

| | |
|---------------------------------|--|
| DEVELOPMENT NO.: | 22009838 - Deferred application |
| APPLICANT: | Hammond Estates Pty Ltd |
| ADDRESS: | 28 STURT RD BRIGHTON SA 504 |
| NATURE OF DEVELOPMENT: | Land division, resulting in 28 allotments, construction of 28 dwellings & remove 2 regulated trees (trees 7 and 15) |
| 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: | Assessment manager at City of Holdfast Bay – delegated to the Council Assessment Panel |
| 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 Minister responsible for the administration of the South Australian Housing Trust Act 1995 |
| REFERRALS NON-STATUTORY: | Rhys Skipper |

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 one regulated tree. 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 (trees 7 and 15) was located along in the northern and eastern corner of the site.

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:

The application was presented to the Council Assessment Panel at the meeting on 28 September 2022, at which the Panel resolved to defer the application subject to further information regarding:

- The inclusion of affordable housing in order to meet PO1.1 and 1.2 of the Affordable Housing overlay;
- Further assessment of the biodiversity value of Tree No. 3, 8 and 15;
- Further assessment of the impact the buildings will have on the trees which are to be retained, and the proposed tree protection measures that are to be incorporated into the development;
- Amending plans showing the retention of tree number 3; and
- Information regarding future civil works ensuring tree retention.

The applicant has provided additional information for the Panel in regards to the inclusion of affordable housing as per the Affordable Housing Overlay. Assessment of the biodiversity value of trees 3, 8 and 15 have been provided, but it is noted that only tree 15, and tree 7 which has failed, is proposed to be removed now, with all of the other remaining trees on the site to be retained, included tree 14.

The applicant has provided supporting documentation regarding the tree protection measures for the trees to be retained as part of the development. A plan showing the civil works has also been included.

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

AGENCY REFERRALS

- Commissioner of Highways
- Minister responsible for the administration of the South Australian Housing Trust Act 1995

The referral response from the Commissioner of Highways had already been provided in the previous report, but the referral to the Minister responsible for the administration of the South Australian Housing Trust Act 1995 occurred since the last meeting due to the inclusion of affordable housing in the development. The application was referred to the Minister, who has provided commentary and provided a condition to be included in any approval.

PLANNING ASSESSMENT

The additional information has been assessed against the relevant provisions of the Planning & Design Code.

Affordable Housing

The applicant has agreed with the South Australia Housing Authority to provide 15% of the development, 4 dwelling, to be sold under the affordable housing agreement. This satisfies the Affordable housing policies within the Planning and Design Code and the South Australian Housing Authority has included conditions to be part of any approval. The referral response from the Minister responsible for the administration of the South Australian Housing Trust Act 1995 confirms this support.

Previously the South Australian Housing Authority enforced this requirement by the use of a Land Management Agreement, but the process is now managed by conditions.

Biodiversity Assessment of Trees.

The applicant has provided a biodiversity assessment of trees 3, 8 and 15, however it is noted that the plans have been amended to retain these trees, with the exception of tree 15. The retention of the trees is considered to minimise any significant biodiversity impacts and therefore satisfies the reason for deferral. The applicant have also confirmed that they will retain tree 14 on the northern boundary, noting that this tree is not a regulated tree.

Regulated Trees

The applicant has provided additional supporting documentation from Arborman Tree Solutions, who outlines the changes to the building designs to accommodate the retention of the existing trees on the site.

As the design has been changed to retain all trees, except Tree 7 which has failed, there are additional changes to the footing to minimise the impact on Tree 3 and Tree 5. The footing for these dwellings is to be constructed as a raised slab held above grade with only support piers penetrating the ground. The footing design is understood to be flexible in the location of the piers to allow for any discovered roots that are identified as important for tree health and/or stability.

The amount of intrusion into the tree protection zone of tree 3 is 24%, but this is offset by the building design with the raised slab, so the actual amount of intrusion is significantly less. The same measures are also included for tree 5.

Tree 8 is located a sufficient distance to the nearest dwelling as to not be a significant intrusion into the tree protection zone, and will be pruned to ensure that it is suitable to be safely maintained. This tree will only have 4% intrusion into the tree protection zone.

These changes to the design reduce the amount of intrusion into the Tree Protection Zone of the trees to ensure that all the trees can be safely retained in the new development.

Pruning will be required to maintain the trees in close proximity to dwellings, and will be undertaken by qualified Arborist in a way that will not cause tree damaging activity and will not remove more than 30% of the crown, and as such exempt from being classified as development.

A plan for the civil works has also been provided that demonstrates that there will only be minimal works near the trees that will not cause any tree damaging activity.

The retention of all the trees on the site is considered to be a significant amendment for the proposal and will help to maintain the character of the area, and also minimise any impacts to wildlife that live in the trees.

CONCLUSION

On balance the additional information is considered to have addressed the Panels reasons for deferral and on balance reasonably accords with the relevant provision within the Planning and Design Code, and therefore warrants Planning Consent to be granted.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 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
- 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 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.
8. Dwellings 1 and 14 that have a direct frontage with Sturt Road shall not have direct vehicle access from Sturt Road. Vehicle access for these allotments must be from the internal road.
9. The trees numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13, 14 in the Arborman Tree Solutions report dated 12 October 2022 must be retained in accordance with the approved plans

CONDITIONS

Planning Consent

Conditions imposed by Minister responsible for the administration of the South Australian Housing Trust Act 1995 under Section 122 of the Act

1. The applicant must provide a minimum of 15% (equates to 4 dwellings) as 'affordable housing' of all dwellings in accordance with the criteria determined by the Government Gazette 8 September 2022, under regulation 4 of the *South Australian Housing Trust Regulations 2010* and the submitted Affordable Housing Plan on 7/10/2022.

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

2. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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

Planning Consent

Advisory Notes imposed by Minister responsible for the administration of the South Australian Housing Trust Act 1995 under Section 122 of the Act

1. The applicant is encouraged to market and offer for sale to an eligible buyer in accordance with the criteria in the Government Gazette, 8 September 2022 (under regulation 4 of the *South Australian Housing Trust Regulations 2010*) and the HomeSeeker SA framework. Email homeseecker.partners@sa.gov.au for more information.

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

2. 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: 19 October 2022