

CAP MEETING – 9 April 2025

ITEM 8.1

<b>DEVELOPMENT NO.:</b>	24033741
<b>APPLICANT:</b>	Jack Korcz
<b>ADDRESS:</b>	11 BRAESIDE RD STIRLING SA 5152
<b>NATURE OF DEVELOPMENT:</b>	Two storey detached dwelling, ancillary accommodation, swimming pool with associated safety features, front masonry fence with associated outbuilding (gatehouse), retaining walls & associated landscaping
<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>• 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>• Traffic Generating Development</li> <li>• Water Resources</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Site Area (Minimum site area is 2,000 sqm)</li> </ul>
<b>LODGEMENT DATE:</b>	30 September 2024
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.17 12/9/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Brendan Fewster/Doug Samardzija
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Environmental Health Department Engineering Department

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#### DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for the construction of a two-storey detached dwelling with ancillary accommodation, an in-ground swimming pool and safety fence, a front masonry fence and small outbuilding (gatehouse), and associated retaining walls, earthworks and landscaping

The proposed dwelling is designed with a style, form and detailing that is a reproduction of French Provincial architecture. The built form features a tiled mansard roof, a series of Juliet balconies with ornate balustrades on the front façade, a rear balcony, and tall arched and rectangular windows and doors. Two separate double garages are provided under the main roof. External materials primarily comprise of rendered masonry wall cladding finished in a cream colour, timber framed windows and doors (white) and dark/black roof tiles.

The height of the dwelling varies given the slope of the land. The dwelling is 10.15 metres in height from the ground floor level to the ridge of the roof, however this increases to approximately 13.15 metres when the height is taken from the lowest natural or finished ground level of any part of the proposed building.

The front of the dwelling is setback at least 42.6 metres from the road boundary. At ground level, the sides of the dwelling are setback a minimum of 7.75 metres and 5 metres from the eastern and western boundaries respectively, while the rear of the dwelling is setback a minimum of 25 metres from the northern boundary. The upper-level setbacks increase to considerably greater distances to the side and rear boundaries.

The proposal includes an ancillary accommodation building ('outhouse') that is located on the eastern side of the proposed dwelling. This building is self-contained with two bedrooms, a carport and includes a small, detached gym with a total floor area of 180m<sup>2</sup>. The building has a simple modern form with a gable end roof and a mix of natural stone and dark coloured render walls and Colorbond roof sheeting.

A front masonry fence with an ornate steel gate and a small outbuilding ('gatehouse') are located along the road frontage. The gatehouse has a floor area of 12m<sup>2</sup> and masonry walls that are 2.4 metres in height. These structures are designed to provide a sense of grandeur at the front entrance.

A series of internal retaining walls are to be provided to stabilise earthworks for the internal driveway, which extends from the front entrance around the curtilage of the dwelling to the two garages and to the carport of the outhouse. The retaining walls are up to 2 metres height.

The proposal includes comprehensive landscaping with a mix of trees, shrubs and ground covers to be planted adjacent to boundaries, alongside the internal driveways and within various planter beds around the dwelling and outhouse.

#### BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
11 December 2008	473/870/08	Removal of five (5) significant trees - 3 pinus radiata and 2 dead eucalyptus obliqua
21 January 2010	473/19/09	Land division to create one (1) additional allotment
17 August 2010	473/34/10	Land Division - Boundary Realignment (2 into 2 allotments)

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19 February 2014	473/240/13	Regulated Tree Removal (1 x Eucalyptus Obliqua)
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#### SUBJECT LAND & LOCALITY:

**Location reference:** 11 BRAESIDE RD STIRLING SA 5152

**Title ref.:** CT 6067/456 **Plan Parcel:** D85134 AL22 **Council:** ADELAIDE HILLS COUNCIL

#### Site Description:

The subject land comprises a single allotment located at 11 Braeside Road, Stirling.

The land is formally described as Allotment 22 in Deposited Plan 85134, Certificate of Title Volume 6067 Folio 456. The Certificate of Title indicates that there is a drainage easement adjacent to the rear boundary and extending to the eastern side boundary. There are no other registered interests on the land title.

The land is an irregular shape with a road frontage width of 25 metres, a depth of up to 140 metres and a total site area of 7215m<sup>2</sup>.

The land is devoid of any buildings with only what appears to be the remains of an old outbuilding near the north-western corner. A hedge extends along the front boundary and there are several mature trees toward the rear of the site.

The site is naturally sloping with a fall of around 8 metres from the road to the rear north-eastern corner of the site.

#### Locality

The locality is residential in land use and built form character. Most buildings along Braeside Road are visually discrete due to their road boundary setbacks and siting behind dense vegetation.

The local area is characterised by mixed building styles and sizes on allotments ranging between 1000m<sup>2</sup> and 8500m<sup>2</sup> in area. Most properties are heavily vegetated with trees and shrubbery.

The gently undulating topography, narrow carriageway of the Braeside Road, and densely vegetated gardens and road verge are notable features of the locality.

Overall, the locality has a pleasant living environment that is of high amenity.

#### CONSENT TYPE REQUIRED:

Planning Consent

#### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  - Detached dwelling: Code Assessed - Performance Assessed
  - Ancillary accommodation: Code Assessed - Performance Assessed
  - Fence: Code Assessed - Performance Assessed
  - Outbuilding: Code Assessed - Performance Assessed
  - New housing

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Swimming pool or spa pool and associated swimming pool safety features: Accepted

Fences and walls

Retaining wall: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code. All elements are to be treated as Performance Assessed development.

### PUBLIC NOTIFICATION

- **REASON**

The proposal fails to satisfy Table 5 Column B exemptions for dwelling height. The proposed wall height exceeds 7m and the overall building height exceeds 9m.

Public Notification period – 9 December 2024 to 6 January 2025

- **LIST OF REPRESENTATIONS**

Five (5) representation was received during the notification period that has requested to be heard by the Panel.

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Nina Amisano	76 Old Mount Barker Road STIRLING	No	N/A
Sam Como	42 Country Lane HIGHBURY	Yes	Self
Kath Newman	6 Braeside Place STIRLING	No	N/A
Gary Viezzi	15 Braeside Road STIRLING	Yes	Self
Grant Patterson	61 Old Belair Road MITCHAM	Yes	Self

- **SUMMARY**

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

- Noise from pool pump due to location
- Measures for stormwater management to minimise runoff and erosion
- Excessive building height, size and scale
- Visual impact
- Loss of privacy from overlooking
- Not in in keeping with the surrounds
- Environmental impact on Fern Creek
- The EPA should investigate environmental impacts

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- Concerns with dual occupancy
- Accuracy of information

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

### AGENCY REFERRALS

No agency referrals were required.

### INTERNAL REFERRALS

- **Engineering Department:**  
The stormwater management plan and accompanying calculations prepared by Gama Consultants have been reviewed and approved.
- **Environmental Health Department:**  
New wastewater system has been designed for the proposed development and approved by Council's Health Department under Onsite Waste Application 473/W015/25.

### 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.*

A detailed assessment of the application has taken place against the relevant provisions of the Planning and Design Code (P & D Code) and this is provided below under a series of headings. A Policy Enquiry extract containing the relevant provisions of the P & D Code is 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, 4.1, 5.1, 6.1 and 7.1 DPFs: 2.1, 3.1, 4.1, 5.1, 6.1 and 7.1	

The subject land is a vacant residential allotment. The land once contained a dwelling and is now devoid of any buildings with only what appears to be the remains of an old outbuilding near the north-western corner. Some alterations have taken place to the natural surface of the site.

The subject land is situated within the Rural Neighbourhood Zone of the Code. DO 1 and PO 1.1 of the Zone are seeking low-rise housing on large allotments that provide a “spacious and peaceful lifestyle for individual households”. DPF 1.1 lists a ‘detached dwelling’ as a contemplated form of the development. As the proposed development comprises a detached dwelling on a large allotment, the proposal is an appropriate form of development from a land use perspective.

It is acknowledged that the proposed dwelling is of significant size with a total floor area of approximately 750m<sup>2</sup> (excluding outdoor living areas and the new outhouse) and a building height of up to 13.15 metres above the lowest natural ground level. The design intent of the built form is based on large building proportions, elaborate detailing and a highly vegetated setting that provide a sense of ‘grandeur’.

PO 2.1 of the zone is seeking low-rise buildings that complement the height of nearby buildings. While the dwelling would be the largest of its kind in the locality and would not complement the height of most nearby buildings, it is important to note also that the subject land is one of the largest allotments in locality and surrounding area. The Code defines low-rise as “up to and including 2 building levels”. As the dwelling has only two building levels, the dwelling is a low-rise residential development as sought by PO 2.1.

The Code also defines building height as “the maximum vertical distance between the lower of the natural or finished ground level at any point of any part of a building and the finished roof height at its highest point”. DPF 2.1 of the Zone recommends a maximum roof and wall height of 9 metres and 7 metres respectively. Based on this definition, the dwelling has a maximum building height of 13.15 metres, which is attributed to the slope of the land. More importantly, the maximum height of the building above the existing ground level at a point directly below is significantly lower at 10.15 metres. This is only 1.15 metres higher than that recommended by DPF 2.1, which is not a significant departure.

While the height and scale of the dwelling would not complement the height of nearby buildings, the proposal is considered however to sufficiently maintain a spacious and peaceful lifestyle for individual households and contribute to a low-rise residential character as sought by PO 1.1 and 2.1 of the zone given that:

- The subject land is a large residential allotment of 7215m<sup>2</sup> and the overall floor size of the development is proportional to the size of the land and would not overwhelm the allotment or surrounding land.
- The additional building height (above 9 metres) would be minimised by the significant boundary setbacks, noting that the upper storey is setback at least 10 to 15 metres from the side boundaries and 25 metres from the rear boundary.

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- The front of the dwelling would not be readily visible from the road frontage as it is significantly setback at 42.6 metres.
- The proposal includes considerable landscaping adjacent to boundaries and around the proposed buildings that will provide screening and a vegetated setting.

The zone policies provide limited guidance with respect to the architectural style, form and appearance of buildings. The proposed dwelling is designed with a style, form and detailing that is a reproduction of French Provincial architecture. The boldness of the design that features some elaborate detailing would not be at odds with local context, which has a mixed built form character.

As highlighted above, the ground and upper levels of the dwelling are well setback from all property boundaries. The front of the dwelling is setback 42.6 metres from the road boundary. As this setback is significantly more than the average setback of the two adjoining buildings, the siting of the dwelling will maintain the existing streetscape in accordance with the PO 3.1 of the Zone.

The sides of the dwelling are setback a minimum of 7.75 metres and 5 metres at the ground level and between 10 metres and 15 metres at the upper level. DPF 5.1 of the Zone recommends a side boundary setback of at least 2 metres. The side setbacks are consistent with PO/DPF 5.1. The rear of the dwelling is setback at least 25 metres from the rear boundary and satisfies PO/DPF 1.1 of the Zone.

The proposal includes an ancillary accommodation building ('outhouse') that is located on the eastern side of the proposed dwelling. This building is self-contained with two bedrooms and a carport with a total combined floor area of 170m<sup>2</sup>. Adjacent to the ancillary accommodation is a small, detached gym with a total floor area of 31m<sup>2</sup>. The size of the building has been reduced by approximately 100m<sup>2</sup> in response to concerns by Council staff that the building was potentially a second dwelling and not sufficiently 'ancillary' and subordinate to the proposed dwelling. This concern was also raised by one of the representations. The size of the building is now such that it doesn't detract from the streetscape or appearance from neighbouring properties as envisaged by PO 7.1. The footprint is also closer to that envisaged by DPF 7.1 being 120m<sup>2</sup> for sites greater than 2000m<sup>2</sup>.

The proposed outhouse is consistent with the Code definition for "ancillary accommodation" being a building located on the same site as an existing or proposed dwelling, is of a size that is ancillary to the dwelling and contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom.

### Overlays

#### Hazards (Bushfire- Medium Risk) Overlay:

Desired Outcomes	
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: 1.1, 2.2, 5.1 and 5.3	
DPFs: 2.2 and 5.1	

The subject land is with the Hazards (Bushfire – Medium Risk) Overlay.

As required by the Overlay, the proposal includes the following bushfire safety measures:

- A minimum water supply of 5000 litres for firefighting in accordance with *Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements*;

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- Access and on-site turnaround area for CFS vehicles.
- The new buildings are not sited near any potentially hazardous vegetation;
- The site has frontage to a public road that will facilitate safe and effective access for fire-fighting vehicles (as per DPF 5.1); and
- Clear and unobstructed pedestrian pathways will be provided between the proposed buildings.

The bushfire risks have been adequately considered by the applicant with measures put in place that satisfy the requirements of the Hazards (Bushfire – Medium Risk) Overlay.

#### 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, 1.2, 2.5, 3.1, 3.2, 3.3 and 4.1 DPFs: 1.2, and 2.5	

DO 1 of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay is seeking the protection of public water supply in the Watershed area.

The site has access to mains water supply, and apart from a small dam on the north-eastern side of the site, there are no other water catchments on the site.

A new on-site waste system has been designed by a suitably qualified wastewater engineer. The waste system was assessed and approved by Council Health Department. It is generally accepted that an existing vacant allotment that doesn't have the capacity to connect to mains sewer is able to have a single waste system on site and as long as that system is maintained it will continue to have a neutral or beneficial impact on the water quality in the water catchment area.

PO 3.1 seeks that post-development peak stormwater discharge quantities and rates do not exceed pre-development quantities and rates to maintain water quality leaving the site. A stormwater management plan for the proposed development has been designed to meet Council's specific stormwater calculation requirements and this design has been reviewed and approved by the Engineering Department.

#### 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	



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There is hedge along the front boundary and several mature trees toward the rear of the site, which is not native vegetation.

The applicant has also provided a Native Vegetation Declaration advising that the proposal will not include the removal of native vegetation. The proposal is therefore consistent with DO 1 and PO 1.1.

#### Prescribed Wells Overlay

Desired Outcomes	
DO1	Sustainable water use in prescribed wells areas.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs: 1.1	

The proposal does not require additional water use for which a licence would be required under the Landscape South Australia Act 2019.

The proposal is consistent with the Prescribed Wells Overlay.

#### Regulated and Significant Tree

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: 1.1, 1.2, 1.3, 1.4 and 2.1 DPFs:	

Most of the existing vegetation on the site is to be retained. A number of small trees and shrubs are still proposed to be removed around the driveway areas and building site and is proposed to be replaced with appropriate vegetation as outlined in the landscaping plan. There are no Regulated or Significant trees to be impacted by the development.

Therefore, the proposal does not involve a tree damaging activity.

#### Traffic Generating Development Overlay

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2 and 1.3 DPFs: 1.1, 1.2 and 1.3	

The proposed dwelling will have direct access to a local road and will generate minimal traffic.

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The proposal will not impact on the State Maintained Road network.

#### Water Resources Overlay

Desired Outcomes	
DO1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 1.5 and 1.7 DPFs: 1.5	

There is a watercourse extending from a small dam that is on the north-western side of the site. Stormwater overflow will be discharge to the dam, which is appropriate. The proposed buildings and associated wastewater system are well setback from the dam.

The stormwater and wastewater will be appropriately contained, the proposal will not have any adverse water quality impacts.

#### General Development Policies

##### Design

Desired Outcomes	
DO1	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 contributes to the character of the immediate area</li><li>b) durable - fit for purpose, adaptable and long lasting 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>c) 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><li>d)</li></ul>
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 6.1, 8.1, 8.2, 8.3, 8.4, 8.5, 10.1, 10.2, 11.1, 11.2, 12.1, 14.1 15.1, 17.1 19.1, 19.2, 19.3, 19.4, 19.5, 19.6 and 20.1 DPFs: 6.1, 8.1, 8.2, 8.3, 8.4, 8.5, 10.1, 10.2, 11.1, 11.2, 12.1, 14.1 15.1, 17.1 19.1, 19.2, 19.3, 19.4, 19.5 and 19.6	

Although the dwelling is well setback from the road, there are several upper storey windows on the front façade and a legible front entrance that will provide adequate passive surveillance, noting also that the most properties have densely vegetated front yards. PO 2.1, 2.4 and 11.1 are reasonably satisfied.

A proposal includes a comprehensive landscaping scheme comprising a suitable mix of trees, shrubs and ground covers that are to be planted adjacent to boundaries, alongside the internal driveways and within various planter beds around the dwelling and outhouse. The proposed landscaping will provide shade and stormwater infiltration, contribute to

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biodiversity and enhance the appearance of the built form and associated retaining and earthworks. The landscaping satisfied PO 3.1.

A series of internal retaining walls are to be provided to stabilise earthworks for the internal driveway, which extends from the front entrance around the curtilage of the dwelling to the two garages and to the carport of the outhouse. The retaining walls are up to 2 metres in height. The proposed earthworks and retaining is reasonable as it is setback from boundaries and will be landscaped to minimise any visual scarring of the natural land topography. The proposal is consistent with PO 8.1.

The proposal plans indicate that there is only one upper-level window on the side elevations. This window will have a raised sill to a height of at least 1.5 metres above the finished floor. The rear windows and balcony will have no privacy treatments as views from the master bedroom and balcony would be directly over the rear yard of the subject land, with only distant and 'incidental' views of the rear yard of the northern neighbours. These views would not result in a loss of privacy as the main usable private open space and habitable room windows of the nearest residential properties are at least 75 metres from the proposed dwelling. The proposal adequately mitigates direct overlooking to habitable rooms and private open spaces of adjoining properties in accordance with PO 10.1.

The dwelling will be provided with significant private open space that meets the requirements of the Table 1 of the General Policies (Design) and is directly accessible to living areas. Suitable private open space for entertaining, clothes drying and other domestic functions is therefore provided for occupants of the dwelling as sought by PO 17.1.

As already highlighted, the floor size of the proposed ancillary accommodation ('outhouse') has been significantly reduced, and although it exceeds the size recommended in DPF 13.5 by 70m<sup>2</sup>, the outhouse is consistent with PO 13.5 as it is sited and designed in manner that is ancillary to the proposed dwelling and visually inconspicuous within the streetscape. The outhouse will also share the same utilities and open space as the dwelling.

The proposed garages will not dominate the dwelling façades and will not be visible from the road. PO 14.1 is satisfied.

#### 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	

It is expected that some shadow will be cast over adjoining land given the height and scale of the proposed dwelling, however the shadow diagrams demonstrate that the amount of overshadowing would not be significant given the north to south orientation of the land and the separation to side boundaries.

Overall, the adjoining properties would experience a relatively small amount of overshadowing that would not adversely impact on their amenity. PO 3.1 and 3.2 of the General Development Policies (Interface between Land Uses) are satisfied.

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#### 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 and 10.1	

The existing access point on Braeside Road will be utilised for driveway access. The access location and design and the driveway gradients are considered acceptable in terms of demonstrating safe and convenient access.

When assessed against Table 1 – General Off-Street Car Parking Requirements, there is a requirement for at least two car parking spaces per dwelling, with one space to be covered. The dwelling is provided with two garages with parking for four vehicles, which is acceptable. The outhouse is provided with a separate carport which is also acceptable. Separate visitor parking is also provided off the driveway near the access entrance.

The proposal satisfies PO 5.1 and 10.1 of the General Development Policies (Transport, Access and Parking) and PO 19.3 and 19.4 (Design).

#### CONSIDERATION OF SERIOUSLY AT VARIANCE

Having considered the proposal against the relevant provisions of the Planning and Design Code Version 2024.17 12/9/2024, the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code for the following reasons:

- The proposed dwelling is an envisaged land use in the Hills Neighbourhood Zone.
- The proposed built form is sufficiently compatible with the local context given the size of the subject land, the boundary offsets and complementary landscaping.
- It has been reasonably demonstrated that the proposal would not adversely impact upon the amenity of nearby sensitive uses.
- The development includes safe and convenient access and adequate car parking.

#### CONCLUSION

Having considered the proposal against the relevant provisions of the Planning and Design Code, the proposal is not seriously at variance with the Planning and Design Code.

The proposed dwelling is a low-rise form of development that would sufficiently maintain the existing spatial character and vegetated setting that is sought for the Rural Neighbourhood Zone.

Whilst the proposed dwelling is of significant size and would be the largest of its kind in the locality, the size of the subject land and siting of the dwelling away from boundaries are such that the built form would not visually overwhelm the allotment or surrounding land. The proposal also includes considerable landscaping adjacent to boundaries and around the proposed buildings that will provide screening and a vegetated setting.

It has been demonstrated that adequate provision is made for private open space, landscaping and on-site car parking and that any overshadowing or overlooking would not cause adverse amenity impacts.

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Also, any increase in traffic movements would not adversely impact upon traffic or pedestrian safety on the adjacent road network.

Accordingly, the proposal would achieve the Performance Outcomes for the Rural Neighbourhood Zone and warrants the granting of Plan Consent subject to conditions.

### **RECOMMENDATION**

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*; and
2. Development Application Number 24033741 by Jack Korcz for the Two storey detached dwelling, ancillary accommodation, swimming pool with associated safety features, front masonry fence with associated outbuilding (gatehouse), retaining walls & associated landscaping at 11 Braeside 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.
- 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 and of a low-light reflective nature which blend with the natural features of the landscape.

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

- 4) Access to habitable buildings where the distance from the public road to the building is greater than 60 m shall be designed and constructed to facilitate the safe and effective:
  - access, operation and evacuation of fire-fighting vehicles and emergency personnel
  - evacuation of residents, occupants and visitors.

Driveways shall be

1. no greater than 600m in length
2. constructed with a formed, all-weather surface
3. connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8)
4. a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway
5. crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway
6. a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures

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7. incorporate passing bays with a minimum width of 6m and length of 17m every 200m
  8. provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures
  9. allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m
  10. allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either:
    - a) a loop road around the building OR
    - b) a turning area with a minimum radius of 12.5m OR
    - c) a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4)
  11. incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
- 5) Prior to commencement of work, 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 construction.
- 6) 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.
- 7) Accommodation of persons within the ancillary accommodation building (outhouse) shall be genuinely ancillary to the use of the existing, proposed dwelling and must include the following:
1. Only a single point of connection for services such as electricity, water and sewer installed on the land to service the dwelling and ancillary accommodation.
  2. Only one electricity meter and one water meter installed on the land to service the dwelling and ancillary accommodation.
  3. The ancillary accommodation building must share the same on-site wastewater system as the dwelling.
- 8) Stormwater management shall be undertaken in accordance with the plan prepared by Gama Consulting, drawing number 2410109 revision D, with all stormwater runoff generated by the development hereby approved to be managed on-site to the satisfaction of Council within one month of the roof cladding being installed.
- 9) Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. All stormwater including hard surface runoff shall be managed on site with no stormwater to trespass onto adjoining properties.

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- 10) Landscaping, detailed in the landscaping plan 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.
- 11) Backwash water from swimming pool filter(s) shall be directed to the sewer. In non-sewered areas, backwash water shall not be directed to any watercourse, dam, stormwater or septic system. A separate on-site dedicated soakage or irrigation area shall be designed for this purpose.

#### ADVISORY NOTES

##### Planning Consent

- 1) You as an Applicant may have a right of appeal if this notification is:
  - a refusal
  - conditions of consent

Such an appeal must be lodged within two months of the date of this decision or such longer time as the Environment, Resources and Development Court allows.

For assistance with the lodgement of an appeal and its associated costs it is suggested you contact the Court which is located in the Sir Samuel Way Building, Victoria Square, Adelaide, or phone the Court on (08) 8204 2444.

- 2) 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.
- 3) 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).
- 4) 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.
- 5) This consent is strictly limited to works on the subject land. This consent does not permit any alteration to road verge. Works including tree pruning/removal, earthworks, kerbing, storage of material or any alteration to the verge or a reserve requires a separate approval under Section 221 of the *Local Government Act 1999*. For more information regarding this process please visit: <https://www.ahc.sa.gov.au/development/roads-and-construction/authorisation-to-alter-a-public-road>

#### OFFICER MAKING RECOMMENDATION

Name: Brendan Fewster/Doug Samardzija  
Title: Senior Statutory Planner