

COUNCIL ASSESSMENT PANEL MEETING

11 November 2020

AGENDA

BUSINESS ITEM – 9.1

Applicant: John Ellery	Landowner: J J Ellery & L Ellery
Agent: Urban and Regional Planning Solutions (URPS) – Philip Hartnett	Originating Officer: Melanie Scott
Development Application:	19/322/473
Application Description: Staged application for demolition of existing dwelling, community title land division (1 into 9) and construction of three (3) two storey dwellings & a two storey residential flat building comprising six (6) dwellings, removal of five (5) regulated trees (<i>Eucalyptus obliqua</i>) & one (1) significant tree (<i>Eucalyptus obliqua</i>), retaining walls (maximum height 2.8m), combined fence & retaining walls (maximum height 4.7m), landscaping including replacement plantings & associated earthworks: Stage 1 - Demolition and tree removal Stage 2 - Driveway construction and civil works Stage 3 - Construction of dwellings on lots 1, 2 & 3 Stage 4 - Construction of residential flat building (dwellings on lots 4 to 9) and remainder of works	
AMENDED Description: Staged application for demolition of existing dwelling, community title land division (1 into 8) and construction of three (3) two storey dwellings & a two storey residential flat building comprising five (5) dwellings, removal of five (5) regulated trees (<i>Eucalyptus obliqua</i>), retaining walls (maximum height 2.8m), combined fence & retaining walls (maximum height 4.6m), landscaping including replacement plantings & associated earthworks: Stage 1 - Demolition and tree removal Stage 2 - Driveway construction and civil works Stage 3 - Construction of dwellings on lots 1, 2 & 3 Stage 4 - Construction of residential flat building (dwellings on lots 4 to 8) and remainder of works	
Subject Land: Lot:57 Sec: 46 DP:26958 CT:5428/116	General Location: 20 Pomona Road Stirling Attachment – Locality Plan
Development Plan Consolidated : 24 October 2017 Maps AdHi/28 & 72	Zone/Policy Area: Mixed Residential Zone
Form of Development: Merit	Site Area: 4098 m ²
Public Notice Category: Category 2 Merit	Representations Received: 3 Representations to be Heard: 2 (Heard previously)

1. EXECUTIVE SUMMARY

The purpose of this report is to present an amended proposal in response to the appeal lodged by Mr Ellery to the CAP's refusal decision of the original proposal on 8 July 2020 for the land division and construction of 9 dwellings and associated development. Originally, nine (9) allotments were proposed along with a two storey split level residential flat building containing six (6) dwellings and three (3) two storey dwellings. The proposal also included the removal of five regulated trees and one significant tree and replacement planting.

In an attempt to resolve the appeal, the appellant has presented amended plans for a community title land division of 8 allotments and the construction of 8 dwellings in the form of three (3) two storey dwellings & a two storey residential flat building comprising five(5) dwellings, involving the associated removal of five (5) regulated trees (*Eucalyptus obliqua*), retaining walls (maximum height 2.8m), combined fence & retaining walls (maximum height 4.6m), landscaping including replacement plantings and, earthworks. The development is still proposed to be undertaken in four stages.

The subject land is located within the Mixed Residential Zone and the proposal is a merit form of development. The subject land abuts land located in the Country Living Zone.

As per the CAP delegations, the CAP is the relevant authority for an appeal compromise where the CAP were the relevant authority on the original proposal.

There has been one conference regarding the matter in the ERD Court which resulted in amended plans being submitted and Council requesting further information to support those plans. Supporting documentation including amended engineering, shadow diagrams and an amended arborist report have now been provided which modify the proposal.

The main issues relating to the original proposal were native vegetation and regulated tree removal, building bulk and scale, the extent of the proposed earthworks, access location and the impact of the development on the character and amenity of the locality and adjacent properties in the Country Living Zone.

In consideration of the new information and amendments Council staff are of the opinion that the proposal in its amended form does warrant Development Plan Consent being GRANTED subject to conditions.

It is recommended that the ERD Court is advised that Council will consent to an order being granted for Development Plan Consent for the compromise as presented, subject to conditions.

2. DESCRIPTION OF THE AMENDED PROPOSAL

- The amended proposal has seen a reduction in the total number of allotments proposed from 9 to 8
- The three two storey dwellings fronting Pomona Road and their associated allotments remain unchanged
- The residential flat building now consists of five (5) dwellings rather than six
- The building set back between the residential flat building proposed on lot 4 and 18 Pomona Road is 3.6m – 5.5m (was previously 2m and 3.7m)
- The footprint of the residential flat building on lots 4 - 8 is reduced to increase the area available for landscaping on the southern elevation
- The roof of the upper level of each of the dwellings in the residential flat buildings has been redesigned from a flat roof to a skillion
- The height of the residential flat building has been reduced with minor height variances from that envisaged in the zone
- The dwellings in the residential flat building have been redesigned to include a deck to ensure solar access year round
- The residential flat building has been further stepped down the slope of the site
- An additional Council street tree being tree 35 will be removed

- A significant tree, tree 56 is proposed to remain but another tree, tree 35, is proposed to be removed
- Proposed lot 8 is now 502.6m² (combination of lots 8 & 9)
- Proposed lot 4 is now 466.5m² (was 414m²)
- Proposed lots 5 - 7 vary from 262m² to 280m²
- Proposed boundary setbacks for the building on proposed lot 8 are reduced to 3 metres to the side boundary and 2 metres to the rear boundary (previously 3.1m and 3m)
- Proposed boundary setbacks on proposed lots 4 - 7 are increased to a minimum of 6 metres (the zone requires 4m)
- Increased rear yard areas in proposed lots 4 -8 has allowed a tree to be included in each
- The Western elevation (viewed from 18 Pomona Road) still has some minor height incursions

The following tables are provided for Panel use as a ready reckoner of some of the major assessment qualitative changes.

	Land Refused	Land Proposed	Site Coverage Refused	Site Coverage Proposed
Lot 4	414	466.5	36	28.2%
Lot 5	284.3	282	52.4	46.7%
Lot 6	2801.	280.1	53.2	47%
Lot 7	280.1	279.7	53.2	47.1%
Lot 8	267.1	502.8	53.2	37.8%
Lot 9	285		46.6	

	Level refused	Level proposed
Lot 4	500.5, 503.56	499.23, 502.29
Lot 5	501.9, 504.76	501.43, 504.59
Lot 6	502.9, 505.96	502.63, 505.69
Lot 7	504.1, 507.16	503.83, 506.89
Lot 8	505.3, 508.36	506.11, 509.17
Lot 9	506.5, 509.56	

A copy of the amended plans is provided in **Attachment – Amended Plans**

The refused plans and CAP minutes from 8 July 2020 are included in **Attachment – Refused Plans and CAP minutes from 8 July 2020**

4. REFERRAL RESPONSES

- **AHC Engineering**
Refer previous report and now requesting a stormwater management plan for the site considering existing stormwater overland flow paths from neighbouring properties shall be submitted to Council for review. The stormwater management plan shall demonstrate how existing stormwater overflow paths will be managed for the development to minimise the risk to infrastructure and the development in the major storm event
- **AHC Arboriculture**
No formal response but notes Section 221 application will be required for the proposed tree removal should the application be approved.

5. CONSULTATION

As a compromise through the ERD Court appeal process no further public notification of the amended proposal is required.

6. PLANNING & TECHNICAL CONSIDERATIONS

This amended proposal has been evaluated in accordance with the following matters, being the reasons for refusal of the original proposal:

Mixed Residential Zone

Objective 1 - the proposal does not offer a range of dwelling densities.

No change proposed.

Objective 2 - the chosen driveway location has an impact on the character of the area proposing removal of all the vegetation on the site.

No change other than the proposed retention of the one significant tree on the site.

Objective 5 - the proposal does not contribute to the character of the zone due to the bulk and scale of the proposal, maximum building height variances, the substantial alteration to the landform and significant removal of native vegetation, on a site where the desired character envisages transitional design that achieves a blended dwelling density form and also reflects the spacious landscaped appearance of adjoining residential areas.

The amended proposal has markedly reduced the visual bulk and scale of the proposal along with reducing the maximum height variances. By using skillion rooves on the residential flat building the building height variance now only exists in one small portion of proposed dwelling 4. Further the residential flat building has been increasingly stepped down the slope of the site and where dwelling 4 was previously on fill it is now on a cut site. This results in a reduction of some 1.27m in the proposed bench level. In addition the footprint of the residential flat building has been reduced enabling better landscaping outcomes at the rear and to the south of the building, offering a better transition to the surrounding Country Living zoned land. The proposal still proposes the removal of 47 native trees including 5 regulated trees and one additional tree on the roadside verge, but does propose the retention of the only significant tree on the site. There are also increased setbacks on the eastern boundary which will improve the likelihood of the longevity of that neighbour's trees.

Principles of Development Control 5 & 6 - the proposal does not address the qualitative requirements for the Zone

The amended proposal meets the side and front boundary setbacks, and proposed dwelling 8 largely meets the rear boundary set back in the amended proposal. Dwelling 4 still has a minor height excess in its northern and western elevation with a maximum height of 9.5m. The amended proposal lessens the variances from the zone provisions and is considered an acceptable variation from the qualitative requirements of the zone. It is consequently considered more consistent with the desired character for the zone.

Principle of Development Control 9 - the proposal does not contribute to the desired streetscape with the proposed dwellings being a minimum of 3 metres above street level.

No change.

Principles of Development Control 11, 16 & 21 - the proposed buildings will dominate the landscape with their bulk and scale in an elevated position above street level noting the land is adjacent land in a different zone on two boundaries and the desire to have transitional design on a site which abuts land zoned for lower density.

The amended proposal has reduced the bulk and scale of the development, decreasing the possibility that the proposal will dominate the landscape and affording more acceptable views from adjoining dwellings and public open spaces. The amended plans superimpose the previously proposed building outline in red to graphically demonstrate the alterations proposed which better accord with the aspirations of the Development Plan. The view from the garden of 13 Alta Crescent into the rear yards of the residential flat building remains a concern given 13 Alta Crescent is upslope from the proposed development. For example the ground level of the dwelling at 13 Alta Crescent is 5.2m above the boundary level of 20 Pomona Road. That said, the dwelling at 13 Alta Crescent has its outlook focussed in a westerly direction and the proposed development is located to the north west of the dwelling at Alta Crescent. The garden area of 13 Alta Crescent slopes up from the boundary with 20 Pomona Road some 4.5 metres over 25 metres. The applicant has increased the opportunity for landscaping at the rear of the residential flat building with large planter boxes for larger trees proposed in each rear yard. The proposed landscaping combined with the proposed 1.8m Colorbond fencing is intended to ensure two way privacy for both the occupiers of the development and the neighbour. The larger rear yards and more substantial landscaping proposed for the rear of the residential flat building is considered to adequately address the transition from the Mixed Residential Zone to the adjacent Country Living Zone.

Principle of Development Control 22 as the proposal does not offer any affordable housing.

No change.

Council Wide

Design and Appearance

Objective 1 - the proposal does not respond to and reinforce the positive aspects of the local environment and built form.

Principles of Development Control 1, 2, 7, 9, 13, 21 & 23 - the proposed buildings are of a bulk and scale that do not reflect the desired character of the locality. The scale of the proposed structures on or near the boundaries impact on the visual amenity of the area and adversely alters the character of neighbouring properties and the area. The amount of earthworks proposed does not minimize the alteration to existing land form and the development will be

visible from the South Eastern Freeway. Lastly there is no pedestrian entry point to the proposal.

It is considered the reduced scale of the proposal, particularly the residential flat building, has enabled increased boundary setbacks to the southern and western boundaries and is more in keeping with the envisaged design provisions of the Development Plan. In particular the residential building is stepped down the slope of the site more and dwelling 4 now sits in an excavated site, rather than atop a filled area. Dwelling 5 is almost at ground level. Dwelling 6 and 7 balance the amount of cut and fill and dwelling 8 has a portion which is two storey and a portion which is single storey, enabling the building to sit better in the site. This is best represented in drawing PL07.I. (Page 9 of the CAP attachments as compared to page 9 of the original CAP attachments). For these reasons the proposal is considered to accord with PDC 9. The proposed skillion rooves follow the slope of the land and will soften the view from the freeway in accordance with PDC 13.

Energy Efficiency

Principles of Development Control 1 & 2 - the residential flat building living areas will have limited solar access and their outdoor areas will have almost no sunlight.

Principle of Development Control 3 as there is no capacity for photovoltaic cells or solar hot water on the proposed roof structures.

The addition of the first floor west oriented deck on proposed dwellings 4 - 7 has addressed in some measure the limited solar access. Given the awkward site orientation the proposal is now considered to accord with PDCs 1 and 2 in the best way it can on this site. Dwelling 8 is the only dwelling which will accommodate photovoltaic cells or solar hot water on the roof form without alteration to that roof form. Given solar panels are desirable it is likely all other dwellings will involve the assessment of further development applications for solar panels, which would need to be on tilt frames to maximise solar returns and increasing the height of the proposed development. The amended proposal has a minor increase in the ability of the proposal to meet the requirements of PDC 3, again largely due to the unique topography and orientation of the site.

Hazards

Principle of Development Control 27 (g) - the proposal has not demonstrated management of overland water flows and if natural drainage lines will be impacted.

The applicant has not made any contribution to this but it is considered this can be a condition of approval (refer **Recommended Condition 6**).

Land Division

Principles of Development Control 6 (d), (h) & (j) - the proposal does not protect existing vegetation or preserve significant trees.

The one significant tree on the site is now proposed to be retained and protected. An additional street tree has been identified for removal which was queried by Council staff in the previous application but the detail of this additional tree was not progressed given the refusal recommendation. The applicant has undertaken an ecological report for the site and demonstrated their willingness to make a payment to the Native Vegetation Council of a Significant Environment Benefit should the proposal be successful. The advice of the NVC as provided to Council in the previous application remains. The proposal therefore does not meet the provisions of PDC 6. The applicant has argued vegetation clearance must be allowed to achieve the desired densities in this zone. The proposal is very finely balanced on this point as is the projected survivability of the significant tree with the encroachment of 59% into the TPZ.

Arguably when rezoning this land, Council envisaged the removal of vegetation so the preservation of street trees and the significant tree on site does add merit to the proposal in its amended form and a condition is recommended to have the applicant use their best intentions to keep the significant tree.

Principles of Development Control 7 & 8 - the residential flat building has limited solar access and does not have open space with any access to natural sunlight making those lots unsuitable for their intended residential density.

The first floor of each of the dwellings in the residential flat building now has a north facing deck to help achieve solar access. The location and orientation of the land make solar access into the private open space at the rear of the residential flat building problematic. The amended proposal is accepted as achieving the intentions of these PDCs.

Principle of Development Control 11 - the proposal does not minimise the need for earthworks, maintain natural drainage, removes all the native vegetation on the site and proposes large retaining structures in close proximity to boundaries.

The amended proposal has reduced the need for extensive earthworks, particularly along the eastern and southern boundary. There are still significant internal retaining walls proposed (up to 2.8m in height) and as previously mentioned a condition is required to address natural drainage flows. The proposal does require the removal of native vegetation, however the redesign proposed does better blend in with the setting of the surrounding locality. The proposal is finely balanced in the five elements described in this PDC.

Natural Resources

Objectives 1, 4, and 8 and Principles of Development Control 17, 37, 38, 39, 46 - the proposal does not preserve any of the native vegetation existing on the site, has not demonstrated that natural drainage systems will be maintained, there is no water reuse proposed as part of the design nor is there any proposal to protect the quality of water runoff from the site.

Objective 10 and Principle of Development Control 49 as there is extensive land modification proposed.

The amended proposal addresses one of the matters of concern in this reason for refusal, in proposing to preserve the one significant tree on the site. No water reuse has been proposed, nor any water quality measures and as previously mentioned natural drainage flows will be conditioned.

Orderly and Economic Development

Principles of Development Control 9 - the proposal does not sufficiently address the site location as a transition between two zones, nor the potential for suitable private open space due to noise and sunlight issues rendering the site unsuitable for the proposed residential density.

The amended proposal has greatly improved the way the proposal addresses this PDC. The reduction in the number of allotments, the reduction in the bulk and scale of the built form of the residential flat building and the better quality private open space have resulted in a better density for the site on a transitional allotment adjacent to land in the Country Living Zone.

Regulated Trees

Objectives 1 & 2 - the proposal does not conserve regulated trees on the land and the trees contribute to the character and visual amenity of the local area.

Principles of Development Control 1, 2 & 3 - the proposal does not minimise adverse impacts on the regulated trees on the land.

No regulated trees are proposed to be conserved, however there is now intention to preserve the only significant tree on site and to create space to enable larger replacement plantings. This combination is considered to ameliorate the loss of other trees. Of note the significant tree is a Eucalyptus obliqua which is approximately 15metres from the existing dwelling on the site and would not meet legislative guidelines for protection under the Development Act because of bushfire provisions. The tree would however require the approval of the Native Vegetation Council for removal being in the 10 to 20metre vegetation management zone. The applicant's arborist notes the following: "the encroachment covers 59% of the Tree Protection Area and part of the Structural Root Zone however this is entirely within an area that was covered by 1.5 – 2.0 metres of fill at the time of the construction of the existing dwelling. The partial removal of fill is unlikely to have a positive or negative impact on the condition of this tree."

Residential Development

Objective 1 and Principles of Development Control 1 & 18 (g) - the proposal does not maximise solar orientation through the density of the proposed dwellings which results in full shade to the associated private open spaces of the six dwellings within the residential flat building in winter.

The inclusion of the first floor deck on dwellings 4 to 7 and the upper ground balcony on dwelling 8 has ensured these dwellings now meet the requirements of these PDCs with regard to solar access.

Principle of Development Control 4 - in context of the site and natural features the proposed landscaping does not achieve the same level of amenity and site enhancement as would a landscape design and development proposal that balances the retention of mature native vegetation with the introduction of additional plantings to complement existing and offset the removal of some native vegetation.

It is considered the amended proposal which secures the future of trees on adjoining sites (north eastern corner), includes an intention to retain the significant tree on site and existing screening trees on the western boundary and 6 street trees on Pomona Road and proposes replacement planting of 12 Euky Dwarf trees, 2 Trisaniopsis laurina trees and 10 Lagerstroemia Tuscarora trees along with various shrubs and ground covers, assists with enhancing residential amenity of the site and of the immediate vicinity. The amended proposal is in accordance with this PDC. (Refer page 18 of the original CAP meeting attachments for plant descriptions).

Siting and Visibility

Principle of Development Control 1 - the proposal does not minimise visual impact on the natural character of the area.

As discussed earlier in this report the reduction in the footprint, reduction in the height and the change of the roof shape for the proposed residential flat building is considered to reduce the visual impact of this proposal in accordance with this PDC.

Principle of Development Control 2 -the proposal is not unobtrusive and proposes removal of all native vegetation on the site.

As in PDC 1 the amended proposal is considered to render the proposal less obtrusive. One significant tree (native) is proposed to be retained.

Principles of Development Control 4 & 6 - the proposal does not minimise earthworks or visual impact of the development in the locality.

As discussed earlier in this report the amended proposal is considered to balance the amount of earthworks proposed around the boundaries of the site and has reduced the bench level of the residential flat building along with stepping the building to better match the slope of the site. On balance the amended proposal better meets the requirements of these PDCs.

Principle of Development Control 9 - the proposed driveway does not blend sympathetically with the landscape to minimise interference with natural vegetation.

It has been confirmed the new driveway proposes the removal of two street trees which are native (*Eucalyptus Obliqua*) where only one was identified for removal in the original proposal. Council staff identified the second tree as unlikely to survive in the original proposal but given the recommendation for refusal did not pursue more accurate plans at that time.

Sloping Land

Objective 1 and Principle of Development Control 1 - the proposal is not considered to integrate sympathetically with the natural topography of the land with the need for substantial earthworks and retaining walls and the proposed driveway does not integrate sufficiently to with the natural topography of the land to avoid impact on street trees

As in the previous point, two street trees are to be removed. The amount of earthworks to create the proposed driveway has not been altered, noting a 2.8metre internal retaining wall is required adjacent the tree protection zone of tree 56, the significant tree to be retained. As detailed earlier in this report, the amended proposal does step the residential flat building down the slope of the site along the eastern boundary and better balance the amount of earthworks required in this portion of the site. Of note dwelling 4 now sits on a cut site, rather than fill. The argument to support the proposal is finely balanced in this PDC given the removal of two street trees is required. Of note the two street trees are not regulated, they are native (*eucalyptus obliqua*) and have fair to good overall condition. The proposed works on the site will see a 100% and 47% encroachment respectively into the tree protection zone for these trees.

Principle of Development Control 3 - the proposal is not designed to sufficiently minimise the visual impact, the bulk of the buildings and structures, minimise cut and fill, minimise the need for retaining walls and it has not been demonstrated that the proposal will protect the development from the impact of overland drainage flows.

The amended proposal has reduced the bulk of buildings which assists in minimising the visual impact of the proposal and has reduced the need for some of the proposed retaining walls. If approved a condition is proposed to protect and mitigate the impact of overland drainage flows. Again the proposed is finely balanced when considering the impact of overland drainage flows on the development against this PDC.

7. SUMMARY & CONCLUSION

Considerable thought and energy has gone into a further re-design of the combined land division and built form proposal for 20 Pomona Road Stirling. The land is zoned Mixed Residential and it is envisaged that the land should be developed in a more intense manner than it is currently. However, being adjacent to land in another zone with different aspirations, more weight is given to the qualitative measures in place for the zone as a transition to the Country Living Zone than to the quantitative measures described in the Development Plan for the Mixed Residential Zone. This approach by staff to assessing the proposal is supported by the desired character statement for the Mixed Residential Zone.

In broad terms the removal of all the vegetation, the proposed extensive changes to the land form and the large fence and retaining wall structures on or near boundaries resulted in a development of a bulk and scale that was originally at odds with many of the Zone and Council Wide provisions of development control when the proposal considered by the CAP on 8 July 2020. The amended proposed development has been designed in a more sensitive manner taking into consideration the natural features of the site. The amended proposal will still result in removal of virtually all vegetation on the site and two Council street-trees. However, the proposal in its amended form has reduced the number of allotments from 9 to 8 and the number of dwellings and has reduced the amount of earthworks required.

With regards to bulk and scale, the amended proposal still has the consequence of the proposed structures presenting as a four storey development when viewed from Pomona Road (see elevation drawing 18-015.PL06.H) at the eastern portion of the site. However, the change in the roof to a skillion design combined with the general lowering of the residential flat building into the site and the reduction in the number of lots and dwellings has reduced the overall bulk and scale of the amended proposal.

There are a number of other matters addressed in detail in the original CAP report worth reiterating here, namely the total removal of all vegetation on the subject land and the consequent risk to the remaining roadside trees and a number of height variances for the built form. The amended development has proposed the retention of the one significant tree on site and detailed more accurately the replacement plantings along with accurately reflecting the proposed removal of two street trees. The amended development has limited the height variations on the proposed residential flat building to dwelling 4 and to a small portion only of dwelling 4.

The amended proposal is considered to be an improvement on the original development and sufficiently reduces the bulk and scale of the built form and the impact of the development on the visual amenity of the area and the character of neighbouring properties. Staff therefore recommend that the Council Assessment Panel advise the Environment Resource and Development Court that it SUPPORTS the compromise proposal and that Council will consent to an order being granted for Development Plan Consent for the compromise as presented. Furthermore, it is recommended that Council's lawyers be instructed to draft the required Court order.

8. RECOMMENDATION

8.1. That the Council Assessment Panel considers that the compromise proposal (AMENDED) is NOT seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and SUPPORTS an Order being issued to GRANT Development Plan Consent to Development Application 19/322/473 by John Ellery for Staged application for demolition of existing dwelling, community title land division (1 into 8) and construction of three (3) two storey dwellings & a two storey residential flat building comprising five(5) dwellings, removal of five (5) regulated trees (Eucalyptus obliqua), retaining walls (maximum height 2.8m), combined fence & retaining walls (maximum height 4.6m), landscaping including replacement plantings & associated earthworks:

Stage 1 - Demolition and tree removal

Stage 2 - Driveway construction and civil works

Stage 3 - Construction of dwellings on lots 1, 2 & 3

Stage 4 - Construction of residential flat building (dwellings on lots 4 to 8) and remainder of works at 20 Pomona Road Stirling subject to the following conditions:

Planning Conditions

(1) Development Plan Consent

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 plans from Alexander Brown Architects as follows :

Drawing 18-015.PL02 Rev L Allotment subdivision plan dated 14 October 2020

Drawing 18-15.PL03 Rev L Site Plan dated 23 October 2020

Drawing 18-15.PL04 Rev G Individual Floorplans Lots 01-03 dated 09 October 2020

Drawing 18-15.PL05 Rev H Individual Floorplans Lots 04-08 dated 09 October 2020

Drawing 18-15.PL06 Rev H Elevations dated 09 October 2020

Drawing 18-15.PL07 Rev I Elevations dated 14 October 2020

Drawing 18-15.PL08 Rev G Elevations dated 14 October 2020

- Arborman Tree Solutions Report dated 08 October 2020

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

(2) No tree removal until Development Approval issued

This Consent Notification is for Development Plan Consent only and Development Approval is still required.

You must not remove any trees included in this consent nor commence any site works, building work or change the use of the land until you have also received notification of a Development Approval. A separate 221 application for tree removal in the road verge is required.

REASON: To maintain the amenity of the area.

(3) External Finishes

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

Roof: Revolution Roofing True Oak Super 5 and Flashing cladding in Colorbond “Shale Grey”

Walls: James Hardie Scun Axon Cladding painted in Colorbond “Monument”
Austral Bricks in “Hawthorn”

CFC Sheets painted Colorbond “Monument” and “Shale Grey”

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.

(4) Firefighting Water Supply - Mains Water Supply Available

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

- a minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times; and
- the water supply shall be located such that it provides the required water; and
- the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
- the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
- a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
- where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

REASON: To minimise the threat and impact of fire on life and property as your property is located in a MEDIUM Bushfire Prone Area

(5) 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.

(6) Prior to Building Rules Consent Being Granted for any stage of works - Requirement For Stormwater Management Plan, Stormwater Calculations and an amended Civil and Earthworks plan

1. Prior to Building Rules Consent being granted for any stage of works all hydrological and hydraulic stormwater calculations shall be provided shall be submitted to Council for approval together with the final drainage plan. The final civil and earthworks plan must reflect the TPZ for tree 56 and in particular propose a permeable surface for the driveways where they are in the TPZ of Tree 56. In addition the proposed Civil and Earthworks plan must reflect the proposed underground detention tanks being located outside the TPZ.
2. Discharge of stormwater to the Council easement pipe shall be at a maximum flow of 70 L/s in a 100 year ARI storm, 20 minute event. Storage for a 100 year storm event shall be provided to prevent overflows into adjoining properties; and
3. A stormwater management plan for the site considering existing stormwater overland flow paths from neighbouring properties shall be submitted to Council for approval. The stormwater management plan shall demonstrate how existing stormwater overflow paths will be managed for the development to minimise the risk to infrastructure and the development in a major storm event.

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

(7) Prior to Building Rules Consent Being Granted for any stage of works - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)

Prior to Building Rules Consent being granted for any stage of works 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 site plan and design sketches that detail erosion control methods and installation of sediment collection devices 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; and
- c) soil transfer onto roadways by vehicles and machinery.

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

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

(8) Protection Of Trees

The works in relation to trees outlined in the Arborist's Report prepared by Arborman Tree Solutions and submitted as part of this application as a strategy for management of the tree(s) are to be undertaken simultaneously with the demolition and any building works on the site.

REASON: To protect the regulated/significant tree from the impact of the development.

(9) Tree Protection Zone

A tree protection zone (TPZ) around the 'significant' tree to be retained (trees 56, tree 100 and the Council trees 29, 30, 31, 32, 33 & 34 on Pomona Road) is required. The protection zone is to encompass the structural root zone of the tree and 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 unless under the supervision and direction of the Project Arborist.
- 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 adjacent to trees 56, 100 and the Council trees 29, 30, 31, 32, 33 & 34 on Pomona Road) are to be undertaken under the supervision of the project arborist.
- d) 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.
- e) No material, equipment or temporary buildings shall be placed within any TPZ.
- f) No items shall be attached to each tree including temporary service wires, nails, screws or any other fixing device.
- g) Supplementary watering shall be provided to the trees through any dry periods during and after the construction process. Each tree is to be provided with a circular dripper system comprising 19mm polypipe, 4 litre per hour drippers spaced every 2 metres.

- h) No other works can occur within a TPZ without the consent of Council's Arborist (for street trees) or the Project Arborist during the life of the retained trees.
- i) Any services such as stormwater, sewer and electrical that enter the TPZ are to be excavated using non-destructive methods such as Hydro vac[®], hand digging 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.
- j) The common driveway in the TPZ of tree 56 must be covered in a permeable surface to ensure ongoing access to water for the tree.

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

(10) Timeframe for Landscaping to be Planted

Landscaping detailed in the amended Alexander Brown Architects drawing numbers 18-015.PL03 Rev K shall be planted in the planting season following installation of the infrastructure and maintained in good health and condition at all times. Any such vegetation shall be replaced if and when 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.

Land Division Conditions

SCAP Requirements

- (1) The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0084684).**

SA Water Corporation further advise that the developer should inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at FULL cost to the owner/applicant.

SA Water also advise that for further processing of this application by SA Water, to establish the full requirements and costs of this development, the developer will need to advise SA Water of their preferred servicing option. Information of our servicing options can be found at:

<http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/Customer+Connections+Centre.htm>

For further information or queries please contact SA Water Land Developments on 74241119.

- (2) Payment of \$50771.00 into the Planning and Development Fund (7 allotment/s @ \$7253 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.**

- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

NOTES

(1) **Land Division Development Approval**

This development approval is valid for a period of three (3) years from the date of the decision notification. This time period may be further extended beyond the 3 year period by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

(2) **Native Vegetation Council Requirements**

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. For further information visit:

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.

- (3) The Developer is required to maximise the notice given to Council and residents of any works affecting traffic flows on Pomona Road and in any event must give more than four weeks' notice. A separate 221 application for works in the road verge is required to be submitted and approved by Council prior to the commencement of such works.

(4) **Council Rubbish Collection**

The applicant is advised that Council rubbish and recycling trucks will enter the subject land. The onus is therefore on future landowners/occupiers to ensure that the access is maintained and refuse bins are placed in suitable locations on the internal road so as to not obstruct the proposal turnaround.

(5) **Property Identifiers**

The property identifiers for this property are now:

Proposed L3 - 1/20 Pomona Road

Proposed L2 - 2/20 Pomona Road

Proposed L1 - 3/20 Pomona Road

Proposed L8 - 4/20 Pomona Road

Proposed L7 - 5/20 Pomona Road

Proposed L6 - 6/20 Pomona Road

Proposed L5 - 7/20 Pomona Road

Proposed L4 - 8/20 Pomona Road

(6) A Section 221 application and approval will be required for the proposed tree removal (trees 15, 16, 20, 21, 27, 28, 35 & 36).

8.2. The Assessment Manager is granted delegation to make changes to condition wording as considered necessary in finalising the Court Order.

9. ATTACHMENTS

Locality Plan

Amended Plans

Refused Plans and CAP minutes from 8 July 2020

Previous CAP report and Attachments from 8 July 2020

Respectfully submitted

Concurrence

Melanie Scott
Senior Statutory Planner

Deryn Atkinson
Assessment Manager