

## COUNCIL ASSESSMENT PANEL MEETING

12 May 2021

### AGENDA – 8.1

<b>Applicant:</b> Sasha & Gary Holland	<b>Landowner:</b> S J L & G L Holland
<b>Agent:</b> Philip Harnett (URPS)	<b>Originating Officer:</b> Damon Huntley
<b>Development Application:</b>	20/1198/473
<b>Application Description:</b> Two storey detached dwelling, deck (maximum height 4.12m), combined fence & retaining walls (maximum height 3.4m), swimming pool & associated barriers, masonry fence, associated earthworks & landscaping	
<b>Subject Land:</b> Lot:50 Sec: P2797 DP:111446 CT:6175/564	<b>General Location:</b> 9 Braemar Terrace Stirling  <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated :</b> 08 August 2019 <b>Map</b> AdHi/28 & AdHi/72	<b>Zone/Policy Area:</b> Country Living Zone - Country Living (Stirling And Aldgate) Policy Area
<b>Form of Development:</b> Merit	<b>Site Area:</b> 771 m <sup>2</sup>
<b>Public Notice Category:</b> Category 2 Merit	<b>Representations Received:</b> 6  <b>Representations to be Heard:</b> 4

#### 1. EXECUTIVE SUMMARY

The purpose of this application is to construct a two-storey detached dwelling, deck (maximum height 4.12m), combined fence & retaining walls (maximum height 3.4m), swimming pool & associated barriers, masonry fence, associated earthworks & landscaping.

The subject land is located within the Country Living Zone and the Stirling and Aldgate Policy Area. The proposal is a merit form of development and pursuant to the procedural matters for the Zone was subject to Category 2 public notification. The application received six (6) representations during the public notification period and four (4) parties wish to be heard in support of their representations.

As per the CAP delegations, the CAP is the relevant authority for Category 2 applications where representors wish to be heard.

The main issues relating to the proposal are built form and siting and its impact on character and amenity of the locality.

In consideration of all the information presented and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions.

## 2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- A two-storey detached dwelling, comprising a lower level with enclosed rainwater tanks (12,000L), home office, theatre, lift access and double garage. The rear portion of the lower level is cut 2.4m into the site. This cut enables the northern section of the upper level to be sited at a ground level equivalent, with this section of the dwelling comprising 3 bedrooms, a bathroom, and retreat. The southern portion (front) of the upper level comprises the main living areas, master bedroom, lift access and a balcony area.
- The dwelling presents to Braemar Terrace, exhibiting a modern aesthetic with sharp lines, complemented by some traditional design features and materials. A prominent central gable clad in a light toned prefabricated steel anchors the frontage. The gable is flanked by two sections of parapet walling clad in a horizontal cement weatherboard finished in a light grey. Glazing with aluminium framing contributes further to the horizontal and vertical interplay exhibited by the external cladding materials. The front balcony integrates with the gable to create a defining feature, mixing a modern cantilevered canopy (verandah) with heritage style balustrading. Other notable elements include the stone entry, timber door, front stone wall, timber gates and balustrade fencing.
- The dwelling has a strong connection to the main areas of private open space, with a large alfresco area, enclosed on three sides by the northern portion of the upper level (including to the north). This alfresco area connects to a lawn, deck and swimming pool area. These private open space areas are directly accessible via the main living areas of the dwelling and present well with respect to the northern aspect of the site.
- Retaining walls are largely concealed, with retaining cut centrally through the allotment and adjacent to the rear boundary.
- A comprehensive landscaping scheme will see up to 38 different varieties of trees, shrubs and groundcovers being established around the dwelling, and the alfresco courtyard integrates a deep planting bed with a variety of vegetation, exhibiting sound biophilic design.
- A right of way and an easement runs adjacent to the eastern boundary for the purposes of electricity and sewer.

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information** and **Attachment – Applicant’s Professional Reports**.

## 3. BACKGROUND AND HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
06 January 2015	14/D12/473 – 14/319/473	Boundary realignment (9 into 9)

In respect of the current development application, the Applicant has provided updated drawings and documentation comprising site stormwater calculations prepared by Nigel Hallett and Associates, and revised site plan (drawing 01 of 07 rev E drawn by In Property Design) detailing amended site coverage calculation.

Section 221 approval under the *Local Government Act 1999*, has been issued by Council's Biodiversity and Open Space Departments for the verge planting, which forms a key feature of the landscaping scheme.

#### 4. REFERRAL RESPONSES

- **AHC Engineering**

There is currently no formal crossover established for vehicle access to the site. A crossover to the south-west of the allotment frontage is proposed and a condition regarding the creation of this to Council's reasonable satisfaction is recommended (refer to Recommended Condition 2). Council's Engineering Department support the crossover location.

Engineering has reviewed the updated stormwater management plan and is satisfied with the post development flows and the inclusion of 2 x 5000 litre rainwater tanks for the purpose of retention and detention.

It is noted that Easement "M" is for the transmission of electricity.

#### 5. CONSULTATION

The application was categorised as a Category 2 form of development in accordance with the procedural matters for the Country Living Zone, on account of the combined retaining wall and fencing height threshold being exceeded and the front balcony deck height exceeding maximum height thresholds. Six representations in opposition to the proposed development were received during the notification period. Four parties have indicated that they wish to be heard. The CAP is the relevant authority for Category 2 applications where representors wish to be heard and the hearing of representations is at the discretion of the CAP.

The following representors wish to be heard:

NAME OF REPRESENTOR	REPRESENTOR'S PROPERTY ADDRESS	NOMINATED SPEAKER
Mrs Jennifer Elsom	10 Braemar Terrace, Stirling	Self
Ms Susette Cook & Mr Steven Marshall	1 Ridge Road, Stirling	Self
Ms Una Walker	6 Braemar Terrace, Stirling	Paola Dal Pozza
Ms Kerry Jarvis & Mr Christopher Lemm	3 Ridge Road, Stirling	Christopher Lemm

The applicants and their representative – Phil Harnett of Urban and Regional Planning Solutions will be in attendance.

The issues contained in the representations can be summarised as follows:

- Character and appearance
- Building height
- Building setbacks to boundaries

- Private open space
- Site coverage
- Landscaping
- Car parking
- Overlooking and privacy
- Noise
- Stormwater
- Encroachment over private easement

These issues are discussed in detail in the following sections of the report.

Copies of the submissions are included as **Attachment – Representations** and the response is provided in **Attachment – Applicant’s Response to Representations**. A copy of the plans which were provided for notification are included as **Attachment – Publically Notified Plans**.

## 6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

### i. The Site’s Physical Characteristics

The subject land is a rectangle shaped allotment of approximately 771m<sup>2</sup> located on the high side of Braemar Terrace. The site rises from the south to the north of the allotment with a 28% grade from the road to the rear of the block, which translates to a height difference of some 8.95 metres. The property is serviced by SA Water mains water and sewer. The site is currently vacant of buildings and contains a number of trees and shrubs in varying condition.

Three easements and one right of way are registered on the Certificate of Title, which effects the eastern portion of the allotment and includes:

- A free and unrestricted right of way;
- One easement for sewer purposes, in favour of SA Water; and
- Two easements for the transmission of electricity by underground and overhead cable, respectively.

### ii. The Surrounding Area

The locality has a distinct residential character with larger dwellings, including numerous two storey dwellings, generally set on larger blocks with spacious surrounds. Mature vegetation enhances the setting of the locality and provides a valuable and defining characteristic. The vegetation also creates a sense of seclusion, with many dwellings partially or fully screened by vegetation when viewed from the public realm.

The portion of Braemar Terrace adjacent the subject site and within the immediate locality is relatively flat, running along the land contour on a north east to south west orientation. The land rises steeply on the northern side of Braemar Terrace and falls more gradually to the southern side. As a result of the topography and the influence of mature vegetation, dwellings on the northern side of Braemar Terrace, are more visually defined than those to the south. Many of the surrounding dwellings both within



and outside the immediate locality share similar characteristics to the proposed dwelling, with split level or two-storey designs built to respond to the slope of the land.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Country Living Zone - Country Living (Stirling And Aldgate) Policy Area which applies to a large portion of the Country Living Zone.

The following are considered to be the relevant Policy Area provisions:

*Objectives: 1*

*PDCs: 1*

Objective 1 and PDC 1 of the Policy Area seek for development to be consistent with the desired character of the Policy Area. The Desired Character Statement for the Stirling and Aldgate Policy Area envisages:

- Residential land use as the primary and most anticipated form of development;
- Development that reflects and responds to the eclectic design, size, style and material use exhibited by dwellings throughout the Policy Area;
- Development that responds to its streetscape context through responsive setbacks, heavily landscaped gardens and low front fences;
- Responsive design that considers site topography and ways to minimise earthworks through building siting and split level design; and
- The retention of the natural setting.

The proposal as a residential dwelling is an anticipated and envisaged form of development within the Policy Area. It is noted that the land has been vacant for some time, nonetheless it was earmarked for residential development during the deliberations surrounding the Boundary Realignment (referenced in Section 3), where an indicative building envelope was submitted.

The Desired Character Statement acknowledges that the design of buildings throughout the Policy Area varies considerably. This is favourable with respect to the proposed dwelling, which as described takes design queues from both modern and traditional architectural styles. The scope to which development should respond to the residential character of the Policy Area is further expanded by the Desired Character's acknowledgement that dwellings also feature materials of a wide variety.

How a proposal responds to the streetscape context forms an important consideration within the Policy Area. This is considered a key response area for the subject proposal, as it is acknowledged that the visual presence of the dwelling post construction will likely be prominent within the immediate locality. Nonetheless, it is considered that through a combination of careful siting, responsive design, comprehensive landscaping, and front boundary features, that the proposal adequately responds to its streetscape context and the desires of the Policy Area. It is also anticipated that as the proposed landscaping establishes, the prominence of the building will diminish within the immediate locality.

The following are the relevant Zone provisions:

*Objectives:* 1, 2 & 3

*PDCs:* 1, 6, 7, 9 & 10

Objectives 3 and PDC 6 seek for development to contribute to the desired character of the Zone. The Desired Character Statement acknowledges that the Zone contains traditional designs and materials but envisages that new dwellings will incorporate modern designs and building materials. Based on this excerpt the dwelling is considered to portray characteristics that satisfy the intent of the Desired Character Statement, by incorporating modern design elements and materials which will be of appropriate colours to complement the landscape.

This Statement also acknowledges the importance of energy efficient design and it is noted that the central courtyard with no roofing, allows for good passive design outcomes. This includes improved natural ventilation for the entire upper level, solar access to the main living areas in the winter months to assist with heating and during the summer months, the courtyard with the pergola and attached virginia creeper combination and the deep planting bed and vegetation within it, will provide adequate shading to reduce solar heat load and will have a natural cooling effect. This demonstrates that the design of the dwelling is responsive to its broader setting and natural context by carefully integrating important aspects of energy efficient design, most notably passive design principles.

The Desired Character Statement also seeks that development respond sensitively to site topography. Similarly, PDCs 7 and 9 seek for development to be designed and sited to relate to the slope of the land so that the bulk and scale of the built-form does not dominate the landscape and the visual impact to adjoining dwellings and public spaces is minimised. It is noted that the design will result in a large amount of cut, however this is considered acceptable as it will largely be concealed from the public realm behind the lower and upper levels. In addition, the central siting of the bulk of the floor area on both the lower and upper levels is considered a good outcome, particularly given the challenging nature of the site topography, whereby bringing the house closer to the street would have resulted in the need for less cut, r this would not however have achieved the large front setback requirements of the Zone. The proposal therefore achieves a good balance between cut and fill to reduce the bulk of the building as viewed from Braemar Terrace, whilst careful design ensures that most of those works are concealed internally to the site.

In relation to impacts on views from adjoining dwellings, as acknowledged the proposed development will have some level of visual impact within the immediate locality. In considering this outcome, it is worth reflecting that the dwelling largely meets the site coverage and height parameters, suggesting that the proposal is of a bulk and scale that is envisaged and anticipated in the Zone.

The below table provides a summary of the key quantitative design parameters relevant to the proposal as expressed by PDC 9:

PARAMETER	DEVELOPMENT PLAN	PROPOSAL
Front Setback	8m	9.5m (5.5m)
Rear Setback	8m	3.56-3.75m
Side Setback (wall heights below 3m)	2m	1-2.345m (West) 3.1m (East)
Side Setback (wall height above 6m)	3m (plus 1 m for every metre of wall above 6m)	1m-2.345m (West) 6.4m (East)
Site Coverage	50%	45%
Building Height	2 storeys and 9m	2 storeys and 7.2m
Private Open Space	80sqm	~143sqm
Onsite Parking	2	2

The proposal has been assessed against the quantitative parameters as expressed by PDC 9, and on balance it is deemed to be appropriate despite three parameters exhibiting minor shortfalls, these all relate to setback considerations.

It is noted that the main building line of the dwelling complies with the 8m minimum recommended front setback requirement. However, it is acknowledged that the upper-level balcony does intrude within this setback area. This is considered acceptable on account of the balcony integrating with and enhancing the overall aesthetic of the frontage of the dwelling, adding both articulation and visual interest in that does not excessively exacerbate the overall bulk and scale of the building as viewed from Braemar Terrace by its open sided nature.

The rear setback shortfall is notable and falls roughly 4.5 metres shy of the minimum. A dispensation is being afforded to this shortfall on account of the context of the neighbouring dwelling at 7 Ridge Road (adjoining the rear boundary of the subject site), which overlooks the rear of the subject site through direct views from both lower and upper-level windows. As acknowledged the central courtyard is a key feature of the design and not only does it improve the liveability and performance of the proposed dwelling, but it also provides an outdoor area that is private. To achieve this the northern end of the upper-level design has been sited further back to wrap around and allow adequate space (4.5 metres) for the central courtyard to be realised. The impact of this shortfall on the neighbouring property at 7 Ridge Road, is negligible as this dwelling's lower ground level appears equal to or slightly below the proposed northern upper-level roof line.

Both the upper and a small portion of the lower western side setback fall marginally short of achieving the recommended minimums. For portions of the dwelling considered single storey most of the western elevation achieves the required two metres, and the minor shortfall in the south west corner is considered tolerable on

account of the limited extent of the wall that exceeds the minimum and the likelihood of it being screened from the neighbouring property by either fencing or vegetation. For similar reasons, the upper-level setback shortfall is considered minor and unlikely to have any unreasonable impact on the neighbouring property, particularly when limited site line opportunity and the limited extent of this portion of the dwelling are considered.

With regards to PDC 10, existing vegetation will be retained where possible particularly along the eastern boundary to assist with screening.

Considering the above the proposal adequately responds to the following issues raised by the representors:

- Character and appearance
- Building height
- Building setbacks to boundaries
- Private open space
- Site coverage

*b) Council Wide provisions*

The Council Wide provisions of relevance to this proposal seek (in summary):

- Development of a high design standard and appearance that responds to and reinforces the positive aspects of the local environment and built form.
- Orderly and economic development that creates a safe, convenient, and pleasant environment in which to live in.
- A diverse range of dwelling types and sizes available to cater for changing demographics.

The following are the relevant Council Wide provisions:

Design and Appearance

*Objectives: 1*

*PDCs: 1, 3, 7, 9, 18, 20 & 28*

Objective 1 seeks that development is of a high design standard, whilst PDC 1 seeks for proposed buildings to reflect the desired character of the locality whilst incorporating contemporary designs which have regard for mass and proportion, external materials, roof pitch, façade articulations and detailing.

It is considered that the proposed dwelling achieves an appropriate design standard which incorporates the use of non-reflective finishes and lighter natural tones. The front gable design while contemporary, is a feature that is more commonly seen in this locality, and it has become a common design style throughout the hills more generally. It is noted that the proposed dwelling will sit below the height of the adjacent two storey dwelling at 7 Ridge Road and complies with quantitative height provisions.

As mentioned, from a streetscape perspective the bulk and scale of the dwelling is acceptable and is also generally consistent with quantitative requirements pertaining to setbacks stipulated in the Policy Area and Zone, except for the rear and side setback requirements. On balance the proposal is therefore considered sufficiently consistent with Objective 1 and PDC 1.

In terms of the visual impact of the proposal within the Braemar Terrace streetscape, it is considered that the proposed dwelling will not have a significant nor unreasonable impact on neighbouring views. When the impact is considered with respect to the existing vegetation and the general ambience of the immediate locality, it is acknowledged that the transition from a vacant allotment to a residential property will cause a degree of interruption to the existing views. However it is noted that when the land division proposal was considered it was anticipated that the site would eventually be developed for residential purposes. The design and placement of the dwelling is considered appropriate and responsive to the site topography, consistent with PDC 7.

PDC 18 seeks that development minimises direct overlooking of the main internal living areas and areas of private open space of neighbouring properties by offsetting the location of balconies and windows so that the views are oblique rather than direct, by setting the building away from boundaries and by incorporating screening where appropriate. It is noted that the height of the attached front balcony triggered the need for public notification. In respect to the neighbouring property to the east at 1 Ridge Road, it is noted that the vegetation along the common boundary will be retained to maintain screening of the rear yard of this property. The effectiveness of this screening will be enhanced by the separation distance between the eastern extent of the proposed balcony and the eastern boundary (12.9m). This outcome is considered to largely diminish the opportunity for direct views into the neighbouring allotment. To the west the allotments at 7A Braemar Terrace is currently vacant, and any future dwelling will have an opportunity to respond to any perceived overlooking should this be a concern. Mature vegetation within Braemar Terrace and within front yards will obscure direct views into dwellings on the southern side of Braemar Terrace. The proposal is therefore considered to reasonably address the overlooking considerations expressed by PDC 18.

With respect to the relationship to the public realm and setbacks to the primary street, it is considered that on balance and with regard to the site constraints and context that the proposal will contribute positively to the Braemar Terrace streetscape. The dwelling is likely to be diminished by: its position on the lower side of the ridge line, existing mature vegetation surrounding the dwelling, its light and complimentary colour scheme, and the softening to be provided by proposed screen planting. Based on all of the above the qualitative guidance provided by PDCs 20 and 28 are sufficiently addressed.

#### Energy Efficiency

*Objectives: 1*

*PDCs: 1, 2, 3*

The proposed dwelling responds well to passive design principles, largely through the integration of the central courtyard. The lack of eaves is likely to add to summer heat

loads but given the typical cooler summer climate in Stirling this is likely to be largely offset. The applicant has also confirmed that all proposed windows and glass doors will comprise double glazing.

The roof orientation will maximise exposure to direct sunlight for any future solar collectors. Citing the above the proposal is considered to reasonably satisfy Objective 1 and PDCs 1, 2 and 3.

#### Hazards

*Objectives: 5*

*PDCs: 7 & 8*

There is no mapped flood risk to the property.

Although a formal referral to the CFS is not required under Schedule 8 for this proposal as the land is within a Medium Bushfire Risk Area, the proposal is still required to demonstrate consistency with the requirements of the Ministers Code: Undertaking development in Bushfire Protection Areas. In this regard the rear of the dwelling is located within 30 metres of Braemar Terrace and a 2000L rainwater tank will provide a dedicated water supply for firefighting purposes. This achieves consistency with the relevant sections of the Ministers Code.

At present, the subject land is a vacant open allotment. Tall grass fills the area of the allotment, and with the exception of the Pine Tree located at the front boundary of the property, there are no native or mature tree to be removed. As such, it is considered that there is unacceptable risk in relation to vegetation in proximity to the proposed dwelling.

#### Landscaping, Fences and Walls

*Objectives: 1*

*PDCs: 1, 2, 4*

The proposal demonstrates that landscaping will play an important part in softening the built form and ensuring that the development integrates sensitively with the natural setting within the locality. To ensure landscaping occurs as planned, the landscaping schedule is included into the application documentation (refer to recommended condition 1).

With regard to retaining walls as discussed, the majority will be concealed internally to the site as a result of the retention of excavation. The front stone wall, balustrade fencing, and wooden gates will further contribute to the overall aesthetic exhibited by the dwelling and will assist in clearly defining the public and private realm. Citing the above the proposal is considered to reasonably satisfy Objective 1 and PDCs 1, 2 and 4.

### Natural Resources

*Objectives: 1*

*PDCs: 8, 11, 13 & 14*

The site is located within the Mount Lofty Ranges Watershed Area 2 and the applicant has submitted a stormwater management plan to demonstrate appropriate use and discharge of water resources. The plan for the subject land demonstrates that all roof captured stormwater will be directed to the lower-level stormwater tanks with overflow being discharged to Braemar Terrace. The 1000L capacity of retention will be plumbed into the house for re-use in the ensuite or laundry. A large portion of the tank capacity is dedicated to stormwater detention including a sub-surface water storage pipe capturing surface water prior to discharging to the street. These measures will ensure that the rate of discharge from the site as it existed in pre-development conditions are not exceeded.

Engineering is satisfied with the method of stormwater management and as such it is considered that proposal is consistent with PDCs 11, 13 and 14.

A weakness of the proposal is that it does not explore more opportunities to integrate water sensitive design, particularly for use in landscaping. This results in the proposal only marginally addressing PDC 8.

### Orderly and Sustainable Development

*Objectives: 1 & 4*

*PDCs: 1*

The subject land is located in Country Living Zone which anticipates residential use of land in the form of single and two storey dwellings. The proposal is therefore considered to be consistent with Objectives 1 and 4, and PDC 1. PDC 9 states that development should take place on land which is suitable for the intended use having regard to the location and the condition of that land. As noted, this Zone is anticipated to accommodate a range of residential dwellings and the associated land division was approved in expectation of such development.

### Residential Development

*Objectives: 1 & 2*

*PDCs: 9, 10, 13, 15, 17, 18, 19 & 27*

Objective 1 seeks safe, convenient, sustainable and healthy living environment whilst Objective 2 seeks a diverse range of dwelling types and sizes to cater for changing demographics. The proposed dwelling is considered to achieve both of these objectives by expanding the residential offering in the Zone and also incorporating a contemporary dwelling design that provides a modern and adaptive open plan living arrangement with lift access.

The dwelling is designed with living rooms and outdoor areas that take advantage of external outlooks. The entry to the dwelling will be clearly visible from the street ensuring a coherent relationship to the public realm. This ensures consistency with PDCs 9 and 10.

The site coverage of the proposal is modest and equates to approximately 45% of the allotment, below the quantitative guide of 50%. This allows for appropriate dwelling configuration and space for private open space and landscaping, to accord with PDC 17.

Private Open Space will be provided in surplus of the qualitative and quantitative criteria under PDCs 18 and 19. Based on the site plan, the private open space provided will be approximately 143m<sup>2</sup>, including 10m<sup>2</sup> for the upper-level balcony, and is well above the 80m<sup>2</sup> requirement. Minimum dimension and accessibility criteria are also met.

It is not considered the proposal introduces the potential for undue overlooking or the reduction of visual privacy to neighbouring private open space or habitable room windows. As discussed, the dwelling to the east is screened by existing vegetation and aided by sight-line separation distance in the order of 50 metres. This is in addition to the topography of the land, whereby these factors combine to prevent direct overlooking into habitable spaces. In addition, all upper-level side facing windows have a minimum sill height of 1.8 metres or obscured glass. At the upper-level, a glass door and outdoor staircase on the eastern elevation extending from the sunroom provide only limited opportunities for overlooking towards the western garden area of the neighbouring property at no. 1 Ridge Road. These areas are not spaces which facilitate large levels of overlooking, and it is noted that the natural slope of the land somewhat enables these sorts of views regardless. It is therefore considered the proposal accords with the intent of PDC 27.

#### Transportation and Access

*Objective: 2*

*PDCs: 25, 32 & 34*

The Council's Engineering staff have not raised concerns in respect of the grade of the access driveway. The garage provides for two undercover car parking spaces with two further on-site visitor car parking spaces possible forward of the garage. This ensures the proposal complies with Objective 2 and PDCs 25, 32 and 34.

Having regard to the above the proposal is considered to adequately respond to the following issues raised by the representors:

- Character and appearance
- Private open space
- Site coverage
- Landscaping
- Car parking
- Overlooking and privacy
- Stormwater



### Other Considerations

Some of the representors have indicated that the use of the first-floor balcony would generate unacceptable levels of noise. In this regard it is noted that the dwelling will only be used for residential purposes as anticipated in the Zone and Policy Area. As such, noise typical of a residential use is reasonably anticipated in the locality.

One representor raised concern about the easements over the land. The applicant has confirmed that following a site survey, the accurate location of the easements is now shown on the revised survey plan which differs from the Certificate of Title. The applicant has confirmed an intention to update the Certificate of Title in due course.

In addition, it is noted that the proposed deck and stairs will encroach over one of the abovementioned easements (land marked 'M' on the revised survey plan), however all other easements remain unaffected by the proposal including the right of way. To ensure easement infrastructure is not damaged and access is not prevented, the deck is proposed to be constructed in a manner that requires minimal excavation within any easements.

In respect of this matter, advice has been sought from Reinhard Struve of the Department of Energy and Mining, and Angela Clark of SA Power Networks. It has been advised that the easement is a private electricity cable in favour of the rear neighbouring property at 7 Ridge Road, Stirling. It is noted that the Applicant has attained an agreement of encroachment within the easement from the owner of 7 Ridge Road.

## **7. SUMMARY & CONCLUSION**

The development proposal to construct a two-storey detached dwelling and associated earthworks at 9 Braemar Terrace, Stirling demonstrates a reasonable consistency with the relevant provisions of the Development Plan.

Despite the notable opposition from neighbouring residents exhibited through the public notification process, the proposal is considered to adequately respond to and address the relevant concerns, in particular matters relating to character and amenity impacts.

Further, the proposal is considered to represent an appropriate form of development for the site that responds to the site conditions. The proposed dwelling is designed to respond to the topography of the site, the visual impact is anticipated based on the bulk and scale of nearby dwellings and the site will be landscaped to soften the proposal and to provide screening.

For the above reasons, the proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

## 8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 20/1198/473 by Sasha & Gary Holland for Two storey detached dwelling, deck (maximum height 4.12m), combined fence & retaining walls (maximum height 3.4m), swimming pool & associated barriers, masonry fence, associated earthworks & landscaping at 9 Braemar Terrace Stirling subject to the following conditions:

### (1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Amended Site Plan (Lower Floor) drawn by In Property Design Sheet 01 of 07 Rev E (received by Council dated 09 April 2021)
- Amended Site Plan (Upper Floor) drawn by In Property Design Sheet 02 of 07 Rev E (received by Council dated 09 April 2021)
- Amended Floor Plan (Ground Level) drawn by In Property Design Sheet 03 of 07 Rev E (received by Council dated 09 April 2021)
- Amended Floor Plan (Upper Level) drawn by In Property Design Sheet 04 of 07 Rev E (received by Council dated 09 April 2021)
- Amended Elevations (Front / Side / Pool) drawn by In Property Design Sheet 05 of 07 Rev E (received by Council dated 09 April 2021)
- Amended Elevations (Rear / Side) drawn by In Property Design Sheet 06 of 07 Rev E (received by Council dated 09 April 2021)
- Amended Streetscape Elevation drawn by In Property Design Sheet 05 of 07 Rev E (received by Council dated 09 April 2021)
- Amended Section Plan (Section Along Driveway Floor Levels) by In Property Design Drawing No. 626020 - C2 Issue A dated Oct 2020 (received by Council dated 24 March 2021)
- Amended Siteworks and Stormwater Drainage Plan by In Property Design Drawing No. 626020 - C1 Issue B dated Oct 2020 (received by Council dated 24 March 2021)
- Amended Concept Plan (Landscaping) drawn by RS of Stirling Garden Design Studio dated 14 April 2021 (received by Council dated 15 April 2021)
- Easement Identification Plan (received by Council dated 18 January 2021);
- Amended Site Stormwater Calculations by Nigel Hallett and Associates dated March 2021 (received by Council dated March 2021);
- Cover Letter written by Sasha and Gary Holland dated 06 November 2020 (received by Council dated 06 November 2020), and;
- Letter of Agreement (Consent to Build Over and Within Easement) written by Paul Collins dated 29 April 2021 (received by Council dated 04 May 2021).

### (2) Residential Access Point – SD13

The vehicle access point(s) and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD13 - residential vehicular crossing paved for sealed road with kerb and SD16 – allowable crossover locations, within 3 months of occupation/use of the development

**(3) External Finishes**

The external finishes to the building herein approved shall be as follows:

**WALLS:** Scyon Wall Cladding - Hayes Colour Expressions, Pale Mushroom 4 or similar

**ROOF:** Windspray or similar

**(4) Soil Erosion Control**

Prior to construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

**(5) Firefighting Water Supply - Mains Water Supply Available**

A supply of water independent of reticulated mains supply shall be available at all times for fire fighting purposes:

- A minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times; and
- The water supply shall be located such that it provides the required water; and
- The water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
- The water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
- A water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
- Where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

**(6) Stormwater Overflow Directed To Street**

All roof run-off generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street (via a pump if necessary) or a Council drainage easement to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.

Overflow from rainwater tanks is to be directed to the street (via a pump if necessary) or managed on-site to the satisfaction of Council using design techniques to the satisfaction of Council.

**(7) Swimming Pool Backwash Water**

Backwash water from swimming pool filter(s) shall be directed to the sewer.

## **NOTES**

### **(1) Development Plan Consent Expiry**

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision or, if an appeal has been commenced, the date on which it is determined, whichever is later.

Building Consent must be applied for prior to the expiry of the DPC and lodged through the PLANSA portal unless a private certifier was engaged prior to 19 March 2021. The time period may be further extended by Council agreement following written request and payment of the relevant fee.

### **(2) Public Utility Services**

Public utility services including light poles and conduits may be present in the road reserve area and it is the property owner's responsibility to ensure these services are not damaged as a result of the development. It is the property owner's responsibility to negotiate the alteration of services in the road reserve. All services within the road reserve should be located prior to any excavation.

### **(3) Works On Boundary**

The development herein approved involves work on the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.

### **(4) Sewer Connection**

The dwelling shall be connected to SA Water mains sewer supply in accordance with the approval granted by SA Water. All work shall be to the satisfaction of SA Water.

### **(5) EPA Environmental Duty**

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

### **(6) Erosion Control During Construction**

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

### **(7) Surveyed Boundaries**

The onus of ensuring that any wall or fence is located in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a boundary survey being undertaken by a licensed land surveyor prior to the work commencing and when the wall is complete.

**(8) Requirement for SA Water Approval To Fill Swimming Pool**

**New pools or spas may only be filled under the authority of a permit from SA Water. The applicant is advised to obtain a permit to fill the pool with water from SA Water before proceeding with the installation of the swimming pool.**

**SA Water advises that a permit will not be granted unless proof is provided that a cover has been purchased to prevent water loss through evaporation.**

**(9) Swimming Pool Chemicals**

**No spillage of waste shall occur from the storage or use of pool chemicals. Disposal of any chemicals shall only occur at the EPA Household Hazardous Waste Depot (Ph 8204 1947) or through a licensed waste contractor.**

**(10) Swimming Pool Pumps & Filters**

**Pumps and filters must be located and operated so as not to emit noise levels in excess of the applicable Environment Protection (Noise) Policy 2007. The maximum noise level shall not exceed 45db(A) from 10:00 p.m. on any night until 7:00 a.m. the following morning.**

**9. ATTACHMENTS**

Locality Plan  
Proposal Plans  
Representations  
Applicant's response to representations  
Publically Notified Plans

Respectfully submitted

Concurrence

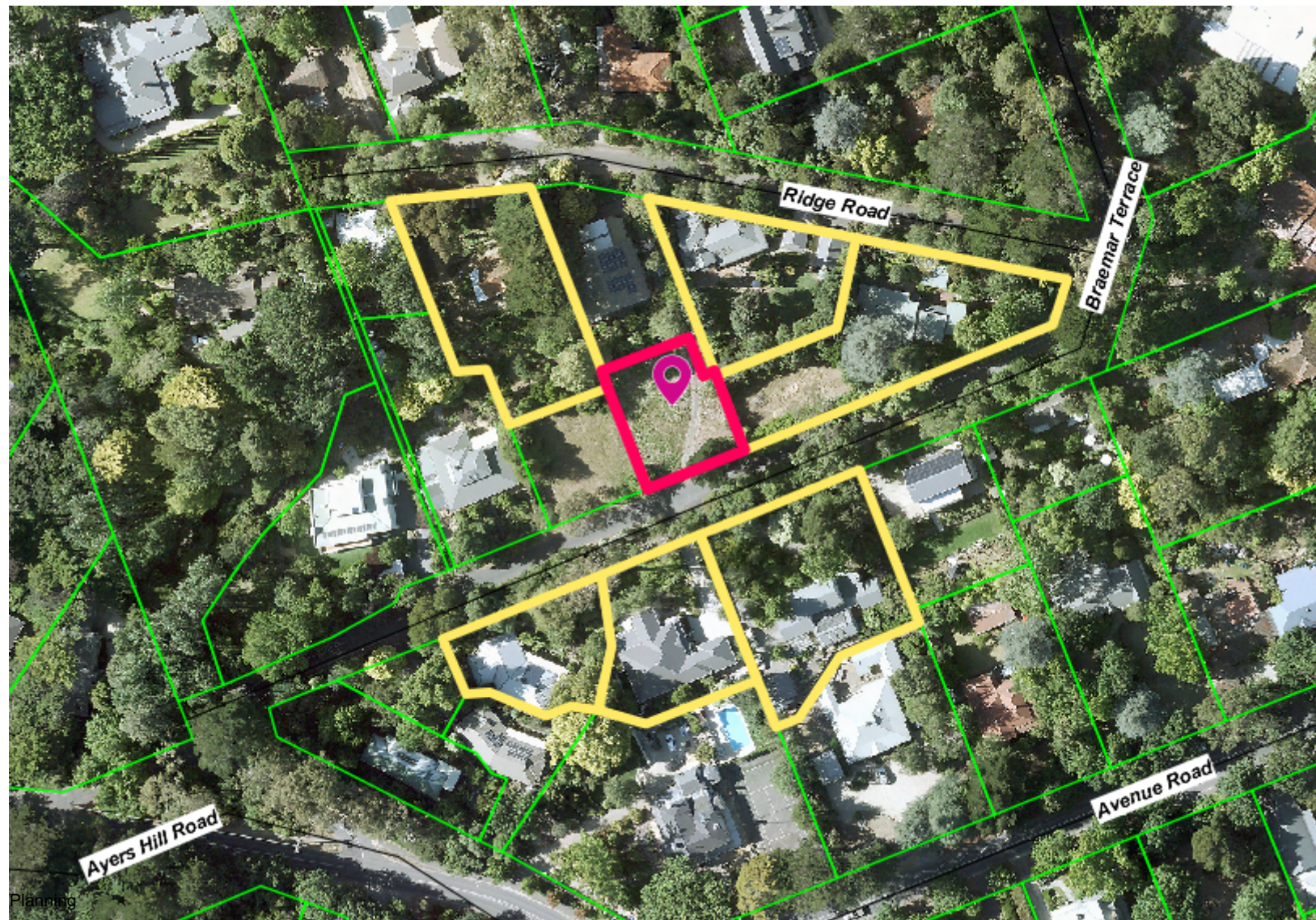
---

**Damon Huntley**  
**Statutory Planner**

---

**Deryn Atkinson**  
**Assessment Manager**







#### Annotations

-  Subject Land
-  Representor Land 6
-  Representor Land 5
-  Representor Land 4
-  Representor Land 3
-  Representor Land 2
-  Representor Land 1

#### AHC Core

-  Parcels
-  Roads

#### Natural Resources Mangement

Landfill Cells with 500m Buffer

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Scale = 1:1508.220

50 m



SITE NOTES

BUILDER TO CHECK AND CONFIRM ALL LEVELS AND DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION

ANY DISCREPANCIES IN DOCUMENTATION AND / OR ON SITE ARE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED

ALL WRITTEN DIMENSIONS TO TAKE PREFERENCE OVER SCALED DIMENSIONS.

ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT LOCAL AUTHORITY REQUIREMENTS

FOUNDATIONS, EXCAVATIONS, REINFORCEMENT PLACEMENT, ETC. TO BE INSPECTED AND APPROVED BY ENGINEER OR BUILDING SURVEYOR PRIOR TO ANY CONCRETE PLACEMENT

GROUND LEVELS AND FINISHED FLOOR LEVELS INDICATED ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE

NO VARIATION MAY BE MADE TO THIS DRAWING WITHOUT PRIOR APPROVAL OF THE PROPRIETOR OR DESIGNERS

REFER TO ENGINEERS DESIGN, DOCUMENTATION, CALCULATION AND SPECIFICATION FOR STRUCTURAL, ELECTRICAL, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE)

STORMWATER TO BE DISCHARGED TO STREET WATERTABLE OR RAINWATER TANK IN ACCORDANCE WITH COUNCIL REQUIREMENTS AND/OR DIRECTION

SURFACE WATER RUN-OFF FROM NOT LESS THAN 50sqm OF ROOF CATCHMENT AREA TO BE STORED IN 1000L RAIN WATER TANK AND, PLUMBED TO EITHER A TOILET, WATER HEATER OR LAUNDRY COLD WATER AND, INLET/OVERFLOW ON RAIN WATER TANK MUST BE FITTED WITH INSPECT PROOF AND NON DEGRADABLE SCREENS



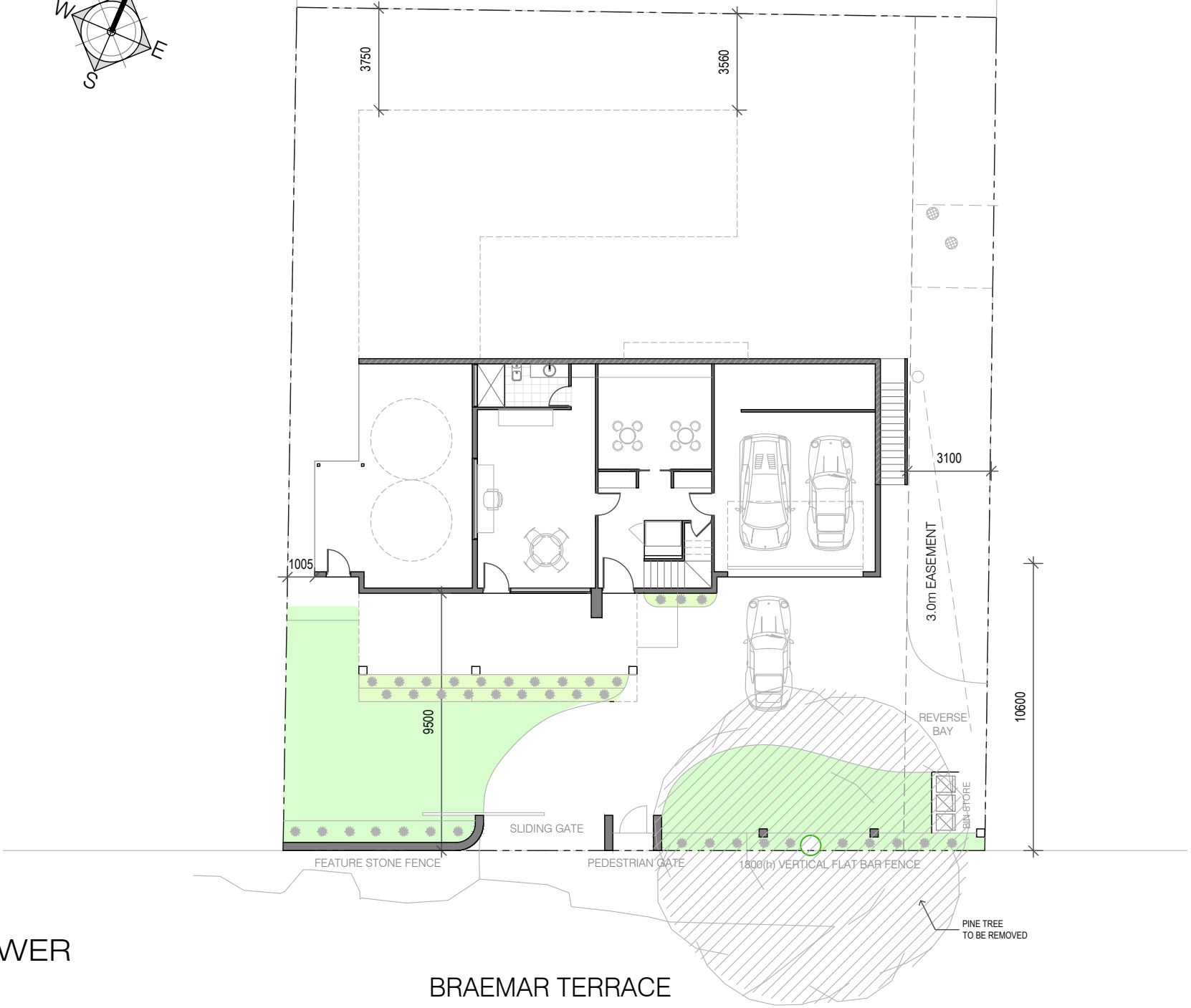
PROPOSED RESIDENCE

TOTAL SITE AREA:	771m <sup>2</sup>
POS: (REAR + BALC)	283m <sup>2</sup> (35%)
SITE COVERAGE:	348m <sup>2</sup> (45%)

SITE PLAN - LOWER

SCALE 1:200

BRAEMAR TERRACE



AMENDED 09/04/2021

SITE NOTES

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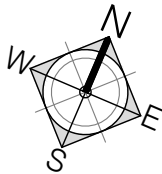
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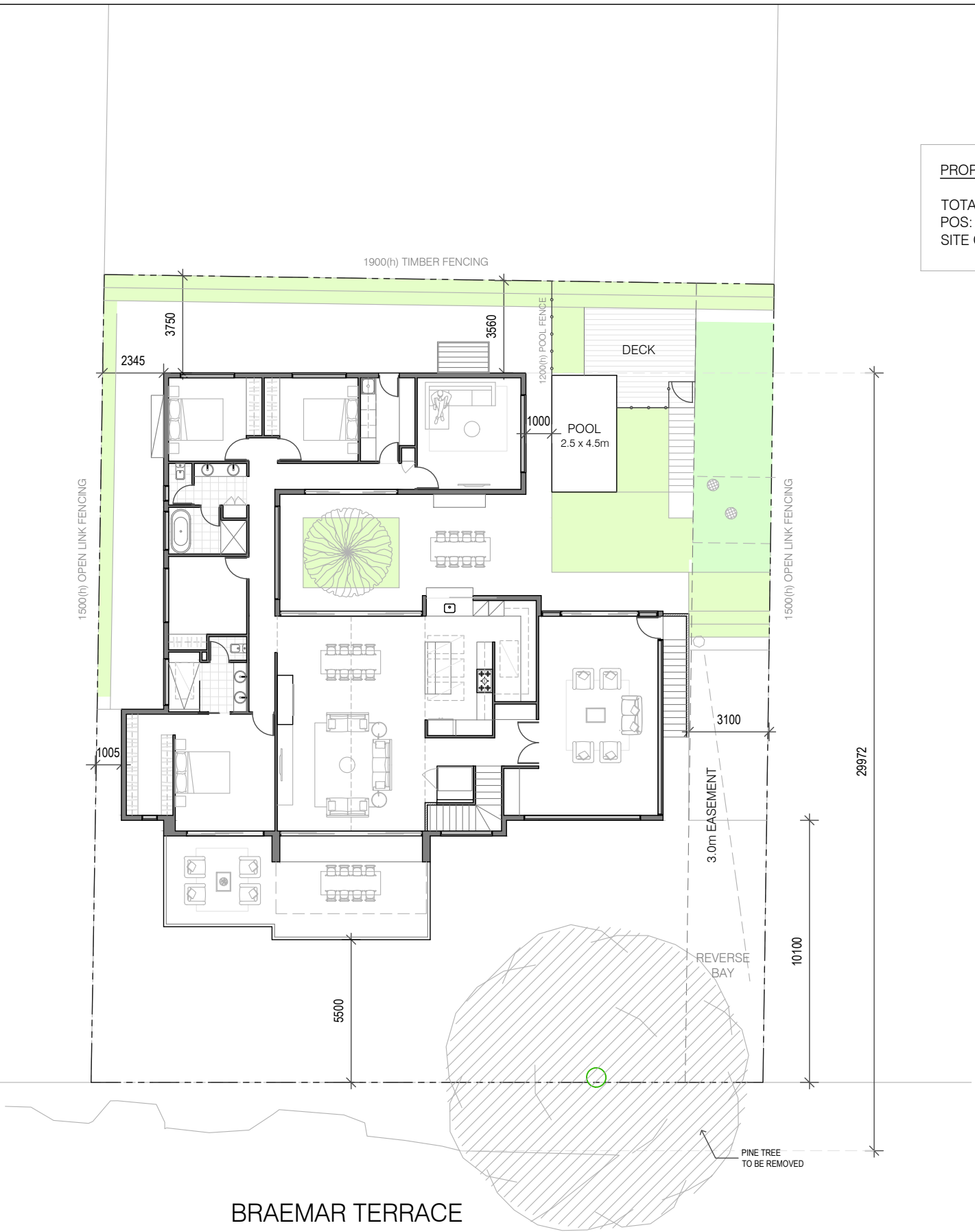
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SITE PLAN - UPPER

SCALE 1:200

BRAEMAR TERRACE



AMENDED 09/04/2021

REVISION  
E

JOB# 643

in property  
Design

Client: Gary & Sasha Holand  
Address: 9 Braemar tce Stirling

02 OF 07

scale at A3

david@inpropertydesign.com.au | 0407 398 437 | www.inpropertydesign.com.au

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BUILDING TERMITE PROTECTION IN ACCORDANCE WITH AS 3660.1-2014

ALL GLAZING WILL BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288-2006 AND/OR AS 2047-2014

ALL WATERPROOFING IN WET AREAS WILL BE IN ACCORDANCE WITH AS 3740-2004 AND BCA-TABLE 3.8.1.1

SELF CONTAINED SMOKE ALARMS WILL COMPLY WITH AS 3786, CONNECTED TO CONSUMER MAINS POWER AND WILL BE INTERCONNECTED (IF MORE THAN 1)

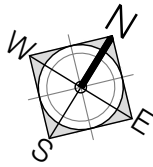
PROPOSED RESIDENCE

LWR LIVING:	76.55m <sup>2</sup>
GARAGE:	50.21m <sup>2</sup>
SUNROOM:	37.88m <sup>2</sup>
UPR LIVING:	220.54m <sup>2</sup>
BALCONY:	39.03m <sup>2</sup>

TOTAL: 424.21m<sup>2</sup>

FLOOR PLAN - LOWER

SCALE 1:100



REVISION

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in property  
Design

JOB# 643

Client: Gary & Sasha Holand

Address: 9 Braemar tce Stirling

03 OF 07

scale at A3

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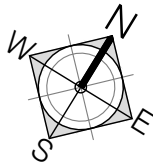
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TOTAL: 424.21m<sup>2</sup>

FLOOR PLAN - UPPER

SCALE 1:100

Client: Gary & Sasha Holand  
Address: 9 Braemar tce Stirling

04 OF 07  
scale at A3

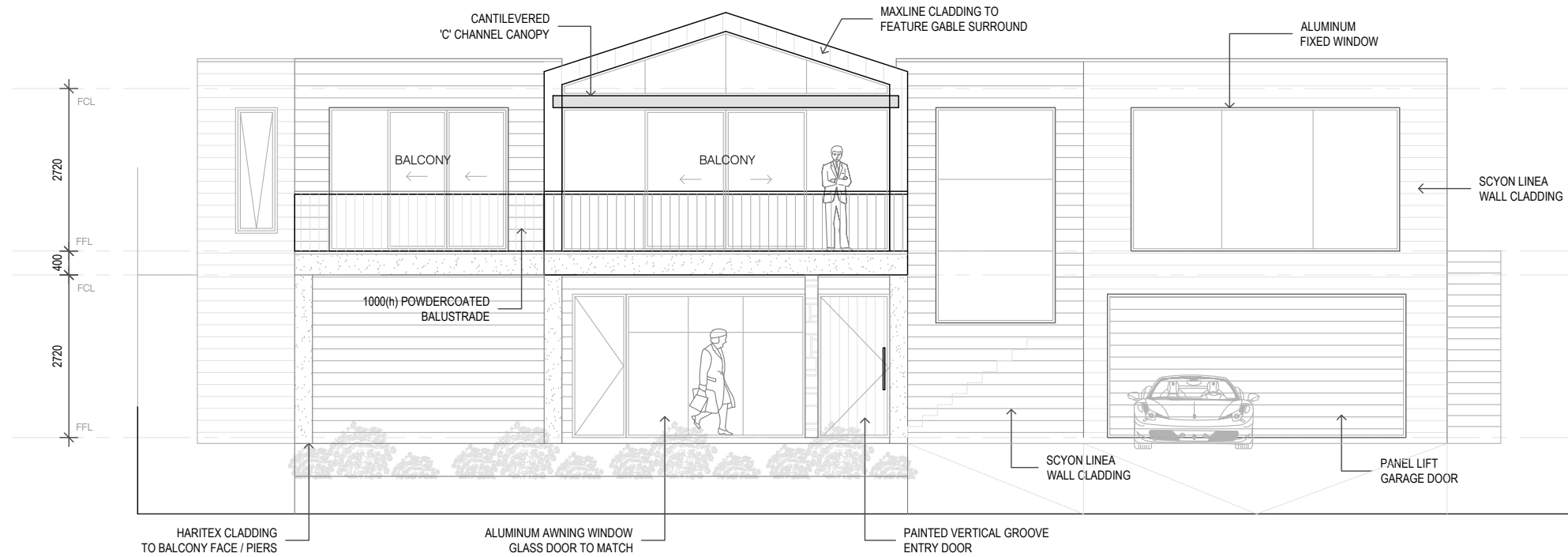
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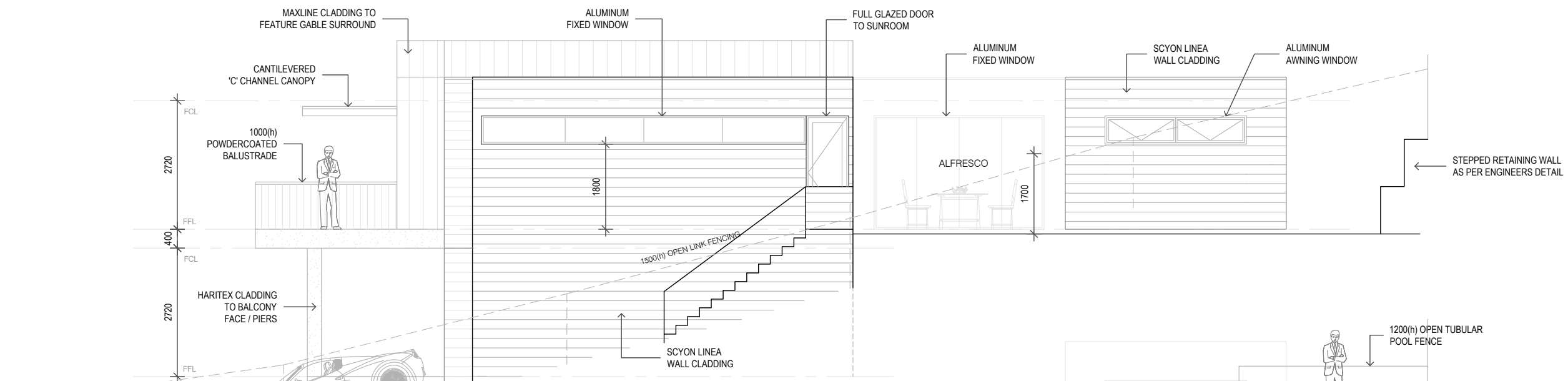
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AMENDED 09/04/2021



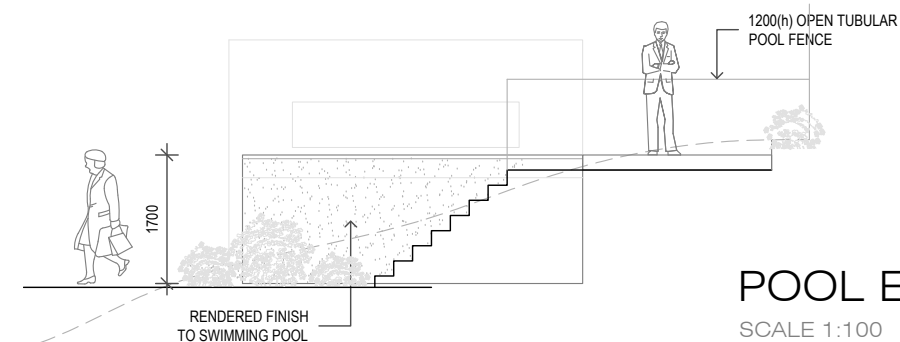
## FRONT ELEVATION

SCALE 1:100



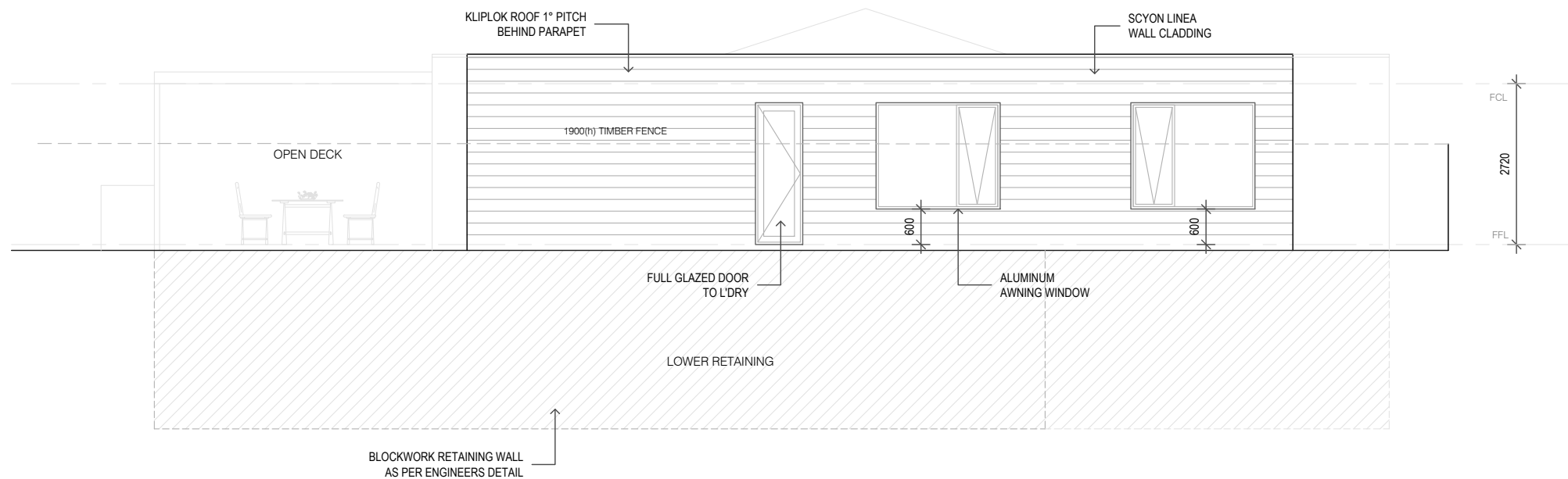
## SIDE ELEVATION

SCALE 1:100



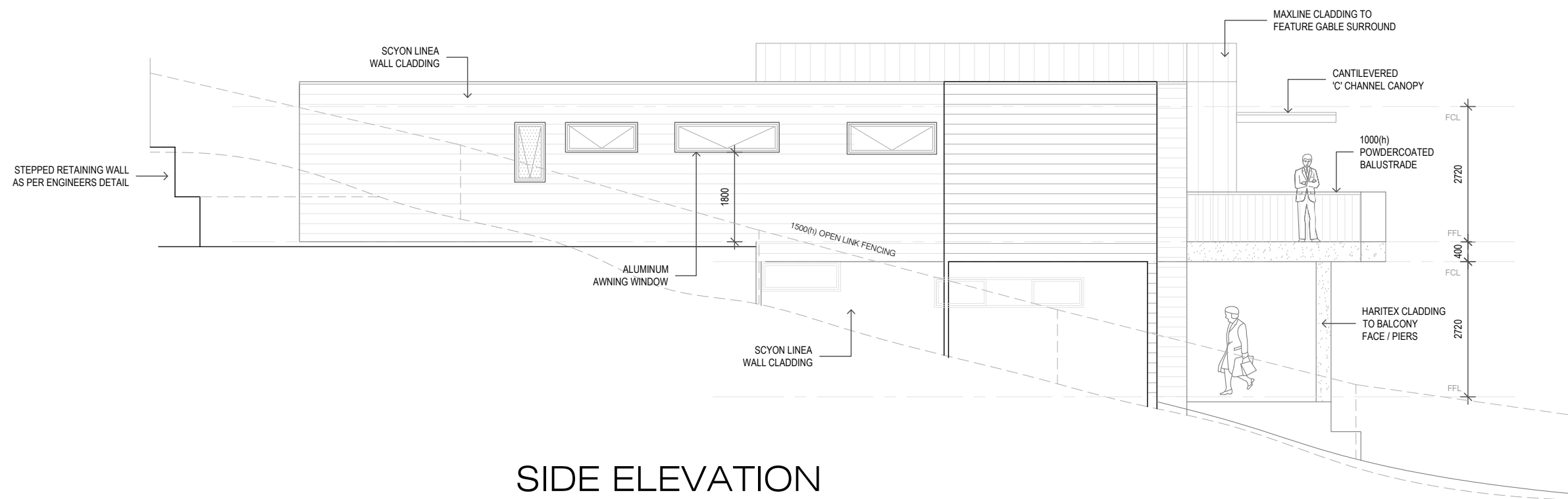
## POOL ELEVATION

SCALE 1:100



## REAR ELEVATION

SCALE 1:100



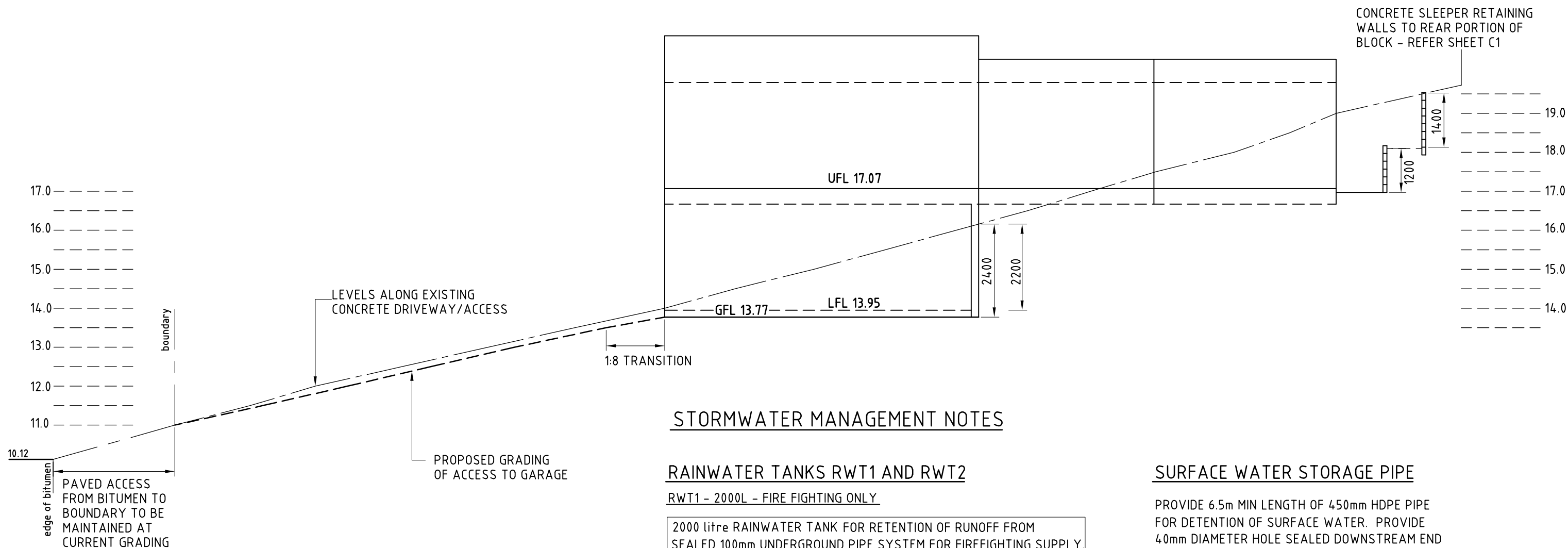
## SIDE ELEVATION

SCALE 1:100



STREETSCAPE - BRAEMAR TCE  
SCALE 1:100

COLOUR SCHEDULE	
SCYON LINEA PANEL:	DULUX "BLEACHES"
MAXLINE CLADDING:	COLOURBOND "SURFMIST"
ROOF / CAPPING:	COLOURBOND "SHALE GREY"
WINDOWS:	STANDARD ALUMINUM "WHITE"
BALUSTRADE:	POWDERCOATED "SURFMIST"
ENTRY DOOR:	CORINTHIAN "SHIPLAP TIMBER" CLEAR NATURAL STAIN
GARAGE DOOR:	GLIDEROL SECTIONAL OVERHEAD TUSCAN PROFILE - "SURFMIST"
FRONT FENCE:	RENDER - DULUX "BLEACHES" FLAT BAR - "SURFMIST" FEATURE STONE - TBA



SECTION THROUGH DRIVEWAY AND DWELLING

## STORMWATER MANAGEMENT NOTES

### RAINWATER TANKS RWT1 AND RWT2

#### RWT1 – 2000L – FIRE FIGHTING ONLY

2000 litre RAINWATER TANK FOR RETENTION OF RUNOFF FROM SEALED 100mm UNDERGROUND PIPE SYSTEM FOR FIREFIGHTING SUPPLY. PROVIDE OVERFLOW AT TOP OF TANK TO UPSTREAM TANK OF RWT2

#### RWT2 – 2 x 5000L – RETENTION AND DETENTION

2 INTERCONNECTED 5000 litre RAINWATER TANKS FOR RETENTION AND DETENTION OF ROOF RUNOFF FROM SEALED UNDERGROUND 100mm UNDERGROUND PIPE SYSTEM. TANK TO HAVE OVER FLOW AT TOP OF TANK AND RESTRICTED DIAMETER ( 25mm ) OUTFLOW AT ONE- FIFTH HEIGHT OF DOWNSTREAM TANK ONLY. RETAINED 1000 litres TO BE REUSED IN ENSUITE AND/OR LAUNDRY SINK via PUMPED SUPPLY AS REQUIRED BY REGULATION

### SURFACE WATER STORAGE PIPE

PROVIDE 6.5m MIN LENGTH OF 450mm HDPE PIPE FOR DETENTION OF SURFACE WATER. PROVIDE 40mm DIAMETER HOLE SEALED DOWNSTREAM END OF PIPE WITH DISCHARGE AS NOTED BELOW

- ① INLET TO BURIED 450mm DIAM. HDPE STORAGE PIPE
- ② 6.5m MIN. LENGTH OF PIPE AS NOTED ABOVE  
PIPE LAID AT 1:200 FALL ( 35mm in 6500mm ) AT IL 10.70
- ③ 40mm DIAMETER HOLE AT STORAGE PIPE INVERT THROUGH D/STREAM  
END CAP TO PIPE - DISCHARGE TO STREET VIA 75mm PVC - U
- ④ DISCHARGE TO CROSSOVER SURFACE THROUGH WALL AT IL 10.70

22.3.21	NOTATION ADDED RE STORMWATER MANAGEMENT	A
23.10.20	ISSUED FOR APPROVAL	0
DATE	REVISION	ISSUE

PROJECT PROPOSED DWELLING	CLIENT G. and S. Holland	DRAWING SECTION ALONG DRIVEWAY FLOOR LEVELS	DRAWING NUMBER 626020 – C2 Design NCH	ISSUE A Drawn NCH	DATE OCT. '20 Scales 1:125	A3
SITE 9 Braemar Terrace STIRLING	DESIGNER In Property Design	NIGEL HALLETT AND ASSOCIATES CONSULTING STRUCTURAL AND CIVIL ENGINEERING Tel.: 8552 4582; e-mail: nha@senet.com.au				

AMENDED 24/03/2021

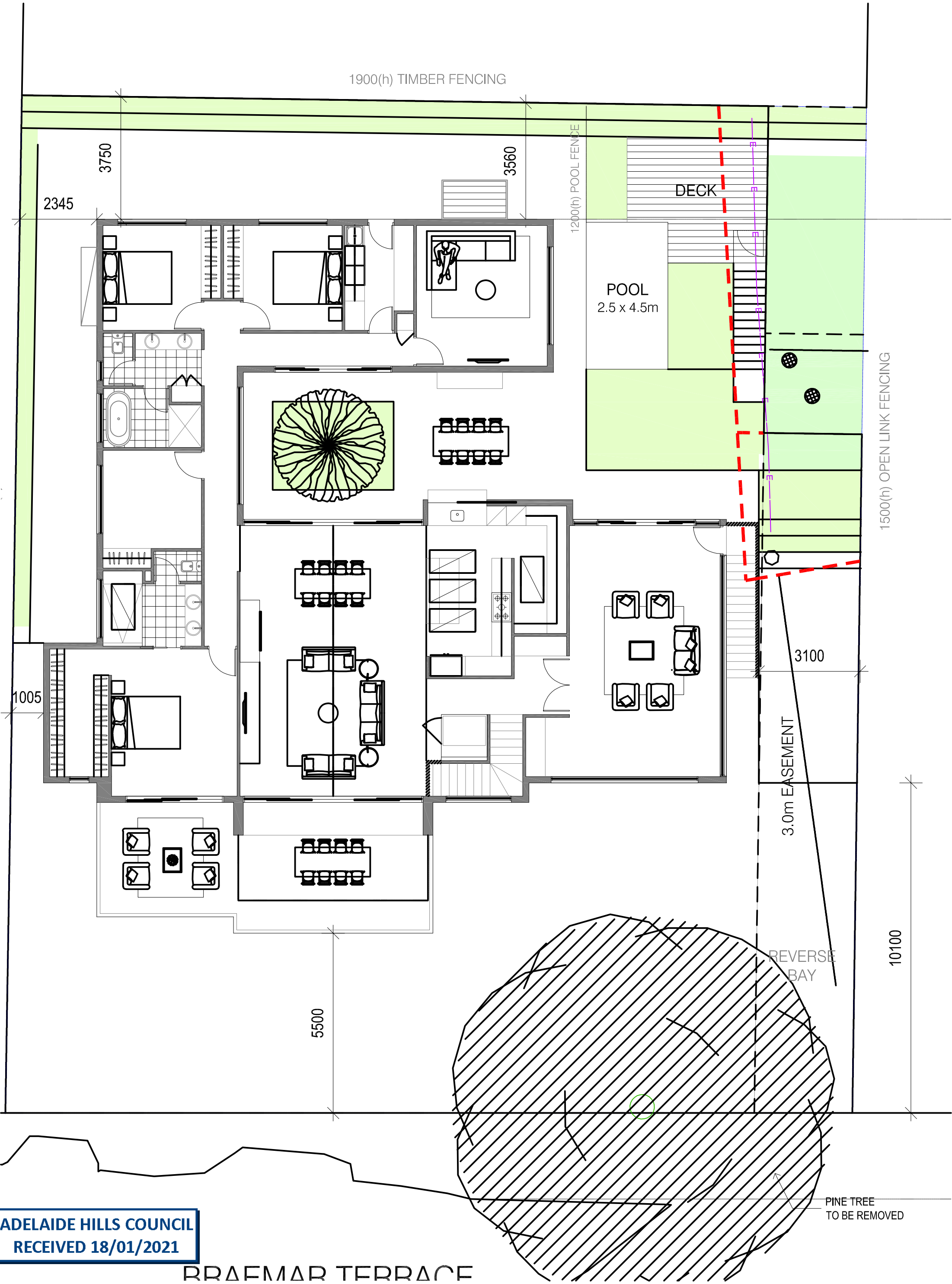












ADELAIDE HILLS COUNCIL  
RECEIVED 18/01/2021

*Structural and Civil Engineering  
Residential and Commercial  
Consulting Engineering*

**NIGEL HALLETT AND ASSOCIATES**

ABN 97 112 126 184

Tel: (08) 8552 4582  
Email: [nha@senet.com.au](mailto:nha@senet.com.au)

**SITE STORMWATER CALCULATIONS**

**for the proposed**

**NEW DWELLING**

**at**

**9 Braemar Terrace, STIRLING**

*Job Number 626021  
March 2021*

*Prepared for:* **Ms. S. Holland**

---

*Cabriani Pty Ltd ACN 101 840 457  
ATF Hallett Family Trust trading as Nigel Hallett & Associates  
Reg. Office: 18 Kurralta Drive, Burnside, S.A. 5066  
Postal: Suite 1, 6 George Main Road, VICTOR HARBOR, S.A. 5211*

**AMENDED 24/03/2021**



Project ..... 9 Bremer Terrace STIRLINGS ..... Job No. 12602  
 Section ..... STORMWATER ..... Page 11  
 Client ..... JH ..... Design ..... N ..... QA Check ..... QA Date ..... Date ..... MAR 11

### STORMWATER MANAGEMENT

Runoff from roof area + new paved areas to be collected + detained on-site prior to discharge to street.

Runoff from garden area + driveway to flow directly to street.

#### Areas collected:-

- roof - 250m<sup>2</sup>
- paving to rear + sides of house - 90m<sup>2</sup>

Refer spreadsheet - pre-development flow

1m T<sub>50</sub>, Saturated I = 81 mm/h

- C<sub>8</sub> = 2.3 litres per second

#### 1) Roof Runoff:

Collect all roof water + direct to tanks under house.

- 2000 litres - fire fighting
- 10000 litres - 2 x 5000 litre tank interconnected

RUT1

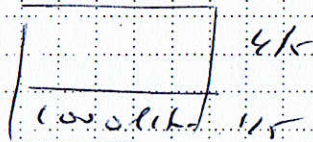


Project 9 Thomas Ter STALINGJob No. 82682Section STORMWATERPage C2Client SHDesign ✓

QA Check

QA Date

Date

MAR 21- outflow from tank at  $1\frac{1}{5}$  l/s

- obtain 1500 ltrs for re-use in house

- as head to outlet -  $4\frac{1}{5} \times 2.1 \text{ m}^2$   
 $= 0.85 \text{ m}$

25mm orifice at outlet.

$$- q = 0.602 \times \pi \times 0.025^2 \times \sqrt{2 \times 9.81 \times 0.85} \times 10^3$$

$$= 1.2 \text{ litres per second}$$

Refr specialist - storage required

- 7900 ltrs

+1000

8900

&lt; 10000 ltrs provided

= Accept 2 x 5000 litre tanks as specified

2) Surface Water

Undersized flow rate at critical  
 duration for surface water =  $1.8 \text{ l/s}$

Required storage - (900m) - 1.1m<sup>3</sup>



Project 9 Brown Tea Strainer

Job No. 626010

Section STORMWATER

Page 53

Client SH

Design

QA Check

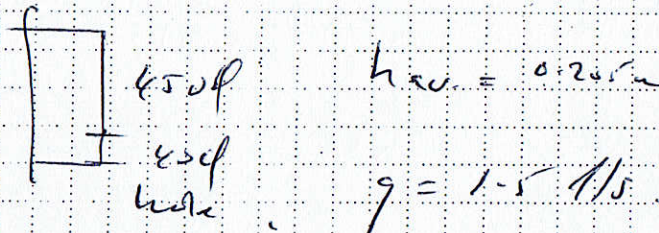
QA Date

Date

MAR 21

Provide 6.5m x 450 pipe -

Outflow on 40mm hole in end  
of pipe end.



= Total outflow  $\approx$  pre-dec-fluv  
in 100yr in 5 years.

- refer amended drawings C1 + C2

←



C4

# Roof water

## 4. STORAGE VOLUME - 1 IN 100 YEAR

DISCHARGE RATE 1.2 litres per second

T mins.	I	Q	net Q	VOLUME litres	M3
10	136	9.8	8.6	5173	5.2
20	94	6.8	5.6	6707	6.7
25	82	5.9	4.7	7083	7.1
30	73	5.3	4.1	7330	7.3
40	61	4.4	3.2	7693	7.7
45	57.0	4.1	2.9	7875	7.9
50	53.0	3.8	2.6	7883	7.9
60	46.6	3.4	2.2	7796	7.8
75	40.2	2.9	1.7	7665	7.7
90	35.5	2.6	1.4	7365	7.4

← critical duration

MAX STORAGE = 7.9 m3

+ 1.0 m3

8.9 m3

210 provided

C6

Surface water  
- paved  
areas

**4. STORAGE VOLUME - 1 IN 100 YEAR**

DISCHARGE RATE      1.3 litres per second

T mins.	I	Q	net Q	VOLUME litres	M3
10	136	3.1	1.8	1056	1.1
20	94	2.1	0.8	978	1.0
25	82	1.8	0.5	818	0.8
30	73	1.6	0.3	617	0.6
40	61	1.4	0.1	174	0.2
45	57.0	1.3	0.0	-47	0.0 ←
50	53.0	1.2	-0.1	-323	-0.3
60	46.6	1.0	-0.3	-905	-0.9
75	40.2	0.9	-0.4	-1780	-1.8
90	35.5	0.8	-0.5	-2707	-2.7

MAX STORAGE =      1.1      m3

---



PURPOSE: EASEMENT		AREA NAME: STIRLING				APPROVED:		SHEET 1 OF 2 <div>106319_text_01_v01</div>		
MAP REF: 6627/03/A		COUNCIL: ADELAIDE HILLS COUNCIL				DEPOSITED/FILED:				
LAST PLAN:		DEVELOPMENT NO:								
AGENT DETAILS: RICHARD RETALLACK PO BOX 154 DAW PARK SA 5041 PH: 0488 663 360 FAX:		SURVEYORS CERTIFICATION:								
AGENT CODE: RIRE										
REFERENCE: R20066PPS										
SUBJECT TITLE DETAILS:										
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	6175	564		ALLOTMENT(S)	50	D	111446	NOARLUNGA		
CT	6175	565		ALLOTMENT(S)	51	D	111446	NOARLUNGA		
OTHER TITLES AFFECTED:										
EASEMENT DETAILS:										
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF			CREATION	
EXISTING	50.51	SHORT	EASEMENT(S)	K	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION			AQ 9671995	
EXISTING	51	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	L		50			RTC 12507116	
VARY FROM	50	SHORT	EASEMENT(S)	P IN D111446	FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE	51			RTC 12507116	
VARY TO	50	SHORT	EASEMENT(S)	M	FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE	51			RTC 12507116	
VARY FROM	50	SHORT	EASEMENT(S)	Q IN D111446	FOR THE TRANSMISSION OF ELECTRICITY BY OVERHEAD CABLE	51			RTC 12507116	
VARY TO	50	SHORT	EASEMENT(S)	N	FOR THE TRANSMISSION OF ELECTRICITY BY OVERHEAD CABLE	51			RTC 12507116	
ANNOTATIONS:										

RIDGE

84°15'30"

9.63

101°01'30"

19.45

ROAD

104.85

197°26'30"  
TERRACE

51

1161m<sup>2</sup>

F158372

F158370

49.25

M

68°47'30"

22.84

ENLGT

M/N

K/M/N

K/N

50

771m<sup>2</sup>

F158373

VIDE

(3)

80.69

197°26'30"  
BRAEMAR

25.91  
247°57'40"

TERRACE

②

BRAEMAR

51

F158372

F158373

50

68°47'30"

22.84

(1.53)

10

M

158°49'

10.03

(3.05)

K/L

(3.05)

3

M/N

4.53

K/M/N

(3.88)

20.16

K/N

(3)

25.91

247°57'40"

BRAEMAR

TERRACE

①

ENLARGEMENT

NOT TO SCALE

N

SHEET 2 OF 2

106319\_pland\_1\_V01

BEARING DATUM: ① - ② 247°57'40"

DERIVATION: D111446 ADOPTED

TOTAL AREA:

RICHARD RETALLACK

LICENSED SURVEYOR

PO BOX 154 DAW PARK SA 5041

M 0488 663360 E retallack\_office@bigpond.com

REF : R20066PPS Rev A

0 8 16 24 32 40

SCALE METRES





ADELAIDE HILLS COUNCIL  
RECEIVED 18/01/2021







06/11/2020

**To.** Adelaide Hills Council  
Planning dept.

**Re.** Proposed New Dwelling – 9 Braemar Terrace, Stirling

To whom it may concern,

We are excited to present this design for a new dwelling with the view to contributing strongly and responsibly to the built fabric of your council area.

We confirm that we have met with your Sebastian Paraskevopoulos to discuss the plans and merits of our application alongside the limitations of the Country Living zone, which does not currently cater for allotments smaller than 2000m<sup>2</sup>.

Also enclosed with our application is a recent survey of the land which illustrates the size of the land being 717sqm, together with the steep gradient of the property.

In essence, the predominant drivers for the design are as follows:

1. Our intent is to build enduring architecture that acts as a precedent for the street and neighbourhood;
2. We are looking to bring value to the streetscape by developing an infill site that has been vacant and unkempt for many years;
3. We seek to develop a sense of pride and cohesion by considering;
  - a. An attractive streetscape with planted gardens;
  - b. Appropriate scale that will be in keeping with the other dwellings in the street;
  - c. A reasonable amount of usable outside area in the form of balcony and small terrace area;
  - d. Appropriate colours that are not considered reflective and are natural in their hue;

We have adhered to the setback requirements for the Eastern boundary on both upper and lower levels, given there is an easement.

However, we would request in context of the many virtues the development presents and with the aim to achieve the appropriate scale and useable outdoor areas, that a slight lenience on the remaining setbacks be offered as follows;

#### **Front Boundary**

The building is set back the required 10 metres. However, we have utilised the upper level for a balcony in order to achieve some outdoor living space as this is quite limited. The balcony is less than 50% of the width of the total building façade and is not enclosed on the lower level and with this combined with its height we don't believe will encroach on any neighbouring properties or appear overwhelming to the streetscape.

We further note that several homes on Ridge Road and Braemar Terrace have been built up to 3 metres from the street.

#### **Western Boundary**

Due to the limitations of the site and the Eastern boundary easement we cannot move the building any further away from the Western boundary. The majority of the building is over 2metres away from the Western boundary. However, a small 4 metre section (WIR), that has no windows, is 1.05metres away from that boundary. We do not feel this will have any notable impact on that neighbouring Western allotment

**ADELAIDE HILLS COUNCIL**  
**RECEIVED 06/11/2020**

**Rear Boundary**

The Rear boundary setback specified for the Country Living zone, combined with the front setback and easement would make building on this allotment unviable.

We believe that our requested 3+metre setback combined with the natural slope of the land will not obstruct the neighbouring home (7 Ridge Road) in anyway.

This is due to;

- Our proposed dwelling being single story at the rear.
- The neighbouring homes windows being above the roof line of our proposed dwelling; and
- The proposed dwellings windows will not be seen from 7 Ridge Road as they are approximately 9 metres from the shared boundary. Resulting in 12 metres between dwellings.

With regard to colours of the home, we have worked closely with out architect and interior designer to create a palette that will sit comfortably in the streetscape, together with the neighbouring properties.

*Roof – Colorbond, Shale Grey or Windspray (currently having renders done to see what will be better suited)*

*Scyon Wall Cladding -Hayes Colour Expressions, Pale Mushroom 4*

*Accents and Balcony Railings - Dulux NZ1H1, St Clair Quarter*

*Stone – Eco Outdoor, Bagoda*

*Front door and Stairs – Spotted Gum*

Thankyou for your time in considering our proposal. We hope to build as soon as we have received planning approval and associated building rules consent.

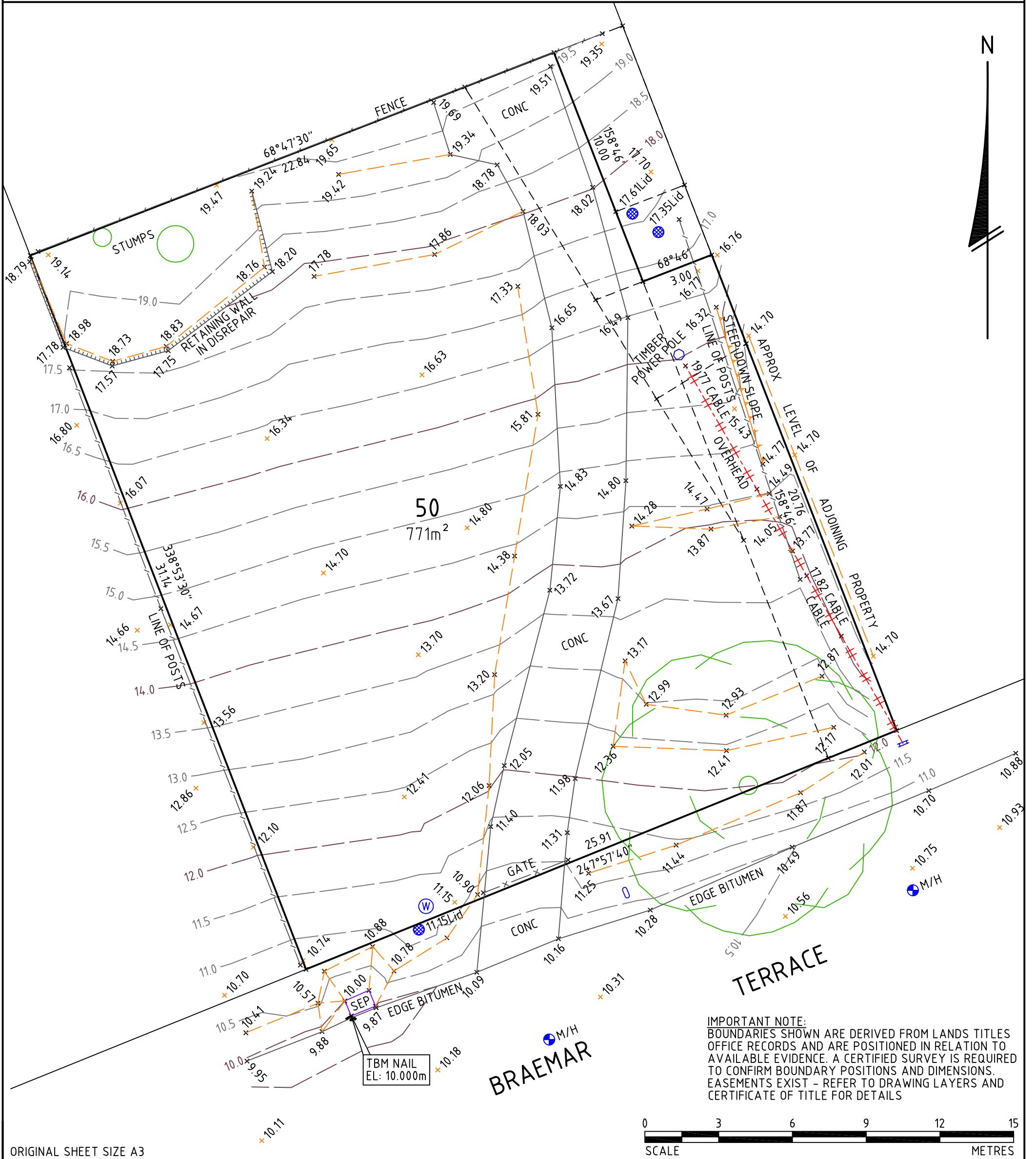
Please feel free to contact me if you have any queries 0422 994 359 or sasha@primeps.com.au.

Yours sincerely,

*Sasha Holland*

Sasha and Gary Holland

## DETAIL AND LEVEL SURVEY



ORIGINAL SHEET SIZE A3

ADDRESS

9 BRAEMAR TERRACE

STIRLING

COUNCIL

ADELAIDE HILLS

CLIENT

## PRIME PROPERTY STRATEGIES















PLAN NUMBER - R20066PPS-01

NOTES:

NOTES:  
UNDERGROUND SERVICE PIPES AND CABLES  
HAVE NOT BEEN SURVEYED

LEVEL DATUM: LOCAL  
CONTOUR INTERVAL: 0.5m  
SURVEY DATE: 25/08/20

## LEGEND

- LEGEND**
- |   |                 |   |           |
|---|-----------------|---|-----------|
|  | GAS METER       |  | NAIL      |
|  | WATER METER     |  | METAL PIN |
|  | SEWER SERVICE   |  | BDY PEG   |
|  | ETSA SERVICE    |  | PM        |
|  | TELSTRA SERVICE |   |           |
|  | STOBIE POLE     |   |           |
|  | SUMP            |   |           |
|  | GRATING         |   |           |
|  | VENT            |   |           |
-  10.00FL FLOOR LEVEL

ADELAIDE HILLS COUNCIL
RECEIVED 06/11/2020

**B App Sc (Surveying) SAIT    Member ISA, SSI**

# RICHARD RETALLACK

## LICENSED SURVEYOR

**PO Box 154, Daw Park SA 5041**  
**P: (08) 8357 0428 F: (08) 8357 8438**  
**M: 0488 663360 E: [retallack\\_office@bigpond.com](mailto:retallack_office@bigpond.com)**



29/04/2021

Mr Damon Huntley  
Statutory Planner – Development and Regulatory Services  
Adelaide Hills Council  
PO Box 44  
Woodside SA 5244

Dear Damon

**RE: CONSENT TO BUILD OVER AND WITHIN EASEMENT**

DOMINANT LAND: ALLOTMENT 51 ON DEPOSITED PLAN 111446  
REGISTERED OWNER OF DOMINANT LAND: *Paul David Collins and Laima Maria Gipslis Collins*  
SERVIENT LAND: EASEMENTS P AND Q ON D111446 IN ALLOTMENT 50 ON DEPOSITED PLAN 111446  
REGISTERED OWNER OF SERVIENT LAND: SASHA JOANNE LOUISA HOLLAND & GARY LEE HOLLAND  
EASEMENTS: EASEMENT OVER THE LAND MARKED P ON D111446 FOR THE TRANSMISSION OF  
ELECTRICITY BY UNDERGROUND CABLE AND EASEMENT(S) OVER THE LAND MARKED Q ON D111446  
FOR THE TRANSMISSION OF ELECTRICITY BY OVERHEAD CABLE (RTC 12507116)

We, *Paul David Collins and Laima Maria Gipslis Collins*, being the registered owners of the Dominant Land, consent to the construction as proposed of (Two storey detached dwelling, deck (maximum height 4.12m), combined fence & retaining walls (maximum height 3.4m), swimming pool & associated barriers, masonry fence, demountable deck and stairs, associated earthworks & landscaping – As per Architectural Plans - Revision E.Job 643, InDesign, Landscape Plan dated 14/4/2021 Stirling Design and Civil Plans 626020-C1 and 626020-C2 Nigel Hallett and Associates) on the Servient Land.

Thanks

Signed:.....

*PAUL D COLLINS* *pauldcollins@nicksnode.au.net*

*LAIMA COLLINS.*



**SOUTH AUSTRALIAN DEVELOPMENT ACT, 1993  
REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION**

Development Number: **20/1198/473**

My Name: MRS JENNIFER ELSOM

Postal Address: P.O. Box 534 STIRLING 5152

Contact No: .....

Email: j.elsom@stirling.sa.gov.au

(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **Sasha & Gary Holland**

Nature of Development: **Two storey detached dwelling, deck (maximum height 4.12m), combined fence & retaining walls (maximum height 3.4m), swimming pool & associated barriers, masonry fence, associated earthworks & landscaping**

Proposed to be located at: **9 Braemar Terrace Stirling SA 5152**

My representation: **(cross out whichever does not apply below)**  
~~Supports the proposed development~~ **OR** Opposes the proposed development

My interests are: **(cross out whichever does not apply below)**  
.  
.  
.  
~~owner of local property OR occupier of local property~~  
~~a representative of a company OR other~~  
~~organisation affected by the proposal OR a private citizen~~

The address of the property affected is:

10 BRAEMAR TERRACE STIRLING Postcode: 5152

The specific aspects of the application to which I make representation are:

\* The proposed dwelling as a whole is far too close to the <sup>P.T.</sup>  
My objections (if any) could be overcome by: Building a smaller dwelling further  
away from the road. At least 3m back from the boundary. This would  
allow for a hedge of screening shrubs/trees to be planted in keeping  
**(cross out whichever does not apply below)** with other homes in this street.

I do wish to be heard in support of my representation by appearing personally or being represented by the following person: .....

**OR**

~~I do not wish to be heard in support of my representation.~~

"Please note that, in accordance with Section 38 (10)(a) of the *Development Act 1993*, the Council Assessment Panel may, in its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be heard in support of the representation."

**Please note that *no right of appeal* to the Environment, Resources and Development Court exists for a person or body who submit a Category 2 representation.**

Date: 25.2.21 Signature: J. Elsom

**The closing time and date for Representations is 5.00pm on 05 March 2021 & Representations can only be received during the period 22 February 2021 to 05 March 2021**

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."



road and is too big for the size of the land. It is not in keeping with other homes in this street.

There is no room for visitor parking. Cars would have to be parked in the road, which is narrow and unlit at night.

The outside first floor balcony (south side) looks directly into my property. It is too close to the road and will generate considerable noise when being used as an outside entertainment area.

I am also concerned about rain/stormwater run off. If any runs into the road it will run onto my property. I already get rain running into my front gates, from the upper end of Brademar Terrace, during heavy downpours.


My drive is the lowest point in the road and the upper drains are always blocked.

I am not opposed to a building on 9 Brademar Tce. Just the present application is not suitable for the size of the land.

Thank you for your time.

Kind Regards

Jennifer Elsom.



**SOUTH AUSTRALIAN DEVELOPMENT ACT, 1993**  
**REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION**

Development Number: **20/1198/473**

My Name: UNA WALKER

Postal Address: 6 BRAEMAR TCE, STIRLING SA 5152

Contact No: [REDACTED]

Email: —

(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **Sasha & Gary Holland**

Nature of Development: **Two storey detached dwelling, deck (maximum height 4.12m), combined fence & retaining walls (maximum height 3.4m), swimming pool & associated barriers, masonry fence, associated earthworks & landscaping**

Proposed to be located at: **9 Braemar Terrace Stirling SA 5152**

My representation: **(cross out whichever does not apply below)**  
~~Supports the proposed development~~ **OR** Opposes the proposed development

My interests are: **(cross out whichever does not apply below)**  
owner of local property OR occupier of local property  
a representative of a company OR other  
organisation affected by the proposal OR a private citizen

The address of the property affected is:

6 BRAEMAR TERRACE Postcode: 5152

The specific aspects of the application to which I make representation are:

THE HOUSE IS MUCH TOO BIG FOR THE BLOCK. I ALSO THINK IT SHOULD BE FURTHER BACK FROM THE ROAD AS IT IS NOW. I DON'T THINK THIS DEVELOPMENT AS A WHOLE IS IN CHARACTER WITH THE FEEL OF THE STREET.

My objections (if any) could be overcome by: MOVING THE HOUSE 3 METRES BACK

FROM THE CURRENT PROPOSED LOCATION. I WOULD ALSO PREFER IF

THE HOUSE DID NOT HAVE A FRONT BALCONY. PTO =>

**(cross out whichever does not apply below)**

I do wish to be heard in support of my representation by appearing personally or being represented by the following person: PAOLA DAL 10220

**OR**

~~I do not wish to be heard in support of my representation.~~

"Please note that, in accordance with Section 38 (10)(a) of the *Development Act 1993*, the Council Assessment Panel may, in its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be heard in support of the representation."

**Please note that *no right of appeal* to the Environment, Resources and Development Court exists for a person or body who submit a Category 2 representation.**

Date: 01 March 2021 Signature: UNA WALKER

**The closing time and date for Representations is 5.00pm on 05 March 2021 & Representations can only be received during the period 22 February 2021 to 05 March 2021**

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."

I AM NO STRANGER TO DEVELOPMENTS. I MOVED TO STIRLING IN 1954 AND OVER 25 YEARS AGO MY HUSBAND AND I SUBDIVIDED OUR PROPERTY IN THE CORNER OF AVENUE ROAD AND BRAEMAR TCE.

IN CONJUNCTION WITH AN ARCHITECT WE DEVELOPED THE SITE WHERE I CURRENTLY LIVE. WE KEPT AS MANY TREES AS WE COULD WITH MANY OF THOSE HAVING TO BE MOVED TEMPORARILY TO A MAKESHIFT NURSERY BEFORE WE COULD PUT THEM IN THEIR FINAL POSITIONS.

ALL DECISIONS MADE IN REGARDS TO THE DEVELOPMENT WERE MADE IN KEEPING WITH THE CHARACTER OF THE STREET AND STIRLING IN GENERAL. IT WAS A BIG EFFORT, WHICH WE UNDERTOOK WITH PLEASURE FOR OUR BENEFIT AND THAT OF OUR NEIGHBOURS.

I AM NOT OPPOSED TO DEVELOPMENTS, BUT I DO OPPOSED THE PROPOSED DEVELOPMENT IN NUMBER 9 BRAEMAR TCE.

IRLW. C. K. K.

01 MARCH 2021

PAGE 2

DEVELOPMENT NUMBER 20/1198/473



**SOUTH AUSTRALIAN DEVELOPMENT ACT, 1993  
REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION**

Development Number: **20/1198/473**

My Name: **SUSETTE COOKE**

Postal Address: **1 RIDGE ROAD, STIRLING SA 5152**

Contact No: .....

Email: .....  
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **Sasha & Gary Holland**

Nature of Development: **Two storey detached dwelling, deck (maximum height 4.12m),  
combined fence & retaining walls (maximum height 3.4m),  
swimming pool & associated barriers, masonry fence, associated  
earthworks & landscaping**

Proposed to be located at: **9 Braemar Terrace Stirling SA 5152**

My representation: **(cross out whichever does not apply below)**  
~~Supports the proposed development~~ **OR** Opposes the proposed development

My interests are: **(cross out whichever does not apply below)**  
owner of local property OR occupier of local property  
~~a representative of a company OR other~~  
~~organisation affected by the proposal OR a private citizen~~

The address of the property affected is:

**1 RIDGE ROAD, STIRLING** .....Postcode: **5152**

The specific aspects of the application to which I make representation are:

**Scale, design, privacy**

My objections (if any) could be overcome by: **Please see additional information  
in support of this submission.**

**(cross out whichever does not apply below)**

I do wish to be heard in support of my representation by appearing personally or being  
represented by the following person. ....

**OR**

~~I do not wish to be heard in support of my representation.~~

"Please note that, in accordance with Section 38 (10)(a) of the *Development Act 1993*, the Council Assessment Panel may, in  
its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be  
heard in support of the representation."

Please note that **no right of appeal** to the Environment, Resources and Development Court exists for  
a person or body who submit a Category 2 representation.

Date: **4 March 2021**

Signature: 

**The closing time and date for Representations is 5.00pm on 05 March 2021 & Representations can  
only be received during the period 22 February 2021 to 05 March 2021**

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded  
to the Applicant for their information and response. Further a copy of your representation (including your name and address)  
will become public and can be viewed on the web."

**REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION**  
**Development Number 20/1198/473** for 9 Braemar Terrace, Stirling SA 5152  
Additional information in support of submission by Susette Cooke and Steven Marshall

We submit the following comments on the proposed development at 9 Braemar Terrace, Stirling, as resident owners of the adjacent property at 1 Ridge Road, Stirling.

We raise a number of objections, based on non-compliance with the stipulated character for development in the Country Living (Stirling and Aldgate) Policy Area, as described in the Adelaide Hills Council Development Plan (2019), and on concerns over impact on neighbours' privacy. Suggestions on how to overcome these objections are included where appropriate.

**Adelaide Hills Council Development Plan, 8 August 2019 (AHDP):**

p.128 Development for Country Living (Stirling and Aldgate) Policy Area 29: "Development will respect the general pattern of generous setbacks, heavily landscaped gardens and low front fences. The policy area will retain a sense of space and openness which will emphasise and protect the heavily vegetated landscape."

The proposed development meets none of the above criteria, except "low front fences".

Our assessments of the development are based on information provided in the Public Notification material, which in some instances is inaccurate or incomplete.

Note: page numbers refer to the PDF document for this development application provided on the AHC website.

**General objections**

(1) Scale: the proposed development exceeds stipulated maximum site coverage for sites of its size (717 m<sup>2</sup>), and is thus non-compliant.

AHCDP p. 121 (9) Maximum site coverage: 50 per cent for sites between 500 and 999 square metres.

The design has 59% site coverage, as derived from the actual lot size of 717 m<sup>2</sup>

(2) Design: The design is not in accord with Council's own development policy, existing homes, or residents' evident expectations for Stirling, which is valued for its spacious garden properties.

In its current form it devalues our streetscape and neighbourhood, contrary to expectations expressed in the developers' letter to the AHC. Their statement of intent for their design – "to

build enduring architecture that acts as a precedent for the street and neighbourhood", in fact contradicts precedents that residents evidently value and prefer.

(3) Privacy: the design causes privacy issues in general terms, not being in character with privacy-sensitive design of all other houses in Braemar Terrace and its environs. The front balcony affords a clear view into our property at 1 Ridge Road. The street frontage is largely unscreened.

## **Detailed objections**

### (1) Data inaccuracies

Some data in plans is inaccurate, incomplete, and misleading, which prevents accurate assessment and examination of whether Council policy is being upheld.

Specific instances are included in sections below. Of basic concern is that data within the plan is based on an erroneous lot size 800 m<sup>2</sup>, instead of the actual lot size 717 m<sup>2</sup>, which overstates the lot size by approximately 12%.

### (2) Scale

The design has 59% site coverage, as derived from the actual lot size of 717 m<sup>2</sup>, which exceeds AHCDP 50% maximum coverage for a lot of this size (see above Gen. Obj. (1)).

We acknowledge that the anomalously small lot (717 m<sup>2</sup>) with steep slope impacts design parameters, which raises the importance of scale of the home structure.

The development applicants' letter (p.14 b) states they have considered "Appropriate scale that will be in keeping with other dwellings in the street".

Comparative data from properties for sale in Stirling on 4 March 2021 on the "realestate.com.au" website shows the design is not in keeping with dwellings in the area, but

substantially exceeds them in scale, both on average and compared to the largest dwelling. The average dwelling's living space is 312 m<sup>2</sup>, on an average lot size of 1820 m<sup>2</sup>.

Data for living space is not accurately represented in the plans, which give 424.21 m<sup>2</sup> for total living areas (pp.4, 5). Scaling the diagram shows that the upper level is 425 m<sup>2</sup> and the lower level is 169 m<sup>2</sup>, for a total of 594 m<sup>2</sup> (see below 3 (c)).

With 594 m<sup>2</sup> living space on a 717 m<sup>2</sup> lot, the design is clearly not in keeping with the scale of dwellings in Stirling.

(Note: Calculations include 9 comparative properties for sale on the website. The Retirement Living property and prestige property of 469 m<sup>2</sup> on 0.8h were not included in the calculation.)

The applicants also request lenience towards some boundary setbacks with “the aim to achieve the appropriate scale and useable outdoor areas”. Adherence to boundary setbacks is in fact required to address appropriate scale.

### (3) Site coverage:

Site coverage is inaccurately stated and represented in the plans.

(a) Lot size is given as 800 m<sup>2</sup>, instead of the actual size 717 m<sup>2</sup>, thus overstating the lot size by approximately 12%.

(b) pp.3, 4 give site coverage as 16%, or 126 m<sup>2</sup>.

Based on the plans asserting on p. 3 that "Site Coverage" uses only "16 percent" of the lot, it appears this figure acknowledges a total of three rooms, all on the lower level: the Home Office, the Cellar/Theatre; and the Garage. The water tank storage area on the lower level and adjacent to the Home Office is actual site coverage, but not included in the “16%”.

Based on the exterior dimensions of the three rooms and matching the scale in the Home Office, the area of "site coverage" is 15.0 x 8.6 meters for a total of 129 m<sup>2</sup>.

Based on scaling it appears that the entire upper level, including decks and the pool, and the water tanks on the lower level, are not considered to be "site coverage."

Data on site coverage in the plans is thus incomplete and misleading.



(c) Plans on pp.4 and 5 have 424.21 m<sup>2</sup> as total for Proposed Residence.

\*Scaling the diagram shows that the upper level is 425 m<sup>2</sup> and the lower level is 169 m<sup>2</sup>, for a total of 594 m<sup>2</sup>.

\*\*Using the upper level of 425 m<sup>2</sup> as the structure's footprint, the site coverage is 59% of the 717 m<sup>2</sup> lot. This exceeds the 50% maximum coverage stipulation for this lot size.

It appears that 30% of the house is on the lower level directly upon ground, and an undetermined part of the upper level is upon ground (see cross-section on p.7).

(d) Private Outdoor Space/POS: Data and category are confusing in the plans. On pp.2, 3 POS is given as 283 m<sup>2</sup> (35%), also calculated on the erroneous 800 m<sup>2</sup> lot size, and specified as including the balcony and rear. More specific data and layout for POS is not included in the plans. Developers' letter (c) specifies front balcony as "useable outside area", but it is also part of "site coverage" as matching space above ground-level terrace. POS appears to be sufficient but dimensions are not provided for accurate evaluation. It is not clear whether differing use categories overlap and how that could affect coverage measurements.

#### (4) Privacy:

The current design is not in accord with AHCDP regarding visual privacy for residents:

p.28 Visual Privacy : 18 Development should minimise direct overlooking of the main internal living areas and private open spaces of dwellings.

Local residents value privacy and a substantial level of visual seclusion. The current design undermines our privacy by allowing views into our property at 1 Ridge Road from the front balcony, alfresco area, pool and deck, and full glazed door into sunroom.

- (a) Balcony: at height of 4.12m, which triggered the Cat.2 notification for non-compliance with policy. This creates the greatest level of visual intrusion into our privacy. It affords a clear view into our property by anyone sitting or standing on it. The balcony will also dominate and overwhelm the streetscape, especially as unscreened by more substantial tree plantings.

We suggest that if the upper balcony is retained, then make it narrower, for standing and outdoor chairs but not dining. Other substantial sitting/dining areas are contained within the residence design. Screen side of balcony to block line of vision into our property.

(b) Alfresco area, pool and deck, full glazed door into sunroom: likely well-used living areas, which have direct view into our property. We note trees are planned to screen the alfresco area (trio fastigiate deciduous trees), also clipped hedge along fence-line, but not likely to block line of view. No trees to screen pool and deck – suggest 2m high fence. Glazed sunroom door – unscreened, suggest opaque glazing.

(c) Street frontage is largely unscreened, which is not in keeping with the general level of privacy for frontages in the neighbourhood. We acknowledge three medium-sized trees in the front open space on the garden plan, if planting is followed through. Suggestion: increase tree and/ or hedge planting along street frontage.

(d) We acknowledge that eyebrow windows at height 1.8m, upper level, east side, facing our property, have been designed to afford privacy to both parties.

## (5) Elevation

AHCDP p.121: Maximum building height (from natural ground level) 2 storeys and 9 metres

The edge of the bitumen at the property line is about 9 metres lower than the second floor ceiling. Additional height to roof apex is not specified in plans, likely another 1+ metre. The house therefore appears to be broadly within Council specifications.

### LIST OF ELEVATIONS PROVIDED IN PUBLIC NOTIFICATION

- el 19.79 ceiling of second floor
- el 18.87 bottom of eyebrow windows on 2nd floor.
- el 17.00 deck at mini-pool
- el 17.07 finished floor level (FFL) second floor
- el 16.67 finished ceiling level (FCL)
- el 13.95 finished floor level (FFL) on lower floor.
- el 10.70 edge of bitumen at the property line.

No elevation for the roof apex is provided in the plans.

## **Other Issues**

### (1) Boundary confirmation:

p.16 Detail and Level Survey:

Important Note in bottom right corner: ...”A certified survey is required to confirm boundary positions and dimensions. Easements exist – refer to drawing layers and certificate of title for details.”

The boundary between properties 9 Braemar Terrace and 1 Ridge Road is not adequately marked. The tennis court fence does not mark the boundary of our property, which extends beyond it. We have engaged a surveyor to re-peg the boundary for clarification.

### (2) Easement:

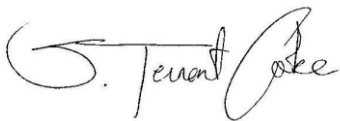
An easement of approximately 3 metres exists on the eastern boundary of the lot. We understand from conversation with Damon Huntley on 2/3/2021 that the easement is under review, with decision not yet confirmed. Removal of the easement may raise potential issues for us by allowing the house to be moved closer to our boundary. We expect to be made aware when the Council decision is made public, so any changes can be mediated.

p.16 Notes: underground service pipes and cables have not been surveyed.

Our objections to the current design fall within the objectives, desired character and principles of development control of the AHC Development Policy. As residents and rate payers we anticipate adherence to our council's Development Policy and request consideration of our concerns. As Stirling residents we love this beautiful neighbourhood, which is adjacent to the Ayers Hill Road Historic Area and valued for its dense gardens, seclusion, privacy, and large lots. We wish to see its distinctive character and reputation as "The Dress Circle of Stirling" maintained. We therefore hope the design can be modified to make it amenable to the neighbourhood's environment, in accordance with AHC Development Policy:

p.128 (1) Development should not be undertaken unless it is consistent with the desired character for the policy area."

Date: 4 March 2021

A handwritten signature in black ink, appearing to read "S. Tenant Cooke". The signature is fluid and cursive, with the first name "S." and the last name "Cooke" being more legible than the middle name "Tenant".

Susette Cooke

(Currently in USA: unable to sign)

Steven Marshall



SOUTH AUSTRALIAN DEVELOPMENT ACT, 1993  
REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION

ADELAIDE HILLS COUNCIL  
RECEIVED

- 4 MAR 2021

Development Number: 20/1198/473

My Name:

KERRY JARVIS (co-owner, 3 Ridge Rd) & CHRISTOPHER LEMM

Postal Address:

3 RIDGE RD STIRLING

Contact No:

ADELAIDE HILLS COUNCIL

RECEIVED

Email:

(by providing an email address you agree to receive any related future correspondence electronically)

4 MAR 2021

This representation is in relation to the application by: Sasha & Gary Holland

WOODSIDE

Nature of Development:

Two storey detached dwelling, deck (maximum height 4.12m),  
combined fence & retaining walls (maximum height 3.4m),  
swimming pool & associated barriers, masonry fence, associated  
earthworks & landscaping

Proposed to be located at:

9 Braemar Terrace Stirling SA 5152

My representation:

(cross out whichever does not apply below)

~~Supports the proposed development~~ OR Opposes the proposed development

My interests are:

(cross out whichever does not apply below)

- owner of local property OR occupier of local property
- ~~a representative of a company OR other~~
- ~~organisation affected by the proposal OR a private citizen~~

The address of the property affected is:

3 RIDGE RD, STIRLING

Postcode: 5152

The specific aspects of the application to which I make representation are:

① The impact on our privacy due to the row of windows overlooking our home & garden. ② The proximity &/or height of the building & impact on our privacy due to structures such as the pool & the deck. ③ Unpleasant as to

My objections (if any) could be overcome by:

Discussion & consultation with developers & Adelaide Hills Council  
to ameliorate our concerns

(cross out whichever does not apply below)

I do wish to be heard in support of my representation by appearing personally or being  
represented by the following person. CHRISTOPHER LEMM

~~OR~~

I do not wish to be heard in support of my representation. CO-OWNER of 3 Ridge Rd  
Stirling

"Please note that, in accordance with Section 38 (10)(a) of the Development Act 1993, the Council Assessment Panel may, in its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be heard in support of the representation."

Please note that *no right of appeal* to the Environment, Resources and Development Court exists for a person or body who submit a Category 2 representation.

Date: 4/03/2021

Signature: Kefamin

The closing time and date for Representations is 5.00pm on 05 March 2021 & Representations can only be received during the period 22 February 2021 to 05 March 2021

"Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."



the intention of the eastern boundary fence

Statement

- ④ The overall design of the building does not respect the character of "country living".  
<sup>Describing</sup> Setting this as a "precedent for the street and neighbourhood" totally undermines the integrity of our community & the homes & gardens that have been here for a very long time & form the backbone of "country living".

Apologies for handwritten application  
& the 'untidy' presentation.

Kefani

# Incoming Correspondence - Cover Sheet



\* Date Stamp



\* Fields marked with an asterisk are mandatory

\*File ref ...../...../.....

or

\*Department.....*Development*.....

or

\*Addressee .....

Complete details below if information is *not included on correspondence*

Author's Name .....*Joelene Schmerl*.....

Author's Address .....*Stirling*.....

Contact Ph No .....*08 8532 1234*.....

Additional information .....

Attach form to Correspondence and forward to relevant Department

*Elaine*

\* CS Officer name



**SOUTH AUSTRALIAN DEVELOPMENT ACT, 1993**  
**REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION**

Development Number: **20/1198/473**

My Name: Joelene Schmarl

Postal Address: PO Box 157 Stirling 5152

Contact No: [REDACTED]

Email: [REDACTED]

(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **Sasha & Gary Holland**

Nature of Development: **Two storey detached dwelling, deck (maximum height 4.12m), combined fence & retaining walls (maximum height 3.4m), swimming pool & associated barriers, masonry fence, associated earthworks & landscaping**

Proposed to be located at: **9 Braemar Terrace Stirling SA 5152**

My representation: **(cross out whichever does not apply below)**  
Supports the proposed development OR Opposes the proposed development

My interests are: **(cross out whichever does not apply below)**  
owner of local property OR occupier of local property  
~~a representative of a company OR other~~  
~~organisation affected by the proposal OR a private citizen~~

The address of the property affected is:

12 Braemar Terrace Stirling SA 5152 Postcode: 5152

The specific aspects of the application to which I make representation are:

PTO

My objections (if any) could be overcome by: PTO

**(cross out whichever does not apply below)**

~~I do wish to be heard in support of my representation by appearing personally or being represented by the following person:~~

**OR**

I do not wish to be heard in support of my representation.

"Please note that, in accordance with Section 38 (10)(a) of the *Development Act 1993*, the Council Assessment Panel may, in its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be heard in support of the representation."

**Please note that *no right of appeal* to the Environment, Resources and Development Court exists for a person or body who submit a Category 2 representation.**

Date: 4/3/2021 Signature: J. Schmarl

**The closing time and date for Representations is 5.00pm on 05 March 2021 & Representations can only be received during the period 22 February 2021 to 05 March 2021**

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."



#### Specific Aspects of the Application

- The design incorporates an elevated open balcony/entertainment area located in close proximity the street frontage with no trees or foliage to screen noise from that area.

#### Objections can be overcome

- Consideration be given to enclose the open balcony area with double glaze or low e energy tec glass. This will enhance thermal efficiency and reduce noise both into and from the premises.

#### Please note

I am not opposed to development within the street and understand the sloping block will require some innovative and interesting challenges.

**SOUTH AUSTRALIAN DEVELOPMENT ACT, 1993**  
**REPRESENTATION ON APPLICATION – CATEGORY 2 NOTIFICATION**

Development Number: **20/1198/473**

My Name: Wendy CREASER

Postal Address: 11 RIDGE ROAD STIRLING

Contact No: [REDACTED]

Email: [REDACTED]  
(by providing an email address you agree to receive any related future correspondence electronically)

This representation is in relation to the application by: **Sasha & Gary Holland**

Nature of Development: **Two storey detached dwelling, deck (maximum height 4.12m), combined fence & retaining walls (maximum height 3.4m), swimming pool & associated barriers, masonry fence, associated earthworks & landscaping**

Proposed to be located at: **9 Braemar Terrace Stirling SA 5152**

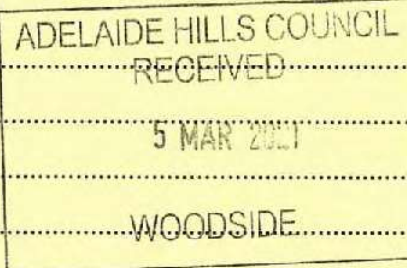
My representation: **(cross out whichever does not apply below)**  
~~Supports the proposed development~~ **OR** Opposes the proposed development

My interests are: **(cross out whichever does not apply below)**  
owner of local property OR occupier of local property  
~~a representative of a company OR other~~  
~~organisation affected by the proposal OR a private citizen~~

The address of the property affected is: 11 Ridge Rd Stirling  
~~9 Braemar Terrace Stirling~~ Postcode: 5152

1) The specific aspects of the application to which I make representation are:

See attachment.



2) My objections (if any) could be overcome by: See attachment.

**(cross out whichever does not apply below)**

~~I do wish to be heard in support of my representation by appearing personally or being represented by the following person:~~  
**OR**  
I do not wish to be heard in support of my representation.

"Please note that, in accordance with Section 38 (10)(a) of the *Development Act 1993*, the Council Assessment Panel may, in its absolute discretion, allow a person who made a representation to appear personally or by representative before it to be heard in support of the representation."

**Please note that *no right of appeal* to the Environment, Resources and Development Court exists for a person or body who submit a Category 2 representation.**

Date: 5/3/2021

Signature: Wendy a Creaser

**The closing time and date for Representations is 5.00pm on 05 March 2021 & Representations can only be received during the period 22 February 2021 to 05 March 2021**

"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."



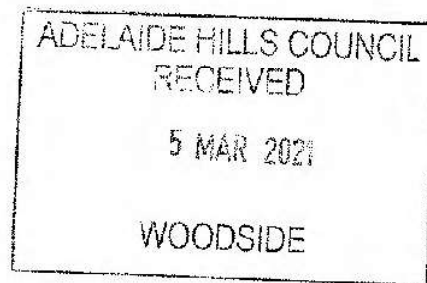
1). The Developer's Plans show a building that exceeds the maximum site coverage for 'Country Living'. The block is described on the plans as 800 sqm, which is not the case. Set back requirements for the front and rear also do not meet 'Country Living' Standards.

'Heavy Vegetation' is what is used in describing the gardens in the Stirling Country Living Zone, and the small ~~suburban~~ suburban garden plantings, as shown in this application, do not fit this criterion. Rather, the house imposes itself on the neighbourhood, which is not a good precedent for 'Country Living'.

2). Request that the proposed house plans by the Developer be altered so that they meet the existing 'Country Living' regulations.

The Developer be required to plant much more substantial trees in order to suit the 'Country Living' character of the Stirling gardens. This would also have the effect of more privacy screening for the neighbours and Braemar Tce.

S/3/2021. Wendy A. Braemar



24 March 2021

Mr Damon Huntley  
Statutory Planner – Development and Regulatory Services  
Adelaide Hills Council  
PO Box 44  
Woodside SA 5244

Email: [mail@ahc.sa.gov.au](mailto:mail@ahc.sa.gov.au)

**Adelaide**  
12/154 Fullarton Rd  
Rose Park, SA 5067  
08 8333 7999

**Melbourne**  
29-31 Rathdowne St  
Carlton, VIC 3053  
03 8593 9650

[urps.com.au](http://urps.com.au)

Dear Damon

## Development Application 20/1198 – 9 Braemar Terrace, Stirling.

### Introduction

Thank you for your email advising of the Category 2 representations received for the development proposed at 9 Braemar Terrace, Stirling (DA 20/1198).

I provide you with our response to the representations below.

### Response to Representations

The following representations were received:

Representor	Address	Opinion	Wishes to be heard by CAP
Mrs Jennifer Elsom	10 Braemar Terrace, Stirling	Oppose	Yes
Ms Una Walker	6 Braemar Terrace, Stirling	Oppose	Yes
Ms Susette Cooke and Mr Steven Marshall	1 Ridge Road, Stirling	Oppose	Yes



Representor	Address	Opinion	Wishes to be heard by CAP
Ms Kerry Jarvis and Mr Chris Lemm	3 Ridge Road, Stirling	Oppose	Yes
Ms Joelene Schmeri	12 Braemar Terrace, Stirling	Not Opposed	No
Ms Wendy Creaser	11 Ridge Road, Stirling	Oppose	No

Six representations were received in total, four of which have requested to be heard by the Council Assessment Panel.

Rather than addressing each representor individually we have collated the concerns and addressed them below.

Regarding the Development Plan, the subject land is situated in:

- The Country Living Zone.
- Country Living (Stirling and Aldgate) Policy Area.

### **Desired Character**

Some of the representors have raised concern about the architectural character of the proposed dwelling.

The Desired Character of the Policy Area specifically prescribes the key considerations that will achieve the Desired Character. An assessment against these considerations is presented in the table below.

Guideline	Comments
Land uses will be predominantly residential.	The proposed land use is entirely residential.
Residential densities will remain very low.	<p>The proposal is for 1 detached dwelling on an existing allotment.</p> <p>The proposal will not change the density within the Zone or Policy Area.</p>

Guideline	Comments
The design of buildings throughout the Policy Area will vary considerably.	<p>The Policy Area does not anticipate dwellings of a particular architectural style.</p> <p>Rather, the Policy Area anticipates a range of building styles, materials and designs that suit the varied needs and preferences of respective occupants.</p>
There will be a significant number of very large dwellings interspersed with a wide variety of much small dwellings.	<p>The Policy Area anticipates a mix of dwellings sizes.</p> <p>The proposal is not considered a large dwelling in the context of the subject land and its locality.</p>
Development will respect the general pattern of generous setbacks, heavily landscaped gardens and low front fences.	<p>The proposal has generous boundary setbacks that allow for substantial garden areas.</p> <p>This matter will be discussed in further detail below.</p>
The Policy Area will retain a sense of space and openness.	<p>The proposal will not diminish the sense of openness between properties. Boundary setbacks are sufficiently large (as discussed further below) and enable large areas for landscaping that will meaningfully contribute to the surrounding character.</p>
Development will respect the undulating topography through split level dwelling designs.	<p>Following the natural slope of the land, the proposed dwelling has a split floor level in accordance with the Desired Character of the Policy Area.</p>

The proposal satisfies all relevant components of the Desired Character statement within the Policy Area.

### **Building Height**

Some of the representors have indicated the proposal is not in keeping with other homes in the street, specifically indicating the dwelling is too big.

Principle 9 of the Zone guides that buildings should be up to two-storeys and 9 metres in height.

The proposed dwelling will have a split floor level to account for the slope of the land. This approach is encouraged by the Desired Character of the Policy Area and means that the front portion of the dwelling is two-storey.

That said, no component of the proposal will exceed two-storeys in accordance with Principle 9.

To minimise scale and mass, the proposed dwelling has been designed with a flat roof. This minimises the total height of the dwelling which does not exceed 7.7 metres above the natural ground level below the street facing wall.

On this basis, the proposed building height satisfies the Development Plan. In fact, the proposal is 1.3 metres lower than the Development Plan guideline.

### **Boundary Setbacks**

The Desired Character of the Policy Area guides respect for the general pattern of generous setbacks.

Principle 9 of the Zone provides numeric guidelines specific to boundary setbacks. These include:

- 8 metres from the primary road frontage.
- 8 metres from the rear allotment boundary.
- 2 metres from side boundaries where the wall does not exceed 3 metres.
- 3 metres from side boundaries where the wall is between 3 and 6 metres in height.

Each of these setbacks are discussed below under their respective headings.

### **Setback from Primary Road Frontage**

The front walls of the dwelling are setback 9.5 and 10.6 metres from the road frontage in accordance with the Development Plan. The open sided balcony projects forward of the front wall to be setback 5.5 metres.

The balcony setback is acceptable when noting:

- The balcony is open sided with the majority being visually permeable.
- The balcony is proportionate to the façade of the host dwelling and enhances articulation and visual interest.

- The balcony has a total width of 10.2 metres which is only 39 percent of the total frontage width for the allotment.
- The proposed balcony does not unreasonably diminish space for front garden landscaping or on-site car parking.

On this basis, the proposed front boundary setbacks are reasonable and acceptable in the locality.

### **Setback from Rear Boundary**

The rear wall of the proposed dwelling will come within 3.56 metres of the rear boundary.

While this is closer than the guideline, the proposed rear setback is reasonable when acknowledging:

- The rear wall is entirely single storey with a total height of 1.7 metres above natural ground level, or 3 metres above the excavated ground level.
- Neighbouring properties to the north have a ground level that is naturally elevated above that of the subject land. As such, properties to the north will look over the subject land and proposed dwelling rather than directly at it. The difference in ground level adjacent the rear boundary is shown in image 1 below:
- A solid fence will likely be placed along the rear boundary at a height that extends above that of the dwellings rear wall.
- The rear boundary setback will not introduce unreasonable amenity impacts upon neighbouring properties, particularly with reference to visual impact, overshadowing or privacy.

### **Setbacks from Side Boundaries**

All components of the proposal will satisfy setback guidelines from the eastern side boundary.

Some components of the western wall will encroach into the setback guideline. This is acceptable when noting:

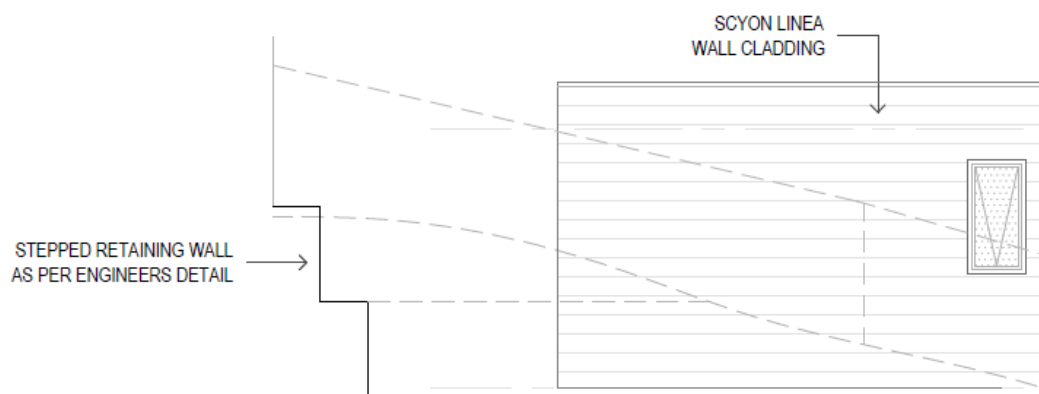
- The height of the proposed dwelling decreases as the natural ground level ascends. This means the rear portions of the dwelling actually satisfy the side setback guideline.
- The allotment neighbouring the land to the west, 7A Braemar Terrace, is currently vacant. Regardless, the proposed side boundary setback is not considered to impose



unreasonable amenity impacts upon this property (i.e. visual impact, overshadowing and privacy).

- The proposed side setbacks will not unreasonably diminish the open character of the locality, or the ability to provide reasonable landscaping across the site.

**Image 1: Difference in ground levels adjacent rear boundary.**



For all these reasons, the proposed boundary setbacks do not diminish the character of the locality or neighbouring amenity and are therefore acceptable despite shortfalls with respect to the numeric setback guidelines.

### Private Open Space

One of the representors has raised concern about the available private open space area proposed.

Council Wide, Residential Development Principle 19 guides private open space dependant on site area.

As the allotment exceeds 500 square metres, 80 square metres of private open space should be provided with a minimum dimension of 4 metres.

To satisfy the Development Plan guidelines, the proposal provides at least 170 square metres of private open space with a minimum dimension of at least 4 metres. This excludes the street facing balcony.

In addition, I note that the proposed private open space area:

- Has a gradient that is functional.

- Is directly accessed from the internal living areas of the respective dwelling.
- Is positioned to the rear or side of the dwelling and screened for privacy.
- Will receive adequate levels of sunlight throughout the year.

For these reasons, the proposed private open space arrangement contributes to a high-quality living environment and a suitable area of functional private open space.

### Site Coverage

One of the representors has indicated the proposal is too big for the land size.

Principle 9 of the Zone guides maximum site coverage based on allotment size. The area of the allotment is 771 square metres meaning the site coverage should not exceed 50 percent of the total site area.

The coverage of the dwelling across the land is 347.66 square metres which presents a site coverage of 45 percent. This satisfies the Development Plan.

In addition, the proposal satisfies Council Wide, Residential Development Principle 17 in that sufficient space is available on the land for:

- Pedestrian and vehicle access.
- Vehicle parking.
- Reasonable storage space in association with the proposed use of the land.
- Outdoor clothes drying.
- Rainwater tanks and stormwater Infrastructure.
- Private open space and landscaping.
- Convenient storage of household waste and recycling receptacles that are not prominently visible from public areas.

The proposed site coverage is therefore appropriate with respect to the Development Plan.

### Landscaping

Some of the representors have raised concern that the proposal does not allow for sufficient landscaping.

As noted above, the proposal satisfies private open space and site coverage guidelines. In fact, the site coverage is 5 percent less than the applicable guideline. Compliance with these provisions contributes to large areas for meaningful landscaping.

I note the following with respect to landscaping.

- Large, pervious front garden areas are proposed.
- Large landscaping areas are proposed around the proposed pool and deck area.
- Perimeter landscaping is proposed adjacent the northern and western boundaries.
- The applicant has commissioned a detailed landscaping plan prepared by Stirling Garden Design Studio. This demonstrates that a large variety of trees, plants and ground covers can be provided on the subject land.
- On 16 March 2021, the applicant was granted approval by the Adelaide Hills Council to plant vegetation on the road verge/reserve adjacent the subject land. These plant species are to include *Juniperus horizontalis* or *Juniperus conferta*.

The proposal includes ample areas for landscaping that will meaningfully contribute to the leafy character of the locality.

### **Car Parking**

One of the representors has indicated there is no room for visitor parking and that cars would need to be parked on the road.

Principle 9 of the Zone guides that a minimum of 2 on-site car parking spaces should be provided, 1 of which is covered.

This is easily achieved as the dwelling is provided with at least 4 on-site car parking spaces, 2 of which are covered. Therefore, the proposal is provided with sufficient on-site car parking in accordance with the Development Plan.

### **Overlooking and Privacy**

Some of the representors have indicated that the first-floor balcony, alfresco area, pool and deck would directly look into neighbouring properties and is too close to the road.

Council Wide, Residential Development Principle 27 states:

*“... upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.5 metres or permanent screens having a height of 1.5 metres above finished floor level”.*

The rear elevation of the proposed dwelling will be single storey, at ground level and sit below properties to the north facing Ridge Road given the natural slope of the topography. As such, the proposal will not impose upon the privacy of properties to the north.

With respect to Principle 27, the proposed dwelling includes:

- Upper-level side facing windows all with minimum sill heights of 1.8 metres or obscured glass. These windows will enable natural light into the dwelling without allowing outward views to neighbouring properties.
- A glass door and outdoor staircase on the eastern elevation extending from the sunroom. These areas are not spaces which facilitate large levels of overlooking, in which the natural slope of the land somewhat enables regardless.
- A street facing balcony which provides a casual surveillance benefit to Braemar Terrace. This balcony will primarily enable views to front gardens which are already publicly visible from within the streetscape.

It is acknowledged that some side views will also be available from the balcony however these will be upon the front garden of 7A Braemar Terrace to the west which is already publicly visible and areas of dense vegetation at the boundary shared with 1 Ridge Road to the east.

With further respect to 1 Ridge Road, I also note that the primary private open space areas of that dwelling are approximately 45 metres from the eastern edge of the proposed balcony. This separation distance from primary private open spaces area, combined with the established dense vegetation ensure that privacy is not unreasonably impacted by any aspect of the proposal.

## Noise

Some of the representors have indicated that use of the first-floor balcony would generate too much noise.

All components of the proposal will be used for residential purposes as anticipated in the Zone and Policy Area. As such, residential types of noise are reasonably anticipated in the locality and could occur in relation to any residential property.

To attenuate noise from within the house and provide other efficiencies, all proposed windows and glass doors will comprise double glazing.

The proposed balcony will occasionally be used for relaxing, outdoor dining and general entertaining. This will be for a limited period of time as per any typical residential land use.

The proposal will not introduce unusual levels of noise to the locality that are detrimental to the existing amenity. Anticipated levels of noise are reasonably anticipated in the locality given residential land uses are also anticipated.



### Stormwater

Some of the representors have raised concern about the management of stormwater from the development.

The applicant has since engaged Nigel Hallett and Associates to prepare the attached Siteworks and Stormwater Drainage Plan and Calculations. I understand that these have been designed to achieve Council's requirements.

These also demonstrate that stormwater will be directed to rainwater tanks before discharge to the street. Water from these tanks will be used in the toilets of the proposed dwelling.

Importantly, stormwater from the proposed development will not be discharged onto any neighbouring property.

### Property Values

Some of the representors have indicated that the proposal may influence the value of their property.

Impact upon property values are not a matter that is contemplated by the Development Plan and therefore is not relevant to the determination of this Development Application.

### Easement

One of the representors has raised concern about the easements over the land.

The subject land includes a series of easements for sewerage and electricity purposes. Further, the land also comprises a right of way.

In December 2020, the applicant had the location of easement infrastructure accurately identified by Richard Retallack, Licensed Surveyor. The accurate location of the easements is now shown on the attached plan which differs from the Certificate of Title. The applicant intends to update the Certificate of Title in due course, using the required process and separately to this Development Application.

Notwithstanding this, the proposed deck and stairs encroach over one of these easements (land marked 'M' on the attached plan by Richard Retallack), while all others are unaffected including the right of way.

To ensure easement infrastructure is not damaged and access is not prevented, it is proposed that no excavation or footings occur within any easements. The deck will now simply be placed on the ground using demountable fixtures and stepped to descend with the natural slope of the land below, thus preventing excavation. This will also ensure that the deck can be easily removed if the easement ever needs to be accessed.

The applicant is happy to accept a condition upon the Development Plan Consent that requires any structures hereby authorised over an easement to be demountable without any need for excavation or footings. This will ensure infrastructure is not damaged and access is not prevented.

## Conclusion

I would like to reiterate the following:

- The proposal satisfies the applicable components of the Policy Area's Desired Character.
- The proposed land use is residential as expected in the Zone and Policy Area.
- The proposal is for a single detached dwelling on a single allotment. The proposal does not increase expected densities in the Zone or Policy Area.
- The proposed architectural style is appropriate and satisfies the Desired Character of the Policy Area which encourages a variety of dwellings, including large dwellings.
- The proposed building height satisfies the Zone and Policy Area.
- Proposed boundary setbacks are appropriate with respect to the presentation of the locality and surrounding amenity.
- The proposal is provided with private open space, landscaping and on-site car parking in accordance with the Development Plan.
- The proposed site coverage satisfies the Development Plan.
- The proposal will not impose unreasonable levels of noise upon the locality.
- The proposal will not unreasonably impact neighbouring privacy in a manner that is contrary to the Development Plan.
- Stormwater runoff from the proposal will be managed in accordance with Council requirements.

In addition, we request to address the Council Assessment Panel in response to the representors.

Please feel free to contact me on (08) 8333 7999 or at [pharnett@urps.com.au](mailto:pharnett@urps.com.au) should you wish to discuss any particular matter.

Yours sincerely,



**Phil Harnett**  
Senior Consultant







PURPOSE: EASEMENT		AREA NAME: STIRLING				APPROVED:		SHEET 1 OF 2  106319_text_01_v01	
MAP REF: 6627/03/A		COUNCIL: ADELAIDE HILLS COUNCIL				DEPOSITED/FILED:			
LAST PLAN:		DEVELOPMENT NO:							

AGENT DETAILS: RICHARD RETALLACK  
PO BOX 154  
DAW PARK SA 5041  
PH: 0488 663 360  
FAX:  
  
AGENT CODE: RIRE  
REFERENCE: R20066PPS

SURVEYORS  
CERTIFICATION:

SUBJECT TITLE DETAILS:										
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	6175	564		ALLOTMENT(S)	50	D	111446	NOARLUNGA		
CT	6175	565		ALLOTMENT(S)	51	D	111446	NOARLUNGA		
OTHER TITLES AFFECTED:										

EASEMENT DETAILS:										
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION			
EXISTING	50.51	SHORT	EASEMENT(S)	K	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	AQ 9671995			
EXISTING	51	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	L		50	RTC 12507116			
VARY FROM	50	SHORT	EASEMENT(S)	P IN D111446	FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE	51	RTC 12507116			
VARY TO	50	SHORT	EASEMENT(S)	M	FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE	51	RTC 12507116			
VARY FROM	50	SHORT	EASEMENT(S)	Q IN D111446	FOR THE TRANSMISSION OF ELECTRICITY BY OVERHEAD CABLE	51	RTC 12507116			
VARY TO	50	SHORT	EASEMENT(S)	N	FOR THE TRANSMISSION OF ELECTRICITY BY OVERHEAD CABLE	51	RTC 12507116			

ANNOTATIONS:

RIDGE

84°15'30"

9.63

101°01'30"

19.45

ROAD

104.85

197°26'30"  
TERRACE

F158370

51  
1161m<sup>2</sup>

F158372

F158999

50  
771m<sup>2</sup>

F158373

②  
BRAEMAR

TERRACE

①  
BRAEMAR

80.69

25.91  
247°57'40"

51

F158372

50

F158373

BRAEMAR  
TERRACE

25.91

247°57'40"

SHEET 2 OF 2  
106319\_pland\_1\_V01  
BEARING DATUM: ① - ② 247°57'40"  
DERIVATION: D111446 ADOPTED  
TOTAL AREA:



RICHARD RETALLACK  
LICENSED SURVEYOR

PO BOX 154 DAW PARK SA 5041

M 0488 663360 E retallack\_office@bigpond.com

REF : R20066PPS Rev A



ENLARGEMENT  
NOT TO SCALE



**CATEGORY 2  
PUBLIC NOTIFICATION**

**DEVELOPMENT 20/1198/473**

**Sasha & Gary Holland**

**For**

**Two storey detached dwelling, deck (maximum height 4.12m),  
combined fence & retaining walls (maximum height 3.4m), swimming  
pool & associated barriers, masonry fence, associated earthworks &  
landscaping**

**At**

**9 Braemar Terrace Stirling SA 5152**

**COMMENCEMENT DATE: 22 February 2021**

**CLOSING DATE: 05 March 2021**

**CONTACT OFFICER: Damon Huntley**

**CAT 2 TRIGGER: Deck attached to a dwelling with a maximum floor height  
exceeding 1 metre above natural ground level**

**ZONE: Country Living Zone - Country Living (Stirling and Aldgate) Policy Area**

**FOR PUBLIC DISPLAY ONLY**

**Date to be displayed: 22 February 2021**

**Date to be removed: 05 March 2021**

## SITE NOTES

BUILDER TO CHECK AND CONFIRM ALL LEVELS AND DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION

ANY DISCREPANCIES IN DOCUMENTATION AND / OR ON SITE ARE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED

ALL WRITTEN DIMENSIONS TO TAKE PREFERENCE OVER SCALED DIMENSIONS.

ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT LOCAL AUTHORITY REQUIREMENTS

FOUNDATIONS, EXCAVATIONS, REINFORCEMENT PLACEMENT, ETC. TO BE INSPECTED AND APPROVED BY ENGINEER OR BUILDING SURVEYOR PRIOR TO ANY CONCRETE PLACEMENT

GROUND LEVELS AND FINISHED FLOOR LEVELS INDICATED ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE

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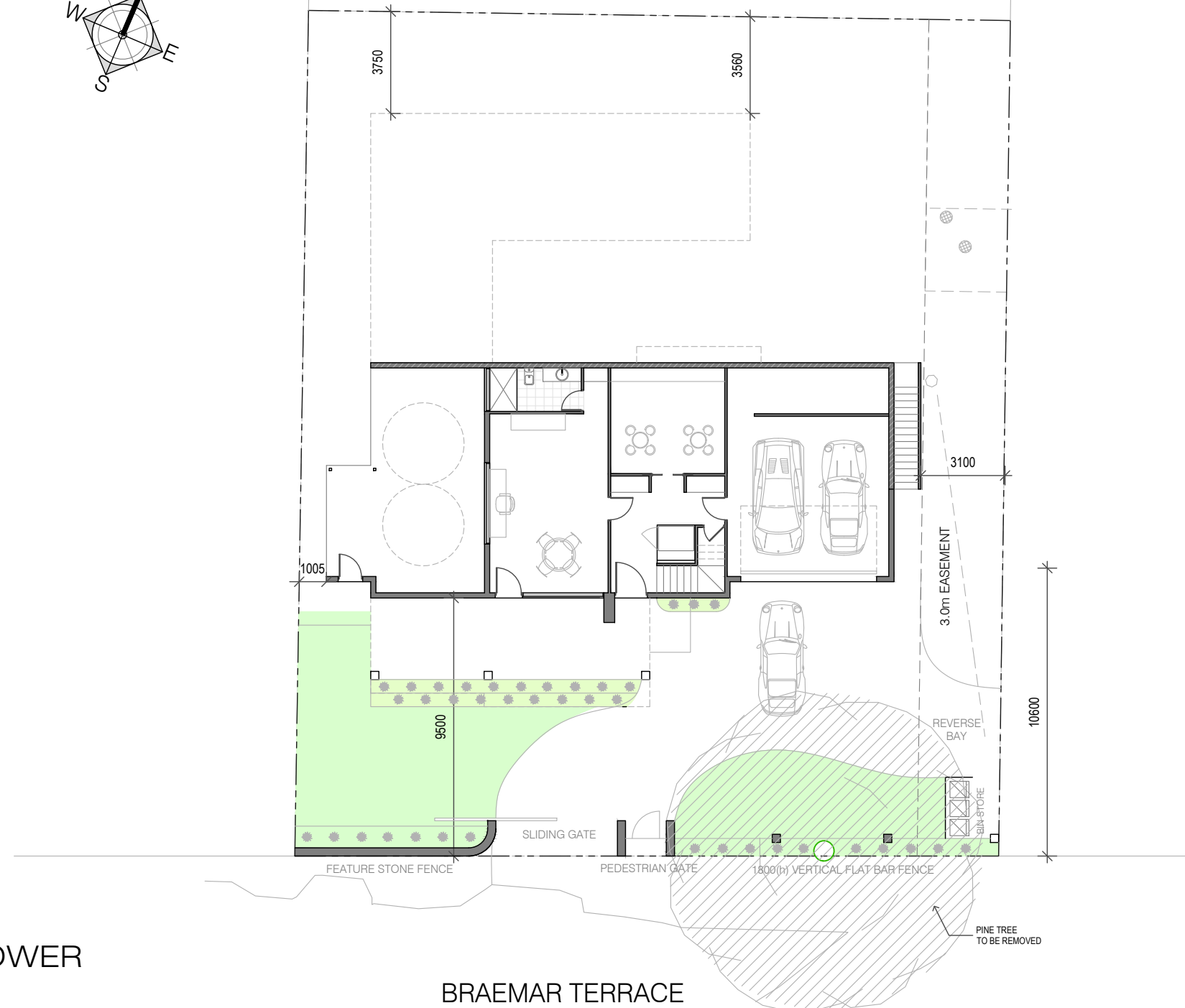
STORMWATER TO BE DISCHARGED TO STREET WATERTABLE OR RAINWATER TANK IN ACCORDANCE WITH COUNCIL REQUIREMENTS AND/OR DIRECTION

SURFACE WATER RUN-OFF FROM NOT LESS THAN 50sqm OF ROOF CATCHMENT AREA TO BE STORED IN 1000L RAIN WATER TANK AND, PLUMBED TO EITHER A TOILET, WATER HEATER OR LAUNDRY COLD WATER AND, INLET/OVERFLOW ON RAIN WATER TANK MUST BE FITTED WITH INSPECT PROOF AND NON DEGRADABLE SCREENS



### PROPOSED RESIDENCE

TOTAL SITE AREA:	800m <sup>2</sup>
POS: (REAR + BALC)	283m <sup>2</sup> (35%)
SITE COVERAGE:	126m <sup>2</sup> (16%)



## SITE PLAN - LOWER

SCALE 1:200

BRAEMAR TERRACE

AMENDED 01/02/2021

01 OF 07  
scale at A3

Client: Gary & Sasha Holand  
Address: 9 Braemar tce Stirling

in property  
Design

REVISION  
E  
JOB# 643

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david@inpropertydesign.com.au | 0407 398 437 | www.inpropertydesign.com.au



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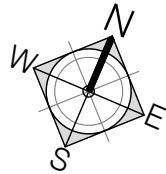
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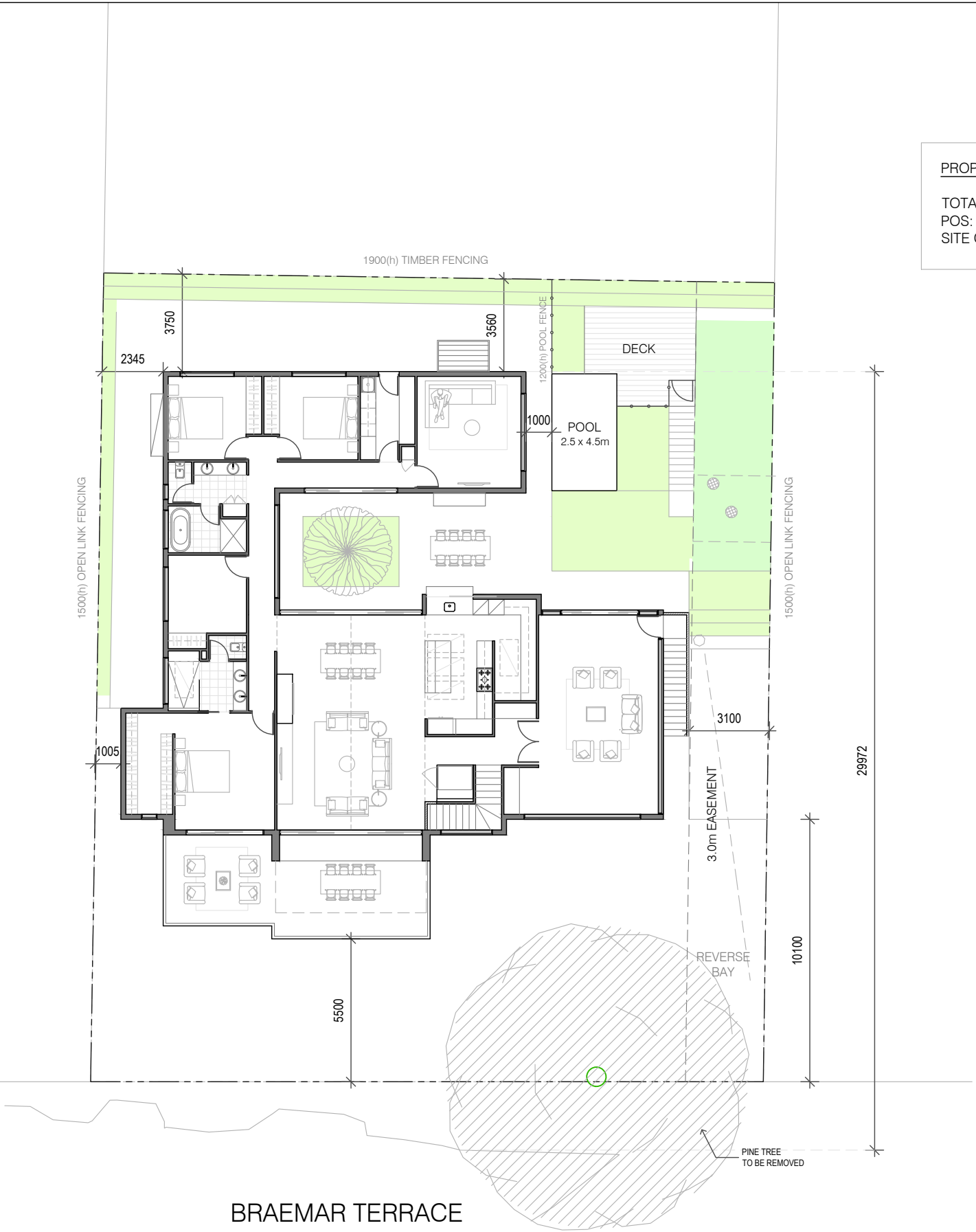
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SITE PLAN - UPPER  
SCALE 1:200

BRAEMAR TERRACE



AMENDED 01/02/2021

GENERAL NOTES

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, DOCUMENTATION, SCHEDULES AND SPECIFICATIONS

BUILDER TO CHECK AND CONFIRM ALL PLAN AND SITE SET OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION

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ALL MATERIALS AND EQUIPMENT SHALL BE NEW, FREE OF BLEMISHES OR DAMAGE. ANY DEFECTIVE OR FAULTY EQUIPMENT SHALL BE REPLACED AT THE CONTRACTORS EXPENSE

ALL WORK SHALL BE CARRIED OUT IN A NEAT TRADESMAN LIKE MANNER AND TO BE CARRIED OUT BY FULLY QUALIFIED AND LICENSE TRADESPERSONS

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BUILDING TERMITE PROTECTION IN ACCORDANCE WITH AS 3660.1-2014

ALL GLAZING WILL BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288-2006 AND/OR AS 2047-2014

ALL WATERPROOFING IN WET AREAS WILL BE IN ACCORDANCE WITH AS 3740-2004 AND BCA-TABLE 3.8.1.1

SELF CONTAINED SMOKE ALARMS WILL COMPLY WITH AS 3786, CONNECTED TO CONSUMER MAINS POWER AND WILL BE INTERCONNECTED (IF MORE THAN 1)



PROPOSED RESIDENCE	
LWR LIVING:	76.55m <sup>2</sup>
GARAGE:	50.21m <sup>2</sup>
SUNROOM:	37.88m <sup>2</sup>
UPR LIVING:	220.54m <sup>2</sup>
BALCONY:	39.03m <sup>2</sup>
TOTAL:	424.21m <sup>2</sup>

FLOOR PLAN - LOWER  
SCALE 1:100

AMENDED 01/02/2021



## GENERAL NOTES

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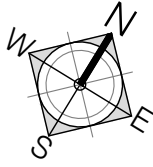
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TOTAL: 424.21m<sup>2</sup>

## FLOOR PLAN - UPPER

SCALE 1:100



AMENDED 01/02/2021

Client: Gary & Sasha Holand  
Address: 9 Braemar tce Stirling

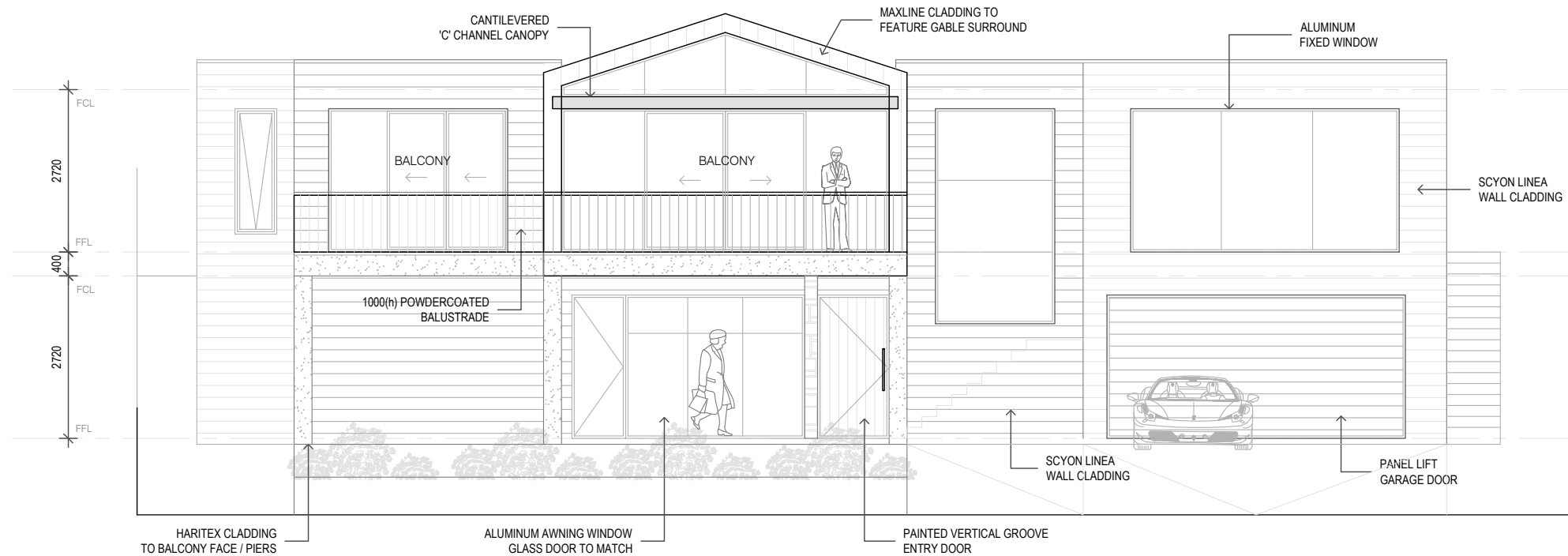
04 of 07  
scale at A3

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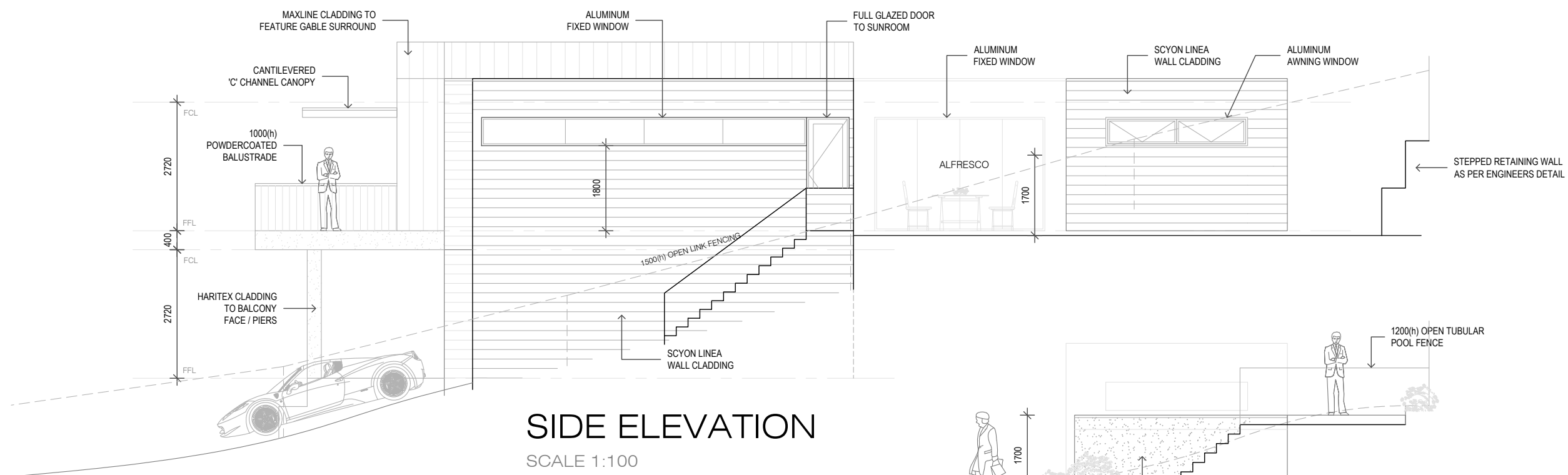
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Design

david@inpropertydesign.com.au | 0407 398 437 | www.inpropertydesign.com.au



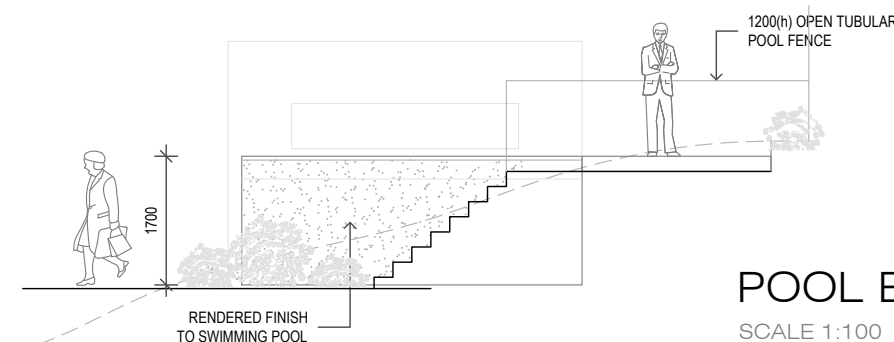
## FRONT ELEVATION

SCALE 1:100



## SIDE ELEVATION

SCALE 1:100

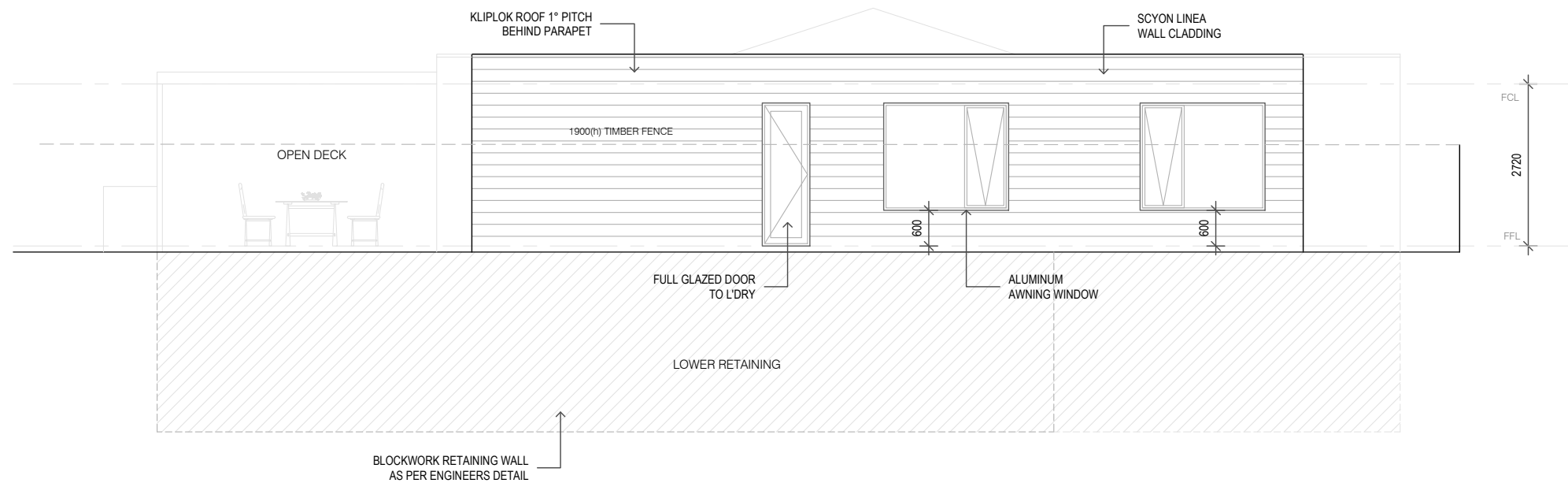


## POOL ELEVATION

SCALE 1:100

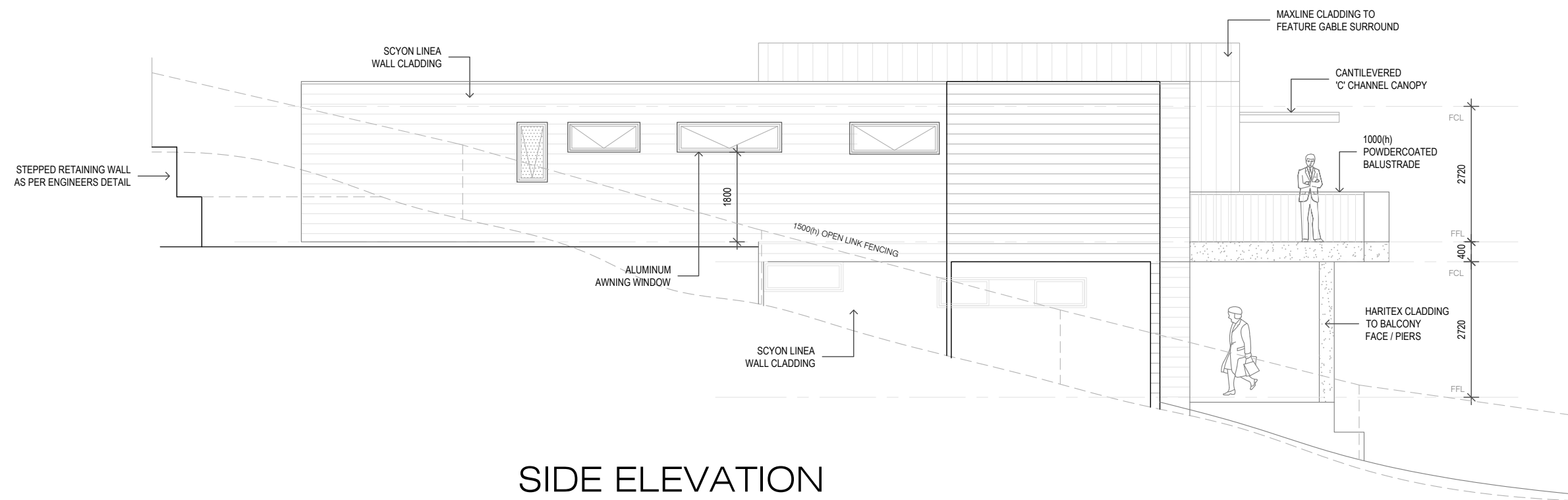
AMENDED 01/02/2021





## REAR ELEVATION

SCALE 1:100



## SIDE ELEVATION

SCALE 1:100

AMENDED 01/02/2021



## STREETSCAPE - BRAEMAR TCE

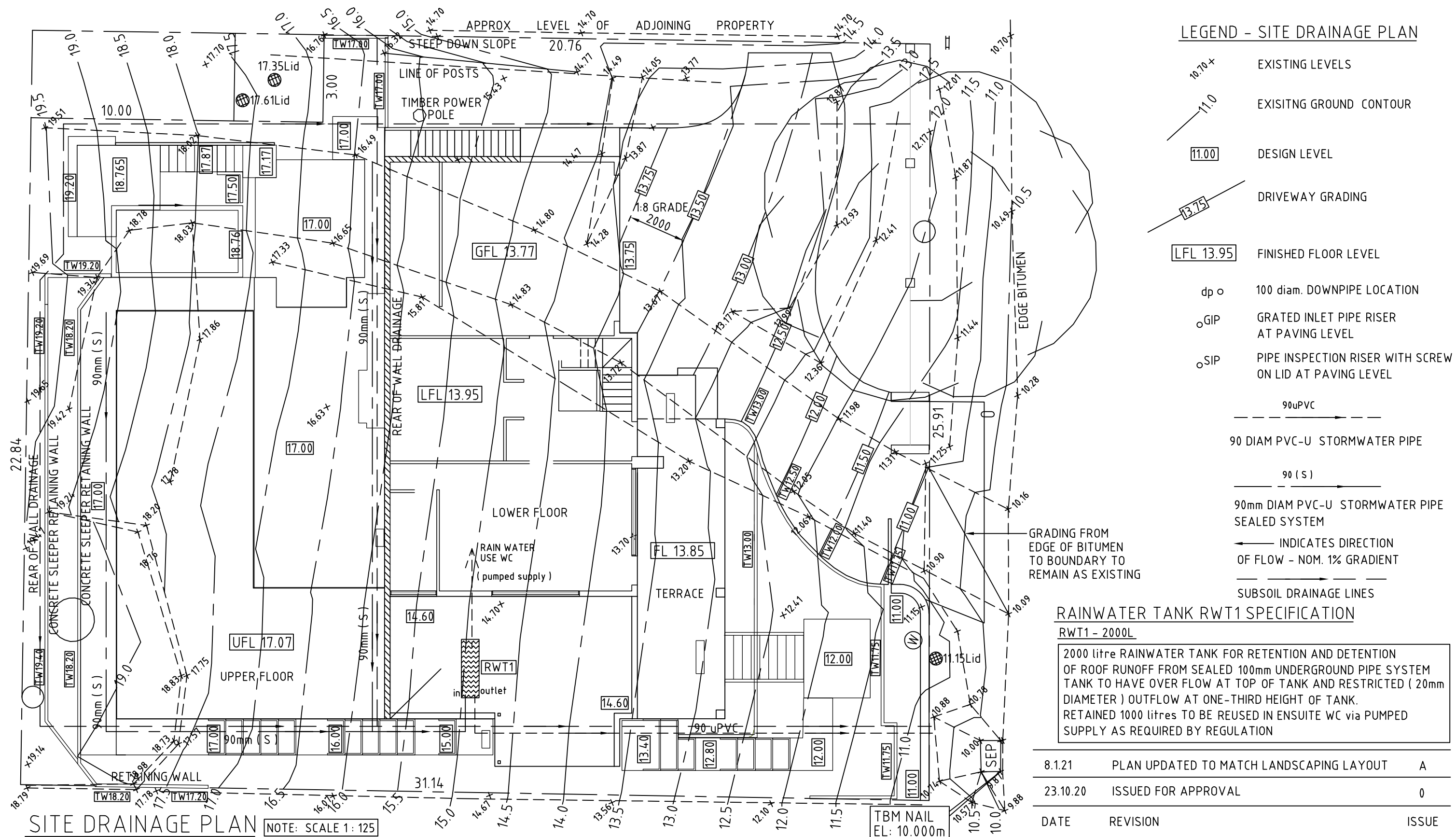
SCALE 1:100

### COLOUR SCHEDULE

SCYON LINEA PANEL:	DULUX "BLEACHES"
MAXLINE CLADDING:	COLOURBOND "SURFMIST"
ROOF / CAPPING:	COLOURBOND "SHALE GREY"
WINDOWS:	STANDARD ALUMINUM "WHITE"
BALUSTRADE:	POWDERCOATED "SURFMIST"
ENTRY DOOR:	CORINTHIAN "SHIPLAP TIMBER" CLEAR NATURAL STAIN
GARAGE DOOR:	GLIDEROL SECTIONAL OVERHEAD TUSCAN PROFILE - "SURFMIST"
FRONT FENCE:	RENDER - DULUX "BLEACHES" FLAT BAR - "SURFMIST" FEATURE STONE - TBA

AMENDED 01/02/2021





PROJECT  
PROPOSED DWELLING  
SITE  
9 Braemar Terrace  
STIRLING

CLIENT  
G. and S. Holland  
DESIGNER  
In Property Design

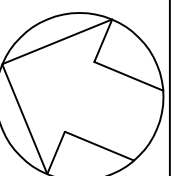
DRAWING  
SITWORKS AND STORMWATER  
DRAINAGE PLAN

NIGEL HALLETT AND ASSOCIATES CONSULTING STRUCTURAL AND CIVIL ENGINEERING  
Tel.: 8552 4582; e-mail: nha@senet.com.au

DRAWING NUMBER  
626020 - C1  
Design NCH

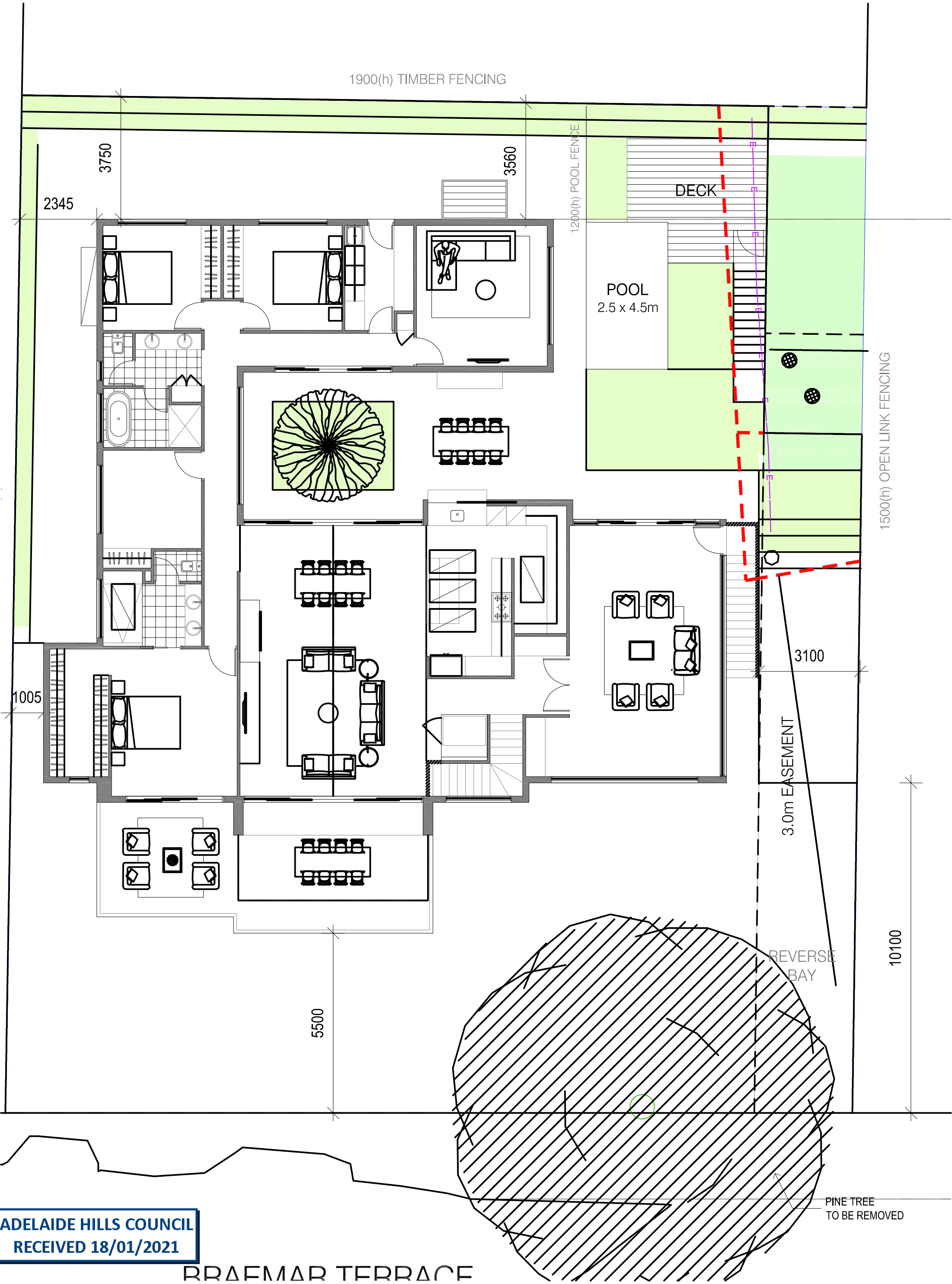
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A  
Drawn NCH

DATE  
OCT. '20  
Scales 1:125



A3

AMENDED 18/01/2021



ADELAIDE HILLS COUNCIL  
RECEIVED 18/01/2021

BRAEMAR TERRACE





ADELAIDE HILLS COUNCIL  
RECEIVED 18/01/2021











06/11/2020

**To.** Adelaide Hills Council  
Planning dept.

**Re.** Proposed New Dwelling – 9 Braemar Terrace, Stirling

To whom it may concern,

We are excited to present this design for a new dwelling with the view to contributing strongly and responsibly to the built fabric of your council area.

We confirm that we have met with your Sebastian Paraskevopoulos to discuss the plans and merits of our application alongside the limitations of the Country Living zone, which does not currently cater for allotments smaller than 2000m<sup>2</sup>.

Also enclosed with our application is a recent survey of the land which illustrates the size of the land being 717sqm, together with the steep gradient of the property.

In essence, the predominant drivers for the design are as follows:

1. Our intent is to build enduring architecture that acts as a precedent for the street and neighbourhood;
2. We are looking to bring value to the streetscape by developing an infill site that has been vacant and unkempt for many years;
3. We seek to develop a sense of pride and cohesion by considering;
  - a. An attractive streetscape with planted gardens;
  - b. Appropriate scale that will be in keeping with the other dwellings in the street;
  - c. A reasonable amount of usable outside area in the form of balcony and small terrace area;
  - d. Appropriate colours that are not considered reflective and are natural in their hue;

We have adhered to the setback requirements for the Eastern boundary on both upper and lower levels, given there is an easement.

However, we would request in context of the many virtues the development presents and with the aim to achieve the appropriate scale and useable outdoor areas, that a slight lenience on the remaining setbacks be offered as follows;

#### **Front Boundary**

The building is set back the required 10 metres. However, we have utilised the upper level for a balcony in order to achieve some outdoor living space as this is quite limited. The balcony is less than 50% of the width of the total building façade and is not enclosed on the lower level and with this combined with its height we don't believe will encroach on any neighbouring properties or appear overwhelming to the streetscape.

We further note that several homes on Ridge Road and Braemar Terrace have been built up to 3 metres from the street.

#### **Western Boundary**

Due to the limitations of the site and the Eastern boundary easement we cannot move the building any further away from the Western boundary. The majority of the building is over 2metres away from the Western boundary. However, a small 4 metre section (WIR), that has no windows, is 1.05metres away from that boundary. We do not feel this will have any notable impact on that neighbouring Western allotment

**ADELAIDE HILLS COUNCIL**  
**RECEIVED 06/11/2020**



**Rear Boundary**

The Rear boundary setback specified for the Country Living zone, combined with the front setback and easement would make building on this allotment unviable.

We believe that our requested 3+metre setback combined with the natural slope of the land will not obstruct the neighbouring home (7 Ridge Road) in anyway.

This is due to;

- Our proposed dwelling being single story at the rear.
- The neighbouring homes windows being above the roof line of our proposed dwelling; and
- The proposed dwellings windows will not be seen from 7 Ridge Road as they are approximately 9 metres from the shared boundary. Resulting in 12 metres between dwellings.

With regard to colours of the home, we have worked closely with out architect and interior designer to create a palette that will sit comfortably in the streetscape, together with the neighbouring properties.

*Roof – Colorbond, Shale Grey or Windspray (currently having renders done to see what will be better suited)*

*Scyon Wall Cladding -Hayes Colour Expressions, Pale Mushroom 4*

*Accents and Balcony Railings - Dulux NZ1H1, St Clair Quarter*

*Stone – Eco Outdoor, Bagoda*

*Front door and Stairs – Spotted Gum*

Thankyou for your time in considering our proposal. We hope to build as soon as we have received planning approval and associated building rules consent.

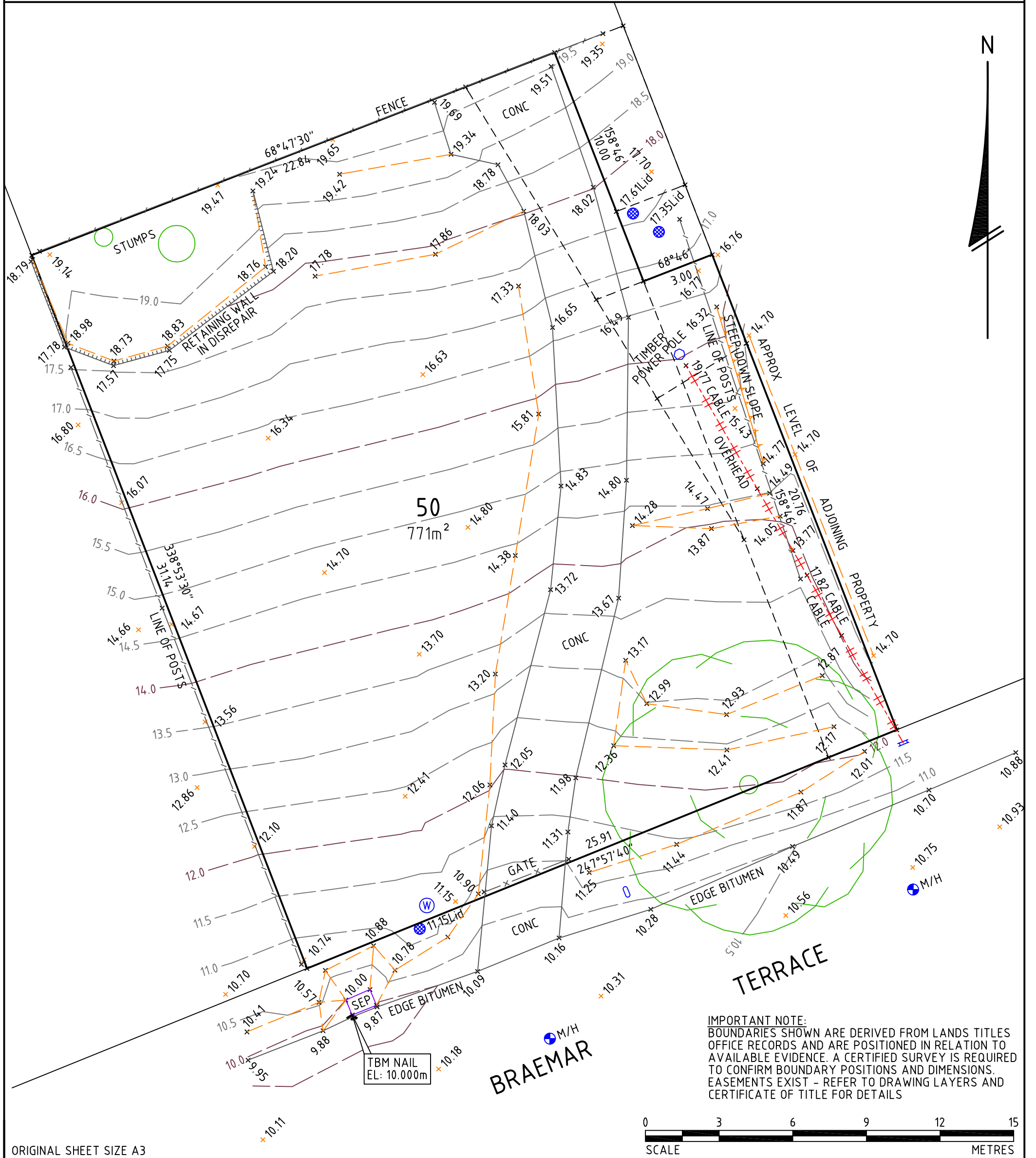
Please feel free to contact me if you have any queries 0422 994 359 or [sasha@primeps.com.au](mailto:sasha@primeps.com.au).

Yours sincerely,

*Sasha Holland*

Sasha and Gary Holland

## DETAIL AND LEVEL SURVEY



ORIGINAL SHEET SIZE A3

ADDRESS

9 BRAEMAR TERRACE

STIRLING

COUNCIL

ADELAIDE HILLS

CLIENT

## PRIME PROPERTY STRATEGIES















PLAN NUMBER - R20066PPS-01

NOTES:

NOTES:  
UNDERGROUND SERVICE PIPES AND CABLES  
HAVE NOT BEEN SURVEYED

LEVEL DATUM: LOCAL  
CONTOUR INTERVAL: 0.5m  
SURVEY DATE: 25/08/20

## LEGEND

- LEGEND**
- |   |                 |   |           |
|---|-----------------|---|-----------|
|  | GAS METER       |  | NAIL      |
|  | WATER METER     |  | METAL PIN |
|  | SEWER SERVICE   |  | BDY PEG   |
|  | ETSA SERVICE    |  | PM        |
|  | TELSTRA SERVICE |   |           |
|  | STOBIE POLE     |   |           |
|  | SUMP            |   |           |
|  | GRATING         |   |           |
|  | VENT            |   |           |
-  10.00FL FLOOR LEVEL

ADELAIDE HILLS COUNCIL
RECEIVED 06/11/2020

**B App Sc (Surveying) SAIT    Member ISA, SSI**

# RICHARD RETALLACK

## LICENSED SURVEYOR

**PO Box 154, Daw Park SA 5041**  
**P: (08) 8357 0428 F: (08) 8357 8438**  
**M: 0488 663360 E: [retallack\\_office@bigpond.com](mailto:retallack_office@bigpond.com)**



"Please note that in accordance with Section 38(8) of the *Development Act 1993*, a copy of this representation is forwarded to the Applicant for their information and response. Further a copy of your representation (including your name and address) will become public and can be viewed on the web."