



Development Assessment Panel Meeting Agenda

Tuesday 04 July 2017 at 6pm

Council Chambers, 401 Greenhill Road, Tasmore

Members:	Bill Chandler (Presiding Member) Don Donaldson (Deputy Presiding Member) Ross Bateup, Graeme Brown, Peter Cornish, Mark Osterstock and Di Wilkins
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1 APOLOGIES

Nil

2 KAURNA ACKNOWLEDGEMENT

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

3 CONFIRMATION OF MINUTES

Recommendation: That the minutes of the meeting held on Tuesday 06 June 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4 APPLICATIONS WITHDRAWN FROM THE AGENDA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.

Report Number:	5718.1
Page:	4
Application Number:	180\1177\16
Applicant:	J Capone
Location:	16 Clark Street STONYFELL SA 5066
Proposal:	Two storey detached dwelling including split level garage, verandah (x2), balcony (x2), porch, in-ground swimming pool and retaining walls
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> • Julie Douglass - 14 Clark Street, Stonyfell and 11-13 Gandys Gully Road Stonyfell (wish to be heard) • Wendy Lindsay – 18 Clark Street, Stonyfell (do not wish to be heard)

	<ul style="list-style-type: none"> • <i>David Hawke – 15 Gandys Gully Road, Stonyfell (do not wish to be heard)</i>
<i>Applicant:</i>	<ul style="list-style-type: none"> • <i>297 Kensington Road, Kensington Park SA 5068</i>

6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

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

Nil

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

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

Nil

8 OTHER BUSINESS

Nil

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

That, pursuant to Section 56A(12) of the Development Act, 1993, the public be excluded from this part of the meeting of the City of Burnside Development Assessment Panel dated Tuesday 04 July 2017 (with the exception of members of Council staff who are hereby permitted to remain), to enable the Panel to receive, discuss or consider legal advice, or advice from a person who is providing specialist professional advice.

10 CONFIDENTIAL MATTERS

10.1 LEGAL MATTER APPEAL

Nil

NOTES FOR THE READER**Purpose**

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

Development Plan Assessment

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

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

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

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

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

Representations

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

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

DEVELOPMENT APPLICATION

Application Number:	180\1177\16
Applicant:	J Capone
Location:	16 Clark Street STONYFELL SA 5066
Proposal:	Two storey detached dwelling including split level garage, verandah (x2), balcony (x2), porch, in-ground swimming pool, retaining walls and landscaping
Zone/Policy Area:	Residential Zone Residential Policy Area 9 – Northern Foothills Development Plan consolidated 8 December 2016
Kind of Assessment:	Merit
Public Notification:	Category 2 Three (3) representations received
Appeal Opportunity	Applicant only, no third party appeal rights
Referrals – Statutory:	N/A
Referrals – Non Statutory:	Traffic Management Engineer Tree Management Officer
Delegations Policy:	Unresolved representations
Recommendation:	Development Plan Consent be granted
Recommending Officer:	Renae Grida

REPORT CONTENTS

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

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

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

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

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the construction of a two storey detached dwelling including split level garage, two verandahs, two balconies, an in-ground swimming pool, associated retaining walls and landscaping on an existing, vacant residential allotment within Residential Policy Area 9 – Northern Foothills.

The lower level of the proposed dwelling will include a double-width garage, lounge, multi-purpose room, guest bedroom, bathrooms/laundry, open plan living areas, verandah/terrace and swimming pool; and four bedrooms, two bathrooms, retreat and two balconies to the upper level.

Due to the sloping topography of the site, the proposed development also includes earthworks, resulting in retaining walls and terraced garden areas. The retaining walls are proposed at varied heights, some of which are less than 1m in height, adjacent the side and rear boundaries, as well as evergreen landscaping to attenuate direct overlooking from the subject land, and soften visual impacts.

2. BACKGROUND

Development application 180\1177\16 was lodged on 16 December 2016 by Jamie Capone of Samuel James Homes, on behalf of the registered owners of the land.

The application was determined a merit form of development pursuant to Section 35(5) of the *Development Act 1993*. For the purposes of public notification, the application was determined as Category 2 development in accordance with the Burnside (City) Development Plan, Residential Policy Area 9, Principle of Development Control 9 (a) and (c).

The proposed building height does not exceed 12m, which is a non-complying threshold for the Policy Area. The maximum height of the proposed dwelling measures 10.7m when measured from the highest point of the building and the lowest natural ground level beneath the building footprint.

Earthworks associated with the proposed development are considered minor given the context of the locality which includes numerous allotments containing dwellings that are sited on modified and/or terraced land. The resultant retaining walls are also deemed ‘minor’ pursuant to Schedule 9, Part 1, 2(g) of the Development Regulations 2008 for the following reasons:

- The locality is characterised by steep topographical features requiring considerable amounts of earthworks to accommodate building envelopes;
- Cut and fill is a conventional approach to development sites within the locality, where associated retaining walls are an expected and inherent feature of the locality;
- The building envelope, extent of cut and fill and associated retaining walls are designed so as to be sited away from site boundaries and screened by vegetation;
- The proposed bench and finished floor level of the dwelling achieve, in a general sense, the median contour level of the subject land. This ensues a building that is not “propped up” by excessive fill.
- The retaining walls are terraced so as to reduce height and visual impact as sought by the Burnside (City) Development Plan.

The application was placed on public notification from 28 February 2017 until 15 March 2017, during which time three (3) written submissions were made. Representations raised concerns with overlooking, bulk and scale of the built form and retaining walls. A copy of the representations was forwarded to the Applicant for consideration and response. The Applicant has liaised with the

Representors, resulting in several amendments to the proposed development, discussed in detail under item 7.4.

The application did not require any statutory referrals pursuant to Schedule 8 of the *Development Regulations 2008*. The application was internally referred to Council's Engineering Services and Open Space departments to assess the suitability of proposed access arrangements as well as impacts on Council infrastructure and assets.

One of the Representors has lodged an appeal with the Environment, Resources and Development Court (ERDC) under Section 86(1)(f) of the *Development Act 1993*. The legal proceedings relate to Council's Category 2 determination, not the planning merits. That appeal is pending, and is subject to the decision of the Development Assessment Panel in relation to this application.

Pursuant to Council's Delegation Policy, the application is now presented to the Development Assessment Panel for consideration as a Category 2 development with one (1) unresolved representation.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a regular shaped allotment, with the exception of the angled rear boundary, and is located on the southern side of Clark Street in the suburb of Stonyfell. The land has a frontage width of 26.06m and depth ranging from 47.32m to 44.09m, and an overall site area of 1172.7m².

The land is a vacant allotment, with no previous buildings or structures having been erected upon the land. The land contains small trees and shrubs, none of which are regulated or significant trees. The land has a steep decline from the eastern side boundary to the western side boundary of approximately 5 metres.

3.2. Locality

The locality is wholly contained within Residential Policy Area 9 – Northern Foothills. The locality adjoins the Hills Face Zone to the east, and Residential Policy Area 17 – Ferguson, to the south, and is identified as a property within the 'Hills Face Zone Buffer'. The locality comprises those properties within a 60m radius located to the north, east and west of the subject land with frontage to Clark Street, and properties to the south with frontage to Gandys Gully Road.

The locality is comprised of large and irregular shaped allotments to the eastern end of Clark Street and Gandys Gully Road, and smaller, regular shaped allotments to the western ends of Clark Street and Gandys Gully Road. Dwellings are predominantly detached, with some instances of semi-detached and group dwellings to the western end of the identified locality. There is no particular architectural style identified within the streetscape, and many dwellings within the locality have been sited on elevated land and orientated to achieve views across the Adelaide Plains, as envisaged by Objective 1 for the Policy Area.

The locality is also reflective of its proximity to the Hills Face Zone to the east, and the steep and varied topographical features and natural landscape character. Streetscape amenity is enhanced by wide grassed verges, landscaped gardens with native and exotic tree and shrub species.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 9 Principle of Development Control 9 (a) and (c) – Dwelling Development Regulations 2008, Schedule 9, Part 1, 2(g) – Associated earthworks and retaining walls
Representations Received:	<ul style="list-style-type: none"> Wendy Lindsay – 18 Clark Street, Stonyfell (do not wish to be heard) Julie Douglass - 14 Clark Street, Stonyfell and 11-13 Gandys Gully Road Stonyfell (wish to be heard) David Hawke – 15 Gandys Gully Road, Stonyfell (do not wish to be heard)
Third Party Appeal Opportunity:	No

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

6. AGENCY REFERRALS

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

7. EXECUTIVE SUMMARY

7.1. Land Use

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

- The development involves the construction of a single dwelling on a vacant allotment within the Residential Zone;
- The nature of the proposed built form (detached dwelling) is consistent with the low density residential character envisaged for the Policy Area;
- The existing allotment is of sufficient size and dimensions to accommodate a detached dwelling in general accordance with the Policy Area and Council Wide guidelines.
- The proposed development is not identified as a non-complying kind of development in the Burnside (City) Development Plan;
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

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

7.2. Character and Amenity

The desired character of Residential Policy Area 9 (Northern Foothills) seeks the enhancement of the low density, open, residential and foothills character that is derived from low density detached dwellings in a variety of architectural styles. Existing built form within the Policy Area is best described as medium to large in scale and are predominantly split level and/or multi-

storeyed. Due to the topography of the locality and foothills location, many dwellings are sited on elevated land and orientated to take advantage of views across the Adelaide Plains.

The existing Clark Street streetscape comprises a mix of older conventional style dwellings and more recently constructed contemporary style dwellings. Two storey, and split level dwellings are regular features within this locality, with dwellings more prominent in bulk and scale generally located on the southern side of Clark Street. The proposed dwelling is best described as being of modern, contemporary architectural style and of medium to large scale which will fit within the existing built form context.

Objective 1 of the Policy Area acknowledges the topographic and natural features of the locality. Furthermore it encourages dwelling design that is orientated to take advantage of views across the Adelaide Plains. The proposed dwelling is considered to be suitably sited on the land given the topographical features of the site, with views of the Adelaide Plains being an obvious design feature. The 'L' shape building envelope demonstrates a considered design approach to achieve western views whilst seeking to attenuate visual amenity impacts to the neighbouring properties on lower land, by maximising setbacks from the western side boundary. It is also noted that due to the topography of the locality, there is an expected and inherent degree of casual overlooking associated with existing development in the locality.

To enable views of the Adelaide Plains, the proposed western elevation (identified as 'A Elevation') does not include fixed obscure glazing to upper level windows or to the balustrade of 'Balcony 2'. Rather, the western elevation of the upper level has been designed with a substantial set-back to the western side boundary measuring 13m and 15m (balcony and dwelling façade respectively). In addition to this, the proposed development includes substantial landscaping which is to be established adjacent the western boundary, so as to obscure direct sight lines from the proposed upper level balcony and windows openings, as well the lower level terrace.

Council Wide Principles of Development Control 22, 173 and 175 are relevant when considering privacy of adjoining residents. These policies seek for development to minimise direct overlooking by off-setting the location of balconies and windows so that views are oblique rather than direct, ensure that balconies and windows maximise their separation from adjoining dwellings and that views into adjoining land be appropriately restricted by the planting of evergreen screen landscaping.

The proposed dwelling is considered to satisfy these provisions given it has been designed to provide sufficient spatial separation from the western side boundary, and it includes screening evergreen plants (to 4m in height) adjacent the western side boundary.

As the applicant sought to come to a resolution with the neighbour at 14 Clark Street regarding the species of vegetation, a reserved matter is included in this recommendation. This will allow further consultation with Arborman Tree Solutions to provide advice regarding the choice of landscaping, so as to ensure its appropriateness in terms of height and density, growth speed, seasonal planting schedule and ongoing management.

The design and appearance of the proposed dwelling includes high levels of articulation and appropriate fenestration so as to break up building mass and add visual interest. The building envelope generally achieves front, side and rear setbacks as per the guidelines of the Burnside (City) Development Plan, whereby the low density, open, residential and foothills character is enhanced by maintaining patterns of space around the buildings.

The land exhibits a 5m fall from the east to the west. In terms of the overall building height from the highest point of the building, being the top of the ridge line, to the lowest portion of the

building at the lowest contour line, the dwelling measures 10.7m. The highest point of the building is at the ridgeline associated with the centre of the upper level which entails a height of 8.6m from the ground level immediately below. This overall height is somewhat misleading as the built form on the western portion of the land comprises a single storey garage which has a height of 6m, where the split between the main building footprint and the garage assists in further separating the massing of the building from the western side boundary to reduce visual impact.

The extent of cut and fill to accommodate the proposed building levels is a balance of approximately 2.6m above and below existing natural ground levels. Impacts to the east are negligible, considering the associated retaining walls will not be visible to 18 Clark Street as that allotment is on elevated land. Retaining walls adjacent the western side boundary are terraced, ranging in height from 0.9m to 1.7m. The 0.9m high retaining wall will be set back 1.2m from the western boundary wall, with a further 0.9m setback to the 1.7m high wall. Associated evergreen landscaping is proposed adjacent the western 0.9m wall, again to attenuate privacy impacts, as well as screen the retaining wall from prominent view.

The overall siting and design is represents an acceptable within the locality in terms of scale, height, form, style, materials and finishes, and is considered to be an appropriate planning outcome for the subject land and locality.

7.3. Site Functionality

The building footprint will occupy less than 33% of the site area as sought by Residential Policy Area 9, Principle of Development Control 6, and a total floor area (lower level building footprint and upper level floor area combined) of less than 50% of the site area, as sought by Council Wide, Principle of Development Control 165(c); site coverage percentages equate to 24.2% and 43.2% respectively.

Private open space achieves both the qualitative and quantitative guidelines of Council Wide, Principle of Development Control 167. The area of private open space is located to the west, encompassing the area of land adjacent the 'L' shape building envelope.

Table Bur/5 of the Burnside (City) Development Plan stipulates that 2 car parking spaces are required per dwelling, plus an additional space for every 2 rooms in excess of 3 rooms that can reasonably be used as bedrooms. The proposed floor plan shows 5 rooms that can reasonably be used as bedrooms, and the site plan demonstrates that there is sufficient off street car parking space for up to 4 vehicles.

7.4. Public Notification

The application was subject to public notification due to the two-storey built form and proposed finished floor level relative to natural ground levels. Council received three (3) written submissions from the owners of adjoining land located to the east, at 18 Clark Street, the south-east at 15 Gandys Gully Road, and from owners to the south and to the west, at 11-13 Gandys Gully Road and 14 Clark Street. The main concerns raised by the representors relate to overlooking, bulk and scale and retaining walls.

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

- Overlooking from bedroom 4 to the south-east (15 Gandys Gully Road) addressed via fixed obscure glazing to 1700mm above floor level;
- Overlooking to the east (18 Clark Street) from the proposed 'C Elevation' addressed via fixed obscure glazing to 1950mm above floor level to east facing windows;

- Landscaping removed from adjacent the eastern boundary so as to not impose on the views of 14 Clark Street; and
- Increased setback to the garage from the western side boundary and removal of retaining walls from the western side boundary.

The representation from the adjoining neighbour at 18 Clark Street has since been formally withdrawn. The concerns raised by the neighbour at 15 Gandys Gully Road are considered to have been sufficiently addressed in this regard.

The representation submitted from the neighbour at 14 Clark Street (and owner of 11-13 Gandys Gully Road) sought fixed obscure glazing to all west and south facing upper level windows and balconies, additional splits to the dwelling design, retaining walls with a combined height of no more than 1.8m, sandstone finish retaining walls due to concerns that concrete sleepers are unsightly, and a preference for 'modwood' fencing rather than Colorbond fencing as proposed on the western boundary.

The amendments result in all retaining walls being set back from the western side boundary, and no replacement fencing is proposed. The amendments to the proposal also include an increased side set-back displayed by the garage wall now measuring 2m. The applicant noted that the design of the dwelling, comparable to existing dwellings in the locality, seeks to maximise views toward the Adelaide Plains, and proposes landscaping to assure the reasonable privacy of adjoining residents is maintained.

As part of the resolution process between the applicant and the owners of 14 Clark Street, the applicant has sought to reach an agreement in respect to the species of screen planting. The applicant has noted that landscaping will be semi-mature at the time of planting and will be planted prior to the handover and occupation of the dwelling. Planning staff are confident that a satisfactory solution can be presented and be subject to further review by staff should the Panel resolve to grant consent to the proposal.

The swimming pool pump equipment is to be located in an enclosure to the rear of the ground floor family room (south facing) wall, so as to attenuate noise emissions and have minimal amenity impact to adjoining neighbours.

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

7.5. Agency Referrals

The application was referred to Council's Engineering Services and Open Space departments for review based on the nature of development, as the proposal involves the establishment of a new driveway crossover.

Council's Open Space department have indicated that a condition will be imposed through the section 221 authorisation under the *Local Government Act 1999*, that the proposed new driveway crossover shall maintain a 1.5m separation distance from the existing street tree. No other concerns were raised and standard condition/advice imposed.

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\1177\16, by J Capone 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 Upper level windows as depicted on 'C Elevation' as they relate to WC 2, bathroom and bedroom 2, and 'D Elevation' as they relate to bedroom 4 on the stamped and approved plans granted Development Plan Consent shall be fitted with fixed and obscured glazing to a minimum height of 1.95m 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.

5 Reserved Matters

1 That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the City of Burnside, prior to Development Approval of the application:

1.1 The applicant shall supply a landscaping plan including species selection, planting regime and management program that demonstrates how western views from "Balcony 2", "Bed 3" and the "Terrace" area will be appropriately screened to prevent direct and unreasonable overlooking into the property 14 Clark Street.

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.

Advisory Notes

Engineering Requirements:

Driveway Conditions:

- Unless approved otherwise, construction of the driveway crossover shall be in accordance with Council's Standard Specification and General Conditions and completed to the reasonable satisfaction of Council.
- A driveway width of 4.5 metres is permitted across the verge and a crossover width of 5.5 metres (maximum) is permitted at the kerb and gutter.
- A minimum distance of 1.5 metres shall be maintained from the closest point of the driveway to the adjacent street tree.
- 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.

Footpath Maintenance:

- Existing footpath levels, grades etc. shall not be altered as a result of the new works associated with the development.

Stormwater Detention:

- Due to the significant increase of the impermeable area, detention shall be provided to limit post development flows. Calculations shall be provided to verify the ability of the proposed detention quantity to meet the Council's default detention and discharge requirements below:
- The volume of any detention device shall be equal to the volume of water generated on the site with an impervious ($C_p = 0.9$) site coverage of 75% and pervious ($C_p = 0.1$) area of 25%, during a 1 in 20 year flood event for a 10 minute duration.
- The maximum rate of discharge from the site shall be equal to the volume of water generated on the site with an impervious ($C_p = 0.9$) site coverage of 40% and pervious ($C_p = 0.1$) area of 60%, during a 1 in 5 year flood event for a 10 minute duration.
For stormwater management purposes, it is desirable that:
 - An additional detention storage of 1,000Ltrs be provided in addition to the standard 1,000Ltrs retention tank provided; and
 - The development utilises permeable paving for the proposed external paving work within the development site.

Stormwater Discharge:

- The stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
- If the cover to the stormwater pipe across the Council verge is less than 65mm, steel pipe housing is to be used as per Council's standards.
- The developer is responsible for locating all existing services and to consult with the necessary service providers if there is a conflict when placing stormwater infrastructure.
- Construction of the stormwater infrastructure is in accordance with Council's Standard Specification and General Conditions and to the overall satisfaction of Council.
- Trenching and connections are to be undertaken as per Australian Plumbing Standards.
- Excess stormwater runoff from 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.

Street Trees:

- A minimum distance of 1.5 metres is to be maintained from the closest point of the trenching to the adjacent street tree.

RECOMMENDING OFFICER

Renae Grida
Development Officer – Planning

AERIAL LOCALITY MAP



Legend



Subject Land



Representor's Land

APPENDIX 2

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

Primary Residential Policy Area 9 Objectives:

Objective 1:

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

- (a) *The topographic and other natural features of the foothills location, and low density dwellings in a variety of architectural styles (typically, dwellings that are detached, medium to large in scale, and split-level or multi-storeyed);*
- (b) *Many dwellings on elevated land, orientated to take advantage of views across the Adelaide Plains; and*
- (c) *Moderate to deep building set-backs, well vegetated and generally unfenced front gardens, and the natural character of the adjoining Hills Face Zone.*

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

- (a) *On land which, due to its elevation, gradient and aspect, is visible from the Adelaide plains or main public vantage points in the foothills;*
- (b) *On land adjacent to the Hills Face Zone, or other open land where there may be significant risk of bushfire;*
- (c) *On filled land near, and to the south east, of the terminus of Wyfield Street, and remnant native vegetation in its vicinity;*
- (d) *Within the "Penfold Estate" (generally east of Penfold Road and north of Kensington Road) located partly on the plains and where specific encumbrance provisions apply;*
- (e) *On land with frontage to Penfold Road; and*
- (f) *Adjacent to the Winery (Magill Estate) Zone.*

Objective 2:

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

Subject: DP Ref	Assessment:
Desired Land Use O 1	Satisfied. <ul style="list-style-type: none"> • The proposal seeks to utilise the vacant allotment to establish a detached dwelling, being an appropriate use of the land. • Density is maintained as the allotment is an existing allotment. • The development is not considered to impair the appearance of the foothills when viewed from the Adelaide Plains.
Local Compatibility PDC 1	Satisfied. <ul style="list-style-type: none"> • The proposal seeks to construct a two-storey detached dwelling, medium-to-large in scale, as sought by Objective 1(a). • The dwelling is to be sited on elevated land so as to take advantage of views across the Adelaide Plains, as sought by Objective 1(b). • The proposal satisfies Objective 1(c) in achieving moderate to deep setbacks consistent with the established streetscape; • The scale, bulk and siting of the proposed development is considered compatible with existing development within the streetscape.

<p>Site Areas and Frontages PDC 2-5</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> Existing vacant allotment with site area and frontage in excess of the minimum requirements of RPA 9.
<p>Site Coverage PDC 6</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> The development satisfies the 33% guideline for site coverage (24.2%)
<p>Building Set-backs PDC 7</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> The development satisfies the front boundary set back guideline of 8 metres.

Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:

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

Objective 2:

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

Objective 3:

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

Objective 4:

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

Objective 5:

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

Objective 6:

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

Objective 7:

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

Objective 8:

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

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 1–8 PDC 1	Satisfied.
Building Appearance PDC 2–4	Satisfied. <ul style="list-style-type: none"> The development permits the establishment of long-term landscaping adjacent to the western side boundary of the site for privacy attenuation and improved visual amenity for adjoining properties, as per Residential Zone PDC 2(b); The neutral colour palette and use of 'monument' Colorbond roof sheeting is not considered highly reflective and likely to cause unreasonable nuisance to residents in the locality; The dwelling design is acceptable with regard to siting and the impact of the building mass. The bulk of the dwelling is substantially set back from the western side boundary so as to reduce its visual obtrusiveness to adjoining properties on lower land, as per Residential Zone PDC 2(d); and The two storey component of the dwelling is well articulated and avoids featureless and monotonous walls which assist in reducing bulk and scale and add visual interest.
Design for Topography PDC 5–6	Satisfied. <ul style="list-style-type: none"> Given the topography of the site, the development proposes a

	<p>balance of cut and fill to achieve a stable and readily accessible building site;</p> <ul style="list-style-type: none"> • The visual bulk of the building is considered to be reduced via the considerable set back from the western side boundary, and given the eastern side sits lower than natural ground, the portion of the building visible would appear as a single storey profile; • Retaining walls are considered inherent within this locality and for sites of this nature.
<p>Hills Face Zone Buffer PDC 10</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> • The overall scale, siting, design and external finishes are not considered to detract from the natural character of the adjacent Hills Face Zone; • The roofing colour 'monument' is considered an appropriate colour choice, and whilst the building is to be finished in a neutral colour palette, it will not be readily visible from the Adelaide Plains given its location along a street of 'stepped' development that responds to the contours of the streetscape.

Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 11:

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

Objective 52:

A compact metropolitan area.

Objective 53:

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

Objective 54:

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

Objective 55:

Safe, pleasant, accessible and convenient residential areas.

Objective 56:

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

Objective 57:

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

Objective 58:

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

Objective 59:

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

Objective 60:

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

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 52-60	Satisfied.
Design and Appearance O 11 PDC 14-18, 23-28	Satisfied.
Building Set-backs PDC 161-163	<p>Minor variance.</p> <p><u>Front Set-backs</u></p> <ul style="list-style-type: none"> • Front setbacks accord with RPA 9, PDC 7. <p><u>Side Set-backs</u></p> <ul style="list-style-type: none"> • Ground level side setbacks exceed the 1.5m – 2m guideline as per CW PDC 162(d). • The upper level eastern side setback does not satisfy CW PDC 162(c), having two portions of the elevation setback 2.3m, with the bulk of the elevation being setback 4.5m. • The western side upper level is substantially set back from the side boundary between 9.2m – 15m.

	<p><u>Rear Set-backs</u></p> <ul style="list-style-type: none"> Lower level and upper level rear setbacks are in accordance with the guidelines as per CW PDC 162(c) and (d).
<p>Building Height PDC 164</p>	<p>Variance.</p> <ul style="list-style-type: none"> CW PDC 164(b) seeks a total building height of 9m above natural ground level. As the design includes a split level between the main building envelope and the garage, the lowest portion of the garage to the top of the ridge line measures 10.7m above natural ground level. The highest point above relative natural ground level does not exceed 9m.
<p>Site Coverage PDC 165</p>	<p>Satisfied.</p>
<p>Private Open Space PDC 166, 169</p>	<p>Satisfied.</p>
<p>Amenity O11, 20–22 PDC 14–18, 52-69, 170-173</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> The proposal satisfies CW Objective 11 in being of an appropriate and high design standard that reinforces positive aspects of the local environment and built form as evident with existing development within the streetscape; Privacy is considered to be sufficiently addressed given the context of the site and locality, and achieves the guidelines of CW PDC 22 and CW PDC 176; and The proposed built form is considered to have regard to the building height, massing and proportions, materials and finishes and roof form and pitch of existing development within the locality as per CW PDC 14;
<p>Privacy PDC 22, 174–176</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> The aerial plan demonstrates that from “Balcony 2” and “Bed 3” direct views would be to the roof form of the adjoining dwelling and outbuilding, and CW PDC 22(a) contemplates ‘oblique’ views as being acceptable rather than ‘direct’ views; The local topography and siting of existing dwellings within the streetscape contribute to an inherent and unavoidable degree of overlooking; The design is such that the upper level is set back from the western boundary by some 15m to provide spatial separation as sought by CW PDC 22(b); and It is acknowledged that the proposed floor levels increase potential for overlooking, however the proposed landscaping screening is considered an appropriate measure for minimising direct and unreasonable overlooking, as per CW PDC 176(b).
<p>Access and On-Site Car Parking PDC 177–182</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> The development consists of 5 rooms that can reasonably be used as bedrooms. As such, the site is capable of containing up to 4 off street car parking spaces, in accordance with Table Bur/5.
<p>Access to Sunlight</p>	<p>Satisfied.</p>

PDC 21, 183–186	<ul style="list-style-type: none"> Given the orientation of the allotment, the proposed building has no impact on adjoining properties north-facing windows; and Adjoining properties will receive a minimum two hours of sunlight to 50% of the main outdoor living areas between 9am and 5pm on the winter solstice, as demonstrated by the shadow diagrams provided.
Fences and Retaining Walls PDC 190–194	Satisfied. <ul style="list-style-type: none"> Proposed retaining walls are terraced so as to reduce visual impact and allow for landscaping, as per CW PDC 194.
Safety and Security PDC 195–198	Satisfied.
Water Conservation PDC 200–201	Satisfied.
Energy Conservation PDC 31-32	Satisfied.
Trees and Other Vegetation O 24-28 PDC 77-92	Satisfied.

APPENDIX 3
DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Site Area</i>	1172.7m ²	750m ²
<i>Street Frontage</i>	26.06m	20m
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	283.79m ² 24.2%	33%
- Buildings and driveways	283.79m ² 65.8m ² 29.8%	50%
- Total floor area	507.4m ² 43.2%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	10.7m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	7.690m (porch) 8.835m (main building line)	8m
- side boundary	2.3m – 2.4m (east) 2m – 7m (west)	2m
- rear boundary	11.4m	4m
<i>Upper Level</i>		
- front boundary	8.835m	8m
- side boundary	2.3m – 4.5m (east) 9.2m – 15m (west)	4m
- rear boundary	15.8m	8m
<i>Boundary Wall</i>		
- length	N/A	8m
- height	N/A	3m
<i>Private Open Space</i>		
- percentage	260.3m ² 51.3%	50% of TFA
- dimensions	12m x 18m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	3	3
- width of driveway	4.5m	4.5m
- width of garage/carport door	5.29m 20.2%	33%