

**CAP MEETING – 8 January 2025**

**ITEM 8.1**

<b>DEVELOPMENT NO.:</b>	24008556
<b>APPLICANT:</b>	Quartz Building Design
<b>ADDRESS:</b>	15 HUGHES PL LOBETHAL SA 5241
<b>NATURE OF DEVELOPMENT:</b>	Tourist accommodation
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Productive Rural Landscape</li> <li>• Township</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Environment and Food Production Area</li> <li>• Hazards (Bushfire - Medium Risk)</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Limited Land Division</li> <li>• Mount Lofty Ranges Water Supply Catchment (Area 2)</li> <li>• Native Vegetation</li> <li>• Prescribed Water Resources Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> <li>• Urban Transport Routes</li> <li>• Water Resources</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 1,000 sqm; semi-detached dwelling is 1,000 sqm; row dwelling is 500 sqm; group dwelling is 500 sqm; residential flat building is 500 sqm)</li> </ul>
<b>LODGEMENT DATE:</b>	17 Apr 2024
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at Adelaide Hills Council
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.6 04/04/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Brendan Fewster & Doug Samardzija Consultant Planner
<b>REFERRALS STATUTORY:</b>	Native Vegetation Council
<b>REFERRALS NON-STATUTORY:</b>	Environmental Health - Waste

**CONTENTS:**

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#### DETAILED DESCRIPTION OF PROPOSAL

The application is proposing the construction of two (2) tourist accommodation units.

The following is a more detailed overview of the proposal:

- Construction of two (2) tourist accommodation units located at the eastern end of the allotment. The units are of identical design with a simple modern form comprising stone veneer and charred timber cladding, and a gable roof. The units have a floor area of 113m<sup>2</sup> and a roof height of 4.5 metres above natural ground level. Internally, the units have one bedroom, a small bathroom, and an open living and kitchen area.
- An existing vehicle access from Hughes Place will be utilised. This access will serve a new internal driveway for guests and fire-fighting vehicles. There is space adjacent to each unit for car parking.
- A 22000L rainwater tank dedicated for firefighting is to be provided between the two units. The wastewater system for the units will connect into the existing sewer main.
- The benched footings for the units and the driveway grades will result in up to 1.5 metres of cut and fill. The earthworks will be battered and landscaped.
- The applicant has confirmed that a maximum of two guests will be permitted in each unit with a maximum five-night stay.

#### BACKGROUND

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
25/03/83	563/2-097/83	Land Division
23/05/83	563/2-137/83	Storage shed
26/05/95	563/DA/00104/95	Domestic Storage and Farm Building
27/06/2019	473/773/16	Land division to create 15 additional allotments, the construction of retaining walls, the excavation and filling of the land, and the removal of two (2) Significant trees.

#### SUBJECT LAND & LOCALITY

**Location reference:** 15 HUGHES PL LOBETHAL SA 5241

**Title ref.:** CT 6272/883 **Plan Parcel:** D129557 AL18 **Council:** ADELAIDE HILLS COUNCIL

#### Site Description

The subject land comprises a single rural residential allotment located at 15 Hughes Place, Lobethal. The allotment is on the fringe of the Lobethal township.

The land is a rectangle shape with a dogleg at the north-western corner that provides access to Hughes Place, which is a newly constructed road with a residential subdivision. The subject land is approximately 135 metres wide, 210 metres deep and has a total site area of approximately 2.8 hectares.

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The land comprises a single allotment that is described as Allotment 18 in Deposited Plan 129557, Certificate of Title Volume 6272 Folio 883. The Certificate of Title indicates that there is an easement for electricity and drainage services that traverses the allotment adjacent to the western boundary. There are no other registered interests on the land title.

The land is vacant and has a moderate coverage of native vegetation.

The land is relatively flat and has a significant number of existing native trees, which are in addition to 900 plus trees that have been recently planted along the boundaries to the south and north and around an existing dam.

The land has a sloping topography with several depressions and an overall crossfall of over 25 metres (approximately 1 in 8.5 grade) in a westerly direction.

The subject land is primarily located within the Productive Rural Landscape Zone of the Code, with only the driveway handle and service easement located within the Township Zone.

### **Locality**

The locality has a semi-rural character where land borders existing residential land to the south and west along Mount Torrens Road and Kenton Valley Road and the more open rural landscape to the north and east.

Residential allotments fronting Mount Torrens Road and Kenton Valley Road are typically around 1000m<sup>2</sup> and contain detached dwellings of varying size and style.

To the north of the subject site is a large construction and earthmoving business while land to the east small-scale includes grazing activities and rural living. There are vineyards further south of Mount Torrens Road.

The wider locality has a mixed character where township uses interface with rural land.

### **CONSENT TYPE REQUIRED**

Planning Consent

### **CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
Tourist accommodation: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

### **PUBLIC NOTIFICATION**

- **REASON**  
The proposed tourist accommodation does not satisfy DPF 6.3 and 6.4 of the Productive Rural Landscape Zone and therefore did not meet the requirements of Table 5 public notification exemptions and, the application was publicly notified.

Public Notification period – 5 to 27 September 2024

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- **LIST OF REPRESENTATIONS**

Three (3) representations were received during the notification period, and all opposed the proposal. Two (2) representations have requested to be heard by the Panel.

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Roland Temesi	PO Box 241, Woodside	Yes	Self
Leanne Noske	Unit 5, 6 Euston Avenue, Highgate	Yes	Self
Renae Bettens	2 Memorial Court, Kersbrook	No	No

- **SUMMARY**

The issues contained in the representations can be briefly summarised as follows:

- Safety risks due to slope of land
- Traffic safety
- Security and privacy concerns
- Increased bushfire risk
- Insufficient management details
- Visual impact
- Inadequate boundary setbacks
- Inadequate boundary fencing
- Future development on the land

A copy of the representations are included as **Attachment 4 – Representations** and the applicant's response is provided in **Attachment 5 – Response to Representations**.

### AGENCY REFERRALS

- **Native Vegetation Council**  
No objection, with four (4) conditions of consent.

### INTERNAL REFERRALS

- **Environmental Health Department**  
The site already has a sewer connection point, so no wastewater application required.

### PLANNING ASSESSMENT

#### **Desired outcomes**

*Desired outcomes 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. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome or assist in assessing the merits of the development against the applicable performance outcomes collectively.*

#### **Performance outcomes**

*Performance outcomes 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.*

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#### **Designated performance features**

*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.*

A detailed assessment of the application has taken place against the relevant provisions of the Planning and Design Code (P & D Code) and this is provided below under a series of headings. A Policy Enquiry extract containing the relevant provisions of the P & D Code is contained in **Attachment 6 – Relevant P & D Code Policies**.

#### **Zone:**

#### **Productive Rural Landscape Zone:**

<b>Desired Outcomes</b>	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 2.1, 2.2, 6.3, 6.4 and 11.1	
DPFs: 1.1, 2.1, 2.2, 6.3 and 6.4	

The subject land is a rural residential allotment of approximately 2.8 hectares that sits between existing residential land to the south and west and open rural land to the east between Mount Torrens Road and Brettig Road. The subject land does not have any productive farm value due to its small size and sloping topography.

The proposal is seeking to use the land for small-scale tourist accommodation comprising of two small units each with one bedroom and a maximum occupancy of two guests.

The subject land is generally situated within the Productive Rural Landscape Zone of the Code, with only the driveway handle and service easement located within the Township Zone. DO 1 and DO 2 of the Productive Rural Landscape Zone are seeking a diverse range of land uses that promote primary production activities and associated value adding uses, such as tourism development. DPF 1.1 identifies 'tourist accommodation' as an envisaged land use within the Zone.

While tourist accommodation is generally supported within the zone, the scale and intensity of such value-adding activities should be such that "the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape" are conserved. This Desired Outcome is supported by PO 6.3 and 6.4 of the zone which provide guidance on the preferred nature, size and scale and the siting of tourist accommodation. DPF 6.3 and 6.4 of the zone are seeking tourist accommodation that:

- a. is associated with the primary use of the land for primary production to enhance and provide authentic visitor experiences.

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- b. does not exceed a cumulative total floor area of 100m<sup>2</sup>
- c. does not result in more than one tourist accommodation facility being located on the same allotment.
- d. is setback from all property boundaries by at least 40m.
- e. has a building height that does not exceed 7m above natural ground level.

While it is preferred that tourist accommodation is associated with existing primary production on the land, in this instance, the land is only 2.8 hectares in area and therefore does not have any substantial productive farm value. The proposed accommodation is also akin to a residential land use and given that the land is adjacent to established housing within the Township Zone, the proposal will not offend the Desired Outcome for the Productive Rural Landscape Zone and adjacent Township zone and is therefore appropriate from a land use perspective.

The proposed accommodation units are small-scale with a floor area of only 113m<sup>2</sup> and sensitively designed and sited with a relatively small amount of earthworks and reasonable significant spatial separation to avoid conflicts with existing land uses, as sought by PO/DPF 2.1, 6.4 and 11.1 of the Zone.

The visual impacts would not be significant given that:

- The units are single storey with a low roof height and modest floor area;
- External materials are non-reflective and finished in dark/earthy colours;
- A small amount of earthworks is required resulting in minimal disruption to the natural landform. The earthworks will be battered and landscaped;
- The units will be a minor visual element when viewed from neighbouring properties as they are located at the eastern end of the site away from the adjacent residential area to the west and are setback at least 29 metres from the side boundaries, which provides adequate separation given the small size of the allotment; and
- Existing vegetation will be retained where possible.

The proposed tourist accommodation will also cater to the needs of visitors and contribute positively to the local economy. DO 1 and PO 1.1 (Tourist Development) are therefore satisfied.

For these reasons, the proposed development is of an appropriate nature, scale and intensity that would conserve the existing semi-rural character of the area while contributing to tourist and lifestyle opportunities. On balance, the DO 1 and PO 1.1, 6.3 and 6.4 of the Productive Rural Landscape Zone and DO 1 and PO 1.1 of the General Policies (Tourism Development) are reasonably satisfied.

### Overlays

#### Hazards (Bushfire- Medium Risk) Overlay

Desired Outcomes	
DO2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.2, 5.1 and 5.3	
DPFs: 2.2 and 5.1	

The subject land is with the Hazards (Bushfire – Medium Risk) Overlay.

As required by the Overlay, the proposal includes the following bushfire safety measures:

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- A water supply of 22000 litres will be provided for the accommodation units for firefighting in accordance with *Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements*;
- Buildings are not sited near any potentially hazardous vegetation;
- The new vehicles access and internal driveway is designed with a formed all-weather surface and a with gradient, dimension and turning areas that facilitate safe and convenient access for fire fighting vehicles (as per DPF 5.1); and
- Clear and unobstructed pedestrian pathways.

The bushfire risks have been adequately considered by the applicant with measures put in place that satisfy the requirements of the Hazards (Bushfire – Medium Risk) Overlay.

#### Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcomes	
DO1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 2.5, 3.2, 3.3 and 4.1 DPFs: 1.2, and 2.5	

DO 1 of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay is seeking the protection of public water supply in the Watershed area.

As the site has a sewer connection point and will not require on-site wastewater disposal, the application was not required to be referred to the Environment Protection Authority (EPA).

The proposal will not result in any negative impacts on the water quality within the catchment area. The proposal is therefore consistent with DO 1 and the relevant PO's of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay.

#### Native Vegetation Overlay

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs: 1.1	

A Native Vegetation Clearance Report has been provided in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 as the subject land is within a Native Vegetation Overlay and the proposal involves the removal of native vegetation. The report confirms that the proposal will result in Level 3 clearance and recommends a payment of \$2,647.13 into the Significant Environmental Benefit (SEB) fund.

The application has been referred to the Native Vegetation Council as the proposed vegetation clearance exceeds that of Level 2. The Native Vegetation Council has no objection to the proposed development based on the recommended Significant Environmental Benefit offset.

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The proposal is therefore consistent with DO 1 and PO 1.1 and 1.2 of the Native Vegetation Overlay.

#### Traffic Generating Development Overlay

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2 and 1.3	
DPFs: 1.1, 1.2 and 1.3	

The proposed tourist accommodation is accessed from a local road and will generate minimal traffic.

The proposal will not impact on traffic flows along Mount Torrens Road and Kenton Valley Road, which are State Maintained Roads.

#### Urban Transport Routes Overlay

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from Urban Transport Routes.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1 and 5.1	
DPFs: 1.1, 2.1, 3.1 and 5.1	

The proposal will utilise an existing access point on Hughes Place. The access is well removed from Urban Transport Routes and will generate a small amount of additional traffic.

The proposal will not impact on the safety and efficiency of Urban Transport Routes.

#### Water Resources Overlay

Desired Outcomes	
DO1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 1.5 and 1.7	
DPFs: 1.5	

There are no watercourses affecting the subject land. The proposal is consistent with the Water Resources Overlay.

#### General Development Policies

##### Design



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<b>Desired Outcomes</b>	
DO1	Development is: <ul style="list-style-type: none"><li>a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area</li><li>b) durable - fit for purpose, adaptable and long lasting inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</li><li>c) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li></ul>
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 6.1 and 8.1 DPFs: 6.1 and 8.1	

The proposal includes two accommodation units located at the eastern end of the allotment. The units are clustered together and are setback at least 29 metres from the nearest residential boundary.

It has been demonstrated that that the size, scale and design of the proposed tourist accommodation would respond appropriately to the character and amenity of the area.

Apart from some minor alterations to the natural topography for the new internal driveway and up to 1.5 metres of earthworks to provide a bench surface for the buildings, there will be limited disturbance to the natural ground levels. The proposal will not result in significant scarring of the land. PO/DPF 8.1 (Design) is satisfied.

#### Interface between Land Uses

<b>Desired Outcomes</b>	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: DPFs:	

DO1 and PO 1.2 (Interface between Land Uses) seek to ensure that new development is operated in a manner that adequately protects the amenity of the locality.

The proposed units have one bedroom with capacity for only two guests (maximum of four guests on the site at any one time). The proposed tourist accommodation is akin to a residential land use and the noise generation from such a small number of guests would be negligible. It is acknowledged that the proposal will generate additional traffic to the site, however the tourist accommodation will result in a maximum of two vehicles accessing the site when at full capacity, which makes the proposed development a low traffic generator. The small amount and infrequent nature of the additional traffic, the provision of an all-weather surface for the internal driveway and the siting of the units well away from property boundaries will ensure the amenity and enjoyment of existing properties in the locality will not be detrimentally impacted.

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Similarly, the privacy of the representors (and that of other nearby properties) will not be impacted as the existing buildings are single storey and setback 29 metres from the nearest residential boundary to the south. PO 10.1 and 10.2 (Design) are satisfied.

Accordingly, it is considered that the proposal would not adversely impact upon the amenity of nearby sensitive uses by way of noise, light spill, traffic or loss of outlook and privacy. DO 1 (Interface between Land Uses) and PO 2.1 and 3.2 (Tourist Development) are reasonably satisfied.

#### Site Contamination

Desired Outcomes	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs: 1.1	

As the proposal would not be changing the use of land to a more sensitive use. Whilst the subject land is currently vacant, this was not the case in the past. This allotment was recently part of one larger allotment that was subject to a land division in 2016 where the first half of the property that was in the Township Zone was subdivided into 15 additional allotments, with the area that was in the Productive Rural Landscape Zone and is now part of this application remained as a rural living allotment. Aerial images going back to 1949 as well as previous approvals granted on site show that the allotment was used for residential purposes with added uses for grazing of cattle and sheep and a small home garden for the family that resident on the land.

All things considered, it is accepted that whilst there is no existing land use on the subject land, the immediate previous use of the land was for residential purposes when it was all a singular allotment and therefore does not require a PSI in accordance with Practice Direction 14 Part 5 (d) (i).

DO 1 and PO 1.1 (Site Contamination) are reasonably addressed in this instance.

#### Tourist Development

Desired Outcomes	
DO1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 and 1.2 DPFs:	

The proposed tourist accommodation facility will cater to the needs of visitors and contribute positively to the local tourism economy.

The clustering of the accommodation is supported by PO 1.2.

#### Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.4, 3.1, 3.5, 4.1, 5.1, 6.1 and 6.2 DPFs: 1.4, 3.1, 3.5, 5.1 and 6.1	

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The proposal will utilise an existing vehicle access on Hughes Place. This access point will serve a new internal driveway for guests and fire-fighting vehicles.

Table 1 - General Off-Street Car Parking Requirements prescribes a parking rate of 1 space per tourist accommodation unit. Although not identified on the proposal plans, there is adequate area adjacent to each unit for car parking. PO/DPF 5.1 (Traffic, Access and Parking) is reasonably satisfied.

Accordingly, the low levels of traffic generated by the development and the adequate provision of on-site car parking will ensure the proposal would not lead to conditions detrimental to the free flow and safety of vehicular traffic on the surrounding road network. The relevant provisions of the General Section (Transport, Access and Parking) have been satisfied.

### **CONSIDERATION OF SERIOUSLY AT VARIANCE**

Having considered the proposal against the relevant provisions of the Planning and Design Code version 2024.6 dated 4 April 2024, the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code for the following reasons:

- Tourist accommodation is an envisaged land use in the Productive Rural Landscape.
- The small-scale and low intensive nature of the proposed tourist accommodation will not undermine existing or desirable uses in the Zone.
- The proposed tourist accommodation will cater to the needs of visitors and contribute positively to the local economy.
- It has been reasonably demonstrated that the proposal would not adversely impact upon the amenity of nearby sensitive uses.
- The development includes safe and convenient access and adequate car parking.

### **CONCLUSION**

The subject land is a semi-rural allotment that is situated within Productive Rural Landscape Zone. The land does not have significant productive farm value due to its small size and sloping topography.

The proposed tourist accommodation is an envisaged form of development from a land use perspective, particularly given the small-scale and low intensive nature of the proposed units. The proposed units are sensitively designed and sited with minimal earthworks and significant spatial separation to complement the residential and rural character and avoid conflicts with existing land uses.

The tourist accommodation will also cater to the needs of visitors and contribute positively to the local economy without undermining the land use intent of the zone or the area's natural and rural character.

It has been demonstrated that adequate provisions are made for vehicle access and car parking, wastewater management and bushfire safety, and that impacts on the amenity of surrounding properties would not be significant.

Accordingly, the proposal would reasonably achieve the Desired and Performance Outcomes for the Productive Rural Landscape Zone, the relevant Overlays and General Provisions of the Code and warrants the granting of Planning Consent subject to conditions.

### **RECOMMENDATION**

**It is recommended that the Council Assessment Panel resolve that:**

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- 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 24008556 by Quartz Building Design for tourist accommodation at 15 Hughes Place, Lobethal is granted Planning Consent subject to the following conditions:**

#### **CONDITIONS**

##### **Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**
- 2) The applicant, owner and/or other person(s) making use of the subject land shall maintain the site in good condition at all times, including all buildings and structures, car parking areas, driveways and landscaping, and ensure that all activities on the site are in accordance with the approved documentation to the reasonable satisfaction of Council.**

- 3) The person(s) having the benefit of this consent shall refrain from permitting the use of the buildings (or any part thereof) for provision long term accommodation or as separate dwellings. The tourist accommodation shall be used and operated on a short term rental arrangement with a maximum of a ninety day stay per occupancy.**

**A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.**

- 4) The tourist accommodation approved herein and any associated activities shall be managed and conducted at all times in a manner as to cause no undue nuisance or adverse effect to any neighbouring landowners or to other land uses within the locality.**
- 5) All external lighting associated with the depot use shall be restricted to that necessity for security purposes only and shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of nearby residential properties.**
- 6) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.**
- 7) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council within one month of the roof cladding being installed using design techniques such as:**
  - Rainwater tanks**
  - Grassed swales**
  - Stone filled trenches**
  - Small infiltration basins**

**Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. All stormwater including hard surface runoff shall be managed on site with no stormwater to trespass onto adjoining properties.**

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- 8) Access to habitable buildings where the distance from the public road to the building is greater than 60 m shall be designed and constructed to facilitate the safe and effective: access, operation and evacuation of fire-fighting vehicles and emergency personnel evacuation of residents, occupants and visitors.**

**Driveways shall be:**

- no greater than 600m in length
- constructed with a formed, all-weather surface
- connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8)
- a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway
- crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway
- a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures
- incorporate passing bays with a minimum width of 6m and length of 17m every 200m
- provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures
- allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m
- allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either:
  - a) a loop road around the building OR
  - b) a turning area with a minimum radius of 12.5m OR
  - c) a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4)
- incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.

**Conditions imposed by Native Vegetation Council under Section 122 of the Act**

- 9) Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009**
- 10) Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area**
- 11) Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area**
- 12) Pruning is to be conducted in accordance with the Australian Standard for Pruning Amenity Trees (AS4373-2007). Branches or limbs are to be cut cleanly back to the nearest fork.**

### **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.**

## **CAP MEETING – 8 January 2025**

### **ITEM 8.1**

- 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 Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 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).**

#### **Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act**

- 5) **The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2024/3126/473.**

#### **OFFICER MAKING RECOMMENDATION**

**Name:** Doug Samardzija  
**Title:** Senior Statutory Planner

**CAP MEETING – 8 January 2025**

**ITEM 8.2**

<b>DEVELOPMENT NO.:</b>	24040887
<b>APPLICANT:</b>	Scott Butler Scott Hunter
<b>NATURE OF DEVELOPMENT:</b>	Variation to DA 23034228 - realignment of retaining walls and, increase in height of retaining walls, realignment of tennis court area as well as relocation of tennis court lights and fence
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Rural Neighbourhood</li> </ul> <p><b>Subzones:</b></p> <ul style="list-style-type: none"> <li>• Adelaide Hills</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Hazards (Bushfire - Medium Risk)</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Mount Lofty Ranges Water Supply Catchment (Area 2)</li> <li>• Native Vegetation</li> <li>• Prescribed Water Resources Area</li> <li>• Regulated and Significant Tree</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Site Area (Minimum site area is 2,000 sqm)</li> </ul>
<b>LODGEMENT DATE:</b>	16 Dec 2024
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at Adelaide Hills Council
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.22 05/12/2024
<b>CATEGORY OF DEVELOPMENT</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION</b>	No
<b>RECOMMENDING OFFICER</b>	Doug Samardzija Senior Statutory Planner
<b>REFERRALS STATUTORY</b>	None
<b>REFERRALS NON-STATUTORY</b>	Open Space Department (Arboriculture)

**CONTENTS:**

- 
- ATTACHMENT 1: Application Documents**
  - ATTACHMENT 2: Subject Land Map**
  - ATTACHMENT 3: Zoning Map**
  - ATTACHMENT 4: Court Order & Plans**
  - ATTACHMENT 5: Relevant P & D Code Policies**

## CAP MEETING – 8 January 2025

### ITEM 8.2

#### DETAILED DESCRIPTION OF PROPOSAL:

The proposal seeks to vary the original Development Authorisation 23034228 which was for a single storey detached dwelling, in-ground swimming pool with associated safety barriers, tennis court with 4x light poles, combined fence & retaining walls, retaining walls & 2x water storage tanks. This application seeks to amend the original proposal by realigning and increasing the height of retaining walls, realignment of tennis court area as well as relocation of the tennis court lights and fence.

The approved landscaping plan is also being varied to reflect a replacement tree being planted on the road verge, where a tree was removed during the demolition works.

A detailed breakdown of the variation proposal is provided below:

- Realignment of the retaining wall further away from the western property boundary. Original proposal included a setback ranging from 775mm to 1.6m and the amendment seeks to increase the setback to range between 4.1m and 5m.
- Increase the setback of the tennis court from the western boundary in line with the retaining wall by reducing the overall width.
- Increase the length of the tennis court and reduce the setback from southern boundary from 8.365m to 5.46m.
- Increase the retaining wall height along the boundary with the maximum retaining wall height increasing from 1.65m to 1.8m.
- Amend the location of the tennis court lights and fencing to be consistent with the new tennis court orientation.
- Amend the landscaping details to reflect the amended retaining wall and tennis court location and orientation and a replacement tree on the road verge.

#### BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
29/05/2024	23034228	Single storey detached dwelling, in-ground swimming pool with associated safety barriers, tennis court with 4x light poles, combined fence & retaining walls, retaining walls & 2x water storage tanks
24/06/2014	473/443/14	Verandah & outbuilding
25/10/2007	473/548/2007	Single storey dwelling addition
19/10/2004	473/838/2004	Domestic outbuilding
26/02/1991	330/126/91	Domestic Garage
25/05/1984	330/419/84	Carport addition to dwelling

The original application 23034228 was considered and refused by CAP on 13 March 2024. The decision was subsequently appealed by the applicant to the ERD Court. Through the preliminary conference discussions, a compromised proposal was presented to CAP on 08 May 2024 for consideration which was supported.



## **CAP MEETING – 8 January 2025**

### **ITEM 8.2**

Subsequent Court Order was issued on the 29 May 2024 approving the application. The Court Order and approved plans are contained in **Attachment 4 – Court Order & Plans**

#### **SUBJECT LAND & LOCALITY:**

**Location reference:** 47 LESLEY CR CRAFTERS SA 5152

**Title ref.:** CT 5637/466 **Plan Parcel:** D6506 AL 10 **Council:** ADELAIDE HILLS COUNCIL

#### **Site Description:**

The subject land is rectangular in shape, with an area of 2108 square metres. It has a 29m frontage to Lesley Crescent and is 74m long. The subject land is on the south-eastern side of the road and approximately 69m from the intersection of Old Mount Barker Road.

The land currently a vacant block of land with the previous dwelling being recently demolished. The existing dwelling has a floor area of 224 square metres and is setback 18m from the front boundary.

The front yard consists of a large lawn area, bordered by low lying plants with some irregularly spaced small trees. The front boundary is setback approximately 6m from the edge of the Lesley Crescent carriageway. The road verge along both sides of the road is planted with trees and shrubs. There is generally a lack of front fencing with the larger row of tree plantings on the south-eastern side of Lesley Crescent near the subject land acting as the marker between public and private property. In other sections along Lesley Crescent the distinction is not so clear with front yard landscaping creeping up to the edge of the carriageway.

There are no easements or other restrictions on the Certificate of Title. The land is serviced by mains water, sewer and electricity supply.

#### **Locality**

The locality is characterised by predominantly single storey dwellings. Well landscaped yards and a sense of spaciousness resulting from generous building setbacks are a defining part of the locality, which is wholly residential in nature. Dwellings in the locality that are most visible from the roadway are generally older in nature and constructed of brick walls with tiled roofs.

It is also a densely vegetated area with large trees and vegetation along the street, front yards and internally within the sites. This locality in particular has a row of large oak trees on the neighbouring sites running for the majority of the length of subject's land western boundary.

The Lesley Crescent carriageway is sealed, but there is no kerb and gutter.

#### **CONSENT TYPE REQUIRED:**

Planning Consent

#### **CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**
  - Other - Residential - Variation to DA 23034228: Code Assessed - Performance Assessed
  - Other - Residential – Tennis Court Lighting: Code Assessed - Performance Assessed
  - Residential - Fence: Code Assessed - Performance Assessed
  - Residential – Retaining Wall: Code Assessed - Performance Assessed

## CAP MEETING – 8 January 2025

### ITEM 8.2

- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

### PUBLIC NOTIFICATION

- **REASON**

The proposal being only a variation application to the original DA did not require public notification. The elements that are being changed and in particular relocation of the retaining walls, the tennis court and associated fence and lighting are further away from the western boundary and the variation is reducing the overall bulk and scale of the works and minimising the impact on neighbouring properties and adjacent trees.

Whilst the tennis court and associated lighting is proposed closer to the southern boundary, the setback is still of reasonable nature that it will not have any greater impact on that property.

Overall, in the opinion of the relevant authority, the proposed changes are of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development

### AGENCY REFERRALS

None

### INTERNAL REFERRALS

- **Open Space Department (Arboriculture)**

The amended information provided by the project arborist is sufficient evidence to support the viability of trees 2 and 3.

The Tree Protection Plan is reasonable and provided the project arborist is on site during those works identified in the report as requiring supervision by a suitably qualified arborist, there are no further recommendations from my perspective.

### PLANNING ASSESSMENT

#### ***Desired outcomes***

*Desired outcomes 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. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome or assist in assessing the merits of the development against the applicable performance outcomes collectively.*

#### ***Performance outcomes***

*Performance outcomes 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.*

## CAP MEETING – 8 January 2025

### ITEM 8.2

#### **Designated performance features**

*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.*

A detailed assessment of the application has taken place against the relevant provisions of the Planning and Design Code (P & D Code) and this is provided below under a series of headings. A Policy Enquiry extract containing the relevant provisions of the P & D Code is contained in **Attachment 5 – Relevant P & D Code Policies**.

#### **Zone:**

#### **Rural Neighbourhood Zone:**

<b>Desired Outcomes</b>	
DO1	Housing on large allotments in a spacious rural setting, often together with large outbuildings. Easy access and parking for cars. Considerable space for trees and other vegetation around buildings, as well as on-site wastewater treatment where necessary. Limited goods, services and facilities that enhance rather than compromise rural residential amenity.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 2.1, 5.1 and 6.1	
DPFs: 2.1, 5.1 and 6.1	

POs 5.1 and 6.1 along with the corresponding DPFs refer to the appropriate setbacks from side and rear boundaries of the allotment. The proposal has been amended to increase the setback from the western side boundary. Approved plans included a side boundary setback for retaining walls, tennis court and tennis court fencing which ranged from 775mm at its closest point to 1.6m at its furthest point. The amendments now seek to increase the setbacks to 4.1m at its closest point and 5m at its furthest point. There has been no change to the setback from the eastern boundary given that the increase in the setback from southern boundary has been facilitated by reducing the overall width of the tennis court.

The rear boundary setback has however reduced as a result of the proposed changes. Whilst the tennis court width has been reduced, the length has been increased which has resulted in a reduced setback from the southern boundary from 8.365m to 5.46m.

Overall, the changes are considered an improvement irrespective of the reduced setback from the rear boundary. As a guide, DPF 6.1 seeks that building walls are setback from rear boundary at least 6m. The proposed change will only have a marginal shortfall in this regard whilst significantly improving the setback from the western side boundary.

#### **Overlays**

#### **Regulated and Significant Tree Overlay**

<b>Desired Outcomes</b>	
DO1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.2, 1.4	
DPFs: -	

## CAP MEETING – 8 January 2025

### ITEM 8.2

The change to the proposal came about because of the hydrovac investigations along the western property boundary which discovered major roots and therefore if the development had proceeded it would have potentially damaged trees 2 and 3 as identified in the Arborist report. The amended Arborist report has been prepared as a result and the plans have been amended to be in accordance with the recommendations put forward by the arborist to ensure that the development that occurs on the subject land results in less than 10% encroachment into the TPZ and therefore doesn't jeopardise the health of the tree.

Whilst the proposal has been amended to ensure the health of the trees on adjoining properties is maintained, it is important to still clarify that this was not done because the works would have necessarily resulted in the tree damaging activity but rather in the interests of trying to protect neighbouring trees. As was explained in the original application, the trees in question are within 20m of a dwelling and therefore any works that might occur around those trees is not classified as a tree damaging activity in accordance with *Planning, Development and Infrastructure (General) Regulations 2017- Schedule 4 Part 18 (1)(b)*.

### General Development Policies

#### Design

Desired Outcomes	
DO1	Development is: <ul style="list-style-type: none"><li>a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area</li><li>b) durable - fit for purpose, adaptable and long lasting</li><li>c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</li><li>d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li></ul>
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 8.1, 9.1 and 9.2	
DPFs: 8.1 and 9.2	

The extent of earthworks exceeds 1m of cut as envisaged by DPF 8.1. The original proposal included cut to a height of 1.7m and the variation is only seeking to increase that marginally to 1.8m. The majority of the cut will occur along the western boundary and towards the rear of the site around the perimeter of the tennis court. The retaining walls are also increasing in height. The original proposal had the retaining walls along the western boundary ranging in height from 800mm along the front of the property, 1.4m in the middle and up to 1.65m around the tennis court. The variation seeks to increase the walls range in height from 1.4m along the front of the property, 1.2m in the middle and 1.8m along the tennis court area. Whilst the extent of the earthworks exceeds that envisaged by DPF 8.1, the departure is considered to be minor in nature bearing in mind that the majority of the earthworks and retaining wall is going to be screened by the dwelling as well as by the proposed landscaping along the front of the property.

Amended landscaping plan has also been prepared to factor in these changes and to ensure that it is consistent with the development and earthworks occurring on site. The landscaping plan also includes landscaping along the road verge with plantings indicated to replace the vegetation that has been removed.

**Interface between Land Uses**

<b>Desired Outcomes</b>	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.2, 3.1, 3.2, 3.3, 6.1	
DPFs: 3.1 and 3.2	

Whilst the amendment includes the relocation of the tennis court lights, it is not considered that their location will result in increased light spill from the original. Firstly, in relation to the neighbouring properties to the west, the reduction would be insignificant given the proposed setback and the fact that the original location was close to the property boundaries.

In relation to the southern boundary, the new lights will be going 2.5m closer to the property boundary. Whilst this is a reduction in the setback, the 13m setback is still considered reasonable and unlikely to result in light spill which would be contrary to AS4282:2019.

**CONSIDERATION OF SERIOUSLY AT VARIANCE**

The variation proposal is not considered to be seriously at variance with the provisions of the P & D Code. Rural Neighbourhood Zone policies envisage buildings that contribute to the low-rise residential character and complement the height of nearby buildings. The proposed changes are an improvement on the original application because it will increase the setbacks from the western boundary which will ensure the protection and retention of trees on neighbouring property.

**CONCLUSION**

The proposal is a variation to the original development application which seeks to amend elements of the proposal. Mainly it includes increasing the setback of the retaining walls, tennis court, tennis court lighting and fence from the western boundary. The reason for the change as outlined in the report is to ensure the protection and retention of the neighbours' trees.

The changes do result in a reduced setback from the southern boundary however, this reduction is not considered significant and will not result in increased impact on the adjoining property to that originally approved.

The change to the retaining walls heights is insignificant given their location and will therefore not have any impacts on the neighbouring properties or the streetscape.

**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**

## **CAP MEETING – 8 January 2025**

### **ITEM 8.2**

- 2) Development Application Number 24040887 by Scott Butler for variation to DA 23034228 realignment of retaining walls and, increase in height of retaining walls, realignment of tennis court area as well as relocation of tennis court lights and fence at 47 Lesley Crescent, Crafers is granted Planning Consent subject to the following conditions:

#### **CONDITIONS**

##### **Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation except, where varied by conditions below.
- 2) Prior to undertaking any earthworks or construction within the Tree Protection Zone (TPZ) of trees 1, 2 or 3 the Revised Tree Management Plan contained in the Revised Tree Report prepared by Comphort Technical Services and emailed by Scott Hunter to Council on 3 December 2024 must be implemented. The TPZ and Tree Management Plan must be maintained for the duration of the construction of the dwelling and associated structures.
- 3) Landscaping, as detailed in the Landscaping Plan V5 prepared by Dan Davis of Ellava Garden Consultancy & Design dated 10 December 2024, shall be planted in the planting season following occupation and, maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if it dies or, becomes seriously diseased.
- 4) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 23034228 continue to apply to this amended authorisation.

#### **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 Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 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).

#### **OFFICER MAKING RECOMMENDATION**

**Name:** Doug Samardzija  
**Title:** Senior Statutory Planner