

COUNCIL ASSESSMENT PANEL MEETING
8 August 2018
AGENDA

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| Applicant: Katarina Podrug | Landowner: D & K L Podrug |
| Agent: Maurice Hayek | Ward: Mount Lofty Ward |
| Development Application: 17/588/473 | Originating Officer: Melanie Scott |
| Application Description: Variation to development authorisation 473/328/14 - construction of retaining walls (maximum height of 1.5 metres) and associated earthworks and landscaping (amended proposal) | |
| Subject Land: Lot:71 Sec: P86 DP:1797 CT:5498/497 | General Location: 68 Wattle Tree Road Bridgewater Attachment – Locality Plan |
| Development Plan Consolidated : 28 April 2016 Map AdHi/31 & 75 | Zone/Policy Area: Country Living Zone |
| Form of Development: Merit | Site Area: 991m ² |
| Public Notice Category: Category 2 Merit | Representations Received: 1 Representations to be Heard: 1 |

1. EXECUTIVE SUMMARY

The purpose of this variation application was to originally change the orientation of the carport and access that was previously approved as part of dwelling application 473/328/14 and seek approval for additional retaining walls up to 1.5 metres in height. The previously approved application included a retaining wall of up to two metres in height on the western side boundary adjacent to the dwelling but no retaining walls were approved for the driveway access arrangements.

Through this application, the applicant has provided construction management plans, landscaping details and confirmed the intention to reinstate the earthworks undertaken on the neighbour's land. The previously approved dwelling has remained unchanged in location and design. A slightly different carport design was originally proposed as part of this application, however following Category 2 public notification, the applicant decided to proceed with the previously approved carport location and design.

As the variation to the approved development comprises 'internal' retaining walls with only small sections of the walls exceeding one metre in height, it would not be unreasonable for the retaining walls to be considered as a minor variation given that retaining walls up to one metre in height do not constitute development. Similarly, the provision of landscaping and works associated with construction management and the reinstatement of earthworks on neighbouring land is not development. The latter issue, being the earthworks on neighbouring land, is a civil matter between the two property owners.

Notwithstanding the minor nature of the variation, it is considered appropriate for the proposed retaining walls and associated earthworks and landscaping to be assessed under this current application. On balance, Council staff supports the proposed works as it would enhance the stability and overall amenity of the site.

The subject land is located within the Country Living Zone and the proposal is a merit form of development. One representation in opposition to the proposal was received during the Category 2 public notification period. As per the CAP delegations, the CAP is the relevant authority for Category 2 applications where representors wish to be heard.

The main issues relating to the proposal are the visual impacts associated with the proposed retaining walls.

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

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Construction of stepped concrete retaining walls with a maximum height of 1.5 metres. The retaining walls would extend across the site from the eastern boundary to the western boundary in order to stabilise the earthworks required for the carport and driveway access. The nearest retaining wall to the road is setback approximately 6 metres from the front boundary; and
- Landscaping comprising a mix of trees, shrubs and grasses to stabilise the earthworks and to enhance the appearance of the dwelling and retaining walls.

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

3. BACKGROUND AND HISTORY

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| February 1, 2017 | Work on the site commenced in January 2017 and was stopped shortly after when it became apparent that the initial earthworks were not undertaken in accordance with the approved plans. This application has been lodged in response to an enforcement notice served on the owners under Section 84 of the <i>Development Act 1993</i> . Work briefly recommenced in March 2018 and was stopped again pending the outcome of this variation application. During the assessment process it became apparent that some earthworks had encroached upon the western neighbour's land adjacent to the approved dwelling and retaining wall. |
| March 21, 2016 | 14/328/473 Council approved a single storey detached dwelling with rooftop deck (2.7m high), retaining walls (maximum height 2m), carport (6m x 6m x 3.4m height) and associated earthworks |

4. REFERRAL RESPONSES

- **AHC Engineering**

Council's Engineering Department has raised no concerns with the proposal. It has been recommended that some form of fencing be provided along the western boundary for safety reasons given the difference in levels between the two properties. Fencing is a civil matter for the two affected property owners.

The above response is included as **Attachment – Referral Responses**.

5. CONSULTATION

The application was categorised as a Category 2 form of development in accordance with Principle of Development Control 35 of the Country Living Zone. One (1) representation was received in opposition to the proposal. The representation was from the owners of an adjoining property.

The following representor wishes to be heard:

| Name of Representor | Representor's Property Address | Nominated Speaker |
|----------------------|------------------------------------|-------------------|
| Daniel and Kylie May | 66 Wattle Tree Road Bridgewater | Self |

The applicant or their representative – Maurice Hayek, may be in attendance.

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

- Excavation works encroaching on adjoining land; and
- Excavation works possibility impacting on house foundations.

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

The proposal has been amended since the application was publically notified. The amended proposal has returned the approved carport to its original location and design, with retaining walls proposed to stabilise the earthworks required for the carport given the steep topography of the land.

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

6. PLANNING & TECHNICAL CONSIDERATIONS

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

- i. The Site's Physical Characteristics

The subject land is a vacant residential allotment situated on the southern side of Wattle Tree Road. The land is formally described as Allotment 71 in Deposited Plan 1797, Hundred of Noarlunga. There are no easements, encumbrances or Land Management Agreements registered on the title.

The subject land has a frontage width of 18.71 metres to Wattle Tree Road and is approximately 1000m² in total area. The land is naturally sloping with a significant fall of some 10 metres from the road frontage to the rear boundary. A watercourse in the form of a winter creek traverses the site from east to west and flows through neighbouring properties.

Some recent earthworks have taken place resulting in the removal of some vegetation and the benching of land.

ii. The Surrounding Area

The locality comprises an established residential area that is characterised by detached dwellings on large allotments. Allotments to the north are elevated due to the natural topography of the land. To the east there are larger allotments with dense vegetation at the end of Wattle Tree Road.

The locality is of relatively high amenity due to the low density and scale of development and an abundance of vegetation that softens road infrastructure and the built form environment.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Country Living Zone and these provisions seek:

- single dwellings at low densities;
- low density residential development with a rural character; and
- ancillary development such as local shops, schools and community facilities.

The following are considered to be the relevant Zone provisions:

Objectives: 1, 2

PDCs: 1, 2, 5, 13, 14, 15, 19, 28, 29, 30, 31

Accordance with the Zone

The subject land is situated within the Country Living Zone which envisages low density residential development that is designed to protect the amenity and rural character of the area.

A single storey dwelling was approved for the site under Development Application 473/328/14. This approval included earthworks and retaining for the benching of the dwelling, however it has become apparent that no approval was given for retaining walls to stabilise excavated areas for the driveway access and covered car parking area at the front of the site.

Given that the subject land has a significant slope that falls away from the road frontage, a series of low retaining walls are required to ensure the driveway grades comply with the relevant Australian Standards. As the retaining walls would be located well below street level and have a low profile (maximum height of 1.5

metres), the proposal would not impair the residential amenity of locality. The proposal also includes the provision of additional landscaping to soften the appearance of the driveway and retaining walls.

The proposed development is therefore considered to satisfy the relevant objectives and principles of the Country Living Zone.

b) Council Wide provisions

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

- *development to be orderly and economic;*
- *retention of the amenity of localities; and*
- *buildings and structures to be located and designed to blend with the natural landscape.*

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

Form of Development

Objectives: 1, 4

PDCs: 1, 2, 3, 4, 6, 7, 9, 13, 15, 16, 22, 23, 24, 25

Residential Development

Objectives: 26, 28, 29

PDCs: 76, 78, 80, 82, 86, 88

Appearance of Land and Buildings

Objectives: 87, 88

PDCs: 228, 229, 230, 231, 233, 234, 235, 245, 249

Form of Development

The proposed retaining walls and associated earthworks and landscaping would be ancillary to the approved dwelling and therefore would not change the residential use of the land. The retaining walls and landscaping is proposed to stabilise and visually soften the earthworks that are required for the driveway access and carport.

Council Wide Principle of Development Control 7 recommends that earthworks are limited to no greater than 1.5 metres in height to preserve the natural form of the land. The height of the proposed retaining walls would not exceed 1.5 metres.

It is noted also that a retaining wall up to a height of one metre above ground level is able to be constructed 'as of right' as it is not development under Schedule 3 of the *Development Regulations 2008*. Whilst the height of the proposed retaining walls would marginally exceed one metre and might in different circumstances be adjusted to not be development, in this incidence, they are considered incidental earthworks to the construction of the carport and access and require approval.

The proposed works would be incidental to the residential use of the land and would not prejudice the objectives of the zone, in accordance with Principle of Development Control 3. Accordingly, the proposal is considered to be an orderly and appropriate form of development. The proposal is considered to be consistent with Residential Principles of Development Control 13, 15, 16, 22, 23, 76, 78, 80, 86 and 88 in that it will maintain the residential character and amenity of the area.

Appearance of Land and Buildings

As highlighted above, the proposed retaining walls would be located well below street level with the top of the nearest wall located approximately five metres lower than the road. Therefore, the retaining walls would not be readily visible from the street level.

Similarly, the retaining walls would not detract from the visual outlook of the adjoining property on either side as the walls extend perpendicular to the side boundaries and are not located above natural ground level.

A detailed landscaping plan has been prepared by Adelaide Hills Landscape and Garden Design which provides a suitable mix of trees, shrubs and grasses to stabilise the earthworks and to enhance the overall appearance of the dwelling and proposed retaining walls.

The low profile and siting of the retaining walls below street level, as well as the provision of a comprehensive landscaping scheme, would ensure the amenity of the locality is not adversely impacted upon as sought by Objectives 87 and 88 and Principles of Development Control 228, 229, 230, 231, 233, 234, 235, 245 and 249.

7. SUMMARY & CONCLUSION

The proposed retaining walls and landscaping are considered necessary to stabilise and visually soften the earthworks associated with the driveway access and carport for the approved dwelling on the land.

The proposed works would be incidental to the approved residential use and the low profile and siting of the retaining walls below street would ensure the existing character and amenity of the locality is maintained.

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

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 473/588/17 by Katarina Podrug for Variation to development authorisation 473/328/14 - construction of retaining walls (maximum height of 1.5 metres) and associated earthworks and landscaping (amended proposal) at 68 Wattle Tree Road Bridgewater subject to the following conditions:

(1) Development In Accordance With The Plans

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

- Amended Contour Plan (Sheet 1D Revision E) prepared by Hayek Design & Construction received by Council on 10/07/18
- Contour & Site Plan (Sheet 1B of 4 Revision B) prepared by Hayek Design & Construction received by Council on 10/07/18
- Section & Details Civil Work Plan prepared by Hayek Design & Construction received by Council on 10/07/18
- Landscape Plan and Section Plan (Drawings 09311042018) prepared by Adelaide Hills Landscape and Garden Design received by Council on 10/07/18
- Site Erosion Reduction Plan (Drawing 09311042018) prepared by Adelaide Hills Landscape and Garden Design received by Council on 10/07/18
- Drainage and Site Erosion Plan (Drawing 09311042018) prepared by Adelaide Hills Landscape and Garden Design received by Council on 10/07/18
- Construction Management Plan dated 6/6/18 prepared by Hayek Design & Construction received by Council on 10/07/18

REASON: To ensure the proposed development is undertaken in accordance with the approved plans.

(2) Variation to Approved Development

Except where varied by this approval, all other conditions, approved plans and details relating to Development Application Number 473/328/14 continue to apply to this display home application.

REASON: To ensure all valid conditions are complied with.

(3) Landscaping To Be Planted

The proposed landscaping shall be established on the site in accordance with the Landscape Plan and Sections Plan received by Council on 10/07/18 prepared by Adelaide Hills Landscape and Garden Design and shall be planted in the planting season following occupation of the approved dwelling and maintained in good health and condition at all times thereafter. Any such vegetation shall be replaced if it dies or becomes seriously diseased in the next planting season.

REASON: To maintain and enhance the visual amenity of the locality in which the subject land is situated and ensure the survival and maintenance of the vegetation and comply with the requirements of Section 42(4) of the Development Act 1993.

(4) Stormwater Roof Runoff To Be Dealt With On-Site

The stormwater drain outlets identified on the Drainage and Site Erosion Plan (Drawing 09311042018) prepared by Adelaide Hills Landscape and Garden Design received by Council on 10/07/18 shall be located a minimum distance of two metres from both side boundaries. Rock armour shall be provided at the discharge points to protect against scour and erosion to satisfaction of Council.

Stormwater runoff shall be managed on site to prevent trespass onto adjoining properties.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

NOTES

(1) Development Plan Consent Expiry

This Development Plan consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) Erosion Control During Construction

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

(3) EPA Environmental Duty

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

(4) Works On Boundary

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

9. ATTACHMENTS

Locality Plan
Amended Proposal Plans
Application Information
Referral Responses
Representation
Applicant's response to representation
Publically Notified Plans
Development Plan Provisions

Respectfully submitted

Concurrence

Melanie Scott
Senior Statutory Planner

Deryn Atkinson
Manager Development Services

**COUNCIL ASSESSMENT PANEL MEETING
8 August 2018**

AGENDA

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| Applicant: Mill Hill Capital Pty Ltd | Landowner: Woodside (SA) Pty Ltd |
| Agent: FYFE Pty Ltd | Ward: Onkaparinga Valley |
| Development Application: 17/1123/473 (473/D058/17) | Originating Officer: Sam Clements |
| Application Description: Land division (1 into 141) (Non-complying) SCAP relevant authority | |
| Subject Land: Lot:1 Sec: P5311 DP:111478 CT:6174/409 | General Location: 298 Nairne Road Woodside Attachment – Locality Plan |
| Development Plan Consolidated : 24 October 2017 | Zone/Policy Area: Watershed (Primary Production) Zone & Onkaparinga Valley Policy Area |
| Map AdHi/3 & 42 | |
| Form of Development: Non-complying | Site Area: 22.61 hectares |
| Public Notice Category: Category 3 Non Complying - Land Division Notice published in a local paper by the SCAP | Representations Received: 2 Representations to be Heard: Nil |

1. EXECUTIVE SUMMARY

The purpose of this application is to subdivide one allotment into 141 allotments.

The subject land is located within the Watershed (Primary Production) Zone and Onkaparinga Valley Policy Area Zone and the proposal is a non-complying form of development. The proposal is a non-complying category 3 form of development. The State Commission Assessment Panel (SCAP) is the relevant authority in accordance with Clause 7 of Schedule 10 of the *Development Regulations 2008* as the division will create additional allotments within the Mount Lofty Ranges Watershed Area.

The Council Assessment Panel (CAP) reviewed the proposal at its meeting on 11 April 2018 and resolved:

The Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and advises the State Commission Assessment Panel that it has no objection to the proposed land division in Development Application 17/1123/473 (473/D085/17) by Mill Hill Capital Pty Ltd for Land division (1 into 139) (non-complying) (SCAP relevant authority) at 298 Nairne Road, Woodside SA 5244, but requests that the decision of this matter be deferred until the following comments have been addressed to permit further assessment of the proposal and the following conditions are to be included on any future consent.

A summary of the comments within this resolution are provided below:

- A vegetation and tree survey showing location of trees and details of species should be provided
- The full extent of native vegetation clearance should be identified at this stage (the land division assessment stage)
- Provision of revised Stormwater Management Plan and Stormwater Concept Plan that addresses the matters raised by the EPA and Council's Engineering Department
- Confirmation of the capacity of the SA Water sewer pipeline and wastewater treatment facility
- Consideration given to access around the western detention basins and drainage easements shown on the plan of division
- A commitment to upgrading the footpath/pedestrian network around the site
- Additional details to be provided to prove the road network will comply with the Minister's Code- Undertaking Development in Bushfire Protection Areas
- A commitment to enter into an Infrastructure Agreement to secure the required off-site works and non-prescribed works (landscaping, verge treatments, open space upgrades and fencing)
- The stormwater management design should be amended so that stormwater will directly discharge from the western basins to the street network (not through the adjacent Defence land) or alternatively a Council drainage easement be provided

Following the provision of these comments to the SCAP on 16 April 2018, Council staff had a number of meetings and discussions directly with the applicant in relation to the matters that Council sought a deferral of the decision on. A number of the matters of initial concern were addressed through amendments to the proposal and Council staff were satisfied that the remaining matters could be addressed after the development decision and prior to Section 51 Clearance. As a result of the amendments in the amended land division plan prepared by FYFE Pty Ltd dated 12 June 2018 (revision 20), Council no longer sought for the SCAP to defer its determination of the application.

Following the provision of these comments (and additional comments from other agencies) the matter was presented to the SCAP as its meeting held 12 July 2018 and the SCAP resolved:

RESOLVED

- 1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.*
- 2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Adelaide Hills Council Development Plan.*
- 3. To grant Development Plan Consent (and Land Division Consent) to the proposal by Mill Hill Capital Pty Ltd for land division to create a total of 148 additional allotments, including 139 residential allotments, at 300 Nairne Road, Woodside subject to the following conditions and advisory notes and the concurrence of the Adelaide Hills Council Assessment Panel and the Minister for Planning.*

The SCAP is now seeking the concurrence of Council to grant Development Plan and Land Division Consent on this non-complying proposal. Council staff are recommending that Council Assessment Panel advises the State Commission Assessment Panel (SCAP) that it **CONCURS** with the decision to **GRANT** Development Plan and Land Division Consent.

The Council comments to the SCAP are included in **Attachment – Council Comments**.

The SCAP planning report (agenda item) is included as **Attachment – SCAP Agenda Item** and the SCAP minutes are included as **Attachment– SCAP Minutes**.

2. DESCRIPTION OF AMENDMENTS TO THE PROPOSAL

The amended proposal is for the following:

- Increased the number of additional allotments from the creation of 138 additional allotments (1 into 139) to 140 (1 into 141) (excluding the temporary lots created for reserves)
- An amalgamation of lots 54 and 55 into one lot (now lot 54) and lots 68 and 69 into one lot (now lot 68) for the purposes of native vegetation retention
- The creation of five allotments in-between proposed lots 93 and 94 (lots numbered 55, 69, 139, 140 & 141) ranging from 338m² to 388m². Lots numbered 55, 69 and 139 are re-located allotments and therefore the amended proposal seeks to create two additional lots
- Change to the size and configuration of proposed lots 14, 18, 19 and 20 to increase the area of the indicative building envelopes on lots 19 and 20. These envelopes were shown on the amended plan to demonstrate the developable area outside of the tree protection zones of the mature native trees within these proposed allotments
- Creation of drainage easements on lots 136 and 202
- Carriageways of all proposed roads widened to a minimum width of 6m with agreement that line marking will be provided to one side to prevent parking on both sides of the road
- Amended stormwater management plan with stormwater generated by the development (specifically stormwater discharge from the western basins) now discharging directly from the site to the street stormwater network rather than via the overland pathway through the adjacent Defence land

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

3. BACKGROUND

The Council Assessment Panel (CAP) reviewed the proposal at its meeting on 11 April 2018 and the following comments were provided onto the SCAP:

| Council comment | Applicant Response/ Resolution |
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| <p>A vegetation and tree survey showing location of trees and details of species. This should specifically focus upon areas of the sites that are proposed to be developed for residential and tourist uses and areas where infrastructure is proposed. The survey is to include the relevant tree protection zones (TPZ). This information will inform the location and design of both allotment layout (with boundaries fencing and building envelopes), as well as the location and design of infrastructure such as stormwater management. Allotment design should aim to avoid clearance of native trees.</p> | <p>A tree and vegetation survey prepared by Jacobs Group was provided to Council and the Native Vegetation Council. This survey focused on the 23 native trees within proposed lots 17, 18, 19 and 68. This report concluded that there were sufficiently sized building envelopes on each of these proposed allotments to site a generous dwelling with minimal impact to the root zones of these trees.</p> |
| <p>The Native Vegetation Branch has advised that any native vegetation clearance required to facilitate development of the site should be identified at subdivision stage including application for vegetation clearance to meet the requirements of the Native Vegetation Regulation 12(35). This should account for all expected vegetation clearance and include Significant Environmental Benefit (SEB) offset provided by the applicant for subdivision. Following preparation of item 1a) this should be addressed.</p> | <p>Native Vegetation Council comments are provided in the referral section of this report below.</p> |
| <p>A revised Stormwater Management Plan and Stormwater Concept Plan that provides further information to address the matters raised by the EPA and Council's Engineering Department in relation to:</p> <ol style="list-style-type: none"> i. Minor and major storm events, ii. Confirmation that WSUD standards and targets can be achieved post development, and iii. Stormwater Concept Plan amendments in order to reduce impact on native vegetation and address the matters raised by Council's Engineer listed 1-11 below and as shown annotated by Council's Engineer on the scanned copy of the WGA Concept plan: <ol style="list-style-type: none"> 1. The proposed infiltration systems within private sites are not supported due to ongoing maintenance issues. The concept should be amended to provide an underground stormwater (SW) pipe system (sealed system) to be installed at the rear of these allotments. | <p>A revised Stormwater Management Plan was provided and Council Engineering are now satisfied that the detailed design matters relating to the stormwater management system can be dealt with at civil design stage (prior to Section 51 Clearance). See recommended land division condition 16.</p> <p>The applicant has agreed to design the upgrade works required to the Nairne Road</p> |

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| <p>The location of such piping is to avoid native vegetation including root zones.</p> <ol style="list-style-type: none"> 2. The proposed SW drain at No.56 Lucknow Avenue is non-standard as it will run uphill; therefore this is to be amended to have an easement drain running along the boundary of allotment 2. 3. A major flow release path is shown proposed in between Nos. 72 and 74 Lucknow Avenue (allotments 46 and 47 Caledonia Avenue in the Amended Proposal Plan of 03/04/2018) together with an underground pipe system. It is recommended that the whole allotment areas of Nos. 72 and 74 be reserved for a detention basin, therefore major flow path reservations will not be required across these allotments. 4. The proposed outfall through the adjoining property to the west at the northern corner of the development is to be relocated to within the development site, or alternatively necessary drainage easements are to be negotiated with the adjoining property owner and formalised. If this is proposed to be relied upon, then the existing outfall swale drain will require appropriate upgrading works to be undertaken. 5. The major flow release path (to be followed with underground minor system) is to be proposed/constructed at the boundary of Nos. 31-32 and 32-34 Lucknow Avenue. Drainage easements of the required width (3m) should be formalised as part of this land division via a consent condition. 6. Overland Major flow release path to be proposed/constructed at the allotment boundaries No.3 First Avenue and No.1 Lucknow Avenue and 12 Alamein Avenue are to cater for both major and minor stormwater events. 7. Provide concept details and specifications for the perimeter cut off drains, rock armouring and stormwater detention basins etc. 8. Provide concept detail/specification for the proposed riffles, open swales etc. Currently there is no detail as to how they satisfy WSUD objectives. 9. Existing swale at the road verge adjacent to No 2 Balmoral Place (Crest Place) is to be upgraded. Specifically, installation of underground pipes, side entry pits and other infrastructure as per AHC standards is required in this location. 10. The proposed non-standard SW drain is to be relocated along the boundary of Nos. 38 and 40 Alamein Avenue or to the adjacent boundary to avoid the 'sharp' pipe bend at this location. | <p>swale and is willing to provide a monetary contribution towards these works.</p> |
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| <p>11. It is required that the existing, eroded stormwater infrastructure along Nairne Road, being the overall outfall/discharge point from the development, is upgraded.</p> | |
| <p>In relation to wastewater treatment confirmation of the following:</p> <ul style="list-style-type: none"> i. That the wastewater treatment facility has the capacity for the additional allotments and tourist facility. ii. That the existing infrastructure (pumps, pipe network) to reach the treatment facility is adequate for both the additional allotments and tourist facility. | <p>SA Water has now clarified the wastewater network has capacity to cater for the proposed development.</p> <p>They advised that a pump station has been constructed and commissioned to pump into SA Water's existing network, which discharges into the Bird in Hand Wastewater Treatment Plant. A capacity modelling assessment has been undertaken by SA Water which confirmed that there is spare capacity in the network and in the treatment plant to cater for this discharge.</p> |
| <p>An amended land division plan should be provided that both responds to and addresses the matters listed in Item 1 above and makes the following changes:</p> <ul style="list-style-type: none"> i. Detailed design of the stormwater detention basins should demonstrate that maintenance vehicle access can be achieved. ii. All allotment drainage easements, including those proposed within allotment 202, shall be shown on the Plan of Division. | <p>Council Engineering are now satisfied that there will be sufficient access to the proposed detention basins.</p> <p>Drainage easements within proposed lot 202 have now been shown on the amended land division plan.</p> |
| <p>A footpath/pedestrian movement plan. A 1.5m wide concrete footpath is to be provided along at least one side of each road within the development site. Pram ramps need to be provided for all footpaths in the proposal. There are 4 existing pram ramps that do not comply with current requirements, these pram ramps are proposed to be removed and replaced along with additional pram ramps to be added as required to provide sufficient pedestrian access. A footpath and pathways plan should be provided for Council's review and approval.</p> | <p>This matter has been conditioned (See recommended land division condition 18).</p> |
| <p>Road layout plans, including section drawings, should be provided to prove the carriageway widths (kerb to kerb) will be increased to achieve a minimum of 6m width to meet the Minister's Code Undertaking Development in Bushfire Protection Areas. It is noted that the existing carriageways and the proposed laneway accessed via Innes Court is under 6m in</p> | <p>The applicant has agreed to widen all roads to a minimum width of 6m. A plan showing all the new turning heads has been provided and the CFS have</p> |

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| <p>width and turning head plans are also required to demonstrate compliance with this code. (Amendments may affect allotment sizes and should be considered at the assessment stage).</p> | <p>confirmed that the turning heads are satisfactory. See recommended land division condition 12.</p> |
| <p>The applicant should enter into an Infrastructure Agreement with the Council or provide further plans and details to demonstrate a commitment to the following urban design matters:</p> <ul style="list-style-type: none"> (a) Consistent fencing around the perimeter of the site. (b) Fencing abutting the Public reserves is consistent in appearance and 50% open style to allow for passive surveillance. (c) A landscaping plan is to be approved by Council and this landscaping planted prior to Section 51 Clearance. A minimum of one street tree should be provided per additional allotment and a number of trees are to be provided along the northern side of Balmoral Road. Additional landscaping treatments to the two entrance points into the site shall be provided to the reasonable satisfaction of Council. (d) An open space plan confirming a replacement shelter shall be provided and a 1.5m wide pathway shall be provided within reserve allotment 200 to provide a walking and cycling network within the site, which connects with the footpaths in the existing road network. (e) Access for maintenance vehicles is to be provided into proposed allotment 201 via Innes Court through to the proposed northern detention basin. | <p>The application has agreed to enter into an Infrastructure Agreement with Council to cover these matters. See recommended land division condition 23.</p> |
| <p>Council would prefer for the entire stormwater network infrastructure to be contained within the site and discharged directly to Nairne Road given that it is unlikely that the Department of Defence will grant easements in favour of Council over their land. Council requires access to its stormwater infrastructure for maintenance purposes.</p> | <p>As mentioned above, the stormwater management system has now been amended. The stormwater generated by the development (specifically stormwater discharge from the western basins) will now discharge directly from the site to the street stormwater network (not through the adjacent Defence land). A 3m wide drainage easement has been provided within proposed lot 136 to enable discharge from the western basins directly out to the Nairne Road street stormwater system.</p> |

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| <p>It is recommended that prior to determination of this application the applicant enters into an Infrastructure Agreement with the Council to ensure the following:</p> <p>(a) Any mutually agreed stormwater infrastructure works outside the subject land are undertaken prior to Section 51 Clearance at the developer's expense.</p> | <p>The applicant has agreed to enter into an Infrastructure Agreement with Council to confirm the offsite and non-prescribed works, namely:</p> <ul style="list-style-type: none"> - Contribution to the off-site stormwater works - Open space upgrades, verge treatments and landscaping works - External fencing and fencing abutting reserves |
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4. REFERRAL RESPONSES

The final referral responses are extracts from the SCAP planning report (SCAP agenda item):

- **Adelaide and Mount Lofty Ranges Natural Resource Management Board**
 The referral to the Adelaide and Mount Lofty Ranges Natural Resources Management Board (the Board) is a standard referral to a State agency.

The Board's priorities, as outlined in the Regional Natural Resources Management Plan, include:

- Protection of water resources for aquatic health and agricultural use (quality).
- Reduction in the impact of run-off from stormwater and priority watercourses on aquatic health.
- The connection of communities to their environment.
- Better understanding of land use and land use change in a highly diverse landscape to support better development planning and management of land use conflict.

The Board advises that all stormwater treatment devices should be designed to accommodate the full catchment area, not just a part of it, otherwise the system will not function as required. The proposal will increase impervious areas on the site which will potentially have a large impact on the quantity and quality of stormwater leaving the site. Consequently, it would be appropriate to utilise water sensitive urban design techniques in the stormwater design for the development to minimise the flow rates from frequent storm events and maximise the uptake and treatment of stormwater. The Board recommends the creation of wetlands to improve the quality of stormwater leaving the development, while also providing the detention required. The Board welcomes the proposal to minimise the removal of existing native vegetation across the site.

In response, the applicant prepared a Stormwater Management Plan and revised it a number of times in consultation and negotiation with the EPA and the Adelaide Hills Council. It is noted that both the EPA and the Council now support the proposed development.

- **DPTI- Transport Assessment and Policy Reform**

The Commissioner of Highways (Transport Assessment and Policy Reform, DPTI) is a mandatory referral in accordance with Item 3 under Schedule 8 of the Development Regulations 2008. The State Commission Assessment Panel must adhere to any directions in this advice.

The Commissioner notes that the proposal to reduce the number of connections to Nairne Road is consistent with departmental policy and will result in a safer access regime for the site. Also, the traffic volumes generated by the proposed development will not warrant the provision of channelized turning treatments at the junctions.

The final design of the Nairne Road/Caledonia Avenue junction should provide sufficient space to enable the provision of a partial seagull island should it be necessary to install it in the future.

The Commissioner directs the State Commission Assessment Panel to attach the following conditions to any approval:

- 1) The Nairne Road/Balmoral Road and Nairne Road/Caledonia Avenue junctions shall be designed and constructed/reconstructed in accordance with Austroads Guides/Australian Standards. The design of the junctions shall ensure that the longitudinal drainage of Nairne Road is not compromised in any way.
- 2) Sufficient shoulder sealing shall be provided opposite the Nairne Road/Balmoral Road junction in order to ensure that through vehicles can safely pass vehicles waiting to turn right into Balmoral Road.
- 3) All required road works associated with the Nairne Road/Balmoral Road and Nairne Road/Caledonia Avenue junctions shall be undertaken to the Department of Planning, Transport and Infrastructure's (DPTI) satisfaction prior to Section 51 certificates being issued. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant. The applicant shall contact DPTI Traffic Operations, Network Integrity Engineer, Mrs Christina Canatselis via telephone (08) 8226 8262 or 0401 120 490 or email Christina.canatselis@sa.gov.au to obtain approval and discuss any technical issues regarding the required works.

The Commissioner also recommends the following conditions should be attached to any approval:

- The two road junctions being closed shall be removed and remediated to the satisfaction of DPTI and the Council.
- Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Nairne Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.
- All access to Allotment 136 shall be via the internal laneway only.

Allotment 136 is a proposed additional vacant allotment whereas Allotments 135, 137 and 138 contain existing dwellings. The objective is to eliminate direct access to Nairne Road over the longer term when these existing dwellings are demolished and the sites redeveloped.

- **CFS**

The referral to the SA Country Fire Service (CFS) is a standard referral to a State agency.

The CFS notes that the proposed development is located within an area categorised as a Medium Bushfire Protection Area in the Adelaide Hills Development Plan.

The CFS is not opposed to the proposed development.

The CFS has identified a number of limitations with the existing internal road network and accordingly recommends the following measures:

- 1) The existing formed turning head at the northern end of Caledonia Avenue shall be marked as a no stopping anytime zone.
- 2) Those areas of the existing formed public road named Caledonia Avenue which are surveyed as being less than 6 metres wide shall be marked as no stopping anytime zones on both sides of the formed road surface.
- 3) All other roads, turning heads and bends shall meet the minimum formed width of 6 metres, and shall have minimum internal radii of 9.5 metres on all bends.
- 4) The retention and improvement of the fire track on proposed Allotment 200.
- 5) Access on and off proposed Allotment 19 shall be in accordance with the Minister's Code Part 2.3.3.1.
- 6) A water supply and fire plug/hydrant system of adequate capacity to be used for fire and other emergencies shall be provided to the appropriate SA Water Standards.

The CFS advises the following in respect of proposed public open space allotments:

- A 10 metre wide fuel reduced buffer zone shall be established around the perimeter of all reserves/land to be developed. The buffer zone shall be grassland or similar vegetation, cleared of obstructions to allow mechanical slashing in order to reduce the vegetation to a maximum height of 10cms for the duration of the Fire Danger Season.
- For proposed Allotment 201, existing large trees can remain within 10 metres where desirable, providing other connecting vegetation around it is removed to create a break and limbs overhanging dwellings are removed.

The CFS also notes the following:

- 1) The existing houses adjacent the hazardous vegetation on the western, south western and southern boundaries, are unlikely to be constructed to an appropriate level to withstand the impact of a bushfire.

The hazardous vegetation in its current state may present at a higher bushfire attack level than what is prescribed for construction of future new dwellings in Medium bushfire prone areas in accordance with NCC Part 3.7.4. Therefore SA CFS

recommends siting the habitable building should be appropriate to the assessed bushfire risk at the time of lodgement.

- 2) Individual applications for development consent for habitable buildings shall include either 5,000 litres static water supply independent of mains supply or 2,000 litres static water supply connected to mains supply in accordance with Ministers Specification SA78 and the Medium Bushfire zone prescribed for these allotments.
- 3) Individual applications for development consent for future habitable buildings shall include mandatory conditions for a vegetation management zone to be established within 20 metres (or to the property boundary - whichever comes first) of proposed development.

All of the CFS recommendations have been included as conditions or advisory notes in the recommendation.

- **Native Vegetation Branch- DEW**

The referral to the Native Vegetation Branch is a standard referral to a State agency. The Native Vegetation Branch (NVB) has been consulted on three separate occasions in respect of the proposed development.

While not opposed to the proposed land division, the NVB has repeated that it believes a complete vegetation survey of the site should be undertaken to better understand the vegetation impacts of the proposal and to refine the footprint of clearance. Moreover, it believes that any trees which remain within the vicinity of the existing and future dwellings should have a Land Management Agreement over them to protect them from clearance.

In response to the comments of the NVB, the applicant undertook the following measures:

- 1) Prepared a preliminary vegetation survey of the area affected by the proposed new residential allotments.
- 2) Identified building envelopes on several of the proposed new allotments to clarify the potential impact on tree protection zones caused by the construction of a dwelling, boundary fences and vehicle access tracks.
- 3) Amalgamated proposed Allotments 54 and 55 into a single Allotment 54.
- 4) Amalgamated proposed Allotments 68 and 69 into a single Allotment 68.
- 5) Reconfigured proposed Allotments 18, 19 and 20.

- **Department of Health- Environmental Health**

The referral to the Department of Health is a standard referral to a State agency. The Department advises that as the proposal would be able to connect to the SA Water sewer then, if achieved, it would have no comment to make.

- **Environment Protection Authority**

The Environment Protection Authority (EPA) is a mandatory referral in accordance with Items 10 (a) and 10 (b) under Schedule 8 of the Development Regulations 2008. The State Commission Assessment Panel must have regard to this advice.

The EPA advises that due to the very unique nature of this development application, taking into account the site's previous ownership, previous and existing residential uses, and connection to the Bird In Hand Waste Water Treatment Plant, it is prepared to support this proposal as it is likely to have neutral or beneficial impacts on water quality within the MLRWPA.

Furthermore, the proposed stormwater management system for the site demonstrates best management practices for new development and is designed not to increase stormwater flows above pre-development flows while minimising the load and concentration of pollutants in stormwater run-off. MUSIC modelling indicates that the EPA's stormwater quality objectives can be met at both discharge points from the site. The EPA is satisfied that stormwater generated from the proposed development (and subsequent likely built developments) would not cause adverse water quality impacts within the MLRWPA.

The EPA recommends the State Commission Assessment Panel should attach the following conditions to any approval:

- 1) Prior to the issue of a certificate under section 51 of the Development Act 1993, in relation to land division, each allotment must be connected to, or capable of being connected to, the sewerage system that goes to the Bird In Hand Wastewater Treatment Plant.
- 2) The detailed design of the stormwater management system must incorporate the outcomes as modelled in the concept design outlined in the Wallbridge Gilbert Aztec (WGA) *Stormwater Management Plan, Revision D* (dated 13 June 2018) and meet the following minimum stormwater quality objectives:
 - a) Quality targets:
 - i. Suspended solids – 80 per cent reduction of the typical urban average annual load component to an equivalent urban catchment with no water quality management
 - ii. Total phosphorus – 60 per cent reduction of the typical urban average annual load compared to an equivalent urban catchment with no water quality management
 - iii. Total nitrogen – 45 per cent reduction of the typical urban average annual load compared to an equivalent urban catchment with no water quality management
 - iv. Litter and gross pollutants 90 per cent reduction
 - i. No visible oils for flows up to three month average recurrence interval peak flow
 - b) Ensure run-off is maintained at pre-development levels.
- 3) Prior to completion of the stormwater management system, a maintenance plan must be developed to maintain optimum performance of all components of the system for the anticipated lifespan.
- 4) Prior to construction commencing, a Construction Environment Management Plan (CEMP) including a Soil Erosion and Drainage Management Plan (SEDMP) must be prepared and implemented to prevent soil sediment and pollutants leaving the site or entering watercourses during development of the site. NOTE: The *EPA Guideline*

Construction environmental management plans (CEMP) and Code of Practice for the building and construction industry provides useful information on the preparation of CEMPs and SEDMPs.

- **SA Water**

The referral to SA Water is a standard referral to a State agency. SA Water made the following comments on the proposal:

- a) The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
- b) The augmentation requirements of SA Water shall be met.
- c) The necessary easements shall be vested to SA Water.
- d) The alteration of internal drains to the satisfaction of SA Water is required.
- e) SA Water is able to provide water and wastewater services to the development site. All internal reticulation mains must be in accordance with SA Water networks infrastructure standards. Further investigation of existing infrastructure is to be undertaken.
- f) On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

SA Water has also clarified the situation in respect of the capacity of its wastewater network to cater for the proposed development. SA Water advises that a pump station has been constructed and commissioned to pump into SA Water's existing network which discharges into its Bird In Hand Wastewater Treatment Plant. A capacity modelling assessment has been undertaken and confirmed that there is spare capacity in the network and the treatment plant to cater for this discharge.

When the subject site previously functioned as the Inverbrackie detention facility for housing refugees, it discharged into the SA Water network via the defence site which was able to cater for this waste disposal with no issues.

The above responses are included as **Attachment – Referral Responses**

5. CONSULTATION

The application was categorised as a Category 3 form of development in accordance with Section 38(2)(c) of the Development Act 1993 requiring formal public notification and a public notice. As the authority, the SCAP undertook this process. Two representations were received.

The SCAP planning report (agenda item) summarised the representor comments and the applicant's response as detailed below:

| Representor ID | Issue | Applicant's response |
|----------------|--|--|
| R1 | <i>Proposed development should use renewable energy systems to supply its own energy requirements.</i> | <i>The subject land has a large amount of public infrastructure already in place. All new dwellings constructed by the applicant will incorporate energy efficient design measures to reduce</i> |

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| | | <i>power usage. They will be fitted with rainwater tanks. New land owners will be encouraged to adopt similar design measures.</i> |
| | <i>Bikeways should be provided throughout the development.</i> | <i>The potential to include bike Infrastructure is limited due to the size and location of the site. Large open space areas will be provided for the proposal.</i> |
| | <i>Query on how the proponent is able to create additional allotments.</i> | <i>The proposal reflects the residential use of the site over a long period of time, and is similar to the total number of dwellings previously on the site.</i> |
| R2 | <i>Supports the proposed development, subject to the protection and retention of the existing native vegetation as it provides crucial habitat.</i> | <i>A large area of public reserve at 23% of the site area is to be provided for the retention of existing native vegetation and the enhancement of public amenity.</i> |

Neither of the above representors requested to be heard by the SCAP.

A copy of the submission is included as **Attachment – Representations** and the response is provided in **Attachment – Applicant’s Response to Representations**.

6. PLANNING ASSESSMENT & DISCUSSION

Native vegetation

As mentioned above the land division plan has been now been amended to demonstrate that that impact to native vegetation will be minimised. Acknowledging there are a number of dwellings already on the site, albeit they are currently in the one allotment, Council staff’s opinion was that a tree survey was only required for the native trees within or in close proximity to the vacant sites/allotments proposed. In other words, it was required to be demonstrated that the undeveloped allotments will have minimal impact on native vegetation.

The consolidation of lots 68 and 69 into one lot (lot 68) and lots 54 and 55 into one lot (lot 54) should mean that native vegetation clearance on these allotments is not required or minimised. A future dwelling could be located on these allotments in the cleared areas away from the areas of native vegetation. As mentioned, some changes have also been made to the size and configuration of lots 14, 18, 19 and 20, which increased the area of the indicative building envelopes on lots 19 and 20. The generous envelopes provided on lots 16 to 22 demonstrate that there is sufficient developable area outside of the tree protection zones of the mature native trees on these allotments.

Given the generous nature of the building envelopes provided, Council staff did not concur with the recommendation of the Native Vegetation Council that any trees which remain within the vicinity of the existing and future dwellings should have a Land Management Agreement over them to protect them from future clearance. Council staff are now satisfied the design of the land

division sufficiently minimises the extent of the native vegetation clearance. The proposal is therefore sufficiently consistent with the pertinent Council-wide 'Natural Resources' provisions relating to Biodiversity and Native Vegetation, and Zone provisions that relate to native vegetation as detailed in the original CAP report.

CFS matters (specifically road width and turning heads)

Whilst a majority of the road widths and turning heads are significantly less than the prescribed requirements within Regulations 51 and 53 of the *Development Regulations 2008*, Council staff are supportive of the proposed widths and turning head sizes, subject to compliance with the CFS requirements. It is noted from the final CFS referral response that:

- Widening is required to the current private road network in limited locations. Specifically, parts of Innes Court, Caledonia Avenue, Inverbrackie Close and Crest Place are required to be widened to achieve a minimum width of 6m
- All roads (excluding Balmoral Road), are to be line marked with one side of the road as a 'no stopping anytime zone' to ensure safe and convenient movement of vehicles can be achieved (particularly for emergency service vehicles in high risk/emergency situations)
- The CFS have waived the requirement for the circular turning head at the end of Caledonia Avenue to have a 12.5m radius as a 'Y' shape turning manoeuvre with 11m leg lengths can be achieved in this existing circular turning head
- The CFS have now confirmed that the revised preliminary design for the new turning heads at the end of Inverbrackie Close, Crest Place and Innes Court meet the Minister's Code. This confirmation is based on the 'Widening of CFS Trucks' (Rev C) plan prepared by MFY Consultants (see the attachment Council comments)
- CFS have also requested that the fire track within reserve lot 200 be upgraded to ensure it is in an all-weather condition, a 4m vertical vegetation clearance is achieved and passing bays are provided at 200m intervals

The applicant has demonstrated a commitment to meeting the requirements of the CFS and therefore compliance should be achieved. The above matters have now been recommended as a condition (see recommended land division condition 12).

Based on the above, the proposal is now sufficiently consistent with the pertinent Council-wide 'Hazards' provisions.

Stormwater & Water Quality

As mentioned, the stormwater generated by the development (specifically stormwater discharge from the western basins) will now discharge directly from the site to the street stormwater network (not through the adjacent Defence land). Only stormwater flows received from the higher lying Defence land that enter into the subject site will be directed through to the swale in the adjacent Defence land. Noting the increase in stormwater flows to the swale on Nairne Road (discharge from the eastern basin), the applicant is prepared to design the upgrade works required to this swale and contribute to the off-site upgrade works. Council is supportive of the revised preliminary stormwater management plan. Council Engineering are now satisfied that the detailed design matters relating to the stormwater management system can be dealt with at civil design stage.

As stated elsewhere in the report, the applicant has agreed to enter into an Infrastructure Agreement with Council to secure the agreed monetary contribution toward the swale upgrade works, the agreed scope of landscaping works (e.g. street trees, pathways and street/park furniture) and the prescribed infrastructure requirements.

As detailed above, SA Water has now confirmed that both the mains sewer lines and the Bird in Hand treatment plant have the capacity to safely and efficiently manage the sewerage generated by this development. The applicant will be required to provide a water quality model to meet the provisions of the Development Plan relating to stormwater water quality and to also meet the EPA requirements, namely the Environment Protection (Water Quality) Policy 2015 (see recommended planning condition 7). The EPA now support this proposal as it is likely to have neutral or beneficial impacts to water quality within the Mount Loft Ranges Watershed. The proposal is sufficiently consistent with Council-wide 'Natural Resources' provisions relating to water sensitive design and water catchment areas.

Additional allotments

As mentioned above, the amended proposal will consolidate four allotments into two, but will also create five allotments between proposed lots 93 and 94 (denoted as lots 55, 69, 139, 140 & 141) ranging in size from 338m² to 388m². The proposal has therefore been amended to increase the number of additional allotments from the creation of 138 additional allotments to 140 (increase of two lots). This includes the creation of 139 residential lots (81 existing dwellings and 58 new vacant residential lots), one commercial and one superlot proposed for tourism but excludes the temporary lots created for reserves, public access and infrastructure. The creation of these two additional allotments and the re-location of three allotments (lots 69, 55 and 139) away from an area of the native vegetation to a clear area between existing dwellings are supported from a native vegetation conservation perspective.

Whilst the relocated allotments are much smaller than the other allotments created, they are adjacent to the future tourism development site and therefore not likely to negatively impact on the amenity of the locality. The model for the stormwater management system has been updated to include the stormwater from these additional allotments and as the whole site will be connected to SA Water sewer there would be a negligible increase to water quality impact. The increase in traffic movement to and from the site would also be minor.

7. SUMMARY & CONCLUSION

It has now been confirmed that the SA Water sewer pipe line and the Bird in Hand treatment facility has sufficient capacity to cater for this development. As confirmed by the EPA and the preliminary water quality models provided, the proposed development will at least have a neutral impact to water quality and may in fact improve water quality. The concerns relating to road widths and turning heads within a bushfire prone environment have now been addressed. The CFS are supportive of the proposed amendments or works relating to the road widths, turning heads and fire track upgrade, and these requirements have been imposed as a condition by the SCAP. It is now considered that the proposal minimises the extent of the native vegetation clearance on the site. The allotment configuration has been amended so that some allotments are relocated away from areas native vegetation and to ensure vacant allotments created that feature native trees have a generous building envelope for a dwelling outside of the tree protection zones.

Stormwater will now be directly discharged from the western basins through a drainage easement within proposed lot 136 out to the street stormwater network and no easement will be necessary over the Defence land. Council staff are now satisfied that the relevant easements have and will be provided to protect the Council's future infrastructure.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, despite its non-complying nature, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that **CONCURRENCE** is given to the State Commission Assessment Panel to **GRANT** Development Plan and Land Division Consent, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and CONCURS with the decision of the State Commission Assessment Panel to GRANT Development Plan Consent and Land Division Consent to Development Application 17/1123/473 (473/D058/17) by Mill Hill Capital Pty Ltd for Land division (1 into 141) (Non-complying) at 298 Nairne Road Woodside subject to the following conditions:

PLANNING CONDITIONS

- (1) That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and following plans submitted in Development Application No 473/D058/17.**

Prepared by Fyfe Pty Ltd:

- Reference Number 25894/6, Drawing Number 28594SU1-R20, Revision 20, Dated 12 June 2018, Sheets 1 to 4**

Prepared by Wallbridge Gilbert Aztec:

- Stormwater Management Plan, Document Number 171185rp001, Revision D, Dated 13 June 2018**
- Concept Plan, Drawing Number WAD171185 SK01, Revision E, Dated 12 June 2018**

- (2) The two road junctions being closed shall be removed and remediated to the satisfaction of DPTI and the Council.**
- (3) Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Nairne Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.**
- (4) Site work, demolition work and building work shall be carried out only between the hours of 7.00am to 5.00pm Monday to Saturday. No works are permitted on Sunday other than those necessary for dust control, emergency works, or works that cannot be carried out at any other time without causing unnecessary disruption.**
- (5) All major and minor drainage systems including the rear of allotment drainage shall be designed in accordance with the Councils Standards and Requirements for Land Development. All stormwater drainage designs shall be approved by Council prior to construction commencing.**

- (6) Prior to construction commencing, a Construction Environment Management Plan (CEMP) including a Soil Erosion and Drainage Management Plan (SEDMP) must be prepared and implemented to prevent soil sediment and pollutants leaving the site or entering watercourses during development of the site. NOTE: The *EPA Guideline Construction environmental management plans* (CEMP) and *Code of Practice for the building and construction industry* provides useful information on the preparation of CEMPs and SEDMPs.
- (7) The detailed design of the stormwater management system shall incorporate the outcomes as modelled in the concept design outlined in the Wallbridge Gilbert Aztec (WGA) *Stormwater Management Plan, Revision D* (dated 13 June 2018) and meet the following minimum stormwater quality objectives:
- a) Quality targets:
 - i. Suspended solids – 80 per cent reduction of the typical urban average annual load component to an equivalent urban catchment with no water quality management
 - ii. Total phosphorus – 60 per cent reduction of the typical urban average annual load compared to an equivalent urban catchment with no water quality management
 - iii. Total nitrogen – 45 per cent reduction of the typical urban average annual load compared to an equivalent urban catchment with no water quality management
 - iv. Litter and gross pollutants 90 per cent reduction; and
 - v. No visible oils for flows up to three month average recurrence interval peak flow.
 - b) Ensure run-off is maintained at pre-development levels.
- A water quality model shall be provided to the State Commission Assessment Panel to prove that these targets have been achieved by the stormwater treatment drain.
- (8) Prior to completion of the stormwater management system, a maintenance plan must be developed to maintain optimum performance of all components of the system for the anticipated lifespan.
- (9) Prior to any civil or earthworks commencing on-site, tree protection zone (TPZ) fencing for all native vegetation identified for protection, shall be erected to the satisfaction of Council. The TPZ fencing shall remain in place for the duration of the civil works. The perimeter of the TPAZ shall be protected by the erection of a secure fence and shall:
- i. Consist of a 2 metre high solid, chain mesh, steel or similar fabrication with posts at 3 metre intervals; and
 - ii. Incorporate on all sides a clearly legible sign displaying the words “Tree Protection Zone”.

LAND DIVISION REQUIREMENTS

- (1) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.**
- (2) The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. SA Water 90135/17.**
- (3) The augmentation requirements of the SA Water Corporation shall be met.**
- (4) The necessary easements shall be vested to the SA Water Corporation free of cost.**
- (5) The internal drains shall be altered to the satisfaction of the SA Water Corporation.**
- (6) SA Water is able to provide water and wastewater services to the development site.**

All internal reticulation mains must be in accordance with SA Water networks infrastructure standards. Further investigation of existing infrastructure to be undertaken.

- (7) On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.**
- (8) Prior to the issue of a certificate under section 51 of the Development Act 1993, in relation to land division, each allotment shall be connected to, or capable of being connected to, the sewerage system that goes to the Bird In Hand Wastewater Treatment Plant.**
- (9) The Nairne Road/Balmoral Road and Nairne Road/Caledonia Avenue junctions shall be designed and constructed/reconstructed in accordance with Austroads Guides/Australian Standards. The design of the junctions shall ensure that the longitudinal drainage of Nairne Road is not compromised in any way.**
- (10) Sufficient shoulder sealing shall be provided opposite the Nairne Road/Balmoral Road junction in order to ensure that through vehicles can safely pass vehicles waiting to turn right into Balmoral Road.**
- (11) All required road works associated with the Nairne Road/Balmoral Road and Nairne Road/Caledonia Avenue junctions shall be undertaken to the Department of Planning, Transport and Infrastructure's (DPTI) satisfaction prior to Section 51 certificates being issued. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant. The applicant shall contact DPTI Traffic Operations, Network Integrity Engineer, Mrs Christina Canatselis via telephone (08) 8226 8262 or 0401 120 490 or email Christina.canatselis@sa.gov.au to obtain approval and discuss any technical issues regarding the required works.**

- (12) Prior to Section 51 Clearance, public roads created by a land division to and from the proposed allotments shall be in accordance with the *Minister's Code : Undertaking Development in Bushfire Protection Areas, Part 2.2.2*:**
- i. Provide for a mainly continuous street pattern serving new allotments that eliminates the use of cul-de-sac or dead end roads. Where this is not practicable such roads should not exceed 200m in length and the end of the road should have either:
 - a turning area with a minimum formed surface radius of 12.5m (*refer to The Code Figure 1*); or
 - a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11m and minimum internal radii of 9.5m (*refer to The Code Figures 1 and 2*)
 - ii. All public roads shall be of all-weather construction with a minimum-formed road surface width of 6 metres, and shall have minimum internal radii of 9.5 metres on all bends.
 - iii. Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres width and a vertical height clearance of 4 metres.
 - iv. The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.
 - v. Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).
 - vi. No stopping anytime zones along one side of all roads within the land division, and on both sides where bends are present.
- (13) Prior to Section 51 Clearance, the existing fire track within proposed Allotment 200 shall be retained and improved to comply with the following requirements:**
- i. Shall be all weather construction with a minimum-formed road surface width of 3 metres, and shall have minimum internal radii of 9.5 metres on all bends and be connected to a compliant public road.
 - ii. Vegetation overhanging the fire track shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres width and a vertical height clearance of 4 metres.
 - iii. The all-weather road shall incorporate passing bays. The combined width of the passing bay and access track shall be 6m (or 7m in steeper terrain), and a minimum formed length of 17 metres. The passing bays shall be constructed at 200 metre intervals along the road or driveway. Where it is necessary to provide adequate visibility, such as the nearest point to the public road or other passing bay, passing bays may be required at intervals of less than 200 metres.
 - iv. Provided the existing fire track is connected to public roads at either end, no turning heads are required.
- (14) Prior to Section 51 Clearance, street and public lighting shall be installed (or bonded) and shall comply with the Lighting Code AS1158 and the style and type of lighting shall be approved by both Council and SA Power Networks.**

- (15) The detailed design of all new footpaths, road, verges and other public areas shall comply with the Australian Standards, Adelaide Hills Council's standards, and the Disability Discrimination Act.
- (16) Prior to Section 51 Clearance, a detailed final stormwater management plan shall be provided to and approved by Council, including:
- Full stormwater network design and treatment train
 - Landscaping plans for swales and sedimentation/detention basins
 - Detailed basin and swale designs
 - Stormwater calculations
 - Hydrological studies for upstream and downstream of the proposed site
 - Hydrological and water quality modelling
 - Rear of allotment drainage (sealed system)
 - Infiltration wells
 - Any other relevant plans, reports or calculations
- (17) Prior to Section 51 Clearance, details and plans of fencing and landscaping treatments to all external boundaries of the site shall be provided to and approved by Council. Approved fencing and landscaping shall be installed at the developer's expense within the timeframe specified by the proposed Infrastructure Agreement with the Adelaide Hills Council.
- (18) Prior to Section 51 Clearance, the following detailed plans shall be provided to Council for approval:
- Pedestrian network pathways plan (1.5m width gravel pathways within both the reserves and 1.5m concrete footpaths in the roadways)
 - Street tree plan
 - Verge treatments plan showing groundcovers and street furniture
 - Open Space Plan for the two reserves detailing how these areas are to be developed with drainage infrastructure, paths, lighting, irrigation, fencing, park furniture, plantings and other infrastructure, including details of the location of the replacement shelter and details and elevations of this shelter and pathways in both reserves
 - Detail plans for the landscaping and any urban design features (e.g. entrance statements) at two entrances to the land division
 - Irrigation plans (if any areas are proposed to be irrigated):
- All works shall be undertaken to the satisfaction of Council once approval is achieved. The landscape scheme shall also reflect the retention of native vegetation. The landscaping scheme shall be completed within six months of completion of construction or re-seal of the relevant road (in relation to road verge landscaping or some other time agreed to by Council). No landscape works shall be undertaken without the prior written approval of Council. The owner/applicant shall be responsible for maintenance of the landscaping for a minimum period of 12 months following the issue of notification of Practical Completion by Council.
- The landscaping scheme shall be completed and maintained in accordance with the timeframe specified by the proposed infrastructure Agreement with the Adelaide Hills Council.

(19) Public open space areas designated as Reserves shall be vested to Council pursuant to Section 50 of the Development Act. Reserve areas are required to be developed in accordance with Open Space Plan to be submitted to Council for approval.

(20) Prior to Section 51 Clearance, detailed designs and specifications, prepared by a professional engineer, for all civil works relating to roads, which may include:

- Re-sealing plan
- Swept path diagrams/plans (rubbish trucks)
- New kerbing plan and details
- Detailed turning head plans
- Geometric road setout plan
- Pavement treatment plan
- Pavement calculations Road longitudinal sections
- Road cross sections
- Intersection treatment works and design contour plans
- Traffic control plan/s (line-marking and signage). Note that a plan that shows the no stopping anytime zones is required
- On-street parking plan

Road designs including structural road design and all traffic control devices shall be in accordance with Council Standards. No work (including any civil engineering works) is to commence prior to the receipt of written approval from Council. All costs for the design of all civil infrastructure shall be borne by the owner/applicant.

(21) Prior to Section 51 Clearance and construction commencing, Engineering Approval must be obtained from Council. Sufficient documentation is required for assessment which may include:

- Staging plan
- General construction plan
- Geometric drainage setout plan
- Final surface contours plan
- Cut and fill/bulk earthworks plans
- Waste management (garbage collection) plan
- Drainage longitudinal sections
- Drainage cross sections
- Construction details
- Construction specifications
- Stormwater calculations
- Traffic impact statements
- Street name signs
- Any other relevant plans, reports or calculations

(22) Prior to Section 51 Clearance, all approved works and infrastructure required by the design plans stamped approved by Council for construction shall be constructed (or bonded) for the relevant stage to the satisfaction of the Council.

All costs for the construction of all approved infrastructure shall be borne by the owner/applicant. Following a certificate of Practical Completion from Council the owner/applicant shall be responsible for all maintenance for a period specified by the proposed infrastructure Agreement with the Adelaide Hills Council.

- (23) Prior to Section 51 Clearance, the applicant shall enter into an Infrastructure Agreement with the Council to confirm the following off-site and non-prescribed works:**
- Contribution to the off-site stormwater works**
 - Open space upgrades, verge treatments and landscaping works**
 - External fencing and fencing abutting reserves**
- (24) Prior to Section 51 Clearance, (if practical completion of construction works has been achieved) all trenches or excavation are to be reinstated to the satisfaction of Council. All excavation, trenching of underground services and reinstatement in existing road pavements and verge areas shall be done to the satisfaction of Council.**
- (25) Prior to Section 51 Clearance, all structures shall be cleared from the subject land, and all obsolete material and rubbish shall be removed to the satisfaction of Council.**
- (26) Prior to Section 51 Clearance, the owner/applicant shall confirm that an appropriate water supply and fire plug/hydrant system of adequate capacity (to be used for fire and other emergencies) has been provided to the appropriate SA Water Standards.**
- (27) "As-built" drawings of the approved and installed infrastructure shall be submitted to the Council along with certification from a professional engineer that the works for that stage have been completed in accordance with the approved design.**
- (28) An asset register of the infrastructure constructed shall be provided to the Council's satisfaction in digital format.**

ADVISORY NOTES

- (1) The development must be substantially commenced or application for certificate made within 12 months of the date of this Notification, unless this period has been extended by the State Commission Assessment Panel.**
- (2) The authorisation will lapse if not commenced within 12 months of the date of this Notification.**
- (3) The applicant is also advised that the final land division certificate must be obtained from the State Commission Assessment Panel to complete the development within 3 years of the date of the Notification unless this period is extended by the Panel.**
- (4) If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations. Note that "clearance" means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of**

wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit:

<http://www.nvc.sa.gov.au>.

- (5) The applicant is advised the Council is required to inspect the construction works at key hold points and the applicant shall provide an “Inspection Test Plans” (ITP) prior to commencement of any work. Hold points are to be signed off by Council before proceeding to next level of the construction works.**
- (6) The applicant is advised that Section 51 clearance will not be issued until all the conditions of the Land Division Approval have been satisfied. To allow for Section 51 clearance prior to the completion of public infrastructure the Developer may enter into a bond agreement with Council for the full cost of the infrastructure works and project management fees. Another bond is required to cover the 12 month defects liability period.**

The Developer is required to maintain the road, drainage and reserve infrastructure works for a 12 month defect liability period from the date of Practical Completion or the date of rectification if the defect item is considered major by Council, unless otherwise specified in the Infrastructure Agreement to be entered into with the Council.

- (7) The applicant is advised the existing houses adjacent the hazardous vegetation on the western, south western and southern boundaries, are unlikely to be constructed to an appropriate level to withstand the impact of a bushfire. The hazardous vegetation in its current state may present at a higher bushfire attack level than what is prescribed for construction of future new dwellings in Medium bushfire prone areas in accordance with NCC Part 3.7.4. Therefore SA CFS recommends siting the habitable building should be appropriate to the assessed bushfire risk at the time of lodgement.**
- (8) The applicant is advised that individual applications for development consent for habitable buildings shall include either 5,000 litres static water supply independent of mains supply or 2,000 litres static water supply connected to mains supply in accordance with Ministers Specification SA78 and the Medium Bushfire zone prescribed for these allotments.**
- (9) The applicant is advised that individual applications for development consent for future habitable buildings shall include mandatory conditions for a vegetation management zone to be established within 20 metres (or to the property boundary - whichever comes first) of the proposed development.**

9. ATTACHMENTS

Council Comments
SCAP Agenda Item
SCAP Minutes
Amended Proposal Plans
Application Information
Applicant's Professional Reports
Referral Responses
Representations
Applicant's response to representations

Respectfully submitted

Concurrence

Sam Clements
Team Leader Statutory Planning

Deryn Atkinson
Manager Development Services

**COUNCIL ASSESSMENT PANEL MEETING
8 August 2018**

AGENDA

| | |
|---|--|
| Applicant: Woodforde T & A Pty Ltd | Landowner: Woodforde JV Pty Ltd |
| Agent: Intro Design Pty Ltd | Ward: Marble Hill |
| Development Application: 18/603/473 (17/E015/473 V1) | Originating Officer: Sam Clements |
| Application Description: Variation to development authorisation 473/425/17 (473/E015/17 SCAP reference)- to establish 10 additional dwellings on lots 802 – 811 (total of 74 dwellings), including ancillary carports, associated earthworks & retaining walls, and to vary dwelling typologies to accord with the varied allotment pattern (lots 163 – 179) | |
| Subject Land: Lot:2222 Sec: P626 DP:118442 CT:6207/87 | General Location: Buchanan Drive Woodforde Attachment – Locality Plan |
| Development Plan Consolidated : 24 October 2017 Map AdHi/11 & 96 | Zone/Policy Area: Residential Zone & Glen Stuart Road Policy Area |
| Form of Development: Merit | Site Area: 1.27ha |
| Public Notice Category: 2 | Representations Received: N/A Representations to be Heard: N/A |

1. EXECUTIVE SUMMARY

The purpose of this application is to vary a previous development authorisation (473/425/17) for 64 dwellings within Stage 2 of the Woodforde development. The variation is to establish 10 additional dwellings, with associated carports, retaining walls and earthworks on allotments created by a recently approved land division variation application 473/D049/15 V1(revised plan dated 17 June 2018 refer 15/1007/473). The 10 additional dwellings are to be located on approved allotments 802 – 811, which will take the total number of dwellings to 74 in this proposal. The proposal also seeks to vary the dwelling typologies to accord with the varied allotment sizes/pattern on the approved varied land division plan.

The variation to the land division plan was provided informally (via email) onto the CAP members for comments on 31 January 2018.

The subject land is located within the Residential Zone and the Glen Stuart Road Policy Area, and is a merit form of development and category 2 for notification purposes. The State Commission Assessment Panel (SCAP) is the relevant authority in accordance with clause 20 (a) and (b)(i) of Schedule 10 of the Development Regulations 2008, pursuant to a declaration by the State Coordinator- General (via a letter to Council dated 24 May 2018).

The SCAP has referred the application to Council under Regulation 38 (2)(b). The Council's role is to provide a report to the SCAP on any matters relevant to the application. In preparing this report, Council is seeking the advice of the CAP. Draft recommendations for the report to the

SCAP are included in the recommendation section of this report and any further advice provided by the CAP will be considered for inclusion in the final report to the SCAP.

The main issues relating to the proposal are site coverage, car parking, landscaping, solar access, overshadowing, privacy and stormwater management. Whilst included in the engineering design documentation for Stage 2 of the land division, the associated incidental earthworks and retaining walls are included in this proposal as they have not received development authorisation.

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

2. DESCRIPTION OF THE PROPOSAL

The proposal is a variation application for the following:

- Establishment of 10 additional dwellings to be located on approved allotments 802 – 811 that have been created as a result of the recent variation application (amended land division plan dated 17 June 2018 approved 16 July 2018). These additional dwellings bring the total number of dwellings to 74
- Allotments 802 to 807 are to accommodate two storey dwellings (terrace block 2). Five are two bedroom dwellings (T2.2A.1 & T2.3A.1) and one is a three bedroom dwelling (T2.3B.1)
- Allotments 808 to 811 are to accommodate four additional three storey dwellings (terrace block 3). These typologies are all three bedroom
- Variation to the dwelling typologies to accord with the approved varied allotment pattern, specifically on lots 165, 169, 171, 176, 178 & 179 as described in the table below:

| Lot | Previously approved lot width & area | Varied lot width and area | Originally approved dwelling type | Proposed dwelling type |
|-----|---------------------------------------|---------------------------|--------------------------------------|--------------------------------------|
| 165 | 6.5m & 175m ² | 5m & 135m ² | T2.3A.1 (2 bed-153.5m ²) | T2.2A.1 (2 bed-118m ²) |
| 169 | 5m & 135m ² | 6.5m & 176m ² | T2.2A.1 | T2.3A.1 |
| 171 | 6.5m & 176m ² | 5m & 135m ² | T2.3A.1 | T2.2A.1 |
| 176 | 6.5m & 176m ² | 5m & 136m ² | T2.3A.1 | T2.2A.1 |
| 178 | 8.5m & 225m ² (corner lot) | 6m & 176m ² | T2.3B.1 (3 bed-166.1m ²) | T2.3A.1 |
| 179 | 7.5m & 148m ² (corner lot) | 6m & 120m ² | T3.3C.1 (3 bed-213.5m ²) | T3.3A.1 (3 bed-213.5m ²) |

- It is proposed that each dwelling will immediately adjoin (abut) another dwelling, presenting as a terrace row or block. Whilst the dwellings will become 'detached dwellings' once the allotments are created, in practical terms, the buildings will have the appearance and functionality of 'row' dwellings, albeit they are not a single building
- Four different variations to the external appearance of the dwellings are proposed
- There are also very minor variations to the external appearance of the dwellings within terrace block 3, such as window locations
- Aside from the allotments in T3 all the approved allotments have dual road frontages (rear loaded allotments) with carports accessed via rear laneways Lewis Walk?. The T3 dwellings are orientated to the reserve with garages accessed from Lewis Walk
- Three bedroom dwellings have double carports or garages (6.5 to 9m wide allotments) with two bedroom dwellings provided with single carports (5m wide allotments)
- Aside from in T3, the carports are all elevated above the ground floor level of the dwelling therefore requiring retaining walls up to 2.6m in height. The three storey dwellings (T3) feature garages on the ground floor level of the dwelling
- The sections and plans depict a single tree and lawn area in the front yard areas and paved courtyards with plantings in front of the carport retaining wall, directly to the rear of each dwelling
- Each dwelling is to have two bathrooms, an open plan kitchen and living area, a study nook or sitting room, laundry and a private yard area. The three-storey dwellings have upper level living rooms and two outdoor terrace areas on the third storey of around 15m² to the east and west
- The proposed dwellings are contemporary in design, with variations in form and materials between each terrace block. The dwellings are designed with flat or pitched roofs, box guttering behind parapet walling, some recesses and offsets for articulation and with a varied material palette
- The main front façade for each dwelling within terrace block 2 will be setback 3 metres and the carports offset 500 to 700mm from their respective rear boundaries. The dwellings within terrace block 3 are setback 505mm from the front boundary and 3m from the rear boundary. Dwellings on corner allotments are to be setback from side boundaries 1.5 metres or more
- A mix of building materials is proposed similar to that utilised in the previously approved dwellings. The materials and finishes include:
 - Rendered paint finish (Dulux Natural White or similar)
 - Rendered Paint finish (light grey finish or similar)
 - Aluminium framed glazing
 - Aluminium screening (Powdercoat black or similar)
 - Metal canopy (Dulux Monument or similar)
 - Painted and profiled fibre cement sheet (Dulux Monument or similar)
 - Maxline Colorbond® roofing (Colorbond Monument)
 - Rendered masonry cladding
 - Brick wall cladding (brown or similar)
 - Feature external tiles
 - Matrix cement panelling
 - Colorbond® fencing or similar
 - Aluminium balustrading
 - Timber entry doors
- Two bedroom dwellings are 118m² and three bedroom dwellings range from 153m² - 213m² in floor area

- Private open space provision is typically 27m² for two-bedroom dwellings and between 30m² and 40m² for three-bedroom dwellings
- The predominant site coverage for the two storey dwellings (T2) ranges from 61-65%, however the corner allotment dwellings have a site coverage of 56%. The three storey dwellings (T3) have a site coverage of 81%

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

3. BACKGROUND AND HISTORY

- 20 April 2017 - Council received a letter from the State Co-ordinator General declaring that he had appointed the DAC as the relevant authority for the assessment of 66 townhouses on lots 119-132, 138-161 and 163-190
- 15 May 2017 - DAC requested that Council provide comments on the development application (473/E015/15) for the 66 townhouses pursuant to Regulation 38 (2)(b).
- 19 June 2017 – Council staff requested that the DAC request further information of the applicant. This request was forwarded onto the applicant.
- 22 June 2017 – The applicant provided a written response to this request for further information. Later the application was amended from 66 townhouses to 64.
- 20 July 2017 - CAP considered the proposal and comments were provided onto the SCAP
- 24 August 2017 - Development Plan Consent for the 64 townhouses was granted
- 14 June 2018 - A Regulation 47A (minor variation) amendment was granted by SCAP for the development to be staged
- 25 July 2018 - Development Approval was granted for Stage 1 and 2 of this development. Stage 3 comprises dwellings for lots 163 – 190 including the consented to dwellings that are to be varied that are part of this variation application (varying the dwelling typologies). The application would need to clarify if additional 10 dwellings proposed on lots 802-811 are to be included within Stage 3 or are to be within a new stage (Stage 4)
- 24 May 2018 - Council received a letter from the State Co-ordinator General declaring that he had appointed the SCAP (formerly DAC) as the relevant authority for the assessment of this variation application for 10 additional townhouses and to vary the dwelling typologies to accord with the approved varied allotment pattern
- 13 July 2018 - SCAP requested that Council provide comments on the variation application

Development application history (major applications within the estate):

| | |
|---------------|--|
| June 11, 2015 | 15/D49/473 (15/1007/473) SCAP approved a land division to create 286 additional allotments. There have been 10 revisions of the approved land division plan since this date approved by SCAP. The number of additional allotments reduced to 280 due to creation of another development superlot within Stage 3C (lot 817) |
| June 22, 2017 | 15/E032/473 (15/1130/473) Development approval granted for the construction of 29 of the 54 townhouses within Stage 1 of the land division |

| | |
|-------------------|--|
| November 15, 2017 | 15/E032/473 (15/1130/473) Development approval granted for remaining 25 townhouses within Stage 1 of the land division |
| May 2, 2017 | 17/E08/473 (17/272/473) Development Plan Consent granted by SCAP for the construction of a four and five storey residential flat building comprising 46 dwellings and ground level/undercroft car parking, and associated visitor parking, landscaping and earthworks on lot 162 |
| July 3, 2018 | (18/270/473) Development Plan Consent granted by Council for the construction of a three storey residential flat building comprising 19 dwellings & associated car parking & earthworks on lot 133 within Stage 2 of the land division |
| July 16, 2018 | (473/D049/15 V1 R2) Development Approval granted for a variation to the land division plan (revised plan dated 17 June 2018). As mentioned, the variation to the land division plan was provided informally (via email) onto the CAP members for comments on 31 January 2018 |

4. REFERRAL RESPONSES

No internal or external referrals have been undertaken. Without civil plans Council Engineering is unable to undertake a stormwater management assessment. The applicant has previously indicated (on the original application and others) that stormwater management designs will form part of the Building Rules Consent drawings. Deferring this assessment to the building rules consent stage has previously been accepted by the SCAP.

5. CONSULTATION

The original application was processed as a Category 1 form of development pursuant to Schedule 9, Part 1, 2(a)(i) of the *Development Regulations 2008* as the SCAP considered the dwellings to be 'detached.' Given some of the dwellings have upper level decks/terraces exceeding 1m above the natural ground level and the proposal involves the construction of retaining walls over 1.5m in height above natural ground level (retaining walls for the carports), Council highlights that the variation proposal should be processed as category 2 for public notification purposes in accordance with the new Development Plan provisions (zone procedural matters).

6. PLANNING & TECHNICAL CONSIDERATIONS

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

i. The Site's Physical Characteristics

The subject land is within Stage 2 of the Woodforde land division. The land comprises 27 approved allotments (not yet registered) along Buchanan Drive and Lewis Walk numbered 163 to 179, 802 to 811 including 10 new allotments. The allotments range in size between 120m² and 214m², and 5 to 9m in width. These approved lots are within, and the dwellings are legally proposed on, current development lot 2222 (CT 6207/87).

The variation application relates to approved townhouse allotments and specifically relates to terrace blocks 2 and 3 on Buchanan Drive and Lewis Walk. Buchanan Drive has been partially created, but this section has not yet been constructed. Lewis Walk has not yet been created. The design for the roadways and infrastructure (civil works) designs have been approved by Council Engineering for Stage 2 of the land division.

The land is sloping with a gradient of around 1 in 9 or less.

ii. The Surrounding Area

The Woodforde Development is approximately 19 hectares in area and is bordered by Glen Stuart, Kintyre and Norton Summit Roads. The development lot 2222 is within Stage 2 of the land division on the southern end, close to Norton Summit Road, but approximately 220m from Glen Stuart Road to the west. The site borders the reserve within Stage 3C on the eastern side and the Council reserve on the northern side (Stage 4).

As mentioned, the proposed variation will increase the total number of townhouses to 74 in this development application. The proposed dwellings will comprise a large portion of the stage 2 area, with only 31 other approved allotments within this stage. As detailed in the history section of this report, two of these lots are approved to be developed with three and five storey apartment complexes, which will be adjacent to proposed terrace blocks 2, 4 and 5. The remaining 31 allotments are larger allotments ranging from 310m² to 558m² that are likely to be developed with two or three storey detached dwellings with setbacks from side boundaries (i.e. not terrace dwellings).

To the north of the overall estate along Kintyre Road is the Yertabirriti Womma Sports Oval, Rostrevor College, two large SA Water storage tanks and the Rostrevor College Early Learning Centre. To the north-east (east of Heather Avenue) is the low density residential area of Woodforde which generally consists of detached dwellings on allotments of around 1000m².

To the east of the estate is a very large rural living allotment with the Council owned Windmill Reserve to the south-east.

To the south of the estate on the opposite side of Norton Summit Road is the Council owned Horse Paddock Reserve and detached dwellings in Teringie. These dwellings are located on large allotments of around 2000m², with the exception of a medium density residential community title subdivision to the south-west (at the corner of Norton Summit Road and Glen Stuart Road).

To the western side of the estate (on the opposite side of Glen Stuart Road) are generally low to medium density residential uses, within the City of Campbelltown.

iii. Development Plan Policy considerations

a) *Glen Stuart Road Policy Area Provisions*

The subject land lies within the medium density Glen Stuart Road Policy Area of the Residential Zone and these provisions seek:

- *A range of medium density dwellings*
- *Development that contributes to the desired character of the policy area*

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

Objectives: 1-4

Desired Character Statement and Concept Plan Figure R/1

PDCs: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 14, 15 & 17

DESIRED CHARACTER (note – relevant parts have been addressed in specific sections below with the Desired Character Statement in italics)

Development in the policy area will comprise a range of dwelling types at medium and low densities which respond to the topography of the area. Small-scale, non-residential land-uses such as convenience shops, cafes, offices, consulting rooms and child care centres will also be developed in proximity to the Yertabirriti Womma Oval to create a community hub, or other suitable locations, where they do not negatively impact on residential amenity.

The proposal provides for a range of small two bedroom and medium sized three bedroom dwellings at medium densities. Four of the additional 10 dwellings are three storey with a double garage under the main roof on the ground floor and the other six dwellings will have a freestanding carport positioned at a level higher than the dwelling floor level due to the topography of the land and to achieve a level access to the laneway (Lewis Walk). Whilst generally extensive earthworks are still required to create the benched areas for the dwelling and freestanding carports, this design solution is still considered to respond to the topography of the area as extensive earthworks or split level designs are not required to achieve appropriate driveway grades. This design solution also achieves another desire of the Policy Area which is to minimise the visual impact of garaging structures on character and the streetscape. This is discussed in more detail below. The proposal does not include any non-residential uses.

Water Sensitive Urban Design (WSUD) principles will be incorporated into the layout and design of the Policy Area.

Other than the minimum 1000L water storage tank per dwelling to meet Building Code requirements, no details of additional stormwater harvesting for re-use have been provided. Stormwater management layouts have not been provided for each type of dwelling or terrace block, only an indication from the applicant that all stormwater will be directed to the street. The overall stormwater management plan for the estate includes water quality and detention mechanisms to ensure post-development stormwater flows do not exceed pre-development flows from the discharge point of the overall estate and the EPA water quality targets are achieved. Due to the size of the approved allotments it would be difficult to provide for more stormwater harvesting in addition to the mandatory 1000L tank without compromising domestic storage or private open space on these small allotments.

Stormwater discharge will also be minimised through on-site stormwater capture for individual buildings and capture and harvesting within the road network where practical.

As mentioned above, the stormwater network for the overall land division includes measures to treat and detain stormwater. No water harvesting techniques have been implemented in the land division design and no stormwater design layouts have been provided for these dwellings, other than the indication in writing that stormwater is to be directed to the street and the minimum 1000L water storage tank will be provided. Whilst there is an overall stormwater network design for the estate, more details would need to be provided to prove that the surface water will be appropriately managed and directed to the street. Noting that many of the dwellings are proposed boundary to boundary, surface water from the paved courtyard areas and any roof water from the rear lower level of the dwelling would need to be directed to the street via a stormwater pipe underneath the slab (for dwellings where the carport is higher than the courtyard). A stormwater layout plan would need to show finished paving levels, levels of the grated inlet pit, pipe size(s) and location.

Laneways will allow sufficient space for vehicle clearances, services and rubbish bin pads.

The extension of this laneway (Lewis Walk) has been approved via a variation application to the land division. Although the road way design is a land division assessment matter, the SCAP placed a reserved matter on the original consent (for the 64 townhouses) which required the applicant to submit more detailed plans, elevations, cross section landscaping plans for the laneways to demonstrate an improved laneway streetscape and viability of landscaping. This laneway design shows the extension to Lewis Walk with a street tree for every two or three dwellings (17 trees in total) to be provided along this laneway. SCAP have advised the applicant that this plan has satisfied the reserved matter. Also, the engineering designs for this laneway within stage 2 of the land division have been approved by Council Engineering. The SCAP and the Council engineering were satisfied that there was sufficient space for vehicle clearance, services and rubbish bin placement.

A diverse range of dwellings will be developed on a variety of allotment sizes. Development in the western portion of the policy area, on flatter land, will feature higher residential densities than the eastern portion and near Kintyre Road and Norton Summit Road where steeper gradients will require larger allotments.

These varied and additional allotments along Buchanan Drive and Lewis Walk are part of a wider development proposal which seeks to provide a diverse range of housing types from detached dwellings through to apartment buildings on varying allotment sizes, thus providing housing diversity. Higher densities are proposed towards the western portion of the policy area adjacent the reserve, as envisaged by the Development Plan.

Allotment sizes, dwelling forms and heights will establish a transition from higher density development near the centre of the policy area to the existing low-rise dwellings outside the policy area. To achieve this, higher density development will be centrally located and in close proximity to open space to ensure that residents with smaller areas of private open space have easy access to public reserves and that passive surveillance of public open space is promoted.

The varied dwelling typologies and the 10 additional dwellings within this variation application are all within a very short walking distance of public open space. Approved allotments 808 to 811 and 179 are directly adjacent the reserve to the east and are orientated towards this reserve. Therefore, the upper level terrace/balconies on the eastern side of the three storey dwellings (lots 179 and 808-811) provide for passive surveillance of the reserve. Further occupiers of allotments 163-178 and 802-807 will only have to cross Lewis Walk to reach the reserve.

Buildings of up to three-storeys in height will be developed within the policy area where potential impacts on adjoining properties such as overlooking, overshadowing and traffic movements have been appropriately addressed.

Of the total of 74 dwellings proposed, 15 are three storey and the remaining 59 are two storey. Given all the dwellings within this variation proposal are located on east-west facing allotments and are all built to the side boundaries, overshadowing is less of a concern. The original application demonstrated that private open space (courtyards) of all the dwellings within the terrace block grouping would receive at least three hours of sunlight in the middle of the day at the winter solstice. Screens and other measures were used on the original application to mitigate overlooking issues. Aluminium privacy screens are proposed on some of the elevations of the elevated carports. Overlooking is discussed in more detail elsewhere in this report.

Buildings will also be sufficiently separated to provide visual interest while also providing visual and acoustic privacy, as well as adequate sunlight to dwellings.

The nature of the allotments (5 to 8m in width) require dwellings to be built abutting one another, therefore separation of buildings is difficult to achieve. This requirement is at odds with Glen Stuart Road Policy Area PDCs 10 and 12 which envisage connected buildings on side boundaries. It is considered that a reasonable amount of articulation and visual interest is proposed to the dwellings to break up the mass of the buildings. Limited information is provided on acoustic privacy however, this may

be more appropriately addressed through the Building Rules assessment. It is however noted that the avoidance of common walls (a small air gap is provided between side walls) will assist with acoustic privacy.

Buildings will be set relatively close to the primary street frontage to create a compact urban streetscape while also achieving visual privacy to dwellings from the street. Shading elements such as verandas, eaves and screens that provide for energy efficiency will feature on new dwellings.

The proposal accords with this statement as all of the dwellings are set close to the primary street frontage. The dwellings on Buchanan Drive have a 3m front setback and the three storey dwellings with frontage to Lewis Walk are setback 505mm from the front boundary. These dwellings address the reserve to the rear and have a 3m setback to this rear boundary. The various dwelling designs/typologies are contemporary with no eaves, screens or verandahs, but do feature shaded porticos, blade walls and variations to wall lines and materials.

Development will provide articulated and varied facades which feature balconies, increased setbacks to upper levels and a range of materials in order to create visual interest and reduce the scale of buildings.

The proposal generally accords with this desired character. There are seven variations to floor plan layouts and four variations to the external appearance of the each of the dwellings. The variations to the external appearance of the three storey dwellings (T3) are very minimal. As mentioned, all the dwellings have varied wall lines, blade walls and feature a mixture of materials which provide for reasonably articulated and varied facades. The three storey dwellings feature increased setbacks to upper levels and terraces/balconies on both sides of the upper level living room which creates visual interest and reduces the bulk and scale of these buildings. Whilst all 16 of the three storey dwellings (including the additional four proposed in this variation) located in this row are very similar in appearance with little variation, they will only be highly visible as a group from the laneway, the small reserve and, from allotments 301-311 and 812-816 (within Stage 3C), on the western side of this section of the Council reserve.

The visual impact of garaging and driveway crossovers on the streetscape will also be minimised.

When viewed from laneways the visual impact of garaging cannot be avoided. However, the placement of garaging in rear lanes means that the streetscape of the higher trafficked roads is enhanced as minimal views of garaging structures will be possible from the streets these dwellings address.

High quality structured landscaping will also be provided to mitigate large scale building facades, provide visual amenity and shade, and help establish a clear hierarchy of vehicle and pedestrian movement patterns across the policy area.

The preliminary landscape designs in the associated land division application displays a high level of landscaping. Over the entire estate, there will be at least one street tree per allotment (excluding laneways) as well as low plantings in road verges.

Additional landscaping is intended to be provided in the front yards of each dwelling, excluding terrace block 3. As mentioned above, the laneways will now also include street trees to enhance their appearance.

The site will be assessed and remediated as necessary to ensure that it is suitable and safe for any proposed use.

The required remediation works as detailed in the Remediation Management Plan have occurred on the site for Stages 1 and 2. The State Contamination Audit Statement has been accepted by the EPA.

Policy Area Provisions

Objectives

The proposal will provide for medium density development as envisaged in the policy area. Whilst these dwellings are not affordable housing, 15 percent affordable housing will be provided on the site within the apartment buildings (specifically the one bedroom apartments). The developer has entered a legal agreement to provide assurance that this will occur. The proposal is consistent with Objective 1. The proposal minimises the visual impact of garaging on the character of the policy area by having the garaging at the rear, orientated to and, accessed via the laneways in accord with Objective 2. The proposed dwellings will support community services and businesses in the area. The necessary physical infrastructure to support these dwellings will be supplied as part of the land division civil construction works. The proposal accords with Objective 3. The proposed dwellings will contribute to creating a well-designed medium density compact urban area, consistent with Objective 4.

Principles of Development Control

Whilst the dwellings are not technically detached, the proposal is for an envisaged form of development as all types of dwelling, excluding multiple dwellings, are envisaged in the policy area. The proposal is considered to be consistent with PDC 1. The proposal accords with the Residential (Glen Stuart Road) Concept Plan and is therefore consistent with PDC 2.

The proposal accords with PDC 3 as the only outbuildings proposed at this point in time are carports which are ancillary to the dwellings. The proposed dwellings will sufficiently achieve the desired character for the policy area as they are of an appropriate height (three storey maximum), the garaging of vehicles will not impact on the character of the area, and the dwellings have a mixture of materials with some articulation. The proposed dwellings will contribute to creating a compact urban area. The proposal is considered to be consistent with PDC 4.

The density of the development has been addressed through the land division application. The proposed dwellings in this application are two and three storey therefore according with PDC 6. Balconies/terraces are only a feature of the three storey dwellings (T3), which will be stepped back further from the road boundary in accordance with PDC 7.

The contemporary building styles do not propose eaves as included in more traditional building styles. No verandahs or screens are proposed either. Some of the designs however feature porticos and/or wall variations that result in some shading to the lower level of the two storey dwellings. It is also noted that other energy efficiency methods are proposed to meet the Building Code energy efficiency requirements. The proposal is therefore inconsistent with PDC 8.

PDC 10 – Table

All the dwellings generally accord with building setback provisions, aside from the front setback of the terrace block 3 dwellings addressing Lewis Walk. Given these dwellings are designed to address the reserve and not this laneway, the reduced front setback is not considered an issue as no setback is required where the rear boundary adjoins a service lane.

None of the proposed dwellings exceed 3 storeys, in accordance with the building height restriction in this table.

A large proportion of the dwellings (two bedroom design) only provide for one on-site covered car parking space (a single carport). Given all these two bedroom dwellings are located on 5m wide allotments, and a stair case/steps are required to the court yard level, two on-site car parking spaces would only be possible with a stacked car parking arrangement. Due to the slope of the land and the need for adequate private open space this is not considered a viable alternative. The variation proposes to increase the number of single carport dwellings within terrace block 2 (lots 163 to 177) by two (10 instead of 8). Of the new allotments created in terrace block 2, four of the six dwellings have single carports.

A large proportion of the dwellings exceed the maximum 60% site coverage guideline. Dwellings within terrace block 2 have result in site coverage of around 61-65%. These percentages exclude the dwellings on the corner allotments, namely lots 163 and 807. The three storey dwellings (terrace block 3) are well in excess of the 60% guideline, with each having site coverage of 81% (excluding corner lot 808). Whilst this site coverage is extremely high, these dwellings have sufficient private open space, car parking, areas that could be used for clothes drying (large balconies), and space for slimline water storage tanks, storage of household waste and recycling receptacles. Also, the dwellings have similar amounts of space for domestic storage as any medium density development, with storage areas available in the garage and all these dwellings are directly abutting the Council reserve. In consideration of these factors the qualitative requirements behind the site coverage restriction are considered to have been sufficiently achieved. If site coverage for the two bedroom dwellings was reduced (dwelling foot print reduced slightly) this would not facilitate the ability to have two car parking spaces on-site. As mentioned above, the width of the allotment (5m) and slope of the land is the determining factor in this regard.

The two storey three bedroom dwellings include double carports and the three storey three bedroom dwellings include a double garage on the lower level. The proposed dwellings do not represent affordable housing and thus should all have two on-site covered car parks to accord with the Development Plan. Factoring in this variation proposal, the shortfall of one space per two bedroom dwelling results in an overall total shortfall of **32** car parking spaces (for stage 2 townhouses). These additional 5m

wide allotments have already been approved (variation to the land division) and the previous applications have demonstrated that there is a surplus of on-street parking within the estate. Based on SCAP previous acceptance of this shortfall, and in the interest of continuity in decision making, Council staff accept this shortfall.

PDC 11- Table

For a two bedroom dwelling, 25m² of private open space is required and 30m² for a three bedroom dwelling, all of which require an area of at least 3m by 5m. Private open space provision in this variation is typically 27.5m² for two-bedroom dwellings and between 30m² and 40m² for three-bedroom dwellings, which sufficiently accords with this guideline. Given these dwellings are within very close proximity to the Council reserve, the private open space provided for these small to medium sized dwellings is considered sufficient. The proposal accords with PDC 11.

All the dwellings are sited on side boundaries, excluding the secondary road frontage for the corner allotment dwellings. The walls will be immediately abutting the walls of a simultaneously constructed dwelling and will be of the same or very similar length. Noting the slope of the land, there will be slight variances in the height of the abutting walls. The proposal is considered to be consistent with PDC 12.

PDC 13 – Table

The larger double carports are to be 38m² thereby according with the maximum floor area. All setback and height parameters have been accorded with and the proposal meets the parameters set out in PDC 13. All the garages and carports will have access to a rear laneway and therefore no setback or a very minimal setback is envisaged, consistent with PDC 13.

PDC 15 – Table

The application generally accords with the intent of this table. It is however noted that technically the allotments could be considered to be undersized as the dwellings will become 'detached dwellings' (once the approved plan of division is registered) and the provisions require site areas of at least 180m² and frontages of at least 8m for detached dwellings. The minimum site area for row dwellings is 120m² with a frontage width of 5m. Schedule 1 of the *Development Regulations 2008* defines the differences between 'detached dwellings' as opposed to 'row dwellings' as detailed below:

Detached dwelling means a detached building comprising 1 dwelling on a site that is held exclusively with that dwelling and has frontage to a public road, or to a road proposed in plan of land division that is subject of a current development authorisation

Row dwelling means a dwelling-

(a) occupying a site that is held exclusively with that dwelling and has a frontage to a public road or to a road proposed in a plan of land division that is the subject of a current development authorisation; and

(b) comprising 1 of 3 or more dwellings erected side by side, joined together and forming, by themselves, a single building;

It is however noted that, from a pragmatic point of view, sound engineering justification has been provided for not having shared common walls between townhouses (so as to allow additional strength/flexibility to address shifting soils). There would seem to be no sound town planning reason to require the dwellings to be *'joined together and forming, by themselves, a single building'* and therefore 'row dwellings' just to meet the minimum site area and frontage widths for 'row dwellings' in the table within PDC 15. Indeed it is considered preferable from an engineering point of view to not have common walls. This may also avoid any future disagreements between adjacent owners about common walls which have often occurred in Community/Strata Title arrangements. The avoidance of using common walls also may assist with acoustic privacy between dwellings.

For the reasons cited, the proposal's variance with this table is therefore generally accepted in relation to site areas and minimum frontages. It is also noted that the smallest allotments (120m²) meet the desired minimum site area requirements for row dwellings and 13 of the 27 allotments involved in this variation exceed the 5m frontage width (6.5m to 9m) stipulated in this table.

The proposal is for two and three storey dwellings with freestanding carports which sufficiently addressed the relatively steep nature of the land. The proposal is considered sufficiently consistent with PDC 17.

The subject land is within the Residential Zone and these provisions seek:

- *A residential zone comprising range of dwelling types, including a minimum of 15 percent affordable housing; and*
- *Increased dwelling densities in close proximity centres, public transport routes and public open spaces.*

The following are considered to be the relevant Residential Zone provisions:

Objectives: 1, 2, 3 & 4

PDCs: 1, 2, 3, 5, 6 & 7

Objectives

The proposal contributes to providing a range of dwelling types within the estate. As mentioned, affordable housing is to be provided as one bedroom apartments in the residential flat building within the estate. The proposal accords with Objective 1.

It is noted that the proposed dwellings are located some distance from centres and public transport routes however Objective 2 is considered to be more relevant to the land division proposal. All the dwellings are within walking distance of public open space and some of the dwellings are directly abutting public open space.

The zone calls for development within the zone to comprise a variety of housing types with a mix of low and medium densities depending on the policy area. As detailed in the assessment above, the proposal is consistent with the desired character of the policy area and is therefore also considered to be consistent with the desired character of the zone and with Objective 3. The proposal does contribute to an

increased density in comparison with the wider locality, in close proximity to public open space. The proposal sufficiently accords with Objective 4 and PDC 6.

Accordance with Zone

Any form of dwelling is envisaged in the zone and therefore the proposal accords with PDC 1. As detailed in the assessment above, the proposal includes carports on some of the sites which are all ancillary to a dwelling, consistent with PDC 5. Given the proposed dwellings in terrace block 2 have abutting boundary walls as envisaged in policy area provisions, setting back the upper storey of these dwellings from the site boundaries is not considered necessary. Also given these dwellings back onto a laneway an increased rear setback is not considered necessary. PDC 12 in the policy area is considered to have greater weight than PDC 7 within the zone.

b) Council Wide provisions

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

- *Orderly and sustainable development*
- *Appropriate residential development and to maintain residential amenity*
- *Appropriate stormwater management and to promote water sensitive urban design*
- *Minimisation of visual impact on the landscape*

The relevant Council Wide provisions are listed at the start of the each section.

Design and Appearance

Objectives: 1

PDCs: 1, 2, 3, 5, 7, 9, 17, 18, 19, 20, 21 & 22

As mentioned elsewhere, the dwelling designs have been varied to create visual interest in the streetscape. The master planned estate seeks to create a new character as desired by the zone and the policy area. The proposal, particularly in relation to the dwellings within terrace block 2, does not minimise alteration to the existing land form, but the design of the dwellings does achieve the desire of the policy area for vehicle parking areas and structures to be not be visible from the main thoroughfares. None of the proposed dwellings incorporate highly reflective materials and the deck/terrace areas of the three storey dwellings (terrace block 3) have been integrated with the overall form and detail of the dwelling. As also discussed previously, given the dwellings are built boundary to boundary (with matching or very close to matching wall lengths) on east-west facing allotments access to direct winter sunlight should be achieved in the windows of the main internal living areas, upper level balconies and private open space areas. The proposal is sufficiently consistent with Objective 1 and PDCs 1, 2, 3, 5, 7, 9 and 17.

The proposal includes fixed screens to the carport areas to minimise overlooking views from these elevated areas into the adjacent properties courtyards. No permanent screening devices were required to the upper level windows of the proposed dwellings to prevent overlooking into adjacent courtyards on the original application. Given the frequency of bedroom use and the use of blinds/curtains for privacy within bedrooms and the need for passive surveillance of the carports and

laneway, this was not considered to be required. The proposal is sufficiently in accord with PDCs 18 and 19.

The dwellings have a coordinated appearance, the elevation addressing the street is well articulated and generally the main facade of the dwellings address the street. For reasons previously mentioned, it not considered an issue that dwellings within terrace block 3 do not address the laneway. The proposal is sufficiently consistent with PDCs 20 to 22.

Energy Efficiency

Objectives: 1

PDCs: 1 & 2

This form of terrace dwelling that is built side boundary to side boundary will not receive as much solar access as a building well back from boundaries with no surrounding obstructions. The main activity areas of the dwellings within terrace block 2 will not have any windows that face north, but the private open space (courtyards) will have access to sunlight from the north and will receive natural light and winter sunlight. The balconies of the three storey dwellings will have access to northern sunlight. The proposal adequately accords with Objective 1 and PDCs 1 and 2.

Landscaping, Fences and Walls

Objectives: 1

PDCs: 4 & 5

The large retaining walls up to 2.6m in height for the elevated carport areas will not be extensively visible from the public realm as they will be located to the rear of the dwellings. These walls will not be constructed of flammable or reflective materials. The proposal is not at odds with Objective 1 and PDCs 4 and 5.

Natural Resources

Objectives: 5 & 7

PDCs: 8, 10, 11, 12, 13, 14, 17 & 18

As mentioned, the stormwater network for the overall land division includes measures to treat and detain stormwater. No water harvesting techniques have been implemented in the land division design. It is considered that very limited stormwater management is proposed for the additional 10 dwellings (74 dwellings total) apart from capturing the stormwater from roof surfaces and directing this to the required 1000L tank with the overflow directed to street system. The applicant has previously requested that stormwater management will be addressed in the Building Rules assessment, which was accepted by SCAP. Whilst stormwater layout plans have been provided at planning assessment stage, it is acknowledged that some of these requirements have been achieved (water quality and detention for the overall estate) and are more applicable at the land division stage. These small allotments have little scope for additional stormwater harvesting. The proposal is sufficiently in accords with Objectives 5 and 7 and PDCs 8, 10, 11, 12, 13, 14, 17 and 18.

Orderly and Sustainable Development

Objectives: 1 & 2

PDCs: 1, 9 & 14

This application is for infill development within an existing urban locality with access to the full range of typical urban infrastructure. These dwellings within Stage 2 of the land division are part of a broader proposal to provide a varied range of dwelling types and allotment sizes to suit the needs of the community and also to contain housing costs via smaller allotments. The proposal is for residential development and will therefore not prejudice further development of this residential zone. The subject land is considered to be suitable for its intended use and the dwellings proposed should contribute to a safe and convenient and pleasant environment in which to live. Adequately lighting should be provided along the pathways within the reserve (access to terrace block 3) and within the laneways. Lighting within the public realm is a matter to be addressed in the engineering assessment of the land division. The dwellings within terrace block 3 have windows and balconies out to Lewis Walk and the Council reserve, therefore providing passive surveillance. The proposal is sufficiently consistent with Objectives 1, 2 and 6 and PDCs 1, 9 and 14.

Residential Development

Objectives: 1, 2, 3 & 4

PDCs: 3, 4, 5, 7, 8, 9, 10, 17, 18, 19, 20, 21 & 27

The proposal has been assessed against the more pertinent provisions with the policy area that relate to design and appearance, carports, site coverage and private open space. Also, visual privacy has been assessed in the 'design and appearance' section above. Based on this, the proposal is considered to be sufficiently consistent with Objectives 1, 2, 3 and 4 and PDCs 3, 4, 5, 7, 8, 9, 10, 17, 18, 19, 20, 21 and 27.

Siting & Visibility

Objectives: nil

PDCs: 4, 5 & 6

Whilst the excavation and filling of land has not been kept to a minimum and exceeds 1.5m in height, the filling of land and large retaining walls for the elevated carports will not be visible from the public realm or surrounding localities. As mentioned, the dwelling and carport configuration (rear loaded allotments) also reduces the need for extensive earthworks that may be required to achieve suitable driveway grades and accords with the desire of the policy area for garages and carports to not be visible from the main thoroughfares. The filling of land to create the elevated carports at the level of the laneway will be stabilised with retaining walls to prevent erosion and land slip. The excavation proposed will reduce the vertical profile and visual impact of the dwellings. The proposal is sufficiently consistent with PDCs 4, 5 and 6.

Transportation & Access

The proposal will likely generate approximately 10 vehicle movements per dwelling per day from each access point within the approved laneways. These movements will not impact on the free flow of traffic on the created collector roads within the estate. The potential congestion on Glen Stuart Road intersections was a matter assessed in the approved land division and is not considered relevant to this proposal. The access points for these dwellings being located only within laneways improves safety and minimises amenity impacts resulting from car parking and garaging. Each dwelling will be provided with access from an all-weather public road. The proposal is consistent with Objective 2 and PDCs 25 and 26 on this basis. Whilst there is extensive excavation and fill required for the construction of the roads and to achieve level sites for the proposed dwellings, courtyards and the carports at a higher level, there are minimal earthworks required for driveways. The proposal is sufficiently consistent with PDC 32.

A more detailed car parking assessment has been provided in the policy area assessment section of this report. As mentioned, given the proposal is not for affordable housing and in consideration that each two bedroom dwelling only has one on-site car parking, the proposal is short 32 on-site car parking spaces. This has been addressed by the provision of on-street car parking plans in the original application (that this application varies) and other development applications within this estate. These on-street car parking plans have been accepted by the SCAP. The proposal provides for secure vehicle and bicycle parking on each site, but there is an insufficient amount of vehicle parking for two bedroom dwellings. Given the requirement is for on-site parking, the proposal does not accord with PDC 45, but this is not considered a serious variance for the reasons outlined.

7. SUMMARY & CONCLUSION

Whilst the various dwelling designs/typologies are contemporary with no eaves, screens or verandahs, they do feature shaded porticos and variations to wall lines and materials. The additional ten dwellings are sufficiently articulated and are of a suitable height and scale. The reduced front and zero setbacks to the side boundaries help achieve the desire of the policy area to create compact urban form. As all the garaging structures are generally located to the rear and accessed via laneways the visual impact of driveway crossovers and such structures on the streetscape is minimised. Whilst the three storey dwellings (terrace block 3) have very little variation, they are behind terrace block 2 and will only be visible in a row from the Lewis Walk laneway and the Council reserve. These dwellings provide for passive surveillance of this section of the reserve. Overlooking issues has been sufficiently addressed by the use of the fixed screens to some elevations of the carport structures, which is consistent with the original planning consent for the 64 dwellings. Council staff are satisfied that the dwellings will have sufficient solar access in winter.

Whilst the on-site car parking provision is insufficient the car parking allocation plans provided on the original consent and other applications to demonstrate that there was a surplus of on-street car parking were accepted by the SCAP. Noting the variation to land division has already been approved and for continuity in decision making Council accepts the additional shortfall of 6 spaces (total of 32) created by this variation proposal.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that the SCAP be advised that the Council Assessment Panel **SUPPORT** the proposal.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and SUPPORTS the issue of Development Plan Consent to Development Application 18/603/473 by Woodforde T & A Pty Ltd for Variation to development authorisation 473/425/17 (473/E015/17 SCAP reference)- to establish 10 additional dwellings on lots 802 – 811 (total of 74 dwellings), including ancillary carports, associated earthworks & retaining walls, and to vary dwelling typologies to accord with the varied allotment pattern (lots 163 – 179) at Lot 2222 Buchanan Drive Woodforde subject to the following comments:

- 1) The planning consent for the original application 473/425/17 (473/E15/17) which this application seeks to vary was staged (three stages). It is recommended that the applicant clarify whether the 10 additional dwellings (lot 802 to 811) are to be included into Stage 3, which is for dwellings on lots 163 to 190 or if they are to be within a new stage (Stage 4). This variation decision could thus also authorise this change to the staging.**
- 2) The maximum height of the retaining walls (dimensions provided or top and bottom levels indicated) proposed should be indicated on the site plans and elevations.**
- 3) Council would prefer to review the stormwater layout plans/designs prior to the issue of Building Rules Consent. The applicant should provide stormwater management plans for each allotment type. These plans should show:**
 - Pipe sizes and grades**
 - Top and invert levels of grated inlet pit(s)**
 - The downpipe locations and the stormwater pipe network to collect roof and surface water**
 - Paving levels to prove that surface water from the courtyard areas will drain to the central pit or similar with a pipe directed under the dwelling to the street.**
- 4) A condition is requested to be placed on any consent issued in relation to the provision of 1.7m high privacy screens to all the carports.**

9. ATTACHMENTS

Locality Plan
Varied Approved Land Division Plan dated 17 June 2018
Previous Land Division Plan (prior to variation) dated 21 August 2017
Proposal Plans
Application Information
Applicant's Professional Reports

Respectfully submitted

Concurrence

Sam Clements
Team Leader Statutory Planning

Deryn Atkinson
Manager Development Services