

Notice of Council Assessment Panel Meeting



MEMBERSHIP

Mr M Adcock	Independent Member (Presiding Member)
Mr A Mackenzie	Independent Member
Ms N Taylor	Independent Member
Mr G Hewitt	Independent Member
Cr K Foreman	Elected Member
Mr A Squires	Deputy Independent Member
Cr B Lawrenson	Deputy Elected Member

NOTICE is given pursuant to Sections 83 of the Planning, Development and Infrastructure Act 2016 that the next **COUNCIL ASSESSMENT PANEL MEETING** will be held in the Council Chambers, 571 Montague Road, Modbury on **TUESDAY 19 DECEMBER 2023** commencing at **10.00am**

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

Members of the community are welcome to attend the meeting.

RYAN MCMAHON
CHIEF EXECUTIVE OFFICER

Dated: 13 December 2023

CITY OF TEA TREE GULLY
COUNCIL ASSESSMENT PANEL MEETING
19 DECEMBER 2023

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 17 October 2023 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

- 4.1 CAP. 23028446** - Two storey detached dwelling with associated fencing and retaining walls at 46 Mahogany Avenue, Dernancourt..... **3**

Recommended to Grant Planning Consent

- 4.2 Council Assessment Panel - Meeting Operating Procedures**..... **87**

5. Other Business

- 5.1 E.R.D. Court Matters Pending** - Nil

- 5.2 Planning Policy Considerations**

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

6. Information Reports

7. Date of Next Meeting

16 January 2024

REPORT NO: 23028446

RECORD NO: D23/100047

TO: COUNCIL ASSESSMENT PANEL MEETING - 19 DECEMBER 2023

FROM: Rhiya Singh
Planning Officer

SUBJECT: TWO STOREY DETACHED DWELLING WITH ASSOCIATED FENCING AND
RETAINING WALLS AT 46 MAHOGANY AVENUE, DERNANCOURT - DA
23028446

SUMMARY

DEVELOPMENT NO.	23028446
APPLICANT	Mark Kwiatkowski and Nick Ruotolo
ADDRESS	46 Mahogany Avenue, DERNANCOURT SA 5075
NATURE OF DEVELOPMENT	Two storey detached dwelling with associated fencing and retaining walls
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> General Neighbourhood Zone <p>Overlays:</p> <ul style="list-style-type: none"> Urban Tree Canopy Overlay Hazards (Flooding) Overlay Hazards (Flooding – Evidence Required) Overlay Regulated and Significant Tree Overlay Stormwater Management Overlay
LODGEMENT DATE	06 October 2023
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	P&D Code (in effect) - Version 2023.13 - 31/08/2023
CODE RULES APPLICABLE AT LODGEMENT	Code rules at assessment start

CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification Period 08 November 2023 to 28 November 2023
NUMBER OF PROPERTIES NOTIFIED	20
REPRESENTATIONS RECEIVED	1
REPRESENTATIONS TO BE HEARD	1
RECOMMENDING OFFICER:	Rhiya Singh
REFERRALS STATUTORY	None
REFERRALS NON-STATUTORY:	3
RECOMMENDATION	Grant Planning Consent

1. Detailed Description of Proposal

The proposed application includes a two-storey detached dwelling on an existing vacant allotment, known as 46 Mahogany Avenue, Dernancourt.

The proposed development is located within the General Neighbourhood Zone. The land fronts Mahogany Avenue and has a secondary frontage to Almond Avenue and is surrounded by residential allotments on the northern, east and west side. The allotment fronts the River Torrens Linear Park.

The dwelling has a total of 2 building levels as viewed from the street and reduces to one building level at the rear to accommodate the upward slope of the land. The dwelling has a minimum front setback of 5.5m to the ground level and 6.6m to the upper level, a minimum western side setback of 2.47m to the ground level and the upper level. The minimum eastern side setback to the ground level is 2.5m to the ground level and 4.1m to the upper level. The minimum rear setback is 17.9m to the ground level and 4.62m to the upper level.

The proposed dwelling is contemporary in design and style, with four bedrooms located on the upper storey with associated wet areas, and an outdoor area consisting of a verandah under the main roof. The ground floor consists of a lounge, storage space, and a two-car garage.

The walls of the dwelling elevation are to be rendered with a section of stone veneer to the front facade and a *Colorbond* pre-coloured steel roof, gutters and fascia's.

Concrete retaining walls are proposed around much of the perimeter of the site with a height of up to one metre.

Stepped walls are proposed along the eastern side of the dwelling and in the north eastern rear corner of the site to accommodate up to 2m of cut. A 1.8m high Colorbond good neighbour fence is proposed along the side and rear boundaries.

Plans of the proposed development can be found in Attachment 3.

2. Subject Land & Locality

3.1 Site Description:

Location reference: 46 MAHOGANY AVENUE, DERNANCOURT

Title Reference:	Plan Parcel:	Council:
CT 5079/168	D7138 AL61	CITY OF TEA TREE GULLY

The subject site comprises a single allotment known as 46 Mahogany Avenue, Dernancourt. The site is irregular in shape and is a corner allotment and has a total area of 694m². Access to the allotment is gained from Mahogany Avenue.

There are no easements on the allotment.

The proposed allotment is undulating with a fall of 6m over 36m between the north-east and south-west corner of the site.

3.2 Locality

The locality is considered to be the area depicted within Figure 1 below, being the land encircled by the red line. The locality is bound by the River Torrens Linear Park on the south, by dwellings on Almond Avenue and Mahogany Avenue.

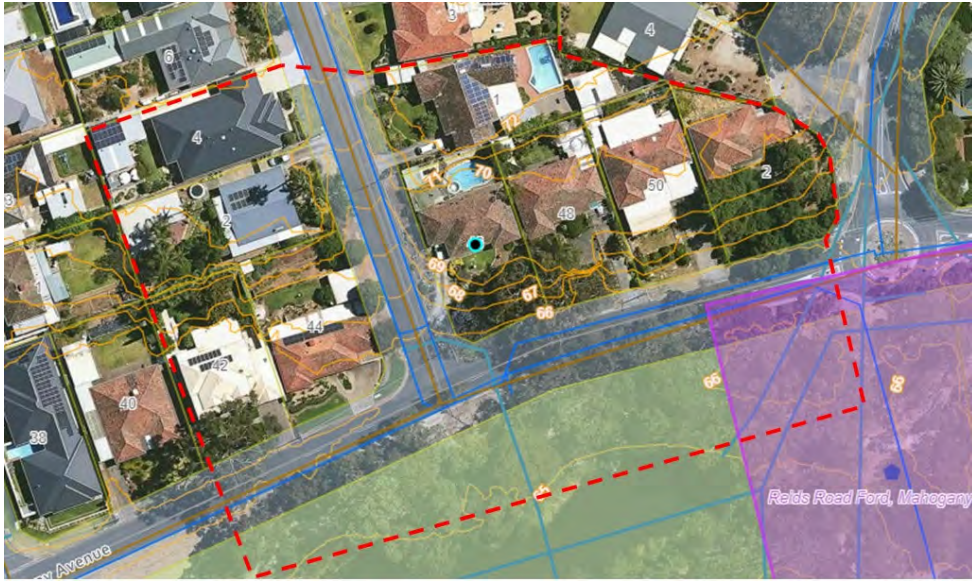


Figure 1: Locality Map, with subject site highlighted in orange

The locality accommodates residential development. The residential development consists of reasonably sized large allotments ranging between 680m² and 800m². The built form and character of the locality is of single storey detached dwellings typical in design and styling of 1990s. Dwellings are generally conventional with hipped roofs and gable ends with brick, render and iron sheeting being the common building materials. Low density prevails in the locality.

3. Category of Development

Per Element

New housing

Tree-damaging activity: Code Assessed – Performance Assessed

Detached dwelling: Code Assessed – Performance Assessed

Retaining wall: Code Assessed – Performance Assessed

Fence: Code Assessed – Performance Assessed

Overall Application Category

Code Assessed - Performance Assessed

Reason

Planning and Design Code

4. Public Notification

Reason

The General Neighbourhood Zone lists a dwelling as being exempt from requiring public notification in Table 5, Section 3, Column B except where:

1. Does not satisfy Neighbourhood Zone DTS/DPF 4.1.

General Neighbourhood Zone DTS/DPF 4.1 states:

Building height (excluding garages, carports and outbuildings) no greater than 2 building levels and 9m and wall height that is no greater than 7m (not including a gable end).

The Planning and Design Code ('the Code') defines Building Height as "*the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:*

- (a) flues connected to a sewerage system*
- (b) telecommunications facility tower or monopole*
- (c) electricity pole or tower*
- (d) or any similar structure."*

The proposed dwelling comprises two building levels however the total building height is approximately 9.4m from the natural ground level, thereby not satisfying DTS/DPF 4.1 of the General Neighbourhood Zone and requiring public notification.

List of Representations

Name	Address	Position	Wishes to be Heard
Trevor Fullston	48 Mahogany Avenue, Dernancourt SA 5075	Support With some concerns	Yes

Summary

Public notification consisted of the direct contact with 20 owners or occupiers of adjacent land and a sign detailing the proposal was placed on the subject site for the duration of the notification period.

One representation was received that supports the development with some concerns.

The representor is the owner of the adjoining allotment 48 Mahogany Avenue, Dernancourt located to the east of the subject site.

The main concern of the representor is the tree damaging activity to the significant tree located in their property, obstruction of views, any potential overlooking and concerns regarding the shared cement drain for storm water.

The representation was forwarded to the applicant to respond.

A copy of the representation can be found in Attachment 5.

A summary of applicant's response is as follows:

- Development has been designed and sited to avoid any tree damaging activity to the significant tree located on the adjoining allotment. In addition, the following recommendations of the arborist report are to be adopted:
 - TPZ fencing being established in accordance with the report,
 - Non-destructive (hydro-vac) excavation will have to occur in the area of the proposed driveway to locate roots, with roots with a diameter exceeding 150mm, being retained where possible,
 - If larger roots are encountered then an arborist verifies whether they can remove or require retaining, and
 - In accordance with the report, the driveway construction will need to be with the use of a cellular confine system, comprising a base geotextile, permeable bedding layer, and permeable block paving system.
- The proposal will not block any views to the south towards the Linear Park from the adjoining property to the east and will maintain all views of the Linear Park from the adjoining properties front living rooms and habitable rooms, and front yard. There is significant distance between the two dwellings.
- As per the eastern boundary elevation, all windows proposed will have a sill height which will mitigate the potential for any overlooking to the adjoining property to the east in accordance with the requirements of the planning and design code. The windows to the rear will each provide sill heights above 1.5 metres to the eastern side elevation, which may be imposed by way of a condition of Planning Consent. No balconies are being proposed.
- The development of the allotment provides a suitable, engineer designed stormwater management system to council's satisfaction, that will ensure that there are minimal impacts on landform and drainage systems, which will not result in any flooding, or lead to or result in the exploitation or pollution of a water resource.

The dwelling has been designed to work with the slope of the land by cutting the lower level into the site. Because of this design solution and suitable separation to boundaries, there is minimal need for retaining walls. Therefore, the proposal will not exceed excavation or filling of land or retaining exceeding 1 metre in height in accordance with Design DPF 8.1. The proposed new dwelling is able to be connected to the existing SA Water infrastructure for the supply of water

The response to the representations can be found within Attachment 6.

5. Agency Referrals

No agency referrals were required

6. Internal Referrals

6.1. Civil Stormwater

Council's Civil Stormwater Engineer has reviewed the application and provided the following comments in regards to the potential flooding. The proposed development triggers Hazards (Flooding) Overlay and Hazards (Flooding – Evidence Required) Overlay.

- No concerns with this development.

6.2. Traffic

Council's Traffic Engineer has reviewed the application and provided the following comments.

- Crossover and driveway grades and location are acceptable. The corner cut off provided is acceptable.

6.3. Arboriculture

Council's Arborist has reviewed the application and the arborist report provided by the applicant in regards to the tree damaging activity and provided the following comments.

- The majority of the encroachment is due to the planned driveway. I agree with the methodology in line with the driveway installation: Impact Reduction and Cellular Confinement Systems pages 11,12. I agree with the Conclusion within the report and the recommendations. I will add, works are to be completed in line with AS4970_2009. TPZ fencing to be erected prior to demolition as per section 4.3 and Activities within the TPZ are restricted as per section 4.2. As long as the appropriate steps are taken during the development of the site the adjacent trees health should not be affected.

7. Planning Assessment

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Section <x> of this report, and are available on Council's website as a supplementary document.

Quantitative Provisions

Table 1 General Neighbourhood Zone – Quantitative Provisions (DPF criteria)

DPF	Provision	Requirement	Provided	Complies
3.1	Site coverage	Maximum 60%	46%	✓
4.1(a)	Building height	2 Building Levels and 9m maximum	2 and 9.4m	X
5.1	Front setback	1m forward of neighbouring dwelling = 4.2m	5.5m	✓
8.1	Side setback	At least 900mm where the wall height is up to 3m	2.5m on eastern side 2.47m on western side	✓
		Other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m = 1.8m	4.1m on eastern side 2.47m on western side	✓
9.1	Rear setback	4m ground floor, 6m any other building level	17.9m to ground level 4.62m to upper level	✓

Land Use

Proposal is for a residential land use in the General Neighbourhood Zone. **Zone Performance Outcome (PO) 1.1** speaks to *predominantly residential development*, with the **Zone Desired Outcome (DO) 1** stating *low rise, low and medium density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.*

The residential land use proposed is low-density and therefore complies with **Zone PO 1.1**.

Building Height

The proposed dwelling comprises of two building levels and a maximum building height of approximately 9.4m. **Zone PO 4.1** states that buildings should contribute to a low-rise suburban character. The corresponding **Zone Designated Performance Feature (DPF) 4.1** seeks dwellings with a maximum height of 2 building levels and 9m.

The Code definition of 'low-rise' means development up to and including two building levels.

The proposal comprising two building levels is considered to satisfy the above PO, however the height of 9.4m exceeds the height requirement by 0.4m. It is noted that even with the additional height above the requirement, the proposal remains low-rise development having regard to the above definition.

In addition, the proposed development has been designed to complement the slope of the land and the majority of earthworks are located in cut. It is therefore concluded that the additional height has limited consequence and will not be to the detriment of the character of the zone or that of the locality. General Neighbourhood Zone PO 4.1 is satisfied.

Setbacks, Design & Appearance

The calculated site coverage for this development is 46% and therefore satisfies **Zone DPF 3.1** which seeks a maximum of 60%.

As demonstrated in Table 1 above, the front setback, the side setback to the western and eastern side boundaries and the rear setback to the northern rear boundary satisfies the **Zone DPF 5.1, Zone DPF 8.1(a), DPF 8.2(b) and DPF 9.1**.

There are multiple windows on the second storey facing the primary street from a habitable room that will encourage passive surveillance and makes a positive contribution to the streetscape. As such, **Design in Urban Areas PO 17.1** is satisfied.

The terrace on the upper level can be accessed through the living room and provides an external outlook of the private open space to the rear of the allotment. **Design in Urban Areas PO 18.1** is satisfied.

A double garage is proposed, being setback 5.5m from the primary street boundary, and has a 4.81m wide opening. This is consistent with the garage requirements set out in **Design in Urban Areas PO 20.1**.

Design in Urban Areas DTS/DPF 20.2 states that *each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:*

- (a) *A minimum of 30% of the building wall is set back an additional 300mm from the building line*
- (b) *A porch or portico projects at least 1m from the building wall*
- (c) *A balcony projects from the building wall*
- (d) *A verandah projects at least 1m from the building wall*
- (e) *Eaves of a minimum 400mm width extend along the width of the front elevation*

- (f) *A minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm*
- (g) *A minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with maximum of 80% of the building elevation in a single material or finish.*

The proposed dwelling has an articulated front elevation. The elevation diagrams demonstrate that at least two different finishes are to be applied to the elevation of the dwelling. In addition, 450mm wide eaves extend along the width of the front elevation.

Design in Urban Areas PO 20.2 is satisfied.

Landscaping and private open space

With respect to the landscaping, **Design in Urban Areas DPF 22.1** requires a minimum 25% of the allotment to comprise soft landscaping, with 30% of the front setback area also comprising soft landscaping. The proposal provides 42.3% and 70.7% respectively to satisfy these requirements.

Space for a medium tree has been proposed within the site plan to satisfy **Urban Tree Canopy Overlay DPF 1.1**.

Traffic Impact, Access and Parking

The proposed dwelling has a double garage under the main roof which will allow for two undercover carparking spaces. Further visitor parking is also available in the driveway, and the driveway width at the primary street boundary is 5.5m.

With respect to parking, **Design in Urban Areas PO 23.1, PO 23.2** and **PO 23.3** are satisfied. There is no street furniture or street trees that might hinder access, which is consistent with **Design in Urban Areas PO 23.4**.

The civil plan was internally referred to Council's Traffic Engineer to review the driveway design, grades and crossover access. The Traffic Engineer has approved the grades and location of the driveway and crossover. This satisfies **Design in Urban Areas PO 8.2, PO 8.3** and **PO 23.5**.

The development therefore has been appropriately designed for the site and provides safe and convenient vehicle access.

Overlooking and Overshadowing

Design in Urban Areas DPF 10.1 states that *upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone:*

- (a) *Are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm*

- (b) *Have sill heights greater than or equal to 1.5m above finished floor level*
- (c) *Incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5m above the finished floor level.*

The elevation plans demonstrate that all upper level windows facing the eastern side boundary have a minimum sill height of 1.7m. The windows facing the northern rear boundary have a sill height of 0.9m, however, the finished floor level of the upper level at the rear of the allotment is similar to the existing finished floor level. Any overlooking and overshadowing impact to the north would be similar to the existing dwelling.

Design in Urban Areas DPF 10.1 is satisfied.

The representor has raised concerns regarding overlooking into their private open space and habitable rooms. However, since the minimum requirements of the Code are achieved, any potential unreasonable overlooking is mitigated.

There are no overshadowing impacts to any adjoining dwellings, noting the public road is located south of the development and much of the dwelling adjacent the eastern neighbour is located in cut.

Environmental Factors

A. Stormwater Management Overlay

For an allotment of 675m², Stormwater Management Overlay requires 4000L retention and 1000L detention (for sites with site perviousness <35%) that is connected to a minimum of 60% of the roof area. The plans provide a 4000L stormwater retention and 1000L detention tank that is plumbed into the dwelling.

B. Hazards (Flooding – Evidence Required) Overlay

Hazards (Flooding – Evidence Required) Overlay DPF 1.1 states that *habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:*

- (a) *The highest point top of kerb of the primary street*
- Or
- (b) *The highest point of natural ground level at the primary street boundary where there is no kerb.*

The finished floor level of the proposed dwelling is higher than the highest point top of kerb. **Hazards (Flooding – Evidence Required) Overlay DPF 1.1** is satisfied.

The applicant has provided amended plans to demonstrate this, and as a result **Hazards (Flooding - Evidence Required) Overlay PO 1.1** is satisfied.

C. Hazards (Flooding) Overlay

There are floodplains located in the proximity of the subject site. For this reason, the subject land is captured by the Hazards (Flooding) Overlay and has been internally referred to Council's Civil Stormwater Engineer to review.

The proposed development is deemed acceptable by Council's Stormwater engineer.

D. Waste Management

Domestic waste can be disposed of in standard bins for which there is storage spaces on the site that are screened from public view. The waste storage complies with **Design in Urban Areas PO 24.1**.

E. Earthworks and fencing

Stepped retaining walls with a maximum combined height of 2m in cut is proposed along the northern rear side boundary and 1m in cut along the eastern side boundary. **Design in Urban Areas DPF 8.1** is not satisfied.

The applicant has stated that the earthworks are informed by topography and flood risk constraints. The proposed dwelling design has informed the earthwork levels. Since the dwelling design is sensitive to the slope, this is deemed acceptable.

A 1.8m high Colorbond good neighbour fence is proposed along the side and rear boundaries. This is consistent with the fencing in the locality. **Design in Urban Areas PO 9.1** is achieved.

F. Significant Tree

There is a significant *Corymbia Citriodora* (Lemon Scented Gum), with a circumference of 3.18m measured at 1m above the natural ground level, located on the adjoining allotment to the east of the subject site. The significant tree is located more than 10m from the existing dwellings on 46 and 48 Mahogany Avenue and is classified as a significant tree.

The proposed development results in a 12.79% encroachment into the Tree Protection Zone (TPZ) of the tree. The level of encroachment is defined as 'major' in accordance with AS4970-200 *Protection of trees on development sites*.

An arborist report has been provided by the applicant and consideration has been given to techniques that would have minimal impact to the tree during and after construction. This includes Cellular Confinement System for the driveway.

The arborist report has been reviewed by Council's Arborist and deemed acceptable.

8. Conclusion

The proposal is for a two-storey detached dwelling and associated retaining walls and fences, all of which are envisaged within the General Neighbourhood Zone.

Albeit, the proposal does exhibit some variances in terms of height and earthworks, the height proposed is not considered excessive nor detrimental to the locality or zone.

The impact of the proposed development on the nearby significant tree is also considered to be reasonable and does not constitute tree-damaging activity.

Having regard to the relevant assessment criteria, the proposal on balance satisfies the Planning and Design Code sufficiently to recommend Planning Consent subject to conditions

9. RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- A. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- B. Development Application Number 23028446, by Mark Kwiatkowski and Nick Ruotolo is granted Planning Consent subject to the following conditions and advisory notes:

Conditions

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in the application herein approved, except where varied by any condition(s) listed below.

Condition 2

Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

Condition 3

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

Condition 4

The entire structure must be finished in an unobtrusive, natural, earthy colour. The paintwork or pre-coloured steel finish must be maintained in good condition at all times. This condition must be complied with within 2 months of the erection of the dwelling.

Reason: To preserve and enhance the amenity of the site and locality.

Condition 5

The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times. All external paintwork must be completed within 2 months of the erection of the dwelling.

Reason: To preserve and enhance the amenity of the site and locality.

Condition 6

All driveways, parking and manoeuvring areas must be formed, sealed with concrete, bitumen or paving, and be properly drained. They must be maintained in good condition thereafter.

Reason: To ensure useable and safe carparking.

Condition 7

Free and unrestricted access must be available to the driveway and this area must be available for parking at all times.

Reason: To ensure appropriate off street carparking is provide at all times.

Condition 8

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.

Condition 9

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.

Condition 10

The upper level windows of the dwelling facing the eastern side boundary must have:

- Minimum window sill heights of 1.5 metres above the upper finished floor level; or
- Fixed and obscured glass to a height of 1.5 metres (minimum) above upper floor level; or
- Obscured glass to a height of 1.5 metres (minimum) above the upper floor level, which are hinged at the top of the window panel and include a wind out mechanism to no greater than 200mm.

The obscured glass must be fitted prior to occupation of the dwelling and maintained at all times thereafter.

Reason: To minimise overlooking of adjoining properties.

Condition 11

A permanently fixed privacy screen must be erected on the eastern elevation of the balcony to a minimum height of 1.7 metres above the finished floor level of the balcony prior to the occupation of the dwelling, and must be maintained as an effective privacy screen thereafter.

Reason: To minimise overlooking of adjoining properties.

Condition 12

The planting and landscaping identified on the site/landscape plan submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the dwelling. Such planting and landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die must be replaced by suitable species.

Reason: To maintain the amenity of the site and locality.

Condition 13

Stormwater generated on the site during the construction period and for the life of the development, must 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.*

Condition 14

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.*

Condition 15

All recommendations as identified in page 11-13 of the Arborist report titled 'Development Impact Assessment Report' authored by Lawrence Skipworth-Michell. LSM Tree Advice dated 20 September 2023 to be adopted. Development should be in accordance with the recommendations of the report.

Reason: *To prevent 'tree damaging activities' occurring to the significant tree.*

Advisory Notes**General Notes**

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent Notes

Advisory Note 1

This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

Advisory Note 2

The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

Advisory Note 3

The applicant/owner is advised that any driveway crossover works on the Council verge as shown on the stamped plans, have 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 stormwater connections, 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.

Advisory Note 4

You are advised that it is an offence to undertake *tree damaging activity* in relation to a regulated or significant tree without the prior consent of Council.

Tree damaging activity means:

- The killing or destruction of a tree; or
- The removal of a tree; or
- The severing of branches, limbs, stems or trunk of a tree; or
- The ringbarking, topping or lopping of a tree; or
- Any other substantial damage to a tree, (including severing or damaging any roots),

and includes any other act or activity that causes any of the foregoing to occur, but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

Advisory Note 5

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.

Advisory Note 6

This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

Advisory Note 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. Further information can be obtained from the Legal Services Commission at www.lsc.sa.gov.au.

Advisory Note 8

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).

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.

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.

Advisory Note 9

Please be advised that your application involves work that may impact on the stability of neighbouring land. Pursuant to **Section 139 of the Planning, Development and Infrastructure (PDI) Act 2016**, you are reminded of your obligations to:

- ☒ 20 business 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 and carry out work in accordance with the **Section 139 of the Act.**

Advisory Note 10

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**.

Attachments

1.	Aerial Photo	22
2.	Application snapshot	23
3.	Plans.....	27
4.	Planning report.....	57
5.	Representations	77
6.	Response to representations	80

Report Authorisers

Rhiya Singh Planning Officer	8397 7244
Nathan Grainger Manager City Development	8397 7200
Michael Pereira General Manager Community Services	8397 7377

Item 4.1

Attachment 1

**Contact Details**

571 Montague Road, Modbury SA 5092
T (08) 8397 7444
TTY (08) 8397 7340
E customerservice@cttg.sa.gov.au
W www.cttg.sa.gov.au

**Disclaimer:**

© Copyright 2020. All rights reserved. All works and information displayed are subject to Copyright. For reproduction or publication, written permission must be sought from the City of Tea Tree Gully. Although every effort has been made to ensure the accuracy of the information displayed, the City of Tea Tree Gully, its agents, officers and employees make no representations, either express or implied, that the information displayed is accurate or fit for any purpose and expressly disclaims all liability for loss or damage arising from reliance upon the information displayed.

Development Locations

Location 1

Location reference

46 MAHOGANY AV DERNANCOURT SA 5075

Title Ref

CT 5079/168

Plan Parcel

D7138 AL61

Additional Location Information**Council**

CITY OF TEA TREE GULLY

Zone Overlays

Zones

- General Neighbourhood

Sub-zones

(None)

Overlays

- Urban Tree Canopy
- Water Resources
- Airport Building Heights (Regulated)
- Affordable Housing
- Hazards (Flooding)
- Hazards (Flooding - Evidence Required)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Traffic Generating Development

Variations

(None)

Application Contacts

Applicant(s)

Stakeholder info

Mr Mark Kwiatkowski

Tel. 0499933311

mark@adelaideplanning.com.au

Stakeholder info

Mr Nick Ruotolo

46 MAHOGANY AVENUE

DERNANCOURT

SA

5075

naj_ruotolo@bigpond.com

Contact

Stakeholder info

Mr Mark Kwiatkowski
Tel. 0499933311
mark@adelaideplanning.com.au

Invoice Contact**Stakeholder info**

Mr Nick Ruotolo
46 MAHOGANY AVENUE
DERNANCOURT
SA
5075
naj_ruotolo@bigpond.com

Invoice sector type**Land owners****Stakeholder info**

Mr Nick Ruotolo
46 MAHOGANY AVENUE
DERNANCOURT
SA
5075
naj_ruotolo@bigpond.com

Nature Of Development**Nature of development**

CONSTRUCTION OF TWO STOREY DETACHED DWELLING

Development Details**Current Use**

Residential

Proposed Use

Residential

Development Cost

\$600,000.00

Proposed Development Details

CONSTRUCTION OF TWO STOREY DETACHED DWELLING

Element Details

You have selected the following elements

New housing - \$600,000.00

Regulated and Significant Trees

Does the application include any works that will result in damage (includes impacts to roots and pruning) or removal to regulated or significant tree(s) on the site or neighbouring land?

Yes

- No. of Regulated Trees Damaged: 1

- No. of Significant Trees Damaged: 0
- No. of Regulated Trees Removed:
- No. of Significant Trees Removed:

Is this application for a tree located on a neighbour's property?

No

The Urban Tree Canopy Overlay applies to this application

Elect one of the following options:

Applicant has opted to plant new trees or retain existing trees

- No. of Small Trees planted/retained:
- No. of Small Trees to be paid:
- No. of Medium Trees planted/retained:
- No. of Medium Trees to be paid:
- No. of Large Trees to be planted/retained:
- No. of Large Trees to be paid:

New House

Is there a brush fence within 3m of the proposed house?

No

Are you proposing to add or modify a driveway?

Yes

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?

No

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?

No

Consent Details

Consent list:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at City of Tea Tree Gully

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?

Relevant Authority

Building Consent

Do you wish to have your building consent assessed in multiple stages?

No

Apply Now?

No

Consent Order

Recommended order of consent assessments

- 1. Planning Consent

Do you have a pre-lodgement agreement?

No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
23- 297_ SD1_ P1 - (Site & Drainage Plan).pdf	Engineering Certification	26 Sep 2023 1:57 PM
APDS Planning Statement - 46 Mahogany.pdf	Planning Report	26 Sep 2023 1:57 PM
46 Mahogany Ct, Dernancourt.pdf	Technical Report - Regulated Trees	26 Sep 2023 1:57 PM
Stormwater Attachments - Planning (SSD & RWT). pdf	Engineering Certification	26 Sep 2023 1:57 PM
RUOTOLO PLANNING ISSUE B.pdf	Elevations	26 Sep 2023 1:57 PM

Application Created User and Date/Time

Created User

epn.kwiatkow@sa.gov.au

Created Date/Time

26 Sep 2023 1:57 PM

NOTE: BENCH/FLOOR LEVELS, STORMWATER DRAINAGE AND RETAINING WALLS SHOWN INDICATIVELY ONLY, REFER TO ENGINEER CIVIL AND SITEWORKS PLAN

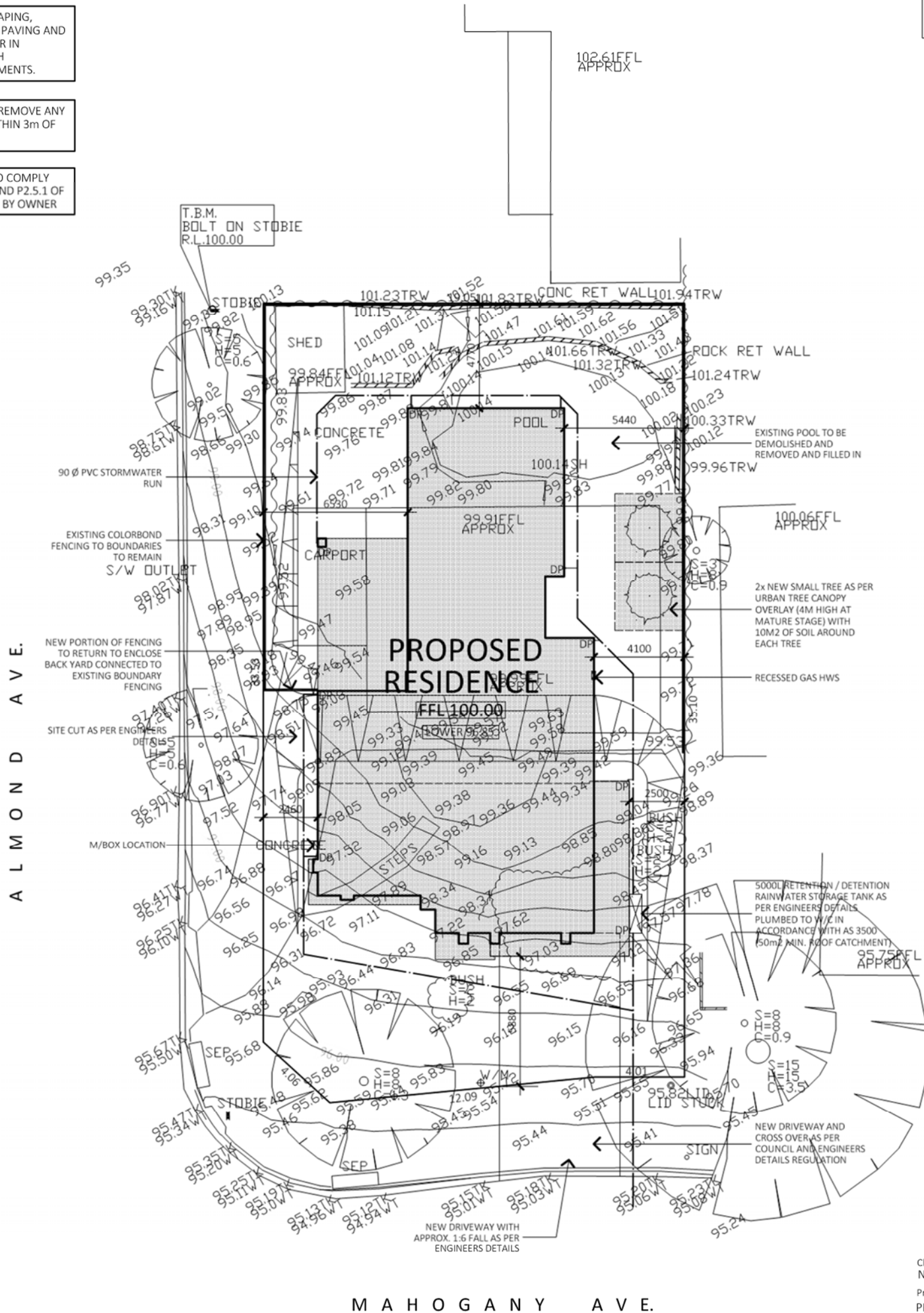
NOTE: BOUNDARY TO BE CONFIRMED VIA PEGGING PLAN CONDUCTED BY LICENSED SURVEYOR - BY OWNER

NOTE: ALL LANDSCAPING, RETAINING WALLS, PAVING AND FENCING BY OWNER IN ACCORDANCE WITH COUNCIL REQUIREMENTS.

NOTE: OWNER TO REMOVE ANY BRUSH FENCES WITHIN 3m OF DWELLING.

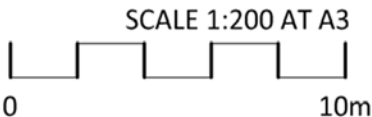
EXTERNAL STEPS TO COMPLY WITH PART 3.9.1 AND P2.5.1 OF BCA AND AS4586 - BY OWNER

SITE CALCULATIONS	
SITE AREA - 675.0M2	
SOFT LANDSCAPING - 42.3%	(285.8M2)
PRIVATE OPEN SPACE - 34.6%	(233.8M2)
SITE COVERAGE - 38.9%	(262.9M2)



SITE PLAN
SCALE 1:200

SITE NOTE
NO BOUNDARIES WERE PROVIDED ON SURVEY AND ARE ASSUMED BASED ON CERTIFICATE OF TITLE. ALL ANGLES AND LOCATION IN RELATION TO BOUNDARIES NEED TO BE CONFIRMED BY LICENSED SURVEYOR THIS OFFICE TAKES NO RESPONSIBILITIES FOR ANY DISCREPANCIES OR ERRORS



Client:
N. & A. RUOTOLO

Project:
PROPOSED NEW RESIDENCE

At:
46 MAHOGANY AVE,
DERRANCOURT

Sheet:
1 of 5

© COPYRIGHT. These drawings are copyright and remain the exclusive property of Design House SA. Reproduction of the whole or any part of these drawings without written permission is prohibited.

Designer:
CS

Drawn by:
CS

Date:
4OCT23

Issue:
C

Job Number:
1133



PLANNING ISSUE

NOTES

ALL KITCHEN & WET AREA LAYOUTS SHOWN ON THIS PLAN ARE INDICATIVE ONLY. REFER TO JOINERY PLANS FOR CORRECT LAYOUTS AND PLUMBING POSITIONS

PROVIDE ELECTRICAL CONDUIT IN SLAB TO KITCHEN ISLAND BENCH WHERE APPLICABLE

CONCRETE SLABS BELOW MAIN FLOOR TILING TO BE REINFORCED AS PER ENGINEER'S RECOMMENDATION

2340 HIGH INTERNAL DOORS TO HAVE TIMBER FRAME OPENING OF 2410

● HARDWIRED SMOKE DETECTOR WITH BATTERY BACK-UP INSTALLED IN ACCORDANCE WITH AS 3786. SMOKE ALARMS COMPLYING WITH AS 3786 TO BE INTERCONNECTED IN ACCORDANCE WITH BCA 3.7.2.2

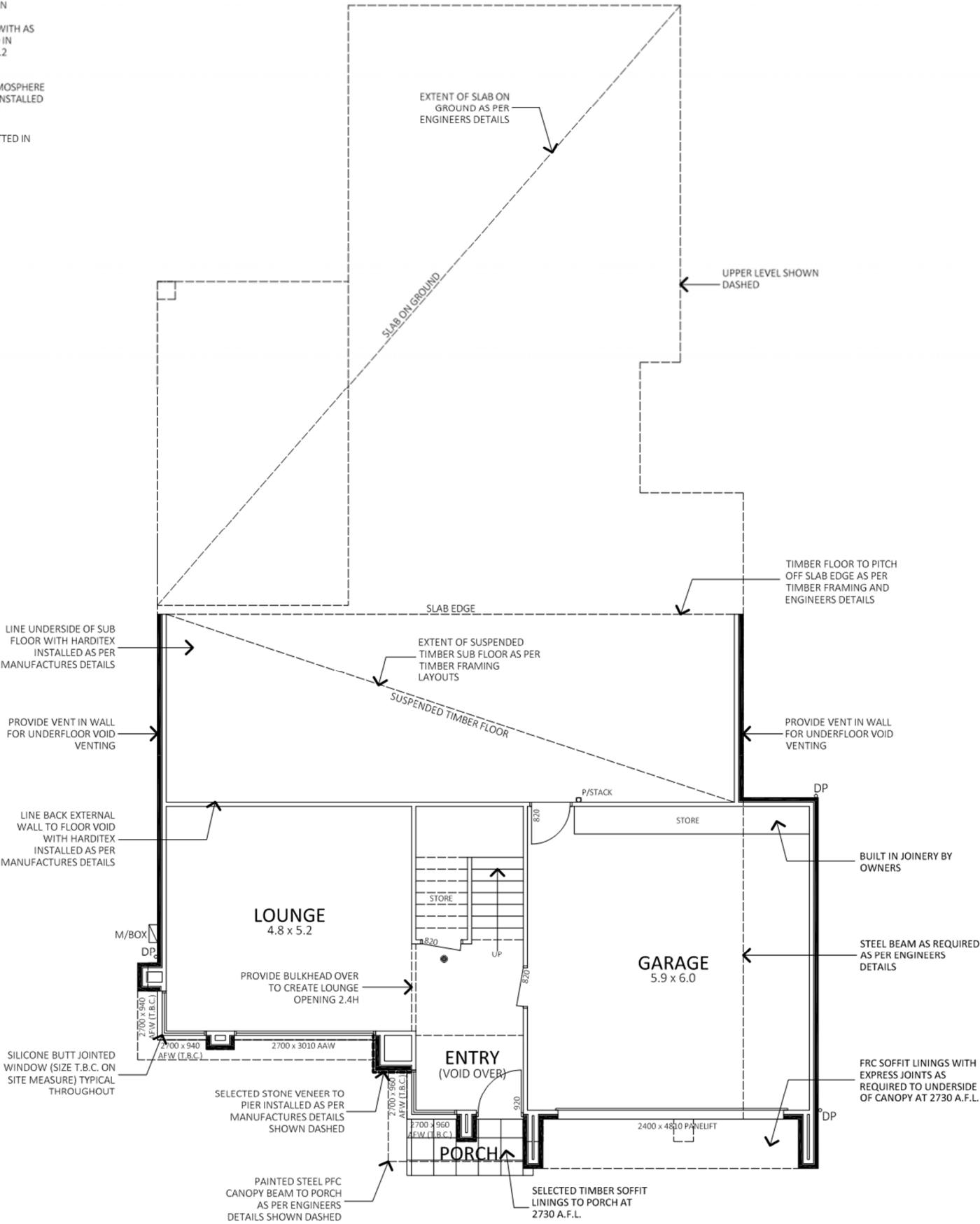
⊠ EXHAUST FAN DUCTED TO ATMOSPHERE OR VENTILATED ROOF SPACE INSTALLED ACCORDANCE WITH AS 1668.2

REMOVABLE DOOR HINGES FITTED IN ACCORDANCE WITH BCA VOL.2 PART 3.8.3.3

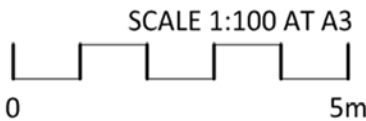
S/L SKYLIGHT OVER

R/A ROOF ACCESS HATCH

DP 75 Ø ROUND PVC DOWNPIPES (PAINTED)



GROUND FLOOR PLAN
SCALE 1:100



Client:
N. & A. RUOTOLO
Project:
PROPOSED NEW RESIDENCE
At:
46 MAHOGANY AVE.
DERNANCOURT
Sheet:
2 of 5

© COPYRIGHT. These drawings are copyright and remain the exclusive property of Design House SA. Reproduction of the whole or any part of these drawings without written permission is prohibited.

Designer:
CS
Date:
4OCT23
Issue:
C
Drawn by:
CS
Job Number:
1133

PLANNING ISSUE

NOTES

ALL KITCHEN & WET AREA LAYOUTS SHOWN ON THIS PLAN ARE INDICATIVE ONLY. REFER TO JOINERY PLANS FOR CORRECT LAYOUTS AND PLUMBING POSITIONS

PROVIDE ELECTRICAL CONDUIT IN SLAB TO KITCHEN ISLAND BENCH WHERE APPLICABLE

CONCRETE SLABS BELOW MAIN FLOOR TILING TO BE REINFORCED AS PER ENGINEER'S RECOMMENDATION

2340 HIGH INTERNAL DOORS TO HAVE TIMBER FRAME OPENING OF 2410

● HARDWIRED SMOKE DETECTOR WITH BATTERY BACK-UP INSTALLED IN ACCORDANCE WITH AS 3786. SMOKE ALARMS COMPLYING WITH AS 3786 TO BE INTERCONNECTED IN ACCORDANCE WITH BCA 3.7.2.2

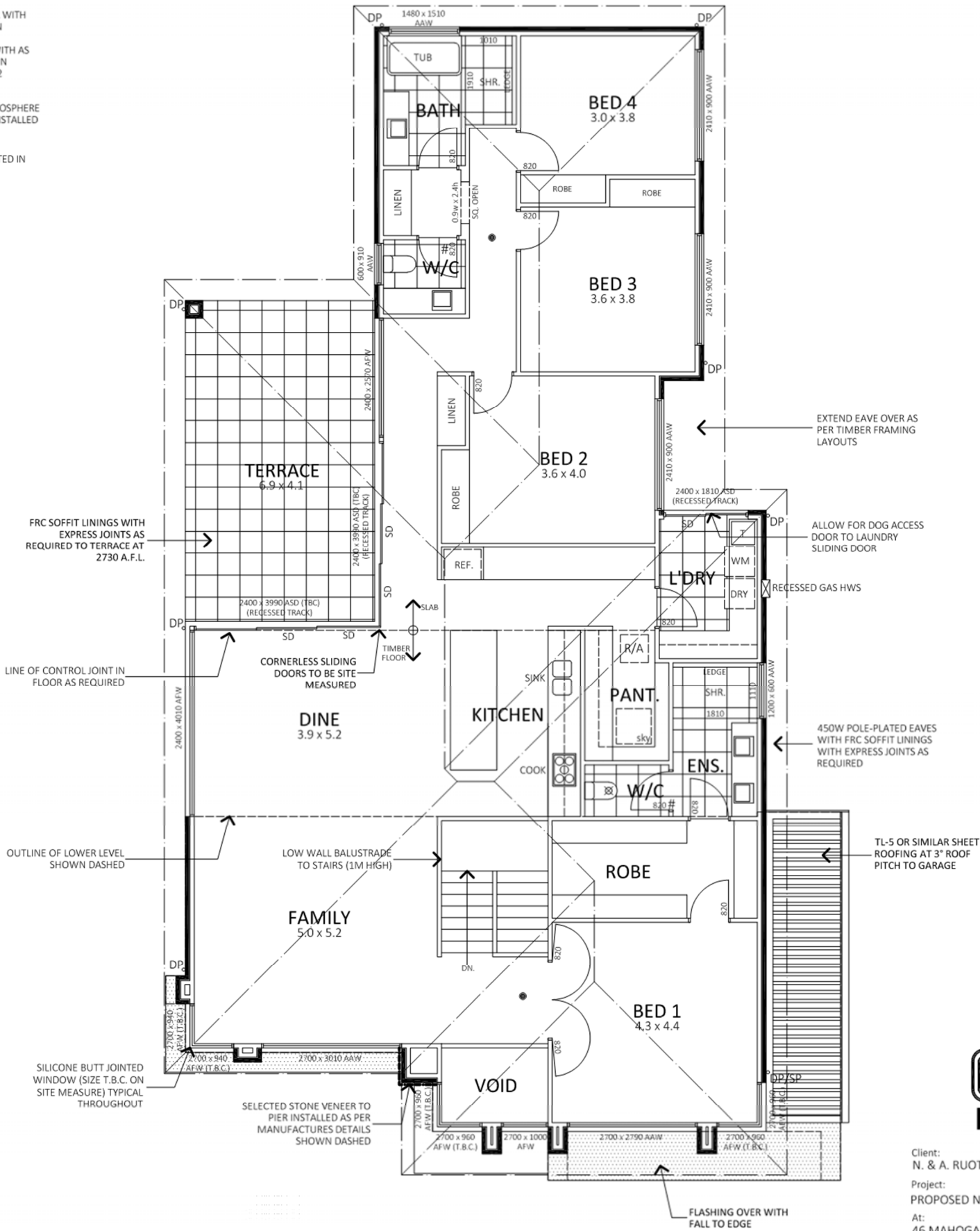
⊗ EXHAUST FAN DUCTED TO ATMOSPHERE OR VENTILATED ROOF SPACE INSTALLED ACCORDANCE WITH AS 1668.2

REMOVABLE DOOR HINGES FITTED IN ACCORDANCE WITH BCA VOL.2 PART 3.8.3.3

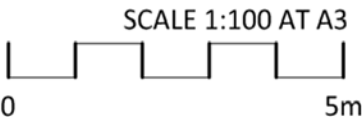
S/L SKYLIGHT OVER

R/A ROOF ACCESS HATCH

DP 75 Ø ROUND PVC DOWNPIPES (PAINTED)



FIRST FLOOR PLAN
SCALE 1:100



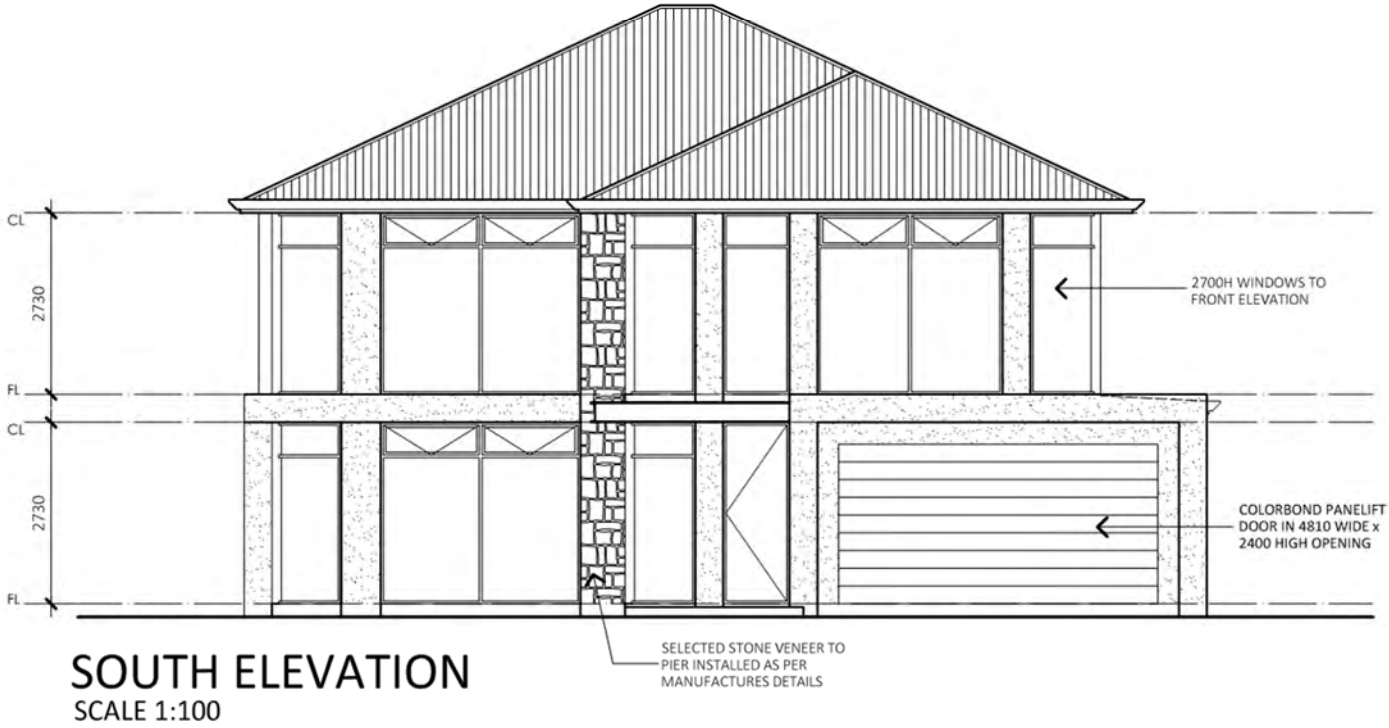
Client:
N. & A. RUOTOLO
Project:
PROPOSED NEW RESIDENCE
At:
46 MAHOGANY AVE.
DERNANCOURT
Sheet:
3 of 5

AREAS	
GROUND LIVING	44.9
UPPER LIVING	221.1
GARAGE	43.9
PORCH	2.8
TERRACE	28.2
TOTAL	340.9

© COPYRIGHT. These drawings are copyright and remain the exclusive property of Design House SA. Reproduction of the whole or any part of these drawings without written permission is prohibited.

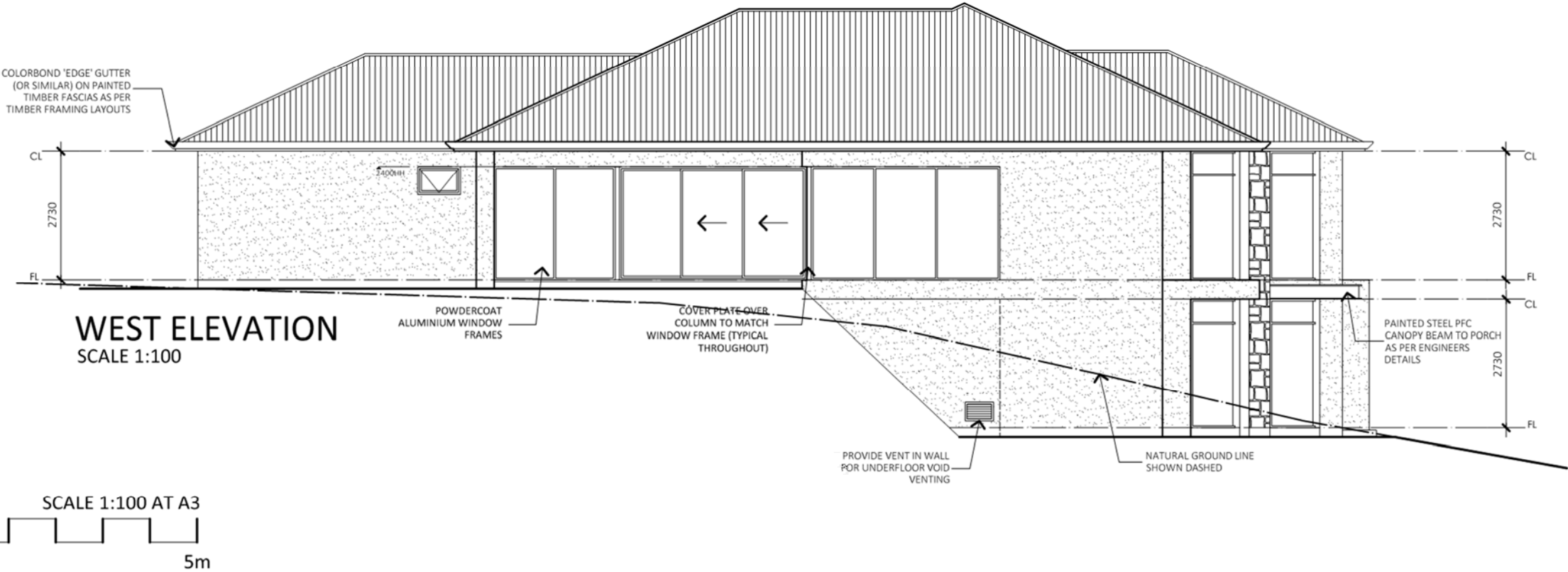
Designer: CS
Date: 4OCT23
Issue: C
Drawn by: CS
Job Number: 1133

PLANNING ISSUE



PERSPECTIVE
THIS IMAGE IS AN ARTIST IMPRESSION ONLY AND IS SUBJECT TO CHANGES THAT MAYBE REQUIRED FOR CONSTRUCTION

FRONT ELEVATION NOTE:
DTS/DPF 20.2 FINISHES B, E, G
MATERIALS LIST:
RENDER - DULUX NATURAL WHITE
STONE - COASTAL CLADDING SANDSTONE
GARAGE DOOR - MONUMENT
WINDOWS - POWDERCOATED MONUMENT
ROOF - COLORBOND MONUMENT

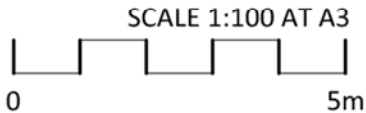
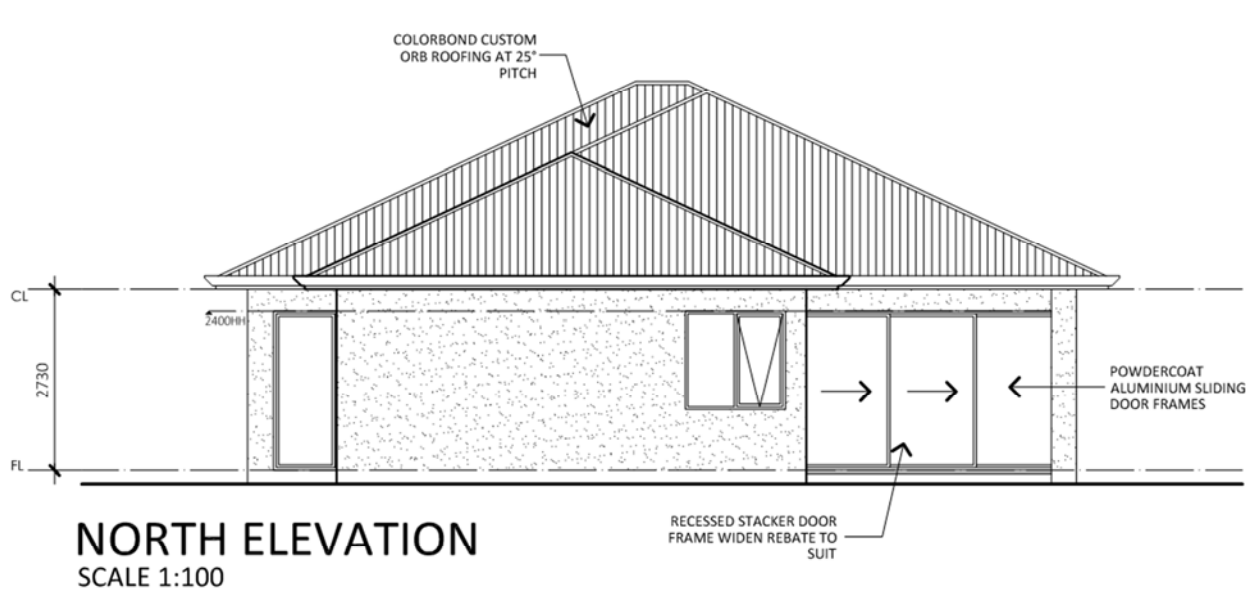
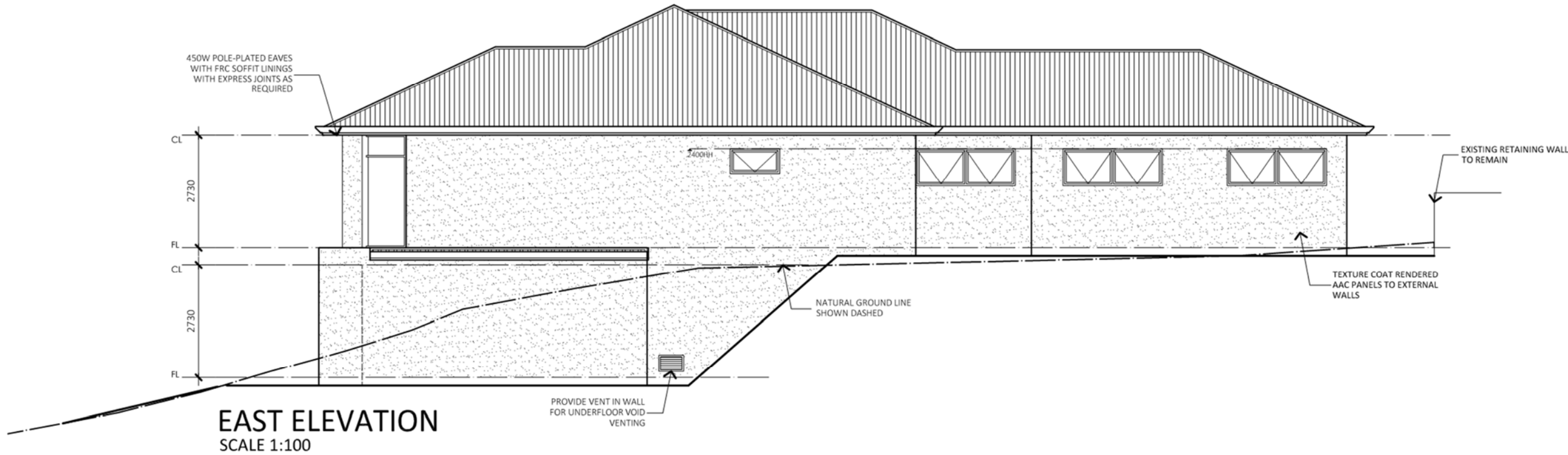


Client:
N. & A. RUOTOLO
Project:
PROPOSED NEW RESIDENCE
At:
46 MAHOGANY AVE.
DERNANCOURT
Sheet:
4 of 5

© COPYRIGHT. These drawings are copyright and remain the exclusive property of Design House SA. Reproduction of the whole or any part of these drawings without written permission is prohibited.

Designer: CS
Date: 4OCT23
Issue: C
Drawn by: CS
Job Number: 1133

PLANNING ISSUE

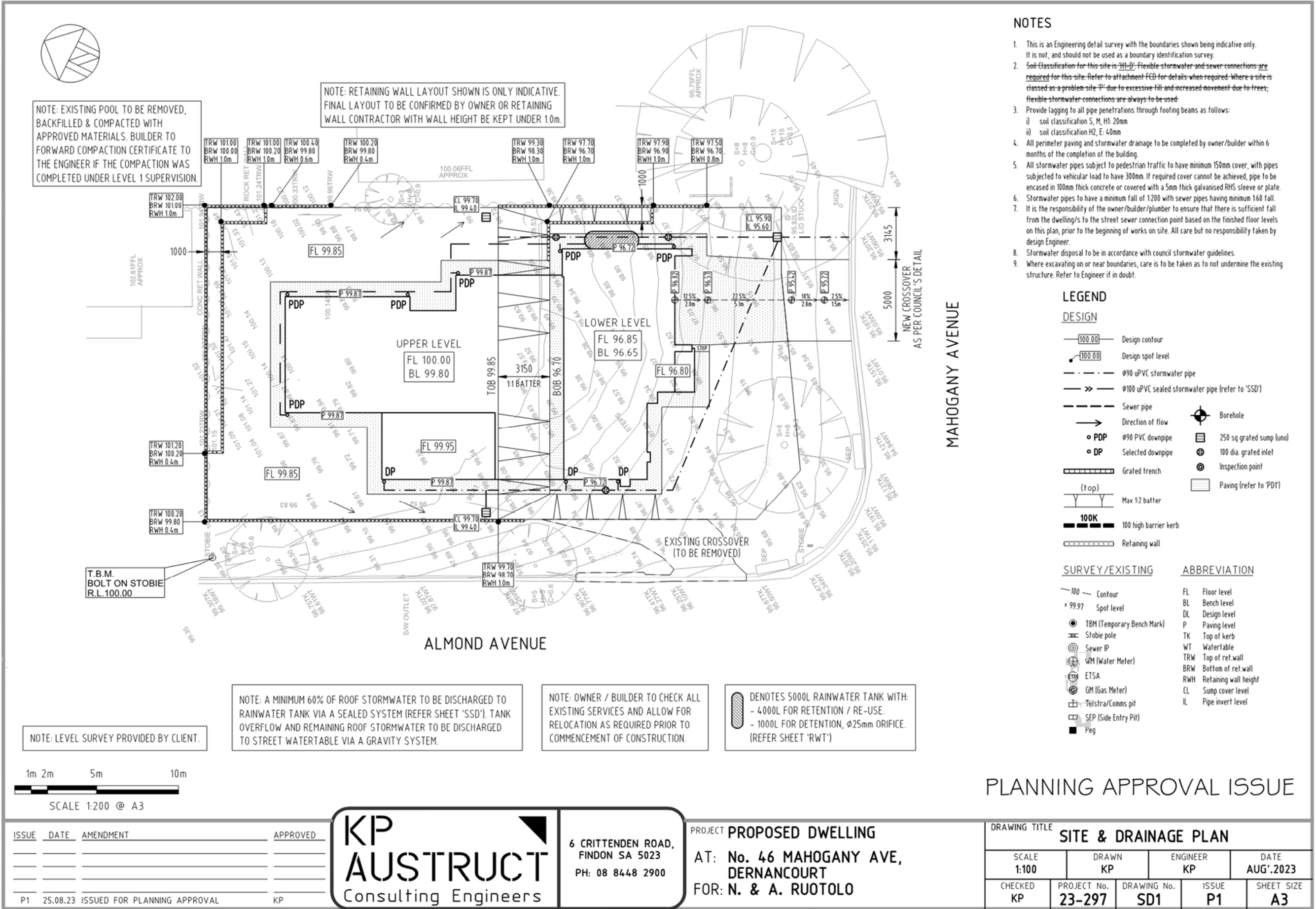


Client:
N. & A. RUOTOLO
Project:
PROPOSED NEW RESIDENCE
At:
46 MAHOGANY AVE.
DERNANCOURT
Sheet:
5 of 5

© COPYRIGHT. These drawings are copyright and remain the exclusive property of Design House SA. Reproduction of the whole or any part of these drawings without written permission is prohibited.

Designer:	Drawn by:
CS	CS
Date:	
4OCT23	
Issue:	Job Number:
C	1133

PLANNING ISSUE





Development Impact Assessment Report



Date:	20 September 2023
Subject Trees:	X1 <i>Corymbia citriodora</i>
Address:	46 Mahogany Ct, Dernancourt, 5075
Prepared for:	Adelaide Planning & Development Solutions/AB Build Advisory
Completed by	Lawrence Skipworth-Michell (Grad. Cert. Arb, Dip. Arb)


LSM TREE
ADVICE

Table of Contents

Client Brief	3
Visual Tree Assessment Methods	3
Information Provided	3
Executive Summary	4
Encroachment	4
Tree Location	5
Tree Data and Observations	6
Tree Retention Value.....	7
Summary Table.....	7
Tree Retention/Significance	7
Plan drawing	8
Consideration of AS4970-2009 3.3.4	9
Assessment	10
Encroachment.....	10
Impact.....	10
Impact Reduction and Cellular Confinement Systems.....	11
Conclusion	13
Recommendations	13
Tree Image for Pruning.....	14
Appendix A – TPZ Fencing.....	15
Appendix B- Ground Protection	16
<i>Using cellular confinement systems for ground protection</i>	17
Appendix C - Encroachment.....	18
Appendix D – Compliance.....	19
Appendix E - Signage	21
Appendix F	22
Appendix G	23
<i>Bibliography</i>	24

info@lsmtreeadvice.com.au

Page 2 of 24



Client Brief

LSM Tree advice was engaged by Adelaide Planning & Development Solutions/AB Build Advisory to conduct an impact assessment report on a mature tree located at the front of 48 Mahogany Ave, for a proposed development at 46 Mahogany Ave Dernancourt, 5075.

The below criteria were considered:

- Assess health and structure of the tree.
- Provide tree data and calculate tree protection zones.
- Assess the tree against the **Planning, Development & Infrastructure Act 2016 SA**
- Assign the tree a retention rating.
- Make comments on encroachment and impact to the tree in accordance with **AS4970-2009** Protection of trees on development sites.
- Add discussion, findings and recommendations.

Visual Tree Assessment Methods

Ground based visual assessments are conducted using a visual tree assessment (level 2) within the 'Fulcrum' application.

Items used to collect data include a diameter tape, a sounding hammer, and smart phone applications.

Information Provided

- Surveys Plans
- Concept Plans



Executive Summary

LSM Tree advice was engaged by Adelaide Planning & Development Solutions/AB Build Advisory to conduct an impact assessment report on a mature tree located at the front of 48 Mahogany Ave, for a proposed development at 46 Mahogany Ave Dernancourt, 5075. Our assessment has determined legislative status of the tree, projected TPZ encroachments, tree protection methods, and has commented on impact reduction.

The tree is identified as a mature *Corymbia citriodora* - Lemon Scented Gum with 'Good' health and 'Fair' structure, due to previous branch failure. The tree has good form although its large spreading crown does protrude into the powerline infrastructure. The tree is expected to have a medium to high safe useful life expectancy of up to 40 years and beyond depending on environmental conditions.

Minor crown lift pruning and reduction may be required to allow enough space for the double story façade of the proposed dwelling.

The tree is classified as a 'Significant' tree under *Planning, Development and Infrastructure Act 2016*.

Encroachment

- No SRZ encroachment.
- TPZ encroachment 12.79%
- The level of encroachment is defined as 'Major' in accordance with AS4970-2009 Protection of trees on development sites.

Hydro-vac work will determine the presence and volume of roots within the proposed driveway area. A further assessment can be performed by the project Arborist when root locations are known (if required). Root pruning will be kept to minimum and only performed as a last resort, as most of the roots plate is expected to be within the area of the proposed driveway. If the tree is afforded adequate protection prior to any works and tree friendly construction methods it should be able to tolerate the works.

Our recommendations are provided based on the tree's current health and adaptation with a view to reasonable development being achieved. If recommendations provided are followed then the tree is unlikely to be negatively impacted by the proposed development.

Thank you for the opportunity to provide this report. Please contact me if there are any further questions.

Lawrence Skipworth-Michell

L. Skipworth-Michell
Consulting Arborist

AQF 8 – Graduate Certificate Arboriculture

AQF 5 – Diploma Arboriculture

VALID - Accredited Tree Risk Assessor

info@lsmtreeadvice.com.au

Page 4 of 24



Tree Location

The overhead image below shows the growing position of the subject tree.



Image 1 - overhead Image from SA Planning Atlas.


LSM TREE
ADVICE

Tree Data and Observations


Components	Measurement/comment
Species	<i>Corymbia citriodora</i> – Lemon Scented Gum
Circumference	3.18m
DBH (Diameter at breast height) 1.4m	0.97m
Root Buttress Diameter	1.04m
Health Rating	Good
Structure Rating	Fair, due to a previous branch failure
Form Rating	Good
Age Class	Mature
Vigour	Good
Approx Tree Height	16m
Safe Useful Life Expectancy	Medium - High 15-40+ years
Significant Defects Present	No
Species and location combination	Crown growing through powerlines so pruning will have to occur at some point
VALID – Active Basic Risk Assessment	Acceptable
Tree Protection Zone	11.64m
Structural Root Zone	3.36m
Legislative Control	The tree is located within 10m of a garage with a decked area on top. If this is counted as a dwelling the tree is 'Exempt'. If not the tree is 'Significant'.
Tree Image	

Table 1

info@lsmtreeadvice.com.au

Page 6 of 24



Tree Retention Value

Summary Table

Tree Number	Legislative Status	Exemptions	Tree Vigour & Condition	Retention Value	Retention Score
001	Significant	Potentially exempt but the tree is to be retained, so for the purposes of this report it will be treated as Significant	Good & Good	High	MGVG - 10

Table 2

The SRIV methodology has been used for assessing this value – Sustainable Retention Index Value (SRIV). The matrix is available in Appendix F.

IACA, 2010, *Sustainable Retention Index Value (SRIV)*, Version 4, A visual method of objectively rating the viability of urban trees for development sites and management, based on general tree and landscape assessment criteria, Institute of Australian Consulting Arboriculturists, Australia.

The subject tree in this report has been rated as follows:

Vigour Class and Condition Class		
Good Vigour & Good Condition (GVG)		Able to be retained if sufficient space available for above and below ground for future growth. No remedial work or improvement to growing environment required. Maybe subject to high vigour. Retention potential – Medium -Long term
(M)Mature	MGVG - 10	Index Value 10 Retention potential – Medium - Long-term

Table 3

Tree Retention/Significance

To assess retention the IACA Significance of a Tree, Assessment Rating System (STARS) is used.

This rating system will assist in the planning processes for proposed works, above and below ground where trees are to be retained on or adjacent to a development site. The system uses a scale of *High*, *Medium* and *Low* significance in the landscape.

Our assessment of the tree has applied a rating of '**High**'.

Consider for Retention (High) – These trees are considered important for retention and should be retained and protected. Design modification or re-location of buildings should be considered to accommodate the setbacks as prescribed by Australian Standard AS4970 Protection of trees on development sites.

The matrix is available in Appendix G.



Plan drawing

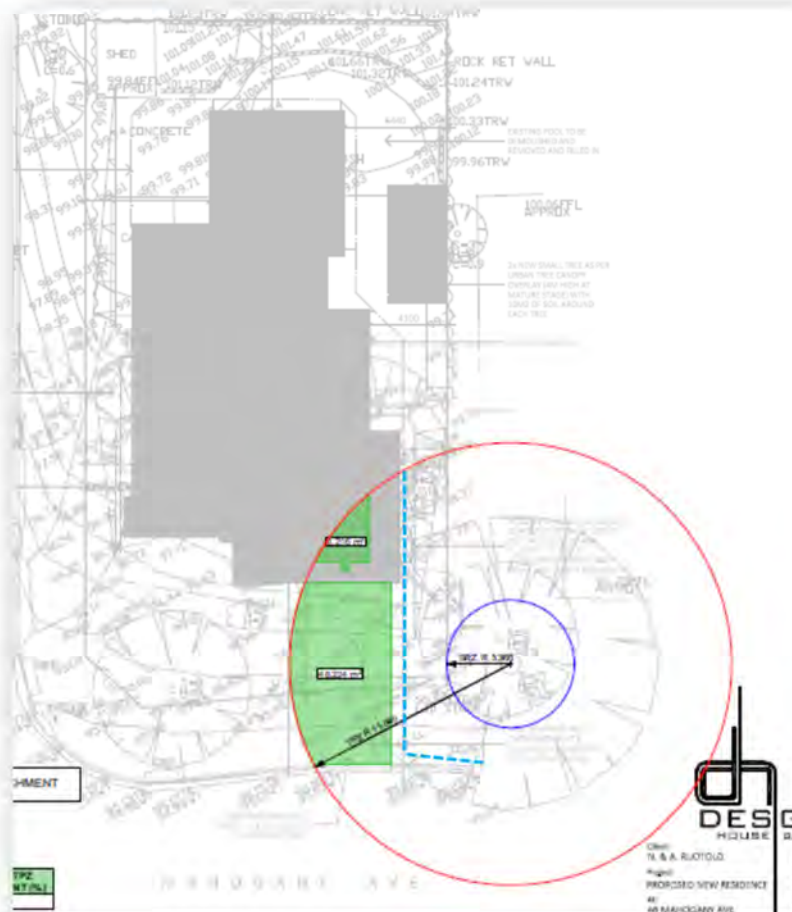


Figure 1

- No SRZ encroachment.
- TPZ encroachment 12.79%
- The level of encroachment is defined as 'Major' in accordance with AS4970-2009 *Protection of trees on development sites*.
- Dashed blue line indicates the recommended position of the TPZ fencing which should be erected prior to any works commencing.



Consideration of AS4970-2009 3.3.4

3.3.4 (a) Location and distribution of roots to be determined through non-destructive investigation methods.'

Various methods can be used including pneumatic, hydraulic, hand digging and water pressure/hydro-vac. Regardless of methods used, roots must not be cut, bruised, frayed during the process. Any exposed roots should be kept moist and backfilled as soon as possible. If large diameter roots (150mm+) are encountered then the project Arborist should be contacted to provide advice on whether root pruning is appropriate.

3.3.4 (b) The potential loss of root mass resulting from the encroachment: number and size of roots.'

Root disturbance is expected to be minimal as hydro-vacating will determine the location of roots. A further assessment of roots can be done when their location is known. This can inform installation of the driveway and whether any pruning is required. Any pruning should be performed by the project Arborist and documented to avoid 'tree damaging activity'.

3.3.4 (c) Tree species and tolerance to root disturbance

The tree is in good condition and should tolerate the construction as long as recommendations are followed in this report.

3.3.4 (d) 'Age, vigour and size of the tree.'

The tree appears to be in good condition and able to thrive, suggesting that it can handle the proposed level of disturbance as long as it is minimal. Healthy trees are able to adapt to changes such as pruning, demolition, soil changes, and some compaction by adjusting their physiology. Healthy trees will be better able to adapt to new conditions after the development is completed.

3.3.4 (e) 'Lean and stability of the tree.'

Encroachment and impacts are not expected to affect lean or stability of the tree.

3.3.4 (g) 'The presence of existing or past structures or obstacles affecting root growth.'

Existing driveways and dwellings/garages have been in place for 40 years or more and the tree has still reached maturity meaning that the root system has adapted to the surrounding infrastructure.

3.3.4 (h) 'Design factors.'

Some roots maybe encountered during construction and may require pruning. Low impact methodologies such as non-destructive excavation have been recommended to ensure minimal impact to the tree along with a cellular confinement system is used as a sublayer to the driveway which should had a permeable surface.



Assessment

The tree is identified as a mature *Corymbia citriodora* - Lemon Scented Gum with 'Good' health and 'Fair' structure, due to previous branch failure. The tree has good form although its large spreading crown does protrude into the powerline infrastructure. The tree is expected to have a medium to high safe useful life expectancy of up to 40 years and beyond depending on environmental conditions.

Minor crown lift pruning and reduction may be required to allow enough space for the double story façade of the proposed dwelling.

The tree is classified as a 'Significant' tree under *Planning, Development and Infrastructure Act 2016*.

Encroachment

- No SRZ encroachment.
- TPZ encroachment 12.79%
- The level of encroachment is defined as 'Major' in accordance with AS4970-2009 Protection of trees on development sites.

Impact

- The tree should be afforded as much isolation via TPZ fencing as possible – This will have to be in proportion to site conditions.
- TPZ fencing should be erected prior to any works starting with TPZ signage clearly installed so the projected Arborist can be contacted for any issues or questions.
- Non-destructive (hydro-vac) excavation will have to occur in the area of the proposed driveway to locate roots.
- Roots with a diameter of 150mm Ø or over should be retained wherever possible.
- If larger roots are encountered (≥150mm Ø) and are conflicting with the required work then the Arborist should be contacted in relation to whether pruning is appropriate.
- No root pruning should occur within the SRZ.
- Tree friendly construction methods will need to be a requirement for the driveway installed around the tree within the TPZ area.
- The driveway construction in this area should be cellular confinement system, comprising of a base geotextile on the existing subgrade, geocell filled with 4/20 or 20/40 aggregate, top separation geotextile, permeable bedding layer, and permeable block paving system.
- Permeable surfaces within the TPZ should also be a consideration to continue the tree to have access to oxygen and water.
- Supplementary water should be provided to the tree during hot dry periods and to minimise shock during periods of high volume construction activity.



Impact Reduction and Cellular Confinement Systems

Cellular confinement systems can be used for ground protection in areas where tree root damage would be caused by digging into the ground to lay a conventional sub-base for new hard surfacing and where the long-term viability of trees could be harmed if soil that they may depend upon is at risk of becoming compacted. Compaction can occur for many reasons but vehicles passing over unreinforced ground are particularly damaging, although repeated foot traffic can also be detrimental to soil structure.

Roads and pavements cannot be placed on an excessively yielding subgrade because if the ground moves the surface will deform or crack after a few load repetitions. To create a lasting load-supporting surface the standard engineering practice is to remove the upper layer of soil and lay a compacted sub-base that is capped by a durable wearing course

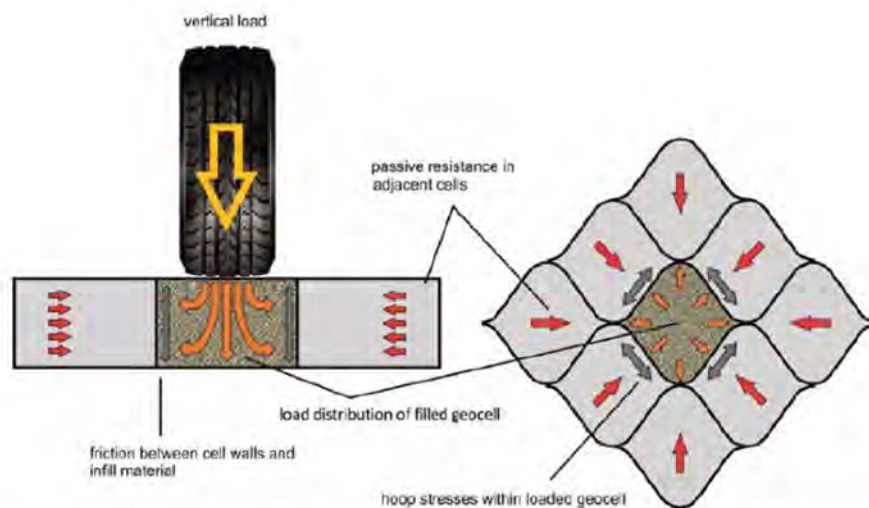


Figure 3: This diagram illustrates how forces are dispersed when a vertical load is applied to a cellular confinement system (image courtesy of Presto Geosystems/Greenfix).

Figure 2

Porous asphalt is an open-graded aggregate bound with asphalt cement to produce a permeable surface that allows water and air to pass through. It is probably the best surface to use over cellular confinement systems because it tends not to have cracking or pothole formation problems. Also, it provides a neat finish that looks very similar to standard tarmac.



LSM TREE
ADVICE

POROUS ASPHALT WEARING COURSE

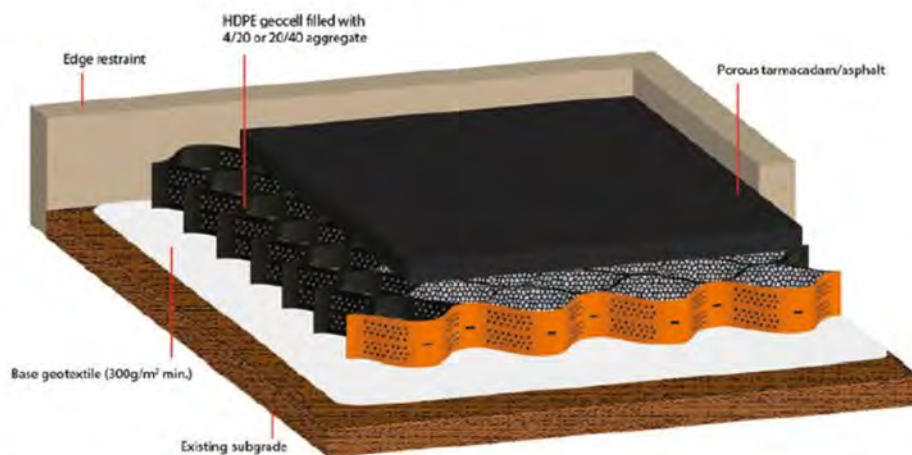


Figure 6: The typical composition of a porous asphalt surface with a geocell sub-base [image courtesy of Core LP].

Figure 3

PERMEABLE BLOCK PAVING WEARING COURSE

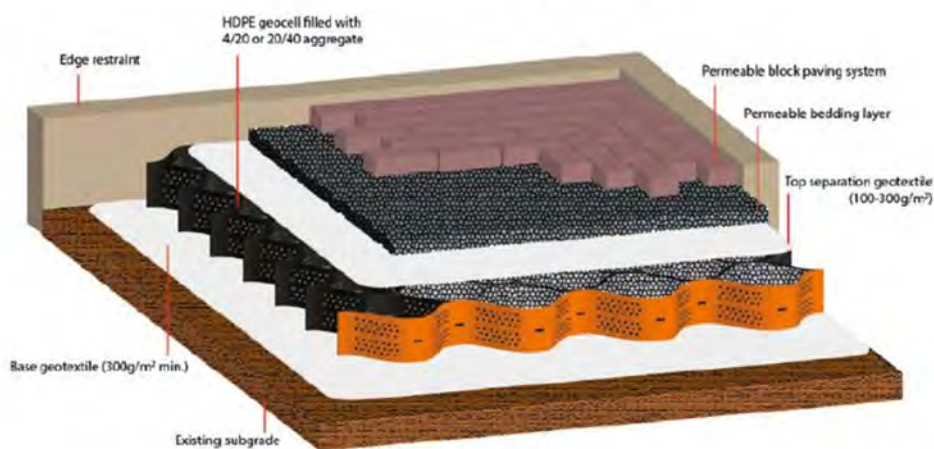


Figure 8: The recommended specification when installing permeable block paving above a cellular confinement system [image courtesy of Core LP].

Figure 4

info@lsmtreeadvice.com.au

Page 12 of 24

**LSM** TREE
ADVICE

Conclusion

Hydro-vac work will determine the presence and volume of roots within the proposed driveway area. A further assessment can be performed by the project Arborist when root locations are known (if required). Root pruning will be kept to minimum and only performed as a last resort, as most of the roots plate is expected to be within the area of the proposed driveway. If the tree is afforded adequate protection prior to any works and tree friendly construction methods it should be able to tolerate the works.

Recommendations

In order to manage the tree based on findings of the impact assessment we refer to the following;

Prior to Works

- 1) Appoint a project Arborist for all matters relating to the trees and their protection zone.
- 2) The project Arborist should be contacted for advice on any matter relating to roots or root pruning.
- 3) TPZ fencing should be installed prior to any works to add protection from compaction and contamination.

During Development

- 1) The TPZ area should not be used for storage of chemicals, refuelling or cleaning down of any equipment. Any uptake of chemicals by the tree will likely have an impact on its health and longevity.
- 2) The area should be fenced off to prevent chemicals or fuel leaking into the soil in proximity to the tree.
- 3) Certificates of compliance should be attained from a suitably Qualified Arborist at specified development intervals

Post Construction

Once the project has been finalised the tree should be re-inspected by the project Arborist to ensure no health decline has occurred.



Tree Image for Pruning Works



Image 2 showing suggested lifting and reduction pruning to allow space for the double story façade.

info@lsmtreeadvice.com.au

Page 14 of 24



Appendix A – TPZ Fencing



LEGEND:

- 1 Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.
- 2 Alternative plywood or wooden paling fence panels. This fencing material also prevents building materials or soil entering the TPZ.
- 3 Mulch installation across surface of TPZ (at the discretion of the project arborist). No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.
- 4 Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.



Appendix B- Ground Protection

Ground Protection

Where access is required within the TPZ ground protection measures are required. Ground protection is to be designed to prevent both damage to the roots and soil compaction.

Ground protection methods include the placement of a permeable membrane beneath a layer of non-compactable material such as mulch or a no fines gravel which is in turn covered with rumble boards or steel plates.

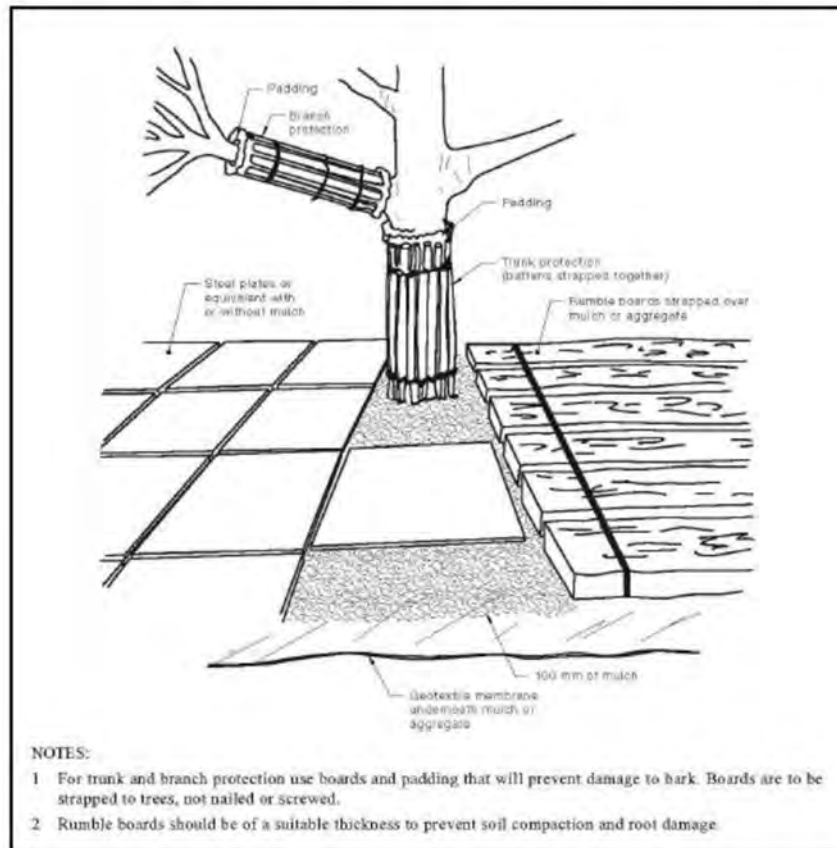


Figure 3 – Ground protection methods.

Document Source:

Diagrams in this document are sourced from AS4970-2009 Protection of trees on development sites. Further information and guidelines are available in within that document.



Using cellular confinement systems for ground protection

Cellular confinement systems can be used for ground protection in areas where tree roots might be at risk from soil compaction and where it is unacceptable to dig into the ground to lay a conventional sub-base. Compaction can occur for many reasons but vehicles passing over unreinforced ground are particularly damaging, although repeated foot traffic can also be detrimental to soil structure.

The accepted approach involves laying a geocell mat on a non-woven geotextile laid on the surface of the ground, filling it with clean a no fines stone aggregate, and topping this sub-base with a wearing course (see Figure 1). In recent years this approach has been regularly used in construction projects because it is considered to be an acceptable way of creating a new hard surface above tree root zones.

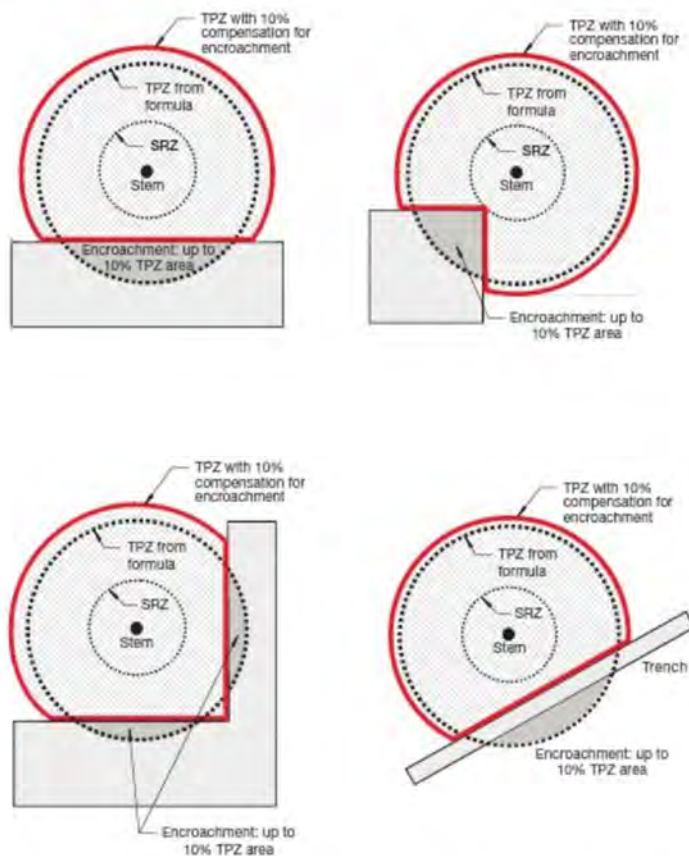



LSM TREE
ADVICE

Appendix C - Encroachment

APPENDIX D ENCROACHMENT INTO TREE PROTECTION ZONE (Informative)

Encroachment into the tree protection zone (TPZ) is sometimes unavoidable. Figure D1 provides examples of TPZ encroachment by area, to assist in reducing the impact of such incursions.



NOTE: Less than 10% TPZ area and outside SRZ. Any loss of TPZ compensated for elsewhere.

FIGURE D1 EXAMPLES OF MINOR ENCROACHMENT INTO TPZ


LSM TREE
ADVICE

Appendix D – Compliance

INDICATIVE STAGES IN DEVELOPMENT AND THE TREE MANAGEMENT PROCESS

Stage in development	Tree management process	
	Matters for consideration	Actions and certification
Planning (Sections 2 and 3)		
Site acquisition	Legal constraints	
Detail surveys	Council plans and policies Planning instruments and controls Heritage Threatened species	Existing trees accurately plotted on survey plan
Preliminary tree assessment	Hazard/risks Tree retention value	Evaluate trees suitable for retention and mark on plan Provide preliminary arboricultural report and indicative TPZs to guide development layout
Preliminary development design	Condition of trees Proximity to buildings Location of services Roads Level changes Building operations space Long-term management	Planning selection of trees for retention Design review by proponent Design modifications to minimize impact to trees

(continued)



Stage in development	Tree management process	
	Matters for consideration	Actions and certification
Development submission	Identify trees for retention through comprehensive arboricultural impact assessment of proposed construction. Determine tree protection measures Landscape design	Provide arboricultural impact assessment including tree protection plan (drawing) and specification
Development approval	Development controls Conditions of consent	Review consent conditions relating to trees
Pre-construction (Sections 4 and 5)		
Initial site preparation	State based OHS requirements for tree work Approved retention/removal Refer to AS 4373 for the requirements on the pruning of amenity trees Specifications for tree protection measures	Compliance with conditions of consent Tree removal/tree retention/transplanting Tree pruning Certification of tree removal and pruning Establish/delineate TPZ Install protective measures Certification of tree protection measures
Construction (Sections 4 and 5)		
Site establishment	Temporary infrastructure Demolition, bulk earthworks, hydrology	Locate temporary infrastructure to minimize impact on retained trees Maintain protective measures Certification of tree protection measures
Construction work	Liaison with site manager, compliance Deviation from approved plan	Maintain or amend protective measures Supervision and monitoring
Implement hard and soft landscape works	Installation of irrigation services Control of compaction work Installation of pavement and retaining walls	Remove selected protective measures as necessary Remedial tree works Supervision and monitoring
Practical completion	Tree vigour and structure	Remove all remaining tree protection measures Certification of tree protection
Post construction (Section 5)		
Defects liability/maintenance period	Tree vigour and structure	Maintenance and monitoring Final remedial tree works Final certification of tree condition



Appendix E - Signage

A TPZ sign provides clear and readily accessible information to indicate that a TPZ has been established. Below is an example. These signs can be delivered to site once fence has been erected.




LSM TREE
ADVICE

Appendix F

Matrix - Sustainable Retention Index Value (SRIV)©

Use of this document and referencing

The Sustainable Retention Index Value (SRIV)© is free to use, but only in its entirety and must be cited as follows:

IACA, 2010, *Sustainable Retention Index Value (SRIV)*, Version 4, A visual method of objectively rating the viability of urban trees for development sites and management, based on general tree and landscape assessment criteria, Institute of Australian Consulting Arboriculturists, Australia, www.iaca.org.au.

The matrix is to be used with the value classes defined in the Glossary for Age / Vigour / Condition.
An index value is given to each category where ten (10) is the highest value.

Age Class	Vigour Class and Condition Class					
	Good Vigour & Good Condition (GVG)	Good Vigour & Fair Condition (GVF)	Good Vigour & Poor Condition (GVP)	Low Vigour & Good Condition (LVG)	Low Vigour & Fair Condition (LVF)	Low Vigour & Poor Condition (LVP)
	Able to be retained if sufficient space available above and below ground for future growth. No remedial work or improvement to growing environment required. May be subject to high vigour. Retention potential - Medium - Long Term.	Able to be retained if sufficient space available above and below ground for future growth. Remedial work may be required or improvement to growing environment may assist. Retention potential - Medium Term. Potential for longer with remediation or favourable environmental conditions.	Able to be retained if sufficient space available above and below ground for future growth. Remedial work unlikely to assist condition, improvement to growing environment may assist. Retention potential - Short Term. Potential for longer with remediation or favourable environmental conditions.	May be able to be retained if sufficient space available above and below ground for future growth. No remedial work required, but improvement to growing environment may assist vigour. Retention potential - Short Term. Potential for longer with remediation or favourable environmental conditions.	May be able to be retained if sufficient space available above and below ground for future growth. Remedial work or improvement to growing environment may assist condition and vigour. Retention potential - Short Term. Potential for longer with remediation or favourable environmental conditions.	Unlikely to be able to be retained if sufficient space available above and below ground for future growth. Remedial work or improvement to growing environment unlikely to assist condition or vigour. Retention potential - Likely to be removed immediately or retained for Short Term. Potential for longer with remediation or favourable environmental conditions.
Young (Y)	YGVG - 9 Index Value 9 Retention potential - Long Term. Likely to provide minimal contribution to local amenity if height <5 m. High potential for future growth and adaptability. Retain, move or replace.	YGVF - 8 Index Value 8 Retention potential - Short - Medium Term. Potential for longer with improved growing conditions. Likely to provide minimal contribution to local amenity if height <5 m. Medium-high potential for future growth and adaptability. Retain, move or replace.	YGVP - 5 Index Value 5 Retention potential - Short Term. Potential for longer with improved growing conditions. Likely to provide minimal contribution to local amenity if height <5 m. Low-medium potential for future growth and adaptability. Retain, move or replace.	YLVG - 4 Index Value 4 Retention potential - Short Term. Potential for longer with improved growing conditions. Likely to provide minimal contribution to local amenity if height <5 m. Medium potential for future growth and adaptability. Retain, move or replace.	YLVF - 3 Index Value 3 Retention potential - Short Term. Potential for longer with improved growing conditions. Likely to provide minimal contribution to local amenity if height <5 m. Low-medium potential for future growth and adaptability. Retain, move or replace.	YLVP - 1 Index Value 1 Retention potential - Likely to be removed immediately or retained for Short Term. Likely to provide minimal contribution to local amenity if height <5 m. Low potential for future growth and adaptability.
Mature (M)	MGVG - 10 Index Value 10 Retention potential - Medium - Long Term.	MGVF - 9 Index Value 9 Retention potential - Medium Term. Potential for longer with improved growing conditions.	MGVP - 6 Index Value 6 Retention potential - Short Term. Potential for longer with improved growing conditions.	MLVG - 5 Index Value 5 Retention potential - Short Term. Potential for longer with improved growing conditions.	MLVF - 4 Index Value 4 Retention potential - Short Term. Potential for longer with improved growing conditions.	MLVP - 2 Index Value 2 Retention potential - Likely to be removed immediately or retained for Short Term.
Over-mature (O)	OGVG - 6 Index Value 6 Retention potential - Medium - Long Term.	OGVF - 5 Index Value 5 Retention potential - Medium Term.	OGVP - 4 Index Value 4 Retention potential - Short Term.	OLVG - 3 Index Value 3 Retention potential - Short Term. Potential for longer with improved growing conditions.	OLVF - 2 Index Value 2 Retention potential - Short Term.	OLVP - 0 Index Value 0 Retention potential - Likely to be removed immediately or retained for Short Term.



LSM TREE
ADVICE

Appendix G

Table 1.0 Tree Retention Value - Priority Matrix.

		Significance				
		1. High	2. Medium	3. Low		
		Significance in Landscape	Significance in Landscape	Significance in Landscape	Environmental Pest / Noxious Weed Species	Hazardous / Irreversible Decline
Estimated Life Expectancy	1. Long >40 years					
	2. Medium 15-40 Years					
	3. Short <1-15 Years					
	Dead					

Legend for Matrix Assessment



	Priority for Retention (High) - These trees are considered important for retention and should be retained and protected. Design modification or re-location of building/s should be considered to accommodate the setbacks as prescribed by the Australian Standard AS4970 <i>Protection of trees on development sites</i> . Tree sensitive construction measures must be implemented e.g. pier and beam etc if works are to proceed within the Tree Protection Zone.
	Consider for Retention (Medium) - These trees may be retained and protected. These are considered less critical; however their retention should remain priority with removal considered only if adversely affecting the proposed building/works and all other alternatives have been considered and exhausted.
	Consider for Removal (Low) - These trees are not considered important for retention, nor require special works or design modification to be implemented for their retention.
	Priority for Removal - These trees are considered hazardous, or in irreversible decline, or weeds and should be removed irrespective of development.

USE OF THIS DOCUMENT AND REFERENCING

The IACA Significance of a Tree, Assessment Rating System (STARS) is free to use, but only in its entirety and must be cited as follows:

IACA, 2010, *IACA Significance of a Tree, Assessment Rating System (STARS)*, Institute of Australian Consulting Arboriculturists, Australia, www.iaca.org.au

REFERENCES

Australia ICOMOS Inc. 1999, *The Burra Charter – The Australian ICOMOS Charter for Places of Cultural Significance*, International Council of Monuments and Sites, www.icomos.org/australia



Bibliography

- Australian Standard AS4373-2007
 Australian Standard AS2303-2007
 Australian Standard AS4373-2015
 Australian Standard AS4970-2009
 C Mattheck, K. B. (2015). *The Body Language of Trees. Encyclopedia of Visual Tree Assessment*. Karlsruhe, Germany: Karlsruhe Institute of Technology.
 Charman, V. &. (2003). *Soils Their Properties and Management* (Vol. 2). Melbourne, Australia: Oxford University Press.
 Claus Mattheck, H. B. (1993). *The Body Language of Trees. A Handbook for Failure Analysis*. London, UK: Department of Environment. HMSO Publications Centre.
 David L. Jones, W. R. (2015). *Pests, Diseases, Ailments and Allies of Australian Plants*. Chatswood, Australia: Reed New Holland.
 Harris, W. &. (2004). *Arboriculture* (Vol. 4). New Jersey, USA: Prentice Hall.
 Hirons, A. &. (2018). *Applied Tree Biology* (Vol. 1). Preston: Wiley Blackwell.
 John Roberts, N. J. (2006). *Tree Roots in the Built Environment* (First ed.). Standish, UK: Arboricultural Association.
 Laurence R. Costello, E. J. (2003). *Abiotic Disorder of Landscape Plants. A Diagnostic Guide*. Oakland, California: Regents of the University of California. Division of Agriculture and Natural Resources.
 Nicolle, D. (2016). *Taller Eucalypts for planting in Australia - Their Selection, Cultivation, and Management*.
 R.G. Strouds, T. (1998). *Diagnosis of ill-health in trees*. Belfast, Ireland: The Stationary Office.
 Richard W. Harris, J. R. (2004). *Arboriculture. Integrated Management of Landscape Trees, Shrubs, and Vines* (Fourth ed.). New Jersey: Pearson Education Inc. .
 Shigo, A. L. (1991). *Modern Arboriculture. Touch Trees*. Durham, New Hampshire: Shigo & Trees Associates Durham.

info@lsmtreeadvice.com.au

Page 24 of 24

Planning Statement

CONSTRUCTION OF TWO STOREY DETACHED DWELLING AT

46 MAHOGANY AVENUE, DERNANCOURT SA 5075



**Town Planning
Specialists
Planning Private Certifiers**

Prepared for Nick Ruotolo

Report prepared by Adelaide Planning and Development Solutions

Contact Mark Kwiatkowski

Phone 0499 933 311

Email mark@adelaideplanning.com.au



PLANNING STATEMENT

Lead Consultant ADELAIDE PLANNING AND DEVELOPMENT SOLUTIONS (APDS)
In association with Design House SA

Project Manager Mark Kwiatkowski
Ph 0499 933 311
Email mark@adelaideplanning.com.au

Document History and Status

Version	Date	Author
Version 1.0	25 September 2023	Mark Kwiatkowski APDS

© APDS

All rights reserved; these materials are copyright. No part may be reproduced or copied in any way, form or by any means without prior permission.

This report has been prepared for APDS' client. APDS and its associated consultants are not liable to any person or entity for any damage or loss that has occurred, or may occur, in relation to that person or entity taking or not taking action in respect of any representation, statement, opinion or advice referred to herein.

APDS – www.adelaideplanning.com.au



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

1.0 Application Overview

DETACHED DWELLING	
Applicant	Nick Ruotolo
Property Address	46 Mahogany Avenue, Demancourt
Description of land	Allotment 61 DP 7138
Site area	672 square metres
Zone / Subzone	General Neighbourhood
Variations (TNV)	Nil
Overlays	Airport Building Heights (All structures over 45 metres) Affordable Housing Overlay Hazards (Flooding – Evidence Required) Overlay Hazards (Flooding) Prescribed Wells Area Regulated and Significant Tree Stormwater Management Traffic Generating Development Urban Tree Canopy Water Resources
Existing land use	Residential – detached dwelling and outbuildings
Development proposal	Construction of two storey detached dwelling (replacement dwelling)
Assessment pathway	Code Assessed – Performance Assessed
Procedural matters - Notification	Excluded
Referrals	Not required
Relevant Authority	City of Tea Tree Gully
Primary contact person	Mark Kwiatkowski Mark@adelaideplanning.com.au 0499 933 311



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

2.0 Introduction

This Planning Statement has been prepared by Adelaide Planning and Development Solutions (APDS) on behalf of .

The proposal is for the construction of a 'two storey detached dwelling' application at 46 Mahogany Avenue, Demancourt, which is within the *General Neighbourhood Zone*.

The following documents accompany this application report:

- Proposal Plans by Design House
- Engineering plan by KP Austruct
- Development Impact Assessment Report by LSM Tree Advice

In preparing this Planning Statement, I can confirm that I have reviewed the Proposal Plans by Design House along with the relevant provisions of the Planning and Design Code.

I have also inspected the subject land and locality.

This report provides a description of the subject land and locality, current land uses on site and an analysis of the relevant Planning and Design Code provisions in relation to the proposed development.

For reasons outlined below, this proposal displays a high degree of planning merit to warrant planning consent.

.



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

3.0 Subject Land and Locality

3.1 Subject Land



Figure 1 Subject land identified in Blue

The subject site has a street address of 46 Mahogany Avenue and comprises a single allotment identified as Allotment 61 in Deposited Plan 7138 held in Certificate of Title Volume 5079 Folio 168.

The overall site is a moderately sloping (from back to front, with a fall of approximately five metres), regular rectangular shaped allotment with a total site area of 672 square metres. The site has a frontage of 20 metres to Mahogany Avenue and a maximum site depth of 35 metres.

The subject land is established residential land and contains a detached dwelling, single garage and outbuilding and pool. Access to the site is currently provided via an angled driveway from Almond Avenue.

There are street trees within the Almond Avenue Road reserve however, there is no footpath in the verge area in front of the subject site. A stobie pole is located adjacent to the southeast front corner of the site, with two side entry pits within close proximity to it.

There are no Significant or Regulated trees or declared Native Vegetation under the *Native Vegetation Act 1991* on the site, however, a significant tree exists within the front yard of the neighbouring site to the east.

The subject land has connection to water, electricity and telecommunications.



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

3.2 Locality



Figure 2 Locality Plan (subject site in green)

The locality primarily comprises residential land uses within the *General Neighbourhood Zone* along with large detention pond reserve area adjacent to the south of the subject land, which is developed with walking and bicycle trails.

The sites adjoining (to the east) and adjacent (to the west), all comprise detached dwellings at lower densities. The allotment sizes within the locality are all of similar size, around 650 sq m to 1000 sq m in area.

The area comprises some older housing stock, with a number of dwellings that have reached the end of their life cycle and now require replacement. The future character will continue to emerge through redevelopment and as landowners leverage the increasing land value.

The site is within 260 metres direct line of sight from the Suburban Activity Centre that exists on Lower North-East Road.



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499993311
A: 200A Cross Road, Unley Park

4.0 Proposal

4.1 Nature of Development

The land is currently established residential land and contains a detached dwelling with ancillary outbuildings, which will all be demolished to facilitate the development.

The proposal is for a 'two storey detached dwelling' for the purposes of assessment against the Planning and Design Code. The proposal will comprise the following features:

- Two single storey, split level detached dwelling comprising:
 - Garage, Lounge and entry on ground floor
 - Four bedrooms, living areas, balcony and terrace on first floor
- Building footprint of just over 221 sq m.
- Rendered AAC Panels to cladding exterior with feature porch and Colorbond roof cladding
- Windows facing the street

Key assessment criteria related to the proposal is summarised in the table below:

Criteria	Proposal	P&D Code	Compliance with DPF
Site area	672m ² Dwelling 1	300m ²	Yes
Allotment frontage	20 metres	9 metres	Yes
Site Cover	33%	60%	Yes
Private Open Space	More than 150m ² The terrace and western side yard is directly accessible from living area.	60m ² per dwelling Including 16sqm with a minimum dimension of 3m accessible from a living room.	Yes
Building Height	2 building levels and 7.9 metre building height	2 building levels and 9m building height	Yes
Front setback	5.88 metres to start of balcony.	No more than 1 metre forward of adjoining neighbour (where only 1).	No, refer Section 6 of report.
Side ground level setback	2.5 metres for a wall up to 5.4 metres in height.	i. at least 900mm where the wall is up to 3m	Yes



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

(where not on boundary)		ii. other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m	
Rear setback	4.77 metres	4 metres ground floor	Yes
Car parking	4 spaces – two undercover and two tandem	2 spaces per dwelling (for a 2 or more bedroom dwelling) – including 1 covered	Yes

5.0 Procedural Matters

5.1 Zone and Overlay

The subject site is located within the *Neighbourhood Zone*.

In addition to an assessment against the relevant zone and General Development Policies, the development is also subject to an assessment against the relevant provisions of the following Overlays:

- Airport Building Heights (All structures over 45 metres)
- Affordable Housing Overlay
- Hazards (Flooding – Evidence Required) Overlay
- Hazards (Flooding)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Traffic Generating Development
- Urban Tree Canopy
- Water Resources

5.2 Relevant Authority

The subject site is located within the City of Tea Tree Gully and therefore the relevant planning authority is the City of Tea Tree Gully per the *Planning, Development and Infrastructure Act 2016*. On this basis, the application will be lodged with, and assessed by, the Tea Tree Gully Council.



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

5.3 Assessment Pathway

The applicable zone is the *General Neighbourhood Zone*.

The 'detached dwelling' element:

- Is not classified as 'Accepted' development,
- Does not meet all the 'Deemed to Satisfy' criteria, and
- Is not classified as 'Restricted' development.

As the 'detached dwelling' is not Accepted, Deemed to Satisfy or Restricted development, the default assessment pathway is Performance Assessed, which requires an assessment against the relevant policies within the Planning and Design Code.

The *Planning, Development and Infrastructure Act, 2016* (the Act) prescribes three categories of development - Accepted development; Code assessed development; Impact assessed development.

The Planning and Design Code (the Code) classifies development into the above categories. These categories are found within the relevant Zone. The subject land is in the *General Neighbourhood Zone* of the Code.

Code Assessed Development

Section 105(b) of the Act prescribes that where development does not fall within the category of accepted development and does not fall within the category of impact assessed development it is code assessed development.

Section 107 of the Act prescribes that where a development cannot be assessed as deemed-to-satisfy development the application is performance assessed development and will be assessed on its merits against the Code.

Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation (below) clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO i.e. the outcome can be met in another way:



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies (my emphasis).

It is with the above approach in mind that we have assessed this development.

5.4 Public Notification

Table 5 – Procedural Matters (PM) – Notification of the *General Neighbourhood Zone*, lists classes of development that are Performance Assessed but do not need to be notified. Table 5 identifies 'dwelling' as a class of development that is excluded from notification where it meets the building height requirements specified in DTS/DPF 4.1 and does not involve building a wall on a side boundary that exceeds three metres in height or 11.5 metres along boundary, which the proposal achieves.

Therefore, the proposal is excluded from notification in this instance.

5.5 Agency Referrals

No agency referrals are triggered in the assessment of the proposal.

6.0 Planning Assessment

The following section of this Planning Statement addresses the relevant planning related matters, having regard to the relevant zone, overlay and general development policy Desired Outcomes (DOs) and Performance Outcomes (POs) referenced within the Code. This assessment is grouped under a series of headings which address specific aspects of the proposed development.

Desired Outcomes (DOs) are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module.

Performance Outcomes (POs) are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

A Designated Performance Feature (DPF) provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion of the relevant authority to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

6.1 Overlays

The following overlays apply to the land in addition to the zone provisions:

- Airport Building Heights (All structures over 45 metres)
- Affordable Housing Overlay
- Hazards (Flooding – Evidence Required) Overlay
- Hazards (Flooding)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Traffic Generating Development
- Urban Tree Canopy
- Water Resources

The proposal is not for Affordable Housing under Regulation 4 of the *South Australian Housing Trust Regulations 2010* therefore the Affordable Housing Overlay does not apply.

The *Airport Building Heights Overlay* is not relevant, as no building proposed exceeds 45 metres in height.

The subject site has access to mains water which is a lawful, sustainable and reliable water supply that does not place undue strain on water resources in the Murray-Darling Basin. Therefore, the *Prescribed Water Resources Overlay* is satisfied. There are also no recognized wells in vicinity of the subject land, and so the *Prescribed Wells Overlay* does not require further review.

The relevant parts of the *Hazards (Flooding) Overlay* has been addressed in section 6.4 below with respect to the proposal.

The siteworks and drainage is designed in accordance with the Stormwater Management Overlay DTS/DPF 1.1.

A replacement dwelling will create no additional traffic to the site, and so the *Traffic Generating Development Overlay* is not contravened.

Regulated and Significant Tree Overlay

A large Lemon Scented Gum (significant tree) exists in the front yard of the neighbouring property to the east. The proposed driveway encroaches within the TPZ by 12.79%, which exceeds the 10% contemplated by AS4970-2009. This considered, the tree advice prepared by LMS dated 20 September, clarifies the encroachment is acceptable, subject to the following be adhered with:



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

- TPZ fencing being established in accordance with the report,
- Non-destructive (hydro-vac) excavation will have to occur in the area of the proposed driveway to locate roots, with roots with a diameter exceeding 150mm, being retained where possible,
- If larger roots are encountered then an arborist verifies whether they can remove or require retaining, and
- In accordance with the report, the driveway construction will need to be with the use of a cellular confine system, comprising a base geotextile, permeable bedding layer, and permeable block paving system.

Subject to complying with the above, the tree will not be impacted by the proposal. We are amenable to the above being captured as an imposed condition on an approval.

6.2 Zone Policies

The subject site is located within the *General Neighbourhood Zone*. As such, the relevant assessment provisions that apply to the 'detached dwelling' elements of the proposal have been addressed in section 6.4 below.

6.3 General Development Policies

The following General Development Policies are considered relevant to the 'detached dwelling' and 'land division' proposal:

- *Clearance from Overhead Powerlines*
- *Design in Urban Areas*
- *Infrastructure and Renewable Energy Facilities*
- *Transport, Access and Parking*

Each of the applicable General Development Policies have been addressed in section 6.4 below.

6.4 Key Planning Considerations

An assessment against the relevant Assessment Provisions in the Planning and Design Code has highlighted the following key planning considerations which are discussed in detail below.

- Land use, site area, built form and setbacks
- Design – building design, private open space and waste
- Access and Parking
- Siteworks and Drainage



Adelaide Planning + Development Solutions Pty Ltd
 e: mark@adelaideplanning.com.au
 w: www.adelaideplanning.com.au

ABN 55 289 434 618
 Ph: 0499933311
 A: 200A Cross Road, Unley Park

6.4.1 Land use, site area, built form and setbacks

The Desired Outcome (DO) for the *General Neighbourhood Zone* asks for the following:

DO 1 *Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.*

The proposal is for a two-storey detached dwelling on a large allotment of 672 square metres, which complements the existing low density development already established in the area in accordance with DO 1.

Further to meeting the desired outcome of the zone, 'dwelling' is a land use that is explicitly listed in Designated Performance Feature (DPF) 1.1(d) of the *General Neighbourhood Zone* as an anticipated form of development in the zone. The proposed use of the land is therefore appropriate, will sit comfortably on the land and is consistent with the predominant forms of housing development in the locality.

As such, it is considered that the land use and built form is appropriate given the proposal's compliance with the zone's objectives and assessment provisions in that it contributes to a diverse range of housing in a convenient location and will reinforce the residential land use envisaged in the zone.

Site Area and Frontage

The relevant zone assessment provisions are:

PO 2.1 *Allotments/sites created for residential purposes are consistent with the density and dimensions expressed in any relevant Minimum Site Area Technical and Numeric Variation and Minimum Frontage Technical and Numeric Variation, or are otherwise generally consistent with the prevailing pattern of development in the locality and suitable for their intended use.*

PO 2.2 *Development results in sites suitable for their intended purpose.*

The existing allotment well exceeds the minimum frontage and area sought for a detached dwelling. Given the site already retains a dwelling and has adequate area and frontage, it is considered to be suitable to be developed for residential purposes.

Site Coverage

PO 3.1 asks that 'Building footprints are generally consistent with the prevailing pattern of development and retain sufficient space around buildings to limit visual impact and enable attractive outlook and access to light and ventilation.'



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

DPF 3.1 suggests a site cover limit of 60 per cent in order to achieve the PO, which the proposal easily meets as it results in 33 per cent site cover. The low site cover allows the proposal to provide ample space around the dwelling to limit visual impact, provide an attractive outlook over the generous rear landscaped areas for future occupants and provide access to sunlight and ventilation for occupants and adjoining neighbours, achieving PO 3.1.

Building Height

PO 4.1 Buildings contribute to a low-rise suburban character.

DPF 4.1 asks for a building height no greater than 2 building levels and 9 metres.

The proposal comprises two building levels and has a maximum building height of 7.9metres, which is within the height limits expressed in the DPF. As such, the proposal is consistent with PO 4.1 and is a low-rise development that will complement other established and future development in the locality.

Setbacks

The relevant Performance Outcomes are *Neighbourhood Zone*:

PO 5.1 Buildings are set back from primary street boundaries consistent with the existing streetscape.

PO 8.1 Buildings walls are set back from side boundaries to provide:

- (a) separation between dwellings in a way that complements the character of the locality
- (b) access to natural light and ventilation for neighbours.

PO 9.1 Buildings are set back from rear boundaries to provide:

- (a) separation between dwellings in a way that complements the character of the locality
- (b) access to natural light and ventilation for neighbours
- (c) private open space
- (d) space for landscaping and vegetation.

The neighbouring dwelling to the east is setback 13.5 metres from the primary street boundary with a garage forward of the main face of the dwelling which is setback 5.2 metres. DPF 5.1 specifies that the building line of a dwelling is setback no more than one metre closer than a neighbouring dwelling if there is only one. With a proposed front setback of 5.8 metres, I believe this is acceptable, given its compatibility with other infill development within the locality and due to it creating minimal impact on the neighbouring property to the east. It is considered that the proposal maintains the established pattern of separation between buildings and public streets and contributes to the existing streetscape character, satisfying PO 5.1.



Adelaide Planning + Development Solutions Pty Ltd
 e: mark@adelaideplanning.com.au
 w: www.adelaideplanning.com.au

ABN 55 289 434 618
 Ph: 0499933311
 A: 200A Cross Road, Unley Park

The setbacks and design of the dwellings provides separation to the neighbouring dwellings located to the east, which allows for light and ventilation access between buildings. The side setback of the wall 5.4 metres in height is 4.1 metres, which complies with the minimums specified in DPF 8.1. It is noted that the southern boundary is the Mahogany Avenue road boundary.

The dwelling walls are proposed to be setback a minimum of 4.77 metres from the rear boundary, which exceeds the 4 metres anticipated in DPF 9.1. The proposal is consistent with PO 9.1 as the rear setback will enable access to sunlight and ventilation for adjoining neighbours (to the north), space and separation between buildings, ample private open space for future residents and enable generous landscaping at the rear of the dwelling.

As such, it is considered that the setbacks are appropriate given the proposal's compliance with the zone's assessment provisions and that it will support access to sunlight, allow for breezes, will not unreasonably impact on adjoining neighbours and is considered consistent with the pattern of housing development in the locality.

6.4.2 Design

The relevant Design general provisions have been extracted and are addressed below.

Building Design

PO 11.1 Dwellings incorporate windows along primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.

PO 11.2 Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.

PO 12.1 Living rooms have an external outlook to provide a high standard of amenity for occupants.

PO 14.1 Garaging is designed to not detract from the streetscape or appearance of a dwelling.

The proposed dwelling is a modern two storey split-level designed home that will be constructed from rendered AAC Panels with a Colorbond roof. Being two storey in height, the building will blend with the existing local built form environment.

The dwelling comprises large living room windows that face the street and will allow for passive surveillance and interaction with the street. Access to the front door is highlighted by the front entry porch and will be easily legible to visitors from the street. Landscaping and a wide pedestrian path will also be provided to accentuate the entry point of the dwelling.



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

The living areas comprise large glass doors and windows which transitions the internal spaces to the outdoor private open space, which will also provide a pleasant outlook for residents.

The proposed garage is integrated into the design of the dwelling and achieves a setback of greater than 5.5 metres to the front boundary. The opening width of the garage does not exceed 7 metres and is less than 50 per cent of the site frontage in accordance with DPF 14.1.

While the proposal provides a fresh new development in the area, it is not considered to adversely impact future development of the locality for residential uses and will complement existing surrounding development within the Zone.

Private open space

PO 17.1 *Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.*

Table 1 - Private Open Space asks for a total area of 60sqm of private open space to be provided behind the building line with 16sqm (and a minimum dimension on 3m) that is directly accessible from a living room.

The proposal provides square metres of private open space for each dwelling, which is directly accessible from the internal living space and comprises a minimum dimension of at least 3 metres.

The proposed areas of private open space are of a useable size and dimension to meet the needs of the occupants and are located directly adjacent the living room.

As such, it is considered that the open space areas available to each dwelling will meet the needs of the occupants, provide ample area for services and facilities, soft landscaping, stormwater infiltration and satisfies Performance Outcome 17.1.

Waste

PO 20.1 *Provision is made for the adequate and convenient storage of waste bins in a location screened from public view.*

The proposed dwelling is to have large setbacks from side and rear boundaries and a large area of private open space, which will provide suitable areas where bins can be stored. As such, bins are able to be stored out of view from the street in accordance with PO 20.1.



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

6.4.3 Access and Parking

Car parking

The relevant car parking provisions include:

Transport, Access and Parking PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- (a) availability of on-street car parking*
- (b) shared use of other parking areas*
- (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
- (d) the adaptive reuse of a State or Local Heritage Place.*

Design PO 19.1 Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.

Design PO 19.2 Uncovered parking spaces are of a size and dimensions to be functional, accessible and convenient.

Table 1 - General Off-Street Car Parking Requirements asks for two spaces per dwelling (for a 2 or more bedroom dwelling) including one covered space.

The proposal provides two covered car parking spaces within the double garage plus two uncovered parking spaces on the driveway in front of the garage. On this basis, it is considered that the proposal provides sufficient parking and meets the requirements of Table 1 - General Off-Street Car Parking Requirements and satisfies PO 5.1.

The proposal includes a double width garage which has a minimum internal length of 6 metres, a width of 5.9 metres and is accessed by a panel lift door that is 4.8 metres in width which is adequate to satisfy Design in Urban Areas DPF 19.1. The uncovered parking spaces on each of the driveways also meets the minimum requirements of 5.4 metres in length and 2.4 metres in width that is specified in DPF 19.2.

Vehicle movements

The relevant Design in Urban Areas provision includes:

PO 19.3 Driveways are located and designed to facilitate safe access and egress while maximising land available for street tree planting, landscaped street frontages, domestic waste collection and on-street parking.



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

PO 19.4 Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.

PO 19.5 Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.

PO 19.6 Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.

Design DPF 19.3 asks for driveways and access points for allotments with 'a frontage to a public road of 10m or less have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site'. The site has a frontage of 20 metres in width and therefore the DPF does not apply. The proposal satisfies PO 19.3 as the proposed new driveways will facilitate safe and convenient access, will not require the removal of any street trees or infrastructure and will leave sufficient space for landscaping and waste collection. Further, the width of the proposed driveway is consistent with other development in the street and as such, the proposed access point is considered appropriate and meets PO 19.3.

The proposed new driveway has been designed by an engineer to have an appropriate gradient which will enable safe and convenient movements to and from the site and to the on-site car parking spaces.

The placement of new driveway enables on street parking opportunities for more than two vehicles, in front of the dwelling and along Almond Avenue.

For the reasons stated above, the proposed vehicle access and car parking arrangements are considered to satisfy the most pertinent provisions of the Planning and Design Code.

6.4.4 Siteworks and Drainage

The relevant Performance Outcomes are:

Hazards (Flooding – Evidence Required) Overlay PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

Design PO 8.1 asks that 'Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography'.

Infrastructure and Renewable Energy Facilities PO 11.2 asks that 'Dwellings are connected to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the intended use. Where this is not available an appropriate rainwater tank or storage system for domestic use is provided'.



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

The development of the allotment will accommodate a suitable, engineer designed stormwater management system to council's satisfaction, that will ensure that there are minimal impacts on landform and drainage systems, will not result in any flooding, or lead to or result in the exploitation or pollution of a water resource. The stormwater system will meet **DTS/DPF 1.1** of the Stormwater Management Overlay, given the tank size is 4000 litres and will capture 60% of the roof area and be plumbed to the toilet and laundry.

The dwelling has been designed to work with the slope of the land by cutting the lower level into the site. Because of this design solution and suitable separation to boundaries, there is minimal need for retaining walls. Therefore, the proposal will not exceed excavation or filling of land or retaining exceeding 1 metre in height in accordance with Design DPF 8.1.

The proposed new dwelling is able to be connected to the existing SA Water infrastructure for the supply of water.

7.0 Conclusion

The proposal is for the construction of 'two storey detached dwelling' at 46 Mahogany Avenue, Dernancourt.

The proposal is considered to be of a nature and scale with a built form and materials that will blend with the character of development in the locality. The generous setbacks will provide space between dwellings and allow for generous landscaped areas and large areas of private open space. It will not detrimentally impact on the amenity of adjoining and nearby properties and has been designed to integrate with the established neighbourhood character in the surrounding area.

The design is considered work well with the topography and this minimizes building bulk, visual impacts and the need for cut, fill and retaining.

Overall, the proposed development is consistent with the Planning and Design Code in so far that the proposal:

- is in accordance with the state interests reflected in the relevant overlays;
- is in accordance with the Desired Outcomes and Performance Outcomes of the *General Neighbourhood Zone*;
- is in accordance with the Performance Outcomes of the relevant General Development provisions; and
- will not have any adverse impacts on the amenity of the locality, the future development of the locality or detrimentally impact upon any surrounding development.



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

After careful consideration of the proposed development and having regard to the relevant Assessment Provisions of the Planning and Design Code, it is my opinion, that the application is not seriously at variance and represents an appropriate form of development in the context of the unique circumstances of the subject land and locality.

For all these reasons, Planning Consent is warranted.

We look forward to your support of this proposal. If you have any further questions regarding this application or require additional information, please contact me on 0499 933 311.

Yours sincerely,



Mark Kwiatkowski MPIA CPP

Director + Principal Urban Planner

Adelaide Planning & Development Solutions - Town Planning Specialists | Planning Private Certifiers



Adelaide Planning + Development Solutions Pty Ltd
e: mark@adelaideplanning.com.au
w: www.adelaideplanning.com.au

ABN 55 289 434 618
Ph: 0499933311
A: 200A Cross Road, Unley Park

Details of Representations

Application Summary

Application ID	23028446
Proposal	Two Storey Detached Dwelling with associated retaining wall and fence
Location	46 MAHOGANY AV DERNANCOURT SA 5075

Representations

Representor 1 - Trevor Fullston

Name	Trevor Fullston
Address	48 MAHOGANY AVENUE DERNANCOURT SA, 5075 Australia
Submission Date	28/11/2023 01:22 PM
Submission Source	Over Counter
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns
Reasons Refer to attachment	

Attached Documents

StatementOfRepresentation-23028446-46MahoganyAvenueDernancourt-7036833.pdf
--

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

City of Tea Tree Gully
Received at Reception

Date: 27/11/23

Time: 1:10 PM

B TONII

Development Number:	Click here to enter text. [development application number] 23028446
Nature of Development:	Click here to enter text. [development description of performance assessed elements] TWO STOREY DETACHED DWELLING
Zone/Sub-zone/Overlay:	Click here to enter text. [zone/sub-zone/overlay of subject land]
Subject Land:	46 MAHOGANY AVE, DERNA NCOURT, 5075 [lot number, plan number, certificate of title number, volume & folio]
Contact Officer:	Click here to enter text. [relevant authority name]
Phone Number:	Click here to enter text. [authority phone]
Close Date:	28/11/23 Click here to enter text. [closing date for submissions]

My name*: <u>TREVOR FULSTON</u> Click here to enter text.	My phone number: <u>8337 1273</u> Click here to enter text.
My postal address*: <u>46 MAHOGANY AVE DERNA NCOURT, 5075</u> Click here to enter text.	My email: Click here to enter text.

* Indicates mandatory information

My position is:

☐ I support the development

☒ I support the development with some concerns (detail below)

☐ I oppose the development

The specific reasons I believe that planning consent should be ~~granted~~/refused are:

- ① Tree damaging activity
- ② Obstruction of our linear Park view
- ③ Possible privacy issue
- ④ lack of information regarding our shared open cement drain for storm water

[attach additional pages as needed]



Government of South Australia

Department for Trade
and Investment

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development]*.

I:	<input checked="" type="checkbox"/> wish to be heard in support of my submission*
	<input type="checkbox"/> do not wish to be heard in support of my submission
By:	<input checked="" type="checkbox"/> appearing personally
	<input type="checkbox"/> being represented by the following person: Click here to enter text.

*You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission

Signature:



27/11/23

Date: [Click here to enter text.](#)

Return Address: [Click here to enter text.](#) *[relevant authority postal address]* or

Email: [Click here to enter text.](#) *[relevant authority email address]* or

Complete online submission:

plan.sa.gov.au/have_your_say/notified_developments/current_notified_developments



Town Planning Specialists | Planning Private Certifiers

Rhiya Singh
Planning Officer
City of Tea Tree Gully

By Email: rhiya.singh@ctfg.sa.gov.au

RE: Response to Representation

Development Application Number:	DA 23028446
Proposed Development:	Two Storey Detached Dwelling with associated retaining wall and fence
Subject Land:	46 Mahogany Ave, Dernancourt

1.0 Introduction

Adelaide Planning and Development Solutions (APDS) has been engaged by the applicant to provide a response to the representations received following public notification of a Performance Assessed development application 46 Mahogany Ave, Dernancourt which is within the General Neighbourhood Zone.

In preparing this response, I confirm that I have visited the subject land and locality, had regard to the representations and the relevant Assessment Provisions of the SA Planning and Design Code.

This response should be considered in addition to the Proposal Plans and relevant information provided to Council which all form part of the application documentation.

For the reasons I will detail below, I am of the view that the proposal for 'Two Storey Detached Dwelling with associated retaining wall and fence' results in a development which warrants Planning Consent.

2.0 Representation

During the public notification period, one (1) representation was received against the proposal who indicated they would like to talk to their representation at the decision-making hearing.

The table provides details of the name of the representor, their address, whether they wish to be heard and whether they support or oppose the proposal.



Town Planning Specialists | Planning Private Certifiers

Name of representor	Address of representor	Wishes to be heard by CAP	In support or opposing
Trevor Fullston	48 MAHOGANY AVENUE, DERNANCOURT	Yes	Oppose

3.0 Consideration of representations

Having reviewed the representations, the concerns raised in the representations specifically relate to:

- Tree Damaging Activity
- Obstruction of linear park view
- Potential for loss of privacy
- Drain for stormwater

4.0 Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO i.e. the outcome can be met in another way:

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). **A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies** (emphasis added).

It is with the above assessment approach in mind that has guided this response to the representations.



Town Planning Specialists | Planning Private Certifiers

5.0 Response to representations

5.1 Tree Damaging Activity

Regulated and Significant Tree Overlay

A large Lemon Scented Gum (significant tree) exists in the front yard of the neighbouring property to the east. The tree advice prepared by LMS dated 20 September, clarifies the proposal is acceptable, subject to the following be adhered with:

- TPZ fencing being established in accordance with the report,
- Non-destructive (hydro-vac) excavation will have to occur in the area of the proposed driveway to locate roots, with roots with a diameter exceeding 150mm, being retained where possible,
- If larger roots are encountered then an arborist verifies whether they can remove or require retaining, and
- In accordance with the report, the driveway construction will need to be with the use of a cellular confine system, comprising a base geotextile, permeable bedding layer, and permeable block paving system.

Subject to complying with the above, the tree will not be impacted by the proposal. We are amenable to the above being captured as an imposed condition on an approval.

5.2 Obstruction of views of the Linear Park

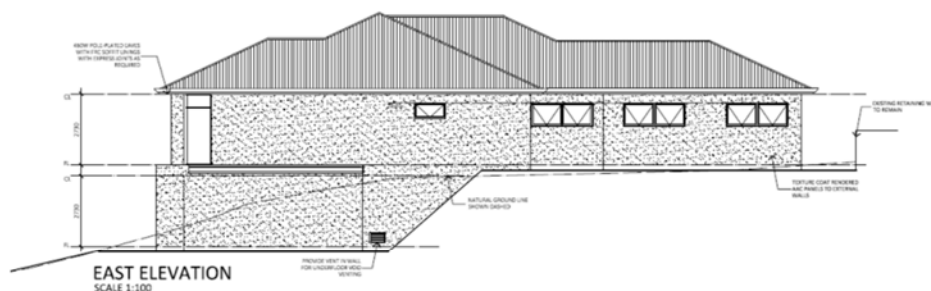
As per the image below, the proposal will not block any views to the south towards the Linear Park from the adjoining property to the east and will maintain all views of the Linear Park from the adjoining properties front living rooms and habitable rooms, and front yard.





Town Planning Specialists | Planning Private Certifiers

5.3 Potential for loss of privacy



The relevant 'Design in Urban Areas' performance outcomes include the following:

PO 10.1 Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.

PO 10.2 Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.

In considering the above performance outcomes, the proposal has been designed with visual privacy front of mind.

As per the eastern boundary elevation, all windows proposed will have a sill height which will mitigate the potential for any overlooking to the adjoining property to the east in accordance with the requirements of the planning and design code. The windows to the rear will each provide sill heights above 1.5 metres to the eastern side elevation, which may be imposed by way of a condition of Planning Consent. No balconies are being proposed.

As such the proposal is able to satisfy the relevant provisions relating to visual privacy.

5.4 Siteworks and Drainage

The relevant Performance Outcomes are:

Hazards (Flooding – Evidence Required) Overlay PO 1.1 Development is sited, designed, and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.



Town Planning Specialists | Planning Private Certifiers

Design PO 8.1 asks that 'Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography'.

Infrastructure and Renewable Energy Facilities PO 11.2 asks that 'Dwellings are connected to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the intended use. Where this is not available an appropriate rainwater tank or storage system for domestic use is provided'.

The development of the allotment provides a suitable, engineer designed stormwater management system to council's satisfaction, that will ensure that there are minimal impacts on landform and drainage systems, will not result in any flooding, or lead to or result in the exploitation or pollution of a water resource.

The stormwater system will meet **DTS/DPF 1.1** of the Stormwater Management Overlay, given the tank size is 4000 litres and will capture 60% of the roof area and be plumbed to the toilet and laundry.

The dwelling has been designed to work with the slope of the land by cutting the lower level into the site. Because of this design solution and suitable separation to boundaries, there is minimal need for retaining walls. Therefore, the proposal will not exceed excavation or filling of land or retaining exceeding 1 metre in height in accordance with *Design DPF 8.1*.

The proposed new dwelling is able to be connected to the existing SA Water infrastructure for the supply of water.

6.0 Conclusion

For the reasons expressed in the response to representation, the proposal in our opinion represents a desirable proposal use sought by the General Neighbourhood Zone; and is in accordance with the relevant general and overlay provisions of the Planning and Design Code, considering the unique circumstances of the subject land and locality.

For the reasons contained within this response, the proposed development satisfies the relevant provisions of the Planning and Design Code in relation to the issues raised by the representor. Therefore, I contend that the proposal is not seriously at variance with the relevant provisions of the Planning and Design Code and represents an appropriate form of development to warrant support.

Please confirm when this proposal will be considered by the Council Assessment Panel and the date and time of the meeting.

A representative shall attend at this meeting in support of the proposal.

Planning & Development Solutions Pty Ltd | Town Planning Specialists | Planning Private Certifiers ABN 55 289 434 618
e: mark@adelaideplanning.com.au | ph: 0499933311 | w: www.adelaideplanning.com.au



Town Planning Specialists | Planning Private Certifiers

Should you have any queries or require any further information or clarification with any components of this response, please do not hesitate to contact me by email at mark@adelaideplanning.com.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Kwiatkowski', written over a horizontal line.

Mark Kwiatkowski MPiA CPP

Director/ Urban and Regional Planner

Adelaide Planning & Development Solutions Pty Ltd - Town Planning Specialists - Planning Private Certifiers

RECORD NO: D23/100587

TO: COUNCIL ASSESSMENT PANEL MEETING - 19 DECEMBER 2023

FROM: Nathan Grainger
Manager City Development

SUBJECT: COUNCIL ASSESSMENT PANEL - MEETING OPERATING PROCEDURES

SUMMARY

Under the Planning Development and Infrastructure Act (Act), the Council Assessment Panel (CAP) as a relevant authority must operate in accordance with the Act and the Regulations and within the ambit of other relevant delegations, policies, and operating procedures which are relevant to the CAP. Notwithstanding, and subject to the Act, the operating procedures are to be observed in relation to the conduct of the business of the CAP and will be determined by the CAP members.

This report allows the CAP members to review and adopt these meeting operating procedures so that they can be recorded and available for public inspection in the interest of transparency.

1. BACKGROUND

Council Assessment Panels are required to conduct meetings in accordance with a set of documented procedures, which are reviewed from time-to-time to maintain relevance and consistency with legislative amendments. The Assessment Manager is required to ensure that the CAP meeting operating procedures are reviewed regularly and are to be read in conjunction with the meeting procedures contained within the Planning, Development and Infrastructure (General) Regulations 2017 (Regulations) and the Assessment Panel Members - Code of Conduct.

The meeting procedures have been amended by the Assessment Manager to address the appointments of the new Independent Members and Elected Members on the City of Tea Tree Gully Council Assessment Panel. These appointments include:

Appointment of Independent Members as the Independent Members to the Council Assessment Panel from 2 December 2023 until 1 November 2025

- a. That Council appoints:
 - ☒ Mr Mark Adcock
 - ☒ Mr Alex Mackenzie

Item 4.2

- ☒ Ms Nitsan Taylor
- ☒ Mr Grant Hewitt

Appointment of Deputy Independent Member

That Council appoint Mr Adam Squires as Deputy Independent Member to the Council Assessment Panel from 2 December 2023 until 1 November 2025.

Appointment of Presiding Member

That Council appoint Mr Mark Adcock as the Presiding Member to the Council Assessment Panel from 2 December 2023 until 1 November 2025.

Council Assessment Panel Elected Member Appointment

Council appoints Cr Kristianne Foreman as the elected Council representative of the Council Assessment Panel until the end of the current term of Council in 2026 or until Council resolves otherwise.

Notice of Motion- Members to consider amending the meeting times

At the Council meeting 10 October 2023, the following notice of motion was presented by Cr Lawrenson (D23/79572),

- ☒ That the Council Assessment Panel of the City of Tea Tree Gully be requested to consider holding ordinary meetings outside business hours and at a time similar to other Council Committees, on the basis that it is Council's view that to do so would provide better public access and contribution through the representation process to prevent working members of our community being disadvantaged.
- ☒ That the CEO advises the Council Assessment Panel that Council would appreciate if it could consider this at the next available meeting and requests the CEO to advise Council of the outcome.

Meetings of CAP are typically held at 10.00am on the third Tuesday of every month, subject to availability of matters requiring a decision of CAP. The timing of meetings will be considered by CAP once the new membership is appointed.

Members were asked at their interview for the Independent member role if they would consider holding CAP meetings outside business hours. There was a consensus amongst all members that they would be open to this amendment to the operating procedures.

It is acknowledged that all CAP members have commitments outside of the City of Tea Tree Gully CAP. This was confirmed via email correspondence with the Assessment Panel. There have also been discussions with Council's Governance Team regarding the availability of the Council Chambers.

It is my recommendation that the following days are proposed each month for your consideration.

- ☒ The fourth Wednesday of every month
- ☒ The third or fourth Thursday of every month.

The draft Council Assessment Panel Meeting Procedures can be found in Attachment 1.

2. CONCLUSION

The amendments to the CAP Meeting Procedures will ensure all the functions of the CAP under the PDI Act conform with the PDI Act and Regulations.

3. RECOMMENDATION

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

Council Assessment Panel Endorse the amendment to the meetings times as drafted:

- a. That the Council Assessment Panel Members endorse the meeting day for its ordinary meetings be on the following day each month at the proposed time.....
- b. The Council Assessment panel adopt the revised Meeting Procedures provided in Attachment 1.

Attachments

1. CAP Meeting Operating Procedures - For review December 2023 92

Report Authorisers

Nathan Grainger	
Manager City Development	8397 7200
Michael Pereira	
General Manager Community Services	8397 7377

Council Assessment Panel Meeting Procedures

Record number	D23/16235
Panel Members	Independent Member(s):
	Mr Mark Adcock (Presiding Member)
	Ms Nitsan Taylor
	Mr Alex Mackenzie
	Mr Grant Hewitt
	Mr Adam Squires (Deputy Member)
	Elected Member(s):
	Cr Kristianne Foreman
	Cr B Lawrenson (Deputy Elected Member)
Last reviewed	
Resolution number	233
Previous review dates	21 March 2023

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

1. INTERPRETATION

Act means the *Planning, Development and Infrastructure Act 2016* (SA).

Additional Member means a person appointed pursuant to clause 4.1.

CAP means the Tea Tree Gully Council Assessment Panel.

connect means able to hear and/or see the meeting by electronic means, including via live stream;

Code of Conduct means the code of conduct to be observed by members of an assessment panel adopted by the Minister under clause 1(1)(c) of Schedule 3 of the Act.

Council means the City of Tea Tree Gully constituted under the *Local Government Act 1999* (SA).

Deputy Member means a person appointed pursuant to clause 3.3 of the Terms of Reference.

Development Act means the *Development Act 1993* (SA).

disconnect means to remove the connection so as to be unable to hear and see the meeting;

electronic means includes a telephone, computer or other electronic device used for communication;

ERD Court means the Environment, Resources and Development Court constituted under the *Environment, Resources and Development Court Act 1993*.

live stream means the transmission of audio and/or video from a meeting at the time the meeting is occurring.

Planning Rules has the meaning given to it in the Act and includes the Planning and Design Code.

Prescribed Matter has the meaning given to it in section 201 of the Act.

Presiding Member means an Independent Member appointed pursuant to clause 3.11 of the Terms of Reference.

Regulations means the *Planning, Development and Infrastructure (General) Regulations 2017* (SA).

Terms of Reference means the Tea Tree Gully Council Assessment Panel Terms of Reference.

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

These Meeting Procedures will be interpreted subject to the provisions of the Act and the Tea Tree Gully Council Assessment Panel Terms of Reference.

2. MEETINGS

Ordinary Meetings

- 2.1 Ordinary meetings of the CAP will be held at such times and places as determined by the CAP.
- 2.2 Notice of an ordinary meeting will be given to all CAP Members by the Assessment Manager not less than five clear days prior to the holding of the meeting in accordance with clause 2.3.
- 2.3 Notice of a meeting of the CAP must:
 - 2.3.1 be in writing;
 - 2.3.2 set out the date, time and place of the meeting;
 - 2.3.3 be signed by the Assessment Manager;
 - 2.3.4 contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable);
 - 2.3.5 be given to a CAP Member personally, by post to a place authorised in writing by the CAP Member or by other means authorised by the CAP Member as being an available means of giving notice;
 - 2.3.6 where attendance at the CAP Meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting.
- 2.4 A notice that is not given in accordance with clause 2.3 is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the CAP Members.
- 2.5 A copy of the agenda and all available attachments for meetings of the CAP will be available for viewing by the public on the Council's website as soon as practicable after the time that notice of the meeting has been given to CAP Members and until the conclusion of the CAP meeting. Where the CAP meeting is to be live streamed for viewing by members of the public, details of how to access and/or connect to the live stream will be made available to the public on the Council's website as soon as possible.
- 2.6 If a representor or applicant is to appear before the CAP and be heard pursuant to clauses ~~7.4.17-3.1~~ to ~~7.4.37-3.3~~ (inclusive) of these Meeting Procedures, the Assessment Manager must provide written notice of the following to such persons as soon as practicable after the time that notice of the CAP meeting has been given to CAP Members:
 - 2.6.1 an invitation to appear and be heard at the meeting;
 - 2.6.2 the date, time and place of the meeting; and
 - 2.6.3 where attendance at the meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting.
- 2.7 The Assessment Manager may cancel or reschedule the scheduled CAP meeting where circumstances dictate or where there are no matters of business listed on the agenda.

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

- 2.8 In rescheduling a meeting, the Assessment Manager will work with the CAP Members to ensure the availability and convenience of CAP Members.
- 2.9 The Assessment Manager may, with leave or at the request of the Presiding Member:
 - 2.9.1 include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to CAP Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public as soon as practicable; and
 - 2.9.2 at the written request of the applicant, remove from the agenda the applicant's item which was to be considered at the meeting to which the agenda relates (including after notice of the agenda has been given to CAP Members). In such an instance, if practicable, the Assessment Manager shall provide an updated agenda to CAP Members and notice of the removal of the item from the agenda to the applicant and any representatives who had indicated a wish to appear before the CAP in relation to that agenda item. The Assessment Manager will also make an updated agenda available to the public as soon as practicable.
- 2.10 The Presiding Member may adjourn a CAP Meeting to a future date, time and place, unless the CAP resolves to continue the meeting.
- 2.11 A CAP meeting will break as determined by the Presiding Member.
- 2.12 The CAP may exclude the public from attendance at a meeting in accordance with regulation 13(2) of the Regulations.

Special Meetings

- 2.13 The Presiding Member or two or more CAP Members, may by delivering a written request to the Assessment Manager, require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 2.14 On receipt of a request pursuant to clause ~~2.132-12~~, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least 4 days before the commencement of the special meeting.
- 2.15 The Assessment Manager can of their own accord require a special meeting of the CAP to be held where there exists in their opinion a justifiable reason for holding the special meeting.
- 2.16 On forming the relevant opinion in clause ~~2.152-14~~, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP Members at least 4 days before the commencement of the special meeting.

3. DEPUTY MEMBERS

- 3.1 If a CAP Member is unable or unwilling to attend a meeting or part of a meeting, they must use their best endeavours to notify the Presiding Member or Assessment Manager at the earliest opportunity.

- 3.2 If notification pursuant to clause ~~3.13.1~~ is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the CAP Member for the meeting or part of the meeting.
- 3.3 Unless the context otherwise requires, a reference to a CAP Member in these Meeting Procedures includes a Deputy Member.

4. **ADDITIONAL MEMBERS**

- 4.1 The CAP may appoint up to two Additional Members in accordance with Section 85 of the Act.
- 4.2 Where the CAP has appointed Additional Member(s), the Presiding Member, in consultation with the Assessment Manager, may invite one or both Additional Members to attend any meeting (or part thereof) where they consider the Additional Member(s) will, by virtue of their qualifications, expertise or experience, assist the CAP in dealing with a matter that it must assess under the Act (or the Development Act (as applicable)).
- 4.3 A request that an Additional Member attend a meeting must be made in writing and be accompanied by the notice for the meeting in accordance with clause 2.3, highlighting the item(s) the Additional Member is required to consider.
- 4.4 Unless the context otherwise requires, a reference to a CAP Member in these Meeting Procedures includes an Additional Member, save that an Additional Member is not able to vote on any matter arising for determination by the CAP.

5. **ELECTRONIC MEETINGS**

- 5.1 One or more CAP Members may attend a meeting via electronic means.
- 5.2 A CAP Member attending a meeting via electronic means is taken to be present at the meeting provided that the CAP Member:
 - 5.2.1 can hear and, where possible, see all other CAP Members who are present at the meeting;
 - 5.2.2 can hear and, where possible, see all representors (or their representatives) and applicants (or their representatives) who speak at the meeting;
 - 5.2.3 can be heard and, where possible, seen by all other CAP Members present at the meeting; and
 - 5.2.4 can be heard and, where possible, seen by the person recording the minutes of the meeting.
- 5.3 Where a meeting occurs via electronic means, it will (to the extent that the public is not able to physically attend the meeting) be live streamed.
- 5.4 Where a meeting is being live streamed, the live stream must be disconnected only during those parts of the meeting during which the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations.

- 5.5 Where the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations, the Assessment Manager or a person nominated by the Assessment Manager must ensure that all parties except for the Assessment Manager or a person nominated by the Assessment Manager and CAP Members disconnect from or are disconnected from the meeting.
- 5.6 Where a person is entitled or has been requested to appear before the CAP (including the Assessment Manager or delegate), the person may appear via electronic means at the discretion of the Assessment Manager or the Presiding Member.

6. COMMENCEMENT OF MEETINGS

- 6.1 Subject to a quorum being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 6.2 If the number of apologies received by the Assessment Manager or Presiding Member indicates that a quorum will not be present at a meeting, the Presiding Member may adjourn the meeting to a specified date, time and place.
- 6.3 If at the expiration of thirty minutes from the commencement time specified in the notice of the meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date, time and place.

7. ASSESSMENT OF DEVELOPMENT APPLICATIONS

- 7.1 In relation to each application it considers, the CAP:
 - 7.1.1 must determine whether the proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable)) and provide reasons for its determination;
 - 7.1.2 if the CAP determines that a proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable)), must refuse Planning Consent to the application and provide specific reasons for refusal;
 - 7.1.3 must provide reasons for granting or refusing Planning Consent and for the imposition of any conditions; and
 - 7.1.4 may defer consideration of the application to enable full and proper assessment of the application.
- 7.2 **If the CAP** determines that a proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable)), it must refuse development authorisation to the application.
- 7.3 The Presiding Member may, in their discretion, exclude:
 - 7.3.1 a representation or response to representation(s) which is received out of time; or
 - 7.3.2 a representation or response to representation(s) which is otherwise invalid.

- 7.4 In relation to each application to be considered and determined by the CAP:
- 7.4.1 a person who has lodged a representation in relation to a publicly notified application which has not been excluded pursuant to clause ~~7.37.2~~ and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - 7.4.2 where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
 - 7.4.3 where no representors appear at the meeting, the Presiding Member may, in their discretion, allow an applicant to be heard in support of their application, in person or by an agent;
 - 7.4.4 representors and applicants will be allowed five (5) minutes each to address the CAP. The representative of multiple representors will be allowed five (5) minutes in total to address the CAP. The Presiding Member may allow a party additional time at their discretion;
 - 7.4.5 CAP Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
 - 7.4.6 following addresses from representors and the applicant, the Presiding Member will invite all CAP Members to speak on any matter relevant to the application.
 - 7.4.7 clauses ~~7.4.17-3.1~~ to ~~7.4.37-3.3~~ are satisfied if a representor or applicant (as the case may be) appears via electronic means. The Presiding Member may require that any such appearance be by electronic means.
- 7.5 The Presiding Member may in their discretion accept and allow any additional material submitted by a representor or applicant after notice of the CAP meeting has been given in accordance with clause 2.3. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- 7.6 Such additional material to be considered by the CAP pursuant to clause 7.5 must, to the extent practicable, be provided to the applicant and/or representor(s) (as the case may be) and those parties are to be provided with an opportunity to respond either in writing or verbally, at the discretion of the Presiding Member.

8. REVIEW OF DECISION OF AN ASSESSMENT MANAGER

Commencing a review

- 8.1 An application for review of a decision of an Assessment Manager must relate to a Prescribed Matter in relation to which the Assessment Manager was the relevant authority.
- 8.2 An application for review of a Prescribed Matter must be:
 - 8.2.1 made using the *Application to CAP for Assessment Manager's Decision Review (Form)*;
 - 8.2.2 lodged in a manner identified on the Form; and

- 8.2.3 lodged within one (1) month of the applicant receiving notice of the Prescribed Matter, unless the CAP in its discretion grants an extension of time.
- 8.3 In determining whether to grant an extension of time, the CAP may consider:
 - 8.3.1 the reason for the delay;
 - 8.3.2 the length of the delay;
 - 8.3.3 whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;
 - 8.3.4 the interests of justice;
 - 8.3.5 whether the applicant has, or is within time to, appeal the prescribed matter to the ERD Court; and
 - 8.3.6 any other matters the CAP considers relevant.

Materials for review hearing

- 8.4 The Presiding Member may, in his or her discretion, determine that an application for review shall not be considered by the CAP on the basis that it is frivolous or vexatious, or is otherwise an abuse of process.
- 8.5 The Assessment Manager shall provide to the CAP:
 - 8.5.1 all materials which were received by the Assessment Manager (or delegate) in relation to the Prescribed Matter including the delegated officer's assessment report;
 - 8.5.2 a further report on any aspect of the subject matter of the review, or any other relevant material if requested by the Presiding Member or a CAP Member.

Review hearing

- 8.6 The Assessment Manager must advise the applicant of the time and date of the CAP meeting at which the review application will be heard and where attendance at the meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting not less than 5 clear business days before the meeting.
- 8.7 If the Presiding Member so requires:
 - 8.7.1 the Assessment Manager must be present at the CAP meeting to respond to any questions or requests for clarification from the CAP; or
 - 8.7.2 where the Prescribed Matter relates to a decision which was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 8.8 The review hearing will be conducted within the following parameters:
 - 8.8.1 the CAP will consider the matter afresh;
 - 8.8.2 subject to clause ~~8.8.38-9.3~~, information, materials and submissions which were not before the Assessment Manager at the time of the decision on the Prescribed Matter will not be considered by the CAP, except for information provided to the CAP in response to a request from the Presiding Member or a CAP Member;

- 8.8.3 the CAP may receive submissions or additional information from the applicant as part of the review process at the discretion of the Presiding Member;
- 8.8.4 the Presiding Member will permit CAP Members to ask questions or seek clarification from the applicant and/or Assessment Manager (or delegate) in their discretion.

Outcome on review hearing

- 8.9 The CAP may, on a review:
 - 8.9.1 affirm the Assessment Manager's decision on the Prescribed Matter;
 - 8.9.2 vary the Assessment Manager's decision on the Prescribed Matter;
 - 8.9.3 set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision;
 - 8.9.4 defer review of the Prescribed Matter with the agreement of the applicant.

9. QUORUM

A quorum at a meeting of the CAP is the number obtained by dividing the total number of CAP Members for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.

10. DECISION MAKING

- 10.1 Each CAP Member present at a meeting of the CAP (including a Deputy Member) is entitled to one vote on any matter arising for decision. If the votes are equal, the Presiding Member is entitled to a second or casting vote. Additional Members appointed to the CAP to provide expert advice and assistance are not entitled to vote.
- 10.2 Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by CAP Members present at the meeting and entitled to vote, being no less than a quorum.
- 10.3 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date, time and place.
- 10.4 The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave or disconnect from a meeting where the person/people are, in the opinion of the Presiding Member:
 - 10.4.1 behaving in a disorderly manner; or
 - 10.4.2 causing an interruption or disruption to the meeting.

11. MINUTES AND REPORTING

- 11.1 The CAP must ensure that accurate minutes are kept of all meetings.

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

- 11.2 The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.
- 11.3 The minutes will record:
 - 11.3.1 the names of all CAP Members present;
 - 11.3.2 the names of all CAP Members from whom apologies have been received;
 - 11.3.3 the name and time that a CAP Member enters or leaves the meeting;
 - 11.3.4 the name of every person who makes a representation;
 - 11.3.5 in relation to each application determined by the CAP:
 - (a) the determination of the CAP as to whether the proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable));
 - (b) the reasons for granting or refusing Planning Consent and for the imposition of any conditions; and
 - (c) where a decision is by majority vote, the decision and its mover and seconder, but not each CAP Member's vote;
 - 11.3.6 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - 11.3.7 in relation to the review of a decision of an Assessment Manager, the determination of the CAP pursuant to clause 8.9;
 - 11.3.8 a decision to exclude the public from attendance pursuant to the Regulations;
 - 11.3.9 any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a CAP Member in accordance with Section 83(1)(g) of the Act, and the nature of the interest;
 - 11.3.10 any disclosure of a conflict of interest made by a CAP Member pursuant to the Code of Conduct, and the nature of the interest; and
 - 11.3.11 if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date, time and place to which the meeting is adjourned.
- 11.4 All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the following CAP meeting.
- 11.5 Minutes must be available under to the public within 5 clear business days after their adoption by the CAP.

12. NOMINATION BY ASSESSMENT MANAGER

- 12.1 Subject to clause 12.4, the Assessment Manager may nominate another person (**Nominee**) to undertake the powers and functions of the Assessment Manager contained in these Meeting Procedures for a period of time not exceeding three (3) months. This is primarily to ensure that the CAP can continue to function efficiently in the absence of the Assessment Manager from time to time, for periods of annual or personal leave of the Assessment Manager.

- 12.2 Any nomination under clause 12.1 must be made by notice in writing from the Assessment Manager to the Presiding Member and the Nominee, and may relate to all or only some of the powers and functions of the Assessment Manager in these Meeting Procedures.
- 12.3 Where a nomination has been made pursuant to clauses 12.1 and 12.2, a reference to the Assessment Manager in these Meeting Procedures will be taken to include (for the duration of the nomination) a reference to the Nominee (as applicable).
- 12.4 The Nominee is not themselves permitted to nominate another person to undertake the powers and functions of the Assessment Manager under this clause 12.

13. **ADDITIONAL PROCEDURES**

- 13.1 Insofar as any procedure to be followed by the CAP is not prescribed by the Act, Regulations, Terms of Reference or the Code of Conduct the CAP may by resolution determine the procedure for itself. Any such determination may amend or add to these Meeting Procedures.
- 13.2 The CAP may call for and consider such professional assistance from the Assessment Manager and, in consultation with the Assessment Manager, other professional advisors as it deems necessary and appropriate from time to time.