

## COUNCIL ASSESSMENT PANEL MEETING

14 July 2021

### AGENDA – 8.1

<b>Applicant:</b> R Bowman & K Bissland	<b>Landowner:</b> K D Bissland & R M Bowman
<b>Agent:</b> N/A	<b>Originating Officer:</b> Ashleigh Gade
<b>Development Application:</b>	20/1307/473
<b>Application Description:</b> Demolition of existing two storey detached dwelling & construction of new two storey detached dwelling, deck (maximum height 3.5m), retaining wall (maximum height 1.2m), 2 x 20,000L water tanks & associated earthworks	
<b>Subject Land:</b> Lot:45 Sec: P48 FP:32038 CT:6104/79	<b>General Location:</b> 19 Orley Avenue, Stirling  <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated :</b> 8 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> 3231 m <sup>2</sup>
<b>Public Notice Category:</b> Category 2 Merit	<b>Representations Received:</b> 4 (3 in support, 1 opposed).  <b>Representations to be Heard:</b> 1

#### 1. EXECUTIVE SUMMARY

The application seeks Development Plan Consent for the demolition of an existing two storey detached dwelling and the construction of a new two storey detached dwelling with decking to a height of 3.5m above natural ground level, a retaining wall to a maximum height of 1.2m and associated earthworks. The proposed dwelling contains four bedrooms, two living areas and an undercroft garage across two levels. The dwelling presents as single storey to Orley Avenue and thereafter follows the existing site levels, rising to two storeys as the natural land falls away to the east.

The subject land is located within the Country Living Zone and the Country Living (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 four (4) representations during the public notification period, of which one (1) representor is opposed to the development and has indicated that they wish to be heard.

As per the Adelaide Hills Council Instrument of Delegation made pursuant to Section 102 (1) of the Planning, Development and Infrastructure Act 2016, the CAP is the relevant authority for Category 2 development applications where representors wish to be heard.

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:

- Demolition of an existing two storey detached dwelling
- Construction of a two storey detached dwelling of a contemporary design with pitched Colorbond roofing in dark grey and a mixture of weatherboard cladding and brickwork to the walls in white, located predominantly on the site of the previous dwelling
- A deck on the second storey, referred to as the balcony in the assessment documents, to a maximum height of 3.5m above natural ground level
- A retaining wall sited between the dwelling and Orley Avenue, to retain excavated land to a height of 1.2m above finished ground level
- Two water tanks each with a 20,000L capacity, to be sited below the upper level of the dwelling and obscured from view by the ground floor of the dwelling

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

## 3. BACKGROUND AND HISTORY

The proposal has undergone amendments since lodgement and public notification.

It was originally proposed that the application include an outbuilding (studio) to the rear of the allotment near the eastern and Madeline Road boundaries. This outbuilding was sited within the Tree Protection Zone (TPZ) of the Stringybark tree located within the Madeleine Road Council verge. Council’s Arboriculture Team were not supportive of the siting of the outbuilding given the risk to the health of the tree and the potential safety risk to the building itself, considering the incidence of historic limb failure. The outbuilding has since been removed from the application.

Following receipt of the representation in opposition to the proposal, the applicant has also made amendments to the proposal with regard to siting of the dwelling and treatments to the northern windows. The side setback to the northern boundary has been increased from 2m in the originally submitted plans, to a minimum of 2.5m at the front of the dwelling and increasing to 3m toward the rear of the dwelling. The amended plans also include frosted glazing to 1.7m above finished floor level to two windows on the northern elevation of the upper floor.

The amendments made to the proposal in response to the representation are discussed in further detail below.

## 4. REFERRAL RESPONSES

### • AHC Engineering

The subject land has an existing crossover. The proposal involves the creation of a new crossover, with sufficient splay to accommodate a CFS firefighting truck performing a ‘T-turn’ movement between the driveway and Orley Avenue. As a consequence, the existing crossover is to be decommissioned. Council’s Engineering Department are supportive of the proposed access.

It is proposed that stormwater be managed via the proposed water tanks, with overflow to be directed to the street. Council's Engineering Department advise that the level of detention provided in the proposed water tanks is sufficient and that Madeline Road has the appropriate capacity to manage the anticipated rate of discharge.

- **AHC Arboriculture**

The proposal was referred to Council's Arboriculture Team due to the original inclusion of an outbuilding, sited within the TPZ of a Council-owned Stringybark tree. Arboriculture were not supportive of a building within the TPZ of the tree, given the sensitivity of Stringybark trees to root disturbance, and the historic incidence of branch failure in this specific tree.

The outbuilding has since been removed from the application.

- **AHC Local Heritage**

The subject land is sited within proximity of two Local Heritage Places. To the north, directly adjacent the subject site, is the Local Heritage listed dwelling known as 'Taminga' at 15 Orley Avenue. To the south-west across Madeline Road is a Local Heritage listed dwelling at 16 Madeline Road.

Council's Heritage Advisor reviewed the proposal and considers the dwelling appropriate in the context of the locality. The design of the proposed dwelling is contemporary but the pitched roof and selection of brick and weatherboard cladding materials, as well as the retention of the established garden setting, are consistent with the character of the locality.

The abovementioned responses are included as ***Attachment – Referral Responses***.

## 5. CONSULTATION

The application was determined to be a Category 2 form of development in accordance with the procedural matters for the Country Living Zone, due to the height of the decking above natural ground level.

A total of four (4) representations were received during the public notification period, of which three (3) were in support of the proposal and one (1) was opposed. The representor opposing the development indicated that he wishes to be heard in support of his representation. None of the supportive parties wish to be heard. The CAP is the relevant authority for Category 2 applications where representors wish to be heard and the hearing of representors is at the discretion of the CAP.

The following representor wishes to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Chris Jamieson	15 Orley Avenue, Stirling	Self

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

- The impact of the proposal on the interface between the subject land and the representor's property, the Local Heritage Place 'Taminga'
- The length of the dwelling along the shared boundary, particularly when considered relative to the length of the previous dwelling along this boundary
- The height and length of unobscured windows facing the shared boundary

As noted previously in the report, the applicant's response to representations involved the revision of certain aspects of the dwelling design. The amendments made can be summarised as follows:

- Increase in side setback to the shared boundary with 15 Orley Avenue
- Obscuring of two windows along the side elevation with frosted glass, to a height of 1.7m above finished floor level

The issues raised and amendments made to the plans in response are discussed in the following sections of the report in further detail.

A copy of the submissions is 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 rectangular allotment of approximately 3231m<sup>2</sup> in area, located within a well landscaped urban environment. The allotment is among some of the larger allotments within the surrounding locality. The land has a moderate slope and falls away from Orley Avenue in a south-easterly direction down to its lowest point to the east of the Madeline Road frontage.

The site currently contains a two storey detached dwelling, a gazebo, a disused tennis court, and well established gardens. The property is serviced by SA Water mains water and sewer connections.

### ii. The Surrounding Area

The locality is predominantly residential in nature, characterised by significantly varied allotment sizes and layouts. Along Orley Avenue and Madeline Street allotments are generally larger in size to accommodate large detached dwellings. Many dwellings in the locality are two storey and a number of the dwellings are Local Heritage Places.

The locality is typically well vegetated, both within the Council verge and through well-maintained gardens on private land. The surrounding vegetation is primarily comprised of exotic species, within limited examples of native vegetation. It is common for dwellings to be at least partially obscured from view from public roads by established plantings.



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 and these provisions seek:

- Low density residential character, comprising mostly detached dwellings.
- Residential development be sensitive to the topography of the land and minimise environmental and visual impacts.

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

*Objective:* 1

*PDC:* 1

Objective 1 and PDC 1 for the Policy Area seek that development be consistent with the desired character for the Policy Area. The desired character statement envisages that dwelling designs will vary significantly throughout the Policy Area, but that typically large dwellings are anticipated, with a range of materials and designs. Furthermore, the desired character statement seeks that the generous setbacks and heavily landscaped gardens common within the Policy Area be maintained, to create a sense of space and openness. The use of split-level designs and careful siting is desired, to ensure dwellings respect the topography of the land and minimise resulting earthworks.

The proposed dwelling is considered to accord with the desired character for the locality. It is a large, two storey dwelling on a large site, incorporating generous setbacks that maintain the careful siting of the previous dwelling. The retention of much of the existing landscaping, which provides a visual buffer from Orley Avenue and Madeline Road and contributes significantly to the local character, has been considered in the orientation and siting of the dwelling design. Consistent with the anticipated range of dwelling styles, the proposal is contemporary and incorporates modern design with materials that are complementary to existing development in the locality.

The following are considered to be the relevant Zone provisions:

*Objectives:* 1, 2 & 3

*PDCs:* 1, 6, 7 & 9

*Desired Character Statement – Paragraphs 5 & 6*

Objective 3 and PDC 6 for the Zone seek that development contributes to the desired character for the Zone. The desired character statement acknowledges the presence of traditional dwelling designs and materials and envisages new dwellings will incorporate modern designs with use of traditional materials. As discussed previously, the dwelling is considered to respond to this in its use of materials that are consistent with development within the locality in conjunction with the contemporary dwelling design.

The desired character statement also seeks that development respond sensitively to site topography. The form of the dwelling design, which utilises the topography of the land to facilitate the graduation from one to two storeys, is considered to appropriately

address this. The use of the natural fall of the land to accommodate an 'undercroft' style garage further minimises the need for excessive earthworks while significantly reducing the potential visual impact of parking areas.

PDCs 7 & 9 seek development be designed and sited such that the bulk and scale of the built form does not dominate the landscape. As discussed, the siting of the dwelling responds to site topography and neatly utilises the footprint of the former dwelling to reduce the need for extensive earthworks. The retention of the mature gardens provides a visual buffer to both Orley Avenue and Madeline Road, reducing the potential visual impact of the dwelling from the public realm. Along the northern side boundary, the proposed dwelling is setback 2.5m from the boundary where the dwelling presents as single storey and increases to 3m where the dwelling becomes two storey. These setbacks meet the minimum side boundary setbacks for two storey development and exceed the minimum side boundary setbacks for single storey development, in accordance with PDC 9.

It is noted that the removal of the outbuilding from the proposal has significantly reduced potential impact to any protected trees, and eliminated the potential for the proposal to impact any native trees. The remainder of the site is planted out with exotic species. There are two large trees on the allotment sited close to the existing dwelling and driveway. Their proximity to the existing dwelling, and the adjacent dwelling in relation to the driveway tree, excludes these trees from development control as Regulated trees. Notwithstanding this, the applicant has provided an arborist report demonstrating that these trees are to be retained and will not be unduly impacted by the development. The health of the tree currently adjacent the driveway is expected to improve with the removal of this crossover and the relocation of vehicle access further south. It is therefore considered the proposal adequately addresses the desired character statement and PDC 3 with regards to retention of vegetation.

#### Accordance with the Country Living Zone and Policy Area

The proposal is not offensive or prejudicial to the intent of the Country Living Zone or the Stirling and Aldgate Policy Area. It is noted that the proposal is particularly in accordance with the desired character statements for both the Zone and Policy Area insofar as they relate to residential forms of development. The proposal particularly does not divide or intensify development in the area, and it is considered to largely maintain the 'status quo', with a new built form which will enhance and blend with the locality.

The proposal comprises features which reinforce the residential characteristics of the land and the locality. The proposal is considered unlikely to impair the amenity of the locality and is compatible in terms of its use, scale and form with other development in the locality. The proposal retains existing landscaping including substantive trees across the whole site also as sought by the desired character statement for the Policy Area.

#### *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 sustainable development that creates a safe, convenient and pleasant environment in which to live.
- The avoidance of incompatible land uses.
- A diverse range of dwelling types and sizes.

The following are considered to be the relevant Council Wide provisions:

*Design and Appearance*

*Objectives:* 1

*PDCs:* 1, 3, 9, 15, 16 & 18

Objective 1 seeks that development be of a high design standard and PDC 1 seeks buildings that 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. The proposed dwelling is considered to be of a compatible design standard and that it incorporates contemporary design with complementary external materials. The use of darker tones for the roof will ensure the dwelling blends with the locality, while the lighter weatherboard and brickwork walls reflect those materials used on existing dwellings in the surrounds of the subject land. The materials selected are consistent with PDC 3.

The design sufficiently addresses and responds to the fall of the natural land, in accordance with PDC 9.

Council's Heritage Advisor considers the design and materials for the proposed dwelling to be complementary to the surrounding historic character, and has advised that the dwelling will not detract from surrounding Local Heritage Places. This is considered to address PDCs 15 & 16.

It is not considered that the proposal introduces the potential for undue overlooking, as per PDC 18. The upper level windows within areas of the dwelling that are considered truly to represent an upper level, for example where a full wall exists on a level below that window, are predominantly oriented toward the rear of the site or towards Madeline Road. The windows oriented towards the northern boundary begin at a maximum height of 1.2m above natural ground level and the subject land sits lower than the adjoining neighbour to the north. It is acknowledged that the applicants have elected to obscure two windows on this elevation to a height of 1.7m above finished floor level to address the concerns of the representor and increase privacy which is considered to generously address PDC 18.

The proposed balcony decking on the upper level is sited between the two ‘wings’ of the dwelling and in doing so, is screened entirely from the northern boundary by the northern wing of the dwelling. Looking east from the deck, the rear private open space of adjoining allotments is sited over 50m away and screened by thick and tall vegetation. It is not considered the decking will allow views further than the rear section of the subject land itself and some views out over Madeline Road. The decking is therefore considered to retain visual privacy to surrounding dwellings in accordance with PDC 18.

Hazards

*Objectives:* 5

*PDCs:* 7 & 8

The proposed dwelling is sited over 30m from Orley Avenue and as such, the dwelling requires access for firefighting vehicles. It is noted that following the release of the *Planning, Development and Infrastructure Act 2016* and the *Planning and Design Code* this requirement has been revised to 60m and as such it is likely that CFS firefighting vehicles would not access the site. Notwithstanding this, pursuant to the requirements at the time of lodgement the applicant has splayed the driveway at the access point to allow for a ‘T-turn’ manoeuvre to be performed between the driveway and Orley Avenue. The proposal is therefore considered consistent with PDC 7.

The proposal provides the minimum dedicated water supply, as well as ample additional discretionary supply, for firefighting purposes consistent with PDC 8.

Orderly and Sustainable Development

*Objectives:* 1 & 4

*PDC:* 1

The proposed dwelling is to be constructed on land already used for residential purposes, within the Country Living Zone which anticipates predominantly residential development. The Zone and Policy Area envisage large dwellings and note the prevalence of two storey dwellings. The proposal is therefore considered to be on land suitable and intended for the proposed use, consistent with Objectives 1 & 4 and PDC 1.

Residential Development

*Objectives:* 1 & 2

*PDCs:* 4, 9, 10, 17, 18, 19 & 27

Objective 1 seeks safe, convenient, sustainable and healthy living environments whilst Objective 2 seeks a diverse range of dwelling types and sizes to cater for changing demographics. The proposed dwelling is considered consistent with these objectives being residential in nature and through its incorporation of contemporary design features.

The dwelling is oriented toward the primary street frontage of Orley Avenue and is designed with living areas and external spaces that overlook the existing surrounding vegetation. The proposal is therefore consistent with PDCs 9 & 10.

The site coverage of the proposed dwelling is modest, particularly given the large size of the allotment. The proposal retains a generous amount of private open space, well in excess of the minimum provision of 80m<sup>2</sup>. The proposal meets the intent of PDCs 17, 18 & 19.

It is not considered that the proposal introduces the capacity for undue overlooking of adjacent allotments and, as previously mentioned, additional obscuring of windows has been added to the proposal since the public notification period. The siting and distance of the decking from surrounding allotments prevents the potential for overlooking despite its upper level positioning. The proposed dwelling is considered to adequately address and protect visual privacy in accordance with PDC 27.

## 7. SUMMARY & CONCLUSION

The proposal herein considered is to demolish an existing two storey detached dwelling and construct in its place a new two storey dwelling of contemporary design with attached decking and associated retaining walls, water tanks and earthworks at 19 Orley Avenue, Stirling. During the public notification period Council received four representations. Of those, three representations were in support of the proposal and one was in opposition. The primary concerns of the representor opposing the development were the impacts to their dwelling, a Local Heritage listed place, through the length of the dwelling adjacent the shared boundary and the positioning, height and lack of treatments to the windows facing this boundary.

The proposal has been assessed against the provisions of the Adelaide Hills Development Plan, Consolidated 8 August 2019, and is considered to demonstrate appropriate merit through a high standard of design and a scale and siting appropriate for the locality. The proposal responds to the topography of the site, and will maintain the existing high level of visual amenity in the locality.

The concerns with regard to siting of the dwelling in relation to the side boundary has been considered, and the applicant's revision to the plans meets both the qualitative and quantitative provisions for the Country Living Zone with regard to setbacks and scale. The concerns raised with regard to overlooking are considered to have been reasonably addressed by the applicant given the topographical context of the land along the northern side boundary, particularly given that the windows are not considered of a height that would reasonably require them to be treated as upper level windows.

Based on the above the proposal is considered to sufficiently satisfy the relevant provisions of the Development Plan, and is not considered to be 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 20/1307/473 by R Bowman & K Bissland for Demolition of existing two storey detached dwelling & construction of new two storey detached dwelling, deck (maximum height 3.5m), retaining wall (maximum height 1.2m), 2x 20,000L water tanks & associated earthworks at 19 Orley Avenue 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:

- Site Levels and Drainage Layout Drawing 22186-C01 Issue C prepared by PT Design dated 21 May 2021 and received by Council 24 May 2021
- Site Plan Drawing 666-S-01e prepared by Max Pritchard Gunner Architects dated December 2020 and received by Council 13 May 2021
- Upper Floor Plan Drawing 666-S-02d prepared by Max Pritchard Gunner Architects dated December 2020 and received by Council 13 May 2021
- Lower Level Floor Plan Drawing 666-S-03d prepared by Max Pritchard Gunner Architects dated December 2020 and received by Council 13 May 2021
- Elevations Drawing 666-S-04d prepared by Max Pritchard Gunner Architects dated December 2020 and received by Council 13 May 2021

### (2) Stormwater Overflow Directed to Street

All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street in accordance with the Site Levels and Drainage Layout Plan prepared by PT Design Issue C dated 21 May 2021 and to the reasonable 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.

### (3) Residential Lighting

All external lighting shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.

### (4) External Finishes

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

WALLS: Weatherboard in white, Brick in white, or similar

ROOF: Colorbond in dark grey, or similar

**(5) 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.

**(6) Residential Access Point – SD13**

The new vehicle access point and crossover shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD13 – residential vehicular crossing paves for sealed road with kerb and SD 19 – allowable crossover locations, within 3 months of occupation/use of the development.

**(7) Former Access Point to be Decommissioned and Reinstated**

The existing vehicle access point and crossover shall be decommissioned and the verge reinstated to the reasonable satisfaction of Council, within 3 months of occupation/use of the development.

**(8) Access Requirements**

Private roads and access tracks shall provide safe and convenient access and egress for bushfire fighting vehicles as follows:

- Access to the building site shall be of all-weather construction with a minimum formed road surface of 3 metres.
- The 'T'-shaped turning area, utilising the public road, shall be a minimum formed length of 11 metres with minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- Entry and exit angles to the driveway shall be designed to accommodate safe travel for large fire-fighting vehicles with a long wheel base (length of 8.3 metres).
- The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.

**(9) 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.

## NOTES

**(1) Development Plan Consent Expiry**

This Development Plan Consent (DPC) is valid for a period of twenty-four (24) months commencing from the date of the decision.

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.

Further details in relation to the Planning Reforms can be found  
[https://www.saplanningportal.sa.gov.au/planning\\_reforms](https://www.saplanningportal.sa.gov.au/planning_reforms)

**(2) 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.

**(3) 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.

**(4) Department of Environment and Water (DEW) – Native Vegetation Council**

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:  
[www.environment.sa.gov.au/Conservation/Native\\_Vegetation/Managing\\_native\\_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

**(5) 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.



**9. ATTACHMENTS**

Locality Plan  
Proposal Plans  
Applicant's Professional Reports  
Referral Responses  
Representations  
Applicant's response to representations  
Publically Notified Plans

Respectfully submitted

Concurrence

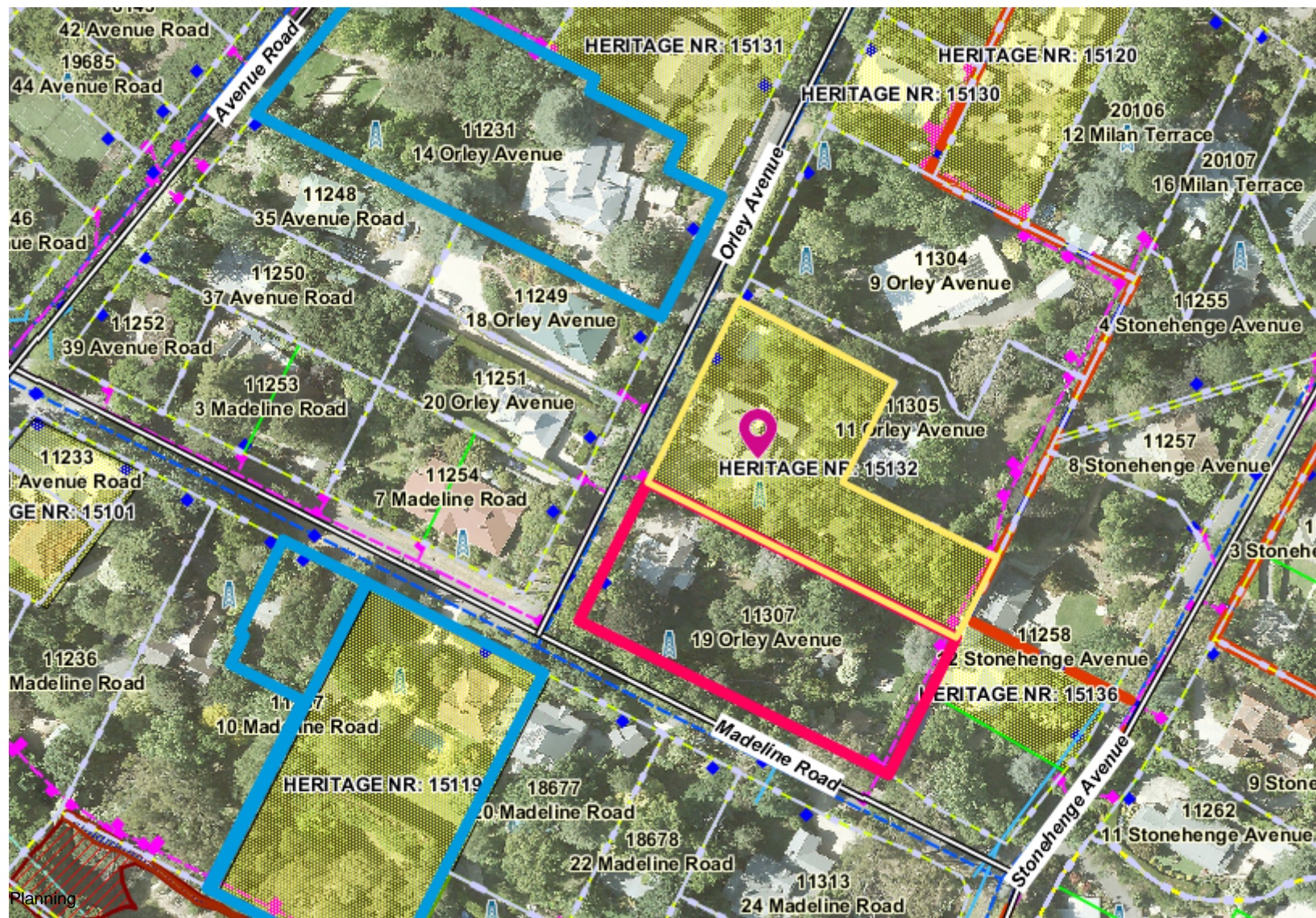
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**Ashleigh Gade**  
**Statutory Planner**

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





#### Annotations

- Representor 4 - Opposes
- Representor 3 - Supports
- Representor 2 - Supports
- Representor 1 - Supports
- Subject Land

#### Planners Summary

- PlanningSummary

#### AHC Core

- Parks
- Townships
- RoadsStreetView
  - ADJOINING LGA RD
  - AHC & PRIVATE
  - AHC RD
  - DPTI RD
  - PRIVATE RD
  - SHARED RD

- PropertyOwner
- Parcels
- Roads
- Suburbs
- Rivers
  - River
  - Creeks
  - Streams

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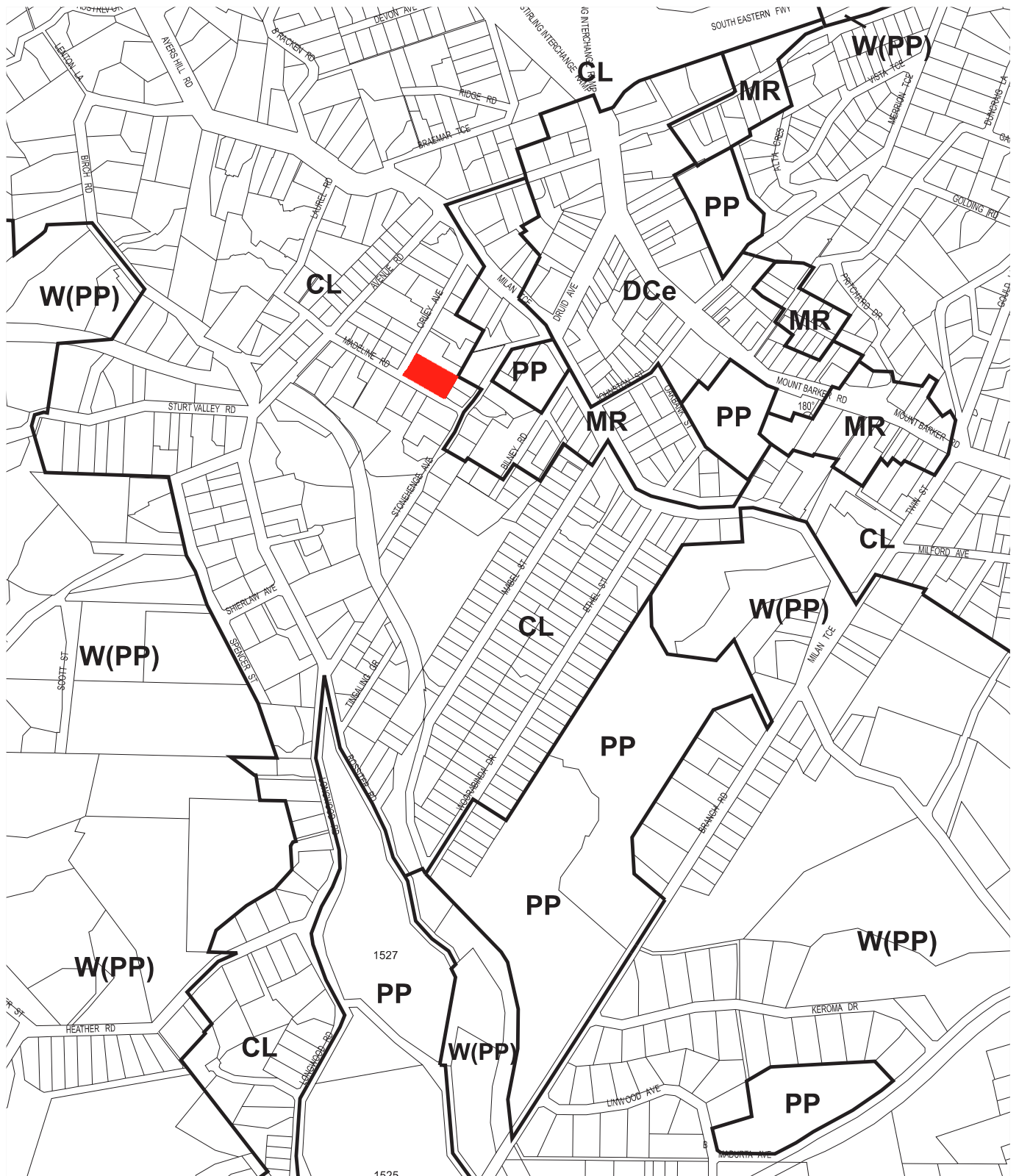
representations regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise. In particular, it should be noted that the accuracy of property boundaries when displayed over aerial photography cannot be considered to be accurate, and that the only certain method of determining boundary locations is to use the services of a licensed Surveyor. The Adelaide Hills Council, its

employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein. ©

Scale = 1:1508.220

50 m





**NOTE: For Policy Areas See MAP AdHi/72**

CL Country Living Zone  
 DCE District Centre Zone  
 MR Mixed Residential Zone  
 PP Public Purpose Zone  
 W(PP) Watershed (Primary Production) Zone

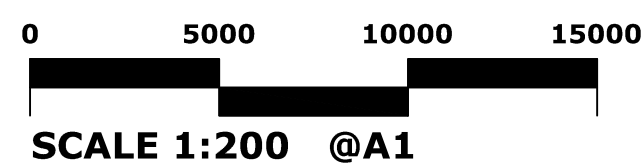
— Zone Boundary  
 - - - Development Plan Boundary

Scale 1:10000

0 500metres

# ADELAIDE HILLS COUNCIL ZONES MAP AdHi/28





# LEGEND

---	90Ø SEWER GRADE PVC STORMWATER PIPE UNLESS NOTED OTHERWISE (S/S DENOTES SEALED SYSTEM)
S300-X	300 SQUARE GRATED SUMP GRATE CLASS AS NOTED
DP	DOWNPIPE
● SIP	SITE INSPECTION POINT
● GIP	150Ø GRATED INLET POINT
GD	GRATED DRAIN
GD1	ACO K100 KLASSIKDRAIN (OR APPROVED EQUIVALENT) WITH CLASS A GRATE INSTALLED STRICTLY IN ACCORDANCE WITH MANUF'S DETAILS
GD2	ACO K200 KLASSIKDRAIN (OR APPROVED EQUIVALENT) WITH CLASS B GRATE INSTALLED STRICTLY IN ACCORDANCE WITH MANUF'S DETAILS
15.55	DESIGN LEVEL COV - COVER DL - DECK LEVEL EX - EXISTING INV - INVERT P - PAVING/CONCRETE/TILES T.M.E. - TO MATCH EXISTING
←	DIRECTION OF SURFACE FALL
---	GRADE LINE
▲	BATTERED SLOPE DIRECTION INDICATOR
15.55	CONTOUR LINE

RW	CONCRETE SLEEPER RETAINING WALL TO FUTURE DETAILS
CE	CONCRETE EDGE RESTRAINT
RWT/DT	MIN. 20.0kL COMBINATION RETENTION/DETENTION TANK(S) AS PER ARCHITECT'S SELECTION (i.e. 1x TEAM POLY 9000L AND 1x 13500 TANK OR SIMILAR), INSTALLED TO MANUF'S DETAILS <u>CONSISTING OF:</u> 10kL RETENTION CAPACITY PLUMBED BACK INTO BUILDING AS PER AS 3500. 2.0kL FOR FIREFIGHTING PURPOSES: PROVIDE TAPS AND FITTINGS IN ACCORDANCE WITH CFS REQUIREMENTS. 17.0kL DETENTION CAPACITY. PROVIDE INSPECTION OPENINGS, BREATHER VALVES, ETC. STRICTLY IN ACCORDANCE WITH MANUF'S DETAILS. TANKS SHOWN INDICATIVELY

PAVING TO ARCHITECT'S SELECTION

PAVING TO ARCHITECT'S SELECTION


DECK TO ARCHITECT'S SELECTION

PAVING HATCH STYLE SHOWN INDICATIVELY

GRATES, SUMPS AND SIPs HAVE BEEN SHOWN AT 1:100 FOR CLARITY



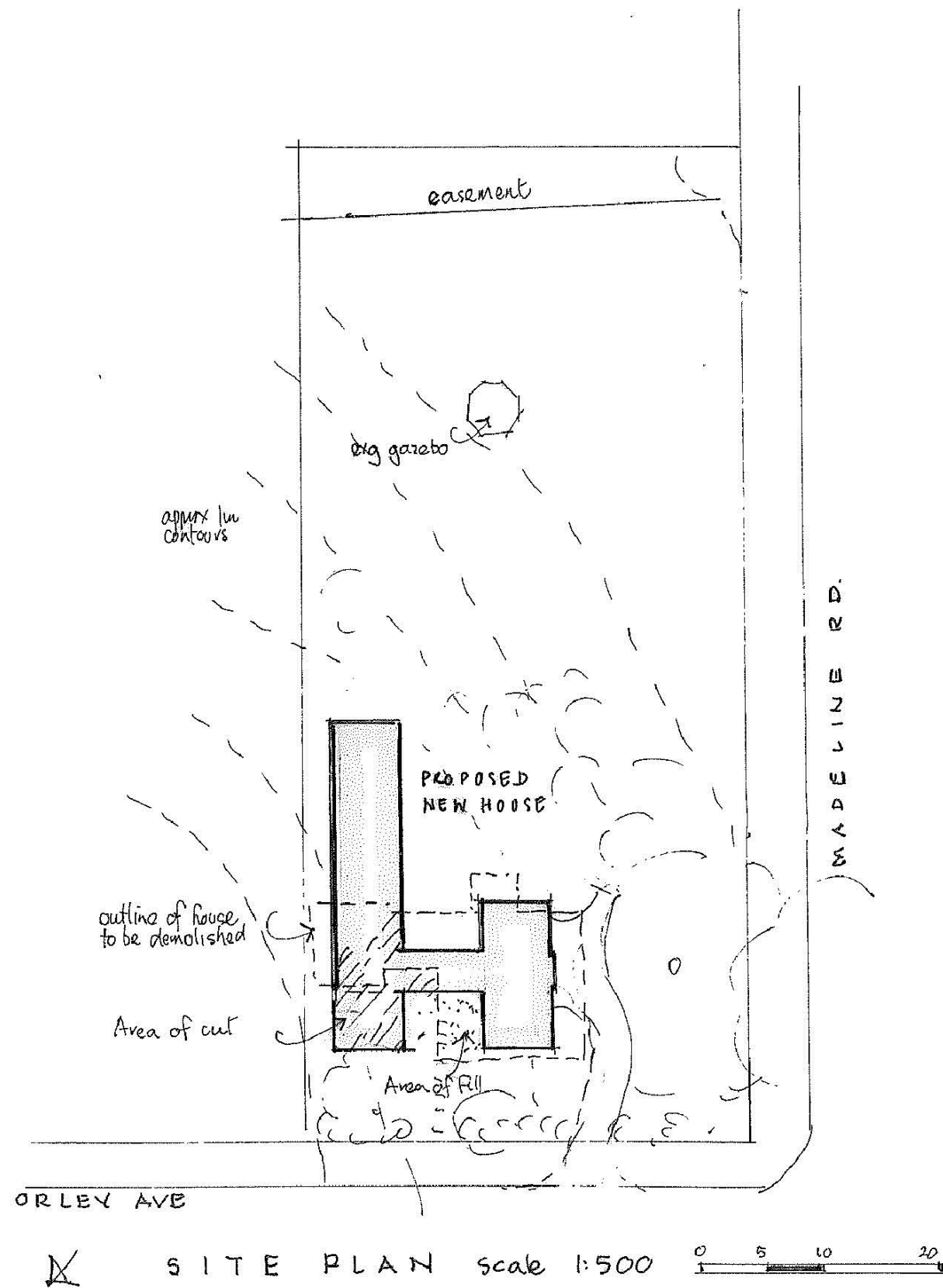
**PT Design**

Client	N
<b>M &amp; K BOWMAN</b>	
Drawing Title	Scale
<b>SITE LEVELS AND DRAINAGE LAYOUT</b>	<b>1:200</b>
Drawing Number	Issue
<b>22186-C01</b>	<b>C</b>

Name: 22186-C01.dwg

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Proposed New House  
for  
M & K Bowman  
at  
19 Orley Avenue  
STIRLING

December 2020  
666 - S - 01e

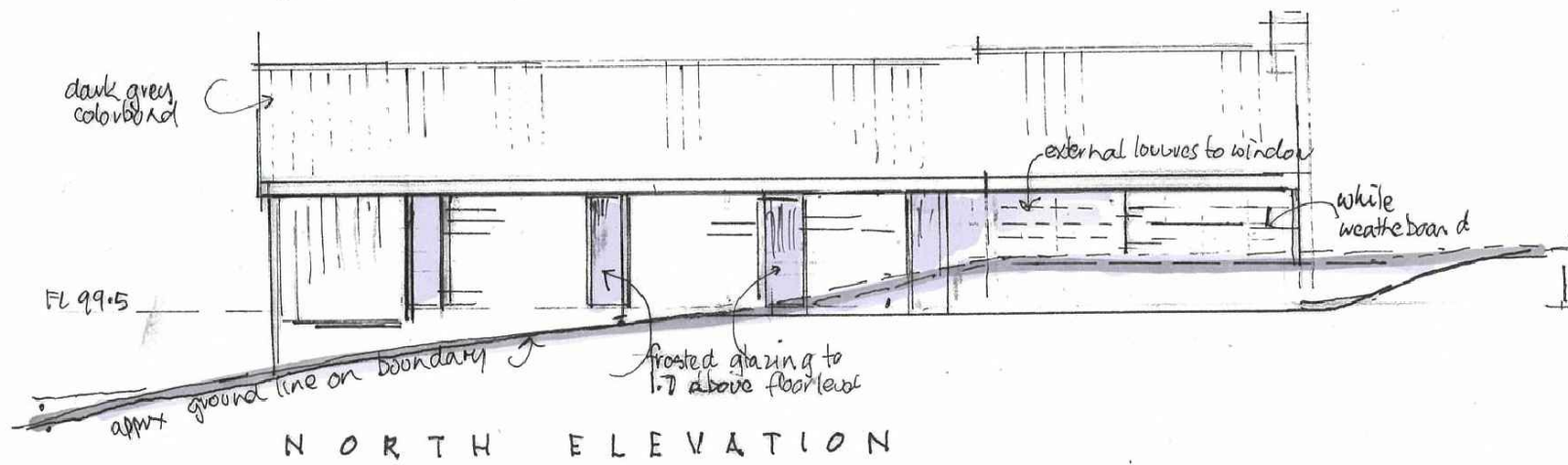








S O U T H E L E V A T I O N



N O R T H E L E V A T I O N



E A S T E L E V A T I O N



W E S T E L E V A T I O N

Scale 1:200

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gunner architects

Proposed New House  
for  
M & K Bowman  
at  
19 Orley Avenue  
STIRLING

December 2020  
666 - S - 04d





THE *Adelaide*  
**TREE SURGERY**  
A division of *tree aware*

3 Ellemsea Circuit  
LONSDALE SA 5160  
ABN: 33 099 478 994

Phone: 8371 5955 Mobile: 0408 086 774 Fax: 8297 6885 Email: mark@adelaidetreesurgery.com

17<sup>th</sup> May 2021

Milton Bowman and Kristina Bissland  
19 Orley Avenue  
Stirling SA 5152

Dear Milton and Kristina

**RE: Amended plan for proposed new dwelling at 19 Orley Avenue, Stirling SA 5152**

I have been asked to make comment on the minor changes to the location of the proposed dwelling (movement south by 0.5m) and the **1 x *Fragus sp* (Beech Tree)** and **1 x *Liquidambar styracifua* (Liquidambar)**. This additional information also refers to previous arborist report completed for this proposed **TATSME01184** dated March 2021.

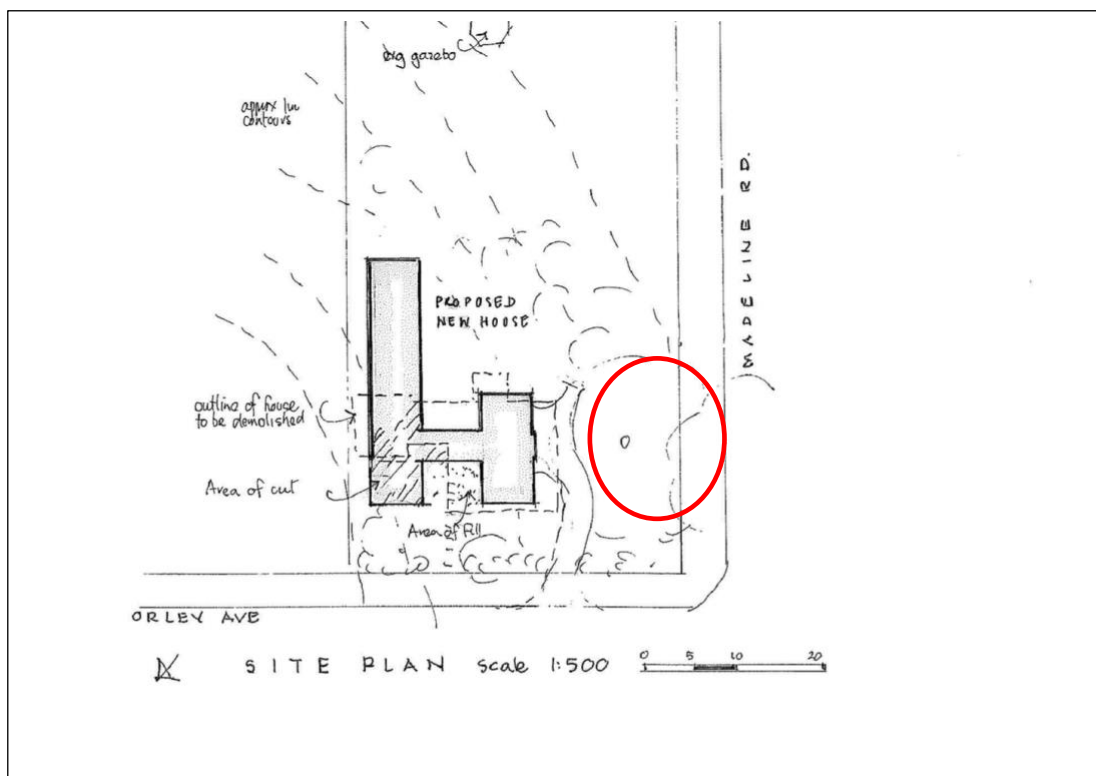


Figure 1 shows the new plans for proposed dwelling at 19 Orley Avenue, Stirling SA 5152 and the subject Beech Tree is highlighted in red.

The new plans have decreased the distance of the new dwelling from the base of the **Beech Tree** by 0.5m. There is no changes in the distance of the proposed dwelling is from the **Liquidambar**.

## CONCLUSION:

The slight change in the distance of the proposed dwelling to the base of the **Beech Tree** and removing the existing red brick paving will improve the condition which the **Beech Tree** is growing in.

As noted in previous arborist report (**TAYSME01184**), the existing dwelling and paved area occupy approximately 25% of the **Tree Protection Zone (TPZ)** of the **Beech Tree**.

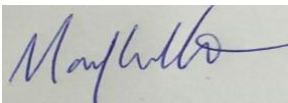
The slight change in the distance between the subject tree and proposed dwelling will nonetheless assist with improving the growing condition of the tree and be more beneficial for the trees long term health and condition, noting the new dwelling is still at 2m further away from the tree than the existing dwelling.

Please refer to the *recommendations within* arborist report **TATSME01184** to for tree protection during and post development as they do not change.

Further the change to the siting of the dwelling will not have any impact on the liquidambar. The opinion in the previous report stands.

I hope that this information is of assistance and if you require any further information, please do not hesitate to contact me.

Kind regards



Mark Elliott  
Consulting Arborist – *Diploma arboriculture*

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## **APPENDIX A: DISCLAIMER AND LIMITATIONS**

This report only covers identifiable defects present at the time of inspection. The author accepts no responsibility or can be held liable for any structural defect or unforeseen event/situation that may occur after the time of inspection, unless clearly specified timescales are detailed within the report.

The author cannot guarantee trees contained within this report will be structurally sound under all circumstances, and cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned this report will only be concerned with above ground inspections, that will be undertaken visually from ground level. Trees are living organisms and as such cannot be classified as safe under any circumstances. The recommendations are made on the basis of what can be reasonably identified at the time of inspection therefore the author accepts no liability for any recommendations made.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the author can neither guarantee nor be responsible for the accuracy of information provided by others.

**ADELAIDE HILLS COUNCIL**  
**RECEIVED 20/05/2021**

## Ashleigh Gade

---

**From:** Elizabeth Little  
**Sent:** Wednesday, 6 January 2021 3:03 PM  
**To:** Mail; Ashleigh Gade  
**Subject:** RE: Adelaide Hills Council - Development Application 20/1307 - 19 Orley Avenue, Stirling

Hi Ashleigh,

Please find following comments on the proposed demolition of the existing dwelling and construction of a new dwelling and outbuilding,

Regards,  
Liz

Grieve Gillett Andersen Heritage Advice	
<b>DA Number</b>	<b>20/1307/473</b>
<b>Heritage Listing / Zone</b>	Nil – adjacent LHP ‘Taminga’, 10-12 Stonehenge Avenue, and 16 Madeline Road, Stirling
<b>Address</b>	19 Orley Avenue, Stirling
<b>Proposal</b>	Demolition of existing dwelling and construction of new dwelling, decking and studio

### Heritage value assessment

‘Taminga’:

Description: Two storey house with random coursed stone walls and stone quoins and surrounds. The hipped roof is clad with corrugated iron and chimneys are rendered. A bullnosed return verandah/balcony is supported on timber posts with cast iron balustrading to the balcony. Double hung sash windows and French doors and sidelights and fanlight to entrance.

Statement of Heritage Value: Another example of the larger scale of hills residences found in Orley Avenue, this house is most notable for its association with members of the Anderson family (of the department store later known as Miller Anderson's). The property was deemed to meet criteria (a) and (e).

16 Madeline Road:

Description: A good example of an asymmetrical Federation house with many of the features of the style including the use of 'breadloaf' with red brick details and chimneys used in combination with rough cast render and timberwork in the gable ends. The house has a multi-gabled red tiled roof with terra cotta ridge cresting, an unusual feature in South Australia. Some windows have detailed window hoods and feature decorative rough cast render. An unusual bow window mounted on a rough cast projection can be found at the front of the house. The house overlooks the railway line and is single storeyed to Madeline Road and two storeyed on its rear elevation.

Statement of Heritage Value: A fine example of a Federation house, this building was probably built by the owner of a local grocery shop, Robert Crawford in c.1906. The residence was deemed to meet criteria (d) and (e).

(Stirling District Heritage Survey)

### Previous advice to applicant

Nil relevant to this application.

### Description of proposal

The proposal is for the demolition of the existing non-listed dwelling, and construction of a new dwelling and small outbuilding / studio.

The new dwelling is to be clad in weatherboard painted white, with a dark grey Colorbond roof. The roof form is comprised of three steep pitched gables facing the street frontage, with large brick chimneys to the outer sections. The dwelling reads as single storey from the front elevation, but contains a lower floor to the south with a garage incorporated under. The dwelling is sited roughly in the same location as the dwelling to be demolished, and a number of large and established trees are to be retained.

The new outbuilding is of the same materials as the dwelling and located at the rear of the block.

**Heritage advice**

The proposed demolition will have no impact on the adjacent Local Heritage Places.

The design of the new dwelling is contemporary, but will sit comfortable in the context of the LHPs due to its pitched roof form and selection of brick and weatherboard cladding materials. The established garden setting is largely to be retained. No heritage issues.

**ELIZABETH LITTLE**

ASSOCIATE - SENIOR HERITAGE ARCHITECT

BDesSt, BArch

APBSA Architect Registration No. 2647

ARBV Architect Registration No. 18248

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

Development Number: **20/1307/473**

My Name: TIM POSSINGHAM.

Postal Address: 16 MADELINE RD STIRLING.

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: **R Bowman & K Bissland**

Nature of Development: **Demolition of existing dwelling & construction of new two storey detached dwelling, deck (maximum height 3.5m), domestic outbuilding (studio) & associated earthworks**

Proposed to be located at: **19 Orley Avenue, 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:

16 MADELINE RD. Postcode: 5152  
The specific aspects of the application to which I make representation are:

My objections (if any) could be overcome by: N/A

**(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: 15/4/21

Signature: [Signature]

**The closing time and date for Representations is 5.00pm on 29 April 2021 & Representations can only be received during the period 15 April 2021 to 29 April 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."



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

Development Number: 20/1307/473

My Name: D K HOBBS

Postal Address: 13 ETHEL ST 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: **R Bowman & K Bissland**

Nature of Development: **Demolition of existing dwelling & construction of new two storey detached dwelling, deck (maximum height 3.5m), domestic outbuilding (studio) & associated earthworks**

Proposed to be located at: **19 Orley Avenue, 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 Madeline Rd STIRLING Postcode: 5152

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

N/A NIL

My objections (if any) could be overcome by:

NIL

(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: 26 APR 2021 Signature: [Signature]

**The closing time and date for Representations is 5.00pm on 29 April 2021 & Representations can only be received during the period 15 April 2021 to 29 April 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."



Development Number: 20/1307/473

My Name: MARTIN HAMILTON SMITH : STANAGUA RAPTIS

Postal Address: PO Box 65 STIRLING SIS2

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: R Bowman & K Bissland

Nature of Development: Demolition of existing dwelling & construction of new two storey detached dwelling, deck (maximum height 3.5m), domestic outbuilding (studio) & associated earthworks

Proposed to be located at: 19 Orley Avenue, 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:

14 ORLEY AVE STIRLING Postcode: SIS2

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

WE HAVE NO OBJECTION AND WELCOME THE REPLACEMENT OF AN OLD DWELLING IN POOR CONDITION WITH A CHARACTER NEW BUILD

My objections (if any) could be overcome by: N/A

(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: 27/4/21

Signature: 

The closing time and date for Representations is 5.00pm on 29 April 2021 & Representations can only be received during the period 15 April 2021 to 29 April 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."



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

Development Number: **20/1307/473**

My Name: **CHRIS JAMIESON**

Postal Address: **15 ORLEY AVENUE, STIRLING 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: **R Bowman & K Bissland**

Nature of Development: **Demolition of existing dwelling & construction of new two storey detached dwelling, deck (maximum height 3.5m), domestic outbuilding (studio) & associated earthworks**

Proposed to be located at: **19 Orley Avenue, 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:

**15 ORLEY AVENUE, STIRLING** Postcode: **5152**

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

**~35 METRES OF NEW HOUSE ON OUR BOUNDARY (PREVIOUSLY ~4 METRES),  
LACK OF DETAIL IN PLANS AROUND HEIGHT, <sup>LENGTH</sup> CLEAR WINDOWS LOOKING INTO OUR YARD.**

My objections (if any) could be overcome by: **REVISION OF FOOTPRINT TO BE SYMPATHETIC  
TO 'TAMINKA', OUR HERITAGE LISTED HOUSE AND GARDEN. FROSTING/REMOVAL  
OF WINDOWS (NOT RELEVANT IF FOOTPRINT IS CHANGED)**

**(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: .....

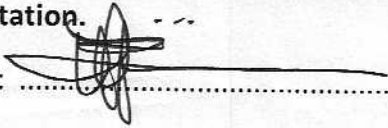
**OR**

~~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: **28/4/21**

Signature: 

The closing time and date for Representations is 5.00pm on 29 April 2021 & Representations can only be received during the period 15 April 2021 to 29 April 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)

Our ref: GM/221037

13 May 2021

Chief Executive Officer  
Adelaide Hills Council  
Mount Barker Road  
STIRLING SA 5152

By email : mail@ahc.sa.gov.au

Dear Chief Executive

**DA 473/1307/20 - Response to Representations**

I act for the Applicants, R Bowman and K Bissland.

Application was made in 2020 to demolish the existing two storey dwelling (including a garage) at 19 Orley Avenue, Stirling and to construct a new replacement two-storey dwelling.

The application was treated as a category 2 development, pursuant to the Council's Development Plan.

The Council received four representations in response to the Category 2 notification. Three of the representations, being from Tim Possingham, DK Holbourn and from Martin Hamilton-Smith and Stavroula Raptis support the development. Indeed, the last representors welcome the replacement building as the old dwelling was in 'poor condition'.

However, one representor, Chris Jamieson, being the neighbour to the north has objected to the proposal.

**Amended plans**

Partly in response to the representation from Mr Jamieson and upon further consideration of the development, the proposed development plans have been amended – rev e. They are **enclosed** herewith. They should be regarded as the plans in respect of which consent is sought.

The amendments are as follows :

1. deletion of the freestanding studio in the south-eastern corner of the land;
2. change in the setback of the building from its northern boundary (shared with Mr Jamieson) by increasing the setback of the *TV room* from *2m* to *2.5m* and for the balance of the *northern wing* from 2.5m to 3m ie whole building moved 0.5m south.

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e. info@bllawyers.com.au  
[www.bllawyers.com.au](http://www.bllawyers.com.au)

3. deletion of the north facing windows in the TV room,
4. the inclusion of a south facing window in the lounge.
5. an alteration to the form and location of windows along the northern wing i.e., adjacent to the passageway such that there are four full height windows, which will have obscure glazing/film treatment to a height of 1.7m from floor level. The balance of the window above that height will be clear glass.
6. A slight enlargement of the entry area.
7. A new store in the underfloor space (lower level)

The amendments to the scheme are clearly minor in nature and do not change the essential nature of the development and do not require further notification.

### **Development Plan**

The land is in the Country Living Zone - Policy Area 29 (Stirling and Aldgate).

The proposed development is the replacement of an existing two-storey dwelling. The new dwelling is located in or about the position of the existing dwelling so as to minimize further physical work to the land and make use of the higher section of the land noting the land falls towards the south. The area of land holding is generous.

Having regard to the Development Plan provisions generally, the proposed development is obviously an appropriate form of development i.e., a two-storey dwelling including garaging and private open space areas replacing the same general form of development.

### **Issues raised by the Representor**

Some of the issues raised by the representor Mr Jamieson include the following:

1. Overlooking - the proposed development is set well below the level of the representor's land. On the shared boundary there is a height differential of about 2m. From that position, the representor's land rises up.

As one can see from the northern elevation, the *TV room* is about 2m above the finished ground level. The north facing windows into that room have been removed. The land then falls away towards the east (rear of the land) and there is no opportunity for any overlooking into the representor's property.

The treatment/glazing of the (amended) windows has been installed for the purposes of preventing overlooking from the **neighbour's property into the** subject property.

2. The Development Plan seeks a range of side setbacks depending on the height of walls adjacent to side boundaries. The setback is 2m for a wall height of 3m or less, 3m for a wall height of between 3m and 6m and a further setback distance for any wall higher than 6m. The TV room - about 5m in length is setback 2.5m. However, because of the topography of the land, as seen from the north elevation, the wall height is only a bit over 2m! Further the bulk of the building i.e., beyond the TV room, complies with the Development Plan provision, with a

3m side setback noting also the fall of the land. Although strictly not relevant it is noted under the Planning and Design Code the side setback need only be 2m!

In short, the Development Plan provisions have been reasonably satisfied in the circumstances, particularly noting the deletion of the north facing windows to the TV room.

3. A comment has been made about the heritage impact. The neighbour's land dwelling Taminga is a local heritage place but not the garden.

Given that there is a two-storey dwelling on the land at the present time, with a closer setback (albeit of a single storey form adjacent the boundary) than the proposed development, it is difficult to sustain an argument that there is any impact on the neighbouring property beyond what exists today. The distance from the boundary to the nearest part of dwelling to the verandah/the balcony is some 17m. Additional separation is achieved via a most substantial circular driveway and also vegetation. Together with the height differential in the two land parcels there will be no additional impact on Taminga compared to the current situation.

Accordingly there is no basis to assert that there will be any impact on the heritage features of the neighbouring property.

4. The entire length of the northern aspect of the dwelling is about 31m. It has been designed to take advantage of the northern aspect with the full height windows but so as to prevent the land being overviewed, the four windows are proposed to be of obscure glazing/treated with film so to prevent overlooking into the subject property to a height of 1.7m above floor level.

Finally the entire northern wing has been setback to the south away from the common boundary by a further 0.5m, with the majority (about 80+%) being 3m as per the Development Plan expectation.

5. By and large the building work is being undertaken at a much lower level than the floor level of Taminga. Thus there is no opportunity to overlook Taminga.

### **Development sufficiently complies with Development Plan**

Although there has been no detailed consideration of the Development Plan in this response, such an assessment is unnecessary in the circumstances of this matter where an existing two-storey dwelling is to be demolished and replaced with a new two-storey dwelling in or about the same position. Whilst there will be change to the form of the development, there will be no change to the essential nature of the use of the land.

The proposed development sufficiently complies with the Development Plan in terms of front (not dissimilar to existing) and side boundary setbacks, there being ample setbacks to the rear. Utilizing the same location reduces the amount of cut and fill. Substantial vegetation, including two significant trees, one on the land and one immediately adjacent the land in the south-eastern corner, are not, in any way, impacted upon by the proposed development. Further, the design retains trees and existing vegetation as much as possible.

It is respectfully submitted there are no planning issues that have been raised that speak against the development, this development clearly worthy of the grant of development plan consent.

**Request to be heard**

It is noted that the representor Mr Jamieson wishes to be heard. The applicant for consent wishes to be heard in person, or by agent.

Given the nature of the development, it is hoped that this matter can be presented to the next available Council Assessment Panel which is understood to be 9 June 2021.


Yours faithfully

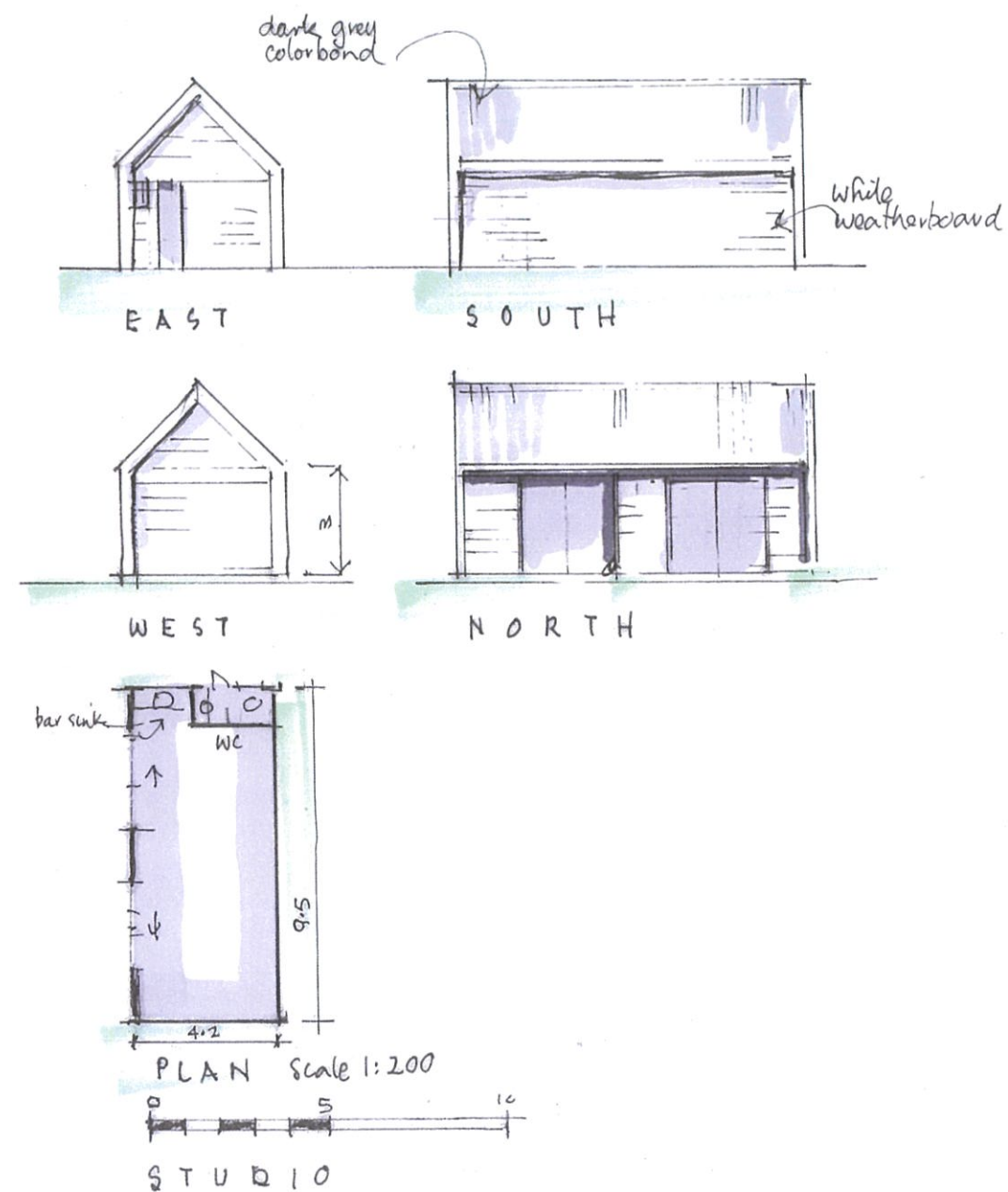
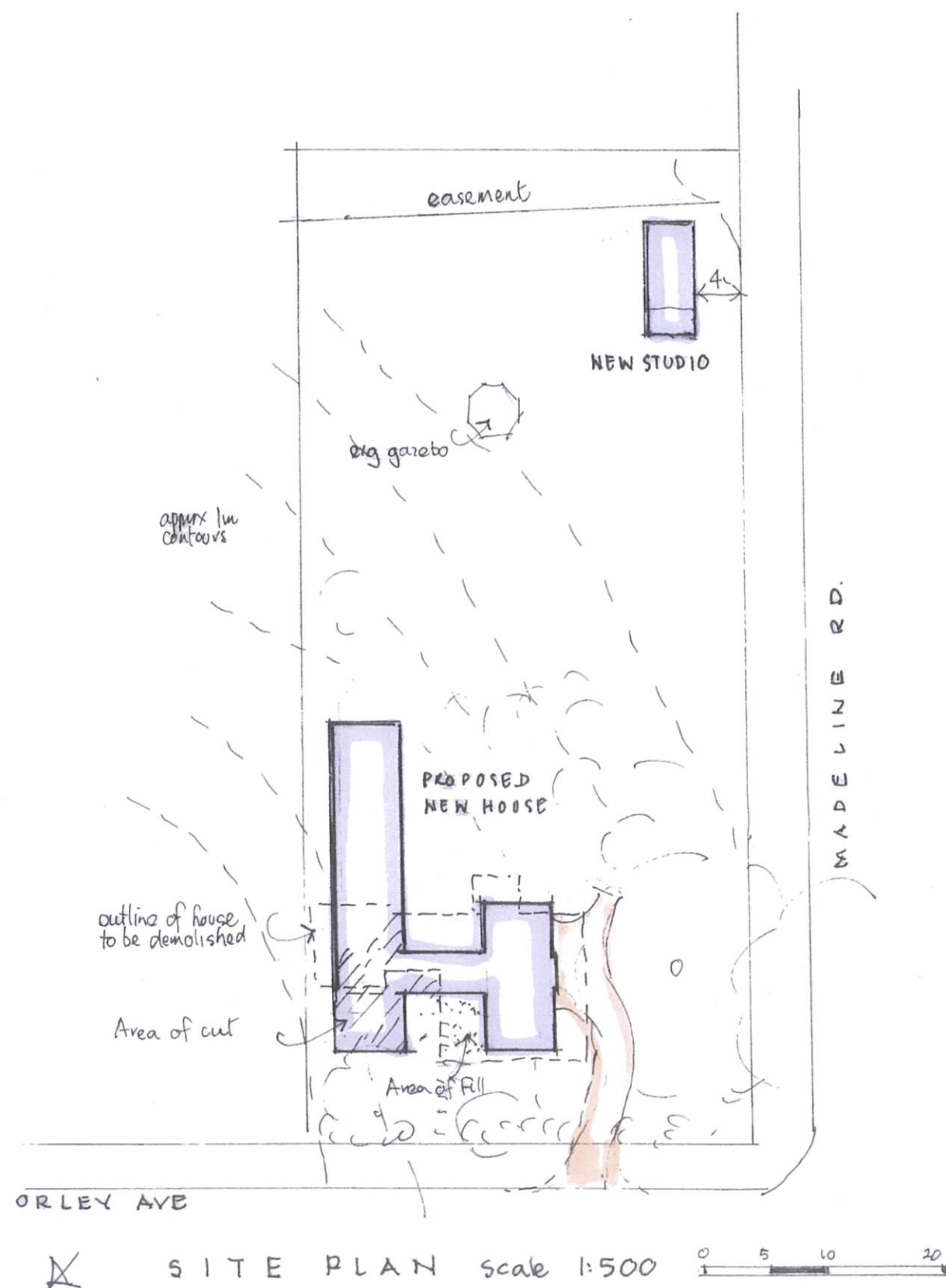


**George Manos**  
**BOTTEN LEVINSON**  
Mob: 0400 726 543  
Email: gm@bllawyers.com.au





Client <b>M &amp; K BOWMAN</b>	N 
Drawing Title <b>SITE LEVELS AND DRAINAGE LAYOUT</b>	Scale <b>1:200</b>
Drawing Number <b>22186-C01</b>	Issue <b>B</b>



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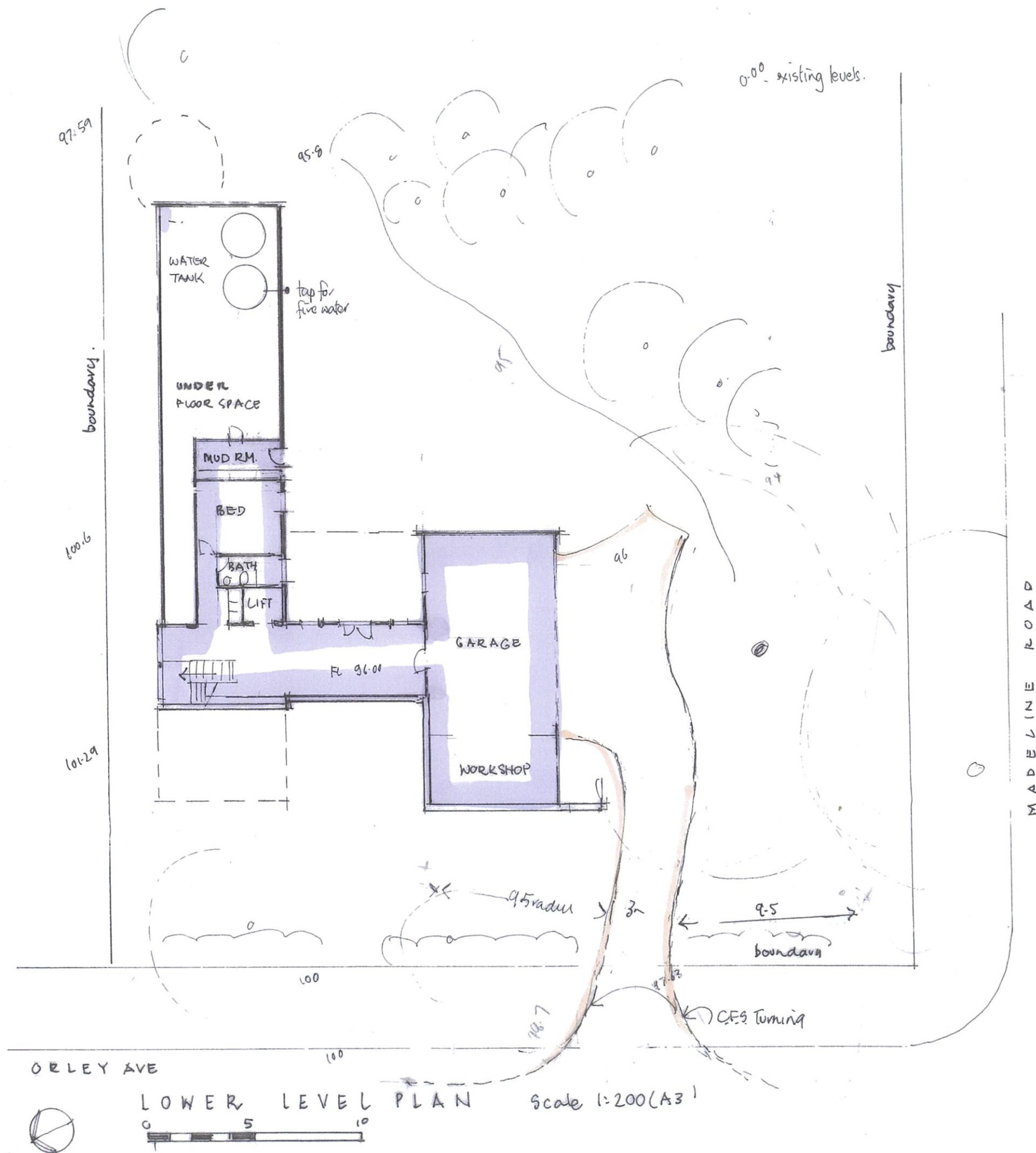
Proposed New House  
for

M & K Bowman  
at

19 Orley Avenue  
STIRLING

December 2020  
666 - S - 01d





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 www.mpgarchitects.com.au



Proposed New House  
 for

M & K Bowman  
 at

19 Orley Avenue  
 STIRLING

December 2020  
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UPPER FLOOR PLAN Scale 1:200 (A3)



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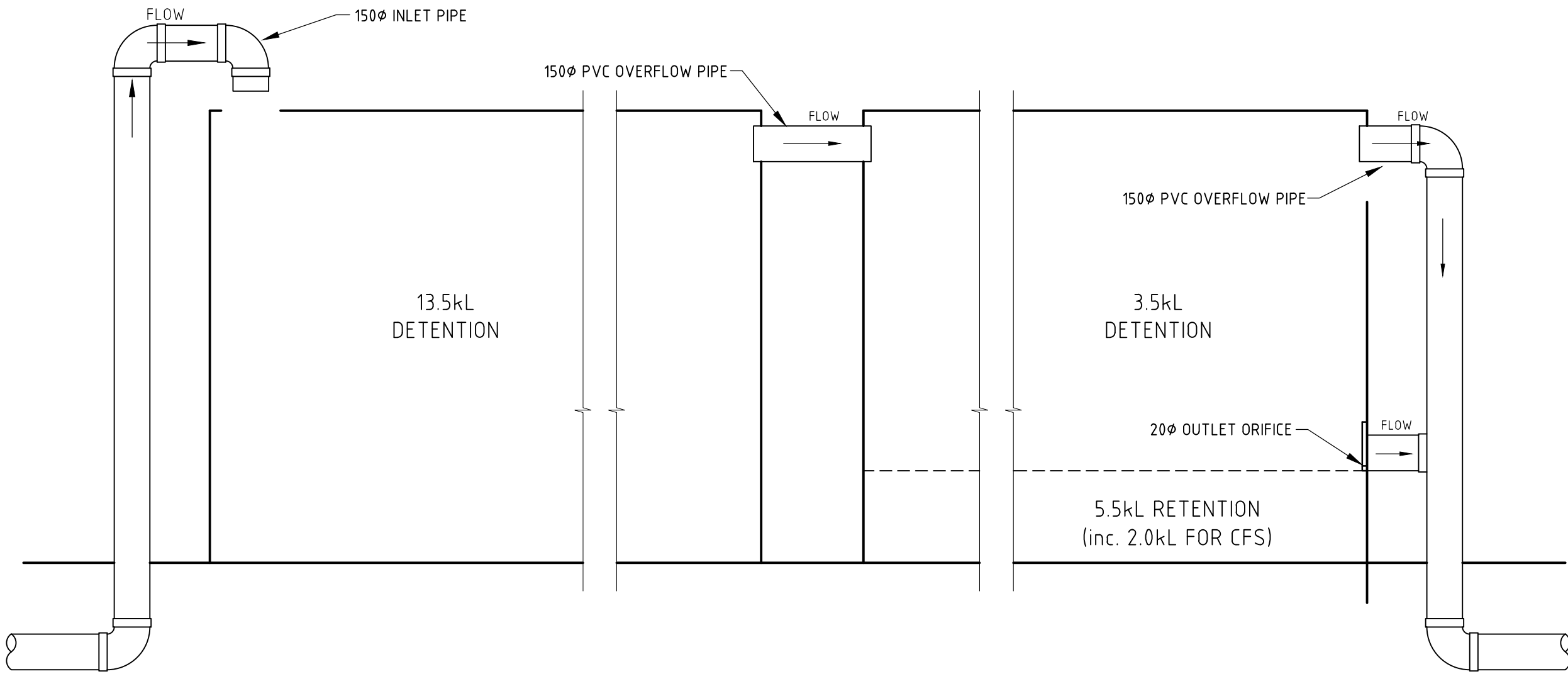
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pritchard  
gunner architects

Proposed New House  
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STIRLING

December 2020  
666 - S - 02c



RETENTION/DETENTION TANK DETAIL  
NOT TO SCALE

INCLUDES 2.0kL FOR FIREFIGHTING PURPOSES. PROVIDE TAPS AND FITTINGS IN ACCORDANCE WITH CFS REQUIREMENTS.

PRELIMINARY

06.04.2021	PRELIMINARY ISSUE	B
18.03.2021	PRELIMINARY ISSUE	A
Date	Revision	Issue

PT Design Pty Ltd 141-149 (fould Street Adelaide SA 5000  
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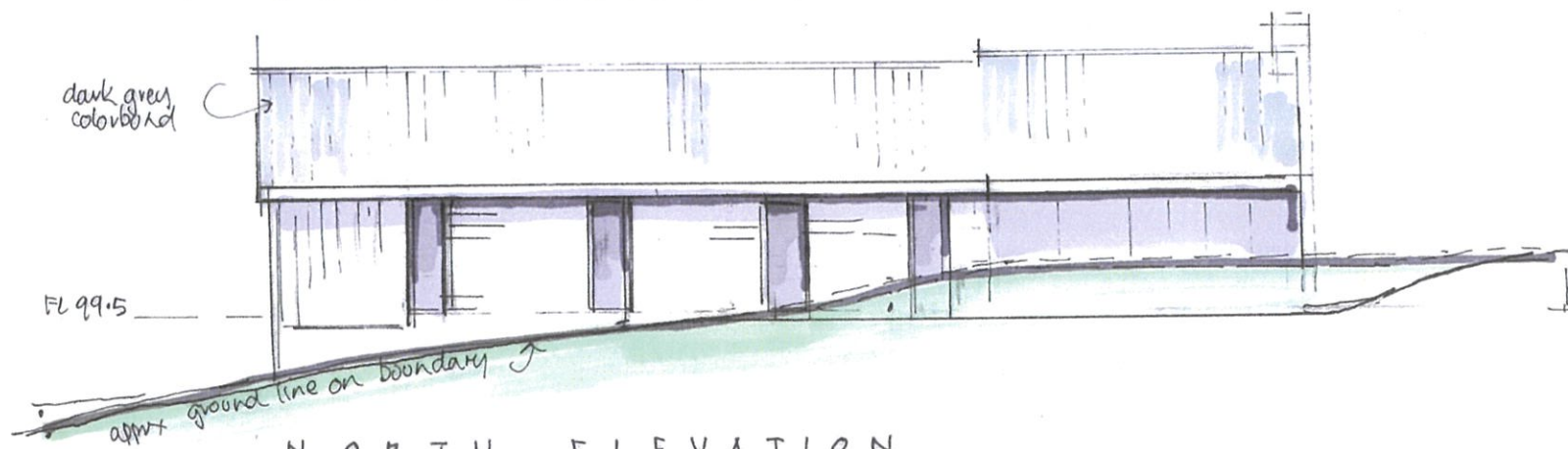
Designed	MB	Drawn	MB
Approved		Date	MAR '21
CIVIL		Sheet	2 of 2

Project PROPOSED NEW HOUSE 19 ORLEY AVENUE STIRLING	
Client M & K BOWMAN	N
Drawing Title DETAILS SHEET	Scale AS SHOWN
Drawing Number 22186-C02	Issue B

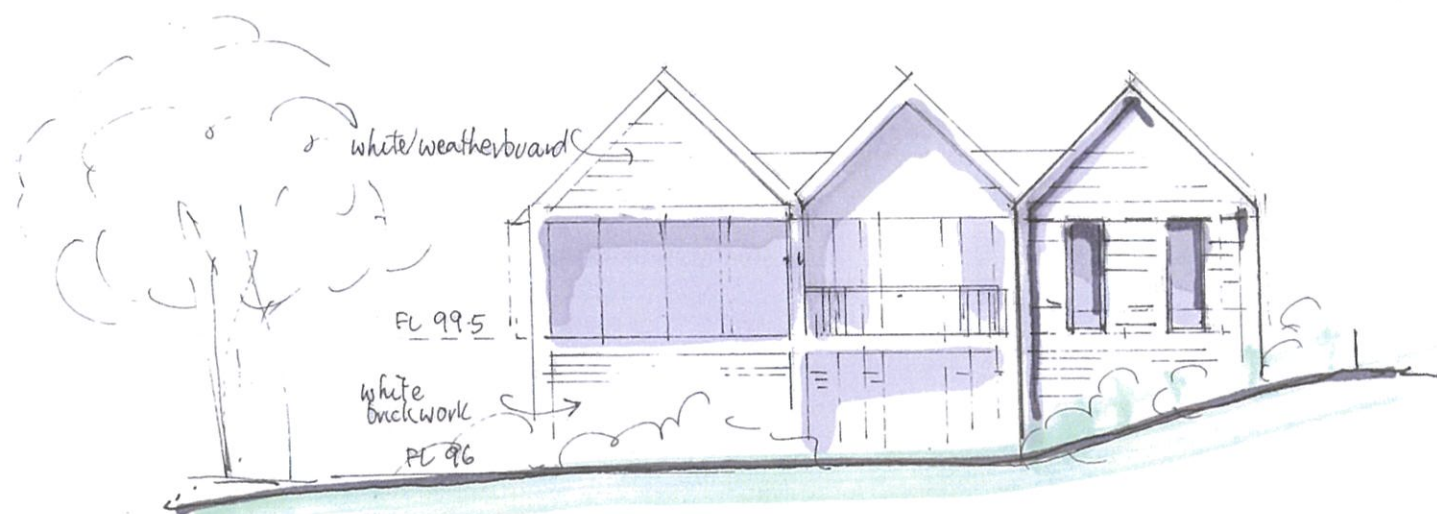




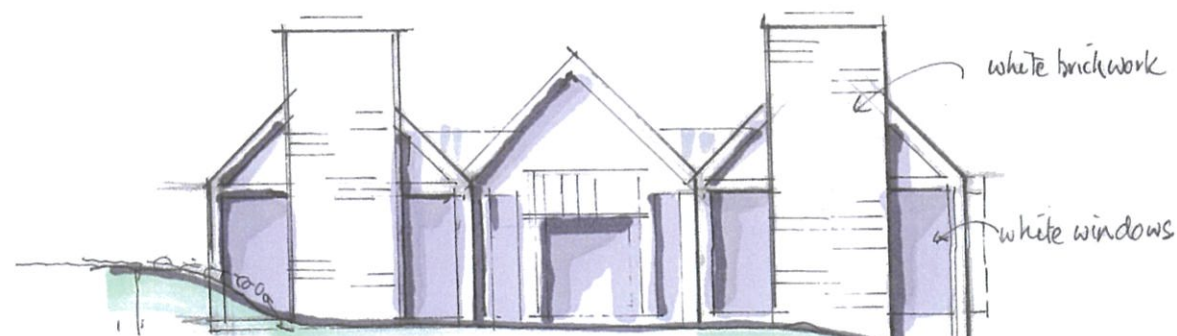
S O U T H E L E V A T I O N



N O R T H E L E V A T I O N



E A S T E L E V A T I O N



W E S T E L E V A T I O N

Scale 1:200

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Proposed New House  
for

M & K Bowman  
at

19 Orley Avenue  
STIRLING

December 2020  
666 - S - 04c





**THE** *Adelaide*  
**TREE SURGERY**  
A division of *tree aware*

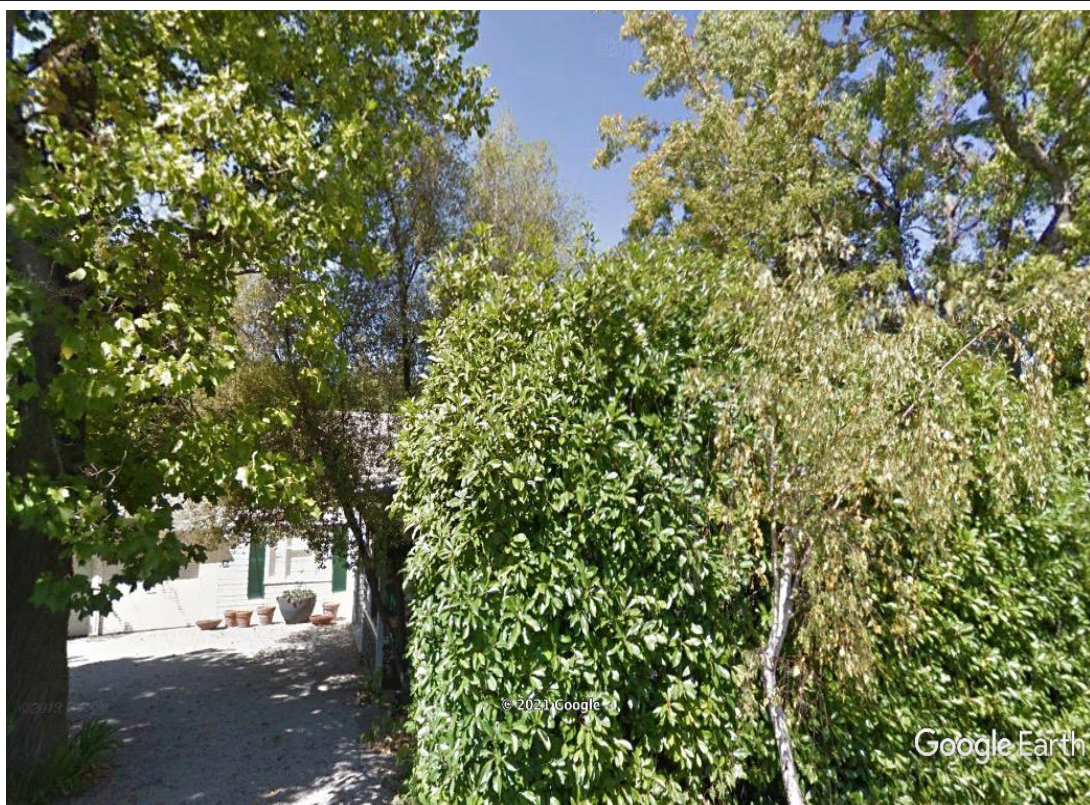
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## Pre - Development Arboricultural Assessment and Report

Prepared for  
Milton and Kristina Bissland  
19 Orley Avenue  
Stirling SA 5152

In regard to  
1 x *Fragus sp* (Beech Tree), 1 x *Eucalyptus obliqua* (Stringybark) and 1 x *Liquidambar  
styracifua* (Liquidambar)



Prepared by:  
**Mark Elliott Consulting Arborist/Diploma Arboriculture**



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## 1.0 INTRODUCTION

- 1.1 This report has been prepared at the request of **Milton and Kristina Bissland** and the report is in relation to three trees and the proposed development at **19 Morley Avenue, Stirling SA 5152**.
- 1.2 There is one “Regulated Tree”, one “Significant Tree” and one council owned tree that have been identified as one x *Fragus sp* (Beech Tree), one x *Eucalyptus obliqua* (Stringybark) and one x *Liquidambar styracifua* (Liquidambar)
- 1.3 The trees have been measured to have a main stem circumference greater than 2.0 metres and less than 3 metres, and also greater than 3 meters when measured at a point 1.0 metre above natural ground level. Therefore, the trees are declared as either “Regulated Tree” or “Significant Trees” as defined in the **SA Development Regulations 2008**.
- 1.4 It is proposed to demolish the existing dwelling and construct a new dwelling at the property of **19 Orley Avenue, Stirling SA 5152**.
- 1.5 This tree report provides information in relation to the three trees health and condition and also provides protection measures for the subject **Beech Tree, Liquidambar Tree and Stringybark** in relation to the proposed development.

## 2.0 TERMS OF REFERENCE

- 2.1 Instructions were received in **February 2021**.
- 2.2 The instructions requested were to undertake a tree report for and **one x *Fragus sp* (Beech Tree), one x *Eucalyptus obliqua* (Stringybark) and one x *Liquidambar styracifua* (Liquidambar)**.
- 2.3 This report assess the trees health and condition and also comments on the proposed construction of new dwelling and studio.
- 2.4 This report uses the **Australian Standard, 4970-2009: The Protection of Trees on Development Sites** as the guiding principles in regard to the proposed development of the site.

## 3.0 CAVEAT EMPTOR

- 3.1 This is a stage 1 '**Ground Report**'
- 3.2 The report is limited by the time of the inspection.
- 3.3 The report reflects the trees as found on the day of inspection. Any changes to site conditions or surroundings, such as construction works, landscape works or further failures or pruning, may alter the findings of the report.
- 3.4 The report is based on the visual tree inspection and the supplied plans.
- 3.5 The inspection period to which this report applies is three months from the date of the report.

## 4.0 THE SITE

- 4.1 The subject trees are located at **19 Orley Avenue, Stirling SA 5152**. The **Beech Tree** is located within the boundary of the property and the **Stringy Bark** is a council owned tree and is located within the verge area along **Madeline Road** towards the rear of the property.
- 4.2 The property is a highly vegetated property that has a mixture of native and exotic species located throughout and also these type of trees can be found within the surrounding local area. The maturity of the trees throughout this area range from mature to juvenile trees. .
- 4.3 **Stirling** is a suburb that has a large number of native and exotic species located throughout the local area in residential properties, reserves, council verge areas and also the Mount Lofty Hills area.



- 4.4 **Stirling** is located with the council boundaries of the **Adelaide Hills City Council** which is located approximately 13 – 18 km east from the **Central Business District (CBD)**.

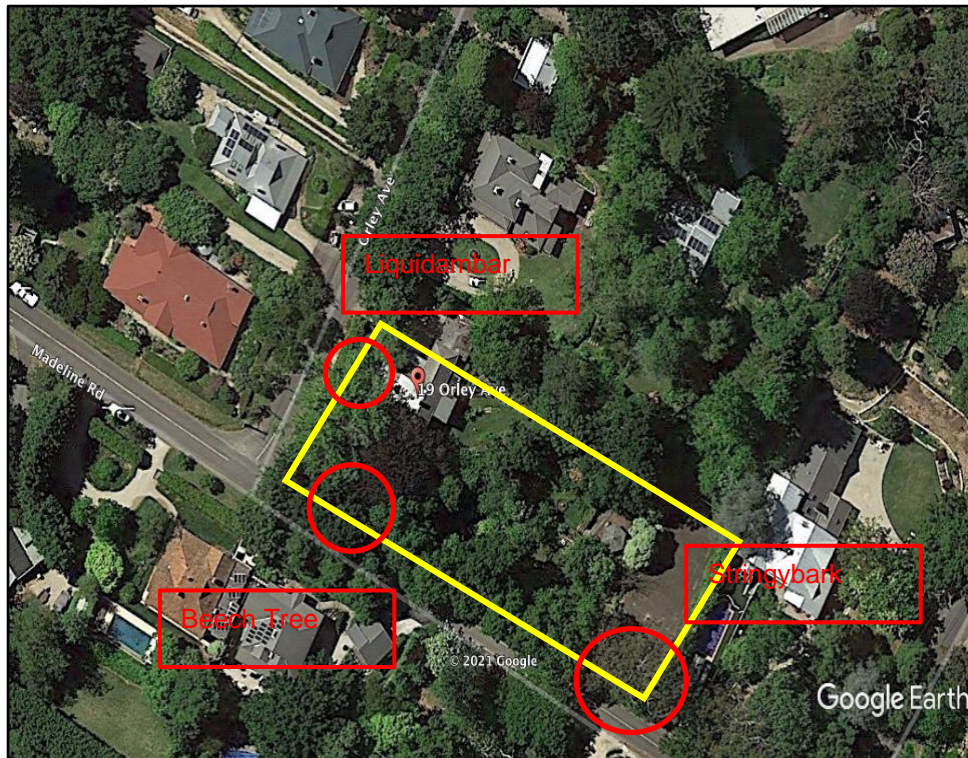


Figure 1 shows an aerial image of the property at 19 Orley Avenue, Stirling SA 5152 and the two subject trees within this report are highlighted in red.

## 5.0 THE PROPOSAL

- 5.1 It is proposed to demolish the existing dwelling and construct a new dwelling and studio at **19 Orley Avenue, Stirling SA 5152 (refer to Figure 2)**.
- 5.2 The new dwelling will be using a similar footprint to the existing dwelling and the studio will be constructed on the old bitumen tennis court area (**refer to Figure 2**)..

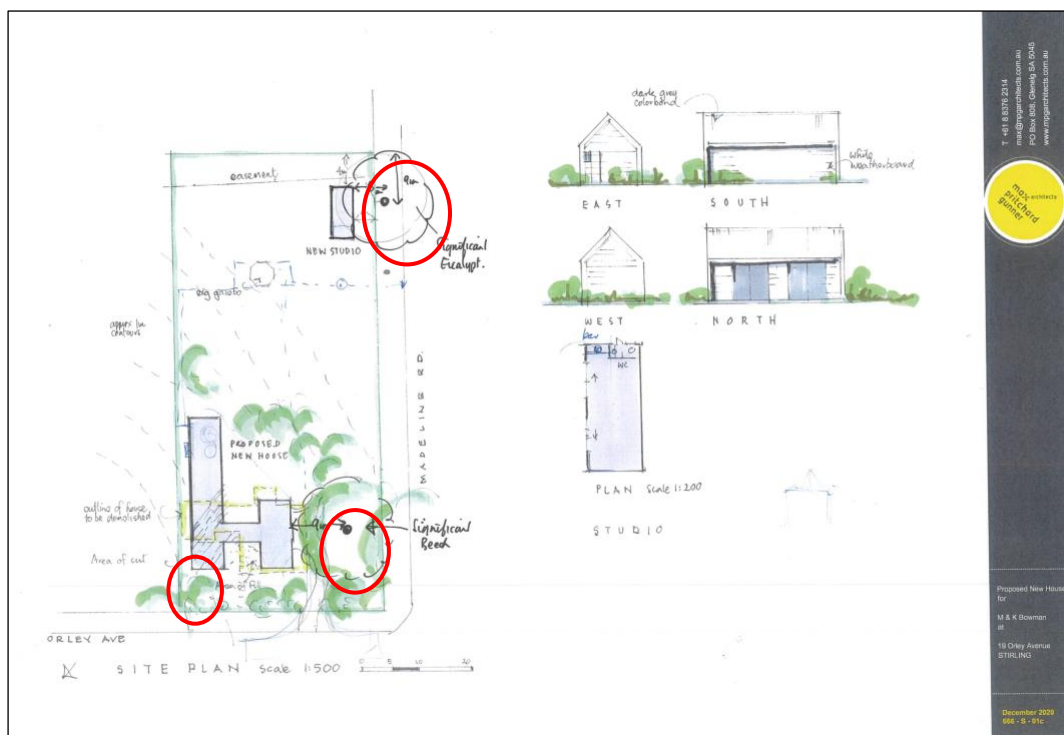


Figure 2 shows the proposed plans for 19 Orley Avenue, Stirling SA 5152

**5.0 THE TREES - one x *Fragus sp* (Beech Tree), one x *Eucalyptus obliqua* (Stringybark) and one *Liquidambar styracifua* (Liquidambar).**

**5.1** The three trees are mature and semi – mature trees identified as **one x *Fragus sp* (Beech Tree), one x *Eucalyptus obliqua* (Stringybark) and one x *Liquidambar styracifua* (Liquidambar).** The trees either have a stem circumference greater than 2 metres and less than 3 meters or greater than 3 meters, when measured at a point 1 metre above ground level. Thus the trees can be declared as a “**Regulated Trees**” and “**Significant Trees**”, pursuant to the definition contained within the **SA Development Regulations 2008**.

**5.2 Tree Information:**

Tree Number	Botanical Name	Common Name	Regulated Tree	Tree Condition
1	<i>Fragus sp</i> (Beech Tree),	Beech Tree	Greater than 3 meters  Significant	<p>The Beech Tree is a large mature tree which is showing very good health and condition.</p> <p>The tree is located approximately 7 meters from the existing dwelling and the area around the base of the tree is made up of red brick and garden area.</p> <p>The tree has abroad spreading crown which is growing around the existing dwelling.</p> <p><b>Following are Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) measurements for this tree:</b></p> <p><b>SRZ: 3.90 meter radius</b> <b>TPZ: 15 meter radius</b></p>
2	<i>Eucalyptus obliqua</i>	Stringy Bark	Greater than 2 meters  Council owned tree.	<p>The Stringybark is a council owned tree that is a large mature tree.</p> <p>The health and condition of this tree is fair.</p> <p>There is a large amount of deadwood located throughout the crown of the tree. Some of the pieces are large in size.</p> <p>There has been a number of branch failures on the private property side and these have varied in size form 100mm up to 180mm in diameter.</p> <p>There are some over extended branches that overhang the rear yard of 19 Orley Avenue, Stirling SA 5152.</p>

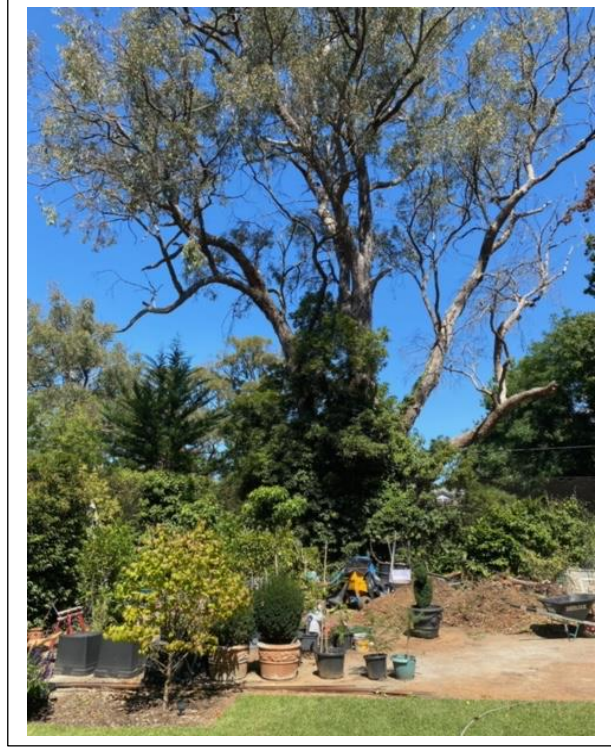


				<p>The area around the base of the tree consists of a variety of smaller vegetation (competition)</p> <p>Following are Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) measurements for this tree:</p> <p>SRZ: 4.24 meter radius TPZ: 15 meter radius</p>
3	<i>Liquidambar styracifua</i> (Liquidambar)	Liquidambar	Regulated Tree	<p>The Liquidambar is located along the left hand side of the main gravel driveway.</p> <p>The tree is a “Regulated Tree” and the health and condition of this tree is very good.</p> <p>The crown spread of the tree is quite a small crown considering the maturity of the tree.</p> <p>There are some minor pieces of deadwood located within the crown.</p> <p>Following are Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) measurements for this tree:</p> <p>SRZ: 3.24 meter radius TPZ: 10.44 meter radius</p>



Figure 4 shows the shows the Liquidambar Tree which will have the main drive access removed from the left hand side of the tree and part of the proposal.

Figure 5 and 6 shows the Beech Tree and the Stringybark (council tree) which have been considered with the design of the proposal at 19 Orley Avenue, Stirling SA 5152.



## 6.0 PROPOSED DEVELOPMENT & POTENTIAL IMPACTS

- 6.1 The aim of this report is to provide guidelines for best practise tree protection measures in accord with ***Australian Standard AS4970-2009 'Protection of Trees on Development Sites'***
- 6.2 The preamble of the standard provides a brief outline of why it is important to retain and protect trees on development sites and the following Section: The Tree Protection Zone details the zones around a tree that are required to protect it.

### 6.3 **AUSTRALIAN STANDARD: AS4970-2009 'Protection of Trees on Development Sites'**

- 6.3.1 *A living tree is a dynamic organism that needs specific environmental conditions to continue healthy, stable growth. It is rarely possible to repair stressed and injured trees, so substantial injury needs to be avoided during all stages of development and construction.*
- 6.3.2 *For trees to be retained and their requirements met, procedures must be in place to protect trees at every stage of the development process. This should be considered at the earliest planning stage of any outdoor event or design of a development project where trees are involved.*
- 6.3.3 *Trees and their root systems may occupy a substantial part of any development site and because of their potential size, can have a major influence on planning the use of the site.*
- 6.3.4 *Existing trees of appropriate species and sound structure can significantly enhance new development by providing immediate benefits such as shade and stormwater reduction as well as complementing new development.*
- 6.3.5 *Most trees will take many years and possibly decades to establish but can be injured or killed in a very short time, as their vulnerability is commonly not understood. This is especially so in relation to tree root systems which cannot be seen. Irreparable injury frequently occurs in the early stages of site preparation and remedial measures routinely fail.*
- 6.3.6 *Early identification and protection of important trees on development sites is essential from the outset and will minimise the problems of retaining inappropriate trees.*

- 6.3.7 *Successful long-term retention of trees on development sites depends on an acceptance and acknowledgement of the constraints and benefits that existing trees generate. Protecting trees in accordance with the Standard may influence design and construction costs and this should be considered in project budgets and contracts. The gains and benefits of retaining trees will accrue if the measures detailed in the Standard are applied.*

## 7.1 THE TREE PROTECTION ZONE

- 7.1.1 The tree protection zone (TPZ) is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable. The TPZ incorporates the structural root zone (SRZ).
- 7.1.2 It may be possible to encroach into or make variations to the standard or optimal TPZ. Encroachment includes excavation, compacted fill and machine trenching.
- 7.1.3 If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ, the project arborist must demonstrate that the tree(s) would remain viable.

## 7.2 SRZ & TPZ CALCULATIONS

- 7.2.1 **The SRZ (or CRZ): Structural/Critical Root Zone** is the zone around a tree required to protect the tree's stability. **Generally, no development activities are permitted within this zone unless there are no other suitable options.**
- 7.2.2 **The TPZ or Optimal Tree Protection Zone is the principal means of protecting the tree and is calculated using the formula TPZ = DBH (diameter @ 1.4 meters above ground level) X 12.**

## 7.3 POTENTIAL IMPACTS

- 7.3.1 I believe the potential impacts will be tree roots from either of the three trees and protecting the trees during the construction phase of the proposed development.

## 8 DISCUSSIONS

- 8.1 All three trees within this tree report have been considered with the design of the new proposed dwelling and studio at **19 Orley Avenue, Stirling SA 5152.**
- 8.2 The proposed design has actually improved the condition around each of the trees by either moving the dwelling further away from the base of a tree, reducing the amount of vehicle traffic through an **Tree Protection Zone (TPZ)** by change the driveway or removing a large amount of bitumen (tennis court) and turning this area in to a well maintained garden area.
- 8.3 Each of the trees are going to have improved conditions with the proposed design. The **Liquidambar** is not going to have the main driveway access running through the **Tree Protection Zone (TPZ)**, the new dwelling is going to be located approximately nine meters from the base of the **Beech Tree** which is greater than the current seven meters and the bitumen tennis court has been removed to allow for the studio and also new garden and lawn area.
- 8.4 The removal of the bitumen will be a big improvement of the growing condition for the council owned **Stringybark**. The bitumen covered a large portion of the **Tree Protection Zone (TPZ)** on the eastern side of the tree. The removal of the bitumen and this area being turned into garden/lawn will increase the amount of air and water supply to the tree. The proposed studio will only encroach the **Tree Protection Zone (TPZ)** of the **Stringybark** by a minimal amount.
- 8.5 The **Stringybark** requires some urgent remedial works as a result of the large amount of deadwood throughout the crown and the recent failures from the side of the crown which overhangs the private property.
- 8.6 Refer to the recommendations (**section 10**) within this report for methodologies when working within a **Tree Protection Zones (TPZ 's)** of the three subject trees.



## 9 LEGISLATE REQUIREMENTS

- 9.1 The one “Regulated Tree”, one “Significant Tree” and one council tree have a stem circumference greater than 2 metres and less than 3 meters or greater than 3 meters when measured at 1 metre above ground level, therefore fulfilling the criteria contained within the **Development Regulations 2008** and also refers to the **Adelaide Hills Development Plan consolidated 8<sup>th</sup> August 2019**.

**Development should have minimal adverse effects on regulated trees: Yes – based on the supplied plans for the proposed development at 19 Morley Avenue, Stirling SA 5152, I believe the Liquidambar, Beech Tree and the council owned Stringybark WILL NOT be affected by the proposed construction of new dwelling and studio. The main driveway near the Liquidambar will become a second driveway access, not the main driveway, the new dwelling will be built an extra two meters away from the base of the Beech Tree and the old bitumen tennis court is being removed and replaced with a well maintained garden/lawn area and a studio which has a far less of an footprint than the bitumen tennis court.**

**However the correct methodologies to work around trees will need to be adhered to ensure that the trees are not compromised (refer Section 10).**

## 10 RECOMMENDATIONS:

- 10.1 I believe the proposed development will not have a detrimental effect on the three subject trees based on the proposed design for the new dwelling and studio as long as any excavation works within the **Tree Protection Zones (TPZ’s)** of the trees is undertaken using nondestructive methods (**Hydro-vac**)

- 10.1.1 All works required within the area of the Tree Protection Zone (TPZ) of all three trees must be undertaken by non-destructive methods (Hydro-vac)
- 10.1.2 Only minimal soil level changes within the Tree Protection Zone (TPZ) of the subject trees.
- 10.1.3 Any services that maybe required for the proposed development need to avoid the Tree Protection Zone (TPZ) where possible. If there is any encroachment into the Tree Protection Zone (TPZ) non-destructive methods need to be used to undertake.
- 10.1.4 Any landscaping works, such as pathways and driveway to be undertaken within the **Tree Protection Zones (TPZ’s)**, it is recommended that permeable products are used.
- 10.1.5 **NO ROOT SEVERENCE CAN OCCUR WITHIN THE SRZ.**
- 10.1.6 The Tree Protection Zone (TPZ) fencing of each tree needs to be installed. This fencing location is to be determined by the Project Arborist and the fencing is to consist of 1.80 meter tall temporary fence panels which are secured at the top to ensure no access into Tree Protection Zones (TPZ).
- 10.1.7 There are to be signs placed on each side of the fencing stating – **TREE PROTECTION ZONE (TPZ) DO NOT ENTER PROJECT ARBORIST THE ADELAIDE TREE SURGERY 08 83715955.**
- 10.1.8 Demolition Phase:
  - 10.1.8.1 Ensure that all machinery are positioned as far from the trees as possible and all demolition material is pulled away from the trees

- 10.2 **Council Approval from the Adelaide Hills Council needs to be granted prior to commencement of any works.**

**Mark Elliott**  
**Consultant Arborist/Diploma Arboriculture**

## **APPENDIX A: REFERENCES**

**The Development Act (1993)** South Australian Legislation

**The Development Regulations (1993)** South Australian Legislation

**Adelaide Hills Council Development Plan** Consolidated 8<sup>th</sup> August 2019.

**Australian Standards** AS 4970-2009: Protection of Trees on Development Sites

## **APPENDIX B: DISCLAIMER AND LIMITATIONS**

This report only covers identifiable defects present at the time of inspection. The author accepts no responsibility or can be held liable for any structural defect or unforeseen event/situation that may occur after the time of inspection, unless clearly specified timescales are detailed within the report.

The author cannot guarantee trees contained within this report will be structurally sound under all circumstances, and cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned this report will only be concerned with above ground inspections, that will be undertaken visually from ground level. Trees are living organisms and as such cannot be classified as safe under any circumstances. The recommendations are made on the basis of what can be reasonably identified at the time of inspection therefore the author accepts no liability for any recommendations made.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the author can neither guarantee nor be responsible for the accuracy of information provided by others.