

**COUNCIL ASSESSMENT PANEL MEETING**  
**9 January 2019**  
**AGENDA – 8.1**

<b>Applicant:</b> Damien Chwalisz Architects	<b>Landowner:</b> R J Irons & A N Larenas-Arboleda
<b>Agent:</b> -	<b>Originating Officer:</b> Doug Samardzija Report Author: Sam Clements
<b>Development Application:</b>	18/155/473
<b>Application Description:</b> Two storey split level detached dwelling, including deck (maximum height 3m) & verandah, water storage tank (27,000L), associated retaining walls (maximum height 1m) & earthworks	
<b>Subject Land:</b> Lot:79 Sec: P962 DP:2739 CT:6165/400	<b>General Location:</b> 22 Renown Avenue Crafers West  <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated:</b> 24 October 2017 <b>Maps</b> AdHi/27 & 71	<b>Zone/Policy Area:</b> Country Living Zone
<b>Form of Development:</b> Merit	<b>Site Area:</b> 917m <sup>2</sup>
<b>Public Notice Category:</b> Category 2 Merit	<b>Representations Received:</b> 2  <b>Representations to be Heard:</b> 1

**1. EXECUTIVE SUMMARY**

The purpose of this application is to construct a two storey detached dwelling and associated structures.

The subject land is located within the Country Living Zone and the proposal is a merit form of development. Four representations were received during the public notification period but two were subsequently withdrawn. Three were in opposition and one representation was in support of the proposal and all were from neighbouring landowners. One representor wishes to be heard in support of their submission.

The two-storey split level dwelling has been designed to work with the steep slope of the subject land. The bulk and scale, height, colours and material selections and articulation of the dwelling are considered to be appropriate. The design seeks to minimise amenity impacts, particularly the creation of direct overlooking and overshadowing and impact of the development on regulated trees. The dwelling will have access to some essential infrastructure (water and electricity), and will have an appropriate stormwater management system and on-site wastewater treatment system.

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

The main issues relating to the proposal are native vegetation and regulated tree impact, building setbacks, bulk and scale, height, character and amenity, overlooking and overshadowing. The adjacent property owner that has requested to be heard is primarily concerned with the height of the building, the reduced side setback, overlooking and overshadowing.

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

## 2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Two storey split level detached dwelling with an overall height of 7m
- The dwelling has a skillion roof form with a six degree pitch
- The lower level features a garage, entry foyer and staircase
- The upper level portion (above the garage) features a bedroom, bathroom, study and balcony/deck under the main roof with a maximum height of 3m above ground level
- The remainder of dwelling is single storey and features a laundry, two more bedrooms including the master bedroom with ensuite, and an open-plan kitchen and living area
- The back section of the dwelling is split-level with the floor level of the master suite 540mm higher than the middle section of the dwelling
- The dwelling is to be constructed on three levels, the garage level (at FFL 468.7, the upper and middle sections of the dwelling at FFL 472.1, and the rear of the dwelling at FFL 472.64)
- Retaining walls (maximum height 1m) associated with creating level private open space areas
- Water storage tank with a capacity of 27,000L
- An onsite waste control system, namely a Rhizopod system featuring 3000L septic tank, 12,000L balance tank and six pods (12,000L capacity)
- Material selections: southern wall- painted 'Gully', remaining walls- off-white, roof Colorbond 'Gully' and garage door Timber screen stained 'Japan Black'
- Associated earthworks (maximum levels):
  - Ground level excavation - 2.3m
  - Ground level fill - 0.7m
  - Middle of dwelling excavation - 0.7m
  - Middle of dwelling fill - 2.3m
  - Rear of dwelling excavation - 0.7m
  - Rear of dwelling fill - 1m
  - Private open space (lawn and verandah) excavation - 2.2m
  - Private open space (lawn and verandah) fill - 1m
- The dwelling features a combination of barrier beam and screw-pile footing design.

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information**.

### **3. BACKGROUND AND HISTORY**

There is no history of previous development applications on this site.

The original proposal included a dependent accommodation unit in the rear of the subject land. Given the constraints of the site, namely the limited area for effluent disposal and CFS requirements and concerns about the proximity of the dependant accommodation unit to hazardous vegetation this element of the proposal was removed prior to public notification.

Following public notification and in an endeavour to address the representors' and Council's concerns the following amendments and additional information were supplied:

- Stormwater management plan supplied
- Location Plan supplied (showing where the dwelling sits in relation to 45 and 49 Princes Avenue)
- Amended colour scheme (roof and southern wall)
- Inclusion of a 1.8m high privacy wall in front of the dining area (southern side) and provision of an 'overlooking section' drawing
- Inclusion of a 1.5m high wall on the southern side of the deck/balcony
- Upper level study and bathroom changed to high level windows
- Angled windows screens provided to the upper level bedroom windows
- The FFL of the garage lowered 400mm from 469.1 to 468.7
- Increase in side setback of master suite from southern boundary from 1.6m to 2m
- Timber battens and creeper wires provided on the southern elevation
- The provision of shadow diagrams and 3D perspectives
- Supply of a CFS vehicle turnaround area plan (utilising the adjacent site)

In preparation of this report the following was requested:

- Clarification that the dwelling slab was definitely intended to be a barrier beam as depicted on the architectural drawings
- The civil/stormwater plan be updated to remove reference to the retaining walls on the southern boundary
- The southern wall and roof colour be changed to a more appropriate selection
- An Arborist report to assess the impact to the native and regulated trees within close proximity to the southern boundary of the subject site
- The architectural plans and civil plan be updated to be consistent
- The CFS amend their referral response relating to access to the dwelling or confirm that a legal agreement or easement was required on 20 Renown Avenue prior to the determination of this application (request directed to the CFS)

### **4. REFERRAL RESPONSES**

- **CFS**

The CFS has no objection to the proposal and has recommended a group of standard conditions, excluding the standard requirements relating to the access to the dwelling (refer to conditions 10-13).

The original CFS report dated 16 April 2018 required a forward entry and exit to the dwelling. Specifically, a 'T' shaped turning area which utilised the public road was to be provided with a minimum formed length of 11 metres (for each leg of the 'T' shape) and minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads. This section of Renown Avenue is only gravel construction, does not feature a turnaround area and is only made approximately 10m past the northern side boundary of the site. Without extending the road or connecting the road with Princes Avenue it was therefore not possible for a turnaround area to be achieved on this site, which would require the use of the public road to undertake a 'T' shape manoeuvre. The owners of 20 Renown Avenue (vacant site to be developed) have agreed to allow turning of bushfire vehicles on their property as it can be achieved in this location. Whilst the development of this vacant site is currently hypothetical, the CFS has accepted this option, as a truck may reverse out of or up Renown Avenue; utilising the intersection with George Avenue to turnaround. Based on this, the CFS has amended their report to no longer require a turning area for this property.

- **NVC (informal verbal advice)**

The Native Vegetation Council advised:

- A native vegetation clearance permit application cannot be applied for (clearance includes any damage to a native tree, such as root damage) in relation to trees that are in separate ownership (i.e. damage to a tree on adjacent land)
- The wilful damage to root zones of native trees on an adjacent site would not meet a clearance exemption
- The owner of the trees or the NVC can take action against the owner of subject land if the development results in death to any of native trees
- The Regulation to clear a 5m strip along a fence line does not provide an automatic right to do so. If there is native vegetation within 5m of the fence, and it does not impede reasonable access to the fence (for maintenance or construction), then the Regulation does not apply. Additionally, root zone damage is not required for reasonable access to a fence line and as mentioned above, the trees are on adjacent land not owned by the applicant
- It is recommended that all reasonable measures are undertaken to ensure the works within root zones are minimised in order to not cause adverse impact on the health of the trees

- **AHC EHU**

Council's Environmental Health Officer has granted pre-approval to install a wastewater treatment system (refer 18/W153/473). As detailed above, the wastewater system is a Rhizopod system featuring 3000L septic tank, 12,000L balance tank and six pods (12,000L capacity).

It is worthwhile to note that due to the limited area of the site (917m<sup>2</sup>) and the soil type on this site a conventional waste control system (tank with surface or sub-surface irrigation) was not able to be accommodated on the land. The Environmental Health Officer was not satisfied that the originally proposed wastewater system was suitable for long term effluent disposal and did not support this original design/proposal. The application was later amended to a Rhizopod system as described above.

- **AHC Engineering**

Council's Technical Officer confirmed that the stormwater management plan provided was adequate. No issue was raised with the proposed crossover location.

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

## 5. CONSULTATION

The application was categorised as a Category 2 form of development in accordance with Section 38(2)(a) of the *Development Act 1993* and the Country Living Zone Procedural Matters requiring formal public notification. Four (4) representations were originally received in the public notification period. Of these representations, three were opposing the proposal and one supporting the proposal with comments. Following the supply of additional information in response to the representations, two of the opposing representations were withdrawn. Therefore, there is one supporting and one opposing representation on the proposal.

Both representations were from adjacent properties.

The following representor wishes to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Jodi Jansons	49-51 Princes Avenue Crafers West	Did not nominate

The applicant, Peter Harding from Damien Chwalisz Architects will be in attendance.

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

- Privacy impacts
- Bulk, scale and height of the dwelling
- Inappropriate colour scheme
- Side setback not sufficient
- Overshadowing
- The extent of cut and fill
- Soil stability
- Water storage tank proximity to rear boundary and colour of tank

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

A copy of the submissions is included as **Attachment – Representations** and the response is provided in **Attachment – Applicant's Response to Representations**. A copy of the plans which were provided for notification is 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 917m<sup>2</sup> in area and void of any built form. The site was previously covered in exotic non-regulated vegetation, which has been removed since the application was lodged. One remaining regulated tree (Tree 8 - *Eucalyptus obliqua*) remains on the subject land. The site is accessed via Renown Avenue. The allotment is a relatively regular shaped allotment, excluding the rear boundary. The width is 15.24 metres and the depth is an average of 60.3m.

The site is quite steep with cross fall of around 1 in 6 from the north-western corner to the south-eastern corner.

ii. The Surrounding Area

The locality is a low density residential area, with allotments ranging from 714m<sup>2</sup> to 1449m<sup>2</sup>. The dwellings in the locality are both single and two storey in form and vary in style and building setbacks. It is noted that a number of dwellings are built over two titles. The locality is extremely steep and has a wooded character. The vegetation is predominantly large native trees. The majority of the roadways are a bitumen surface, with no kerb or gutter and are quite narrow in width.

There is a cluster of native Eucalyptus trees in the rear yard of 49-51 Princes Avenue and 45 Princes Avenue. Within 10m of the southern fence-line of the subject land there are three regulated and two significant native trees on the land at 49-51 Princes Avenue. Two of the regulated trees are further than 20m from the dwelling on this adjacent site. There are also two regulated native trees in the rear yard of 45 Princes Avenue behind an outbuilding and within approximately 5m of the boundary. These trees are also further than 20m from the any dwelling on this or other adjacent sites and require development approval for removal or any tree damaging activity.

iii. Development Plan Policy considerations

a) *Zone Provisions*

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

- *A residential zone primarily containing detached dwellings at low densities*
- *Residential development that is sensitive to the topography of the land and which minimises visual and environmental impacts*
- *Development that contributes to the desired character of the zone*

The following are considered to be the relevant Zone provisions:

*Objectives:* 1, 2 & 3

*PDCs:* 1, 6, 7, 9, 10 & 11

The proposal is for a detached dwelling at a low density, consistent with the locality. The desired character statement envisages new dwellings with modern design and building materials, which are energy efficient and respond sensitively to the topography of the land and existing vegetation. The contemporary design with varying wall lines, large windows and doors, and a skillion roof is considered quite minimal in its appearance. The design incorporates eaves and a verandah on the north side for energy efficiency. It is also considered that the proposed dwelling is designed to work with the topography of the land and to minimise cut and fill on a steep site. Two storey dwellings are envisaged in the Zone and the desired character statement envisages varied front setbacks for buildings. The proposal is sufficiently consistent with Objectives 1, 2 and 3, and PDCs 1 and 6 of the Zone.

Given the steep topography of the landscape, there are numerous two storey dwellings in the locality. Whilst the steep nature of the subject and adjacent land increases the prominence of two storey buildings on the high side of the road and from lower lying properties, it is considered that the proposed dwelling will not dominate the landscape. The narrow fronted dwelling, whilst simple in its appearance, is well articulated with varying wall lines, a balcony and large windows, varying colour selections and a low roof line to minimise its visual prominence. Cut and fill has been minimised by the two storey split level design and also the filled areas will be concealed by the barrier beam slab. The proposal will not adversely impact upon views from adjoining dwellings and public open spaces (the walking trail between Renown and Princes Avenue). The proposal is considered to be sufficiently consistent with PDC 7.

As mentioned, the front setback is less than the 8m minimum setback required. The dwelling achieves the 8m setback from the rear boundary and a 2m setback from the side boundaries for the single storey portion of the dwelling. The 3m setback is achieved from the northern side boundary for the two storey portion of the proposed dwelling, but not to the southern side boundary (2m setback proposed). These provisions also require for the setback to be increased by 1m for every metre a wall is above 6m. The height of the southern two storey wall is a maximum of 6.2m. This would mean that this small section of wall over 6m in height, which is approximately 1.2m in length, would ideally be setback 3.2m and the remaining section of this wall over 3m in height (approximately 9.5m in length) would ideally be setback 3m. Due to the narrow nature of the site, it is considered that the dwelling design responds well to the topography of land, and based on the length of this wall and that it ranges from 4.2m to 6.2m in height, the reduced setback is considered acceptable. In addition, the overshadowing which is discussed in greater detail in the later sections of this report is not considered to be unreasonable.

The site coverage of approximately 32 percent is well under the desired maximum of 50 percent. The maximum building height of the dwelling is two storeys and the overall height does not exceed 9m from natural ground. The highest point of dwelling from the finished ground is 7m in the north-eastern corner, but from natural ground the highest point is the south-eastern corner, where the proposed dwelling is 6.6m in height. The roof pitch follows the contours of the site and reduces the wall and overall height on this low side of the dwelling. Two on-site car parking spaces have been provided. Due to the reasons highlighted above, the proposal on balance is considered to sufficiently accord with the table in PDC 9.

Given the narrow nature of the allotment it is not possible for existing vegetation to be retained to soften the appearance of the proposed dwelling. A 1m wide landscaping strip and climbers are intended on the southern side of the two storey portion of the proposed dwelling to soften its appearance. The graded excavated slopes surrounding the dwelling to the north and west of the lawn area will also need to be well landscaped to improve their appearance. Whilst not utilising existing vegetation, the proposal should achieve the intent of this provision by landscaping the mentioned areas. The proposal is sufficiently consistent with the intent of PDC 10.

Due to the topography of the land the proposed dwelling is significant in height relative to the dwelling at 49-51 Princes Avenue. This dwelling is a low profile single storey dwelling that is cut into the slope of the land and is approximately 5m below the level of the proposed dwelling. It is also noted that this dwelling is in the order of 19-25m from this shared boundary. The dwelling is stepped with the slope of the land and also works with the slope of the land by incorporating the garage on the lower level. The upper storey has not been setback further, but the two storey portion of the dwelling is limited to approximately 11m (not including the balcony) and ranges in wall height from 4.2m to 6.2m and the overall height is reduced by the roof design. The proposal is considered to sufficiently accord with PDC 11.

*b) Council Wide provisions*

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

- *A diverse range of the dwelling types and sizes to be provided in the Council area*
- *The conservation and preservation of the rural character, scenic amenity and bushland of the area*
- *Development on sloping land to minimise environmental and visual impacts*

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

*Design and Appearance*

*Objectives: 1*

*PDCs: 1, 2, 3, 5, 7, 9, 17, 18, 20, 21, 22, 23 & 27*

As mentioned above, the proposed dwelling is considered to achieve a high design standard and appearance. The dwelling is designed to work with the steep topography of the site. The dwelling is a contemporary design that is considered to be an appropriate height, mass and proportion within the locality. Whilst the external



walls could blend better with the natural environment, it is noted that a number of the dwellings in the locality feature walls that are a light colour. The skillion roof form and sections of the southern wall closest to the southern side boundary are an appropriate colour, namely Colorbond 'Gully.' The dwelling is well articulated with a balcony, verandahs, large windows and eaves. The roof form and pitch reduces the overall height of the building and follows the slope of the land. The proposal is sufficiently in accord with Objective 1 and PDCs 1 and 9.

Whilst the southern two storey wall is closer to the side boundary than desired, the visual impact of this wall is minimised by the colour selection, the varying height and creeper plantings. As mentioned, there are numerous two storey dwellings in the locality of varying styles and a number of dwellings with light coloured walls. The proposal will not adversely alter the character of the area.

The overshadowing to the adjoining property will not be unreasonable as at least three hours of sunlight will be achieved to the habitable rooms of the dwelling and to over 50 percent of the private open space at 49-51 Princes Avenue during the winter solstice. There are no solar panels on this northern roof area of this adjacent dwelling. The proposal accords with PDCs 2, 7 and 17. The rendered wall will not be reflective and therefore the proposal accords with PDC 3.

The balcony has been integrated into the design of the dwelling and is shaded by the main roof of the dwelling. The front balustrade is proposed to be frameless glass and the line of sight to the street will be achieved. The balcony is in accord with PDC 5.

The design seeks to minimise privacy impacts to the adjacent property to the south (49-51 Princes Avenue). The proposal includes a number of measures to ensure direct overlooking is not created by the proposed dwelling, namely:

- The balcony features a 1.5m high screen wall on the southern side;
- The upper level bedroom windows feature angled windowed screens;
- The upper level bathroom and study have high level windows; and
- A 1.8m high rendered privacy wall/fence is to be placed on the southern side boundary in line with the southern dining room windows.

It is acknowledged that the upper level bedrooms of the proposed dwelling will have oblique, but not direct, elevated views over the private open space of 49-51 Princes Avenue. As these views will be oblique and there will be no direct views to habitable rooms this is considered acceptable. It is also noted the more formal levelled private open space area (lawn area) on the 49-51 Princes Avenue property is located to the western side of the dwelling. The oblique views will be over the sloping garden area at the rear of the property. The proposal is sufficiently in accord with PDC 18. Permanent fence screening and angled window screens will be painted to compliment the proposed dwelling. The proposal accords with PDC 19.

The main façade of the dwelling is addressing the street and front entrance to the dwelling is clearly identifiable. The proposal accords with PDCs 20 and 23. The buildings in this locality do not have a coordinated appearance and therefore the proposal is at odds with PDC 21, but the Zone envisages the design of buildings to

vary considerably. The façade of the dwelling is well articulated and will not impact on views from the public realm, consistent with PDC 22. Bin and other domestic storage can be kept in the screened location and achieve consistency with PDC 27.

Energy Efficiency

*Objectives:* 1

*PDCs:* 1 & 2

Whilst the design of the dwelling is constrained by the allotment orientation and allotment dimensions, the dwelling design does feature large windows on the northern side and includes verandahs and eaves to improve energy efficiency. Whilst the dwelling will overshadow some living areas (western end) of the adjacent dwelling in the morning during winter, all living areas will have access to sunlight for at least three hours of the day. The proposed dwelling has a verandah area and levelled lawn area with a northerly aspect. The proposal is sufficiently in accord with Objective 1 and PDCs 1 and 2.

Hazards

*Objectives:* 1, 2 & 5

*PDCs:* 1, 2, 6, 7, 8, 9, 11, 25, 26 & 27

As detailed above, the referral responses section of this report, the site is located within a high risk bushfire prone area. Given this, the CFS has assessed the site from a bushfire risk perspective and is not opposed to the proposed development. It is noted that since the lodgement of the application, the site has now been cleared of vegetation to meet the vegetation requirements of the CFS. As discussed above, the access to the site is not ideal and could be described as poor as it will not meet the Minister's Code: Undertaking Development in Bushfire Protection Areas. However, given this is largely to do with the nature of the public road, the CFS have waived the requirement for a turning area on this site and permitted utilisation the public road. Whilst the site has a steep slope and is surrounded by mature vegetation, it is an existing allotment within an established country living area/zone, surrounded by other residential allotments. The narrow nature of the site also limits the ability of an asset protection zone to be provided for the dwelling. Adequate bushfire fighting water supply will be provided as part of the proposal. Given the CFS are not opposed to the development, the proposal is considered to be sufficiently consistent with Objectives 1, 2 and 5, and PDCs 1, 2, 6, 7, 8, 9 and 11.

The dwelling has been designed as a two storey split level building to minimise earthworks. Whilst vegetation has been cleared, the site will be landscaped, in particular, the graded excavated slopes will be planted out to ensure erosion and stability of land is not an issue. The proposal is sufficiently in accord with PDCs 25, 26 and 27.

Landscaping, Fences and Walls

*Objectives:* 1 & 2

*PDCs:* 1, 2, 3 & 4

As mentioned, landscaping will be used to soften the appearance of the two storey portion of the dwelling and to reduce the visual impact of steep excavated slopes. Whilst the landscaping needs to be carefully considered due to bushfire risk, the landscaped areas should enhance the appearance of the site and assist with privacy between the properties. There will be water storage tanks on the site so stormwater reuse would be possible. Hard surfaces have been minimised on the site to reduce stormwater runoff. The proposal should be sufficiently consistent with Objective 1 and PDCs 1, 2 and 3. Development approval is not required for the privacy wall/fence, but some consideration is given to the nature of this wall to ensure achieves what it is intended for. A section has been provided to demonstrate that a 1.8m height is sufficient to maintain privacy on the adjacent site. The retaining walls have been limited to a maximum height of 1m and therefore should not impair the character of the locality. The proposal accords with PDC 4.

Natural Resources

*Objectives:* 1, 5, 6, 7, 8, 10, 12, 13 & 14

*PDCs:* 1, 2, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, 18, 22, 23, 37, 38, 39, 41, 42, 43, 45, 46, 48, 49 & 50

The proposal includes a stormwater management system for the dwelling to both retain and detain water on the site. The stormwater management plan provides for 1000L of retention and 8000L of detention. The roof water will be collected and directed to the 27,000L tank (4,000L detention, 1,000L retention and 22,000L bushfire fighting supply) at the rear of the property. An additional detention tank has been provided at the front of the property to cater for excess stormwater in heavy rain events (1 in 100 ARI). As mentioned, Council engineering have accepted that this meets the requirement for water discharged from a site to not exceed pre-development conditions. There would be the ability for this water to be re-used on the subject land and therefore further minimising runoff from this site. The proposal is sufficiently in accord with Objectives 5, 6 and 7, and PDCs 8, 10, 11, 12, 14, 15, 16, 17, 18, 22 and 23.

Given the site is a narrow allotment of some 15.2 metres there is limited ability to re-site the dwelling to minimise impact to native vegetation on adjacent sites. The dwelling site, filled lawn area and water storage tank site will encroach into the root zones of five mature native trees located on the adjacent allotments to the south. The excavation for these footings and excavation for the garage level will need to be undertaken utilising tree sensitive excavation techniques. An arborist report was supplied to determine how the impact on the root zone of the native and regulated trees can be minimised. The arborist report recommends altering the house design or alternatively that the footing design utilises above grade piers and beams or screw-pile footings if the dwelling is to be built in the nominated location. The applicant has confirmed that they are willing to change the footing design to the rear section of the dwelling to a screw-pile footing system. An amended plan will also be supplied at the Council Assessment Panel meeting which alters the depth of excavation around tree 8

so that it is consistent with section 9.6 of the Arborist report. By implementing the measures stipulated in the Arborist report, the proposal is considered to be consistent with Objectives 1 and 8, and PDCs 37, 38, 39, 41, 42, 43, 45 and 46.

As mentioned, the dwelling design and landscaping of the excavated slopes should minimise erosion. A soil, erosion and drainage plan will be required to ensure soil erosion or siltation is minimised during the construction process (refer recommended condition 18). The proposal will not impair the natural character and scenic amenity as it is in a developed country living area with dwellings surrounding the subject land. The proposal is sufficiently consistent with Objectives 10, 12, 13 & 14 and PDCs 48 and 49, and should achieve consistency with PDC 50.

Regulated Trees

*Objectives: 1 & 2*

*PDCs: 1, 2 & 3*

As detailed in the description of the locality, there are numerous regulated and significant trees within close proximity to the southern boundary of the subject land on the adjacent allotments to the south. Some of these are within 20m of the existing dwelling at 49-51 Princes Avenue. It is noted that at least five of these trees are further than 20m from any existing dwelling in the locality. Whilst the intent of the exemption was to allow pruning or removal of regulated or significant trees within close proximity to dwellings for bushfire purposes (asset protection), its intent was not to allow for wilful damage to such trees on sites adjacent to development. Irrespective, all tree-damaging activity to regulated trees within 20m of a dwelling is exempt from development controls. However, the Native Vegetation Act and Regulations still apply. As mentioned, it would not be possible to develop the site with a dwelling without some impact to these trees. It is considered that the cut for the water storage tank and the benching for the lawn area are unlikely to adversely impact the health of regulated tree (Tree 7) at 45 Princes Avenue, which is approximately 29m from the dwelling on this site. The consultant arborist has determined that the proposed construction is within the tolerable limits of trees 1, 2 and 3 as identified on the site plan in the Arborist report. However it was determined that TPZ encroachment is exceeded for trees 4 to 8 and is also within the SRZ of trees 5, 6 and 8. As mentioned earlier in the report, one of the recommendations from the arborist was to alter the house design or location to ensure development is within tolerable limits of the trees. The alternative recommendation was if the design is not altered then above grade pier and beam or screw-pile type footing design should be used as the construction method to allow air and moisture to the root system and ensure that the development does not negatively impact tree health. The applicant has confirmed that they are willing to change the footing design to the rear section of the dwelling to a screw-pile footing system as recommended by the arborist and reinforced by recommended condition 17. The proposal is therefore considered to be consistent with Objective 1 and 2 and PDCs 1, 2 and 3.

*Residential Development*

*Objectives:* 1 & 2

*PDCs:* 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 28 & 29

There is no access to mains sewer or CWMS in this locality, but the proposed dwelling will be provided with a suitable on-site wastewater management system. The site can access mains water and electricity. The drainage infrastructure is not particularly suitable on this section of Renown Avenue, but this is quite typical of a rural or country living area. As mentioned, the proposal includes an on-site detention system. The site should be well landscaped, the proposed dwelling will have an outlook and the front entry is clearly visible from the street. The proposal is inconsistent with PDC 7 as the site is not connected to CWMS or sewer, but sufficiently consistent with PDCs 3, 4, 5, 6, 7, 8, 9 and 10.

The site coverage has been assessed in the Zone assessment above and is well under the requirement for a site of this size. The levelled lawn area and paved verandah area to the north of the dwelling is well in excess of 80m<sup>2</sup>. This paved verandah area is accessed via an internal living area and is to the side of the dwelling. This private open space area does not include the steep excavated slopes where the Rhizopods are located or where the domestic shed and tank is located. The proposal is consistent with PDCs 17, 18, 19, 20 and 21.

Visual privacy has been assessed in the Zone assessment and has been adequately addressed. The proposal is sufficiently in accord with PDC 27. Air conditioning units would be sufficiently separated from adjacent dwellings if located on the southern or western side of the dwelling. Standard lights are not going to cause unreasonable light spill to adjacent properties. The proposal should accord with PDCs 28 and 29.

*Siting and Visibility*

*Objectives:* 1

*PDCs:* 1, 2, 4, 5, 6, 7 & 10

As mentioned, due to the narrow nature of the allotment, the siting of a dwelling on is restricted. The siting of the proposed dwelling will not adversely impact on the character of this natural country living environment. It is not possible for the proposed dwelling to be screened by existing vegetation from the public road. The proposal may not blend with surrounding dwellings but the dwellings in the locality vary in design considerably, which is desired by the Zone. The proposal is inconsistent with PDC 2, but consistent with Objective 1 and PDC 1.

The excavation and filling will exceed 1.5m in some areas, but this is to reduce the vertical profile of the building, create levelled private open space and an area for water storage tanks. The majority of the earthworks will be concealed and stabilised by the barrier beam design. As mentioned, the minimisation of impact these earthworks have on the adjacent native vegetation has been reviewed by an Arborist. The proposal sufficiently accords with PDC 4. The excavation and filling will not be extensively visible from surrounding locality, particularly once the landscaping on the excavated slopes has been established. The proposal is consistent with PDCs 5 and 10.

Whilst the two storey portion of the dwelling is not low profile, its height and number of storeys is consistent with the Zone restriction. The 6 degree skillion roof form is considered to complement the slope of the land and verandahs, a balcony and eaves have been incorporated into the design. None of the external material selections are reflective. The proposal therefore is considered to accord with PDCs 6 and 7.

#### Sloping land

*Objectives:* 1

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

The slope of the subject land does not exceed 1 in 4. As mentioned above, it is considered that the proposed dwelling has been designed to integrate with the slope of the land. The two storey split level design minimises cut and fill and reduces the bulk of the building. The slab design reduces the need for retaining walls of a significant height. This is demonstrated by the civil/stormwater plan which shows a retaining wall on the southern boundary up to 3.5m in height. This plan is incorrect and inconsistent with architectural design and will be required to be updated (see reserved matter 1). The stormwater management system will ensure soil erosion is minimised. It is understood that the depth to clay did constrain the site for effluent disposal. However, the Rhizopod system does not irrigate wastewater onto the surface or subsurface of the site and will be contained within the soil in the pod. The proposal is sufficiently consistent with Objective 1 and PDCs 1, 2, 3, 5, 6 and 7.

#### Transportation and Access

*Objectives:* -

*PDCs:* 25, 26, 32 & 34

The access point to the public roadway is at the end of a dead-end road and will therefore not cause traffic safety or traffic flow issues. This section of Renown Avenue is compacted rubble and is therefore considered to be all-weather. The proposal is sufficiently consistent with PDCs 25, 26 and 32.

The proposed dwelling accommodates two undercover spaces and two spaces within the driveway area. This is consistent for a dwelling that could accommodate four bedrooms. The proposal accords with PDC 34.

## **7. SUMMARY & CONCLUSION**

It is proposed to utilise a combination of barrier beam and screw-pile footing design along with non-invasive excavation methods to minimise the impact of the construction on regulated trees, on both adjoining sites and the subject land. The proposed dwelling design is considered appropriate for this constrained vacant site.

The two-storey split level dwelling has been designed to work with the steep slope of the subject land. The bulk and scale, and height of the dwelling are considered to be appropriate. The dwelling design is well articulated with eaves, a balcony and verandahs.

The southern wall and roof colour, and climbing plants are considered to appropriately minimise the visual impact of a two storey wall on an uphill slope from the adjacent dwelling to the south.

Overshadowing to the adjacent site to the south is not considered to be unreasonable and no direct overlooking views will be created. Whilst oblique elevated views will be created over a portion of the rear yard there will large areas of the private open space not overlooked and the living areas of the dwelling will not be overlooked.

Whilst the access requirements of the Minister's Code cannot be achieved the CFS are supportive of the proposal. Due to soil type and limited area of the site, the applicant includes a self-contained wastewater treatment system, which has been supported by the Council Environmental Health team.

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 18/155/473 by Damien Chwalisz Architects for two storey split level detached dwelling, including deck (maximum height 3m) & verandah, water storage tank (27,000L), associated retaining walls (maximum height 1m) & earthworks at 22 Renown Avenue Crafers West 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:

- Location Plan (sheet no. PA 01) prepared by Damien Chwalisz Architects received by Council 17 December 2018
- Existing site plan (sheet no. PA 02) prepared by Damien Chwalisz Architects received by Council 17 December 2018
- Amended proposed site plan (sheet no. PA 03), lower level plan (sheet no. PA 04), upper level plan (sheet no. PA 05), cut & fill plan (sheet no. PA 06), elevations (sheet no. PA 07 & PA08) prepared by Damien Chwalisz Architects received by Council 17 December 2018
- Amended overlooking section (sheet no. PA 09) prepared by Damien Chwalisz Architects received by Council 17 December 2018
- Amended shadow diagrams (sheet no. PA10) prepared by Damien Chwalisz Architects received by Council 17 December 2018
- Amended turning plan (sheet no. PA11) prepared by Damien Chwalisz Architects received by Council 17 December 2018
- 3D Perspectives prepared by Damien Chwalisz Architects received by Council 06 December 2018 and 28 November 2018
- Site drainage plan prepared by Ron Selth & Associates Pty Ltd received by Council 17 December 2018
- Arborist report prepared by Jarrad Allen from Calypso Tree Co dated January 2019 and received by Council 2 January 2019

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

**(2) Reserved Matter**

The Council Development Assessment Panel requires the following matter which is reserved pursuant to Section 33(3) of the Development Act 1993 to be addressed to the reasonable satisfaction of Council staff:

- An amended civil/stormwater plan be supplied to remove reference to the retaining walls on the southern boundary
- The architectural site plan and upper level plan (PA03 & PA05) are to be updated to show the increased size/capacity of the water storage tank (i.e. 27,000L)
- The architectural elevations (PA 07) are to be appropriately titled (i.e. north and south elevations)
- The FFL on the east elevation (PA08) is to be updated

**NOTE:** Council reserves the right to attach further conditions in relation to this.

**REASON:** To ensure the proposal plans are consistent and accurate.

**(3) Vehicle Access/Cross-over**

The vehicle cross-over shall be all-weather construction and shall include a spoon drain for its full width.

**REASON:** To maintain safe and convenient movement of vehicles and to ensure stormwater runoff within the verge is not impeded.

**(4) Residential Lighting**

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

**REASON:** Lighting shall not detrimentally affect the residential amenity of the locality.

**(5) Decking/Balcony Screening**

The balcony of the dwelling shall have a solid wall as shown on the southern elevation to a minimum height of 1.5 metres above the balcony floor level. The screening shall be maintained in good condition at all times.

**REASON:** Buildings should be designed to not cause potential for overlooking of adjoining properties.

**(6) Obscure Glazing To Windows**

The south facing upper level bedroom windows of the dwelling shall be fitted with angled window screens. The screen shall be permanently fixed on an angle of 45 degrees or greater (i.e. 25 to 45 degrees) and shall be maintained in good condition at all times.



**REASON:** Buildings should be designed to not cause direct overlooking to adjoining properties.

**(7) External Finishes**

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

**WALLS:** Off-white or similar, excluding the southern walls as depicted on the 3D perspective which shall be painted or rendered Colorbond 'Gully' or similar

**ROOF:** Colorbond Gully or similar

**GARAGE DOOR:** Timber screen stained 'Japan Black'

**REASON:** The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.

**(8) Treatment To Excavations And Fill**

All exposed excavations and fill as shown on the amended cut and fill plan (sheet no. PA06) and amended civil plan shall be:

- (a) rounded off and battered to match and blend with the natural contours of the land;
- (b) covered with approximately 100mm of topsoil;
- (c) seeded to avoid erosion and visual concerns ; and
- (d) screened with trees, shrubs and ground covers prior to occupation of the approved development to the reasonable satisfaction of Council.

**REASON:** To maintain the visual amenity of the locality in which the subject land is located.

**(9) Soil Erosion Control**

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

**REASON:** Development should prevent erosion and stormwater pollution before, during and after construction.

**(10) CFS Access To Dedicated Water Supply**

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

- Water supply outlet shall be easily accessible and clearly identifiable from the access way that is a distance of no greater than 30 metres from the proposed dwelling. Stand alone tanks shall be identified with the signage 'WATER FOR FIRE FIGHTING' and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The

sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering.)

- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing:
  - A gravity fed water supply outlet may be remotely located from the tank to provide adequate access
  - All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level
  - All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting

**REASON:** To provide safe access to water supply in the event of a bushfire.

**(11) CFS Water Supply**

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

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material
- The dedicated fire-fighting water supply shall be pressurised by a pump that has:
  - i. a minimum inlet diameter of 38mm AND
  - ii. is powered by a petrol or diesel engine with a power rating of at least 3.7kW (thp) OR
  - iii. a pumping system that operates independently of mains electricity and is capable of pressuring the water for fire-fighting purposes
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An "Operations Instruction Procedure" shall be located with the pump control panel
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.

- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (ie at opposite ends of the dwelling)
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and maximum length of 36 metres
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221
- All fire-fighting hoses shall be readily available at all times

**REASON:** To minimise the threat and impact of bushfires on life and property

**(12) CFS Vegetation/Landscaping**

Landscaping shall include bushfire protection features which will prevent or inhibit the spread of bushfire and minimise the risk of life and/or damage to buildings and property.

A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries – whichever comes first) as follows:

- The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
- Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
- Trees and shrubs shall not be planted closer to the buildings than the distance equivalent to their mature height
- Trees and shrubs shall not overhang the roofline of the building, touch walls, windows or other elements of the building
- Shrubs shall not be planted under trees and shall be separated by at least 1.5 times their mature height
- Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
- No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height)
- Flammable objects such as plants, mulches and fences shall not be located adjacent to vulnerable parts of the building such as windows, decks and eaves

- The VMZ shall be maintained to be free of accumulated dead vegetation

**REASON:** To minimise the threat and impact of bushfires on life and property.

**(13) CFS Conditions To Be Completed Prior To Occupation**

The Country Fire Service Bushfire Protection Conditions numbered 10-12 shall be substantially completed prior to the occupation of the building and thereafter maintained in good condition.

**REASON:** To minimise the threat and impact of bushfires on life and property.

**(14) Stormwater Overflow Directed Detention Tanks Prior To Discharge To Street**

All roof and hard surface runoff generated by the development hereby approved shall be directed to detention tanks. The roof runoff shall be directed to a 4000L detention tank (within a minimum 27,000L tank) at the rear of the property with any overflow directed to the 4,000L detention tank at the front of the property prior to discharge to the street. Surface water runoff from hard surfaces shall be directed to the 4,000L detention tank at the front of the property prior to discharge to the street. The discharge pipe within the road verge shall be galvanised steel pipe that is suitably covered by soil so as not to be a hazard.

All roof and hard paved water runoff shall be managed 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. To ensure post-development flows do not exceed pre-development and ensure the stormwater discharge and the discharge does not cause damage to the unmade road reserve.

**(15) Tree Protection Zones**

A tree protection zone (TPZ) around each 'regulated' and 'native' tree that may be affected by the proposed development is required on the subject site. The tree protection zone should be determined by the project Arborist. During construction each TPZ shall be fenced with 2.0 metre high chain mesh material with posts at 3 metre intervals and incorporate on the east and south sides a clearly legible sign displaying the words "Tree Protection Zone". The following restrictions apply to each tree protection zone:

- a) No machine excavation is permitted.
- b) If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction the project arborist shall be contacted immediately to assess the situation.
- c) The works (retaining wall construction, earthworks and footing construction) adjacent to regulated and native trees are to be supervised by the project arborist.
- d) The area to the south of the proposed dwelling shall remain at natural ground level.
- e) A layer of organic mulch to a depth of 100mm shall be placed over all root systems so as to assist with moisture retention and to reduce the impact of compaction

- f) No material, equipment or temporary buildings shall be placed within any TPZ.
- g) No items shall be attached to each tree including temporary service wires, nails, screws or any other fixing device.
- h) Supplementary watering shall be provided to the trees through any dry periods during and after the construction process.
- i) Only landscaping, permeable paving or rubble paths can occur in the TPZ, and only when all construction of the proposed dwelling has been completed. The area within each TPZ shall be retained at natural ground level and no additional soil or fill shall be placed within the zone
- j) No other works can occur within a TPZ without the consent of Council's Arborist during the life of the retained trees.
- k) Only hand digging is permitted at all times.
- l) Any services such as stormwater, sewer and electrical that enter the TPZ are to be excavated using non-destructive methods such as Hydro vac® or directional boring systems. This work is to be supervised by a project arborist. If any tree roots are discovered at this time, the project Arborist is to assess and address accordingly.

**REASON:** To protect the 'regulated' and native tree/s from the impact of the development.

- (16) Excavating Within Tree Protection Zone (TPZ) and Structural Root Zone (SRZ)  
Excavation within the TPZ and SRZ of Trees 4 to 7 must be undertaken using non-invasive methods such as an Air Spade or Hydravac system.

**REASON:** To protect the regulated and native tree/s from impact of the development.

- (17) Footing Design for Protection Of Trees  
The footing design for the rear of the proposed dwelling shall use above grade pier and beam or screw-pile type footing design as outlined in the Arborist's Report prepared by Calypso Tree Co. and submitted as a strategy for management of the tree(s).

**REASON:** To protect the regulated and native tree/s from impact of the development.

- (18) Prior to Building Rules Consent Being Granted - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)  
Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise:

- a major drainage plan
- a site plan
- supporting report
- calculations
- design sketches with details of erosion control methods that will prevent:

- a. soil moving off the site during periods of rainfall;
- b. erosion and deposition of soil moving into the remaining native vegetation below the building site;
- c. soil moving into watercourses during periods of rainfall; and
- d. soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and be maintained to the reasonable satisfaction of Council during the construction period.

**REASON:** Development should prevent erosion and stormwater pollution before, during and after construction.

#### **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) Department of Environment and Water (DEW) - Native Vegetation Council**

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:

[www.environment.sa.gov.au/Conservation/Native\\_Vegetation/  
Managing\\_native\\_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

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

**(5) Works In Close Proximity To Boundary**

The development herein approved involves work in close proximity to 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.

**(6) CFS Bushfire Attack Level**

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a “measure of protection” from the approach, impact and passing of a bushfire.

The Bushfire hazard for the area has been assessed as **BAL 29**

The buildings shall incorporate the construction requirements for buildings in Bushfire Prone areas in accordance with the Building Code of Australia Standard AS3959 “Construction of buildings in bushfire prone areas”.

**(7) Regulated Tree Removal Or Pruning Not Included In This Application**

This consent does not convey any approval for the pruning or removal of any regulated/significant trees that are present on the adjacent land.

For criteria on regulated/significant trees please refer to the following:

[http://www.ahc.sa.gov.au/webdata/resources/files/Protecting\\_Reg\\_and\\_Sig\\_Trees\\_Comm\\_Info.pdf](http://www.ahc.sa.gov.au/webdata/resources/files/Protecting_Reg_and_Sig_Trees_Comm_Info.pdf)

Please be advised that a separate Development Application must be lodged for such works.

**9. ATTACHMENTS**

Locality Plan  
Proposal Plans  
Application Information  
Referral Responses  
Publically Notified Plans  
Representations  
Applicant’s response to representations

Respectfully submitted

Concurrence

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**Sam Clements**  
Team Leader Statutory Planning

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**Deryn Atkinson**  
Manager Development Services