

**CAP MEETING – 9 NOVEMBER 2022**  
**ITEM 8.1**

<b>DEVELOPMENT NO.:</b>	22002690
<b>APPLICANT:</b>	Anthony Rinaldi
<b>ADDRESS:</b>	LOT 720 (16A) WHITE AV CRAFTERS 5152
<b>NATURE OF DEVELOPMENT:</b>	Two storey detached dwelling, swimming pool & associated safety barriers, retaining walls (maximum height 1.4m) and removal of a Significant tree ( <i>Populus deltoids</i> - Cottonwood)
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Rural Neighbourhood</li> </ul> <p><b>Subzones:</b></p> <ul style="list-style-type: none"> <li>• Adelaide Hills</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Hazards (Bushfire - Medium Risk)</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Mount Lofty Ranges Water Supply Catchment (Area 2)</li> <li>• Native Vegetation</li> <li>• Prescribed Water Resources Area</li> <li>• Regulated and Significant Tree</li> <li>• State Significant Native Vegetation</li> <li>• Traffic Generating Development</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Site Area</li> </ul>
<b>LODGEMENT DATE:</b>	7 Apr 2022
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at Adelaide Hills Council
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.6
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Doug Samardzija Senior Statutory Planner
<b>REFERRALS STATUTORY:</b>	None
<b>REFERRALS NON-STATUTORY:</b>	Engineering Department

**CONTENTS:**

<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 6:</b>	<b>Relevant P &amp; D Code Policies</b>
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**DETAILED DESCRIPTION OF PROPOSAL:**

This proposal is for a two storey detached dwelling, swimming pool with associated safety barriers, retaining walls and removal of a significant tree. The key features of this proposal are:

- Two storey dwelling with an 8.1m wall height and the overall height of 9.7m (excluding the chimney). The dwelling has a proposed footprint of approximately 541m<sup>2</sup> including the double garage under main roof, verandahs and alfresco area.
- Retaining wall to a height of 1.4m is proposed to retain cut between the western boundary and the proposed dwelling.
- Removal of a significant tree (*Populus deltoids*-Cottonwood). This tree is located along the southern boundary of the allotment where the driveway is proposed. The tree has been identified as significant due to its trunk circumference exceeding 3m.
- A swimming pool with associated safety barrier to the rear of the proposed dwelling. This aspect of the proposal is considered to be accepted form of development and as such whilst it is part of this application it does not require planning assessment.
- Other features of this application which are not included in the description as they are not considered development include formalising of the driveway and access handle to the battle axe allotment and widening of the existing drainage swale which runs through the subject land as well as the adjoining allotment to the east. As part of the drainage works there will also be installation of a box culvert.

**BACKGROUND:**

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
10/06/2021	473/1205/20	Land division (1 into 2)

**SUBJECT LAND & LOCALITY:**

**Location reference: Lot 720 White Avenue, CRAFTERS SA 5152**

**Title ref.: CT 6265/864 Plan Parcel: D128549 AL720 Council: ADELAIDE HILLS COUNCIL**

**Site Description:**

The subject land is an irregular shaped allotment in a battle axe configuration with direct access to White Avenue. The allotment is a total of 3507m<sup>2</sup> in area including the access handle and 2590m<sup>2</sup> excluding the access handle. The access handle has a gradual rise from the road to about half way through the handle with a fall of approximately 1:50 whilst the rest of the driveway falls away towards the rear of the allotment with a fall of 1:200. The rear portion of the allotment is predominantly clear of vegetation and has a gradual rise of approximately 7m over a distance of 87m from south to north boundary with this portion of the allotment appearing to have been excavated and partially benched in the past. The allotment also contains a mixture of vegetation, predominantly of non-regulated and exotic species. Other site features include a drainage swale which runs through the subject land as well as the adjoining allotment to the east.

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#### Locality:

The locality is characterised by mixture of allotment sizes and patterns used for predominantly residential purposes in an area of the Council within the Rural Neighbourhood Zone. The locality contains a mixture of dwelling types ranging from traditional to contemporary designs either in single or two storey form with the dwelling immediately to the east, closest to the subject land being two storeys in nature. Whilst there is a mixture of dwelling sizes in the locality, they do however tend to predominantly be dwellings of larger footprint. The locality also contains dense vegetation especially on larger allotments which contributes to and maintains the landscaped character of the area.

#### CONSENT TYPE REQUIRED:

Planning Consent

#### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  - Swimming pool, spa pool or associated safety features: Accepted
  - Retaining wall: Code Assessed - Performance Assessed
  - Tree-damaging activity: Code Assessed - Performance Assessed
  - Detached dwelling: Code Assessed - Performance Assessed

#### OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

- **REASON**  
P&D Code

#### PUBLIC NOTIFICATION

- **REASON**  
Proposal fails to satisfy Table 5 Column B exemptions for dwelling. The height exceeds 9m and wall height exceeds 7m.

Public Notification period – 22 July 2022- 11 August 2022

- **LIST OF REPRESENTATIONS**

- Two (2) representations were received during the notification period opposing the proposed development. Both of the representors indicates that they wish to be heard in support of their representations. Both of the representors are from adjacent landowners/occupiers.

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Peter and Mary Clements	23 Glenside Road, Crafers	Yes	TBA
Richard and Susan Hardy	27 Glenside Road, Crafers	Yes	Richard and Susan Hardy

- **SUMMARY**

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

- Proposal should have regard for previous Development Plan and policies in the Country Living Zone mainly in relation to the Desired Character at the time of land division approval.

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- Site coverage
- Setbacks and bulk and scale
- Stormwater management and flooding and construction of a culvert
- Vegetation removal
- Architectural design
- Extent of paving and impacts on the views
- Access
- Impacts on privacy

A copy of the representations is included as **Attachment 4 – Representations** and the applicant's response is provided in **Attachment 5 – Response to Representations**.

### AGENCY REFERRALS

None

### INTERNAL REFERRALS

- Council Engineering:  
Council's Engineering Department has reviewed the proposed stormwater management plan and access and have advised that they have no objections to the proposal and have recommended a list of requirements that have been put into recommended conditions 6 and 8.

### PLANNING ASSESSMENT

#### ***Desired outcomes***

*Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome or assist in assessing the merits of the development against the applicable performance outcomes collectively.*

#### ***Performance outcomes***

*Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.*

#### ***Designated performance features***

*In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.*

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 6 – Relevant P&D Code Policies**.

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**Zone:**

Rural Neighbourhood Zone:

Desired Outcomes	
DO1	Housing on large allotments in a spacious rural setting, often together with large outbuildings. Easy access and parking for cars. Considerable space for trees and other vegetation around buildings, as well as on-site wastewater treatment where necessary. Limited goods, services and facilities that enhance rather than compromise rural residential amenity.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 2.1, 3.1, 5.1 and 6.1	
DPFs: 2.1, 3.1, 5.1 and 6.1	

The proposal is consistent with the desired outcome of the zone which envisages houses on large allotments in a spacious rural setting whilst still allowing for easy access, parking and vegetation around the building as depicted on the submitted drawings.

PO 2.1 envisages that buildings contribute to the low-rise residential character and complement the height of nearby buildings. Although the proposal is two storeys in nature, the design is considered to achieve this provision by being consistent in size and height with a significant number of dwellings in the nearby locality. The proposal is also considered to be partially consistent with corresponding DPF 2.1 which envisages building of a maximum of two (2) building levels. That being said, the proposal also has a slight departure from DPF 2.1 which also seeks wall heights of 7m and overall height of 9m. The proposal exceeding the building height by 744mm and wall height by 220mm which is considered marginal when viewed from the west considering that the dwelling is going to be partially below the natural ground level whilst the views from the south are distant and as such any encroachment beyond the quantitative parameters is not considered in this instance to be detrimental to the qualitative outcome of the proposal.

POs 3.1, 5.1 and 6.1 along with the corresponding DPFs refer to the appropriate setbacks from front, side and rear allotment boundaries of the allotment. Considering that the dwelling is proposed on a battle axe allotment, the front boundary setback is easily achieved. Side boundary setbacks are also achieved and ensure that there is an appropriate area for access and landscaping around the building. In relation to the rear boundary setback, the proposal fails to satisfy DPF 6.1 which seeks a 6m setback. In this case however, whilst it might appear as a side boundary, the western boundary of the allotment is considered as a rear boundary due to the orientation of the allotment. In this instance the proposal has a staggered setback from the rear boundary ranging from 2.1m setback at the closest point, increasing to a 3.9m setback at its furthest point. Whilst the DPF 6.1 in this case is not satisfied, the proposal is still considered to satisfy PO 6.1 due to the ample separation between dwellings. Additionally, the dwelling does not restrict natural light and ventilation for neighbour's dwelling when taking into account the difference between ground elevations and setbacks from swimming pool and the neighbouring dwelling. Lastly, the nominated setback distance still allows for landscaping to be established between the boundary and the proposed building.

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**Overlays**

Hazards (Bushfire- Medium risk) Overlay:

Desired Outcomes	
DO1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
DO2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 2.1, 3.1, 3.2, 3.3 and 5.2	
DPFs: 3.2 and 5.2	

This property is located in a medium bushfire area and as such there was no mandatory referral required to the CFS. That being said the proposal still needs to effectively demonstrate that a CFS vehicle is able to enter and exit the property in forward motion considering that the dwelling is proposed more than 60m from the road. The plans provided demonstrate that the CFS access and turning area is able to be achieved and as such the proposal is considered to comply with PO and DPF 5.2.

Being that the property is located in a medium bushfire area, it is automatically allocated a bushfire attack level rating of 12.5 which dictates the building code standards that the dwelling will need to be built to. Considering the nominated building materials and the overall design of the dwelling there is no suggestion that this cannot be achieved and as such the proposal is considered to be consistent with PO 2.1. Further to the above, the dwelling is also required to have a 2,000-litre water supply for firefighting purposes in accordance *Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements*. As specified in PO 3.3. a 2,000-litre underground fire tank has been proposed along the front of the dwelling immediately adjacent to the western boundary.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay:

Desired Outcomes	
DO1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1, 3.9 and 4.1	
DPFs: 2.1 and 3.9	

The proposal is not going to result in any negative impacts on the water quality or the catchment area. The subject land has a mains sewer connection which the dwelling is going to connect to. The proposal is therefore consistent with PO and DPF 2.1.

A stormwater management plan has been designed to ensure stormwater from all hard surface areas is appropriately captured. The design involves stormwater being directed into an underground detention tank and then slow released into the drainage easement. The design has been reviewed by Council's Engineering Department to ensure that post-development peak stormwater discharge quantities and rates do not exceed pre-development quantities. The proposal is therefore consistent with PO 3.1 and PO and DPF 3.9.

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Native Vegetation Overlay:

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

A Native Vegetation Declaration has been signed declaring that the proposal will not result in clearance of any native vegetation. All of the vegetation identified on the plans requiring removal is predominantly within the access handle or in the area required to facilitate access to the site. All of this vegetation has been identified as being exotic or a weed species and therefore not protected under the Native Vegetation Act. This proposal is therefore consistent with the desired outcome seeking protection and preservation of native vegetation as well as the relevant PO and DPF.

State Significant Native vegetation Areas Overlay:

Desired Outcomes	
DO1	Protect, retain and restore significant areas of native vegetation.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

Similar to the above, the proposal does not involve removal of any native vegetation and the application has also been accompanied by a native vegetation declaration form confirming that the proposal will not result in removal of any native vegetation. It is therefore consistent with the desired outcome and the relevant PO and DPF.

Regulated and Significant Tree Overlay:

Desired Outcomes	
DO1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.2, 1.4	
DPFs: -	

An arborist report was prepared by Arborman Tree Solutions which identified one (1) significant tree (*Populus deltoids*-Cottonwood) as being impacted by the proposed development and requiring removal. The findings in the arborist report identify the tree as being in good overall condition with the life expectancy exceeding 20 years. The report also identified the tree as having a moderate retention rating. In saying that the overall report recommendation was that the tree is removed as it does not display features that warrant its retention. The report details the tree as a potential weed species and as such its removal is considered to be reasonable. Considering that the report did not provide any justification for the retention of the tree as per PO 1.2 it is considered reasonable to allow its removal. Furthermore, retention of the tree is not possible due to its location and the need for this area to facilitate access to the dwelling. As such the proposal is consistent with PO 1.4 which argues that removal is warranted in circumstances where it accommodates the reasonable development of land and all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

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As part of the significant tree removal applicant was asked to either pay into the tree replacement fund or alternatively plant three (3) new trees of appropriate species on the subject land as replacement trees. In this instance applicant has also opted to pay the appropriate amount into the tree replacement fund prior to commencing work on site.

**General Development Policies**

Clearance from Overhead Powerlines:

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

A Powerline declaration form has been signed and submitted with the application stating that proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. Proposal is therefore consistent with DO 1 and PO and DPF 1.1.

Design:

Desired Outcomes	
DO1	<p>Development is:</p> <ul style="list-style-type: none"> <li>a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area</li> <li>b) durable - fit for purpose, adaptable and long lasting</li> <li>c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</li> <li>d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li> </ul>
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 8.1, 8.2, 9.1, 10.1, 10.2 11.1, 11.2, 12.1, 14.1, 15.1, 17.1, 19.1, 19.3, 19.4, 19.5, 19.6, 22.2, 22.3, 22.4 and 24.4	
DPFs: 8.1, 8.2, 10.1, 10.2, 11.1, 12.1, 14.1, 17.1, 19.1, 19.3, 19.4, 19.5, 19.6 and 24.4	

The extent of earthworks exceeds 1m of cut as envisaged by DPF 8.1 however the majority of this excavation is around the perimeter of the dwelling site which is not going to be visible from the public realm or any of the neighbouring properties. This excavation is also partially occurring in an already benched area which contributes to lowering the profile of the dwelling. Earthworks associated with the driveway and access are within the parameters envisaged by the DPF 8.1, whilst at the same time ensuring that the appropriate driveway gradients are achieved. The plans demonstrate driveway gradients varying from 1 in 8 to 1 in 6. Proposal is therefore considered to be consistent with POs and DPF 8.1 and 8.2.



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POs 10.2 and 10.2 seek that development mitigates direct overlooking from upper-level windows and balconies with the corresponding DPFs outlining ways that this is to be achieved. The submitted plans show that all side upper-level windows will have the lower portion in obscured glazing to a height of at least 1.5m from finished floor level (FFL). At the same time the front facing balconies will also have side screening installed to prevent peripheral overlooking into neighbouring properties to the east and west. A small degree of overlooking will still exist towards the southern property from the balconies however this overlooking is considered to be minor in nature given the separation distance between the balconies and neighbouring dwelling's private open space. Additionally, when factoring in existing vegetation along the boundary it is not expected that the proposal will create unreasonable direct overlooking of adjoining properties.

POs 11.1, 11.2, 12.1 and 14.1 along with the corresponding DPFs put high emphasis on the design of the dwelling and in particular how it presents to the street in terms of ensuring that it incorporates windows, has a clearly visible entry doors, with living rooms providing external outlook and ensuring that the garaging does not detract from the streetscape. Whilst these POs are not generally applicable in this instance considering that the dwelling is proposed on a battle-axe allotment and the dwelling does not front the street, the design is none the less considered to be of high standard which adequately addresses the requirements sought by these POs and DPFs.

PO 15.1 seeks that the visual mass of large buildings is reduced when viewed from adjoining allotments or the public realm. There are no concerns with the proposed built form from the public realm perspective given that the dwelling is not going to be visible from the road. That being said, concerns were raised by the two adjoining properties owners about the overall bulk and scale of the dwelling when viewed from their properties. As part of the response to the representations, the applicant has made changes to the overall height of the dwelling by lowering the finished floor level and the overall floor to ceiling height which reduced the height of the dwelling by 916mm. As mentioned earlier in the report, the zone envisages two storey dwellings with guiding parameters in terms of what is envisaged as an appropriate wall and overall building height. The overall building height is still above the 9m, and the wall height is above 7m when measured from finished floor level despite the reduction in height. However, when viewed from the west at no point does the building and wall height exceed the nominated parameters when measure from natural ground level given that the site is proposed to be excavated along the western boundary. On the other hand, the views from the east and the south are more distant in nature and as such the encroachment beyond the nominated height levels is considered to be minor in nature. The proposal is therefore considered to be consistent with PO 15.1.

Finally, there is adequate private open space to the rear of the proposed dwelling, along with soft landscaping. The proposed access point has been reviewed and approved by Council's Engineering Department with the battle-axe handle being 5.7m in width at the front boundary to allow two-way vehicle movement and then narrowing to a minimum required width of 3m for the rest of the driveway. The proposal therefore ensures the remaining relevant assessment criteria of the Design general development provisions are met.

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Infrastructure and Renewable Energy Facilities:

Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 11.2 and 12.1	
DPFs: 11.2 and 12.1	

As part of the earlier land division the subject land was provided with the appropriate mains sewer and water connections. Upon completion of work, the proposed development will be able to connect directly into the essential infrastructure. As such this proposal is consistent with POs and DPFs 11.1 and 12.1.

Interface between Land Uses:

Desired Outcomes	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 3.1, 3.2 and 3.3	
DPFs: 3.1 and 3.2	

Whilst it is anticipated that overshadowing will occur as a result of the proposed development, it is not considered that the level of overshadowing is going to be significant considering the allotment size and the level of separation between neighbouring private open space areas and dwellings and general topography of the locality. As such the proposal is considered to be consistent with the above POs and DPFs.

Site Contamination:

Desired Outcomes	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

The subject land has been recently subdivided for residential purposes. Furthermore, aerial images do not indicate any uses on the land which would have resulted in potential contamination of land. The site is therefore considered to be suitable for the intended use and as such is consistent with DO 1 and PO and DPF 1.1.

Transport, Access and Parking:

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 5.1 and 10.1	
DPFs: 5.1	

Two undercover parking spaces as well as two additional on-site parking spaces have been provided as part of the proposal which satisfy PO and DPF 5.1 and Table 1- General Off-Street Car Parking Requirements.

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Considering the battle-axe nature of the allotment and the long access handle, an on-site turning area has been provided which would allow vehicles to enter and exit the site in a forward motion and will in turn allow drivers to safely turn into and out to the public road. The proposal is therefore consistent with PO 10.1.

### **CONCLUSION**

The proposal is for a two-storey detached dwelling, swimming pool & associated safety barriers, retaining walls and removal of a Significant tree (*Populus deltoids*- Cottonwood). The subject land is located in the Rural Neighbourhood Zone, amongst existing residential land uses.

The proposal is considered to be relatively consistent with the relevant provisions of the Rural Neighbourhood Zone. Quantitatively, the proposal does not fully satisfy all of the provisions contained within in the relevant DPFs, mainly in relation to the building height and setback from the rear allotment boundary. That being said, the encroachment beyond the nominated building and wall height is marginal, exceeding the building height by 744mm and wall height by 220mm. Additionally, the shortfall in rear boundary setback is considered acceptable given that the portion of the dwelling is going to be located below natural ground level which reduces the overall profile of the dwelling.

The visual mass of the side walls of the proposal when viewed from adjoining allotments have been reduced by lowering the overall height of the dwelling by 916mm. The bulk of the proposal when viewed from the neighbouring property to the west is further reduced by the fact that the site along this boundary is proposed to be excavated to a height of 1.4m. Whilst there were concerns raised with the overall bulk and scale of the development, the zoning does envisage two storey buildings, which is further supported by the fact that the character of the locality is defined by large dwellings, some of which are of two storey design, as is the case with the immediate dwelling to the east.

The removal of the significant tree is supported by an arboriculture report, and while it is of good health and long-life expectancy, it is considered to be a weed species and occupies an area of land required for access purposes. As such its removal for the reasonable development of the land is considered acceptable, subject to a payment into the tree fund for three (3) replacement trees to be planted.

The proposal complies with the provisions of the remaining relevant overlays and general development policies of the Planning & Design Code.

### **RECOMMENDATION**

**It is recommended that the Council Assessment Panel resolve that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 21019844 for two storey detached dwelling, swimming pool & associated safety barriers, retaining walls (maximum height 1.4m) and removal of a Significant tree (*Populus deltoids*- Cottonwood) by Anthony Rinaldi at Lot 720 (16A) White Avenue, Crafers is granted Planning Consent subject to the following conditions:**

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**CONDITIONS**

**Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) 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.
- 3) All external materials and finishes shall be of subdued colours which blend with the natural features of the landscape and are of a low-light reflective nature

**NOTE: browns, greys, greens and beige are suitable and galvanised iron and zincalume are not suitable**

- 4) 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) A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes and shall comprise:
  - a minimum supply of 2,000 (two thousand) litres of 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; and
  - the overflow shall be connected to the stormwater management system; and
  - the water supply should be installed prior to occupation of the dwelling.
- 6) Stormwater management shall be undertaken in accordance with the stormwater management plan and calculations prepared by MQZ Consulting Engineers and approved by Adelaide Hills Council prior to the occupation of the dwelling:
  - All stormwater from roof, paving and driveway areas shall be directed to an underground detention tank with a minimum capacity of 22,500 L.
  - Pump discharge from the tank shall be directed to the winter creek at a maximum rate of 7.5 L/sec
  - Dual pump system is to be installed in case of pump failure.

All stormwater infrastructure shall be installed 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.

- 7) The vehicle access point(s) and cross-over shall be constructed at a maximum width of 4 metres. Access point must be constructed to Council Standards ensuring compliance with the following:
  - Inverts and crossovers may not be constructed within one metre of stobie poles
  - Maximum driveway gradient of 1:4

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- Driveway to be surfaced with all-weather material and ensure there is no material drag out onto the carriageway
  - Newly constructed access must not alter road stormwater flow or path.
- 8) Payment of an amount calculated in accordance with the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* be made into the Adelaide Hills Council Urban Tree Fund in lieu of planting 3 replacement trees. Payment must be made prior to the undertaking of development on the land.
- 9) The west facing and east facing upper level windows of the dwelling shall be glazed with fixed obscure glass to a minimum height of 1.5 metres above finished floor level. The glazing in these windows shall be installed prior to occupation of the dwelling and maintained in good condition at all times to the reasonable satisfaction of the Relevant Authority.
- 10) The balcony of the dwelling shall be fitted with fixed screening as shown on the elevation drawings to a minimum height of 1.5 metres above the balcony floor level. The screening shall be installed prior to the occupation of the dwelling and maintained in good condition at all times to the reasonable satisfaction of the Relevant Authority.
- 11) Landscaping detailed on the site plan drawing number SK04 dated 27/10/2022 shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

**ADVISORY NOTES**

**General Notes**

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

**OFFICER MAKING RECOMMENDATION**

**Name:** Doug Samardzija  
**Title:** Senior Statutory Planner

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<b>DEVELOPMENT NO.:</b>	22019350
<b>APPLICANT:</b>	Ron Danvers
<b>ADDRESS:</b>	19 Laurel Road, Stirling (Lot 3; CT 5485/392)
<b>NATURE OF DEVELOPMENT:</b>	Alterations and additions to State Heritage Place (dwelling – former Coach House) including partial demolition, ancillary accommodation with associated garage, pergola, water tanks, retaining walls, and masonry fence
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>Established Neighbourhood Zone</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>Historic Area (AdHi2)</li> <li>Hazards (Bushfire - Medium Risk)</li> <li>Hazards (Flooding - Evidence Required)</li> <li>Limited Land Division</li> <li>Mount Lofty Ranges Water Supply Catchment (Area 2)</li> <li>Native Vegetation</li> <li>Prescribed Water Resources Area</li> <li>Regulated and Significant Tree</li> <li>State Heritage Place</li> <li>Stormwater Management</li> <li>Urban Tree Canopy</li> </ul> <p><b>Local Variations (TNV)</b></p> <ul style="list-style-type: none"> <li>Minimum Site Area (Minimum site area is 2,000 sqm)</li> <li>Maximum Building Height (Levels) (Maximum building height is 2 levels)</li> <li>Minimum Side Boundary Setback (Minimum side boundary setback is 2m)</li> <li>Site Coverage (Maximum site coverage is 50 per cent)</li> </ul>
<b>LODGEMENT DATE:</b>	28 June 2022
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at Adelaide Hills Council
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.11 (23 June 2022 – 6 July 2022)
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed – Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Sebastien Paraskevopoulos
<b>REFERRALS STATUTORY:</b>	State Heritage
<b>REFERRALS NON-STATUTORY:</b>	Council Engineering

**CONTENTS:**

<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 5:</b>	<b>Response to Representations</b>
<b>ATTACHMENT 2:</b>	<b>Subject Land Map/Representation Map</b>	<b>ATTACHMENT 6:</b>	<b>Referral Response</b>
<b>ATTACHMENT 3:</b>	<b>Zoning Map</b>	<b>ATTACHMENT 7:</b>	<b>Relevant P &amp; D Code Policies</b>
<b>ATTACHMENT 4:</b>	<b>Representations</b>		

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#### **DETAILED DESCRIPTION OF PROPOSAL:**

The application proposes alterations and additions to an existing two storey detached dwelling and the construction of a two-storey detached ancillary accommodation building with garage. Earthworks and retaining walls are associated with the proposal, along with a masonry wall, pergola, and water storage tanks. The existing detached dwelling is the former Coach House building within the St Vigeans Estate and is a State Heritage Place. A conservatory, bay window, verandah and balcony will be added to this dwelling, and internal modifications will be undertaken to accommodate an open plan kitchen, dining and living area, two bedrooms and study, family room, and bathroom. An outside attached utility room and toilet will remain. Directly adjacent the dwelling, a new masonry wall (2m maximum height) will also be constructed along the boundary to the west.

The works result in the partial demolition of the State Heritage Place. These works are limited to the removal of the existing bathroom, kitchen, internal spiral staircase, external staircase, some internal walls, and the front verandah which is not an original element of the State Heritage Place.

The proposal also includes the construction of a two-storey ancillary accommodation building to the north of the existing dwelling. This building comprises an open studio area and bathroom on the first level, and a three car garage and workshop area at ground level below. Adjacent to this building is a raised garden area with retaining wall (3.2m maximum height) and pergola.

The alterations and additions to the existing dwelling will result in a floor area of approximately 196m<sup>2</sup> across both levels, a 30m<sup>2</sup> increase from the existing floor area. The works will not alter the overall height of the dwelling, which is 10.7m above ground level (to the roof lantern of the building). The proposed ancillary accommodation building has a combined floor area of approximately 143m<sup>2</sup> over both levels, with a building footprint of approximately 98m<sup>2</sup> (including the verandah and staircase aspects). The maximum height of this building is 8.14m.

Boundary setbacks remain largely the same with regard to the existing dwelling. The addition of the conservatory would technically reduce the front boundary setback of the building; however, this is within the footprint of the existing verandah and raised porch area. Similar to the existing dwelling, the ancillary accommodation building is set well back from the street, toward the rear boundary. It is also of a similar orientation, facing east toward Laurel Road. It has a 2m west rear boundary setback, 6.4m north side boundary setback, and a 49.5m east front boundary setback.

Earthworks consisting of excavation up to approximately 2.3m are proposed to provide a level site area for the ancillary accommodation building, increasing the difference in ground levels between the proposed site area and the tennis court of the rear neighbour to 3.88m. Filling of approximately 1.46m is also proposed, although this is limited to facilitating the proposed raised garden area to the north side of the ancillary accommodation building.

The proposal features a combination of neutral colours and finishes. This includes sandstone render used for the ancillary accommodation building, masonry walls, and retaining walls. The roof of the ancillary accommodation building will be finished in 'Woodland Grey', which will match that of the existing dwelling.

#### **BACKGROUND:**

The Coach House element of St Vigeans Estate is located at 19 Laurel Road. The other elements of the State Heritage Place are located at 17, 13, and 9 Laurel Road. The subject land has been subject to two development applications under the *Development Act 1993*, and one more recently under the *Planning, Development and Infrastructure Act 2016*, as described in the table below.

The most recent of those applications proposed a two storey, 474m<sup>2</sup> addition to the existing dwelling. This addition was proposed to the north of the dwelling, similar in location to the ancillary accommodation building subject of the current application but was longer in length and had a shallower west rear boundary setback of 0.7m. This application was withdrawn on 2 May 2022.

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APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
N/A	21021696	Two storey dwelling alterations and additions (including partial demolition of a State Heritage Place), verandah and retaining walls – WITHDRAWN
9 October 2001	473/950/01	Salt Damp Eradication
N/A	473/959/09	Alteration to the façade of a state heritage place (restoration to sandstone, repainting and mortar removal – LAPSED

**SUBJECT LAND & LOCALITY:**

**Location reference:** 19 Laurel Road, Stirling SA 5152

**Title ref.:** CT:5485/392    **Plan Parcel:** Lot 3 Sec: 48 FP: 11907

**Site Description:**

The subject land is irregularly shaped, with a primary street frontage to Laurel Road, and a ‘handle’ that provides non-vehicular access to Ayers Hill Road. It has a total site area of 2600m<sup>2</sup>, and a frontage width of 24.1m which broadens out at the rear to a depth exceeding 60m. The land is used for residential purposes, and the existing dwelling itself is setback to the rear south-west corner of the land.

The land has a moderate to steep natural slope (approximately 1:6.5) descending from the rear of the allotment to the roadside. The land descends more steeply inwards from the proposed site area of the ancillary accommodation building and the edge of the existing internal driveway.

The land is connected to SA Water and Sewer Mains.

The former coach house building is a State Heritage Place.

**Locality:**

The property is located on the western side of Laurel Road, within the *Established Neighbourhood Zone* of the Planning and Design Code (this was formerly the *Country Living (Ayers Hill Road Historic) Policy Area* of the superseded Adelaide Hills Council Development Plan).

This area is characterised by typically larger style dwellings on large allotments within a well-established low density residential neighbourhood. Dwellings are usually well hidden from public view, due to considerable front setbacks, along with well-maintained gardens which act as a natural form of screening.

To the east of Laurel Road is the *Rural Neighbourhood Zone*. Allotment sizes are consistent in the locality and dwellings remain mostly secluded due to generous setbacks, gardens and hedging.

There are a number of State and Local Heritage Places in both zones of the locale, which also contribute to the character of the area.

The subject land is identified on **Attachment 2 – Subject Land/Representation Map**. The zoning is shown on the map in **Attachment 3 – Zoning Map**.



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**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**

- Ancillary accommodation: Code Assessed – Performance Assessed
- Dwelling addition: Code Assessed – Performance Assessed
- Internal building work: Code Assessed – Performance Assessed
- Partial demolition of a building or structure: Code Assessed – Performance Assessed
- Retaining wall: Code Assessed – Performance Assessed
- Water tanks: Code Assessed – Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed – Performance Assessed

- **REASON**

The Planning and Design Code provides no ‘Accepted’ or ‘Deemed to Satisfy’ pathway for any of the above elements –nor are they categorised as ‘Restricted’ under Table 4 of the zone. Therefore, as per sections 105 (b) and 107 of the *Planning Development & Infrastructure Act 2016*, the development is categorised as Code Assessed – Performance Assessed.

**PUBLIC NOTIFICATION**

- **REASON**

The development was publically notified on the basis that partial demolition works to a State Heritage Place are proposed. This is specified under Table 5 item 6, where ‘demolition’ is listed as excluded from public notice, except where demolition in relation to a State Heritage Place is proposed.

Public notification was undertaken between 8 September 2022 and 29 September 2022.

**LIST OF REPRESENTATIONS**

Four (4) representations were received during the public notification period. Two (2) were in support of the development (one (1) with some concerns), while the remaining two (2) were not in support.

<b>Representor Name</b>	<b>Representor’s Property Address</b>	<b>Wishes to be heard (Y/N)</b>	<b>Nominated Speaker (if relevant)</b>
Charles Gilchrist	73 Church Terrace, Walkerville	No	N/A
Gavin Carney	36 Ayers Hill Road, Stirling	Yes	David Hutchison
Lisa Greenstreet	18 Laurel Road, Stirling	No	N/A

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- **SUMMARY**

The following is a summary of the issues raised in the representations:

- Alterations to the State Heritage Place
- Proximity of the ancillary accommodation building to neighbouring rear boundary
- Visual impact of the ancillary accommodation building
- Overshadowing of outdoor areas
- Overlooking
- Smoke and odour from the wood heater flue
- Loss of landscaping/trees along the west boundary (including within 36 Ayers Hill Road)
- Failure to respect the Historic Area Overlay
- Potential easement encroachment
- Stormwater management
- Proposal is for two dwellings
- Failure to survey the land

In addition to their written response, the applicant has provided updated plans (including a survey plan by Alexander Symonds), which resolves potential easement encroachment, and provides more detail regarding driveway levels and earthworks.

A copy of the representations is included as **Attachment 4 – Representations** and the applicant's response is provided in **Attachment 5 – Response to Representations**.

### AGENCY REFERRALS

- **Stage Heritage**

As per the Procedural Matters – Referrals table of the *State Heritage Overlay*, the development was referred to Heritage SA, who provided their response on 5 October 2021. They considered the development to be acceptable in relation to the State Heritage Place itself and also the State Heritage Place on adjoining land. No conditions were directed however two advisory notes were imposed.

For full details of State Heritage's response, see **Attachment 6 – Referral Response**.

### INTERNAL REFERRALS

- **Council Engineering**

The application was referred to Council's Technical Officer, who provided comment on the proposal and advised the requirement for a stormwater management plan and calculations to be provided prior to issuing Building Consent.

A copy of the referral responses is included as **Attachment 6 –Referral Responses**.

### PLANNING ASSESSMENT

#### *Desired outcomes*

*Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome or assist in assessing the merits of the development against the applicable performance outcomes collectively.*

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#### **Performance outcomes**

*Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.*

#### **Designated performance features**

*In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.*

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 7 – Relevant P&D Code Policies**.

#### **Established Neighbourhood Zone**

<b>Desired Outcomes</b>	
DO 1	A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.
DO 2	Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.
<b>Performance Outcome (PO) and Designated Performance Feature (DPF) criteria</b>	
PO 1.1 & DPF 1.1; PO 3.1 & DPF 3.1; PO 4.1 & DPF 4.1; PO 4.2 & DPF 4.2; PO 8.1 & DPF 8.1; PO 9.1 & DPF 9.1; PO 10.1 & DPF 10.1; PO 10.2; PO 11.1 & DPF 11.1; PO 11.2 & DPF 11.2	

In reference to DO 1, the proposed ancillary accommodation building offers a new type of habitable space on the land, whilst being well setback from the roadside as per the prevailing pattern of development in the locale. This new building is also sympathetic in form, scale, and character with the existing dwelling. With regard to DO 2, streetscape character would remain unaffected by the proposal due to the significant front set-back and landscaped garden.

The proposed dwelling additions do not increase any of the existing side or rear boundary setbacks. The addition of the conservatory technically reduces the front boundary setback and infringes DPF 4.2, however, considering the distance of this setback (approximately 43.5m) and the dense, mature vegetation between, it is considered that streetscape character will remain as is, thereby satisfying the associated PO.

The alterations and additions will not affect the height of the dwelling, nor will they exceed the 50 per cent site coverage limit specified by DPF 3.1 (all elements of the proposal would total approximately 13 per cent site coverage).

The policies applied to ancillary accommodation by the Planning and Design Code are different to those which are applicable to dwellings or dwelling additions in the zone. Rather than being informed by several policies, the siting, scale, and design of ancillary buildings (including ancillary accommodation) is directed by DPF 11.1.

With regard to boundary setback requirements, DPF 11.1 is not overly descriptive, aside from stating that buildings can be constructed on boundary lines so long as their length does not exceed 8m. The height requirements of the DPF are more relevant, specifying a 3m wall height and 5m building height. In these regards, the ancillary accommodation building is proposed with a 2m west rear boundary setback, with a wall height of 5.52m and an overall building height of 8.14m. When considering compliance with PO 11.1, these elements should be considered together, and in

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association with the 3.88m difference in levels between the floor level of the proposed ancillary accommodation building and the neighbouring ground level of 36 Ayers Hill Road. The difference in levels effectively blocks the view of the entire ground floor of the proposed building, and only the extent of the first floor is visible from this neighbouring perspective. This is similarly the case with the adjacent neighbour at 38 Ayers Hill Road, where a difference in levels essentially covers the view of the majority of the ground floor from the elevation looking south, while also being setback by 6.4m. In conjunction with the above, it should be acknowledged that the two-storey portion of the building is limited to 10.5m in length. Virtually no view of the ancillary accommodation building from the road would be available, due to the considerable front boundary setback and dense, mature vegetation between.

Additionally, while the floor area of the proposal exceeds the 60m<sup>2</sup> limit recommended by DPF 11.1, it is distributed across a building footprint of approximately 98m<sup>2</sup>, which is less than that of the dwelling. On an allotment of 2600m<sup>2</sup>, a variance of this nature is not considered excessive, while also factoring in the higher neighbouring perspectives of the building and low impact on the streetscape.

Considering the above, the extent of the setbacks, height, and scale of the ancillary accommodation building are not deemed to be at serious variance with PO 11.1.

PO 11.2 is considered met, with the proposed ancillary accommodation building not occupying any existing private open space associated with the dwelling and increasing the amount of car parking space on site with proposed accommodation for three vehicles undercover.

### OVERLAYS

The proposal is not at variance with or impacted by the following Overlays: Hazards (Flooding - Evidence Required); Limited Land Division; Native Vegetation; Prescribed Water Resources Area; Urban Tree Canopy.

The following are considered to be relevant Overlay matters, to varying degrees in assessment of the proposed development.

#### Hazards (Bushfire - Medium Risk)

Desired Outcomes	
DO 1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
DO 2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 2.1; PO 2.2 & DPF 2.2; PO 3.1; PO 3.2 & DPF 3.2; PO 3.3; PO 5.1 & DPF 5.1; PO 5.2 & DPF 5.2; PO 5.3	

The proposed site plan demonstrates an on-site manoeuvring area for Country Fire Service (CFS) access, and there is ample space for on-site fire-fighting water provision. The alterations and additions to the existing dwelling are not considered to increase the risk of bushfire hazard compared to the current arrangement. The proposed ancillary accommodation building is not deemed to be sited in an area which poses an unacceptable risk, and its built form and setbacks would allow for maintenance around the building to prevent trapping or build-up of debris. The proposal is not deemed at variance with any other relevant provisions of the Code for bushfire hazard.

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Historic Area (AdHi2)

Desired Outcomes	
DO 1	Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 2.1; PO 2.2; PO 2.3; PO 2.4; PO 2.5; PO 3.1 & DPF 3.1; PO 3.2, PO 4.1; PO 4.2; PO 6.1; PO 6.2	

The alterations and additions to the dwelling are not considered to conflict with any of the relevant POs of the Overlay, nor the *Stirling - Ayres Hill Road Historic Area Statement (AdHi2)*. While the works are not fully within the roof space of the existing dwelling and involve additions to the building elevation facing the primary street (which DPF 3.1 seeks to avoid), they are minor in nature, and would not be able to be seen from any public vantage, with no impact on streetscape character. The works also gained the support of the State Heritage Unit.

The ancillary accommodation building complements the associated dwelling with a similar form and lower scale. It is set back deep into the allotment from the roadside, behind well-established gardens which would render it functionally absent from the public realm. The proposal, however, arguably falls short of one component of PO 6.2, which seeks the preservation of existing landscape patterns and characteristics –one of those characteristics being vegetation and gardens between buildings and their rear boundaries. This is not present with the proposed ancillary accommodation building, whose 2m boundary setback does not feature any additional landscaping. However, while PO 6.2 seeks the aforementioned, it goes on to specify that safety should be prioritised. Vegetating a 2m wide strip of land in the context of a medium risk bushfire area, therefore, is not ideal, and its omission in this instance is not considered to be at variance with the overall intent of the PO. Both the works to the dwelling and the proposed ancillary accommodation building gained the support of State Heritage, and it is not considered to meaningfully vary with any of the remaining POs of the Overlay.

Mount Lofty Ranges Water Supply Catchment (Area 2)

Desired Outcomes	
DO 1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 2.1 & DPF 2.1; PO 2.4 & DPF 2.4; PO 2.5 & DPF 2.5; PO 3.1; PO 3.2; PO 3.3; PO 3.5 & DPF 3.5; PO 3.9 & DPF 3.9; PO 4.1	

Council Engineering have identified that the property has the ability to manage storm water runoff created by the proposed alterations to the existing stormwater management system. A condition is proposed for the applicant to provide the updated stormwater management plan and calculations (refer Recommended Condition 4) and there are no concerns regarding stormwater management or harmful impacts on water quality.

Although the proposed earthworks are at variance with the provisions of DPF 3.9, these will be retained and managed appropriately so that storm water quality is not detrimentally impacted.

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Regulated and Significant Trees

Desired Outcomes	
DO 1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
N/A	

No regulated or significant tree damaging activity is proposed as part of this application.

With regard to the alterations and additions to the existing dwelling, while the conservatory extends toward the garden to the east, it is within the footprint of the existing verandah and raised porch area and poses no potential increase of tree protection zone (TPZ) encroachment to any tree, whether regulated or not.

With regard to the ancillary accommodation building proposed, while removal of trees along and in proximity of the west boundary may be required, none of these trees are of a regulated or significant size. This includes any potential trees shared with or on the land of 36 Ayers Hill Road. If any neighbouring non-regulated trees were to require pruning or removal, this would be adjudicated as a civil matter between the two parties.

State Heritage Place

Desired Outcomes	
DO 1	Development maintains the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significance and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Heritage Places Act 1993.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 1.2; PO 1.3; PO 1.4; PO 1.5; PO 1.6; PO 1.7; PO 2.1; PO 2.2; PO; PO 7.1	

As per the *Procedural Matters – Referrals* section of the Overlay, the application was referred to State Heritage for direction and comments.

State Heritage were satisfied with the alterations and additions to the existing dwelling. Proposed internal alterations were deemed to remove non-significant building fabric only, and not affect the remaining heritage features of the interior. The removal of later additions (including the front verandah) was supported, for more compatible replacements. This includes the conservatory addition, with its impact on the façade of the building considered minor, and reversible in the future.

The agency considered the proposed ancillary accommodation building to be compatible in form, scale, roof pitch and materials within the setting of the associated State Heritage Place dwelling. Its distance from the main residence was also seen as a benefit, which would facilitate improved views of the State Heritage Place.

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#### GENERAL DEVELOPMENT POLICIES

##### Clearance from Overhead Powerlines

Desired Outcomes	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

A declaration was made by the applicant upon submission of the application that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. On this basis the proposal is considered to be in accordance with the DO.

##### Design in Urban Areas

Desired Outcomes	
DO 1	Development is: <ul style="list-style-type: none"><li>(a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality</li><li>(b) durable - fit for purpose, adaptable and long lasting</li><li>(c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</li><li>(d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li></ul>
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 8.1 & DPF 8.1; PO 8.2 & DPF 8.2; PO 8.3; PO 8.4; PO 8.5; PO 9.1; PO 9.2 & DPF 9.2; PO 10.1 & DPF 10.1; PO 10.2 & DPF 10.2; PO 18.1 & DPF 18.1; PO 20.3; PO 21.1 & DPF 21.1; PO 21.2 & DPF 21.2; PO 22.1 & DPF 22.1; PO 23.1 & DPF 23.1; PO 23.2 & DPF 23.2; PO 23.3 & DPF 23.3; PO 23.4 & DPF 23.4; PO 23.5 & DPF 23.5; PO 23.6 & DPF 23.6; PO 24.1 & DPF 24.1	

Although the level of excavation exceeds DPF 8.1 (a) (1m in vertical height limit), the majority of these works are retained against the proposed ancillary accommodation building. Similarly, while the amount of fill proposed exceeds DPF 8.1 (b) (1m in vertical height limit), this is limited to the raised garden retaining wall adjacent to the ancillary accommodation building. The proposed earthworks, in particular the cut, contribute significantly to reducing the vertical profile of the building, thereby minimising the visual impact on neighbouring views by increasing the difference in ground levels between the allotments. Further, the extent of the excavation will be largely obscured by the building itself, while the fill element would only be visible as a feature of the raised garden, which faces internally to the site. Earthworks associated with the driveway extension would not be visible from public view, and difficult to see from the neighbours' perspectives. On this basis, the earthworks are not considered to be significantly at variance with PO 8.1.

The alterations and additions to the existing dwelling do not create any new overlooking concerns. The new 'Juliet balcony' on the first floor offers no more overlooking potential than what exists atop the current outdoor staircase, and the sill height of the proposed dormer windows are 1.7m above floor level on both sides of the dwelling.

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The proposed ancillary accommodation building features no windows on its western side, preventing overlooking to the neighbouring tennis court of 36 Ayers Hill Road. Views from the window on the northern side of the building are limited by two large existing hedges adjacent to the north and west boundaries. It is proposed to increase these hedges in length so that the raised garden area is enclosed completely on its northern and western sides, thereby preventing any potential exchange of views from this interface. The overlooking criteria specified in PO 10.1 and PO 10.2 is only relevant to upper-level windows and balconies/decks, respectively.

Due to the reduced setback of the dwelling and the nature of the rear west boundary configuration, the private open space requirements are not technically met. Specifically, DPF 21.1 and DPF 21.2, which call for 60m<sup>2</sup> of space (minimum dimension 3m) accessible from an internal habitable area. However, the size of the site itself (2600m<sup>2</sup>) and the secluded character of the property should be taken into account in this instance. The associated POs seek suitably sized private areas conveniently accessible from the dwelling, which (among other spots) are satisfied by the large mature garden directly in front of the home, and the new pergola area associated with the proposed ancillary accommodation building, although not directly accessible from the habitable rooms of the dwelling.

Finally, there is adequate soft landscaping, car parking and access, and waste storage areas, ensuring the remaining relevant assessment criteria of the Design in Urban Areas general development provisions are met.

#### Infrastructure and Renewable Energy Facilities

Desired Outcomes	
DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 12.2 & DPF 12.2	

While PO 12.2 is arguably designed for direction in relation to *on-site* waste management systems, it is acknowledged the applicant has amended their proposal since public notification to avoid any potential encroachment within the SA Water sewer easement.

#### Interface between Land Uses

Desired Outcomes	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 3.1 & DPF 3.1; PO 3.2 & DPF 3.2; PO 3.3;	

The works to the existing dwelling would not increase overshadowing potential in any manner which would conflict with the relevant POs.

While the Code does not apply this suite of policies to ancillary accommodation, it should be acknowledged that the proposed building would not conflict with any of the same POs.



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#### Transport, Access and Parking

<b>Desired Outcomes</b>	
<b>DO 1</b>	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
<b>Performance Outcome (PO) and Designated Performance Feature (DPF) criteria</b>	
PO 5.1 & DPF 5.1; PO 10.1	

The proposal includes off-street undercover parking for at least three vehicles, along with external space for more vehicles on the subject land.

### **CONCLUSION**

The proposal is for alterations and additions to an existing State Heritage listed dwelling, and the construction of a two-storey ancillary accommodation building. In association with these works are retaining and masonry walls, a pergola, and water tanks. The subject land is located in the Established Neighbourhood Zone, among existing residential land uses.

The proposal is considered to largely align with the relevant provisions of the Established Neighbourhood Zone in relation to dwelling and ancillary accommodation development. The works to the dwelling are relatively minor in nature and, while involving some partial demolition of the building fabric, have gained the support of State Heritage as they propose to remove non-significant building fabric only. The ancillary accommodation building, although two storeys, is limited in length at that height, with a further reduced visual impact due to a significant difference in levels between the proposed floor level on the subject land and neighbouring properties. All elements of the proposal are significantly screened by the mature garden when viewed from the street.

The proposal complies with the provisions of the remaining relevant overlays and general development policies of the Planning & Design Code.

### **RECOMMENDATION**

**It is recommended that the Council Assessment Panel resolve that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 22019350 by Ron Danvers, for alterations and additions to State Heritage Place (dwelling – former Coach House) including partial demolition, ancillary accommodation with associated garage, pergola, water tanks, retaining walls, and masonry fence at 19 Laurel Road, Stirling is granted Planning Consent subject to the following conditions:**

### **CONDITIONS**

#### **Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below:**

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2) The external finishes to the ancillary accommodation building herein approved shall be as follows:

<b>WALLS:</b>	Sandstone render or similar
<b>ROOF:</b>	Colorbond 'Woodland Grey' or similar

3) 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.

4) Prior to Building Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final stormwater management plan to the reasonable satisfaction of Council.

All roof run-off generated by the development hereby approved shall be directed within one month of the roof cladding being installed to the existing stormwater management system on-site to the satisfaction of Council. Stormwater shall be managed on site with no stormwater to trespass onto adjoining properties.

5) A supply of water independent of reticulated mains supply shall be available at all times for firefighting purposes and shall comprise:

- a minimum supply of 2,000 litres of 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; and
- the overflow shall be connected to the existing stormwater management system prior to the occupation of the ancillary building.

6) 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.

7) Accommodation of persons within the ancillary accommodation building shall be genuinely ancillary to the use of the existing dwelling.

The person(s) having the benefit of this consent shall refrain from permitting the ancillary accommodation being used for the purposes of a self-contained unit, or any form of accommodation on a commercial or fee paying basis.

This shall include the following:

- i. Only a single point of connection for services such as electricity, water and sewer may be installed on the land to service the dwelling and ancillary accommodation.
- ii. Only one electricity meter and one water meter may be installed on the land to service the dwelling and ancillary accommodation.
- iii. The unit shall not contain a kitchen. The bar/coffee station/bench within the living space as depicted on the approved floor plan shall not contain a sink and cooking facilities (i.e. oven and cooktop).

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- 8) The existing hedging along the north and west boundaries of the subject land shall be extended as per amended drawings A12S, A13R, A14H, and A16G from *Danvers.Studio - architects*, received by Council on 13 October 2022. This shall be established prior to occupation and maintained in good health and condition at all times with any dead or diseased plants being replaced in the next planting season.

**ADVISORY NOTES**

**General Notes**

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

**State Heritage Notes**

- 1) Please note the following requirements of the Heritage Places Act 1993:
  - a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
  - b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.
- 2) Please note the following requirements of the Aboriginal Heritage Act 1988:
  - a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the Aboriginal Heritage Act 1988.

**OFFICER MAKING RECOMMENDATION**

**Name:** Sebastien Paraskevopoulos  
**Title:** Statutory Planner