



## Development Assessment Panel Meeting Agenda

**Tuesday 05 September 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 Kurna people.

**3 CONFIRMATION OF MINUTES**

Recommendation: That the minutes of the meeting held on Tuesday 01 August 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**4 APPLICATIONS WITHDRAWN FROM THE AGENDA**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)**

<b>Report Number:</b>	<b>5720.1</b>
<b>Page:</b>	<b>9</b>
Application Number:	180\0346\16
Applicant:	M Dawson-Jones
Location:	Little Sparrow 52 Alexandra Avenue ROSE PARK SA 5067
Proposal:	Change of land use to public land adjoining 52 Alexandra Avenue, Rose Park to a 'shop / restaurant' for outdoor dining purposes in association with and ancillary to the existing use of 52 Alexandra Avenue, Rose Park.
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Approval be granted.
Representors:	<ul style="list-style-type: none"> <li>• <i>Bratislav Peivenvski - 50 Alexandra Avenue, Rose Park (wishes to be heard)</i></li> <li>• <i>Bruce and Pam Debelle - 27C Alexandra venue, Rose Park (wishes to be heard)</i></li> <li>• <i>Danielle Parker - 58 Alexandra Avenue, Rose Park (wishes to be heard)</i></li> <li>• <i>G L Bone - 27D Alexandra Avenue, Rose Park (wishes to be heard)</i></li> <li>• <i>Healthier Twelftree- 46 Alexandra Avenue, Rose Park (wishes to be heard)</i></li> <li>• <i>MV and David Hanoman - 66 Alexandra Avenue, Rose Park (wishes to be heard)</i></li> </ul>

	<ul style="list-style-type: none"><li>• Yan Wang - 64 Alexandra Avenue, Rose Park (wishes to be heard)</li><li>• Adriana Stamatopoulos - 29 Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Allan Gilbert - 94 Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Carmel and Pierre Urlings – 72 Grant Avenue, Rose Park (do not wish to be heard)</li><li>• Chris Smerdon - 22 Prescott Terrace, Toorak Gardens (do not wish to be heard)</li><li>• Darryl and Jillian Harvey - 42A Grant Avenue, Rose Park (do not wish to be heard)</li><li>• David Tomkins - 43A Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Derek Lee - 70 Watson Avenue, Rose Park (do not wish to be heard)</li><li>• Des Ryan - 118 Alexandra Avenue, Toorak Gardens (do not wish to be heard)</li><li>• Don &amp; Shirley Kimber - 21 Grant Avenue, Rose Park (do not wish to be heard)</li><li>• Francesca &amp; David McInerney - 77 Grant Avenue, Rose Park (do not wish to be heard)</li><li>• Garry Read - 23 Grant Avenue, Rose Park (do not wish to be heard)</li><li>• Guy Matthews - 65 Alexandra Avenue, Toorak Gardens (do not wish to be heard)</li><li>• Heather and Robert Twelftree - 46 Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Jane Smerdon - 22 Prescott Terrace, Toorak Gardens (do not wish to be heard)</li><li>• Jennifer and John Miliauskas (do not wish to be heard)</li><li>• Jennifer Collins and Thomas Sefton - 13 Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Jeremy Glaros - 35 Alexandra Ave. Rose Park (do not wish to be heard)</li><li>• Joanne Bay - 20 Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• John Garrett - 9 Close Street, Rose Park (do not wish to be heard)</li><li>• Jon &amp; Anne Lovejoy - 25 Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Josie Lancione - 41 Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Kelly Jane Day - 48 Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Kent Rossiter - 37 Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Kevin and Emilia Palumbo - 60A Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Kirio Sisios - 38 Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Len and Vilma Somerville - 27B Alexandra Avenue, Rose Park (do not wish to be heard)</li><li>• Mark &amp; Leanne Sandow - 62 Alexandra Avenue, Rose Park</li></ul>
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	<p>(do not wish to be heard)</p> <ul style="list-style-type: none"> <li>• Name Suppressed - 31 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• Nicholas Wilson - 5/2 Warwick Avenue, Toorak Gardens (do not wish to be heard)</li> <li>• Peter &amp; Janet McInerney - 70 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• Rita Carey - 52 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• Robert and Angie Fassina - 56 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• Robert and Jennifer Porter - 24 Grant Avenue, Rose Park (do not wish to be heard)</li> <li>• Roderick Shire and Judy Hargrave - 37 Watson Avenue, Rose Park (do not wish to be heard)</li> <li>• Rosemary Baker - 385 Portrush Road, Toorak Gardens (do not wish to be heard)</li> <li>• Ruth Baigent - 10 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• Simon &amp; Chrissie Mainprize - 9 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• Stephen &amp; Gillian Hicks - 35 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• Sue and Jim Stanbury - 10 Close Street, Rose Park (do not wish to be heard)</li> <li>• Tim Anstey &amp; Helen Lacey - 7 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• V.C. Hart - 60 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• Van Tanh Doan - 33 Alexandra Avenue, Rose Park (do not wish to be heard)</li> </ul>
Applicant:	<ul style="list-style-type: none"> <li>• 44 Thomas Street, Unley</li> </ul>

**(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (HEARING)**

<b>Report Number:</b>	<b>5720.2</b>
<b>Page:</b>	<b>17</b>
Application Number:	180\1122\16
Applicant:	J Hazebroek
Location:	369A The Parade KENSINGTON PARK SA 5068
Proposal:	Lighting to recreation court and cage/netting to cricket pitch associated with existing dwelling
Recommendation:	Development Plan Consent be granted.
Representors:	<ul style="list-style-type: none"> <li>• Adrian Miles - 57 Yeronga Avenue, Kensington Park (do not wish to be heard)</li> <li>• Alison Clarke &amp; John Waschl - 371 The Parade, Kensington Park (wishes to be heard)</li> <li>• Aijing Jiang - 6/24 McKenna Street, Kensington Park (do not wish to be heard)</li> </ul>
Applicant:	<ul style="list-style-type: none"> <li>• 403 Glen Osmond Road, Glen Osmond</li> </ul>

**(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.

Previously deferred item returning to the Panel for further consideration.

<b>Report Number:</b>	<b>5720.3</b>
<b>Page:</b>	<b>29</b>
Application Number:	180\0551\16
Applicant:	L Luppino
Location:	16 Mill Street DULWICH SA 5065
Proposal:	Cubby House (retrospective)
Recommendation:	Development Plan Consent be granted.
<b>Representors:</b>	<ul style="list-style-type: none"> <li>• <i>Suzanne Munt (resident) - 18 Mill Street, Dulwich (wishes to be heard)</i></li> <li>• <i>Maria McCarthy (owner of 18 Mill Street, Dulwich) - 61 Ormond Grove, Toorak Gardens (do not wish to be heard)</i></li> </ul>
<b>Applicant:</b>	<ul style="list-style-type: none"> <li>• <i>12 Mill Street, Dulwich</i></li> </ul>

<b>Report Number:</b>	<b>5720.4</b>
<b>Page:</b>	<b>33</b>
Application Number:	180\0485\17
Applicant:	Mr Darshana Appuhannaditota Hewage
Location:	8 Rowell Avenue GLENUNGA SA 5064
Proposal:	Two storey detached dwelling including garage, verandah (x2), balcony, in-ground swimming pool and safety fence and masonry pillar and plinth front fence
Recommendation:	Development Plan Consent be granted.
<b>Representors:</b>	<ul style="list-style-type: none"> <li>• <i>Diana Truscott - 9A Glenunga Avenue Glenunga (wishes to be heard)</i></li> <li>• <i>Luisa Van Den Bosch - 9B Glenunga Avenue Glenunga (wishes to be heard)</i></li> <li>• <i>Damian Dawson on behalf of Suppressed - 11 Glenunga Avenue Glenunga (wishes to be heard)</i></li> <li>• <i>Richard and Toni-Jane Burchnall - 6 Rowell Avenue Glenunga (wishes to be heard)</i></li> <li>• <i>Janet Worth - 139A Allinga Avenue Glenunga (wishes to be heard)</i></li> </ul>
<b>Applicant:</b>	<ul style="list-style-type: none"> <li>• <i>Garth Heynen and Gregg Jenkins on behalf of Heynen Planning - 8 Polo Court, Walkley Heights</i></li> </ul>

<b>Report Number:</b>	<b>5720.5</b>
<b>Page:</b>	<b>53</b>
Application Number:	180\0572\17
Applicant:	Asor Pty Ltd
Location:	24 Rowland Road MAGILL SA 5072
Proposal:	Two two-storey group dwellings including garages and new carport and verandah to existing single storey dwelling
Recommendation:	Development Plan Consent granted.
Representors:	<ul style="list-style-type: none"> <li>• <i>Kwee S Choong - 26 Rowland Road, Magill (wishes to be heard)</i></li> </ul>
Applicant:	<ul style="list-style-type: none"> <li>• <i>125 Portrush Road, Evandale</i></li> </ul>

<b>Report Number:</b>	<b>5720.6</b>
<b>Page:</b>	<b>71</b>
Application Number:	180\0582\17
Applicant:	Sonia Mercorella Of Trice Pty Ltd
Location:	6 Gothic Avenue STONYFELL SA 5066
Proposal:	Demolition of existing single storey dwelling and construction of a two storey detached dwelling, including swimming pool and alfresco
Recommendation:	Development Plan Consent be granted.
Representors:	<ul style="list-style-type: none"> <li>• <i>Farzon Mirzaei - 4 Gothic Avenue, Stonyfell (wishes to be heard)</i></li> </ul>
Applicant:	<ul style="list-style-type: none"> <li>• <i>Level 5, 420 King William Street, Adelaide</i></li> </ul>

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

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

<b>Report Number:</b>	<b>5720.7</b>
<b>Page:</b>	<b>87</b>
Application Number:	180\0512\17
Applicant:	Mr Peter Woolman
Location:	8 Mountainview Place MOUNT OSMOND SA 5064
Proposal:	Alterations to existing residence including new living outdoor living area and Loggia and pool deck
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted.

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

<b>Report Number:</b>	<b>5720.8</b>
<b>Page:</b>	<b>101</b>
Application Number:	180\1154\16
Applicant:	D T Sanders
Location:	74 & 78 Waterfall Gully Road WATERFALL GULLY SA 5066
Proposal:	Boundary re-alignment
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Approval be granted.

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

Nil

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

<b>Report Number:</b>	<b>5720.9</b>
<b>Page:</b>	<b>109</b>
Application Number:	180\0922\16
Applicant:	Scott Salisbury Homes
Location:	138 Grant Avenue TOORAK GARDENS SA 5065
Proposal:	Single storey alterations and additions including carport, verandah, internal alterations and associated demolition
Recommendation:	Development Plan Consent be refused.
Applicant:	<ul style="list-style-type: none"> <li>• PO Box 2075, Morphettville (<i>wishes to be heard</i>)</li> </ul>

**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 05 September 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.

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## DEVELOPMENT APPLICATION

<b>Application Number:</b>	180\0346\16
<b>Applicant:</b>	M Dawson-Jones
<b>Location:</b>	Council footpath adjacent Little Sparrow at 52 Alexandra Avenue, Rose Park
<b>Proposal:</b>	Change of land use to public land adjoining 52 Alexandra Avenue, Rose Park to a 'shop / restaurant' for outdoor dining purposes in association with and ancillary to the existing use of 52 Alexandra Avenue, Rose Park
<b>Zone/Policy Area:</b>	Historic Conservation Zone Policy Area 1 – Rose Park Community Zone Development Plan consolidated 28 April 2016
<b>Kind of Assessment:</b>	Non-complying
<b>Public Notification:</b>	Category 3 Forty-nine (49) representations received
<b>Appeal Opportunity</b>	Third party appeal rights only
<b>Referrals – Non Statutory:</b>	Technical Officer (Engineering) / Local Heritage Consultant / Ranger Services
<b>Delegations Policy:</b>	Unresolved representations & Non-complying development
<b>Recommendation:</b>	Subject to concurrence from the Development Assessment Commission, that Development Approval be granted
<b>Recommending Officer:</b>	Jason Cattonar

## 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 Approval for the following:

- Outdoor dining to existing pedestrian footpath comprising 24 seats.

## **2. BACKGROUND**

The proposed development relates to the pedestrian footpath to the perimeter of the land known as 52 Alexandra Avenue, at the corner of Alexandra Avenue and Victoria Terrace. Little Sparrow is the name of the shop/cafe that occupies the building shop and verandah at 52 Alexandra Avenue. The existing use of the building as a shop is long-standing and predates planning approvals.

In May 2016 the applicant (the tenant of 52 Alexandra Avenue) lodged a development application with Council to intensify the existing use of Little Sparrow, so that it could include the Council footpath for outdoor dining, in association with the existing café. The application sought to include 9 tables and 24 chairs to the adjoining footpath area and allow the outdoor dining to operate Monday to Friday between 7:30 am – 4:30 pm and on Saturdays and Sundays between 8 am – 4 pm.

The existing building is located at 52 Alexandra Avenue, however the attached front and side verandah extend onto and over the Council footpath (the subject land). Whether or not the subject land (the Council footpath beneath the verandah) forms part of the existing use at 52 Alexandra Avenue is questionable. Council has, however, formed a conservative view in that the footpath is adjoining land and does not benefit from what might otherwise be considered a reasonable expansion of existing use. As such, the application was determined to be non-complying development pursuant to Historic Conservation Zone (Principle of Development Control 25) where 'shop' and 'restaurant' are each listed as non-complying forms of development.

Pursuant to Section 38(2)(c) the Development Act, 1993, the application was placed on Category 3 public notification for a period of two weeks. During the public notification period all adjacent land owners/residents were notified of the development and were provided with an opportunity to lodge a written representation to Council. An advertisement was also placed in the Advertiser in accordance with the Development Regulations 2008.

At the close of the public notification period Council had received 49 representations. Of these 16 were opposed to the development and the remaining 33 were in favour of the development. A response to the representations was prepared by Urban and Regional Planning Solutions.

The application is now presented to the Development Assessment Panel for a decision.

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

### **3.1. Subject Land**

The subject land forms a small parcel measuring approximately 37m<sup>2</sup> and has a street address of 52 Alexandra Avenue. The building is a quaint 1900's Villa with a return verandah over the adjacent Council footpath (the subject land). The building comprises white painted brick, a galvanised roof and deep red coloured gutters/verandah posts, fascia and finials. This parcel forms part of the land known as 52A Alexandra Avenue and is used by the adjoining primary school. The land is located in the Historic Conservation

Zone and abuts the Community Zone to its north, east and south. The eastern Council footpath to the perimeter of 52 Alexandra Avenue is located in the Community Zone.

### 3.2. Locality

The locality comprises the streetscape of Alexandra Avenue, where it meets Webb Street to the east and Fullarton Road to the west. Development within this locality reflects the historic residential development of the early 19<sup>th</sup> Century, with the exception of the adjoining primary school and the more modern dwellings built on the northern side of Alexandra Avenue, adjacent the subject land. These exceptions are located within the Community Zone, a small irregular pocket amongst the Historic Conservation Policy Area 1 (Rose Park).

The Alexandra Avenue Plantation, comprising a large State heritage listed War Memorial, forms the most notable visual element within this locality, providing an open and attractive streetscape.

## 4. KIND OF ASSESSMENT

<b>Kind:</b>	Non-complying
<b>Reason:</b>	Historic Conservation Zone Principle of Development Control lists 'shop' and 'restaurant' as non-complying uses Community Zone Principle of Development Control lists 'shop' as non-complying use
<b>Applicant Appeal Opportunity:</b>	No

## 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 3
<b>Reason:</b>	Section 38 (2)(c) the Development Act, 1993
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• 50 Alexandra Avenue, Rose Park (wish to be heard)</li> <li>• 27C Alexandra Avenue, Rose Park (wish to be heard)</li> <li>• 58 Alexandra Avenue, Rose Park (wish to be heard)</li> <li>• 27D Alexandra Avenue, Rose Park (wish to be heard)</li> <li>• 46 Alexandra Avenue, Rose Park (wish to be heard)</li> <li>• 66 Alexandra Avenue, Rose Park (wish to be heard)</li> <li>• 64 Alexandra Avenue, Rose Park (wish to be heard)</li> <li>• 29 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 94 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 72 Grant Avenue, Rose Park (do not wish to be heard)</li> <li>• 22 Prescott Terrace, Toorak Gardens (do not wish to be heard)</li> <li>• 42A Grant Avenue, Rose Park (do not wish to be heard)</li> <li>• 43A Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 70 Watson Avenue, Rose Park (do not wish to be heard)</li> <li>• 118 Alexandra Avenue, Toorak Gardens (do not wish to be heard)</li> <li>• 21 Grant Avenue, Rose Park (do not wish to be heard)</li> <li>• 77 Grant Avenue, Rose Park (do not wish to be heard)</li> <li>• 23 Grant Avenue, Rose Park (do not wish to be heard)</li> <li>• 65 Alexandra Avenue, Toorak Gardens (do not wish to be heard)</li> <li>• 46 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 22 Prescott Terrace, Toorak Gardens (do not wish to be heard)</li> </ul>

	<ul style="list-style-type: none"> <li>• 69 Alexandra Avenue, Toorak Gardens (do not wish to be heard)</li> <li>• 13 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 35 Alexandra Ave. Rose Park (do not wish to be heard)</li> <li>• 20 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 9 Close Street, Rose Park (do not wish to be heard)</li> <li>• 25 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 41 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 48 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 37 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 60A Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 38 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 27B Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 62 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 31 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 5/2 Warwick Avenue, Toorak Gardens (do not wish to be heard)</li> <li>• 70 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 52 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 56 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 24 Grant Avenue, Rose Park (do not wish to be heard)</li> <li>• 37 Watson Avenue, Rose Park (do not wish to be heard)</li> <li>• 385 Portrush Road, Toorak Gardens (do not wish to be heard)</li> <li>• 10 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 9 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 35 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 10 Close Street, Rose Park (do not wish to be heard)</li> <li>• 7 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 60 Alexandra Avenue, Rose Park (do not wish to be heard)</li> <li>• 33 Alexandra Avenue, Rose Park (do not wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	Yes

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

## 6. AGENCY REFERRALS

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

## 7. EXECUTIVE SUMMARY

### 7.1. Land Use

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

- The proposal comprises the expansion of an existing established 'shop' use of the building located at 52 Alexandra Avenue;
- The expanded use is located beneath the verandah associated with that building; and
- If no unreasonable external amenity impacts could be found, then consent could reasonably be expected.

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

## **7.2. Character and Amenity**

The proposed development seeks to introduce outdoor dining facilities to the public footpath bordering the existing building at 52 Alexandra Avenue, Rose Park between the hours of 7:30am and 4:30pm (Monday to Friday) and between 8am and 4pm (weekends). The proposed dining facilities would include nine small tables allowing for up to 24 seats.

Whilst a restaurant and/or shop are non-complying uses within the relevant zones, the proposed outdoor dining use is an expansion of the existing shop, which is a long standing use providing service to the local community as well as the adjoining school.

The existing shop, together with the proposed outdoor seating area will have a gross leasable area of less than 150m<sup>2</sup> combined, which is generally considered to be of a small and inoffensive scale. This small scale café provides services as the canteen function of the adjoining local primary school, as well as a coffee shop and meeting point to members of the local community. Patrons of the café are mostly attendees of the adjoining primary school, including staff and parents, as well as residents (including their visitors) within the locality.

Noise generally generated by people in such a setting, on small tables of up to 4 chairs, is considered to be low. In any event, the proposed times are not outside of reasonable daytime hours such that the development is unlikely to cause nuisance to nearby residents.

The proposed outdoor dining will enable the small business to continue servicing the local community and maintain the long standing use within the Local heritage listed building and verandah, within this iconic setting.

## **7.3. Site Functionality**

The area in question comprises two footpath areas to the north and the east of the existing building. The northern footpath measures 6.5m in width and the eastern footpath measures 3.5m in width. A minimum clearance of 1.5m is maintained between the tables to enable appropriate pedestrian flow.

No associated off-street parking exists for the site of the development, rather patrons rely on street parking. Directly adjacent the site, 4-5 15 minute parking bays allow for short visits to the subject land. Copious 2 hour parking bays line Alexandra Avenue, providing sufficient parking for patronage. Council's Technical Officer (Engineering) and Ranger Services have each provided comments on this application, and are supportive of the outdoor dining in terms of car parking availability and pedestrian movement.

In addition to the above, it is relevant to recognise that many customers frequenting the business will already be in the area, either because they live within walking distance, or are visiting the adjoining school, indicating the actual parking demand will be lower than expected.

## **7.4. Public Notification**

During the public notification period 49 representations were submitted to Council, 67% of which were in support of the proposal. The following comments were made/raised by representors:

- Addition of chairs and tables will add a European alfresco ambiance to the street;

- Will provide excellent amenity to the area;
- Detracts from the Historic Conservation Zone;
- Will attract cars to the area;
- Seeks to convert premises to a thriving restaurant and demand for car parking;
- Introduce noisy and obtrusive use;
- Will introduce unsightly use of footpath;
- The building has been renovated well making it more appealing, in favour of additional chairs;
- It will add to the charm and convenience of our area;
- If application is not approved, this much valued business will suffer to the detriment of the local community and area;
- It is a non-complying use;
- Economic viability of the tenant has no benefit to the residents;
- How will nearby similar businesses cope with the unexpected competition;
- Makes the area more attractive;
- The café has helped foster community at the school and in the neighbourhood;
- The increased dining closes by mid-afternoon and will have little more impact on the residents than the presence of the school already has;
- Owners have changed an eye-sore into a charming little business;
- Proposed outdoor chairs and tables are in keeping with similar business in the Rose Park, Dulwich and Toorak Gardens area;
- There is no community need or benefit in supporting private business in an area already well provided with similar premises that meet the demands of café culture; and
- Could lead to liquor licence and rowdy parties.

Urban and Regional Planning Solutions provided a comprehensive response to the matters raised during the public notification.

## 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\0346\16, by M Dawson-Jones is **granted** Development Approval subject to the following conditions:

### Conditions

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

**Reason:**

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

2. The hours of operation of the premises for the shop and dining area shall be limited to the following times:
  - 7:30 am to 4:30 pm Monday to Friday
  - 8 am to 4 pm Saturday and Sunday

**Reason:**

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

**RECOMMENDING OFFICER**

Jason Cattonar  
Team Leader – Planning

**APPENDIX 1**

**AERIAL LOCALITY MAP**



**Legend**



**Subject Land**



**APPENDIX 2**

**DEVELOPMENT DATA TABLE**

<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Car Parking for additional 24 seats</i>		
- number of parks	0	8 (1 space per 3 seats)

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## DEVELOPMENT APPLICATION

<b>Application Number:</b>	180\1122\16
<b>Applicant:</b>	J Hazebroek
<b>Location:</b>	369A The Parade, Kensington Park
<b>Proposal:</b>	Lighting to recreation court and cage/netting to cricket pitch associated with existing dwelling
<b>Zone/Policy Area:</b>	Residential Zone Residential Policy Area 6 – Greater Kensington Park Development Plan consolidated 08 December 2016
<b>Kind of Assessment:</b>	Merit
<b>Public Notification:</b>	Category 3 Three (3) representations received
<b>Appeal Opportunity</b>	Applicant and third party appeal rights
<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

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

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

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

## 1. DESCRIPTION OF PROPOSAL

The applicant seeks Development Plan Consent for the following elements associated with the existing dwelling on the site:

- Single light pole to recreation court; and
- Cage/netting to a cricket pitch.

The light pole is located adjacent the northern rear boundary, set in 3m from the western side boundary. The light pole will extend 6m in height and is to provide lighting to a recreation court associated with the dwelling.

The cage/netting is to be used in association with a domestic cricket pitch which was approved under the previous application for the dwelling. The cage/netting will be located to the eastern side of the dwelling adjacent to the northern rear and eastern side boundaries of the site. The cage/netting will be abutting the rear boundary for a width of 2.4m, run a length of 12m, set in 0.4m from the eastern side boundary and measure a height of 3m. The cage/netting will be constructed of chain wire, with the cage and associated posts finished in the colour 'black'.

## 2. BACKGROUND

The following previous development authorisations are applicable to the subject land:

- DA 180\0574\11 – Land division creating three allotments from two existing;
- DA 180\0282\12 – Demolition of existing dwelling and ancillary structures; and
- DA 180\0838\15 – Two-storey detached dwelling including basement, garage x2, portico, alfresco, balcony, gym, swimming pool, retaining walls and fencing
- DA 180\0290\16 – Amendment to DA 180\0838\15 – removal of south facing balcony, fenestration changes, addition of sliding driveway gate and retention of existing 1.8 metre high Colorbond fencing to side and rear boundaries

The current proposal, DA 180\1122\16, was lodged on 13 December 2016 by J Hazebroek on behalf of Alan Sheppard Constructions Pty Ltd, for the registered owners of the land. The proposal was determined to be a category 3 development for the purposes of public notification, to be assessed on merit against the Burnside (City) Development Plan.

The application was placed on public notification between 30 January 2017 and 14 February 2017, during which time Council received three (3) written submissions, opposing the proposed development. Copies of submissions were forwarded to the applicant, who in turn has provided a written response prepared by Masterplan Town and Country Planners addressing the concerns identified.

Pursuant to Council's Delegation Policy, the application is presented to the Panel for consideration as a category 3 development with unresolved representations.

## 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

### 3.1. Subject Land

The subject land is a generous sized battle-axe allotment created, along with two other allotments, out of two previous allotments fronting The Parade, Kensington Park. The head of the allotment measures 988.9m<sup>2</sup> (approx.) with a width of 31.0 metres and a

depth of 31.9 metres. The land currently contains a two-storey dwelling and ancillary structures.

### 3.2. Locality

The locality is situated within the Residential Zone, specifically Residential Policy Area 6 – Greater Kensington Park, and is characterised by rectangular shaped residential allotments of varying size and dimensions. Single-storey detached dwellings constructed in the Interwar period and 1950s Conventional styles are the dominant built form, with larger allotments containing tennis courts. The Parade and nearby public open space are a notable feature of the locality.

## 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 3
<b>Reason:</b>	Development Act, Section 38 (2)(c)
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• 57 Yeronga Avenue Kensington Park (do not wish to be heard)</li> <li>• 371 The Parade Kensington Park (wish to be heard)</li> <li>• 6/24 McKenna Street Kensington Park (do not wish to be heard)</li> </ul>
<b>Third Party Appeal Opportunity:</b>	Yes

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

## 6. EXECUTIVE SUMMARY

### 6.1. Land Use

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

- The land currently contains a two-storey self-contained dwelling on an existing battle-axe allotment within the Residential Zone;
- The proposal maintains and enhances the continued use of the land for residential purposes;
- The proposal is not listed as a non-complying development in the Zone provisions of the Development Plan; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

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

### 6.2. Character and Amenity

The proposed single light pole will be sited adjacent the rear boundary of the site, associated with a recreation court located in the north-western corner of the allotment.

The immediate locality comprises a number of tennis courts, notably, the western adjoining property at 365 The Parade and northern adjoining property at 4 Spencer Street, all of which contain associated tennis court lighting comprising multiple light posts.

The single light pole will not be visible from The Parade, due to the obscured location in the rear corner of the site, having no streetscape impact. The light pole will measure 6m in height, and sits well below the eave height of the dwelling. The height and nature of the proposed light pole is not expected to have a significant impact on the visual amenity of adjoining residents, given that the location is such that the two adjoining boundaries relate to existing tennis courts, with existing associated lighting, and is of a slim design.

With regard to light spill, the engineered report provided by the applicant as a response to representations sufficiently demonstrates that light spill is within acceptable parameters of the Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting. The report concludes that the maximum light spill to the affected properties is 2.5 lux or less. Additionally, the nominated hours of use of the lighting are between 7.00am and 11.00pm, being within the ‘pre-curfew’ range under the Australian Standard.

The proposed cage/netting associated with the cricket pitch is to be located adjacent the eastern side boundary of the site. The proposed cage/netting is to extend a length of 12m, set back 0.4m from the eastern side boundary, measuring a height of 3m. The cage is secondary to the existing boundary fence to be retained, resulting in a 1.2m portion of the structure being visible to the adjoining properties to the east and the north. The visual impacts arising from the proposed cage/netting is considered relatively minor, in that it is comparable with tennis court fencing that is a common feature within the locality, its location internal to the subject land provides for a ‘stepped’ visual element rather than a 3m high continuous structure on the boundary, and the visually permeable material. Furthermore, there is considerable spatial separation between buildings on adjoining land and the proposed cage/netting, further reducing visual impacts and a sense of enclosure.

With regards to noise, the proposed structures are not anticipated to generate any unreasonable noise impacts outside the scope of what is expected to arise from the private open space associated with dwellings on residential allotments.

### **6.3. Public Notification**

Council received three (3) written submissions during the public consultation period, which expressed opposition to the development. Primary concerns were related to light spill into adjacent properties, noise and visual impacts.

The adjoining neighbour at 6/24 McKenna Street raised concern regarding the level of light spill being outside the guidelines of the Australian Standards. The additional documentation and report by BESTEC Engineers has concluded that the lux levels do not exceed 10 lux at the boundary and as such, the concerns of this representation are considered to be suitably addressed through the application details.

Concerns were raised by the adjoining neighbour at 57 Yeronga Avenue regarding light spill, noise and the danger of cricket balls. Given the single light pole is located in the north-western corner of the site, there are no anticipated impacts to the adjoining property at 57 Yeronga Avenue with respect to light spill. It is noted that the purpose of the cage/netting is to contain cricket balls within the subject land. Noise impacts are considered within reason given the cricket cage/netting has no associated lighting and as such not expected to be used outside of daylight hours.

The representation received from the adjoining neighbour to the south at 371 The Parade raised concern regarding the visual impacts arising from the proposed cage/netting. Given the set back of the cage some 19.6m from the southern boundary that adjoins the representor's land and the height of the cage/netting being 3m and transparent in nature, the proposed development is not considered to have an unreasonable or adverse visual impact on the northern outlook from the rear yard at 371 The Parade.

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

#### **6.4. Conclusion**

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

### **7. RECOMMENDATIONS**

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\1122\16, by J Hazebroek 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 court lighting hereby approved shall not be operated:
  - Before 7:00am or after 11.00pm, 7 days per week.

#### **Reason:**

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

### **RECOMMENDING OFFICER**

Renae Grida  
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 6 Objectives:**

Objective 1:

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

- (a) low density, single-storeyed, and substantial detached dwellings of a variety of styles, with low-scale, medium-density dwellings of other types being generally a less dominant feature;*
- (b) an open and attractive streetscape character created by moderate building set-backs from street frontages, well-landscaped front gardens with low or open fencing, and extensive grassed verges; and*
- (c) mature vegetation such as 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) within Kensington Park Reserve (former Olympic Sports Field), a significant landscape feature and public open space;*
- (b) on land with frontage to Kensington Road, to Glynburn Road and to The Parade; and*
- (c) adjacent to the Neighbourhood Centre Zone and the campuses of Pembroke School in the Community Zone.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Desired Land Use</b> O 1	Satisfied. <ul style="list-style-type: none"> <li>• The proposed development maintains the existing residential use of the land.</li> </ul>
<b>Local Compatibility</b> PDC 1	Satisfied. <ul style="list-style-type: none"> <li>• The immediate locality contains tennis courts and associated tennis court lighting. As such, the proposed single light pole is compatible with existing development.</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.*

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 Height</b> PDC 164	Satisfied. <ul style="list-style-type: none"> <li>The proposed single light pole measures 6m in height, and sits below the eave height of the dwelling. CW PDC 164(b) seeks building heights not exceeding 9m.</li> <li>The height of the proposed cage/netting at 3m is considered reasonable in the context of the site and locality, where tennis court fencing in excess of 3m in height is a common feature.</li> </ul>
<b>Private Open Space</b> PDC 166, 169	Satisfied. <ul style="list-style-type: none"> <li>The proposed development enhances the use of the private open space associated with the dwelling.</li> </ul>
<b>Amenity</b> O11, 20-22 PDC 14-18, 52-69, 170-173	Satisfied. <ul style="list-style-type: none"> <li>The height, design and location of the proposed single light pole is not considered to result in any obtrusive visual impacts when</li> </ul>

	<p>viewed from adjoining land, and is not visible from The Parade.</p> <ul style="list-style-type: none"><li>• Sufficient evidence has been provided to demonstrate that the light spill from the proposed single light pole will not significantly impact on the amenity of adjoining properties given it aligns with the Australian Standards for light spill and glare.</li><li>• The hours of use associated with the lighting are to be restricted via a condition to ensure impacts to adjoining neighbours are minimised.</li><li>• The cage/netting is considered reasonable, given the visually transparent nature of the material, and the unobtrusive height proposed.</li></ul>
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## DEVELOPMENT APPLICATION

<b>Application Number:</b>	<i>180\0551\16</i>
<b>Applicant:</b>	<i>L Luppino</i>
<b>Location:</b>	<i>16 Mill Street Dulwich</i>
<b>Proposal:</b>	<i>Cubby House (retrospective)</i>
<b>Zone/Policy Area:</b>	<i>Residential Zone Residential Policy Area 13 - Dulwich Development Plan consolidated 29 April 2016</i>
<b>Kind of Assessment:</b>	<i>Merit</i>
<b>Public Notification:</b>	<i>Category 2 Two (2) representations received</i>
<b>Appeal Opportunity</b>	<i>Applicant only, no third party appeal rights</i>
<b>Delegations Policy:</b>	<i>Unresolved representations</i>
<b>Recommendation:</b>	<i>Development Plan Consent be granted</i>
<b>Recommending Officer:</b>	<i>Renae Grida</i>

## REPORT CONTENTS

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

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

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

- 04 October 2016 DAP report and attachments
- 04 October 2016 DAP minutes
- Amended plans
- Photographs

## **1. DESCRIPTION OF PROPOSAL**

The applicant seeks retrospective approval for the construction of an outbuilding (cubby house) within the rear yard of a residential property on the eastern side of Mill Street, Dulwich.

## **2. BACKGROUND**

In January 2016 it came to the attention of Council's Compliance Officers that works had been undertaken on the subject land without the necessary approvals under the Development Act 1993.

In May 2016 Council's Compliance Officer informed the owner of the land that the works constitute development as the cubby house is an outbuilding greater than 2.5m in total height. The applicant subsequently lodged a development application to seek retrospective approval for the structure.

The application at hand was lodged on the 30 June 2016. Public notification was carried out between 01 August 2016 and 15 August 2016 (inclusive), during which time two (2) written representations were submitted both being from the adjoining property of 18 Mill Street (one being from the owner of the land and the other from a tenant).

The applicant has responded to the matters raised and the application is presented to the Development Assessment Panel (the Panel) for consideration as a category 2 development with unresolved representations.

At the 04 October 2016 meeting, the Panel resolved to defer the matter to enable the applicant the opportunity to resolve the issue of overlooking. The applicant has since proposed to install a screen to the southern elevation of the cubby house balcony to appease the concerns raised by the neighbours.

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

### **3.1. Subject Land**

The subject land is an existing residential allotment on the eastern side of Mill Street, within the suburb of Dulwich. The allotment is rectangular in shape and has a frontage of approximately 15 metres to Mill Street and an approximate area of 647 square metres. The land is generally flat, with a single storey detached 1920 Bungalow occupying the site.

### **3.2. Locality**

The locality comprises those properties with frontage to Mill Street from Dulwich Avenue to the north and Union Street to the south. The locality is characterised generally by low scale residential development, typically detached single storey dwellings on medium sized allotments. Outbuildings are a common feature throughout the locality and range in size from small garden sheds to large garages.

#### 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 13, Principle of Development Control 9 (b)
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• 18 Mill Street Dulwich (wish to be heard)</li> <li>• 18 Mill Street Dulwich (do not 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. EXECUTIVE SUMMARY

##### 6.1. Land Use

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

- The proposal is for a cubby house (outbuilding) to be used ancillary to the residential land use on site within the Residential Zone;
- No aspect of the proposal is listed as being non-complying development within Residential Policy Area 13;
- The cubby house is considered small in scale and is not expected to generate unreasonable noise or amenity impacts; and
- The proposed screening to the southern elevation of the cubby house is considered sufficient in addressing overlooking to the neighbouring property.

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

##### 6.2. Character and Amenity

The outbuilding has no impact upon the character of Mill Street as it has no visual presence from the public road due to its 35 metre set-back and its positioning behind the existing dwelling.

The proposal is considered to be acceptable in terms of impacts to adjoining properties. Although the cubby house is only set back 0.8 metres from the southern boundary of the site, it is located adjacent to an existing garage at 18 Mill Street, which shares a similar set-back.

The cubby house includes a 1.023 square metre platform 1.28 metres above the natural ground level at the entrance of the cubby house. The proposal now includes a solid timber screen to the 0.660m portion to the southern elevation of the deck associated with the cubby house. This effectively negates the opportunity to overlook the adjoining property at 18 Mill Street, and is a privacy measure considered appropriate under Council Wide, Principle of Development Control 176(a).

### 6.3. Public Notification

During the public notification period two (2) representations were received. Both representations were received from the adjoining dwelling to the south, one from the owner of the land and one from a tenant. The key concerns of the representors relate to privacy and the potential to overlook the adjoining property to the south.

Since the deferral of the application at the 04 October 2016 meeting, sufficient amendments have been made by way of screening the southern elevation of the associated deck to address the concerns raised during the public notification period.

### 6.4. Conclusion

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

## 7. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0551\16, by L Luppino 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.

#### Reason:

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

2. The privacy screen as depicted in the plans and supporting documents granted Development Plan Consent shall be installed prior to the use or occupation of the outbuilding and thereafter maintained to the satisfaction of the Council.

#### Reason:

To ensure the development does not adversely impact neighbor privacy.

## RECOMMENDING OFFICER

Renae Grida  
Development Officer – Planning



**DEVELOPMENT APPLICATION**

<b>Application Number:</b>	<i>180\0485\17</i>
<b>Applicant:</b>	<i>Mr D Appuhannaditota Hewage</i>
<b>Location:</b>	<i>8 Rowell Avenue, Glenunga</i>
<b>Proposal:</b>	<i>Two storey detached dwelling including garage, verandah (x2), balcony, in-ground swimming pool and safety fence and masonry pillar and plinth front fence</i>
<b>Zone/Policy Area:</b>	<i>Historic Conservation Zone Historic Conservation Policy Area 8 – Glenunga Park Development Plan consolidated 08 December 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 – Non Statutory:</b>	<i>Local Heritage Consultant Technical Officer Engineering Technical Officer Open Space</i>
<b>Delegations Policy:</b>	<i>Unresolved representations</i>
<b>Recommendation:</b>	<i>Development Plan Consent be granted</i>
<b>Recommending Officer:</b>	<i>Renae Grida</i>

**REPORT CONTENTS**

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

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

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

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

## 1. DESCRIPTION OF PROPOSAL

The applicant seeks Development Plan Consent for a two-storey detached dwelling on an existing residential allotment at 8 Rowell Avenue in the suburb of Glenunga.

At ground level, the dwelling features two bedrooms (one of which includes an ensuite and walk in robe), bathroom, study, living room, gym, laundry, home theatre, open plan kitchen, living and dining, butler's pantry, double garage and alfresco.

The upper level includes two bedrooms, two bathrooms (one of which is an ensuite), an open living area and balcony (described as a terrace).

Other works proposed on the land include an in-ground swimming pool and garden shed to the rear yard and a masonry pillar and plinth fence to the front property boundary.

Vehicular access to the land is to be achieved via the existing crossover to Rowell Avenue, sited to the northern end of the frontage.

## 2. BACKGROUND

Development Application 180\0485\17 was lodged on 22 May 2017 by Mr Darshana Appuhannaditota Hewage, on behalf of the registered owner of the land, K R P Perera.

The application was not determined to trigger non-complying development under the Historic Conservation Zone, Principle of Development Control 25, as the building height above natural ground level does not exceed a vertical height of 9 metres. Therefore, 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 a category 2 form of development in accordance with Historic Conservation Zone, Principle of Development Control 26 (a) and (b).

The application documents were made available for public viewing from 26 May 2017 to 9 June 2017, during which time Council received five (5) written submissions identifying concerns relating to bulk and scale, overshadowing, privacy, amenity and impacts to the Historic Conservation Zone.

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

## 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

### 3.1. Subject Land

The subject land consists of a single parcel of land, located wholly within the Historic Conservations Zone and more specifically, Historic Conservation Policy Area 8 – Glenunga Park.

The subject land is a regular shaped allotment located on the eastern side of Rowell Avenue with a frontage measuring 21.18 metres and a depth of 48.77 metres. The total area of the land measures some 1032 square metres with a gradual rise in land contours from west to east of approximately 700mm.

The land currently contains a single-storey symmetrical cottage built in 1910. Although the dwelling was constructed as a symmetrical cottage, the expression of the dwelling at

present is that of a conventional style dwelling, due to extensive modifications carried out prior to Council records and the establishment of the Historic Conservation Zone under the Development Plan. As such, the existing dwelling is not identified in Fig Bur HCPA/8 as a Contributory Item.

### 3.2. Locality

The locality, as identified in Figure 1 below, comprises land with frontage to Rowell Avenue, north and south facing frontage to Glenunga Avenue, east facing to Allinga Avenue and north facing to Bevington Road. The locality comprises land within the Historic Conservation Zone, namely the Historic Conservation Policy Area 8, as well as Residential Policy Area 26 – Glenunga (South). The locality neighbours the Local Centre Zone to the west fronting Glen Osmond Road, as well as the Residential Policy Area 24 – Glenunga (North) to the north.



Figure 1 – Locality Map

The locality is considered on the basis of the spatial relationship and context to the subject land, in terms of cohesive streetscape amenity. The locality comprises a mixed character in terms of allotment sizes and pattern of division. There is a consistent character to the

pattern of division fronting Bevington Road and between 2 – 8 Rowell Avenue, 1 – 5 Rowell Avenue and those properties on the southern side of Glenunga Avenue. The remainder of the locality comprises a mix of allotment sizes and shapes, having clearly undergone land division and redevelopment.

The built form character of the locality is largely derived from Bungalow style, and symmetrical cottage style dwellings. There are a number of later constructed dwellings within the historic streetscape of Rowell Avenue, located at 2A Rowell Avenue, 7 and 9 Rowell Avenue and 10 Rowell Avenue, as well as dwellings of a comparable early 90's era at 9A and 9B Glenunga Avenue and 15A Glenunga Avenue. Examples of two-storey dwellings can be found within the immediate streetscape.

Nonetheless, the historic streetscape character is best described as comprising an attractive character contributed by good quality housing, attractive front fencing and mature street trees with moderate to large overhanging 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>	Burnside (City) Development Plan, Historic Conservation Zone, Principle of Development Control 26
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• 9A Glenunga Avenue Glenunga (wish to be heard)</li> <li>• 9B Glenunga Avenue Glenunga (wish to be heard)</li> <li>• 11 Glenunga Avenue Glenunga (wish to be heard)</li> <li>• 6 Rowell Avenue Glenunga (wish to be heard)</li> <li>• 139A Allinga Avenue Glenunga (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

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

- The subject land is an existing residential allotment within the Historic Conservation Zone, and more specifically, Historic Conservation Policy Area 8 – Glenunga Park;
- The proposal seeks to continue the lawful residential use of the land; and
- The proposal has regard to the relevant provisions of the Burnside (City) Development Plan and is not considered to be seriously at variance 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 case, is identified as Historic Conservation Policy Area 8 – Glenunga Park. The Established Historic Character statement describes the character as being derived from the core grouping of houses from the early 20<sup>th</sup> Century, in Bevington Road, Glenunga Avenue and Trevorten Avenue, which are predominantly consistent Federation Bungalow style houses, one and two storeys, generally with original detailing intact, situated on regularly sized allotments, the predominance of pitched roofs, dominant chimneys and timber framed windows and doors, with the use of verandahs a significant element in the design of the houses and consistent and generous front and side setbacks of houses within the Policy Area.

The immediate streetscape of Rowell Avenue is not identified in the Established Historic Character statement, and it is noted that there are a number of non-contributory items within the streetscape, namely 2A, 1A, 1, 7, 8 and 9 and 10 Rowell Avenue. Of these dwellings, there are two semi-detached colonial style dwellings constructed in 1989, a later detached colonial style dwelling constructed in 1993, a non-contributory symmetrical cottage constructed in 1910, a vacant allotment and a traditional inspired two-storey detached dwelling constructed in 2007.

Additionally, there are two examples of two-storey dwellings, at 2A and 5 Rowell Avenue. Of the two-storey dwellings within Rowell Avenue, they are considered to be of low profile “in-roof” designs, presenting to the street with high roof pitches and dormer windows. It is noted however, that the Established Historic Character statement makes specific reference to dwellings of ‘one and two storeys’, indicating that two-storey development is contemplated. There are other examples of two-storey buildings outside the immediate streetscape within the locality, at 15 and 15A Glenunga Avenue and the residential flat building comprising dwellings 1-6/135 Allinga Avenue.

The remaining Contributory items within the streetscape consist of bungalow and symmetrical cottages constructed in the early 1900’s, some of which have undergone redevelopment by way of alterations and additions. The Established Historic Character for the HCPA 8 as a whole refers to the predominance of Federation Bungalows, whereby the consistency and repetition of such dwelling styles are better seen within other areas of the HCPA 8, namely Trevorten Avenue, Glenunga Avenue and Bevington Road.

The proposed dwelling, derived of Victorian design cues, fails to commit to the established character of Bungalow style dwellings. The design does however, reference the Established Historic Character statement with respect to the predominance of pitched roofs, dominant chimneys and timber framed windows and doors, with the use of verandahs as a significant element in the design, in conjunction with corrugated galvanised roofing and other materials and finishes sensitive to the era the HCPA 8 was established. This aspect was also highlighted by Council’s Heritage Consultant as an aspect of the design that contributes to the historic character of the locality and HCPA 8. Additionally, the functionality of the dwelling is such that front and side set-backs are consistent with generous set-backs seen within the HCPA 8, reinforcing the consistent and coherent pattern of space between existing dwellings that contributes to an open and attractive streetscape character.

The two-storey component of the proposed dwelling is substantially set back from the front property boundary, some 24.5 metres. The roof form to the upper level component incorporates a lower roof pitch of 22.5 degrees to recede into the background and retain the single-storey façade as the primary contextual building element. The proposed dwelling design is such that the second storey is considered set back and of a sufficiently incorporated design so as to not interfere with the quality of the streetscape and maintain a complementary relationship to single-storey development immediately adjacent.

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 8.

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 8 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 1032 square metres. The footprint of the ground floor will occupy 43.6% of the total site area, together with impervious surfaces will cover 52.4% of the site, and will have a total floor area of 55.3% of the site. Each of these departures from HCPA 8, Principle of Development Control 8, and Council Wide, Principle of Development Control 165 (b) and (c) are considered to represent minor numerical variances, and on balance, are not considered to compromise the overall functionality of the site, nor manifest into unreasonable internal or external impacts.

Internally, there is sufficient provision for private open space that is useable and accessible, capable of reasonable sunlight access and of suitable dimensions. Therefore, the site coverage and total floor area departures has no consequence upon the internal functionality of the land, and, the site maintains generous curtilage in front of the dwelling to establish landscaping to further enhance amenity for the subject land and streetscape.

With regard to impacts external the subject land, the ground level set-backs of the dwelling adhere to, and in some cases, exceed the minimum guidelines as set by both HCPA 8 and Council Wide provisions. Comparably, the upper level component of the dwelling sits comfortably within the 4 metre side set-back guidelines, offering a 4 metre set-back to the north, a 6 metre set-back to the south and an 8.7 metre set-back to the east (rear). In regards to visual bulk and scale, the proposed set-backs are well within the guidelines of the Development Plan.

Upper level windows include appropriate measures to minimise any potential for direct and unreasonable overlooking, to maintain privacy between the subject land and those

properties immediately adjoining the subject land. Measures included to combat privacy impacts include fixed obscure glazing and/or window sill heights to a height of 1.7m above the finished floor level, to the side and rear elevations. The upper level terrace (balcony) also includes a timber screen to a height of 1.7m.

The east-west orientation of the allotment will result in shadows cast by the dwelling predominantly impacting upon those properties to the south throughout the course of the day. The shadow diagrams demonstrate that from 9am – 3pm on the winter solstice, the impact of shadow from the proposed dwelling is only marginally more than what is cast by the existing boundary fence. The 3pm shadow, being the largest shadow cast of the day, falls short of impacting upon the north facing habitable rooms of the adjoining dwelling at 11 Glenunga Avenue, and would not create a shadow that largely exceeds that of the existing tree in the rear yard.

It is noted that the two properties mostly impacted by overshadowing are those at 10 Rowell Avenue, 9A and 9B Glenunga Avenue. Given the size of the allotment, and relatively minor departures with respect to site coverage and total floor area, it would be reasonable to expect that a new development, that meets side set-back guidelines, would cast a similar shadow over these properties, noting the smaller allotment sizes of these adjoining properties that are at odds with the historic patterns of division for the HCPA 8. As such, the proposal does not strictly comply with Council Wide Principle of Development Control 183(b), but is considered acceptable nonetheless.

Reasonable steps by way of modifications to the upper level (reduction in floor area and reconfigurations) have been made to reduce the impacts to the visual outlook from adjoining properties, namely 11 Glenunga Avenue, so that the rear elevation of the upper level aligns with the western edge of the dwelling at 11 Glenunga, so as to not protrude east to affect the northern outlook.

The building height above natural ground level measures 8.3 metres at the highest point, from the lowest point of natural ground level, which sits well below the 9 metre maximum building height. It is accepted that whilst the proposed dwelling is of greater overall building mass, bulk and scale than the existing dwelling, there will be an acceptable impact in this regard on account of the upper level being located toward the rear of the dwelling, and appropriately set back from relative boundaries.

Vehicular access is to be obtained via an existing crossover located towards the northern end of the front property boundary. The dwelling contains 7 rooms that are considered capable of reasonably being used as bedrooms. In accordance with Table Bur/5 of the Development Plan, the site should be capable of containing four (4) off-street car parking spaces. The double garage can accommodate 2 undercover spaces, and the length of the driveway allows for an additional two stacked spaces, accommodating a total of 4 spaces as required.

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

Council received five (5) written submissions during the public notification period, all of whom expressed their opposition to the development and indicated a desire to address the Panel with a verbal submission.

The primary concerns raised by the representors are summarised as two-storey built form and associated visual impacts from bulk and scale, overshadowing, privacy impacts, inappropriate design for the Historic Conservation Zone and HCPA 8, an

overdevelopment of the site, the location of the wall on the boundary and noise impacts from the associated swimming pool pump and filter.

In response to the matters raised, amended plans were later provided by the applicant that included increased set-backs and a reduced footprint to the proposed upper level, appropriate screening and sill heights to upper level windows and terrace area, the relocation of the garage further east along the boundary and the location of swimming pool pump and filter inside a sound proof enclosure.

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**

### Heritage

Internal advice was sought from Council's Heritage Consultant at a preliminary stage, and throughout the assessment of the application. Advice from Council's consultant is such that:

- The proposed new residence replicates detailing of the Victorian period which is a slightly earlier style to the bungalows of the area, however the late 20<sup>th</sup> century styled residence retains the low scale and similarly pitched roofs of the Historic Conservation Zone, and the openings match the proportionality of the existing area.
- The two-storey pavilion to the rear is well set back and includes a lowered roof pitch that further reduces its bulk behind the single-storey frontage.
- The design and detailing will ensure that the new residence will not detract from the established character of the area.
- The proposed double garage is well set back to the mid-point of the allotment and is partially obscured by the single-storey frontage of the new dwelling.
- The proposed masonry and cast-iron fence is appropriate to the area and Council guidelines.

The proposal is considered to be an acceptable design outcome for the subject land and locality with respect to the policies of the Historic Conservation Zone.

### Technical Officer – Engineering and Open Space

Internal advice was sought from Council's Technical Officer Engineering and Technical Officer Open Space to assist in determining the suitability of the development with regard to stormwater management and access.

Requirements of Council's Technical Officer Engineering are included as conditions of consent with no concerns raised regarding stormwater management given the front fall of the land allowing for gravity feed to the street.

Council's Technical Officer Open Space noted that there are no proposed modifications to the existing crossover. The stormwater pipe to the street is 2 metres clear of the adjacent mature Jacaranda street tree, which is acceptable.



## 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\0485\17, by Mr D Appuhannaditota Hewage 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.

3. The timber privacy screen as depicted on the stamped and approved plans granted Development Plan Consent located on the side and rear elevations to the upper level terrace shall be installed to a height of no less than 1.7 metres above the finished floor level of the terrace and shall be spaced at no less than 10mm gaps.

The screen 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. All mechanical machinery associated with the heating, cleaning and filtration of the swimming pool shall not emit any noise which exceeds 45dB(A) when measured from the boundary of the subject land at the closest point to the mechanical machinery.

**Reason:**

To ensure minimal amenity loss of adjacent properties.

**Engineering Requirements****Footpath Maintenance**

- Existing footpath levels, grades etc. shall not be altered as a result of the new work 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**

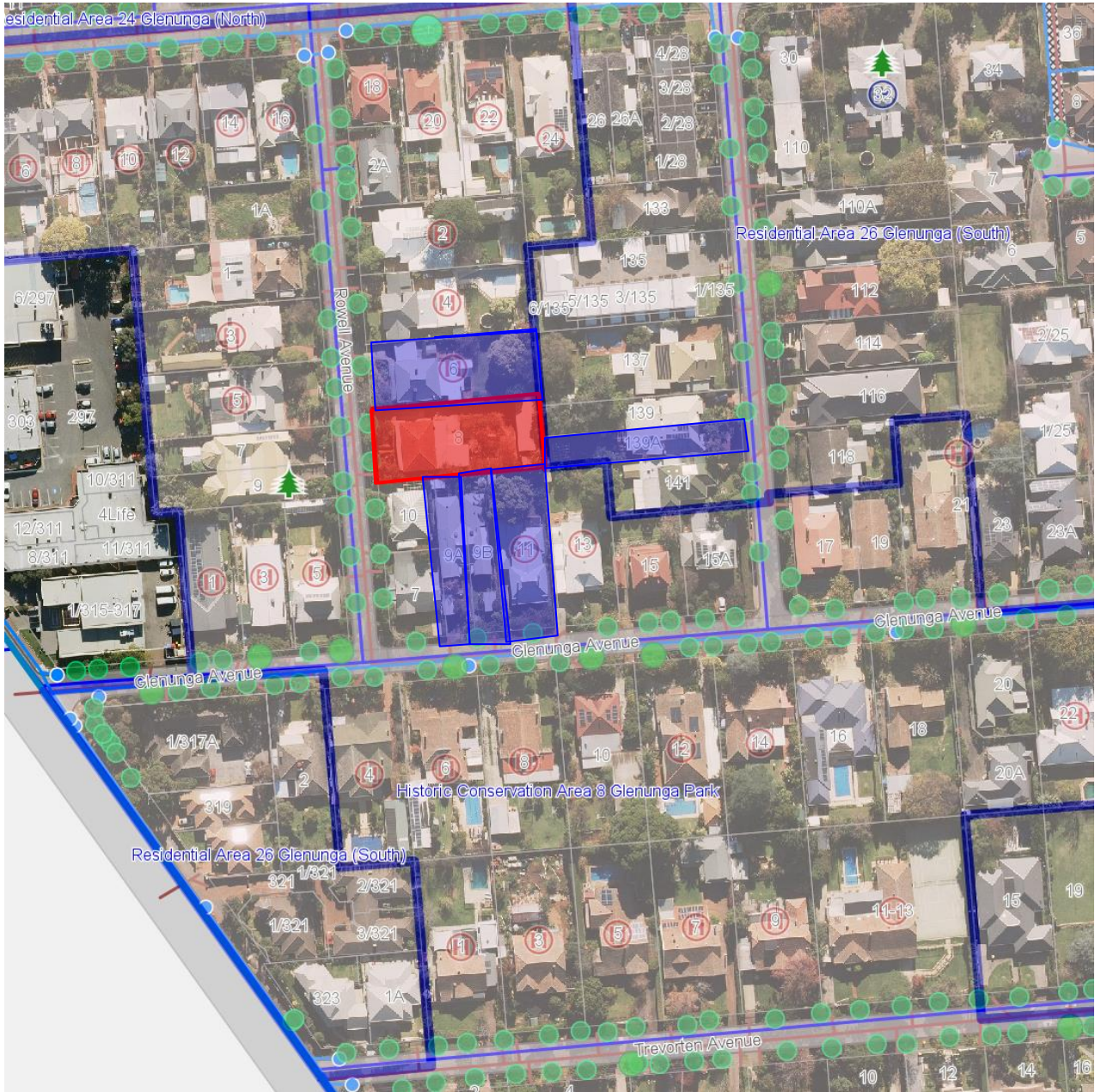
- The stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
- If the cover to the stormwater pipe across the Council verge is less than 65mm, steel pipe housing is to be used as per Council's standards.
- The developer is responsible for locating all existing 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 the roof catchment shall be discharged to the street water table through a sealed system to the satisfaction of the Council.

**RECOMMENDING OFFICER**

Renae Grida  
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

**Historic Conservation Policy Area 8 Objectives:**

**Established Historic Character:**

*The suburb of Glenunga was subdivided from the farm of Daniel Ferguson which was established in the late 1840s on Section 271. The farm was divided into substantial blocks in 1893 and Albert Selmar Conrad, a notable architect who designed a variety of buildings in the locality, purchased 24 acres between Glenunga Avenue and Fowlers Road. This area remained undeveloped until 1912 when Conrad began to subdivide his land. The first subdivision of 53 allotments was on the western side of the section and created Trevorten, Bethune and Dalaston Avenues. This subdivision was initially known as Glenunga Park. Conrad built himself a large house in the eastern section facing the new Bethune Avenue and subdivided through to Portrush Road soon after. In 1922, after he had purchased the old Glenunga farmhouse, he subdivided the area south of his original subdivision into 13 allotments. The area north of Bevington Road was subdivided separately by others and developed at various stages.*

*The houses within the subdivision were built from 1916 onwards and reflect the architectural design idiom of the time. Only the core section of Glenunga Park retains a consistent grouping of houses from 1916-1926, many of which were designed by Conrad.*

*Historic Conservation Policy Area 8 – Glenunga Park sits within the 1912 subdivision of Glenunga Park. The Established Historic Character of Historic Conservation Policy Area 8 – Glenunga Park derives from:*

- (a) the core grouping of houses from the early 20<sup>th</sup> Century, in Bevington Road, Glenunga Avenue and Trevorten Avenue, which are predominantly consistent Federation Bungalow style houses, one and two storeys, generally with original detailing intact, situated on regularly sized allotments (75 x 170 feet on average), some with original fences;*
- (b) the predominance of pitched roofs, dominant chimneys and timber framed windows and doors, with the use of verandahs a significant element in the design of the houses;*
- (c) consistent and generous front and side set-backs of houses within the Policy Area;*
- (d) the landscaped quality of the area with avenues of white cedar trees (Melia azedarach) lining most of the streets, and grassed nature strips providing a generally consistent streetscape character.*

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.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Desired Land Use</b> O 1	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> PDC 2-4	Satisfied. <ul style="list-style-type: none"> <li>• Whilst the proposed dwelling includes a two-storey component, it is well set back from the street so as to recede from view, in contrast to other two-storey buildings presenting to Rowell Avenue.</li> <li>• The proposed dwelling is derived from Victorian style</li> </ul>

	<p>architecture, which whilst the predominant character comprises bungalows, the proposed dwelling style, massing and proportions has regard for the positive elements of development within the locality.</p> <ul style="list-style-type: none"> <li>• The bulk, scale, massing and proportions of the upper level are considered appropriate, being set back in excess of the minimum guidelines of the Development Plan, with a lower roof pitch to further reduces its visual impact to neighbouring properties.</li> <li>• The dwelling is considered to provide a well-balanced appearance from the streetscape and maintaining a generous pattern of space around buildings.</li> </ul>
<p><b>Site Areas and Frontages</b> PDC 5-6</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The subject land is an existing residential allotment with a site area and frontage that meets the minimum guidelines for HCPA 8.</li> </ul>
<p><b>Building Set-backs</b> PDC 7</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposed building is set back 8 metres from the boundary of the road.</li> </ul>
<p><b>Site Coverage</b> PDC 8</p>	<p>Departure.</p> <ul style="list-style-type: none"> <li>• Ground floor site coverage inclusive of verandahs covers 43.6% of the site area. HCPA 8 PDC 8 seeks 40% site coverage. The departure is considered minor.</li> </ul>

**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> O 1-4 PDC 1-5	Satisfied. <ul style="list-style-type: none"> <li>• Refer policy area comments.</li> </ul>
<b>Building Appearance</b> PDC 6-15	Partially Satisfied. <ul style="list-style-type: none"> <li>• The style of the dwelling, whilst not in keeping with the predominant style of bungalows, has been deemed an appropriate addition, maintaining roof forms and pitches, proportions and materials of the HCPA 8.</li> <li>• The HCZ seeks new dwellings being limited to one-storey, except where new buildings involve a sympathetic second storey which is setback not to interfere with the streetscape quality and repetition of single-storey dwellings, is designed to complement the scale and character of the area, and has an overall building height that is compatible with existing single-storey dwellings. The second storey component is considered to adhere to the guidelines of HCZ PDC 8.</li> <li>• The proposed masonry pillar and plinth with cast iron infill is considered consistent and appropriate with the guidelines as per Table Bur/1.</li> <li>• Vehicle parking recedes into the allotment, being a secondary feature to the façade which is in keeping with the heritage character of the area.</li> <li>• The driveway is proposed to be landscaped to minimise detrimental impact on the streetscape appearance and the amenity of neighbouring residential allotments.</li> </ul>

<p><b>New Buildings</b> PDC 19-22</p>	<p>Departure.</p> <ul style="list-style-type: none"> <li>• The proposed dwelling includes architectural details, materials, form and scale that are consistent with the character of the policy area notwithstanding it is of an earlier time period.</li> </ul> <p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The front, side and rear set-backs 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>

### 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>	<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. <ul style="list-style-type: none"> <li>Refer policy area and HCZ comments.</li> </ul>
<b>Building Set-backs</b> PDC 161–163 <i>*Note – unless prescribed in part of a zone</i>	Satisfied. <p><b><u>Front Set-backs</u></b></p> <ul style="list-style-type: none"> <li>HCPA 8 PDC 8 seeks a minimum 8 metre front set-back. The proposed building complies.</li> </ul> <p><b><u>Side Set-backs</u></b></p> <ul style="list-style-type: none"> <li>Side set-backs meet CW guidelines for 1.5 metre – 2 metre, which is also reflective of the established character of HCPA 8.</li> <li>Upper level side set-backs of 4 metres – 6 metres adhere to CW guidelines for two-storey buildings.</li> </ul> <p><b><u>Rear Set-backs</u></b></p> <ul style="list-style-type: none"> <li>Rear set-backs comply with the minimum guidelines.</li> </ul>
<b>Building Height</b> PDC 164	Satisfied. <ul style="list-style-type: none"> <li>The overall building height from the lowest point of natural ground level is below 9 metres.</li> </ul>
<b>Site Coverage</b> PDC 165 <i>*Note – GF site coverage is prescribed by HCPA 8 @ 40%</i>	Departure. <p><b><u>Ground Floor</u></b></p> <ul style="list-style-type: none"> <li>The ground floor footprint including verandahs marginally exceeds the 40% guideline by 3.6%. The presentation of the dwelling to the street responds positively to the prevailing patterns of space between buildings and meets front, side and rear set-back guidelines.</li> </ul>



	<p><b><u>Ground Floor and Impervious Surfaces</u></b></p> <ul style="list-style-type: none"> <li>The ground floor footprint together with impervious driveway surfaces again marginally exceeds the 50% guideline by 2.4%.</li> </ul> <p><b><u>Total Floor Area</u></b></p> <ul style="list-style-type: none"> <li>The ground floor and upper floor footprints together exceed the 50% guideline by 5.3%. Again, the presentation of the dwelling to the street is not impacted by the net total floor area, and sufficient private open space is provided for exclusive use by the occupants of the dwelling.</li> <li>The upper level is reasonably concealed from street view due to its considerable setback and low roof profile. The upper level is set back in accordance with CW guidelines, and its visual outlook to neighbouring properties is not considered substantial or excessive, and does not exceed maximum vertical building height guidelines.</li> </ul>
<p><b>Private Open Space</b> PDC 166, 169</p>	<p>Minor Departure.</p> <ul style="list-style-type: none"> <li>The degree of POS associated with the dwelling falls short of 50% of the total floor area by a mere 0.3%.</li> <li>POS is appropriately sited to the rear of the allotment and of appropriate dimensions for reasonable use by the occupants of the dwelling.</li> </ul>
<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 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 in terms of privacy and amenity.</li> <li>The upper level component is not highly perceivable from the street.</li> </ul>
<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 1.6 metres from the relevant floor level.</li> <li>The use of obscure glazing to a height of 1.6 metres 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>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>The proposal includes on-site parking spaces for vehicles in accordance with Table Bur/5.</li> </ul>
<p><b>Access to Sunlight</b> PDC 21, 183–186</p>	<p>Departure.</p> <ul style="list-style-type: none"> <li>The proposed set-backs 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>The northern side upper level elevation is set back 6 metres to further minimise shadow impacts to southern adjoining</li> </ul>

	<p>properties.</p> <ul style="list-style-type: none"> <li>• The overshadowing caused by the proposed dwelling between 9am – 3pm does not further exacerbate the extent of shadow cast by the existing fence and ground level building component.</li> <li>• The impacts from the upper level are largely felt from 3pm onwards, and the level of impact to 11 Glenunga Avenue is within the parameters of CW PDC 183(a) and (b).</li> </ul>
<p><b>Domestic Outbuildings</b> PDC 187–189</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 Consultant as being an appropriate fencing treatment for HCPA 8.</li> <li>• The fence will maintain a degree of permeability thereby permitting a visual connection between the public and private realms.</li> </ul>
<p><b>Swimming Pool</b></p>	<ul style="list-style-type: none"> <li>• The Development Plan is generally silent on swimming pools, with the exception of noise generation.</li> <li>• The swimming pool is sufficiently set back from boundaries and is an in-ground structure that is not considered to have any unreasonable impact on amenity.</li> <li>• The associated pool pump equipment is to be located within a sound proof shed in the rear north-eastern corner of the site.</li> <li>• Noise emissions are conditioned to be not exceed 45dB(A).</li> </ul>

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

<b>Site Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Area</i>	1032m <sup>2</sup>	750m <sup>2</sup>
<i>Street Frontage</i>	21.18m	15m
<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Coverage</i>		
- Buildings only	43.6%	40%
- Buildings and driveways	52.4%	50%
- Total floor area	55.3%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8.3m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	8m	8m
- side boundary	4m – 6.25m(n) 1.5m – 2m(s)	1.5m - 2m
- rear boundary	8.25m	4m
<i>Upper Level</i>		
- front boundary	24.5m	8m
- side boundary	4m (n) 6m (s)	4m
- rear boundary	8.7m	8m
<i>Boundary Wall</i>		
- length	6.5m	8m
- height	3m	3m
<i>Private Open Space</i>		
- percentage	49.7%	50%
- dimensions	8m x 21m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	3	3
- width of driveway	3m	4.5m
- width of garage/carport door	22.6%	33%

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## DEVELOPMENT APPLICATION

<b>Application Number:</b>	<i>180\0572\17</i>
<b>Applicant:</b>	<i>Asor Pty Ltd</i>
<b>Location:</b>	<i>24 Rowland Road, Magill</i>
<b>Proposal:</b>	<i>Two-storey residential flat building containing two dwellings including garages and new carport and verandah to existing single storey dwelling</i>
<b>Zone/Policy Area:</b>	<i>Residential Zone Residential Policy Area 3 – Magill (Chapel) Development Plan consolidated 30 May 2017</i>
<b>Kind of Assessment:</b>	<i>Merit</i>
<b>Public Notification:</b>	<i>Category 2 One (1) representations received</i>
<b>Appeal Opportunity</b>	<i>Applicant only, no third party appeal rights</i>
<b>Referrals – Non Statutory:</b>	<i>Technical Officer Engineering</i>
<b>Delegations Policy:</b>	<i>Unresolved representation</i>
<b>Recommendation:</b>	<i>Development Plan Consent granted</i>
<b>Recommending Officer:</b>	<i>Renae Grida</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 a two-storey residential flat building comprising two dwellings at the rear of an existing residential allotment, currently containing one single storey detached dwelling, which is to be retained.

The existing single storey detached dwelling is oriented to the front of the allotment, and contains 3 bedrooms, bathroom, laundry and open plan living area. The proposal involves the construction of a new carport to the northern side of the dwelling, accommodated by a new crossover to the northern end of the frontage, and a new verandah at the rear of the dwelling.

The proposed residential flat building includes a mirrored floor plan to both dwellings, comprising a double width garage, laundry and open plan living to the ground level, and 3 bedrooms including walk in robe and ensuite to bedroom 1, additional bathroom and sitting room to the upper level.

The residential flat building is to be accessed via an exclusive shared driveway located at the southern end of the frontage, to be widened to accommodate shared access.

## **2. BACKGROUND**

Development Application 180\0572\17 was lodged on 7 June 2017 by Asor Pty Ltd on behalf of the registered owner of the land.

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 a category 2 form of development in accordance with Residential Policy Area 3 – Magill (Chapel), Principle of Development Control 9 (a) and (b).

The application documents were made available for public viewing from 4 July 2017 to 18 July 2017, during which time one (1) representation was received, identifying concerns with traffic generation, on-street car parking congestion and privacy.

A copy of the representation was forwarded to the application, in addition, the reassertion of concerns identified by Council through the course of the assessment. In response to concerns raised, the applicant met with the representor in an attempt to address the issues raised. Council received a statement signed by the representor to formally withdraw his representation. Council later received further correspondence from the representor, advising that he does not believe his concerns have been satisfactorily addressed by the applicant, and his concerns are still stand.

The application is now presented to the Development Assessment Panel as a category 2 form of development, with an unresolved representation.

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

### **3.1. Subject Land**

The subject land consists of a single land parcel located wholly within Residential Policy Area 3 – Magill (Chapel), within the Burnside (City) Development Plan.

The subject land is a regular shaped allotment located on the eastern side of Rowland Road, with a frontage measuring 22.63m and a depth of 42.45m. The total area of the

land measures some 960.64m<sup>2</sup> with a gradual front fall of approximately 1m across the site. The land currently contains a single storey conventional style detached dwelling constructed in 1962 and ancillary structures.

### 3.2. Locality

The immediate locality comprises the streetscape of Rowland Road where it meets Tyler Street to the south and Chapel Street to the north. The locality also comprises the streetscape of Jackson Street where it meets Bennett Reserve to the east.

The locality predominantly comprises single-storey dwellings, albeit there are numerous examples of recent two-storey development. The locality exhibits an even spread of residential flat buildings and group dwellings, with detached dwellings being less dominant and interspersed amongst the more medium-density development.

Allotment sizes vary within the locality, with smaller allotment sizes being a dominant feature, along with battle-axe arrangements as a common pattern of division.

## 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>	Burnside (City) Development Plan, Residential Policy Area 3, Principle of Development Control 9 (a) and (b)
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>• 26 Rowland Road Magill (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

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

- The development involves the construction of a two-storey residential flat building comprising two dwellings on the subject land in addition to the retention of an existing single-storey dwelling;
- The nature of the proposed built form is consistent with the low-to-medium density residential character envisaged for the Policy Area;
- The proposed development is not identified as a non-complying kind of development in the Burnside (City) Development Plan; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

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

## **7.2. Character and Amenity**

Residential Policy Area 3 – Magill (Chapel) seeks the maintenance and enhancement of the low scale, low-to-medium density residential character, derived particularly from single-storeyed dwellings in a wide variety of types and styles, generally located close to frontages with narrow streets, and recognition of the “village” character of the early settlement of Magill.

The locality comprises no consistent pattern of division, and is predominantly made up of a mix of battle-axe and regular shaped allotments, comprising group dwellings, residential flat buildings and detached dwellings of one and two-storeys. The proposed arrangement therefore is not at odds with the established character of the locality, maintaining the low-to-medium density residential character as sought by the Policy Area.

Examples of recent two-storey development can be found at 3/23 and 4/23 Rowland Road, being a two-storey residential flat building situated at the rear of two single-storey dwellings, 3 Jackson Street, being a two-storey detached dwelling, 3A Tyler Street being a two-storey group dwelling, and 20 Chapel Street, a two-storey detached dwelling. The design of the proposed development has regard to the low scale character sought to be retained by the Policy Area, having the two-storey built form located to the rear of the property, some 25m from the land not highly perceptible from the street, minimising the visual impact of the two-storey built form on the locality.

## **7.3. Site Functionality**

Residential Policy Area 3 – Magill (Chapel) seeks a minimum 325m<sup>2</sup> site area per dwelling of any type. The single-storey dwelling to the front retains an (exclusive) area of 318.8m<sup>2</sup>, with the residential flat building having an average area of 320.95m<sup>2</sup> per dwelling. The shortfalls in area are minor in the context of the site and locality, where established allotment sizes smaller than those proposed are commonplace.

From a streetscape perspective, the proposed development imparts minimal visual difference. The existing single-storey dwelling facing Rowland Road is to be retained, and the construction of the two-storey residential flat building to the rear is set back a sufficient distance so as to not be readily visible from the street.

The existing dwelling maintains its existing front set-back from Rowland Road, with a proposed new carport to the northern side of the dwelling, of which will sit forward of the building line, integrated with a solid front fence (not of masonry construction) to provide for additional privacy and open space associated with the dwelling. The single-width carport and associated fencing is not considered to detract from the presentation of the dwelling to the street, being of an inoffensive low scale and profile.

In terms of site coverage, the single-storey dwelling only marginally exceeds the 40% guideline, indicating that the concept is a workable solution for the site. Car parking is accommodate to the northern side of the dwelling, via the proposed new crossover and carport to allow for two off-street stacked car parking spaces, in accordance with Table Bur/5 for a three bedroom dwelling.

Side and rear set-backs as they relate to the single-storey dwelling do fall short of what is envisaged by the Development Plan, however with the shared access driveway to the south, the visual pattern of space around buildings is sufficiently maintained and does not



result in the streetscape appearing any further compacted as a result of the development. Private open space associated with the single-storey dwelling results in a small portion to the rear and northern side of the dwelling, and a new to-be created courtyard at the front, appropriately fenced for privacy.

The proposed residential flat building to the rear of the site complies with ground level side and rear set-backs as they are prescribed by Council Wide Principle of Development Control 161(d). The upper level side and rear set-backs however, fail to meet the minimum guidelines of Council Wide Principle of Development Control 161(c), which set 4m from the side boundaries and 8m from the rear boundaries as the acceptable distances, being 2.5m from the side boundaries and 4m from the rear.

The consequential impacts from the upper level building envelope failing to meet upper level set-back guidelines relate to visual amenity, privacy and overshadowing. The shortfall to the northern side is inconsequential with regard to overshadowing and privacy, as windows are appropriately set at a sill height of 1.7m above the upper floor level, overshadowing does not occur to the north. Likewise, the southern side elevation incorporates the same window treatments; however overshadowing is a key issue. Shadow plans demonstrate that, sunlight access will be restricted throughout the course of the day on the 21 June (winter solstice), however due to the orientation of the land, the shadow will move across the neighbouring site, allowing for a minimum 2 hours of sunlight to at least 50% of the private open space and a minimum 3 hours to north facing windows and rooms, in accordance with Council Wide Principle of Development Control 183(a) and (b).

Site coverage, being the ground level footprint of the residential flat building exceeds the Development Plan guideline however the discrepancy is within reason, at 43.4% per dwelling. The ground floor footprint together with impervious driveway surfaces, as well as the total floor area (comprising the ground level and upper level building footprint) exceed the 50% guideline respectively, at 78.5% and 77.6%. Whilst quantitatively, the percentages ring alarm bells, the consequential impacts are reasonable.

The finished floor levels of 101.10 are a maximum 300mm above natural ground level, with a vertical building height of 8.5m to the top of the ridge line, having a total building height above natural ground level of 8.8m. Overshadowing, as previously discussed, is within the allowable parameters of the Development Plan, and privacy is managed.

Each of the dwellings contained within the residential flat building contain three bedrooms, requiring two off-street car parking spaces. Each dwelling incorporates a double-width garage, adhering to Table Bur/5 of the Development Plan. Concern was raised regarding the achievability of vehicles to manoeuvre on-site, where the proposal was later supported by documentation demonstrating on-site turning movements. Council's Technical Officer Engineering reviewed the plans and confirmed that the proposal is satisfactory in achieving safe and convenient access, together with the proposed dimensions that relate to the shared driveway access.

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

Council received one (1) written submission during the public notification period. The affected property, immediately adjoining the subject land to the south, expressed concerns regarding traffic congestion, car parking and privacy.

It was apparent there was a degree of misunderstanding in communications with the representor, who sought to use the public notification process as a means to get Council to impose further on-street car parking restrictions to both sides of Rowland Road, by way

of yellow lines and parking signs, in addition to raising his concerns with the proposal itself.

In communicating the process regarding Council works to the applicant, it was made clear to Council staff that the concerns of the representor also relate to increased traffic generation as a result of the proposed development, as well as privacy.

The applicant provided a brief written response to the concerns raised by the representor. From a Council perspective, the proposed residential flat building contains two off-street car parking spaces per dwelling, and the single-storey dwelling also accommodates two off-street car parking spaces, which meets the requirements of the Development Plan for new residential development. With regard to privacy, the side and rear elevations clearly identify window sill heights and/or fixed obscure glazing to a height of 1.7m above the finished floor level.

The representor raised concern specifically with the front elevation upper level windows of the residential flat building. It is considered that the western elevation windows as they relate to bedroom 2 and the southern-most windows to bedroom 1 of Dwelling 2 and the northern-most windows to bedroom 1 of Dwelling 3 require additional screening by way of fixed obscure glazing to a height of 1.6m to protect the privacy of the rear private open space and habitable room windows to the adjoining properties at 26 Rowland Road to the south and 22 Rowland Road to the north. Whilst these views are oblique and the Development Plan contemplates oblique views as being acceptable under Council Wide Principle of Development Control 22, the additional screening is warranted to satisfy the concerns of the adjoining neighbour.

The western elevation windows that relate to the northern-most windows to bedroom 1 of Dwelling 2 and the southern-most windows to bedroom 1 of Dwelling 3 do not require additional screening, as the blade walls to the front elevations prevent any further oblique views into the private open spaces of adjoining properties. The single-storey dwelling proposes a flat roof verandah to the rear to obscure direct and unreasonable views from these upper level windows to Dwelling 1.

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 Technical Officer – Engineering with respect to traffic, access and stormwater management. Council's Technical Officer is satisfied that on-site manoeuvring can be achieved for proposed Dwellings 2 and 3, in accordance with Australian Standards (as demonstrated via turning template plans). Furthermore, the width of the driveway and passing bay has been deemed acceptable for the proposed density.

No concerns were raised with regards to stormwater management, and Council's requirements are included as conditions should consent be granted.

#### **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. Subject to concurrence from the Development Assessment Commission, that Development Application 180\0572\17, by Asor 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. Western elevation windows to bedroom 2 of Lot 2 and Lot 3 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

#### 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 5.5 metres (maximum) is permitted at the kerb and gutter for the northern driveway.
- A shared driveway width of 7 metres (maximum) is permitted at the kerb and gutter for the southern driveway.
- A minimum distance of 1.0 metre shall be maintained from the closest point of the driveway to the stobie pole.
- If you elect to carry out the works yourself (or via a contractor) evidence of Public Liability Insurance must be provided to Council before any works can commence on the public verge/road.

**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**

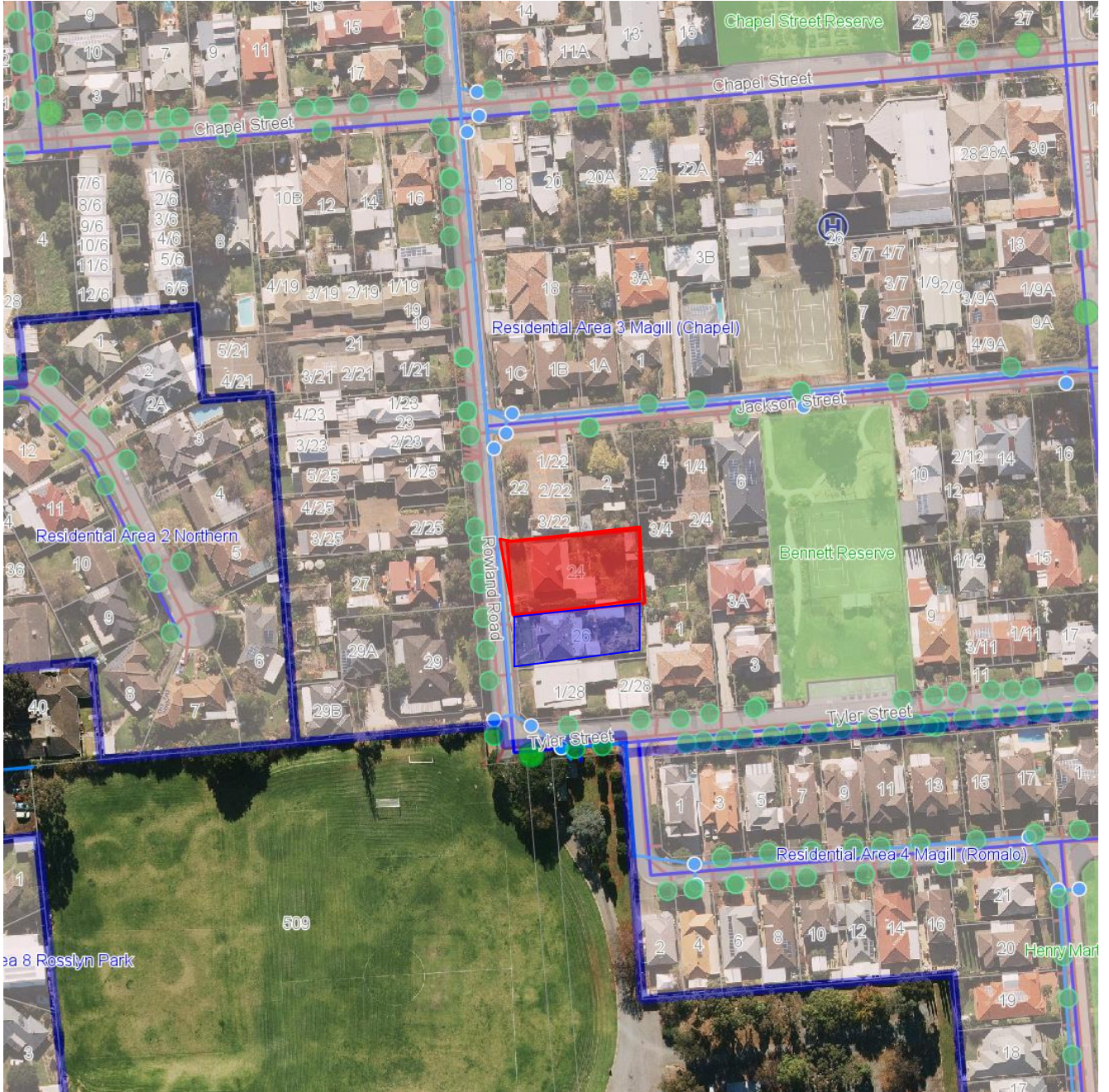
- The stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
- If the cover to the stormwater pipe across the Council verge is less than 65mm, steel pipe housing is to be used as per Council's standards.
- The developer is responsible for locating all existing 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.

**RECOMMENDING OFFICER**

Renaë Grida  
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 3 Objectives:**

Objective 1:

*Maintenance and enhancement of the low scale, low-to-medium density residential character that is derived particularly from single-storeyed dwellings in a wide variety of types and styles, generally located close to frontages with narrow streets, and recognition of the “village” character of the early settlement of Magill.*

*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) *within the north-eastern portions of the Policy Area (east and west of Penfold Road) that contain small villas and cottages of historic character associated with the early settlement of Magill;*
- (b) *on the sites of the cemetery, church and Bennetts Magill Pottery;*
- (c) *within the “Vintage Estate” (centred on Vintage Court), an area of more recent housing where specific land management agreement provisions apply;*
- (d) *on land with frontage to Magill Road and to Penfold Road;*
- (e) *in the interfaces with the Neighbourhood Centre Zone and the Community Zone; and*
- (f) *adjacent to Magill Road and the Neighbourhood Centre Zone, where greater intensity of activity and movement occurs.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Desired Land Use</b> O 1	Satisfied. <ul style="list-style-type: none"> <li>• The proposed development will maintain the existing and lawful residential use of the land.</li> <li>• Whilst the density will be increased, it is consistent with the ‘low-to-medium’ density sought by the Policy Area.</li> </ul>
<b>Local Compatibility</b> PDC 1	Satisfied. <ul style="list-style-type: none"> <li>• The proposal is compatible with the locality, where smaller allotment sizes of battle-axe arrangements are prevalent. Furthermore, group dwellings and residential flat buildings are commonplace.</li> <li>• There are a number of examples of two-storey developments within the locality, despite the Policy Area seeking single-storey development.</li> <li>• The proposed two-storey residential flat building is located at the rear of the site so as to not impart any visual impact on the locality and maintain and enhance the single-storey character that is sought.</li> </ul>
<b>Site Areas and Frontages</b> PDC 2–5	Minor Departure. <ul style="list-style-type: none"> <li>• The proposal will result in allotment sizes that fall marginally short of the 325m<sup>2</sup> site area prescribed by the Policy Area. The site areas proposed are in excess of the median allotment sizes of established development within the locality.</li> <li>• The retention of the single-storey dwelling on the site maintains a wide frontage and spatial patterns within the streetscape.</li> </ul>

<p><b>Building Set-backs</b> PDC 6</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>The front set-back to the single-storey dwelling is retained as per existing.</li> </ul>
<p><b>Private Open Space</b> PDC 7</p>	<p>Departure.</p> <ul style="list-style-type: none"> <li>Each of the dwellings fall short of the desired degree of private open space associated with a dwelling. Given the proximity of the site to Bennett Reserve, there is sufficient public open space within walking distance that can be utilised by the occupants of the dwellings.</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.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Zoning and Land Use</b> O 1–8 PDC 1	Satisfied. <ul style="list-style-type: none"> <li>The proposed development maintains the residential use of the land of both single and two-storey built forms.</li> </ul>
<b>Building Appearance</b> PDC 2–4	Satisfied. <ul style="list-style-type: none"> <li>The proposed design involves modern upgrades to the existing single-storey dwelling, to enhance its presentation to the streetscape.</li> <li>The proposed residential flat building of a modern contemporary design, featuring blade walls, and an appropriate degree of articulation and fenestration.</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.*

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. <ul style="list-style-type: none"> <li>The proposed building incorporates a contemporary design, including large window openings and blade walls, appropriate within an area which envisages dwellings of a range of styles.</li> <li>The dwellings also include hipped roofing in a dark colour ensuring they blend well with surrounding built form environment.</li> </ul>
<b>Building Set-backs</b> PDC 161-163	Serious Departure. <p><b><u>Front Set-backs</u></b></p> <ul style="list-style-type: none"> <li>Front set-backs as they relate to Dwelling 1 are as per existing.</li> <li>Front set-backs do not apply to the residential flat building given the battle-axe arrangement.</li> </ul> <p><b><u>Side Set-backs</u></b></p> <ul style="list-style-type: none"> <li>Side set-back shortfalls to Dwelling 1 are considered acceptable given the retention of space to the streetscape due to the shared driveway to the north.</li> </ul>

	<ul style="list-style-type: none"> <li>• Ground level side set-backs to the residential flat building are in accordance with Council Wide Principle of Development Control 161(d) however upper level side set-backs to the residential flat building fall short of the 4m guideline.</li> <li>• Shadow diagrams demonstrate that the siting of the building is not anticipated to cause a significant loss of amenity in terms of access to sunlight within the parameters of the Development Plan.</li> </ul> <p><b><u>Rear Set-backs</u></b></p> <ul style="list-style-type: none"> <li>• Dwelling 1 falls short of the minimum rear set-backs, with Dwellings 2 and 3 meeting the 4m set-back.</li> <li>• It is acknowledged that the upper level components of Dwellings 2 and 3 do not meet the 8m set-back guideline, and visual impacts are not considered indifferent when viewed from adjoining land in the context of it being a side boundary.</li> </ul>
<p><b>Building Height</b> PDC 164</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The overall building height above natural ground level is below the 9m guideline.</li> </ul>
<p><b>Site Coverage</b> PDC 165</p>	<p>Departure.</p> <ul style="list-style-type: none"> <li>• The development departs from the numerical guidelines for site coverage and total floor area.</li> <li>• Whilst the departure on site coverage is minimal it is considered that total floor area does not impart any visual impacts to the streetscape, and the consequential impacts with respect to setbacks, overshadowing and visual amenity is not considered unreasonable in this setting.</li> </ul>
<p><b>Private Open Space</b> PDC 166, 169</p>	<p>Departure.</p> <ul style="list-style-type: none"> <li>• The proposal fails to achieve the minimum areas for POS associated with each dwelling, however largely meeting the minimum dimensions required.</li> <li>• The POS achieve on site is considered appropriate given the context of the locality and POS associated with other residential flat buildings and group dwellings within the locality, and the proximity of the site to public open space that can be utilised by the occupants of the dwellings.</li> </ul>
<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 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, where development of this nature is prevalent.</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>
<p><b>Privacy</b> PDC 22, 174–176</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• Side and rear elevations include appropriate measures by way</li> </ul>

	<p>of window sill heights and fixed obscure glazing.</p> <ul style="list-style-type: none"> <li>Additional screening to the western elevation of the residential flat building is included as a condition of consent in accordance with Council Wide Principle of Development Control 176.</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>Each dwelling contains 3 rooms that could reasonably be used as bedrooms, requiring 2 off-street car parking spaces per dwelling. Each dwelling achieves this requirement.</li> <li>Dwelling 1 will have exclusive access via a new crossover to the northern end of the frontage.</li> <li>Dwellings 2 and 3 will utilise shared access via the existing crossover to the southern end of the frontage. Access and manoeuvring has been considered by Council's Technical Officer – Engineering and deemed safe and convenient.</li> </ul>
<p><b>Access to Sunlight</b> PDC 21, 183–186</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>Overshadowing from the proposed building allows for sunlight access within the parameters of Council Wide Principle of Development Control 186.</li> </ul>
<p><b>Domestic Outbuildings</b> PDC 187–189</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>The carport proposed to the northern side of Dwelling 1 and verandah to the rear of Dwelling 1 is reasonable and expected low scale and low profile structures.</li> <li>Whilst the carport protrudes forward of the building line of Dwelling 1, its visual impact is off-set by the inclusion of front fencing.</li> </ul>
<p><b>Fences and Retaining Walls</b> PDC 190–194</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>The front fence associated with Dwelling 1 is not of masonry materials and less than 2.1m, thereby not requiring the consent of Council.</li> <li>The plans nominate retaining walls of up to 0.4m in height. Fencing of 1.8m on top would result in a total height of 2.2m, which is appropriate in scale and not out of character with the locality.</li> </ul>
<p><b>Trees and Other Vegetation</b> O 24-28 PDC 77-92</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>There are no regulated or significant trees impacted by the proposed development.</li> </ul>

**APPENDIX 3**
**DEVELOPMENT DATA TABLES**
**Existing Detached Dwelling (Dwelling 1)**

<b>Site Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Area</i>	318.8m <sup>2</sup>	325m <sup>2</sup>
<i>Street Frontage</i>	22.63m	12m
<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Coverage</i>		
- Buildings only	41.4%	40%
- Buildings and driveways	47.1%	50%
- Total floor area	N/A	50%
<i>Building Height</i>		
- storeys	1 storeys	2 storeys
- metres	4.7m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	Existing	8m
- side boundary	1.6m (s) 3.3m (n)	2m
- rear boundary	2.4m	4m
<i>Upper Level</i>		
- front boundary	N/A	8m
- side boundary	N/A	4m
- rear boundary	N/A	8m
<i>Boundary Wall</i>		
- length	N/A	8m
- height	N/A	3m
<i>Private Open Space</i>		
- percentage	42.9%	50%
- dimensions	6m x 5m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	2	2
- width of driveway	3m	4.5m
- width of garage/carport door	17.2%	33%

**Residential Flat Building (Dwellings 2 and 3)**

<b>Site Characteristics</b>	<b>Dwelling 2</b>	<b>Dwelling 3</b>	<b>Guideline</b>
<i>Site Area</i>	320.95m <sup>2</sup>	320.95m <sup>2</sup>	325m <sup>2</sup> (averaged for residential flat buildings and group dwellings)
<i>Street Frontage</i>	N/A	N/A	14m to allow vehicular access to dwellings towards the rear of the site
<b>Design Characteristics</b>	<b>Dwelling 2</b>	<b>Dwelling 3</b>	<b>Guideline</b>
<i>Site Coverage</i>			
- Buildings only	43.4%	43.4%	40%
- Buildings and driveways	78.5%	78.5%	50%
- Total floor area	77.6%	7.6%	50%
<i>Building Height</i>			
- storeys	2 storey	2 storey	2 storeys
- metres	7.9m	7.9m	9m
<i>Set-backs</i>			
<i>Lower Level</i>			
- front boundary	N/A	N/A	8m
- side boundary	1.2m – 2.5m (s) Party wall (n)	Party wall (s) 1.2m – 2.5m (n)	2m
- rear boundary	4m	4m	4m
<i>Upper Level</i>			
- front boundary	N/A	N/A	8m
- side boundary	2.5m (s) Party wall (n)	Party wall (s) 2.5m (n)	4m
- rear boundary	4m	4m	8m
<i>Boundary Wall</i>			
- length	6.6m (s)	6.6m (n)	8m
- height	2.91m	2.91m	3m
<i>Private Open Space</i>			
- percentage	36m <sup>2</sup>	36m <sup>2</sup>	50%
- dimensions	4m x 11m	4m x 11m	5m x 8m
<i>Car Parking and Access</i>			
- number of parks	2	2	2
- width of driveway	5.2m	5.2m	4.5m
- width of garage/carport door	N/A	N/A	33%

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## DEVELOPMENT APPLICATION

<b>Application Number:</b>	<i>180\0582\17</i>
<b>Applicant:</b>	<i>Sonia Mercorella Of Trice Pty Ltd</i>
<b>Location:</b>	<i>6 Gothic Avenue, Stonyfell</i>
<b>Proposal:</b>	<i>Demolition of existing single storey dwelling and construction of a two storey detached dwelling, including swimming pool and alfresco</i>
<b>Zone/Policy Area:</b>	<i>Residential Zone Residential Policy Area 17 – Ferguson Development Plan consolidated 30 May 2017</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>Nil</i>
<b>Referrals – Non Statutory:</b>	<i>Technical Officer Engineering</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
- Representations received
- Applicant's response to representations
- Photographs

## **1. DESCRIPTION OF PROPOSAL**

The applicant seeks Development Plan Consent for the demolition of an existing single storey detached dwelling and the construction of a two storey detached dwelling including three bedrooms (one of which includes ensuite and walk in robe), two bathrooms, two lounge rooms, living area, laundry, open plan kitchen and dining areas, rear verandah, balcony and steel frame canopy over entrance.

The proposed development incorporates a stepped floorplan, comprising three varying levels responding to the natural topography of the site, which slopes upwards from the northern side to the southern side.

The dwelling adopts a modern architectural style with a large bluestone parapet wall across the primary façade, rendered external walls, feature steel framed canopy and 18 degree hipped colorbond roof with parapet gable end to the upper level.

As part of the proposed development, one regulated tree sited within the rear yard of the subject land and one significant tree sited within the road reserved will be protected and preserved in accordance with arboriculture advice sought by the applicant and the relevant principles and objectives of the Burnside (City) Development Plan.

## **2. BACKGROUND**

Development Application 180\0582\17 was lodged with Council on 08 June 2017 by Sonia Mercorella of Trice Pty Ltd, 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 to be a category 2 development in accordance with the Burnside (City) Development Plan, Residential Policy Area 17, Principle of Development Control 11 (a) and (b).

The application was made available for public inspection from 26 July 2017 until 09 August 2017, during which time there was one (1) written submission made. The representation raised concerns in relation to upper level windows and the impact on privacy, the proximity of the swimming pool to the neighbouring boundary and bulk and scale of the proposed boundary retaining walls. A copy of the representation was forwarded to the applicant for consideration and response. The applicant has liaised with the representor and subsequently submitted a revised proposal which is discussed in more detail under item 7.4.

The application did not require any statutory referrals as part of the assessment process, however the matter was referred to Council's engineers out of an abundance of caution. 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 and a recommendation for approval, subject to conditions.

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

### **3.1. Subject Land**

The subject land is a regular shaped allotment which is located on the eastern side of Gothic Avenue in the suburb of Stonyfell. The land has a frontage width of 22.8 metres and depth of 34 metres, with an overall site area of 778 square metres.



The land is currently occupied by a single storey detached dwelling constructed in the 1950s in the conventional style and features a gradual fall from the southern side to the northern side of approximately 2.5 metres.

### 3.2. Locality

The locality is wholly contained within Residential Policy Area 17 – Ferguson and comprises both sides of Gothic Avenue between Marble Terrace to the north and Allendale Grove to the south. Properties along the western side of Edinburgh Avenue to the east of the site also contribute to the locality on account of their proximity to the site.

The pattern of subdivision is relatively consistent with medium to large regular shaped allotments on the eastern side of Gothic Avenue, with some spacious, regular shaped allotments on the western side of Gothic Avenue. The locality is comprised of predominantly detached dwellings of the 1950's conventional style in both single and double storey. Due to the sloping topography of the locality, many buildings comprise of split level design, with retaining walls and terracing an inherent feature of the area.

The locality is also characterised by the stands of mature, indigenous trees which line the verges of Gothic Avenue and its surrounding streets and the large, open road verges and front gardens which afford the area a well vegetated, natural landscape and high level of residential amenity.

## 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 17 Principle of Development Control 11 (a), (b)
<b>Representations Received:</b>	<ul style="list-style-type: none"> <li>4 Gothic Avenue, Stonyfell (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 proposed development maintains and enhances the established and lawful residential use of the land and is therefore not considered to be seriously at variance with the policies of the Burnside (City) Development Plan in this respect.

## **7.2. Character and Amenity**

RPA 17 seeks to maintain and enhance the low density, well-vegetated residential character of the Policy Area, being derived from residential development in a variety of architectural styles, the topographic and natural features of the foothills location, moderate to deep building setbacks and open, well-vegetated front gardens. The policy also allows for split level or two-storey dwellings which, by retaining open space, promote the conservation of trees.

The locality in question comprises a variety of residential development, including detached single storey and double storey buildings which are comprised primarily of 1950s conventional dwellings with more recent development exhibiting contemporary architectural styles apparent immediately adjacent the subject land at 4 Gothic Avenue. Due to the natural foothills landscape of the locality, many dwellings incorporate a split level design, with stepped entrances, retaining walls and terraced front gardens as a direct response to the unique topography of the Policy Area.

The proposed dwelling is generally regarded as being compatible with the existing streetscape character and that described in the Policy Area Objective in terms of its architectural form and style, bulk and scale, set-back from the street and open front garden. Although two-storey in form, the proposed dwelling achieves an appropriate level of articulation and fenestration by virtue of a range of high quality materials and finishes applied to the primary external façade of the building, including feature bluestone, the use of parapet walls and parapet gable end and the large aluminium framed windows across both lower and upper levels; assisting in breaking up the visual massing of the building and adding visual interest.

In terms of its visual impact on adjoining properties either side of the subject land, the proposed building includes vertical wall heights that are compatible with existing housing stock and an upper level that appears proportionate to the ground floor, dimensions of the subject land and adjoining dwellings.

The primary façade of the building is set back 6.55 metres from Gothic Avenue, with the garage component sited slightly forward of this and set back 4.55 metres from the street. Whilst the Policy Area seeks buildings to be set back not less than 8 metres from the primary frontage, the proposed set-backs are considered acceptable in this instance as it is consistent with siting of the adjoining building at 4 Gothic Avenue and gradually increased as the building transitions to the south.

The façade of the dwelling comprises interrupted walling by virtue of the large stone parapet façade, windows openings and a rendered gable end upper level component which as a result of the appropriate mix of adopts a relatively subordinate feature in the presentation of built form to the street. As a result the level of articulation ensures the proposed building is not a dominant feature within the locality and achieves an appropriate and complementary relationship with the established streetscape character of Gothic Avenue.

## **7.3. Site Functionality**

The proposed building footprint fits well within the site boundaries as delineated on the site plan and satisfies the relevant quantitative guidelines of the Development Plan with respect to site coverage and total floor area calculations. This can be largely attributed to the extent of undeveloped land at the rear of the site which is required to ensure ongoing

preservation and protection of the regulated SA Blue Gum tree sited in the south-eastern corner of the yard. Despite encroachments to the set-back guidelines concerning the ground floor and first floor, the proposed development is considered to fit neatly within this context and will have a minimal and acceptable impact to the adjoining property at 8 Gothic Avenue in terms of bulk scale and overshadowing.

The proposed development provides adequate on-site car parking to meet the needs of the future occupants and avoid on-street parking that would restrict the free flow of traffic (including pedestrian traffic) along Gothic Avenue or cause significant nuisance to nearby residents or other users of land. Access to the subject land is gained via the existing driveway crossover sited in the north-western corner of the allotment. There will be no modifications proposed to the existing crossover or kerbing as per the recommendations outlined within the arboricultural advice to ensure the significant SA Blue gum tree sited within the road verge is preserved and protected throughout the development of this site.

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

The application was determined to be a category 2 development pursuant to Residential Policy Area 17 Principle of Development Control 11, 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;*

The proposal was made available for public inspection from 26 July 2017 until 09 August 2017, during which time Council received one (1) written submission from the adjoining neighbour to the north (4 Gothic Avenue). The primary issues raised through this process relate to:

- Privacy, specifically overlooking from north-facing windows;
- Location of swimming pool (impacts on amenity);
- Boundary retaining walls; and
- Stormwater management.

The applicant responded to the representations, offering the following:

- Confirmation that all upper level windows will have a sill height of at least 1.6m above the finished floor level or be obscured to a height of 1.6m above finished floor level;
- Set-back of swimming pool from the northern boundary has been increased from 1 metre to 1.5 metres;
- Proposed retaining and fencing along the northern boundary has been removed from the plans and the existing fencing/retaining will be retained as part of the development; and
- All drainage, stormwater management systems and pool design will be documented and constructed in accordance with the relevant standards.

Amended plans were submitted to Council on 17 August 2017 which reflected the abovementioned revisions to the proposed development. Council is satisfied that proposed building has been sited in a manner that reasonably accords with the policies of the Development Plan and ensures the development makes a positive contribution to the character of the locality with a reasonable and expected level of impact to adjoining land as anticipated by the qualitative provisions of the Development Plan.

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

### 7.5. Conclusion

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

## 8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0582\17, by Sonia Mercorella Of Trice 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.

3. All mechanical machinery associated with the heating, cleaning and filtration of the swimming pool shall not emit any noise which exceeds 45dB(A) when measured from the boundary of the subject land at the closest point to the mechanical machinery.

**Reason:**

To ensure minimal amenity loss of adjacent properties.

4. The proposed driveway delineated on the stamped and approved plans shall be constructed with a permeable paving system on an aggregate base, installed above grade without any excavation within the Tree Protection Zone for Tree 2 (Council street tree).

**Reason:**

To ensure the health of the significant tree is not adversely impacted upon by the proposed development

5. The regulated tree located on the subject land and the significant tree located on the Council verge as detailed in the plans and supporting documents herein granted development plan consent shall be retained and maintained to the reasonable satisfaction of the Council and, more specifically, all tree protection measures detailed in the report prepared by Martin Ely dated 23 August 2017 under the heading "Tree Protection Zones" shall be implemented and adhered to at all times.

**Reason:**

To ensure the health of the regulated and significant trees is not adversely impacted upon by the proposed development.

**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. Noise**

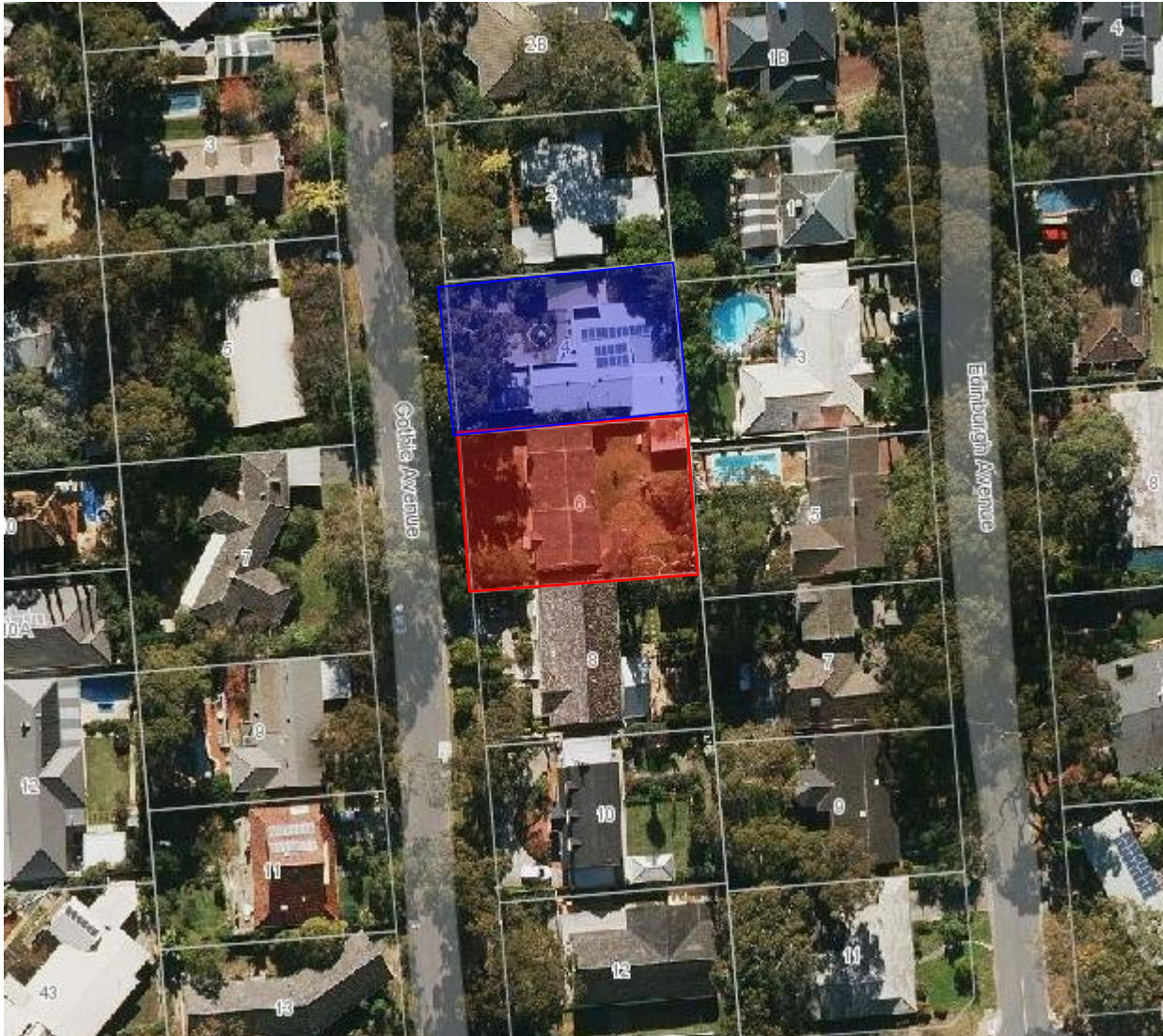
The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.

**RECOMMENDING OFFICER**

Jake Vaccarella  
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 17 Objectives:

###### Objective 1:

*Maintenance and enhancement of a low density, well-vegetated residential character that is derived particularly from:*

*(a) detached, post-war dwellings, in a variety of architectural styles; the topographic and other natural features of the foothills location, including stands of indigenous and other taller trees covering a large part of the Policy Area;*

*(b) moderate to deep building set-backs from streets;*

*(c) open, well-vegetated, front gardens;*

*(d) in some localities, predominantly split-level or two-storeyed dwellings which, by retaining open space of sufficient size and location, promote the conservation of trees (as well as being visually compatible with their height).*

###### Principle 1:

*Development should:*

*(a) conserve and enhance the character of the Policy Area, described in Objective 1, the natural features of Ferguson Park, and significant trees; and*

*(b) complement the scale, bulk, siting and positive elements of existing dwellings where a distinctive and attractive streetscape character exists.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Desired Land Use</b> O 1	Satisfied. <ul style="list-style-type: none"> <li>The proposal seeks to continue the established and desired residential use of the subject land.</li> <li>The built form comprises a two-storey dwelling which is compatible in form, scale and style with the existing housing stock of the locality. The proposed two-storey dwelling comprises a modest upper level, with a high level of articulation and fenestration to the street.</li> </ul>
<b>Local Compatibility</b> PDC 1	Satisfied. <ul style="list-style-type: none"> <li>The proposed density is consistent with the low density residential character sought within the Policy Area.</li> <li>The two-storey form exhibits appropriate external wall heights and proportions to be considered compatible with the character of the locality which includes buildings of similar scale.</li> <li>The locality comprises a mix of single and two-storey development often with split level floor plans which are a direct response to the sloping topography of the locality.</li> <li>The modern design takes visual cues from the roof form and pitch of existing dwellings in the street.</li> <li>Whilst the proposed building fails to satisfy the quantitative guideline in relation to building set-backs, it achieves a moderate building set-back which is consistent with adjacent development and is sited to enable future landscaping to contribute to the visual amenity of the streetscape.</li> </ul>



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<b>Site Areas and Frontages</b> PDC 2-5	Satisfied.
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### Summary of Residential Zone Objectives and Principles

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

Objective 1:

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

Objective 2:

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

Objective 3:

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

Objective 4:

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

Objective 5:

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

Objective 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. <ul style="list-style-type: none"> <li>The proposed development is considered to be of a high design standard and appearance that responds to positive aspects of the locality.</li> </ul>
<b>Design for Topography</b> PDC 5-6	Satisfied. <ul style="list-style-type: none"> <li>Given the topography of the site, the development proposes a stepped floor plan which utilises cut to achieve an appropriate building platform and readily accessible site.</li> <li>Given the considerable set-back of the upper level from the northern boundary, combined with a finished floor level that is approximately 1m lower than natural ground level of the adjoining property to the south, the proposed building is of an appropriate bulk and scale which is compatible with the form and proportions of adjacent built form.</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>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 52–56	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><u>Front Set-backs</u></b></p> <ul style="list-style-type: none"> <li>• Front set-back fails to satisfy RPA 17 DPC 9 by 1.45m. Despite this departure, the proposed dwelling is sited in line with the adjacent building at 4 Gothic Avenue, which increases to a 6.5m set-back as it transitions to the southern portion of the allotment. The shortfall in front set-back is not considered to translate into issues of bulk and scale as the building comprises a façade which achieves appropriate articulation through interrupted walling, suitable use of materials and finishes and a sympathetic upper level component which adopts a recessive role in the appearance of built form to the streetscape character of Gothic Avenue.</li> </ul> <p><b><u>Side Set-backs</u></b></p> <ul style="list-style-type: none"> <li>• The ground floor of the proposed building will be set back 1.2 metres from the southern side boundary, which signifies a departure from the 2 metre guideline.</li> <li>• The first floor of the proposed building will be set back 3 metres from the southern side boundary, which represents a departure from the 4 metre guideline.</li> <li>• The adjacent allotment at 8 Gothic Avenue is sited on ground that is significantly higher than the subject site and as such the vertical profile of the building when viewed from the neighbouring property will appear somewhat recessed and thus not likely to unreasonably impact upon the amenity of the occupants in terms of bulk, scale and overshadowing.</li> </ul>

	<p><b><u>Rear Set-backs</u></b></p> <ul style="list-style-type: none"> <li>Lower level and upper level rear set-backs are in accordance with the guidelines as per CW PDC 161(c) and (d).</li> </ul>
<p><b>Building Height</b> PDC 164</p>	Satisfied.
<p><b>Site Coverage</b> PDC 165</p>	Satisfied.
<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>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> </ul>
<p><b>Privacy</b> PDC 22, 174–176</p>	<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 fixed obscure glazing to any portion of the windows below 1.6m above the finished floor level on both sides of the dwelling.</li> <li>The aerial plan demonstrates that direct views from the balcony would be largely limited to the roof form of the adjoining dwelling to the north and the front yard of the neighbouring property to the south. CW PDC 22(b) contemplates 'oblique' views as being acceptable rather than 'direct' views; as such the proposed development is considered to have regard for the relevant DP privacy guidelines.</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 consists of three (3) rooms that can reasonably be used as bedrooms. As such, the site is capable of containing two off street car parking spaces, in accordance with Table Bur/5.</li> </ul>
<p><b>Access to Sunlight</b> PDC 21, 183–186</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>The proposed building is two-storeys in height and therefore could reasonably be expected to impose a degree of shadow over the adjoining property to the south at certain times of the day.</li> <li>However, the proposed building is considered to provide adequate separation between adjacent built form and areas of private open space to ensure the amount of sunlight afforded to adjoining properties remains consistent with the level anticipated within CW PDC 183 (a) and (b).</li> </ul>
<p><b>Fences and Retaining Walls</b> PDC 190–194</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>As part of the resolution process between the applicant and the owners of 4 Gothic Avenue, the applicant has provided confirmation that there will be no perimeter retaining walls or fencing sited on the</li> </ul>

	<p>boundary. The applicant has confirmed with Council that in light of the issues raised in the submission, they will be retaining the existing colorbond boundary fencing and locating any required retaining walls exclusively within the subject land so as to limit the impact on adjoining landowners.</p>
<p><b>Safety and Security</b> PDC 195–198</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposed dwelling has been designed to facilitate casual surveillance over the public road and footpath.</li> <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>
<p><b>Trees and Other Vegetation</b> O 24-28 PDC 77-92</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• There is a regulated ‘SA Blue Gum’ tree located in the rear south eastern corner of the subject land. The applicant has provided technical advice from a suitably qualified Arborist which has identified a structural root zone of 3.4m and tree protection zone of 11.4m which is to be applied to enable the ongoing protection and preservation of the tree in accordance with the relevant DP guidelines. The applicant lodged a separate application with Council for maintenance pruning to the canopy of the subject tree on 22 June 2017. The application included Arboriculture advice which stated the pruning works involved did not constitute ‘tree damaging activity’ in accordance with Schedule 6A of the Development Regulations 2008, which was also supported by Council’s Coordinator Open Space. As such the application was cancelled.</li> <li>• The street tree located within the road verge between the properties at 4 and 6 Gothic Avenue has been identified as a significant ‘SA Blue Gum’. Arboriculture advice submitted as part of the application documentation recommends that the existing crossover be retained as part of the proposed development and that any trenching for underground services be located outside of the tree protection zone to ensure the health of the tree is protected and preserved as part of the proposed development.</li> <li>• Permeable paving system on an aggregate base will be used for the construction of the driveway as a ‘tree sensitive construction’ method. This has been detailed on the application documentation.</li> </ul>

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

<b>Site Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Area</i>	778m <sup>2</sup>	750m <sup>2</sup>
<i>Street Frontage</i>	22.8m	15m
<b>Design Characteristics</b>	<b>Proposed</b>	<b>Guideline</b>
<i>Site Coverage</i>		
- Buildings only	29%	30%
- Buildings and driveways	33%	50%
- Total floor area	48%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8.8m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	6.55m	8m
- side boundary	1.2m (south) 13.6m (north) 0.58m (garage)	2m
- rear boundary	11.47m	4m
<i>Upper Level</i>		
- front boundary	8.21m	8m
- side boundary	3m (south) 8.58m (north)	4m
- rear boundary	11.47m	8m
<i>Boundary Wall</i>		
- length	N/A	8m
- height	N/A	3m
<i>Private Open Space</i>		
- percentage	103%	50%
- dimensions	22.8m x 11.47m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	2	2
- width of driveway	5m	4.5m
- width of garage/carport door	23%	33%

## DEVELOPMENT APPLICATION

<b>Application Number:</b>	180\0512\17
<b>Applicant:</b>	Mr P Woolman
<b>Location:</b>	8 Mountainview Place, Mount Osmond
<b>Proposal:</b>	Non-Complying - Alterations and additions to existing dwelling including internal reconfigurations, loggia, rear verandah and decking
<b>Zone/Policy Area:</b>	Hills Face Zone Development Plan consolidated 08 December 2016
<b>Kind of Assessment:</b>	Non-complying
<b>Public Notification:</b>	Category 1
<b>Appeal Opportunity</b>	No Applicant appeal rights
<b>Referrals – Statutory:</b>	CFS
<b>Referrals – Non Statutory:</b>	Nil
<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>	Renae Grida

## REPORT CONTENTS

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

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

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

- Plans and supporting documents
- Delegate report to proceed
- External agency referral documents
- Photographs

## 1. DESCRIPTION OF PROPOSAL

The proposed development involves alterations and additions to an existing single storey detached dwelling including the following:

- Front loggia with a 4.3 metre gable height;
- Minor internal reconfigurations of the floor plan;
- Addition to the rear of the dwelling (living room) comprising 12.2 square metres of area and fireplace;
- Rear verandah with 5.2 metre gable height and external rear wall of dwelling; and
- Decking covering 48 square metres and maximum elevation of 1m above natural ground level to replace existing decking.

## 2. BACKGROUND

Development Application 180\0512\17 was lodged on 22 May 2017 by Mr Peter Woolman on behalf of the registered owners of the land.

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

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

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

*(b) the scale and design is such that:*

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

The proposal involves the construction of dwelling additions where the scale and design is such that the vertical distance between the point at the top of the external walls and the finished ground level immediately below that point exceeds 3 metres.

For the purposes of public notification, the proposed development is considered to be a category 1 development pursuant to Schedule 9, Part 1, 3(a) of the *Development Regulations 2008*, comprising alterations and additions to the building which is of a ‘minor nature only’.

The applicant has provided a Statement of Support in accordance with the requirements of Regulation 17(1) of the *Development Regulations 2008*. A Statement of Effect is not required in this case, pursuant to Regulation 17(6)(a) of the *Development Regulations 2008*.

The proposal is now presented to the Development Assessment Panel (the Panel) for consideration as a non-complying development with recommendation that Development Plan Consent be granted, subject to the concurrence of the Development Assessment Commission (DAC).



### 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

#### 3.1. Subject Land

The subject land comprises an irregular shaped residential allotment fronting Mountainview Crescent, in the suburb of Mount Osmond. The land has an approximate site area of 2510 square metres and a single frontage to the public road of approximate 32.8 metres. The topography of the land is such that it descends steeply to the north-west and with dense vegetation cover. The existing dwelling is a single storey colonial style residence constructed in the late 1980's. The site also contains a swimming pool, decking and detached garage.

#### 3.2. Locality

The locality, which is also located within the Hills Face Zone, is characterised by the natural landscape character and steep topographical features. The southern part of the locality contains dwellings in a variety of styles, however their siting and dense vegetation often screens views of those dwellings from local roads. The location of the subject land is on the northern side of the ridgeline and falls into a valley behind a prominent spur. The site is not readily visible from the Adelaide Plains but is a feature within the broader locality and lower slopes of the escarpment.

#### KIND OF ASSESSMENT

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

### 4. PUBLIC NOTIFICATION

<b>Category:</b>	Category 1
<b>Reason:</b>	Development Regulations 2008, Schedule 9, Part 1, 3(a)

### 5. AGENCY REFERRALS

- External 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 proposed development is consistent with the established residential use of the land;
- The proposed additions and decking are of a form, bulk and scale that will be largely in keeping with the existing built form;
- The proposal will not have any adverse impacts on the natural character of the Hills Face Zone; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

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

## 6.2. Character and Amenity

The proposed development is considered to be minor in nature despite the non-complying classification, and is not anticipated to have any adverse impact on the natural character of the zone. The proposed works are considered to have an acceptable level of impact to the local amenity, and have been designed in such a way that there is no further manipulation by way of cut and fill of the land.

The proposed front loggia has minimal visual impact to the streetscape as the land sits below street level, and maintains the low scale built form of the dwelling. The rear addition comprises a minor footprint of 12.2 square metres to accommodate the fireplace/chimney addition to the living room. Externally, this area comprises an external gable wall height of 5.18 metres, of which does not protrude above the existing ridgeline of the roof form, which has an external height that ties in with the existing raked ceiling space of the dwelling.

The rear gable verandah is to replace an existing curved roof verandah in the same location and of an equivalent footprint, attached to the rear elevation of the dwelling. The proposed decking is to replace existing elevated decking in the same location, to surround an existing swimming pool. The decking is elevated at 1m above natural ground at its highest point; however the majority of the decking is at natural ground level to cover existing grassed areas. There is no manipulation of existing ground levels associated with the proposal.

The proposed works do not result in any unreasonable amenity impacts to neighbouring properties, or any adverse impacts on the character and amenity of the Hills Face Zone.

## 6.3. Agency Referrals

The application required mandatory referral to the CFS pursuant to Schedule 8, 18 of the *Development Regulations 2008*. The CFS has confirmed there are no objections to the development, subject to conditions (see conditions list).

## 6.4. Conclusion

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

## 7. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Subject to concurrence from the Development Assessment Commission, that Development Application 180\0512\17, by Mr P Woolman, is **granted** Development Plan Consent subject to the following conditions:

## Conditions

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

**Reason:**

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

2. Private roads and access tracks shall provide safe and convenient access/egress for bushfire fighting vehicles.

**SA CFS has no objection to utilising existing access driveway as detailed on drawing named Part Site Plan dated at last revision May 2017 and upgraded where necessary to comply with the following conditions:**

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

**Reason:**

To ensure requirements of the CFS are upheld.

3. The Code Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA 78 describes the mandatory provision for access to the dedicated water for fire-fighting vehicles where the path of travel from the entrance to the property to the water storage facility is more than 30 metres in length, by an all-weather roadway:

**The proposed location of dedicated fire water has not been detailed on drawings provided.**

**SA CFS has no objection to the existing water supply being utilised as the dedicated supply, providing an outlet can be positioned to comply with the following conditions:**

- Water supply outlet shall be easily accessible and clearly identifiable from the access way. Standalone tanks shall be identified with the signage 'WATER FOR FIRE FIGHTING' and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering).
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.

- Provision shall be made adjacent to the water supply for a hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.

*(NOTE: the water supply outlet may be remotely located from the tank to provide adequate access).*

- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for drafting purposes shall be capable of withstanding the required pressure for drafting.
- The dedicated water supply outlet must not exceed the 5 metre maximum vertical lift for drafting purposes (calculated on the height of the road surface to the lowest point of the storage).

The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

**Reason:**

To ensure requirements of the CFS are upheld.

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

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

- A supply of 22,000 litres of water shall be available for bushfire fighting purposes at all times.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has
  - i. A minimum inlet diameter of 38mm, AND
  - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
  - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.

- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

**Reason:**

To ensure requirements of the CFS are upheld.

5. The Code Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.
- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries - whichever comes first) as follows:
    - i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
    - ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
    - iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
    - iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
    - v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
    - vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
    - vii. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
    - viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
    - ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

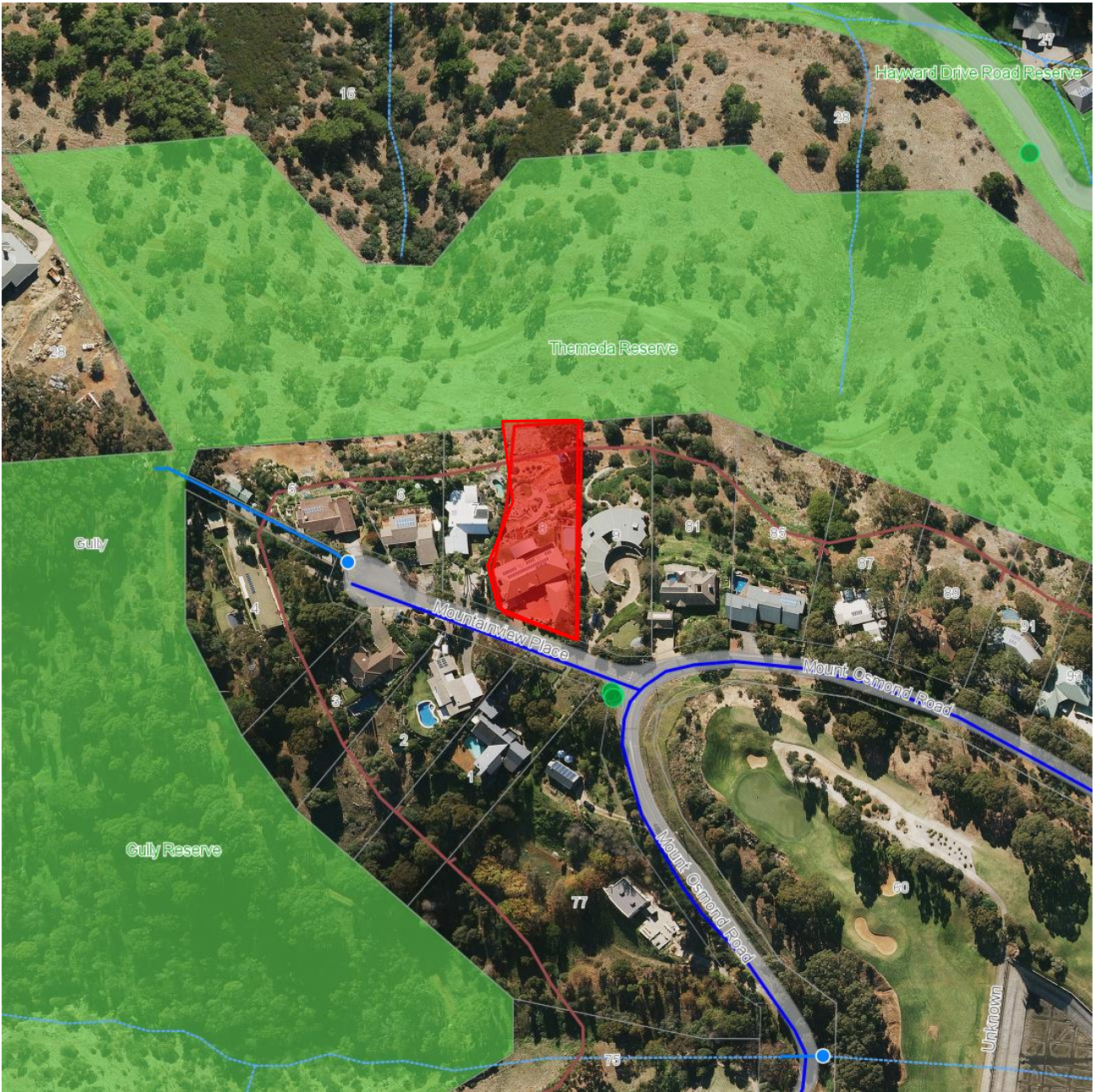
**Reason:**

To ensure requirements of the CFS are upheld.

**RECOMMENDING OFFICER**

Renae Grida  
Development Officer – Planning

**APPENDIX 1**



**AERIAL LOCALITY MAP**

**Legend**

 **Subject Land**

**APPENDIX 2**

**DETAILED PLANNING ASSESSMENT**

**Summary of Policy Area Objectives and Principles**

**Hills Face Zone Objectives:**

Objective 1:

*A zone in which the natural character is preserved and enhanced or in which a natural character is re-established in order to:*

- (a) Provide a natural backdrop to the Adelaide Plains and a contrast to the urban area;*
- (b) Preserve and develop native vegetation and fauna habitats close to metropolitan Adelaide;*
- (c) Provide for passive recreation in an area of natural character close to the metropolitan area;*
- (d) Provide a part of the buffer between metropolitan districts and prevent the urban area extending into the western slopes of the ranges; and*
- (e) Ensure that the community is not required to bear the cost of providing services to land within the zone.*

Objective 2:

*A zone accommodating low-intensity agricultural activities and public/private open space and one where structures are located and designed in such a way as to:*

- (a) Preserve and enhance the natural character or assist in the re-establishment of a natural character in the zone;*
- (b) Limit the visual intrusion of development in the zone, particularly when viewed from roads within the zone or from the Adelaide Plains;*
- (c) Not create, either in themselves, or in association with other developments, a potential demand for the provision of services at a cost to the community; and*
- (d) Prevent the loss of life and property resulting from bushfires.*

Hills Face Zone, Principle of Development Control 1:

*Development should not be undertaken unless:*

- (a) It is associated with a low-intensity, agricultural activity, a public open space area or a private use of an open character, or is a detached single-storey dwelling, including outbuildings and structures normally associated with such dwellings, on a single allotment; and*
- (b) Together with associated native landscaping, it preserves and enhances the natural character of the zone or assists in the re-establishment of a natural character.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Desired Land Use</b> O 1, PDC 1	Satisfied. <ul style="list-style-type: none"> <li>• The proposed works maintain the established residential use of the land.</li> <li>• The proposed works maintain the low scale, detached single-storey profile of the dwelling and proposed minor structures normally associated with such dwellings on single allotments.</li> <li>• The proposed works are located on existing levelled areas and do not impact on native vegetation further north on the site.</li> </ul>
<b>Design for Topography</b> PDC 2	Satisfied. <ul style="list-style-type: none"> <li>• The proposed works do not involve any further cutting or filling of the land.</li> </ul>
<b>Operation and Management</b> PDC 3	Satisfied. <ul style="list-style-type: none"> <li>• The proposal has no impact on native vegetation.</li> <li>• The operation and ongoing management of the development is</li> </ul>



	<p>not anticipated to give rise to concerns regarding pollution or exploitation of local water sources, nor is it anticipated to impose other unacceptable environmental impacts.</p>
<p><b>Building Design and Location</b> PDC 7-14</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• Proposed materials and colours are considered suitable to the residential character of the locality while remaining respectful of the Hills Face Zone objectives, noting 'dark grey' iron roofing to the verandah, loggia and reroofing of the existing dwelling.</li> <li>• The development is sited as per the context of the existing dwelling on the site, of which is sited well below the ridgeline and within a valley so as to not readily visible against the skyline.</li> <li>• The development maintains the single-storey and low profile built form.</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.*

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	Satisfied.
<b>Building Height</b> PDC 164	Satisfied.
<b>Site Coverage</b> PDC 165	Satisfied.
<b>Private Open Space</b> PDC 166, 169	Satisfied.
<b>Amenity</b> O11, 20–22 PDC 14–18, 52-69, 170-173	Satisfied.
<b>Privacy</b> PDC 22, 174–176	Satisfied. <ul style="list-style-type: none"> <li>The proposed decking is to replace existing decking in the same location. The subject area of the site is already levelled and the proposed decking will not present any opportunity for new or</li> </ul>

	increased direct overlooking.
<b>Hazards</b> O 39-42 PDC 126-138	Satisfied.
<b>Trees and Other Vegetation</b> O 24-28 PDC 77-92	Satisfied.

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**DEVELOPMENT APPLICATION**

<b>Application Number:</b>	<i>180\1154\16</i>
<b>Applicant:</b>	<i>D T Sanders</i>
<b>Location:</b>	<i>74 Waterfall Gully Road Waterfall Gully and 78 Waterfall Gully Road Waterfall Gully Road</i>
<b>Proposal:</b>	<i>Boundary re-alignment</i>
<b>Zone/Policy Area:</b>	<i>Hills Face Zone Development Plan consolidated 28 April 2016</i>
<b>Kind of Assessment:</b>	<i>Non-complying</i>
<b>Appeal Opportunity</b>	<i>No Applicant appeal rights,</i>
<b>Referrals – Statutory:</b>	<i>Nil</i>
<b>Referrals – Non Statutory:</b>	<i>Local Heritage Consultant</i>
<b>Delegations Policy:</b>	<i>Non-complying development</i>
<b>Recommendation:</b>	<i>Subject to concurrence from the Development Assessment Commission, that Development Approval be granted</i>
<b>Recommending Officer:</b>	<i>Renae Grida</i>

**REPORT CONTENTS**

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

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

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

- Plans and supporting documents
- Internal agency referral reports
- Photographs
- Delegate report to proceed

## 1. DESCRIPTION OF PROPOSAL

The proposal involves the realignment of the internal boundary that delineates the properties known as 74 and 78 Waterfall Gully Road, in order to accommodate sufficient space for a new tennis court to the rear of the former. The realignment occurs at the northern portion of the allotments and will result in a net transfer of land measuring approximately 1,122 square metres.

Given that both allotments straddle the border between the City of Burnside and Adelaide Hills Council, the applicant has submitted the application with each Council to act as relevant authorities. It is noted that the affected portion of the allotments is sited wholly within the Adelaide Hills Council area.

## 2. BACKGROUND

Development Application 180\1154\16 was lodged with Council on 12 December 2016 by David Sanders of Alexander Symonds Surveying Consultants on behalf of the registered proprietors of land at 74 Waterfall Gully Road and 78 Waterfall Gully Road, Waterfall Gully. The application was also received by the Adelaide Hills Council for assessment purposes.

In an attempt to enable a more transparent and orderly assessment process, planning staff from both the City of Burnside and Adelaide Hills Council wrote to the Minister for Planning on 09 January 2017 requesting that the Development Assessment Commission (DAC) be appointed as the relevant authority for the application.

Council was advised by way of a response received on 19 April 2017 that the DAC declined the request to be appointed as the relevant authority. Accordingly, both the City of Burnside and Adelaide Hills Council would remain the primary assessing bodies for the application.

The proposal was determined to be a non-complying form of development pursuant to Hills Face Zone, Principle of Development Control 27 of the Burnside (City) Development Plan. The application was processed as a category 1 development pursuant to Schedule 9, Part 1, 3(c) of the *Development Regulations 2008* and therefore no public notification was undertaken.

A Statement of Effect is not required in this case, pursuant to Regulation 17(6)(c) of the *Development Regulations 2008*. Additionally, no statutory referrals were required under Schedule 8 of the *Development Regulations 2008*. The application was referred to Council's Heritage Consultant in respect to the Local Heritage listing of the subject land at 74 Waterfall Gully Road, Waterfall Gully.

The proposal is now presented to the Panel for consideration as a non-complying development with a staff recommendation for approval, subject to DAC concurrence.

## 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

### 3.1. Subject Land

The subject land comprises two abutting residential allotments, namely 74 Waterfall Gully Road (Site 'A') and 78 Waterfall Gully Road (Site 'B') each of which share a common side boundary running from east to west. A large portion of both sites 'A' and 'B' are located within the Local Government Area of Adelaide Hills Council.

Site 'A' is an irregular shaped allotment of approximately 3,212m<sup>2</sup> with a frontage width to Waterfall Gully Road of approximately 64.05m. The site currently contains a Local

Heritage Place comprising a two-storey detached 1890's bluestone villa with vehicle access gained via Waterfall Gully Road. The land features a generous amount of vegetation reflective of the Hills Face surrounds.

Site 'B' is an irregular shaped allotment of approximately 31,300m<sup>2</sup> with a frontage width of approximately 127.88m. The portion of the site containing the large detached dwelling is located within the LGA boundary of the Adelaide Hills Council. The site is characterised by its sloping topography and dense vegetation with access gained via Waterfall Gully Road.

### 3.2. Locality

The locality is comprised of large regular and irregular shaped allotments in patterns of subdivision that have been shaped by the topographical features of the Hills Face Zone. The built form of the locality comprises of primarily large, detached dwellings in a variety of architectural styles and orientated towards the public road. The locality is wholly contained within the Bushfire Protection Area as indicated in Figure Bur(BPA)/3 in the Burnside (City) Development Plan.

## 4. KIND OF ASSESSMENT

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

## 5. PUBLIC NOTIFICATION

<b>Category:</b>	Category 1
<b>Reason:</b>	Development Regulations 2008 – Schedule 9, Part 1, 3(c)
<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

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

- The proposed development has no impact on the established use of either the subject land or the adjoining property at 78 Waterfall Gully Road;
- The proposed development is intended to enhance the use and enjoyment of Site "A", in accordance with the established residential use, by providing sufficient space for the accommodation of a new tennis court for leisure activities within the rear private open space area;
- Although the proposal (land division) is listed as a non-complying type of development, the proposal does not create an additional allotment within the Hills Face Zone;
- The subject land has limited or no value in terms of potential horticultural use;
- The proposed development will not affect existing residential density, nor does it create a demand for the provision of additional services and infrastructure; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could be reasonably expected.

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

## **7.2. Character and Amenity**

The proposed development will have no tangible impact on the natural character of the locality in terms of established land use and patterns of subdivision.

## **7.3. Site Functionality**

The proposed boundary re-alignment will have no tangible impact on the functionality of either property.

## **7.4. Public Notification**

The proposed development was classified as a Category 1 development and as such the development was not publically notified.

## **7.5. Agency Referrals**

As part of the assessment process, the proposal was referred to SA Water and reviewed by the DAC. No comments or requirements were raised in relation to the development, other than a request for a certified survey plan being lodged with the DAC for certificate purposes.

The application was internally referred to Council's consulting heritage advisor due to the building on Site 'A' being listed as a Local Heritage Place as per Table Bur/2 of the Burnside (City) Development Plan. There were no heritage implications raised as part of this process as it is considered that the propose realignment is adequately setback from the physical fabric of the Local Heritage Place.

## **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. Subject to concurrence from the Development Assessment Commission, that Development Application 180\1154\16, by D T Sanders is **granted** Development Approval subject to the following conditions:

### **Conditions**

#### **Development Plan Consent 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.

**Land Division Consent Conditions:**

1. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

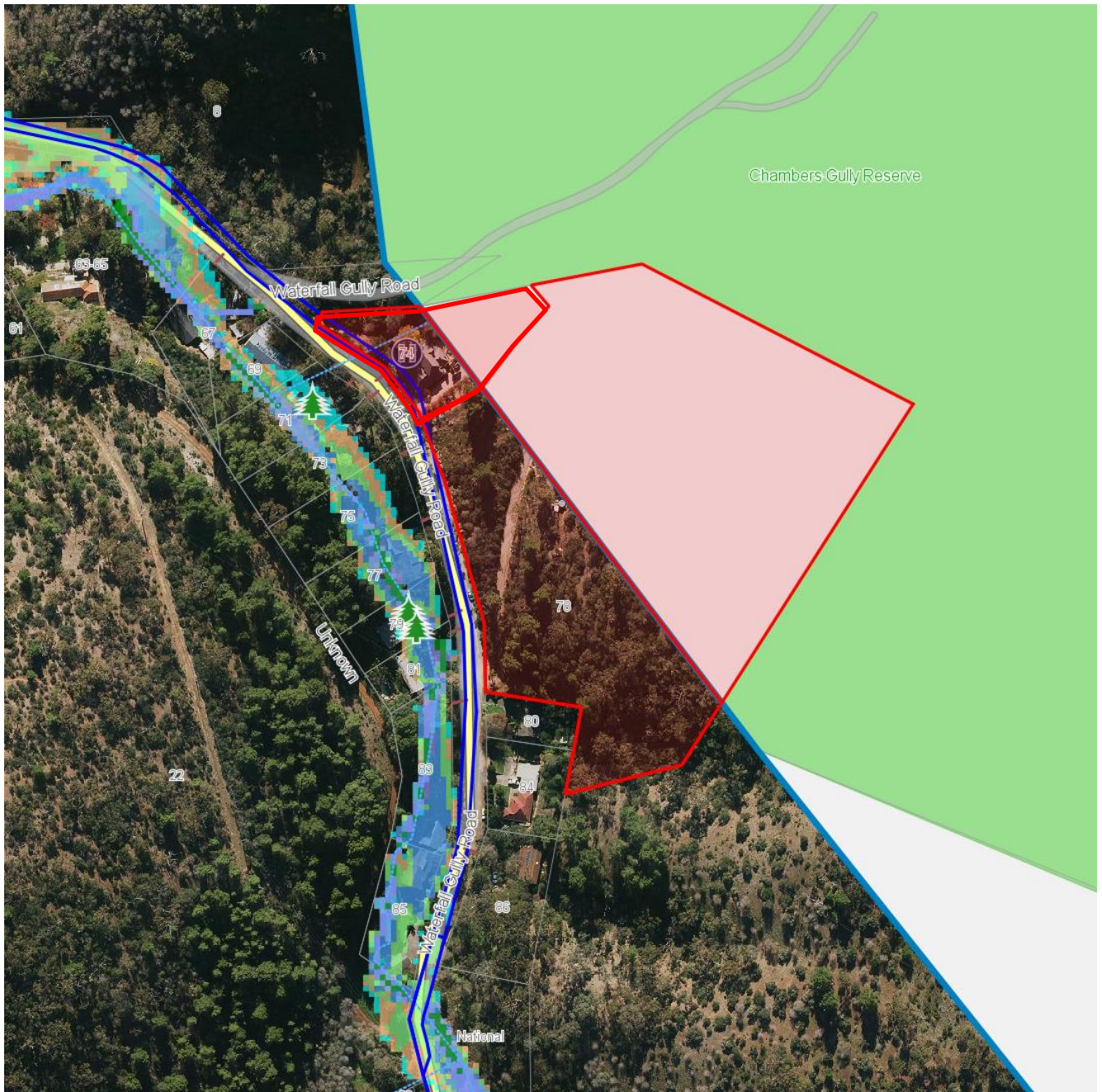
**Reason:**

To satisfy the requirements of the Development Assessment Commission.

**RECOMMENDING OFFICER**

Renae Grida  
Development Officer – Planning

**AERIAL LOCALITY MAP**



**Legend**



**Subject Land**

**DETAILED PLANNING ASSESSMENT**

**Summary of Hills Face Zone Objectives and Principles**

**Primary Hills Face Zone Objectives:**

Objective 1:

*natural character is re-established in order to:*

- (a) *provide a natural backdrop to the Adelaide Plains and a contrast to the urban area;*
- (b) *preserve and develop native vegetation and fauna habitats close to metropolitan Adelaide;*
- (c) *provide for passive recreation in an area of natural character close to the metropolitan area;*
- (d) *provide a part of the buffer area between metropolitan districts and prevent the urban area extending into the western slopes of the ranges; and*
- (e) *ensure that the community is not required to bear the cost of providing services to land within the zone.*

Objective 2:

*A zone accommodating low-intensity agricultural activities and public/private open space and one where structures are located and designed in such a way as to:*

- (a) *preserve and enhance the natural character or assist in the re-establishment of a natural character in the zone;*
- (b) *limit the visual intrusion of development in the zone, particularly when viewed from roads within the zone or from the Adelaide Plains;*
- (c) *not create, either in themselves, or in association with other developments, a potential demand for the provision of services at a cost to the community; and*
- (d) *prevent the loss of life and property resulting from bushfires.*

<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Zoning and Land Use</b> O 1-2 PDC 1	Satisfied. <ul style="list-style-type: none"> <li>• Both properties will continue to function in accordance with the established residential use of land.</li> </ul>
<b>Service Provision</b> PDC 11	Satisfied. <ul style="list-style-type: none"> <li>• The proposal does not create an additional allotment within the Hills Face Zone, nor does it create a demand for the provision of additional services and infrastructure.</li> </ul>

**Summary of Council Wide Objectives and Principles**

<b>Primary Land Division Objectives:</b>	
Objective 10: <i>Land in appropriate locations divided into allotments in an orderly and economic manner.</i>	
<b>Subject:</b> DP Ref	<b>Assessment:</b>
<b>Zoning and Land Use</b> O 8-9, 50-54 PDC 1, 3	Satisfied.
<b>Allotment Configuration</b> PDC 8	Satisfied.
<b>Bushfire Protection Area</b> PDC 13	Satisfied.

## DEVELOPMENT APPLICATION

<b>Application Number:</b>	180\0922\16
<b>Applicant:</b>	Scott Salisbury Homes
<b>Location:</b>	138 Grant Avenue, Toorak Gardens
<b>Proposal:</b>	Single storey alterations and additions including carport, verandah, internal alterations and associated demolition
<b>Zone/Policy Area:</b>	Historic Conservation Zone Historic Conservation Policy area 6 Development Plan consolidated 28 April 2016
<b>Kind of Assessment:</b>	Merit
<b>Public Notification:</b>	Category 1
<b>Appeal Opportunity</b>	Applicant only, no third party appeal rights
<b>Referrals – Statutory:</b>	N/A
<b>Referrals – Non Statutory:</b>	Local Heritage Consultant
<b>Delegations Policy:</b>	Heritage refusal recommendation
<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

**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
- Photographs

## 1. DESCRIPTION OF PROPOSAL

The applicant seeks development plan consent for alterations and additions to an existing single storey 1920s Bungalow Contributory Item on the southern side of Grant Avenue, Toorak Gardens.

Specifically, the proposed works involve the demolition of a front retreat, rear living areas and internal alterations in preparation for an open plan rear extension with terrace, the restoration of a front verandah, façade improvements and the addition of a new double width carport forward of the main building line.

## 2. BACKGROUND

Development Application 180\0922\16 was lodged with Council by Scott Salisbury Homes on 07 October 2016. The proposal was determined to be a category 1 form of development pursuant to Schedule 9 of the Development Regulations 2008, to be assessed on merit against the relevant provisions of the Burnside (City) Development Plan.

As part of the assessment process the application was referred to Council's local heritage advisers, Grieve Gillett Anderson, on account of the property being located within the Historic Conservation Zone and the dwelling itself being identified as a Contributory Item.

Over the course of assessment concerns were conveyed to the applicant in relation to the design and positioning of the carport. The applicant sought further assistance from Mr Matthew King, town planning consultant from URPS and Mr Douglas Alexander, heritage architect from Flightpath Architects in an effort to improve the design and obtain Council support. Through this process the carport design was updated and supportive assessments were provided by Mr King, Mr Alexander and the owner of the land himself.

The amended design and accompanying assessment reports were provided to Council's local heritage advisers for further consideration, however this did not alter their previous determination that the carport design and position was inappropriate within the local heritage context. A report was prepared for the 01 August 2017 Development Assessment Panel (DAP) meeting, however the item was subsequently pulled from the agenda at the request of the applicant.

An amended set of plans excluding the carport from the application was then submitted to Council for consideration. A delegated planning report was prepared recommending support for the proposal based on this critical change, but soon after the applicant made further contact seeking to alter the plans again and have the carport reinstated as part of the application. Additional supporting evidence prepared by Tom Crompton of Botten Levinson Lawyers has also now been provided, including photorealistic impressions of the carport as viewed from the street.

Council's opposition to the carport remains unaltered and the application is now presented to the DAP as a category 1 development with a staff recommendation of refusal.

## 3. SUBJECT LAND AND LOCALITY ATTRIBUTES

### 3.1. Subject Land

The subject land is a rectangular shaped allotment on the southern side of Grant Avenue in the suburb of Toorak Gardens. The land has a single frontage to the public road of

approximately 21.3 metres, a depth of more than 80 metres and a total area of approximately 1709 square metres.

The property is occupied by a single storey Bungalow dwelling constructed during the 1920s and identified as a Contributory Item under Fig. Bur HCPA/6 of the Development Plan. The land also features an in-ground swimming pool and tennis court within the rear yard.

### 3.2. Locality

The locality is generally comprised of those properties on both sides of Grant Avenue, between Portrush Road to the east and Giles Street to the west. The locality forms part of the Historic Conservation Zone, in the southern portion of Historic Conservation Policy Area 6 – Toorak Gardens (North).

The locality is comprised of residential development, predominantly in the form of single storey detached dwellings constructed during the 1920s in the Bungalow and Villa styles on moderate to generous sized rectangular allotments. Dwellings are generally set back from the road at a distance of 8 metres or greater, providing well landscaped front gardens and an attractive streetscape.

Vehicle access is typically obtained via a single width driveway crossover adjacent allotment side boundaries, with garages and carports located behind the main building line of their associated dwelling. Front fencing varies considerably in form and materials, with a number of properties bordered with brush fencing, hedging, masonry pillar and plinth or pickets.

## 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 1
<b>Reason:</b>	Development Regulations 2008, Schedule 9, Part 1, 2 (b)

## 6. AGENCY REFERRALS

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

## 7. EXECUTIVE SUMMARY

### 7.1. Land Use

The proposed development is considered suitable from a land use perspective. The applicant seeks to alter and improve the functionality of the existing Contributory Item dwelling for continued residential use. Such development is not considered to be seriously at variance with the Development Plan.

## 7.2. Character and Amenity

Council is satisfied that, with the exclusion of the forward sited double width carport, the proposed development is an appropriate outcome for the subject land and locality in terms of contribution to character and preservation of amenity.

The removal of the front retreat and reinstatement of the front verandah will improve the streetscape presentation of the dwelling and reinforce the positive elements of the original Bungalow design. The new window openings have been considered from a heritage perspective and, while not necessarily reflective of original proportions have determined to be of low impact from a heritage standpoint.

The living/meals/kitchen addition and terrace will be sited to the rear of the Contributory Item dwelling and obscured from public view. The addition will be set back from side boundaries at a distance that is generally compatible with the quantitative guidelines of the Development Plan and is not considered excessive or inappropriate in vertical form and scale.

The decision to recommend refusal of the application is, therefore, based solely on the forward located double width carport, its contravention of key policies within the Development Plan, its obstruction of the historic dwelling facade and its broader impact on the historic character of the locality.

The subject land is located within Historic Conservation Policy Area 6 – Toorak Gardens (North). The locality is predominantly made up of single storey Contributory Item dwellings constructed during the 1920s in the Bungalow and Villa styles and the Established Historic Character is described as follows:

*“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.”*

The Development Plan states that new development should conserve and enhance this established historic character, conserve and enhance heritage items, complement the original style and design of these items and be carried out in accordance with the conservation and development guidelines set out in Table Bur/1, which states:

*“Front verandah extensions for carports and garages are inappropriate”.*



The consistent set-back of dwellings that forms the established and desired front set-back pattern is further defined by PDC 7, which states:

*“Any building or part of a building should be set back not less than eight metres from the boundary of a road.”*

A review of this locality indicates most dwellings have a set-back to the boundary of the public road that is consistent with the 8 metre distance prescribed by PDC 7. The consistency in front set-backs is considered particularly notable in proximity to the subject land on either side of the street (see Figure 1 below).



(Figure 1: Front set-back pattern along Grant Avenue)

Notable departures from this pattern are acknowledged and can be found at 146 Grant Avenue (approximately 70 metres to the east), 145 Grant Avenue (approximately 160 metres to the east) and 351 Portrush Road (approximately 160 metres to the east). Council notes, however, that the latter two comprise secondary road frontages for two corner allotments. The former represents the only instance of a carport or garage structure forward of an associated dwelling within the locality, is believed to date back almost two decades and remains highly inconsistent with the established and desired character envisaged by the Development Plan.

With only few exceptions the principal garaging arrangement observed within the locality is one in which carports and garages are positioned to the side of dwellings and not forward of the façade. Where double width parking arrangements have been observed these are generally located behind the dwelling façade and in some cases further to the rear, consistent with the conservation and development guidelines set out in Table Bur/1, which states:

*“The design of new carports or garages attached to a dwelling should be an integral part of the character of the existing building, reflecting existing materials, forms, colours and detailing.”*

*Any carport attached to the side of a house should be carefully sited in order not to obscure the front elevation and verandah form of the residence. A flat-roofed carport near to or in front of the facade of a dwelling is not appropriate.*

*Retention of original garages is encouraged, if these remain. A new free-standing garage should generally be located to the rear of the existing dwelling, with access past the side of the house or by a rear lane.*

*Front verandah extensions for carports and garages are inappropriate. ”*



(Figure 2: Photorealistic impression of proposed carport)

Conversely, the proposal seeks to position a new double width gable roof carport just 4.8 metres from the road boundary in contravention of the 8 metre set-back distance prescribed by PDC 7 and the integration with the front verandah as prescribed by Table Bur/1. With the exception of 145 Grant Avenue this would be the first of this kind of structure within the front yard of a property within this historic locality. Figure 2 above clearly shows the carport will be a prominent structure obscuring views of the heritage listed building to the detriment of local character. The gable end provided to enhance the quality of design serves also to reinforce its visual presence so close to the street.

As a separate, but related matter, Figure 2 also shows the potential difficulties in vehicle manoeuvrability beyond the existing driveway access point given the proximity of the structure to the front boundary. The applicant has confirmed should the current proposal be successful a subsequent application would then be lodged to alter the existing front fence and widen the driveway crossover. This has previously been identified as an issue of concern by Council's heritage advisers, given the likely inconsistency this would create in spacing among the masonry pillars.

It is not in doubt that the proposed carport has been designed to a suitably high standard, reflecting existing materials, forms, colours and detailing observed in the Bungalow dwelling. Table Bur/1 is clear, however, in its assertion that front protruding garages and

carports are an inappropriate form of development for the Historic Conservation Zone. The historic attributes of the locality have not been compromised or degraded to such an extent that these policies can so readily be overlooked or disregarded.

Adding to this, HCZ PDC 16 states that alterations and additions to State Heritage Places, Local Heritage Places and Contributory Items should be undertaken in a manner which retains and reinforces the original appearance of the dwellings and conforms to the overall character of the policy area. The proposal introduces a new structure forward of the dwelling façade and is not considered to reinforce the dwelling's original appearance.

For these reasons, Council considers that the proposed carport will have a detrimental impact on both the established and desired character of the locality and cannot be supported.

### 7.3. Site Functionality

Carport aside, the proposal is considered to be a workable site planning outcome for the subject land. The rear addition and terrace enhances the useability of the dwelling in line with modern living standards, the resultant built form complies with site coverage allowances and the size and qualities of the rear yard satisfy private open space criteria.

In terms of off-street car parking, the proposal is consistent with the parking requirements detailed in Table Bur/5 of the Development Plan and the existing access arrangements are conducive to safe and convenient access/egress.

It has been noted the proposed plans include reference to increasing the existing crossover to Grant Avenue and the issue has been raised with the applicant. The applicant has confirmed that they will in fact not be seeking widening of the crossover at this time, but intend to do so if the current proposal is successful in obtaining planning consent.

In anticipation of this outcome the question of widening the crossover has been raised in consultation with Council's engineers and tree management officer. Both have confirmed the crossover could be widened to 4.5 metres across the verge provided appropriate clearance from an adjacent street tree is observed. This is separate to the question of modifying the existing fence, which would require approval due to the heritage zoning and consideration by Council's local heritage advisers.

### 7.4. Conclusion

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, but is also not sufficiently 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\0922\16, by Scott Salisbury Homes is **refused** development plan consent for the following reasons:

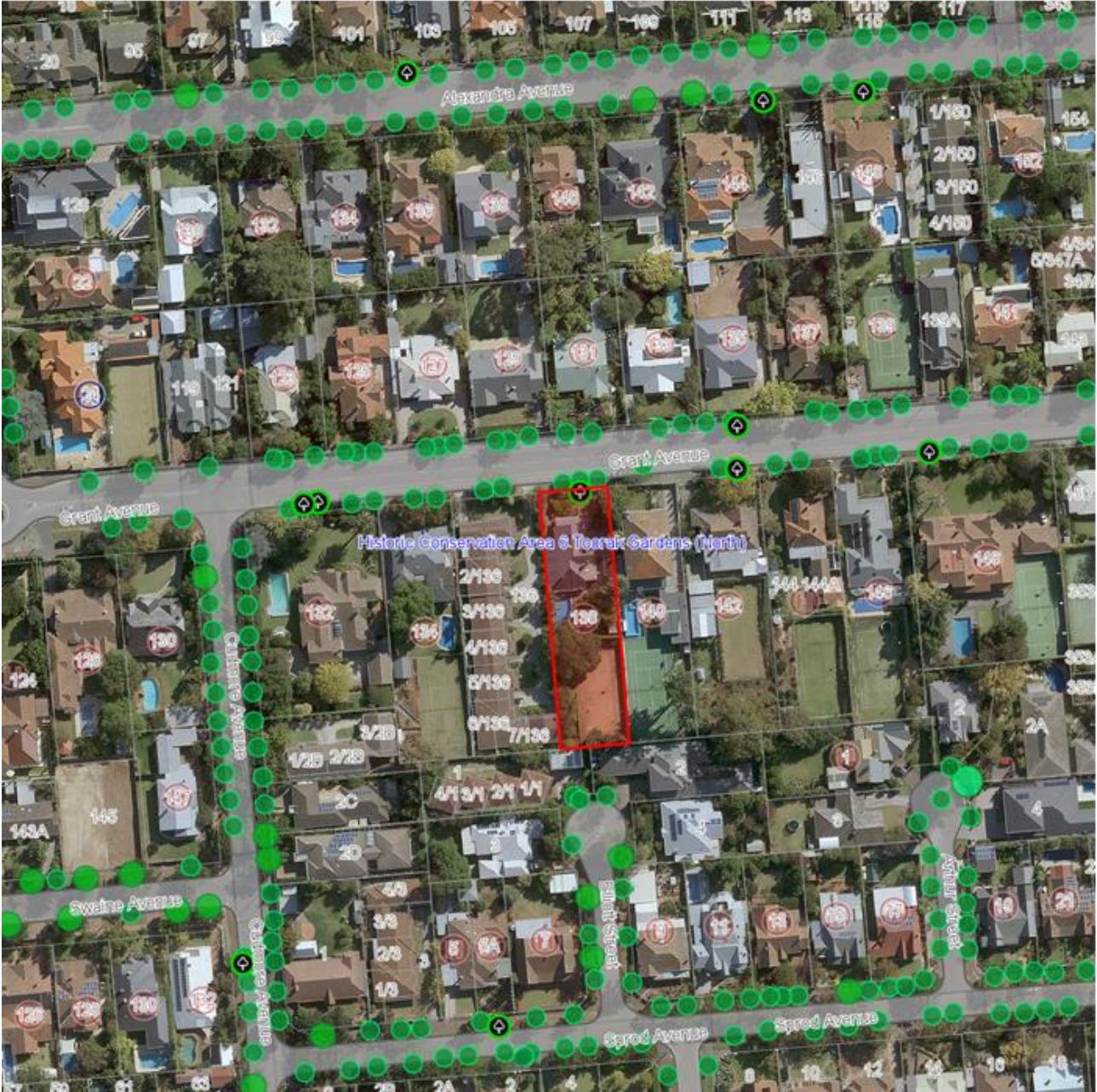
The proposed development is at variance with the following provisions of the Burnside (City) Development Plan:

- The proposal fails to satisfy Historic Conservation Policy Area 6 Principle of Development Control 7 in that the carport will be set back less than 8 metres from the boundary of the road.
- The proposal fails to satisfy Historic Conservation Policy Area 6 Principle of Development Control 3 in that the development would be carried out in a manner that is contrary to the conservation and development guidelines set out in Table Bur/1.
- The proposal fails to satisfy Historic Conservation Policy Area 6 Objective 1 and Principle of Development Control 4 in that the siting of the carport does not complement the Established Historic Character of the policy area.
- The proposal fails to satisfy Historic Conservation Zone Principle of Development Control 16 in that the development has not been designed in a manner which retains and reinforces the original appearance of the Contributory Item dwelling and conforms to the overall character of the policy area.
- The proposal fails to satisfy Historic Conservation Zone Principle of Development Control 17 in that the carport has not been positioned so as not to be prominently visible from the street, nor has it been set back behind the existing building alignment so as not to interfere with the streetscape.

#### **RECOMMENDING OFFICER**

James Moss  
Development Officer – Planning

AERIAL LOCALITY MAP



Legend



Subject Land

APPENDIX 2

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

**Historic Conservation Zone Policy Area 6 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.*

<b>Subject:</b>	<b>Assessment:</b>
DP Ref	
<b>Desired Land Use</b> O 2	Satisfied.
<b>Local Compatibility</b> O 1 PDC 1, 2, 3, 4	Not satisfied.
<b>Building Set-backs</b> PDC 7	Not satisfied.

**Summary of 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 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>Zoning and Land Use</b> O 1-2,4 PDC 1-5	Partially satisfied/Departure. <ul style="list-style-type: none"> <li>• Continued residential use of the subject land is consistent with desired land use.</li> <li>• The proposal seeks to retain the existing Bungalow dwelling Contributory Item, which contributes positively to the established historic character of the policy area.</li> <li>• The proposal has largely been designed in a manner that conserves and enhances the historic character of the policy area, with the notable exception of the carport positioned forward of the dwelling.</li> <li>• The carport element contravenes Table Bur/1.</li> </ul>
<b>Appearance of Land and Buildings</b> PDC 6-15	Partially satisfied/Departure. <ul style="list-style-type: none"> <li>• The proposal incorporates roofing elements that match the principle roof pitch of the Bungalow dwelling.</li> <li>• The proposed alterations and additions are single storey in form.</li> <li>• The proposed parking arrangements are not typically in keeping with the heritage character wherein cars are predominantly arranged in stacked formation to the side or rear of dwellings.</li> </ul>
<b>Alterations and Additions</b> PDC 16-18	Departure. <ul style="list-style-type: none"> <li>• The proposed carport has been designed to complement the Bungalow style, but does not retain and reinforce the original appearance of the building itself.</li> <li>• The proposed carport will be situated in a visually prominent location forward of the dwelling façade and is considered to interfere with the streetscape quality of repetition of houses.</li> <li>• The proposed development is suitably sited in relation to side property boundaries.</li> </ul>

**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>	<b>Assessment:</b>
DP Ref	
<b>Zoning and Land Use</b> O 52–56	Satisfied.
<b>Design and Appearance</b> O 11 PDC 14–16, 23-28	Partially satisfied. <ul style="list-style-type: none"> <li>The proposed development is generally viewed to have been designed to a high standard.</li> <li>With the exception of the carport the proposal responds well to the positive aspects of the local environment and built form.</li> </ul>
<b>Building Set-backs</b> PDC 161–162	<p><b><u>Front Set-backs</u></b> Departure.</p> <ul style="list-style-type: none"> <li>The proposed carport sits forward of the main face of the associated dwelling.</li> </ul> <p><b><u>Side Set-backs</u></b> Minor departure.</p> <ul style="list-style-type: none"> <li>The rear addition will be set back 1.99 metres from the eastern side boundary. The extent of the departure is extremely minor and trivial.</li> <li>The carport will be constructed on the western side boundary in a manner consistent with permissible boundary development forms.</li> </ul> <p><b><u>Rear Set-backs</u></b> Satisfied.</p>
<b>Building Height</b> PDC 164	Satisfied.
<b>Private Open Space</b> PDC 166, 169	Satisfied.
<b>Amenity</b> PDC 170-173	Satisfied.
<b>Privacy</b> PDC 22, 174–176	Satisfied. <ul style="list-style-type: none"> <li>The proposal is for single storey alterations and additions.</li> <li>The finished floor level of the rear terrace is not anticipated to give rise to instances of overlooking to adjacent properties.</li> </ul>
<b>Access and</b>	Satisfied.



<p><b>On-Site Car Parking</b> PDC 177–182</p>	<ul style="list-style-type: none"> <li>• The development utilises an existing driveway crossover deemed suitable for purpose.</li> <li>• The subject site retains sufficient off-street parking capacity in line with Table Bur/5.</li> </ul>
<p><b>Access to Sunlight</b> PDC 21, 183–186</p>	<p>Satisfied.</p> <ul style="list-style-type: none"> <li>• The proposed additions are single storey in form and sit comfortably within maximum building height guidelines.</li> <li>• The orientation of allotments fronting Grant Avenue is such that any shadow cast by the proposed additions will not prevent sunlight access to adjacent land beyond that envisaged by the development Plan.</li> </ul>
<p><b>Safety and Security</b> PDC 195–198</p>	<p>Satisfied.</p>
<p><b>Water Conservation</b> PDC 200–201</p>	<p>Satisfied.</p>
<p><b>Energy Conservation</b> PDC 31-32</p>	<p>Satisfied.</p>