

DEVELOPMENT NO.:	22009838
APPLICANT:	Hammond Estates Pty Ltd
ADDRESS:	28 STURT RD BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Land division, resulting in 28 allotments, construction of 28 dwellings & remove 4 regulated trees
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • General Neighbourhood Overlays: <ul style="list-style-type: none"> • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Transport Routes • Urban Tree Canopy • Airport Building Heights (Regulated) • Affordable Housing • Hazards (Flooding) • Hazards (Flooding - General)
LODGEMENT DATE:	13 May 2022
RELEVANT AUTHORITY:	Council Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.8
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Michael Gates Development Services (Planning and Building) Lead
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	Engineering Arborist

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies
ATTACHMENT 1:	Application Documents
ATTACHMENT 2:	External Referral Advice
ATTACHMENT 3:	Internal Referral Advice

DETAILED DESCRIPTION OF PROPOSAL:

This application is for the division of land, to divide two current allotments into 28 allotments, and the construction of 28 dwellings and the removal of four regulated trees. The proposal also involves the construction of a road to be handed over to Council, and an allotment to be used as a public reserve.

The development comprises 14 detached allotments along the western, northern and eastern boundaries, with 6 smaller row dwellings in the middle of the site, and 8 dwellings fronting onto Sturt Road in the form of 6 row dwellings, and two “Fonzi” flat apartments.

The regulated trees proposed for removal are located along the near the northern and eastern boundaries.

The subject site has been cleared of any buildings and multiple non-regulated trees, with all of those works being exempt from being classified as development.

BACKGROUND:

A proposal was lodged several years ago for the division of land and removal of regulated trees, which was refused by the Council Assessment Panel as it was at odds with the requirements of the Development Plan. This proposal has been lodged by a different application, with a significantly different proposal of division and this application proposed the removal of less regulated trees. As such the previous application is considered to have no relevance to this proposal.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 28 STURT RD BRIGHTON SA 5048

Title ref.:

CT 5564/106

Plan Parcel:

F145176 AL48

Council: CITY OF HOLDFAST BAY

Location reference: 28 STURT RD BRIGHTON SA 5048

Title ref.:

CT 5761/791

Plan Parcel:

F145177 AL49

Council: CITY OF HOLDFAST BAY

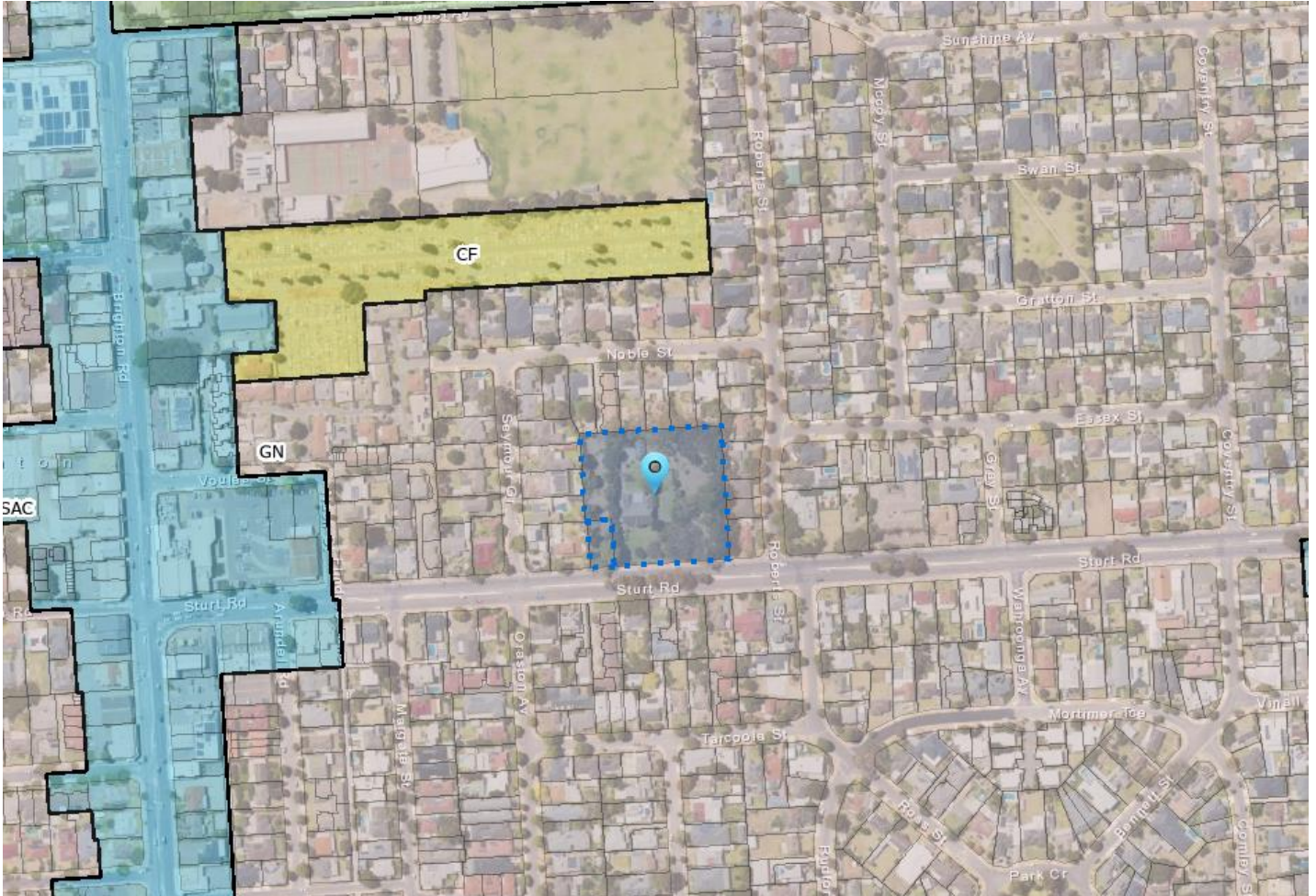
The subject site is located on the northern side of Sturt Road, in between Seymour Grove and Roberts Street. The site is located entirely within the General Neighbourhood Zone. The site comprises two titles, one small allotment in the south western corner, and the other allotment comprises the remainder of the site. It is relatively flat and has a frontage of 99 metres to Sturt Road, and a total area of 9,370 square metres. Up until recently there was a detached dwelling on the site, but this has been demolished to make way for development of the site. The site also included a number of large trees that have been removed as they were not regulated trees due to their size, or being a species that is exempt from being classified as a regulated tree. There are a number of regulated and significant trees on the site that have been assessed as part of this application.

The site is relatively flat and is surrounded by detached on three sides that don't front Sturt Road

Locality

The locality is predominately residential, with some commercial development to the west of the site where Sturt Road intersects with Brighton Road, which is located in the Suburban Activity Centre. Residential development in the locality comprises mostly detached dwellings of one and two, with a few residential flat buildings. There is also a

cemetery and school to the north of the site. The locality has a reasonable level of amenity, but the amenity is impacted by the amount of vehicle traffic along Sturt Road.



CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Land division
New housing
Tree-damaging activity: Code Assessed - Performance Assessed
Land division: Code Assessed - Performance Assessed
Dwelling: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
N/A

AGENCY REFERRALS

- Commissioner of Highways

No objections, conditions to be included in any approval

INTERNAL REFERRALS

- Engineering

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

The development can be categorised in three main elements, the land division creating 28 allotments, construction of 28 dwellings, and the removal of 4 regulated trees. All three elements are performance assessed. It is important to note that the applicant has only lodged for Planning Consent at this stage, and the application does not include Land Division Consent at this stage. Therefore, the application has not had the land division referrals at this stage, and only Planning Consent conditions or reserved matters can be included should the application be supported.

Quantitative Provisions

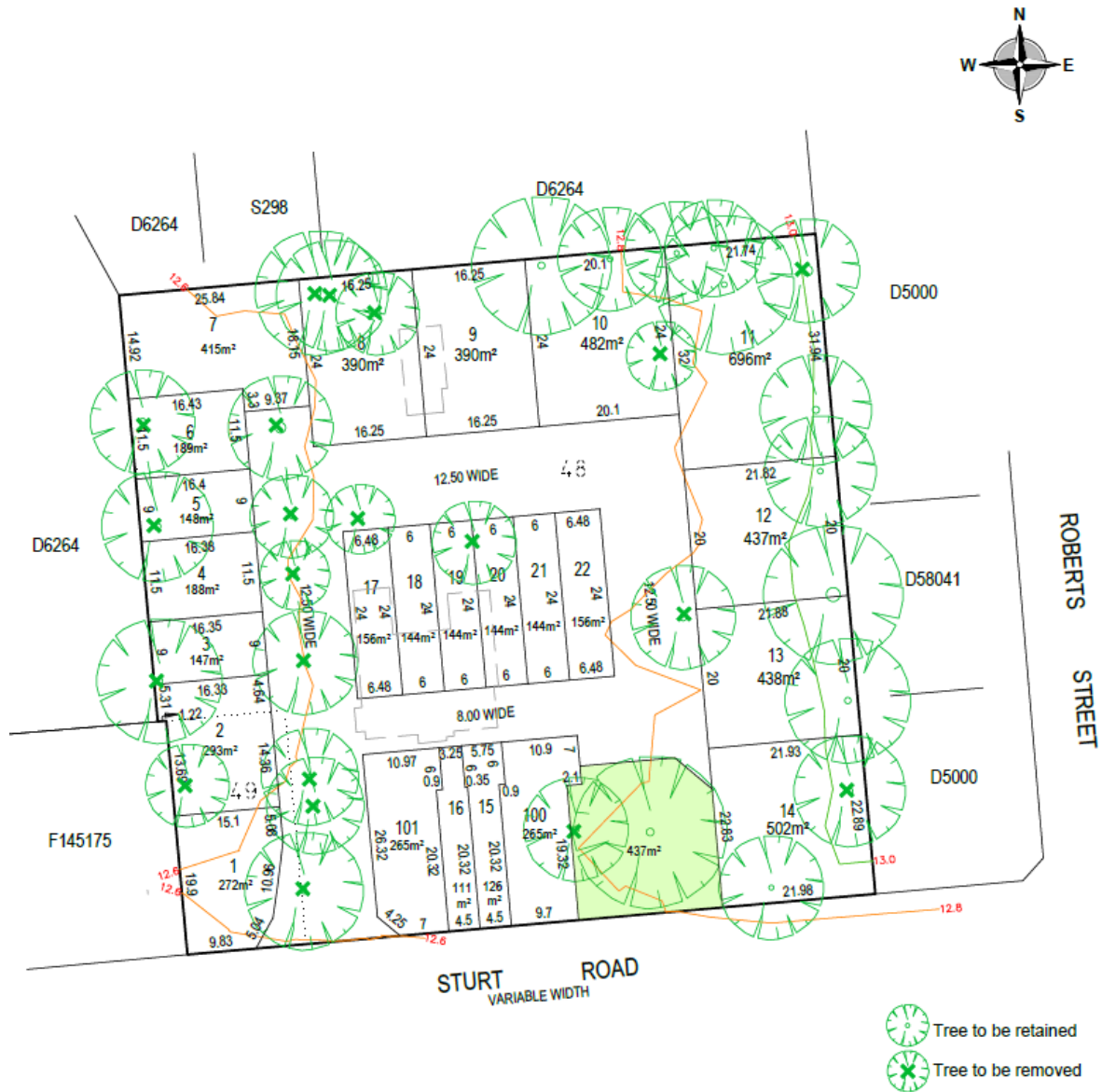
Tables have been provided below to give a detailed analysis of each dwelling. Whilst some of the allotment sizes are significantly above the minimum requirement for land division in the Zone, there are also some terrace style dwellings which have allotments significantly smaller than the minimum. As this development presented as a whole site, it is considered appropriate assessing how the site measures up as a whole and what the impact it has on the density of the area. Minimum allotment sizes specified in the Planning and Design Code serve a function of maintaining a certain density in an area. For the General Neighbourhood Zone, the density for detached dwelling is 300 square metres per allotment. Group dwellings and residential flat buildings also have a DPF of 300 square metres, but inclusive of common areas. The site has an area of 9,370 square metres, which would allow for 31 group dwellings. This proposal has 28 dwellings. The average allotment size across the whole site is 334 square metres, which is 10% above the minimum requirement. As such the proposed density of the development is considered to be in keeping with the requirements of the Planning and Design Code.

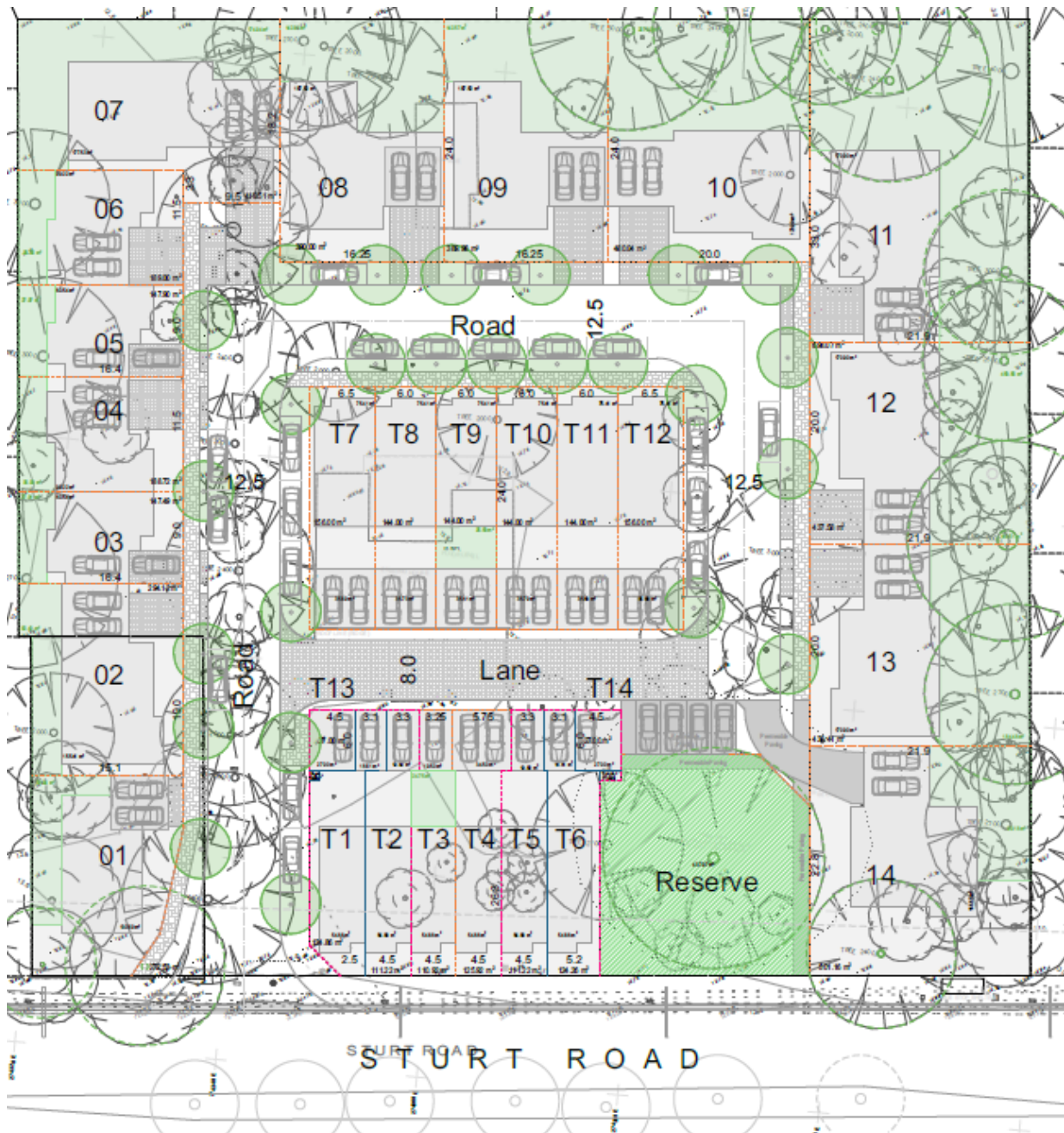
The pattern of land division is considered to be well thought out, with the proposal retaining the majority of the regulated trees on the site, whilst providing reasonable setback to neighbouring properties as to not present unreasonable bulk or scale to the neighbours. There is also a parcel of land in the south-eastern corner that is proposed to be handed over to Council as public open space that will assist in retention of the largest regulated tree on the site. The site will help provide outdoor open space for the smaller terrace dwellings and the two Fonzi apartments.

The development has the smallest allotments located in the middle of the site, and on the southern boundary fronting Brighton Road. This minimises the impacts to the outer boundaries and integrates the site with the adjacent detached dwellings. The design results in a small setback to Brighton Road of 2.5 metres which is significantly smaller than the prescribed requirement in the Design Code of 5 metres, but given the separation distance from the terrace dwellings to the eastern and western boundaries, the setback is considered acceptable in this instance. The layout of

the dwellings means that only detached dwellings on the site will abut neighbouring properties with all of the smaller dwellings all internal or facing Brighton Road.

A reserve of 427sqm is proposed along the eastern side of the Sturt Road frontage which will contain Tree 1, a River Red Gum, which is the largest tree on the site. With a circumference of greater than 3 metres, the tree is classified as a significant tree and makes a significant visual contribution to the street. The applicant has provided a landscape plan for the reserve, which is considered to be a good outcome to help retain the tree, and provide open space for the residents of the terrace dwellings.





Land Use

The proposed development maintains the residential use of the land which is considered appropriate for the General Neighbourhood Zone.

Building Designs

The application includes a variety of dwellings, with none more than two storeys in height, which is consistent with the General Neighbourhood Zone requirements and the built form in the locality.

Dwellings along the western boundary are of a two-storey design and comprise of single and double garages. The dwellings are built boundary to boundary at the lower level to maximise space, with separation provided between the upper levels. The dwellings will have an upper storey setback of 3-metre to the rear boundary, and whilst this is less than the prescribed amount in the Planning and Design Code the dwellings are sufficiently articulated and use different materials not to be visually dominant. It is noted that if the dwellings are orientated north-south and this were to be the side setback the requirement would be less at 1.9m. Given the height, design and orientation of the buildings, any overshadowing impacts will be relatively minor and limited to mornings in winter.

The dwellings located on the northern and western side of the site will be located on larger allotments and have larger upper-level setbacks in accordance with the requirement of the Planning and Design Code.

All of the buildings fronting onto the internal roads will have a relatively small front setback, but given this is a whole new development, the setback is consistent in the streetscape and considered appropriate in this instance. Terrace homes 1 to 6 have a small front setback of 2.5 metres to Brighton Road. Whilst this is not consistent with the setback pattern along Sturt Road, it is offset by dwellings 1 and 14 having their side façade presenting to Sturt Road with a similar setback. As the one building company is building site the dwellings will have a consistent appearance and scale presenting to Sturt Road. Visually there will be large spaces both sides of the Terrace homes (entrance road to the west and public reserve to the east) which will minimise the visual impact and therefore the design is considered acceptable in this instance.

In accordance with the requirements of the Planning and Design Code, each dwelling includes a tree and rainwater tank. To reinforce this, a condition is recommended that each dwelling must include a tree and tank.

The detached dwellings all satisfy the requirement for private open space, soft landscaping and site coverage requirements of the Code. The terrace dwellings provide sufficient private open space, but fail to satisfy the required soft landscaping and site coverage. The shortfall is considered not to be fatal to this application, and offset by the land being provided as public open space which will be easily accessible for all of the residents.

The two storey dwellings have all been designed with the upper storeys having either high level windows or obscure glazing where they face onto another property. This meets the requirements of the Planning and Design Code to maintain the privacy of the neighbouring properties.

Tables have been provided below to give a detailed analysis of each dwelling.

Dwelling 1

	Proposed	DPF Requirement	DPF Met
Allotment Size	272sqm	300sqm	No
Frontage	9m	20 m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	1.5m	5m	No
Side setbacks	0m / 3.2m	0.9m	Yes
Rear Setback	3.2m / 3.2m upper	3m / 5m	No
Soft Landscaping	34%	20%	Yes
Site Coverage	48%	60%	Yes
Private Open Space	73 sqm	24sqm	Yes

Dwelling 2

	Proposed	DPF Requirement	Met Yes/No
Allotment Size	294 sqm	300sqm	No
Frontage	19m	9m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	0m / 1m	0.9m	Yes
Rear Setback	3m / 3m upper	5m	No
Soft Landscaping	25%	20%	Yes
Site Coverage	52%	60%	Yes
Private Open Space	28 sqm	24sqm	Yes

Dwelling 3

	Proposed	DPF Requirement	Met Yes/No
Allotment Size	147sqm	250sqm	No
Frontage	9m	7m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	3.6m upper	5m upper	No
Soft Landscaping	15%	20%	No
Site Coverage	54%	60%	Yes
Private Open Space	73 sqm	24sqm	Yes

Dwelling 4

	Proposed	DPF Requirement	Met Yes/No
Allotment Size	188sqm	250sqm	No
Frontage	11.5m	7m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	3m / 3.6 upper	5m upper	No
Soft Landscaping	15%	20%	No
Site Coverage	53%	60%	Yes
Private Open Space	37 sqm	24sqm	Yes

Dwelling 5

	Proposed	DPF Requirement	Met Yes/No
Allotment Size	148sqm	250sqm	No
Frontage	9m	7m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	3m / 3.6m upper	5m upper	No
Soft Landscaping	17%	20%	No
Site Coverage	54%	60%	Yes
Private Open Space	73 sqm	24sqm	Yes

Dwelling 6

	Proposed	DPF Requirement	Met Yes/No
Allotment Size	189sqm	250sqm	No
Frontage	11.5m	7m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	3.1m / 3.6m uppers	5m upper	No
Soft Landscaping	34%	20%	Yes
Site Coverage	48%	60%	Yes
Private Open Space	73 sqm	24 sqm	Yes

Dwelling 7

	Proposed	DPF Requirement	Met Yes/No
Allotment Size	418sqm	300sqm	Yes
Frontage	9.3m	9m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	5.5m	5m	Yes
Side setbacks	5m / 0m	0m	Yes
Rear Setback	4.3m upper	6m upper	No
Soft Landscaping	29%	20%	Yes
Site Coverage	42%	60%	Yes
Private Open Space	175 sqm	60 sqm	Yes

Dwelling 8

	Proposed	DPF Requirement	Met Yes/No
Allotment Size	390sqm	300sqm	Yes
Frontage	16.25m	9m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	1m / 0m	0m	Yes
Rear Setback	6.6m upper	6m upper	Yes
Soft Landscaping	40%	20%	Yes
Site Coverage	43%	60%	Yes
Private Open Space	145 sqm	60 sqm	Yes

Dwelling 9

	Proposed	Requirement	Met Yes/No
Allotment Size	390sqm	300sqm	Yes
Frontage	16.25m	9m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	1m/0m	0m	Yes
Rear Setback	6.6m upper	6m upper	Yes
Soft Landscaping	38%	20%	Yes
Site Coverage	42%	60%	Yes
Private Open Space	145 sqm	60 sqm	Yes

Dwelling 10

	Proposed	Requirement	Met Yes/No
Allotment Size	482sqm	300sqm	Yes
Frontage	20.1m	9m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	1.1m/0m	0m	Yes
Rear Setback	11.3m upper	6m upper	Yes
Soft Landscaping	54%	20%	Yes
Site Coverage	34%	60%	Yes
Private Open Space	229 sqm	60 sqm	Yes

Dwelling 11

	Proposed	Requirement	Met Yes/No
Allotment Size	696sqm	300sqm	Yes
Frontage	9m	9m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	13m/0m	0m	Yes
Rear Setback	9m upper	6m upper	Yes
Soft Landscaping	67%	20%	Yes
Site Coverage	24%	60%	Yes
Private Open Space	461sqm	60 sqm	Yes

Dwelling 12

	Proposed	Requirement	Met Yes/No
Allotment Size	437sqm	300sqm	Yes
Frontage	20m	9m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	1.1m/0m	0m	Yes
Rear Setback	9.1m upper	6m upper	Yes
Soft Landscaping	50%	20%	Yes
Site Coverage	38%	60%	Yes
Private Open Space	187 sqm	60 sqm	Yes

Dwelling 13

	Proposed	Requirement	Met Yes/No
Allotment Size	438sqm	300sqm	Yes
Frontage	20m	9m	Yes
Height	2 storeys	9m / 2 storey	Yes
Front Setback	3m	5m	No
Side setbacks	1m/0m	0m	Yes
Rear Setback	9.1m upper	6m upper	Yes
Soft Landscaping	50%	20%	Yes
Site Coverage	38%	60%	Yes
Private Open Space	187 sqm	60 sqm	Yes

Dwelling 14

	Proposed	Requirement	Met Yes/No
Allotment Size	501sqm	300sqm	Yes
Frontage	22m	9m	Yes
Height	2 storeys	9m / 2 storey	yes
Front Setback	4.2m	5m	No
Side setbacks	5.9m/0m	0m	Yes
Rear Setback	5.4 upper	6m upper	No
Soft Landscaping	34%	20%	Yes
Site Coverage	48%	60%	Yes
Private Open Space	108 sqm	60sqm	Yes

Terrace 1

	Proposed	Requirement	Met Yes/No
Allotment Size	126sqm	250sqm	No
Frontage	2.5	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	2.5m	5m	No
Side setbacks	0.7m/0m	0m	Yes
Rear Setback	11.2m	4m	Yes
Soft Landscaping	25%	20%	Yes
Site Coverage	59%	60%	Yes
Private Open Space	29 sqm	24sqm	Yes

Terrace 2

	Proposed	Requirement	Met Yes/No
Allotment Size	111 sqm	250sqm	No
Frontage	4.5 m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	2.5m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	11.2m	4m	Yes
Soft Landscaping	15%	20%	No
Site Coverage	66%	60%	No
Private Open Space	24sqm	24sqm	Yes

Terrace 3

	Proposed	Requirement	Met Yes/No
Allotment Size	111 sqm	250sqm	No
Frontage	4.5 m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	2.5m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	11.2m	4m	Yes
Soft Landscaping	17%	20%	No
Site Coverage	66%	60%	No
Private Open Space	24 sqm	24sqm	Yes

Terrace 4

	Proposed	Requirement	Met Yes/No
Allotment Size	126 sqm	250sqm	No
Frontage	4.5 m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	2.5m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	11.2m	4m	Yes
Soft Landscaping	12%	20%	No
Site Coverage	80%	60%	No
Private Open Space	24 sqm	24sqm	Yes

Terrace 5

	Proposed	Requirement	Met Yes/No
Allotment Size	111 sqm	250sqm	No
Frontage	4.5m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	2.5m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	11.2m	4m	Yes
Soft Landscaping	15%	20%	No
Site Coverage	66%	60%	No
Private Open Space	24 sqm	24sqm	Yes

Terrace 6

	Proposed	Requirement	Met Yes/No
Allotment Size	125sqm	250sqm	No
Frontage	5.2m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	2.5m	5m	No
Side setbacks	0.7m/0m	0m	Yes
Rear Setback	11.2m	4m	Yes
Soft Landscaping	25%	20%	Yes
Site Coverage	59%	60%	Yes
Private Open Space	24 sqm	24sqm	Yes

Terrace 7

	Proposed	Requirement	Met Yes/No
Allotment Size	156 sqm	250sqm	No
Frontage	6.5m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	1m	5m	No
Side setbacks	0.4m/0m	0m	Yes
Rear Setback	0m	4m	No
Soft Landscaping	11%	20%	No
Site Coverage	75%	60%	No
Private Open Space	24 sqm	24sqm	Yes

Terrace 8

	Proposed	Requirement	Met Yes/No
Allotment Size	144 sqm	250sqm	No
Frontage	6 m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	1m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	0m	4m	No
Soft Landscaping	11%	20%	No
Site Coverage	74%	60%	No
Private Open Space	24 sqm	24sqm	Yes

Terrace 9

	Proposed	Requirement	Met Yes/No
Allotment Size	144 sqm	250sqm	No
Frontage	6 m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	1m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	0m	4m	No
Soft Landscaping	8%	20%	No
Site Coverage	78%	60%	No
Private Open Space	24 sqm	24sqm	Yes

Terrace 10

	Proposed	Requirement	Met Yes/No
Allotment Size	144 sqm	250sqm	No
Frontage	6 m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	1m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	0m	4m	No
Soft Landscaping	8%	20%	No
Site Coverage	78%	60%	No
Private Open Space	24 sqm	24sqm	Yes

Terrace 11

	Proposed	Requirement	Met Yes/No
Allotment Size	144 sqm	250sqm	No
Frontage	6 m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	1m	5m	No
Side setbacks	0m	0m	Yes
Rear Setback	0m	4m	No
Soft Landscaping	8%	20%	No
Site Coverage	78%	60%	No
Private Open Space	24 sqm	24sqm	Yes

Terrace 12

	Proposed	Requirement	Met Yes/No
Allotment Size	156 sqm	250sqm	No
Frontage	6.5m	7m	No
Height	2 storeys	9m / 2 storey	Yes
Front Setback	1m	5m	No
Side setbacks	0.4m/0m	0m	Yes
Rear Setback	0m	4m	No
Soft Landscaping	11%	20%	No
Site Coverage	75%	60%	No
Private Open Space	24 sqm	24sqm	Yes

Terrace 13

	Proposed	Requirement	Met Yes/No
Allotment Size	27 sqm	300sqm	No
Frontage	4.5	9m	No
Height	2 storeys	9m / 2 storey	Yes
Soft Landscaping	0%	20%	No
Site Coverage	100%	60%	No
Private Open Space	11 sqm	24sqm	No

Terrace 14

	Proposed	Requirement	Met Yes/No
Allotment Size	27 sqm	300sqm	No
Frontage	4.5	9m	No
Height	2 storeys	9m / 2 storey	Yes
Soft Landscaping	0%	20%	No
Site Coverage	100%	60%	No
Private Open Space	11 sqm	24sqm	Yes

Regulated Trees

The site has several regulated trees on the site, predominately along the eastern side of the site, with the largest located in the south-eastern corner of the site. The largest of which will be retained and located on an allotment designated as public open space fronting onto Sturt Road.

Site Location

The trees are located in the garden of 28 Sturt Road, Brighton, mostly along the eastern and northern boundaries.



Figure 1: Site location – 28 Sturt Road, Brighton

There are four trees listed for removal are 3 and 8 due to the impact of the development. During the assessment of the application tree 7 suffered a structural failure and is now also proposed to be removed.

The application has been referred to Council's Arborist who agrees with the application for those four regulated trees to be removed. The Arborist supported the removal of trees 3, 8 and 14 due to their poor health and structure, whilst the removal of tree 7 is supported due the significant branch failure the tree suffered during the assessment of this application. It is noted that the trees proposed to be removed were previously supported for removal in a previous application, but as they were part of an application that proposed the removal of a greater number of trees which weren't supported, that application was refused.

A condition is recommended in the approval for payment into the urban tree fund as the replacement plantings will not be able to achieve the requirements of the Regulations.

Council's Arborist still has some concerns relating to the construction of the dwellings along the eastern side where they are in close proximity to the regulated trees. A reserved matter is proposed that further information be provided for those dwellings should the application be granted Planning Consent. This is considered to be a reasonable solution to allow the project to continue with some certainty, but allow for further assessment of the trees.

Heritage

The site is not listed as a local heritage place and is not located in an area with a Historic Area overlay, so there are no heritage concerns with this proposal.

Traffic Impact, Access and Parking

Access to the site will be from a road which flairs out onto Sturt Road. The internal road does a loop around the internal terrace buildings, with a slightly narrower laneway which is between the two terrace buildings. At this stage the road design is at a concept stage, and reserved matters are included in the recommendation that will allow for a detailed analysis of the road design prior to issuing full development approval. As a concept, the proposed road is considered to be sufficient for the development in terms of services, access and on-street parking.

The internal roads provide sufficient vehicle manoeuvring around the site, with space provided for on-street parking, footpaths on one side of the road and street trees. There is no footpath provided in the laneway given both sides of the lane have garage openings.

The applicant has provided turning templates from Cirqa that demonstrate that the road is appropriately designed to cater for standard vehicles and service trucks such as rubbish collection trucks. As the road is proposed to be handed over to the Council after completion, rubbish bins will be collected on the site out the front of the dwellings.

Each of the 28 dwellings have been provided with the required amount of parking as prescribed in the Planning and Design Code. Dwellings with 3 bedrooms or more have all been provided with 2 off-street parking spaces, whilst the dwellings with 1 or 2 bedrooms have at least 1 parking space. Therefore, the amount of off-street parking is considered to be acceptable for this development.

The development is designed with 30 on-street parking spaces, which combined with parking available on Sturt Road, provide more than ample visitor parking spaces for the development. It is also noted that each detached dwelling has the garage setback 5.5 metres from the street in accordance with the Planning and Design Code to allow for additional off-street parking.

The proposal has been referred to the Department of Infrastructure who did not raise any concerns with the proposal and included conditions to be part of any approval.

The application has been referred to Council's Engineering team who raised concerns with some of the proposal and sought some amendments to the development. The concerns mainly relate to the technical design of the road infrastructure, which has been included as reserved matters in the recommendation so that these issues can be designed in greater detail once the overall concept has been granted Planning

Consent. These include services underneath the road for lighting and stormwater, as well as street planting and location of pedestrian ramps.

The site is located within an area with a flooding hazard overlay. As this is a new development site there is the opportunity to construction appropriate infrastructure in the roadways to mitigate the flooding impacts. The details of this have not been provided yet, but a reserved matter is recommended that will allow for this to be assessed at a later to ensure that the stormwater in the area is appropriate drained.

CONCLUSION

On balance the proposal is considered to reasonably accord with the relevant policies with the Planning and Design Code and will not unreasonably impact on the amenity of the locality. The proposed allotment sizes are consistent with the density for the General Neighbourhood Zone and the dwellings are consistent with the built form in the area. The proposal maintains the majority of the regulated trees on the site and will provide a diverse range of housing for the community. Therefore, it is considered that on balance the proposal warrants Planning Consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. 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
2. Development Application Number 22009838, by Hammond Estates Pty Ltd is granted Planning Consent subject to the following conditions and reserved matters:

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval:

- A detailed road design showing relevant infrastructure required for the development
- A detailed Electrical and Lighting Design for the street infrastructure is to be provided to Council.
- A detailed landscape plan for the street plantings.
- A detailed assessment of the allotments that contain regulated trees to ensure tree damaging activity does not occur for all trees identified for retention individual tree protection plans are required. For those trees in which major encroachments have been identified (trees 1 and 5) the applicant must identify tree sensitive construction techniques or design options that will reduce the levels of identified encroachments to acceptable levels. The applicant's arborist has stated suitable protection measures have been adopted to minimise the impact of the development and provide a suitable environment for their continued growth. At this stage these protection measures are not clear or well defined and need to be, so that a detailed assessment of this development can occur.
- A detailed stormwater design for the street infrastructure

Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.

CONDITIONS

Planning Consent

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
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).
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.
4. Payment of an amount calculated in accordance with the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the issuing of development approval.
5. That all upstairs windows, other than facing the street, shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be obscure and fixed shut and be installed prior to occupation of the dwelling.
6. That landscaping on the proposed allotment for public open space as detailed in the approved plans shall be planted prior to hand over to Council and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
7. All roads, kerbs, water tables and footpath to be repaired following the dwelling construction phase.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

1. All vehicular access to the development shall be via the new roads only. Direct vehicular to Sturt Road from any of the allotments within this development shall not be permitted.
2. The Sturt Road/New Road intersection shall be designed and located in accordance with, Alexander Symonds, Plan Of Division, Ref: 20A0032.00000, Drawing No. 20A0032PROP1 REVC, dated 16 February 2022, Rivergum Planning Set, Drawing No. PRE0803-00, Revision PRE04, dated January 2022, and CIRQA Traffic and Parking Report, Project No. 21558, Version 1.0 dated 10 March 2022.

3. All roadworks associated with the Sturt Road/ New Road intersection shall be designed and constructed in accordance with Austroads Guidelines, Australian Standards and to the satisfaction of the Department for Infrastructure and Transport (DIT). All costs (including design, construction, project management and any changes to pavement, road drainage, road lighting, etc.) shall be borne by the applicant. All road works shall be completed prior to the issue of Section 138 land division certificates.
4. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
5. All off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
6. No stormwater from this development is permitted to discharge on-surface to Sturt Road. In addition, any existing drainage of these roads shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.

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. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. 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

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

Prior to undertaking detailed design of the Sturt Road/ New Road intersection, the applicant shall contact Mr Narendra Patel, Senior Network Integrity Engineer, Network Management Services on telephone (08) 8226 8244, mobile 0400 436 745 or via email: narendra.patel@sa.gov.au to progress this. The applicant shall enter into a Developer Agreement with DIT to undertake and complete this work.

OFFICER MAKING RECOMMENDATION

Name: Michael Gates

Title: Development Services (Planning and Building) Lead

Date: 7 September 2022