



## Development Assessment Panel Meeting Agenda

Tuesday 07 March 2017 at 6pm

Council Chambers, 401 Greenhill Road, Tasmore

<b>Members:</b>	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 Kaurna people.

**3 CONFIRMATION OF MINUTES**

Recommendation: That the minutes of the meeting held on Tuesday 07 February 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**4 APPLICATIONS WITHDRAWN FROM THE AGENDA**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)**

Nil

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

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

<b>Report Number:</b>	<b>5714.1</b>
<b>Page:</b>	<b>6</b>
Application Number:	180\1062\16
Applicant:	A L H Lim
Location:	59 Linden Avenue, Hazelwood Park
Proposal:	Demolition of existing dwelling and construction of two single storey dwellings including garages, verandahs, retaining walls and fencing
Recommendation:	Development Plan Consent be refused
Representors:	<ul style="list-style-type: none"> <li>• Bruce McDonald - 74 Linden Avenue, Hazelwood Park (not to be heard)</li> <li>• J C &amp; E M Runciman - 61 Linden Avenue, Hazelwood Park (to be heard)</li> <li>• Tom Sexton - 72 Linden Avenue, Hazelwood Park (to be heard)</li> </ul>

	<p>heard)</p> <ul style="list-style-type: none"> <li>• Gary William Murdock - 57 Linden Avenue, Hazelwood Park (to be heard)</li> <li>• John Brinias - 10A Seaforth Avenue, Hazelwood Park (not to be heard)</li> <li>• Charmane Lucas-Cresswell &amp; Etienne Beetge - 23 Seaforth Avenue, Hazelwood Park (to be heard)</li> </ul>
<i>Applicant:</i>	• 2 Alpha Street, Kensington Park

<b>Report Number:</b>	<b>5714.2</b>
<b>Page:</b>	<b>20</b>
Application Number:	180\0982\16
Applicant:	A D'Andrea & Associates (SA) Pty Ltd
Location:	105 Conyngham Street, Frewville
Proposal:	Two-storey detached dwelling including garage, alfresco, balcony, retaining walls and fencing
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	• Name and Address Suppressed (to be heard)
<i>Applicant:</i>	• Suite 11/467 Fullarton Road, Highgate

<b>Report Number:</b>	<b>5714.3</b>
<b>Page:</b>	<b>34</b>
Application Number:	180\0977\16
Applicant:	N Qi
Location:	3 & 4 Austin Crescent, St Georges
Proposal:	Construction of three (3) two-storey dwellings
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	<ul style="list-style-type: none"> <li>• Caleb Ferguson &amp; Ji-Eun Park - 2A Austin Crescent, St Georges (not to be heard)</li> <li>• John Hewson - 16 Austin Crescent, St Georges (not to be heard)</li> <li>• Susan Howard - 11 Anglesey Avenue, St Georges (to be heard)</li> <li>• Richard K Mathews - 9 Anglesey Avenue, St Georges (to be heard)</li> <li>• Paul Twiss - 5 Austin Avenue, St Georges (to be heard)</li> </ul>
<i>Applicant:</i>	• PO Box 328, Glenside

<b>Report Number:</b>	<b>5714.4</b>
<b>Page:</b>	<b>52</b>
Application Number:	180\1027\16
Applicant:	Scott Salisbury Homes
Location:	22 Brand Street, Beulah Park
Proposal:	Construct a double storey dwelling
Recommendation:	Development Plan Consent be granted
<i>Representors:</i>	• Stiven Magliani – 21 Osborne Avenue, Beulah Park (to be heard)
<i>Applicant:</i>	• PO Box 2075, Morphettville

<b>Report Number:</b>	<b>5714.5</b>
<b>Page:</b>	<b>65</b>
Application Number:	180\1008\16
Applicant:	Dechellis Homes Pty Ltd
Location:	4 Hay Road, Linden Park
Proposal:	Two-storey dwelling
Recommendation:	Development Plan Consent be granted
Representors:	• <i>Leo Song - 1A Hay Road, Linden Park (to be heard)</i>
Applicant:	• <i>170 Payneham Road, Evandale</i>

<b>Report Number:</b>	<b>5714.6</b>
<b>Page:</b>	<b>81</b>
Application Number:	180\0497\16
Applicant:	C Bastiras
Location:	102 Alexandra Avenue, Toorak Gardens
Proposal:	Three-storey detached dwelling including basement garage, lift, swimming pool and fencing
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> <li>• <i>Elizabeth French – 85 Grant Avenue, Toorak Gardens (to be heard)</i></li> <li>• <i>Ian &amp; Lilian Henschke (represented by Marcus Rolfe or URPS) – 104 Alexandra Avenue, Toorak Gardens (to be heard)</i></li> <li>• <i>Mark &amp; Bernadette Eckermann – 100 Alexandra Avenue, Toorak Gardens (to be heard)</i></li> <li>• <i>Graham Lowry &amp; Carolyn Marlow (represented by Ian Henschke) – 87 Grant Avenue, Toorak Gardens (to be heard)</i></li> </ul>
Applicant:	• <i>13 Valmai Avenue, Kings Park</i>

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

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

<b>Report Number:</b>	<b>5714.7</b>
<b>Page:</b>	<b>100</b>
Application Number:	180\0430\16
Applicant:	Planning Aspects Pty Ltd
Location:	364 Magill Road, Kensington Park
Proposal:	Non-Complying – Childcare centre with car parking, fencing and landscaping
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Assessment be granted

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

Nil

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

Nil

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

Nil

**8 OTHER BUSINESS**

Nil

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

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

**10 CONFIDENTIAL MATTERS****10.1 LEGAL MATTER APPEAL**

Nil

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

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

**Development Plan Assessment**

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

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

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

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

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

**Representations**

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

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

## DEVELOPMENT APPLICATION

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

## REPORT CONTENTS

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

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

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

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

## **1. DESCRIPTION OF PROPOSAL**

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

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

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

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

Vehicle access for each dwelling is to be obtained via new crossovers to Seaforth Avenue, requiring the removal of one street tree.

## **2. BACKGROUND**

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

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

During the assessment of this previous application Council expressed concerns in writing. These concerns were communicated to the applicant again on numerous subsequent occasions, via email and in person. The applicant was left with no misconception of the Administration's concerns and sought to have the application withdrawn in a strategic move to re-apply after lobbying neighbours in a bid to have the matter decided by the Panel. The Administration was obliging in this request and processed the second identical application swiftly to bring the matter to resolution.

On 15 November 2016 the proposal was resubmitted as a new application (DA 180\1062\16) and was determined to be a category 2 development for the purposes of public consultation, to be assessed on merit against the Burnside (City) Development Plan. The application was made available for public viewing in late November, early December 2016, during which time Council received six representations expressing support for the proposal, four of those wishing to be heard by the Panel. The application was again referred to Council's Engineering Services and Open Space departments for review.

A report was prepared for the 07 February 2017 Panel meeting, but the applicant requested the application be withdrawn from the agenda prior to the meeting on the grounds that he did not

agree with details in the assessment report. Council obliged and pulled the item from the agenda. The applicant then submitted a detailed rebuttal to Council's assessment, which has now been included for the Panel's consideration.

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

### 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

#### 3.1. Subject Land

The subject land is an existing corner allotment at the intersection of Linden Avenue and Seaforth Avenue, Hazelwood Park. The land has an approximate area of 693 square metres, a primary frontage of 15.24 metres to Linden Avenue and a secondary frontage of approximately 39.8 metres to Seaforth Avenue with a corner cut off provided.

The land has historically been utilised for residential purposes and is occupied by a single storey 1960s detached dwelling constructed in the Conventional style with face brick walls and a tiled roof. According to survey detail provided on the plans submitted to Council, the existing dwelling has a primary set-back to Linden Avenue of 8.8 metres and a secondary set-back to Seaforth Avenue of 2.8 metres - 4.5 metres (as measured from external walls).

A low masonry wall border the land along both frontages and vehicle access is currently obtained via an existing crossover to Seaforth Avenue. A modest extent of vegetation and landscaping has been observed.

#### 3.2. Locality

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

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

### 4. KIND OF ASSESSMENT

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

### 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 2
<b>Reason:</b>	Residential Policy Area 22 Principle of Development Control 9 (c) & (d)
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• 74 Linden Avenue, Hazelwood Park (do not wish to be heard)</li> <li>• 61 Linden Avenue, Hazelwood Park (wish to be heard)</li> <li>• 72 Linden Avenue, Hazelwood Park (wish to be heard)</li> </ul>



	<ul style="list-style-type: none"> <li>• 57 Linden Avenue, Hazelwood Park (wish to be heard)</li> <li>• 10A Seaforth Avenue, Hazelwood Park (do not wish to be heard)</li> <li>• 23 Seaforth Avenue, Hazelwood Park (wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	No

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

## 6. AGENCY REFERRALS

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

## 7. EXECUTIVE SUMMARY

### 7.1. Land Use

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

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

### 7.2. Character and Amenity

The proposal is not considered to be consistent with the low density residential character prescribed by Objective 1 of the policy area (RPA 22) on account of the substantially reduced site area afforded to each individual dwelling in comparison to that envisaged by the Development Plan. Council acknowledges that the design remains conservative in terms of site coverage and building bulk and scale, but this does not appease the fundamental contradictions between the proposal and the strategic objectives of the Development Plan.

Dwelling 1 has a site area of just 347 square metres, which represents a shortfall of more than 200 square metres from the prescribed minimum area. Dwelling 2 has a site area of just 346 square metres, which also represents a shortfall of more than 200 square metres. In both cases, the shortfall in land size is equivalent to a reduction of more than one third of the policy area requirements. This is in stark contrast to most properties within the locality where the predominant building form is that of detached dwellings on individual allotments of more than 680 square metres.

Using the language of the Development Plan, the proposed site areas are more in line with 'low-to-medium density' residential development found throughout inner suburbs such as Beulah Park (RPA 1), Kensington Park (RPA 2) and Eastwood (RPA 18), where there is a strategic objective of increasing residential density in proximity to commercial zones and public transport corridors.

The applicant has highlighted that the land is situated at the corner of two roads and that dispensation from site area requirements should be provided on this basis. It should be noted, however, that unlike neighbouring Residential Policy Area 21 (RPA 21), the Development Plan provides no such dispensation when it comes to corner allotments in RPA 22. Furthermore, the extent of dispensation being sought in this instance is far beyond that which would usually still be considered conducive to the policy area objectives in terms of fact and degree.

Council acknowledges the presence of subdivided corner allotments to the southeast (61 Linden Avenue and 10A Seaforth Avenue) and south (74 Linden Avenue and 12A Seaforth Avenue), but in both cases it is noted that the resulting individual site areas for each dwelling are considerably greater than that which is being proposed. It is also worth noting that the spatial relationship of these buildings to the streetscape is more consistent with the established and desired character.

Those other examples highlighted by the applicant as justification for the current departure are located well outside of the locality and share no direct visual or spatial relationship to the subject land. In any case, it is not the configuration of land which is problematic but the significantly reduced allotment sizes compared to that which is envisaged by the policy area objectives and development control principles.

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

Despite the clear and substantial departure in required site area, Council is satisfied that both buildings could function as individual self-contained residences should the Panel see fit to approve the development.

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

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

### **7.4. Public Notification**

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

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

### **Conclusion**

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

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

The proposed development is viewed as an overdevelopment of an undersized allotment in an area of the City of Burnside that is earmarked for low density development only. The proposed development goes beyond other examples of corner site redevelopment and sets an undesired precedent for others to seek the same.

Refusal is warranted.

## 8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\1062\16, by A L H Lim, is **refused** Development Plan Consent for the following reasons:

### Reasons

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

- Residential Policy Area 22 Principle of Development Control 1 in that the proposed development does not conserve and enhance the low density residential character of the policy area as described in Objective 1;
- Residential Policy Area 22 Principle of Development Control 3 in that the proposed development does not satisfy the minimum site area requirements for subdivision; and
- Residential Zone Objective 3 in that the proposed density of development is not consistent with the objectives of the relevant policy area.



## RECOMMENDING OFFICER

James Moss  
Development Officer – Planning

**AERIAL LOCALITY MAP**



**Legend**

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

APPENDIX 2

DETAILED PLANNING ASSESSMENT

**Summary of Policy Area Objectives and Principles**

**Primary Residential Policy Area 22 Objectives:**

Objective 1:

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

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

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

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

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

- The site area for Dwelling 1 falls short of the prescribed guideline by more than 200 square metres.
- Dwelling 2 has a site area of just 346 square metres, where the policy area calls for a minimum site area of 550 square metres, also falling short of the prescribed guideline by more than 200 square metres.
- Unlike Adjacent RPA 21 (Linden Park), RPA 22 does not grant further dispensation for subdivision of corner allotments.
- Although a number of corner cut-off redevelopments can be observed throughout the locality, those in proximity to the subject land are far more in keeping with the prescribed site area guidelines and allow for buildings to be sited generally in accordance with the minimum front, side and rear boundary set-backs.

**Summary of Residential Zone Objectives and Principles**

**Primary Residential Zone Objectives:**

Objective 1:

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

Objective 2:

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

Objective 3:

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

Objective 5:

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

Objective 8:

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

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

existing fencing structures within the locality.

### Summary of Council Wide Objectives and Principles

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

Objective 11:

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

Objective 52:

*A compact metropolitan area.*

Objective 53:

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

Objective 54:

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

Objective 55:

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

Objective 56:

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

Objective 57:

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

Objective 58:

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

Objective 59:

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

Objective 60:

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

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 52-60	Partially satisfied.
<b>Design and Appearance</b> O 11 PDC 14-18, 23-28	Partially satisfied.
<b>Building Set-backs</b> PDC 161-163	<p><b><u>Front Set-backs</u></b> Departure.</p> <ul style="list-style-type: none"> <li>Development Plan set-back guidelines refer to “[a]ll parts of a building, including eaves, porches and verandahs”.</li> <li>The Development Plan calls for a 6 metre minimum front set-back distance from the primary road frontage.</li> <li>Dwelling 1 has a front set-back from Linden Avenue of 5 metres as measured from the front verandah.</li> <li>Dwelling 2 has a front set-back from Seaforth Avenue of 2.2 metres as measured from the front verandah.</li> </ul> <p><b><u>Side Set-backs</u></b> Departure.</p>



	<ul style="list-style-type: none"> <li>• The Development Plan calls for a 3 metre minimum set-back distance from a secondary road frontage.</li> <li>• Dwelling 1 has a secondary frontage set-back to Seaforth Avenue of 2 metres as measured from the garage and external wall of the bathroom.</li> <li>• Dwelling 1 has a set-back to the northwest neighbouring property (57 Linden Avenue) of 1.6 metres where the Development Plan envisages a 2 metre distance on account of windows to the family/dining habitable room.</li> <li>• Dwelling 2 has a northern side set-back of 1 metre as measured from the garage.</li> <li>• The remaining side set-back for Dwelling 2 achieves the guidelines 2 metre distance.</li> </ul> <p><b><u>Rear Set-backs</u></b> Departure.</p> <ul style="list-style-type: none"> <li>• The Development Plan calls for a minimum rear set-back distance of 4 metres from a rear boundary.</li> <li>• Dwelling 1 has no rear set-back due to the siting of the garage on the internal boundary between the two proposed dwellings (Dwelling 1's rear boundary).</li> <li>• The Family/Dining area of Dwelling 1 is set back at a distance of 5 metres from the rear boundary.</li> <li>• Dwelling 2 has a minimum rear set-back of 2.3 metres.</li> </ul>
<p><b>Building Height</b> PDC 164</p>	<p>Satisfied.</p>
<p><b>Site Coverage</b> PDC 165</p>	<p>Partially Satisfied.</p> <ul style="list-style-type: none"> <li>• The Development Plan calls for maximum site coverage of 40% of the site as measured from the external walls of a building.</li> <li>• Dwelling 1 covers approximately 41.5% of its individual site, which is minor and acceptable.</li> <li>• Dwelling 2 covers approximately 41.9% of its individual site, which is also minor and acceptable.</li> <li>• The Development Plan calls for a combined building footprint and impervious driveway site coverage of 50% of the site.</li> <li>• Both dwellings accord with buildings and driveway site coverage.</li> </ul>
<p><b>Private Open Space</b> PDC 166, 169</p>	<p>Partially satisfied.</p> <ul style="list-style-type: none"> <li>• The Development Plan describes a range of attributes to define appropriate private open space associated with a dwelling, the more notable of these being a minimum area equivalent to 50% of the total floor area of the dwelling.</li> <li>• Dwelling 1 has a private open space area equivalent to approximately 52.6% of the dwelling area if the garage is excluded from consideration.</li> <li>• Dwelling 2 has a private open space area equivalent to approximately 77.3% of the dwelling area if the garage is excluded from consideration.</li> <li>• In both cases the total extent of private open space has been determined by adding up several small areas, none of which meet the minimum prescribed dimensions of 5 metres x 8 metres.</li> </ul>
<p><b>Amenity</b> O11, 20-22</p>	<p>Satisfied.</p>

PDC 14–18, 52-69, 170-173	
<b>Privacy</b> PDC 22, 174–176	Satisfied.
<b>Access and On-Site Car Parking</b> PDC 177–182	Satisfied. <ul style="list-style-type: none"> <li>• The applicant has worked with Council's Urban Forestry Officer to devise new driveway crossovers along Seaforth Avenue that will have minimal impact on street trees deemed worthy of retention.</li> <li>• One small street tree would need to be removed to secure the proposed access arrangements.</li> <li>• Council's Urban Forestry Officer has indicated removal and replacement of this tree can occur, at the applicant's cost.</li> </ul>
<b>Access to Sunlight</b> PDC 21, 183–186	Satisfied.
<b>Fences and Retaining Walls</b> PDC 190–194	Satisfied.
<b>Safety and Security</b> PDC 195–198	Satisfied.
<b>Water Conservation</b> PDC 200–201	Satisfied.
<b>Energy Conservation</b> PDC 31-32	Satisfied.
<b>Trees and Other Vegetation</b> O 24-28 PDC 77-92	Satisfied.

## APPENDIX 3

## DEVELOPMENT DATA TABLE

Site Characteristics	Dwelling 1	Dwelling 2	Guideline
<i>Site Area</i>	347m <sup>2</sup>	346m <sup>2</sup>	550m <sup>2</sup>
<i>Street Frontage</i>	15.24m	22.69m	15m
<b>Design Characteristics</b>			<b>Guideline</b>
<i>Site Coverage</i>			
- Buildings only	41.5%	41.9%	40%
- Buildings and driveways	44.3%	47.3%	50%
<i>Building Height</i>			
- storeys	1 storey	1 storey	2 storeys
- metres	5.2m	4.9m	9m
<i>Set-backs</i>			
- front boundary	5m	2.2m	6m
- side boundary	1.6m (NW) 2m (SE)	1m (N) 2m (S)	2m
- rear boundary	5m (dwelling) 0m (garage)	2.4m	4m
<i>Boundary Wall</i>			
- length	5.6m (internal)	N/A	8m
- height	3.1m (internal)	N/A	3m
<i>Private Open Space</i>			
- percentage	58.4m <sup>2</sup> 52.6% (excluding garage) 40.5% (including garage)	86.6m <sup>2</sup> 77.3% (excluding garage) 59.7% (including garage)	50%
- dimensions	5.4m x 7m	4.3 x 6.2m	5m x 8m
<i>Car Parking and Access</i>			
- number of parks	2	2	2
- width of driveway	4.9m	3.6m	4.5m
- width of garage/carport door	24%	20.8%	33%

## DEVELOPMENT APPLICATION

<b>Application Number:</b>	180\0982\16
<b>Applicant:</b>	A D'Andrea
<b>Location:</b>	105 Conyngham Street FREWVILLE SA 5063
<b>Proposal:</b>	Two-storey detached dwelling including garage, alfresco, balcony retaining walls and fencing
<b>Zone/Policy Area:</b>	Residential Zone Residential Policy Area 23 Development Plan consolidated 28 April 2016
<b>Kind of Assessment:</b>	Merit
<b>Public Notification:</b>	Category 2 One (1) representation received
<b>Appeal Opportunity</b>	Applicant only, no third party appeal rights
<b>Referrals – Statutory:</b>	N/A
<b>Referrals – Non Statutory:</b>	Engineering Services
<b>Delegations Policy:</b>	Unresolved representations
<b>Recommendation:</b>	Development Plan Consent be granted
<b>Recommending Officer:</b>	Renae Grida

## REPORT CONTENTS

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

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

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

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

## **DESCRIPTION OF PROPOSAL**

The Applicant seeks Development Plan Consent for the construction of a two-storey detached dwelling including garage, alfresco, balcony, retaining walls and associated fencing on an existing residential allotment at 104 Conyngham Street Frewville.

The Contemporary design dwelling will feature four (4) bedrooms including guest bedroom, three (3) bathrooms, study, upstairs activity room and balcony, theatre room, open plan living areas, garage and alfresco under the main roof. The dwelling will be clad in a selected render finish with custom orb roofing, and timber finish garage door.

### **1. BACKGROUND**

Development Application 180\0982\16 was lodged on 24 October 2016 by D'Andrea and Associates on behalf of the registered owners of the land. The proposal was determined to be a Category 2 development for the purposes of public notification, to be assessed on merit against the provisions of the Burnside (City) Development Plan.

During the public notification period Council received one (1) written representation from the owner of the adjoining land to the west expressing an opposition to the development and a desire to address the Development Assessment Panel (the Panel) in person. The Applicant has made amendments to the plans in order to address the concerns of the representor.

As part of Council's internal assessment process, the proposal was also referred to Council's Engineering Services department to assess the impact of the development on local infrastructure and site stormwater management.

Pursuant to Council's delegation policy, the application is presented to the Panel for consideration as a Category 2 development with an unresolved representation. An assessment against the relevant provisions of the Development Plan has been completed with a staff recommendation that consent be granted, subject to conditions.

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

#### **2.1. Subject Land**

The subject land is an existing regular, rectangular shaped residential allotment on the western side of Conyngham Street within the suburb of Frewville. The land has an approximate area of 564.34 square metres and a single frontage to the public road measuring 15.24 metres.

The land has a moderate fall to the north-western corner of the site of approximately 1.1 metre. The site currently contains a single storey 1920's bungalow detached dwelling and ancillary structures. An existing crossover is located to the northern end of the frontage, which is to be maintained with no modifications.

#### **2.2. Locality**

The locality comprises land on the western and eastern sides of Conyngham Street, approximately 80 metres north and south of the subject land, also including properties on either side of Avenue Road, and land with frontages to North Street and Jane Street. The locality also includes part of Glenunga International High School to the eastern side of Conyngham Street.

The locality has no predominant housing style, and has a varied residential character comprising a mix of detached, semi-detached group dwellings and residential flat buildings, of either single storey or two-storey built form, with moderate setbacks from the relative front property boundaries.

### 3. KIND OF ASSESSMENT

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

### 4. PUBLIC NOTIFICATION

<b>Category:</b>	Category 2
<b>Reason:</b>	Residential Policy Area 23 Principle of Development Control 8(a)
<b>Cut / Fill:</b>	Although a degree of fill is to be introduced to the site to achieve the proposed bench levels. The extent of fill is restricted to the site of the dwelling and does not in itself constitute a form of development.
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>Name and Address Suppressed (wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	No

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

### 5. AGENCY REFERRALS

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

### 6. EXECUTIVE SUMMARY

#### 6.1. Land Use

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

#### 6.2. Character and Amenity

The proposed development is considered consistent with the primary objective of Residential Policy Area 23, which seeks the enhancement of the low-to-medium density residential character, which is derived particularly from one-storeyed and two-storeyed dwellings of various types, ages and style, with moderate building setbacks from roads, providing for landscaped and generally open front gardens.

The two-storey built form is considered appropriate in terms of its design and scale, contributing to an established streetscape which comprises a mix of one-storey and two-storey buildings, of no consistent architectural style. The proposed dwelling will maintain the setback from the front property boundary as the existing dwelling on the site (to be demolished), maintaining the moderate alignment of buildings along Conyngham Street.

The proposed dwelling is of a modern contemporary style, consisting of parapet walls and rendered finishes. The façade is considered to be well articulated, with the upper level and front portico protruding over the main building line, which assists in adding visual interest and breaking up the massing and proportions of the building as a whole. The use of corner return glass to the upper level sides also assists in reducing bulk and scale, providing for a softer upper level appearance. The dwelling features a mix of materials and finishes, which again, assists in reducing visual obtrusiveness, and the hipped roof form takes design cues from the established streetscape and avoids a flat parapet roof form.

Despite the difference in scale between the proposed building and the established buildings either side of the subject site, the development is not considered to adversely impact the character and amenity of the locality, where dwellings of varied scales and built forms are envisaged, and as such, the proposed development is not considered out of character.

The design utilises appropriate setbacks so as to reduce visual massing when viewed from adjoining properties, as well as appropriate fenestration to break up the mass of external walls when viewed from immediately adjoining properties. Front setbacks, as already highlighted, maintain the consistency of moderate front setbacks within the streetscape. Side setbacks are considered appropriate in reducing visual dominance of the building to adjoining properties with respect to proposed external wall heights, whilst maintaining and enhancing the pattern of space around buildings which contributes to the open streetscape character.

The development does not incorporate boundary development, reinforcing the pattern of space around buildings rather than having a compacted appearance to the streetscape. Furthermore, the contemporary design of the proposed dwelling is considered to be of a high architectural standard so as to positively contribute to the variety of styles envisaged within the Policy Area.

The overall building height sits well within the guidelines of the Development Plan, and the external wall heights are comparable to the external wall heights, in particular as they relate to the façade and return for a length of 8 metres to the sides of the dwelling, is reflective of scale and external wall heights of the older housing stock within the locality.

Privacy is afforded to all adjoining properties, through the use of appropriate window sill heights and fixed obscure glazing, consistent with Development Plan guidelines. Additionally, as the proposal includes retaining walls for the purposes of introducing fill to the site, new side boundary Colorbond good neighbour fencing to a height of 1.8 metres is proposed to be constructed on top of retaining walls, thereby maintaining sufficient privacy between properties at ground level.

The proposed development will have an impact on solar access to the adjoining property to the south, with is undoubtedly expected, given the orientation of the subject land. Council Wide Principle of Development Control 184 seeks that buildings allow at least three hours of sunlight to north-facing habitable room windows and two hours of sunlight to at least half of the main outdoor living areas of dwellings. The shadow is expected to move across the site of the adjoining property to the south, allowing for sufficient sunlight access to the rear private open space. It is also noted that the existing dwelling on the site casts a shadow to the northern elevation and associated north facing rooms of the adjoining property to the south.

### 6.3. Site Functionality

The proposed development generally satisfies with relevant quantitative guidelines of the Development Plan. Despite there being some numerical variances to the guidelines with regard to upper level side setbacks and total floor area, the proposed building is considered to fit comfortably on the site so as to not detract from streetscape quality, whilst affording adequate spatial separation from adjoining properties.

The proposed finished floor level is compatible with the levels of adjoining buildings and is only marginally higher than that of the existing dwelling on the site. Given the length of the proposed building in comparison to the existing building footprint, fill is introduced to the rear half of the site to accommodate the finished floor level and provide for a benched rear yard. Private open space meets both the qualitative and quantitative guidelines of the Development Plan.

The retention of the existing crossover results in no impact to the existing verge arrangement and school crossing.

### 6.4. Public Notification

The proposal was determined to be a Category 2 form of development pursuant to Residential Policy Area 23 – Frewville, Principle of Development Control 8(a) which states:

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

*Dwelling, except where*

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

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

The primary issues raised through this process by the representor relate to landscaping and stormwater management. The Applicant has amended the plans to address concerns regarding landscaping, and in particular the proximity of the landscaping to the existing boundary wall between the subject land and representors land.

The landscaping to the rear yard has been removed from the plans so as to appease the concerns of the representor, noting on the plans that there will be no planting adjacent to the rear boundary of the site. In regards to stormwater management, the site plan demonstrates that the rear yard has fall to direct surface water to a sump pit and away from boundaries, so as to collect water and discharge to the street. Additionally, a statement from the Applicant’s consultant engineer has been provided in support of this design.

Council is satisfied matters raised through the public notification process are sufficiently addressed insofar as they relate to planning merits and their determination under the Development Act 1993.



### 6.5. Agency Referrals

As part of the assessment process, the application was referred to Council's Engineering Services department. No concerns were raised with the proposal given the application seeks to retain an existing crossover, and standard stormwater notes have been included.

### 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. Development Application 180\0982\16, by D'Andrea and Associates, is **granted** Development Plan Consent subject to the following conditions

### Conditions

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

#### Reason:

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

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

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

#### Reason:

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

### RECOMMENDING OFFICER

Renae Grida  
Development Officer – Planning

AERIAL LOCALITY MAP



Legend

- Subject Land
- Representor's Land

APPENDIX 2

DETAILED PLANNING ASSESSMENT

**Summary of Policy Area Objectives and Principles**

<b>Primary Residential Policy Area 23 Objectives:</b>	
<p><u>Objective 1:</u>  <i>Enhancement of the low-to-medium density residential character that is derived particularly from:</i>            (a) One-storeyed and two-storeyed dwellings of various types, ages and styles; and            (b) Moderate building setbacks from roads; providing for landscaped, and generally open, front gardens.</p> <p><i>Acknowledged, significant variations from the desired character, or the prevailing character, forming, nevertheless, part of the existing character that is to be enhanced, are found adjacent to the Business (Glen Osmond Road) Zone, the Neighbourhood Centre Zone and the Community Zone.</i></p>	
<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Desired Land Use</b> O 1	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposed development is consistent with Objective 1, maintaining the existing residential use of the land.</li> <li>• The development is consistent with the desired residential character as demonstrated by moderate front setback, two storey contemporary built forms, contributing to the varied type, age and style of dwellings within the Policy Area.</li> </ul>
<b>Local Compatibility</b> PDC 1	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposal is considered compatible with the locality in terms of scale, bulk, siting and positive elements of existing buildings, in that:               <ul style="list-style-type: none"> <li>○ Two storey dwellings are envisaged by the Policy Area and well established within the streetscape.</li> <li>○ The proposed front setback is similar to the setback of the existing dwelling on the subject land, and relates to the consistency of setbacks along Conyngham Street to the north of the subject site, contributing to the open streetscape character;</li> <li>○ The well-articulated façade and fenestration to the side elevations assists in reducing visual massing and scale; and</li> <li>○ The hipped roof form relates well with existing development within the streetscape.</li> </ul> </li> </ul>
<b>Site Areas and Frontages</b> PDC 2–5	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The subject land is an existing allotment.</li> </ul>
<b>Private Open Space</b> PDC 6	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The private open space provided in association with the proposed dwelling is capable of achieving the minimum dimensions set out by RPA 23, PDC 6.</li> <li>• Private open space achieves both the qualitative and quantitative guidelines of CW PDC 167.</li> </ul>

**Summary of Residential Zone Objectives and Principles**

**Primary Residential Zone Objectives:**

Objective 1:

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

Objective 2:

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

Objective 3:

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

Objective 4:

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

Objective 5:

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

Objective 6:

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

Objective 7:

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

Objective 8:

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

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

## Summary of Council Wide Objectives and Principles

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

Objective 11:

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

Objective 52:

*A compact metropolitan area.*

Objective 53:

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

Objective 54:

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

Objective 55:

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

Objective 56:

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

Objective 57:

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

Objective 58:

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

Objective 59:

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

Objective 60:

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

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 52-60	Satisfied.
<b>Design and Appearance</b> O 11 PDC 14-18, 23-28	Satisfied.
<b>Building Set-backs</b> PDC 161-163	<p>Minor Variance.</p> <p><b>Front Set-backs</b></p> <ul style="list-style-type: none"> <li>The main wall of the dwelling will be setback 6.1m from the front property boundary, with the portico element to be sited 0.79m forward, setback 5.31m from the front property boundary.</li> <li>The existing dwelling on the site is setback 6.1m from the front property boundary, with the adjoining dwelling to the north setback 6.6m and the adjoining property to the south 10.3m.</li> <li>Notwithstanding the average setbacks as per CW PDC 161(a) is 8.45m, the portico element is considered to break up the visual massing negating the impact of the building being setback 6.1m, and the proposal meets the overall setback guideline as per CW</li> </ul>

	<p>PDC 161.</p> <p><b><u>Side Set-backs</u></b></p> <ul style="list-style-type: none"> <li>• Ground floor external wall heights vary from 4m to 3.2m in height, whereby CW PDC 162(d)(ii) seeks a 2m side setback where wall heights are between 3m and 6m in height. The highest portions of the external walls, which return from the façade to each side elevation for a length of 8m on the southern side elevation and 8.4m on the northern side elevation are adjacent low use areas to the adjoining dwellings and unlikely to result in any unreasonable visual impact.</li> <li>• The southern side elevation is setback 1.680m, which falls short of the 2m guideline by 0.32m is sited adjacent the gable end wall of the dwelling which is comparable in external building height and setbacks.</li> <li>• The northern side elevation relates to the garage, which is setback 0.9m from the boundary, whilst 4m in height, meets CW PDC 163 as it is located adjacent the driveway and carport to the adjoining dwelling and is separated by an intervening solid fence of 1.8m in height.</li> <li>• Upper level side setbacks fall short of the 4m guideline on the northern side, proposed at 3.4m. Given privacy is addressed as per CW PDC 176 and the orientation will not result in overshadowing, the 0.6m shortfall to the northern side is considered acceptable.</li> <li>• The upper level side setbacks to the southern side meet the 4m guideline for the most part, with a 3.2m portion of the upper level footprint falling short by 0.6m. This shortfall is considered negligible in this case, as if the entire upper level southern side met the 4m guideline, it would have little difference in overshadowing impacts.</li> </ul> <p><b><u>Rear Set-backs</u></b> Satisfied.</p>
<p><b>Building Height</b> PDC 164</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposed maximum height of the dwelling will sit comfortably within the 9m guideline as per CW PDC 164.</li> </ul>
<p><b>Site Coverage</b> PDC 165</p>	<p>Minor Variance.</p> <ul style="list-style-type: none"> <li>• The proposal exceeds total floor area guidelines as per CW PDC 164(c) by 5.7%. Given contributing factors such as setbacks have been adequately addressed, this is considered to be a minor departure from the 50% guideline.</li> </ul>
<p><b>Private Open Space</b> PDC 166, 169</p>	<p>Satisfied.</p>
<p><b>Amenity</b> O11, 20–22 PDC 14–18, 52-69, 170-173</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The dwelling has been designed to a high standard in respect of its overall appearance and functionality.</li> <li>• The upper level has been set in from each side boundary at a distance that is compatible with the guideline distance and not anticipated to disadvantage neighbours for reasons discussed under</li> </ul>

	<p>the section titled 'setbacks'.</p> <ul style="list-style-type: none"> <li>The appropriate use of building set-backs on all sides of the proposed building also enables an opportunity for future landscaping to soften the appearance of the building.</li> </ul>
<p><b>Privacy</b> PDC 22, 174–176</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>Upper level windows include fixed obscure glazing and/or window sill heights set at a minimum of 1.7 metres above the upper floor level, in accordance with CW PDC 176(c) and (d).</li> <li>The upper level windows to bedrooms 2 and 3 include corner return glass. This was not considered to require any fixed obscure glazing as it returns to the side elevations for a width of 0.750m, and views relate to the public realm (street and front yards of adjoining dwellings).</li> </ul>
<p><b>Access and On-Site Car Parking</b> PDC 177–182</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>The development features sufficient space for the parking of as many as three (3) vehicles on the land, in excess of the minimum off-street parking guideline.</li> </ul>
<p><b>Access to Sunlight</b> PDC 21, 183–186</p>	<p>Minor Variance.</p> <ul style="list-style-type: none"> <li>The proposed setbacks as they relate to the northern side of the subject land have no impact on the impediment of solar access to the adjoining land to the north.</li> <li>Due to the orientation of the allotment, overshadowing impact will occur to the dwelling on the southern adjoining allotment, with reference to CW PDC 184(a). The existing dwelling on the site at present, limits the adjoining neighbours northern sunlight access to windows, given the scale of the gable end wall of the bungalow dwelling. Comparably, the proposed dwelling will not change this existing situation.</li> <li>There will be further shadow impact to the primary areas of private open space, impacted most severely at 9am, with the shadowing moving across the site throughout the course of the day. This situation still allows for more than 2 hours' worth of sunlight access to at least 50% of the main outdoor living areas, as per CW PDC 184(b).</li> </ul>
<p><b>Fences and Retaining Walls</b> PDC 190–194</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>Due to the slope to the rear of the site, there will be some degree of fill introduced to the site, which will result in retaining walls to be constructed to the side and rear boundaries of the site. The walls will be a maximum of 0.7 in height, with 1.8m high good neighbour fencing to be constructed on top. The portion of the rear fence that extends between the northern end boundary and the existing boundary wall to the south is to be retained, and proposed to include 0.5m of timber slats to extend the height and facilitate increased privacy as the fence measures 1.5m in height.</li> <li>The height of proposed retaining walls is considered reasonable in</li> </ul>

	the context of residential allotments, and not considered to cause any unreasonable impact to adjoining properties.
<b>Energy Conservation</b> PDC 31-32	Satisfied.



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

<b>Site Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Area</i>	564.34m <sup>2</sup>	400m <sup>2</sup>
<i>Street Frontage</i>	15.24m	15m
<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Coverage</i>		
- Buildings only	36.3% 204.91 m <sup>2</sup>	40%
- Buildings and driveways	42.7% 240.91 m <sup>2</sup>	50%
- Total floor area	55.71% 314.31 m <sup>2</sup>	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	7.4m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	6.1m	6m
- side boundary	1.68m (south) 0.9m - 2.7m (north)	2m
- rear boundary	9.2m	4m
<i>Upper Level</i>		
- front boundary	6.1m	6m
- side boundary	3.4m (north) 4.0m – 3.4m (south)	4m
- rear boundary	16.8m	8m
<i>Boundary Wall</i>		
- length	N/A	8m
- height	N/A	3m
<i>Private Open Space</i>		
- percentage	191.7m <sup>2</sup> 61% of Total Floor Area	50% of Total Floor Area
- dimensions	15m x 9m	4m x 6m
<i>Car Parking and Access</i>		
- number of parks	3	3
- width of driveway	3m (existing)	4.5m
- width of garage/carport door	32.8%	33%

**DEVELOPMENT APPLICATION**

<b>Application Number:</b>	<i>180\0977\16</i>
<b>Applicant:</b>	<i>N Qi</i>
<b>Location:</b>	<i>3 &amp; 4 Austin Crescent, St Georges</i>
<b>Proposal:</b>	<i>Construction of three (3) two storey dwellings</i>
<b>Zone/Policy Area:</b>	<i>Residential Zone Residential Policy Area 25 Development Plan consolidated 28 April 2016</i>
<b>Kind of Assessment:</b>	<i>Merit</i>
<b>Public Notification:</b>	<i>Category 2 Five (5) representations received</i>
<b>Appeal Opportunity</b>	<i>Applicant only, no third party appeal rights</i>
<b>Referrals – Statutory:</b>	<i>N/A</i>
<b>Referrals – Non Statutory:</b>	<i>Traffic Management Engineer Tree Management Officer</i>
<b>Delegations Policy:</b>	<i>Unresolved representations</i>
<b>Recommendation:</b>	<i>Development Plan Consent be granted</i>
<b>Recommending Officer:</b>	<i>James Moss</i>

**REPORT CONTENTS**

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

**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 across two existing contiguous allotments fronting Austin Crescent, St Georges. The proposed dwellings will each occupy one of three recently approved, soon to be created rectangular shaped allotments in place of the two existing.

All three dwellings will include (albeit in varied configuration) four bedrooms, four bathrooms, open plan living areas, first floor balcony facing the street, a double garage constructed on a side boundary, an entry portico and rear alfresco.

All three dwellings exhibit a style and appearance best described as contemporary, utilising a combination of external building materials including selected brickwork, stone cladding, smooth render aluminium awning windows and Hardies Scyon Matrix cladding system.

The westernmost dwelling (Lot 3) and middle dwelling (Lot 3A) have been designed with a Colorbond iron roof pitched at 4 degree and have a largely consistent appearance, while the easternmost dwelling (Lot 4) incorporates a tiled hip roof beyond a rendered parapet.

## 2. BACKGROUND

There are three recent development authorisations that are relevant to the current proposal. Approval was granted in November 2016 for the division of the two contiguous allotments at 3 and 4 Austin Crescent in order to create three new allotments in their place (DA 1800908\16). Around the same time DA 180\0978\16 and DA 180\0979\16 were approved authorising the demolition of two single storey dwellings to clear each site in preparation for redevelopment.

The current proposal, DA 180\0977\16 was lodged on 28 October 2016 at which time it was determined to be category 2 for the purposes of public consultation, to be assessed on merit against the policies of the Burnside (City) Development Plan.

The application was made available for viewing in mod-December 2016, during which time Council received five valid representations and several additional submissions from residents within the locality. Only those representations deemed valid under the *Development Act 1993* (the Act) have been included for consideration as part of Council's assessment. The applicant has provided a response to the representations, including design changes to the easternmost dwelling (Lot 4).

The application was referred internally to Council's Engineering Services and Open Space departments for review based on the nature of the proposed development (three new dwellings) and the proposal to create two additional driveway crossovers over the Council verge.

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 of approval, subject to conditions.

## 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

### 3.1. Subject Land

The subject land comprises two contiguous allotments on the northern side of Austin Crescent, within the suburb of St Georges. The land has a combined area of more than 2000 square metres and a frontage to Austin Crescent of approximately 42.6 metres.

There is a steady cross fall from east to northwest of approximately 4 metres, intensifying towards an easement to Council along the rear boundary.

### 3.2. Locality

The locality is situated on the western side of Residential Policy Area 25 – St Georges (RPA 25) in proximity to Portrush Road and generally comprises those properties on either side of the Austin Crescent cul-de-sac and to a lesser extent those fronting Drew Grove to the south and abutting properties fronting Anglesey Avenue to the north.

The locality is exclusively residential in nature and comprises a range of single and two storey development on regular and irregular shaped allotments. The dominant architectural style is 1950s conventional dwellings with key features including tiled hip roof forms and modest building and external wall heights.

A modest range of other architectural styles can also be observed, including a large two storey 1880s Georgian dwelling opposite the land, which is identified on the development Plan as a Local Heritage Place. Built form siting and orientation varies throughout the streetscape, in part due to the bend in the road. Dwellings are typically set back from the front boundary at a distance of between 5 metres and 8 metres.

Streetscape amenity is enhanced by the strong visibility of mature street trees, low and open front fencing on the northern side of the street and well landscaped front gardens.

## 4. KIND OF ASSESSMENT

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

## 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 2
<b>Reason:</b>	Residential Policy Area 25 Principle of Development Control 7 (a), (b), (c) & (d)
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• 2A Austin Crescent, St Georges (do not wish to be heard)</li> <li>• 16 Austin Crescent, St Georges (do not wish to be heard)</li> <li>• 11 Anglesey Avenue, St Georges (wish to be heard)</li> <li>• 9 Anglesey Avenue, St Georges (wish to be heard)</li> <li>• 5 Austin Crescent, St Georges (wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	No

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

## 6. AGENCY REFERRALS

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

## 7. EXECUTIVE SUMMARY

### 7.1. Land Use

The development involves the continued residential use of land within the Residential Zone. All three sites have been approved under a previous development application and deemed suitable for purpose. On these grounds the proposal is not considered to be seriously at variance to the Burnside (City) Development Plan.

## **7.2. Character and Amenity**

The Development Plan seeks to maintain and enhance a low scale, low density residential character, with detached dwellings of primarily single and split-level design in a variety of post-war styles. The Development Plan also seeks development that will complement the scale, bulk, siting and positive elements of existing dwellings within the streetscape. The proposed development is generally compatible with these design characteristics, and those observed within the locality, despite its two storey form and modern presentation.

The question of density has previously been determined through the recently approved land division application (DA 180\0908\16), in which the size and dimensions of each of the three allotments were found to be consistent with the desired character and compatible with the established pattern of subdivision within the area.

In terms of how each dwelling is sited, all three buildings largely adhere to the minimum set-back distance and are compatible with the siting of neighbouring dwellings on the northern side of Austin Crescent where there is an opportunity to provide a greater degree of consistency than that which has previously been in place.

Shortfalls in side set-back distances are noted, however the coordinated act of designing and constructing all three dwellings at the one time provides a balance in patterns of space and the distribution of visual massing within the street. Similarly, the development has been configured to provide a relatively even benching of building sites, which resembles an orderly transition to match the fall of the local topography. Set-backs to external properties either side of the subject land are within tolerable limits and a substantial rear boundary set-back for both ground and first floors for each dwelling provide a reasonable degree of visual relief to occupants of adjoining land.

In terms of building scale and local compatibility, two storey development is not precluded as reasonable development within the relevant policy area guidelines. Two of the three dwellings sit comfortably within maximum building height guidelines, while the third represents only a modest departure and one that is unlikely to unreasonably impact the locality. Although the policy area refers to primarily single storeyed dwellings, it has been noted that the locality includes several examples of two storey development in proximity to the subject land and as such the current proposal would not be a case of first intrusion.

The architectural style of two of the three proposed dwellings is notable factor of some concern, particularly among some of the representors. Despite the prevalence of conventional style dwellings within the locality, it should be noted that the policy area objectives also refers to a “variety” of architectural styles and indeed the locality in question already includes a degree of variety in terms of dwelling forms, styles, orientation and visual massing.

The flat roof design of the dwellings for Lot 3 and 3A is reflected by the substantial two storey 1880s Georgian Local Heritage Place directly opposite, as well as the triple car garage towards the end of the cul-de-sac. The parapet presentation with modest tiled hip roof beyond associated with the third dwelling on Lot 4 ties in with the form and features of adjacent dwellings to the east and west.

Overlooking from first floor windows is largely already restricted by the design, however further safeguards will be implemented by imposing a condition requiring 1.6 metre high fixed obscured glazing across all side and rear facades. Views from the front facing balconies of each dwelling will be directed over the public realm and therefore contribute to neighbourhood safety. Looking across the street to the houses beyond, views are not anticipated to penetrate to sensitive areas of private open space.

Overshadowing impacts will not compromise neighbouring property's access to sunlight due to the orientation of the allotments and substantial rear set-backs provided, which ensures unimpeded sunlight access to north facing windows of neighbouring dwellings and to private open space areas in a manner that is consistent with the quantitative parameters of the Development Plan.

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

Council is satisfied that all three dwellings can function as a workable site solution for their respective allotments. Each dwelling is centrally site in a manner that is generally compatible with site coverage and set-back provisions, while providing private open space and off-street parking commensurate to the scale and intensity of the development.

The bench and finished floor levels of each dwelling strikes an appropriate balance with the slope of the locality and avoids large scale earthworks and boundary retaining walls to provide stable building sites.

The proposal, and in particular the driveway access arrangements, has been reviewed by Council's engineers and tree management team and deemed suitable from a traffic and assets retention perspective.

### **7.4. Public Notification**

The proposal was determined to be a Category 2 development pursuant to Residential Policy Area 25 Principle of Development Control 7, which states:

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

*Dwelling, except where*

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

Council received five valid written submissions during the consultation process, as well as several others from residents that were not formally notified of the development. In accordance with Council legislative obligations under the Act, only those submissions determined to be valid may be considered as part of the assessment.

Of the five valid submissions, the primary issue raised through this process appears to be the visual bulk and scale of each dwelling (and in particular that for Lot 4), practical matters concerning the demolition of existing boundary structures on the land, preventing impediments to the easement to the rear of the land and possible overlooking to the rear due to the slope of the land.

The applicant was provided with a copy of the submissions and has provided a written response addressing each of the representations individually. Modest design changes have also been made to the easternmost dwelling on Lot 4 to reduce its height.

The overall height of the Lot 4 dwelling has been shown in the data table below as 9.4 metres based on the Court's preferred method of calculating overall building height. This is not a true representation of the final height of the building at any one point, however, which has since been reduced by approximately 1.2 metres by providing a more modest roof design. The 9.4 metre measurement is taken viewing the building from a 2D perspective from the rear and is mainly attributable to the stepping down of the floor plan. From the primary frontage this building will now have a maximum height of 8.6 metres, which sits comfortably within the maximum building height guideline.

Matters relating to the demolition process fall outside of the considerations relevant to the proposal as the demolition of each dwelling has already been approved through previous Schedule 1A applications and their implementation is the responsibility of the owner of the land to ensure no damage is inflicted on neighbouring properties. The applicant, in his response to the representations, has acknowledged their obligations and has assured all works will be undertaken in accordance with the relevant standards and engineering requirements.

The question of overlooking properties to the rear of the subject land from ground floor areas is less straightforward in terms of workable solutions. As the representor to the rear as demonstrated in their submission, the difference in site levels between the two properties has historically presented a situation where the rear windows of the dwelling at Austin Crescent sits above the common boundary fence and enables views to the representor's rear yard. This overlooking has, however, been mitigated to some degree by the presence of mature vegetation and the distance provided by the rear set-back of the existing dwelling.

In light of the fall in topography it is not clear how any reasonable development could occur without a similar outcome for occupants of both properties. Adding to the dilemma is the presence of the easement along the rear of the subject land, which may place restrictions on the establishment of vegetation screening. It is noted however that all three proposed dwellings are set back from the rear boundary in a manner that far exceeds the distance prescribed by the Development Plan. Their finished floor levels are also reasonably sited relative to existing levels about the building footprints themselves despite the increasing gradient beyond to the rear.

The applicant has indicated that any new retaining walls and fencing structures will be implemented at the developer's cost. This may present an opportunity for the concerned parties to arrive at an amicable solution that addresses the overlooking concerns.

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 Act.

## 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\0977\16, by N Qi, 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 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.

- 3 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.

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

**Reason:**

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



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**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 25 Objectives:**

Objective 1:

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

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

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

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

Principle of Development Control 1:

*Development should:*

- (a) conserve and enhance the character of the Policy Area, described in Objective 1, and significant trees therein;*
- (b) complement the scale, bulk, siting and positive elements of existing dwellings where a distinctive and attractive streetscape character exists; and*
- (a) (c) be compatible in scale, height, bulk and appearance with buildings that are adjacent in the Historic (Conservation) Zone.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Desired Land Use</b> O 1	Satisfied. <ul style="list-style-type: none"> <li>• Residential land use.</li> </ul>
<b>Local Compatibility</b> O 1 PDC 1	Satisfied. <ul style="list-style-type: none"> <li>• The proposal is consistent with the desired low density residential character of the policy area given that each site exceeds minimum site area guidelines and is compatible with established patterns of division.</li> <li>• The proposal is compatible with a single storey character insofar as the majority of floor area for each dwelling is restricted to the ground floor, all three buildings are compatible with maximum building height guidelines and the policy area does not preclude two storey dwellings as reasonable and expected development.</li> <li>• The two storey form and scale is compatible with other two storey dwellings within the street, namely those at 3 Drew Grove and 2, 2A, 6, 7 and 9-10 Austin Crescent.</li> <li>• Visual impacts associated with the two storey form and scale will be somewhat off-set by the generous presence of mature street trees on either side of Austin Crescent.</li> </ul>

	<ul style="list-style-type: none"> <li>• The proposal is not obviously consistent with the conventional dwelling style referred to in Objective 1, however does take design cues from existing dwellings within the Austin Crescent streetscape (i.e. flat roof parapet presentation of 3 Austin Crescent, the hipped tiled roof form of several nearby dwellings).</li> <li>• The existing streetscape is characterised by a variety of architectural dwelling styles such as 1950s conventional, 1960s colonial, 1880s and early 2000s georgian, suggesting no distinct consistency in building design and appearance.</li> <li>• The proposal brings an enhanced degree of consistency to the siting and configuration of dwellings within the streetscape by providing relatively uniform front set-backs, an even spacing between buildings and a balanced transition in bench levels to correspond to the fall of the street.</li> <li>• The proposal is not believed to compromise any significant trees in proximity to the subject land.</li> <li>• The site of development is far removed from the adjacent Historic Conservation Zone.</li> <li>• No front fencing is proposed at this time, however each dwelling has been set back from the road in a manner that facilitates open well landscaped front gardens comparable with the existing streetscape.</li> </ul>
<p><b>Site Areas and Frontages</b> PDC 2-5</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• Development approval has previously been obtained for each of the three sites (DA 180\0908\16).</li> <li>• All three sites exceed minimum site area guidelines for detached dwellings.</li> <li>• All three sites fall short of the 15 metre frontage guideline by less than 800mm.</li> <li>• All three sites are considered suitable for purpose.</li> </ul>

## Summary of Residential Zone Objectives and Principles

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

#### Objective 1:

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

#### Objective 2:

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

#### Objective 3:

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

#### Objective 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.*

#### Principle of Development Control 1:

*The following kinds of development are appropriate in the zone:*

- (a) dwellings as well as accommodation for the aged, students and others with special needs in suitable locations;*
- (b) community facilities such as child care, public open space, recreational, and small-scale health and educational facilities in suitable locations; and*
- (c) small-scale offices and consulting rooms associated with a dwelling.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 1–8 PDC 1	Satisfied. <ul style="list-style-type: none"> <li>• See policy area comments.</li> </ul>
<b>Building Appearance</b> PDC 2–4	Satisfied. <ul style="list-style-type: none"> <li>• See policy area comments.</li> </ul>
<b>Design for Topography</b> PDC 5–6	Satisfied. <ul style="list-style-type: none"> <li>• The benching of each site has been designed in a manner that responds to the general fall of the land from east to west and is reflective of the broader locality.</li> <li>• The proposed finished floor levels strike an appropriate balance between the competing needs of providing stable and readily accessible building sites and the desire to contain earthworks and boundary retaining wall structures within acceptable limits.</li> </ul>

**Summary of Council Wide Objectives and Principles**

**Primary Residential Development Objectives:**

Objective 11:

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

Objective 52:

*A compact metropolitan area.*

Objective 53:

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

Objective 54:

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

Objective 55:

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

Objective 56:

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

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Zoning and Land Use</b> O 52–60	Satisfied. <ul style="list-style-type: none"> <li>• See policy area comments.</li> </ul>
<b>Design and Appearance</b> O 11 PDC 14–18, 23-28	Satisfied. <ul style="list-style-type: none"> <li>• See policy area comments.</li> </ul>
<b>Building Set-backs</b> PDC 161–163	<p><b><u>Front Set-backs</u></b> Partially satisfied.</p> <ul style="list-style-type: none"> <li>• Dwellings for Lot 3 and 3A have parts of the building within the 6 metre front set-back distance, however the main visual bulk meets or exceeds the guideline.</li> <li>• All parts of the dwelling for Lot 4 exceed the 6 metre set-back guideline.</li> </ul> <p><b><u>Side Set-backs</u></b> Partially satisfied.</p> <ul style="list-style-type: none"> <li>• All three dwellings have ground floor side boundary set-backs that are in general accordance with prescribed guidelines.</li> <li>• The Lot 3 dwelling has a minimum ground floor set-back of not less than 2 metres to the nearest external neighbour (2A Austin Crescent), which is consistent with the prescribed guideline.</li> <li>• The internal set-backs between the proposed dwellings provides a relatively even spacing between the buildings to contribute to an attractive streetscape.</li> <li>• The Lot 4 dwelling has a minimum ground floor set-back of not less than 1.5 metres to the nearest external neighbour at 5 Austin Crescent, however windows to habitable rooms are minimal along the facade and the dwelling is set down which offsets the height of the external wall. The proposed siting is also comparable with the original dwelling in this location.</li> </ul>

	<ul style="list-style-type: none"> <li>• Each dwelling has two storey portions that do not satisfy the prescribed 4 metre set-back distance.</li> <li>• The Lot 3 dwelling has a minimum first floor set-back to the western neighbour of 2.1 metres for a bedroom and staircase before increasing to 4 metres. The portions of built form with a reduced set-back are acceptable in this instance as they are limited as an overall proportion of the shared boundary and abut the neighbour's driveway.</li> <li>• The Lot 4 dwelling has a minimum first floor set-back of 2 metres, increasing to 3.5 metres. The 2 metre set-back relates to a staircase or limited width and the remaining external wall is partially sunken into the ground floor roof structure which reduces its vertical scale.</li> </ul> <p><b>Rear Set-backs</b> Satisfied.</p>
<p><b>Building Height</b> PDC 164</p>	<p>Partially satisfied.</p> <ul style="list-style-type: none"> <li>• All three dwellings do not exceed two storeys in form and function.</li> <li>• Of the three dwellings, only that of Lot 4 exceeds the 9 metre maximum height guideline (9.4 metres).</li> <li>• The 400mm departure is not considered excessive in this instance given that it occurs towards the centre of Lot 4 and is attributable to the applicant including a hip roof element to better relate to the neighbouring dwelling to the east.</li> </ul>
<p><b>Site Coverage</b> PDC 165</p>	<p>Partially satisfied.</p> <ul style="list-style-type: none"> <li>• All three dwellings sit within building footprint and footprint and driveway site coverage guidelines.</li> <li>• Dwellings for Lot 3 and 3A each exceed the total floor area guideline by approximately 7%, which is not considered excessive in this case.</li> <li>• The dwelling for Lot 4 has a total floor area of 67% (without excluding void areas and balconies), which is high but not unacceptable in this instance based on the acceptable scope of external impacts.</li> <li>• All three dwellings are provided with ample off-street car parking and are not considered to be an overdevelopment of their individual sites.</li> </ul>
<p><b>Private Open Space</b> PDC 166, 169</p>	<p>Satisfied.</p>
<p><b>Amenity</b> O11, 20–22 PDC 14–18, 52-69, 170-173</p>	<p>Satisfied.</p>
<p><b>Privacy</b> PDC 22, 174–176</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• Overlooking from ground floor areas to the rear is somewhat unavoidable given that there is an historic creek running between Austin Crescent and Anglesey Avenue, which see the increasing descent of site levels towards the rear of these</li> </ul>

	<p>properties.</p> <ul style="list-style-type: none"> <li>• The siting and height of ground floor, rear facing living areas for each dwelling is not considered excessive under the circumstances and in each case will be set back more than triple the distance prescribed by the Development Plan.</li> <li>• The imposition of further screening, such as fixed obscure glazing or solid balustrading for each rear verandah is available should the Panel see fit, however such restrictions would also have an adverse impact on the relationship of each dwelling to its rear yard.</li> <li>• All side and rear first floor windows for each dwelling will be conditioned so as to be fixed and obscured to a minimum height of 1.6 metres above the finished floor level as per prescribed requirements (see Condition 3).</li> <li>• All three dwellings have relatively modest front balconies overlooking the public road.</li> <li>• Casual surveillance of the street is a desired attribute.</li> </ul>
<p><b>Access and On-Site Car Parking</b> PDC 177–182</p>	Satisfied.
<p><b>Access to Sunlight</b> PDC 21, 183–186</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• Due to the orientation of the proposed dwellings and their relationship to external properties Council has no concerns with regard to sunlight access.</li> </ul>
<p><b>Safety and Security</b> PDC 195–198</p>	Satisfied.
<p><b>Water Conservation</b> PDC 200–201</p>	Satisfied.
<p><b>Energy Conservation</b> PDC 31-32</p>	Satisfied.



## APPENDIX 3

## DEVELOPMENT DATA TABLE

Site Characteristics	Lot 3	Guideline
<i>Site Area</i>	700m <sup>2</sup>	550m <sup>2</sup>
<i>Street Frontage</i>	14.2m	15m
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	256.1m <sup>2</sup> 36.6%	40%
- Buildings and driveways	256.1m <sup>2</sup> + 36.6m <sup>2</sup> 292.7m <sup>2</sup> 41.8%	50%
- Total floor area	256.1m <sup>2</sup> + 134.4m <sup>2</sup> + 12.75m <sup>2</sup> 403.25m <sup>2</sup> 57.6%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8.5m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	5.6m (portico) 7.2m (main facade)	6m
- side boundary	1.5m (e) 2.1m (w)	2m
- rear boundary	17m	4m
<i>Upper Level</i>		
- front boundary	5.6m (balcony) 6.7m (main facade)	6m
- side boundary	2.1m – 4.3m (e) 2.1m – 4m (w)	4m
- rear boundary	26.2m	8m
<i>Boundary Wall</i>		
- length	6.5m	8m
- height	3.3m	3m
<i>Private Open Space</i>		
- percentage	233.2m <sup>2</sup> + 27.7m <sup>2</sup> 260.9m <sup>2</sup> 64.7%	50%
- dimensions	13.2m x 14.2m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	3 - 4	2
- width of driveway	4.9m	4.5m
- width of garage/carport door	4.8m 33.8%	33%

<b>Site Characteristics</b>	<b>Lot 3A</b>	<b>Guideline</b>
<i>Site Area</i>	703m <sup>2</sup>	550m <sup>2</sup>
<i>Street Frontage</i>	14.2m	15m
<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Coverage</i>		
- Buildings only	256.7m <sup>2</sup> 36.5%	40%
- Buildings and driveways	256.7m <sup>2</sup> + 37.2m <sup>2</sup> 293.9m <sup>2</sup> 41.8%	50%
- Total floor area	256.7m <sup>2</sup> + 137.6m <sup>2</sup> + 4.7m <sup>2</sup> 399m <sup>2</sup> 56.7%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8.6m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	4.5m (blade wall) 6m (main facade)	6m
- side boundary	2m (e) 1.5m (w)	2m
- rear boundary	17m	4m
<i>Upper Level</i>		
- front boundary	6m	6m
- side boundary	2m – 3.5m (e) 1.5m – 5m (w)	4m
- rear boundary	27.3m	8m
<i>Boundary Wall</i>		
- length	6.5m	8m
- height	2.7m	3m
<i>Private Open Space</i>		
- percentage	237.1m <sup>2</sup> + 32.8m <sup>2</sup> 269.9m <sup>2</sup> 67.6%	50%
- dimensions	13m x 14.2m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	3	2
- width of driveway	4.8m	4.5m
- width of garage/carport door	4.8m 33.8%	33%

<b>Site Characteristics</b>	<b>Lot 4</b>	<b>Guideline</b>
<i>Site Area</i>	685m <sup>2</sup>	550m <sup>2</sup>
<i>Street Frontage</i>	14.2m	15m
<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Coverage</i>		
- Buildings only	258.1m <sup>2</sup> 37.6%	40%
- Buildings and driveways	258.1m <sup>2</sup> + 45.3m <sup>2</sup> 303.4m <sup>2</sup> 44.3%	50%
- Total floor area	258.1m <sup>2</sup> + 197.6m <sup>2</sup> + 4m <sup>2</sup> 459.7m <sup>2</sup> 67%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	9.4m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	7m (verandah) 8.1m (main facade)	6m
- side boundary	2m (e) 1.5m (w)	2m
- rear boundary	13.9m	4m
<i>Upper Level</i>		
- front boundary	7m (balcony) 8.1m (main facade)	6m
- side boundary	2m - 3.5m (e) 1.5m - 2m (w)	4m
- rear boundary	17.9m	8m
<i>Boundary Wall</i>		
- length	6.6m	8m
- height	3.5m	3m
<i>Private Open Space</i>		
- percentage	227.8m <sup>2</sup> 49.5%	50%
- dimensions	13.3m x 14.2m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	3 - 4	2
- width of driveway	5m	4.5m
- width of garage/carport door	4.8m 33.8%	33%

## DEVELOPMENT APPLICATION

<b>Application Number:</b>	180\1027\16
<b>Applicant:</b>	Scott Salisbury Homes
<b>Location:</b>	22 Brand Street BEULAH PARK
<b>Proposal:</b>	Two-storey detached dwelling
<b>Zone/Policy Area:</b>	Residential Zone Residential Policy Area 1 – Greater Beulah Park Development Plan consolidated 28 April 2016
<b>Kind of Assessment:</b>	Merit
<b>Public Notification:</b>	Category 2 One (1) representation received
<b>Appeal Opportunity</b>	Applicant only, no third party appeal rights
<b>Referrals – Statutory:</b>	N/A
<b>Referrals – Non Statutory:</b>	Traffic Management Engineer / Tree Management Officer
<b>Delegations Policy:</b>	Unresolved representations
<b>Recommendation:</b>	Development Plan Consent be granted
<b>Recommending Officer:</b>	Michael Shillabeer

## 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 incl. Applicant's response to representations
- Internal agency referral reports
- Representations received

## DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent to construct a two-storey detached dwelling on the land which currently features a detached, single storey dwelling with frontage to Brand Street.

The proposed dwelling features at ground level a master bedroom with walk-in robe and ensuite, an open plan kitchen, dining and living rooms, a pool room, rear terraced area, laundry and powder room. The upper level includes two bedrooms, bathroom and retreat.

The dwelling has a single car garage with a second vehicle parking space in a stacked formation in-front of the garage.

The building design and architectural expression can be described as Conventional with 30 degree hipped roofs of custom orb material, with a 300mm eave overhang to the front elevation, with face brickwork to side and rear elevations and a sandstone veneer to the front elevation, with a panel lift garage door to the lower level and texture coat render panel finish to first floor.

## 1. BACKGROUND

Development Application 180\1027\16 was submitted in November 2016 by Scott Salisbury Homes on behalf of John Palmer & Tracey Merchant.

The application was determined to be assessed on *merit* as a Category 2 development pursuant to Residential Policy Area 1 – Greater Beulah Park (RPA1) principle of development control 10 (a) and (b) in accordance with the *Development Act 1993*, section 38(2)(a).

The application documents were made available for public viewing from 30 November 2016 to 14 December 2016 (inclusive), during which time Council received one (1) written submission identifying concerns relating to privacy, visual appearance and property values.

The applicant was provided a copy of the representation which prompted the applicant to forward a perspective plan and respond to the concerns related to overlooking. While no design changes were undertaken, the applicant advised that:

- There are no windows proposed to the rear of the upper storey.
- The upper storey windows on the side elevations (South and North Sides) are high level windows with a sill height of 1700mm above the floor level. Council requirements are for a sill height of 1600mm.
- The overall height of the building is 7007mm

As part of the assessment process, planning staff undertook internal referrals to Council's Technical Officer and Urban Forestry Officer who have examined the gradient of the driveways, works across the road reserve, on-site stormwater management and impact to Council infrastructure within the road reserve (i.e. trees)..

The proposal is now presented to the Panel as a Category 2 development with one unresolved representation and a staff recommendation that Development Plan Consent be granted subject to conditions.

## 2. SUBJECT LAND AND LOCALITY ATTRIBUTES

### 2.1. Subject Land

The subject land consists of a single parcel of land described as Allotment 24 in Filed Plan 141485 in the area named Beulah Park, Hundred of Adelaide, as recorded in Certificate of

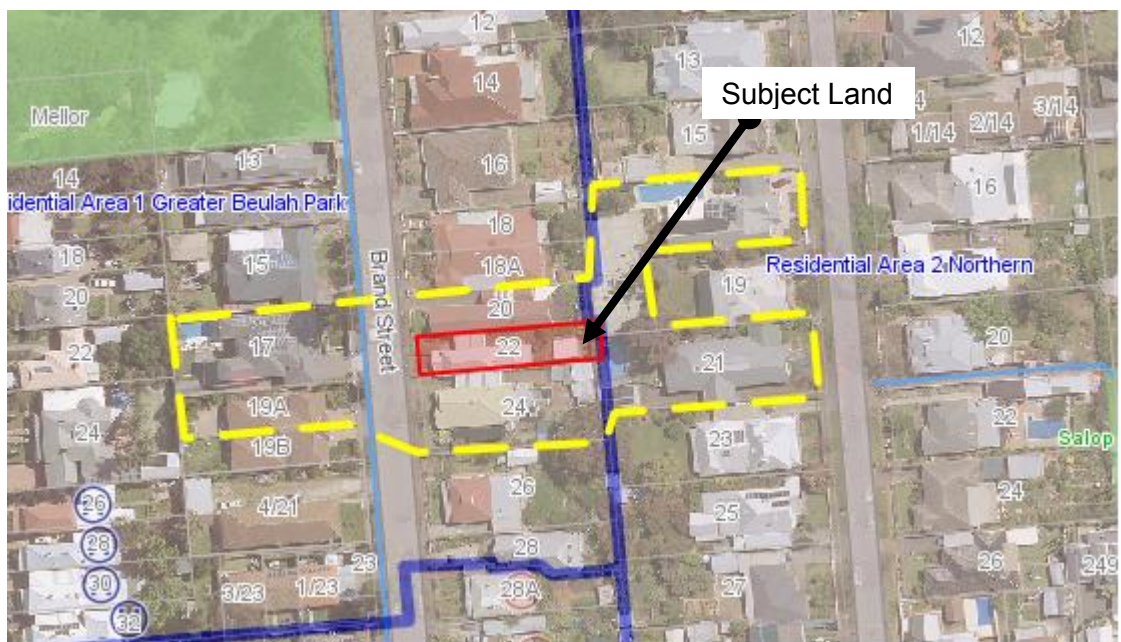
Title Volume 58320 Folio 129. The Subject Land is wholly contained within Residential Policy Area 1 – Greater Beulah Park. The eastern boundary of the subject land is the boundary between Residential Policy Area 1 – Greater Beulah Park and Residential Policy Area 2 – Northern.

The subject land is a regular shaped allotment located on the eastern side of Brand Street with a frontage measuring 9.75 m and a depth of 43.4m. The total area of the land measures some 404 m<sup>2</sup> with gradual cross fall from east to west measuring a difference of 800mm.

The land currently contains a circa 1920 single-storey detached dwelling with ancillary outbuilding and grassed year yard. Access and egress is achieved via an existing crossover at the northern end of the Brand Street boundary

## 2.2. Locality

The immediate locality has been defined as including those properties on Brand Street, specifically numbers 17 and 19a on the western side and numbers 20 and 24, on the eastern side of Brand Street and two properties 17 and 21 Osborn Street, the land immediately adjacent to the east.



The locality has been selected on the basis that the properties identified share a common boundary and/or line of site with the subject land.

The defined locality includes examples of single and two-storey dwellings detached dwellings. The single-storey examples to the south of the locality represent interwar and pre-World War 1 architecture, however they are not within a Historic Conservation Zone or identified as having any heritage value. The dwelling at 17 Brand Street is a two-storey dwelling constructed circa 2009. Other dwellings within Brand Street vary in age from pre-war through to 1960's, 1980's and 2000's and are both single and two-storeys in height and scale. Dwellings to the east on Osborne Street are sited within the Residential Policy Area 2 – Northern and are a mix of pre-war and inter-war character styled single storey detached dwellings.

### 3. KIND OF ASSESSMENT

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

### 4. PUBLIC NOTIFICATION

<b>Category:</b>	Category 2
<b>Reason:</b>	Residential Policy Area 1 – Greater Beulah Park, Principle of Development Control 10 (a) and (b)
<b>Cut / Fill:</b>	Although a degree of earthworks are required, the works are confined to beneath the building footprint avoid the need for boundary retaining walls of excessive height.
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>Stiven Magliani – 21 Osborne Avenue, Beulah Park (wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	No

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

### 5. AGENCY REFERRALS

- Internal agency referrals 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 seeks to construct a new two storey dwelling upon an existing residential allotment within the Residential Zone which encourages the establishment of new residential development amongst its primary objectives;
- The development facilitates and enhances the continued use of the land for residential purposes;
- The development is not listed as a non-complying pursuant to the relevant principle of development control for RPA1; 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

The proposed development seeks to construct a two-storey dwelling on an allotment which currently contains a single detached dwelling.

Council is satisfied that the proposal has been designed to contribute to and be consistent with the primary objectives of RPA1. This position is based on the following considerations:

- The construction of two-storey dwellings is envisaged in the policy area where a second storey is contained within the roof space where the overall height and scale

in compatible with existing single storeyed development in the locality. The proposed dwelling has been designed in a manner that sufficiently accords with this guideline with hipped roofing elements that complement the roofing styles within the locality.

- Examples of two-storey dwellings are observed within the locality that are designed to be contained in the roof space, particularly in Brand Street where dwellings have been constructed in more recent years;
- The proposed dwelling is appropriately sited and generally accord with front and rear set-back guidelines for both the ground and first floors thereby maintaining a balanced and suitably spaced appearance to the streetscape and adjoining land;
- Where variation from setback provisions occurs, this is considered minor due to the nature of the subject land.
- The architectural style is of sufficient merit and complements roof forms and pitches of nearby dwellings.

### **6.3. Amenity**

The development has been designed in a manner that will minimise its impact upon the amenity of the locality and adjoining properties. This position is based on the following considerations:

- The inclusion of articulation to the front elevation softens the visual impact of the built form when viewed from adjoining properties;
- The dwelling has been designed to an acceptable architectural standard in respect of overall appearance and functionality;
- The proposal includes appropriate privacy treatments to the upper level windows so as to ensure the privacy of adjoining residents is not adversely impacted by the development;
- The first floor level is modest in area, centrally sited, and meets requirements for front and rear setbacks. The side setbacks levels fail to meet the prescribed setback guidelines, however given the width of the site (9.75 m) and architectural features to limit their visual impact to adjoining land the patterns of space between buildings forms an acceptable response to the streetscape with negligible impact to the adjoining neighbours on eastern, southern and northern boundaries; and
- The proposed dwelling have been designed to limit the extent of overshadowing to adjoining properties as can practicably be achieved given the orientation of the subject land and siting of adjoining dwelling to the south.

### **6.4. Site Functionality**

The development fits upon the subject land as a workable site-planning outcome. This determination has been based on the following:

- The combined total building footprint for all three dwellings measures 44 percent of the total site area thereby representing a minor departure from the site coverage guideline;
- The site coverage departure is considered to be minor and acceptable given the dwellings have been sited in a manner that responds in a positive manner to property boundaries with regard to the siting a built form context within the locality;
- The dwelling has suitable private open space areas that satisfy the requirements of the Development Plan in terms of gradient, access to living areas, northern sunlight access and minimum dimensions;
- The dwelling is to be constructed with an appropriate finished floor level generally adhering to existing ground contours and avoiding the need for excessive retaining on property boundaries;



- With the total site area being 400 square metres, the site density exceeds the 350 square metres allotment guideline for RPA1.
- The proposed dwelling provides on-site parking in accordance with Table Bur/5.

#### 6.5. Public Notification

Council received one (1) written submission during the public consultation period which expressed opposition to the development. Primary concerns were related to privacy, visual appearance and property values.

The applicant, Scott Salisbury Homes submitted a formal response to the representations. No amendments were made to the plans as a response to the concerns raised by the representor, however provided the representor with a perspective indicating that there would be no overlooking and also addressed this point in writing, thus:

- There are no windows proposed to the rear of the upper storey.
- The upper storey windows on the side elevations (South and North Sides) are high level windows with a sill height of 1700mm above the floor level. Council requirements are for a sill height of 1600mm.
- The overall height of the building is 7007mm

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

#### 6.6. Agency Referrals

Although no statutory referrals were required under Section 37 of the *Development Act 1993*, Council did seek internal advice from Council's Technical Officer and Urban Forestry Officer to assist in determining the suitability of the development against certain provisions of the Development Plan concerning driveway gradients, stormwater management and impact to the road reserve.

Council is satisfied that all matters arising through this process have been addressed and resolved with no objections being raised through the internal referral process.

#### 6.7. 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\1027\16, by Scott Salisbury Homes is **granted** Development Plan Consent subject to the following conditions and reserved matters:

#### Conditions

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted

to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

**Reason:**

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

- 2 All side and rear upper level windows as depicted on the stamped and approved plans granted Development Plan Consent shall be fitted with fixed and obscured glazing to a minimum height of 1.6m 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.

**RECOMMENDING OFFICER**

Michael Shillabeer  
Development Officer – Planning

**APPENDIX 1**

**AERIAL LOCALITY MAP**



**Legend**



**Subject Land**



**Representor's Land**

APPENDIX 2

DETAILED PLANNING ASSESSMENT

**Summary of Policy Area Objectives and Principles**

**Primary Residential Policy Area 1 Objectives:**

Objective #:

*Maintenance and enhancement of a residential character that is derived particularly from low scale, low-to-medium density dwellings, varied in style, including significant groups of relatively small nineteenth century villas and cottages on narrow streets which create attractive and intimate streetscapes.*

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

- (a) within localities adjacent to the Historic (Conservation) Zone and other localities where nineteenth century cottages and villas, generally sited close to the street frontage with ornate facades and verandas, and shallow, open front gardens, are a significant feature of streetscapes;*
- (b) on land with frontage to the western part of Oban Street, including the grounds of the large, historic two-storeyed dwelling at 230 Portrush Road and the nearby electricity sub-station;*
- (c) on land with frontage to Magill Road and to Portrush Road; and*
- (d) in the interfaces with the Local Business Zone, the Local Centre Zone, the Community Zone and the Historic (Conservation) Zone.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Desired Land Use</b> O 1	Satisfied.
<b>Local Compatibility</b> PDC 1 – 2	Satisfied.
<b>Site Areas and Frontages</b> PDC 3 – 5	Satisfied.
<b>Building Height</b> PDC 6	Satisfied.  RPA1 generally advocates for single-storey dwellings and two-storey dwellings where the first floor is accommodated within the roof space, is of a scale that is compatible with existing single-storeyed dwellings in the locality.  The two-storey scale of the dwellings is considered to be acceptable within the context of the locality having regard to the two-storey dwellings immediately adjacent and the design approach that minimises the prominence of the first floor when viewed from the streetscape of Brand Street.
<b>Building Set-back</b>	Satisfied.
<b>Private Open Space</b>	Satisfied.

**Summary of Residential Zone Objectives and Principles**

**Primary Residential Zone Objectives:**

Objective 1:

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

Objective 2:

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

Objective 3:

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

Objective 5:

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

Objective 8:

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

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

### Summary of Council Wide Objectives and Principles

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

Objective 11:

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

Objective 52:

*A compact metropolitan area.*

Objective 53:

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

Objective 54:

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

Objective 55:

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

Objective 56:

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

Objective 57:

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

Objective 58:

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

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 52-60	Satisfied.
<b>Design and Appearance</b> O 11 PDC 14-18, 23-28	Satisfied.
<b>Building Set-backs</b> PDC 161-163	<p><b><u>Front Setback</u></b> Satisfied.</p> <p><b><u>Side Set-backs</u></b> The dwelling represents a departure from the northern and southern (side) boundary by 600mm for the lower level. The upper level represents a departure from the southern (side) boundary by 2 metres. Notwithstanding this departure, the dwelling maintains an appropriate pattern of space between the adjoining dwelling at 20 Brand Street with no residual negative impacts being apparent.</p> <p><b><u>Rear Set-back</u></b> Satisfied.</p>
<b>Building Height</b> PDC 164	Satisfied.
<b>Site Coverage</b> PDC 165	<p>Minor departure.</p> <p>The site coverage for all buildings on the subject land exceeds ground and total floor area site coverage guidelines. The dwellings are determined however to respond to property boundaries in a manner that maintains the residential amenity of adjoining properties with each</p>

	dwelling having sufficient outdoor areas for recreation purposes and storage of vehicles.
<b>Private Open Space</b> PDC 166, 169	Satisfied. The proposed development exceeds that required in the Development Plan.
<b>Amenity</b> O11, 20-22 PDC 14-18, 52-69, 170-173	Satisfied.
<b>Privacy</b> PDC 22, 174-176	Satisfied.
<b>Access and On-Site Car Parking</b> PDC 177-182	Satisfied.
<b>Access to Sunlight</b> PDC 21, 183-186	Satisfied.

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

<b>Attribute</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Characteristics</i>		
Street Frontage	9.75 m	9m
Site Area	404 m <sup>2</sup>	350m <sup>2</sup>
Topography		
<i>Site Coverage</i>		
Ground Floor Area	176.5 m <sup>2</sup> 44%	40%
Ground Floor Area + Impervious	196.5 m <sup>2</sup> 49 %	50 %
Total Floor Area	256 m <sup>2</sup> 64%	50 %
<i>Building Height</i>		
Storeys	2	
Metres	7.2 m	9m
<i>Ground Floor Set-Backs</i>		
Front	8.84	3m
Side	0.9m	1.5m - 2m
Rear	17 metres	4m
<i>Upper Level Set-Backs</i>		
Front	11.5	3m
Side	1m minimum, 3.150 m max	4m
Rear	20.9 m	8m
<i>Boundary Development</i>		
Height	3.2 m	3m
Length	6.4 m	8m
<i>Private Open Space</i>		
Percentage	41 %	32 %
Dimensions	9m x 17 m (165 m <sup>2</sup> )	4m x 6m
<i>Parking/Access</i>		
On-Site Car Parks	2	2
Driveway width at Boundary	3.3m	4.5m
Garage/Carport Door Width	3.3 m (33.8 %)	33%
<i>Finished Floor Levels</i>		
Building Envelope	100.67	Existing:
External	100.4	Existing: 100.4



**DEVELOPMENT APPLICATION**

<b>Application Number:</b>	180\1008\16
<b>Applicant:</b>	<i>Dechellis Homes Pty Ltd 170 Payneham Road EVANDALE SA 5069</i>
<b>Location:</b>	<i>4 Hay Road LINDEN PARK SA 5065</i>
<b>Proposal:</b>	<i>Two-storey dwelling</i>
<b>Zone/Policy Area:</b>	<i>Residential Zone Residential Policy Area 21 – Linden Park Development Plan consolidated 28 April 2016</i>
<b>Kind of Assessment:</b>	<i>Merit</i>
<b>Public Notification:</b>	<i>Category 2 One (1) representation received</i>
<b>Appeal Opportunity</b>	<i>Applicant only, no third party appeal rights</i>
<b>Referrals – Statutory:</b>	<i>N/A</i>
<b>Referrals – Non Statutory:</b>	<i>Traffic Management Engineer</i>
<b>Delegations Policy:</b>	<i>Unresolved representations</i>
<b>Recommendation:</b>	<i>Development Plan Consent be granted</i>
<b>Recommending Officer:</b>	<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
- External agency referral reports
- Internal agency referral reports
- Representations received
- Applicant's response to representations
- Photographs

## 1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the construction of a two storey detached dwelling on an existing residential allotment within Residential Policy Area 21 – Linden Park (RPA 21).

The proposed dwelling is to be sited behind the existing single storey detached dwelling with access gained via a common driveway along the eastern side of the allotment, formalising a community title land division which was approved in April 2016.

The proposed dwelling features five bedrooms (three with ensuites, two with walk in robes), one bathroom, double garage, open plan kitchen (walk in pantry) meals and family areas, upstairs living room, study and rear verandah and front entry portico.

The proposed building will be clad with rendered external walls, feature brick to portico and floor to ceiling piers and a 25 degree hipped roof with overhanging eaves and roof tiles. Also included in the proposal are side and rear boundary concrete retaining walls and Colorbond fencing.

## 2. BACKGROUND

Development Application 180\1008\16 was lodged on 01 November 2016 by Dechellis Homes on behalf of the registered owner of the land. The proposal was determined to be a Category 2 development pursuant to the Burnside (City) Development Plan, to be assessed on merit.

The application was made available for public consultation between 22 November 2016 and 6 December 2016, during which time Council received one (1) written submission identifying concerns relating to privacy, traffic, noise and other issues arising from the construction stage.

The applicant has responded to the representation by providing the following:

- confirmation of the upper level windows being fitted with obscure glazing to 1700mm; and
- shadow diagrams to clarify the extent of shadow cast on adjoining land; and
- amended plans which demonstrate an additional (visitor) car parking space has been allocated; and
- confirmation that due care will be taken during the construction stage in accordance with the builders construction standard.

As part of the assessment process the application was referred to Council's Engineering services department to assess the suitability of access arrangements for the site as well as general impacts on Council infrastructure.

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

## 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

### 3.1. Subject Land

The subject land is an existing rectangular shaped allotment fronting Hay Road towards the southwest corner of RPA 21. The allotment has a frontage to Hay Road measuring

18.9 metres and a depth of 51.33 metres, with a total area of approximately 970.13 square metres.

An application for a hammerhead land division (community title) creating an additional allotment at the rear of the subject site with access gained via a common driveway received Development Plan Consent on 20 May 2016. The proposed allotment has a total area of approximately 540 square metres.

The land has an ascending slope from the front northwest corner to the rear south east corner of approximately two metres and is currently occupied by a single storey detached conventional style dwelling constructed in the 1950s. A small masonry fence runs along the front boundary and vehicle access is obtained via an existing single-width crossover at the northeast corner of the site, which has been widened as part of the approved land division application to facilitate vehicle ingress and egress of the common driveway.

### 3.2. Locality

The locality comprises both side of Hay Road between Portrush Road to the west and Burnell Street to the east. Properties with frontage to Portrush Road between Mariner Street and Highfield Avenue also contribute to the locality on account of their close proximity to the site.

The pattern of subdivision varies between the north and south sides of Hay Road, with predominantly regular shaped allotments on the northern side of the street and a large proportion of the southern side of the street occupied by Linden Park Primary School. The section of Portrush Road between Hay Road and Highfield Avenue is largely made up of residential flats buildings.

The locality is comprised predominantly of single storey 1950s conventional dwellings on single allotments, however there is also evidence of earlier symmetrical cottages derived from the early 1900s and more recent contemporary two-storey building in close proximity to the site.

## 4. KIND OF ASSESSMENT

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

## 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 2
<b>Reason:</b>	Residential Policy Area 21 Principle of Development Control 12 (a) and (d).
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>1A Hay Road, Linden Park (wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	No

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

The proposed development maintains and enhances the existing and lawful established residential use of the site and formalises an application for a community title land division which was granted Development Plan Consent on 20 May 2016. The development is not considered to be fundamentally at variance with the relevant policies of the Burnside (City) Development Plan.

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

The Development Plan seeks to maintain and enhance the low scale, low density residential character derived from single storey detached dwellings in wide variety of styles, predominately the post war era, moderate building setbacks to streets and generally open, well-established front gardens and grassed verges. The proposed development is compatible with these characteristics and will have limited visual impact on the established streetscape character of Hay Road due to its siting behind the existing single storey dwelling.

Though two-storey in form, the proposed dwelling is sited behind the existing single storey dwelling and is adequately setback from side and rear boundaries to preserve the amenity of occupiers of adjoining land and be inconspicuous from a streetscape perspective. The modern design is considered to be of a high quality design standard which is comparable with the existing housing stock with reference to form, bulk and scale, external wall heights and roof forms and pitches.

In terms of overlooking opportunities, the proposed dwelling incorporates upper level side and rear windows set at a minimum sill height of 1.7 metres, which satisfies the preference of the Development Plan.

### **7.3. Site Functionality**

The development is largely consistent with the relevant quantitative guidelines of the Development Plan and is not considered to be an overdevelopment of the site. Despite encroachments to the setback guideline concerning rear boundaries and negligible departures from site coverage and private open space guidelines, the proposed development is considered to fit neatly within this context and will have a minimal and acceptable impact to the adjoining properties in terms of bulk and scale and overshadowing.

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

### **7.4. Public Notification**

The application was determined to be a Category 2 development pursuant to Residential Policy Area 21 Principle of Development Control 12, which states:

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

*Dwelling, except where*

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

The proposal was placed on public notification towards the end of November 2016, during which time Council received one written submission from the adjoining neighbour to the north (1A Hay Road).

The primary issues raised through the consultation process relate to the proposed development impacting on the privacy of this neighbour, creating traffic congestion along Hay Road during school drop off and pick up times as well as logistical matters concerning the construction period.

The applicant responded to the concerns by clarifying that the subject site does not share a boundary with 1A Hay Road and as such there would be no potential for overlooking into the private open space areas of this site. The applicant also provided confirmation that all upper level windows are fixed with obscure glazing up to 1700mm above floor level.

The applicant also provided a response to concerns raised by planning staff regarding overshadowing and access and on-site car parking. Amended plans which demonstrate an additional car parking space had been allocated as well as shadow diagrams to determine the degree of shadow cast on adjoining properties were submitted by the applicant.

A review of the shadow diagrams suggests the adjoining residential units to the south of the site will be overshadowed to some degree from 10am onwards, but overall the extent of shadow cast by the proposed development complies with Development Plan guidelines, specifically Council Wide Principle of Development Control 184 (a) and (b).

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

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

As part of Council's internal assessment process, the proposal was referred to the Engineering Services Department to assess the proposed access arrangements as well as the impact of development on local infrastructure.

#### **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\1008\16, by Dechellis Homes Pty Ltd is **granted** Development Plan Consent subject to the following conditions:

### Conditions

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

#### **Reason:**

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

- 2 All side and rear upper level windows as depicted on the stamped and approved plans granted Development Plan Consent shall be fitted with fixed and obscured glazing to a minimum height of 1.6m above the finished floor level.

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

#### **Reason:**

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

## Advisory Notes

### 1 **Building Consent**

Development Approval will not be granted until a Building Rules Consent has been obtained. A separate application must be submitted for such consent. No building work or change of classification is permitted until the Development Approval has been obtained.

### 2 **Expiration Time of Approval**

Pursuant to the provisions of Regulation 48 under the Development Act 1993, this Consent/Approval will lapse at the expiration of 12 months from the operative date of the Consent/Approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months, in which case the Approval will lapse within 3 years from the operative date of the Approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the Approval will not lapse.

### 3 **Boundaries**

It is recommended that as the Applicant is undertaking work on or near the boundary, the Applicant should ensure that the boundaries are clearly defined by a Licensed Surveyor, prior to the commencement of any building work.

### 4 **Fences Act 1975**

The Applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or visit [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

### 5 **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 shared driveway width of 6 metres is permitted across the verge and a crossover width of 7 metres (maximum) is permitted at the kerb and gutter.
- A minimum width of 3 metres must be maintained for the entire length of the driveway.
- 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**

Jake Vaccarella  
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.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Desired Land Use</b> O 1	Satisfied.  The proposal seeks to continue the established and desired residential use of the subject land.
<b>Local Compatibility</b> PDC 1	<ul style="list-style-type: none"> <li>• The proposed density is consistent with the low-to-medium density residential character of the policy area.</li> <li>• The two-storey form exhibits appropriate external wall heights and proportions which are considered to be compatible with the character of the locality which includes buildings of similar scale.</li> <li>• The proposed dwelling is sited behind the existing single storey dwelling and as such will be largely inconspicuous from the streetscape point of view.</li> <li>• The locality is largely comprised of single storey development; however there is one example of a large two-storey dwelling at 7 Hay Road which is currently under construction.</li> <li>• The common driveway includes a 500mm wide landscaping strip which assists in minimising the visual massing of the long driveway and enhances the overall appearance of the site when viewed from the streetscape.</li> </ul>
<b>Site Areas and Frontages</b> PDC 2-5	Satisfied.

**Summary of Residential Zone Objectives and Principles**

**Primary Residential Zone Objectives:**

Objective 1:

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

Objective 2:

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

Objective 3:

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

Objective 5:

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

Objective 8:

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

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

## Summary of Council Wide Objectives and Principles

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

Objective 11:

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

Objective 52:

*A compact metropolitan area.*

Objective 53:

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

Objective 54:

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

Objective 55:

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

Objective 56:

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

Objective 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 60:

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

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 52-60	Satisfied.
<b>Design and Appearance</b> O 11 PDC 14-18, 23-28	Satisfied.
<b>Building Set-backs</b> PDC 161-163	<p><b><u>Front Set-backs</u></b> Satisfied</p> <p><b><u>Side Set-backs</u></b> Satisfied</p> <p><b><u>Rear Set-backs</u></b> Minor departure</p> <ul style="list-style-type: none"> <li>• The first floor of the proposed building will be setback 5040mm from the rear boundary, which represents a departure from the 8.0m guideline.</li> <li>• The proposed 2960mm encroachment of this guideline building does not translate into issues of bulk and scale or loss of visual amenity for neighbouring properties to the rear, given that the development proposes a high-quality building which will replace an existing outbuilding sited within 1 metre of the rear boundary.</li> <li>• Shadow diagrams provided by the applicant maintain that the proposed siting of the building is not anticipated to cause a</li> </ul>

	significant loss of amenity in terms of overshadowing or access to sunlight, to occupants of adjoining land and buildings.
<b>Building Height</b> PDC 164	Satisfied.
<b>Site Coverage</b> PDC 165	<p>Minor departure.</p> <ul style="list-style-type: none"> <li>• The proposed development results in a ground floor area equal to 41% of the site, excluding the access strip of the site, which departs from the PDC 165 (a) guideline.</li> <li>• The total floor area of the proposed building has been calculated to be 75% of the area of the subject land, which departs from the PDC 165 (c) guideline.</li> <li>• The excess in total floor area in this instance does not translate into problems of bulk, scale, land use intensity or sense of enclosure for adjoining landowners given there is adequate separation between the external walls of the proposed development and neighbouring built form and an appropriate amount of functional private open space allocated to service the likely needs of the future occupants.</li> </ul>
<b>Private Open Space</b> PDC 166-169	<p>Minor Departure.</p> <ul style="list-style-type: none"> <li>• The proposed development is largely consistent with PDC 167; however the development fails to achieve an area of private open space containing a rectangle measuring 5 metres by-eight metres.</li> <li>• The proposed development achieves an area of private open space calculated to be 48% of the total floor area of the dwelling which is likely to appropriately service the likely needs of the future occupants.</li> </ul>
<b>Amenity</b> O11, 20-22 PDC 14-18, 52-69, 170-173	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposed building is considered suitable to the site and locality in terms of scale and proportions and is not anticipated to impair the amenity of the locality through the appearance of land, buildings or other conditions or factors.</li> <li>• The proposed building is considered to protect and enhance the visual amenity of the locality by providing a new development of high design standard and appearance.</li> <li>• The siting of the proposed building behind the existing single storey dwelling ensures minimal visual impact on the streetscape, maintaining the harmony of built form character within the locality.</li> </ul>
<b>Privacy</b> PDC 22, 174-176	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposal involves a two storey building with floor levels that could overlook adjacent properties.</li> <li>• The proposal addresses this issue with the use of high sill windows and windows fitted with fixed obscure glazing up to 1700mm above first floor level on all upper level windows of dwelling.</li> </ul>

<p><b>Access and On-Site Car Parking</b> PDC 177–182</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposed development provides three off-street car parking spaces; two within the garage and one visitor park within the driveway.</li> <li>• The driveway design for each residence accords with DP guidelines regarding safe and convenient access.</li> <li>• Council’s traffic engineer is satisfied with the location and design of the driveway and has advised Section 221 authorisation will be issued should the Panel see fit to approve the proposal.</li> <li>• It should be noted that the third (required in accordance with PDC 182) off-street car parking space has been located in the northwest corner of the site. In order for a vehicle parked in this space to exit the site in a forward motion, a 3-point turn manoeuvre would be dependent on a vacant and unobstructed garage space, which is not practical or achievable.</li> <li>• Whilst it is acknowledged that reversing a vehicle down the access driveway is undesirable, DP guidelines relating to access and on-site parking do not prescribe any specific requirements for manoeuvrability of vehicles entering or leaving the site. Furthermore, feedback from Council’s traffic engineer confirms that the <i>Australian Standard 2890.1</i> does not require specific vehicle movements with reference to off-street parking.</li> <li>• Given the above-mentioned connotations associated with the proposed off-street visitor park, it is likely that the future occupants will utilise the space in front of the garage as the additional car parking space. Although this also involves exiting the site onto Hay Road in a reversing manner, it is considered to be a more suitable arrangement from a functionality and ease of access point of view, albeit not ideal.</li> </ul>
<p><b>Access to Sunlight</b> PDC 21, 183–186</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• Each dwelling is two storeys in height and therefore could reasonably be expected to impose a degree of shadow over adjoining properties at certain times of the day.</li> <li>• The applicant has provided shadow diagrams to demonstrate the extent of shadow cast at different times of the day on the winter solstice.</li> <li>• The shadow diagrams provided indicate the amount of sunlight afforded to each adjoining property will remain consistent with DP guidelines.</li> </ul>
<p><b>Fences and Retaining Walls</b> PDC 190–194</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposal development includes retaining walls and boundary fencing on both the southern and western boundaries. The proposed eastern boundary retains the existing retaining walls and Colorbond fencing.</li> <li>• The proposed retaining walls and Colorbond fencing on the southern rear and western side boundaries are appropriate in scale and not out of character with the locality. The combined height of the</li> </ul>

	<p>proposed retaining walls and fencing reaches 2.65m along the western boundary. Given its siting adjacent to the rear yards of 2 Hay Road and 482 Portrush Road, the proposed retaining and fencing is not likely to unreasonably impact on the visual amenity of occupiers of adjoining land.</p>
<p><b>Safety and Security</b> PDC 195-198</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The central siting of the building and its built form set-backs prevent access between roofs and windows of adjoining dwellings.</li> </ul>
<p><b>Water Conservation</b> PDC 200-201</p>	<p>Satisfied.</p>
<p><b>Energy Conservation</b> PDC 31-32</p>	<p>Satisfied.</p>

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

<b>Site Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Area</i>	Total: 540m <sup>2</sup> Excluding handle: 425.25m <sup>2</sup>	425m <sup>2</sup>
<i>Street Frontage</i>	18.9m	9m
<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Coverage</i>		
- Buildings only	41%	40%
- Buildings and driveways	61%	50%
- Total floor area	75%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8.4m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	From proposed boundary: 3.43m From Street: 32.26m	6m
- side boundary	4m (west) 2m (east)	1.5-2m
- rear boundary	4.08m	4m
<i>Upper Level</i>		
- front boundary	From proposed boundary: 3.43m From Street: 32.26m	8m
- side boundary	4m (west) 4.11m (east)	4m
- rear boundary	5.04m	8m
<i>Private Open Space</i>		
- percentage	48%	50%
- dimensions	4m x 19.8m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	3	2
- width of driveway	5m	4.5m
- width of garage/carport door	26%	33%



## DEVELOPMENT APPLICATION

<b>Application Number:</b>	180\0497\16
<b>Applicant:</b>	C Bastiras
<b>Location:</b>	102 Alexandra Avenue TOORAK GARDENS SA 5065
<b>Proposal:</b>	Three-storey detached dwelling including basement garage, lift, swimming pool and fencing
<b>Zone/Policy Area:</b>	Historic Conservation Zone Historic Conservation Policy Area 6 – Toorak Gardens (North) Development Plan consolidated 28 April 2016
<b>Kind of Assessment:</b>	Merit
<b>Public Notification:</b>	Category 2 Four (4) representations received
<b>Appeal Opportunity</b>	Applicant only, no third party appeal rights
<b>Referrals – Non Statutory:</b>	Local Heritage Consultant / Traffic Management Engineer / Tree Management Officer
<b>Delegations Policy:</b>	Unresolved representations
<b>Recommendation:</b>	Development Plan Consent be granted
<b>Recommending Officer:</b>	Jason Cattonar

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- Photographs

## 1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the construction of a three-storey detached dwelling upon an existing residential allotment at 102 Alexandra Avenue, Toorak Gardens.

At ground level, the proposed dwelling features a spacious, open plan configuration that incorporates a kitchen, dining and living room which are adjoined by two separate courtyards for outdoor living purposes. The family room and study provide supplementary living areas at ground level with amenities being provided in the form of a laundry and powder room. The guest bedroom includes a walk-in robe and ensuite with additional storage areas being located within the entry hall.

The first floor of the dwelling incorporates the main sleeping quarters for the future occupants comprising a master bedroom with walk-in robe and ensuite and three (3) additional bedrooms towards the rear of the building. The first floor also includes a family room and two communal bathroom areas.

The basement level predominantly comprises garaging for four (4) vehicles with adjacent habitable spaces in the form of a gym and theatre room. All three floors are serviced by a lift and stair.

Other works proposed on the land include an in-ground swimming pool to be sited in the south-western corner of the land with adjacent amenities and shower room. Fencing proposed along the front property boundary is to measure 1.5m in height and constructed using sandstone brickwork and anodised aluminium gates.

Vehicular access to the land is to be achieved via the existing crossover to Alexandra Avenue which is located at the north-eastern corner of the property.

## 2. BACKGROUND

Development Application 180\0497\16 was submitted in June 2016 by Mr Con Bastiras on behalf of the registered owners of the land N Ikonomakis and J Ikonomakis.

Pursuant to section 35(5) of the *Development Act 1993*, the application was determined to be assessed on *merit* against the provisions of the Burnside (City) Development Plan as Category 2 development in accordance with Historic (Conservation) Zone principle of development control 26 – Dwelling (a) and (b).

The application documents were made available for public viewing from 14 July to 28 July 2016 (inclusive), during which time Council received four (4) written submissions identifying concerns relating to (amongst others) architectural design, building scale and setbacks.

A copy of the representations was forwarded to the applicant in addition the reassertion of concerns identified by planning staff through the course of their assessment. In response to the concerns raised, the applicant scheduled to meet with Council's planning staff and heritage advisor while also engaging Mr Matt Atkinson from Masterplan to assist with the submission of the response to representations.

In the words of Mr Atkinson, the amended plans included the following changes:

- *the first floor of the dwelling has been set back behind a single storey section, to enable the front of the dwelling to maintain a single storey form;*

- *the front setback of the dwelling has been increased to match the front setback of the adjacent dwelling at 100 Alexandra Avenue;*
- *the first floor has been setback 5.5 metres behind the single storey building alignment and 12.95 metres from the street boundary, such that it is 2.45 metres further back than the ridge line of the adjacent dwelling at 100 Alexandra Avenue and is 1.85 metres behind the gable ridgeline of the adjacent Contributory Item at 104 Alexandra Avenue;*
- *the proposed roof form has been amended to include a pitched roof, by utilising a contemporary asymmetrical gable form, which when combined with the setback of the first floor, the proposed light-weight materials and colour, is designed to give the impression that the first floor is contained partially within the roof space;*
- *the addition of obscure glazing to 1.6 metres above the first floor level; and*
- *internal layout modifications to facilitate the proposed amended form.*

As part of Council's internal processing of the application, the proposal was referred to Council's Technical Officer and Urban Forestry Officer to assess the impact of development on Council infrastructure.

The application is now presented to the Development Assessment Panel as a Category 2 development with unresolved representations and a staff recommendation that Development Plan Consent be granted subject to conditions and one (1) reserved matter.

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

#### **3.1. Subject Land**

The subject land consists of a single parcel of land described as allotment 12 in Filed Plan 140873 in the area named Toorak Gardens within the Hundred of Adelaide, as recorded in Certificate of Title Volume 5717 Folio 933. The Subject Land is wholly contained within the Historic Conservations Zone and more specifically, Historic Conservation Policy Area 6 – Toorak Gardens (North).

The subject land is a regular shaped allotment located on the southern side of Alexandra Avenue with a frontage measuring 15.24m and a depth of 51.08m. The total area of the land measures some 778.45m<sup>2</sup> with a gradual rise in land contours from north to south of approximately 500mm.

The land currently contains a single-storey dwelling built circa 1928. Although the dwelling may have origins as a Bungalow, the architectural expression of the dwelling is comparable to a Conventional style dwelling as a result of extensive modification and additions that were granted approval and lawfully carried out in the early 2000s. The existing dwelling is not identified in Fig Bur HCPA/6 as a Contributory Item.

#### **3.2. Locality**

The locality is identified in *Figure 1: Locality Map* and includes those properties that have a primary frontage to Alexandra Avenue as far east as 79 and 112 and to the west inclusive of 61 and 94. Dwellings to the south of the subject land with a primary frontage to Grant Avenue (83 to 89 inclusive) are also considered to form part of the locality. The locality has been selected on the basis that the identified properties share a direct line of sight with the subject land and contain buildings that provide architectural and spatial context.

**Figure 1: Locality Map**



Within the defined locality there is a total of twenty (20) properties, fifteen (15) of which are identified in Fig Bur HCPA/6 as Contributory Items. The remaining five (5) dwellings not identified as a Contributory Item include numbers 61, 69-71, 75, 94, 100 and 102 (the subject land) Alexandra Avenue.

Address	Contributory Item	Year Built	Style
61 Alexandra Avenue	N	c1982	Conventional
1/63 Alexandra Avenue	Y	c1900	Maisonette
65 Alexandra Avenue	Y	c1926	Bungalow
69-71 Alexandra Avenue	N	c1996	Colonial (two-storey)
73 Alexandra Avenue	Y	c1926	Bungalow
75 Alexandra Avenue	N	c1935	Spanish Mission (two-storey)
79 Alexandra Avenue	Y	c1926	Gentleman's Residence (two-storey)
94 Alexandra Avenue	N	c2000	Architectural
96 Alexandra Avenue	Y	c1910	Villa
98 Alexandra Avenue	Y	c1910	Return Verandah Villa
100 Alexandra Avenue	N	c1994	Colonial (two-storey)
102 Alexandra Avenue	N	c1928	Bungalow (modified)
104 Alexandra Avenue	Y	c1926	Bungalow
106 Alexandra Avenue	Y	c1926	Bungalow
108 Alexandra Avenue	Y	c1915	Return Verandah Villa (two-storey)
110 Alexandra Avenue	Y	c1926	Bungalow
112 Alexandra Avenue	Y	c1926	Bungalow
83 Grant Avenue	Y	c1920	Bungalow
85 Grant Avenue	Y	c1920	Bungalow
87 Grant Avenue	Y	c1926	Bungalow
89 Grant Avenue	Y	c1920	Bungalow

Within the locality and policy area more broadly, the built form character is largely defined by generally large, single-storey dwellings in the architectural styles of Tudor Revival, Californian Bungalow or Old English sources.

Examples of large two-storey dwellings can be found within the streetscape of Alexandra Avenue between its intersection with Prescott Terrace and Giles Street. The examples include two (2) dwellings with recent construction dates (circa late 1990s and early 2000s) and three (3) dwellings that are identified as a Contributory Item.

Dwellings along the southern side of Alexandra Avenue maintain a consistent setback from the primary frontage however the front setback of dwellings on the northern side varies to a substantial degree. The visual prominence of individual dwellings when viewed from the streetscape is dependent on building setbacks, existing fencing and landscaping treatments on public and private land.

Nonetheless, the historic streetscape character is best described as comprising an open and attractive character with positive contributions being made by good quality housing, well landscaped front gardens, a variety of fencing materials and wide grassed verges that incorporate mature street trees that envelope the road and footpath with full and leafy canopies.

#### 4. KIND OF ASSESSMENT

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

#### 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 2
<b>Reason:</b>	Historic Conservation Zone, Principle of Development Control 26 – Dwelling (a) and (b)
<b>Cut / Fill:</b>	Although a degree of earthworks are required to facilitate the construction of the dwelling, the works will be confined to beneath the dwelling footprint and do not result in the need for boundary retaining walls that would impose a visual impact to adjoining land.
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• Elizabeth French – 85 Grant Avenue, Toorak Gardens (wishes to be heard)</li> <li>• Ian &amp; Lilian Henschke (represented by Marcus Rolfe of URPS) – 104 Alexandra Avenue, Toorak Gardens (wish to be heard)</li> <li>• Mark &amp; Bernadette Eckermann – 100 Alexandra Avenue, Toorak Gardens (wish to be heard)</li> <li>• Graham Lowry &amp; Carolyn Marlow (represented by Ian Henschke) – 87 Grant Avenue, Toorak Gardens (wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	No

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

## 6. AGENCY REFERRALS

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

## 7. EXECUTIVE SUMMARY

### 7.1. Land Use

The subject land is an existing allotment within the Historic Conservation Zone of the Burnside (City) Development Plan, with historical existing use rights for residential purposes associated with a single-storey detached dwelling.

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

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

### 7.2. Character and Amenity

The Historic Conservation Zone seeks the conservation and enhancement of the relevant Policy Area, which in this instance, is identified as Historic Conservation Policy Area 6 – Toorak Gardens (North) (HCPA 6). The Established Historic Character statement for HCPA 6 describes the character as being derived from the large number of residences dating from the suburbs original period of subdivision during 1909 to 1912. Dwellings are typically large, single-storey detached dwellings with stone or brick being the predominant construction material and large simple roof planes and broad eaves.

Within the locality identified earlier in this report, and consisting of a total of 20 properties, there are five (5) existing examples of two-storey development, namely 100 Alexandra Avenue (which adjoins the subject land), 69-71 Alexandra Avenue, 78 Alexandra Avenue 79 Alexandra Avenue and 108 Alexandra Avenue.

The two-storey dwellings at 100 and 69-71 Alexandra Avenue are examples of two-storey dwellings built in the late 1990s and early 2000s in a Colonial style that gained popularity during that period. Architectural details include external walls exhibiting feature stone facades, block rendered quoins and hipped roofing of generous proportions. The two-storey dwelling upon 79 Alexandra Avenue is the result of first floor additions to a Contributory dwelling that were undertaken in the early 1990s. The first floor addition was constructed within the existing roof space with a large dormer window and front facing balcony being apparent on the southern elevation i.e. the main facade. The two (2) other examples of two-storey additions to Contributory Items were undertaken in the late 80s and early 2000s, generally taking the form of the clearly delineated upper levels that have been setback towards the rear of the existing dwelling so as to not be visually prominent when viewed from the Alexandra Avenue streetscape. Of the remaining dwellings within the locality, those identified as Contributory Items are considered to be excellent examples that reflect the building design characteristics of the early 1900s.

The proposed dwelling has been designed using Contemporary architectural expression with form and proportions that are typical and complementary to dwellings on adjoining land and within the locality. The dwelling largely presents to the streetscape of Alexandra Avenue as single-storey dwelling on account of the first floor being set back behind the main façade of the ground floor which obstructs opportunities for a clean sightline to the first floor from the streetscape.

Additionally, the ground floor of the dwelling is to be constructed using masonry materials with the first floor being clad in high quality zincalume cladding. By using these two distinct but complementary materials, in combination with the angled pitch of the side upper level walls, the building successfully maintains the balance of proportions of a single-storey dwelling and responds to the hipped roof forms within the locality in a complementary fashion. Where the first floor is visible from the streetscape, it will appear as a recessive element and not disrupt the established historic character as described by the policy area.

Rather than expressing a quantitative setback measurement from side and rear boundaries, principle of development control 20 of the HCZ encourages new buildings to display set-backs from property boundaries that demonstrate a level of consistency with adjacent State and Local Heritage places and Contributory Items.

Within the locality there is a variety of allotment sizes thereby resulting in dwellings of various floor areas, form and scale. Amongst this context however remains a consistent and coherent pattern of space between existing dwellings that contributes to an open and attractive streetscape character.

As a response to this feature of the locality, the proposed dwelling has been designed and sited in a manner that maintains a relationship to its properties boundaries that is proportionate and respectful to the historic character of the locality. This is particularly apparent when the proposed dwelling is viewed from a number of obvious sightlines within the Alexandra Avenue streetscape having reviewed the perspective drawings provided by the applicant in addition to a physical inspection of the Alexandra Avenue streetscape. The development is therefore considered to achieve the desired outcomes envisaged by the HCZ so as to conserve and enhance the established historic character of the policy area.

Council's heritage advisor has been engaged throughout the assessment process and is satisfied that the development, in its current form and as presented to the Panel, is an appropriate architectural design outcome within the context of the locality and as such will conserve and enhance the established historic character as described in HCPA 6.

On balance, the overall design and siting of the proposed dwelling is considered to be appropriate within the context of the locality in terms of the scale, height, form, style and materials. Having assessed the proposed plans, orientation of adjoining buildings and historic patterns of space between buildings and property boundaries, the proposed development is considered to be an acceptable form of development for the subject land and locality when tested against the relevant provisions of the Burnside (City) Development Plan.

### **7.3. Site Functionality**

HCPA 6 principle of development control 8 seeks that all buildings on the site of a dwelling, not including pergolas or landscaping structures, should not occupy more than 40% of the site of the dwelling. Council wide principle of development control 165 (b) and (c) seek buildings together with impervious surfaces not occupying more than 50% of the site area and also a total building floor area not occupying more than 50% of the site.

The proposed development is to occupy an existing residential allotment measuring 778.45m<sup>2</sup>. Including the total footprint of the ground floor, the proposed dwelling would occupy 37% percent of the total site area thereby satisfying HCPA 6 principle of development control 8.

Inclusive of paved surfaces and the footprint of ground floor, the development occupies 62% of the total site area thereby representing a departure of 12% from CWPDC 165(b). The total floor area of the dwelling (ground and first floor only) represents 61% of the total site area thereby demonstrating an 11% departure from CWPDC 165(c). When the basement is included in the total floor area equation, the dwelling, across all three levels, represents 90% of the total site area.

In isolation the above departures may be deemed substantial however a balanced approach, together with quantitative guidelines must be considered to determine whether the numerical departures manifest themselves into outward impacts or compromise the functionality of the subject land.

Having already discussed the appropriate and complimentary manner in which the proposed dwelling responds to the prevailing patterns of space between existing buildings and the boundaries of the subject land, considerations regarding the internal function of the property are of importance as well as the amenity of adjoining residential land.

Despite the site coverage of the total floor area being greater than the prescribed guideline, the occupants of the dwelling will be provided with a generous provision of private open space that is of a suitable gradient, is orientated and configured to have reasonable access to sunlight, is accessible from the primary living areas and has suitable dimensions to facilitate recreation activities. In this regard, the site coverage departure has no consequence upon the internal functionality of the land and maintains liberal curtilage in front of the dwelling for the establishment of landscaping.

With regard to impacts external the subject land, the north/south orientation of the land confirms that shadows cast by the dwelling will predominantly be upon the rear yard of the subject land and the roof forms of adjoining properties to the east and west for short periods in the morning (west) and afternoon (east). The proposed development will maintain solar access to northern facing habitable room windows and private open space areas of adjoining dwellings strictly in accordance with Council Wide principle of development control 183 and 184(a) and (b).

Impacts to the visual outlook from adjoining properties is determined to be reasonable and expected as the proposed dwelling is largely the same length as the existing dwelling on the subject land. It is accepted that the proposed dwelling is of greater overall mass than the existing dwelling however there will an acceptable impact in this regard on account of the orientation of buildings and structures on adjoining land together with the form and function of private open space areas.

Vehicular access is to be obtained via an existing crossover located towards the north-eastern end of the front property boundary. Council's Technical Officer is satisfied that the driveway gradients meet the relevant Australian Standard including the transition grades across the Council road reserve and into the basement garage. The applicant has not yet provided a detailed stormwater management plans however this recommendation includes a reserved matter requiring the applicant to submit those details for further assessment by Council's Technical Officer prior to the granting of Development Approval.

#### **7.4. Public Notification**

Council received four (4) written submissions during the public consultation period, all of whom expressed their opposition to the development and indicated a desired to appear before the members of the Panel to make a verbal submission.



While the members of the Panel are urged to review each of the written submissions which are attached to this report, the primary concerns of the representors can be summarised as concerns regarding the architectural style of the dwelling, two-storey form, building setbacks to property boundaries, overshadowing, site coverage, noise and impacts to the health of existing landscaping.

In addition to matters raised in previous exchanges of communication with the applicant, the general theme of comments made by third parties provided Council's planning staff with a further opportunity to articulate a number of concerns to the applicant regarding the architectural expression, mass and siting of the proposed dwelling.

In response to the matters raised by planning staff and representors, the applicant sought a meeting with Council's planning staff and heritage advisor in order to better understand where the proposal was deficient with respect to the Burnside (City) Development Plan and to engender a positive design response to the expressed concerns.

Amended plans were later provided by the applicant that included a substantial change to the architectural expression of the first floor. Council is satisfied that the planning matters raised through the public notification process are sufficiently addressed through the overall design of the development, insofar as they are to be determined under the Development Act 1993.

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

Although no statutory referrals were required under Schedule 8 of the *Development Regulations 2008*, planning staff sought internal advice from Council's Technical Officer to assist in determining the suitability of the development against certain provisions of the Development Plan concerning driveway gradients and stormwater management.

Council is satisfied that all matters arising through this process have been addressed and resolved however full details of the stormwater management plan are yet to be submitted.

Given the extent of roof area and impervious surfaces, a reserved matter has been added to this recommendation seeking from the applicant a completed stormwater management/civil plan prior to them pursuing an assessment against the Building Code. This gives Council the ability to further assess the performance of the stormwater management plan against relevant Council policies and the Development Plan and apply conditions as relevant.

#### **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\0497\16, by C Bastiras, is **granted** Development Plan Consent subject to the following conditions and reserved matters:

### 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 windows and glazing treatments shown on the side and rear elevations of the dwelling shall be fitted with fixed and obscure glazing to a minimum height of 1.6m when measured from the finished floor level of the first floor.

The fixed and obscure glazing shall be installed prior to the occupation or use of the building and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

**Reason:**

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

- 3 The glazing within the stair well shall be fitted with fixed and obscure glazing from the finished floor level of the landing between the ground and first floor up to a height measuring 1.6m when measured from the finished floor level of the first floor.

The fixed and obscure glazing shall be installed prior to the occupation or use of the building and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

**Reason:**

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

### 1 Reserved Matters

- 1 That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed plans for the following reserved matter requiring further assessment by the City of Burnside, prior to seeking an assessment against the Building Code:

- 1.1 The applicant shall supply a detailed stormwater management plan that demonstrates how stormwater catchment from on-site to the reasonable satisfaction of Council's Technical Officer.

### 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.



Development Assessment Panel Agenda  
07 March 2017  
Report Number: PR 5714.6

**RECOMMENDING OFFICER**

A handwritten signature in black ink, appearing to read 'Jason Cattonar', with a long horizontal flourish extending to the right.

Jason Cattonar  
Team Leader – Planning

**APPENDIX 1**

**AERIAL LOCALITY MAP**



**Legend**



**Subject Land**



**Representor's Land**

**DETAILED PLANNING ASSESSMENT**

**Summary of Policy Area Objectives and Principles**

**Primary Historic Conservation Policy Area 6 – Toorak Gardens (North) Objectives:**

**Established Historic Character**

*Toorak [Gardens] subdivision was laid out in Section 275 within the eastern half of the Prescott Farm which ran through to Rose Park. It was initially divided into large blocks in 1909, which established the street pattern and the roads between Prescott Terrace and Portrush Road, north of Swaine Avenue to Kensington Road. The first subdivision of the areas within the blocks was undertaken in 1912. The area was popular with architects and several designed their own homes in Toorak Gardens.*

*The Established Historic Character of Historic Conservation Policy Area 6 – Toorak Gardens (North) derives from:*

- (a) the large number of residences, dating from the period of original subdivision in 1909-1912, and which are characterised by generally large single storey detached dwellings constructed in stone or brick with large simple roof planes and broad eaves;*
- (b) the residential architectural style which is predominantly Tudor Revival, Californian Bungalow or Old English sources, where most residences are fine examples of interwar domestic architecture with matching outbuildings;*
- (c) residences located on large, wide, allotments;*
- (d) the built form, materials and design of dwellings which gives evidence to the development controls which prevailed at the time of original subdivision;*
- (e) the consistent scale and setback of the major residences;*
- (f) the mature gardens and high hedging to many houses;*
- (g) the mature street trees and nature strip planting which create a leafy landscaped ambience across the area.*

Objective 1:

Development that conserves and enhances the Established Historic Character.

Objective 2:

Development accommodating detached dwellings on large allotments.

Objective 3:

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

*Development accommodating those housing types which are compatible with the historic character of the zone.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Desired Land Use</b> O 2-3	Satisfied. <ul style="list-style-type: none"> <li>• The existing and lawful residential use of the land is to be maintained by the proposed development which seeks to construct a detached dwelling.</li> </ul>
<b>Local Compatibility</b> O 1 & 3 PDC 3-4	Satisfied. <ul style="list-style-type: none"> <li>• Although two-storeys in height, the dwelling is designed in a manner that maintains the existing built form scale of the streetscape. The bulk and scale of the proposed dwelling is not in conflict with the early twentieth century dwelling character of Toorak Gardens as described in the established historic character statement.</li> <li>• The first floor of the dwelling is set back 5.5m behind the main façade of the ground floor thereby resulting in a setback of 13.3m</li> </ul>

	<p>from the front property boundary.</p> <ul style="list-style-type: none"> <li>• The dominant architectural feature of the dwelling when viewed from the streetscape will be the ground floor of the dwelling. This element of the building sits proportionate to adjoining dwellings and will exhibit less mass and scale than nearby two-storey dwellings within the historic streetscape of Alexandra Avenue.</li> <li>• The dwelling has been centrally sited on the land to provide a well-balanced appearance from both the streetscape and maintaining the established pattern of setbacks between buildings.</li> <li>• The proposal offers a modern design of appropriate architectural merit that complements positive design elements within the street, such as the general roof form and pitch of character dwellings and comparable external wall heights.</li> <li>• The proposal includes appropriate curtilage around the building footprint to establish landscaping to soften the appearance of the dwelling and facilitate a smoother integration within the streetscape.</li> </ul>
<p><b>Site Areas and Frontages</b> PDC 2-5</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The subject land is an existing allotment with a site area and frontage width that accords with the policy area guidelines.</li> </ul>
<p><b>Front Setback</b> PDC 7</p>	<p>Departure.</p> <ul style="list-style-type: none"> <li>• The policy area seeks “any building or part of a building” to be setback 8m from the front property boundary.</li> <li>• The front portico element of the dwelling is setback 7.45m from the front property boundary which matches the setback of the adjoining dwellings to the east and west thereby resulting in a balanced outcome for the streetscape.</li> <li>• The main façade of the dwelling is setback 8.55m from the front property boundary.</li> </ul>
<p><b>Site Coverage</b> PDC 8</p>	<p>Satisfied.</p>

**Summary of Historic Conservation Zone Objectives and Principles**

**Primary Historic (Conservation) Zone Objectives:**

Objective 1:

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

Objective 2:

*The retention and conservation of land, buildings, outbuildings, structures, and landscape elements that contribute positively to the established historic character of a Policy Area.*

Objective 3:

*Development accommodating those housing types which are compatible with the historic character of the zone.*

Objective 4:

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

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

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>General</b> PDC 1 – 5	Satisfied. <ul style="list-style-type: none"><li>• Refer to policy area comments.</li></ul>
<b>Building Appearance</b> PDC 6–15	Satisfied. <ul style="list-style-type: none"><li>• The form and scale of the dwelling is not inconsistent with the established historic character of the locality and is considered to be an appropriate dwelling to replace the existing dwelling (to be demolished) which is not identified as a Contributory Item pursuant to Fig Bur HCPA/6.</li><li>• The two-storey form is set back so as to not interfere with the streetscape quality, is designed to complement the existing scale and architectural character of the policy area and has an overall building height and scale that is compatible with existing dwellings in the policy area such that it is consistent with the desired design approach sought by Historic Conservation Zone PDC 8(b)(c) and (d).</li></ul>
<b>New Buildings</b> PDC 19–22	Satisfied. <ul style="list-style-type: none"><li>• Clearly of Contemporary design, the proposed dwelling does not copy domestic architectural styles of a period which is at odds with the original date of subdivision.</li><li>• The proposed dwelling includes architectural details, materials, form and scale that are consistent with the character of the policy area notwithstanding the Contemporary design approach.</li></ul>

	<ul style="list-style-type: none"><li>• The design and material selection distinguishes the ground floor from the first floor by using a masonry base and metal clad upper level which distributes the building mass appropriately across both exposed floor levels resulting in an appearance that is suitably balanced and complementary to the proportions of dwellings within the locality.</li><li>• The front, side and rear setbacks of the proposed dwelling from allotment boundaries maintain consistent patterns of space between dwellings on adjoining land and preserve the open and attractive qualities of the historic streetscape character.</li></ul>
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**Summary of Council Wide Objectives and Principles**

**Primary Residential Development Objectives:**

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.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Zoning and Land Use</b> O 52-60	Satisfied.
<b>Building Set-backs</b> PDC 161-163 <i>*Note – unless prescribed in part of a zone</i>	Satisfied. <ul style="list-style-type: none"><li>• HCZ principle of development control 20 prescribes how new buildings should respond to property boundaries.</li></ul>
<b>Building Height</b> PDC 164	Satisfied.
<b>Site Coverage</b> PDC 165 (b) and (c) <i>*Note – GF site coverage is prescribed by HCPA6 @ 40%</i>	<p><b><u>Ground Floor</u></b> Satisfied.</p> <p><b><u>Ground Floor and Impervious Surfaces</u></b> Departure.</p> <p><b><u>Total Floor Area</u></b> Departure.</p> <p>The departures to the ground floor/impervious surfaces and total floor area guidelines are determined to be an acceptable planning outcome for the subject land and locality having considered the following:</p> <ul style="list-style-type: none"> <li>• The dwelling responds positively to the prevailing patterns of space between buildings and is consistent with the front, side and rear setbacks of adjacent dwellings.</li> <li>• Substantial areas of functional private open space will be provided to the future occupants of the dwelling suggesting that the dwelling's footprint and total floor area are of reasonable proportions within that context.</li> <li>• The overall length of the dwelling measures the same as the building it is proposed to replace.</li> <li>• The rear wall of the dwelling aligns appropriately with the adjoining dwelling to the east and is substantially shorter than the adjoining</li> </ul>

	<p>dwelling to the west. Within that context it is therefore reasonable for the dwelling to occupy “Its position in the skyline” and determine that the length and mass of the building will not unreasonably disrupt the visual outlook from adjoining land.</p> <ul style="list-style-type: none"> <li>• The basement level is to be sited wholly underground without forcing the FFL of the ground floor to sit higher than existing land contours. For this reason, the departure from the site coverage guideline that can be attributed to the basement level is entirely inconsequential.</li> </ul>
<p><b>Private Open Space</b> PDC 166, 169</p>	Satisfied.
<p><b>Amenity</b> O11, 20–22 PDC 14–18, 52-69, 170-173</p>	Satisfied.
<p><b>Privacy</b> PDC 22, 174–176</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• First floor windows and glazing treatments on side and rear elevations include, and have been reinforced via a condition, to include fixed and obscure glazing up to a height of 1.6m from the relevant floor level.</li> <li>• The use of obscure glazing to a height of 1.6m above the relevant floor level is advocated by the Development Plan as being an appropriate method to attenuate direct and unreasonable overlooking.</li> </ul>
<p><b>Access and On-Site Car Parking</b> PDC 177–182</p>	The proposal includes on-site parking spaces for vehicles in accordance with table Bur/5.
<p><b>Access to Sunlight</b> PDC 21, 183–186</p>	Satisfied.
<p><b>Fences and Retaining Walls</b> PDC 190–194</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposed front fence has been determined by Council’s heritage advisor as being an appropriate fencing treatment for the policy area.</li> <li>• The fence will maintain a degree of permeability thereby permitting a visual connection between the public and private realms.</li> </ul>

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

<b>Site Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Area</i>	778.45m <sup>2</sup> (existing)	750m <sup>2</sup>
<i>Street Frontage</i>	15.24m (existing)	15m
<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Coverage</i>		
- Buildings only	37%	40%
- Buildings and driveways	62%	50%
- Total floor area	61%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8.9m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	7.45m (portico) 8.55m (main façade)	8m
- side boundary	1.8m – 3.3m (east) 1.2m (west)	<b>Historic (Conservation) Zone Principle of Development Control 20</b> “Front, side and rear set-backs of new buildings from allotment boundaries should be consistent with adjacent State Heritage Places, Local Heritage Places and Contributory Items and with the existing historic character of the Policy Area.”
- rear boundary	15.5m	
<i>Upper Level</i>		
- front boundary	13.3m	
- side boundary	3.2m – 3.3m (east) 3.0m (west)	
- rear boundary	11.8m	
<i>Boundary Wall</i>		
- length	2.2m	8m
- height	4.4m	3m
<i>Private Open Space</i>		
- percentage	287m <sup>2</sup> = 41%	50%
- dimensions	10m x 12m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	4	3
- width of driveway	3.3m	4.5m
- width of garage/carport door	n/a	33%

## DEVELOPMENT APPLICATION

<b>Application Number:</b>	180\0430\16
<b>Applicant:</b>	Planning Aspects Pty Ltd
<b>Location:</b>	364 Magill Road KENSINGTON PARK SA 5068
<b>Proposal:</b>	Non Complying - Childcare centre with car parking, fencing and landscaping
<b>Zone/Policy Area:</b>	Local Business Zone Development Plan consolidated 28 April 2016
<b>Kind of Assessment:</b>	Non-complying
<b>Public Notification:</b>	Category 1
<b>Appeal Opportunity</b>	None
<b>Referrals – Non Statutory:</b>	Technical Officer / Urban Forestry Officer
<b>Delegations Policy:</b>	Non-complying development
<b>Recommendation:</b>	Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted
<b>Recommending Officer:</b>	Jason Cattonar

## REPORT CONTENTS

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

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

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

- Statement in Support
- Delegate's report to proceed
- Statement of Effect
- Application plans and Details
- Wallbridge and Gilbert Traffic Impact Statement
- Internal agency referral reports
- Photographs

## 1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan to change the use of the land from the existing uses as residential, shop and consulting rooms to childcare services including the following:

- Construction of a new childcare building with a total floor area measuring 572m<sup>2</sup>;
- Outdoor play areas (covered and uncovered);
- On-site car parking for 29 vehicles including:
  - Disabled x 1; and
  - Dedicated staff spaces x 12.
- 1800mm acoustic fencing
  - Southern boundary – 30.79m length
  - Eastern boundary 47.55m length
  - Western boundary – 2.4m high x 18.5m long (acoustic fence).

Landscaping treatments are to be established around the perimeter of the building along the Magill Road boundary and a portion of the Yeronga Avenue boundary. Provision for four (4) bins is provided within an enclosure area on the western side of the building adjacent Yeronga Avenue.

## 2. BACKGROUND

The Development application documents were submitted to Council in May 2016 by Ms Shanti Ditter of Planning Aspects Pty Ltd on behalf of TAL\_GP Pty Ltd. The application was assigned a the development application number 180\0430\16 and determined to be development that was *non-complying* by virtue of the total floor area exceeding the threshold prescribed by Local Business Zone principle of development control 6 which states:

*“The following kinds of development are **non-complying** within the Local Business Zone:*

*Building containing a floor area exceeding 250 square metres”*

Council subsequently made a request to the applicant to provide a statement in support pursuant the *Development Regulations 2008*, Regulation 17(3).

In accordance with Council’s Delegations Policy, the Manager City Development and Safety 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 development application was also determined to be a Category 1 form of development pursuant to Local Business Zone principle of development control 7 which states:

*“All kinds of development are assigned to **Category 1**:*

*Consulting Room*

*Office together or individually, with a floor area of not more than 250 square metres per individual building except where:*

*(a) the site of the proposed development is not more than 60 metres from the boundary of the Residential Zone;*

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

Section 38 (2)(c) of the *Development Act 1993* (the Act) because the development has not been assigned a classification by either the Development Plan or *Development Regulations 2008* (the Regulations).

During the course of assessment the proposal was referred to Council's Technical Officer and Urban Forestry Officer to assess the suitability of the proposal in regards to the potential for impacts to local traffic, car parking and impact to Council assets (street trees).

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 comprises two contiguous allotments as follows:

- **364 Magill Road, Kensington Park** – Allotment 22 Deposited Plan 2095 in the area named Kensington Park Hundred of Adelaide; Certificate of Title Volume 5682 Folio 678
- **366 Magill Road, Kensington Park** – Allotment 21 Deposited Plan 2095 in the area named Kensington Park Hundred of Adelaide; Certificate of Title Volume 5391 Folio 239.

The allotments together form a regular shaped allotment measuring approximately 1,457m<sup>2</sup> in area with frontage to Magill Road measuring 27.7m and Yeronga Avenue measuring 44.5m. The land incorporates a 4m x 4m corner cut-off at the junction of Magill Road and Yeronga Avenue.

The subject land is located within the suburb of Kensington Park and is wholly contained within the Local Business Zone (LBU) as identified in Map Bur/4 of the Burnside (City) Development Plan. The subject land does not sit within a prescribed policy area for the zone.

The land is currently occupied by a circa 1930s Bungalow that is seemingly in poor condition, a circa 1960s consulting room and a circa 1960s residential flat building. Access is obtained via two existing crossovers on Magill Road and two existing crossovers on Yeronga Avenue.

#### 3.2. Locality

The locality is identified in *Figure 1: Locality Map* and includes those properties that have a primary frontage to Magill Road Avenue as far east the intersection with Water Street and west intersection with Corinda Avenue. The southern portion of the locality extends to numbers 3 and 6 Yeronga Avenue. The locality has been selected on the basis that the identified properties share a direct line of sight with the subject land and impacts from the proposed development may contribute to a loss of reasonable and expected amenity.

Figure 1: Locality Map



Within the defined locality there is a total of seventeen (17) properties, six (6) of which are wholly contained within the Local Shopping Zone of the City of Norwood Payneham and St Peters (City) Development Plan as identified in Map NPSP/11. The remaining eleven (11) properties are wholly contained within the City of Burnside and are dispersed over two zones; the LBU and Residential Policy Area 2 – Northern as identified in Map Bur/4 and Map Bur/13.

Unsurprisingly, the locality includes a diverse variety of land uses with notable features of the locality including the retail shopping activities on the northern side of Magill Road and the assortment of architectural forms on the southern side of Magill Road. The heavy vehicular traffic along Magill Road influences the amenity of the locality in the sense that ambient noise levels are much higher than what could be reasonably expected within a suburban area serviced by a local road network.

**4. KIND OF ASSESSMENT**

<b>Kind:</b>	Non-complying
<b>Reason:</b>	Burnside (City) Development Plan Local Business Zone – principle of development control 6
<b>Applicant Appeal Opportunity:</b>	No

**5. PUBLIC NOTIFICATION**

<b>Category:</b>	Category 1
<b>Reason:</b>	Burnside (City) Development Plan Local Business Zone – principle of development control 7
<b>Third Party Appeal Opportunity:</b>	No

**6. AGENCY REFERRALS**

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

## 7. EXECUTIVE SUMMARY

### 7.1. Land Use

The subject land is wholly contained within the LBU which is described by the Burnside (City) Development Plan as a zone which accommodates small-scale offices, consulting rooms and *other business functions* suited to small business servicing the needs of the local community. Precisely what the LBU is referring to when referencing “*other business functions*” is not explicitly detailed however further guidance can be obtained from the types of land uses that are listed as non-complying pursuant to LBU principle of development control 6.

The land use “*childcare centre*” is neither listed as a complying or non-complying use for the zone therefore indicating that it is an activity that can reasonably be determined to be a considered “*other business function*” and a use that is can be expected within the zone.

While the land use is not listed as non-complying, the application has been processed as a non-complying application given that the total floor area of the proposed childcare centre building is greater than the 250m<sup>2</sup> threshold prescribed by LBU principle of development control 6. In that regard, it has been considered appropriate in this instance to accept that the building footprint will occupy two contiguous allotments which, as of right, could be developed as two separate allotments each containing a building with a footprint of 250m<sup>2</sup>. The combined total floor area of two buildings would measure 500m<sup>2</sup> and although that is less than the 572m<sup>2</sup> proposed, the departure is considered to be reasonable given the generally low scale, single-storey form of the building and generous setbacks to adjoining land to the south and west. It is conceivable to presume that two separate buildings each with a total floor area of 250m<sup>2</sup> could result in a greater impact to the adjoining properties to the south and west.

Accordingly, the proposed child care centre is not considered to be *seriously at variance* with the Burnside (City) Development Plan.

### 7.2. Character and Amenity

#### Built Form Character

The LBU states that development should primarily be small in scale to accommodate a mix of offices, consulting rooms and other business activities suited to servicing the needs of the local community. Built form is encouraged to be single-storey (except for mixed use buildings that contain a residential use within the first floor) with streetscapes being enhanced by upgrading the appearance and condition of unattractive and dilapidated sites, removing features such as old shop fronts that detract from the local character and amenity and setting buildings back a distance of 3m from road frontages to provide landscaping areas.

The applicant proposes a single-storey building that, within the context of other large two-storey buildings within the locality, can be described as encompassing the small-scale built form outcomes espoused by the LBU. Although the building is setback less than 3m from the road frontages, a landscaping strip which measures 1m in width and 2.5m – 3.0m in depth at the north-eastern corner provide an acceptable area for planting that will help to moderate the hard building surfaces and improve the visual amenity of the relevant streetscapes.

The proposed building is of appropriate architectural quality befitting of its locality and will improve the appearance of the subject land which currently contains buildings that may be described as being unattractive.



Undercroft car parking is discouraged by the LBU and as such, it is important to understand why that is expressed by the zone given that the proposed development includes an undercroft car park.

Council's understanding of the LBU guidelines indicate an expressed desire for low scale built form, predominantly single-storey, unless residential in nature within the first floor, small building footprints and the ability to provide landscaping at the perimeter of a development site. In this regard, the development has been designed in a manner that achieves the primary objectives of the zone with respect to form, scale and landscaping. The undercroft car park is to be constructed wholly underground with the FFL of the building to be set at a level that is relative to the adjacent footpath level. In this regard, the undercroft car park does not force the building to sit higher than adjacent ground levels thereby maintaining its small scale and low profile appearance. It has also been determined that the undercroft car park does not contribute to an overly ambitious building footprint not withstanding its total floor area is greater than the 250m<sup>2</sup> non-complying threshold for the zone.

Perimeter fencing is considered to be of an acceptable height to be constructed using materials that are appropriate for the locality with noise dampening properties that seek to maintain the amenity of adjoining residences to the south and west. The proposed signage on Magill Road references the site activities in a clear and concise manner so as to not distract motorists and is of proportions befitting of the local context.

### **Traffic Movements**

Yeronga Avenue is a local collector road with a carriageway measuring 7.2m wide (kerb to kerb). The Council road reserve one each side of the street measures approximately 4.0m wide inclusive of the public footpath. The City of Burnside's networks of local collector roads have carriageways that vary in width which is reflective of the differing period at which each suburb was first established.

The *Austroads 2010* standard for a two-lane local road with parking on both sides is 8.0m from kerb to kerb. While it is accepted that Yeronga Avenue is an existing local road engineered to a previous standard, the width of the carriageway compared to the current standard is an important consideration when reviewing the impacts of traffic movements as a result of the proposed development.

The proposal has been designed so that vehicular access is obtained via a two-way crossover on Yeronga Avenue with on-site parking provided in an undercroft arrangement. In reviewing the existing local traffic conditions, the Traffic Impact Statement prepared by Wallbridge and Gilbert Traffic Engineering Services (W&G) observed a peak traffic volume of 90 vehicles per hour on Yeronga Avenue during a traffic count on 25 March 2016 with a vehicles per day (vpd) estimate of below 1,000 vehicles. Council's most recent data indicates a 309vpd volume being recorded on Yeronga Avenue with 159 left movements and 150 right movements onto Magill Road.

Based on the anticipated traffic movements associated with a 92 place childcare centre, the W&G report anticipates the childcare centre to generate an additional 74 trips during the morning and afternoon peak periods along Yeronga Avenue. This estimation results in an additional 148vpd along Myall Avenue (total of 457vpd) as a direct result of the proposed development.

Being a local collector road, the accepted maximum number of vpd to travel along the street is 1,500. This means that even with the additional traffic generated by the child care

centre, the number of vehicles movements will sit comfortably below the threshold. Council's Technical Officer has confirmed that the proposed development is acceptable with respect to the level of anticipated impacts to the free flow of traffic within the local road network.

An existing and commendable design component of the child care centre that will remain unchanged is the one-way vehicular movements through the Stirling Street access and Portrush Road egress. This ensures that no additional strain is placed on the intersection of Stirling Street and Portrush Road that could contribute to longer queuing times for local residents exiting Stirling Street onto Portrush Road.

On that basis, it is determined that the proposed development will not have an adverse impact on the residential amenity to the residents along Stirling Street as a direct result of the increased number of vehicle movements.

### **Car Parking**

The provision of adequate on-site car parking is a critical component of this application as additional 'spill' of vehicles onto Yeronga Avenue may have impacts to the traffic flows along the carriageway.

The number of on-site parking spaces provided by the development is 29 which includes 1 disabled bay and 12 bays dedicated to staff. Within the Burnside (City) Development Plan, Table Bur/5 sets the on-site parking rate for a pre-school (determined to be the same as a child care centre in Schedule 1 of the *Development Regulations 2008*) as follows:

*"1 space per staff member, plus not less than four spaces and an additional 0.15 spaces for each child to be accommodated on the site in excess of 25 children, for visitors and service vehicles."*

The development proposes a maximum capacity of 92 children with a maximum total of 15 staff. Having applied the calculations required in Table Bur/5 the child care centre would need to provide 29 parking spaces on-site. The proposal therefore fails to provide adequate on-site parking in accordance with the requirements of the Development Plan, falling short by 1 space.

In the matter *Emali Early Learning Centre v City of Mitcham & Ors [2015] SAERDC 36*, which involved a 70 place child care facility on Cross Road, Westborne Park, the Court cited a recent parking study funded by the Local Government Association of South Australia, for the City of Port Adelaide Enfield (supported by other Councils and the DPTI). The study was undertaken by Aurecon Australia Pty Ltd and recommended that a standard rate of 0.25 spaces per child, and 0.9 to 1.0 space per (full-time) employee be applied for a child care centre. Based on this method, the proposed development would need to provide 36.5 parking spaces on-site. In the above matter, GTA Consultants gave technical traffic evidence where they accepted and recommended the new "Aurecon" study standard.

Commissioner Green who presided over the matter also considered evidence from Mr Phil Weaver of Phil Weaver and Associates Pty Ltd, a qualified and experienced traffic engineer. In Mr Weaver's opinion, a rate of 1 space per 4 children would be adequate for all parking demand for a child care centre including staff and visitors.

Ultimately, the view of the Court was that the rate recommended in the "Aurecon" study would result in an oversupply while the rate applied by Mr Weaver would see a shortfall.

While giving evidence, GTA Consultants concluded that 25 parking spaces on-site would meet the demand of the 70 place child care centre. This evidence was accepted by the Court on the basis that a discounted rate could be applied for assumed reliance by some, on other modes of transport.

In their report, W&G has estimated the length of time for each drop-off to be in the order of 6.8 minutes. In the above ERD Court matter, Commissioner Green suggested that drop-offs are likely to be in the order of 5 to 10 minutes which generally aligns with the W&G predictions. The above views are based on the prospect that parents or carers will need to drive into the car park, unload their vehicle, walk the child into the centre and then return to their vehicle to exit the land.

The peak number of trips estimated in the am period (8am to 9am) is 74 meaning there will be approximately 10 vehicles vying for a 18 parking spaces (assumed drop-off length of 6.8 minutes) during this period which results in a rolling surplus of parking spaces during the peak predicted periods.

### **Noise**

The operation of the child care centre is such that outdoor play is structured in a manner so that various age groups of children are not all participating in outdoor play at the same time. In a practical sense, smaller groups of children will be participating in supervised outdoor play at various stages throughout the hours of operation.

The proposal includes acoustic treatments at the property boundaries to assist with the attenuation of noise emissions from the land. Council is satisfied that the acoustic properties of the building, outdoor structures and perimeter fencing are sufficient to attenuate noise levels to a reasonable level.

### **7.3. Site Functionality**

Vehicular access and egress is to be achieved via a double-width crossover located on Yeronga Avenue. Internal carriageways and manoeuvring areas comply with the relevant Australian Standard thereby facilitating safe traffic movements on-site and forward gear movements onto Yeronga Avenue.

Children's play areas have access to northern sunlight with portions of the outdoor play areas being providing with cover and shade. The area is appropriately secured from public roads ensuring child safety.

Bin enclosures have been accounted for and are suitably located so as to reduce the impacts of smells and odours impacting adjoining properties and be shielded from view within the streetscape.

### **7.4. Internal Referrals**

Although no statutory referrals were required under Section 37 of the *Development Act 1993*, Council did seek internal advice from Council's Technical Officer to assist in determining the suitability of the development against certain provisions of the Development Plan concerning impact to the local road network reserve.

Council is satisfied that all matters arising through this process have been addressed and resolved with no objections being raised by Council's Technical Officer.

### **7.5. Conclusion**

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

## 8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Subject to concurrence from the Development Assessment Commission, that Development Application 180\0430\16, by Planning Aspects Pty Ltd, is **granted** Development Plan Consent subject to the following conditions and reserved matters:

### 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 hours of operation of the premises/land (*choose one as applicable*) for the (*insert description of land use, i.e shop, dining area, gaming area, etc*) shall be limited to the following times:
  - 7am to 6pm Monday to Friday

#### Reason:

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

- 3 The childcare centre shall have places available for a maximum number of 92 children per day.

#### Reason:

To ensure the childcare centre is maintained to a reasonable scale and that on-site parking provisions remain of an adequate provision.

- 4 The child care centre shall have not more than 15 staff on-site during the approved operating hours.

#### Reason:

To ensure the childcare centre is maintained to a reasonable scale and that on-site parking provisions remain of an adequate provision.

### 3 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 The applicant shall supply a detailed stormwater management plan that demonstrates how stormwater catchment from on-site to the reasonable satisfaction of Council's Technical Officer.

**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 Policy Area Objectives and Principles**

**Primary Local Business Zone Objectives and Principles of Development Control:**

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.*

PDC 1:

*Development should be of a small-scale to accommodate a mix of offices, consulting rooms and other business activities suited to servicing the needs of the local community.*

PDC 3:

*Development should enhance the character and appearance of streetscapes by:*

- (a) upgrading the appearance and condition of unattractive and dilapidated buildings;*
- (b) removing features such as old shop fronts which detract from the character and amenity of their locality; and*
- (c) setting buildings back a distance of not less than three metres from road frontages to provide landscaping area.*

PDC 4:

*Development should not:*

- (a) contain more than one floor level above another floor in any building except where the upper floor level being used for solely residential purposes; and*
- (b) incorporate undercroft or basement car parking.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Desired Land Use</b> O 1	Satisfied.
<b>Local Compatibility</b> PDC 1	Satisfied.
<b>Streetscape Character</b> PDC 3	Satisfied.
<b>Building Height/Undercroft Parking</b> PDC 4	Departure. <ul style="list-style-type: none"> <li>• For reasons explained earlier in this report, the proposed undercroft car parking area is determined to be an appropriate planning outcome for the subject land within the context of this application.</li> </ul>

**Summary of Council Wide Objectives and Principles**

**Primary Residential Development Objectives:**

Objective 2:

*Provision of facilities required for the accommodation, transport, recreation, health and welfare of the community, including the aged or disabled.*

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 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 58:

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

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 52-60	Satisfied.
<b>Design and Appearance</b> O 11 PDC 14-18, 23-28	Satisfied.
<b>Noise</b> PDC 61-64	Satisfied.
<b>Movement of Parking and Vehicles</b> O 32, 33 & 35 PDC 93-115	Satisfied.