



Development Assessment Panel Meeting Agenda

Tuesday 06 June 2017 at 6pm

Council Chambers, 401 Greenhill Road, Tasmore

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 02 May 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4 APPLICATIONS WITHDRAWN FROM THE AGENDA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:	5717.1
Page:	1
Application Number:	180\0204\17
Applicant:	Folland Panozzo Architects
Location:	516 Glynburn Road, Burnside
Proposal:	Amendment to DA 180\1296\08 and DA 180\0479\11 (extension of live music operating hours)
Recommendation:	Development Approval be granted
Representors:	<ul style="list-style-type: none"> • <i>Paul Benuzzi – 513 Glynburn Road, Hazelwood Park (to be heard)</i> • <i>Name Suppressed – 511 Glynburn Road, Burnside (to be heard)</i> • <i>Dr Simon Walsh – 508 Glynburn Road, Burnside (not to be heard)</i> • <i>Mr and Mrs Wijesuriya – 562 Greenhill Road, Burnside (not to be heard)</i> • <i>Dr Simon Walsh – 1 John Street, Eastwood (not to be heard)</i> • <i>Paul and Janet Robinson – 16 John Street, Eastwood (not to be heard)</i>

	<ul style="list-style-type: none"> • <i>K and D Dulong – 11 John Street, Eastwood (not to be heard)</i> • <i>Emily Palmer and Hayden Brooke – 2 Glen Street, Burnside (not to be heard)</i>
<i>Applicant:</i>	• <i>269 Brighton Road, Somerton Park</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:	5717.2
Page:	11
Application Number:	180\0080\17
Applicant:	Ayles Developments
Location:	3 Hewitt Avenue, Linden Park
Proposal:	Construction of a two storey detached dwelling including portico and alfresco, a pair of two storey semi-detached dwellings including portico and alfresco and concrete retaining walls and boundary fencing
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	<ul style="list-style-type: none"> • <i>John and Lyn Hillier – 1 Hewitt Avenue, Linden Park (to be heard)</i> • <i>Joan and Peter Hensel – 4 Hewitt Avenue, Linden Park (not to be heard)</i> • <i>Iris Major – 4A Hewitt Avenue, Linden Park (not to be heard)</i> • <i>Marilyn Falahey – 5 Hewitt Avenue (not to be heard)</i> • <i>Catherine Cocciolone – 6 Hewitt Avenue, Linden Park (to be heard)</i> • <i>David Buttery – 4 Baulderstone Place, Linden Park (not to be heard)</i> • <i>Joanne Bell – 5 Baulderstone Place, Linden Park (not to be heard)</i> • <i>Frank Gimion – 6 Baulderstone Place, Linden Park (to be heard)</i>
<i>Applicant:</i>	• <i>PO Box 6147, Linden Park</i>

Report Number:	5717.3
Page:	29
Application Number:	180\0075\17
Applicant:	Mayfair Projects Pty Ltd
Location:	24 Taylor Terrace, Rosslyn Park
Proposal:	Single-storey detached dwelling including retaining walls, fencing and shed
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	• <i>Gregory Abron – 26 Taylor Terrace, Rosslyn Park (to be heard)</i>
<i>Applicant:</i>	• <i>15A Fife Street, Woodville South</i>

Report Number:	5717.4
Page:	41
Application Number:	180\0289\17
Applicant:	C Hawkins
Location:	26 Torrens Street, Linden Park
Proposal:	Removal of regulated Council street tree – Brown Mallet (Eucalyptus Astringens)
Recommendation:	Development Approval be granted
Representors:	• Andrew Hillier – 1 Wemyss Street, Linden Park (to be heard)
Applicant:	• 401 Greenhill Road, Tusmore

6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

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

Report Number:	5717.5
Page:	47
Application Number:	180\0949\16
Applicant:	Francis Samson
Location:	63 Stonyfell Road, Stonyfell
Proposal:	(Non-complying) Earthworks greater 9 cubic metres involving excavation greater than 1.0m below natural ground level and filling to a height that exceeds 2.0m above natural ground level, construction of a shed, rainwater tank fencing and gates
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 06 June 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**

<i>Report Number:</i>	5717.6
<i>Page:</i>	55
Application Number:	180\1149\16
Applicant:	TRV Homes Pty Ltd
Location:	2 Booth Avenue, Linden Park
Proposal:	Three two-storey dwellings including garages, verandahs and porticos

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.

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DEVELOPMENT APPLICATION

Application Number:	180\0204\17
Applicant:	Folland Panozzo Architects
Location:	516 Glynburn Road, Burnside
Proposal:	Amendment to DA 180\1296\08 and DA 180\0479\11 (extension of live music operating hours)
Zone/Policy Area:	Local Business Zone Development Plan consolidated 08 December 2016
Kind of Assessment:	Merit
Public Notification:	Category 3 Seven (7) representations received
Appeal Opportunity	Applicant and third party appeal rights
Referrals – Statutory:	N/A
Referrals – Non Statutory:	N/A
Delegations Policy:	Unresolved representations
Recommendation:	Development Approval be granted
Recommending Officer:	James Moss

REPORT CONTENTS

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

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

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

- Plans and supporting documents
- Representations received
- Applicant's response to representations
- Photographs

1. DESCRIPTION OF PROPOSAL

The applicant seeks an amendment to previous approvals concerning the redevelopment of the Feathers Hotel site at the corner of Greenhill Road and Glynburn Road, Burnside.

Specifically, the applicant is seeking authorisation to extend the hours for live entertainment within the newly created outdoor area south of the original two storey building beyond that previously established through conditions under Development Application 180\1296\08 and DA 180\0479\11.

The hotel's current authorisation permits the use of live entertainment until 9pm each night of the week. Following the completion of the redevelopment of the site the applicant is now seeking to increase this limit to midnight on Fridays and Saturdays only.

2. BACKGROUND

Given that the current proposal seeks to vary previous authorisations a brief summary of each of the concerned applications is provided as follows:

- DA 180\1296\08 ("*Feathers Hotel redevelopment*") was approved by the Development Assessment Panel (the Panel) on 19 August 2009 with conditions restricting any entertainment on any balcony or outside area, as well as restricting noise levels to 8dB (A) at nearest noise sensitive areas. The application was assessed as Category 3 for public consultation purposes. Three (3) written submissions were received. At least one of these identified noise from outdoor areas as a concern.
- DA 180\0479\11 ("*Amendment to Condition 6 and 8*") was an amendment to three prior applications, including the original Cat 3 DA. DA 180\0479\11 was processed as a Category 3 development and approved with current 9pm restriction.

The current proposal, DA 180\0204\17, was lodged with Council on 15 March 2017 and determined to be a Category 3 development for the purposes of public consultation, to be assessed 'on merit' against the relevant provisions of the Burnside (City) Development Plan.

The application was made available for public viewing between 21 March 2017 and 05 April 2017, during which time Council received seven (7) written submissions from the owners/occupiers of eight (8) adjacent dwellings or businesses in the area. Primary issues raised through this process include (but are not limited to) noise from patrons leaving the venue, the potential for greater parking congestion on adjacent streets and increased noise levels from the source itself.

The applicant was provided a copy of the written submissions and has responded in writing to the concerns raised. No changes have been made to the application as first proposed.

The application is now presented to the Panel as a category 3 development with unresolved representations and a staff recommendation of approval, subject to conditions.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land comprises several contiguous allotments at the corner of Greenhill Road and Glynburn Road which together make up the Feathers Hotel complex. The site is almost wholly contained within the Local Business Zone, however the northeast corner of

the site straddles the Local Business Zone and the Residential Zone (Residential Policy Area 16).

The subject land is a large predominantly rectangular site containing two main buildings towards the western border with Glynburn Road; the original two storey colonial style hotel building and a single storey building previously known as 'the Place Next Door', but has recently been renovated and now operates under the name 'the Pavillion'. The site also includes a recently renovated drive through bottle-o and large carpark on the eastern portion of the land.

3.2. Locality

The locality comprises commercial properties in proximity to the intersection of Greenhill Road and Glynburn Road, both identified as secondary arterial roads by the Development Plan. The locality also includes nearby residential dwellings further north along Glynburn Road, east and west along Greenhill Road and adjacent side streets.

The locality is described as being of mixed use due to the variety of shops and business in proximity to surrounding residential dwellings and the presence of the Burnside Public Works Depot to the south. Apart from the two storey shopping centre directly opposite the subject land along Glynburn Road, neighbouring shops and commercial premises are generally small in scale, while nearby dwellings are typically single storey and constructed in a variety of styles.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 3
Reason:	<i>Development Act 1993</i> , Section 39, 7 (c) - previous authorisation processed as Cat 3 and submissions relate to current matter
Representations Received:	<ul style="list-style-type: none"> • 508 Glynburn Road, Burnside (do not wish to be heard) • 511 Glynburn Road, Burnside (wish to be heard) • 513 Glynburn Road, Hazelwood Park (wish to be heard) • 562 Greenhill Road, Burnside (do not wish to be heard) • 1 John Street, Burnside (do not wish to be heard) • 11 John Street, Burnside (do not wish to be heard) • 16 John Street, Burnside (do not wish to be heard) • 2 Glen Street, Burnside (do not 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. EXECUTIVE SUMMARY

6.1. Land Use

The subject land is located within a commercial precinct and has been used in association with the Feathers Hotel, a licenced commercial venue, since the hotel was first constructed in 1966. It is the only licenced hotel within the City of Burnside.

The current proposal seeks a relaxation of specific controls governing the use of live entertainment in the recently completed outdoor area on the south side of the original hotel building. No changes are proposed in relation to business operating hours, land use activities or occupancy rates.

The proposal maintains the lawful and established use of the subject land and is not considered to be seriously at variance to the policies of the Burnside (City) Development Plan.

6.2. Character and Amenity

The locality exhibits a character that is best described as mixed use, being comprised both of commercial activities such as shops, restaurants and the Feathers Hotel complex and residential dwellings at low, and in some cases medium, density. The existing character is strongly influenced by the historic presence of the Feathers Hotel, the Pavillion and the associated at-grade car park, but also by its coexistence with surrounding dwellings.

Consideration must be given to the proximity of residential land uses to the site and the potential for excessive and inappropriate noise levels emanating from the specific area of the site. Nearby residential dwellings qualify as *noise sensitive areas* and, as such, warrant reasonable protection from any encroaching development by ensuring noise attenuation is incorporated in the design.

In considering noise generating activities, it is necessary to consider the policies of the Development Plan that specifically address development involving music. Specifically, Council Wide Principle of Development Control (PDC) 64 of the Development Plan states:

“Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

Noise level assessment location	Desired noise level
<i>Adjacent existing noise sensitive development property boundary</i>	<i>Less than 8 dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise ($LA_{90,15min}$) for the overall (sum of all octave bands) A-weighted level</i>

The applicant has provided a comprehensive acoustic assessment by Sonus, a suitably qualified and recognised acoustic consultancy specialising in environmental noise, building acoustics, occupational noise and vibration.

The assessment report states that previous acoustic studies relating to the hotel redevelopment that were utilised to establish the current controls relied on conservative theoretical assumptions to predict anticipated music levels. Now that the renovations have been completed a more accurate ‘real-world’ assessment has been able to be undertaken.

The findings confirm that the sound system utilised by the hotel, in conjunction with good acoustic design features within the designated area, would remain compliant with the

maximum permissible noise levels outlined in PDC 54 right through until midnight. Factors contributing to this determination include the degree of control over the current in-house amplification system utilised by the hotel, the high solid walls surrounding the outdoor area and the partial roof cover, all of which limit the transmission of noise beyond the site.

Accordingly, it has been determined that music levels emanating from the subject land, if constrained in accordance with Condition 3 of this recommendation, will not adversely impact on the amenity at adjacent residences within the local area.

6.3. Public Notification

Council received seven written submissions during the public consultation process, two of which expressed a desire to be heard by the Panel in support of their representation. None of the submissions indicated support for the application. A general theme of the submissions was not necessarily focused on noise levels, which have been discussed above, but more so on disturbances caused by patrons exiting the venue.

Such concerns certainly warrant further consideration by hotel management, but are considered to be symptoms of the existing lawful of the subject land and not directly related to the proposed development.

In support of this determination it is important to note the applicant is not seeking an extension to business operating hours, which currently range until midnight between Sundays and Wednesdays, 1am on Thursdays and up to 2am on Fridays and Saturdays. It is also worth noting that the proposal would not increase the net capacity of the venue itself, and therefore the hotel is justified in operating to its lawful capacity during lawful business hours.

In terms of car parking, the recently renovated car park to the east of the hotel exceeds Development Plan guidelines and is considered adequate in servicing the general demands of the site.

Council is 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.

6.4. 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.

7. 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\0204\17, by Folland Panozzo Architects, is **granted** Development Approval subject to the following conditions:

Conditions

- 1 The development granted approval 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 hours of operation for live music at the establishment shall be limited to the following times:
 - 9pm Sunday to Thursday
 - Midnight Friday and Saturday

Reason:

To ensure the development does not unduly diminish the enjoyment of other land in the vicinity.

- 3 The following noise attenuation measures must be strictly adhered to at all times:
 - Amplification of live entertainment in the outdoor area shall be provided via the in-house speaker system only;
 - The music level from the live entertainment must not exceed that detailed in table form within the 'Conclusions' section on Page 7 of the report prepared by Sonus dated February 2017 when measured at the southern external entrance to the outdoor area.

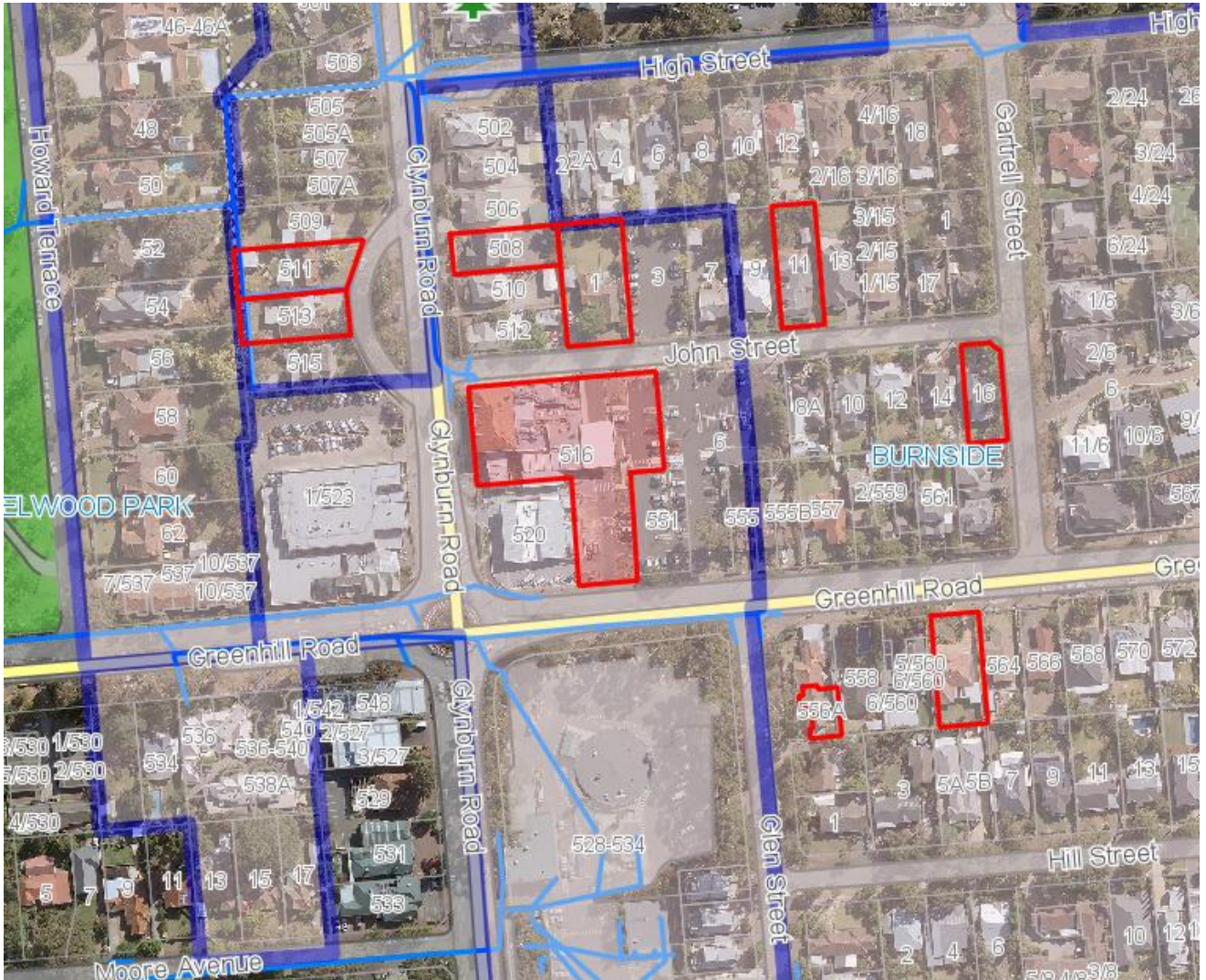
Reason:

To minimise adverse noise impacts on the amenity of surrounding dwellings.



RECOMMENDING OFFICER

James Moss
Development Officer – Planning

AERIAL LOCALITY MAP



Legend

-  Subject Land
-  Representor's Land

APPENDIX 2

DETAILED PLANNING ASSESSMENT

Summary of Local Business Zone Objectives and Principles

Primary Local Business Zone Objectives:

Objective 1:

A zone which accommodates small-scale offices, consulting rooms and other business functions suited to small business servicing the needs of the local community.

Objective 2:

Dwellings developed either independently or in association with business development.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1-2 PDC 1	Satisfied. <ul style="list-style-type: none"> • Existing commercial land use in operation.

DETAILED PLANNING ASSESSMENT

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 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.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1-7 PDC 1	Satisfied. <ul style="list-style-type: none"> • A minor portion of the car park overlaps with the Residential Zone. • Existing commercial land use in operation.
Non-residential Development PDC 7-8	Satisfied. <ul style="list-style-type: none"> • Extended use of live entertainment will be constrained within acceptable noise levels.

Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 1:

Satisfaction of the social, cultural, economic, environmental and health needs of the community.

Objective 8:

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

Objective 20:

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

Objective 55:

Safe, pleasant, accessible and convenient residential areas.

Objective 78:

Industrial, commercial, motor repair, servicing, storage, depot and distribution activities suitably located, designed and managed to avoid or substantially reduce adverse effects on residential amenity and the environment.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1, 8, 20, 55, 78	Satisfied. <ul style="list-style-type: none"> • Existing commercial land use in operation. • Acoustic assessment demonstrates a reasonable degree of noise relative to Development Plan standards.
Amenity O 20 PDC 52, 63 - 64	Satisfied. <ul style="list-style-type: none"> • The outdoor area has been designed with appropriate noise attenuation features, such as the high solid walls and partially enclosed roof. • Acoustic assessment demonstrates compliance with PDC 64. • Noise disturbances caused by patrons leaving the venue is an undesired, but nonetheless occasional occurrence with such land uses and occur regardless of live entertainment operation.

DEVELOPMENT APPLICATION

Application Number:	<i>180\0080\17</i>
Applicant:	<i>Ayles Developments</i>
Location:	<i>3 Hewitt Avenue, Linden Park</i>
Proposal:	<i>Construction of a two storey detached dwelling including portico and alfresco, a pair of two storey semi-detached dwellings including portico and alfresco and concrete retaining walls and boundary 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 Eight (8) representations 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>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 three two-storey dwellings, together with boundary retaining walls and fencing on a single existing allotment along the western side of Hewitt Avenue, Linden Park.

Dwelling 1 comprises a detached dwelling constructed on the southern portion of the site, with three bedrooms, double garage under the main roof, open plan living areas, entry portico and rear verandah.

Dwellings 2 and 3 are comprised of a pair of semi-detached dwellings on the northern portion of the site, each also with three bedrooms, double garage under the main roof, open plan living areas, entry portico and rear verandah.

All three dwellings present in the same modern architectural style, with rendered external walls, powder coated aluminium window and door joinery, ground floor parapet walls and 20 degree hipped Colorbond roofing with overhanging eaves.

The applicant also proposes concrete sleeper retaining walls of varying heights and 1.8 metre good neighbour fencing along side and rear boundaries.

2. BACKGROUND

Development Application 180\0080\17 was lodged with Council on 31 January 2017 and determined to be a Category 2 development for the purposes of public consultation, to be assessed 'on merit' against the provisions of the Burnside (City) Development Plan. There are no related applications registered against this property other than an approval for the demolition of the existing dwelling issued in March of this year.

Over the course of assessment, the current application was made available for public inspection between 22 February 2017 and 08 March 2017 during which time Council received written submissions from eight (8) adjacent neighbours. Concerns focused primarily on the number of dwellings proposed for the site, the prospect of increased traffic along Hewitt Avenue, the look, scale and siting of the buildings and the removal of a Council street tree to facilitate the additional driveways to the site.

The applicant was provided a copy of the submissions and has responded through Masterplan Town and Country Planners. Various design amendments have also been implemented, the most notable of these being the flipping of the Dwelling 1 floorplan in order to remove the garage wall from the common boundary with the southern neighbour. The applicant has also provided additional information in the form of shadow diagrams.

The application was referred to Council's engineering officers to review matters such as traffic safety, vehicle access and stormwater management. The proposal was also referred to Council's tree management officers to consider the removal of a street tree obstructing one of the driveways. The applicant was subsequently advised tree removal would not be supported and the plans were amended to retain the tree in question as per Council requirements.

An assessment of the proposal has now been completed and the application is presented to the Development Assessment Panel (the Panel) as a Category 2 development with unresolved representations and a staff recommendation of approval, subject to conditions.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is an irregular shaped allotment on the western side of Hewitt Avenue with an approximate area of 1011.4 square metres and single frontage to the road of approximately 33.3 metres. The land is currently occupied by a single-storey detached dwelling constructed during the 1950s in the Conventional style and features a gradual fall from southeast to northwest of approximately 2.4 metres.

3.2. Locality

The locality is primarily comprised of those dwellings fronting the section of Hewitt Avenue between Hay Road to the north and Highfield Avenue to the south. Properties fronting Baulderstone Place to the rear have also been included due to their direct physical linkage with the subject land, while properties on Hay Road, Highfield Avenue and Hewitt Avenue to the south have also been included on account of their proximity.

The locality is situated at the southern end of Residential Policy Area 21 – Linden Park (RPA 21) and borders Residential Policy Area 25 – St Georges (RPA 25). The locality is residential in nature, with a combination of regular and irregular shaped allotments ranging from 400 square metres to over 1000 square metres in area.

The character of the locality consists generally of single storey 1950s dwellings interspersed with dwellings of more recent style and appearance, some two storeys in form, with low and open front fencing. Buildings along Hewitt Avenue between Hay Road and Highfield Avenue exhibit a staggered siting in response to the bend in the road, resulting in varied front set-back and irregular shaped 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 21 Principle of Development Control 12 (a), (b), (c) and (d)
Representations Received:	<ul style="list-style-type: none"> • 1 Hewitt Avenue, Linden Park (wish to be heard) • 4 Hewitt Avenue, Linden Park (do not wish to be heard) • 4A Hewitt Avenue, Linden Park (do not wish to be heard) • 5 Hewitt Avenue, Linden Park (do not wish to be heard) • 6 Hewitt Avenue, Linden Park (wish to be heard) • 4 Baulderstone Place, Linden Park (do not wish to be heard) • 5 Baulderstone Place, Linden Park (do not wish to be heard) • 6 Baulderstone Place, Linden 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 development maintains and continues the established residential use of the site and is therefore not considered to be seriously at variance with the policies of the Burnside (City) Development Plan.

7.2. Character and Amenity

RPA 21 seeks to maintain and enhance the low scale, low-to-medium density residential character of the policy area being derived from residential development in a wide variety of styles but predominantly of the interwar and post-war periods, with moderate building set-backs and generally open, well-landscaped front gardens.

The physical locality in question comprises a variety of residential development, including detached and semi-detached dwellings, single and two storey buildings, 1950s Conventional housing stock and more recent development exhibiting contemporary architectural styles. The most notable elements of consistency appear to be the dominance of moderately hipped roofs with overhanging eaves, modest overall building heights and the staggering of front building set-backs in response to the bend of Hewitt Avenue.

The proposal is generally regarded as being compatible with the existing streetscape character and that described in the policy area objective in terms of desired density, built form set-backs and scale, architectural form and notable design features. This is reflected in the fact that the site area and frontage for each dwelling is largely consistent with those identified as being appropriate to the policy area, that each building envelope is generally consistent with site coverage, building height and set-back parameters, and that the overall form and appearance of each building takes design cues from existing housing in the street.

In terms of streetscape presentation, the development is anticipated to have a positive impact on the character and visual amenity of Hewitt Avenue by replacing an existing dwelling of irregular orientation and dated appearance with two new buildings (totalling three dwellings) in an orderly layout, exhibiting minimal, centrally positioned upper levels and articulated front facades to provide visual interest. Front entries are clearly visible from the street, no solid front fencing is proposed and the incorporation of appropriate landscaping on all sides of the buildings facilitates smooth integration and a softening of the built form. Proposed site levels have also been stepped to follow the fall of the street and avoid the appearance of unnecessary land built up.

In terms of the impacts to adjoining properties, it is noted that the proposed buildings have been sited in a manner that is largely consistent with the set-back guidelines of the Development Plan, albeit with a notable reduction for the front set-back of Dwelling 1 which remains comparable with neighbouring dwellings. Impacts of overshadowing are limited by the appropriate placement and modest vertical profile of the first floor components and overlooking opportunities will be restricted by appropriate privacy

treatments to first floor windows. Neighbour concerns are addressed in more detail under 'Public Notification' below.

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. Each proposed dwelling sits within the maximum site coverage allowance for building footprint, impervious surfaces and total floor area. Boundary set-backs are largely compliant with minimum prescribed distances, albeit with some limited exceptions, and are considered to achieve the main qualitative objectives of the Development Plan.

Each dwelling is provided with an area of private open space that satisfies the key criteria of Council Wide Principle of Development Control 167 (i.e. dimensions, access, and floor area equivalency) and the floorplan configuration minimises possible transmission of noise into bedrooms, while providing opportunity for cross-ventilation and selective heating.

Each dwelling is provided off-street car parking capabilities that are proportionate with the occupancy capacity of each building. Driveway design and location has been reviewed and endorsed by Council's traffic experts, as has the impact on local traffic congestion and on-street parking demand. The final driveway layout also enables the retention of all existing street trees on the adjacent verge.

With regard to stormwater management, all runoff is to be collected and released to the street water table via a sealed wet system or sump and pump. Such methods are commonplace throughout the Residential Zone and are considered appropriate in this instance.

7.4. Public Notification

The proposal was determined to be a category 2 development pursuant to RPA 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.

(my underlining)

The proposal was placed on public notification for a period of ten business days in which time eight written submissions were received, three of which expressed a desire to be heard by the Panel in support of their submissions. The primary issue identified by neighbours appears to be the number of dwellings proposed relative to the size of the existing allotment, with many of the submissions asserting that limiting the development to just two new dwellings would be a more appropriate outcome.

In terms of land size and density, the applicant seeks dispensation on minimum area and frontage guidelines pursuant to RPA 21 Principle of Development Control 5 and 7, which permit a lesser allotment size for both detached and semi-detached dwellings when developed from an existing site exceeding 1200 square metres. In this instance the existing site has an area of just over 1010 square metres, producing a shortage overall of approximately 190 square metres.

While the size of the existing allotment does not strictly accord with the 1200 square metre guideline, the development is nonetheless consistent with the desired low-to-medium density character envisaged in which detached dwellings can be established on sites of 360 square metres with a 12 metre frontage and semi-detached dwellings established on sites of 320 square metres and 9 metre frontage. As the applicant's planning consultant has noted, there is clear intent within the policy area principles to encourage medium density residential development of this nature in an integrated and coordinated manner from larger allotments. Furthermore, there is a clear strategic benefit to facilitating an increase in residential density through infill development in proximity to public infrastructure, district Centre Zones and public transport services.

With regard to issues raised by the southern neighbour, the applicant has amended the design of Dwelling 1 to avoid placement of the garage on the common boundary, thereby ensuring the preservation of an existing hedge. By flipping the floorplan the applicant has also eliminated the issue of overlooking from a previous wrap around window at the front southeast corner of the first floor. Shadow diagrams provided in support of the application indicate that the shadow cast to the south will still ensure at least 2 hours to 50% of the neighbour's private open space area in the first part of the day on the winter solstice.

With regard to properties to the west, concerns over building bulk, scale and visual dominance are sufficiently addressed by the fact that all three dwellings will have rear boundary set-backs that either meet or exceed the minimum permitted distance for new dwellings within the Residential Zone. Further to this, each dwelling sits within maximum building height and site coverage guidelines, allocates the majority of floor area at ground level and features proportionally limited upper levels that generally meet or exceed side boundary set-back distances. Dwellings 2 and 3 will also be set down at a lower level in response to the natural fall of the site and the proposal includes an intersecting fence of appropriate height, which will obscure large portions of the buildings.

With regard to the property to the north, the closest proposed dwelling to that property, Dwelling 3, will be set back from the common boundary in a manner which generally meets or exceeds the minimum prescribed distance. In terms of visual outlook, the development is set back from the common boundary in a manner that is generally proportionate to the vertical profile of external walls and reflective of desired development Plan standards. No overlooking is anticipated as there is only one window along the northern façade of Dwelling 3 and this is a corner wrap around window orientated towards the street. Noise transmission from habitable rooms will also be limited.

With regard to the properties on the opposite side of the street, the primary concern appears to be the prospect of intensified traffic congestion along Hewitt Avenue, purportedly a popular thoroughfare for parents traveling to and from the local school. The development provides more off-street car parking spaces than required by the Development Plan and all three proposed driveways have been reviewed for safety and assessed by Council's traffic experts to be of appropriate design and location to ensure safe and convenient access. The proposal is also no longer reliant on the removal of a street tree, which was identified by several neighbours as a cause for concern.

While the concerns held in regard to traffic congestion along Hewitt Avenue is appreciated, the primary cause appears to stem from local traffic patterns and not from housing capacity in the street. Accordingly the more appropriate avenue for addressing such concerns may be through broader traffic studies and implementation of traffic calming measures where suitable and required.

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\0080\17, by Ayles Developments, 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 for each dwelling 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 for each dwelling as 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.

- 5 The landscaping delineated on the stamped and approved plans shall be undertaken within three (3) 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 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:**

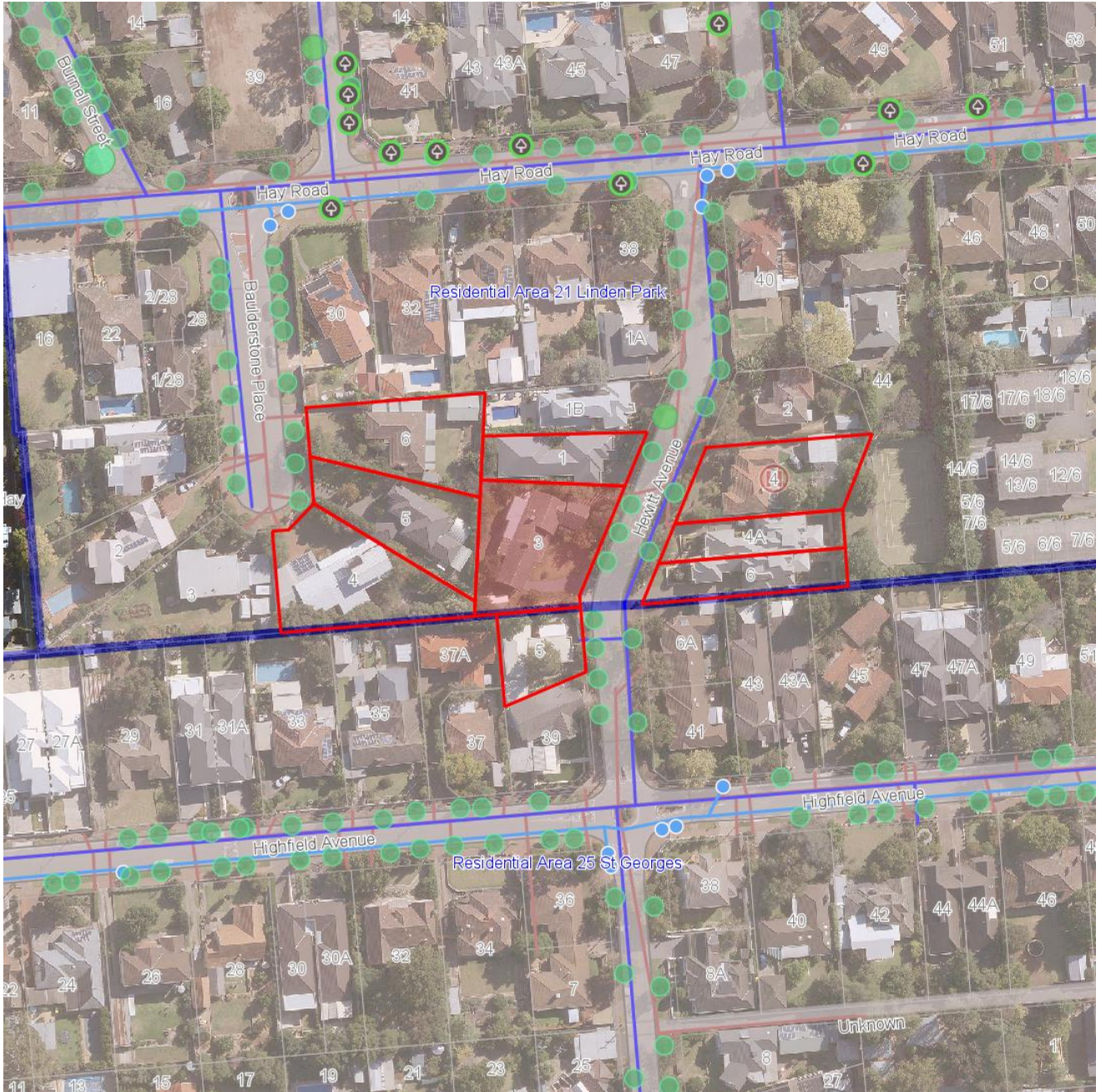
- Unless approved otherwise, construction of the driveway crossover shall be in accordance with Council's Standard Specification and General Conditions and completed to the reasonable satisfaction of Council.
- A driveway width of 4.5 metres is permitted across the verge and a crossover width of 5.5 metres (maximum) is permitted at the kerb and gutter.
- 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.



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:	Assessment:
DP Ref	
Desired Land Use O 1	Satisfied. <ul style="list-style-type: none"> • Residential land use.
Local Compatibility O 1, PDC 1	Satisfied. <ul style="list-style-type: none"> • Residential land use. • The proposal is consistent with medium density development. • The proposal includes a detached dwelling and pair of semi-detached dwellings, both of which are current features of the locality. • The dwellings have been set back in a manner consistent with the “moderate building set-backs”. • Each dwelling provides an open and well landscaped front garden. • The proposed driveway design ensures retention of existing street trees, which preserves the well vegetated character of the streetscape. • The proposal has been designed to complement the bulk and scale of neighbouring dwellings, as evidenced by the use of sufficient front and side set-backs and modest vertical scale of each building.
Site Areas and Frontages PDC 2–10	Departure. <ul style="list-style-type: none"> • The site for the detached dwelling will have an area of 360 square metres and a frontage to the public road of 11.94 metres. • Subject to PDC 3, 4, 5 and 9, PDC 2 states that the site area for a detached dwelling should be not less than 425 square metres.

	<ul style="list-style-type: none">• PDC 5 states that the site area for a detached dwelling can be reduced to 360 square metres if the original allotment is greater than 1200 square metres.• The subject land is approximately 1011 square metres in total area.• The proposed frontage width for the detached dwelling is only 0.06 metres short of the frontage guideline regardless of land size.• The site for each semi-detached dwelling will have an averaged area of 325 square metres and frontages to the public road of 9.4 metres and 11.95 metres.• PDC 6 states the site area for a semi-detached dwelling should be not less than 400 square metres.• PDC 7 states that the site area for a semi-detached dwelling can be reduced to 320 square metres if the original allotment is greater than 1200 square metres.
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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.
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.

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.
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"> • None of the three proposed dwellings achieve a 6 metre front set-back at the ground floor. • The first floor of each dwelling will be set back in excess of the 6 metre guideline distance. • The siting of each dwelling is compatible with the siting of neighbouring dwellings within the locality. • The siting of the proposed buildings maintains the established pattern of the street, in which dwelling facades appear staggered in response to the bend in the road. <p><u>Side Set-backs</u> Departure.</p> <ul style="list-style-type: none"> • At the ground floor, each dwelling is generally set back in accordance with the guideline distances, with only limited

	<p>exceptions.</p> <ul style="list-style-type: none"> The first floor of Dwelling 1 is generally set back in accordance with the 4 metre guideline distance with only limited exceptions, the more noticeable of which is internal to the site. The first floors of Dwelling 2 and 3 both exceed the 4 metre guideline distance. <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	<p>Satisfied.</p> <ul style="list-style-type: none"> All side and rear first floor windows include fixed obscured glazing to a height of 1.7 metres above the finished floor level. The 1.7 metre height exceeds the relevant guidelines of the Development Plan and is viewed as an appropriate method of restricting downward views of neighbouring land.
Access and On-Site Car Parking PDC 177–182	<p>Satisfied.</p> <ul style="list-style-type: none"> Each dwelling features three bedrooms. A three bedroom dwelling should provide at least two on-site car parks. Each dwelling provides three on-site carparks; two in the garage, one in the driveway. Council's engineers have reviewed the driveway and confirmed they are suitable for safe and convenient vehicle access.
Access to Sunlight PDC 21, 183–186	<p>Satisfied.</p> <ul style="list-style-type: none"> Shadow diagrams have been provided detailing the anticipated impact on the southern neighbouring property on the winter solstice. Based on the shadow diagrams it would appear the southern neighbour's private open space will still receive sunlight to at least 50% of the outdoor area up until midday and possibly beyond. The shadow diagrams likely suggest a greater degree of shadow than what would actually be imposed, given that it's a 2D representation only and does not show the shadow cast by the existing fence and hedge.
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.
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APPENDIX 3
DEVELOPMENT DATA TABLES

QUANTITATIVE DATA – Detached Dwelling		
Attribute	Dwelling 1	Guideline
<i>Site Characteristics</i>		
Street Frontage	11.94m	12m
Site Area	360m ²	425m ²
<i>Site Coverage</i>		
Ground Floor Area	36.2%	40%
Ground Floor Area + Impervious	49.9%	50%
Total Floor Area	48.9%	50%
<i>Building Height</i>		
Storeys	2 storeys	2 storeys
Metres	7.3m	9m
<i>Ground Floor Set-Backs</i>		
Front	3.7m (portico)	6m
Side	0.9m – 2m (s) 1.5m (n)	1.5m - 2m
Rear	8m	4m
<i>Upper Level Set-Backs</i>		
Front	7.1m	6m
Side	3.2m – 4.2m (s) 3.2m – 4m (n)	4m
Rear	8m	8m
<i>Boundary Development</i>		
Height	3.4m	3m
Length	6.2m	8m
<i>Private Open Space</i>		
Percentage	71%	50%
Dimensions	8m x 14m	5m x 8m
<i>Parking/Access</i>		
On-Site Car Parks	3	3
Driveway width at Boundary	3.4m	4.5m
Garage/Carport Door Width	39.3%	33%

QUANTITATIVE DATA – Semi-Detached Dwellings			
Attribute	Dwelling 2	Dwelling 3	Guideline
<i>Site Characteristics</i>			
Street Frontage	9.4m	11.95m	9m
Site Area	325.7m ² (averaged)		400m ²
<i>Site Coverage</i>			
Ground Floor Area	38.3% (averaged)		40%
Ground Floor Area + Impervious	53.6% (averaged)		50%
Total Floor Area	50.5% (averaged)		50%
<i>Building Height</i>			
Storeys	2 storeys	2 storeys	2 storeys
Metres	7.3m	7.3m	9m
<i>Ground Floor Set-Backs</i>			
Front	5.6m	5.8m	6m
Side	1.9m (s) N/A (n)	N/A (s) 1.9m (n)	1.5m - 2m
Rear	6.5m	8m	4m
<i>Upper Level Set-Backs</i>			
Front	9.1m	10m	6m
Side	4.6m (s) N/A (n)	N/A (s) 4.9m (n)	4m
Rear	11.9m	13.4m	8m
<i>Private Open Space</i>			
Percentage	52.2%	62.7%	50%
Dimensions	6.5m x 9.9m	8m x 9.9m	5m x 8m
<i>Parking/Access</i>			
On-Site Car Parks	3	3	2
Driveway width at Boundary	3.3m	4.1m	4.5m
Garage/Carport Door Width	48.9%	38.5%	33%

DEVELOPMENT APPLICATION

Application Number:	<i>180\0075\17</i>
Applicant:	<i>Mayfair Projects Pty Ltd</i>
Location:	<i>24 Taylor Terrace, Rosslyn Park SA 5072</i>
Proposal:	<i>Single-storey detached dwelling including retaining walls, fencing and shed</i>
Zone/Policy Area:	<i>Residential Zone Residential Policy Area 8 – Rosslyn Park Development Plan consolidated 08 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 – Non Statutory:	<i>Technical Officer, Traffic / Urban Forestry Officer</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>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
 - 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 single-storey detached dwelling, domestic outbuilding (shed), together with retaining walls and fencing within Residential Policy Area 8 – Rosslyn Park (RPA 8).

The dwelling comprises four bedrooms (main with ensuite and walk in robe), home theatre, home office, open plan kitchen and living areas and double garage. External materials and finishes include rendered masonry, face brick aluminium windows and Colorbond roof sheeting at 30 degree pitch.

The 1.8m tall fencing is to be erected on-top of 600mm to 1200mm tall retaining walls along the northern, southern and eastern boundaries of the subject land.

2. BACKGROUND

Development Application 180\0075\17 was lodged on 31 January 2017 by Mayfair Projects 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 05 April 2017 and concluded on 21 April 2017, during which Council received one (1) written submission, primarily identifying concerns with the front setback of the dwelling, setback to the southern side boundary and overshadowing. In forwarding a copy of the representation to the applicant, Council also raised concerns with the front setback of the dwelling which was initially proposed at 3.71m.

The applicant has responded to the concerns of the representor and Council by providing an amended site plan that shows a setback to the front boundary measuring 6.0m to the eaves of the portico.

As part of the assessment process, the application was also referred to Council's Technical Officer – Traffic and Urban Forestry Officer to assess stormwater management and general impacts to local infrastructure such as the driveway.

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 Taylor Terrace measuring 20.12 metres, with a depth of 42.67 metres and an overall area of 858.52 square metres.

The land elevates from the front (west) to the rear (east) with a differential of approximately 2.3 metres. The site is currently occupied by a single-storey detached dwelling with ancillary domestic structures and outbuildings.

Vehicle access currently exists at the southern end of the frontage, and is to be maintained by this application.

3.2. Locality

The locality comprises both the eastern and western sides of Taylor Terrace extending approximately 60m from the subject land, together with adjoining land to the west which has frontage to Lanark Street.

The locality contains a variety of dwelling styles, predominantly detached, including 1950's and 1960's Conventional style dwellings, 1990's Federation and early 2000's Contemporary architecture. Most development within the locality is of relatively uniform setback to front and side property boundaries.

Streetscape character and visual amenity is enhanced by wide, grassed verges, and mature street trees of both native and exotic varieties.

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 8 – Rosslyn Park Principle of Development Control 7(b) & (c)
Cut / Fill:	The development requires a degree of earthworks within the site to achieve the proposed bench levels. The extent of works is restricted to the site of the dwelling and does not, in itself, constitute a form of development.
Representations Received:	<ul style="list-style-type: none"> Mr Gregory Arbon – 26 Taylor Terrace (wishes 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 maintains and continues the established residential use of the subject land and is not considered to be seriously at variance with the policies of the Burnside (City) Development Plan.

7.2. Character and Amenity

Residential Policy Area 8 – Rosslyn Park (RPA 8) seeks the maintenance and enhancement of the low scale, low density residential character derived from primarily detached dwellings in a variety of styles with open front gardens and moderate to deep building set-backs and extensive grassed verges.

The proposed single-storey dwelling is to occupy an existing residential allotment and is considered to be a form of development that is largely compatible with the policy area characteristics and the quantitative requirements of the Burnside (City) Development Plan.

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

7.3. Site Functionality

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

With the exception of the front portion of the dwelling, the northern and southern side setbacks satisfy the 1.5m – 2m guideline and on balance is compliant with the relevant provisions of the Development Plan. The retention and reuse of the existing crossover means that there is no impact to the existing mature street tree located on the Council road reserve.

7.4. Public Notification

The proposal was determined to be a Category 2 development pursuant to RPA 8 Principle of Development Control 7, which states:

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

Dwelling, except where

- (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;”*

The proposal was placed on public notification for a period of ten (10) business days in which time one (1) written submission was received from the adjoining land owner to the south who expressed a desire to be heard by the Development Assessment Panel (the Panel) in support of their submission.

The primary issues raised through this process relate to the front setback of the dwelling, side setback to the south, overshadowing and the potential to create a vermin trap.

The applicant has made amendments to the siting of the dwelling to address the concerns regarding the front setback, as well as providing shadow diagrams to better demonstrate the extent of overshadowing.

Accordingly, the siting of the dwelling has been amended to allow for an increased setback to the front boundary that now satisfies the 6.0m quantitative guideline of Development Plan.

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

Given the shift in the proposed siting of the building, impact on amenity to adjoining owners and as it presentation to the streetscape, the development is considered to be a reasonable and expected form of development within the locality. There is no opportunity to overlook adjoining properties, and the siting of the building retains the established patterns of space around buildings that contribute to streetscape amenity.

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. Internal Referrals

As part of the assessment process, the application was referred to Council's Technical Officer – Traffic and Urban Forestry Officer. As the development seeks to reuse the existing crossover to access the land, no concerns were raised with the proposal.

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\0075\17, by Mayfair Projects 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 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.

- 3 The dwelling shall be constructed on a Bench Level of 101.40 and Finished Floor Level of 101.60.

Reason:

To ensure the development achieves a benched level that appropriately responds to

adjoining land.

Advisory Notes

1 **Engineering Requirements:**

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

RECOMMENDING OFFICER

Jason Cattonar
Team Leader – 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 8 Objectives:

Objective 1:

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

- (a) primarily low density, single-storeyed, detached dwellings in a variety of architectural styles (mainly from the post-war period, but with some from the inter-war period in the west); and*
- (b) open front gardens, moderate to deep building set-backs, mature vegetation (particularly significant eucalypts in the south west and along Edgecumbe Terrace) and extensive 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 Kensington Road, to Penfold Road, and to The Parade, (including the sites of several non-residential uses with frontage to The Parade); and*
- (b) adjacent to the Local Centre Zone.*

Subject:	Assessment:
DP Ref	
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 single-storey in form and presentation. • The generous 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 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:	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 58:

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

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-back</u> Satisfied.</p> <p><u>Side Set-backs</u> Departure.</p> <ul style="list-style-type: none"> The dwelling is sited 1.09m from the northern boundary and 1.2m from the southern boundary at the front portion of the dwelling. Despite these departures, the building envelope largely accords with the 1.5m – 2m setback guideline. Where departures are recorded, the presentation to the streetscape maintains the established patterns of space between buildings when viewed from the streetscape. The siting of the proposed dwelling, when juxtaposed with the adjoining dwelling to the south, confirms that the development satisfies the quantitative guideline of 1.5m – 2m where outdoor entertaining areas are positioned on neighbouring land. <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.
Domestic Outbuildings PDC 187–189	Satisfied.
Fences and Retaining Walls PDC 190–194	Satisfied.

APPENDIX 3
DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Site Area</i>	858.52m ²	550m ²
<i>Street Frontage</i>	20.12m	15m
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	38.4%	40%
- Buildings and driveways	47.3%	50%
<i>Building Height</i>		
- storeys	1 storey	2 storeys
- metres	8.4m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	6m	6m
- side boundary	1.09m – 2.5m (north) 1.2m – 2.03m (south)	1.5m – 2m
- rear boundary	7.16m	4m
<i>Boundary Wall</i>		
- length	6.6m	8m
- height	3.1m	3m
<i>Private Open Space</i>		
- percentage	273.4m ² = 95.2%	50%
- dimensions	6m x 20m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	2 (garage) + 2 (driveway) = 4 Total	2
- width of driveway	4.5m	4.5m
- width of garage/carport door	25%	33%

DEVELOPMENT APPLICATION

Application Number:	180\0289\17
Applicant:	C Hawkins on behalf of City of Burnside
Location:	26 Torrens Street LINDEN PARK SA 5065
Proposal:	Removal of regulated Council street tree – Brown Mallet (<i>Eucalyptus Astringens</i>)
Zone/Policy Area:	Residential Zone Residential Policy Area 21 – Linden Park Development Plan consolidated 8 December 2016
Kind of Assessment:	Merit
Public Notification:	Category 2 One (1) representations received
Appeal Opportunity	Applicant only, no third party appeal rights
Delegations Policy:	Unresolved representations
Recommendation:	Development Approval be granted
Recommending Officer:	Jake Vaccarella

REPORT CONTENTS

- Assessment report:
 - Appendix 1 – Aerial Locality Map

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
- Representations received
- Photographs

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the removal of a regulated Brown Mallet (*Eucalyptus Astringens*) located within the road reserve along the eastern side of Torrens Street. The tree in question is 20m tall and has a trunk circumference of 2.22m when measured 1m above natural ground level. Removal is sought on the basis that the tree is in a state of poor and deteriorating structural condition which, as a result, represents a considerable risk to public and private safety due to the increased likelihood of branch failure.

2. BACKGROUND

Development Application 180\0289\17 was lodged on 22 March 2017 by Mr Chris Hawkins, a member of the City of Burnside Operations Services department and identified as a Category 2 form of development pursuant to the Development Regulations 2008, to be assessed on merit.

The application was made available for public consultation between 6 April and 24 April 2017, during which time Council received one (1) written submission identifying concerns regarding the level of information submitted as part of the application documentation.

In responding to the concerns of the representor, Mr Hawkins contacted the representor to further discuss and confirm that the supplementary Arborist Report, authored by Mr Colin Thornton of Treevolution, which was presented at the Council Meeting on 14 March 2017 including the meeting minutes, would be included as part of the application documentation to be subject to assessment.

An assessment of all relevant material 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 of approval, subject to conditions.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land comprises the Council road reserve along the south eastern side of Torrens Street, in the suburb of Linden Park (Residential Policy Area 21). The tree is planted within the road reserve adjacent 26 Torrens Street.

3.2. Locality

The locality comprises the residential street known as Torrens Street which is characterised by the narrow carriageway, and the medium density residential character derived from predominantly single-storey detached dwellings with semi-mature and mature native 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
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Reason:	Development Regulations 2008, Schedule 9, Part 2, Clause 25
Cut / Fill:	N/A
Representations Received:	1 Wemyss Street, Linden Park (wish to be heard)
Third Party Appeal Opportunity:	No

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

6. DISCUSSION

The subject of this application is a mature Brown Mallet located on the eastern road reserve in front of 26 Torrens Street, Linden Park, determined to be a regulated tree pursuant to Schedule 6A of the *Development Regulations 2008*. Given its size, location and age, the tree is considered to make a positive contribution to the streetscape character and visual amenity of Torrens Street and surrounding the locality.

The Burnside (City) Development Plan places an emphasis on the conservation of regulated and significant trees that provide important aesthetic and environmental benefit to the community, yet acknowledges that removal may also be an appropriate outcome under certain circumstances, such as poor health or risk to public or private safety.

In this instance, Council's Urban Forestry Officer is seeking the removal on the grounds that the tree's canopy is in a state of decline due to the presence of fungal wood decay in a number of the trunks and loss of structural roots on the north-western side of the stem. As a result of this, the tree has an increased likelihood of whole tree failure and thus represents a significant risk to public and private safety.

Given the tree's proximity to the footpath and carriageway, combined with the high probability of limb and/or whole tree failure occurring in the future, the tree is considered to represent an unacceptable risk to public and private safety, with no suitable remedial treatments available to mitigate the risks associated with it. In accordance with Council Wide Principle of Development 81, removal of the subject tree is warranted as it has been determined that tree removal is the only effective risk management exercise.

7. 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\0289\17, by City of Burnside, is **granted** Development Approval 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 Two (2) replacement trees must be planted on site within three months of removal of

the regulated tree, and thereafter maintained to the reasonable satisfaction of the Council. The replacement trees must not be a species listed in Regulation 6A(5)(b) of the *Development Regulations 2008* and must not be planted within 10 metres of any existing dwelling or existing in-ground swimming pool (regardless of whether the dwelling or pool is within the site or on adjacent properties).

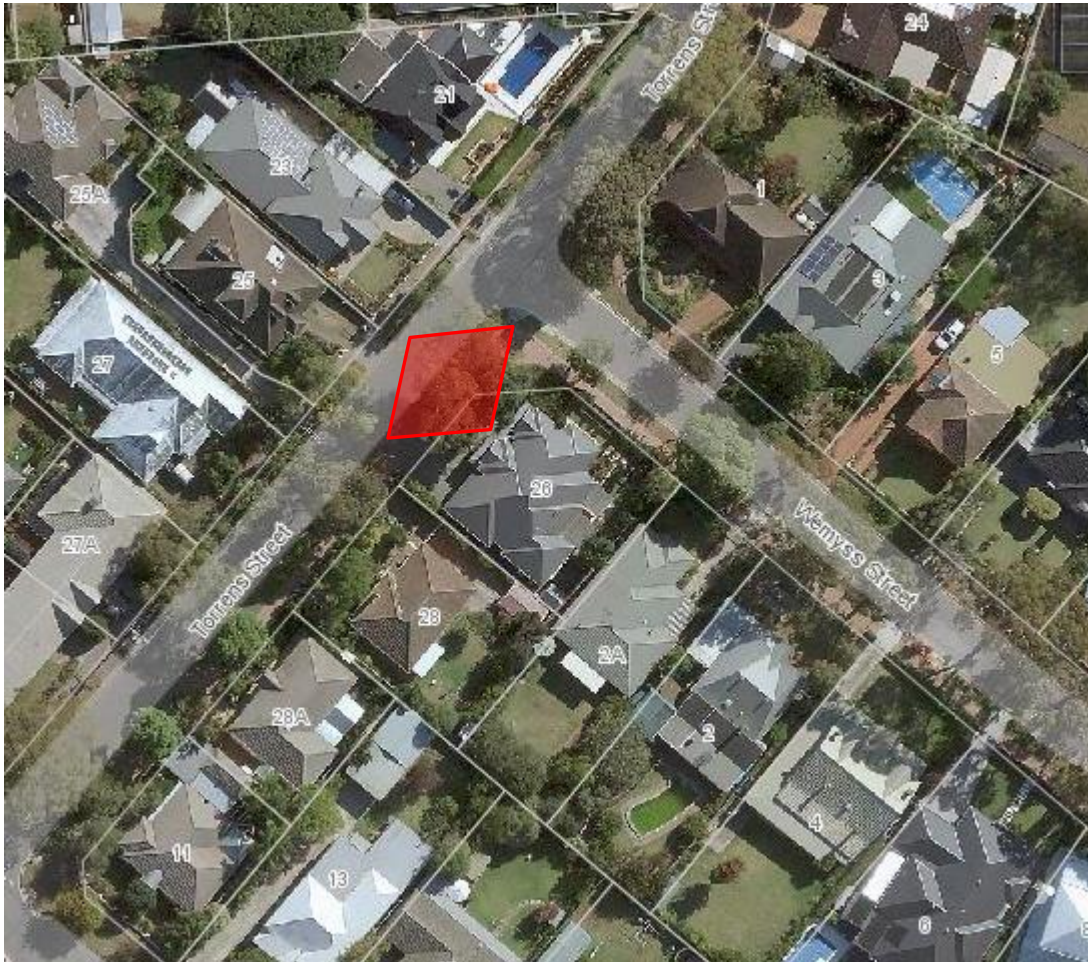
Reason:

To satisfy Section 42(4) of the *Development Act 1993*.

RECOMMENDING OFFICER

Jake Vaccarella
Development Officer – Planning

AERIAL LOCALITY MAP



Legend



Subject Land

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DEVELOPMENT APPLICATION

Application Number:	180\0949\16
Applicant:	F Samson
Location:	63 Stonyfell Road STONYFELL SA 5066
Proposal:	<i>(Non-complying) Earthworks greater 9 cubic metres involving excavation greater than 1.0m below natural ground level and filling to a height that exceeds 2.0m above natural ground level, construction of a shed, rainwater tank fencing and gates</i>
Zone/Policy Area:	<i>Hills Face Zone Development Plan consolidated 28 April 2017</i>
Kind of Assessment:	<i>Non-complying</i>
Public Notification:	<i>Category 3 Nil (0) representations received</i>
Appeal Opportunity	<i>None</i>
Delegations Policy:	<i>Non-complying development</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:

- Plans and supporting documents
- Delegate’s Report to Proceed
- Photographs

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the upgrading of existing fire access track situated on the southern side of the existing dwelling and continuing to the vineyard which occupies the southern portion of the subject land.

More specifically, the applicant seeks to widen and stabilise the track to facilitate all-weather access to the upper portion of the land. The required cut and fill is generally between 700mm and 900mm in height/depth however this increases to 1.0m to 1.5m where the track widens.

Upon completion of the track widening, the applicant proposes to cover the battered surfaces with topsoil with native grasses, ground covers and shrubs to be planted to stabilise and screen the earthworks.

Other development components being considered with this application include:

- Shed measuring 6.5m x 6m (39m²) abutting the existing shedding within the lower/northern portion of the subject land.
- Back-filling of a minor, disused quarry located at the centre of the subject land.
- New/replacement fencing around portions of the perimeter of the land and above the disused quarry to secure the subject land and prevent unauthorised entry and accidental falls.
- Installation of a 15,000L (8m diameter x 3.2m tall) water tank for irrigation and firefighting purposes alongside an existing water tank adjacent to the vineyard and access track.

2. BACKGROUND

In July 2016 Council staff were informed of earthworks being undertaken on the land at 63 Stonyfell Road, Stonyfell. Subsequently, Council's Development Compliance officers undertook an inspection of the land and as such, confirmed the existing fire track had been significantly altered. The involved earthworks were confirmed to be greater than 9 cubic metres in addition to leaving short sections of cut and fill that exceeding 2 metres and 1 metre respectively.

During October 2016, an application was submitted by the registered owner of the land Mr Francis Samson seeking retrospective consent for the works already undertaken, in addition to full details regarding the extent of the fire track, back filling of a disused quarry, a small maintenance shed, rain water tank and fencing.

The application was assigned the development application number 180\0430\16 and determined to be development that was *non-complying* by virtue of the extent of excavation and fill required to complete the fire track which exceeded the threshold prescribed by Local Hills Face Zone principle of development control 27 which states:

"Excavation where the depth of excavation of land exceeds 2.0 metres below natural ground level, except for the portion of a building that is fully underground, underground homes, pools, underground tanks, cellars, pipelines and waste disposal and treatment systems

Filling where the height of filling of land exceeds 1.0 metre above natural ground level except for underground homes, underground tanks and cellars"

Council subsequently made a request to the applicant to provide a Statement in Support pursuant the *Development Regulations 2008*, Regulation 17(3) which was submitted in February 2017.

In accordance with Council's Delegations Policy, the Team Leader – Planning determined to proceed with an assessment of the application in June 2016, and at that point, made the request for the applicant to provide a Statement of Effect in accordance with Regulation 17(4) of the *Development Regulations 2008*. The applicant was also advised that the application would be processed as Category 3 development pursuant to Section 38 (2)(c) of the *Development Act 1993* (the Act) because the development was not assigned a development category by either the Burnside (City) Development Plan or *Development Regulations 2008* (the Regulations).

In March 2017, the Statement of Effect was submitted and the application was placed on Category 3 public consultation for a period of ten (10) business days. Nil third party submissions were submitted during the consultation period.

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 that Development Plan Consent be granted, subject to conditions and reserved matters and the concurrence of the Development Assessment Commission (the DAC).

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a large, irregular shaped allotment located on the north-eastern side of Allandale Avenue, in the suburb of Glen Osmond. The land is wholly located in the Hills Face Zone and is bordered by land in the Residential Zone to west, vacant and/or residential development within the Hills Face Zone to the north and east, and the Boral quarry land to the south.

The land has a total area of approximately 3.6 hectares and is connected to Stonyfell Road via two "handles", one of which serves as a right-of-way for the allotments 65, 65A, 65B and 65C Stonyfell Road and the other as a second driveway access to the dwelling and lower portions of the subject land. The land is currently occupied by a single-storey detached dwelling with some minor ancillary structures within its immediate curtilage and a vineyard to the south.

The foothills location means the terrain is steep, rising from west to east at an average gradient generally in the order of 1 in 2. Various ground covers, shrubbery and native trees are found across the land.

3.2. Locality

The locality comprises those allotments sharing a common boundary with the land and to a lesser extent, those properties located on the northern side of Gandys Gully Road that share a visual connection with the subject land.

The locality is considered to have a diverse character that is derived from large scale, split-level and multi-storeyed dwellings in a variety of architectural styles sited on low-density allotments, large vacant land parcels as the Boral quarry activities that occur to the south of the locality. The steep terrain and large, often dense vegetation, creates a unique blend of built and natural landscape features that contribute to a high level of amenity.

4. KIND OF ASSESSMENT

Kind:	Non-complying
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Reason:	Hills Face Zone principle of development control 27
Applicant Appeal Opportunity:	No

5. PUBLIC NOTIFICATION

Category:	Category 3
Reason:	<i>Development Act 1993, Section 38(2)(c)</i>
Representations Received:	Nil (0)
Third Party Appeal Opportunity:	No

6. EXECUTIVE SUMMARY

6.1. Land Use

The subject land is an existing Torrens Title allotment within the Hills Face Zone with historical land use rights for residential purposes with a small vineyard. The development maintains and continues the established residential use of the site and is not considered to be seriously at variance with the relevant policies for the Hills Face Zone as contained within the Burnside (City) Development Plan.

6.2. Character and Amenity

The primary objectives for the Hills Face Zone seek to preserve and enhance the natural landscape character that provides a natural backdrop to the Adelaide Plains in contrast to the nearby urban areas. The term "natural character" not only refers to the native vegetation but also to the natural topography that steeply rises from west to east forming the Adelaide Mounty Lofty Ranges.

The subject land is in a location that is not overly prominent, in a visual sense, when views are sought from land that is not sited within locality. When the subject land is viewed from land within the locality, the trails are not deemed to be unreasonably obtrusive due to their general formation along the existing contour lines of the land. Earthworks that involve cutting across site contours generally leave more prominent scarring on the landscape and therefore incur more of an impact to visual amenity. Due to the subject land being elevated well above adjoining land, sightlines toward the earthworks are obstructed by virtue of the existing land contours and location of existing vegetation.

The shed and water tank are proposed in locations that are conducive to their respective functions while maintaining an unobtrusive profile to the Adelaide Plains and surrounding natural landscape. Boundary fencing will assist with the clear delineation of the subject land and is to be of open, chain mesh construction so as to be a visually permeable element within the landscape.

6.3. Site Functionality

The Applicant has stated that the trails are to be used for better vegetation and bushfire management on site and improved access to the vineyard. The proposed trails improve site functionality and access to the upper slopes of the land and permit the above intentions to be carried out more effectively.

6.4. Public Notification

Nil (0) third party representations were submitted during the public consultation period.

6.5. Agency Referrals

The application did not require any statutory referrals to state agencies pursuant to Section 37(1) of the *Development Act 1993*.

6.6. 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.

7. 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\0949\16, by F Samson, 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.

Reserved Matters

1. That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the City of Burnside, prior to Development Approval of the application:
 - 1.1 The applicant shall supply a detailed landscaping plan that demonstrates how cut and/or battered surfaces are to be landscaped in a manner that enhances the natural landscape character.

Reserved Conditions

1. Pursuant to Section 33(1) of the *Development Act 1993* the DAP reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matters, and this is delegated to the Manager of City Development & Safety.

RECOMMENDING OFFICER

Jason Cattonar
Team Leader – Planning

APPENDIX 1

AERIAL LOCALITY MAP



Legend



Subject Land

APPENDIX 2

DETAILED PLANNING ASSESSMENT

Summary of 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.*

Subject:	Assessment:
DP Ref	
Desired Land Use O 1 PDC 1	Satisfied. The subject land is a large allotment that contains an existing single occupancy detached dwelling. The proposed earthworks maintain the established and lawful use of the land.
Excavation and/or Filling of Land PDC 2	Satisfied. The earthworks do not impact upon any significant areas of native vegetation or alter the natural topography to an extent that would unreasonably impact the context of the land within its foothills setting. Native grasses and other vegetation will be used to cover exposed areas of cut and/or fill providing a natural finish that maintains the natural landscape character.
General Amenity PDC 3	Satisfied.

Summary of Council Wide Objectives and Principles

Primary Development Objectives:

Objective 22:

Conservation of streetscapes and landscapes of aesthetic merit, and sites and localities of natural beauty.

Objective 41:

Development should minimise the threat and impact of bushfires on life and property while protecting the natural and rural character.

Objective 50:

The face and skyline of the Mount Lofty Ranges not impaired by visually obtrusive development.

Subject:	Assessment:
DP Ref	
Zoning and Land Use PDC 3	Satisfied.
Amenity O 22 PDC 55	Satisfied. The subject land is in a location that is not visually prominent to the Adelaide Plains and views of the land are contained to small areas within the identified locality. The proposed earthworks follow the existing land contours and will not leave any unreasonable or prominent scarring on the landscape
Bushfire Protection O 41 PDC 126	Satisfied. The proposed earthworks improve access to the lower slopes of the subject land which will contribute to better bushfire and vegetation management.
Skyline of the Mount Lofty Ranges O 50	Satisfied.