Notice of Council Assessment Panel Meeting

NOTICE IS HEREBY GIVEN that a meeting of the

COUNCIL ASSESSMENT PANEL

of the

CITY OF BURNSIDE

will be held in the Council Chamber
401 Greenhill Road, Tusmore

on

Tuesday 05 November 2019
at 6.00 pm

Magnus Heinrich
Assessment Manager
Disclaimer:

Please note that the contents of this Council Assessment Panel agenda have yet to be considered and deliberated by the Council Assessment Panel therefore the recommendations may be adjusted or changed by the Council Assessment Panel in the process of making the formal Council Assessment Panel decision.

Council is committed to openness and transparency in its decision-making processes, however some documents contained within attachments to Council Assessment Panel agenda items are subject to copyright laws and are not available in the agenda published on council’s website.

The full Council Assessment Panel agenda is available for viewing at Customer Service located at the Civic Centre during ordinary business hours.

City of Burnside Civic Centre
401 Greenhill Road, Tusmore SA 5065
Telephone; 8366 4200
Email: burnside@burnside.sa.gov.au
Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)
Council Assessment Panel Meeting Agenda

Tuesday 05 November 2019 at 6pm
Council Chambers, 401 Greenhill Road, Tusmore

| Members: | Bill Chandler (Presiding Member)  
|          | Ross Bateup, Graeme Brown, Kate Shierlaw and Lilian Henschke |

1 APOLOGIES
Nil

2 KAURNA ACKNOWLEDGEMENT
The Presiding Member will take the opportunity to acknowledge the Kaurna people.

3 CONFIRMATION OF MINUTES
Recommendation: That the minutes of the meeting held on Tuesday 01 October 2019 be taken as read and confirmed.

4 APPLICATIONS WITHDRAWN FROM THE AGENDA
Nil

5 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – PERSONS WISH TO BE HEARD

(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (HEARING)
Nil

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (HEARING)
Nil

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (HEARING)
Recommendation: As the opportunity to make a verbal presentation for Category 2 applications is at the Panel’s discretion, that the Panel provide an opportunity to be heard.

<table>
<thead>
<tr>
<th>Report Number:</th>
<th>5745.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page:</td>
<td>7</td>
</tr>
<tr>
<td>Application Number:</td>
<td>180\0754\18</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Bower Education C/- Fyfe</td>
</tr>
<tr>
<td>Location:</td>
<td>47 Glen Osmond Road, Eastwood</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Retrospective amendment to DA 180\1031\16 (Change of land use from childcare facility and office to childcare facility, increase in capacity of children from 80 to 100 and increase to front car parking capacity and layout)</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Development Plan Consent be granted</td>
</tr>
<tr>
<td>Representors:</td>
<td>• Martin Oldfield – 27-31 Main Street Eastwood (wish to be heard)</td>
</tr>
<tr>
<td>Applicant:</td>
<td>• Level 1 – 124 South Terrace, Adelaide</td>
</tr>
</tbody>
</table>
### Report Number: 5745.2
#### Page: 19
- **Application Number:** 180/0069\19
- **Applicant:** Mr Y C Wong
- **Location:** 23 Inverness Avenue, St Georges
- **Proposal:** Demolition of existing dwelling and ancillary structures and construction of a pair of two-storey semi-detached dwellings including garages, alfrescos, retaining walls and fencing
- **Recommendation:** Development Plan Consent be granted
- **Representors:**
  - Alan Briten-Jones – 21 Inverness Avenue St Georges (wish to be heard)
- **Applicant:** 18 Luhrs Road, Payneham South

### Report Number: 5745.3
#### Page: 33
- **Application Number:** 180/0433\19
- **Applicant:** Regent Homes
- **Location:** 8 Dryden Avenue, Hazelwood Park
- **Proposal:** Two storey detached dwelling including retaining walls and fencing
- **Recommendation:** Development Plan Consent be granted
- **Representors:**
  - Judith Brooks – 10 Dryden Avenue, Hazelwood Park (wish to be heard)
  - Nat & Josephine – Dryden Avenue, Hazelwood Park (do not wish to be heard)
- **Applicant:** 274 Anzac Highway, Plympton

### Report Number: 5745.4
#### Page: 49
- **Application Number:** 180/0707\19
- **Applicant:** Burbank Australia (SA) Pty Ltd
- **Location:** 326 Kensington Road, Leabrook
- **Proposal:** Single storey detached dwelling
- **Recommendation:** Development Plan Consent be granted
- **Representors:**
  - Nicolette Dilernia – 324 Kensington Road, Leabrook (wish to be heard)
- **Applicant:** Level 1 – 49 The Parade, Norwood

### Report Number: 5745.5
#### Page: 63
- **Application Number:** 180/0817\19
- **Applicant:** 35 Perry Lane, Leabrook
- **Location:** Two storey detached dwelling including boundary retaining walls, fencing and swimming pool
- **Proposal:** Residential Policy Area 10 – Leabrook (North)
- **Recommendation:** Development Plan Consent be granted
- **Representors:**
  - Pamela Flint – 49 Godfrey Terrace, Leabrook (wish to be heard)
  - Matthew Harding & Susan Rooney-Harding – 37 Perry Lane,
6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

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

<table>
<thead>
<tr>
<th>Report Number:</th>
<th>5745.6</th>
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</thead>
<tbody>
<tr>
<td>Page:</td>
<td>77</td>
</tr>
<tr>
<td>Application Number:</td>
<td>180\0622\19</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Lloyd Building Solutions</td>
</tr>
<tr>
<td>Location:</td>
<td>3 St Andrews Avenue, Mount Osmond</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Non-Complying - Alterations and additions to existing dwelling including ground level pool enclosure and swimming pool, decking, upper level balcony and extension to roof line, external staircase and retaining wall</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Report Number:</th>
<th>5745.7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page:</td>
<td>91</td>
</tr>
<tr>
<td>Application Number:</td>
<td>180\0694\19</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr D Hutchison (Access Planning)</td>
</tr>
<tr>
<td>Location:</td>
<td>709 Greenhill Road, Burnside</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Non-complying – Retrospective amendment to DA 180\0751\13 (earthworks in excess of 9 cubic metres, retaining walls, fencing, gates, rainwater tanks, external stairs and permeable paving to driveway)</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted</td>
</tr>
</tbody>
</table>

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

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

Nil

8 OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS

8.1 180\0326\18 – 44 Watson Avenue, Rose Park
8.2 180\0003\19 – 12A Royal Avenue, Burnside
9 OTHER BUSINESS

Nil

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

Nil

11 CONFIDENTIAL MATTERS

Nil
## DEVELOPMENT APPLICATION

<table>
<thead>
<tr>
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</tr>
<tr>
<td>Zone/Policy Area:</td>
<td>Business (Glen Osmond Road) Zone Development Plan consolidated 19 December 2017</td>
</tr>
<tr>
<td>Kind of Assessment:</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification:</td>
<td>Category 2 One (1) representation received</td>
</tr>
<tr>
<td>Appeal Opportunity:</td>
<td>Applicant only, no third party appeal rights</td>
</tr>
<tr>
<td>Referrals – Statutory:</td>
<td>N/A</td>
</tr>
<tr>
<td>Referrals – Non Statutory:</td>
<td>Technical Officer Engineering</td>
</tr>
<tr>
<td>Delegations Policy:</td>
<td>Unresolved representations</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Development Plan Consent be granted</td>
</tr>
<tr>
<td>Recommending Officer:</td>
<td>Renae Grida</td>
</tr>
</tbody>
</table>

## 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 Council 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 retrospective Development Plan Consent to amend a previous planning consent issued in February 2017 for "single storey alterations and additions to existing Local Heritage Place building including partial demolition, internal alterations, construction of pergolas (x2) and change in land use to office and preschool" at 47 Glen Osmond Road, Eastwood.

Specifically, the Applicant is seeking to approval for changes already undertaken in relation to the approved land use and car parking configuration, comprising the following:

- Expansion of the approved childcare centre to occupy the entirety of the site, in place of the approved office use;
- Increase in the capacity of the childcare facility from 80 children to 100 children; and
- Changes to front and rear car park areas to 6 car parks to the rear of the building and 19 car parks at the front.

2. BACKGROUND

On 07 February 2017 the Council Assessment Panel (then Development Assessment Panel) granted planning consent to alterations and additions to an existing 1877 bluestone Local Heritage Place and a change in the use of the land from an aged care facility to childcare centre and office, complete with new pergola structures and masonry walls (DA 180\1031\16).

The stamped and approved plans for DA 180\1031\16 indicate a car parking layout comprising 8 staff car parks to the rear of the building accessed from Main Street via a single crossover and 15 car parks at the front of the building accessed from Glen Osmond Road via separate entry and exit crossovers.

During the construction of the approved development Council's attention was drawn to the form and configuration of rear fencing screening the rear car park from Main Street. A retrospective amendment application was subsequently lodged to address this discrepancy and the Council Assessment Panel granted planning consent on 01 May 2018 subject to, among others, a condition stating that the revised wall configuration shall not impact upon the previous car parking layout approved in February 2017.

Further compliance investigations were carried out following the 01 May 2018 meeting and it was determined that not only had the wall not been constructed in accordance with the original approval but the rear car park had also not been constructed as approved. Through later discussions with the owner’s planning consultant it also became evident that the office land use had not been enacted and instead had been superseded with the expansion of the childcare centre to encompass the entirety of the site.

The current proposal, Development Application 180\0754\18, was subsequently lodged by Bower Education on behalf of the registered owner of the land to seek retrospective approval for the current state of affairs. The current application was determined to be a merit form of development pursuant to Schedule 35(5) of the Development Act 1993, and a Category 2 application for the purposes of public notification, pursuant to the Burnside (City) Development Plan.

The application was made available for public viewing for a period of 10 days during which time one submission was received. The submission expressed concern regarding the fence facing Main Street at the rear of property not being constructed in accordance with the original approval. The Applicant responded through their planning consultant, David Bills of Fife, clarifying the nature of the previous amendment application granting approval to the changes to the fence.
As part of the assessment process the proposal was referred to Council’s Technical Officer Engineering to review the traffic report prepared by GTA Consultant that was submitted as part of the application and to assess the proposed development from a traffic safety and parking perspective.

A full assessment of the proposed development has now been undertaken, and the application is presented to the Council Assessment Panel (the Panel) for consideration as a merit development with 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 is an irregular shaped allotment with two street frontages, the primary frontage being to the north-eastern side of Glen Osmond Road of some 36.58 metres and the secondary frontage facing Main Street to the rear of some 39.58 metres. The land has an approximate site area of 2503 square metres, which is split over two zones with the majority of the site being located within the Business (Glen Osmond Road) Zone and a smaller rear portion being located within the Historic Conservation Zone (Policy Area 2 – Eastwood).

The site contains a large single storey building identified as a Local Heritage Place under Table Bur/2 in the Development Plan. The extent of the listing refers to ‘Nursing Home – Anaster – former Residence’ and the description reads ‘external form and fabric of the 1877 bluestone building. Key features include projecting gable ended wings and bay windows, Bluestone walls, rendered dressings and prominent chimneys. Excludes aluminium tile roof cladding and extensions to the original house’. The building has undergone extensive additions in the past, and has formerly been used as an aged care facility and is currently operating as a child care facility in its entirety, despite the previous approval for a portion for use as an office.

3.2. Locality

The locality comprises those properties on either side of Glen Osmond Road extending approximately 200 metres in each direction, based on a visual connection to the subject site. The locality extends to the north and east to properties fronting Main Street, given the site has a secondary road frontage to Main Street.

The locality spans across two metropolitan Council jurisdictions and differing zones. The City of Burnside Business (Glen Osmond Road) Zone comprises those properties fronting Glen Osmond Road on the north-eastern side of the road and a small number of properties fronting Main Street, with the remaining properties fronting Main Street being located within the Historic Conservation Zone (Policy Area 2 – Eastwood). The opposite side of Glen Osmond Road sits within the City of Unley, and is zoned Office 1.

The locality consists primarily of a broad collection of commercial businesses and on-site car parking facilities. Medium density low scale dwellings of historic significance are to be found along Main Street to the rear of the site.
4. KIND OF ASSESSMENT

<table>
<thead>
<tr>
<th>Kind:</th>
<th>Merit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason:</td>
<td>Development Act 1993, Section 35(5)</td>
</tr>
<tr>
<td>Applicant Appeal Opportunity:</td>
<td>Yes</td>
</tr>
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</table>

5. PUBLIC NOTIFICATION

<table>
<thead>
<tr>
<th>Category:</th>
<th>Category 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason:</td>
<td>Business (Glen Osmond Road) Zone, Principle of Development Control 17</td>
</tr>
<tr>
<td>Representations Received:</td>
<td>• Martin Oldfield – 27-31 Main Street Eastwood (wish to be heard)</td>
</tr>
<tr>
<td>Third Party Appeal Opportunity:</td>
<td>No</td>
</tr>
</tbody>
</table>

- 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 benefits from an existing development authorisation for the use of a child care facility and an office.
- The proposed development seeks to amend the land use to be solely for a child care facility, superseding the office use.
- The proposed land use remains compatible with the established and desired uses prescribed for both the Business (Glen Osmond Road) Zone and the Historic Conservation Zone.

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

7.2. Character and Amenity

The proposal continues the ongoing use of the site for commercial purposes, as well as the adaptive reuse of a listed Local Heritage Place building, in a manner that maintains a low traffic generating nature and considered to be a suitable and inoffensive planning outcome for the subject land and broader locality.

The proposal to use the site in its entirety for child care, and increase the number of children from 80 to 100, is not considered to result in adverse impacts to the character of the locality, given the scale of the subject land and associated building, the predominantly commercial nature of the locality and adaptive reuse of the existing building. It is noted there will be no changes to hours of operation and use of the rear car park will remain restricted to staff use only.
Furthermore, the site is able to accommodate sufficient off-street car parking to meet the demands of the proposed increased capacity, noting that the staffing numbers are envisaged to be 13.3. It is included as a condition of consent that staff numbers do not exceed 14 staff.

7.3. Site Functionality

The previous dual land use approval was to be serviced by 8 staff car parks to the rear of the building accessed by a single crossover and 15 car parks at the front of the building accessed via separate entry and exit crossovers, for a combined number of 23 car parks (including 2 disabled parks).

With the proposed elimination of the office use and increase in childcare places from 80 to 100 and now 14 staff (rounded up) this would create a theoretical demand of approximately 16 parks to satisfy Table Bur/5. Based on this analysis, the potential increased demand for off-street car parks necessitated by the increased capacity of the childcare centre (including staff increase) will be offset by the elimination of the office use.

At present, the proposal seeks to reconfigure the front car park to now comprise 19 car parking spaces, with the rear car park comprising 6 car parking spaces, totalling 25 spaces. Based on the increase in children and revised staffing numbers, Table Bur/5 of the Development Plan would demand 29 car parking spaces in lieu of 30 spaces as per the previous demand. Based on the advice of GTA Consultants, the rates of the Development Plan are overly conservative and empirical evidence supports lower rates.

Based on the rates referred to in the GTA Consultants report, the proposed development will have a peak demand of up to 26 car parking spaces, resulting in a shortfall of 1 car parking space. Council’s Technical Officer Engineering has reviewed the expert advice and concurs that the proposed car parking supply is considered appropriate as it generally accommodates the associated demands for the site. It is noted that the rear car park accessible via Main Street is to be maintained for staff use only.

The reconfigurations to the car park layouts maintain accordance with relevant Australian Standards for off-street car parking, and internal traffic movements are considered safe and convenient.

7.4. Public Notification

During the public notification period, one representation was received from the owner of land at 27, 29 and 31 Main Street Eastwood. The representation states:

“The fence (boundary to Main Street) was not constructed according to the DA and has limited the proposed landscaping and a foam wall not concrete (masonry) has been constructed”

The applicant has responded in writing and provided clarification as to the history of fence. The applicant asserts that the fence, access point, and location of landscaping beds are consistent with the relevant approvals and variations to said approvals.

7.5. Agency Referrals

Based on staff numbers not exceeding 14 staff, Council’s Technical Officer Engineering is in support of the revised car parking numbers and car parking layout, and concurs with the advice of GTA Traffic Consultants.
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 Council 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\0754\18, by Bower Education is granted Development Plan Consent subject to the following conditions and reserved matters:

Conditions

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

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

The use of the rear car park accessed from Main Street shall at all times be restricted to staff members of the child care facility only.

Reason:
To reduce traffic congestion along Main Street and ensure minimal disturbance to local residents.

Staff numbers within the child care facility shall not exceed 14 at any time.

Reason:
To ensure adequate off-street car parking is accommodated.
APPENDIX 1

AERIAL LOCALITY MAP

Legend

- **Subject Land**
- **Representor’s Land**
Primary Business (Glen Osmond Road) Zone Objectives:

Objective 1:
A zone accommodating primarily offices, commercial and residential development of a low traffic-generating nature with limited vehicle movements which do not disrupt the free flow of traffic on Glen Osmond Road or generate unduly large traffic volumes in residential streets.

Objective 2:
Development undertaken in a manner which preserves and enhances the character and amenity of residential areas in adjoining zones.

Objective 3:
Buildings of a high standard of design in scale with adjoining development.

Objective 4:
Orderly and proper development of the zone through comprehensive redevelopment and rehabilitation of existing buildings.

Objective 5:
A zone with an attractive character and amenity, not marred by large or inappropriately located signs.

Objective 6:
Complementary development on each side of Glen Osmond Road.

<table>
<thead>
<tr>
<th>Subject:</th>
<th>Assessment:</th>
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</thead>
<tbody>
<tr>
<td>Desired Land Use</td>
<td>Satisfied.</td>
</tr>
<tr>
<td>O 1</td>
<td></td>
</tr>
<tr>
<td>Local Compatibility</td>
<td>Satisfied.</td>
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<tr>
<td>PDC 1</td>
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<tr>
<td></td>
<td>• The development comprises a commercial land use.</td>
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<tr>
<td></td>
<td>• The development is viewed as a being of a low</td>
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<td></td>
<td>traffic-generating nature, which minimises</td>
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<td></td>
<td>impacts on Glen Osmond Road.</td>
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<tr>
<td></td>
<td>• The development is consistent with other</td>
</tr>
<tr>
<td></td>
<td>existing land uses observed within the locality.</td>
</tr>
<tr>
<td>Character and Amenity</td>
<td>Satisfied.</td>
</tr>
<tr>
<td>PDC 2 - 4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The proposed development has no material impact</td>
</tr>
<tr>
<td></td>
<td>on the character of the Local Heritage Place.</td>
</tr>
</tbody>
</table>
### Summary of Policy Area Objectives and Principles

**Primary Historic Conservation Policy Area 2 Objectives:**

- **Objective 1:**
  *Development that conserves and enhances the Established Historic Character.*

- **Objective 2:**
  *Development accommodating detached and semi-detached dwellings and row dwellings.*

- **Objective 3:**
  *Maintenance and enhancement of the low scale, medium density residential character.*

- **Objective 4:**
  *The establishment of single-storey dwellings.*

<table>
<thead>
<tr>
<th>Subject: Desired Land Use</th>
<th>Assessment:</th>
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</thead>
<tbody>
<tr>
<td>DP Ref O 2</td>
<td>Satisfied.</td>
</tr>
<tr>
<td></td>
<td>• Although not residential in nature, the proposed development continues the established commercial use of the land.</td>
</tr>
<tr>
<td></td>
<td>• The rear portion of land will continue to be used as an at-grade car park for the occupants of the site, signalling no change in the nature of the use of that portion that resides within the zone.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Local Compatibility</th>
<th>Satisfied.</th>
</tr>
</thead>
<tbody>
<tr>
<td>O 1-4 PDC 1-4</td>
<td>• There is no change to the built form as a result of the proposed application.</td>
</tr>
</tbody>
</table>
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 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.

**Principle of Development Control 10:**
Fences should be consistent with the historic character of the particular Policy Area and in accordance with the conservation and development guidelines set out in Table Bur/1.

**Table Bur/1:**
Except on the frontage to an arterial road, the erection of high walling in concrete, masonry or timber is not appropriate where it is liable to obscure a dwelling from the street, or disrupt the existing open landscaped character of the locality.

Relatively low and open fencing is appropriate to enable visually attractive detailing of the design of a dwelling to remain visible from a road. Solid side fencing should be built of tradition materials such as timber, corrugated iron (pre-painted if desired), brush or well-detailed masonry.

<table>
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<th>Subject: Desired Land Use/Character</th>
<th>Assessment: Satisfied.</th>
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<tbody>
<tr>
<td>DP Ref O 1</td>
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<tr>
<td>Conservation Guidelines PDC 10</td>
<td></td>
</tr>
</tbody>
</table>
Summary of Council Wide Objectives and Principles

Primary Council Wide Development Objectives:

Objective 4:
Provision and maintenance of employment opportunities.

Objective 7:
Coordination of development with that in surrounding Council areas.

Objective 8:
A rational distribution and arrangement of land uses to avoid incompatibility between activities, and permit efficient use of land within the metropolitan area.

Objective 20:
The amenity of localities not impaired by the appearance of land, buildings and objects, or by noise, light, emissions, traffic or any other quality, condition or factor.

Objective 55:
Safe, pleasant, accessible and convenient residential areas.

Objective 74:
Community facilities and services conveniently located and designed to meet existing and future needs and minimise adverse effects on residential amenity.

Subject:  
Movement and Parking of Vehicles  
O29, 35  
PDC 94, 95, 96, 107, 108, 109, 111

Assessment:  
Satisfied.

- Traffic generation is anticipated to be consistent with the objectives of the zone, given the scale and nature of the proposed land use.
- The proposal utilises existing vehicle access arrangements to Glen Osmond Road and Main Street, which have been deemed suitable for purpose.
- The proposal includes off-street car parking to the front and rear of the site, which has been deemed suitable in accommodating the anticipated demand by both GTA Consultants and Council’s traffic engineer.
DEVELOPMENT APPLICATION

<table>
<thead>
<tr>
<th>Application Number:</th>
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<tbody>
<tr>
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<td>Mr Y C Wong</td>
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<td>Location:</td>
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</tr>
<tr>
<td>Proposal:</td>
<td>Demolition of existing dwelling and ancillary structures and construction of a pair of two-storey semi-detached dwellings including garages, alfrescos, retaining walls and fencing</td>
</tr>
<tr>
<td>Zone/Policy Area:</td>
<td>Residential Zone Residential Policy Area 25 – St Georges Development Plan consolidated 19 Dec 2017</td>
</tr>
<tr>
<td>Kind of Assessment:</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification:</td>
<td>Category 2 One (1) representations received</td>
</tr>
<tr>
<td>Appeal Opportunity:</td>
<td>Applicant only, no third party appeal rights</td>
</tr>
<tr>
<td>Referrals – Statutory:</td>
<td>N/A</td>
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<tr>
<td>Referrals – Non Statutory:</td>
<td>Technical Officer Engineering Urban Forestry Officer</td>
</tr>
<tr>
<td>Delegations Policy:</td>
<td>Unresolved representations</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Development Plan Consent be granted</td>
</tr>
<tr>
<td>Recommending Officer:</td>
<td>Renae Grida</td>
</tr>
</tbody>
</table>

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 Council 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 demolition of an existing dwelling and ancillary structures to accommodate the construction of a pair of two-storey semi-detached dwellings. The proposed built form exhibits a modern and contemporary design, with strong parapet elements, a flat roof form and an emphasis on material finishes as a design feature.

Both dwellings feature the same design, with a double garage, laundry, w/c, pantry, open plan kitchen, living and dining, and master bedroom including ensuite and walk in robe to the ground floor, with two bedrooms, an additional master suite including ensuite and walk in robe, bathroom and lounge/study to the upper floor.

The development also includes front fencing as well as side boundary fencing and retaining walls and incidental earthworks. This application does not include land division, and no subsequent land division application has been submitted at this time.

2. **BACKGROUND**

Development Application 180\0069\19 was lodged with Council on 13 February 2019 by Mr Y C Wong on behalf of the registered owner of the land.

The application was determined as 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 25, Principle of Development Control 7 (a), (c) and (d).

The application was made available for public inspection for a period of two weeks, during which time there was one (1) written submission made, raising matters in relation to fence heights on the common boundary and indicating that they wish to address the Panel. A copy of the representation was forwarded to the applicant for consideration and a response was provided, with amendments made to satisfy the matters raised.

As part of the internal assessment process, the proposal was also referred to Council’s Technical Officer Engineering and Urban Forestry Officer for review. Although this initially produced concerns about driveway crossover locations and street tree impacts the plans have subsequently been amended to address the matters raised.

Pursuant to Council’s Delegation Policy, the application is presented to the Panel for consideration as a Category 2 development with unresolved representations.

3. **SUBJECT LAND AND LOCALITY ATTRIBUTES**

3.1. **Subject Land**

The subject land is a regular shaped residential allotment on the northern side of Inverness Avenue in the suburb of St Georges. The subject land has an approximate area of 975.2 square metres, with a frontage to the public road of 21.33 metres and a depth of 45.72 metres. The topography of the land is portrays an approximate fall of 3 metres from the front south-eastern corner to the rear north-western corner of the site.

The subject land is currently occupied by a single storey detached dwelling constructed in the 1950s in the conventional architectural style. The site has a single vehicular access point at the eastern end of the frontage. There are no regulated or significant trees identified on the subject land or adjoining land.
3.2. Locality

The locality is wholly contained within Residential Policy Area 25 (RPA 25) and comprises those dwellings on both sides of Inverness Avenue, east of 14 and 17 Inverness, to 24 and 31 Inverness Avenue. The locality includes those properties on the southern side of Highfield Avenue and both sides of Hewitt Avenue between Highfield Avenue and the intersection of Hewitt Avenue and Inverness Avenue on account of proximity to the site.

The pattern of subdivision is relatively consistent with medium-to-large regular shaped allotments. It is evident that the area is undergoing change with infill development being the predominant variation from the original subdivision pattern in the locality, being that of one-into-two subdivisions to cater for semi-detached dwellings. The established housing stock of the locality is comprised of primarily single storey detached dwellings built during the 1950s in the conventional style, with later redevelopments of varied architectural styles, either single-storey or two-storey in built form.

4. KIND OF ASSESSMENT

<table>
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<tr>
<th>Kind:</th>
<th>Merit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason:</td>
<td>Development Act 1993, Section 35(5)</td>
</tr>
<tr>
<td>Applicant Appeal Opportunity:</td>
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</tr>
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</table>

5. PUBLIC NOTIFICATION

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<tbody>
<tr>
<td>Reason:</td>
<td>Residential Policy Area 25, Principle of Development Control 7(a), (c), (d)</td>
</tr>
<tr>
<td>Representations Received:</td>
<td>• Alan Britten-Jones – 21 Inverness Avenue St Georges (wish to be heard)</td>
</tr>
<tr>
<td>Third Party Appeal Opportunity:</td>
<td>No</td>
</tr>
</tbody>
</table>

- 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 located within the Residential Zone and is currently utilised for residential purposes associated with a two storey detached dwelling;
- The proposed development is not identified as a non-complying kind of development in the Burnside (City) Development Plan;
- The Development Plan anticipates semi-detached dwellings and does not preclude two-storey development; and
- If it can be demonstrated that the proposed development has 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 25 seeks to maintain and enhance the low scale, low density residential character, that is derived particularly from residential primarily one-storeyed, or split-level, detached dwellings in a variety of post-war period styles (typically conventional); streetscapes enhanced by well-established, open, front gardens, and grassed verges; and in certain areas, tall trees, including indigenous eucalypts.

Whilst the proposal does not reflect the desired character that seeks to maintain one-storeyed detached dwellings, it is split level in its design to respond to the topography of the area and is consistent with, and responds to, the prevailing character of development occurring throughout RPA 25. As such, the development is considered reasonably consistent with the character of the locality in terms of density and patterns of subdivision. The proposed development exceeds the minimum site area and frontage widths prescribed by the policy area guidelines and, as such, is considered to satisfy the intent of the primary objective for RPA 25.

The immediate streetscape and wider locality displays an evident established character where several two-storey detached and semi-detached built form buildings are present, in a wide variety of styles. The proposed development is considered to complement the bulk, scale, siting and positive elements of the existing housing stock within the streetscape and locality. With respect to this, the proposal presents a new two-storey building comprising two dwellings which exhibits a modest form, height and siting that is compatible with the established residential character of the locality.

The proposed two storey form is compatible with the scale and siting of existing dwellings within the locality, providing a centrally located upper level, stepped floorplan to correspond with the natural topography of the land and reasonable upper level side set-backs and incorporating appropriate fenestration to minimise the visual massing of the building as well as maintain appropriate levels of natural sunlight into adjoining land.

The development is considered acceptable in relation to amenity impacts to neighbouring properties, where privacy is suitably addressed, having window sill heights and fixed obscure glazing to upper level side elevation windows in excess of the prescribed 1.6m by the Development Plan. The north-south orientation of the site means that the shadow cast by the upper level will move from west to east throughout the day, whereby the impacts to adjoining properties do not exceed the parameters of Council Wide Principle of Development Control 183.

7.3. Site Functionality

The development is largely consistent with the relevant quantitative guidelines of the Development Plan and is not considered to be an overdevelopment of the site. Despite both dwellings exceeding the total floor area guideline as well as encroaching within the setback guidelines concerning side boundaries, the proposed building is considered to fit neatly within the locality and will have a minimum impact to the adjoining properties in terms of bulk, scale and overshadowing. The land also retains a private open rear yard that complies with the desired floor area ratio and conforms to the various qualitative standards.
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 Inverness Avenue or cause significant nuisance to nearby residents or other users of land.

Driveway access was initially sought central to the site at the detriment of an existing Council street tree. Following consultation with Council’s Urban Forestry Officer, a setback distance from the base of the tree to a new crossover/driveway was prescribed and the plans were later amended so as to locate the garages at the outer ends of the sites. Access to the proposed allotments is gained via an existing driveway crossover for Dwelling 2 and a new driveway crossover for Dwelling 1, enabling adequate separation from the street trees; ensuring their ongoing protection and preservation.

7.4. Public Notification

The proposal was made available for public inspection for a period of two weeks, during which time Council received one (1) written submission from an adjoining land owner to the west at 21 Inverness Avenue St Georges.

The primary matters raised relate to common boundary fencing heights, where the representor stated that they wish for fence heights to be raised to 2.5m adjacent their areas of private open space and kitchen and be of a height of 2.1m for the rest of the common boundary. The applicant responded to the submissions by amending the plans to illustrate these heights to the western boundary of the subject land.

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 proposal was referred to Council’s Technical Officer Engineering who raised no concern with the proposed development and provided standard advisory notes, included in the recommendation.

The referral to Council’s Urban Forestry Officer resulted in amendments to the crossover and vehicular access arrangement to satisfy the required clearance from the centrally located street tree.

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 Council 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\0069\19, by Mr Y C Wong, is **granted** Development Plan Consent subject to the following conditions and reserved matters:
Conditions

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

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

2. The landscaping detailed on the stamped and approved plans granted Development Plan Consent shall be undertaken within three (3) months of the substantial completion of development and in any event prior to the occupation or use of the development.

Such landscaping shall be maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

**Reason:**
To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

3. All side elevation 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 1.8m above the finished floor level, or have a window sill height set at a minimum height of 1.8m above the finished floor level.

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

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

4. The approved works may not commence until such time as the applicant has secured written authorisation for the construction of the new driveway crossover from the Council pursuant to Section 221 of the *Local Government Act 1999*.

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

Advisory Notes

1. **Engineering Requirements:**

   **Driveway Conditions:**
   - Unless approved otherwise, construction of the driveway crossover shall be in accordance with Council’s Standard Specification and General Conditions and completed to the reasonable satisfaction of Council.
The existing second driveway/gutter crossing must be removed and reinstated to kerb upon completion of the proposed gutter crossing.

A shared driveway width of 6 metres is permitted across the verge and a crossover width of 7 metres (maximum) is permitted at the kerb and gutter.

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.

Street Trees:
- Crossover to be setback 2.40m from the existing street tree.
- No tree roots larger than 40mm in diameter are to be cut without Council consent.
- Street trees to be protected during development with bunting set 1.5m from the trunk for duration of works.
- Crossover to be constructed using Permeable materials on both sides of the tree.
- No storing of materials on road verge during construction.
- No pruning of street trees.
- No vehicles on road verge at any time during development.
- The applicant will be liable for any damage caused to public trees during the development process, including damage by privately engaged contractors.

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 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 (Cp = 0.9) site coverage of 75% and pervious (Cp = 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 (Cp = 0.9) site coverage of 40% and pervious (Cp = 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.
APPENDIX 1

AERIAL LOCALITY MAP

Legend

- **Subject Land**
- **Representor’s Land**
# Summary of Policy Area Objectives and Principles

**Primary Residential Policy Area 25 – St Georges Objectives:**

**Objective 1:**
*Maintenance and enhancement of the low scale, low density residential character that is derived particularly from:*

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

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

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

### Subject:

<table>
<thead>
<tr>
<th>Desired Land Use</th>
<th>Assessment:</th>
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<tbody>
<tr>
<td>O 1</td>
<td>Satisfied.</td>
</tr>
<tr>
<td></td>
<td>- The proposal seeks to continue the established and desired residential use of the subject land.</td>
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### Local Compatibility

<table>
<thead>
<tr>
<th>PDC 1</th>
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<tbody>
<tr>
<td>Satisfied.</td>
<td></td>
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<tr>
<td>- The proposed density is considered consistent and envisaged by the policy area, where the sites reasonably accord with the guidelines to support semi-detached dwellings in this location.</td>
<td></td>
</tr>
<tr>
<td>- Two-storey development in this location is not precluded by the policy area, and is of appropriate external wall heights and proportions to be compatible with the existing streetscape.</td>
<td></td>
</tr>
<tr>
<td>- The locality comprises a mix of single-storey and two-storey development, as well as a mix of densities.</td>
<td></td>
</tr>
<tr>
<td>- The modern design takes visual cues from the roof form and modern style of other contemporary dwellings within the streetscape and wider locality.</td>
<td></td>
</tr>
<tr>
<td>- The built form comprises two double-storey dwellings which are relatively compatible in form, scale and style with the existing housing stock of the locality.</td>
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</table>

### Site Areas and Frontages

<table>
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<th>PDC 2–5</th>
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</tr>
</thead>
<tbody>
<tr>
<td>- Each site achieves the minimum frontage width and site area guidelines for semi-detached dwellings within RPA 25.</td>
<td></td>
</tr>
</tbody>
</table>
Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:
A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.

Objective 2:
Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.

Objective 3:
Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.

Objective 5:
Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.

Objective 8:
Use of design, management and other techniques to improve all aspects of the environmental performance of development.

Subject: DP Ref Assessment:

Zoning and Land Use
O 1–8
PDC 1
Satisfied.

Building Appearance
PDC 2–4
Satisfied.
- The proposed building is considered to have due regard to the siting, massing and proportions, roof form and pitch of existing buildings in the streetscape.
- The contemporary style of the dwelling is envisaged by the policy area, where it is acknowledged that there are dwellings of a variety of styles.

Design for Topography
PDC 5–6
Satisfied.
- The proposed building is designed to have a stepped floor level between the two dwellings, as well as split floor levels within the dwelling itself, to suitably respond to the fall of the land and the stepped nature of floor levels when viewed from the street.
Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 11:
Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

Objective 52:
A compact metropolitan area.

Objective 53:
A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.

Objective 54:
Containment of housing costs through the encouragement of a full range of design and development techniques.

Objective 55:
Safe, pleasant, accessible and convenient residential areas.

Objective 56:
Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.

Objective 58:
The revitalisation of residential areas to support the viability of community services and infrastructure.

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<tr>
<th>Subject: Zoning and Land Use</th>
<th>Assessment: Satisfied.</th>
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<tbody>
<tr>
<td>Subject: Design and Appearance</td>
<td>Assessment: Satisfied.</td>
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<td>O 11</td>
<td>PDC 14–18, 23-28</td>
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<tr>
<td>PDC 160–162</td>
<td>Front Set-backs Satisfied.</td>
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<tr>
<td>Side Set-backs Partial Variance.</td>
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<tr>
<td>- The ground floor of the proposed dwellings are suitably setback in accordance with CW PDC 161(d) as they relate to the external boundaries of the site, however exhibit a 0.5m variance to the internal boundary.</td>
<td></td>
</tr>
<tr>
<td>- The upper level shares a party wall to the common boundary, and proposes a setback of 3.45m to the outer boundaries, displaying a 0.55m variance from the 4m guideline. Despite this shortfall, the siting of the upper level is considered acceptable in view of the following:</td>
<td></td>
</tr>
<tr>
<td>- The proposed siting is not anticipated to cause a significant loss of amenity, in terms of visual impact, overshadowing or access to sunlight, to occupants of adjoining land thereby signifying a an acceptable spatial relationship and general accordance with qualitative guidelines.</td>
<td></td>
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<tr>
<td>Section</td>
<td>Satisfactory Notes</td>
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<tr>
<td>---------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td><strong>Building Height</strong></td>
<td>- The proposed building does not exceed two-storeys or a 9m building height, as per CW PDC 163.</td>
</tr>
<tr>
<td><strong>Site Coverage</strong></td>
<td>- Ground level site coverage does not exceed 40% as per CW PDC 164(a). - Total floor area exceeds the 50% guideline by 9.1%. Whilst in excess, this discrepancy is not considered to manifest in adverse planning impacts due to the suitable siting of the first floor from side and rear boundaries, sufficient off-street car parking and adequate private open space.</td>
</tr>
<tr>
<td><strong>Private Open Space</strong></td>
<td>Satisfied.</td>
</tr>
<tr>
<td><strong>Privacy</strong></td>
<td>- Upper level side elevation windows include fixed obscure glazing and/or window sills set to a height of some 2m above the finished floor level which complies with CW PDC 175.</td>
</tr>
<tr>
<td><strong>Access and On-Site Car Parking</strong></td>
<td>Satisfied.</td>
</tr>
<tr>
<td><strong>Access to Sunlight</strong></td>
<td>- Due to the orientation of the site, overshadowing impacts are managed in accordance with CW PDC 183.</td>
</tr>
<tr>
<td><strong>Fences and Retaining Walls</strong></td>
<td>Satisfied.</td>
</tr>
</tbody>
</table>

- The proposed siting does not disrupt the established pattern of space between buildings along Inverness Avenue, but instead offers a balanced presentation when viewed from the road to which the site has frontage.
## DEVELOPMENT DATA TABLE

<table>
<thead>
<tr>
<th>Site Characteristics</th>
<th>Proposed Dwelling 1</th>
<th>Proposed Dwelling 2</th>
<th>Guideline</th>
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<tbody>
<tr>
<td><strong>Site Area</strong></td>
<td>487.6m²</td>
<td>487.6m²</td>
<td>450m²</td>
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<tr>
<td><strong>Street Frontage</strong></td>
<td>10.664m</td>
<td>10.664m</td>
<td>10m</td>
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### Design Characteristics

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<td><strong>Site Coverage</strong></td>
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<tr>
<td>- Buildings only</td>
<td>189.5m²</td>
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<tr>
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<td>38.8%</td>
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<tr>
<td>- Buildings and driveways</td>
<td>237.9m²</td>
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<tr>
<td></td>
<td>48.8%</td>
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<tr>
<td>- Total floor area</td>
<td>288.4m²</td>
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<tr>
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<td>59.1%</td>
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### Building Height

- **Storeys**: 2
- **Metres**: 8.9m

### Set-backs

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<tr>
<td><strong>Lower Level</strong></td>
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<tr>
<td>- Front boundary</td>
<td>8.5m</td>
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<td>- Side boundary</td>
<td>1.5m</td>
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<tr>
<td></td>
<td>– 3.4m (w)</td>
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<td></td>
<td>Party wall – 1m (e)</td>
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<tr>
<td>- Rear boundary</td>
<td>11.6m</td>
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<tr>
<td><strong>Upper Level</strong></td>
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</tr>
<tr>
<td>- Front boundary</td>
<td>14.7m</td>
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<tr>
<td>- Side boundary</td>
<td>3.45m (w)</td>
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<td></td>
<td>Party wall (w)</td>
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<tr>
<td></td>
<td>3.45m (e)</td>
</tr>
<tr>
<td>- Rear boundary</td>
<td>17m</td>
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### Private Open Space

- **Percentage**: 180m² 63.7% of TFA
- **Dimensions**: 10m x 8m

### Car Parking and Access

- **Number of parks**: 2
- **Width of driveway**: 4.5m
- **Width of garage/carport door**: 5m 46.8%
DEVELOPMENT APPLICATION

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>180\0433\19</th>
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<tbody>
<tr>
<td>Applicant:</td>
<td>Regent Homes</td>
</tr>
<tr>
<td>Location:</td>
<td>8 Dryden Avenue, Hazelwood Park</td>
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<tr>
<td>Proposal:</td>
<td>Two storey detached dwelling including retaining walls and fencing</td>
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<tr>
<td>Zone/Policy Area:</td>
<td>Residential Policy Area 22</td>
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<td>Development Plan consolidated 19 December 2017</td>
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<td>Kind of Assessment:</td>
<td>Merit</td>
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<td>Category 2</td>
</tr>
<tr>
<td></td>
<td>Two (2) representations received</td>
</tr>
<tr>
<td>Appeal Opportunity:</td>
<td>Applicant only, no third party appeal rights</td>
</tr>
<tr>
<td>Referrals – Statutory:</td>
<td>N/A</td>
</tr>
<tr>
<td>Referrals – Non Statutory:</td>
<td>Technical Officer Engineering</td>
</tr>
<tr>
<td>Delegations Policy:</td>
<td>Unresolved representations</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Development Plan Consent be granted</td>
</tr>
<tr>
<td>Recommending Officer:</td>
<td>Jake Vaccarella</td>
</tr>
</tbody>
</table>

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 Council 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 new two-storey detached dwelling on an existing residential allotment in the suburb of Hazelwood Park.

The proposed dwelling comprises the following:

**Ground level**
- Double garage;
- Bedroom (including WIR and ensuite);
- Dining room;
- Laundry;
- Study;
- Carport;
- Open plan kitchen, meals and living areas;
- Alfresco

**First floor**
- Three (3) bedrooms;
- Retreat; and
- Bathroom.

The proposed development also encompasses boundary (side) concrete sleeper retaining walls and 1.8 metre high Colorbond fencing on top.

2. **BACKGROUND**

Development Application 180\0433\19 was lodged on 09 May 2019 by Regent Homes on behalf of the registered owners of the land.

The proposal was determined to be 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 22, Principle of Development Control 9 (a) and (b).

The application was made available for public inspection between 05 and 19 August 2019, during which time Council received written submissions from two (2) external parties, of whom one expressed a desire to appear in person before the Council Assessment Panel (the Panel) in support of their submission. The representations raised concerns with regard to front setback and overshadowing (among others).

Copies of the submissions were forwarded to the applicant for consideration and response. The applicant provided a written response to the representations which included new information in the form of a shadow study aimed at addressing the concerns regarding sunlight access.

The proposal is now presented to the Panel as a Category 2 development with unresolved representations, and a staff recommendation that Development Plan Consent be granted, subject to conditions.
SUBJECT LAND AND LOCALITY ATTRIBUTES

2.1. Subject Land

The subject land is a regular shaped allotment located on the northern side of Dryden Avenue within the suburb of Hazelwood Park, as recorded in Certificate of Title Volume 5455 Folio 897. The subject land is wholly contained within Residential Policy Area 22 – Beaumont Common (RPA 22) and measures approximately 822 square metres with a frontage to Dryden Avenue of 17.98 metres.

The site has an approximate fall of 4 metres from the front to the rear. Existing on the land is a 1960s single storey dwelling, freestanding carport and small shed to rear. Vehicular access is gained via an existing crossover sited in the south-western corner of the site which will be changed to the opposite side as part of this development.

2.2. Locality

The locality comprises both sides of Dryden Avenue between Ruskin Place to the west and Burns Avenue to the east. Properties with frontage to Ruskin Place and Burns Avenue also form part of the locality on account of their proximity to the site. The locality is wholly contained within RPA 22.

In terms of its residential character, the locality is comprised of one-storeyed and two-storeyed dwellings in a variety of architectural styles including buildings comprising stepped floorplans a direct response to the foothills topography of the area. Dwellings on the southern side of Dryden Avenue are especially prominent as a result of them being sited upon elevated land and comprising largely open and spacious front yards.

The pattern of division is relatively consistent with regular shaped, rectangular allotments ranging from 550 – 850 square metres in area with consistent street frontages in the range of 17 – 20 metres.

The residential amenity of the locality is enhanced via the presence of large indigenous trees and well-established, open front gardens and grassed road verges. It is also acknowledged that the topography of the locality observes a moderate decline from Glynburn Road Terrace to the east to Ruskin Place to the west.

3. KIND OF ASSESSMENT

<table>
<thead>
<tr>
<th>Kind:</th>
<th>Merit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason:</td>
<td>Development Act 1993, Section 35(5)</td>
</tr>
<tr>
<td>Applicant Appeal Opportunity:</td>
<td>Yes</td>
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</table>

4. PUBLIC NOTIFICATION

<table>
<thead>
<tr>
<th>Category:</th>
<th>Category 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason:</td>
<td>Residential Policy Area 22 Principle of Development Control 9 (a) and (b)</td>
</tr>
<tr>
<td>Cut / Fill:</td>
<td>The proposed earthworks are considered to be incidental to the construction of the dwellings and are not expected to cause significant amenity disturbance to the adjacent properties or the streetscape.</td>
</tr>
<tr>
<td>Representations Received:</td>
<td>• Judith Brooks – 10 Dryden Avenue, Hazelwood Park (wish to be heard)</td>
</tr>
</tbody>
</table>
Nat & Josephine – Dryden Avenue, Hazelwood Park (do not wish to be heard)

Third Party Appeal Opportunity: No

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

5. AGENCY REFERRALS

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

6. EXECUTIVE SUMMARY

6.1. Land Use

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

- The proposal maintains the established and desired residential use of the land;
- The nature of the proposed built form is consistent with the low scale, low density residential character envisaged for the Policy Area;
- The proposed development is not identified as a non-complying kind of development in the Burnside (City) Development Plan;
- The Development Plan does not explicitly preclude two-storey development; and
- If it can be demonstrated that the proposed development has 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

Residential Policy Area 22 seeks to maintain and enhance the low scale, low density residential character derived particularly from single-storeyed and double-storeyed detached dwellings in a variety of styles from the post war period. This particular locality is discerned by the presence of two-storey dwellings sited on elevated land on the southern side of Dryden Avenue.

The proposed building is generally compatible with these characteristics, comprising a high quality design, highlighted by its centrally located first floor component, hipped roof and appropriate mix of external materials and finishes. The siting of the building achieves generous spatial separation from boundaries which is considered to maintain and enhance the low scale residential character of the policy area whilst introducing a new building of a suitably high design standard that is compatible with existing housing stock.

In terms of its visual massing, the building features a modest upper level and is comparable in bulk and scale to adjacent two-storey development the west of the site and on the southern side of Dryden Avenue.

One of the submissions received during public consultation raised concerns with respect to the front setback of the dwelling, pointing out that its alignment is not consistent with average siting of dwellings on adjoining allotments. An analysis of the locality reveals a somewhat discordant pattern of building setbacks from the public road. This is largely attributed to the combination of original housing stock being afforded large setbacks and more recent development incorporating lesser setbacks from Dryden Avenue. In this context, the siting of the building relative its front boundary is consistent with the 6 metre
Council Wide guideline, will not disrupt the established streetscape character of Dryden Avenue and nor will it impair the use of adjacent land.

In terms of overlooking opportunities, the proposed building incorporates high level upper level side windows which incorporate a sill height of 1.7m above the floor level of the first floor, which exceeds the Development Plan’s guidelines with respect to privacy. The front facing windows permit views over the public realm and allow casual surveillance of the street which is considered typical of two-storey development and consistent with the relevant privacy guidelines.

One of the submissions received during public consultation raised concerns with respect to overshadowing and advised that the concerns would be overcome by the provision of accurate shadow diagrams to determine the impacts to sunlight access. In response to these concerns, the applicant has provided a detailed shadow analysis which confirms that the proposed development will not inhibit access to sunlight for the adjoining property to the east beyond the levels contemplated by the Development Plan.

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

6.3. Site Functionality

The proposed building footprint fits well within the site boundaries, as delineated on the proposed site plan and is consistent with the site coverage and total floor area guidelines, whilst providing generous room for useable private open space areas associated with the dwelling in excess of the Development Plan guidelines.

For vehicular access purposes, the subject land is serviced via a new crossover to Dryden Avenue located in the south-eastern corner of the site, with the existing crossover to be removed and reinstated to kerb. The siting of the new crossover avoids any conflict with street trees or street infrastructure.

The development provides generous space for on-site car parking to meet the needs of future occupants and visitors and to avoid on-street parking that would restrict the free flow of traffic (including pedestrian traffic) along Dryden Avenue or cause significant nuisance to nearby residents or other users of land.

Council’s Engineering Services and Open Spaces departments have reviewed the proposal and are satisfied with the design and the proposed crossover works have been approved through a separate authorisation granted in accordance with Section 221 of the Local Government Act 1999.

6.4. Public Notification

During the public notification period, Council received two (2) submissions from owners of adjacent land, of whom one expressed a desire to formally present their submission before the Panel. The primary concerns raised in this submission were mentioned previously in the background section of this report.

The applicant provided a formal response to the representation in accordance with Regulation 36(1) of the Regulations, confirming (among other things) that the dwelling had been designed with specific regard for the relevant provisions of the Development Plan, specifically with respect to setbacks and overshadowing. A copy of the applicant’s response is attached to this report.
Council considers that the planning matters raised through the public notification process have been sufficiently addressed through the overall design of the building and the amendments introduced following the notification period insofar as they are to be determined under the Development Act 1993.

6.5. 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.

7. RECOMMENDATIONS

It is recommended that the Council 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\0433\19, by Regent Homes is granted Development Plan Consent subject to the following conditions:

Conditions

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

   **Reason:**
   To ensure the development is undertaken in accordance with the plans and details submitted

2. 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. The landscaping detailed on the stamped and approved plans granted Development Plan Consent shall be undertaken within three (3) months of the substantial completion of development and in any event prior to the occupation or use of the development.

   Such landscaping shall be maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

   **Reason:**
   To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.
The approved works may not commence until such time as the applicant has secured written authorisation for the construction of the new driveway crossover from the Council pursuant to Section 221 of the *Local Government Act 1999*.

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

**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. **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.
   - The existing second driveway/gutter crossing must be removed and reinstated to kerb upon completion of the proposed gutter crossing.
   - A driveway width of 4.5 metres is permitted across the verge and a crossover width of 5.5 metres (maximum) is permitted at the kerb and gutter.
   - A minimum distance of 1.0 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**
   - 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 (Cp = 0.9) site coverage of 75% and pervious (Cp = 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 (Cp = 0.9) site coverage of 40% and pervious (Cp = 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.

**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

**RECOMMENDING OFFICER**
Jake Vaccarella
Development Officer – Planning
AERIAL LOCALITY MAP

Legend

- Subject Land
- Representor's Land
### DETAILED PLANNING ASSESSMENT

#### Summary of Policy Area Objectives and Principles

**Primary Residential Policy Area 22 Objectives:**

**Objective 1:**

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

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

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

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

<table>
<thead>
<tr>
<th>Subject: Desired Land Use</th>
<th>Assessment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>DP Ref O 1</td>
<td>Satisfied.</td>
</tr>
<tr>
<td></td>
<td>• The proposal seeks to continue the established and desired residential use of the subject land.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subject: Local Compatibility</th>
<th>Assessment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDC 1</td>
<td>Satisfied.</td>
</tr>
<tr>
<td></td>
<td>• Although two storeys in form, the proposed building features a centrally located, modest upper level component and exhibits appropriate external wall heights and proportions to be considered compatible with the established residential character of the locality.</td>
</tr>
<tr>
<td></td>
<td>• The locality comprises a mix of single and two storey development sited on elevated sites;</td>
</tr>
<tr>
<td></td>
<td>• The proposed dwelling is of a comparable form, scale and appearance of the adjacent two-storey buildings;</td>
</tr>
<tr>
<td></td>
<td>• The proposed dwelling is of a high standard, modern design which takes visual cues from the roof form and pitch of existing dwellings in the street.</td>
</tr>
</tbody>
</table>
Council Assessment Panel Agenda  
05 November 2019  
Report Number: PR 5745.3

## Summary of Residential Zone Objectives and Principles

### Primary Residential Zone Objectives:

**Objective 1:**
A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.

**Objective 2:**
Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.

**Objective 3:**
Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.

**Objective 5:**
Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.

**Objective 8:**
Use of design, management and other techniques to improve all aspects of the environmental performance of development.

### Subject:  
**Zoning and Land Use**  
O 1–8  
PDC 1  
**Building Appearance**  
PDC 2–4  
**Design for Topography**  
PDC 5–6

<table>
<thead>
<tr>
<th>Subject:</th>
<th>Assessment:</th>
</tr>
</thead>
</table>
| **Zoning and Land Use**  
O 1–8  
PDC 1 | Satisfied.                                                                                                                                   |
| **Building Appearance**  
PDC 2–4 | Satisfied.  
- The proposed dwelling is of a mass and scale which is consistent with mass and scale of neighbouring properties;  
- The proposed dwelling comprises a high quality contemporary building which incorporates a unique mix of external materials and finishes across the external façade which provides articulation and visual interest;  
- The building comprises a modest upper level proportionate to the ground floor which assists in minimising the vertical profile of the building;  
The proposed building fits well within the 9m height guideline of the Development Plan. |
| **Design for Topography**  
PDC 5–6 | Satisfied.  
- The proposal involves incidental earthworks to achieve a flat building platform;  
- The proposed earthworks are comparable in scale to established buildings within the locality which have been sited on manipulated ground level as a direct response to the topography of the area. |
Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 11:
Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

Objective 52:
A compact metropolitan area.

Objective 53:
A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.

Objective 54:
Containment of housing costs through the encouragement of a full range of design and development techniques.

Objective 55:
Safe, pleasant, accessible and convenient residential areas.

Objective 56:
Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.

Objective 57:
Medium and high density residential development in areas close to activity centres, public and community transport and public open spaces.

Objective 58:
The revitalisation of residential areas to support the viability of community services and infrastructure.

Objective 59:
Affordable housing, student housing and housing for aged persons provided in appropriate locations.

Objective 60:
Increased affordable housing opportunities through land division and the conversion of buildings to a residential use.

Subject: Zoning and Land Use
Assessment: Satisfied.

Subject: Design and Appearance
Assessment: Satisfied.
- The proposed development is considered to be of a high design standard and appearance that responds to positive aspects of the locality.

Subject: Building Set-backs
Assessment: Variance.
- The dwelling achieves a minimum set-back from Dryden Avenue of 8.04 metres;
- Whilst this does not strictly align with the average setback of adjoining dwellings on neighbouring allotments it maintains consistency with the 6m Council Wide guideline;
- As such, the proposed siting of the dwelling will maintain the established streetscape character of Dryden Avenue without impairing the use of adjoining land.
<table>
<thead>
<tr>
<th><strong>Side Set-backs</strong></th>
<th><strong>Rear Set-backs</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Variance.</strong></td>
<td><strong>Satisfied.</strong></td>
</tr>
<tr>
<td>- The siting of the dwelling fails to achieve a 1.5m setback from the western side boundary;</td>
<td>- The proposed sited building maintains adequate separation from the adjacent buildings and maintains a pattern of spacing which is comparable to the established housing stock of the locality.</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td><strong>Satisfied.</strong></td>
</tr>
<tr>
<td>PDC 164</td>
<td>- <strong>Satisfied.</strong></td>
</tr>
<tr>
<td><strong>Site Coverage</strong></td>
<td>- The proposed sited building maintains adequate separation from the adjacent buildings and maintains a pattern of spacing which is comparable to the established housing stock of the locality.</td>
</tr>
<tr>
<td>PDC 165</td>
<td><strong>Satisfied.</strong></td>
</tr>
<tr>
<td><strong>Private Open Space</strong></td>
<td>- The upper level windows across the primary façade face the public realm and as such are not anticipated to result in the overlooking of private open space areas or habitable room windows of adjacent land.</td>
</tr>
<tr>
<td>PDC 166, 169</td>
<td><strong>Satisfied.</strong></td>
</tr>
<tr>
<td><strong>Amenity</strong></td>
<td>- The applicant has provided shadow diagrams to demonstrate the extent of shadow cast at different time on the winter solstice.</td>
</tr>
<tr>
<td>O11, 20–22</td>
<td>- The shadow diagrams provided indicate that the proposed building will not restrict the amount of sunlight afforded to the adjoining properties on either side and thus will remain consistent with DP guidelines.</td>
</tr>
<tr>
<td>PDC 14–18, 52-69, 170-173</td>
<td><strong>Satisfied.</strong></td>
</tr>
<tr>
<td><strong>Privacy</strong></td>
<td>- The proposal includes details of boundary fencing and retaining walls.</td>
</tr>
<tr>
<td>PDC 22, 174–176</td>
<td>- The proposed retaining walls reach a maximum height of 1.17m along a portion of the western boundary which is not of character with the locality, in which stepped allotments are a typical response to the slope of the road.</td>
</tr>
<tr>
<td><strong>Access and On-Site Car Parking</strong></td>
<td>- The proposed side and rear boundary fencing (1.8 metre high Colorbond) is regarded as standard within the Residential Zone and suitable in providing reasonable privacy without appearing visually dominant of large in scale.</td>
</tr>
<tr>
<td>PDC 177–182</td>
<td><strong>Satisfied.</strong></td>
</tr>
<tr>
<td><strong>Access to Sunlight</strong></td>
<td>- The dwelling satisfies off-street parking requirements prescribed by Table Bur/5.</td>
</tr>
<tr>
<td>PDC 21, 183–186</td>
<td>- The proposed crossover location and driveway configuration which is sited over the Council verge has been approved by Council’s Technical Officer – Engineering in accordance with Section 221 of the Local Government Act 1999.</td>
</tr>
<tr>
<td><strong>Fences and Retaining Walls</strong></td>
<td><strong>Satisfied.</strong></td>
</tr>
<tr>
<td>PDC 190–194</td>
<td>- The proposal includes details of boundary fencing and retaining walls.</td>
</tr>
<tr>
<td><strong>Safety and Security</strong></td>
<td>- The proposed retaining walls reach a maximum height of 1.17m along a portion of the western boundary which is not of character with the locality, in which stepped allotments are a typical response to the slope of the road.</td>
</tr>
<tr>
<td></td>
<td>- The proposed side and rear boundary fencing (1.8 metre high Colorbond) is regarded as standard within the Residential Zone and suitable in providing reasonable privacy without appearing visually dominant of large in scale.</td>
</tr>
<tr>
<td></td>
<td><strong>Satisfied.</strong></td>
</tr>
<tr>
<td>PDC 195–198</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td><strong>Water Conservation</strong></td>
<td>Satisfied.</td>
</tr>
<tr>
<td>PDC 200–201</td>
<td></td>
</tr>
<tr>
<td><strong>Energy Conservation</strong></td>
<td>Satisfied.</td>
</tr>
<tr>
<td>PDC 31-32</td>
<td></td>
</tr>
</tbody>
</table>
### DEVELOPMENT DATA TABLE

<table>
<thead>
<tr>
<th>Site Characteristics</th>
<th>Proposed</th>
<th>Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Area</strong></td>
<td>822m²</td>
<td>550m²</td>
</tr>
<tr>
<td><strong>Street Frontage</strong></td>
<td>17.98m</td>
<td>15m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design Characteristics</th>
<th>Proposed</th>
<th>Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Coverage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Buildings only</td>
<td>31%</td>
<td>40%</td>
</tr>
<tr>
<td></td>
<td>255.20sqm</td>
<td></td>
</tr>
<tr>
<td>- Buildings and driveways</td>
<td>36%</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>297.80</td>
<td></td>
</tr>
<tr>
<td>- Total floor area</td>
<td>340.25</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>41%</td>
<td></td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- storeys</td>
<td>2 storeys</td>
<td>2 storeys</td>
</tr>
<tr>
<td>- metres</td>
<td>7.7m</td>
<td>9m</td>
</tr>
<tr>
<td><strong>Set-backs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lower Level</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- front boundary</td>
<td>8.04m</td>
<td>8m</td>
</tr>
<tr>
<td>- side boundary</td>
<td>1.32m (w)</td>
<td>1.5m - 2m</td>
</tr>
<tr>
<td></td>
<td>0.9m (e)</td>
<td></td>
</tr>
<tr>
<td>- rear boundary</td>
<td>20.05m</td>
<td>4m</td>
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<tr>
<td><strong>Upper Level</strong></td>
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<tr>
<td>- front boundary</td>
<td>8.04m</td>
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<td>6.00m (e)</td>
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<td>- rear boundary</td>
<td>27.33m (w)</td>
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<tr>
<td><strong>Boundary Wall</strong></td>
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<tr>
<td>- length</td>
<td>6.98m</td>
<td>8m</td>
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<tr>
<td>- height</td>
<td>2.73m</td>
<td>3m</td>
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<td><strong>Private Open Space</strong></td>
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<tr>
<td>- percentage</td>
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<td>50%</td>
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<tr>
<td>- dimensions</td>
<td>20.05m x 17.98m</td>
<td>5m x 8m</td>
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<tr>
<td><strong>Car Parking and Access</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- number of parks</td>
<td>2</td>
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<tr>
<td>- width of driveway</td>
<td>5m</td>
<td>4.5m</td>
</tr>
<tr>
<td>- width of garage/carport door</td>
<td>27%</td>
<td>33%</td>
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DEVELOPMENT APPLICATION

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>180\0707\19</th>
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<tbody>
<tr>
<td>Applicant:</td>
<td>Burbank Australia (SA) Pty Ltd</td>
</tr>
<tr>
<td>Location:</td>
<td>326 Kensington Road, Leabrook</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Single storey detached dwelling</td>
</tr>
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<td>Zone/Policy Area:</td>
<td>Residential Policy Area 10 – Leabrook (North) Development Plan consolidated 19 December 2017</td>
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<tr>
<td>Kind of Assessment:</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification:</td>
<td>Category 2 One (1) representation received</td>
</tr>
<tr>
<td>Appeal Opportunity</td>
<td>Applicant only, no third party appeal rights</td>
</tr>
<tr>
<td>Referrals – Statutory:</td>
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<td>Referrals – Non Statutory:</td>
<td>Technical Officer Engineering</td>
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<td>Delegations Policy:</td>
<td>Unresolved representations</td>
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<td>Recommendation:</td>
<td>Development Plan Consent be granted</td>
</tr>
<tr>
<td>Recommending Officer:</td>
<td>Jake Vaccarella</td>
</tr>
</tbody>
</table>

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 Council 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 new single storey detached dwelling on a recently created allotment on the southern side of Kensington Road in the suburb of Leabrook.

The dwelling features double garage, four (4) bedrooms (one with WIR and ensuite), lounge room, rumpus room, bathroom, laundry and open plan kitchen, family and meals area.

Although the site is located on an arterial road, vehicular access is maintained via an existing crossover located in the north-eastern corner of the site. Thus, no statutory referral was made to the Department (DPTI) in accordance with Schedule 8 of the Development Regulations 2008.

2. BACKGROUND

Development Application 180\709\19 was lodged on 15 July 2019 by Burbank Australia Pty Ltd on behalf of the registered owners of the land.

The proposal was determined to be 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 10, Principle of Development Control 8 (b).

The application was made available for public inspection between 06 August and 20 August 2019, during which time one of the notified parties queried the accuracy of the application documentation. Specifically, there was inconsistency from the site plan to the civil plan with respect to the alignment of the building relative to its frontage. Affected parties were advised that a second round of notification would be undertaken and any submissions received by Council during this initial period would be deemed invalid.

As a result, Council undertook a second round of public consultation to provide a more accurate portrayal of the proposed development and furnish adjoining landowners with an opportunity to reconsider the proposal based on an updated and accurate level of information.

The second public consultation period (superseding the initial period) and was made available for public inspection between 12 September and 29 September 2017, during which time Council received a written submission from one (1) neighbouring party expressing a desire to appear in person before the Council Assessment Panel (the Panel) in support of their submission.

The representation raised concerns with respect to building setbacks, colours and materials, insufficient site area, lack of detail in plans, roof form, stormwater and landscaping.

As part of the assessment process the application was also referred to Council’s Technical Officer – Engineering to assess the suitability of access arrangements, as well as genera impacts on Council infrastructure.

Pursuant to Council’s Delegation Policy, the application is presented to the Panel for consideration as a Category 2 development with unresolved representations.
3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a rectangular shaped allotment on the southern side of Kensington Road in Leabrook, as detailed in Certificate of Title Volume 6223 Folio 275. The site is a newly created allotment which was approved for subdivision in 2018 and measures approximately 464.5 square metres with a frontage to Kensington Road of 15.24 metres.

Existing on the land is a 1930s sandstone and cream rendered bungalow in relatively poor condition. The land is serviced by an existing vehicular crossover sited in the north-eastern corner of the site and is relatively flat in terms of its topography.

3.2. Locality

The locality takes in the area bounded by Kensington Road in the north, Godfrey Terrace in the south, Doerwyn Avenue to the west and the Resthaven site to the east.

The locality is comprised of primarily single storey detached dwellings with the exception of the adjacent recently constructed two-storey detached dwelling of similar form and proportions and the multi-storey aged care facility (Resthaven) located to the east of the subject land.

The established character along both sides of Kensington Road is highlighted by low-scale, low-density residential development in a variety of architectural styles including villas, cottages and Tudor’s.

4. KIND OF ASSESSMENT

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<tr>
<td>Reason:</td>
<td>Development Act 1993, Section 35(5)</td>
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<td>Applicant Appeal Opportunity:</td>
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5. PUBLIC NOTIFICATION

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<tr>
<td>Reason:</td>
<td>Residential Policy Area 10 Principle of Development Control 8 (b)</td>
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<tr>
<td>Representations Received:</td>
<td>Nicolette Dilemnia – 324 Kensington Road, Leabrook (wish to be heard)</td>
</tr>
<tr>
<td>Third Party Appeal Opportunity:</td>
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- 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 maintains the established and desired residential use of the land;
- The proposed dwelling maintains and enhances the low scale, medium density residential character of the Policy Area;
- The proposed development is not identified as a non-complying kind of development in the Development Plan; and
- If it can be demonstrated that the proposed development has 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 10 seeks to maintain and enhance a low scale, low density residential character derived from detached dwellings of low density, in a variety of styles (including modern styles).

The proposed development is generally compatible with these characteristics, whereby the centralised siting of the building and spatial separation from boundaries both maintains and enhances the low scale character of the streetscape while introducing a new building of a suitably high design standard that is compatible with existing housing stock.

The proposed dwelling offers a modern, single storey hipped roof building with brick façade which is comparable in bulk and scale to established adjoining built form either side of the site. As such, the dwelling is generally regarded as being compatible with the existing streetscape character and that described in the Policy Area objectives in terms of its architectural form, style, bulk, scale, setback from the street and open front garden.

In terms of its visual impact from adjoining properties either side of the subject land and to the rear of the site, the proposed building includes vertical wall heights that are compatible with existing housing stock.

In terms of its siting, the proposed building maintains the established pattern of spacing between buildings observed throughout the locality and achieves appropriate spatial separation between adjacent built form, satisfying the quantitative guidelines of the Development Plan concerning set-backs from side and rear boundaries.

The representor raised concerns with respect to the front setback of the dwelling, pointing out that its alignment is not consistent with average siting of dwellings on adjoining allotments. An analysis of the locality reveals that the dwellings located on the adjoining allotments are setback 7.3 metres and 6.75 metres from Kensington Road, respectively.

The siting of the proposed dwelling achieves a set-back from Kensington Road which ranges from 5.32 metres to 7 metres. Whilst it is acknowledged this does not adhere strictly to the relevant boundary set-back guidelines, the siting of the dwelling is not considered substantially at variance with the Development Plan given the context of how it relates to neighbouring buildings.
7.3. Site Functionality

The development is largely consistent with the relevant quantitative guidelines of the Development Plan and is not considered to be an overdevelopment of the site. Despite marginally exceeding the site coverage guideline, the proposed development is considered to fit neatly within this context and will have a minimal impact to the adjoining properties in terms of bulk, scale and overshadowing.

Although less than the desired 50% of total floor area, the proposal provides areas of private open space that are orientated and configured to permit sunlight access, are accessible from the primary living areas and comprise suitable dimensions to accommodate entertainment and leisure activities. To this extent, the site coverage departure has no consequence upon the internal functionality of the land and maintains liberal curtilage in front of the dwelling for the establishment of landscaping.

For vehicular purposes, the subject land is serviced via an existing crossover along Kensington Road located in the north-eastern corner of the allotment. The development provides generous space for on-site car parking to meet the needs of future occupants and visitors and to avoid on-street parking that would restrict the free flow of traffic (including pedestrian traffic) along Kensington Road or cause significant nuisance to nearby residents or other users of land.

7.4. Public Notification

During the public notification period, Council received one submission from an owner of adjacent land, of whom expressed a desire to formally present their submission before the Panel. The primary concerns raised in this submission were mentioned previously in the background section of this report.

The applicant provided a formal response to the representation in accordance with Regulation 36(1) of the Regulations.

Council considers that the planning matters raised through the public notification process have been sufficiently addressed through the overall design of the building and the amendments introduced following the notification period 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 Council 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\0707\19, by Burbank Homes (Sa) 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. A detailed landscaping plan specifying all areas of the subject land to be landscaped, including a list of the species to be planted, the height of the species and the maturity at the time of planting and mature height of plants shall be submitted to the Council prior to the granting of Development Approval.

   The establishment of all landscaping shall be undertaken within three (3) months of the substantial completion of development and in any event prior to the occupation or use of the development. Such landscaping shall be maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

   **Reason:**
   To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

**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.

**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.

**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.

**Engineering Requirements:**

- Unless approved otherwise, construction of the driveway crossover shall be in accordance with Council’s Standard Specification and General Conditions and completed to the reasonable satisfaction of Council.
- A driveway width of 4.5 metres is permitted across the verge and a crossover width of 5.5 metres (maximum) is permitted at the kerb and gutter.
- A minimum driveway width of 3 metres must be maintained across the verge.
- A minimum distance of 1.5 metres shall be maintained from the closest point of the driveway to the adjacent street tree.
- 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.
- Existing footpath levels, grades etc. shall not be altered as a result of the new works associated with the development.
- Due to the significant increase of the impermeable area, detention shall be provided to limit post development flows. Calculations shall be provided to verify the ability of the proposed detention quantity to meet the Council’s default detention and discharge requirements below:
  - The volume of any detention device shall be equal to the volume of water generated on the site with an impervious \( \text{Cp} = 0.9 \) site coverage of 75\% and pervious \( \text{Cp} = 0.1 \) 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 \( \text{Cp} = 0.9 \) site coverage of 40\% and pervious \( \text{Cp} = 0.1 \) area of 60\%, during a 1 in 5 year flood event for a 10 minute duration.

For stormwater management purposes, it is desirable that:
- An additional detention storage of 1,000Ltrs be provided in addition to the standard 1,000Ltrs retention tank provided; and
- The development utilises permeable paving for the proposed external paving work within the development site.
- The stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
- If the cover to the stormwater pipe across the Council verge is less than 65mm, steel pipe housing is to be used as per Council’s standards.
- The developer is responsible for locating all existing services and to consult with the necessary service providers if there is a conflict when placing stormwater infrastructure.
- Construction of the stormwater infrastructure is in accordance with Council’s Standard Specification and General Conditions and to the overall satisfaction of Council.
- Trenching and connections are to be undertaken as per Australian Plumbing Standards.
- Excess stormwater runoff from surfaces within the subject land shall be controlled and managed within the subject land.
- Excess stormwater runoff from the roof catchment shall be discharged to the street water table through a sealed system to the satisfaction of the Council.
- Excess stormwater runoff from the roof catchment can be connected to the Council’s main underground drainage system. Required permits from the Council are to be obtained prior to undertaking the connection to the main drainage pipe.

**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
AERIAL LOCALITY MAP

Legend

- **Subject Land**
- **Representor's Land**
# DETAILED PLANNING ASSESSMENT

## Summary of Policy Area Objectives and Principles

### Primary Residential Policy Area 10 – Leabrook (North) Objectives:

**Objective 1:**

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

(a) detached dwellings of low density, in a variety of styles (including villa, cottage, bungalow, Tudor and modern styles);

(b) in some parts of the Policy Area, a significant number of medium-density residential flat buildings and aged persons accommodation of one or more storeys;

(c) substantial dwellings (some two-storeyed), set-back a significant distance from the frontage street, and with spacious, well vegetated, generally open, front gardens; and

(d) open and attractive streetscapes along relatively wide streets with extensive grassed verges.

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

(a) along the open course and well vegetated environs of Second Creek, within which there is a dense corridor of trees, including many large, indigenous eucalypt trees;

(b) on land with frontage to Kensington Road and to Glynburn Road; and

(c) adjacent to the Neighbourhood Centre Zone and Policy Area 2 of the Watercourse Zone.

### Subject: Desired Land Use

<table>
<thead>
<tr>
<th>DP Ref</th>
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<tbody>
<tr>
<td><strong>O 1</strong></td>
<td>Satisfied.</td>
</tr>
<tr>
<td></td>
<td>• The proposal seeks to continue the established and desired residential use of the subject land.</td>
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### Subject: Local Compatibility

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<tr>
<td></td>
<td>• The proposal consolidates the residential use of the locality through the replacement of an existing dwelling with a new dwelling on an existing residential allotment;</td>
</tr>
<tr>
<td></td>
<td>• The proposal preserves the existing low density character of the policy area;</td>
</tr>
<tr>
<td></td>
<td>• The overall form, height and scale of the proposed building is compatible with adjacent development and contributes to the variety of architectural styles envisaged for the policy area;</td>
</tr>
<tr>
<td></td>
<td>• The proposed building comprises a high quality design which utilises an appropriate mix of materials and finishes which both complement and enhance the existing streetscape character of the locality.</td>
</tr>
</tbody>
</table>
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.

<table>
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<td>PDC 1</td>
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Summary of Council Wide Objectives and Principles

**Primary Residential Development Objectives:**

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<th>Description</th>
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<tr>
<td>Objective 11:</td>
<td>Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.</td>
</tr>
<tr>
<td>Objective 52:</td>
<td>A compact metropolitan area.</td>
</tr>
<tr>
<td>Objective 53:</td>
<td>A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.</td>
</tr>
<tr>
<td>Objective 54:</td>
<td>Containment of housing costs through the encouragement of a full range of design and development techniques.</td>
</tr>
<tr>
<td>Objective 55:</td>
<td>Safe, pleasant, accessible and convenient residential areas.</td>
</tr>
<tr>
<td>Objective 56:</td>
<td>Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.</td>
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<tr>
<td>Objective 57:</td>
<td>Medium and high density residential development in areas close to activity centres, public and community transport and public open spaces.</td>
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<tr>
<td>Objective 58:</td>
<td>The revitalisation of residential areas to support the viability of community services and infrastructure.</td>
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<table>
<thead>
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<td>Zoning and Land Use O 52–60</td>
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<tr>
<td>Design and Appearance O 11 PDC 14–18, 23-28</td>
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</table>
| Building Set-backs PDC 161–163 | **Front Set-backs** Variance.  
- The dwelling achieves a minimum set-back from Kensington Road of 5.32m which increases to 7m;  
- Whilst this falls short of the 6m guideline, the proposed siting of the dwelling is not substantially at variance with the Development Plan given the context of how the building relates to adjoining dwellings.  
**Side Set-backs** Variance.  
- The siting of the dwelling fails to achieve a 1.5m setback from the western side boundary;  
- The proposed siting of the building maintains adequate separation from the adjacent buildings and maintains a pattern of spacing which is comparable to the established housing stock of the locality.  
**Rear Set-backs** Satisfied. |
<p>| Building Height PDC 164 | Satisfied. Reigning |
| Site Coverage PDC 165 | Variance. |</p>
<table>
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<th>Council Assessment Panel Agenda</th>
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<tr>
<td>05 November 2019</td>
</tr>
<tr>
<td>Report Number: PR 5745.4</td>
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- The proposed dwelling slightly exceeds the 40% site coverage guideline;
- The extent of the departure is within tolerable limits based on the proposal's single storey design and siting that reduces bulk, provides sufficient POS and space for landscaping;
- The extent of site coverage proposed is not considered out of character for the locality and has not impaired the development's ability to secure appropriate built form set-backs.

### Private Open Space

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<th>Variance.</th>
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<tbody>
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<td>PDC 166, 169</td>
<td></td>
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</table>
- The proposed development generally accords with the Development Plan guidelines with respect to private open space, with the exception of 50% of TFA;
- Despite this, the subject land retains sufficient areas of useful private open space which are likely to meet the needs of its future occupants.

### Amenity

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<td>PDC 14–18, 52-69, 170-173</td>
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### Privacy

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### Access and On-Site Car Parking

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<td>PDC 177–182</td>
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</table>
- The proposed development will retain vehicular access via existing arrangements;
- The proposed development satisfies off-street parking requirements prescribed by Table Bur/5.
- The proposed access arrangements have been supported by Council’s Technical Officer – Engineering & Traffic.

### Access to Sunlight

<table>
<thead>
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<th>Access to Sunlight</th>
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<td>PDC 21, 183–186</td>
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### Energy Conservation

<table>
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<th>Energy Conservation</th>
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<tbody>
<tr>
<td>PDC 31-32</td>
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## DEVELOPMENT DATA TABLE

<table>
<thead>
<tr>
<th>Site Characteristics</th>
<th>Proposed</th>
<th>Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Area</strong></td>
<td>464.5m² (existing)</td>
<td>625m²</td>
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<tr>
<td><strong>Street Frontage</strong></td>
<td>15.24m (existing)</td>
<td>15m</td>
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<tr>
<td><strong>Design Characteristics</strong></td>
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<td></td>
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<tr>
<td><strong>Site Coverage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Buildings only</td>
<td>50%</td>
<td>40%</td>
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<tr>
<td>- Buildings and driveways</td>
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<td>50%</td>
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<td><strong>Building Height</strong></td>
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<td>- metres</td>
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<td><strong>Set-backs</strong></td>
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<tr>
<td><strong>Lower Level</strong></td>
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<tr>
<td>- front boundary</td>
<td>5.32m – 6.4m</td>
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<td>- side boundary</td>
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<td>1.68m (e)</td>
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<td>- rear boundary</td>
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<td><strong>Car Parking and Access</strong></td>
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<td>- number of parks</td>
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<tr>
<td>- width of driveway</td>
<td>4.8m</td>
<td>4.5m</td>
</tr>
<tr>
<td>- width of garage/carport door</td>
<td>32%</td>
<td>33%</td>
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DEVELOPMENT APPLICATION

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<tr>
<th>Application Number:</th>
<th>180\0817\19</th>
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<tr>
<td>Applicant:</td>
<td>Actium Building Designers Pty Ltd</td>
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<tr>
<td>Location:</td>
<td>35 Perry Lane, Leabrook</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Two storey detached dwelling including boundary retaining walls, fencing and swimming pool</td>
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<tr>
<td>Zone/Policy Area:</td>
<td>Residential Policy Area 10 – Leabrook (North) Development Plan consolidated 19 December 2017</td>
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<tr>
<td>Kind of Assessment:</td>
<td>Merit</td>
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<tr>
<td>Public Notification:</td>
<td>Category 2 Three (3) representations received</td>
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<tr>
<td>Appeal Opportunity</td>
<td>Applicant only, no third party appeal rights</td>
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<td>Referrals – Statutory:</td>
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<td>Referrals – Non Statutory:</td>
<td>Technical Officer Engineering</td>
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<tr>
<td>Delegations Policy:</td>
<td>Unresolved representations</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Development Plan Consent be granted</td>
</tr>
<tr>
<td>Recommending Officer:</td>
<td>Jake Vaccarella</td>
</tr>
</tbody>
</table>

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 Council 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 new two-storey detached dwelling on a recently created allotment on the northern side of Perry Lane in the suburb of Leabrook.

The dwelling comprises double garage, three (3) bedrooms (one with ensuite), lounge room, activity room, sauna, balconies (x2), bathroom, laundry, verandah and open plan kitchen, dining and living area.

The proposal also encompasses an in-ground swimming pool, 600mm-800mm concrete sleeper retaining walls, 1.8m high Colorbond fencing to side and rear boundaries and a 2.1m high rammed earth fence to the front boundary (Perry Lane).

2. **BACKGROUND**

Development Application 180\0817\19 was lodged on 19 August 2019 by Actium Building Designers Pty Ltd on behalf of the registered owners of the land.

The proposal was determined to be 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 10, Principle of Development Control 8 (a) and (d).

The application was made available for public inspection between 09 September and 23 September 2019, during which time Council received written submissions from three (3) external parties, of whom two (2) expressed a desire to appear in person before the Council Assessment Panel (the Panel) in support of their submission.

The representations raised concerns with regard to overlooking, set-backs from boundaries and noise.

As part of the assessment process the application was also referred to Council’s Technical Officer – Engineering to assess the suitability of access arrangements, as well as general impacts on Council infrastructure.

Pursuant to Council’s Delegation Policy, the application is presented to the Panel for consideration as a Category 2 development with unresolved representations.

3. **SUBJECT LAND AND LOCALITY ATTRIBUTES**

3.1. **Subject Land**

The subject land is a vacant rectangular shaped allotment located on the northern side of Perry Lane in Leabrook, as detailed in Certificate of Title Volume 6223 Folio 276. The site is a newly created allotment which was approved for subdivision in 2018, measuring approximately 464.66 square metres with a frontage to Perry Lane of 15.24 metres.

3.2. **Locality**

The locality takes in the area bounded by Kensington Road in the north, Godfrey Terrace in the south, Doerwyn Avenue to the west and the Resthaven site to the east.
The locality is comprised of primarily single storey detached dwellings with the exception of the adjacent recently constructed two-storey detached dwelling of similar form and proportions and the multi-storey aged care facility (Resthaven) located to the east of the subject land.

Perry Lane, whilst a public road, has a diminished presence within the locality, with its character being derived from its narrow road width (approximately 6 metres) and sense-of-enclosure created by the existing rear boundary fencing, walls and garages located along the Perry Lane road boundary. The amenity within Perry Lane is considered to be limited and inconsistent with the pleasant residential amenity afforded to residents and road users within the remainder of the locality.

4. KIND OF ASSESSMENT

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<tr>
<td>Reason:</td>
<td>Development Act 1993, Section 35(5)</td>
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<td>Applicant Appeal Opportunity:</td>
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5. PUBLIC NOTIFICATION

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<tr>
<td>Reason:</td>
<td>Residential Policy Area 10 Principle of Development Control 8 (a) and (d)</td>
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<tr>
<td>Representations Received:</td>
<td>Pamela Flint – 49 Godfrey Terrace, Leabrook (wish to be heard);</td>
</tr>
<tr>
<td></td>
<td>Matthew Harding &amp; Susan Rooney-Harding – 37 Perry Lane, Leabrook and 328 Kensington Road, Leabrook (wish to be heard);</td>
</tr>
<tr>
<td></td>
<td>Robert Taylor – 45 Godfrey Terrace, Leabrook (does not wish to be heard)</td>
</tr>
</tbody>
</table>

Third Party Appeal Opportunity: No

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

6. AGENCY REFERRALS

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

7. EXECUTIVE SUMMARY

7.1. Land Use

In relation to the current proposal, the following comments are made:
- The proposal maintains the established and desired residential use of the land;
- The proposed dwelling maintains and enhances the low scale, medium density residential character of the Policy Area;
- The proposed two-storey dwelling is comparable in form, scale and proportions envisaged for the Residential Zone and similar to more recent development within the locality;
- The proposed development is not identified as a non-complying kind of development in the Development Plan; and
If it can be demonstrated that the proposed development has 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 10 seeks to maintain and enhance a low scale, low density residential character derived from detached dwellings of low density, in a variety of styles (including modern styles).

The proposed development is generally compatible with these characteristics, whereby the centralised siting of the building and spatial separation from boundaries both maintains and enhances the low scale character of the streetscape while introducing a new building of a suitably high design standard that is compatible with existing housing stock.

Whilst the proposal is located within a streetscape which is afforded limited residential amenity as mentioned earlier, it offers a modern, contemporary two-storey building which is comparable in bulk and scale to the neighbouring recently constructed two-storey building at 37 Perry Lane.

Perry Lane is characterised by garages, outbuildings and fencing on the road boundary. It is therefore reasonable to assume that development with a 0 metre set-back from the laneway is reflective of the established built form character and appropriate within Perry Lane. As such the proposed set-back of the lower level at 2.68m is considered appropriate within this context and not likely to disrupt the established pattern of development in the lane. The building generally aligns with the recently constructed two-storey building adjacent the subject land.

In terms of its visual impact from adjoining properties either side of the subject land, the proposed building includes vertical wall heights that are compatible with existing housing stock and a modest upper level that assists in presenting a sympathetic external built from appearance to neighbouring properties on either side of the subject land.

In terms of its siting, the proposed building maintains the established pattern of spacing between buildings observed throughout the locality and achieves appropriate spatial separation between adjacent built form, satisfying the quantitative guidelines of the Development Plan concerning set-backs from side and rear boundaries.

Whilst the garage located along the western boundary offends both the height and length guidelines of the Development Plan, its presence will be predominantly concealed by the outbuilding located on the common boundary of the adjoining property for a length of 14 metres. As such, it is considered that the departure in this context does not translate into undesirable impacts upon adjacent land.

In terms of overlooking opportunities, the proposed building incorporates high-sill windows across the first floor and fixed obscure glass balustrades to the front and rear balconies; all of which satisfy the relevant DP guidelines with respect to privacy. These are reinforced through appropriate conditions of approval, should the Panel see fit to approve the development.
The overall siting and design of the building is considered to be appropriate within the context of the locality in terms of scale, height, form, style, materials and finishes, and is considered to be an appropriate planning outcome for the subject land and locality.

7.3. Site Functionality

The development is largely consistent with the relevant quantitative guidelines of the Development Plan and is not considered to be an overdevelopment of the site. Despite exceeding the site coverage and total floor area guidelines of the Development Plan, the proposal provides adequate boundary set-backs so as to not cause any significant loss of amenity for adjoining properties in terms of visual impact and overshadowing, or detract from the established patterns of space in the streetscape. The excess in total floor area is not considered to amount to an overdevelopment of the land, noting that the impacts of the upper level are appropriately managed and proportionately suitable areas of private open space are provided, which they have been in this case.

For vehicular purposes, access to the subject land is enabled via Perry Lane. Perry Lane retains sufficient area to allow for adequate vehicle manoeuvrability for both ingress and egress movements. The development provides generous space for on-site car parking to meet the needs of future occupants and visitors without creating additional on-street parking along the lane. Council’s Technical Officer – Engineering has undertaken a review of the proposal and raises no objection to the development from traffic and engineering point of view.

7.4. Public Notification

During the public notification period, Council received three (3) submissions owners of adjacent land, of whom two (2) expressed a desire to formally present their submission before the Panel. The primary concerns raised in this submission were mentioned previously in the background section of this report.

The applicant provided a formal response to the representation in accordance with Regulation 36(1) of the Regulations, confirming (among other things) that suitable privacy screening would be incorporated to all first floor windows and balconies, while providing a design rationale for the built form set-backs as proposed. A copy of the applicant’s response is attached to this report.

Council considers that the planning matters raised through the public notification process have been sufficiently addressed through the overall design of the building and the amendments introduced following the notification period 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 Council 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\'0817\'19, by Actium Building Designers 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. The 1.7 metre high obscure glass balustrade to balcony 2 as depicted on the stamped and approved plans granted Development Plan Consent described as northern elevation 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.

Such screening shall also be provided to the entirety of the eastern elevation of balcony to and 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. Plans which detail a 1.6 metre high fixed privacy screen to balcony 1 shall be submitted and approved by Council in writing prior to the granting of Development Approval to the development.

Such privacy screening must 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 the Council at all times.

**Reason:**
To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.
The landscaping detailed on the stamped and approved plans granted Development Plan Consent shall be undertaken within three (3) months of the substantial completion of development and in any event prior to the occupation or use of the development.

Such landscaping shall be maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

**Reason:**
To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

**Advisory Notes**

1. **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.

2. **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.

3. **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.
   - Driveway width of 4.5 metres is allowable across the verge and a crossover width of 5.5 metres (Maximum) total is allowable at the kerb and gutter.
   - If you elect to carry out the works yourself (or via a contractor) evidence of Public Liability Insurance must be provided to Council before any works can commence on the public verge/road.

**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 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.
- Excess stormwater runoff from surfaces within the subject land shall be controlled and managed within the subject land.
- 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.

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 Local Nuisance and Litter Control Act 2016 and the applicant (or person with the benefit of this consent) must comply with those requirements.

**RECOMMENDING OFFICER**

Jake Vaccarella
Development Officer – Planning
AERIAL LOCALITY MAP

Legend

- Subject Land
- Representor’s Land
## DETAILED PLANNING ASSESSMENT

### Summary of Policy Area Objectives and Principles

#### Primary Residential Policy Area 10 – Leabrook (North) Objectives:

**Objective 1:**

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

- (a) detached dwellings of low density, in a variety of styles (including villa, cottage, bungalow, Tudor and modern styles);
- (b) in some parts of the Policy Area, a significant number of medium-density residential flat buildings and aged persons accommodation of one or more storeys;
- (c) substantial dwellings (some two-storeyed), set-back a significant distance from the frontage street, and with spacious, well vegetated, generally open, front gardens; and
- (d) open and attractive streetscapes along relatively wide streets with extensive grassed verges.

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

- (a) along the open course and well vegetated environs of Second Creek, within which there is a dense corridor of trees, including many large, indigenous eucalypt trees;
- (b) on land with frontage to Kensington Road and to Glynburn Road; and
- (c) adjacent to the Neighbourhood Centre Zone and Policy Area 2 of the Watercourse Zone.

<table>
<thead>
<tr>
<th>Subject:</th>
<th>Assessment:</th>
</tr>
</thead>
</table>
| **Desired Land Use**<br> O 1 | Satisfied.  
- The proposal seeks to continue the established and desired residential use of the subject land. |
| **Local Compatibility**<br> PDC 1 | Satisfied.  
- The proposal consolidates the residential use of the locality through the construction of a new dwelling on an existing residential allotment;  
- The proposal preserves the existing low density character of the policy area; and  
- The overall form, height and scale of the proposed buildings is compatible with adjacent development and contributes to the variety of architectural styles envisaged for the policy area. |
| **Site Areas and Frontages**<br> PDC 2–5 | Satisfied. |
Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:
A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.

Objective 2:
Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.

Objective 3:
Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.

Objective 5:
Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.

Objective 8:
Use of design, management and other techniques to improve all aspects of the environmental performance of development.

Subject:  
Assessment:

Zoning and Land Use
O 1–8  
PDC 1  
Satisfied.

Building Appearance
PDC 2–4  
Satisfied.
Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 11:
Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

Objective 52:
A compact metropolitan area.

Objective 53:
A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.

Objective 54:
Containment of housing costs through the encouragement of a full range of design and development techniques.

Objective 55:
Safe, pleasant, accessible and convenient residential areas.

Objective 56:
Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.

Objective 57:
Medium and high density residential development in areas close to activity centres, public and community transport and public open spaces.

Objective 58:
The revitalisation of residential areas to support the viability of community services and infrastructure.

Subject: Design and Appearance

Assessment:

Design and Appearance

O 11
PDC 14–18, 23-28
Satisfied.

Building Set-backs

PDC 161–163

Front Set-backs

Variance.

- The front set-back (ground floor) is proposed at 2.68 metres from Perry Lane;

- Given Perry Lane is comprised of outbuildings and garages sited on boundary, the proposed set-back is generous by comparison and is unlikely to disrupt the established pattern of development in the lane.

Side Set-backs

Variance

- The proposed dwelling does not adhere strictly to the upper level side set-back guideline.

- However, the siting of the dwelling is not considered substantially at variance with the Development Plan in the context of how the dwelling relates the adjoining two-storey and single storey buildings (largely rear yard).

Rear Set-backs

Satisfied.

Building Height

PDC 164
Satisfied.

Site Coverage

Variance.
| PDC 165                                                                 | • The proposal generally accords with the Council Wide ground floor site coverage guidelines prescribed of the DP, however the combined floor area of both levels exceeds the 50% guideline of PDC 164(b);  
|                                                                      | • The extent of the departure is within tolerable limits based on the proposal’s design and siting that reduces bulk, provides sufficient POS and space for landscaping. |
| Private Open Space                                                   | Satisfied.                                                                 |
| PDC 166, 169                                                        |                                                                 |
| Amenity                                                              | Satisfied.                                                                 |
| O11, 20–22                                                          |                                                                 |
| PDC 14–18, 52-69, 170-173                                           |                                                                 |
| Privacy                                                             | Satisfied.                                                                 |
| PDC 22, 174–176                                                     |                                                                 |
| Access and On-Site Car Parking                                      | Satisfied.                                                                 |
| PDC 177–182                                                         | • The dwelling satisfies off-street parking requirements prescribed by Table Bur/5.  
| Access to Sunlight                                                   | • The proposed access arrangements have been supported by Council’s Technical Officer – Engineering & Traffic. |
| PDC 21, 183–186                                                     | Satisfied.                                                                 |
| Fences and Retaining Walls                                          | Satisfied.                                                                 |
| PDC 190–194                                                         | • The proposal includes details of boundary fencing and retaining walls.  
|                                                                      | • The proposed retaining walls (max 800mm height) are appropriate in scale and not out of character with the locality.  
|                                                                      | • The proposed side and rear boundary fencing (1.8 metre high Colorbond) is regarded as standard within the Residential Zone and suitable in providing reasonable privacy without appearing visually dominant of large in scale  
|                                                                      | • The proposed rammed earth front fence is consistent in form and scale with the established fencing adjacent the laneway and is therefore appropriate within this context. |
| Safety and Security                                                 | Satisfied.                                                                 |
| PDC 195–198                                                         |                                                                 |
| Water Conservation                                                  | Satisfied.                                                                 |
| PDC 200–201                                                         |                                                                 |
| Energy Conservation                                                 | Satisfied.                                                                 |
| PDC 31-32                                                           |                                                                 |
## DEVELOPMENT DATA TABLE

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<td></td>
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<tr>
<td>- Buildings only</td>
<td>47.9%</td>
<td>40%</td>
</tr>
<tr>
<td>- Buildings and driveways</td>
<td>55.8%</td>
<td>50%</td>
</tr>
<tr>
<td>- Total floor area</td>
<td>67%</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- storeys</td>
<td>2 storeys</td>
<td>2 storeys</td>
</tr>
<tr>
<td>- metres</td>
<td>7.3m</td>
<td>9m</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Set-backs</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Lower Level</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- front boundary</td>
<td>2.68m</td>
<td>6m</td>
</tr>
<tr>
<td>- side boundary</td>
<td>2.5m (w)</td>
<td>1.5 - 2m</td>
</tr>
<tr>
<td>-                      (e)</td>
<td>2m</td>
<td></td>
</tr>
<tr>
<td>- rear boundary</td>
<td>7.19m</td>
<td>4m</td>
</tr>
<tr>
<td><strong>Upper Level</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- front boundary</td>
<td>5.08m</td>
<td>8m</td>
</tr>
<tr>
<td>- side boundary</td>
<td>3.2m (w)</td>
<td>4m</td>
</tr>
<tr>
<td>-                      (e)</td>
<td>3.2m</td>
<td></td>
</tr>
<tr>
<td>- rear boundary</td>
<td>10.97m</td>
<td>8m</td>
</tr>
</tbody>
</table>

| **Boundary Wall**            |            |           |
| - length                     | 10.1m      | 8m        |
| - height                     | 4.3m       | 3m        |

| **Private Open Space**       |            |           |
| - percentage                 | 50%        | 50%       |
| - dimensions                 | 15.24m x 7.19m | 5m x 8m  |

| **Car Parking and Access**   |            |           |
| - number of parks            | 2          | 2         |
| - width of driveway          | 4.5m       | 4.5m      |
| - width of garage/carport door | 34%    | 33%       |
DEVELOPMENT APPLICATION

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>180\0622\19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Mr Lloyd Building Solutions</td>
</tr>
<tr>
<td>Location:</td>
<td>3 St Andrews Avenue, Mount Osmond</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Non-Complying - Alterations and additions to existing dwelling including ground level pool enclosure and swimming pool, decking, upper level balcony and extension to roof line, external staircase and retaining wall</td>
</tr>
<tr>
<td>Zone/Policy Area:</td>
<td>Hills Face Zone Development Plan consolidated 19 December 2017</td>
</tr>
<tr>
<td>Kind of Assessment:</td>
<td>Non-complying</td>
</tr>
<tr>
<td>Public Notification:</td>
<td>Category 3 Nil (0) representations received</td>
</tr>
<tr>
<td>Appeal Opportunity:</td>
<td>Third party only, no Applicant appeal rights</td>
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<tr>
<td>Referrals – Statutory:</td>
<td>CFS</td>
</tr>
<tr>
<td>Referrals – Non Statutory:</td>
<td>N/A</td>
</tr>
<tr>
<td>Delegations Policy:</td>
<td>Non-complying development</td>
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<tr>
<td>Recommendation:</td>
<td>Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted</td>
</tr>
<tr>
<td>Recommending Officer:</td>
<td>Renae Grida</td>
</tr>
</tbody>
</table>

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 Council Assessment Panel to facilitate decision making:

- Plans and supporting documents
- External agency referral reports
- Photographs
- Delegate’s report to proceed
1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the following alterations and additions to the existing dwelling comprising:

- Ground floor pool enclosure – utilising existing benched yard to extend walls further west to create an enclosure and locate an in ground swimming pool.
- Decking – located at ground level to facilitate access around the perimeter of the ground level addition/pool enclosure
- Upper level balcony extension projecting from the existing bay window (and encompassing the areas of the existing upper level balcony) to cover the ground level pool enclosure below, and extension to roofline to comprise a verandah, and ‘conservatory’ style roofing to a portion of the pool enclosure below.
- External staircase to the north of the existing dwelling facilitating access between the existing rear yard and the balcony area.
- Replacement retaining wall to the south / south-west of the existing terraced retaining walls to provide further support to the load of the swimming pool, measuring between 1.2m – 2.4m in height.
- Fencing and retaining wall to a portion of the northern side boundary (1m retaining with 1.8m Colorbond fence).

2. BACKGROUND

Development Application 180\0622\19 was lodged on 21 June 2019 by Lloyd Building Solutions on behalf of the registered owners of the property. The proposal was determined to be a non-complying form of development pursuant to Hills Face Zone, Principle of Development Control 27 of the Burnside (City) Development Plan, which states:

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

Detached Dwelling or additions to, or conversion of, an existing detached dwelling where:
(b) the scale and design is such that:
(i) the vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall exceeds three metres, other than gable ends of the dwelling where the distance exceeds five metres.
(ii) there is a floor level directly above another floor level, except where the upper floor level is located wholly at or below finished ground level”

(My emphasis)

Upon receipt of the application, Council planning staff advised the applicant of the non-complying classification and requested a brief statement in support of the application, whereby the delegated determined to proceed with a full assessment of the application. Following that decision a Statement of Effect was sought from the applicant pursuant to Regulation 17 (4) of the Development Regulations 2008.

The application was referred to the South Australian Country Fire Service (CFS) due to the development including additions comprising habitable rooms on an allotment identified by the Burnside (City) Development Plan as a High Bushfire Risk Area in a Bushfire Protection Area.

The alterations and additions element of the application was determined to be Category 3 for the purposes of public notification, pursuant to Section 38(2)(c) of the Development Act 1993.
The application was subject to public notification, during which time no representations were received.

A full assessment of the proposed development has now been undertaken, and the application is presented to the Council Assessment Panel (the Panel) for consideration as a non-complying development with a staff recommendation that, subject to the concurrence of the State Commission Assessment Panel (SCAP), consent be granted.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is an irregular shaped allotment located on the western side of St Andrews Avenue, in the suburb of Mount Osmond. The land has an approximate site area of 1356m² and frontage of approximately 45.16m. The land experiences a back fall from the front to the rear of the land, and the site has been previously manipulated to provide for benched areas for the siting of the dwelling and yard areas, with fencing, retaining walls and garden beds evident to the front and rear of the site.

The land currently accommodates a two-storey detached dwelling, associated landscaping, fencing, retaining walls and deck to the rear of the property.

3.2. Locality

The locality is characterised by the varied topographical features of the Hills Face Zone. The locality is a relatively urbanised portion of the Hills Face Zone and contains a mix of single storey, two-storey and split level residential dwellings on large allotments taking advantage of views across the Adelaide Plains. The subject land is located in a slightly more ‘urbanised’ portion of the Hills Face Zone where residential allotments are prevalent and is in close proximity to the Mount Osmond Golf Club.

4. KIND OF ASSESSMENT

<table>
<thead>
<tr>
<th>Kind:</th>
<th>Non-complying</th>
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<tbody>
<tr>
<td>Reason:</td>
<td>Burnside (City) Development Plan, Hills Face Zone, Principle of Development Control 27</td>
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<tr>
<td>Applicant Appeal Opportunity:</td>
<td>No</td>
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5. PUBLIC NOTIFICATION

<table>
<thead>
<tr>
<th>Category:</th>
<th>Category 3</th>
</tr>
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<tbody>
<tr>
<td>Reason:</td>
<td>Development Act 1993, Section 38(2)(c)</td>
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<td>Third Party Appeal Opportunity:</td>
<td>Yes</td>
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</table>

6. AGENCY REFERRALS

- External 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 is consistent with the established residential use of the land;
- The proposal is not considered to have an adverse impact on the natural character of the Hills Face Zone given the substantial development existing on the site; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

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

7.2. Character and Amenity

The locality, comprising land within the Hills Face Zone, is characterised by the shared relationship between the natural landscape character and detached dwellings of varying styles and scale. The locality enjoys a high degree of amenity, enhanced by the open and natural landscape of the hills.

The proposed alterations and additions to the dwelling are considered appropriate in preserving the natural character of the land and wider area, in view of the following:

- The proposed additions retain the existing streetscape presentation of the dwelling from St Andrews Avenue, and the location of the proposed alterations and additions are appropriately sited so as to utilise existing benched areas not result in any visual obtrusion to the landscape as per HFZ, PDC 7.
- Visual bulk and scale is not considered to be increased; the additions incorporate extensions to the existing roof line, and are well sited away from site boundaries.
- The proposed additions maintain the established boundary setbacks, well in excess of Development Plan guidelines so as to maintain the open and natural character sought by the Hills Face Zone.
- Site coverage equates to some 23% of the area of the site, well below the Council Wide guidelines.
- The additions are appropriately sited over an existing benched area that lends itself as a suitable location for such works, resulting in minimal visual impact to any adjoining properties in terms of visual amenity, views, privacy and access to sunlight.
- The visibility of the site and dwelling is not considered to be increased beyond its existing degree of notability, as per HFZ, PDC 7(c).
- Whilst HFZ PDC 8 seeks buildings to be of a single storey built form, the proposed works are designed so as to be consistent with the scale and built form of the existing two-storey dwelling, noting that the location of the works is unobtrusive and does not detract from the natural character of the zone, as per HFZ, PDC 8.
- As the proposed additions are effectively sited within the existing building footprint/envelope, views from the subject land to adjoining properties would be largely maintained as per existing, which is such that views are obtained to the Adelaide Plains, and are neither direct or unreasonable when seen to neighbouring properties due to spatial separation and the presence of vegetation, as anticipated by CW PDC 22.
- There is no clearance of mature or native vegetation as a result of the proposed works.
• The existing River Red Gum located to the southern side of the existing dwelling is exempt from Regulated status under Schedule 3, 17(1)(b), however tree sensitive construction methods are encouraged through advisory notes within the recommendation.

• The proposal involves amendments to the external finishes of the existing dwelling so as to match the proposed additions, noting the roofing to be Colorbond ‘Windspray’ (to match the existing dwelling roofing), clear ‘Palram’ flat polycarbonate sheeting to the conservatory roof, painted render to match Nubrik ‘Desert Fawn’ to the external walls and matte black window frames and balustrade frames.

• Aside from the incidental excavation work for the proposed swimming pool, minimal site works are required as the development utilises existing benched areas.

• The proposed retaining wall and fencing to a portion of the northern side boundary facilitates improved privacy between to the two properties and has negligible impact in terms of amenity and visibility from ground level.

• A new replacement retaining wall is to be sited parallel to the south / south-western existing terraced retaining walls so as to provide for increased support. The siting and height of the wall is not considered to result in any detrimental amenity impacts, being located adjacent a neighbouring driveway and of a scale and appearance to match that of the existing walls.

On balance, the proposed development is considered an appropriate outcome for the site and locality, and results in a development that preserves the main characteristics that have contributed to the locality.

7.3. Agency Referrals

As the subject land is located within a High Risk Bushfire Protection Area, the application was subject to a CFS referral pursuant to Schedule 8 of the Development Regulations 2008.

The requirements of the CFS are included as conditions of the Development Plan Consent.

7.4. Conclusion

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

8. RECOMMENDATIONS

It is recommended that the Council 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\0622\19, by Mr Lloyd Building Solutions, 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. ACCESS TO DWELLING

Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012) Part 2.3.3.1 describes the mandatory provision that ‘Private’ roads and driveways to buildings shall provide safe and convenient access/egress for large bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres.

SA CFS has no objection to utilising the existing access driveway as detailed 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 3 metres and must allow forward entry and exit for large fire fighting vehicles.
- The all weather road shall allow fire fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
  o A loop road around the building, OR
  o A turning area with a minimum radius of 12.5 metres, OR
  o A ‘T’ or ‘Y’ shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.

SA CFS has no objection to utilising the public road for ‘T’ shape turnaround with the following condition:

- Private access shall be a minimum formed length of 11 metres and minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.

Reason:
To ensure requirements of the CFS are upheld.

3. VEGETATION MANAGEMENT

Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012) 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 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 rooftop of the building, touch walls, windows or other elements of the building.

v. Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees’ lowest branches.

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.

ACCESS (to dedicated water supply)

Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012) Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

SA CFS has no objection to the location of the existing dedicated water supply as detailed on drawing named Site Plan, dated at last revision 16 May 2019, providing the outlet is positioned remotely to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way. Stand alone 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 flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
The position of the existing outlet for the water supply is satisfactory.

**WATER SUPPLY**

Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012), Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

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

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
  
  **SA CFS notes an existing supply of water storage meets the minimum requirement of 22,000 litres. SA CFS has no objection to this supply being utilised as the dedicated supply for Bushfire fighting purposes.**

- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has
  
  i. A minimum inlet diameter of 38mm, AND
  
  ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
  
  iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.

- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An ‘Operations Instruction Procedure’ shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- 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.

Advisory Notes:

1 Development Work in Proximity to Trees

All building work undertaken within proximity to the existing River Red Gum located adjacent the southern side elevation of the existing dwelling shall be in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites.
Legend

- Subject Land
### Summary of Policy Area Objectives and Principles

#### Primary Hills Face Zone Objectives:

**Objective 1:**
A zone in which the natural character is preserved and enhanced or in which a natural character is re-established in order to:

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

**Objective 2:**
A zone accommodating low-intensity agricultural activities and public/private open space and one where structures are located and designed in such a way as to:

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

#### Desired Land Use

<table>
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<th>Subject: Desired Land Use</th>
<th>Assessment:</th>
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<tbody>
<tr>
<td>O 1</td>
<td>Satisfied.</td>
</tr>
<tr>
<td></td>
<td>• The subject land is currently occupied by a dwelling and is used for residential purposes.</td>
</tr>
<tr>
<td></td>
<td>• The design of the proposed dwelling alterations and additions ensures that the development maintains its scale and proportions and results in minimal visual obtrusiveness external to the subject land.</td>
</tr>
</tbody>
</table>

#### Local Compatibility

<table>
<thead>
<tr>
<th>Subject: Local Compatibility</th>
<th>Assessment:</th>
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</thead>
<tbody>
<tr>
<td>PDC 1 - 26</td>
<td>Satisfied.</td>
</tr>
<tr>
<td></td>
<td>• The existing building sits below street level, and the location of the proposed additions is over a levelled portion of the land currently comprising the two-storey portion if the building, whereby streetscape presentation remains largely unaltered, and visual impact from adjoining land is largely compatible with the existing built form.</td>
</tr>
</tbody>
</table>
## 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.*

<table>
<thead>
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<th>Subject:</th>
<th>Assessment:</th>
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<tbody>
<tr>
<td><strong>Zoning and Land Use</strong></td>
<td>O 52–60. Satisfied.</td>
</tr>
<tr>
<td><strong>Building Set-backs</strong></td>
<td>PDC 160–162. Satisfied. &lt;li&gt;As they relate to adjoining properties, setbacks are largely maintained as per existing.&lt;/li&gt;</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td>PDC 163. Satisfied. &lt;li&gt;The proposed additions do not increase the overall building height beyond existing.&lt;/li&gt;</td>
</tr>
<tr>
<td><strong>Site Coverage</strong></td>
<td>PDC 164. Satisfied. &lt;li&gt;The additions do not increase site coverage beyond the quantitative guidelines of the Development Plan.&lt;/li&gt;</td>
</tr>
<tr>
<td><strong>Private Open Space</strong></td>
<td>PDC 165, 168. Satisfied.</td>
</tr>
<tr>
<td><strong>Amenity</strong></td>
<td>O11, 20–22. PDC 14–18, 52-69, 170-173 Satisfied. &lt;li&gt;The proposed additions are appropriately sited on the allotment. The additions are occurring in a location that lends itself to an addition, being an existing benched area, resulting in minimal impact on the Hills Face Zone.&lt;/li&gt;</td>
</tr>
<tr>
<td><strong>Privacy</strong></td>
<td>PDC 22, 173–175. Satisfied. &lt;li&gt;It is not envisaged that there is any unreasonable impact to any neighbouring properties from the proposed upper level addition – the outlook is maintained as per the existing floor area of the upper level and contained to the subject land and Adelaide Plains and not directly into any adjoining land.&lt;/li&gt;</td>
</tr>
<tr>
<td><strong>Access and On-Site Car Parking</strong></td>
<td>PDC 176–181. Satisfied. &lt;li&gt;The site maintains sufficient off-street car parking in accordance with Table Bur/5.&lt;/li&gt;</td>
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<td><strong>Access to Sunlight</strong></td>
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88
<table>
<thead>
<tr>
<th>Topic</th>
<th>Status</th>
<th>Details</th>
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| **Fences and Retaining Walls** | Satisfied. | • The retaining wall height and location at the south / south-western boundary is adjacent an existing driveway and is to replace an existing structure of comparable height.  
• The retaining wall to the northern side boundary, together with fencing atop, is of a reasonable height and scale in the context of the site and locality. |
| **Hazards**                 | Satisfied. | • CFS requirements included as conditions.                                                                                               |
| O 39-42 PDC 126–138         |         |                                                                                                                                               |
| **Trees and Other Vegetation** | Satisfied. | • There is no clearance of vegetation proposed.  
• The existing River Red Gum to the side of the dwelling is to be retained, and tree sensitive methods are recommended via an advisory note. |
| O 24-28 PDC 77-92           |         |                                                                                                                                               |
### DEVELOPMENT APPLICATION

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>180069419</th>
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</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Mr D Hutchison (Access Planning)</td>
</tr>
<tr>
<td>Location:</td>
<td>709 Greenhill Road, Burnside</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Non-complying – Retrospective amendment to DA 180075113 (earthworks in excess of 9 cubic metres, retaining walls, fencing, gates, rainwater tanks, external stairs and permeable paving to driveway)</td>
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<tr>
<td>Zone/Policy Area:</td>
<td>Hills Face Zone</td>
</tr>
<tr>
<td>Kind of Assessment:</td>
<td>Non-complying</td>
</tr>
<tr>
<td>Public Notification:</td>
<td>Category 1</td>
</tr>
<tr>
<td>Appeal Opportunity:</td>
<td>N/A</td>
</tr>
<tr>
<td>Referrals:</td>
<td>N/A</td>
</tr>
<tr>
<td>Delegations Policy:</td>
<td>Non-complying development</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted</td>
</tr>
<tr>
<td>Recommending Officer:</td>
<td>Jake Vaccarella</td>
</tr>
</tbody>
</table>

### 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 Council Assessment Panel to facilitate decision making:
- Plans and supporting documents
- Photographs
- Delegate’s Report to Proceed
1. DESCRIPTION OF PROPOSAL

The Applicant seeks retrospective Development Plan Consent for the following:
- Earthworks in excess of nine (9) cubic metres;
- Retaining walls, fencing, gates and external stairs;
- Erection of two above ground rain water tanks;
- Revised driveway surface (concrete) including permeable joints;

2. BACKGROUND

Development Application 180\0694\19 was lodged on 12 July 2019 by David Hutchison of Access Planning on behalf of the registered owner of the property.

The basis of the application follows Section 84 compliance action commenced by Council on 12 January 2017. The compliance action related to unauthorised works associated with a previous development authorisation (DA 180\0751\13), itself an amendment to an earlier application involving a split level dwelling on the subject land (DA 180\00837\11).

The application 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 that:

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

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

Despite the non-complying classification, the proposal was deemed to have sufficient merit to warrant a full assessment and the delegate made the determination to proceed pursuant to Regulation 17(3) of the Development Regulations 2008. A request was then made to the applicant to provide a Statement of Effect under Section 39(2)(d) of the Development Act 1993.

For the purposes of public notification, the application was determined to be a Category 1 development pursuant to Schedule 9 Clause (2)(g) of the Development Regulations 2008.

The proposal is now presented to the Council Assessment Panel (the Panel) for determination as a non-complying development, with a staff recommendation for consent, subject to the concurrence of the State Commission Assessment Panel (SCAP).

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is an irregular shaped allotment located on the northern side of Greenhill Road within the suburb of Burnside, as recorded in Certificate of Title Volume 6178 Folio 696. The subject land is wholly contained within the Hills Face Zone and measures approximately 1346 square metres with a frontage of 53.79 metres to Greenhill Road.

The land is subject to right of way which occupies a portion of the western corner of the land and which provides driveway access to the adjoining house to the north. The site is currently occupied by a large two-storey dwelling, swimming pool, concrete driveway, two rain water tanks and associated earthworks, retaining walls and fencing.
The land is also subject to various easements for the provision of infrastructure services.

The land has a steep cross fall of some 14m from the north eastern corner east to the western, corner.

3.2. Locality

The locality is characterised by the varied topographical features of the Hills Face Zone. The immediate locality consists of a large irregular shaped allotments which comprise a mix of substantial residential buildings at relatively low density. Dwellings located on the western side of Greenhill Road are located in Residential Policy Area 27 – Southern Foothills.

The southern side of Greenhill Road is occupied by a large undeveloped land holding which is sited on substantially lower ground and covered with extensive native vegetation.

Residential development in the locality is comprised of large scale two-storey dwellings which have been sited and designed to take advantage of views of the Adelaide Plains. Large retaining walls are not out of character within the locality.

4. KIND OF ASSESSMENT

<table>
<thead>
<tr>
<th>Kind:</th>
<th>Non-complying</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason:</td>
<td>Burnside (City) Development Plan, Principle of Development Control 27</td>
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<tr>
<td>Applicant Appeal Opportunity:</td>
<td>No</td>
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5. PUBLIC NOTIFICATION

<table>
<thead>
<tr>
<th>Category:</th>
<th>Category 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason:</td>
<td>Schedule 9, Part 1, Clause 2(g) – Development Regulations 2008</td>
</tr>
<tr>
<td>Cut / Fill:</td>
<td>Although a degree of fill has been introduced to the site, the earthworks are of scale that is comparable to established residential buildings within the locality and is therefore not out of character with the area.</td>
</tr>
</tbody>
</table>

6. EXECUTIVE SUMMARY

6.1. Land Use

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

- The Hills Face Zone serves as a natural backdrop to the Adelaide Plains, providing a buffer area between metropolitan districts and preventing the urban area from extending into the western slopes of the ranges. The Development Plan envisages a zone accommodating development where the natural character is preserved and visual intrusion of development limited;
- The development will have minimal impact on the natural character of the zone;
- The development will not affect existing native vegetation and fauna habitats; and
- The development will have a limited impact on the appearance of the land when viewed from the Adelaide Plains.

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

The locality, comprising land within the Hills Face Zone, is characterised by the shared relationship between the natural landscape character and detached dwellings of varying styles and scale.

Objective 1 of the Hills Face Zone seeks to retain and enhance this natural character of the area and provide a natural backdrop to the Adelaide Plains. The proposed development is consistent with this policy on account of it being designed and sited so as to respect the natural character of the area as well as having limited visual impact upon adjacent occupiers of land.

The development demonstrates a sufficient degree of merit based on the following:

- The earthworks undertaken are of a scale that is comparable with established buildings within the locality;
- The retaining walls have been designed and sited in a sympathetic manner, utilising a dark, natural coloured stone, so as to preserve the natural character of the zone. Furthermore, the retaining walls largely retain cut and are internally sited and as a result, visual impacts are borne by the occupants of the subject land;
- The two (2) above ground water tanks are located towards the rear of the allotment, behind the existing dwelling and of a relatively low scale, form and proportion. As such, the structures are not likely to be a prominent element within the streetscape or from adjacent land; and
- The concrete driveway has been constructed with five permeable joints which enable infiltration of stormwater at various points along the driveway.

Whilst the development has introduced further building elements into the Zone, given the character of the locality and actual visibility of these structures external to the subject land, it is considered that the proposal will not be inconsistent with the established pattern of development.

6.3. 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 Council 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\0694\19, by Mr D Hutchison 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.

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
APPENDIX 1

AERIAL LOCALITY MAP

Legend

- Subject Land
DETACHED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

**Primary Hills Face Zone Objectives:**

**Objective 1:**
A zone in which the natural character is preserved and enhanced or in which a natural character is re-established in order to:

(a) Provide a natural backdrop to the Adelaide Plains and a contrast to the urban area;
(b) Preserve and develop native vegetation and fauna habitats close to metropolitan Adelaide;
(c) Provide for passive recreation in an area of natural character close to the metropolitan area;
(d) Provide a part of the buffer 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

Prevent the loss of life and property resulting from bushfires.

<table>
<thead>
<tr>
<th>Subject:</th>
<th>Assessment:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning and Land Use</strong></td>
<td>Satisfied.</td>
</tr>
<tr>
<td>O 1–8</td>
<td></td>
</tr>
<tr>
<td>PDC 1</td>
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<tr>
<td><strong>Design for Topography</strong></td>
<td>Satisfied.</td>
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<tr>
<td>PDC 5–6</td>
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</tr>
<tr>
<td></td>
<td>• The earthworks undertaken are comparable in scale with surrounding residential land and respect the natural character of the site and surrounding locality.</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Subject:</th>
<th>Assessment:</th>
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</thead>
<tbody>
<tr>
<td>Zoning and Land Use O 52–60</td>
<td>Satisfied.</td>
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<tr>
<td>Design and Appearance O 11, PDC 14–18, 23-28</td>
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</tr>
<tr>
<td>Site Coverage PDC 165</td>
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<tr>
<td>Private Open Space PDC 166, 169</td>
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<tr>
<td>Access and On-Site Car Parking PDC 177–182</td>
<td>Satisfied.</td>
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<tr>
<td>Access to Sunlight PDC 21, 183–186</td>
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<tr>
<td>Fences and Retaining Walls PDC 190–194</td>
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<tr>
<td>Water Conservation PDC 200–201</td>
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</tr>
<tr>
<td>Energy Conservation PDC 31-32</td>
<td>Satisfied.</td>
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