

Notice of Council Assessment Panel Meeting

Tuesday 15 September 2020

MEMBERSHIP

Mr R McBryde
Mr G Salmon
Ms B Merrigan
Mr D Wyld

Independent Member (Presiding Member)
Independent Member
Independent Member
Elected Member

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next **COUNCIL ASSESSMENT PANEL MEETING** will be held in the Council Chambers, 571 Montague Road, Modbury and/or by electronic means on **TUESDAY 15 SEPTEMBER 2020** commencing at **10:00AM**.

A copy of the Agenda for the above meeting is supplied.

Council is committed to providing greater community access to Council meetings during the COVID-19 pandemic. Members of the community are welcome to listen and observe meetings via [Council's website](#).

Council may restrict or limit access to members of the public physically attending the meeting to ensure compliance with current restrictions. Priority will be given to members of the public who wish to speak in the Public Forum and Deputation section of the agenda and have obtained prior approval from Council.



JOHN MOYLE
CHIEF EXECUTIVE OFFICER

Dated: 10 September 2020



Naturally Better

CITY OF TEA TREE GULLY
COUNCIL ASSESSMENT PANEL MEETING
15 SEPTEMBER 2020

AGENDA

1. Attendance Record:

- 1.1 Present
- 1.2 Apologies

2. Minutes of Previous Meeting

That the Minutes of the Council Assessment Panel Meeting held on 18 August 2020 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

- 4.1 CAP.070/118180/2019** - Construction of Five (5) Dwellings comprising Two (2) Double Storey Dwellings and Three (3) Double Storey Group Dwellings at 8 Grove Street, Modbury5

Recommended to Support the Application and Delegate the Decision to Grant Development Plan Consent to the Assessment Manager

5. Other Business

5.1 E.R.D. Court Matters Pending

- 5.1.1 CAP.070/118168/2019** - Land Division (1 Allotment into 2) Torrens Title at 104 Green Valley Drive, Greenwith

Outcome: This matter has been set down for a further Directions Hearing on 20 October 2020.

5.2 Policy Considerations

Planning Policy Considerations will be recorded in the minutes following discussion by Members.

5.3 Pending State Commission Assessment Panel Concurrence - Nil

6. Information Reports - Nil

7. Date of Next Meeting

20 October 2020

REPORT NO: CAP.070/118180/2019

RECORD NO: D20/73868

TO: COUNCIL ASSESSMENT PANEL MEETING - 15 SEPTEMBER 2020

FROM: Timothy Bourner
Planning Officer

SUBJECT: CONSTRUCTION OF FIVE (5) DWELLINGS COMPRISING TWO (2) DOUBLE STOREY DWELLINGS AND THREE (3) DOUBLE STOREY GROUP DWELLINGS AT 8 GROVE STREET, MODBURY

SUMMARY

Applicant: Mr Manhui Zhang

Nature of Development: The construction of two double storey detached dwellings and three double storey group dwellings including verandahs, landscaping, retaining walls and fencing

Address: 8 Grove Street, Modbury

Application No: 070/118180/2019

Lodgement Date: 28 November 2019

Development Plan: Consolidated 27 December 2018

Zone and Policy Area: Residential Zone, Residential Growth Policy Area 11

Relevant Development Plan Provisions:

Objectives

Crime Prevention 1
 Design and Appearance 1
 Energy Efficiency 1
 Landscaping, Fences and Walls 1
 Natural Resources 1, 5, 6, 7
 Orderly and sustainable Development 1, 2, 4
 Residential Development 1, 2, 3, 5
 Transportation and Access 2, 4
 Waste 2
 Residential Zone 1, 2, 3
 Residential Growth Policy Area 11 1, 2, 3, 4

Principles of Development Control

Crime Prevention 1, 2
 Design and Appearance 1, 2, 3, 14, 15, 17, 22, 23
 Energy Efficiency 1, 2, 3, 4
 Land Division 17
 Landscaping, Fences and Walls 1, 2, 3, 4
 Natural Resources 1, 4, 5, 7, 8, 10, 14, 28
 Orderly and Sustainable Development 1, 4, 6, 7, 8

Residential Development 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 24
 Transportation and Access 5, 8, 10, 11, 22, 23, 29, 31, 32, 33, 41, 45, 47, 48
 Waste 5
 Residential Zone 1, 2, 3, 6, 8, 9, 11, 15
 Residential Growth Policy Area 11 1, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15

Public Notification: Category 2

Representations:

Number of Properties Notified: 14

Number of Representations Received: 2

Names and Addresses of Representors: Patricia Alonso
 6A Grove Street, Modbury

 Jorge Alonso
 6A Grove Street, Modbury

Number of Representors wishing to be heard: Nil

Schedule 8 Referral: NA

Was a request for additional information made? Yes

Issues: Overlooking, Vehicle Movements, Urban Design, Landscaping, Significant Tree, Waste Management

Recommendation: Support the application and to delegate the decision to grant Development Plan Consent to the Assessment Manager

1. PROPOSAL

The proposal involves the development of two double storey detached dwellings and three double storey group dwellings to replace an existing single storey detached dwelling at 8 Grove Street, Modbury.

Each of the dwellings contain three bedrooms and two bathrooms, with open plan living and kitchen areas. The two detached dwellings have double garages whereas the three group dwellings have single carports which are to be partially enclosed.

Each dwelling is sited on an allotment ranging in size between 138m² and 253m², with the proposed creation of these allotments forming part of two separate land division applications. The proposed plans of division can be seen in Attachment 11, and these land division applications are being held pending the outcome of this land division application.

Dwellings 1 and 2 front the primary street and Dwellings 3, 4 and 5 face the internal driveway. All five dwellings have a similar appearance with hipped roof profiles and comprise a range of façade materials and finishes.

The development site is to be benched to create a consistent level and allow for adequate stormwater drainage to be achieved. This benching requires up to 950mm in fill to the rear and 200mm in cut to the front, with retaining walls on the rear and side boundaries.

Fencing is included in this application and will be 1.8m high 'Colorbond Good Neighbour' style.

2. PROCEDURAL MATTERS

A Torrens title land division and a Community Title land division have been received, with each showing the proposed boundaries that align with the subject land use application (Attachment 11).

The determination of the two land division applications prior to CAP's consideration of this land use application is not considered critical as it does not alter the application pathway nor the assessment policy applicable to the site. The subject site is located within the Residential Growth Policy Area 11 of the Residential Zone, and the policy is relevant no matter the tenure of dwellings.

Detached dwellings and group dwellings are neither complying nor non-complying in the Residential Growth Policy Area 11. Where a development is neither complying nor non-complying the application is to be assessed as on merit, pursuant section 35(5) of the *Development Act 1993* (the Act).

Having regard to the zone and policy area of the site and the continuing residential use of the land, it is considered that the development is not seriously at variance with the Development Plan pursuant to section 35(2) of the Act.

3. PUBLIC NOTIFICATION

Section 38(2) (a) of the Act states that a Development Plan or the *Development Regulations 2008* (the Regulations) may assign different forms of development to a category for the purposes of public notification.

The Procedural Matters section of the Residential Zone states that development within 150 metres of the 'Air Services Australia – navigation aid' as nominated on **Overlay Map TTG/21 – Development Constraints** is Category 2 development for public notice purposes.

Category 2 public notification was undertaken for this application at the same time as the two concurrent land division applications. The three applications were notified individually and consistently whereby 12 adjacent land owners and occupiers were directly notified in writing.

Two representations were received as a result of this process for this land use application (Attachment 12). Both representations were opposed to the subject land use application.

No representations were received in regards to the two land division applications and pursuant to Council's Development Assessment Delegation Policy these are to be assessed under delegation following a determination on the current application.

The issues raised by the representors include:

- Privacy
- Car parking issues
- Overshadowing
- Property damage due to trees
- Too many dwellings

The applicant has responded to the representations (Attachment 13) and commented on the following:

- Car Parking: The five dwellings are all designed to have 2 car park capacity. The two dwellings in the front can park up to 4 cars. As all the dwellings are designed to have enough capacity for car parks for a family to use. There shouldn't be any issues with car parking.
- Block sunlight: The main building is 7 meters away from the property at 6A Grove Street, and at least 8 meters away from their nearest panel. The possible impact to their solar panels is very minimal
- Gum trees: There's no indication of use of gum tree in the development design.
- The land is located Residential Growth Policy Area 11 zone, five two-storey dwellings accord with council development expectations.

4. SITE AND LOCALITY

The subject site is located wholly within the Residential Growth Policy Area 11 of the Residential Zone on the western side of Grove Street, Modbury.

The site is an irregular-shaped allotment, measuring 31.65m across the street frontage, 56.37m along the southern side boundary, 58.85m along the northern side boundary, and 19.81m along the western rear boundary. This results in a total site area of 1210.8m².

The site currently accommodates a 1970's single storey detached dwelling and associated outbuildings. These will be demolished to accommodate the proposal.

The site has a slight fall from the front boundary to the rear of approximately 1m. This follows the general topography of the locality and is similar to the topography of adjacent allotments.

The subject site is sparsely vegetated with the majority of the existing vegetation found in the front yard and forward of the existing dwelling. There is, however a significant River Red Gum in the adjoining allotment to the north.

The area delineated by a red line within Figure 1 illustrates the locality considered applicable to the subject site (identified by the blue star). The properties notified during the consultation process are identified by the stars, with the red stars identifying the property which provided a representation to Council and the green stars identifying those who did not respond.



Figure 1 – Locality and Notification Plan

The locality is considered to extend approximately 60m in all directions of the subject site. This locality includes properties predominantly within Grove Street but also includes a large vacant allotment fronting Smart Road.

The locality comprises dwellings of varying ages and styles. Being part of the Residential Growth Policy Area 11, the locality has undergone numerous redevelopments. Most notably there is a 5 dwelling development directly opposite the subject site at 3 Grove Street with numerous other similar developments in the wider locality both on Radar Street and Smart Road.

To the west of the subject site is a large vacant allotment. This allotment is the former location of an Air Services Australia navigation aid. The navigation aid has been decommissioned and removed with the land, having recently changed ownership. This site is located within the Urban Core Zone and there have been no recent development applications lodged in relation to this site.

Grove Street has a varied range of dwelling styles including older style gabled and hipped roofed dwellings, with newer single and two storey conventional style dwellings located to the east and south. This range of dwelling styles is repeated in the wider locality.

Grove Street is connected directly to Smart Road and serves as the primary access point to the wider locality.

The wider locality is predominantly residential in nature with commercial land uses to the west of the locality along Smart Road. There is a large area of public open space just outside the locality on the southern side of Smart Road and a creek corridor running through private land to the south east.

5. PLANNING ASSESSMENT

5.1 Land Use

The **Residential Growth Policy Area 11 (Policy Area) Desired Character** states:

New development will include a variety of housing types such as residential flat buildings/apartments, row and terrace dwellings, group dwellings, mews style dwellings, supported accommodation and student accommodation.

The proposal for detached and group dwellings is an acceptable land use for the Residential Zone Residential in accordance with **Policy Area Principle of Development Control (PDC) 1**.

5.2 Density

With regard to **Policy Area PDC 4** and **Concept Map TTG/14 - Residential Growth Policy Area**, the site is subject to a target net residential density of between 35 to 67 dwellings per hectare, and a maximum height of three storeys.

A site of some 1210.8m² is expected to yield between 4.26 and 8.11 dwellings (5 to 8 dwellings).

The proposal for 5 two storey dwellings therefore satisfies the target density and height requirement for the policy area.

5.3 Built Form

5.3.1 Setbacks

Policy Area PDC 9 nominates the relevant numeric setback requirements relevant to this site.

Primary street setbacks of 3.5m and 3m are achieved for Dwellings 1 and 2, respectively. The proposed development also meets the side setback requirements, with only Dwellings 1 and 5 abutting an external side boundary. Upper level setbacks achieve a minimum of 1m for upper levels to external boundaries, and setbacks to internal boundaries are also satisfactory.

Rear setbacks are varied due to the irregular nature of the site. Dwellings 3, 4 and 5 are designed such that only the open carports encroach the 3m minimum required setback. These encroachments will not have any detrimental visual impact due to the open nature of the carports, and are therefore acceptable.

The proposed development is considered to sufficiently comply with the numeric setback requirements set out in **Policy Area PDC 9**

5.3.2 Bulk and Scale

The proposal comprises five dwellings, all two storey in height with hipped roof forms. The buildings attain a maximum height of 7.8m for Dwelling 1 and 2, with the remaining three dwellings being up to 7.1m in overall height.

Development up to three storeys is envisaged in this locality in accordance with **Policy Area PDC 14** and **Concept Map TTG/14 Residential Growth Policy Area**. The proposal at two storeys satisfies the above.

The proposed two storey built form also satisfies **Policy Area PDC 13**, with the two storeys providing a transition in scale to adjoining smaller dwellings.

Further, the two storey nature of the dwellings and the associated setbacks are consistent with the recently-constructed built form already existing in the locality.

Building height and boundary setbacks aid in providing articulation to the built form, and reduce the bulk and scale of two storey buildings. In particular, the separation between the buildings assists to further reduce this.

The two dwellings fronting Grove Street maintain the appearance of detached dwellings predominant in the locality and are not considered to depart from the character of the locality.

In light of the above, the bulk and scale of the development in its entirety is considered to meet the intent of the above provisions and will not have a detrimental impact on the built form character of the locality.

5.3.3 Materials and Finishes

The proposed finishes include coloured render to the bulk of the buildings in a "Cool Grey" colour, with feature areas of prefinished panelling in timber look black and mid-grey.

Residential Zone PDC 11 (b) requires that residential development should incorporate the use of durable materials that will not require ongoing maintenance. The materials and finishes are considered to satisfy this requirement.

The appearance of the proposal is considered to be of a high standard using a variety of elements and cladding styles to articulate the facades, as envisaged in the **Residential Zone Policy Area 11 Desired Character Statement**. With the addition of shading devices to some windows to create additional shadow lines and to break up solid elements of walling, the resulting perception of bulk and scale of the development is considered to be limited.

The use of non-reflective materials is also consistent with **Design and Appearance PDC 3**.

5.4 Private Open Space

Residential Development PDC 10 sets parameters for what is considered appropriate private open space in association with a dwelling, which reads:

Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:

- (a) to be accessed directly from a habitable rooms of the dwelling*
- (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy*
- (c) to take advantage of, but not adversely affect, natural features of the site*
- (d) to minimise overlooking from adjacent buildings*
- (e) to achieve separation from bedroom windows on adjacent sites*
- (f) to have a northerly aspect to provide for comfortable year round use*
- (g) not to be significantly shaded during winter by the associated dwelling or adjacent development*
- (h) to be partly shaded in summer*
- (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality*
- (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.*

Each dwelling has private open space to its respective rear. Each area of private open space is at the same level as the dwelling and includes a verandah over a portion of this area. The associated verandah offers all weather protection and creates a functional area, whilst allowing for uncovered areas for general open air uses and opportunities for landscaping.

Despite the irregular nature of the subject site and proposed allotments, the private open space of all the proposed dwellings is considered to be of a shape that facilitates usability based on adequate setbacks between boundaries and buildings.

Dwellings 3 and 4 have their rear yards facing north which provide good solar orientation. Dwelling 5 has two areas of open space, one of which is facing north and includes the verandah.

Dwellings 1 and 2 have their rear yards facing west, however the offset nature of the dwellings ensures that both dwellings will be afforded access to northern sunlight, with their verandahs providing protection from the late afternoon sun.

All areas of private open space are appropriately screened by solid fencing to a height of 1.8m to ensure privacy of the occupants and avoiding unreasonable overlooking to adjacent land.

Subsequently, **PDC 10** is satisfied.

Residential Development PDC 11 states that dwellings with a site area less than 250m² are to have a minimum private open space area of 35m², with site areas exceeding 250m² to have a minimum of 20% of the site area as private open space.

Dwellings 1 and 5 are sited on allotments of 253m² and 251m² respectively and provide 52m² and 83m² of private open space. This corresponds to 20.55% and 33.07% respectively.

Dwellings 3, 4 and 5 are on allotments under 250m² and each provide 39m², 62m² and 40m² respectively.

All areas of private open space have adequate dimensions and exceed the minimum area requirements, thus satisfying the above private open space principles.

5.5 Amenity

5.5.1 Overshadowing

Overshadowing was not considered to be a concern initially, however it was raised by both representors. Both representors stated:

“...the homes will block sunlight to my property including solar panels...”

Shadow diagrams and a cross section were prepared by the applicant to show the extent of overshadowing to the south, see Attachment 8. These shadow diagrams have been verified and are considered to comply with the numeric measures of **Design and Appearance PDCs 9, 10 and 11**.

The neighbouring dwelling to the south has only one window facing north-west (kitchen) and has a rooftop solar panel system facing north-east and north-west. Private open space, including a verandah, lie predominantly to the west.

The solar panels have been demonstrated to not be impacted by the proposed dwellings, and the private open space receives direct sunlight for minimum of two hours between 9:00am and 3:00pm on 21 June.

The development is therefore not going to result in unreasonable overshadowing as it complies with the above provisions.

5.5.2 Overlooking

Overlooking is considered to be adequately controlled, with all upper storey windows to the side and rear elevations comprising fixed and obscured glazing. The screening reaches a height of up to 1.5m above the respective finished floor levels.

This approach satisfies **Residential Development PDC 19**.

5.6 Vehicle Access and Car Parking

The development proposes three vehicle access points from Grove Street. A double width access point provides access to the common driveway which services Dwellings 3, 4 and 5. Two individual access points are proposed for Dwellings 1 and 2.

Ordinarily, consideration must be given to the provision of on-street parking and as such adequate separation between access points is required. However, in this instance, Grove Street has parking controls which do not permit on-street parking in front of the subject site at any time.

Notwithstanding this, should these controls ever be altered the plans demonstrate sufficient space to allow for two vehicles to park on the street.

The proposed car parking for each dwelling is to take the form of a garage or carport for undercover parking, and tandem uncovered visitor parking spaces.

Dwellings 1 and 2 have a double garage and Dwellings 3, 4 and 5 having a single carport, all with the ability to accommodate a single visitor park in the driveway due to sufficient setbacks.

Policy Area PDC 9 requires two parking spaces for three bedroom dwellings. One space is to be covered and one to be for visitors. This requires five covered and five visitor spaces for the development as a whole.

The development provides a surplus of parking with 7 covered spaces and 5 visitor parks.

Council's traffic engineer has assessed the proposal and has determined the common driveway is of sufficient width to allow for safe and convenient access and manoeuvrability for all vehicles. As such the proposal is considered to be consistent with *Australian Standards: AS 2890* and satisfies **Transport and Access PDC 23**.

The development is therefore considered to have sufficient parking opportunities for the proposed land use.

5.7 Significant Tree

In the adjoining allotment to the north is a large River Red Gum. This tree was determined to be significant having a circumference of 3.05m measured one metre up from natural ground level. The tree has a tree protection zone (TPZ) of 12m and a structural root zone (SRZ) of 3.92m. The tree is located approximately 8m from the subject site.

Significant Trees PDC 2 states:

“Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.”

Further, **Significant Trees PDC 4** states:

“Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.”

An arborist report from The Adelaide Tree Surgery was initially provided showing support for the proposal with the requirement that no works were to occur within 1.5m of the site boundary, see Attachment 9.

The proposal did in fact include retaining walls and fencing for the full length of the northern boundary. Subsequently an email was received from the arborist as an addendum to the original report including recommendations to ensure any works inside this 1.5m from the boundary would be done in such a fashion as to not impact the tree. This additional advice can be found in Attachment 10.

The recommendation below has included a condition that reinforces compliance with the tree protection recommendations of the arborist and as such, the proposal is considered to satisfy **Significant Trees PDC 2** and **PDC 4**.

5.8 Landscaping, Fencing and Retaining

The subject site has a fall to the rear of approximately 1m. The site is to be benched with Dwellings 1 and 2 having bench and finished floor levels 0.075m above those of Dwellings 3, 4 and 5.

Retaining walls are proposed at varying heights along the side and rear boundaries to control the cut and fill, whilst the front yard levels will be battered down in the direction of the front property boundary.

Boundary fencing has been shown to be pre-coloured steel at 1.8m high and will be sited on top of the proposed retaining walls. The highest combined height of fencing and retaining walls will be 2.75m in the rear north western corner of the site.

The allotment to the rear adjoining these works is currently vacant, with the side boundary walls progressively reducing in height as they approach the front of the site to limit their visual impact. Given the location and minimised height, there will be no detrimental impact to the amenity of the locality or adjoining allotments.

The **Desired Character Statement** and **Landscaping, Fences and Walls Objective 1** seek the enhancement of the amenity by way of appropriate plantings and other landscaping works.

All five dwellings are afforded adequate areas of landscaping, with Dwellings 1 and 2 having landscaped front yards including grass, shrubs and a small tree. The common driveway has landscaping for the majority of its length which assists to soften the extent of hard stand areas. The landscaping plan can be found in Attachment 5.

5.9 Stormwater

The proposed stormwater collection has been designed to satisfy Council requirements, with all water to be disposed of via the Grove Street water table.

Dwellings 1 and 2 are to have a sump and pump system in the rear yards, and Dwellings 3, 4 and 5 are connected to a sump and pump in the common driveway.

As the site is located within Area 2 of the **Concept Plan Map TTG/7 - Stormwater Areas (Tea Tree Gully)**, each dwelling is required to have on-site stormwater detention in accordance with **Table TTG/4**.

The plans demonstrate 2000L of detention for each dwelling which exceeds the Development Plan requirements (Attachment 7).

A combined retention/detention tank has been demonstrated on the plans to also satisfy requirements under the National Construction Code as part of a future Building Rules Consent application.

6. CONCLUSION

The proposed development is considered to be consistent with the Development Plan relating to land use, streetscape impacts, and suitability for future occupants, and density within this policy area.

The development provides for sufficient separation to the external boundaries and generous opportunities for deep soil front landscaping. These design elements help to soften the view of the development from the street, and contribute to the amenity and emerging character of the locality.

Having regard to all the facts and circumstances relevant to the development application and all the relevant Development Plan provisions, the development is considered to warrant consent.

7. RECOMMENDATION

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

- A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.
- B. RESOLVES to SUPPORT the application by Mr Manhui Zhang to construct two double storey detached dwellings and three double storey group dwellings including verandahs, landscaping, retaining walls and fencing at 8 Grove Street Modbury as detailed in Development Application No.070/118180/2019 subject to the following conditions and advisory notes and to DELEGATE the decision to GRANT Development Plan Consent to the Assessment Manager upon approval of the corresponding land division application.
- (1) The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/115394/2018, in particular:
 - The site, floor, elevation and landscaping plans prepared by ET Design, Revision PD-D, Sheets 1 - 18, and
 - The Site Works and Drainage Plan prepared by Residential Commercial Industrial Consulting Engineers, Job Number C28884, Issue A, Dated 10 March 2020;
 except where varied by any condition(s) listed below.
 - (2) The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork shall be maintained in good condition at all times. All external paintwork shall be completed within 2 months of the erection of the buildings.
Reason: To preserve and enhance the amenity of the site and locality.
 - (3) The verandahs shall not be enclosed on any side with any solid material.
Reason: To preserve and enhance the amenity of the site and locality.
 - (4) All obscured glazing as demonstrated on the approved plans shall be installed prior to occupation of the respective dwelling and maintained in good condition to a minimum respective floor height of 1.5 metres thereafter, to the ongoing reasonable satisfaction of Council.
Reason: To minimise overlooking into adjoining properties.
 - (5) The planting and landscaping identified on the Landscape Layout Plan prepared by ET Design, Revision PD-D, shall be completed prior to the use of the first dwelling. Any landscaping that becomes diseased or dies shall be replaced with all landscaping maintained in good condition at all times subject to the ongoing reasonable satisfaction of Council.
Reason: To maintain the amenity of the site and locality.
 - (6) Construction of the development herein approved shall be in accordance with the recommendation of The Adelaide Tree Surgery dated 8 February 2020 and the addendum email dated 3 May 2020 January 2011. The protective tree fencing shall remain in place until all works have been completed.
Reason: To prevent 'tree damaging activities' occurring to the significant trees.

- (7) All driveways, parking and manoeuvring areas shall be formed, sealed with concrete, bitumen or paving, and be properly drained. They shall be maintained in good condition thereafter.
Reason: To ensure useable and safe carparking.
- (8) Free and unrestricted access shall be available to all the designated carparking spaces and the vehicle access ways at all times.
Reason: To ensure useable access and appropriate off-street carparking is provided.
- (9) Any existing crossing places not providing vehicle access on the approved plans shall be replaced with kerb and watertable and the verge restored with materials consistent with the surrounding verge to a uniform level free of obstructions.
Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.
- (10) Except where varied by the approved plans or other conditions listed below, the new or modified crossing place shall meet the minimum standard of design and construction as detailed on City of Tea Tree Gully drawings (as applicable):
- 1/15/SD – ‘Concrete Vehicle Crossing Place’;
 - 2/15/SD – ‘Block Paved Vehicular Crossing Place’;
 - 40/15/SD – ‘Property Access Grades;’ and/or;
 - 45/15/SD – ‘Commercial Concrete Vehicular Crossing Place.’
- Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.*
- (11) The new crossing places shall be constructed and/or modified, as per the approved plans and conditions, within six (6) months of completing the dwellings.
Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.
- (12) Stormwater generated on the site during the construction period and for the life of the development, shall be collected, treated as necessary to ensure contaminated stormwater does not discharge directly or indirectly to any waters. Discharged water shall not contain suspended solids in excess of twenty milligrams per litre (20mg/L).
Note: The Environment Protection Authority ‘Handbook for Pollution Avoidance on Building Sites’ details a range of strategies to collect, treat, store and dispose of stormwater during construction.
Reason: To assist and maintain water quality entering Council’s drainage network.
- (13) Two Type One Stormwater Detention Tank(s) shall be attached to each dwelling, with the whole roof area of each dwelling connected. The tank(s) shall be installed as part of the stormwater disposal system and be installed within two months of the erection of the dwellings and shall be maintained in good working order at all times.
Reason: The stormwater drainage system in the area surrounding the subject land has limited capacity. The reason for this condition is to reduce the flow of stormwater off the subject land to a rate which does not exceed the system’s capacity.

- (14) Discharge from the detention facility is to be restricted to four litres per second (4 L/s) for flows during the 1 in 100 year average recurrence interval storm event.
Reason: *The stormwater drainage system in the area surrounding the subject land has limited capacity. The reason for this condition is to reduce the flow of stormwater off the subject land to a rate which does not exceed the system's capacity.*
- (15) The capacity and design of the sump and pump system shall be based upon the following requirements:
- for a 1 in 100 year Average Recurrence Interval (ARI) and a 10 minute storm duration; and
 - on the assumption that a power failure (preventing pumping) occurs during the storm event.
- Reason: *To minimise the impact of flooding during a major storm event.*
- (16) Where stormwater is to be discharged to the street gutter, the stormwater system installation shall meet the minimum requirements of City of Tea Tree Gully drawing:
- 62/15/SD – ‘Stormwater Pipe Connection to Council Kerb and Gutter’.
- Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

Note(s):

- (1) This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.
- (2) The applicant/developer is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure the activities on the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of and minimising off site noise, dust and vibration impacts associated with development.
- (3) The cost of rectifying any damage or conflict with existing services or infrastructure arising out of this development will be borne by the applicant.
- (4) The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

- (5) Please be advised that your application involves work that may impact the stability of neighbouring land. Pursuant to Section 60 of the Development Act, 1993, you are reminded of your obligations to: -
- 28 days before the building is commenced, caused to be served on the owner of the affected land a notice of intention to perform the building work and the nature of that work; and
 - Take precautions as may be prescribed to protect the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the Development Regulations to require.
- (6) Please be advised that any retaining walls exceeding one metre in height and any fencing attached to a retaining wall where the combined height exceeds 2.1 metres requires Development Approval from Council by way of a separate application
- (7) You are advised that under the *Fences Act 1975* you are legally required to give notice for the removal of a fence on the common boundary. Please refer to the *Fences Act 1975* for the correct procedural requirements.
- (8) NBN Co. is responsible for the installation of National Broadband Network (NBN) fibre for all developments in areas where NBN Co. has already rolled out fibre. To ensure services are available when residents move in, developers and builders must register their developments and apply to NBN Co. before building has commenced. To determine if your site is in an NBN area and to register your development, please complete the pre-qualifier forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co. New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au.
- (9) The applicant/owner is advised that any driveway crossovers and stormwater connection works on the Council verge, and shown on the stamped plans, has been approved as part of this application. For further information on the specifications and conditions relating to crossovers and stormwater connections, please contact Council's Civil Operations Department on 8397 7444.

Any further works undertaken on Council owned land (including but not limited to access over Council reserves to construct the development, verge landscaping, and underground electrical and other service connections), requires a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Civil Operations department on 8397 7444 or accessing the web form at

https://www.teatreegully.sa.gov.au/Council_documents_Landing/Council_documents/Permits/Section_221_Application.

- (10) Public services may be present in the road and it is the property owner's responsibility to ensure these services are not damaged as a result of the work. If services require alterations, it is the property owner's responsibility to consult with the particular service agency before performing any works. (Contact "Dial Before you Dig" on telephone 1100 or their website www.dialbeforeyoudig.com.au).

- (11) At all times during the construction, removal or repair of a crossing place or stormwater pipe, sufficient barricades and signs, visible at night (where work duration exceeds daylight hours), are to be installed and maintained to give adequate warning to the public.
- (12) The applicant shall be responsible for all costs associated with:
 - The construction, removal or repair of crossing places or stormwater pipes. This may include the repairs and modifications to an abutting footpath as a result of the construction or alteration of the crossing place or stormwater pipe.
 - The pruning, removal and replacement of any tree as approved in accordance with Council's Tree Management Policy and the Council's Fees and Charges Register.

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