



Development Assessment Panel Meeting Agenda

**Tuesday 01 August 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 04 July 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4 APPLICATIONS WITHDRAWN FROM THE AGENDA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:	5719.1
Page:	5
Application Number:	180\0530\17
Applicant:	Mr R Noushabadi
Location:	11 Wootoona Terrace ST GEORGES SA 5064
Proposal:	Replace existing tennis court fence (3.6m high) and install new tennis court lights (5m high)
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> • <i>Chris Redin – 22 Craighill Road, St Georges (wishes to be heard)</i>
Applicant:	<ul style="list-style-type: none"> • <i>PO Box 70, Glenside SA 5065</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:	5719.2
Page:	13
Application Number:	180\0380\17
Applicant:	Domenic Mittiga Pty Ltd
Location:	527A-535 Portrush Road GLENUNGA SA 5064
Proposal:	Four (4) illuminated signs
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> Glen Walker – 2/490 Portrush Road, St Georges (wishes to be heard)
Applicant:	<ul style="list-style-type: none"> 40 Franklin Street, Adelaide SA 5000

Report Number:	5719.3
Page:	23
Application Number:	180\0503\17
Applicant:	Lares Homes
Location:	418 Glynburn Road ERINDALE SA 5066
Proposal:	Single storey detached dwelling and two-storey detached dwelling including fencing and swimming pool
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> Kathy Shubin-Tolmachoff – 416 Glynburn Road, Erindale (wishes to be heard) Marea Atkinson – 57 Stanley Street, Erindale (wishes to be heard)
Applicant:	<ul style="list-style-type: none"> Matt King of URPS Planning on behalf of Lares Homes - 45 King William Road, Unley SA 5061

6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD**(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (NO HEARING)**

Report Number:	5719.4
Page:	38
Application Number:	180\0560\17
Applicant:	N M Slack and G Slack
Location:	43 Coach Road SKYE SA 5072
Proposal:	Alterations and additions to existing dwelling
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 01 August 2017 (with the exception of members of Council staff who are hereby permitted to remain), to enable the Panel to receive, discuss or consider legal advice, or advice from a person who is providing specialist professional advice.

10 CONFIDENTIAL MATTERS**10.1 LEGAL MATTER APPEAL**

Nil

NOTES FOR THE READER**Purpose**

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

Development Plan Assessment

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

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

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

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

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

Representations

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

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

DEVELOPMENT APPLICATION

Application Number:	<i>180\0530\17</i>
Applicant:	<i>Mr R Noushabadi</i>
Location:	<i>11 Wootoona Terrace St Georges</i>
Proposal:	<i>Replace existing tennis court fence (3.6m high) and install new tennis court lights (5m high)</i>
Zone/Policy Area:	<i>Historic Conservation Zone Policy Area 3 – St Georges (Wootoona Terrace) Development Plan consolidated 08 December 2016</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category 3 One (1) representation received</i>
Appeal Opportunity	<i>Applicant and third party appeal rights</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>Development Plan Consent be granted</i>
Recommending Officer:	<i>Theresa James</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
- Representations received
- Photographs

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the following:

- Resurfacing existing tennis court;
- Installation of four (4) 5m high light poles and associated luminaires; and
- 3.6m high chain-wire black fencing to the perimeter of the existing tennis court (to replace existing tennis court fencing).

2. BACKGROUND

The subject land benefits from the presence of an existing tennis court located in the rear, north-western corner of the subject land. The tennis court is currently bordered by approximately 3.6m high chain wire fencing and associated posts to each elevation.

The current development application was lodged with Council on 24 May 2017 by the registered owner of the land. The application was determined to be a merit type application pursuant to Section 35(5) the Development Act, 1993 and to be a category 3 development for the purposes of public notification.

The application documents were made available for public viewing on 21 June 2017 through to 07 July 2017, during which time Council received one (1) written submissions identifying concerns relating to intensified use of the tennis court, light spill, people noise and privacy.

The proposal is now presented to the Panel as a Category 3 development with unresolved representations and a staff recommendation of consent subject to conditions.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a large, rectangular shaped allotment measuring 2100m², with a single frontage to Wootoona Terrace measuring 27.35m. The land is occupied by a single two-storey detached dwelling identified as a Contributory Item within the Historic Conservation Zone. The land includes a large rear private open space area and features an existing tired tennis court and associated fencing.

3.2. Locality

The locality forms part of Historic Conservation Policy Area 3, which is characterised by large houses on large, wide allotments. The established historic character is derived from early 20th Century houses in a variety of styles and many of which are multi-storey. Tennis court and swimming pool facilities, and significantly landscaped front yards form part of the character for this policy area.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 3
Reason:	Section 38(2)(c) the Development Act, 1993
Representations Received:	<ul style="list-style-type: none"> Chris Redin – 22 Craighill Avenue (wish to be heard)
Third Party Appeal Opportunity:	Yes

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

6. EXECUTIVE SUMMARY

6.1. Land Use

In relation to the current proposal, the following comments are made:

- The development comprises domestic structures associated with an existing residential allotment within the Historic Conservation Zone;
- The development facilitates and enhances the continued use of the land for residential purposes;
- The proposal is not listed as a non-complying development in the Zone provisions of the Development Plan; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

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

6.2. Character and Amenity

Tennis courts are a common residential feature across the City of Burnside, particularly so in lower density suburbs such as St Georges. The proposed lighting and fencing is located in the rear north-western corner of the subject land. They will have no impact on the character or amenity of Wootoona Terrace due to their location some 43m from the road boundary, and concealment behind the existing two-storey dwelling.

Due to the vacant allotment adjoining the rear north-eastern corner of the land, the development may be partially visible from Craighill Road. However due to the deep set-back to Craighill Road, the off-set position of the development in relation to the adjoining vacant land, together with the low overall height of the fencing and lighting poles, it will be inconspicuous from Craighill Road.

Given the location of the development adjacent two external boundaries, to the north and the west, there is potential for the proposed lighting to impact other properties external to the subject land. The main forms of potential disturbance are light spill, glare, noise and the visual appearance of the poles themselves.

With respect to the height of the proposed fencing and lighting poles, these are not expected to have a significant impact on the amenity of adjoining residents. This is largely due to the fact that the proposed fencing is replacing existing fencing, and as such will present similarly as existing circumstances. The lighting poles are relatively low in height, measuring only 5m. The light poles are set-back approximately 10m from the rear (northern) boundary. Given their slender appearance and limited height they are not expected to impact on the visual amenity of adjoining residents.

The adjoining residential allotment to the north comprises a single allotment with a large private open space area adjacent the location of the tennis court. The adjoining land to the west of the tennis court comprises a narrow 'dog-leg' style strip approximately 6m in width associated with the adjoining land at 9 Wootoona Terrace. To the west of that land forms the rear boundary of land at 4-10 Crossing Street.

With regard to light spill, the applicant has included a site plan confirming the illuminance at the north boundary, associated with land at 22 Craighill Road, and the rear boundaries of those properties at 4 – 10 Crossing Street. The values measure 0 lux along the north boundary and 3.9 - 9 lux along the rear boundaries of land at 4 – 10 Crossing Street (west of the tennis court). The lux levels, as a result of the proposed development, satisfy the recommended maximum values of 10 lux at the boundaries of 22 Craighill Road and 4 – 10 Crossing Street (as per the recommended values from Table 2.1 AS 4282-1997 – Control of the Obtrusive Effects of Outdoor Lighting).

Whilst no lux level is shown at the boundary where the subject land adjoins the 'dog leg' rear portion of land belonging to 9 Wootoona Terrace, this area comprises vegetation and private open space, with the dwelling on that land set-back some 26m from the proposed lighting. Given this, the proposed lighting will not significantly impact on the amenity of those residents, as there are no windows to habitable rooms in proximity to the development.

With regard to noise disturbance, the tennis court is an existing feature of the land and suitable for domestic use only. Although outdoor lighting will permit use of the court for greater periods in the evening, hours of operation will be restricted to 10pm on weeknights and 11pm on weekends at the absolute latest, in accordance with standard Council practice. Furthermore, dwellings on adjoining land are set-back substantially from the location of the tennis court.

The development is therefore considered to satisfy the relevant provisions of the Development Plan with respect to character and amenity.

6.3. Public Notification

Council received one written submissions during the public consultation period, which expressed opposition to the development. Primary concerns were related to light spill, noise disturbance and intensifying the use of the court, impacting on the amenity of adjoining residents (to the north of the tennis court).

The lux level at the boundary of the Representors' land is 0 lux and therefore the development will satisfy relevant light spill standards. 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.

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\0530\17, by Mr R Noushabadi 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 tennis court lighting hereby approved shall not be operated:
 - Before 8.00am or after 10.00pm Sunday to Thursday; and
 - Before 8.00am or after 11.00pm Friday to Saturday.

Reason:

To ensure the amenity of the neighbouring properties is not adversely affected by the proposal.

RECOMMENDING OFFICER

Theresa James
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 Historic Conservation Policy Area 3 Objectives:	
<u>Objective 1:</u>	
<i>Development that conserves and enhances the Established Historic Character.</i>	
Subject: DP Ref	Assessment:
Desired Land Use O 1	Satisfied. The residential land use of the site does not change by virtue of this application.
Local Compatibility PDC 1	Satisfied. The locality is peppered with tennis courts and associated lighting. Tennis court lighting is commonplace within this immediate locality, and as such this development is compatible with existing development.

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 55:

Safe, pleasant, accessible and convenient residential areas.

Objective 56:

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

Subject:	Assessment:
DP Ref	
Building Height PDC 164	Satisfied. The height of the proposed tennis court lighting poles are 5m in height, which is lower than that typically installed for domestic tennis court lighting.
Private Open Space PDC 166, 169	Satisfied.
Amenity O11, 20-22 PDC 14-18, 52-69, 170-173	<ul style="list-style-type: none"> • The proposed light poles are a slim design and low in height (5m) to ensure they are not obtrusive structures when viewed from adjoining land, or from the local road network. • The applicant has provided sufficient evidence demonstrating that the proposed lighting scheme will not significantly impact on the amenity of indoor areas associated with dwellings on adjoining land. • The Australian Standards are viewed as an appropriate benchmark for determining acceptable levels of light spill and glare in this instance. • Lighting hours of operation shall be restricted in accordance with established Council practice to ensure impacts to adjoining neighbours are minimised within reason.

DEVELOPMENT APPLICATION

Application Number:	180\0380\17
Applicant:	<i>Domenic Mittiga Pty Ltd</i>
Location:	<i>527A-535 Portrush Road, Glenunga</i>
Proposal:	<i>Four (4) illuminated signs</i>
Zone/Policy Area:	<i>Local Centre Zone Development Plan consolidated 08 December 2016</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category 2 One (1) representations received</i>
Appeal Opportunity	<i>Applicant only, no third party appeal rights</i>
Referrals – Statutory:	<i>Department of Planning, Transport and Infrastructure</i>
Referrals – Non Statutory:	<i>Internal Traffic Engineer</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>Development Plan Consent be granted</i>
Recommending Officer:	<i>Renae Grida</i>

REPORT CONTENTS

- Assessment report:
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 - Appendix 2 – Detailed Planning Assessment

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

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

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

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the retrospective installation of four (4) illuminated signs at 527A – 535 Portrush Road in the suburb of Glenunga. The signage relates to the lawful land use of a Medical Centre. The proposal includes two signs attached to the parapet of the existing building measuring 0.9m x 2.4m and 2.4m x 1.2m, one sign attached to the fascia measuring approx. 7.8m x 0.35m, and one double-sided awning sign measuring 2.2m x 0.5m.

The signs have been installed for promotional and identification purposes associated with the lawful use of medical consulting rooms. The design of the signage includes solid charcoal background colour, with illuminated lettering only.

2. BACKGROUND

Development Application 180\0380\17 was lodged on 10 April 2017 by Domenic Mittiga Pty Ltd on behalf of the land owner. The use of the land is subject to a recent approval, being development application 180\0706\16 which changed the use from retail premises to medical consulting rooms.

The application was subject to a statutory referral to the Department of Planning Transport and Infrastructure in accordance with Schedule 8, 4 of the *Development Regulations 2008*.

Pursuant to the *Development Act 1993*, Section 35(5), the application was determined to be assessed on merit, and as a category 2 form of development, in accordance with Schedule 9, Part 2, 18(c) of the *Development Regulations 2008*. The application did not trigger 'non-complying' under the Local Centre Zone in the Burnside (City) Development Plan, as the proposed signage is not freestanding or more than six metres above natural ground level at any point, and does not protrude above the highest level of the building.

The application was made available for public viewing from 27 April 2017 to 11 May 2017, during which time one (1) written submission was received expressing concern over the brightness of the illuminated signage and associated amenity impacts on the adjacent Residential Zone.

Pursuant to Council's delegation policy, the application is now presented to the Panel for consideration as a category 2 development with unresolved representations.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a regular shaped corner allotment with a primary frontage to Portrush Road and a secondary frontage to Queen Street. The land is located wholly within the Local Centre Zone, abutting land to the north, west and south also located within the Local Centre Zone, and land to the east, being within the Residential Zone, albeit separated by Portrush Road.

3.2. Locality

The locality comprises land on the western side of Portrush Road, approximately 60 metres to the north and the south of the subject land. The locality also includes land within 60 metres of the subject land to the west, and all contained wholly within the Local Centre

Zone, as well as land with a frontage to Portrush Road on the eastern side, within the adjacent Residential Zone.

The locality mainly comprises business uses, including a range of shops, offices and consulting rooms on the western side fronting Portrush Road. The locality also comprises residential land to the eastern side of Portrush Road, and some residential land within the Local Centre Zone to the west of the subject land.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Development Regulations 2008, Schedule 9, Part 2, 18(c)
Representations Received:	<ul style="list-style-type: none"> Glen Walker – 2/490 Portrush Road St Georges (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

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

7. EXECUTIVE SUMMARY

7.1. Land Use

In relation to the current proposal, the following comments are made:

- The proposed signage relates to an established, suitable and lawful land use operating from the subject land;
- The locality seeks, and is characterised by, low scale businesses comprising shops, offices and medical consulting rooms; and
- Signage and advertising displays constitute a key feature of the Local Centre Zone and are a necessary means for identifying and promoting local businesses to vehicular and pedestrian traffic.

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

7.2. Character and Amenity

The Local Centre Zone seeks the accommodation of shops, offices and small-scale businesses to service the needs of the local community. The lawful use of medical consulting rooms on the site is aligned with the specific uses sought by Local Centre Zone Principle of Development Control 1. The proposed signage is an appropriate form of

development, and constitutes a key feature of the Local Centre Zone as a necessary means for identifying and promoting local businesses to vehicular and pedestrian traffic.

The locality is characterised by a variety of shops and commercial businesses that exhibit similar forms of signage. The proposal, which involves four (4) signs in total, is not considered excessive when compared to the extent of signage associated with other businesses in the locality, and as such, is not considered to disadvantage other businesses in terms of promotional exposure along Portrush Road. In short, the proposed signage is characteristic of the locality, and of a reasonable and expected extent and form, within the Local Centre Zone.

The representation received during the public notification period raised concern regarding amenity impacts, such as the luminosity of the signs, the height of the signs and the hours of use. In terms of positioning, the proposed signage does not protrude above the highest level of the existing building, and is notably of a lower scale and prominence than other signage within the immediate vicinity.

The extent of luminosity is subject to a condition of the Department of Planning, Transport and Infrastructure to not exceed 100cd/m². In addition, the proposal has been amended to include a time clock on all signs and downlights underneath the verandah to automatically turn off at 9:30pm, 7 days a week. The location of the signage is also separated by some 25m – 30m to the adjacent Residential Zone. The proposal is therefore not considered to unreasonably impair the amenity of nearby dwellings in terms of light nuisance.

Considering the context of the site and locality, the extent of other illuminated signage and other illuminated street infrastructure (street lights, public phone booth etc.), the proposed development is within appropriate parameters.

The content of the signage displays the business name and logo in a clear and concise manner, so as to avoid proliferation and unnecessary numbers of signs displayed. The signage contains no elements that move or flash, and meets the standard conditions regarding size, location and design, as imposed by the Department of Planning, Transport and Infrastructure so as to not obscure a driver's view or distract driver passing along the concerned section of Portrush Road.

Regarding the context of the site and locality, the restriction on the hours of illumination, and reduction in luminosity of the light boxes and LED lighting associated with the proposed signage, the proposed displays are not considered to have an unreasonable and adverse impact on the adjacent residential zone, or the subject Local Centre Zone. In addition, the proposed development is not considered to affect the functionality of the subject land use or free flow of pedestrian or vehicular traffic.

7.3. Public Notification

The application was subject to public notification as the site of the development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development. Council received one (1) written representation raising concerns regarding amenity impacts resulting from the visibility and the illumination of the proposed signage.

The applicant has since made amendments to the proposal to address concerns raised through the public notification process, including:

- Change in colour of lighting in signage facing Portrush Road from cool white to warm white, thereby reducing illumination by approx. 35%; and

- All signage and lighting on a time clock to turn off at 9:30pm 7 days a week.

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

7.4. Agency Referrals

The application was referred to the Department of Planning, Transport and Infrastructure, as required under Schedule 8, 4 of the *Development Regulations 2008*.

The formal response received from the Department of Planning, Transport and Infrastructure advised that the Department does not object in-principle to the proposed development subject to conditions, included in the recommendation, and of which the proposal complies with.

Council's Traffic Engineer has reviewed the proposal and DPTI recommendations, concurring with the advice and recommendations of DPTI.

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\0380\17, by Domenic Mittiga 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 DPTI Requirements

1. The signs shall be designed in strict accordance with the plans provided by Domenic Mittiga Pty Ltd on 27 April 2017.
2. The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only. No element of LED or LCD display shall be included in the design of signs.
3. The illuminated signs shall be limited to a low level of illumination so as to minimise

- distracted to motorists ($\leq 100\text{cd/m}^2$).
4. The signs shall not contain any element that flashes, scrolls, moves or changes.
 5. All signage shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.
 6. The signs shall not display images, text or backgrounds that are predominantly red, yellow/amber or green in colour.
- 3 The illuminated signage shall be on an automatic timer and turn off at 9:30pm, 7 days per week.

Reason:

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

RECOMMENDING OFFICER

Renae Grida
Development Officer – Planning

AERIAL LOCALITY MAP



Legend

- Subject Land
- Representor's Land

APPENDIX 2

DETAILED PLANNING ASSESSMENT

Summary of Local Centre Zone Objectives and Principles

Local Centre Zone Objectives:

Objective 1:

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

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 1 PDC 1	Satisfied.
Building Appearance PDC 2-5	Satisfied.

Summary of Council Wide Objectives and Principles

Primary Council Wide Objectives:

Objective 1:

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

Objective 6:

Buildings and environs which are safe, secure and accessible for all users.

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 12:

Roads, open spaces, paths, buildings and land uses laid out and linked so that they are easy to understand and navigate.

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 71:

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

Objective 80:

Advertisement and advertising displays confined to appropriate areas, and designed and located to:

- (a) complement and improve the character and amenity of the area within which it is located, including the appropriate rectification of existing unsatisfactory signage;*
- (b) maintain equity of exposure for all business premises;*
- (c) avoid creating or contributing to any hazard; and*
- (d) be concise and efficient in communicating with the public to:*
 - (i) avoid proliferation of confusing and cluttered information; and*
 - (ii) minimise the number of advertisements displayed.*

Subject:	Assessment:
DP Ref	
Land Use O 1 & 6 PDC 1-5	Satisfied.
Design and Appearance O 11 PDC 14-18, 23-28	Satisfied.
Amenity O11, 20-22 PDC 14-18, 52-69	Satisfied. <ul style="list-style-type: none"> • The proposal is not considered to cause unreasonable nuisance or detract from the amenity of the locality in respect of light impact, given the proposed signage is restricted via the time clock, and is in a location where illuminated signage is a commonplace form of development.
Centres PDC 223-224	Satisfied. <ul style="list-style-type: none"> • The proposed signage and generation of light is not considered to result in unreasonable impact on existing dwellings in an adjacent zone due to the proposed time clock, extent of illumination and spatial separation from the adjacent residential zone. • The proposal complies with CW PDC 224(g) in not detracting

	from the safety of road users.
<p>Outdoor Advertisements PDC 233-239</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> • The proposed signage is simple in its design and message, as per CW PDC 233(a); • The proposed signage is not considered to be excessive in terms of proliferation, as per CW PDC 233(b); • The signs are of an appropriate form, style and size and positions on the existing building so as to not have any prominent impact on the character of the locality and have limited impact on road users and safety, as per CW PDC 233(c); and • Whilst the proposed signage is visible to adjacent residential areas, the design and functionality of the proposal is so that it is not considered to have an adverse impact on amenity, for reasons previously identified, as per CW PDC 233(d).

DEVELOPMENT APPLICATION

Application Number:	<i>180\0503\17</i>
Applicant:	<i>Lares Homes</i>
Location:	<i>418 Glynburn Road, Erindale</i>
Proposal:	<i>Single storey detached dwelling and two-storey detached dwelling including fencing and swimming pool.</i>
Zone/Policy Area:	<i>Residential Zone Residential Policy Area 12 - Erindale Development Plan consolidated 08 December 2016</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category Two Two (2) representations received</i>
Appeal Opportunity	<i>Applicant only, no third party appeal rights</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>Theresa James</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 following:

Constriction of two dwellings comprising:

Single storey dwelling (Lot 10):

- Double car garage;
- 3 bedrooms;
- Study;
- Home theatre;
- Formal living/lounge;
- Gym room;
- Laundry;
- Bathroom;
- Open kitchen/family room;
- Verandah; and
- Boundary fencing.

Two-storey dwelling (Lot 11):

Ground level -

- Double car garage;
- Main bedroom including walk-in-robe and ensuite;
- Formal living/lounge;
- Laundry;
- Wash closet;
- Open kitchen/family room;
- Verandah;
- Swimming pool; and
- Boundary fencing.

Upper level –

- 2 bedrooms;
- Open lounge room; and
- Bathroom.

2. BACKGROUND

The subject development application was lodged with Council on 18 May 2017. The application was considered a merit type application pursuant to Section 35(5) the Development Act, 1993.

On 26 May 2017 the application was placed on category 2 public notification for a period of two weeks pursuant to Residential Policy Area 12 Principle of Development Control 8(a) & (d). The public notification concluded at close of business on 09 June 2017. During the public notification period all adjacent land owners/residents were notified of the development and were provided with an opportunity to lodge a written representation to Council. The notification generated a response from two Representors who have indicated they wish to be heard by the Development Assessment Panel (the Panel).

In June 2017 approval was granted for the demolition of the existing dwelling and garage on the site (DA 180\0571\17). Fyfe Pty Ltd, on behalf of the owner of the land, has also lodged an application for a Torrens Title Land division application (DA 180\0002\17). No decision on that application has been issued, as the Applicant has requested it be put on hold.

In any event, the proposed development subject of this assessment is described as two *detached* dwellings. Council is satisfied that the boundaries of each dwelling site area are precisely shown, and reflective of the land division application lodged with Council.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land comprises a large, rectangular shaped allotment located at the north-east corner of Glynburn Road and Stanley Street. The land is located within the Residential Zone, Policy Area 12 – Erindale.

The land has an overall area of 1346m² and frontage measuring 18.8m to Glynburn Road (plus a 4.32m corner cut-off) and a 58.83m frontage to Stanley Street. The land appears generally flat, with a steady 2m rise from Glynburn Road towards the rear eastern boundary.

Existing on the site is a 1934 Art Deco style, single storey detached dwelling, bordered by low fencing to Glynburn Road and the western portion of Stanley Street. Green coloured corrugated iron fencing spans for the majority of the Stanley Street boundary. Standard boundary fencing spans along the northern side boundary, and a 0.7m high retaining wall borders the rear eastern side boundary of the site, with no fencing atop.

The land is moderately vegetated, with a large Camphor Laurel (*Cinnamomum camphora*) tree located in the rear yard, adjacent the northern boundary fence. Despite the large size of the tree, it is an exempt species listed under Clause 6A, (5)(b) the Development Regulations 2008, and is not protected under the Development Act, 1993.

3.2. Locality

The immediate locality comprises the streetscape of Glynburn Road, where it meets Kensington Road to the north and Egmont Terrace to the south. The locality also comprises the streetscape of Stanley Street where it meets Glynburn Road to the west and Hallett Road to the east.

Glynburn Road is a Secondary Arterial road and as such experiences high volumes of traffic during peak hours. Whilst development with frontage to Glynburn Road in this locality is residential in nature, the dwelling types and the density of residential living vary considerably.

The majority of housing types on Stanley Street comprise detached dwellings, although group dwellings can be found. In addition, the size of allotments with frontage to Stanley Street vary, particularly those on corner allotments.

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 12 Principle of Development Control 8 (a) & (d)
Cut / Fill:	The development includes mostly excavation, rather than fill, and as such has minimal impact external to the site.
Representations Received:	<ul style="list-style-type: none"> • Kathy Shubin-Tolmachoff – 416 Glynburn Road (wish to be heard) • Marea Atkinson – 57 Stanley Street (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

In relation to the current proposal, the following comments are made:

- The development involves the construction of two dwellings on one site, where the boundaries of each site are precisely shown and reflective of a current land division application undergoing assessment;
- The nature of the proposed built form (detached dwellings) is consistent with the low density residential character envisaged for the policy area;
- The proposed development is not identified as a non-complying kind of development in the Burnside (City) Development Plan; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

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

7.2. Character and Amenity

The proposed development involves the construction of one single storey and one two-storey detached dwelling. The design of the dwellings exhibits contemporary features, such as the high level of fenestration to their façade and blade walls, yet also include traditional aspects, such as hipped roofing and stone finishes, which acknowledges the details of older dwellings within the locality.

Due to the location of the land at the corner of two roads, the building set-backs are closer to the secondary road than otherwise expected. The Development Plan envisages buildings on a corner site to entail a 3m road set-back to a secondary frontage. The single storey dwelling is set back slightly greater than that envisaged by the Development Plan, with the secondary façade set back 3.3m – 4.9m.

The second dwelling (two storey) is located towards the eastern portion of the allotment, and is set back 5.2m – 7.4m. Whilst the policy area seeks dwellings to be set back 8m from a primary frontage, the proposed set-backs are considered acceptable in this

instance as it mimics the siting of the existing dwelling and creates a smooth transition of built-form entering Stanley Street. The façade of the dwelling includes interrupted walling, with the majority of the façade comprising windows openings. This level of articulation ensures the proposed building is not a dominant feature within the locality.

The dwellings each include centrally located entry porticos and stone elements to the front elevations. These features, together with the high level of fenestration, ensure the dwellings will sit comfortably within the streetscape.

7.3. Site Functionality

The proposed building footprints fit well within the site boundaries of each allotment, as delineated on the proposed site plan. Whilst there are minor discrepancies with respect to site coverage calculations, the total floor area of the dwellings combined measures 49% of the site, which is considered acceptable. The dwellings are set back from adjoining residential land boundaries in general accordance with Development Plan guidelines. This ensures the proposed new dwellings will not significantly impact on the amenity of adjoining residents in terms of visual amenity or overshadowing.

In accordance with Development Plan provisions with respect to development on land abutting secondary arterial roads, each dwelling has been designed to ensure that all vehicles points of access/egress is located on Stanley Street. The existing crossover on Stanley Street will be utilised for the single storey dwelling (Lot 10) and a new crossover is proposed between two street trees for the two-storey dwelling (Lot 11). The new crossover will be set back 2m from the base of nearby street trees, which exceeds Development Plan requirements and Council Arborist requirements.

7.4. Public Notification

The application was determined to be a category 2 development pursuant to Residential Policy Area12 Principle of Development Control 8 (a) and (d) as the development included a two-storey dwelling and two dwellings on one site. During the notification period Council received two (2) written submissions from the owner/occupiers of the adjoining land to the north and east of the subject land, which raised the following concerns:

- Removal/cost of fencing;
- Privacy and visual buffer provided by large tree;
- Overlooking from upper level windows;
- Building height;
- Overshadowing of front southern windows (57 Stanley Street);
- Noise pollution; and
- Trespass.

The applicant responded to the representations, offering the following:

- *For the portion of land along the northern boundary where we are cutting our site down, to leave the existing fence untouched and construct the retaining wall, retaining cut hard up against the existing fence;*
- *For the portion of land along the northern boundary where we are filling the site, we will remove the existing fence, construct the retaining wall, retain (sic) fill and re-erect the existing fence;*
- *The removal of the Camphor Laurel is exempt from Regulated or Significant tree controls and can be removed at any time without Council consent;*
- *K.A.S Tolmachof's (416 Glynburn Road) rear yard being located to the north of our site will receive no shadowing cast from our proposed residences, as demonstrated from the shadow diagrams provided;*

- *There are two upper storey windows facing K.A.S Tolmachof's rear yard with a sill height of 1.7m above the floor level, therefore overlooking into neighbours private yards is impossible;*
- *The outlook from K.A.S Tolmachof's rear yard towards Lot 11 is predominantly a single storey roof line with a two storey component some 10m away from our northern boundary. The proposed floor level of this residence is, approximately between 0.2m and 0.6m below K.A.S Tolmachof's rear yard further reducing the visual impact of this residence;*
- *The increase in traffic is only by virtue of the subdivision of one large allotment into two smaller allotments. Councils Development Plan envisages this type of subdivision;*
- *We have provided a combined total of 4 undercover car parking spaces and two uncovered car parking spaces;*
- *The shadow diagrams provided to council indicate that even on the day of the winter solstice the shadow cast into the front yard of M. Atkinsons property does not extend over the building or windows;*
- *Our site supervisor and contractors have worked in established suburbs for many years and are quite familiar and sensitive to neighbours, their privacy, properties, lifestyle and comfort. We will endeavour to make this as smooth a process for neighbours as is possible; and*
- *The entire northern boundary fence is Colorbond and will be treated as per our revised northern boundary retaining wall plan.*

The proposed boundary fencing adjoining neighbouring allotments is typical of that found on residential land within the City of Burnside. The development includes minimal fill resulting in few and low retaining walls above the existing ground level, and therefore few retaining walls visible from adjoining land. The Applicant is correct in that the large species of tree proposed for removal (Camphor Laurel) adjacent the northern boundary is an exempt species, and as such is not protected under the Development Act, 1993.

With respect to overshadowing, the proposed development will not significantly impact on sunlight access experienced by adjoining dwellings. This is largely due to the location of the subject land to the south and the west of adjoining land. The proposed development will not project shadow towards the north, and as such will have no impact on the land at 416 Glynburn Road. The dwelling on the adjoining land to the east, at 57 Stanley Street, will avoid overshadowing by the proposed development due to its deep (11m) set-back to the Stanley Street front boundary. The shadow diagrams submitted sufficiently demonstrate this.

The development includes minimal upper level windows to the side and rear elevations. Only 2 upper level windows are proposed on the rear elevation of the two-storey dwelling, which relate to a stairwell and a bathroom. Both windows entail a sill height of 1.7m above the floor level, which is greater than that sought by the Development Plan, to ensure reasonable privacy of adjoining residents.

The proposed single storey dwelling includes 3 bedrooms, however an additional study, home theatre and gym room could reasonably be used as bedrooms. As such, the site should accommodate 3 off-street car parking spaces. The proposed two-storey dwelling only requires 2 off-street car parking spaces, however it provides 4 spaces. The shortfall in one off-street car parking space associated with the single storey dwelling is considered acceptable given the low traffic flow of Stanley Street, together with the numerous parking spaces on Stanley Street adjacent the single storey dwelling. In addition, an existing unrestricted 10.4m parking bay is located on Glynburn Road, directly adjacent the subject land.

7.5. Agency Referrals

The application was referred to Council's engineer and tree management officer who raised no concerns with the proposed development. The new vehicle crossover associated with the two-storey dwelling is set back a minimum of 2m from the base of adjacent street trees, which is in excess of the 1.5m Development Plan set-back requirement and tree management officer's requirement. Relevant advisory notes will be included on the decision notification form should the development receive consent.

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\0503\17, by Lares Homes 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 verandahs as depicted on the stamped plans granted Development Plan Consent shall remain open structures at all times with no walls or doors attached to the east elevation (Residence Lot 10) and the north and east elevations (Residence Lot 11).

Reason:

To ensure the proposal is developed in accordance with the approved plans.

RECOMMENDING OFFICER

Theresa James
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 12 Objectives:

Objective 1:

Enhancement of the low scale residential character that is derived particularly from:

- (a) *primarily single-storeyed detached dwellings, at low density, in a variety of styles (mainly post-war conventional styles, but with a relatively smaller number of inter-war bungalows); and*
- (b) *well-established, open, 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 enhanced, are found:

- (a) *on land with frontage to Kensington Road and to Glynburn Road; and*
- (b) *adjacent to the Local Centre Zone.*

Principle 1:

Development should complement the scale, bulk, siting and positive elements of existing dwellings where a distinctive and attractive streetscape character exists.

Principle 2:

Subject to Principle of Development Control 4, the site area for a detached dwelling should be not less than 625 square metres.

Principle 5:

A site for the development of a dwelling or dwellings should have a frontage to a public road of not less than:

- (a) *15 metres for each detached dwelling;*
- (b) *15 metres for group dwellings and residential flat buildings, to allow vehicular access to dwellings towards the rear of the site;*
- (c) *10 metres for each dwelling of any other type.*

Principle 6:

South of Godfrey Terrace, buildings should be set-back not less than eight metres from the boundary of a road, subject to the exceptions from the minimum set-back distance from a road listed in the relevant Council wide principle of development control under the heading "Residential Development".

Subject: DP Ref	Assessment:
Desired Land Use O 1	<p>Satisfied.</p> <p>The proposed development will maintain the residential use of land. Whilst the density will be increased due to an additional allotment and dwelling resulting from the development, the size of the allotments uphold 'low density' characteristics.</p> <p>The built form comprises of one single storey dwelling and one two-storey dwelling. Whilst there is a predominance of single storey dwellings within the wider locality, there are several two-storey dwellings along Stanley Street. The proposed two-storey dwelling comprises a modest upper level, with a high level of articulation and fenestration to the street.</p>
Local Compatibility PDC 1	<p>Satisfied.</p> <p>Glynburn Road and Stanley Street entail a range of dwelling styles. Several newly constructed dwellings and old character style dwellings exist within the immediate locality, as well as older conventional</p>

	<p> dwellings. The proposal comprises two well designed, modern style buildings which exhibit a high level of flair and increase the visual amenity of the site. The style, form and external materials will improve the visual appearance of the land, and will add to the amenity of the locality.</p>
<p>Site Areas and Frontages PDC 2-5</p>	<p>The policy area seeks allotments for detached dwellings to entail an area of 625m², and allotments housing other forms of dwellings to have an area of 500m², with 15m and 10m frontages respectively.</p> <p>The overall site area (1346m²) comfortably allows for 2 dwellings on the land. The land, however, is proposed to be divided such that Lot 10 (corner site) is greater in area than Lot 11 resulting in 796m² and 550m² allotment sizes. Each allotment will exceed policy area frontage width guidelines.</p> <p>Whilst Lot 11 entails a site area measuring 550m² the 75m² shortfall in area for the proposed detached dwelling does not manifest itself in significant departures relating to site coverage, private open space and bulk/scale. Furthermore, it is not uncharacteristic for allotments located at the intersection of two roads within the locality to be smaller in area than allotments with a single frontage to the road. This is evident east of the subject land, at the intersection of Stanley Street and Hamilton Street, and also where Stanley Street intersects Lockwood Road, Jarvis Street, Goyder Street and Hallett Road.</p>
<p>Building Set-backs PDC 6</p>	<p>The proposed single storey dwelling fronting Glynburn Road is set back at varying distances to the front boundary, the majority of which is greater than 8m. In any event the entire dwelling is set back further than the adjoining carport in the front yard at 416 Glynburn Road.</p> <p>The proposed two-storey dwelling is located closer to Stanley Street than the 8m guidelines for the policy area. The closest element comprises a slender canopy with no external walls, providing pedestrian shade for visitors. The remainder of the façade is set back additionally. Whilst the second dwelling is not set back 8m from the Stanley Street boundary, it is set back further than what could reasonably be expected by a secondary frontage (3m). In addition, the dwelling is not the first instance of a reduced front set-back on Stanley Street (66 Stanley Street for example).</p>

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. The proposed development maintains the residential use of the land of both single and two-storey built form.
Building Appearance PDC 2-4	Satisfied. Council planning staff is satisfied that the development has been designed to be consistent with, and contribute to, achievement of the primary objectives for residential development within the Zone. The proposed development offers single storey and two-storey dwelling forms, both of which exhibit a high quality of design. The façade of each dwelling incorporates a high level of fenestration and articulation, reducing visual massing and offering a high standard of design to the Glynburn Road and Stanley Street streetscapes. The position of the dwellings in relation to their front boundaries is respectful of existing built form, with the dwelling on Lot 11 offering a transition in built form to Stanley Street from the proposed dwelling on Lot 10 to the adjoining dwelling at 57 Stanley Street.
Design for Topography PDC 5-6	Satisfied. The majority of the site will be excavated rather than filled, resulting in minimal retaining walls and visual impact to adjoining residents.

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. The proposed dwellings incorporate contemporary designs, including large window openings and blade walls, yet include stone features and recessed garaging or vehicle access via a secondary road reflective of established dwellings within the locality. The dwellings also include hipped roofing in a dark colour ensuring they blend well with surrounding built form environment. The dwellings include central porticos/entrances, as well as open-style fencing infill.
Building Set-backs PDC 161-163	<u>Side Set-backs</u> The development generally accords with the side boundary set-back guidelines. Only a small area of the development falls short of the guidelines. Namely, the laundry and walk-in-pantry external wall associated with Dwelling on Lot 10 and the ensuite and walk-in-robe external wall associated with Dwelling on Lot 11. The laundry and walk-in-pantry external wall is set back 1.03m from the northern side boundary. This wall spans for a relatively short distance (8.7m) and adjacent the neighbouring dwelling which is set back only

	<p>0.6m adjacent this wall. This wall is set back 19.5m from the Glynburn Road front boundary and will have no impact on the streetscape character or the amenity of adjoining residents.</p> <p>The ensuite and walk-in-robe external wall associated with the dwelling on Lot 11 is set back 1.25m from the eastern side boundary. The dwelling will entail a finished floor level some 520mm below the ground level of the adjoining land at 57 Stanely Street. Despite the 4m high wall height, this wall lays adjacent the neighbouring dwelling side wall sans windows, and the front yard area.</p> <p><u>Rear Set-backs</u> The proposed two-storey dwelling on Lot 11 includes a verandah attached to its northern side with a set-back of 1.3m to the boundary. The remainder of the lower level is set back of 4.8m and the upper level is set back 9.6m and 10.1m. Whilst the verandah will be located in proximity to the rear northern boundary, it is open-sided to the north minimising its presence above the fence-line. Furthermore, the verandah comprises a relatively short element of development adjacent the neighbours' southern boundary.</p>
<p>Building Height PDC 164</p>	<p>Satisfied.</p>
<p>Site Coverage PDC 165</p>	<p>The development only slightly exceeds site coverage provisions. It is worth noting, however, that when the total site coverage of the sites combined (1346m²) is considered the development as a whole satisfies the 50% guideline. In any event, the slight excess in site coverage does not result in inadequate levels of private open space or excessive built form.</p>
<p>Private Open Space PDC 166, 169</p>	<p>Both dwellings entail a sufficient amount of private open space for future occupants. Whilst the width of the private open space associated with the dwelling on Lot 11 measures 4.8m rather than 5m, this is only one criterion for assessing adequate private open space, with the remainder being satisfied.</p>
<p>Amenity O11, 20–22 PDC 14–18, 52-69, 170-173</p>	<p>Satisfied.</p> <p>The overall form of the dwellings is compatible with the residential character sought after for this policy area. The dwellings exhibit a contemporary design, utilising good urban design techniques to reduce their massing in the streetscape. These include articulated facades, use of blade walls, large window and door openings, hipped roofs and a refined material palette.</p> <p>The dwellings have been designed with a floor level that is commiserate with existing site levels, and where earthworks are required the site is excavated rather than filled, to ensure minimal amenity impacts to adjoining residents. In addition, all upper level windows facing adjoining residential land, entail sill heights of 1.7m, which exceeds Development Plan guidelines.</p>
<p>Privacy PDC 22, 174–176</p>	<p>Satisfied.</p>
<p>Access and On-Site Car Parking PDC 177–182</p>	<p>The proposed single storey dwelling entails 6 rooms that could reasonably be used as bedrooms, and as such should have 3 on-site car parking spaces. The dwelling includes 2 on-site car parking spaces, however there is sufficient on street parking to accommodate the shortfall, should the gym/study/home theatre be used as bedrooms.</p>
<p>Access to Sunlight</p>	<p>Satisfied.</p>

PDC 21, 183–186	
Fences and Retaining Walls PDC 190–194	Satisfied. The development includes minimal fill, minimising the height of retaining walls above natural ground level.
Energy Conservation PDC 31-32	Satisfied.
Trees and Other Vegetation O 24-28 PDC 77-92	Satisfied. No significant or regulated trees will be impacted by the proposed development.

APPENDIX 3
DEVELOPMENT DATA TABLE

Site Characteristics	Proposed Lot 10	Proposed Lot 11	Guideline
<i>Site Area</i>	796m ²	550m ²	625m ²
<i>Street Frontage</i>	18.6m	25.2m	15m
Design Characteristics			
<i>Site Coverage</i>			
- Buildings only	44%	42.5%	40%
- Buildings and driveways	45%	50%	50%
- Total floor area	44%	54%	50%
<i>Building Height</i>			
- storeys	1 storeys	2 storeys	2 storeys
- metres	6m	8m	9m
<i>Set-backs</i>			
<i>Lower Level</i>			
- front boundary	6.7m – blade wall 7.8m – living wall 9.2m – study	5.2m – portico canopy 6.4m-6.8m – main dwelling 7.4m – garage	8m
- side boundary	1m, 2m & 3.3	1.25m & 4.8m	1.5/2m
- secondary side boundary	3.3m & 4.9m	N/A	3m
- double garage on corner site facing secondary frontage	1.5m	N/A	2m
- rear boundary	5.4m (verandah)	1.3m & 4.8m	4m
<i>Upper Level</i>			
- front boundary	N/A	6.4m	8m
- side boundary	N/A	4.2m (E) & 6.1m (W)	4m
- rear boundary	N/A	9.6m - 10.1m	8m
<i>Boundary Wall</i>			
- length	8.9m	6.6m	8m
- height	3.1m	3.1m	3m
<i>Private Open Space</i>			
- percentage	59.6%	51.8%	50%
- dimensions	5m x 11m	4.8m x 10m	5m x 8m
<i>Car Parking and Access</i>			
- number of parks	2	4	2/3
- width of driveway	5.4m	5.4m	4.5m
- width of garage/carport door	14.2%	19%	33%

DEVELOPMENT APPLICATION

Application Number:	<i>180\0560\17</i>
Applicant:	<i>N M Slack and G Slack</i>
Location:	<i>43 Coach Road, Skye</i>
Proposal:	<i>Alterations and additions to existing dwelling</i>
Zone/Policy Area:	<i>Hills Face Zone Development Plan consolidated 30 May 2017</i>
Kind of Assessment:	<i>Non-complying</i>
Public Notification:	<i>CAT 1</i>
Appeal Opportunity	<i>Applicant only, no third party appeal rights</i>
Referrals – Statutory:	<i>Country fire Service</i>
Referrals – Non Statutory:	<i>Nil</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>Jake Vaccarella</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
- Photographs
- 21 June 2017 delegated report to proceed

1. DESCRIPTION OF PROPOSAL

The proposed development involves the construction of a first floor addition to an existing two-storey detached dwelling, including the construction of a roofed deck. The addition comprises of three bedrooms and a bathroom.

2. BACKGROUND

Development Application 180\0560\17 was lodged on 01 June 2017 by Drew Edwards on behalf of Gary and Nicole Slack.

The proposal was determined to be a non-complying form of development pursuant to Hills Face Zone Principle of Development Control 27 of the Burnside (City) Development Plan, which states:

*The following kinds of development are **non-complying** in the Hills Face Zone:*

Detached Dwelling or additions to, or conversion of, an existing detached dwelling where:

(b) the scale and design is such that:

(i) the vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall exceeds three metres, other than gable ends of the dwelling where the distance exceeds five metres.

The Planning Team Leader determined to proceed to an assessment of the application on 1 June 2017 under delegated authority. The application was processed as a category 1 development pursuant to Schedule 9, Part 1, 3, (a) of the *Development Regulations 2008* (the Regulations) and therefore no public notification was undertaken. No additional external or internal referrals were required due to the minor nature of the development, nor was a Statement of Effect required under Section 17 of the *Development Act 1993* (the Act).

The proposal is now 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 the concurrence of the Development Assessment Commission (DAC).

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land comprises a large, irregular shaped residential allotment fronting Coach Road in the suburb of Skye. The land is located within the Hills Face Zone and has an approximate area of 1532 square metres with vehicle access gained via an existing crossover on the western side of the allotment. The topography of the land descends from the north eastern corner and comprises an existing two-storey detached dwelling, swimming pool, free-standing carport with numerous large native trees scattered throughout the site.

3.2. Locality

The locality is characterised by the natural landscape character and steep topographical features. Parts of the locality contain dwellings in a variety of styles however their siting and dense vegetation often screens views of those dwellings from local roads. The location of the subject land is on the southern side of Coach Road which ascends toward the easterly aspect. The site is not readily visible from the Adelaide Plains or lower slopes of the escarpment but is a feature within the locality.

4. KIND OF ASSESSMENT

Kind:	Non-complying
Reason:	Burnside (City) Development Plan, Hills Face Zone Principle of Development Control 27
Applicant Appeal Opportunity:	No

5. PUBLIC NOTIFICATION

Category:	Category 1
Reason:	Development Regulations 2008, Schedule 9, Part 1, 3 (a)

6. AGENCY REFERRALS

- The application is required to be assessed by the Country Fire Service (CFS), pursuant to Schedule 8 the Regulations. This was commissioned by the applicant.

7. EXECUTIVE SUMMARY

7.1. Land Use

In relation to the current proposal, the following comments are made:

- The proposed development is consistent with the established use of the land for residential purposes;
- The subject land is located on the border of the Hills Face Zone where it meets the Residential Zone and sits in proximity to dwellings of similar size and scale;
- Residential development in the form of detached dwellings on individual allotments is a form of development envisaged by the zone provisions;
- The proposal is not anticipated to have adverse impacts on the natural character of the zone; and
- The main dwelling additions are located to the rear of the existing dwelling and will not be visible from the public road.

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

7.2. Character and Amenity

The proposal comprises a modest extension to the ground floor level of an existing two storey dwelling on a residential allotment at the border of the Hills Face Zone where it meets the Residential Zone. The construction of residential dwellings, some even of two storey form, is an established feature of this portion of the Hills Face Zone.

In terms of bulk and scale, the proposed addition is limited in floor area relative to the size of the subject land and restricted in vertical profile due to the modest ceiling height and incorporation of flat roof design to integrate with the design of the existing dwelling.

Although the dwelling additions are considered non-complying, this is due to the distance between the top of the proposed external wall height when measured to the finished ground level beneath exceeding 3 metres. It should be recognised that the overall scale of the proposed development is compatible with the existing dwelling on the land and that it does not exceed the height of the existing dwelling.

The addition extends to within 1 metre of the eastern property boundary, but due to the irregular shape of the allotment an orientation of the existing building will be angled such that the external wall set-back increases away from the neighbouring property. The neighbouring land sits at an elevated position relative to the site of development and is not anticipated to be adversely impacted by the visual presence of the addition.

The proposed deck comprises an open-sided, lightweight structure which will provide the occupants with a new private open space area which is accessible from the primary living space of the dwelling and also enables casual surveillance of the swimming pool to the south-east.

In addition to the sympathetic style of design that matches the associated dwelling, the proposed addition will be clad in non-reflective materials and sited in a manner that sits within the established landscape of the site. The development is not reliant on large amounts of excavation and/or filling of land and will not substantially alter the natural contours of the site.

Due to the adjoining dwelling on the neighbouring property at 45 Coach Road being sited in the north-eastern corner of the site, the proposed additions are sufficiently separated from habitable room windows and primary outdoor use areas on adjoining land.

7.3. Agency referrals

The subject land is located within an area of the City of Burnside designated as a High Bushfire Risk Area. Accordingly, the proposal required consideration by the CFS pursuant to Schedule 8 of the Regulations.

Consultation with the CFS has been undertaken and the CFS Development Assessment Service has confirmed they have no objection to the development, provided appropriate planning conditions are included in the approval (see Conditions 2 - 4).

7.4. 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.

8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Subject to concurrence from the Development Assessment Commission, that Development Application 180\0560\17, by N M Slack and G Slack 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 Private roads and access tracks shall provide safe and convenient access/egress for bushfire fighting vehicles.

ACCESS TO DWELLING

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction, private access shall be a minimum formed length of 11 metres and minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.

Reason:

To ensure requirements of the CFS are upheld.

- 3 Landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfire and minimise the risk of life and/or damage to buildings and property as follows:

VEGETATION

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

- i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
 - ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2016.
 - iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 - iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 - v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
 - vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - vii. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
 - viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
 - ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

Reason:

To ensure requirements of the CFS are upheld.

- 4 A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes.

ACCESS (to dedicated water supply)

- Water supply outlet shall be easily accessible and clearly identifiable from the access way.
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.

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

WATER SUPPLY

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

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

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has -
 - i. A minimum inlet diameter of 38mm, AND
 - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
 - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.

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- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
 - All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
 - All fire-fighting hoses shall be readily available at all times.

RECOMMENDING OFFICER

Jake Vaccarella
Development Officer – Planning

AERIAL LOCALITY MAP



Legend



Subject Land