natural ground level at any point”.

The application was placed on public notification for a period of ten (10) days, during which, one (1) written representation was received opposing the development and expressing a desire to be heard by the Development Assessment Panel (the Panel) in support of their submission.

The concerns raised through the public notification process relate to the following:

- Potential disturbance on foundations and footings and subsequent damage to property through demolition and construction works due to soil sensitivity.
- Privacy impacts from proposed upper level windows.
- Overshadowing to windows and solar panels.
- Effect on TV aerial reception.

The Applicant has provided a response to the concerns raised by Mr Jankewicz, to the satisfaction of Council. It is noted that the concerns regarding TV reception, the disturbance of soil and damage to buildings are civil matters that may be resolved by the two neighbours, separate to the planning assessment process.

With regards to privacy, all side and rear elevation windows that relate to the upper level include fixed obscure glazing to a height of 1.7 metres above floor level, which exceeds the relevant guidelines in the Burnside (City) Development Plan.

Overshadowing concerns have been addressed via supplementary shadow diagrams to illustrate the extent of impact on the winter solstice (21 June) as per the guidelines of the Burnside (City) Development Plan. The diagrams show that, as per the case with all north-south oriented allotments, there will be impact to side adjoining properties for a period of 3 hours on the winter solstice.

Council is satisfied matters raised through the public notification process are sufficiently addressed insofar as they relate to the planning merits and their determination 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 and Council's Tree Management Officer with regard to stormwater management and impact on Council infrastructure, as well as street tree impacts via the proposed crossover modifications respectively.

Standard engineering advisory notes are included with respect to stormwater detention and discharge. Council's Tree Management Officer notes that proposed crossover modifications are to maintain a minimum 3 metre setback distance to the adjacent street tree to the west.

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\1202\16, by Dechellis Homes Pty Ltd 170 Payneham Road EVANDALE SA 5069, 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 and rear 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.

Engineering Advisory Notes

- 1 **Driveway:**

- 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 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.

Stormwater Detention:

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 1000 litres be provided in addition to the standard 1000 litres retention tank provided; and
- The development utilises permeable paving for the proposed external paving work within the development site.

Stormwater Discharge:

- 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 the roof catchment shall be discharged to the street water table through a sealed system to the satisfaction of Council.



RECOMMENDING OFFICER

Renae Grida
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 2 Objectives:

Objective 1:

Maintenance and enhancement of a residential character that is derived particularly from:

- (a) *Dwellings of low-scale and low to medium density, widely varied in age but predominantly of the interwar and post-war periods; and*
- (b) *Single-storeyed, detached dwellings and semi-detached dwellings, moderately set-back from road boundaries and similar in scale, that are the dominant built-form features in most streetscapes.*

Acknowledged significant variations from the predominant, desired character, forming, nevertheless, part of the character that is to be maintained and enhanced, are found:

- (a) *In an area of recent housing south of Lossie Street, west of Toowong Avenue and north of Beulah Road; and*
- (b) *On land with frontage to Magill Road and to Glynburn Road; and*
- (c) *Adjacent to the Local Business Zone, the Local Centre Zone and the Community Zone.*

Subject: DP Ref	Assessment:
Desired Land Use O 1	Satisfied. <ul style="list-style-type: none"> • The existing residential use of the land is to be maintained.
Local Compatibility PDC 1	Satisfied. <ul style="list-style-type: none"> • The proposed development is considered compatible with existing dwellings in terms of siting, maintaining moderate front setbacks, and adequately satisfying ground and upper side and rear setback guidelines so as to make a positive contribution to the streetscape character. • Two-storey development is evident within the immediate streetscape and broader locality. • The articulation of the façade and fenestration to the elevations assists in breaking up visual building mass. • The proposed roof form, external wall heights, materials and finishes are compatible with the scale and elements of established development within the streetscape.
Site Areas and Frontages PDC 2–4	Satisfied. <ul style="list-style-type: none"> • Existing allotment.
Private Open Space PDC 5	Satisfied. <ul style="list-style-type: none"> • The amount of proposed private open space for use in association with the dwelling achieves the minimum dimensions as set by RPA 2, PDC 5.

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.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1–8 PDC 1	Satisfied. <ul style="list-style-type: none"> • Refer to RPA 2 comments.
Building Appearance PDC 2–4	Satisfied. <ul style="list-style-type: none"> • The proposed dwelling is of an appropriate building appearance, incorporating appropriate articulation and fenestration. • The proposed dwelling utilises a mix of materials, finishes and textures to create visual interest. • The proposed roof form and pitch, and eave overhang relates to existing development along Cotham Avenue.

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.

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 52–60	Satisfied. <ul style="list-style-type: none"> Refer RPA 2 comments.
Design and Appearance O 11 PDC 14–18, 23-28	Satisfied. <ul style="list-style-type: none"> The massing and proportions of the proposed building is appropriate in terms of siting and vertical building height. The proposed dwellings incorporate hipped roof forms and eave overhang so as to contribute to the quality of design and their relationship to existing development within the streetscape. The proposed sandstone veneer, render, and quoin detailing is complementary to established development within the streetscape.
Building Set-backs PDC 161–163	<u>Front Set-backs</u> Satisfied. <ul style="list-style-type: none"> The proposed dwelling sits no closer than the average of the

	<p>adjoining setbacks either side, as per CW PDC 161.</p> <p><u>Side Set-backs</u></p> <p>Minor Variance.</p> <ul style="list-style-type: none"> • Ground level side setbacks accord with CW PDC 162(d). • Upper level side setbacks generally accord with CW PDC 162(c). A minor portion of the upper level to the eastern side elevation has the setback reduced to 3m, which relates to the staircase only. This is considered to be a minor departure as it has a negligible impact on the overall functionality and siting of the upper level. <p><u>Rear Set-backs</u></p> <p>Satisfied.</p> <ul style="list-style-type: none"> • Ground level and upper level rear setbacks accord with CW PDC 162(c) and (d).
Building Height PDC 164	<p>Satisfied.</p> <ul style="list-style-type: none"> • The dwelling does not exceed two storeys, or a vertical building height in excess of 9m, as per CW PDC 164.
Site Coverage PDC 165	<p>Satisfied.</p> <ul style="list-style-type: none"> • The ground floor building footprint, and in combination with impervious driveway areas, do not exceed the prescribed quantitative guidelines as per CW PDC 165(a) and (b). • Total floor area shows a negligible departure from CW PDC 165(c).
Private Open Space PDC 166, 169	<p>Satisfied.</p> <ul style="list-style-type: none"> • Private open space satisfies both the qualitative and quantitative guidelines as per CW PDC 167 and RPA 2, PDC 5.
Amenity O11, 20–22 PDC 14–18, 52-69, 170-173	<p>Satisfied.</p> <ul style="list-style-type: none"> • Local amenity is not considered to be impaired as a result of the proposed development, as the proposed building is of a suitable design standard, as such aligning with Objective 20. • Streetscape amenity is maintained via appropriate setbacks from the front property boundary and side boundaries, as such resulting in appropriate building mass and scale, as per CW PDC 57.
Privacy PDC 22, 174–176	<p>Satisfied.</p> <ul style="list-style-type: none"> • The proposal addresses overlooking concerns via a combination of window sill heights set at 1.7m above the upper floor level and fixed obscure glazing to a minimum height of 1.7m above upper floor level, as per CW PDC 176.
Access and	<p>Satisfied.</p>

<p>On-Site Car Parking PDC 177–182</p>	<ul style="list-style-type: none"> • The development can accommodate up to three (3) on site car parking spaces which satisfies CW PDC 182. • The proposed driveway width accords with CW PDC 178, and provides for safe and convenient access. • Council’s Tree Management Officer conditioned a 3 metre clearance from the crossover to the adjacent street tree.
<p>Access to Sunlight PDC 21, 183–186</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> • Due to the orientation of the allotment, the proposed dwelling will not impact on northern sunlight access to habitable rooms and primary private open space to the adjoining properties to the east and west, as per CW PDC 184(a) and (b) • The extent of shadow to occur to the adjoining dwellings to the east and west will occur for no more than 3 hours, which is not considered unreasonable and meets the intent of CW PDC 183. • The Development Plan is silent on the impact on solar collectors, and it is noted again that the extent of impact relates to a 3 hour portion of the day on the winter solstice, and as such is not considered unreasonable impact in the context of a residential environment.
<p>Fences and Retaining Walls PDC 190–194</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> • The plans nominate concrete sleeper retaining wall to the east and west side boundaries of the site to a maximum height of 0.6 metres to accommodate fill to achieve consistent bench levels across the site. • The cumulative height of proposed retaining walls and associated fencing is not considered unreasonable in maintaining privacy whilst considering visual amenity impacts.
<p>Safety and Security PDC 195 - 198</p>	<p>Satisfied.</p>
<p>Energy Conservation PDC 31-32</p>	<p>Satisfied.</p>
<p>Trees and Other Vegetation O 24-28 PDC 77-92</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> • There are no regulated or significant trees affected by the proposed development.

APPENDIX 3
DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Site Area</i>	696.87m ²	375m ²
<i>Street Frontage</i>	15.24m	12m
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	35.6% 248.1m ²	40%
- Buildings and driveways	40% 279m ²	50%
- Total floor area	50.2% 350m ²	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	7.68m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	5.45m	5.45m
- side boundary	1.5m (west) 3.0m (east)	2m
- rear boundary	17m	4m
<i>Upper Level</i>		
- front boundary	6.6m	8m
- side boundary	4m (west) 3m – 4m (east)	4m
- rear boundary	24.9m	8m
<i>Boundary Wall</i>		
- length	6.7m	8m
- height	2.7m	3m
<i>Private Open Space</i>		
- percentage	87% of TFA 307m ²	50% of TFA
- dimensions	15m x 17m	4m x 6m
<i>Car Parking and Access</i>		
- number of parks	3	3
- width of driveway	4.5m	4.5m
- width of garage/carport door	31.5%	33%

DEVELOPMENT APPLICATION

Application Number:	180\1149\16
Applicant:	TRV Homes Pty Ltd 54 OG Road Klemzig SA 5087
Location:	2 Booth Avenue LINDEN PARK SA 5065
Proposal:	Three two-storey dwellings including garages, verandahs and porticos
Zone/Policy Area:	Residential Zone Residential Policy Area 21 – Linden Park Development Plan consolidated 08 Dec 2016
Kind of Assessment:	Merit
Public Notification:	Category 2 Three (3) representations received
Appeal Opportunity	Applicant only, no third party appeal rights
Referrals – Statutory:	Nil
Referrals – Non Statutory:	Traffic Management Engineer Tree Management Officer
Delegations Policy:	Unresolved representations
Recommendation:	Development Plan Consent be granted
Recommending Officer:	Renae Grida

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 three (3) two-storey dwellings at 2 Booth Avenue, Linden Park. A recent Torrens Title land division application was approved by Council for the impending creation of three (3) allotments from the one (1) existing allotment, with each proposed dwelling to then occupy an exclusive site.

All three proposed dwellings comprise identical floor plan configurations, which include a double width garage, guest room including ensuite and walk in robe, bathroom, laundry, open plan living area and alfresco to the ground level, and three bedrooms, including the master with ensuite and walk in robe, additional bathroom, retreat and balcony to the upper level.

The proposed dwellings exhibit a Contemporary façade design, featuring parapet walls and hipped roof forms. The facades all vary in their colours, materials and finishes, utilising a mix of Colorbond roof sheeting, selected render and feature brickwork, stonework and timber finishes.

2. BACKGROUND

A recent land division application obtained authorisation in December 2016 to divide the existing allotment into three (3) Torrens Titled allotments (as per DA 180\0984\16). The Certificate of Title is yet to be issued pending the satisfaction of Section 51 requirements under the *Development Act 1993*.

The subject application, DA 180\1149\16 was lodged with Council on 09 December 2016, and was determined to be a Category 2 form of development pursuant to the Burnside (City) Development Plan, for the purposes of public notification, and to be assessed on merit, pursuant to Section 35(5) of the *Development Act 1993*.

The application was made available for public consultation for a period of ten (10) days, during which time Council received three (3) written representations identifying concerns relating primarily to on-street car parking, walls on boundaries, retaining walls, overshadowing of solar panels and dwellings not in keeping with the area.

The applicant has responded to the representations via written correspondence and further amendments to the façades of the proposed dwellings, by way of varying finishes. The proposal also underwent amendments prior to the public notification process, insofar as increasing setbacks and reducing the building footprint to effectively reduce site coverage and total floor area, and increase setbacks to better relate to the established patterns of space within the streetscape, following concerns highlighted by planning staff through the assessment process.

The application was also referred to Council's Engineering Services and Open Space departments to assess the suitability of proposed access arrangements and well as impacts on Council infrastructure and assets.

An assessment against the relevant provisions of the Burnside (City) Development Plan has now been undertaken 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 a rectangular shaped corner allotment located on the southern side of Booth Avenue, and eastern side of Austral Avenue, in the suburb of Linden Park. The land has a depth of 41.68 metres and width of 25.65 metres and an existing corner cut-off. The land at present has a site area of 1050 square metres, with an approximate 1 metre fall from the south-east to the north-west of the site.

The land currently contains a single storey 'Tudor' style dwelling, in-ground swimming pool and a combination of brush fencing and timber fencing to the primary and secondary street boundaries. The site currently has two access points, with existing crossovers to the southern end of the Austral Avenue frontage, and the eastern end of the Booth Avenue frontage. There are no identified regulated or significant trees located on the subject land, or on adjoining land within 15 metres of the site of the development.

A recent application achieved land division consent for the creation of three (3) allotments from the one (1) existing, intended for the development of detached dwellings.

3.2. Locality

The locality is primarily residential in nature, comprising properties within 60 metres to the north and south of the subject land along Austral Avenue, and sites on both sides of Booth Avenue. The locality also includes Tregenza Oval which is a public reserve under the car and control of the City of Burnside and the Regis Aged Care facility which sits to the east of the subject land.

The locality comprises a varied character, with concentrated numbers of semi-detached development immediately adjoining and adjacent to the subject land, in particular along the western side of Austral Avenue. The locality includes a mix of single storey and two storey developments, and streetscape amenity is improved by consistent avenues of tree plantings within the Council road reserve.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 21 Principle of Development Control 12 (a) and (b)
Cut / Fill:	A maximum 0.5 metres of cut is to occur adjacent to the eastern and southern boundaries of the site, and a minimal extent of fill (up to 0.2 metres) will be introduced to the site. The extent of site works is incidental to the construction of the proposed dwellings and is considered reasonable and expected in this residential context.
Representations Received:	<ul style="list-style-type: none"> • Penny and Athan Anagnostou – 27 Austral Avenue Linden Park (wish to be heard) • Santhosh Daniel – 1 Booth Avenue Linden Park (do not wish to be heard) • Jane and Geoffrey Hocking – 4 Booth Avenue Linden Park (do not wish to be heard)
Third Party Appeal Opportunity:	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 seeks to continue the existing residential use of the land. The three dwelling sites have been approved under a separate application (DA 180\0984\16), as Torrens Title allotments and deemed suitable for their intended use.

The proposed development is therefore not considered to be seriously at variance to the Burnside (City) Development Plan.

7.2. Character and Amenity

The Burnside (City) Development Plan, through the objectives and principles set out by Residential Policy Area 21 – Linden Park, seeks to maintain and enhance the low scale, and low-to-medium density residential character, that is derived particularly from residential development including detached dwellings in a wide variety of styles. As such, the nature of development being detached dwellings on exclusive sites aligns with the primary objective of Residential Policy Area 21.

The Policy Area goes on to state that there is limited opportunity for a greater range of increased density development despite the strategic location of the Policy Area in its proximity to the District Centre Zone and public transport services. Whilst the development results in three new dwellings, the proposal, being for detached dwellings, maintains the low-to-medium density residential character, as sought by the Policy Area. Furthermore, the Policy Area prescribes a discounted allotment size for land division on corner allotments thereby recognising that corner allotments can support alternative approaches to the pattern of division and housing choice. The proposed dwelling sites have already been assessed against the Development Plan (DA 180\0984\16) with respect to their total area, dimensions and orientation, and found to be consistent with the desired character and compatible with the established pattern of subdivision within the Policy Area.

The established streetscape comprises a mix of dwelling types and styles, contrasting from early Tudor and Bungalow style dwellings on wide allotments, to 1970 Conventional style dwellings and modern Contemporary two storey and single storey detached and semi-detached dwellings. As such, the character within the streetscape is best described as varied, and the proposed dwellings are considered to contribute to that varied character, as sought by Objective 1 (a) of the Residential Policy Area 21.

The proposed dwellings are suitably positioned on each respective site, with the upper levels oriented to the front half of the building envelope, so as to reduce amenity impacts to the adjoining properties. The upper level element being oriented to the front of the dwellings does however result in a more prominent presentation to the streetscape. Given the existing streetscape character, which includes two-storey dwellings, the proposed two-storey development, as it will present to the streetscape, is not considered

to detract from the character or amenity of the streetscape, and is compatible with the existing building stock within the locality.

The shortfall in upper level side setbacks are not considered fatal to the overall merits of the proposal, as the internal shortfalls maintain appropriate space either side of the proposed dwellings thereby maintaining the visual perception of space between buildings. The upper level southern side set back again falls short of the expected setbacks as sought by the Development Plan, given the southern elevation to Residence 3 is adjacent to the driveway and utilities space to the adjoining property, it is not considered an unreasonable or adverse outcome in terms of amenity impacts.

The upper level impacts as they relate to the privacy and amenity of the external adjoining properties is considered appropriate within the site context. Upper level windows to each of the proposed dwellings are set at 1.7 metres above the upper floor level, with the exception of the ensuite window to the northern elevation of each dwelling, which is conditioned to include fixed obscure glazing to a minimum height of 1.6 metres above the upper floor level.

Overshadowing impacts have been considered for 9am, 12pm and 3pm on the winter solstice as per the guidelines of the Development Plan, and as they relate to external adjoining properties. Impacts are considered within reasonable limits, and given the orientation of the allotment, overshadowing impacts are expected. There is little concern with the 9am and 12pm shadows, as they relate mostly to the public realm (street) and a minor portion of the driveway to 27 Austral Avenue. The 3pm shadow is shown to extend the length of the northern elevation of the adjoining dwelling at 27 Austral Avenue and a small portion of the adjoining property at 4 Booth Avenue.

The impacts to the south (27 Austral Avenue) are considered acceptable, given private open space remains unaffected and the area affected relates to driveway space and minimal windows to the northern elevation. The solar panels attached to the roof of the adjoining building to the east (4 Booth Avenue) are only partially impacted from 3pm onwards. As such, the solar panels are not unreasonably impacted, as is considered to comply with Council Wide Principle of Development Control 21 (c), which states that development should seek to minimise the overshadowing of solar panels rather than completely avoid any degree of impact.

7.3. Site Functionality

The proposed development is considered a suitable outcome for the subject land, and the approved and to be created allotments. The land division was granted approval for the creation of three (3) allotments of 350 square metres each.

It is acknowledged that the proposal falls short of a number of quantitative guidelines of the Development Plan, in particular, total floor area, upper level side setbacks and private open space. Notwithstanding, on balance, the proposal is considered achieve sufficient merit to warrant support for consent to be granted. Impacts external to the subject land are considered balanced and acceptable, and the proposal is aligns with the objectives of the Policy Area.

Whilst the development proposes new access points to Austral Avenue, the existing crossover to Booth Avenue is conditioned to be reinstated, and the separation between proposed new crossovers to Austral Avenue is in excess of 6 metres, which is sufficient space to allow for on street car parking as per the advice of Council's Traffic Engineer. Furthermore, each site achieves sufficient on site car parking as per the guidelines of Table Bur/5 of the Development Plan.

7.4. Public Notification

The proposal was deemed to be a Category 2 form of development, pursuant to the Burnside (City) Development Plan, Residential Policy Area 21, Principle of Development Control 12, 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;*
- (b) the development has a solid wall located on a side or rear boundary, but excluding a fence or wall of less than two metres building height above natural ground level;*
- (c) the proposed finished ground floor level of a dwelling or outbuilding, or the level of any outdoor paved surface adjacent thereto, is more than 0.6 metres above natural ground level at any point;*
- (d) the development will result in more than one dwelling within the area of the site of the development at the time the development is proposed;*

in which case the development is assigned to Category 2.”

Council received three (3) written representations during the public notification process. A number of written submissions were received from other residents who were not part of the formal public notification process. In accordance with Council’s legal obligations under the *Development Act 1993*, only submissions determined to be valid have been considered as part of the assessment process.

The primary concerns raised by the representors during the public notification process relate to on-street car parking, walls on boundaries, retaining walls, overshadowing of solar panels and dwellings not in keeping with the area. The applicant has responded to these concerns via written correspondence and through the production of shadow diagrams to demonstrate that the development performs in accordance with the guidelines of the Development Plan.

The applicant has addressed the numerous concerns regarding on street car parking and congestion within the street by confirming that access to the proposed dwellings is via Austral Avenue only, and each site is capable of accommodating three on-site car parking spaces, which is in excess of what is required by the Development Plan. It is also noted that the existing crossover to Booth Avenue is to be reinstated, and as such will allow for increased on street space.

Concern was raised by the adjoining neighbour at 27 Austral Avenue with regard to the proposed garage wall of Residence 3 to be sited on the common boundary. The applicant has justified that the wall is within acceptable limits in terms of the extent of the boundary to which it represents. It is also noted that the Development Plan allows for boundary walls to be developed to one side boundary of a site, and should not exceed 8 metres in length and 3 metres in height. In this case, the proposed wall extends 5.5 metres along the boundary with a wall height of 2.4 metres and a hipped roof form that further lessens visual impacts.

The neighbours adjoining the subject land have raised concern regarding retaining walls and potential land slip. It is noted that the site works and drainage plan shows retaining

walls to retain cut land, and as such, there is no anticipation for further impact to these adjoining sites, and any other existing retaining walls are to be retained.

With regard to concern for overshadowing of existing solar panels at 4 Booth Avenue, the applicant noted that the extent of impact on these panels is minimised, as the effects of the built form are only impacted from 3pm onwards during the Winter Solstice, and as such accords with CW PDC 21(c).

The representations highlight a common concern that the proposed development is out of keeping with the area and the number of dwellings proposed should be reduced. The applicant has highlighted that the land division has previously been considered and approved, and as such, three new dwellings can be accommodated.

With respect to the proposed built form, the applicant has detailed that, the subject locality has no uniform built form character, as a result of the mix of eras of dwelling stock within the locality. The dwellings are detached, with appropriate spacing between each dwelling, and utilises roof pitches and building materials that are compatible with existing housing stock. Further amendments to the facades of the proposed dwellings were made, to increase distinction and visual interest.

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

The application was referred to Council's Engineering Services and Open Space departments for review based on the nature of development, as the proposal involves the creation of additional crossovers to Austral Avenue and conflicts with existing street trees located within the Council road reserve.

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\1149\16, by TRV 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.

- 3 All side and rear 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 1.6m 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.

1 Engineering Advisory Notes:

- 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.
- The existing second driveway/gutter crossing must be removed and reinstated to kerb upon completion of the proposed gutter crossing.
- The new driveway crossovers are to be formed using pervious paving to ensure continued filtration into the road reserve.
- A minimum of 6 metres be provided between the driveway crossovers to ensure that a car can still adequately park.
- 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.

Stormwater Detention:

- 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.

Stormwater Discharge:

- 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 the roof catchment shall be discharged to the street water table through a sealed system to the satisfaction of the Council.

Street Trees:

- A minimum distance of 2 metres shall be maintained from the closest point of the driveway crossover to all adjacent street trees not approved for removal.
- All costs associated with the removal and replacement of the affected street tree on Austral Avenue (*Prunus X blireana*, BAM ID 17091) will be borne by the applicant.
- Council has valued the removal and replacement of the subject tree on Austral Avenue (*Prunus X blireana*, BAM ID 17091) in its current condition at \$1308.74 using the City of Burnside Tree Amenity Valuation Formula.
- Soft dig (hand digging/hydro-vac) methods must be used for the formation of the underground services that encroach within the Tree Protection Zones as defined by AS 4970-2009, Protection of Trees on Development Sites.
- Any works that are proposed by the applicant, within 1.5 metres of the street trees requires a Tree Protection Plan (TTP) in accordance with AS 4970-2009, Protection of Trees on Development Sites. The TTP will need to be submitted to Councils Arborist for approval prior to the commencement of any site works. The approved TTP and its recommended conditions shall form part of the conditions of this approval.
- The applicant will be liable for any damage to the street trees as a direct or indirect result of the development. Cost of any remedial works will be determined at the discretion of Council and borne by the applicant

RECOMMENDING OFFICER

Renae Grida
Development Officer – Planning

AERIAL LOCALITY MAP



Legend



Subject Land



Representor's Land

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

Primary Residential Policy Area 21 Objectives:

Objective 1:

Maintenance and enhancement of the low scale and low-to-medium density residential character that is derived particularly from:

- i. Residential development, including detached dwellings in a wide variety of styles, predominantly of the interwar period, near Greenhill Road, and the post-war period;*
- ii. Limited opportunity for a greater range and increased density of residential development, notwithstanding the proximity of the Policy Area to the District Centre Zone and to public transport services;*
- iii. Moderate building set-backs to streets; and*
- iv. Generally open, well-established, front gardens and grassed verges.*

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) On land with frontage to Portrush Road and to Greenhill Road, including the two unbuilt-on and partly landscaped allotments of Council owned on the corner of those roads; and*
- (b) In the interface with the Local Centre Zone.*

Subject: DP Ref	Assessment:
Desired Land Use O 1	Satisfied. <ul style="list-style-type: none"> • The proposed development preserves and maintains the existing residential use of the land in accordance with the primary objective of the Policy Area.
Local Compatibility PDC 1	Satisfied. <ul style="list-style-type: none"> • The proposal is consistent with the desired low-to-medium density residential character; given the site area of each allotment aligns with the guidelines of the RPA 21 and has been granted land division approval under DA 180\0984\16. • The proposal is compatible with the established streetscape character insofar as RPA 21 seeks varied architectural styles and the Policy Area does not preclude modern and contemporary designs, or two-storey development as being reasonable and expected. • Visual bulk and scale is considered appropriate when viewed from adjoining properties, insofar as the upper level is well separated from the adjoining property at 4 Booth Avenue, being set back in excess of the 8 metres prescribed by the Development Plan. The development is not of primary view to the adjoining property at 27 Austral Avenue as it is adjacent the driveway and utilities area, and is not directly adjacent the main indoor and outdoor living areas of that dwelling. • Whilst it is noted that there are shortfalls, namely in respect to side setbacks, the dwellings have been sited in a manner that is

	<p>satisfactory so as to maintain the visual pattern of space around buildings and as is reflective of the pattern of development in the locality.</p> <ul style="list-style-type: none"> The proposal will have a consistent built form outcome in terms of setbacks and patterns of space around buildings, and will have a balanced transition of finished floor levels as they correspond to the cross fall of the land.
<p>Site Areas and Frontages PDC 2-5</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> Development approval has been authorised for the division of the existing allotment into three (3) new allotments (DA 180\0984\16). All three allotments meet the minimum site area guidelines as per RPA 21, PDC 4. All three allotments do fall short of the minimum frontage guidelines as per RPA 21, PDC 4 (0.62m shortfall for Lot 1/Residence 1 & 1.35m shortfall for Lots 2 and 3 Residences 2 and 3). All three allotments have been deemed suitable for their intended use as per the previous authorisation granted.

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.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1–8 PDC 1	Satisfied. <ul style="list-style-type: none"> Refer to RPA 21 comments.
Building Appearance PDC 2–4	Satisfied. <ul style="list-style-type: none"> The proposal includes an indicative landscaping plan, which is considered appropriate in contributing to streetscape amenity and softening the built form, as per Residential Zone, PDC 2(b). The massing and proportions of the buildings are appropriate in terms of the siting of the buildings and vertical building heights. The proposed dwellings incorporate hipped roof forms and eave overhang so as to contribute to the quality of design and their relationship to existing development within the streetscape. Each dwelling proposes a varied and interesting façade. The dwellings are considered to be appropriately articulated, and the side elevations incorporated brick face to the ground level and selected render to the upper level so as to visually break up the side elevations and create visual interest, as per Residential Zone, PDC 3. Each dwelling has a clearly identifiable entrance, and habitable rooms fronting the street, so as to assist with passive surveillance, as per Residential Zone, PDC 4.

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.

Subject: DP Ref	Assessment:
Zoning and Land Use O 52-60	Satisfied. <ul style="list-style-type: none"> Refer to RPA 21 comments.
Design and Appearance O 11 PDC 14-18, 23-28	Satisfied. <ul style="list-style-type: none"> The proposed dwellings are of a suitable design standard as per CW Objective 11, and are reflective of the variety of housing stock and styles as sought by RPA 21. The proposed building heights, massing and proportions are compatible with the locality, in that they are sufficiently separated from relative site boundaries and uniform in their size and scale, as per CW PDC 14(a). The proposed dwellings utilise varied colours and external finishes so as to create a varied visual interest whilst maintaining a uniform outcome, as per CW PDC 14(b). The proposed dwellings, whilst incorporating modern features such as blade walls and parapet portico elements, the roof form and pitch is compatible with other roof forms within the locality and is complementary to the existing streetscape character, as

	<p>per CW PDC 14(c).</p> <ul style="list-style-type: none"> The proposed dwellings incorporate sufficient articulation and fenestration, as per CW PDC 24.
<p>Building Set-backs PDC 161–163</p>	<p><u>Front Set-backs</u> Satisfied.</p> <ul style="list-style-type: none"> The proposed dwellings will be set back 6 metres from the front property boundary, as per CW PDC 161. The adjoining site to the south (27 Austral Avenue) has a deeper front setback than those proposed for the subject development; however more recent development within the streetscape has varied the consistency of setbacks within the locality. <p><u>Side Set-backs</u> Variance.</p> <ul style="list-style-type: none"> Ground level side setbacks are generally consistent with CW PDC 162, being 1.5m from side boundaries. The secondary street setback to Residence 1 (as it faces Booth Avenue) falls short of the 3 metre guideline by 0.36 metres. Given the articulation of the northern elevation, the shortfall is deemed acceptable. Portions of the side elevations that have are between 3 – 6 metres in height generally meet the 2 metre side setback, with the exception of 0.1m discrepancy, of which is borne by the development, as it relates to internal boundaries. Upper level side setbacks fall short of the 4 metre guideline as set by CW PDC 162(c). This departure from the Development Plan is considered justified, given the pattern of space between buildings is sufficiently maintained, and, impacts to external adjoining properties is within acceptable limits. <p><u>Rear Set-backs</u> Satisfied.</p> <ul style="list-style-type: none"> The proposed rear setbacks as they relate to the ground level of each dwelling are in excess of the 4 metre guideline as per CW PDC 162(d). The proposed rear setbacks as they relate to the upper level of each dwelling are in excess of the 8 metre guidelines as per CW PDC 162(c).
<p>Building Height PDC 164</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> The proposed buildings do not exceed a 9 metre building height, as per Residential Zone, PDC 164 (a) and (b).
<p>Site Coverage PDC 165</p>	<p>Variance.</p> <ul style="list-style-type: none"> Each proposed dwelling exceeds the 40% site coverage guideline as per CW PDC 165(a) by a mere 1%, which is considered minor in the context of the ground floor building footprint and the increased extent of site coverage exhibited by

	<p>existing development in the locality, where it is evident the 40% guideline has been varied in other cases.</p> <ul style="list-style-type: none"> Total floor area exceeds the 50% guideline as per CW PDC 165(c) by 15.3%. Notwithstanding this departure, the resultant impacts from the departure are acceptable in terms of preserving the reasonable amenity of adjoining residents and the streetscape.
<p>Private Open Space PDC 166, 169</p>	<p>Variance.</p> <ul style="list-style-type: none"> Private open space associated with each dwelling falls short of the quantitative guideline of 167(e) in being equivalent to at least half the total floor area. <p>Notwithstanding, the amount of POS associated with each dwelling meets the qualitative guidelines of CW PDC 167, in being directly accessible from the main living areas of the dwelling, being of an appropriate grade and suitable for intended use.</p> <p>It is also noted that the subject site is in proximity to public open space, being Tregenza Oval, which is easily accessible by the occupants of the dwellings.</p>
<p>Amenity O11, 20–22 PDC 14–18, 52-69, 170-173</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> Local amenity is not considered to be impaired as a result of the proposed development, in terms of the appearance of land and buildings, as per CW Objective 20. Streetscape amenity is maintained via appropriate setbacks from the front property boundaries and the massing and proportions of buildings, as per CW PDC 57.
<p>Privacy PDC 22, 174–176</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> Upper level windows are set at 1.7 metres above the upper floor level, in excess of CW PDC 176(d). The ensuite window to the upper level northern side elevation to each dwelling is conditioned to incorporate fixed obscure glazing to a minimum height of 1.7 metres above upper floor level.
<p>Access and On-Site Car Parking PDC 177–182</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> Driveways are proposed to be a width of 4.5 metres at the road boundary, in accordance with CW PDC 178. The development requires a minimum of 2 on site car parking spaces per dwelling, in accordance with CW PDC 182 and Table Bur/5. Each dwelling includes a double width garage under the main roof and sufficient space for an additional car to be parked within the driveway. Council's Traffic Engineer is satisfied with the proposed development in terms of car parking and access arrangements. Council's Tree Management Officer has consented to the removal of one street tree to accommodate access for proposed

	Residence 3, subject to conditions and the granting of the Section 221 authorisation under the Local Government Act.
Access to Sunlight PDC 21, 183–186	<p>Satisfied.</p> <ul style="list-style-type: none"> CW PDC 21 states that the design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space. In the case of the proposal, majority of the impacts are contained within the subject site of the development. Given the orientation of the allotments, majority of the north facing habitable room impacts are internal to the proposed development. At 9am and 12pm there is minimal impact to external adjoining properties. <p>At 3pm, the majority of shadow to the adjoining property at 27 Austral Avenue relates to the driveway and car parking areas, whereby the impact is not considered unreasonable. Similarly, the impact to the adjoining property at 4 Booth Avenue results in partial shadows to the western side elevation of the dwelling, and existing solar panels, which are considered to be minimal in the context of CW PDC 21.</p> <ul style="list-style-type: none"> The proposed development will have little to no impact on the primary private open spaces of external adjoining properties, and partial impacts to the subject internal development, allowing for at least 2 hours of available sunlight to the private open space areas of each dwelling as per CW PDC 184.
Fences and Retaining Walls PDC 190–194	<p>Satisfied.</p> <ul style="list-style-type: none"> The proposed dwellings are all sited at varied bench levels that correspond to the fall of the land across the site as a whole. As such, maximum retaining walls of 0.5 metres are proposed to accommodate site works. <p>Retaining walls as they relate to the outer eastern and southern boundaries relate to cut only, are of reasonable heights in the context of residential development and are not anticipated to have any visual impact outside the subject land.</p> <p>Retaining walls internal to the development, namely between Residences 1 and 2, and Residences 2 and 3 vary from 0.5 metres to 0.2 metres.</p> <p>It is noted that retaining walls of less than 1 metre in height is not development in its own right and as such not included in the description of the nature of development.</p> <ul style="list-style-type: none"> Fencing is not proposed to be included in the application. It is noted that fencing and retaining walls with a cumulative height in excess of 2.1 metres is development and will require a separate development application.
Safety and Security PDC 195–198	Satisfied.
Water Conservation PDC 200–201	Satisfied.
Energy Conservation PDC 31-32	Satisfied.

<p>Trees and Other Vegetation O 24-28 PDC 77-92</p>	<p>Satisfied.</p> <ul style="list-style-type: none">• There are no regulated or significant trees on the subject land or within 15 metres of the subject land.
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APPENDIX 3

DEVELOPMENT DATA TABLE

Site Characteristics	Proposed			Guideline
<i>Site Area</i>	Residence 1 350m ²	Residence 2 350m ²	Residence 3 350m ²	350m ²
<i>Street Frontage</i>	Residence 1 14.38m	Residence 2 13.65m	Residence 3 13.65m	15m
Design Characteristics	Proposed			Guideline
<i>Site Coverage</i>				
- Buildings only	Residence 1 41% (143.26m ²)	Residence 2 41% (143.26m ²)	Residence 3 41% (143.26m ²)	40%
- Buildings and driveways	Residence 1 48.6% (170.26m ²)	Residence 2 48.6% (170.26m ²)	Residence 3 48.6% (170.26m ²)	50%
- Total floor area	Residence 1 65.3% (228.53m ²)	Residence 2 65.3% (228.53m ²)	Residence 3 65.3% (228.53m ²)	50%
<i>Building Height</i>				
- storeys	Residence 1 2 storey	Residence 2 2 storey	Residence 3 2 storey	2 storeys
- metres	Residence 1 7.8m	Residence 2 7.8m	Residence 3 7.8m	9m
<i>Set-backs</i>				
<i>Lower Level</i>				
- front boundary	Residence 1 6m	Residence 2 6m	Residence 3 6m	6m
- side boundary	Residence 1 2.64m (northern side) – secondary street boundary 1.86m (southern side)	Residence 2 1.91m (northern side) 1.7m (southern side)	Residence 3 1.86m (northern side) 1.7m (southern side)	2m
- rear boundary	Residence 1 4.5m	Residence 2 4.5m	Residence 3 4.5m	4m
<i>Upper Level</i>				
- front boundary	Residence 1 6m	Residence 2 6m	Residence 3 6m	6m
- side boundary	Residence 1 2.64m (northern side) – secondary street	Residence 2 1.91m (northern side) 2.81m (southern side)	Residence 3 1.86m (northern side) 2.81m (southern side)	4m

	boundary 2.81m (southern side)			
- rear boundary	Residence 1 10.1m	Residence 2 10.1m	Residence 3 10.1m	8m
<i>Boundary Wall</i>				
- length	Residence 1 6m	Residence 2 6m	Residence 3 6m	8m
- height	Residence 1 2.6m	Residence 2 2.6m	Residence 3 2.6m	3m
<i>Private Open Space</i>				
- percentage	Residence 1 46.2% of TFA (105.6m ²)	Residence 2 36.3% (83.04m ²)	Residence 3 36.3% (83.04m ²)	50% of TFA
- dimensions	Residence 1 4.5m x 14.38m	Residence 2 4.5m x 13.65m	Residence 3 4.5m x 13.65m	5m x 8m
<i>Car Parking and Access</i>				
- number of parks	Residence 1 3	Residence 2 3	Residence 3 3	2
- width of driveway	Residence 1 4.5m	Residence 2 4.5m	Residence 3 4.5m	4.5m
- width of garage/carport door	Residence 1 33.4% (4.8m)	Residence 2 35.1% (4.8m)	Residence 3 35.1% (4.8m)	33%

DEVELOPMENT APPLICATION

Application Number:	<i>180\0010\17</i>
Applicant:	<i>Mr J Camerlengo</i>
Location:	<i>26 Katoomba Road, Beaumont</i>
Proposal:	<i>Construction of two storey detached dwelling including portico, verandah, balcony, retaining walls and fencing</i>
Zone/Policy Area:	<i>Residential Zone Residential Policy Area 27 Development Plan consolidated 08 December 2016</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category 2 Two (2) representations received</i>
Appeal Opportunity	<i>Applicant only, no third party appeal rights</i>
Referrals – Statutory:	<i>N/A</i>
Referrals – Non Statutory:	<i>Engineering Services</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>Development Plan Consent be granted</i>
Recommending Officer:	<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 Contemporary two storey detached dwelling on a vacant corner allotment, featuring three bedrooms, double garage, entry portico, verandah, balcony, retaining walls and fencing.

2. BACKGROUND

Council records show four previous applications processed by Council in recent years in relation to the subject land:

- DA 180\0844\07 – Two storey dwelling – Approved;
- DA 180\0269\11 – Two storey dwelling – Approved;
- DA 180\1176\13 – Demolition of existing dwelling – Approved; and
- DA 180\0483\14 – Two storey dwelling – Approved.

Demolition of the existing dwelling has since been completed, however all three dwelling approvals have lapsed.

The current proposal, Development Application 180\0010\17, was lodged with Council on 06 January 2017, by M Camerlengo, on behalf of the registered owners of the land. The proposal was determined to be a Category 2 development for the purposes of public notification, to be assessed on merit against the provisions of the Burnside (City) Development Plan.

The application was made available for public viewing in late February 2017 during which time Council received two written submissions expressing concerns in relation to the proposed development. A copy of these submissions was forwarded to the applicant, who has responded in writing.

As part of Council's internal assessment process, the proposal was also referred to Engineering Services to assess the impact of development on local infrastructure and to assess the location of the driveway across the verge.

Pursuant to Council's Delegation Policy, the application is now presented to the Panel for consideration as a Category 2 development with unresolved representations.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a regular shaped allotment at the intersection of Katoomba Road and Schebella Court, in the suburb of Beaumont. The land has an overall area of approximately 777m², a width of 19.5m, a depth ranging 39.6m and a corner cut-off.

The land is elevated above the road reserve by approximately 1.2m at the north-western corner and lowers to approximately 400mm near the eastern boundary. The topography incorporates a moderate upward slope from the northwest corner to the southeast corner with a difference in levels of approximately 1.6 overall.

The land has been cleared of all buildings and vegetation, and is currently vacant.

3.2. Locality

The locality is wholly contained within the Residential Zone of the City of Burnside, towards the northern end of Residential Policy Area 27 – Southern Foothills (RPA 27). The locality comprises those allotments with a direct frontage to Katoomba Road and Schebella Court within a 60m radius from the subject land.

Allotments within this locality are varied between regular and irregular in shape and range in size between 400m² and 2,000m². The local streetscape character is comprised mainly of detached dwellings on individual allotments, with widely varying architectural styles, building heights and set-backs. The locality is strongly influenced by its proximity to the Hills Face Zone and the steep and varied topographical features. Local amenity is enhanced by wide grassed verges and well-landscaped front gardens.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 27 Principle of Development Control 10 (a), (c)
Representations Received:	<ul style="list-style-type: none"> • Emma Brown - 27 Katoomba Road, Beaumont (wish to be heard) • Pamela Michelmore - 28 Katoomba Road, Beaumont (do not wish to be heard)
Third Party Appeal Opportunity:	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 site of development is an existing Torrens Title allotment within the Residential Zone that satisfies the relevant land size criteria prescribed in RPA 27 for the accommodation of a single self-contained detached dwelling. The development maintains and continues the established residential use of the site (existing dwelling has been demolished) 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 seeks to maintain and enhance a residential character primarily derived from low density allotments with dwellings in a variety of styles that are medium to large in scale of split-level or multi-storeyed construction. Many dwellings are constructed

on elevated land and orientated to take advantage of views across the Adelaide Plains which is a design response that is envisaged and encouraged by the policy area.

In terms of architectural style and form, the proposed building offers a Contemporary façade to the streetscapes of Katoomba Road and Schebella Court. Although the immediate locality includes dwellings of generally modest proportions of the post war era and conventional architecture, the streetscapes of Katoomba Road and Schebella Court, in proximity to the subject land, contain numerous examples of two storey development which include buildings of strikingly Contemporary architectural style.

In terms of siting, the proposed dwelling fails to achieve an 8 metre front set-back as envisaged for the policy area, but remains generally compatible with the open streetscape character due in part to the prominence of floor to ceiling fenestration within the façade, the flat roof design, modest ceiling heights and unfenced front yard. The proposed dwelling also aligns well with the neighbouring dwelling to the south, thereby enhancing the relationship between buildings on the eastern side of Katoomba Road.

The dwelling is suitably set back from the secondary road frontage (Schebella Court) in a manner that meets or exceeds the 3 metre set-back guideline for dwellings on corner allotments. As with the main façade, the proposed dwelling exhibits a high degree of fenestration and articulation, which reduces the visual massing of the building, while the horizontal proportions of the ground floor reflect the modest scale of residential development within the locality.

To the south, the external walls of the dwelling will exceed the 2 metre guideline to the ground floor (2.2 metres), which provides sufficient separation from the neighbouring dwelling at 28 Katoomba Road. The first floor will have a reduced set-back of 3.3 metres to the southern boundary, but the depth of the first floor is limited relative to the depth of the subject land. The proposed dwelling is also to be set down approximately 700mm below the level of the neighbouring dwelling and the modest external wall and building heights suggest visual impacts are within reason.

To the east, the reduced rear set-back of the garage is not viewed as problematic given that this relates to the neighbouring property's side boundary and the finished levels position the development at a considerably lower finished level than the neighbouring building. Visual impacts associated with this aspect of the development are considered to be acceptable.

7.3. Site Functionality/Agency Referrals

The extent of the building footprint meets Council guidelines for both ground and total floor area site coverage. The building envelope is generally acceptable in the context of its relationship with the streetscape and adjoining buildings and does not impose unreasonable visual impacts on adjoining residents. The extent and configuration of private open space allocated to the northern and south-eastern sides of the dwelling are generally compatible with the prescribed criteria, albeit not achieving the 50% area guideline for private open space as a percentage of the total dwelling floor area. The private open space is largely configured to achieve northern sunlight access and provides a satisfactory distribution of space for the future occupants of the dwelling.

The development also retains sufficient off-street vehicle parking provisions in excess of Table Bur/5 guidelines for residential development, which assists in minimising parking congestion along nearby Council roads. The existing crossover on Schebella Court is to

be modified allowing for better alignment with the garage entrance. This will need to be formalised through the Section 221 process should development plan consent be granted.

7.4. Public Notification

The proposal was made available for public viewing on account of the two storey form and finished floor level siting relative to existing ground levels. During the notification period Council received two (2) written submissions from the owners of adjoining land to the south (28 Katoomba Road) and west (27 Katoomba Road).

The neighbour to the south has identified concerns regarding the cost and timing of proposed fencing works along the southern boundary of the subject land. The neighbour also expressed concerns regarding overlooking from first floor windows and queried the extent of shadow to be cast over her garden.

The applicant has provided a written response acknowledging these concerns and confirming their intention to resolve any fencing issues to the satisfaction of all parties. The applicant has confirmed the windows in question will be fixed and obscured to restrict overlooking and that the development was designed in consultation with an accredited energy professional to avoid excessive overshadowing. Accordingly, efforts have been taken to avoid interference with the neighbour's roof-mounted solar panels and to preserve sunlight access to northern facing window and areas of private open space in accordance with Development Plan standards.

Council is satisfied with the applicant's response to these concerns and is of the view that the proposal is sufficiently in accordance with the relevant policies of the Development Plan to warrant consent. The fencing proposed is neither excessive in height or out of character with existing examples within the locality. Overlooking to the rear yard of 28 Katoomba Road will be restricted by Condition 2. The degree of shadow cast by the proposed development is not considered excessive or likely to unreasonably impact 28 Katoomba Road outside the standards of the Development Plan based on details submitted for assessment.

The neighbour to the west has identified concerns regarding building height, bulk, scale and siting. The representor contends that the two storey form is inappropriate for this corner site and that the built up nature of the land will emphasise building mass and scale when viewed from the street. Concerns have also been raised in relation to the potential for overshadowing of the neighbouring property to the south and in relation to overlooking of the representor's rear yard across Katoomba Road.

The applicant has responded to these concerns by highlighting the variety of dwelling ages and architectural styles within the locality. The applicant also contends that the existing site levels have not been unnecessarily altered or increased, and that other dwellings on the eastern side of Katoomba Road sit at a similar elevated position relative to the road carriageway. The applicant does not share the view that privacy screening is required across the west-facing windows of the proposed dwelling as the development faces the public road.

Council is satisfied that the proposal is sufficiently in accordance with those policies of the Development Plan which address building form, style, height and siting. The land is located in RPA 27, one of only two policy areas within the City of Burnside that envisage "*detached dwellings, medium-to-large in scale, with split-level or multi-storeyed construction*" and "*many dwellings on elevated land and orientated to take advantage of views across the Adelaide Plains*" as the primary objectives. The raised level of the

dwelling relative to road level is also considered somewhat typical of properties along the eastern side of Katoomba Road. Whilst the dwelling sits above the adjacent verge, it will remain sunken below the level of each of the neighbouring properties to the south and east, which reflects the fall of the Katoomba Road towards the northwest.

With regard to the potential for overlooking to the rear yard of 27 Katoomba Road, it is generally accepted that windows and balconies do not require screening where they are orientated towards the public realm. Conversely, this arrangement is generally encouraged as it facilitates casual surveillance over the street, enhances safety and promotes a sense of community.

Looking at the upper level floorplan, there are two bedrooms and a void between them. Unlike other primary living spaces, bedrooms are typically occupied with less frequency and at alternative times to the occupancy of private open space. The void area restricts overlooking opportunities from the central first floor windows. This, combined with the distance afforded by Katoomba Road, approximately 23 metres, the screening provided by the canopies of intervening street trees and the difference in relative levels between the two sites, suggests the development will not permit direct and unreasonable overlooking of the representor's land.

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\0010\17, by Mr J Camerlengo, 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 south facing 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 1.6m 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.

- 4 The approved works may not commence until such time as the applicant has secured written authorisation for the construction of the new driveway crossover from the Council pursuant to Section 221 of the *Local Government Act 1999*.

Reason:

To ensure the applicant has secured all relevant consents/authorisations required prior to the commencement of development.

- 5 The 1.8 metre high louvered balcony screen as depicted on the stamped and approved plans granted Development Plan Consent described as East Elevation 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.

- 6 The landscaping delineated on the stamped and approved plans shall 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.

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 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 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 27 Objectives:

Objective 1:

Enhancement of the low density, open residential and foothills character that is derived from:

- (a) the topographic and other natural features of the foothills location, and dwellings in a variety of architectural styles (typically, detached dwellings, medium-to-large in scale, with split-level or multi-storeyed construction);*
- (b) many dwellings on elevated land and orientated to take advantage of views across the Adelaide Plains;*
- (c) moderate to deep building set-backs from roads, well-vegetated and generally unfenced front gardens;*
- (d) proximity to the natural character of the adjoining Hills Face Zone;*
- (e) a pattern of development, including the division of land, that varies considerably with the topography (the Policy Area contains some of the steepest land in the Council area), commonly imposing significant constraints on efficient development, access and servicing (to the extent that on some steep sites, a carport may need to be located between a dwelling and the road, subject to siting and design to minimise visual impact); and*
- (f) a transition in character and dwelling density between steep land near the Hills Face Zone, where allotments are large and irregularly-shaped, and lower slopes, where there are more regular, compact patterns of land division and generally consistent building set-backs and orientation towards roads.*

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 which, due to its elevation, gradient and aspect, is visible from the Adelaide Plains or main public vantage points in the foothills;*
- (b) on land adjacent to the Hills Face Zone, or other open land where there may be significant risk of bushfire;*
- (c) on sites containing or affected by historic mining works;*
- (d) on filled land, such as the former Dashwood Road Dump at Beaumont;*
- (e) on land containing remnant indigenous vegetation;*
- (f) on steep land with limited development and access opportunities, in particular, land fronting the section of Sunnyside Road between Gill Terrace and Wheal Gawler Street, on the eastern side of Wheal Gawler Street; and*
- (g) in the "Burnside Park Estate" (centred on Ifould Drive and Burnalta Crescent), where specific encumbrance provisions apply.*

Objective 2:

Development designed and sited so that the appearance of the foothills visible from the Adelaide Plains is not impaired.

Subject: DP Ref	Assessment:
Desired Land Use O 1-2	Satisfied. <ul style="list-style-type: none"> • Residential land use. • No change in density given that the allotment already exists. • The development will not impair the appearance of the foothills when viewed from the Adelaide Plains.
Local Compatibility PDC 1	Satisfied. <ul style="list-style-type: none"> • The proposal involves the construction of a new detached dwelling of medium scale and of multi-storeyed construction as per Objective 1(a). • The dwelling will be sited on elevated land and orientated to take

	<p>advantage of the Adelaide Plains as per Objective 1(b).</p> <ul style="list-style-type: none"> • The development is sufficiently compatible with the “moderate to deep building set-backs” envisaged, and provides a well landscaped and generally unfence front garden as per Objective 1(c). • The land is situated at sufficient distance from the Hills Face Zone and is not anticipated to impair the appearance of the foothills when viewed from the Adelaide Plains.
<p>Site Areas and Frontages PDC 3–5</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> • Existing allotment historically associated with a detached dwelling and of sufficient area and frontage to accommodate development in accordance with the objectives of the policy area.
<p>Site Coverage PDC 6</p>	<p>Departure.</p> <ul style="list-style-type: none"> • The development exceeds the 33% guideline for the building footprint, but not to a substantial degree (40%). • The extent of site coverage proposed is not considered out of character for the locality and has not impaired the development’s ability to secure appropriate built form set-backs.
<p>Building Set-backs PDC 7</p>	<p>Departure.</p> <ul style="list-style-type: none"> • PDC 7 states that buildings should be set back not less than 8 metres from the boundary of a road. • The proposed development fails to provide an 8 metre set-back, however is generally compatible with the siting of nearby dwellings within the locality.

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 8:

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

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 1–8 PDC 1	Satisfied. <ul style="list-style-type: none"> • See policy area comments for further detail.
Building Appearance PDC 2–4	Satisfied. <ul style="list-style-type: none"> • The subject land was cleared as part of a demolition application approved by Council in January 2014. • The development is sited to permit long-term landscaping along both street frontages. Through appropriate selection it is possible to establish vegetation that complements the scale and proportions of that building. • The dwelling will be finished in a combination of stone and selected render. These are not viewed as highly reflective surfaces and therefore, in themselves, are not anticipated to cause unreasonable nuisance to residents in the locality. • The design steps down from two-storey form to single storey at the rear and at the garage, which assists with the visual transition to the single storey dwelling to the east. • The ground floor of the proposed dwelling has been sited above the nearby verge, but below that of the neighbouring dwellings to the south and east. This is a satisfactory outcome and avoids extensive earthworks around the dwelling curtilage.
Design for Topography 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.

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 52-60	Satisfied.
Design and Appearance O 11 PDC 14-18, 23-28	Satisfied.
Building Set-backs PDC 161-163	<p><u>Side Set-backs</u> Satisfied/Departure.</p> <ul style="list-style-type: none"> • <p><u>Rear Set-backs</u> Satisfied/Departure</p> <ul style="list-style-type: none"> • The ground floor fails to provide a 4 metre rear set-back to the eastern boundary, however this is often the case with corner allotments where garaging is provided from the secondary frontage. • The siting of the garage is not anticipated to put the neighbouring property to the east at any substantive disadvantage as the neighbouring land sits on a raised level and abuts the neighbour's own garage wall. • The first floor component has a rear set-back of more than 17 metres, which more than doubles the guideline distance.
Building Height PDC 164	Satisfied.
Site Coverage PDC 165	<p>Departure.</p> <ul style="list-style-type: none"> • The total floor area of the proposed dwelling exceeds the 50% guideline (56%). • The extent of the departure is not considered fatal given that the development maintains adequate boundary set-backs and is not visually imposing or out of scale with its surroundings.

<p>Private Open Space PDC 166, 169</p>	<p>Departure.</p> <ul style="list-style-type: none"> • The development provides two outdoor areas of private open space; one towards the southeast corner, one adjacent the secondary road frontage on the northern side of the dwelling. • Despite failing to meet the 50% floor area ratio the areas of private open space provided are considered reasonable and proportionate to this three bedroom dwelling.
<p>Amenity O11, 20-22 PDC 14-18, 52-69, 170-173</p>	<p>Satisfied.</p>
<p>Privacy PDC 22, 174-176</p>	<p>Satisfied.</p>
<p>Access and On-Site Car Parking PDC 177-182</p>	<p>Satisfied.</p>
<p>Access to Sunlight PDC 21, 183-186</p>	<p>Satisfied.</p>
<p>Fences and Retaining Walls PDC 190-194</p>	<p>Satisfied.</p>
<p>Safety and Security PDC 195-198</p>	<p>Satisfied.</p>
<p>Water Conservation PDC 200-201</p>	<p>Satisfied.</p>
<p>Energy Conservation PDC 31-32</p>	<p>Satisfied.</p>

APPENDIX 3
DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Site Area</i>	777m ²	750m ²
<i>Street Frontage</i>	19.5m (not including cut-off)	20m
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	40.1%	33%
- Buildings and driveways	44.9%	50%
- Total floor area	56.2%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	5.3m (portico) 7.1m (main building)	8m
- side boundary	2.2m (s) 3.5m (secondary)	2m
- rear boundary	0.95m	4m
<i>Upper Level</i>		
- front boundary	5.7m	8m
- side boundary	3.3m (s) 3.5m (secondary)	4m
- rear boundary	17.2m	8m
<i>Private Open Space</i>		
- percentage	34%	50%
- dimensions	9.4m x 12.2m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	3	2
- width of driveway	6.2m	4.5m
- width of garage/carport door	15.3%	33%

DEVELOPMENT APPLICATION

Application Number:	180\1153\16
Applicant:	G J Ambrose-Pearce
Location:	27 Davenport Terrace Hazelwood Park
Proposal:	Construction of two storey detached dwelling including cellar, store, carport, verandahs, swimming pool, balconies and fencing
Zone/Policy Area:	Residential Zone Residential Policy Area 15 Development Plan consolidated 08 December 2016
Kind of Assessment:	Merit
Public Notification:	Category 2 Three (3) representations received
Appeal Opportunity	Applicant only, no third party appeal rights
Referrals – Statutory:	N/A
Referrals – Non Statutory:	Engineering Services
Delegations Policy:	Unresolved representations
Recommendation:	Development Plan Consent be granted
Recommending Officer:	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
- Applicant's response to representations
- Photographs

1. DESCRIPTION OF PROPOSAL

The applicant seeks development plan consent for the construction of a contemporary two storey detached dwelling on an existing residential allotment on the northern side of Davenport Terrace, Hazelwood Park.

The proposed dwelling features five bedrooms each with ensuite, triple carport, storeroom, swimming pool, verandahs, balconies, cellar/gym and front fencing.

2. BACKGROUND

No previous development applications registered against the subject land have direct relevance on the current proposal.

Development Application 180\1153\16 was lodged with Council on 12 December 2016 by the registered owner of the land. The proposed development was determined to be category 2 for the purposes of public consultation and to be assessed on merit against the Burnside (City) Development Plan.

The application was made available for public viewing between 16 December 2016 and 09 January 2017, during which time three written submissions were submitted to Council with concerns about the proposed development. The applicant responded through Masterplan Town and Country Planners with a revised proposal that essentially 'flipped' the floorplan.

Following review of the amendments Council determined that a second round of public consultation was warranted. The application was subsequently made available for a second time in late February-early March 2017 during which time the same three neighbours responded with updated written submissions. Again, a response was prepared by Masterplan on behalf of the applicant.

Both iterations of the proposal were also referred to Council's engineers for consideration of access and stormwater matters pertaining to the development.

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

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a rectangular shaped allotment of considerable size on the northern side of Davenport Terrace, Hazelwood Park. The land has an approximate area of 1230 square metres, a frontage width of 21.3 metres and a depth of 57 metres. The land is predominantly flat with a minor rise towards the rear.

The land is currently occupied by a single storey interwar Bungalow with an ancillary outbuilding within the rear yard. The existing dwelling is not a State or Local Heritage Place nor is it a Contributory Item which only exist within the Historic Conservation Zone. Demolition of the existing dwelling does not attract a planning assessment and would be processed pursuant to Schedule 1A of the *Development Regulations 2008*, attracting an assessment against the Building Code of Australia only.

A moderate extent of vegetation can be observed within the front and rear yards, including medium sized (non-regulated) trees in the front and rear yards, which contribute to the character of the locality.

3.2. Locality

The subject land is located within the Residential Zone of the City of Burnside, towards the northern end of Residential Policy Area 15 – First Creek (RPA 15). The locality is comprised of residential development surrounding Hazelwood Park, a State Heritage listed reserve, and characterised predominantly by a variety of single storey and two storey detached dwellings on individual allotments orientated towards the reserve.

Allotments are generally rectangular in shape with an area exceeding 1000m² and a single frontage to the public road. The streetscape of Davenport Terrace features an interesting mix of single storey interwar bungalow housing stock and a number of later two storey development ranging in age from the 1970s to early 2000s.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 15 Principle of Development Control 8 (a)
Representations Received:	<ul style="list-style-type: none"> • Paul Kirchner (c/- URPS) - 25 Davenport Terrace, Hazelwood Park (wish to be heard) • Isobel Barrett - 29 Davenport Terrace, Hazelwood Park (wish to be heard) • Jillian Properjohn - 7 Maud Street, Hazelwood Park (wish to be heard)
Third Party Appeal Opportunity:	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 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 detached dwelling.

The development seeks to maintain and enhance this established and lawful use of the land by replacing the existing building with a new Contemporary two-storey dwelling of a high design standard, together with common associated residential features.

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

7.2. Character and Amenity

The Development Plan seeks to maintain and enhance a low density residential character derived particularly from primarily single-storeyed detached dwellings, from the interwar and post-war periods, with a number of scattered two-storeyed dwellings of more recent architectural expression, moderate to deep building set-backs, well-landscaped gardens, and indigenous eucalypt trees.

The proposed development seeks to maintain the established low density residential character by maintaining the current use of the land associated with a single detached dwelling. The design does not reflect architectural features of the interwar and post-war dwelling styles present throughout the locality, but instead offers a modern presentation of a high architectural standard which contributes more broadly to the range of dwelling styles fronting Hazelwood Park. The proposed dwelling is considered to maintain and enhance the character of the policy area and contributes to the sense of place that is befitting of the scale of the reserve.

The two storey height and form accords with Council-wide building height guidelines, is consistent with local character as described by Objective 1 (a) and is consistent with the nature of development fronting Davenport Terrace, in which almost half the dwellings are also two storey. Through their response to the representation, the applicant has demonstrated how the proposed building envelope is largely consistent with the boundary set-back guidelines of the Development Plan, despite the arguably bulky two storey presentation which comes with a flat roof, sheer two storey design.

In terms of impacts to adjoining land, the applicant proposes substantial evergreen screening along both side and rear boundaries to provide privacy and a landscaped perimeter to enhance the visual amenity of adjoining residences. The planting of screen landscaping is envisaged by the Development Plan as a suitable means of addressing the potential for overlooking of neighbouring properties. Based on details provided by the applicant Council is generally satisfied that overlooking from the first floor balcony and living areas can be appropriately managed and accord with Council Wide principle of development control 176.

The proposed development will likely have an overshadowing effect on the western neighbour in the mornings and the eastern neighbour in the afternoons, but neither would be adversely impacted by the development beyond the standards of the Development Plan due to the north / south orientation of the allotments.

7.3. Site Functionality/Agency Referrals

The development is largely consistent with the relevant quantitative guidelines of the Development Plan and constitutes a workable and practical planning solution for the land.

The proposed dwelling is to be accompanied with a suitable area of private open space at ground level towards the rear, as well as additional open balcony floor space overlooking Hazelwood Park. Private open space provisions fall moderately short of the 50% floor area guideline ratio, but given the clearly functional aspects of the private open space areas and proximity of Hazelwood Park, the future occupants will have direct access to an abundance of outdoor recreation areas.

The shortfall in open space is not anticipated to adversely impact the neighbouring properties either, given that the shortfall is largely due to the elongated design of the floorplan and not an absence of sufficient boundary set-backs. The total floor area of the dwelling is moderately higher than the 50% guideline for site coverage, but this is largely attributable to the inclusion of a sub-level featuring a cellar and gym, as well as open balcony floor space which contributes little to visual bulk and massing.

In terms of finished floor levels, the proposed dwelling is compatible with the siting of adjacent dwellings and does not rely on retaining walls and substantial earthworks as the land is already fairly flat. There are no apparent obstacles to releasing stormwater to the street water table in accordance with Council guidelines and no additional requirements have been identified by Council's engineers.

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 Davenport Terrace or cause significant nuisance to nearby residents or other users of land. The flipping of the design also enables the development to utilise the existing driveway crossover, albeit in modified form. Council's engineers have not signalled any impediments to the access arrangements, which can be finalised through the Section 221 authorisation process should approval be granted.

7.4. Public Notification

The proposal was classified as a category 2 development on account of the two storey form of the proposed building. As discussed under the heading 'Background', the application was made available for public viewing on two separate occasions in response to substantial changes advanced after the initial round of consultation in which the floorplan was flipped so as to be a mirror image of the original design.

The neighbour to the east (29 Davenport Terrace) has identified concerns in relation to sunlight access to the west-facing windows of her dwelling. The applicant has responded through Masterplan confirming that the orientation of the allotments is such that the development will not obstruct northern sunlight to 29 Davenport Terrace, and that the distance provided between buildings will afford sufficient opportunity for direct and ambient light to west facing windows.

Council concurs with the applicant's assertions in this respect and does not anticipate unreasonable overshadowing beyond the standards envisaged by the Development Plan. The location of the proposed building relative to the neighbouring dwelling is such that no shadow would be cast in the direction of 29 Davenport throughout the day until the afternoon. The Development Plan also encourages minimising the number and size of west-facing windows to advance energy sustainability.

The neighbour to the east has also identified noise emanating from the "drop off" area on the eastern side of the dwelling as a concern. In response, the applicant has highlighted that the existing dwelling currently includes a driveway and carport on the eastern side of the dwelling which aligns with the neighbour's dwelling. Any noise from this area would likely be the same as the existing scenario and therefore the development is not anticipated to introduce a new or intensified impact in this respect.

The neighbour to the north (7 Maud Street) has identified concerns in relation to the potential for overlooking from the first floor terrace, shortfalls in rear boundary set-backs and the potential for sun glare from selected materials. The applicant proposes a dense evergreen screen to restrict views from the first floor balcony, considers the siting of the

building not to be an excessive departure from the Development Plan guidelines and states that the use of reflective materials has been made sparingly so as not to cause nuisance.

Council is of the view that the siting of the proposed dwelling is not substantially at variance to the Development Plan guidelines and is satisfied the siting will not adversely impact the occupants of 7 Maud Street in terms of visual impact. This is primarily due to the orientation of the neighbouring dwelling to the north, which has its side elevation exposed to the subject land. The spatial separation between the two buildings is greater than that which would be expected along a common side boundary and it is the dwelling at 7 Maud Street itself that has a visually imposing effect as far as the two buildings would relate to one another.

In terms of overlooking opportunities to the north, it is worth noting that the neighbouring dwelling at 7 Maud Street currently overlooks the subject land to a considerable degree. By providing a solid vegetation screen between the two properties the proposed development is anticipated to improve the existing situation and enhance reasonable privacy. If, however, additional screening devices were desired by the Panel in relation to the northern property, an additional condition requiring some form of solid balustrade to the northern edge of the first floor terrace would be a reasonable solution.

The neighbour to the west (25 Davenport Terrace) has submitted written representation prepared by URPS identifying concerns in relation to local character and the suitability of the design, the alignment of proposed boundary set-backs with those envisaged by the Development Plan and the potential for overlooking of the western neighbour from the first floor terrace.

The applicant has responded to the concerns raised by highlighting that the subject land is not located within the Historic Conservation Zone, where a greater emphasis on specific design elements may be warranted. Instead, the applicant suggests the use of terms within the Development Plan such as 'reflect' and 'regard' should not be translated into 'copy' or 'mimic' and that the Development Plan expressly envisages contemporary design as a desired alternative to the reproduction of housing of another era. While the proposed dwelling is clearly contemporary in design, the development remains compatible with other houses fronting the reserve in terms of scale, articulation and spacing.

As discussed within the executive summary, Council is satisfied that the development is sufficiently suitable from a character and amenity perspective.

Council is therefore satisfied that the planning matters raised through the public notification process are sufficiently addressed through the overall design of the development and the changes detailed through the applicant's response, 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\1153\16, by G J Ambrose-Pearce, 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 maintained in good health and condition at all times to the reasonable satisfaction of Council.

The establishment of all landscaping shall be undertaken within three months of the substantial completion of development and in any event prior to the occupation or use of the development. Such landscaping shall be maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

Reason:

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

- 3 The landscape screening as depicted on the stamped and approved plans granted Development Plan Consent shall be planted 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.

- 4 All tree protection measures concerning the regulated Willow Myrtle within the front yard of the neighbouring property at 29 Davenport Terrace as outlined in the arborist report prepared by Gary Moran of Arborman Tree Solutions dated 27 September 2016 shall be undertaken and adhered to at all times during construction of the development.

Reason:

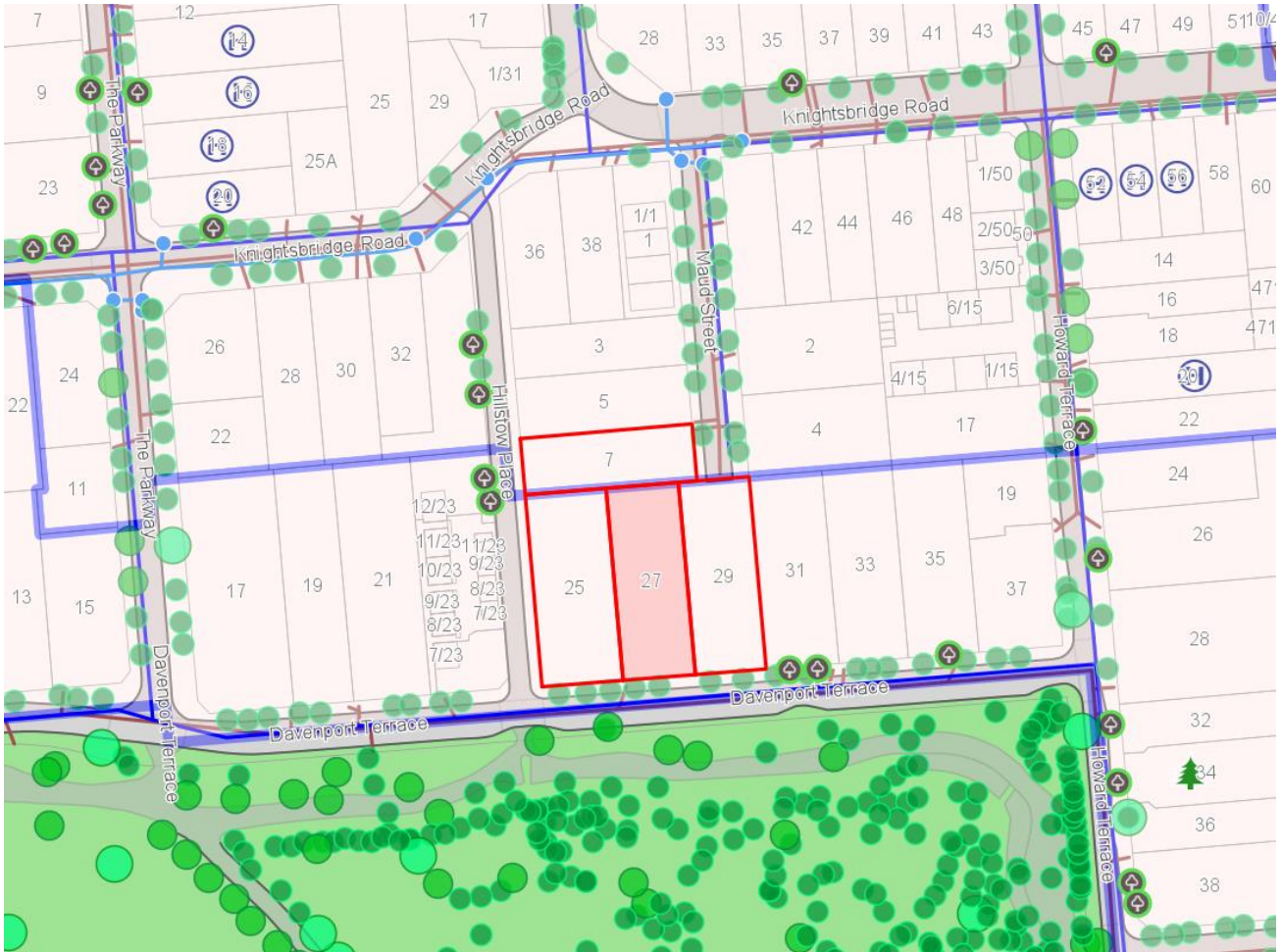
To ensure that no adverse impacts result to the regulated tree on adjoining land.

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 15 Objectives:

Objective 1:

Maintenance and enhancement of a low density residential character that is derived particularly from:
(a) *primarily single-storeyed detached dwellings, from the interwar and post-war periods, near First Creek and surrounding the Hazelwood Park reserve, with concentrations of single-storeyed medium-density dwellings in Tusmore Avenue and a number of scattered two-storeyed dwellings; and*
(b) *grassed verges, moderate to deep building set-backs, well-landscaped gardens, and indigenous eucalypt trees.*

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) *on land with frontage to Greenhill Road; and*
(b) *adjacent to the Local Business Zone and the Local Centre Zone.*

Objective 2:

Protection and enhancement of the natural features of First Creek, its environs, and associated tree cover.

Subject: DP Ref	Assessment:
Desired Land Use O 1, 2	Satisfied. <ul style="list-style-type: none"> • The proposal is residential in nature. • The proposal replaces one dwelling with another and therefore maintains the existing density of the locality. • While not a single storey building, the scattered presence of two-storey dwellings is a recognised feature in the policy area description. • The building design incorporates an appropriate degree of articulation to break up the visual massing of the two-storey form, as well as a diverse range of external building materials to provide visual interest across the façade. • The proposed development offers a modern design of a high standard that will add to the variety of dwelling styles that frame Hazelwood Park reserve. • The proposed dwelling will be provided with a moderate front set-back in line with PDC 6, thereby contributing to the open character. • The development does not impact on local indigenous eucalypt trees, nor does it interfere with the natural features of First Creek, its environs, and associated tree cover.
Local Compatibility PDC 1	Satisfied. <ul style="list-style-type: none"> • The development is considered to appropriately conserve and enhance the overall character promoted by Objectives 1 and 2.
Site Areas and Frontages PDC 2–5	Satisfied.

	<ul style="list-style-type: none">The subject land is an existing residential allotment of sufficient width and area to accommodate a detached dwelling.
Building Set-backs PDC 6	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 8:

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

Subject: DP Ref	Assessment:
Zoning and Land Use O 1–8 PDC 1	Satisfied.
Building Appearance 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.

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 52-60	Satisfied.
Design and Appearance O 11 PDC 14-18, 23-28	Satisfied.
Building Set-backs PDC 161-163	<p><u>Front Set-backs</u> Satisfied.</p> <p><u>Side Set-backs</u> Departure.</p> <ul style="list-style-type: none"> The development fails to accord with prescribed set-back distances at several locations along the east and west sides of the building. The extent of the encroachment in each instance is not considered excessive or likely to cause unreasonable impact on adjoining neighbours. The sections of the building that depart from quantitative guidelines help to punctuate the building façade and create visual interest. <p><u>Rear Set-backs</u> Departure.</p> <ul style="list-style-type: none"> The proposed building encroaches within the prescribed set-back distance at both the ground level and first floor level. The extent of the encroachment is not substantial and is not considered to adversely impact adjoining neighbours.
Building Height PDC 164	Satisfied.
Site Coverage PDC 165	<p>Departure.</p> <ul style="list-style-type: none"> The development complies with building footprint site coverage guidelines, but exceeds total floor area guidelines.

	<ul style="list-style-type: none"> The excess in total floor area is due somewhat to the provisions of a cellar and balconies, which doesn't contribute to an excess in visual massing and bulk.
Private Open Space PDC 166, 169	Departure. <ul style="list-style-type: none"> The proposed private open space provisions satisfy all relevant guidelines except ratio to total floor area. The extent of the departure is not considered excessive or fatal in this instance as the subject land abuts Hazelwood Park reserve, which offers substantial opportunities for leisure and recreational activities.
Amenity O11, 20-22 PDC 14-18, 52-69, 170-173	Satisfied.
Privacy PDC 22, 174-176	Satisfied.
Access and On-Site Car Parking PDC 177-182	Satisfied.
Access to Sunlight PDC 21, 183-186	Satisfied.
Fences and Retaining Walls PDC 190-194	Satisfied.
Safety and Security PDC 195-198	Satisfied.
Water Conservation PDC 200-201	Satisfied.
Energy Conservation PDC 31-32	Satisfied.
Trees and Other Vegetation O 24-28 PDC 77-92	Satisfied.

APPENDIX 3
DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Site Area</i>	1230m ²	625m ²
<i>Street Frontage</i>	21.3m	15m
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	32%	40%
- Buildings and driveways	45%	50%
- Total floor area	62% (including basement) 54% (excluding basement)	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	9m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	8m	8m
- side boundary	4m (e) 1.5m (w)	2m
- rear boundary	3m	4m
<i>Upper Level</i>		
- front boundary	8m	8m
- side boundary	3.5m – 4m (e) 3.4m – 4m (w)	4m
- rear boundary	6.1m	8m
<i>Private Open Space</i>		
- percentage	46.2%	50%
- dimensions	12m x 21m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	3+	2
- width of driveway	3m	4.5m

DEVELOPMENT APPLICATION

Application Number:	180\1210\16
Applicant:	<i>Mahogany Homes Pty Ltd - Michael Bartemucci</i>
Location:	<i>19 Verdale Avenue, Linden Park</i>
Proposal:	<i>Construction of two-storey detached dwelling including rear verandah, portico, retaining walls and fencing</i>
Zone/Policy Area:	<i>Residential Zone Residential Policy Area 21 Development Plan consolidated 08 December 2016</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category 2 One (1) representations received</i>
Appeal Opportunity	<i>Applicant only, no third party appeal rights</i>
Referrals – Statutory:	<i>N/A</i>
Referrals – Non Statutory:	<i>Engineering Services</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>Development Plan Consent be granted</i>
Recommending Officer:	<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
- Photographs

1. DESCRIPTION OF PROPOSAL

The applicant seeks development plan consent for the construction of a two storey detached dwelling including double garage, entry portico, front balcony and rear verandah within Residential Policy Area 21 – Linden Park (RPA 21).

The floorplan features four bedrooms, three bathrooms, lounge, upstairs retreat, open plan living areas. The proposed building will be finished in a selected render with a concrete tiled hipped roof form and overhanging eaves.

The applicant also proposes concrete sleeper retaining walls and 1.8 metre high Colorbond fencing.

2. BACKGROUND

Development Application 180\1210\16 was lodged on 23 December 2016 by Mahogany Homes Pty Ltd 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 22 February 2017 and concluded on 08 March 2017, during which time Council received one (1) written submission from the neighbour directly north of the subject land. The applicant has sought to engage with the representor to resolve their concerns, however at the time of writing the representation remained in place.

As part of the assessment process, the application was also referred to Council's engineers to assess site stormwater management, access 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 Verdale Avenue measuring approximately 18.59 metres, with a depth of approximately 38.6 metres and an overall area of approximately 719.6 square metres. The land drops away from the street in a northwest direction, creating an overall difference of approximately 1.4 metres to the rear.

The site has historically been occupied by a modest single storey detached dwelling constructed during the 1950s in the Conventional style. The dwelling includes a garage constructed to the northern boundary and a domestic outbuilding is located within the rear northwest corner of the land. Vehicle access currently exists at the northern end of the front boundary.

3.2. Locality

The locality comprises properties on both side of Verdale Avenue within approximately 100 metres of the subject land and to a lesser extent those properties fronting Hood Street between Devereux Road and Laurel Avenue.

The locality is exclusively residential in nature, comprised of a mix of detached and semi-detached dwellings on moderate sized rectangular dwellings. The streetscape shows signs of transition, with earlier single storey post-war Conventional dwellings interspersed with recent two storey dwellings of greater scale.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 21 Principle of Development Control 12 (a), (b)
Representations Received:	<ul style="list-style-type: none"> Vangal Mohan - 17A Verdale Avenue (wish to be heard)
Third Party Appeal Opportunity:	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 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 seeks the maintenance and enhancement of the low scale, low-to-medium density character of the policy area derived from residential development, particularly detached dwellings, in a wide variety of styles with moderate building set-backs and generally open, well established front gardens. New dwellings should complement the bulk, scale, siting and positive elements where a distinctive and attractive streetscape character exists.

The development is generally compatible with the policy area characteristics and the quantitative requirements of the Burnside (City) Development Plan and is considered to be an appropriate planning outcome for the subject land that will contribute to the policy area objectives while complimenting the form, style and appearance of existing dwellings within the locality.

In terms of streetscape contribution, the dwelling is suitably set back from the front boundary at a distance that is generally in accordance with the prescribed guidelines and reflective of other dwellings fronting Verdale Avenue. The dwelling sits comfortably within the maximum building height guidelines with a modestly proportioned upper level and has been sited relative to natural ground level in a manner that complements the height of buildings within the street while striking a suitable balance with the slope of the land.

Façade articulation and healthy solid: void ratios have been incorporated to add visual interest and soften the building's mass and scale. Complementary architectural features, such as the entry portico, front balcony and hipped roof structure have also been included, which facilitates better integration with the existing housing stock.

In terms of impacts on neighbouring properties, the proposed dwelling is appropriately sited in relation to side and rear boundaries and falls well below maximum site coverage guidelines. The proposed construction of the garage along the northern side boundary is generally in accordance with Development Plan guidelines, while the side and rear upper level windows are all set above the prescribed minimum sill height in order to restrict overlooking of neighbouring properties.

Although a degree of shadow is expected to be cast towards the property to the south of the subject land, the applicant has demonstrated that this is largely unavoidable due to the proximity of the southern neighbour's dwelling to the southern boundary of the subject land and the east-west orientation of allotments fronting Verdale Avenue.

7.3. Site Functionality / Agency Referrals

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. The land also retains a private open rear yard that complies with the desired floor area ratio and achieves the various qualitative criteria.

The development provides sufficient 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 Verdale Avenue or cause significant nuisance to nearby residents or other users of land. Council's Engineering Services have reviewed the proposal and are satisfied with the design.

7.4. Public Notification

The proposal was determined to be a category 2 development for the purposes of public consultation on account of the two storey form of the building and the siting of the garage wall on the northern side boundary.

The application was made available for public viewing in late February and early March, during which time Council received one written submission from the adjoining neighbour to the north (17A Verdale Avenue) expressing concerns primarily in relation to the siting of the garage on their common boundary, fencing matters and overlooking.

The applicant has responded in writing and 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\1210\16, by Mahogany Homes Pty Ltd - Michael Bartemucci, 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 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:**
 - 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

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 21 Objectives:

Objective 1:

Maintenance and enhancement of the low scale and low-to-medium density residential character that is derived particularly from:

- (a) residential development, including detached dwellings, in a wide variety of styles, predominantly of the interwar period, near Greenhill Road, and the post-war period;
- (b) limited opportunity for a greater range and increased density of residential development, notwithstanding the proximity of the Policy Area to the District Centre Zone and to public transport services;
- (c) moderate building set-backs to streets; and
- (d) generally open, well-established, front gardens, and grassed verges.

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) on land with frontage to Portrush Road and to Greenhill Road, including the two unbuilt-on and partly landscaped allotments of Council-owned on the corner of those roads; and
- (b) in the interface with the Local Centre Zone.

Subject: DP Ref	Assessment:
Desired Land Use O 1	Satisfied. <ul style="list-style-type: none"> • Continued residential use of existing residential allotment.
Local Compatibility PDC 1	Satisfied. <ul style="list-style-type: none"> • The proposal is residential in nature. • There will be no increase in density. • The development is two storeys in form and presentation. • Two storey development is a well-established characteristic of the locality and broader policy area. • The adequate front set-back complements the siting of adjacent buildings and contributes to the open streetscape character of the locality. • Opting for a hip roof with overhanging eaves draws similarities with existing roof structure designs within the streetscape.
Site Areas and Frontages 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 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.

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 1–8 PDC 1	Satisfied.
Building Appearance PDC 2–4	Satisfied.
Design for Topography 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.

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 52-60	Satisfied.
Design and Appearance O 11 PDC 14-18, 23-28	Satisfied.
Building Set-backs PDC 161-163	<p><u>Front Set-backs</u> Departure.</p> <ul style="list-style-type: none"> • Modest encroachment of the front portico. • The main building is set back beyond the 6 metre guideline with the garage stepped back further still. <p><u>Side Set-backs</u> Departure.</p> <ul style="list-style-type: none"> • The first floor will have a southern side set-back of 3.2 metres, which fall 800mm short of the guideline. • The shortfall does not create an adverse streetscape impact as the overall proportions of the building appear well balanced. • The length of the first floor relative to the adjacent boundary is modest and unlikely to produce unreasonable visual impacts. <p><u>Rear Set-backs</u> Satisfied.</p>
Building Height PDC 164	Satisfied.
Site Coverage PDC 165	Satisfied.
Private Open Space PDC 166, 169	Satisfied.

Amenity O11, 20–22 PDC 14–18, 52-69, 170-173	Satisfied.
Privacy PDC 22, 174–176	Satisfied.
Access and On-Site Car Parking PDC 177–182	Satisfied.
Access to Sunlight PDC 21, 183–186	Satisfied. <ul style="list-style-type: none"> • Shadow diagrams provided indicate a degree of shadow cast over the adjoining land to the north at a degree which exceeds the prescribed guidelines. • The applicant has provided additional shadow analysis to demonstrate that the extent of shadow would be largely the same even with a 4 metre upper level side set-back. • The extent of shadow over the southern dwelling is largely attributable to the east-west orientation of allotments on Verdale Avenue.
Fences and Retaining Walls PDC 190–194	Satisfied.
Safety and Security PDC 195–198	Satisfied.
Water Conservation PDC 200–201	Satisfied.
Energy Conservation PDC 31-32	Satisfied.

APPENDIX 3
DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Site Area</i>	719.6m ²	425m ²
<i>Street Frontage</i>	18.59m	12m
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	29.3%	40%
- Buildings and driveways	35%	50%
- Total floor area	41.9%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8.5m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	5.49m (portico) 6.97m (main wall) 7.97m (garage)	8m
- side boundary	1.3m – 3.2m (s) 5.1m (n)	2m
- rear boundary	15.38m	4m
<i>Upper Level</i>		
- front boundary	6.5m (Juliette balcony) 6.97m (main wall)	8m
- side boundary	3.2m (s) 6m (n)	4m
- rear boundary	22.1m	8m
<i>Boundary Wall</i>		
- length	3.2m	8m
- height	6.6m	3m
<i>Private Open Space</i>		
- percentage	121.4%	50%
- dimensions	15.38m x 18.59m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	3	2
- width of driveway	3.8m	4.5m
- width of garage/carport door	25.8%	33%

DEVELOPMENT APPLICATION

Application Number:	180\0105\16
Applicant:	<i>Serenity Homes (SA) Pty Ltd</i>
Location:	<i>7 Whitbread Grove SKYE SA 5072</i>
Proposal:	<i>Non-complying - Two-storey detached dwelling, freestanding carport, two water tanks, retaining walls and associated earthworks</i>
Zone/Policy Area:	<i>Hills Face Zone Development Plan consolidated 28 April 2016</i>
Kind of Assessment:	<i>Non-complying</i>
Public Notification:	<i>Category 3 Nil (0) representations received</i>
Appeal Opportunity	<i>None</i>
Referrals – Statutory:	<i>Country Fire Service</i>
Referrals – Non Statutory:	<i>Traffic Management Engineer / Tree Management Officer</i>
Delegations Policy:	<i>Unresolved representations / Non-complying development / Manager's discretionary determination</i>
Recommendation:	<i>Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted</i>
Recommending Officer:	<i>Jason Cattonar</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:

- Statement in Support
- Delegates Report to Proceed
- Statement of Effect including 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 free-standing carport, rainwater tanks (for bushfire fighting purposes), driveway construction and associated earthworks greater than 9 cubic metres on the land known as 7 Whitbread Grove in the suburb of Skye.

The dwelling will feature two bedrooms, an open plan kitchen, dining and living room, bathroom and laundry. Standing adjacent to, but independent from the dwelling is a double width free-standing carport with a skillion roof form. Two 30,000 litre stormwater retention tanks are to be installed to the north and south of the dwelling for bushfire fighting purposes.

Vehicular access to the land is proposed from Whitbread Grove at the western end of the allotment.

The proposal will involve a degree 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\0105\16 was lodged in February 2016 by Serenity Homes (SA) on behalf of 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 modest building size 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 23 December 2016 and 16 January 2017. 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 37 of the *Development Act 1993*, the application was referred to the Country Fire Service (CFS), for direction with respect to the merits of the application given the siting of the subject land within the Bushfire Prone Area.

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 non-complying development with a staff recommendation for approval.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a large irregular shaped allotment measuring approximately 9,097m², with a frontage to Whitbread Grove of 39m and a depth of some 70m. The land is situated at the end of Whitbread Grove and shares boundaries with four allotments that have frontage to Coach Road and one with frontage to Whitbread Grove.

The subject land is currently vacant with a reasonable slope up from Whitbread Grove to a ridge extending north-south through the centre of the southern portion of the land with a steep slope down towards the north-east. Portions of the land adjacent Whitbread Grove have been benched so as to create a number of flat and stable platforms.

3.2. Locality

The locality forms part of the Hills Face Zone and comprises properties on both sides of Whitbread Grove and Coach Road to the immediate south. The character of the locality is dominated by the steep ascent and natural features of the valley, with dense vegetation providing a green canopy that enhances panoramic views. Residential development is established within this hills face setting on large, low density allotments.

The natural topography of the locality has molded the development characteristics with development in the locality generally being sited below the adjoining road level and hidden from view from the Adelaide Plains. Existing built form varies from single to multi-storied dwellings, on allotments of various shapes, sizes and topographic features. Setbacks consistently provide generous curtilage with many dwellings sited in a manner to maximize views across Horsnell Gully.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 3
Reason:	Development Act 1993, Section 38 (2)(c)
Representations Received:	Nil (0)

6. AGENCY REFERRALS

- External 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 residential use of the land has been deemed compatible with that envisaged for the zone and is not considered to be seriously at variance to the Development Plan.

The proposed development is therefore not considered to be seriously at variance to the Burnside (City) 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 simple architectural features and overall form so as to preserve the character 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 when viewed from the public road 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 when viewed from the Adelaide Plans and from local roads within the zone.

The dwelling has been designed to utilise the natural and existing altered 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. As the applicant has suggested, by following the site contours and existing benched areas, the visibility of the proposed dwelling will be minimised to the western aspects, with the eastern elevation being enveloped amongst the existing tree canopies that mark the western aspects of Horsnell Gully.

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.

A thorough review has been conducted and the CFS and they have confirmed there are no objections to the development, subject to the implantation of suitable planning conditions (see Conditions, 2, 3, 4 and 5).

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.

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 23 December 2016 and 16 January 2017, 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\0105\16, by Serenity Homes (SA) 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 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.

- 3 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.

- 4 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.

- 5 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.

RECOMMENDING OFFICER



Jason Cattonar
Team Leader – Planning

AERIAL LOCALITY MAP



Legend

 **Subject Land**

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.*

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

<p>Operation and Management PDC 3</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> • 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. • The development has been designed to have minimal impact on native vegetation.
<p>Building Design and Location PDC 7–14</p>	<ul style="list-style-type: none"> • 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. • 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. • Proposed materials and colours are considered suitable to the residential character of the locality while remaining respectful of the Hills Face Zone objectives.

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.

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