



Development Assessment Panel Meeting Agenda

Tuesday 02 August 2016 at 6pm

Council Chambers, 401 Greenhill Road, Tasmore

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

Nil

2 KAURNA ACKNOWLEDGEMENT

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

3 CONFIRMATION OF MINUTES

Recommendation: That the minutes of the meeting held on Tuesday 05 July 2016 be taken as read and confirmed.

4 APPLICATIONS WITHDRAWN FROM THE AGENDA

(BY THE ADMINISTRATION)

(BY THE APPLICANT)

Nil

5 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – PERSONS WISH TO BE HEARD

(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (HEARING)

Nil

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (HEARING)

Nil

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (HEARING)

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

Report Number:	5708.1
Page:	1
Application Number:	180\0120\16
Applicant:	Proske Architects
Location:	16 Philip Avenue, Leabrook
Proposal:	Three-storey residential flat building containing two dwellings, each including a single garage, alfresco and masonry fencing on front boundary
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none">• 18 Philip Avenue, Leabrook• 9 Philip Avenue, Leabrook

	• 42 Rochester Street, Leabrook
<i>Applicant:</i>	• 26 Wakeham Street, Adelaide

6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

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

Nil

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (NO HEARING)

Report Number:	5708.2
Page:	20
Application Number:	180\0167\16
Applicant:	A D'andrea and Associates Pty Ltd
Location:	28 Swift Ave, Dulwich
Proposal:	Partial demolition and internal alterations of existing dwelling and demolition of existing garage. New ground and upper level dwelling additions, new outbuilding (garage), swimming pool and associated fencing
Recommendation:	Development Plan Consent be granted

Report Number:	5708.3
Page:	26
Application Number:	180/0356/16
Applicant:	Technical Officer Arboriculture - City Of Burnside
Location:	Adjacent to 39 Hewitt Avenue, Rose Park
Proposal:	Retrospective 54A emergency pruning of regulated street tree and proposed removal of tree - White Cedar (Melia azedarach) - adjacent 39 Hewitt Avenue, Rose Park
Recommendation:	Development Approval be granted

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

Report Number:	5708.4
Page:	32
Application Number:	180\0927\15
Applicant:	B Hopkins
Location:	27 Sprod Avenue, Toorak Gardens
Proposal:	Freestanding carport
Recommendation:	Development Plan Consent be refused

Report Number:	5708.5
Page:	37
Application Number:	180\0493\16
Applicant:	City of Burnside
Location:	350 The Parade, Kensington Park

Proposal:	Retrospective pruning of two (2) Regulated Council (Section 54A- Emergency Works)
Recommendation:	Development Approval be granted

8 OTHER BUSINESS

Nil

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

That, pursuant to Section 56A(12) of the Development Act, 1993, the public be excluded from this part of the meeting of the City of Burnside Development Assessment Panel dated Tuesday 02 August 2016 (with the exception of members of Council staff who are hereby permitted to remain), to enable the Panel to receive, discuss or consider legal advice, or advice from a person who is providing specialist professional advice.

10 CONFIDENTIAL MATTERS**10.1 LEGAL MATTER APPEAL**

Nil

DEVELOPMENT APPLICATION

Application Number:	180\0120\16
Applicant:	Proske Architects
Location:	16 Philip Avenue LEABROOK SA 5068
Proposal:	Three-storey residential flat building containing two dwellings, each including a single garage, alfresco and masonry fencing on front boundary
Zone/Policy Area:	Residential Zone Residential Policy Area 11 – Leabrook (South) Development Plan consolidated 30 January 2014
Kind of Assessment:	Merit
Public Notification:	Category 2 Three (3) representations received
Appeal Opportunity	Applicant only, no third party appeal rights
Referrals – Statutory:	N/A
Referrals – Non Statutory:	Traffic Management Engineer / Tree Management Officer
Delegations Policy:	Unresolved representations
Recommendation:	Development Plan Consent be granted
Recommending Officer:	Jason Cattonar, Team Leader – Planning

REPORT CONTENTS

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

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

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

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

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the construction of a *three-storey residential flat building containing two dwellings* on an existing allotment at 16 Philip Avenue in the suburb of Leabrook.

The proposed dwellings each feature a total of three bedrooms with open plan living areas on the ground floor. Living areas are also provided at basement and first floor levels. The dwellings are provided with single width garaging of generous dimensions to provide vehicular accommodation and storage provision. Sited behind the garaging is a study which can also function as a fourth bedroom. Alfresco areas at the rear of each dwelling provide outdoor living spaces adjacent the primary open space with internal courtyards also being provided.

The design of the main building façade is best described as a Contemporary interpretation of a Symmetrical Cottage and comprises a variety of external materials and finishes including cement rendered Hebel, painted steel canopies and Western Red Cedar timber soffits.

Masonry fencing measuring 1800mm constructed in plain faced Bruhn stone is proposed along the front property boundary with sliding vehicular access gates and single pivot pedestrian gates constructed using vertical batten steel framing.

2. BACKGROUND

Development Application 180\0120\16 was submitted in February 2016 by Proske Architects on behalf of the registered owner of the land J and M Colagrossi Nominees Pty Ltd and Maria Colagrossi.

The application was determined to be assessed on *merit* against the provisions of the Burnside (City) Development Plan as a Category 2 development pursuant to Residential Policy Area 11 – Leabrook (South) Principle of Development Control 7 (a) and (d).

During the public consultation period Council received three written submissions, two in favour and one being opposed, who also expressed a desire to address the Development Assessment Panel (the Panel) in person.

Council did receive a fourth written submission however that person was not notified as part of the Category 2 public consultation process on account of them not being the owner/occupier of *adjoining land* as defined in the *Development Act 1993*, section 4 – Interpretations. Council wrote to the person on 19 July 2016 advising that the Act precluded them from being notified and their comments could not be formally considered as part of Council's assessment process (letter included as an attachment).

As part of Council's internal processing of the application, the proposal was referred to the Engineering, Strategy and Assets and Open Space departments to assess the impact of development on Council infrastructure.

The application is now presented to the Development Assessment Panel as a Category 2 development with an unresolved representation and a staff recommendation that Development Plan Consent be granted.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is wholly contained within the Residential Zone of the City of Burnside, specifically Residential Policy Area 11 – Leabrook (South) (RPA 11). The land is a regular shaped allotment with an approximate area of 931 square metres and a primary frontage measuring 15.24 metres to Philip Avenue. The land contains a circa 1880 Symmetrical Cottage of single-storey scale with ancillary outbuildings.

Internal fencing has been erected on the subject land approximately 12 metres east of the rear elevation of the existing dwelling. It appears the rear portion of the subject land has been used informally as private open space for the land 40 Rochester Street, Leabrook which is also owned by the applicant. Existing vegetation sits across the majority of the rear yard, none of which is regulated in size.

Access to the land is obtained via an existing single-width crossover located at the southern end of the Philip Avenue boundary.

3.2. Locality

The locality comprises land in both RPA 11 and the Watercourse Zone (WC) and specifically those properties with direct frontage to Philip Avenue as far as Rochester Street to the north and Knightsbridge Road to the south. The properties 40, 42 and 44 Rochester Street and 5, 7 and 7A Howard Terrace also form part of the locality on account that they share a common boundary with the subject land and/or a direct line of sight.

The locality is predominantly residential in nature and comprised of rectangular and hammerhead shaped allotments of varying size, width and depth. Dwelling styles, construction periods, scale and type (i.e. detached, semi-detached, residential flat and group) vary considerably with no consistent or coherent streetscape character being evidenced. Built form scale is typically single-storey with two-storey development being present on land that adjoins the subject land.

Streetscape amenity is enhanced by well vegetated front gardens, moderate building setbacks and low and open front fencing. The anomaly to the open character is the carport and roller-door structures sited on the front boundary in relation to 18 and 20 Philip Avenue. The eclectic collection of dwellings nonetheless contributes to a streetscape character that is considered to be of a good quality, largely on account of the siting of the Local Heritage items at 22 and 24 Philip Avenue.

Visual amenity is enhanced by the presence of Knightsbridge Reserve which is located in the north-western corner of the locality. The reserve is owned and maintained by the City of Burnside and is improved by mature native eucalypts, expansive grassed surface and children's play area.

Philip Avenue forms part of the public transport route 142 containing "Stop 14 West Side", which services the eastern suburbs from Beaumont through to the City of Adelaide.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 11 – Leabrook (South) Principle of Development Control 7 (a) and (d)
Cut / Fill:	Although a degree of earthworks are required to accommodate the proposed dwellings, the finished floor and ground levels generally complement the contours of adjoining land with retaining walls greater than 200mm in height being visible from the subject land only.
Representations Received:	<ul style="list-style-type: none"> • Robert and Noelene Parkyn – 18 Philip Avenue (wish to be heard) • Neal Hume and Hilary Stephens – 9 Philip Avenue (do not wish to be heard) • David Pridham – 42 Rochester Street (does not wish to be heard)
Third Party Appeal Opportunity:	No

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

6. AGENCY REFERRALS

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

7. EXECUTIVE SUMMARY

7.1. Land Use

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

- The development comprises a two-storey residential flat building on an existing residential allotment within the Residential Zone;
- The development facilitates and enhances the continued use of the land for residential purposes;
- The proposal is not listed as a non-complying development in the Policy Area provisions; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

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

7.2. Character and Amenity

Residential Policy Area 11 – Leabrook (South) is the smallest policy area within the Residential Zone of the Burnside (City) Development Plan. The policy area is bordered by

Rochester Street to the north, Knightsbridge Road to the south (with some further inclusions to the south-east), Glynburn Road to the east and Tusmore Avenue to the west.

Within this area, the Development Plan seeks the maintenance and enhancement of the low scale, low density residential character of the policy area, which is derived from detached, interwar period homes (and earlier) which dominate some streets.

Although not a Historic Conservation Zone/Policy Area, this policy area of the Residential Zone includes a relatively high concentration of State and Local Heritage items. The below map identifies the extent of the policy area boundary and where those concentrations of State and Local Heritage items can be found.



Examples of 1960s and 1970s row dwellings, and later infill development in the 1990s and early 2000s can also be found in various parts of the locality.

New dwellings are encouraged to be compatible with the height, roof-forms and pitches, proportions, siting and architectural style and detailing, materials and frontage patterns of the typical housing stock in the locality.

The locality identified for this development includes a wide and diverse variety of dwelling styles, forms and periods of construction. Of particular note, the following properties represent a departure from the primary built form character described by the policy area:

- 9 Philip Avenue – 1 x 1990c detached dwelling on land less than 500m²;
- 9A Philip Avenue – 1 x 2002c detached, two-storey dwelling on land less than 500m²;
- 11 Philip Avenue – 1 x 1964c residential flat building containing 6 dwellings (carport in-front of building);
- 13-15 Philip Avenue – 4 x 1964c residential flat/group dwellings that collectively contain 10 dwellings;
- 18 and 20 Philip Avenue – 2 x 1910c semi-detached, two-storey dwellings that were substantially altered/extended in 1992 on land less than 500m²;
- 7-7A Howard Terrace – 2 x 1991c semi-detached dwellings; and
- 9 Howard Terrace – 1 x 2006c detached, two-storey dwelling.

The proposed dwellings are considered to be of an architectural style that represents a Contemporary interpretation of a turn of the century Symmetrical Cottage. Both dwellings have been designed to present to the streetscape as one single-storey building with clean, ordered lines that replicate the proportions of interwar dwellings and nearby Local Heritage items from the early Nineteenth Century. The external palette of colours and materials provide depth and interest to the façade with fenestration that appropriately connects the internal rooms of the dwelling to the streetscape. Side and rear elevations maintain the architectural theme with rendered masonry walling. The roof is pitched at 30 degrees with corrugated Colorbond cladding which reflects the roofing style of character homes in the locality.

From an architectural perspective, the dwellings proposed in this application contribute to the character of the policy area which, through Objective 1, calls for the enhancement of the established character which is derived from:

“(a) single-storeyed detached dwellings of various (generally low) densities, from the interwar period and earlier, in well-landscaped gardens, with much of the remaining original nineteenth century housing stock dominating the built-form character of some streets.”

Council Wide Principle of Development Control (CWPDC) 162 (c) seeks buildings that contain a floor level greater than 1.5 metres above ground level to be set-back 4.0 metres from a side boundary. The intent of this guideline is to ensure adequate patterns of space are provided between dwellings in order to maintain an open streetscape character and minimise impacts to adjoining land in terms of bulk and scale.

The proposed dwellings are designed in a manner whereby the first floor is partly contained within the roof space. The resultant built form as it presents to adjoining land is arguably one and a half storeys with 4.7 metres high walling being apparent to adjoining land and set back 1.2 metres from side boundaries.

The proposal therefore represents a departure from the quantitative policies in relation to side boundary setbacks. Qualitative guidelines should however be considered with equal weighting as part of the planning assessment as they relate through CWPDC 161 (a), (b) and (c) and CWPDC 162 (a) and (b) which state:

CWPDC 161 *Except in the Urban Corridor Zone, buildings should be set-back from the boundary of a road to:*

- (a) contribute positively to an attractive existing streetscape character or desired streetscape character, described in an objective for part of a zone;*
- (b) provide adequate visual and acoustic privacy by separating habitable rooms from pedestrian and vehicular movement; and*
- (c) provide for the efficient use of the land concerned*

CWPDC 162 *Except in the Urban Corridor Zone, the outer walls of a building should be of a height and length, and located in relation to the boundaries of its site (other than a boundary of a road), so that:*

- (a) they do not cause a significant loss of amenity, in terms of their visual impact, overshadowing effect or access to daylight, to occupants of adjoining land and buildings; and*
- (b) the established or desired pattern of space between buildings, as viewed from each road to which the site has frontage, is reinforced;*

The relationship the proposed dwellings will have with their adjoining neighbours to the north and south is generally considered acceptable as the side boundary setbacks

maintain the established patterns of space between dwellings when viewed from the streetscape. The orientation of the subject land means that shadow will not be cast upon the adjoining properties to the north at 14 Philip Avenue and 40 Rochester Street. Overshadowing will be apparent to the southern property 18 Philip Avenue particularly on the Winter Solstice and consideration is to be given to Council Wide Principle of Development Control 183 and 184 which state the following:

PDC 183 *Development should not cause significant overshadowing of the windows to habitable rooms in any dwelling (including an adjacent dwelling) or main outdoor living area associated with any dwelling.*

PDC 184 *Except in the Urban Corridor Zone, buildings should be designed and located to ensure that on the site of any dwelling:*

- (a) at least three hours of sunlight is available to windows to north-facing habitable rooms; and*
- (b) at least two hours of sunlight is available to at least 50 percent of the main outdoor living areas of the dwelling, between 9am and 5pm on the winter solstice (21 June).*

Shadow diagrams submitted by the applicant demonstrate that the proposed development maintains more than two hours of sunlight to the private open space area associated with 18 Philip Avenue thereby according with CWPDC 184 (b).

Attainment of other solar access guidelines is somewhat problematic given the east-west orientation of the land. Consequently it would be reasonable to opine that any form of residential development on the subject land would influence the quantity of sunlight access to north-facing habitable room windows of 18 Philip Avenue.

Shadow diagrams demonstrate that existing fencing between adjoining properties accounts for most shadowing of neighbouring windows in the locality irrespective of what built form is on the land. Notwithstanding that sunlight access will be affected, the extent of shadowing is considered reasonable and expected in the circumstances. It is important to also note that the dwellings at 18 and 20 Philip Avenue, while shorter in overall length, are substantially greater in height than the proposed dwellings and achieve the same side boundary setback of 1.2 metres. The extent of solid walls that will be visible from adjoining land will be considerable, but acceptable in this context.

From the perspective of streetscape character and amenity, the dwellings respond to the established patterns of space between dwellings within the locality and enhance the established and desired streetscape character which is described synonymously through objective 1 for the Policy Area. Analysing the contextual siting of the proposed dwellings in relation to adjoining dwellings, and the locality more broadly, the proposed development achieves an 'on balance' outcome when responding to the qualitative Development Plan guidelines concerning setbacks from property boundaries. The proposed development maintains adequate visual and acoustic privacy, does not cause an unreasonable loss of amenity in terms of visual impact or access to daylight.

Building set-back departures aside, the overall design is considered to be appropriate within the context of the locality in terms of scale, height, form, style and materials. Based on the proposed plans and orientation of adjoining buildings and the negligible benefit of increasing set-backs to side boundaries, the proposal is considered acceptable in this instance.

7.3. Site Functionality

The proposed dwellings are to occupy a single allotment measuring 931 square metres in area. Land division has not been proposed at this stage but it is understood that the applicant will seek Development Approval to divide the land into two allotments at some point in the near future.

RPA 11 principle of development control 3 and 5(a) seek to achieve site areas and frontage widths of 500 square metres and 10 metres respectively. Division of the subject land would result in two allotments, each with site areas measuring 465 square metres and a frontage width measuring 7.6 metres.

As previously detailed in this report, the locality includes a number of properties that do not achieve the desired minimum allotment dimensions for the policy area. Most notably are the dwellings to the south, 18 and 20 Philip Avenue which are near identical to the land configuration proposed in this application.

The dwellings at 18 and 20 Philip were constructed in 1910 as a pair of attached single fronted Symmetrical Cottages. Two-storey additions were constructed in 1992 and the dwellings were granted separate titles in 1998 through a Torrens Title land division that formalised the historically individual land holdings. These sites measure 472 and 497 square metres in area with frontages measuring 7.8 metres wide.

Having considered the context of the locality which includes both historical and recent examples of smaller allotments, the proposed development is considered acceptable in terms of density and the 'pattern of division'.

The combined footprint of all buildings on the land is 49 percent with the combined total floor area reaching 68 percent. The development therefore exceeds the site coverage guideline imposed by CWPDC 165; 40 percent at ground floor and 50 percent for total building floor area.

While the proposed dwelling sites benefit from their considerable depth of 61.1 metres, their narrow width of 7.6 metres results in an elongated building design that occupies a considerable portion of the land.

Front and rear boundary setbacks are met and departures from side boundary setbacks have been discussed in detail with a case presented to the Panel that they are acceptable within this site context.

Accordingly consideration is given as to whether the site coverage results in appropriate or adverse site conditions with respect to the performance of private open space for the future occupants of the dwellings or other discriminating factors for adjoining land.

Private open space is considered appropriate if it is capable of achieving a number of performance criteria, not simply its total area, as stated in CWPDC 167 which reads as follows:

CWPDC 167 *Part of the private open space for exclusive use with a dwelling should:*

- (a) be located and designed to offer reasonable visual privacy to the occupants and access to sunlight (except in the Urban Corridor Zone);*
- (b) comprise an outdoor area at ground level with an appropriate surface gradient (except in the Urban Corridor Zone);*
- (c) be capable of use in association with the dwelling for entertainment and leisure;*
- (d) be accessible from a main living area of the dwelling;*

- (e) be equivalent to at least half the total floor area of the dwelling (except in the Urban Corridor Zone);*
- (f) have a minimum dimension of 2.5 metres;*
- (g) be capable of containing a rectangle measuring not less than five metres by eight metres, unless different minimum dimensions are prescribed in part of a zone (except in the Urban Corridor Zone); and*
- (h) be accessible by pedestrians for servicing or emergencies without the need to enter the dwelling, or to traverse land on adjoining sites (except in the Urban Corridor Zone).*

The private open space areas for each dwelling are accessible from main living areas for use as entertainment and leisure, have suitable minimum dimensions and surface grade and access to northern sunlight. The total area of private open space is less than half the total floor area by approximately 30 square metres but is equal to 25 percent of the total site area.

The site coverage departure is not minor however it does not result in a contorted built form outcome that jeopardises the amenity of the future occupants of the dwellings with regard to their or adjoining land owners enjoyment of private open space.

Vehicular access for Residence 1 will be obtained via a new crossover with Residence 2 utilising the existing crossover to land. The new crossover is sited more than 2 metres from a Qld Box Gum in the road reserve so as to accord with the requirements of Council's Tree Management Officer.

Council's Principal Traffic Engineer is satisfied that the driveway gradients meet the relevant Australian Standard including the transition grades across the Council road reserve. Council's Principal Civil Engineer also supports the proposal with regard to stormwater management and has encouraged the applicant to manage stormwater within the subject land.

Both dwellings include an adequate number of off-street car parking spaces relative to the number of bedrooms and the provision of private open space afforded to the occupants of each dwelling achieves the standards sought by the Development Plan, suggesting that the proposed development would not represent an overdevelopment of the subject land.

The proposal is considered to be an appropriate and functional planning outcome for the subject land and its broader locality.

7.4. Public Notification

Council received three (3) written submissions during the public consultation period, two of which expressed their favour and one in opposition to the development. The representor in opposition expressed a desire to be heard by the Panel with primary concerns being side setbacks, overshadowing, site coverage, privacy, driveways and parking.

In response to the matters raised by the representor, the applicant amended the proposal as follows:

- A reduction to the extent (depth) of the first floor by deleting the rear bedroom in both dwellings;
- Introduction of a section of flat roof over the ground floor to the rear of the dwellings and deletion of the two east facing dormer windows;
- A reduction to the finished floor level of the rear portion of the dwelling by some 370mm; and

- Repositioning of the dwellings slightly further forwards so as to provide an additional 500mm setback to the rear boundary.

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

7.5. Agency Referrals

Although no statutory referrals were required under Schedule 8 of the *Development Regulations 2008*, Council did seek internal advice from the Principal Traffic and Civil Engineer's to assist in determining the suitability of the development against certain provisions of the Development Plan concerning driveway gradients and stormwater management. Council's Open Space department also provided comments in relation to the siting of the proposed driveway crossover in relation to street trees.

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

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

7.6. Conclusion

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

8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0120\16, by Proske Architects, 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.

Reserved Matters

- 1 That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed plans for the following reserved matter requiring further assessment by the City of Burnside, prior to seeking an assessment against the Building Code:
 - 1.1 The applicant shall supply a detailed stormwater management plan that demonstrates how stormwater catchment from on-site to the reasonable satisfaction of Council's Principal Civil Engineer.

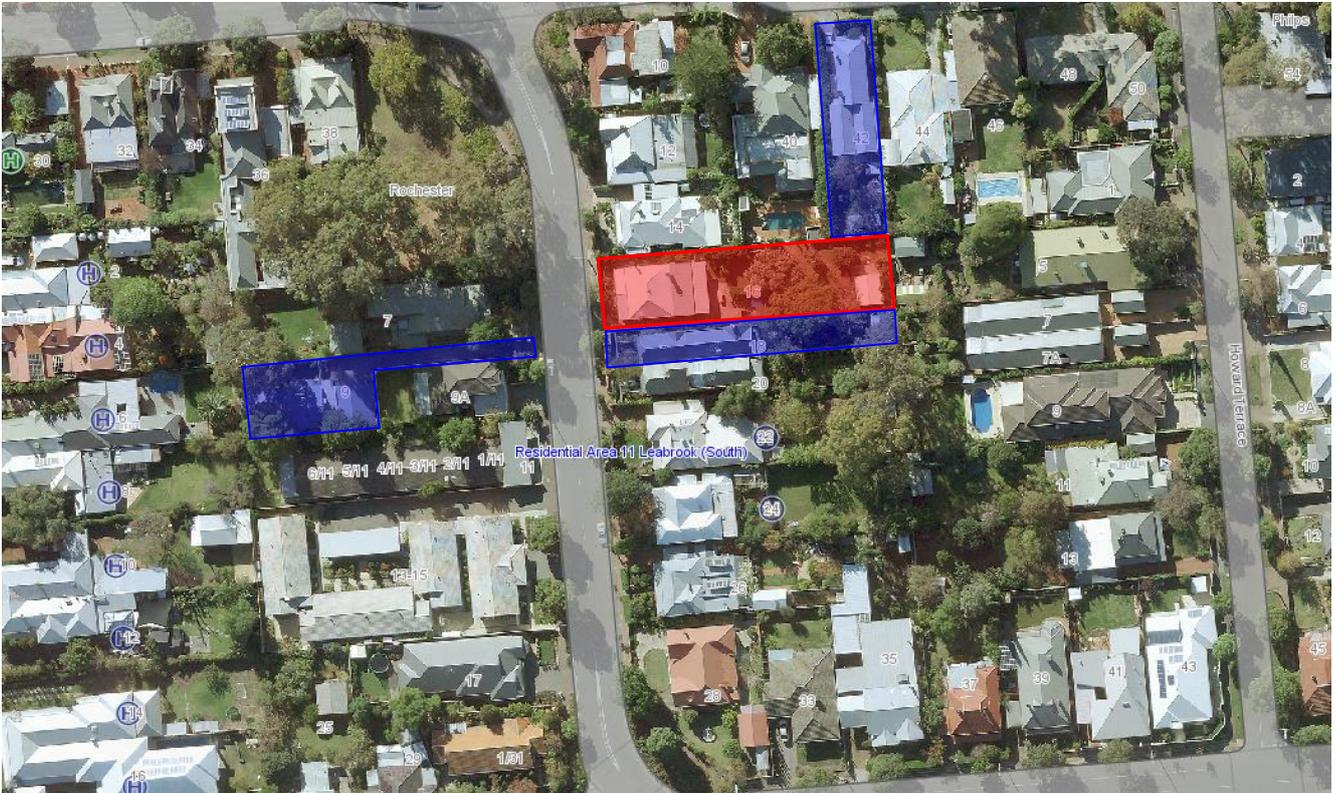
Reserved Conditions

- 1 Pursuant to Section 33(1) of the *Development Act 1993* the DAP reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matters, and this is delegated to the Manager of City Development & Safety.

RECOMMENDING OFFICER

Jason Cattonar
Team Leader – Planning

AERIAL LOCALITY MAP



Legend



Subject Land



Representor's Land

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

Primary Residential Policy Area 11 Objectives:

Objective 1

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

- (a) *single-storeyed detached dwellings of various (generally low) densities, from the interwar period and earlier, in well-landscaped gardens, with much of the remaining original nineteenth century housing stock dominating the built-form character of some streets;*
- (b) *varied front building set-backs (those in eastern Knightsbridge Road, Rochester Street and Rodger Avenue, being generally less than in surrounding areas);*
- (c) *(c) buildings in Rodger Avenue that are State heritage places, notable for their consistent design and siting; and*
- (d) *(d) large, indigenous eucalypt trees.*

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

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

Objective 2

Protection and enhancement of the natural features of Second Creek, its environs, and associated trees.

Principle of Development Control 1:

Development should:

- (a) *conserve and enhance the character of the Policy Area, described in Objective 1, and significant trees therein; and*
- (b) *be compatible with the height, roof-forms and pitches, proportions, siting, architectural style and detailing, materials, and frontage patterns of the typical housing stock in the locality.*

Subject: DP Ref	Assessment:
Desired Land Use O 1	Satisfied. <ul style="list-style-type: none"> • Maintenance of the existing and lawful residential use of the land.
Local Compatibility PDC 1	Satisfied. <ul style="list-style-type: none"> • The single-storey streetscape presentation of the built form complements the bulk and scale of the local streetscape by providing a comparable building height and roof form. • The dwellings have been centrally sited on the land to provide a well-balanced appearance from both the streetscape and maintaining the established pattern of setbacks between buildings. • The proposal offers a modern design of a high standard which mimics positive elements within the street, such as the general roof form and pitch of character dwellings and comparable external wall heights. • The proposal includes appropriate landscaping to soften the appearance of the dwelling and facilitate a smoother integration within the streetscape.

<p>Site Areas and Frontages PDC 2-5</p>	<p>Departure.</p> <ul style="list-style-type: none">• Although the development does not accord with site area and frontage width guidelines, the subject land is within in a locality where there is no consistent cadastral pattern and numerous allotments fall short of the policy area guidelines in this regard.
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Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:

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

Objective 2:

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

Objective 3:

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

Objective 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. <ul style="list-style-type: none"> • The subject land is adjacent a public transport route that services the eastern suburbs connecting to the City of Adelaide. Accordingly, Objective 3 makes note that densities may be varied where there is proximity to a major transport route. • The proposed dwellings will likely suite persons seeking high quality housing in a suburban area consisting of a high quality residential amenity. • The proposed development enhances the visual qualities of the Philip Avenue streetscape and forms a cohesive built form outcome. • Environmental performance will largely depend on stormwater management techniques. This recommendation includes a reserved matter in relation to stormwater management.
Building Appearance PDC 2–4	Satisfied. <ul style="list-style-type: none"> • See policy area comments for further remarks in relation to design and local compatibility.

Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 11:

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

Objective 52:

A compact metropolitan area.

Objective 53:

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

Objective 54:

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

Objective 55:

Safe, pleasant, accessible and convenient residential areas.

Objective 56:

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

Objective 57:

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

Objective 58:

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

Objective 59:

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

Objective 60:

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

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 52-60	Satisfied.
Design and Appearance O 11 PDC 14-18, 23-28	Satisfied.
Building Set-backs PDC 161-163	<p><u>Front Set-backs</u> Satisfied.</p> <p><u>Rear Set-backs</u> Satisfied.</p> <p><u>Side Set-backs</u> Departure.</p> <ul style="list-style-type: none"> • The dwellings will be set back 1.2 metres from side boundaries where the floor level is greater than 1.5 metres above ground level which represents a departure from the 4.0 metres guideline by 2.8 metres. • The departure is considered acceptable given the alignment and setback of the existing adjoining dwellings and the negligible advantage of increasing the setback to 4.0 metres in this context. • The prevailing patterns of space between existing buildings are

	largely maintained and the dwellings suitably enhance the streetscape character of Philip Avenue.
Building Height PDC 164	Satisfied. <ul style="list-style-type: none"> The adjoining single-storey dwelling to the north measures approximately 5 metres in height and the adjoining two-storey dwelling to the south measures approximately 10.5 metres in height. The proposed dwellings measure a maximum 7.7 metres in height above the finished ground level and comfortably achieve a median building height when referenced with adjoining dwellings.
Site Coverage PDC 165	Departure. <ul style="list-style-type: none"> The dwellings fail to achieve the ground and total floor area guidelines prescribed by the Development Plan. For reasons discussed in detail in this report, the site coverage departure is not considered fatal to the overall merits of the proposed development as site functionality is maintained and impacts to adjoining land have been appropriately addressed through high quality design and siting.
Private Open Space PDC 166, 169	Satisfied.
Amenity O11, 20–22 PDC 14–18, 52–69, 170–173	Satisfied.
Privacy PDC 22, 174–176	Satisfied. <ul style="list-style-type: none"> All first floor windows have sill heights measuring 1860mm high which exceeds the 1600mm guideline for privacy attenuation.
Access and On-Site Car Parking PDC 177–182	Satisfied.
Access to Sunlight PDC 21, 183–186	Departure. <ul style="list-style-type: none"> The development maintains sunlight access in accordance with CWPDC 184 (a) to the private open space area of the adjoining dwelling at 18 Philip Avenue. Shadowing to northern facing windows of the dwelling at 18 Philip Avenue will be impacted by the proposed development. Due to the orientation of the land the existing fencing is partly the cause of this shadowing. On the Winter Solstice when sunlight (in Adelaide) penetrates the atmosphere at an angle of 32 degrees, the single storey portion of the dwelling which has a 6 metres roof height would cast a shadow measuring 2.8 metres in height on the northern wall of 18 Philip Avenue. Even if a single-storey building was proposed, the northern windows of 18 Philip Avenue would be in constant shadow on the Winter Solstice.
Fences and Retaining Walls PDC 190–194	Satisfied. <ul style="list-style-type: none"> Earthworks associated with the development maintain ground levels that complement adjoining land with the rear of the site being excavated to a maximum of 800mm. Retaining walls are visible only to the subject land and will have no

	visual impact to adjoining properties.
Water Conservation PDC 200–201	Reserved matter. <ul style="list-style-type: none"> • Council’s Principal Civil Engineer does not object to the proposal but has encouraged the applicant to manage stormwater on-site. • This recommendation includes a reserved matter that requires the applicant to submit a stormwater management plan for further assessment prior to the granting of Development Approval.
Hazards O 39-42 PDC 126–138	Satisfied. <ul style="list-style-type: none"> • The subject land is not located within the Bushfire Protection Area as identified in Figure Bur(BPA)/4 or an area impacted by a 1 in 20 or 1 in 100 year return flood event.
Trees and Other Vegetation O 24-28 PDC 77-92	Satisfied. <ul style="list-style-type: none"> • There are no regulated trees on the subject land or adjoining land.

APPENDIX 3
DEVELOPMENT DATA TABLE

Site Characteristics	Proposed Sites are Identical	Guideline
<i>Site Area</i>	465m ²	500m ²
<i>Street Frontage</i>	7.6m	10m
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	49%	40%
- Buildings and driveways	55%	50%
- Total floor area	68% 72% (incl basement)	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	7.7m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	6.8m	6m
- side boundary	1.2m	1.5 (solid) 2m (windows & openings)
- rear boundary	12.2m	4m
<i>Upper Level</i>		
- front boundary	23.9m	8m
- side boundary	1.2	4m
- rear boundary	17.1m	8m
<i>Boundary Wall</i>	n/a	
<i>Private Open Space</i>		
- percentage	44%	50%
- dimensions	>5m x 8m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	2	2
- width of driveway	2.6m & 2.7	4.5m
- width of garage/carport door	39%	33%

DEVELOPMENT APPLICATION

Application Number:	180\0167\16
Applicant:	A D'andrea and Associates Pty Ltd
Location:	28 Swift Avenue DULWICH SA 5065
Proposal:	Partial demolition and internal alterations of existing dwelling and demolition of existing garage. New ground and upper level dwelling additions, new outbuilding (garage), swimming pool and associated fencing.
Zone/Policy Area:	Residential Zone Residential Policy Area 13 Development Plan consolidated 30 January 2014
Kind of Assessment:	Merit
Public Notification:	Category 2 Two (2) representations received
Appeal Opportunity	Applicant only, no third party appeal rights
Referrals – Statutory:	N/A
Referrals – Non Statutory:	Technical Officer Engineering Tree Management Officer
Delegations Policy:	Unresolved representations
Recommendation:	Development Plan Consent be granted
Recommending Officer:	James Szabo

REPORT CONTENTS

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

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

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

- Amended plans and supporting documents
- July 2016 DAP minutes, report and attachments

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent to demolish an old rear addition, undertake internal alterations to the existing stone cottage and construct a new ground and upper floor dwelling addition, including a rear deck and alfresco area. The works include the replacement of an existing garage and swimming pool, both to the rear of the new addition.

The proposed addition features a built form and external materials, finishes and colours that aim to strongly complement the existing cottage. As proposed, the dwelling will comprise an increased lower living area, with additional bathrooms and bedrooms contributing to the remainder of alterations and additions.

2. BACKGROUND

Development Application 180\0167\16 was presented to the Development Assessment Panel (the Panel) on 5 July 2016 with a staff recommendation to grant Development Plan Consent. The application was presented to the Panel as one representation received indicated they wish to be heard. At that meeting the Panel heard from the Representor and the Applicant.

Following an extensive discussion The Panel resolved to defer the matter to allow the Applicant the opportunity to better consider the design of the proposal and allow an opportunity to amend the proposal to address, (at least in part) the following issues:

- Amenity and character conflicts;
- Compatibility with residential development in the locality and the existing building;
- Appearance of the dwelling from the public realm;
- Setbacks of the upper level and ground floor boundary wall; and
- Site coverage.

The Applicant has now responded to the reasons for deferral and the application returns to the Panel for further consideration.

2.1. Discussion

The Applicant has attempted to respond to the concerns of the Panel by altering the design in a number of ways.

Amenity and character

The Applicant has responded to The Panel's concerns in this regard by:

- Removal of the addition from the western boundary through the establishment of a 0.9 metre setback;
- Further reductions from 58m² down to 55m² in the upper level floor area to achieve a compact upper level, located toward the rear of the existing dwelling;
- Increased concealment of the eastern upper level wall behind the lower level addition roof extent and the incorporation of high level windows along this elevation.

Compatibility with residential development in the locality and the existing building

The Applicant has responded to The Panel's concerns in this regard by:

- Removal of development along the western boundary;

- Incorporation of design features that better complement the existing dwelling, including awning windows and feature gable on the front upper façade, frieze treatment and quoins to match the existing dwelling to the front, side and rear upper level walls; and
- Realignment of the upper level with the lower level to ensure that from Swift Avenue the addition will be sited in a central location to ensure the symmetrical style of the cottage is somewhat preserved.

Appearance of the dwelling from the public realm

The Applicant has responded to The Panel's concerns in this regard by:

- Increasing the setback of the eastern upper level by 0.55m from the Kitchener Avenue boundary;
- Incorporating design features into all upper level facades that better complement the existing dwelling, including the realignment of the upper level and incorporation of additional windows; and
- Increased concealment of the eastern upper level wall behind the lower level addition roof pitch.

Setbacks of the upper level and ground floor boundary wall

The Applicant has responded to The Panel's concerns in this regard by:

- Removing lower level addition from the western boundary; and
- Increasing the eastern upper level boundary setback.

It should be noted that to achieve a more symmetrical siting of the upper level, the western upper level setback was decreased by 0.4m. It is considered that the impacts of this would be negligible in terms of overshadowing, and the benefits to the overall design negate any negative impacts of this reduced setback.

Site coverage

The applicant has responded to The Panel's concerns in this regard by:

- Reducing the lower and upper level floor area of the addition, improving the site coverage ratio from 51% down to 48%.

The amendments tabled by the Applicant strengthen the designs ability to further align with the relevant Objectives and Principles of Development Control of the Policy Area. In particular the proposed amendments will improve how the addition relates to the existing dwelling, helping to strengthen visual amenity on-site and the preservation of the dwelling in a symmetrical form is important in terms of respecting the dwelling's character.

In terms of impacts on amenity and character in the locality, there has been a sufficient attempt to address these concerns through the removal of the addition from the western boundary, a reduction in the upper level floor area and further concealment of the eastern façade of the upper level.

These measures and those listed above are considered a genuine attempt to address the concerns tabled by the Panel and have further aligned the proposal with the relevant policy provisions.

Accordingly the staff recommendation retains support of the application.

2.2. Public Notification

At the July Panel meeting The Panel heard from one adjoining resident. The following concerns were raised as part of their representation:

- Built form;
- Visual appearance;
- Privacy;
- Boundary development;
- Set-backs;
- Visual impact;
- Material selection;
- Overshadowing; and
- Site area.

The amendments attempt to improve the impact of the concerns brought to the Panels and Council's attention by the representor.

2.3. 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 the land use policies of the Development Plan.

The amendments submitted by the applicant address the concerns of the Panel and are considered to be generally in accordance with, the relevant policies of the Development Plan.

3. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and that Development Application 180\0167\16, by A D'Andrea And Associates Pty Ltd, is **granted** Development Plan Consent subject to the following conditions:

Conditions

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.

All rear upper level windows as depicted on the stamped and approved plans granted Development Plan Consent shall be fitted with fixed and obscured glazing to a minimum height of 1.7m above the finished floor level. The fixed and obscured glazing shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:

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

Engineering Advisory Notes

Stormwater Detention

- Due to the significant increase of the impermeable area, detention shall be provided to limit post development flows to pre-development conditions for a 20 yr ARI event over 10 minutes.
- Calculations shall be provided verifying the proposed detention quantity.
- For stormwater management purposes, it is desirable that:
 - an additional detention storage of 1000ltrs to be provided in addition to the standard 1000ltrs retention tank provided.
 - the development utilise permeable paving for the proposed external paving work within the development.

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 50mm, steel pipe housing is to be used as per Council's standards.
- The developer is responsible for locating all existing services and to consult with the necessary service providers if there is a conflict when placing stormwater infrastructure.
- Construction of the stormwater infrastructure is in accordance with Council's Standard Specification and General Conditions and to the overall satisfaction of Council.
- Trenching and connections are to be undertaken as per Australian Plumbing Standards.
- Excess stormwater runoff from the roof catchment shall be discharged to the street water table through a sealed system to the satisfaction of the Council.

RECOMMENDING OFFICER



James Szabo
Development Officer – Planning

APPENDIX 1

AERIAL LOCALITY MAP



DEVELOPMENT APPLICATION

Application Number:	180\0356\16
Applicant:	Technical Officer Arboriculture - City Of Burnside
Location:	Adjacent to 39 Hewitt Avenue ROSE PARK
Proposal:	Retrospective 54A emergency pruning of regulated street tree and proposed removal of tree - White Cedar (<i>Melia azedarach</i>) - adjacent 39 Hewitt Avenue, Rose Park.
Zone/Policy Area:	Historic Conservation Zone Historic Conservation Policy Area 1 Development Plan consolidated 28 April 2016
Kind of Assessment:	Merit
Public Notification:	CAT2 Category 2 Nil (0) representations received
Appeal Opportunity	Applicant only, no third party appeal rights
Delegations Policy:	A development application for the removal of a significant Council tree
Recommendation:	Development Approval be granted
Recommending Officer:	James Booker

REPORT CONTENTS

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

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

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

- Plans and supporting documents
- Photographs

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Approval for the following:

- *Retrospective 54A emergency pruning of regulated street tree and proposed removal of tree - White Cedar (Melia azedarach) - adjacent 39 Hewitt Avenue, Rose Park.*

The subject tree has a trunk circumference of 2.6m at 1m above ground level. As such the tree has been identified as a regulated tree.

2. BACKGROUND

Application 180/0356/16 was lodged on 04/05/2016 by the City of Burnside Operation Services seeking the removal of a regulated White Cedar street tree. Submitted as a part of the assessment process was a report written by a consulting arborist.

The proposal was classified as a Category 2 development in accordance with the *Development Regulations 2008*, Schedule 9 Part 2 clause 25. The application was placed on Category 2 public notification for a period of two weeks from 09 June 2016 to 23 June 2016 with no submissions from adjoining land owners being submitted to the Council during that period.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land & Locality

The subject road reserve runs along the southern side of Hewitt Avenue from Victoria Terrace in the west to Webb Street to the east for a length of approximately 190m. The road reserve is occupied by a number of different species of trees including Cedar trees, and London Plane trees.

4. KIND OF ASSESSMENT

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

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Clause 25, Part 2, Schedule 9 the Development Regulations (2008)
Third Party Appeal Opportunity:	No

6. EXECUTIVE SUMMARY

6.1. Land Use

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

- The proposal is for tree removal in the Historic Conservation Zone in an area which is dominated by residential development;
- Significant tree removal is not listed as non-complying development for the Historic Conservation Zone provisions within the Development Plan; and
- If it can be demonstrated that the proposed development satisfies Council Wide Principle of Development Control 90 then approval could reasonably be expected.

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

6.2. Trees

The subject tree has been identified as a *Melia azedarach* (White Cedar) and is sited within a road reserve that contains numerous other street trees. The tree is a large specimen but shows very poor form and obvious decay of the trunk. Significant pruning of the crown of the tree was undertaken on 02 May 2016 due to concern over the possibility of a large diameter limb failure.

Council Wide Principle of Development Control 90 outlines circumstances where removal of a significant tree may be acceptable. Council's Tree Management Officer has assessed the removal of the subject tree against these provisions and notes that the tree achieves the criteria for removal.

It is considered that the tree has a compromised structure, the health of the tree is in decline and the tree has a reduced life expectancy. The tree represents a material risk to private a public safety and all reasonable treatments have been explored and no management options would allow the long term retention of the tree. In the opinion of the Tree Management Officer, removal of the tree and replacement is the suitable method of management.

The proposed tree removal satisfies Council Wide Principle of Development Control 90(a) (i) and (ii) referred to above, and as such Development Approval is warranted.

Section 42(4) the Development Act (1993) requires Council to impose a replanting condition to replace significant trees which have been approved for removal. As such a condition has been included requiring the replanting of three (3) trees.

The Development Regulations (2008) specify that the replacement trees cannot be an exempt species (specified under regulation 6A(5)(b) and cannot be located within 10m of an existing dwelling or an existing in-ground swimming pool. As such, the replacement trees could be planted in a similar location to the subject tree, as well as another location throughout the remainder of the Council road reserve. Council's Technical Support Officer – Arboculture has indicated that the proposed replacement tree is a Chinese Flame Tree (*Koelreuteria bipinnata*)

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 Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0356\16, by Technical Officer Arboriculture - City Of Burnside, is **granted** Development Approval subject to the following conditions:

Conditions

- 1 The development granted Development approval 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 removal of the regulated tree shall be subject to the planting of two (2) replacement trees in a suitable position greater than 10m distance from any existing dwelling or in-ground swimming pool.

The replacement trees must not be a species listed in Regulation 6A(5)(b) of the *Development Regulations 2008*, or a tree belonging to a class of plant declared by the Minister under Chapter 8 Part 1 of the *Natural Resources Management Act 2004*.

The trees shall be planted within three (3) months of the substantial removal of the regulated tree and shall be maintained in good condition at all times and replaced if necessary.

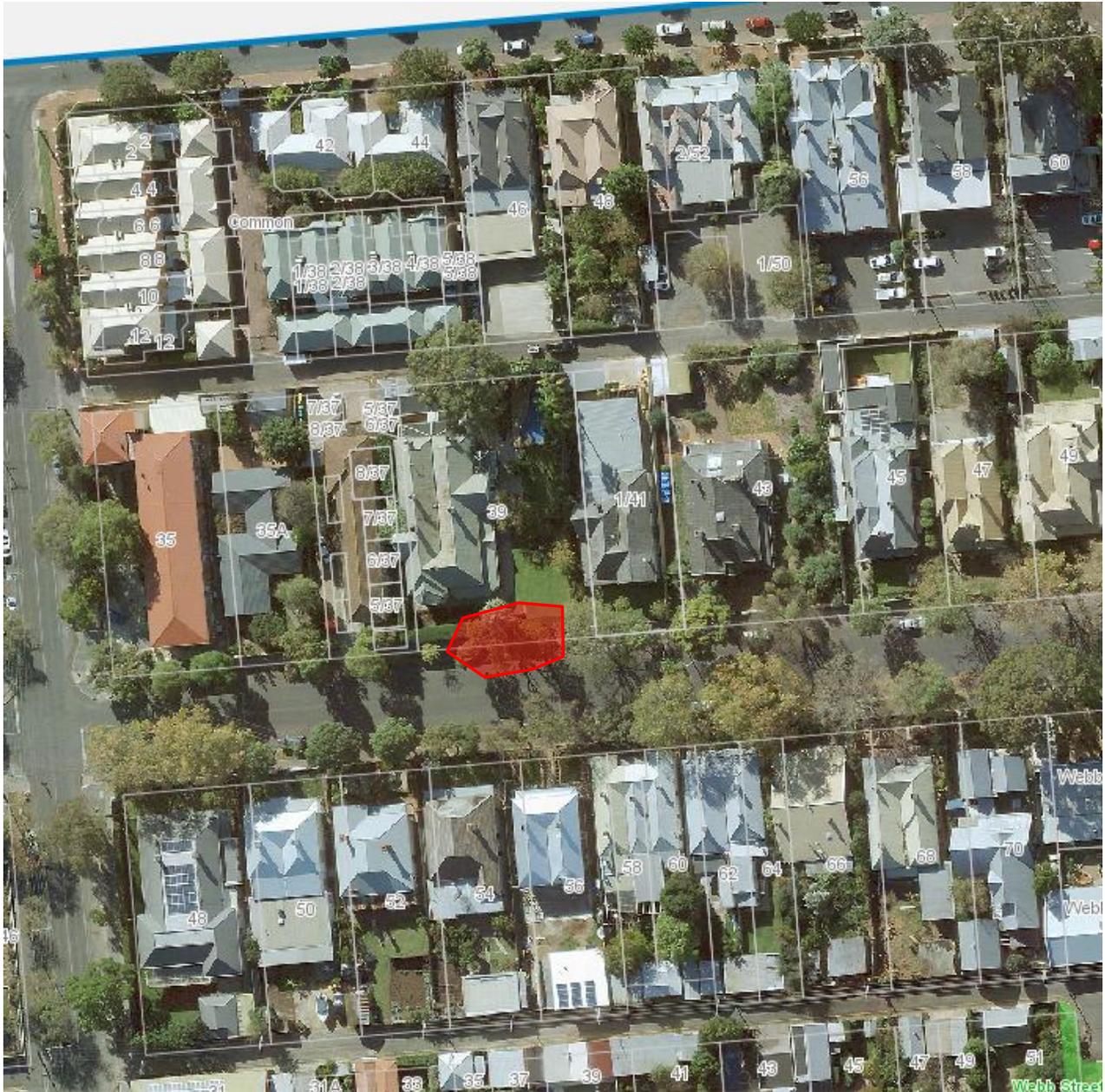
Reason:

To satisfy Section 42(4) of the *Development Act 1993*.

RECOMMENDING OFFICER

James Booker
Development Officer – Planning

AERIAL LOCALITY MAP



Legend



Subject Land

DETAILED PLANNING ASSESSMENT

Summary of Council Wide Objectives and Principles

Primary Objectives and Principles relating to Regulated Trees:

Objective 27:

The conservation of significant trees (including significant trees identified in Table Bur/4 and as shown on Figures Bur(ST)/1 to 8 inclusive) in Metropolitan Adelaide which provide important aesthetic and environmental benefits.

Objective 28:

Development sited and undertaken to retain and protect a significant tree or group of significant trees.

Principle of Development Control 84:

Where a significant tree:

- (a) *makes an important contribution to the character or amenity of the local area; or*
- (b) *is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or*
- (c) *represents an important habitat for native fauna; or*
- (d) *is part of a wildlife corridor or a remnant area of native vegetation; or*
- (e) *is important to the maintenance of biodiversity in the local environment; or*
- (f) *forms a notable visual element to the landscape of the local area;*
development should preserve these attributes.

Principle of Development Control 90(a):

Significant trees should be preserved and tree-damaging activity should not be undertaken unless:

- (a) *in the case of tree removal;*
 - (1) (i) *the tree is diseased and its life expectancy is short; or*
 - (ii) *the tree represents an unacceptable risk to public or private safety; or*
 - (iii) *the tree is within 20 metres of a residential, tourist accommodation or otherwise habitable building and is a bushfire hazard within the Bushfire Protection Area shown on Figure BurBPA/1; or*
 - (iv) *the tree is shown to be causing or threatening to cause, substantial damage to a substantial building or structure of value; and*

all other reasonable remedial treatments and measures have been determined to be ineffective.

- (2) *it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.*

Subject: DP Ref	Assessment:
Significant Trees O 27-28 PDC 83-92	The tree does not make a significant contribution to the local area due to its previous lopping, poor form and decay of the trunk.
Criteria for removal PDC 90(a)	Council's Tree Management Officer has assessed the health and structural integrity of the tree and determined that the tree is a good candidate for removal. The tree has significant wood decay and has a shortened life expectancy and it poses an unacceptable risk to safety. Due to the structural decline of the tree and future maintenance issues that this tree presents, the Tree Management Officer notes that there are no reasonable remedial measures available to improve its structure and therefore its life expectancy.

DEVELOPMENT APPLICATION

Application Number:	<i>180\0927\15</i>
Applicant:	<i>B Hopkins</i>
Location:	<i>27 Sprod Avenue, Toorak Gardens</i>
Proposal:	<i>Freestanding carport</i>
Zone/Policy Area:	<i>Historic Conservation Zone Historic Conservation Policy Area 6 (Toorak Gardens North) Development Plan consolidated 30 January 2014</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category 1</i>
Appeal Opportunity	<i>Applicant only</i>
Referrals – Non Statutory:	<i>Local Heritage Consultant</i>
Delegations Policy:	<i>Delegations Policy – 6.2.1.3 Any application in relation to a Historic Conservation Zone where the Council's Heritage Adviser has recommended that approval should not be granted.</i>
Recommendation:	<i>Development Plan Consent be refused</i>
Recommending Officer:	<i>James Szabo</i>

REPORT CONTENTS

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

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

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

- Amended plans and supporting documents
- Local Heritage Consultant Advice
- Dec 2015 DAP minutes, report and attachments

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the following:

- New freestanding carport measuring 20.37m² located in front of the existing dwelling;
- Post and beam height of 2.36m, and
- Set-back 5.29m from the front boundary.

2. BACKGROUND

Development Application 180\1075\14 was presented to the Development Assessment Panel (the Panel) on 1 December 2015 with a staff recommendation to refuse Development Plan Consent. The application was presented to the Panel as Council's Heritage advisor did not support the application.

At the meeting the Panel resolved to defer the matter to allow the applicant the opportunity to consider the design further. The reasons for the deferral are summarised below:

To provide the applicant an opportunity to address the concerns of the Development Assessment Panel:

- To supply detailed plans and elevation drawings that illustrates the composition of materials to be used and the ability for the carport to be integrated with the architectural design of the Contributory Item.

Amended plans that attempt to address the concerns of The Panel were later submitted by the Applicant. Council's Heritage advisor has since reviewed the plans and does not hold any major concerns with the new concept from a Heritage impact perspective, commenting that:

- *Revised proposal reflects my sketches of a possible compatible solution, a carport appearing as a garden loggia/ folly structure, a not uncommon feature in gardens of the era of the subject dwelling (interwar).*
- *Proposed revised solution is slightly wider, set back further (290mm) off Sprod Ave and is 300mm closer to the west boundary.*
- *Proposed drawings reflect my sketches in general – as a result, no particular heritage concerns with revised carport proposal.*

The amended plans and relevant documentation are submitted to the Panel for further consideration.

2.1. Discussion

Although the amendments do much to ensure the design better aligns with the style of the character dwelling, minimising concerns from a Heritage perspective, the fundamental concerns raised in the original Planning Report (Attachment 3) remain outstanding.

Despite appearances the structure will be utilised for car parking and based on its defined use as a carport the siting of the proposal is at odds to the relevant Objectives and Provisions of the Development Plan, in particular:

- Secondary structures should not obstruct views of the dwelling in which they relate;

- New freestanding garages or carports should be located to the rear of an existing dwelling;
- Buildings should complement the setback of adjoining properties or be sited 8 metres at a minimum from the boundary of a road; and
- Carports should be set-back not less than 0.5m behind the main façade of a dwelling.

On balance, the amendments which have been made to the proposal are noteworthy when considering the relationship to the dwelling, however, based on the siting the proposal is fundamentally at odds to a range of objectives and principles of development control in the Development Plan. These objectives and principles set a strong precedence when considering secondary structures forward of the main building line of the dwelling in which they relate.

2.2. 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 the land use policies of the Development Plan.

Notwithstanding, the development is at variance with the relevant provisions relating to the siting of carports/garages, that aim to protect the hierarchy of dwellings on individual allotments and within the broader localities in which they relate, and this is particularly emphasised in areas of heritage significance.

3. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not *seriously at variance* with the land use policies in the Development Plan;
2. The proposed development is *at variance* with the relevant objectives and principles of development Control contained within the Development Plan; and
3. Development Application 180\1041\15 is **refused** Development Plan Consent for the following reasons:

Reasons

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

- Historic Conservation Zone Policy Area 6 Principle of Development Control 4
- Historic Conservation Zone Policy Area 6 Principle of Development Control 7
- Council Wide Principle of Development Control 161(c)
- Council Wide Principle of Development Control 187(a)

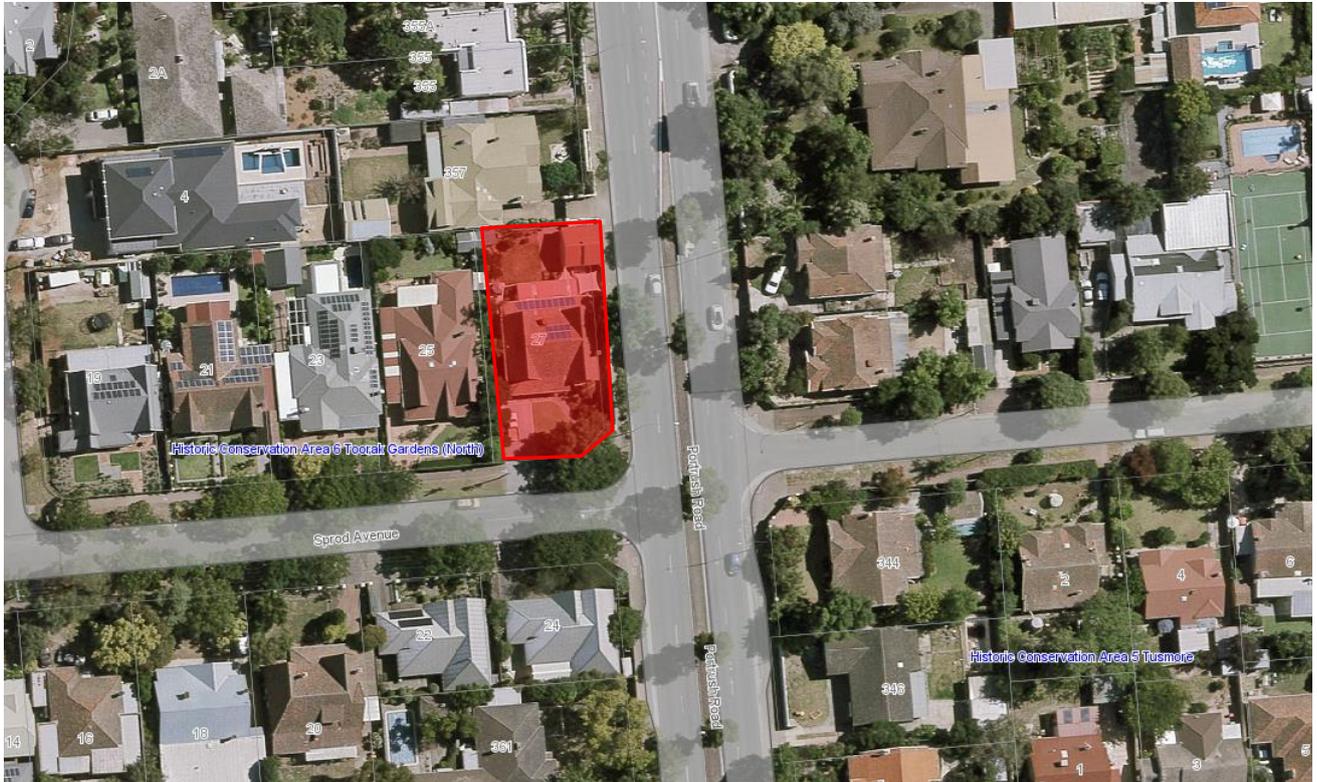
RECOMMENDING OFFICER



James Szabo
Development Officer - Planning

APPENDIX 1

AERIAL LOCALITY MAP



Legend

 **Subject Land**

DEVELOPMENT APPLICATION

Application Number:	180\0493\16
Applicant:	City Of Burnside
Location:	350 The Parade KENSINGTON PARK SA 5068
Proposal:	Retrospective pruning of two (2) Regulated Council (Section 54A-Emergency Works)
Zone/Policy Area:	Residential Zone Residential Policy Area 6 – Greater Kensington Park Development Plan consolidated 28 April 2016
Kind of Assessment:	Merit
Public Notification:	Category 1
Appeal Opportunity	Applicant only, no third party appeal rights
Delegations Policy:	A development application for the pruning of a significant Council tree
Recommendation:	Development Approval be granted
Recommending Officer:	James Szabo

REPORT CONTENTS

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

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

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

- Plans and supporting documents
- Photographs

DESCRIPTION OF PROPOSAL

The Applicant seeks Development Approval for:

- Tree pruning work carried out on two (2) River Red Gums (*Eucalyptus camaldulensis*).

The two trees are located on the western side of the Pembroke School Carpark, and form part of a stand of significant River Red Gums.

The subject trees have trunk circumferences exceeding 2 metres (but not more than 3 metres) at 1 metre above ground level, as such the trees have been identified as Regulated.

1. BACKGROUND

A report was lodged from an employee of Pembroke School to Council's Arboricultural Team on Tuesday 10 of May 2016, citing concerns of a visible structural defect in a nearby tree (Tree 1). In accordance with the City of Burnside Urban Tree Strategy, a visual tree assessment was undertaken later that afternoon. During this process a second tree (Tree 2) was also identified as being an immediate risk.

Such was the severity of the structural defects found in the trees that Council's Arboricultural Officers determined that it was appropriate for Section 54A of the Development Act 1993 (The Act) to be implemented, and subsequently the required pruning work was undertaken.

To ensure procedural compliance with the abovementioned section of The Act a Development Application (180\0493\16) was lodged on 15 June 2016 by the City of Burnside Arboricultural Team, seeking (retrospective) approval for the pruning of the two Regulated Trees located on Council owned land.

2. SUBJECT LAND AND LOCALITY ATTRIBUTES

2.1. Subject Land

The subject land is the 6.5Ha Kensington Park Reserve. The land is owned by the City of Burnside. The reserve hosts a range of community facilities that are used separately and in association with the adjacent Pembroke School.

2.2. Locality

The locality is bounded by The Parade between Shipsters Road and Holden Street and the properties adjacent. The reserve dominates the locality with its open natural character, on account of the large grassed areas and mature stands of *Eucalyptus* located around the periphery, oval and carparks of the subject land.

3. KIND OF ASSESSMENT

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

4. PUBLIC NOTIFICATION

Category:	1
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Reason:	Development Regulations (2008), Schedule 9, Clause 13
Third Party Appeal Opportunity:	No

5. EXECUTIVE SUMMARY

5.1. Proposal

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

- The proposal is for tree pruning on land in the Residential Zone;
- Tree damaging activity is not listed as non-complying development for the Residential Policy areas contained within the Residential Zone; and
- If it can be demonstrated that the proposed development satisfies Council Wide Principle of Development Control 81 in relation to Regulated Trees then consent could reasonably be expected.

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

5.2. Tree Assessment

In the supporting documentation Chris Hawkins, Council's Technical Support Officer provided a report that summarised the structural concerns with regard to the subject trees.

With regard to Tree 1, Mr Hawkins in his onsite observations noted the following:

'At the time of inspection, cracking was audible . . . which suggests movement is occurring in the trunk'; and

'The trees structure is considered to be poor, with the potential for imminent failure'

Following the inspection the tree was assessed against the International Society of Arboriculture Tree risk assessment matrix. Mr Hawkins in his findings determined that Tree 1 posed a 'Likely' chance of imminent failure and given its siting posed a 'High' consequence of failure.

With regard to Tree 2, Mr Hawkins in his onsite observations noted the following:

'Significant hollowing is visible at the attachment point of the western leader'; and

'The trees structure is considered to be poor, with the potential for imminent failure'.

Mr Hawkins using the same risk assessment methodology as stated above determined that Tree 2 posed a 'Very Likely' chance of imminent failure and given its siting posed a 'High' consequence of failure.

Based on the above assessment it is considered that Urgent Work under Section 54A of The Development Act was certainly justified.

5.3. Development Plan Assessment

Both trees hold Regulated status and are considered to provide an important aesthetic and environmental benefit to the locality. As such the retention and maintenance of the long term vitality of the trees is important, and work should be undertaken to achieving that end.

As such with regard to tree damaging activity - where pruning or removal is proposed - the Development Plan is explicit in suggesting when it is appropriate. Whereby Principle of Development Control 81 states the following:

A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

(a) the tree is diseased and its life expectancy is short;

(b) the tree represents a material risk to public or private safety;

(c) the tree is causing damage to a building;

(d) development that is reasonable and expected would not otherwise be possible;

(e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.

*Emphasis added by the author

On review of the above it is considered that the risk associated with the subject trees satisfied the relevant exemption, namely PDC 81(b). In addition, the works were done with the interests of long term tree health and vitality in mind, ensuring that whole tree failure and subsequent removal was avoided, ensuring PDC 81(e) is met.

5.4. Conclusion

Based on the assessment by Council's Arboricultural Support Officer it is considered that the tree displayed sufficient risk to warrant the emergency works. In addition, 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.

6. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0493\16, by City Of Burnside Civic Centre 401 Greenhill Road TUSMORE SA 5065, is **granted** Development Approval subject to the following conditions:

Conditions

- 1 The development granted Development Approval 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.

RECOMMENDING OFFICER



James Szabo
Development Officer – Planning

AERIAL LOCALITY MAP



APPENDIX 2

DETAILED PLANNING ASSESSMENT

Summary of Council Wide Objectives and Principles

Primary Objectives and Principles relating to Regulated Trees:

Objective 25: The conservation of regulated trees that provide important aesthetic and/or environmental benefit.

Objective 26: Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:

- (a) significantly contributes to the character or visual amenity of the locality;
- (b) indigenous to the locality;
- (c) a rare or endangered species;
- (d) an important habitat for native fauna.

Principle of Development Control 80: Development should have minimum adverse effects on regulated trees.

Principle of Development Control 81: A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

- (a) the tree is diseased and its life expectancy is short;
- (b) the tree represents a material risk to public or private safety;
- (c) the tree is causing damage to a building;
- (d) development that is reasonable and expected would not otherwise be possible;
- (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.

Principle of Development Control 82: Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.

Subject: DP Ref	Assessment:
Regulated Trees O 25-26	Both trees hold Regulated status and are considered to provide an important aesthetic and environmental benefit to the locality. As such the retention and maintenance of the long term vitality of the trees is important.
Criteria for Pruning PDC 81(a)	Council's Tree Management Officer assessed the health and structural integrity of the trees and determined that the trees required pruning to reduce risk and maintain long term health.