

CITY OF WEST TORRENS



Notice of Panel Meeting

NOTICE IS HEREBY GIVEN in accordance with Section 56A(19) of the Development Act 1993, that a meeting of the

DEVELOPMENT ASSESSMENT PANEL

of the

CITY OF WEST TORRENS

will be held in the George Robertson Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 12 JULY 2016
at 5.00 PM**

**Terry Buss
Chief Executive Officer**

City of West Torrens Disclaimer

Development Assessment Panel

Please note that the contents of this Development Assessment Panel Agenda have yet to be considered and deliberated by the Development Assessment Panel and officer recommendations may be adjusted or changed by the Development Assessment Panel in the process of making the formal Development Assessment Panel decision.

Note: The plans contained in this agenda are subject to copyright and should not be copied without authorisation.

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1. MEETING OPENED

1.1 Evacuation Procedure

2. PRESENT

3. APOLOGIES

4. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Panel held on 14 June 2016 be confirmed as a true and correct record.

5. DISCLOSURE STATEMENTS

The following information should be considered by Development Assessment Panel Members prior to a meeting:

Action to be taken prior to consideration of a matter

Sections 2(4)(5) of the Minister's Code of Conduct - Section 21A of the Development Act 1993 requires that:

"If you consider that you have, or might reasonably be perceived to have an interest in the matter before the panel, you must clearly state the nature of that interest in writing to the presiding member before the matter is considered.

If you consider that you have a personal interest which may be in conflict with your public duty to act impartially and in accordance with the principles of the Act, you must declare a conflict of interest as above."

Action to be taken after making a declaration of interest:

Section 2(6) of the Minister's Code of Conduct - Section 21A of the Development Act 1993 requires that:

"If you have an interest in a matter, you must not partake in any of the assessment processes involving the matter. You must leave the room at any time in which the matter is discussed by the panel including during the hearing of any representations or during any vote on the matter. You must not vote on the matter and you must not move or second any motion or participate in any discussion through the consensus process."

If an interest has been declared by any member of the panel, the presiding member must record the nature of the interest in the minutes of meeting.

6. REPORTS OF THE CHIEF EXECUTIVE OFFICER

6.1 27 Surrey Road, KESWICK

Application No. 211/452/2016

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of a Carport
APPLICANT	Bargain Steel Centre
APPLICATION NO	211/452/2016
LODGEMENT DATE	12 May 2016
ZONE	Residential
POLICY AREA	18 - Residential Medium Density
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	N/A
REFERRALS	Internal ▪ Nil External ▪ Nil
DEVELOPMENT PLAN VERSION	05 May 2016
MEETING DATE	12 July 2016
RECOMMENDATION	REFUSE

BACKGROUND

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason:

- All applications where the assessing officer recommends refusal, shall be assessed and determined by the DAP.

PREVIOUS or RELATED APPLICATION(S)

DA 211/1253/2002 (To erect a domestic outbuilding (garage with upper mezzanine storage area)) - Approved.

SITE AND LOCALITY

The land is regular in shape and located on the eastern side of Surrey Road in the suburb of Keswick. With a frontage of 15.24m, a depth of 45.72m the overall area of the land is 877.2m².

The property has been improved with a single storey detached dwelling, attached carport, attached verandah and a detached outbuilding. The dwelling and carport span from one side of the allotment to the other and have a front setback of approximately 5m. The outbuilding is built to the northern property boundary and is approximately 13m deep, 9m wide and a 3.3m wall height, giving a total floor area of approximately 120m².

The front yard has been formally landscaped with raised garden beds, whilst the rear of the property is devoid of vegetation and predominantly used for the parking of vehicles.

No easements are registered on the Certificate of Title and the land is flat.

By virtue of the visibility of the subject land, the extent of the locality is considered to include;

- 25 Surrey Rd;
- 1 & 2/ 29 Surrey Rd;
- 31 & 31a Surrey Rd;
- 1, 2, 3, 4, 5, 6, 7 & 8/38 Farnham Rd;
- 36 Farnham Rd; and
- 2/34 Farnham Rd.

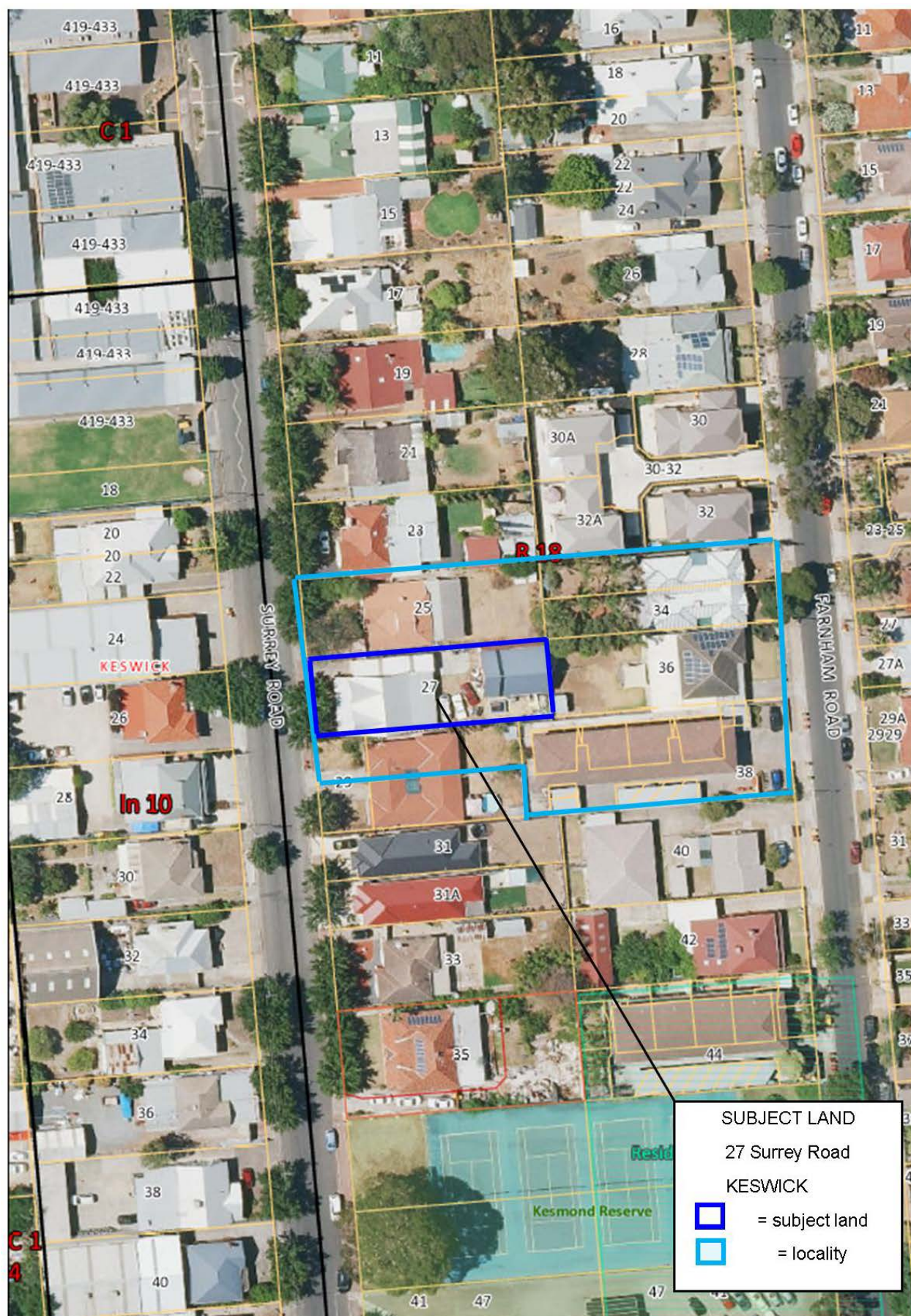
The locality contains low to medium density residential development. Typically buildings are set back from property boundaries, although there are some examples of small structures built on property boundaries.

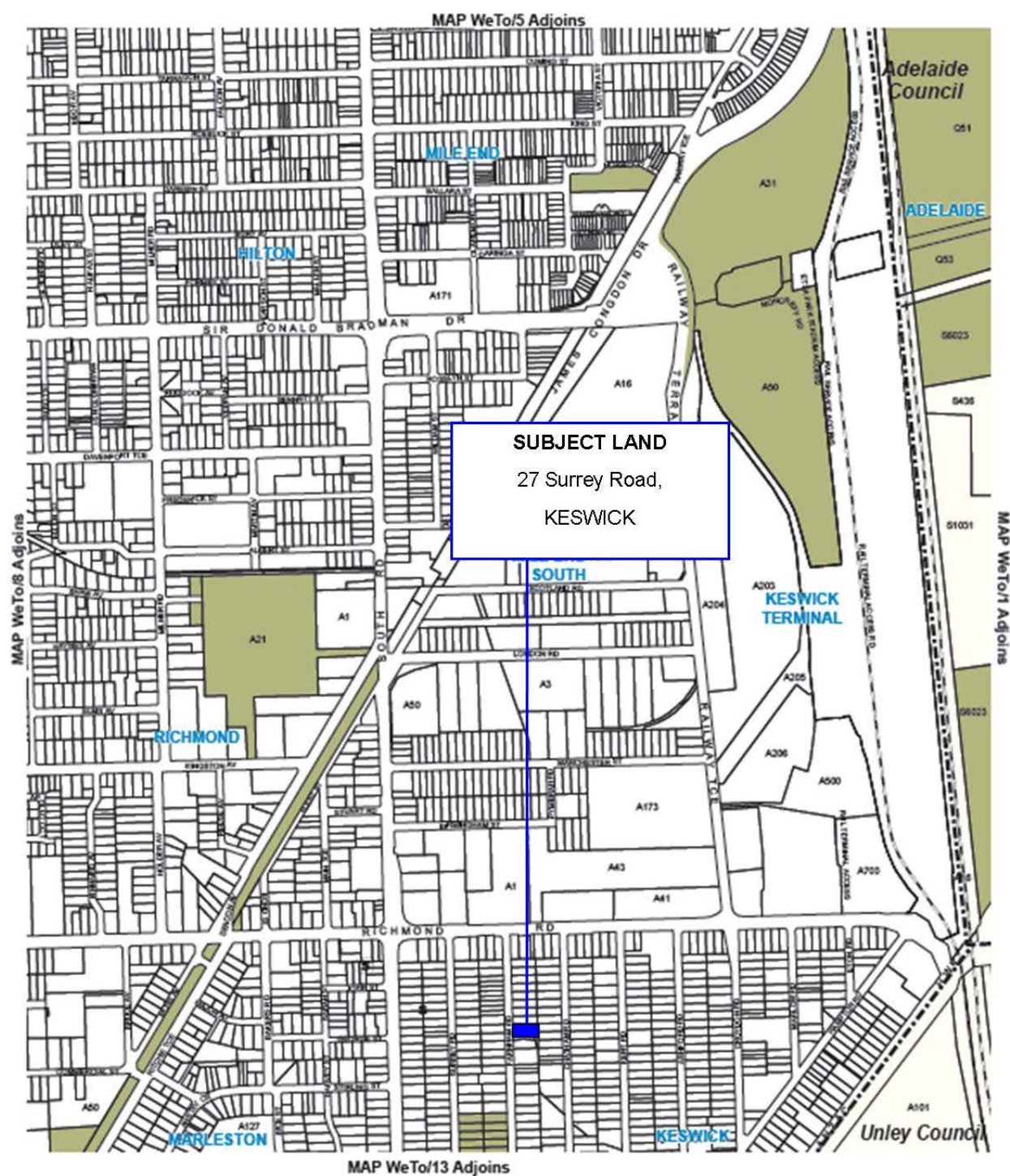
It should be noted that the western side of Surrey Road is zoned Industry, Mixed Use Policy Area 10. These buildings were dwellings that have been converted for commercial purposes. The locality listed above does not include the western side of Surrey Rd, because it is not expected that the proposed development will be visible from there due to it being located at the rear of the subject site.

Dwelling designs in the locality mean that Private Open Space (POS) is located at the rear of the properties, with any space at the side of the dwelling generally being used as a driveway.

Providing an example of a relatively typical residential street, all properties within the locality have been improved with ancillary forms of development such as outbuildings, verandahs and carports. However the subject site stands out due to the existing outbuilding which is considerably larger than any other example in the locality.

Overall, it is considered that the prevailing character of the locality provides a medium to high level of amenity for its residents.





Location Map WeTo/9

- School
- Railways
- Local Reserves
- Development Plan Boundary

PROPOSAL

It is considered that the proposal is best described as follows:

"The construction of a domestic outbuilding"

The verandah and storage area are to be built as a single structure, with the verandah portion to be built forward of the outbuilding. The wall height proposed is 3.3m above ground level with a roof pitch of 22° resulting in an overall height of 4.6m.

The structure is shown on the site plan to be built 200mm from the side (southern) boundary but this doesn't show the gutter which will effectively be on the boundary. In order to comply with the building code of Australia, the structure will need to be built on the boundary or 600mm from it. As the applicant has indicated that setting the structure back from the boundary is not an option, it should be assumed that the structure will be built on the boundary.

The rear of the proposed structure will be built 3.6m from the rear (eastern) boundary. The storage area will have sliding doors on each end to allow access through to the space behind.

The Administration requested that the height of the structure to be reduced or it be setback from the side boundary to reduce the visual impact. The applicant declined and wished to proceed with the application as is, with the proposed structure having the same wall height as the existing outbuilding.

The proposed structure will have a length of 9.4m and a width of 6.14m resulting in an overall area of 57.7m². As the structure will be attached to the existing outbuilding, the combined floor area will be approximately 180m² and be constructed from side boundary to side boundary.

REFERRALS

No internal or external referrals were required.

ASSESSMENT

The subject land is located within the Residential Zone and more particularly Medium Density Policy Area 18 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
<i>Design and Appearance</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3 & 9
<i>Energy Efficiency</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1 & 2
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	1, 3 & 4
	<i>Principles of Development Control</i>	1
<i>Residential Development</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	4, 10, 11, 12, 14, 16, 18, 19 & 20
<i>Siting and Visibility</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	4

Zone: Residential Zone	
Desired Character Statement:	
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in an Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	4
Principles of Development Control	1, 5, 12 & 13

Policy Area: Medium Density Policy Area 18	
Desired Character Statement:	
<p><i>Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments. Allotment amalgamation to create larger development sites will occur to maximise the density of development while also achieving integrated design outcomes, particularly within a comfortable walking distance of centre zones. Vehicle access will occur from side streets and new rear public and private laneways wherever possible, also supporting the retention of existing street trees.</i></p> <p><i>New buildings will contribute to a highly varied streetscape. Buildings will be up to 3 storeys and provide a strong presence to streets, other than in the part of the policy area in Underdale, Ashford (other than allotments adjacent to Residential Character Ashford Policy Area 22) and allotments bounded by Anzac Highway, Morphett Road and Cromer Street in Camden Park where buildings will be up to 4 storeys. Parking areas and garages will be located behind the front facade of buildings.</i></p> <p><i>Buildings on the edge of the policy area which adjoin residential policy areas at lower densities will pay particular attention to managing the interface with adjoining dwellings, especially in terms of the appearance of building height and bulk, and overshadowing.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	1
Principles of Development Control	1 & 2

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE COVERAGE <i>Medium Density Policy Area 18</i> <i>PDC 5</i>	70% (max.)	64% Does Not Satisfy
PRIMARY STREET SETBACK <i>Residential Development PDC 16</i>	Not sited closer to the primary road frontage than the existing dwelling.	32.5m Satisfies
SIDE/REAR SETBACKS	Not stipulated in the Development Plan	0m 3.6m
WALL HEIGHT <i>Residential Development PDC 16</i>	3m	3.3m Does Not Satisfy
LENGTH ON BOUNDARY <i>Residential Development PDC 16</i>	8 metres or 50 per cent of the length along that boundary (whichever is the lesser)	9.4m Does Not Satisfy
PRIVATE OPEN SPACE <i>Residential Development</i> <i>PDC 19</i>	>500m ² - 80m ² (min.), of which 10m ² may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m. - Minimum dimension 4m. - 24m ² (min.) at the rear of side of dwelling, directly accessible from a habitable room.	100m ² (total) 4.5m (min. dimension) 50m ² (accessed from habitable room) Satisfies

QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development satisfies the relevant Development Plan provisions with the exception of the following, as discussed under the following sub headings:

Bulk and Scale

The design of the proposed structure, and its proximity to the property boundaries, results in a considerable bulk and scale impact on adjoining properties. This impact will be greatest for the dwellings located east and south of the subject site.

The Development Plan has clear guidelines as to the design and placement of structures such as what is proposed. PDC 16 of the Residential Development section states:

16 Garages, carports and residential outbuildings should not dominate the streetscape and not adversely impact on the safety of road users and pedestrians, and be designed within the following parameters:

<i>Parameter</i>	<i>Value</i>
<i>Maximum floor area</i>	<i>60 square metres</i>
<i>Maximum wall height</i>	<i>3 metres</i>
<i>Maximum building height</i>	<i>5 metres</i>
<i>Minimum setback from a primary road frontage</i>	<i>Garages and carports sited no closer to the primary road frontage than any part of its associated dwelling Outbuildings should not protrude forward of any part of its associated dwelling</i>
<i>Minimum setback from a secondary road frontage</i>	<i>0.9 metres or in line with the existing dwelling</i>
<i>Maximum length along the boundary</i>	<i>8 metres or 50 per cent of the length along that boundary (whichever is the lesser)</i>
<i>Maximum frontage width of garage or carport with an opening facing a rear access lane</i>	<i>No maximum</i>
<i>Maximum frontage width of garage or carport opening facing the street</i>	<i>6 metres or 50 per cent of the allotment frontage, whichever is less</i>

The proposal exceeds the maximum wall height stated by 300mm and the maximum length on boundary by 1.4m. As this structure will be in addition to the existing domestic outbuilding, the maximum floor area requirement will also be exceeded by approximately 120m² (200%).

It should be noted that the floor area of the dwelling is approximately 160m², this is less than that of the area of 'ancillary' storage structures such as the carport and outbuildings which equate to a floor area of approximately 220m². The existing outbuilding also includes a mezzanine storage area providing even more storage space. When the applicant was questioned about the use of the proposed structure, the response was that it was to be used for domestic storage. Given the amount of existing storage areas, an additional 57m² seems excessive and may result in it being used for purposes other than domestic.

There is an existing verandah attached to the rear of the dwelling with a floor area of approximately 50m². This area is of a size, shape and location that is convenient and provides the occupier with an outdoor area protected from the elements. The proposed verandah portion of the structure is 15m from the dwelling, and not readily accessible from the dwelling as the area in between is used for vehicle parking.

The Design and Appearance section of the Development Plan states:

Obj 1 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

The positive aspects of the local environment and built form are considered to include the following:

- Low scale residential development;
- Development setback from property boundaries;
- Open backyards; and
- Ample access to sunlight throughout the year.

The proposal is not consistent with any of the above, as it is a large structure built to the boundary and filling a large portion of land at the rear of the allotment.

The Design and Appearance section of the Development plan goes on to say:

- PDC 3 Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:*
- (a) the visual impact of the building as viewed from adjoining properties*
 - (b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings.*

The proposed development's size and location has not considered the impact on adjoining properties. Apart from the overshadowing effect, there is a considerable visual impact. The Residential Development section of the Development Plan states:

- PDC 4 Building appearance should be compatible with the desired character statement of the relevant zone, policy area or precinct, in terms of built form elements such as:*
- (a) building height*
 - (b) building mass and proportion*
 - (c) external materials, patterns, textures, colours and decorative elements*
 - (d) ground floor height above natural ground level*
 - (e) roof form and pitch*
 - (f) facade articulation and detailing and window and door proportions*
 - (g) verandas, eaves and parapets*
 - (h) driveway crossovers, fence style and alignment.*

And,

- PDC 14 Garages, carports and residential outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.*

The proposed development does not share any design features with the associated dwelling and is not considered to be consistent with the Desired Character of the zone and Policy Area.

Whilst the building height is lower than that of the dwelling, the form it takes is inconsistent with the dwelling design and does not incorporate any design features which help to break up the visual mass of the structure. Such a large structure in the rear yard of this property will be conspicuous within the locality and be readily visible from a number of surrounding properties. Given the size of the proposed structure in addition to the existing outbuilding, the visual amenity for the neighbouring properties is more akin to industrial than residential.

Overshadowing

The residential flat building to the south and south east of the subject site has been built so that each unit's Private Open Space (POS) is located on the northern side of the building. Currently these units enjoy solar access throughout the year. The proposed development will significantly impact the rear two units, as the proposed development will overshadow the POS of these two units as well as the rear windows. Being units in a residential flat building, they each have a limited amount of POS, which makes the limited space valuable. The Energy Efficiency section of the Development Plan states:

- PDC 1 Development should provide for efficient solar access to buildings and open space all year around.*

The greatest impact will be felt during the winter months, when the sun's arc is at its lowest. This is also the time of year that natural light and warmth is most necessary for a comfortable living environment. The Design and Appearance section of the Development Plan recognises this and states:

- PDC 9 The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:*
- (a) windows of main internal living areas*
 - (b) ground-level private open space*

- (c) upper-level private balconies that provide the primary open space area for a dwelling*
- (d) solar collectors (such as solar hot water systems and photovoltaic cells).*

This overshadowing effect will also be felt by 1/29 Surrey Road, which is the property immediately south of the subject site. This property has a larger amount of POS than the residential flat building behind, but it will still have an unsatisfactory impact on it.

It is accepted that the existing outbuilding on the subject site has a wall height of 3.3m, but as it is setback from the southern boundary by approximately 4.5m, the overshadowing effect on adjoining properties is negligible.

SUMMARY

The proposed development will have a considerable impact on a number of adjoining properties due to its bulk and scale and overshadowing. The Applicant has refused to make changes to the proposal which may have alleviated these concerns and allowed it to be supported.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development does not sufficiently accord with the relevant provisions contained within the West Torrens (City) Development Plan Consolidated 5 May 2016 and does not warrant Development Plan Consent.

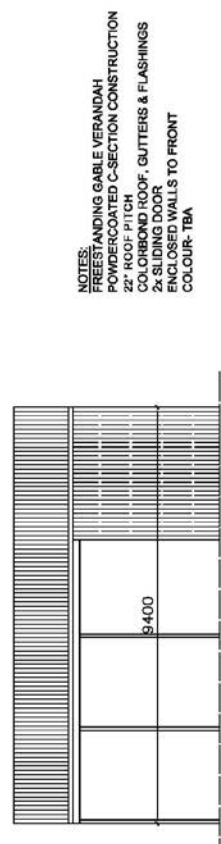
RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to REFUSE Development Approval for Application No. 211/452/2016 by Bargain Steel Centre to construct a domestic outbuilding at 27 Surrey Road, Keswick (CT 5239/492) for the following reasons:

1. The proposed development is contrary to:
 - Design and Appearance Objective 1
Reason: The proposal does not exhibit a satisfactory design that reinforces the positive aspects of built form in the locality.
 - Design and Appearance Principles of Development Control 3, 9 & 14
Reason: The proposal will cause unsatisfactory visual impact and overshadowing to adjoining properties.
 - Energy Efficiency Principle 1 of Development Control 1
Reason: The proposal has unsatisfactory overshadowing impacts
 - Residential Development Principles of Development Control 4 & 16
Reason: The proposal exceeds the wall height, length of boundary development and floor area requirements.
 - Residential Zone Objective 4
Reason: The proposal does not contribute to the Desired Character of the Zone.
 - Policy Area 18 Medium Density Objective 1
Reason: The proposal does not contribute to the Desired Character of the Zone.

ATTACHMENT 1





REVISION B
02/06/2016
REVISION A
25/05/2016

BARGAIN STEEL CENTRE
 LOT 10 HEASLIP RD, BURTON SA 5110
 PH: (08) 8280 6000 FAX: (08) 8280 5689

DRAWN BY: AS
DRAWN ON: 15/04/2016
SCALE: AS NOTED
SHEET: 2 OF 2

CLIENT:
DEMETRIOS KONTOS
LOT 411/No.27 SURREY ROAD
KESWICK S.A.

amanda schmidt
design and drafting

Amanda Schmidt
30 Angle Vale Road
Angle Vale SA 5117
amandschmidtengineering@gmail.com
08 838 673 165

6.2 6 Helenslea Ave, BROOKLYN PARK

Application No. 211/506/2016

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land Division - Torrens Title; DAC No. 211/D044/16 (Unique ID 53913); Create one (1) additional allotment
APPLICANT	Steve and Yasmine Davis
APPLICATION NO	211/506/2016 (DAC 211/D044/16)
LODGEMENT DATE	30 March 2016
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	N/A
REFERRALS	Internal <ul style="list-style-type: none">▪ Amenity Officer External <ul style="list-style-type: none">▪ DAC▪ SA Water
DEVELOPMENT PLAN VERSION	11 November 2015
MEETING DATE	12 July 2016
RECOMMENDATION	CONSENT

BACKGROUND

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason/s

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan, the application will be presented to the DAP for a decision.

PREVIOUS or RELATED APPLICATION(S)

Nil

SITE AND LOCALITY

The land is regular in shape and located on the eastern side of Helenslea Avenue in the suburb of Brooklyn Park. With a frontage of 18.6m, a depth of 39.6m the over area of the land is 736m².

There is currently a single storey detached dwelling on the land, exhibiting a relatively conventional design. In addition to the dwelling a number of ancillary forms of development such as verandahs, outbuildings and carports have been constructed. The built form spans from one side of the allotment to the other. The main face of the dwelling is set back approximately 9m from the front boundary.

The allotment is flat and informally landscaped with plants and shrubs of varying maturity and size. There are two immature street trees planted in the road verge directly in front of the subject site. There is an existing single width crossover located next to the southern boundary.

No easements are registered on the Certificate of Title, nor are there any Regulated Trees situated on or about the land.

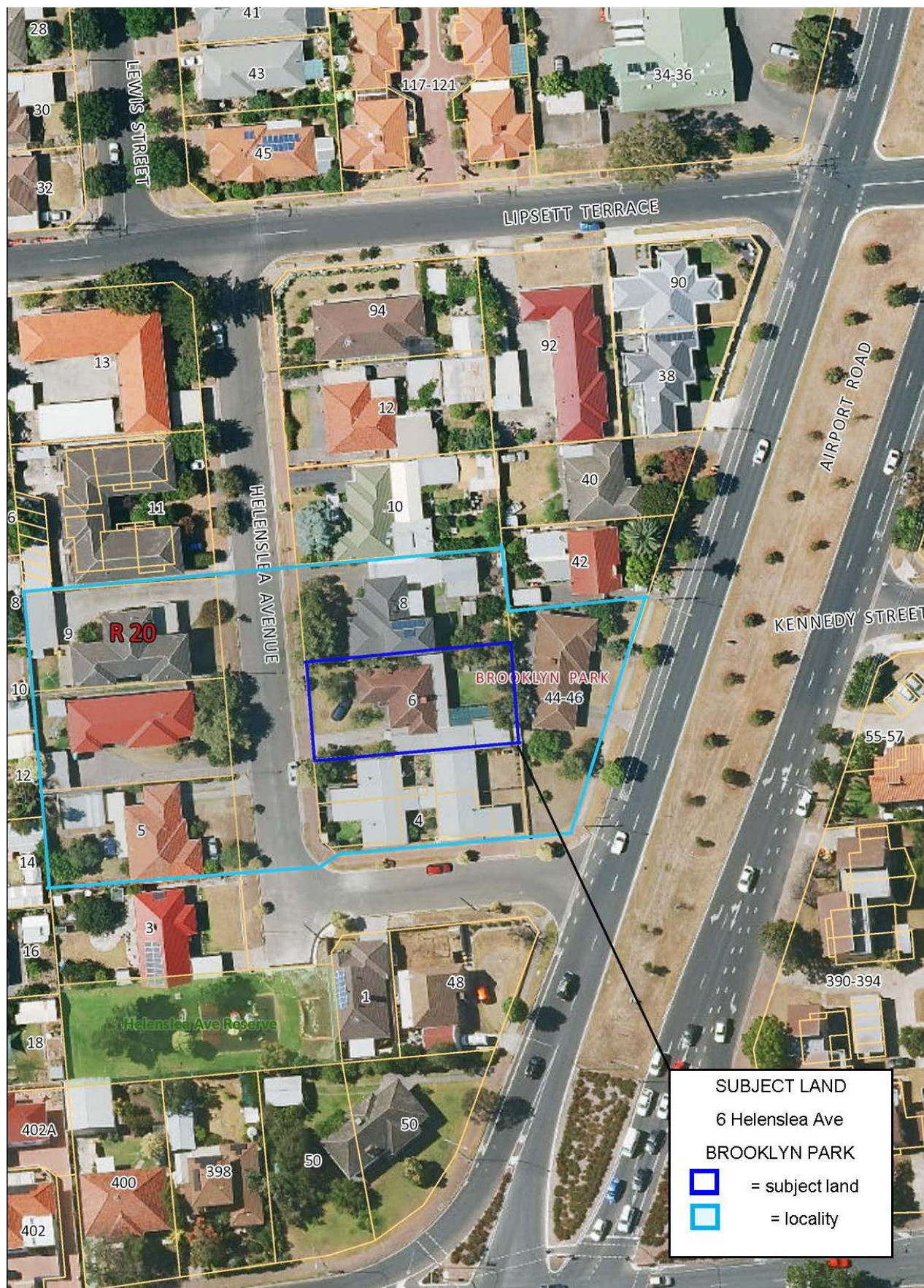
By virtue of the visibility of the subject land, the extent of the locality is considered to include:

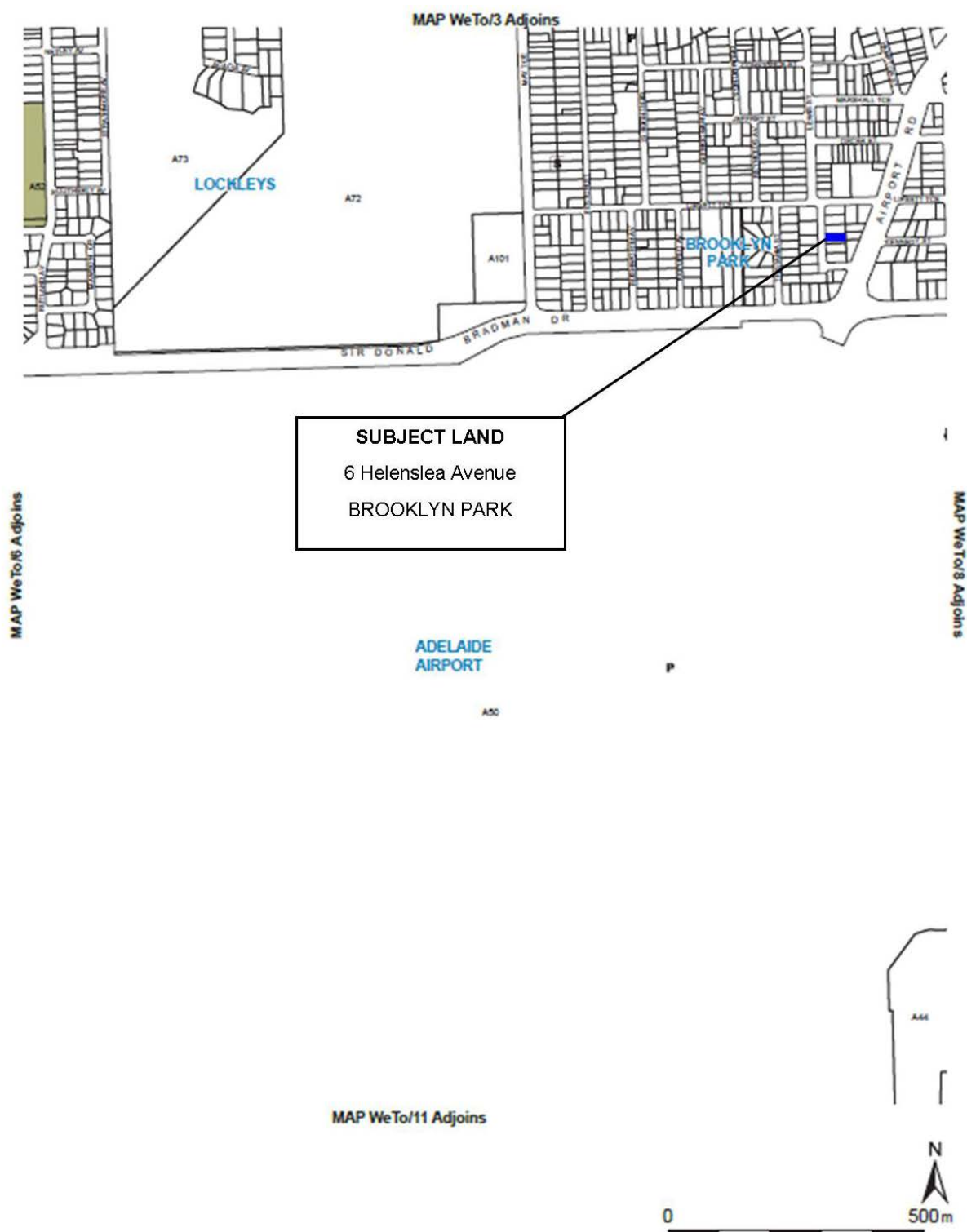
- Unit 1, 2, 3 & 4 of 4 Helenslea Ave;
- 6 & 8 Helenslea Ave;
- 5 Helenslea Ave;
- Unit 1, 2 & 3 of 7 Helenslea Ave;
- Unit 2 & 9 of & Helenslea Ave; and
- 44-46 Airport Rd.

The locality contains low and medium density residential development. Typically, the buildings accommodate a generous setback from the street providing for large, well landscaped front yards. Dwellings take the form of detached dwellings and residential flat buildings. This together with the fact that front fences are uncommon, or where they do exist are generally visually permeable, provides for a prevailing character that is best described as residential and open. The subject land is consistent with this open residential character.

Providing an example of a relatively typical residential street, all properties within the locality have been improved with ancillary forms of development such as outbuildings, verandahs and carports. In all cases these have been sited to the side or rear of the associated dwelling.

Overall, it is considered that the prevailing character of the locality provides a medium to high level of amenity for its residents.





Location Map WeTo/7

WEST TORRENS COUNCIL
Consolidated - 5 May 2016

PROPOSAL

It is considered that the proposal is best described as follows:

"The Torrens Titled division of Land to create one (1) additional allotment."

The application seeks to divide the subject land down the middle to create two allotments with public road frontage. Lot 1 will be 9.29m wide and 39.62m deep giving an overall area of 368m². Lot 2 will be 9.3m wide and 39.62m deep giving an overall area of 368m². See **Attachment 1**.

REFERRALS

Internal

City Assets

- No concerns were raised.

Arboriculture Officer

- There may be a conflict with a street tree, but Council can support the removal of the tree.

External

Development Assessment Commission

- No concerns were raised and only the standard conditions were recommended.

SA Water

- No concerns were raised and only the standard conditions were recommended.

ASSESSMENT

The subject land is located within the Residential Zone and more particularly Low Density Policy Area 20 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Infrastructure	Objectives	3
	Principles of Development Control	1, 3, 5, 6, & 8
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 4, 5, 6, 8, 11, 12 & 16
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7 & 8
Residential Development	Objectives	1, 2, & 4
	Principles of Development Control	1, 3,
Transportation and Access	Objectives	2
	Principles of Development Control	8, 9, 10, 11, 23, 24, 30 & 34,

Zone: Residential Zone	
<p>Desired Character Statement: <i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings. Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas. Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area. Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	2, 3 & 4
Principles of Development Control	1 & 5

Policy Area: Low Density Policy Area 20	
<p>Desired Character Statement: <i>Allotments in the policy area will be at low density, accommodating predominantly detached dwellings and some other dwellings types such as semi-detached and group dwellings. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p>	
Objectives	1
Principles of Development Control	1, 2, 4 & 5

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA <i>Low Density Policy Area 20</i> <i>PDC 5</i>	340m ²	368m ² (Lot 1) 368m ² (Lot 2) Satisfies
SITE FRONTAGE <i>Low Density Policy Area 20</i> <i>PDC 5</i>	10m	9.29m (Lot 1) 9.3m (Lot 2) Does Not Satisfy by 7%

QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development satisfies the relevant Development Plan provisions with the exception of the following, as discussed under the following sub headings:

Land Division

As this land division proposal is not combined with a land use application, the minimum site area and frontage is stipulated in PDC 5 of the Low density Policy Area.

PDC 5 Land division should create allotments with an area of greater than 340 square metres and a minimum frontage width of 10 metres, other than where the land division is combined with an application for dwellings or follows an approval for dwellings on the site.

It should be noted that whilst built form has not been applied for as a part of this proposal, the allotment areas will be consistent with the minimum site area and frontages for properties located within 400m of a Centre Zone. The subject site is located within this area and is therefore allowed to have a smaller site area and frontage as stipulated in PDC 4 of the policy area.

- 4 When a dwelling is located within 400 metres of a centre zone (other than the Neighbourhood Centre Zone on Marion Road), it should have a minimum site area and a frontage to a public road not less than that shown in the following table:

Dwelling type	Site area (square metres)	Minimum frontage (metres)
Detached	300 minimum	9
Semi-detached	300 minimum	9
Group dwelling	300 minimum	9

It is considered that the 0.7m deficiency in frontage is not fatal to the application as it still exceeds the minimum frontage allowed within the 400m buffer area of a Centre Zone.

SUMMARY

This is a reasonable and expected development with the Residential Zone. The site area and frontage exceed the minimum site area and frontage requirement for allotments within the 400m buffer area of a Centre Zone.

This division will not be detrimental to the existing or desired character of the locality.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2016 and warrants Development Plan Consent and Land Division Consent.

RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Land Division Consent for Application No. 211/506/2016 by Steve and Yasmine Davis to undertake a Torrens titled land division to create 1 additional allotment at 6 Henlenslea Ave, Brooklyn Park (CT 5640/273) subject to the following conditions of consent:

Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.

Land Division Consent Conditions

2. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
The alteration of internal drains to the satisfaction of SA Water is required.
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
3. Payment of \$6,488 into the Planning and Development Fund (1 allotment(s) @ \$6,488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

ATTACHMENT 1

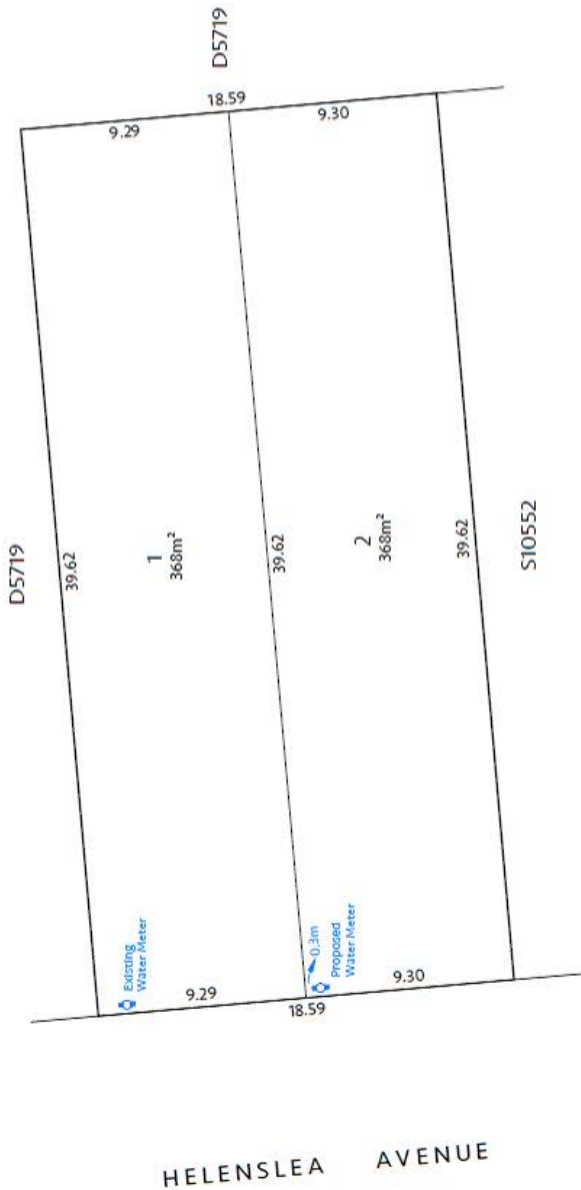
Land division application: 211 / D / 16 / 001	
Council: CITY OF WEST TORRENS	
Total area of land to be divided: 736m ²	
Total area of reserve provided: 0m ²	
No. existing allotments: 1	
No. proposed allotments: 2	
No. additional allotments: 1	
Subject land details:	
Allotment 14 in D5719	
Street address: 6 HELENSLEA AVENUE	
Town: BROOKLYN PARK	
Hundred: ADELAIDE	
Certificate(s) of title: CT 5640 / 273	

Annotations:

Refer to the building plans for the proposed dwelling(s).
Owner/developer or building designer to advise if the configuration of the dwellings change in any form.
All existing structures are to be demolished.
Owner to apply to Council for demolition approval.

ZAINA STACEY
Development Consultants
13 Avenue Road, Frewville
PO Box 1000, Torrens Park SA 5062
Tel: 08 8379 7979
Email: planning@zainastacey.com

Reference: 16088
Revision:
Date of issue: 22 March 2016



6.3 32 White Ave, LOCKLEYS

Application No. 211/1491/2015

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	211/D074/16 (Unique ID 54477); Create one (1) additional allotment; and Demolition of existing dwelling & associated structures with the construction of two x two storey semi-detached dwellings with garages under main roof
APPLICANT	Western Surveying
APPLICATION NO	211/D074/16 (Combined Application Land Division & Land Use)
LODGEMENT DATE	21 May 2016
ZONE	Residential Zone
PRECINCT	N/A
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none">City Assets External <ul style="list-style-type: none">Development Assessment Commission/SA Water
DEVELOPMENT PLAN VERSION	5 May 2016
MEETING DATE	12 July 2016
RECOMMENDATION	CONSENT

BACKGROUND

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason/s:

- With regard to residential development and land division applications, where at least one proposed allotment and or site does not meet the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan, the application shall be assessed and determined by the DAP.

Development Application 211/1491/2015 was initially lodged with Council for the construction of two x two storey semi-detached dwellings with garages under the main roof.

Development Application 211/D074/16 (Unique ID 54477) was subsequently lodged with the Development Assessment Commission (and subsequently forwarded to Council) as a Combined Application to create one (1) additional allotment, demolish the existing dwelling & associated structures and construction of two x two storey semi-detached dwellings with garages under main roof.

PREVIOUS or RELATED APPLICATION(S)

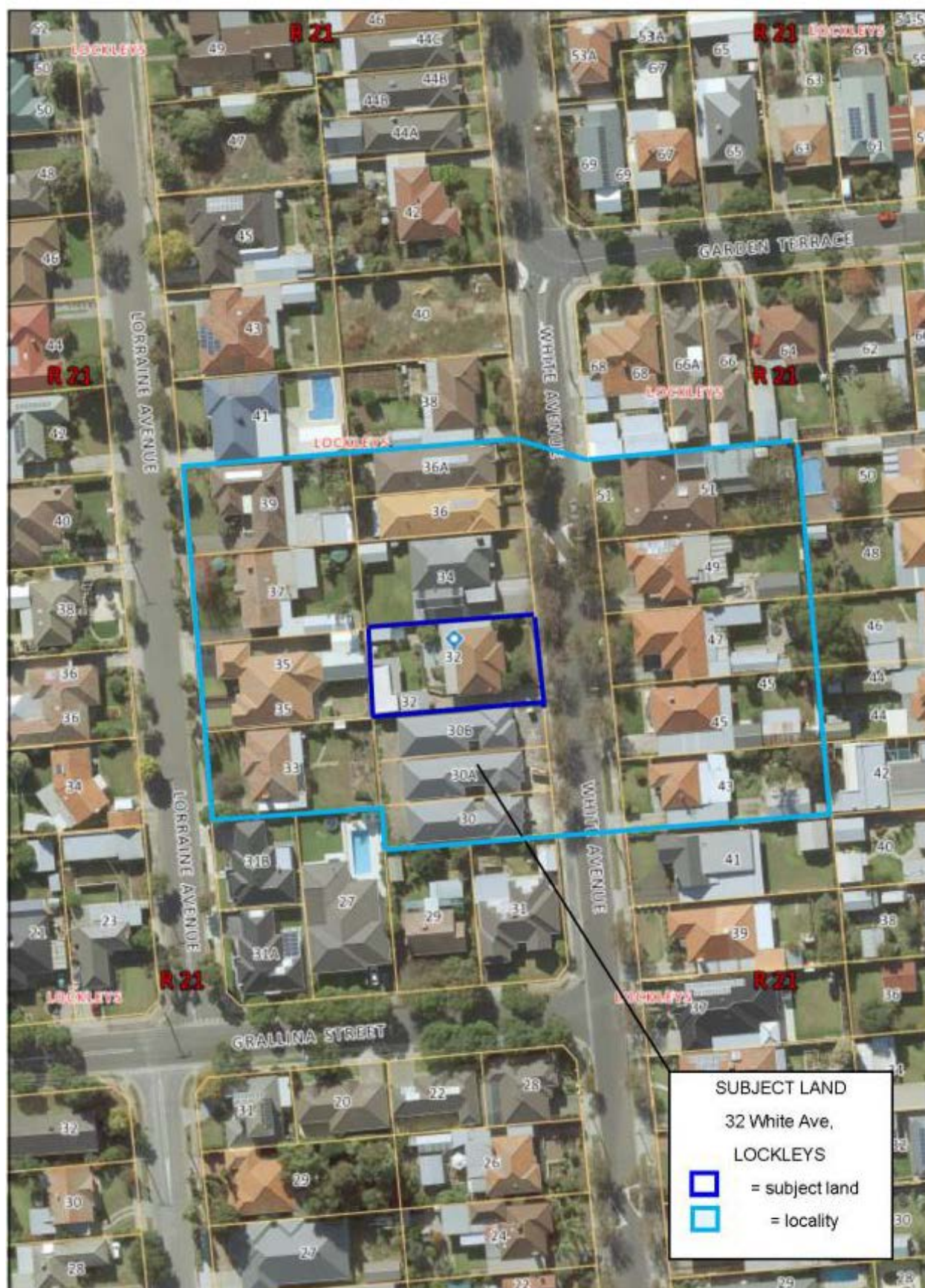
Nil.

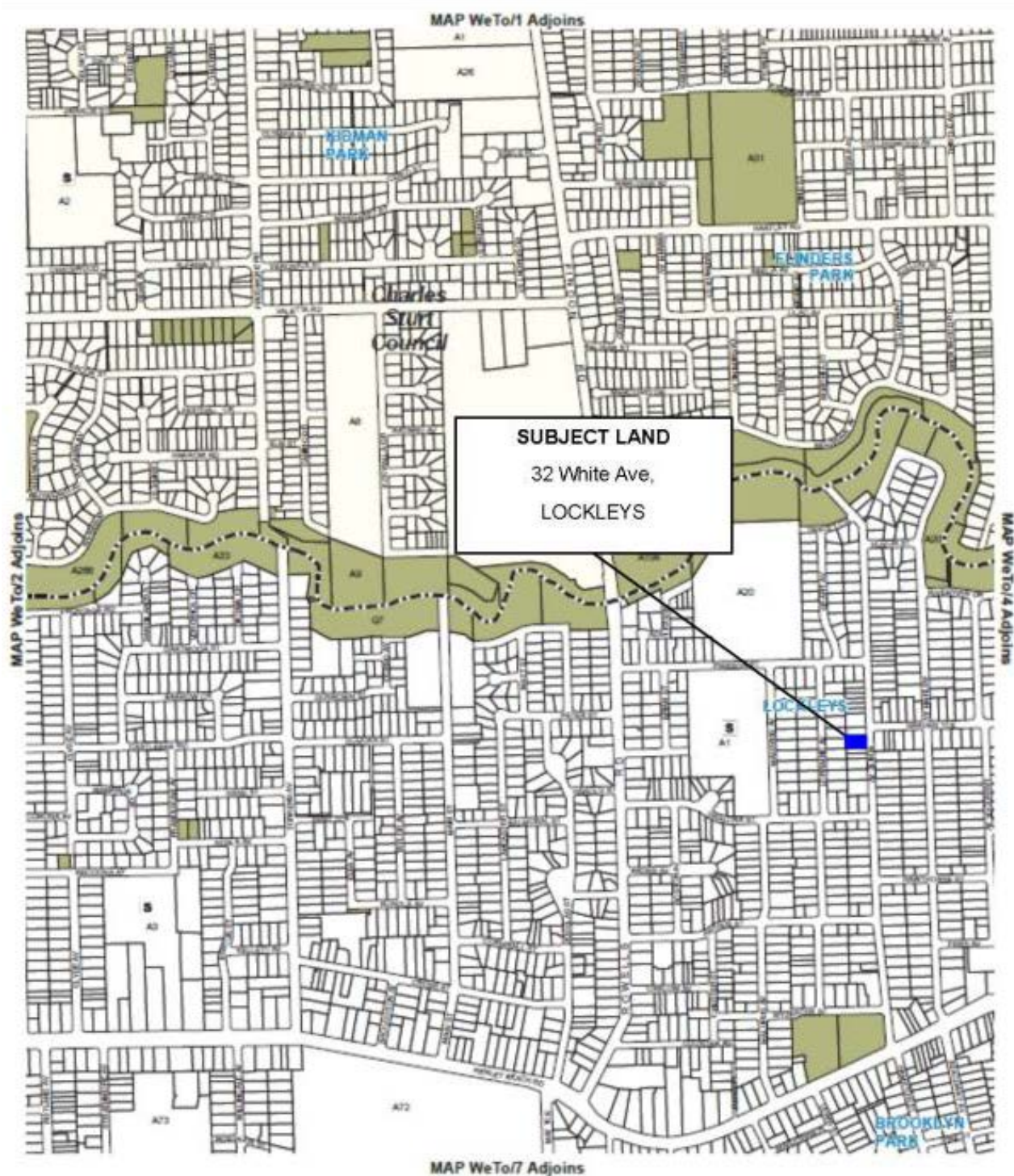
SITE AND LOCALITY

The subject site is located on the western side of White Avenue, Plympton and has a frontage of 19.81 metres and a depth of 38.22 metres. The site currently contains an existing detached dwelling and outbuilding that will be demolished as part of the current combined development application.

White Avenue consists of predominately single storey detached dwellings with some two storey dwellings and replacement dwellings on smaller allotments such as those on the adjacent land at 30, 30A & 30B White Avenue.

The site and locality are shown in the following maps and photos:





Location Map WeTo/3



Figure 1 Subject Site



Figure 2 White Avenue Lockleys



Figure 3 Subject Site and Adjacent Development under construction (30 White Avenue)



PROPOSAL

The proposed development involves the creation of one additional allotment, demolition of the existing buildings on the land and the construction of two x two storey semi-detached dwellings with garages under main roof. Refer **Attachment 1** for copies of the submitted plans.

PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Section 38 and Schedule 9 Part 1 (2) (a) (iii) 1 or more sets of semi-detached dwellings, provided no such dwelling is more than 2 storeys high; of the Development Act and Regulations and the Residential Zone, Procedural Matters Section of the West Torrens Council Development Plan.

REFERRALS

Internal

- **City Assets**

Initial concerns were raised regarding the following matters:

- It is noted that the provided drawings do not show the location of existing street trees. Preliminary review through google indicates that the proposed driveway crossovers and stormwater connection may be less than a 2 metre offset from existing street tree. It is noted that Council's Arborist had reviewed the suitability of a lesser offset distance of 1.6m.

It is recommended that revised plans indicating satisfaction to the above requirements be provided to Council.

- It is noted that the portion of existing crossover will be made redundant. This redundant portion of crossover should be reinstated to vertical kerb prior to the completion of any building works at the applicant's expense.
- It should also be required that the stormwater connection through the road verge area be constructed of shape and material to satisfy Council's standard requirements:

100 x 50 x 2mm RHS Galvanised Steel or
125 x 75 x 2mm RHS Galvanised Steel or
Multiples of the above.

It is recommended that revised plans clearly and accurately indicating satisfaction of the above criteria be provided to Council.

- Currently the garage for both residences is setback 5.27m from the property boundary at the shortest side. Therefore, it is likely that cars parking in the driveway will overhang slightly onto the footpath.

It is recommended that the setback of the garage from the property boundary be maintained at 5.5m at the shortest length.

- Any proposed development that does not consider "AS4970 Protection of Trees on Development Sites", is likely to require revision until all plans accurately correspond with the specific tree information detailed in this standard.

Verge interaction must consider all services across council land including stormwater outlets (and other) which will need to be maintained a minimum of 2.0m from any existing street tree (unless otherwise negotiated) and must be indicated/documentated for approval by City Works.

As a result of the proposal initial investigations have identified with Residence 1 there will be conflict with an existing Pyrus Bradford (Ornamental Pear) street tree. City Works will support the proposal with a reduced offset of 1.60m from the street tree.

The applicant has subsequently amended their plans to satisfy the above requirements.

External

Pursuant to Section 29 of the Development Regulations 2008, the application was referred to:

Development Assessment Commission and SA Water

- The Development Assessment Commission and SA Water have advised no objections to the proposed division subject to specific standard conditions being included on any consent issued.

ASSESSMENT

The subject land is located within the Residential Zone and more particularly the Low Density Policy Area 21 as described in the West Torrens Council Development Plan.

The main provisions of the Development Plan which relate to the proposed development are as follows:

<u><i>General Section</i></u>		
<i>Design and Appearance</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 9, 10, 11, 12, 13, 14, 15
<i>Energy Efficiency</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3
<i>Infrastructure</i>	<i>Objectives</i>	1, 3
	<i>Principles of Development Control</i>	1
<i>Interface between Land Uses</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2
<i>Land Division</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 5, 6, 8
<i>Landscaping, Fences and Walls</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5 & 6
<i>Natural Resources</i>	<i>Objectives</i>	1, 2, 5, 6
	<i>Principles of Development Control</i>	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1
<i>Residential Development</i>	<i>Objectives</i>	1, 2, 3, 4
	<i>Principles of Development Control</i>	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33
<i>Transportation and Access</i>	<i>Objectives</i>	1, 2
	<i>Principles of Development Control</i>	1, 23, 24, 32, 34, 44

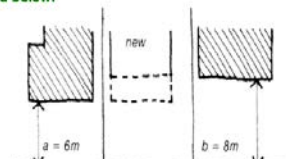
<p>Zone: Residential Zone</p> <p>Desired Character Statement:</p> <p><i>This zone will contain predominantly residential development.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas.</i></p> <p><i>Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
<p>Objectives</p>	<p><i>1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Dwellings of various types at very low, low and medium densities.</i></p> <p><i>3 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i></p> <p><i>4 Development that contributes to the desired character of the zone.</i></p>
<p>Principles of Development Control</p>	<p><i>1 The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>domestic outbuilding in association with a dwelling</i> ▪ <i>dwelling</i> ▪ <i>dwelling addition</i> ▪ <i>small scale non-residential use that serves the local community, for example: - child care facility - health and welfare service - open space - primary and secondary school - recreation area</i> - <i>shop measuring 250 square metres or less in gross leasable floor area</i> ▪ <i>supported accommodation.</i> <p><i>2 Development listed as non-complying is generally inappropriate.</i></p> <p><i>5 Development should not be undertaken unless it is consistent with the desired character for the zone and policy area.</i></p>

7 Dwellings should be set back from allotment or site boundaries to:

(a) contribute to the desired character of the relevant policy area

(b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.

8 Except where specified in Medium Density Policy Area 18 and Medium Density Policy Area 19, development (including any veranda, porch, etc.) should be set back from the primary road frontage in accordance with the following table:

Setback difference between buildings on adjacent allotments	Setback of new building
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:
 <p>When $b - a \leq 2$, setback of new dwelling = a or b</p>	
Greater than 2 metres	At least the average setback of the adjacent buildings.

10 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building, (with the total wall height of the building being measured from the existing ground level at the boundary of the adjacent property as shown by Figure 1), increases to: (a) minimise the visual impact of buildings from adjoining properties (b) minimise the overshadowing of adjoining properties.

18 Development should preserve and enhance streetscapes by: (a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality (b) limiting the number of driveway crossovers.

20 Where a new dwelling is constructed alongside or within a group of older style residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.

22 The division of land should occur only where it will be consistent with the existing pattern and scale of allotments.

<p><i>Policy Area: Low Density Policy Area 21</i></p> <p><i>Desired Character Statement: (extract)</i></p> <p><i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones.</i></p> <p><i>Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p> <p><i>Buildings will be up to 2 storeys in height.</i></p> <p><i>Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p> <p><i>Low and open-style front fencing will contribute to a sense of space between buildings.</i></p>	
Objectives	1 Development that contributes to the desired character of the policy area.
Principles of Development Control	<p>1 The following forms of development are envisaged specifically in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ domestic outbuilding in association with a dwelling ▪ domestic structure, such as a veranda, porch ▪ detached dwelling ▪ dwelling addition ▪ row dwelling within 400 metres of an existing centre zone ▪ semi detached dwelling within 400 metres of an existing centre zone ▪ small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> - child care facility - health and welfare service - open space - primary and secondary school - recreation area - shop measuring 250 square metres or less in gross leasable floor area ▪ supported accommodation.

2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

3 Except when located within 400 metres of a centre zone, a dwelling should have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) and a frontage to a public road not less than that shown in the following table:

Dwelling type	Site area (square metres)	Minimum frontage (metres)
Detached	420 minimum	12
Semi-detached	420 minimum	12

6 Land division should create allotments with an area of greater than 420 square metres and a minimum frontage width of 12 metres, other than where the land division is combined with an application for dwellings or follows an approval for dwellings on the site.

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA PDC 2 Low Density Policy Area	420m ² (semi-detached)	Allotment 50: 379m ² Allotment 51: 380m ² Does Not Satisfy
SITE FRONTAGE PDC 2 Low Density Policy Area	12 metres (semi-detached)	Allotment 50: 9.9 metres Allotment 51: 9.91 metres Does Not Satisfy
BUILDING HEIGHT	2 storeys	Satisfies
STREET SETBACK PDC 8 Residential Zone	6.5 metres (same as adjoining dwelling 30B White Avenue)	5.73 metres to portico 7 metres to front of dwelling Partly Satisfies

SIDE/REAR SETBACKS	<p>Rear: 3m for single storey component 8m for two storey component</p> <p>Side: Wall height from ground level 3.1m = 2m Upper Level 6.14m = 2.14m metres</p>	<p>4.61 (single storey) 11.2 metres (Upper Storey)</p> <p>Satisfies</p> <p>0.9 metres 2 metres</p> <p>Does Not Satisfy</p>
PRIVATE OPEN SPACE	60m ² with up to 10m ² in balconies or roof patios minimum dimension of 4m.	Satisfies
<p>CARPARKING SPACES <i>Table WeTo/2</i></p> <p>OVERLOOKING <i>Residential Development PDC 27</i></p>	<p>2 per dwelling one of which is covered</p> <p>Upper level, windows, balconies, terraces & decks that overlook habitable room windows or private open space require sill height or permanent screen minimum of 1.7m above floor level</p>	<p>Satisfies</p> <p>Upper level side windows at front of each dwelling (Living Room) are not obscured</p> <p>Partly Satisfies</p>

QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development satisfies the relevant Development Plan provisions with the exception of the following, as discussed under the following sub headings:

Land Use and Zoning

The desired character for the Low Density Policy Area 21 outlines that development will be at low density focused around predominantly replacement of detached dwellings with the same (or buildings in the form of detached dwellings). While the proposed development is for two semi-detached dwellings, the applicant has amended the design initially submitted to give the building an appearance similar to a single dwelling. The roof line, entrance/portico and material of construction have been amended by the applicant to reduce the appearance of semi-detached dwellings.

Surrounding Uses

The White Avenue locality has a mix of allotments sizes including smaller allotments adjacent the subject site at 30B (379m² and approx. 10 metre frontage) 30A (370m²) and 30 (370m²) White Avenue and in close proximity including 36 (377m² and approx. 9.9 metre frontage), 36A (376m²), 44A (370m² and approx. 9.9 metre frontage) 44B (345m²), 44C (340m²), 46 (357m²), 46A (356m²) White Avenue.

These allotments demonstrate that the existing land division pattern in this locality is somewhat inconsistent with the desired character of Low Density Policy Area 21.

Bulk and Scale

The proposed semi-detached dwellings have been amended to more closely present to White Avenue as a single dwelling as represented in the rendered images forming an attachment to this report.

The building is two storeys which is consistent with the provision of the Residential Zone and Low Density Policy Area 21.

Setbacks

The proposed dwellings require a primary frontage setback of 6.5 metres to be consistent with the adjoining dwelling at 30B White Avenue. The proposed dwellings have a setback to the portico of 5.73 metres and 7 metres to the front of the dwelling.

Overlooking and Overshadowing

The shadow diagrams submitted as part of the development application show that from 12 noon the open space in the adjacent dwelling at 30B White Avenue will not be overshadowed by the proposed dwellings.

Most of the upper storey windows are obscure glazing or have a sill height of at least 1.7 metres. The living room window (2.4m x 0.9 metres) at the front of the side elevation for each proposed dwelling are not obscure, though they offer limited opportunity for overlooking of adjacent land.

Visual Impact on Streetscape

The proposed development will present a built form of two storeys in an area of White Avenue that is predominantly single storey. There is a nearby property (corner White & Garden Terrace) that has a second storey component however most dwellings are single storey. It is noted that the zone and policy area provision allow dwellings of two storeys.

Site Area and Frontage

As the proposed development is not within 400 metres of a Centre Zone the proposed land division will create allotments that do not comply with the minimum site area and frontage requirements in the Low Density Policy Area 21.

The allotment frontages are 9.9 metres which represents a 17.5% departure from the prescriptive requirements in the plan. The site areas of 379m² and 380m² represent a 9.5% departure from the plan's requirements.

Despite this departure from the Development Plan, as noted in this report, there are quite a number of similar sized or smaller allotments that have been created in White Avenue. These allotments also would not meet the minimum frontage requirements of Low Density Policy Area 21.

Hazards

Council's engineers have advised that the FFL of the proposed development (100.40) has been assessed as satisfying minimum requirements (100.40) in consideration of street and/or flood level information.

Land Division

The proposed allotments are considered suitable for the intended land use of residential in line with the provisions of the Residential Zone and Policy Area.

SUMMARY

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 May 2016 and warrants Development Plan Consent.

While the subject site is located within the Low Density Policy Area 21, which calls for low density development and predominately detached dwellings, the White Avenue locality has examples of allotments sizes well below the 420m² nominated for detached dwellings and semi-detached dwellings in the range of 340-380m² and also below the 12 metre minimum frontage. These allotments impact on the existing character of White Avenue in proximity to the subject site.

Although the White Avenue locality is currently predominately single storey the Development Plan provisions in the Residential Zone and Low Density Policy Area 21 allow for two storey development.

The applicant has amended the dwelling design as part of ongoing discussions with Council staff to give the building an appearance similar to a single dwelling. On the basis of this design approach semi-detached dwellings could sit more comfortably within the locality despite the site not being within 400 metres of a centre zone.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 05 May 2016 and warrants Development Plan Consent and Land Division Consent.

RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and division of land pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent & Land Division Consent for Application 211/D074/16 (Combined Application Unique ID 54477); by Western Survey to create one (1) additional allotment and demolish an existing dwelling & associated structures with the construction of two x two storey semi-detached dwellings with garage under main roof at 32 White Avenue, Lockleys (CT 2333/148) subject to the following conditions:

Council Conditions

Development Plan Consent

1. The development must be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. The construction of a drainage system and the position and manner of discharge of a stormwater drain must not at any time:-
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.

3. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. They must be maintained to the reasonable satisfaction of Council thereafter.
4. All planting and landscaping must be completed within 3 months of the commencement of the use of this development and must be maintained to the reasonable satisfaction of Council. Any plants that become diseased or die must be replaced with suitable species.
5. The upper level windows of the dwellings must be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows is to be maintained at all times to the reasonable satisfaction of Council.
6. It is highlighted that any existing crossing places not providing vehicle access on the approved plans shall be closed off to Council's requirements and any new or modified crossing places shall be constructed to Council's requirements. New vehicle crossing places must be located a minimum of 1,000mm from any existing or proposed verge features (ie crossing places, stormwater connections, stobie poles) and a minimum of 2,000mm from any existing street tree (unless approval is granted by Council for a closer offset).

An "Application to Construct a Vehicular Crossing Place(s) Across Council Land" is required to be lodged (including payment of lodgement fee) and approved by Council's City Assets Department prior to the undertaking of any works. Council's crossing place and reinstatement design details are contained within this application.

7. It is highlighted that any existing stormwater drainage connection(s) not required on the approved plans shall be removed to Council's requirements and any new or modified stormwater drainage connection(s) shall be constructed to Council's requirements. New stormwater drainage connection(s) must be located a minimum of 1,000mm from any existing or proposed verge features (ie crossing places, stormwater connections, stobie poles) and a minimum of 2,000mm from any existing street tree (unless approval is granted by Council for a closer offset).

An "Application to Connect a Stormwater Drain(s) Across Council Land" is required to be lodged (including payment of lodgement fee) and approved by Council's City Assets Department prior to the undertaking of any works. Council's stormwater connection design details are contained within this application.

8. It is highlighted that any new or modified underground consumer mains connection(s) with the road reserve shall be constructed to Council's requirements.

An "Application for Permission to Lay Underground Consumer Mains within Council Land" is required to be lodged (including payment of lodgement fee) and approved by Council's City Assets Department prior to the undertaking of any works. Relevant requirements and design details are contained within this application.

9. The cost of rectifying any conflict with existing Council infrastructure arising out of this development will be borne by the applicant.
10. Any access over, or works undertaken on, Council owned land (including but not limited to works relating to reserves, crossovers, driveways, landscaping, footpaths, street trees and stormwater connections), will require the approval of the Council's City Assets Department. Further information and/or specific details can be obtained by phoning Council on 8416 6333.

11. Once development approval is granted, the development must be:
 - a) Substantially commenced within twelve (12) months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period), and a new development application shall be required;
 - b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period), and a new development application shall be required; and
 - c) Any request for an extension of time must be lodged in writing with the Council prior to the expiry of the above-mentioned periods.
12. Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either (1) a refusal of consent or (2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period allowed by the Court. The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (GPO Box 2465, Adelaide SA 5001).

Land Division Consent

1. The development must be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.

Agency Conditions

1. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services. The alteration of internal drains to the satisfaction of SA Water is required. On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to the development will be costed as standard or non-standard fees.

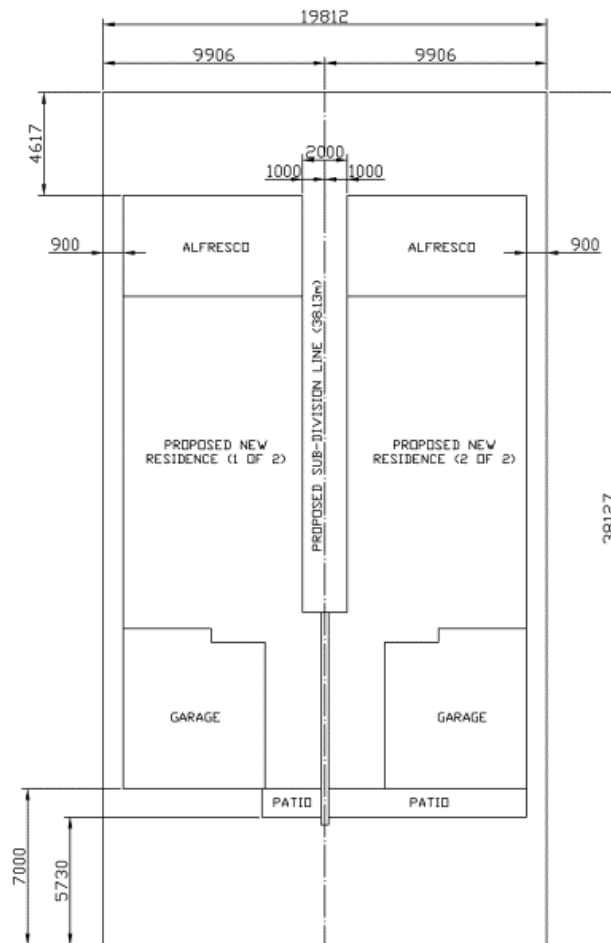
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

2. Payment of \$6,488 into the Planning and Development Fund (1 allotment(s) @ \$6,488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (71097018), by cheque payable to the Development Assessment Commission marked "NOT NEGOTIABLE" and sent to GPO Box 1815, Adelaide, 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

ATTACHMENT 1

Note: Each proposed allotment will have the following.

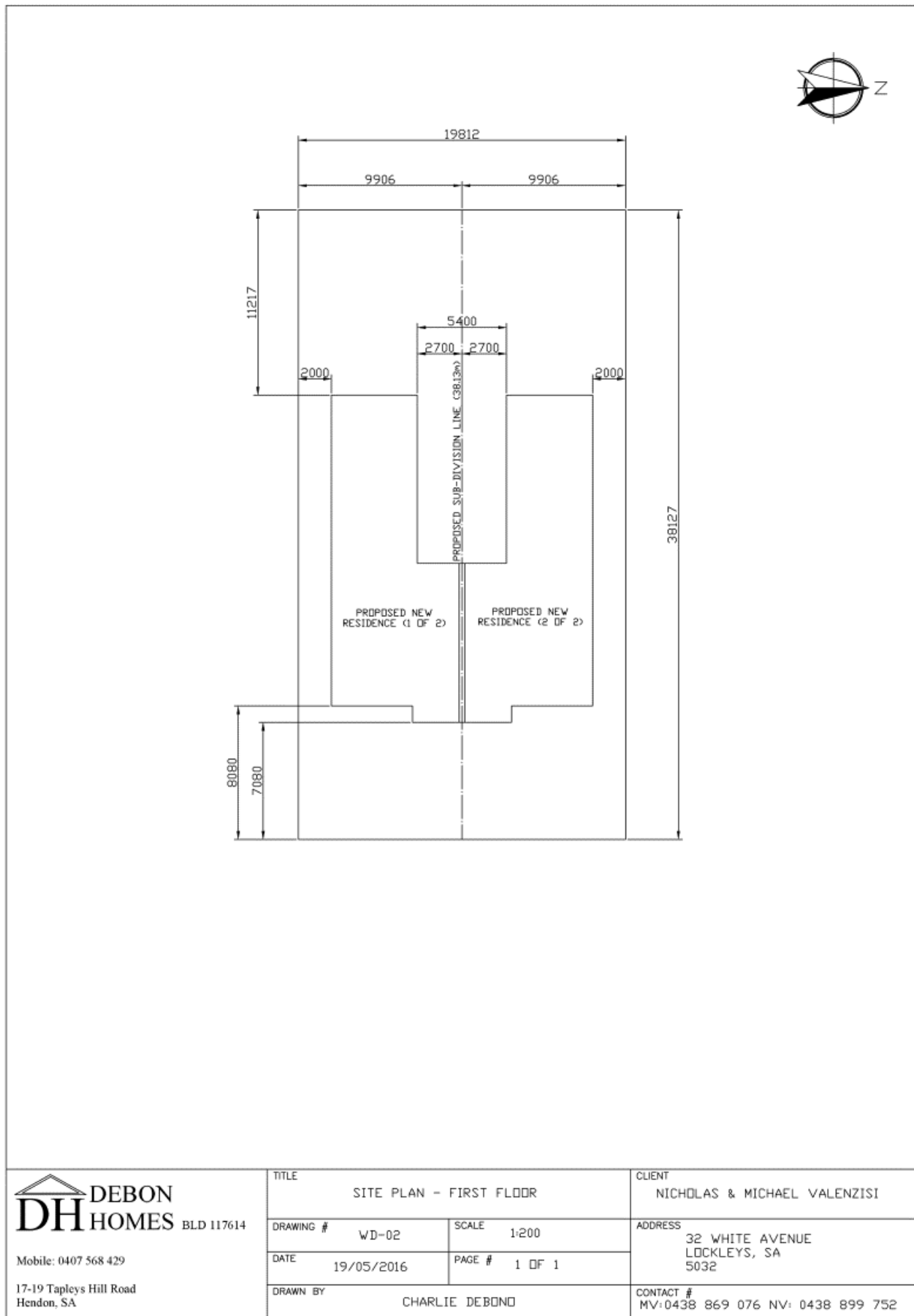
Low Level Area = 212.2 m²
Private Open Space = 45.7 m²
Total Open Space = 108.8 m²
Total Land Area = 378.5 m²

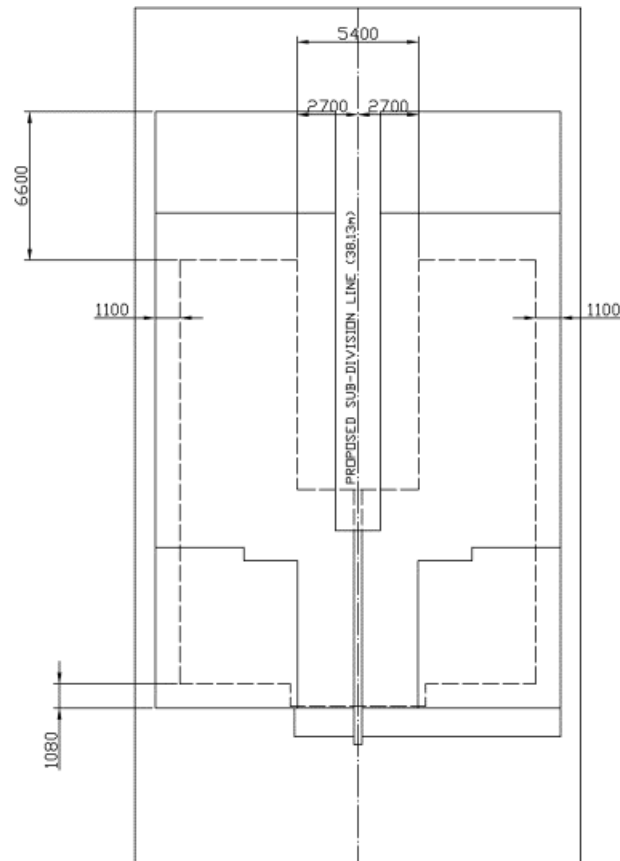


Mobile: 0407 568 429

17-19 Tapleys Hill Road
Hendon, SA

TITLE SITE PLAN - GROUND FLOOR		CLIENT NICHOLAS & MICHAEL VALENZISI
DRAWING # WD-01	SCALE 1:200	ADDRESS 32 WHITE AVENUE LOCKLEYS, SA 5032
DATE 19/05/2016	PAGE # 1 OF 1	
DRAWN BY CHARLIE DEBONO		CONTACT # MV: 0438 869 076 NV: 0438 899 752

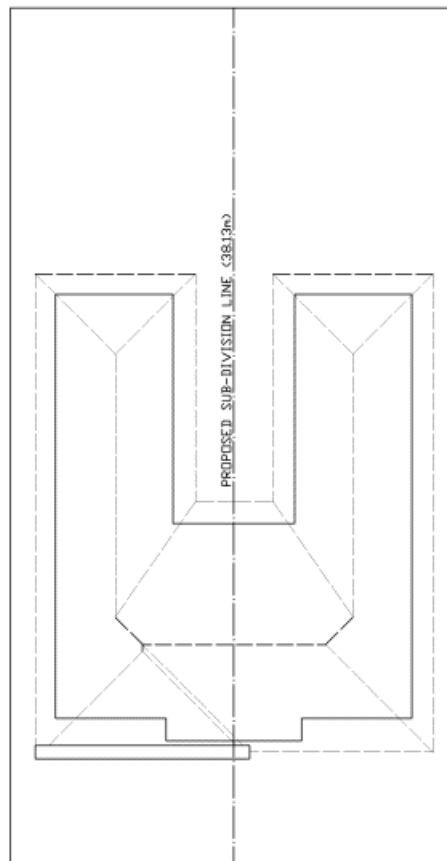




DEBON HOMES BLD 117614
Mobile: 0407 568 429
17-19 Tapleys Hill Road
Hendon, SA

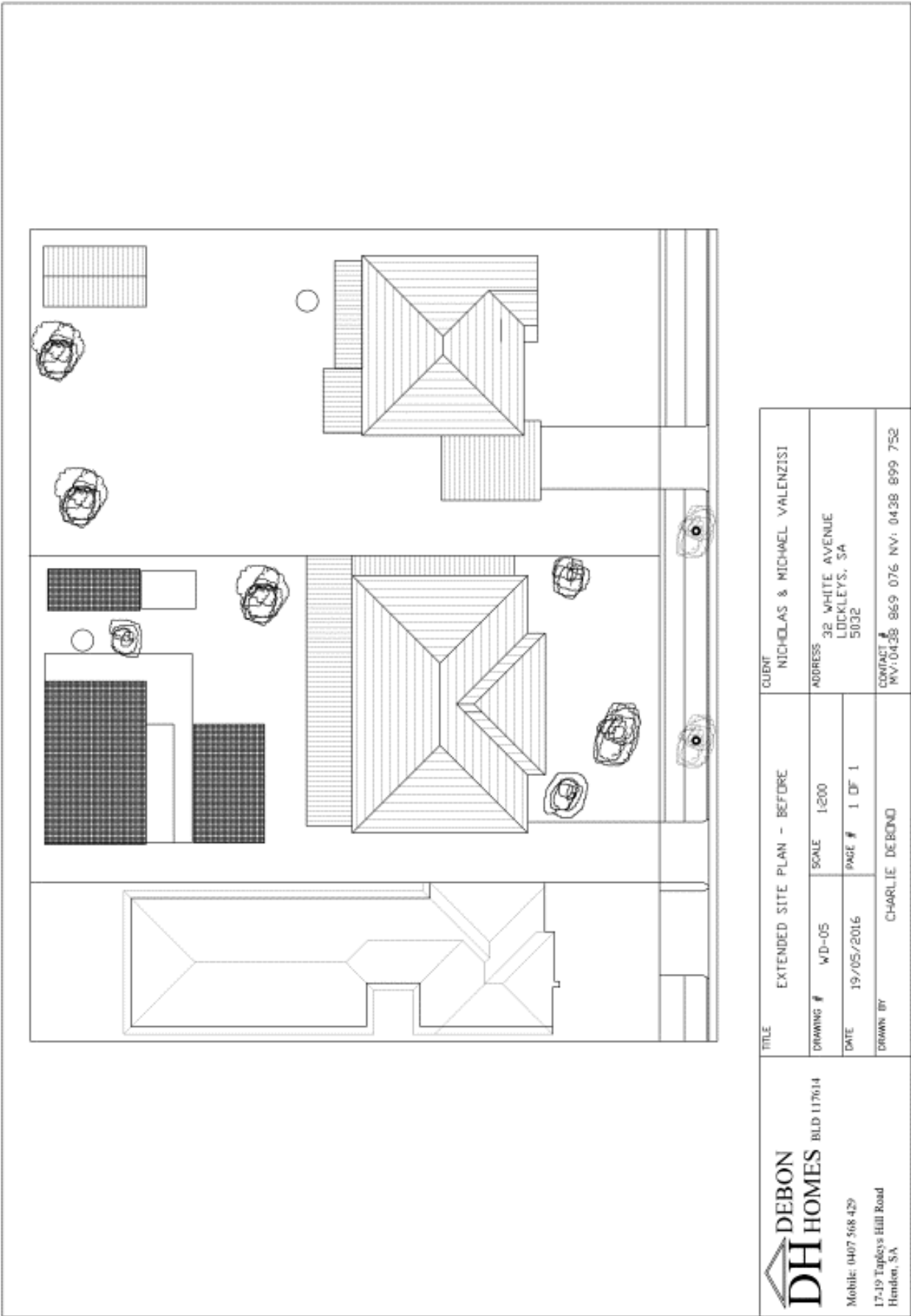
TITLE SITE PLAN - OVERLAY	
DRAWING # WD-03	SCALE 1:200
DATE 19/05/2016	PAGE # 1 OF 1
DRAWN BY CHARLIE DEBOND	

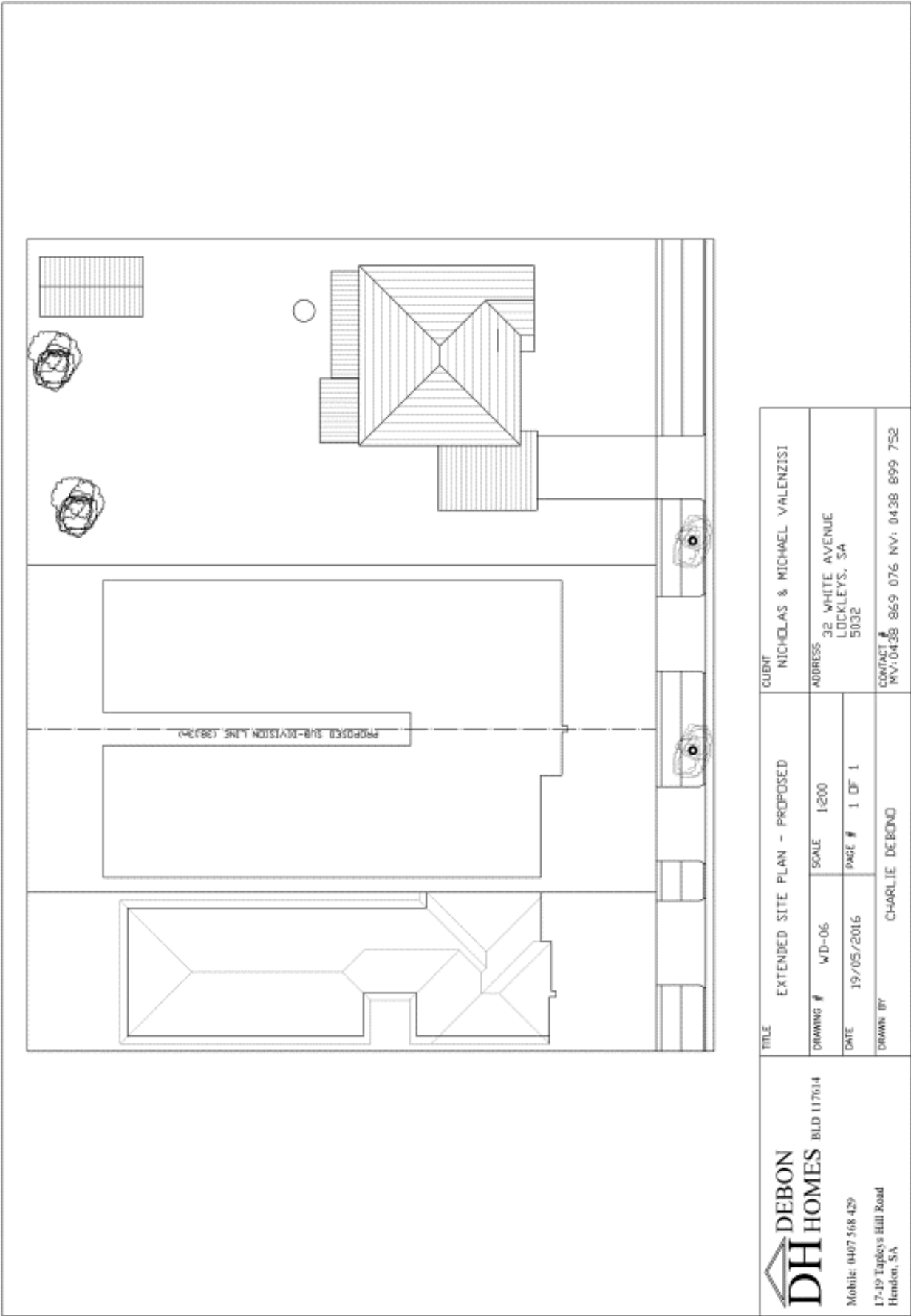
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ADDRESS 32 WHITE AVENUE LOCKLEYS, SA 5032
CONTACT # MV:0438 869 076 NV: 0438 899 752

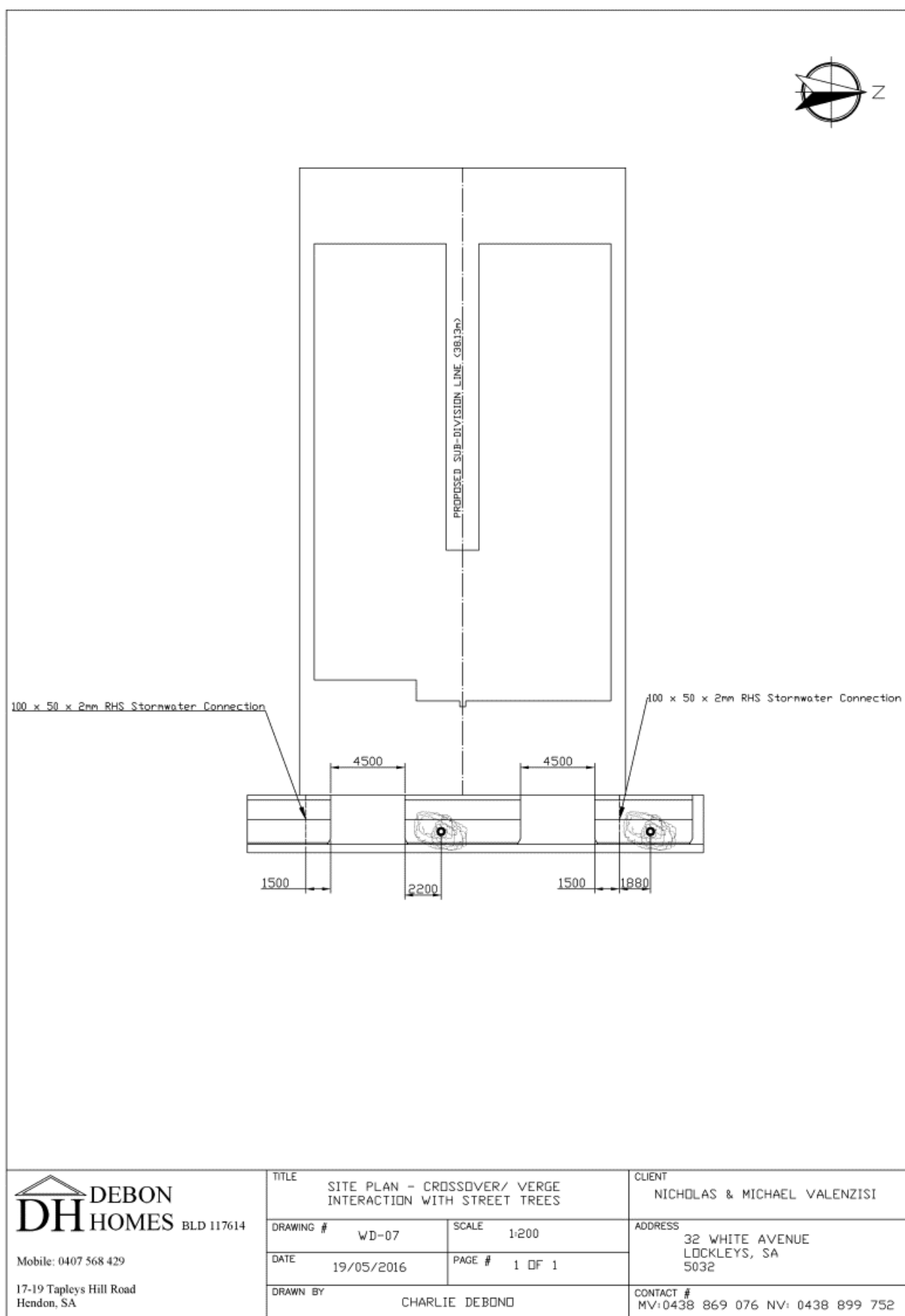


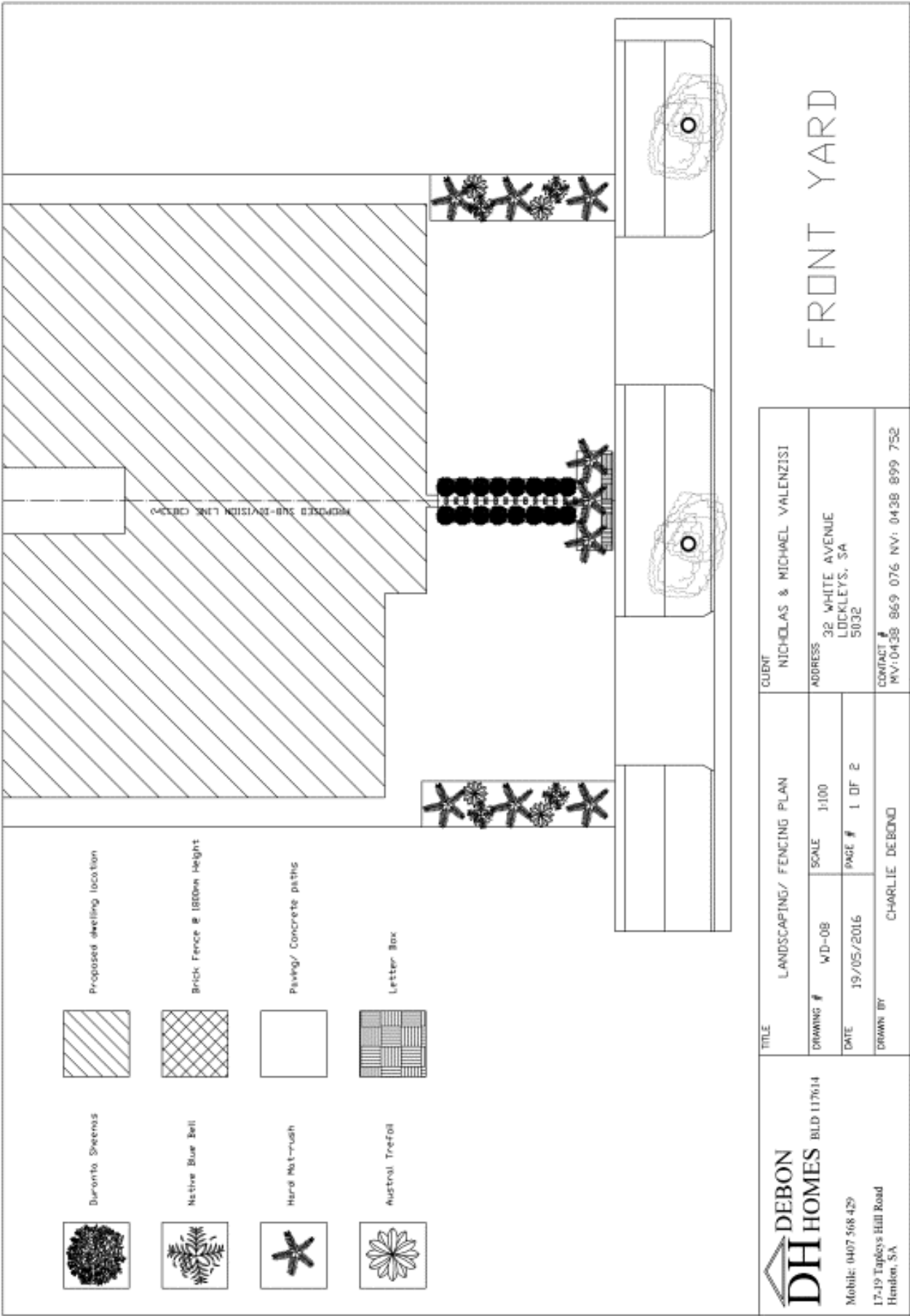
DEBON
DH HOMES BLD 117614
Mobile: 0407 568 429
17-19 Tapleys Hill Road
Hendon, SA

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DRAWING # WD-04	SCALE 1:200	ADDRESS 32 WHITE AVENUE LOCKLEYS, SA 5032
DATE 19/05/2016	PAGE # 1 OF 1	
DRAWN BY CHARLIE DEBONO		CONTACT # MV:0438 869 076 NV: 0438 899 752

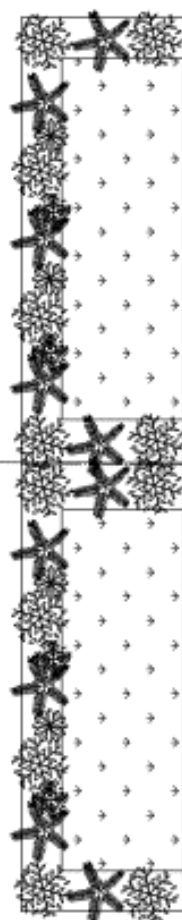








Common good neighbor fence @ 1800mm



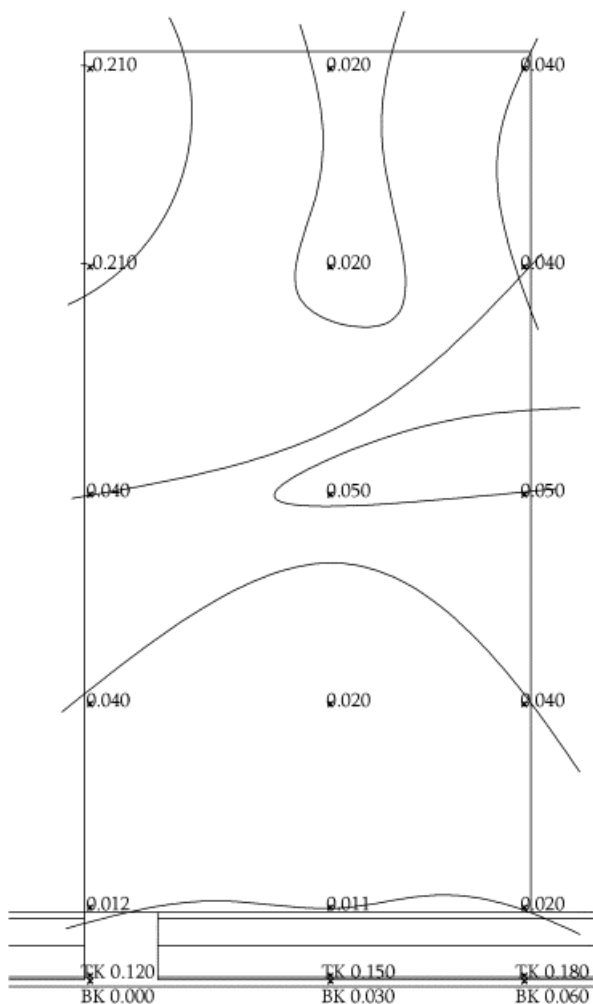
(b)(6) (b)(7)(C)

CLIENT	NICHOLAS & MICHAEL VALENZISI
ADDRESS	32 WHITE AVENUE LOCKLEYS, SA 5032
CONTACT #	MV:0438 869 076 NV: 0438 899 752

TITLE		LANDSCAPING/ FENCING PLAN	
DRAWING #	WD-08	SCALE	1:100
DATE	19/05/2016	PAGE #	2 OF 2
DRAWN BY		CHARLIE DEBONO	

DEBON
DH HOMES BLD 117614

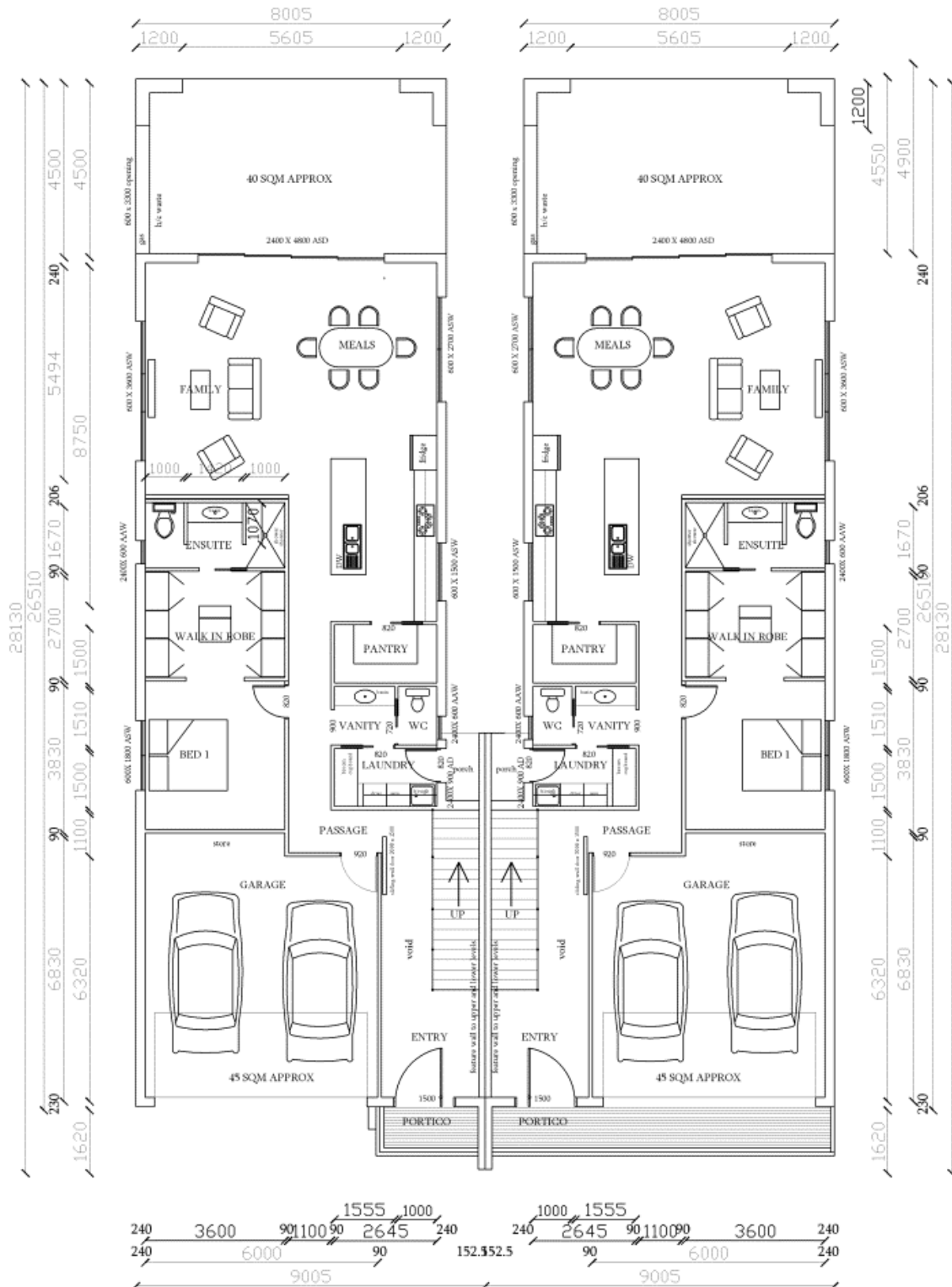
Mobile: 0407 568 429
17-19 Tapleys Hill Road
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Mobile: 0407 568 429

17-19 Tapleys Hill Road
Hendon, SA

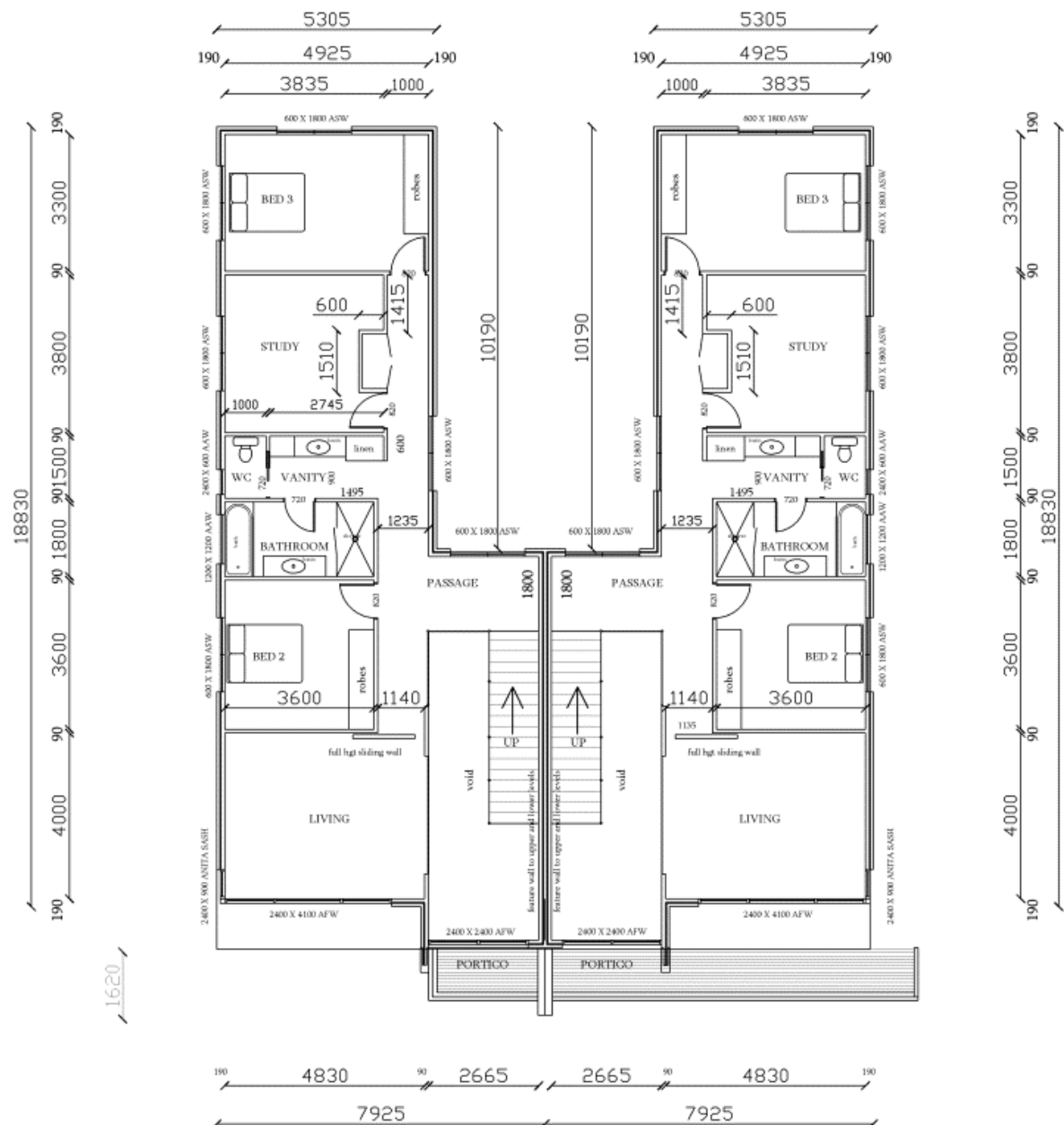
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SITE LEVELS		NICHOLAS & MICHAEL VALENZISI
DRAWING #	WD-09	SCALE
DATE	19/05/2016	1:200
DRAWN BY		PAGE #
CHARLIE DEBONO		1 OF 1
		ADDRESS
		32 WHITE AVENUE LOCKLEYS, SA 5032
		CONTACT #
		MV: 0438 869 076 NV: 0438 899 752



Mobile: 0407 568 429

17-19 Tapleys Hill Road
Hendon, SA

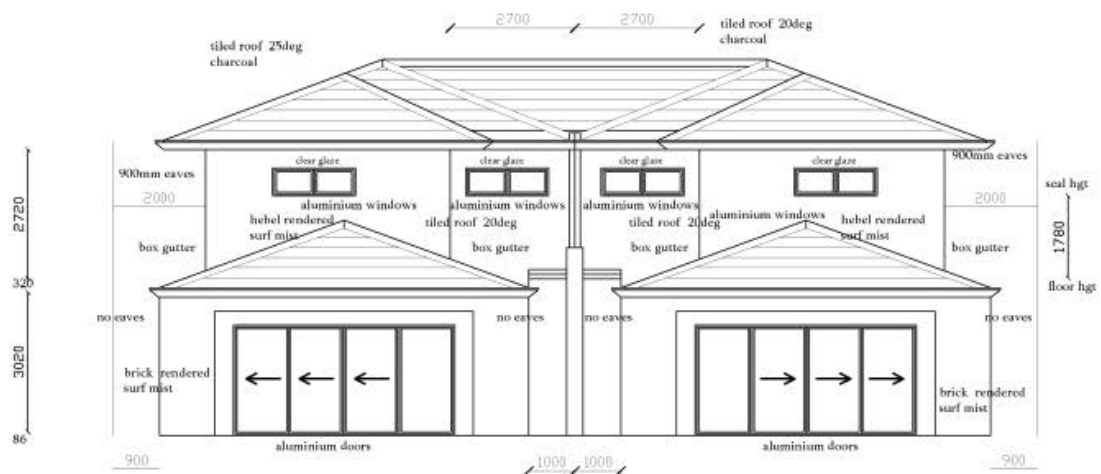
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DRAWING # WD-10	SCALE 1:100	ADDRESS 32 WHITE AVENUE LOCKLEYS, SA 5032
DATE 19/05/2016	PAGE # 1 OF 1	
DRAWN BY CHARLIE DEBONO		CONTACT # MV:0438 869 076 NV: 0438 899 752



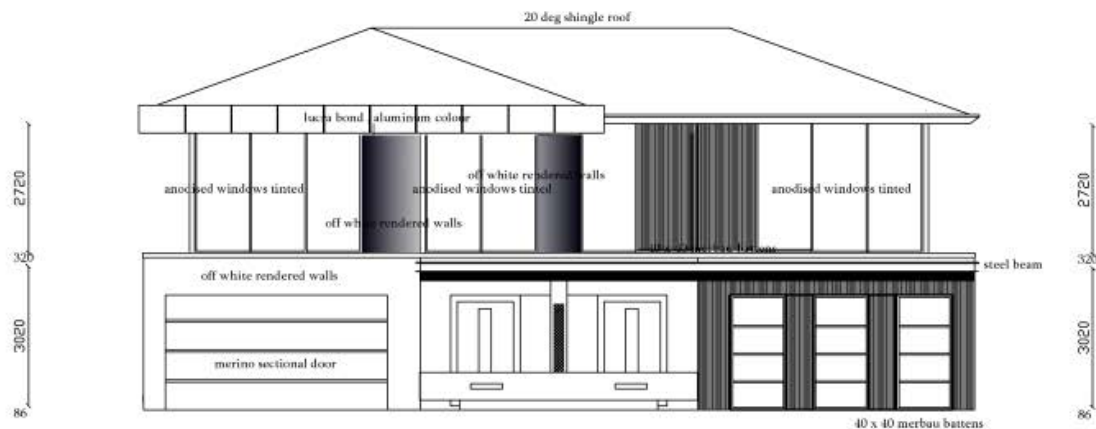
DEBON
DH HOMES BLD 117614
Mobile: 0407 568 429
17-19 Tapleys Hill Road
Hendon, SA

TITLE
FLOOR PLAN - FIRST
DRAWING # WD-11
DATE 19/05/2016
DRAWN BY CHARLIE DEBONO
SCALE 1:100
PAGE # 1 OF 1


CLIENT
NICHOLAS & MICHAEL VALENZISI
ADDRESS
32 WHITE AVENUE
LOCKLEYS, SA
5032
CONTACT #
MV: 0438 869 076 NV: 0438 899 752

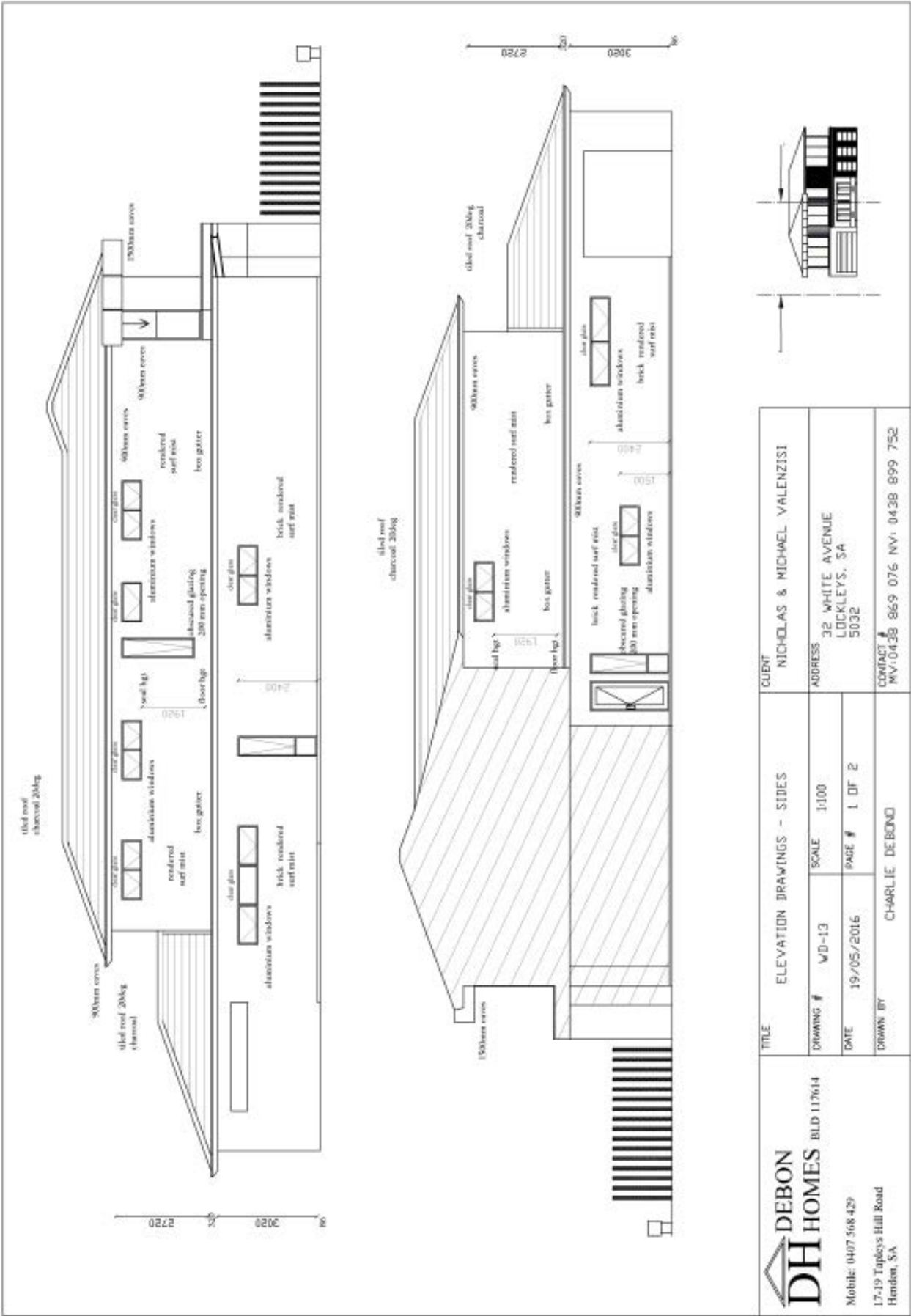


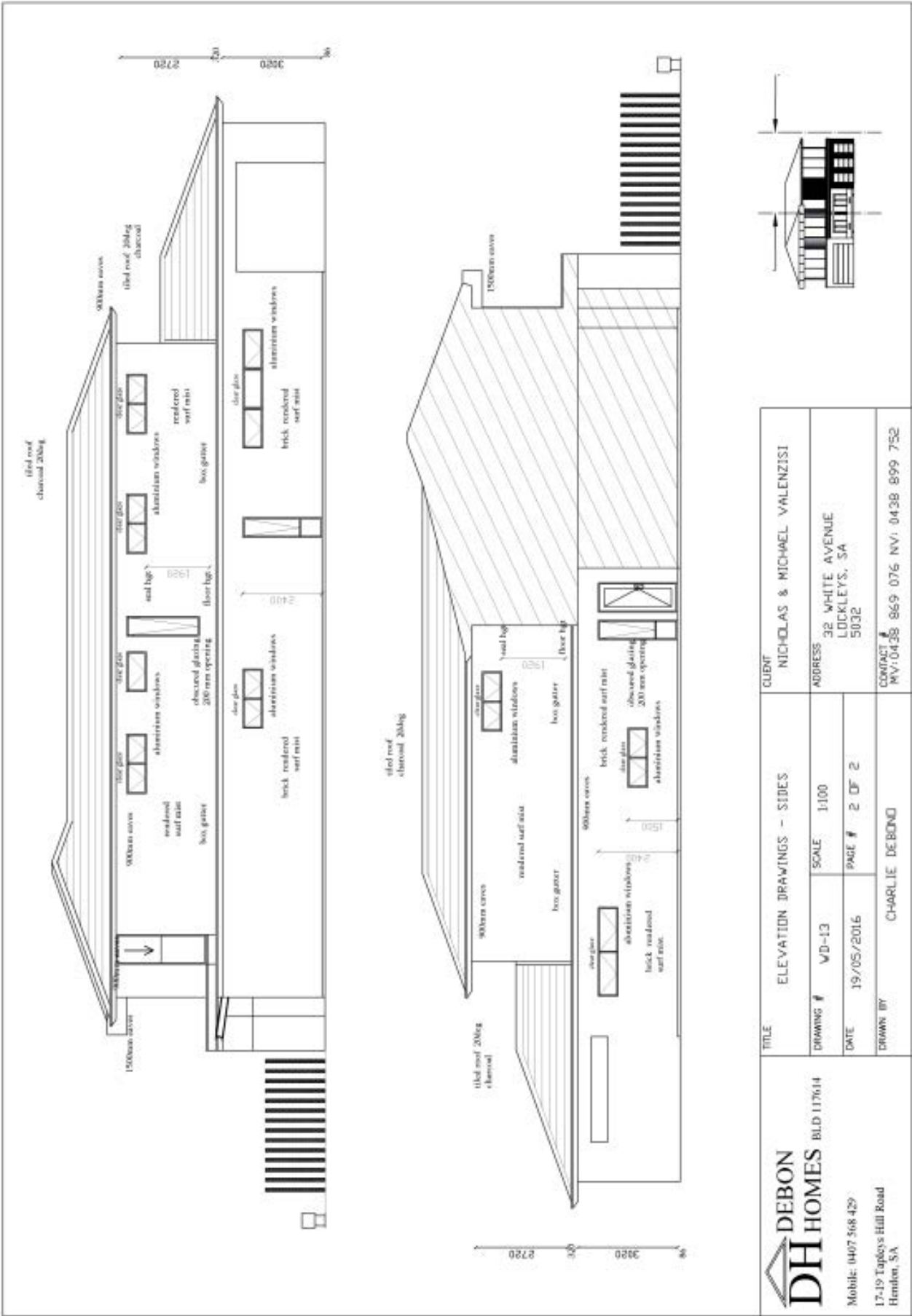
REAR ELEVATION

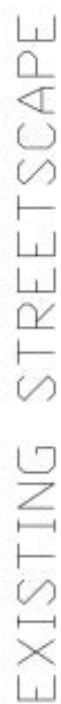


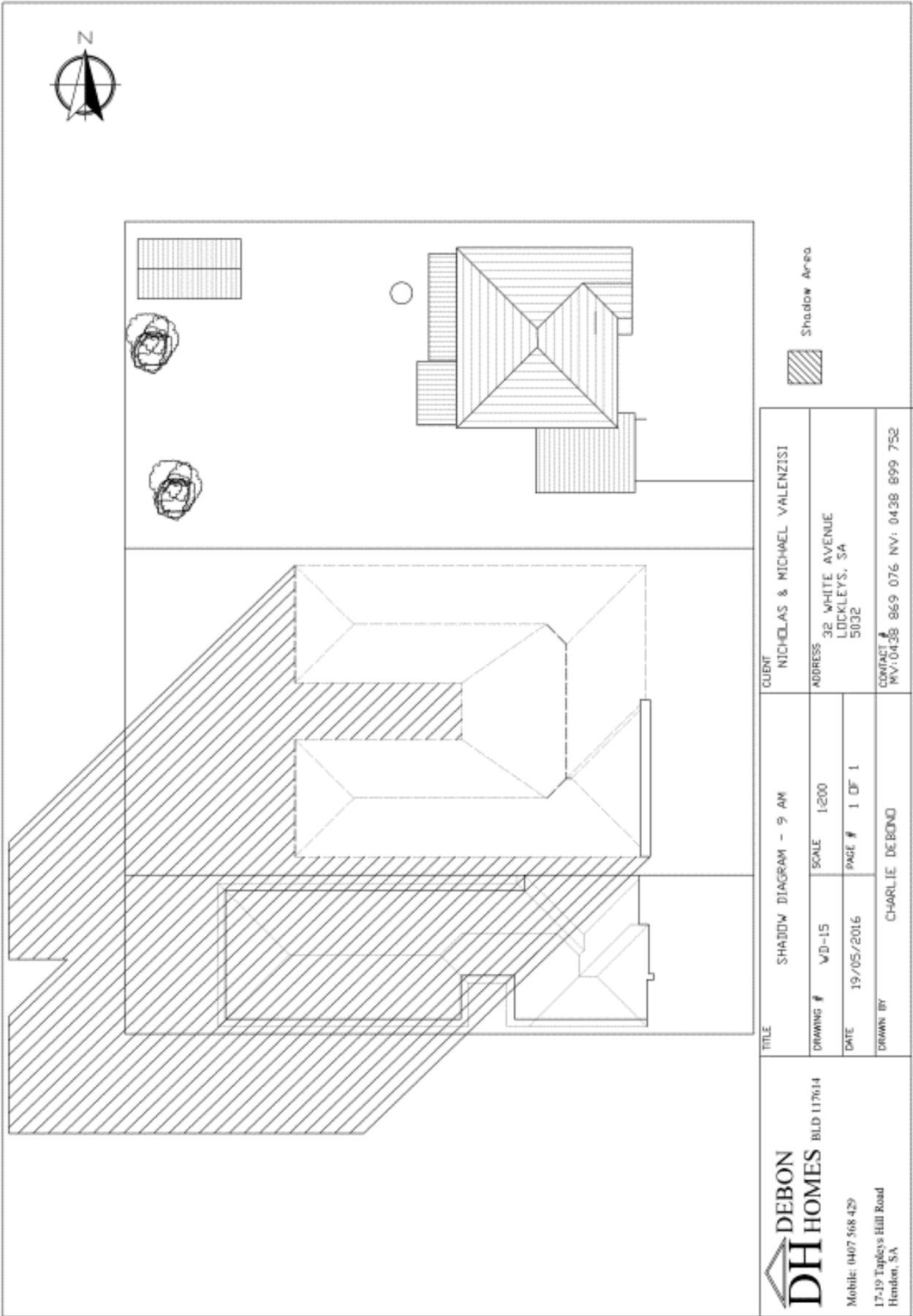
FRONT ELEVATION

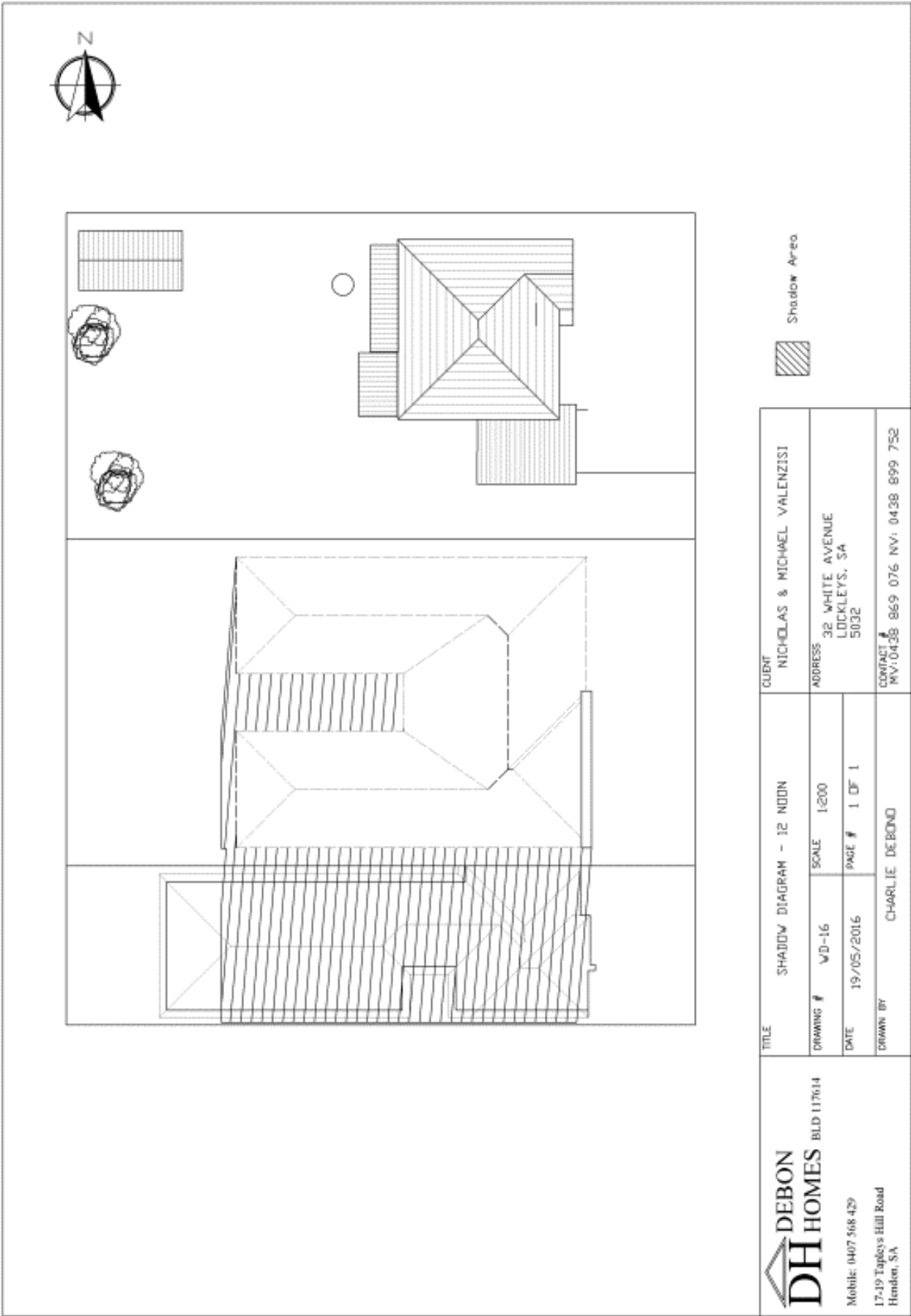
 DEBON HOMES BLD 117614 Mobile: 0407 568 429 17-19 Tapleys Hill Road Hendon, SA	TITLE ELEVATION DRAWINGS - FRONT/ REAR		CLIENT NICHOLAS & MICHAEL VALENZISI
	DRAWING # WD-12	SCALE 1:100	ADDRESS 32 WHITE AVENUE LOCKLEYS, SA 5032
	DATE 19/05/2016	PAGE # 1 OF 1	
	DRAWN BY CHARLIE DEBOND		CONTACT # MV:0438 869 076 NV: 0438 899 752

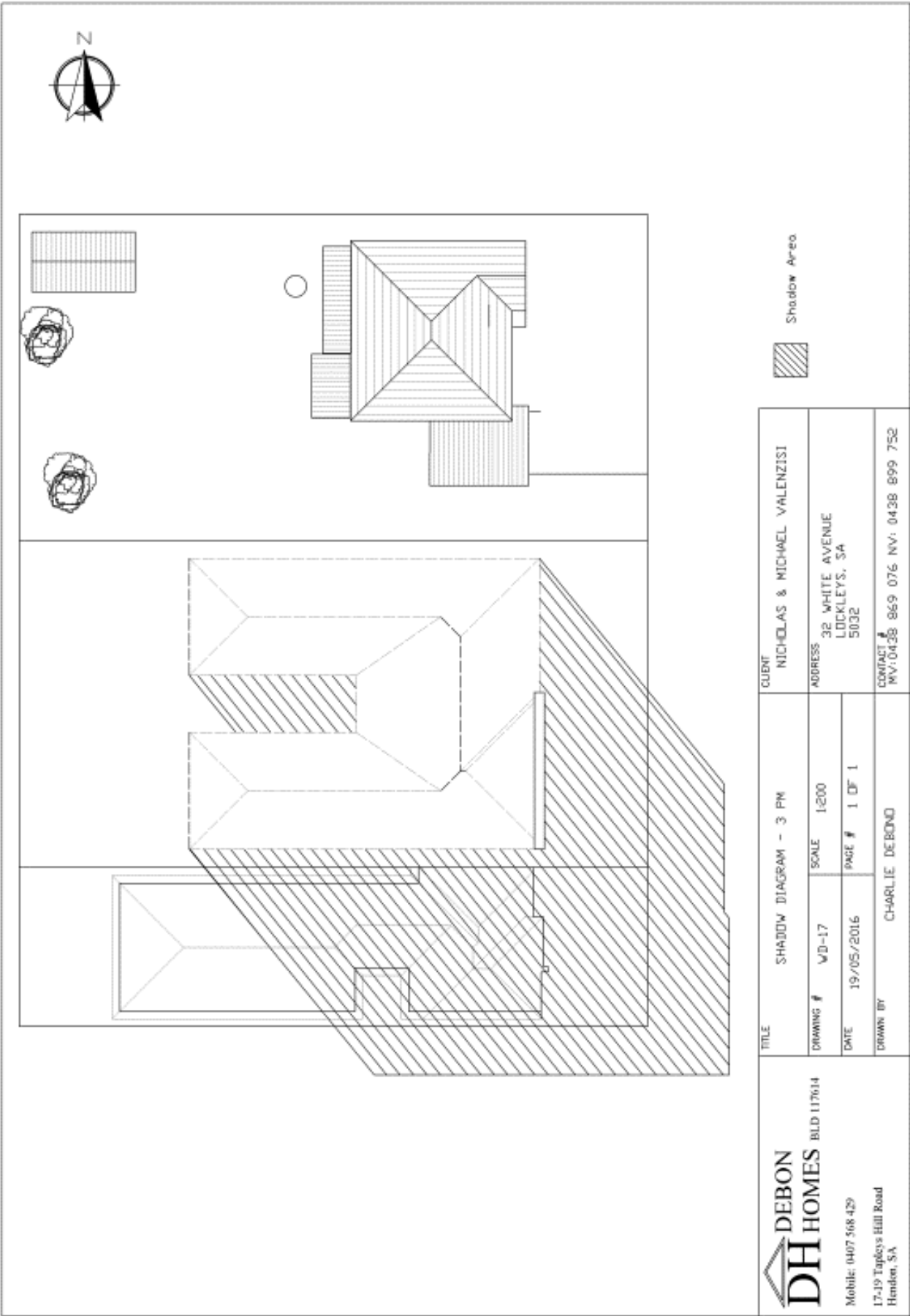














6.4 125 Glengyle Terrace, PLYMPTON

Application No. 211/364/2016

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land Division - Torrens Title; DAC No 211/D030/16 (Unique ID 53668); Create one (1) additional allotment
APPLICANT	W Piper, (Jeffery Fudge & Associates)
APPLICATION NO	211/364/2016
LODGEMENT DATE	02 March 2016
ZONE	Residential Zone
PRECINCT	N/A
POLICY AREA	18 Medium Density
APPLICATION TYPE	Land Division
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal ▪ City Assets External ▪ DAC/SA Water
DEVELOPMENT PLAN VERSION	8 November 2015
MEETING DATE	12 July 2016
RECOMMENDATION	CONSENT

BACKGROUND

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason/s:

- With regard to residential development and land division applications, where at least one proposed allotment and or site does not meet the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan, the application shall be assessed and determined by the DAP.

Proposed development consists of an application for Land Division Consent & Development Plan Consent for the creation of 2 allotments (1 additional allotment) at 125 Glengyle Terrace, Plympton.

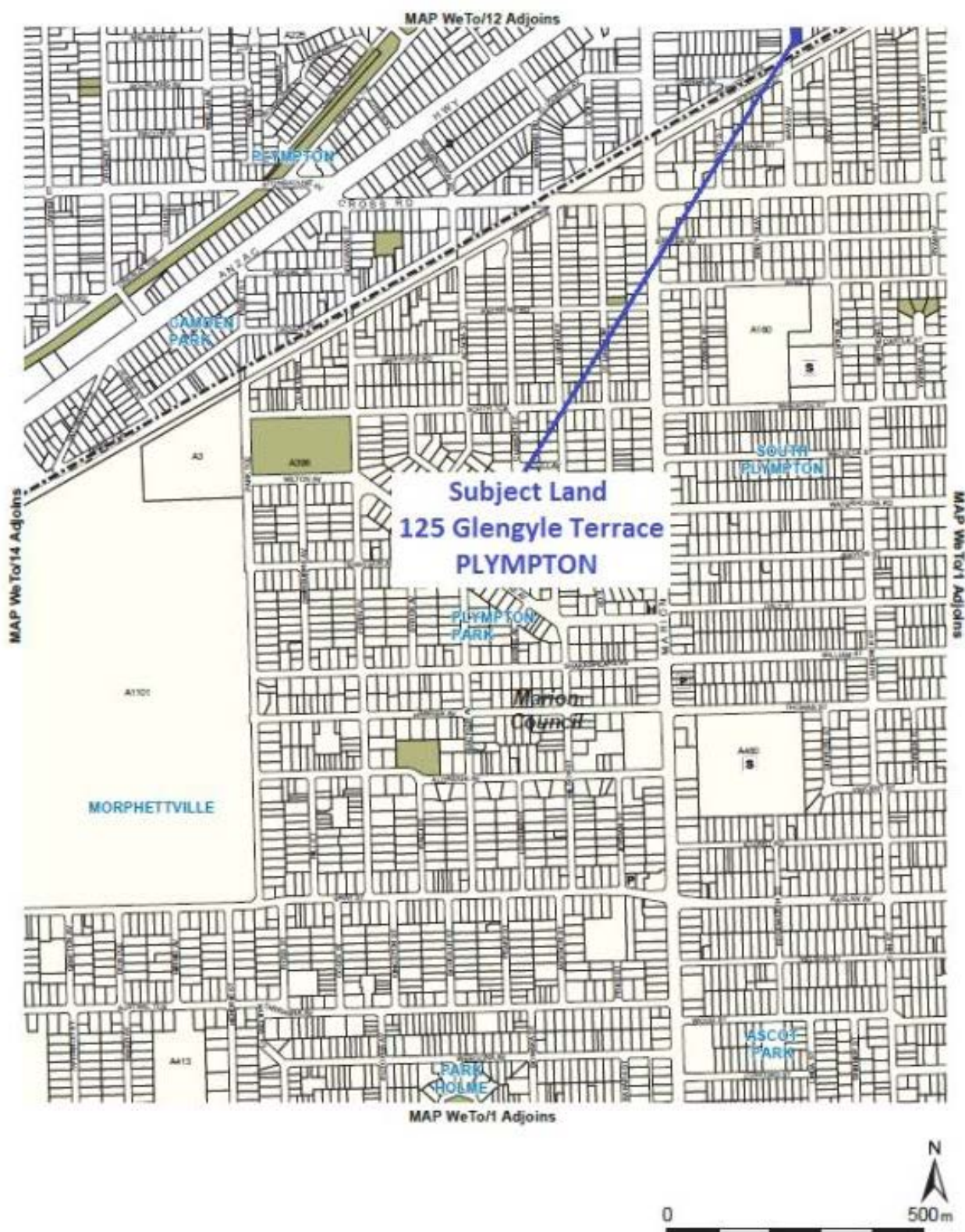
PREVIOUS or RELATED APPLICATION(S)

DA 211/152/2002 Verandah - Approved
DA 211/1037/2000 Garage - Approved

SITE AND LOCALITY

The locality is predominately residential in nature with a mix of housing styles reflecting its Residential and Medium Density zoning. There is also a mix of allotments sizes in the locality as older housing stock is replaced with a range of different dwelling types and land division occurs. 125 Glengyle Terrace is adjacent the existing Glenelg Tramline located to the south of the subject site.

The site and locality are shown on the following maps & photos:



- School
- Post Office
- Other Health Services
- Railways
- Local Reserves
- Development Plan Boundary

Location Map WeTo/15



FIGURE 1 GLENGYLE TERRACE FRONTAGE



FIGURE 2 CLAYTON AVENUE FRONTAGE



PROPOSAL

The proposal is for the division of the current allotment into two allotments, with retention of the existing dwelling on one allotment. Refer **Attachment 1** for the plan of division.

PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and the Residential Zone, Procedural Matters Section of the West Torrens Council Development Plan.

REFERRALS

Internal

City Assets

Concerns were raised regarding the following matters;

- Commonly on corner properties, a corner cut-off of 3.0m by 3.0m is required. Consequently, it is recommended that the corner cut-off along the western and southern boundary be included to satisfy Council's requirements. It is recommended that revised plans clearly show the correct corner cut off dimensions for the proposed development.
- Please note that new and or/ amended crossovers and stormwater connections through the road verge are required to be located a minimum 1.0 metre offset from other existing or proposed driveways, stormwater connections, stobie poles, street lights, side entry pits and pram ramps, etc. (as measured at the front property boundary). These new features are also required to be located a minimum of 2.0 metres from existing street trees, although a lesser offset may be acceptable in some circumstances (absolute minimum offset 1.0 metre).

The following concerns remain outstanding:

- Nil

External

Pursuant to Section 29 of the Development Regulations 2008, the application was referred to

Development Assessment Commission and SA Water

Concerns were raised regarding the following matters:

- Nil

ASSESSMENT

The subject land is located within the Residential Zone and more particularly Medium Density 18 Policy Area as described in the West Torrens Council Development Plan Map WeTo/15.

The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	7
Design and Appearance	Objectives	1 & 2
	Principles of Development Control	1,12, 13, 14, 15, 20
Energy Efficiency	Objectives	1
	Principles of Development Control	1, 2, 3
Hazards	Objectives	4
	Principles of Development Control	1, 2, 3, 4, 5, 6, 13
Infrastructure	Objectives	1, 2
	Principles of Development Control	1,6,
Interface between Land Uses	Objectives	1 & 3
	Principles of Development Control	2
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 4, 5, 6, 8, 12, 14, 15, 16, 17
Landscaping, Fences and Walls	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4, 5 & 6
Natural Resources	Objectives	1, 2, 5, 6, 7, 8
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 26, 27
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 5, 6, 7 & 8
Residential Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21,24, 25, 31, 32, 33
Transportation and Access	Objectives	2
	Principles of Development Control	1, 8, 9, 10, 11, 23, 24, 29, 34, 35, 44

Zone: Residential Zone
Desired Character Statement (extract)
<p>This zone will contain predominantly residential development.</p> <p>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas.</p> <p>Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</p> <p>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</p>

<i>Objectives</i>	<p>1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.</p> <p>2 Dwellings of various types at very low, low and medium densities.</p> <p>3 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p> <p>4 Development that contributes to the desired character of the zone.</p>
<i>Principles of Development Control</i>	<p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ domestic outbuilding in association with a dwelling ▪ dwelling ▪ dwelling addition ▪ small scale non-residential use that serves the local community, for example: - child care facility - health and welfare service - open space - primary and secondary school - recreation area - shop measuring 250 square metres or less in gross leasable floor area ▪ supported accommodation. <p>2 Development listed as non-complying is generally inappropriate.</p> <p>5 Development should not be undertaken unless it is consistent with the desired character for the zone and policy area.</p>

Policy Area: Medium Density 18

Desired Character Statement (extract)

Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments.

Allotment amalgamation to create larger development sites will occur to maximise the density of development while also achieving integrated design outcomes, particularly within a comfortable walking distance of centre zones.

Vehicle access will occur from side streets and new rear public and private laneways wherever possible, also supporting the retention of existing street trees.

New buildings will contribute to a highly varied streetscape. Buildings will be up to 3 storeys and provide a strong presence to streets, other than in the part of the policy area in Underdale, Ashford (other than allotments adjacent to Residential Character Ashford Policy Area 22) and allotments bounded by Anzac Highway, Morphett Road and Cromer Street in Camden Park where buildings will be up to 4 storeys.

Parking areas and garages will be located behind the front facade of buildings.

Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

Objectives

1. Development that contributes to the desired character of the policy area.

Principles of Development Control

1 The following forms of development are envisaged in the policy area:

- affordable housing
- detached dwelling
- domestic outbuilding in association with a dwelling
- domestic structure
- dwelling addition
- group dwelling
- residential flat building
- row dwelling
- semi-detached dwelling
- small scale non-residential use that serves the local community, for example: - child care facility - open space - recreation area - shop, office or consulting room
- supported accommodation

4 Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare, where net density can be calculated by dividing 10000 by the site area and multiplying that number by the number of proposed dwellings for the site) should be in the form of 2 to 4 storey buildings.

5 Dwellings should be designed within the following parameters:

Parameter	Value
Minimum setback from primary road frontage	3 metres
Minimum setback from secondary road frontage	1 metres
Minimum setback from back boundary	4 metres
Maximum site coverage (the area of a site covered by the ground floor level of a building, including the dwelling, garage, carport and outbuilding, but excluding unroofed balconies, verandas and pergolas)	70 per cent
Maximum building height (from natural ground level)	<p>Allotments bounded by Holbrooks Road, Garden Terrace and the River Torrens in Underdale: four storeys or 16.5 metres.</p> <p>Allotments bounded by Anzac Highway, Morphett Road and Cromer Street in Camden Park: four storeys or 16.5 metres</p> <p>Allotments in Ashford (other than those adjacent to Residential Character Ashford Policy Area 22): four storeys or 16.5 metres</p> <p>All other allotments: three storeys or 12.5 metres.</p>

6 A dwelling should have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) and a frontage to a public road not less than that shown in the following table:

Dwelling type	Site area (square metres)	Minimum frontage (metres)
Detached	250 minimum	9
Semi-detached	200 minimum	9
Group dwelling	150 minimum	7

8 Land division should create allotments with an area of greater than 250 square metres and a minimum frontage width of 9 metres, other than where the land division is combined with an application for dwellings, or follows an approval for dwellings on the site.

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA PA 18 PDC 6	250m ² (detached dwelling)	306m ² (Allotment 30) 481m ² (Allotment 31) Satisfies
SITE FRONTAGE PA 18 PDC 6	9m	8.5m (Allotment 30) Does Not Satisfy 21.18m (Allotment 31) existing Satisfies
PRIVATE OPEN SPACE <i>Residential Development</i> PDC 18 & 19	Ground Level 60m ² with a minimum dimension of 4m.	66m ² Minimum dimension of 3m Partly Satisfies

QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development satisfies the relevant Development Plan provisions with the exception of the following, as discussed under the following sub headings:

Land Use and Zoning

The proposed creation of one additional allotment will facilitate the use of the land for residential development consistent with the zone and policy area provisions.

Siting

The existing dwelling to be retained will remain oriented to Glengyle Street and will provide two car parking spaces one of which will be covered by a proposed future carport.

Visual Impact on Streetscape

As an existing corner allotment, the proposed creation of one additional allotment fronting Clayton Avenue will not significantly impact on the Clayton Street streetscape. While the proposed allotment is marginally below the 9.0 metre frontage required in the Development Plan, both proposed allotments will meet the minimum allotment size.

Site Coverage and Private Open Space

The site coverage and private open space for the proposed allotment (Allotment 30) will be assessed as part of a future land use application for the site.

The relevant private open space provisions from the Development Plan are outlined below:

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

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

19 Dwellings at ground level should provide private open space in accordance with the following table:

Site area per dwelling (square metres)	Minimum area excluding any area at ground level at the front of the dwelling (square metres)	Minimum dimension (metres)	Minimum area provided at the rear or side of the dwelling, directly accessible from a habitable room (square metres)
<300	24, of which 8 may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2 metres	3 (excluding balconies)	16
300-500	60, of which 10 may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2 metres	4	16
>500	80, of which 10 may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2 metres	4	24

20 Private open space should not include driveways, effluent drainage areas, rubbish bin storage areas, sites for rainwater tanks and other utility areas, sites for outbuildings, and common areas such as parking areas and communal open space.

The existing dwelling will be retained on an allotment of 481m² with private open space to be provided at the rear and side of the existing dwelling. The applicant has provided a floorplan that demonstrates the access to private open space. The rear private open space of 38m² (dimension 3.6 or 4 metres x 10.6 metres) will be accessed from the existing rear door as is currently the case.

The side private open space 28m² (dimensions of 3 metres x 9.2 metres) will be accessed via a set of sliding doors at the rear of the dwelling (not shown on the floorplan provided, shown in Figure 2) adjacent the proposed car park. The applicant has indicated they do not wish to provide an opening in the western elevation of the dwelling to directly access the private open space at the side of the dwelling.

While a total of 66m² of private open space (side and rear) will be provided to the existing dwelling to be retained, this private open space will not be directly accessible from an habitable room or internal living area (see floorplan provided).

It is also noted that the applicant has indicated through their agent that they currently use the space in front of the dwelling (Glengyle Terrace) as open space which was confirmed on inspection of the site (Figure 2).

Site Area and Frontage

Proposed Allotment 30 has a frontage of 8.5 metres while the minimum requirement in the Development Plan is 9 metres. This represents a shortfall of 5.55% of the minimum requirements which is not considered a significant departure from the provisions of the Development Plan.

Carparking Provisions

The dwelling to be retained will be provided with two car parking spaces, one of which is covered by way of a future carport noted on the plan of division. However construction of this carport does not form part of the current land division application and should the DAP determine to approve the proposed development it is recommended a condition requiring the provision of a covered space is included.

Land Division

The proposed allotments are considered suitable for the intended land use of residential in line with the provisions of the Residential Zone.

SUMMARY

The proposed land division will create one additional allotment while retaining the existing dwelling on site.

Proposed Allotment 30 will be 306m² and will be vacant to allow the development of a future dwelling. It will have a frontage of 8.5 metres to Clayton Avenue. The proposed allotment size will exceed the minimum requirements for a detached dwelling, while the proposed frontage does not meet the Development Plan minimum of 9 metres.

Proposed Allotment 31 will be 481m² with a 25.43m frontage to Clayton Avenue and a 21.18 metre frontage to Glengyle Terrace. Allotment 31 will retain the existing dwelling and complies with the Development Plan minimum site area and frontage requirements.

While the proposed Allotment 30 marginally fails to meet the site frontage requirements contained within the Development Plan, the allotment is an irregular shape and once the future dwelling is setback from Clayton Avenue the development is unlikely to be out of place in the existing streetscape.

The existing dwelling will be retained and its private open space will exceed the minimum requirement in square metres, however it does not have direct access from an habitable room given the existing design of the dwelling. While the private open space provided is to the side and rear of the dwelling it is considered suitable in this instance.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 8 November 2015 and warrants Development Plan Consent.

RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent & Land Division Consent for Application No. 211/364/2016 by W Piper to undertake Land Division - Torrens Title; creating one (1) additional allotment at 125 Glengyle Terrace, PLYMPTON SA 5038 (CT 5725/731) subject to the following conditions:

Development Plan Consent: Council Conditions

1. That the development must be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That the dwelling retained on Allotment 31 shall be provided with two car parking spaces, one of which must be covered.

Land Division Consent: Council Conditions

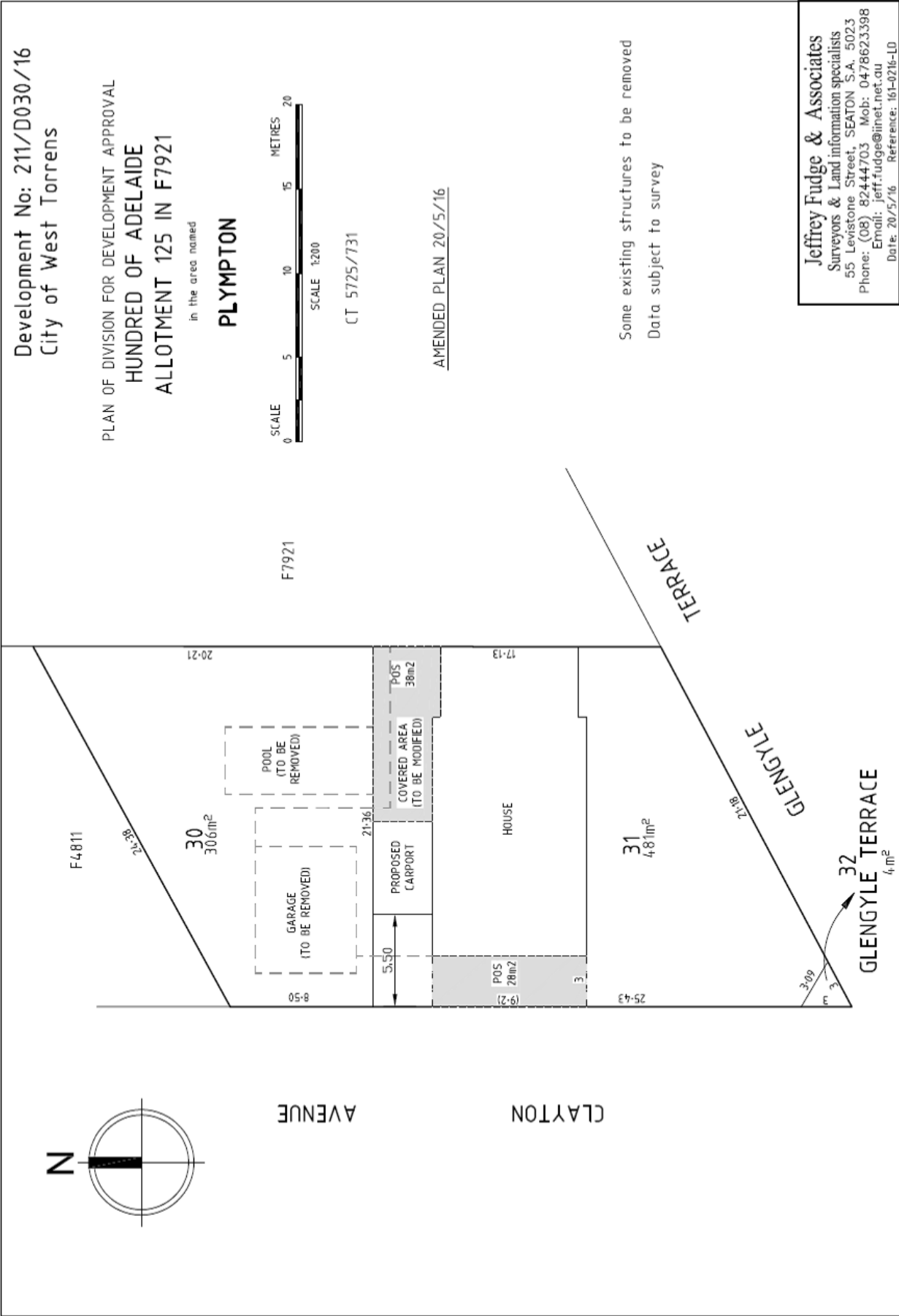
1. That prior to the issue of clearance to this division approved herein, the existing outbuilding(s) from proposed Allotment 30 shall be removed.

Agency Conditions

2. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0043597). An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non standard.
3. The internal drains shall be altered to the satisfaction of SA Water.
4. Payment of \$6,488 into the Planning and Development Fund (1 allotment(s) @ \$6,488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (71097018), by cheque payable to the Development Assessment Commission marked "NOT NEGOTIABLE" and sent to GPO Box 1815, Adelaide, 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
6. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

ATTACHMENT 1



6.5 33 Elizabeth Avenue, PLYMPTON

Application No. 211/546/2016

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land division - Torrens Title; DAC No. 211/D065/16 (Unique ID 54286); Create two (2) additional allotments; and Construction of a single storey building containing three (3) row dwellings
APPLICANT	Five Star Homes SA Pty Ltd
APPLICATION NO	211/546/2016
LODGEMENT DATE	4 May 2015
ZONE	Residential Zone
POLICY AREA	Medium Density Policy Area 18
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none">City Assets - Traffic, manoeuvrability, verge interaction and stormwater disposalCity Works - Removal of street tree External <ul style="list-style-type: none">Development Assessment Commission (DAC)SA Water
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	12 July 2016
RECOMMENDATION	CONSENT

BACKGROUND

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason/s:

- With regard to sites where the Development Assessment Panel has previously refused an application within the last five years, all similar applications on the site shall be assessed and determined by the Development Assessment Panel

PREVIOUS or RELATED APPLICATION(S)

DA 211/183/2016 - Land Division - Torrens Title DAC No. 211/D009/16 (Unique ID 53293)
Create two (2) additional allotments (includes party walls) - Refused by Development Assessment Panel 12 April 2016 for the following reasons:

1. The proposed development is contrary to:

- Residential Zone, Objective 4; Medium Density Policy Area 19 Objective 1;
Reason: The proposed development will result in an overdevelopment of the site that is not in accordance with the Desired Character.
- Residential Zone, Medium Density Policy Area 18 PDC 8;
Reason: The proposed development will result in allotment sizes that are not in accordance with the minimum prescribed frontage widths.

SITE AND LOCALITY

The subject land is described as Allotment 37 Deposited Plan 2658 in the area named Plympton Hundred of Adelaide, and is more commonly known as 33 Elizabeth Avenue. It is located within the Residential Zone and more particularly Residential Policy Area 18.

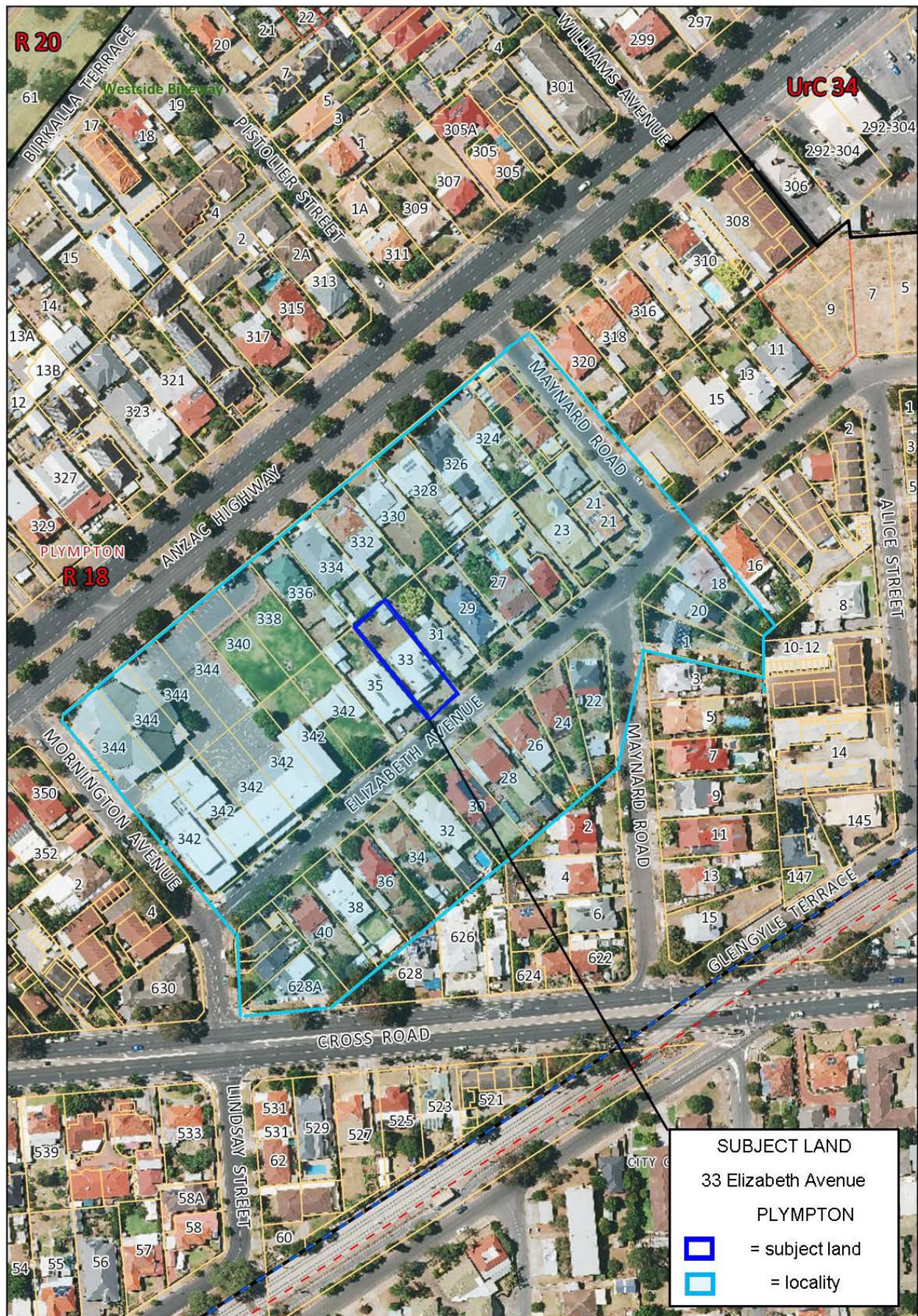
There are several arterial roads located in close proximity to the subject land. Marion Road is located approximately 300 metres east, ANZAC Highway is located 55 metres north and Cross Road is located approximately 150 metres south of the subject land respectively. The Urban Corridor Zone boundary is located approximately 260 metres east of the subject land and there is also a Local Centre Zone approximately 300 metres west of the subject land.

The subject land currently contains a 1920's bungalow with associated structures such as an outbuilding and carport.

The locality consists mostly of residential development generally situated on allotments rectangular in shape however some allotments have an irregular shape where the boundaries follow the bend in the road. The dwelling type is predominantly characterised by 1920's-30's bungalows with a few examples of symmetrical cottages and villas. There is one contemporary double storey dwelling that exists on the western neighbouring site of the subject land.

The John the Baptist Catholic School is 15 metres west of the subject land and is the only non-residential use within the locality. Due to the school's presence the traffic speed is reduced to 25km/h adjacent the subject land when children are present.

The site and locality are shown on the following maps.





Location Map WeTo/15

PROPOSAL

The proposal includes both land division and the construction of a row dwelling containing three (3) dwellings in one combined application.

The Applicant seeks approval for a Torrens Title Land Division creating two additional allotments. Proposed Allotment 1 will have a frontage to the public road measuring 5.22 metres, a depth of 45.72 metres and a total area of 239 square metres. Proposed Allotments 2 and 3 have frontages of 5.16 metres to the public road, a depth of 45.72 metres and total area of 236 square metres. The allotment boundaries and party walls as shown in the plan of division are consistent with those shown in the land use plans and drawings.

The Applicant also seeks approval for three (3) single storey row dwellings each with a single garage under the main roof, and landscaping in the front and rear yards. All three (3) dwellings have identical floor plans but mirrored in the instance of Dwelling 1, which include three (3) bedrooms, two (2) bathrooms and an open-plan living, kitchen and dining area.

The proposed land division and land use plans and supporting information are included in **Attachment 1**.

PUBLIC NOTIFICATION

The land division application is a Category 1 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and the Procedural Matters in the Residential Zone of the West Torrens Development Plan.

REFERRALS

Internal

City Works (Amenity Officer)

Division of the land will result in two (2) additional driveways and crossovers to be established to enable vehicle access for future dwellings. To facilitate the establishment of these new access points the removal of the street tree adjacent the subject land will be required. The application was forwarded to Council's Amenity Officer who has provided feedback supporting removal of the tree subject to payment of a fee of \$1,090.

City Assets (Civil Engineer)

Council's City Assets Department does not have any concerns regarding the proposed development and its interaction with verge features, traffic and accessibility or stormwater disposal

External

The land division application (DA 211/183/2016) was referred to SA Water by the Development Assessment Commission (DAC) who advised of no objection subject to specified standard conditions being included on any consent to be issued.

A copy of the relevant referral responses are included in **Attachment 2**.

ASSESSMENT

The subject land is located within the Residential Zone, and more particularly Medium Density Policy Area 18 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 7 & 8
Design and Appearance	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 21 & 22
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2 & 3
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 5, 6, 8, 12 & 17
Landscaping, Fences and Walls	Objectives	1
	Principles of Development Control	1, 2, 3 & 4
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 6 & 7
Residential Development	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 & 31
Transportation and Access	Objectives	2
	Principles of Development Control	1, 2, 23, 24, 25, 26, 30, 34, 35, & 44

Zone: Residential Zone	
Desired Character Statement:	
<p>"This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</p> <p>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</p> <p>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in an Historic Conservation Area.</p> <p>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer".</p>	
Objectives	1, 2, 3 & 4
Principles of Development Control	1, 2, 4, 5, 6, 7, 10, 11, 12, 13 & 14

Policy Area: Medium Density Policy 18	
Desired Character Statement:	
<p><i>"Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments. Allotment amalgamation to create larger development sites will occur to maximise the density of development while also achieving integrated design outcomes, particularly within a comfortable walking distance of centre zones. Vehicle access will occur from side streets and new rear public and private laneways wherever possible, also supporting the retention of existing street trees.</i></p> <p><i>New buildings will contribute to a highly varied streetscape. Buildings will be up to 3 storeys and provide a strong presence to streets, other than in the part of the policy area in Underdale, Ashford (other than allotments adjacent to Residential Character Ashford Policy Area 22) and allotments bounded by Anzac Highway, Morphett Road and Cromer Street in Camden Park where buildings will be up to 4 storeys. Parking areas and garages will be located behind the front facade of buildings.</i></p> <p><i>Buildings on the edge of the policy area which adjoin residential policy areas at lower densities will pay particular attention to managing the interface with adjoining dwellings, especially in terms of the appearance of building height and bulk, and overshadowing.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer."</i></p>	
Objectives	1
Principles of Development Control	1(Land Use), 1 (Form and Character), 4, 5, 6 & 8

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT		
		Dwelling 1	Dwelling 2	Dwelling 3
SITE AREA <i>Medium Density Policy Area 18 PDC 6</i>	Min150m ²	239m ² Satisfies	236m ² Satisfies	236m ² Satisfies
SITE FRONTAGE <i>Medium Density Policy Area 18 PDC 6</i>	5m	5.22m Satisfies	5.16m Satisfies	5.16m Satisfies
SITE COVERAGE <i>Medium Density Policy Area 18 PDC 5</i>	70% (max.)	57% approximately Satisfies	58% approximately Satisfies	58% approximately Satisfies

STREET SETBACK <i>Medium Density Policy Area 18 PDC 5</i>	Min 3m	3m Satisfies	3m Satisfies	3m Satisfies
SIDE SETBACKS <i>Residential Zone PDC 11& 13</i>	<u>1m or on boundary</u> and complying with either: a) side boundary walls should be located immediately abutting the wall of an existing or simultaneously constructed building on the adjoining site and constructed to the same or to a lesser length and height b) side boundary walls: (i) should have a maximum vertical wall height of 3 metres (ii) should have a maximum length of 8 metres (iii) should be constructed along one side of the allotment only and no further than 14 metres from the front boundary	<u>North-East</u> On boundary immediately abutting wall of simultaneously constructed building Satisfies <u>South-West</u> 900mm And garage (6.2m in length with 3m wall height) on boundary Partially Satisfies	<u>North-East</u> 900mm And garage (6.2m in length with 3m wall height) abutting simultaneously constructed building Partially Satisfies <u>South-West</u> On boundary immediately abutting wall of simultaneously constructed building Satisfies	<u>North-East</u> 900mm And garage (6.2m in length with 3m wall height) on boundary Partially Satisfies <u>South-West</u> On boundary Does Not Satisfy
REAR SETBACKS <i>Medium Density Policy Area 18 PDC 5</i>	Min 4m	5m Satisfies	5m Satisfies	5m Satisfies
PRIVATE OPEN SPACE <i>Residential Development PDC 19</i>	- 24m ² (min.), of which 8m ² may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m. - Minimum dimension 3m (excl. balconies). - 16m ² (min.) at the rear of side of dwelling, directly accessible from a habitable room.	25m ² Satisfies	25m ² Satisfies	25m ² Satisfies
CARPARKING SPACES <i>Transportation and Access PDC 34</i>	2 car-parking spaces required (1 of which is covered)	2 provided (1 covered & 1 uncovered) Satisfies	2 provided (1 covered & 1 uncovered) Satisfies	2 provided (1 covered & 1 uncovered) Satisfies

INTERNAL FLOOR AREA <i>Residential Development PDC 9</i>	Min 100sqm	137sqm Satisfies	137sqm Satisfies	137sqm Satisfies
BUILDING HEIGHT <i>Medium Density Policy Area 18 PDC 5</i>	Max 3 storeys	1 storey Satisfies	1 storey Satisfies	1 storey Satisfies

DISCUSSION

Previously an application on the subject land was submitted solely for land division which was refused by the Development Assessment Panel on 12 April 2016, for reasons such as, the proposed allotments not satisfying the minimum allotment area and frontage width specific to Medium Density Policy Area 18 and the division may lead to a potential of overdevelopment of the site which will be contrary to the Desired Character.

The current application is for a combined land division and land use, which (if granted consent) will not allow for the land division to occur without the built form being established, and as such gives the Development Assessment Panel certainty of the dwelling type to be developed.

In this instance the minimum site areas and frontage width that were required in the previously refused application (DA 211/183/2016) are not applicable to the assessment of this application as Medium Density Policy Area 18, Land Division Principle of Development Control (PDC) 8 reads,

"Land division should create allotments with an area of greater than 250 square metres and a minimum frontage width of 9 metres, other than where the land division is combined with an application for dwellings, or follows an approval for dwellings on the site".

Given that a row dwelling is guaranteed to be established on the subject land, the minimum site area of 150 square metres and 9 metre frontage width as specified in accordance with Medium Density Policy Area 18, Form and Character PDC 6 applies. The proposal satisfies both the minimum site area and frontage width specifications. Furthermore, the proposal will result in a net density of 42 dwellings per hectare which is an envisaged residential development density for this policy area (Medium Density Policy Area 18, Form and Character PDC 4).

The desired character of Medium Density Policy Area 18 encourages a range of dwelling types. The streetscape predominantly contains 1920's style dwellings such as bungalows and symmetrical cottages. The proposed row dwellings are considered to add variety to the streetscape, which the Medium Density Policy Area 18 now calls for.

The Desired Character also encourages buildings of up to three storeys to be developed in this policy area, and although a row dwelling that is multi-level may have more street presence, given the orientation of the land it may result in overshadowing concerns. The proposal being only single storey leaves each dwelling with a narrow façade that is partially taken up by the associated garages. This being said the associated garages satisfy the Development Plan policy and are not considered to be dominant as the proposal satisfies the parameters set out for covered parking spaces within Residential Development PDC 16, the garages are well setback from the street, each garage door is broken up from one another, and the opening width of the door is less than half of the frontage width of each respective allotment.

As highlighted in the Quantitative Assessment Table the only aspect of the proposed development that it does not satisfy the minimum quantitative measures specified within the Development Plan is with regard to side setbacks.

The side setback deficiencies of Dwelling 1, Dwelling 2 and Dwelling 3 of 900 millimetres are considered to be a minor departure from the one (1) metre side setback provision within the Development Plan. The deficiency is not considered to have a detrimental visual impact and the side setback will not conflict with requirements of the Building Code.

Dwelling 3 has a wall extending approximately 28 metres along the south-western site boundary. This wall is adjacent to all windows of Dwelling 2 as the south-western wall of Dwelling 2 abuts the wall of Dwelling 1. The wall of Dwelling 3 built on the boundary is considered acceptable as the site measurements constrain the location of the Dwelling 3 footprint and the outlook from Dwelling 2 would essentially not be compromised as, typically row dwellings situated in the middle have simultaneous walls built to each side and therefore no windows to the side elevation would generally exist. In this instance proposed Dwelling 2 will get the benefit of windows to rooms which will enable some air flow and marginal amounts of direct sunlight. Although it has not been proposed, some additional skylights may be appropriate given that the only windows of Dwelling 2 will predominantly be in shadow for the majority of the day.

SUMMARY

The development now satisfies all the previous reasons for land division refusal and contributes to the fulfilment of the desired character of Medium Density Policy Area 18.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2015 and warrants Development Plan Consent.

RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/546/2016 by Five Star Homes SA Pty Ltd to undertake Land division - Torrens Title; DAC No. 211/D065/16 (Unique ID 54286); Create two (2) additional allotments; and Construction of a row dwelling containing three (3) dwellings at 33 Elizabeth Avenue, Plympton (CT 5569/418) subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

DEVELOPMENT PLAN CONSENT COUNCIL CONDITIONS:

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 10 March 2015 as detailed in this application except where varied by any condition(s) listed below.
2. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or

- c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
3. That any retaining walls will be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
 4. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
 5. That all planting and landscaping will be completed within three (3) months of the commencement of the use of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.
 6. Council requires one business day's notice of the following stages of building work:
 - Commencement of building work on site
 - Commencement of placement of any structural concrete
 - Completion of wall and roof framing prior to the installation of linings
 - Completion of building work

Note:

When a building-owner gives notice for the commencement of building work, they shall advise Council of the relevant person, (name, address and telephone number) who will provide the Statement of Compliance required under regulation 83AB.

The relevant person must be:

- The licensed building contractor who performed the work, or
- A registered building work supervisor, private certifier or registered architect.

LAND DIVISION CONSENT

COUNCIL CONDITIONS:

1. Development is to take place in accordance with the plans prepared by Western Surveying Services, relating to Development Application No. 211/546/2016 (211/D065/16).
2. Prior to the issue of Section 51 Clearance to this division approved herein:
 - all existing buildings must be removed (note that the removal shall be subject to a separate development approval).

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

3. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

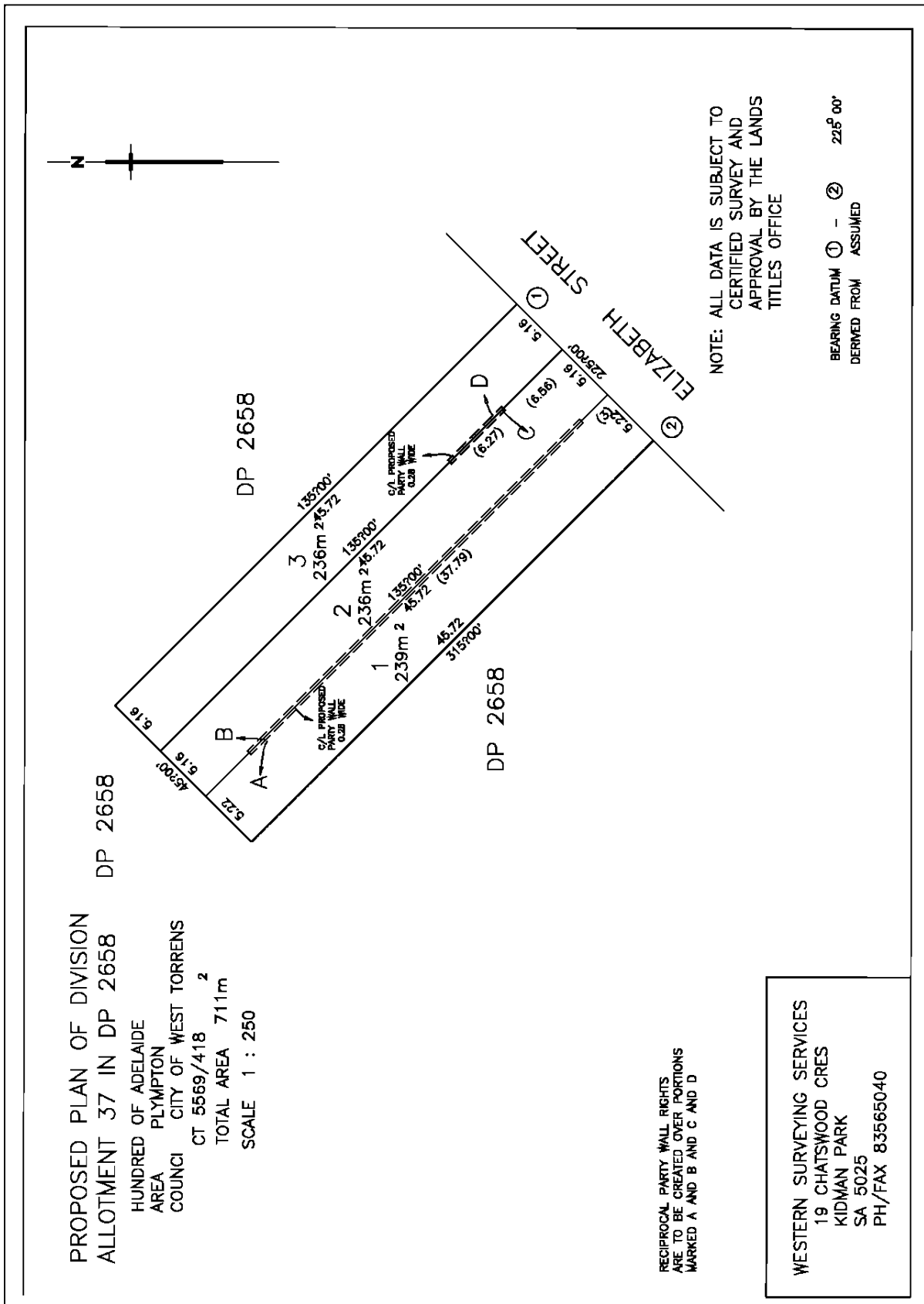
The alteration of internal drains to the satisfaction of SA Water is required.

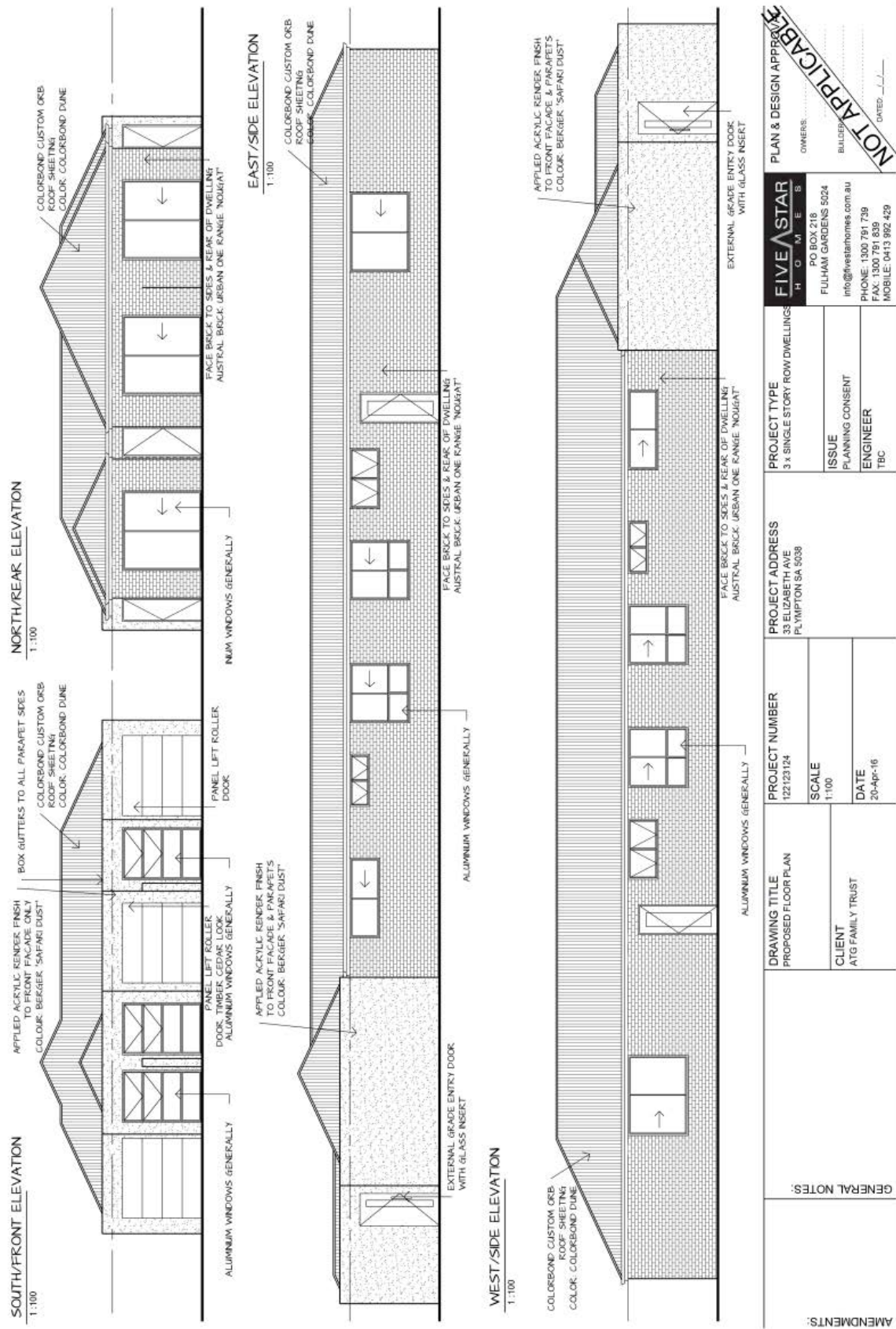
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard.

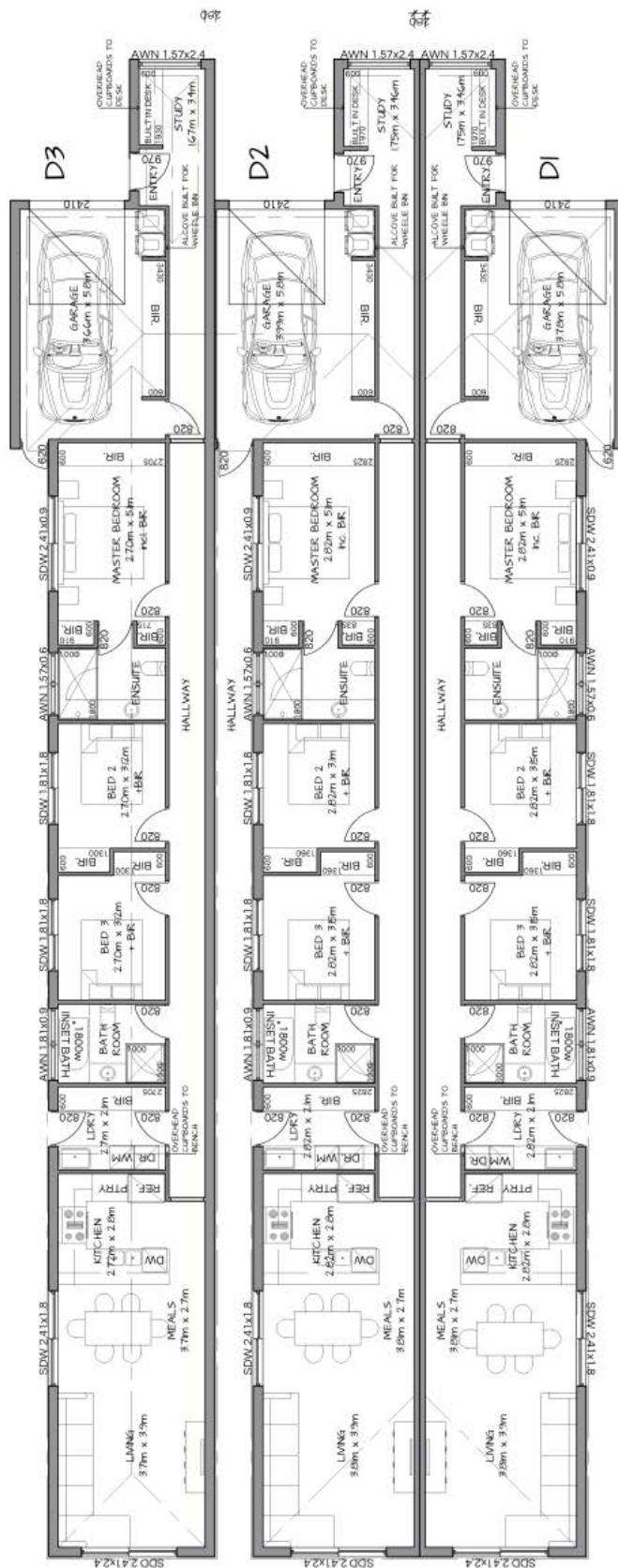
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

4. Payment of \$12,976 into the Planning and Development Fund (2 allotments @ \$6,488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate Purposes.

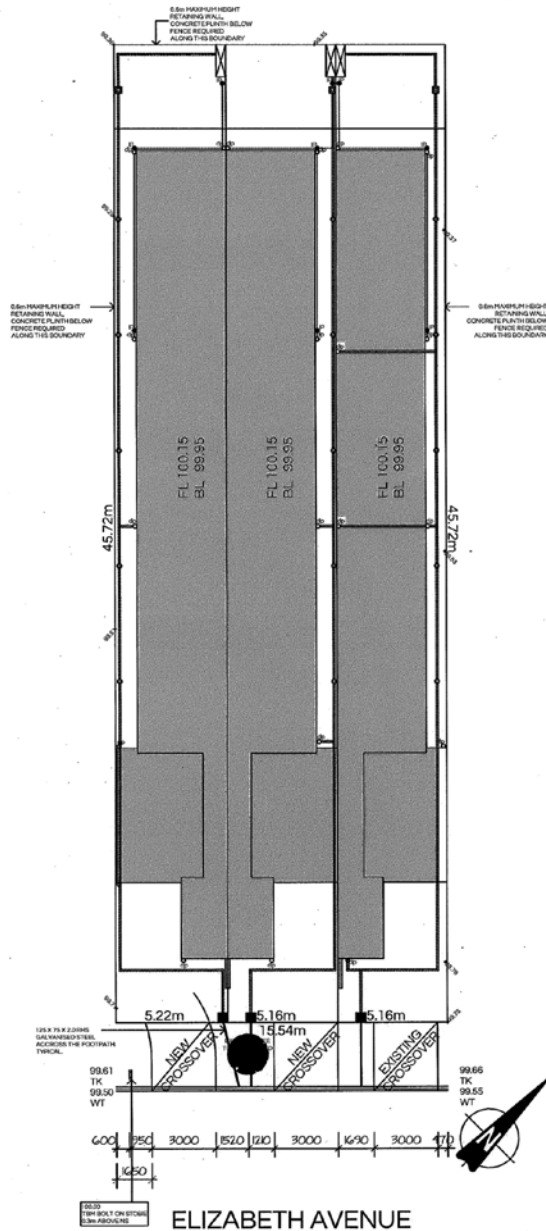
ATTACHMENT 1







AMENDMENTS:		GENERAL NOTES:	
CLIENT ATG FAMILY TRUST		DRAWING TITLE PROPOSED FLOOR PLAN	
SCALE 1:100		PROJECT NUMBER 12212124	
DATE 20-Apr-16		PROJECT ADDRESS 53 ELIZABETH AVE PLYMPTON SA 5038	
ENGINEER TBC		PROJECT TYPE 3 x SINGLE STORY ROW DWELLINGS	
PLANNING CONSENT		FIVE STAR HOMES PO BOX 218 FULHAM GARDENS 5024 info@fivestarhomes.com.au PHONE: 1300 791 739 FAX: 1300 791 839 MOBILE: 0413 892 429	
ISSUE		PLAN & DESIGN APPROVAL OWNERS: _____ BUILDERS: _____ DATED: J.J.	
NOT APPLICABLE			



LEGEND

1000 LITRE RAINWATER TANK TO BE PLUMBED INTO WC AND/OR LAUNDRY. DOWNPIPES LABELLED DPT TO DISCHARGE INTO TANK. 90mm DIAMETER OVERFLOW AT TOP OF TANK TO DISCHARGE INTO STORMWATER LINE TO STREET. SEALED SYSTEM FROM DPT TO TANK. PROVIDE INSPECTION POINT IN STORMWATER LINE UPSTREAM OF TANK.

+ EXISTING SPOT LEVEL

STORMWATER PIPE 90mm DIAMETER uPVC, 0.5% MINIMUM FALL.

STORMWATER PIPE 90mm DIAMETER uPVC, SEALED SYSTEM.

GRATED INLET PIT / PAVING SUMP 900mm DIAMETER

GRATED INLET PIT / SILT TRAP, 300mm SQUARE, HEAVY DUTY

IP INSPECTION POINT.

JUNCTION BOX, COVERED.

NOTES

1. GRADE BENCH AWAY FROM HOUSE:
1 IN 12 FOR GRASSSED AREAS,
1 IN 20 FOR PAVED AREAS.
2. MAXIMUM LEVEL OF PATH AT FLOOD GULLY TO BE 165MM BELOW FINISHED FLOOR LEVEL.
3. WHERE A LINE AT 30° FROM ANY FOOTING BASE INTERSECTS A SERVICE TRENCH, OR PROPOSED SERVICE TRENCH, FOOTING PIERS WILL BE REQUIRED. REFER TO THIS OFFICE PRIOR TO FURTHER CONSTRUCTION.
4. LEVELS SHOWN ARE APPROXIMATE ONLY AND ARE TO AN ASSUMED DATUM AS INDICATED. SITE DIMENSIONS ARE ASSUMED ACCORDING TO INFORMATION AVAILABLE, AND TO BE CONFIRMED BY OWNER AND/OR BUILDER.
5. FLEXIBLE CONNECTIONS ARE REQUIRED TO SEWER AND STORMWATER DRAINS ON THIS SITE.
6. PROVIDE MINIMUM 150mm COVER TO STORMWATER PIPES OR CONCRETE ENCASE. PROTECTION TO STORMWATER PIPES SHALL COMPLY WITH AS 3500.
7. CONTRACTORS SHALL ENSURE THAT ADJACENT STRUCTURES ARE NOT UNDERMINED OR SURCHARGED. REFER TO THIS OFFICE FOR FURTHER ADVICE IF REQUIRED.
8. CONTRACTORS SHALL LOCATE ALL EXISTING UNDERGROUND SERVICES, BEFORE COMMENCEMENT OF EXCAVATIONS.
9. WHERE NECESSARY, EXISTING GAS METERS, WATER METERS, TREES, CROSSOVERS, ETC. SHALL BE REMOVED / RELOCATED TO SUIT, AND TO COMPLY WITH STATUTORY AUTHORITY REQUIREMENTS.
10. FLOOR LEVELS MAY NEED TO BE INCREASED TO ACCOMMODATE SEWER GRADE REQUIREMENTS. OWNER AND / OR BUILDER TO CHECK SEWER INVERTS PRIOR TO SITEWORKS COMMENCING.
11. ALL WORKS BEYOND THE PROPERTY BOUNDARY SHALL BE TO COUNCIL REQUIREMENTS AND DETAILS.

SITEWORKS / STORMWATER DRAINAGE PLAN 33 ELIZABETH AVENUE, PLYMPTON

John Birbas BE, MIE Aust.
34 SARNIA AVE., CLEARVIEW. S A. 5085
Mobile 0419 039 426

DATE	22/02/16
A3 SCALE	1:200
DRAWN	JB
DWG NO	1512 - 1C

AMENDMENTS:

- A: D2 DRIVEWAY CHANGED 24/2/16
B: GARDEN SHEDS SHOWN. STREET TREE TO BE REMOVED. 20/4/16
C: DWELLING 1 STORMWATER OUTLET REDIRECTED. 23/5/16



Ref: 2016-0140

29 April 2016

Ms Jessica Grima
Planning Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



Suite 12
154 Fullarton Road
ROSE PARK SA 5067

08 8333 7999
www.urps.com.au
ABN 55 640 546 010

Dear Jessica

**Development Application for Land Division and Three Row Dwellings at
33 Elizabeth Street, Plympton**

Introduction

This letter of planning support accompanies the Development Application for land division and the construction of three, single storey row dwellings at 33 Elizabeth Street, Plympton.

Background

Five Star Homes lodged Development Application No.211/1348/2015 for 3 single storey row dwellings on this site with the City of West Torrens on 13 November 2015. This Development Application is yet to be determined by Council.

At the same time, Five Star Homes lodged a separate Development Application No.211/183/2016 (or 211/D009/16) to subdivide the land in order to facilitate the sale of the dwellings proposed as part of the separate development application. At its meeting of 5 April 2016, the City of West Torrens' Development Assessment Panel resolved to refuse the land division application. It is understood that one of the primary concerns of the DAP was that the proposed dwellings did not form part of the land division application so that there was insufficient certainty as to the ultimate development outcome on this site.

It is also understood that the DAP has some concerns about the form/character of the development. Council planning officers have provided more recent advice regarding some elements of design detail associated with the proposed development.

New Development Application

In response to Council's concerns regarding the certainty of the development outcome for this site, Five Star Homes has lodged a new single Development Application for land division and 3, single storey row dwellings at 33 Elizabeth Street, Plympton. A number of amendments to the previously proposed dwellings have also been made in response to advice from Council staff and to best respond to the relevant guidelines in the West Torrens Development Plan. These aspects of the proposal are discussed in greater detail below.

Dwelling Type and Allotment Size

The site at 33 Elizabeth Street, Plympton is located within Medium Density Policy Area 18 of the Residential Zone under the West Torrens Development Plan (consolidated 5 November 2015). The Desired Character statement and Principles of Development Control 1 and 6 for this Policy Area anticipate:

Desired Character

Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments... New buildings will contribute to a highly varied streetscape... (underlining added)

Principles of Development Control

- 1 The following forms of development are envisaged in the policy area:...**
 - row dwelling...
- 6 A dwelling should have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) and a frontage to a public road not less than that shown in the following table:**

Dwelling type	Site area (square metres)	Minimum frontage (metres)
Row dwelling	150 minimum	5

The proposed development includes three row dwellings, each on allotments greater than 150m² in area and 5m in width. Therefore, the proposed development readily complies with these Development Plan guidelines in terms of dwelling type and allotment size.

Site Coverage and Private Open Space

Principle of Development Control 5 in the Medium Density Policy Area 18 states that dwellings should have a maximum site coverage of 70%. Each of the proposed dwellings satisfies this guideline, having a site coverage of less than 66%.

Principle of Development Control 19 in the Residential Development section of the West Torrens Development Plans states that dwellings on allotments less than 300m² in area should have at least 24m² in private open space. There is 24-25m² of private open space located at the rear of each dwelling, excluding the area proposed for rainwater tanks.

On-Site Parking and Driveway Access

Table WeT/2 states that row dwellings should provide 2 on-site parking spaces, one of which is covered. Each of the proposed dwellings have a single garage plus space in front of the garage for a second vehicle to park. The internal dimension/length of the proposed garages is also 5.8m as required by Council.

The plans also show that a relatively large vehicle (a Holden Commodore), can park on the driveway to dwelling 1, despite this driveway having a slight curve to avoid an existing stobie pole. Appropriate manoeuvrability to the garage of dwelling 1 is also achieved via this curved driveway, as indicated in the plans and correspondence accompanying this Development Application prepared by traffic and parking consultant, Phil Weaver.

Storage

Principle of Development Control 31 in the General Section of the Development Plan entitled "Residential Development" states:

- 31 A dwelling should incorporate a minimum storage area of 8 cubic metres for goods and chattels, other than food and clothing, within at least one of the following:
- (a) a non-habitable room of the dwelling
 - (b) a garage, carport or outbuilding
 - (c) an on-site communal facility.

The proposal plans identify more than 9 cubic metres of storage divided across a number of non-habitable rooms in the proposed dwelling as follows:

- Laundry (overhead) - 2.1m(w) x 0.4m(d) x 0.8m(h) = 0.67m³
- Laundry (built-in) - 2.1m(w) x 0.6m(d) x 2.7m(h) = 3.40m³
- Garage (built-in) - 3.43m(w) x 0.6m(d) x 2.7m(h) = 5.55m³

There is also additional internal storage within the proposed study of each dwelling as follows - 1.97m(w) x 0.4m(d) x 1.13m(h) = 0.89m³.

Garbage Bins

Each of the proposed dwellings includes designated space with the garage for the storage of bins.

Vegetation/Landscaping

At the suggestion of Council Officers, the proposal plans have been amended from those lodged with the previous application to remove some originally proposed trees from the front yard of each dwelling. This is so the façade/windows of each dwelling are clearly visible from the street, increasing opportunities for passive surveillance and reducing the visual impact of the garaging associated with each dwelling.

Conclusion

The proposed development satisfies the relevant quantitative guidelines in the West Torrens Development. It also provides dwellings types in the form of row dwellings that are clearly anticipated in the Medium Density Policy Area 18. Therefore, I contend that the proposed development satisfies the relevant provisions of the Development Plan and warrants Development Plan Consent.

Yours sincerely



Marcus Rolfe FPIA CPP
Managing Director



PHIL WEAVER & ASSOCIATES

Consultant Traffic Engineers
ABN 67 093 665 680

204 Young Street
Unley SA 5061

P: 08 8271 5999
F: 08 8271 5666
E: mail@philweaver.com.au

File: 063-16

26 April 2016

Mr Marcus Rolfe
URPS
Suite 12
154 Fullarton Road
ROSE PARK SA 5067

Dear Mr Rolfe,

**PROPOSED RESIDENTIAL DEVELOPMENT - 33 ELIZABETH AVENUE, PLYMPTON -
REVIEW OF ACCESS**

I refer to our previous discussions in respect to the proposed development on the above site.

From my discussions with Council's Planning Officer (Ms. Jessica Grima), I understand that Council's engineering staff have raised concerns in relation to:-

- access into the visitor space in front of the garage of Dwelling 1, and
- Clearance from a car parked in the visitor space in front of the garages in terms of the ability of a driver or passenger to board or alight from a parked car.

I note that the subject development will include demolition of the existing dwelling on the site and construction of a total of three new dwellings on the subject land.

Vehicular access will be provided to the garages and visitor spaces of each of the three dwellings via individual driveways to be located on the northern side of Elizabeth Avenue. The design plans as previously submitted to Council, indicated that the proposed crossover associated with Dwelling 1 would provide a clearance of nominally 600mm from the existing stobie pole, which is located to the immediate east of the western boundary of the site.

However, our inspection on site has identified that the orientation of the stobie pole is north-south (and not east-west as shown on the submitted plans) with the location being approximately 600mm from the western boundary of the site i.e. closer to the boundary than previously indicated.

Consequently we have prepared an amended plan including the following:-

- The actual location and orientation of the existing stobie pole,
- A slightly modified location for the proposed driveway to Dwelling 1 with nominally 950mm clearance from the stobie pole. However I understand that Council's planning staff would in fact accept that this clearance could be reduced to 600 mm if required in order to facilitate entry and exit into and out of this driveway, and
- The crossover associated with Dwelling 3 which reflects the actual driver's location associated with that of the existing dwelling on the site.

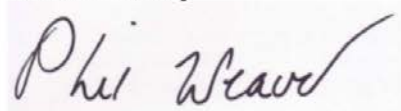
Subsequently we used the amended plan as a base for our turning path drawings (Figures 1 to 3).

Figures 1 to 3 show the ability of a B85 design vehicle to enter each of the visitor spaces (and by default the garages) for each dwelling. These turning path drawings identify that each of these manoeuvres would be possible without the need for multiple turns.

The attached diagrams also identify that there would be at least 350mm clearance between a car parked in front of the garage associated with Dwelling 1. Such a clearance would provide sufficient width for passengers to alight from the car and would meet the spatial requirements of the relevant off-street parking standard, namely AS/NZS 2890.1:2004.

I therefore consider that the concerns raised by Council have been addressed.

Yours sincerely

A handwritten signature in cursive script that reads "Phil Weaver". The signature is written in dark ink on a light-colored background.

Phil Weaver
Phil Weaver and Associates Pty Ltd

Enc

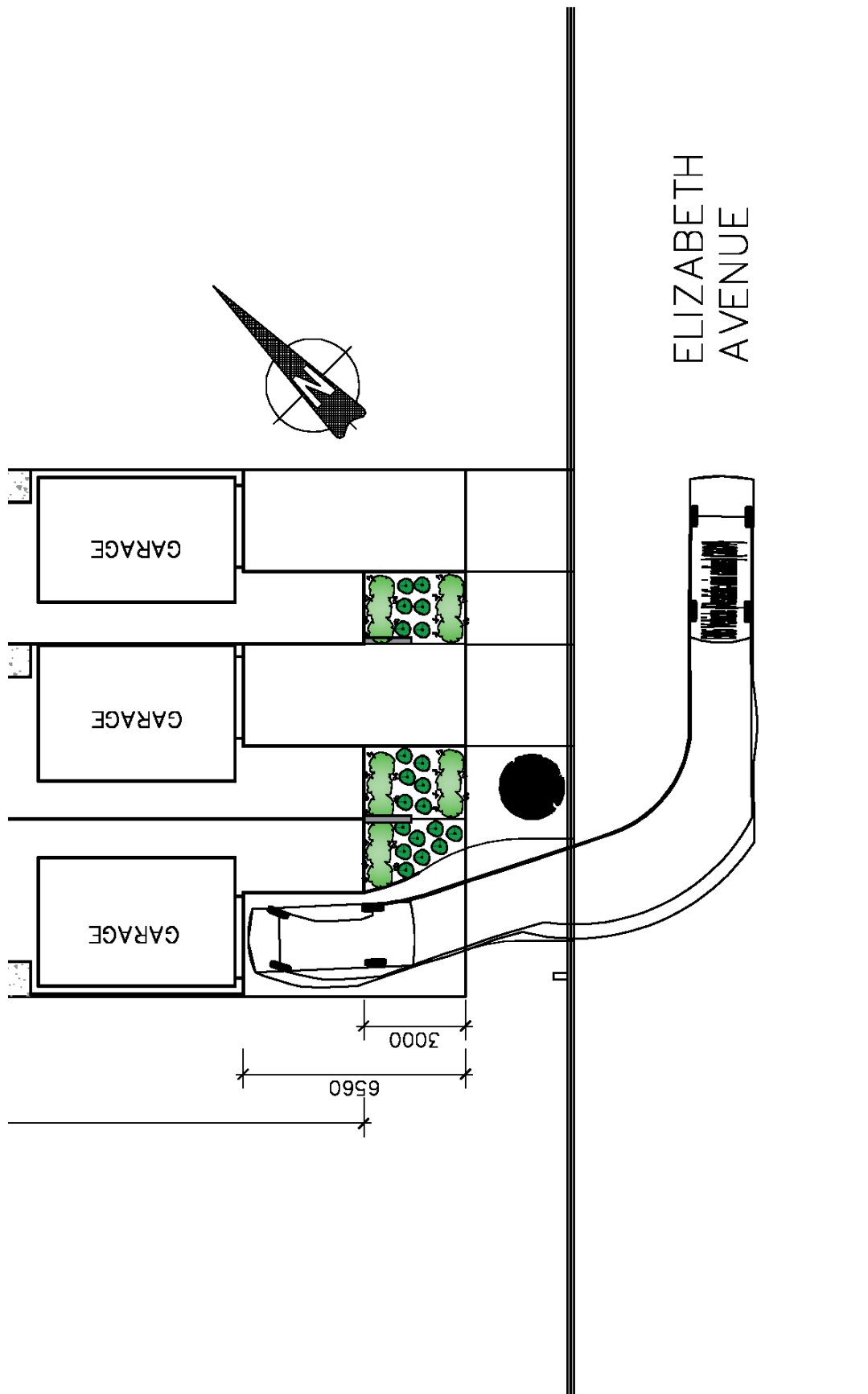


Figure 1

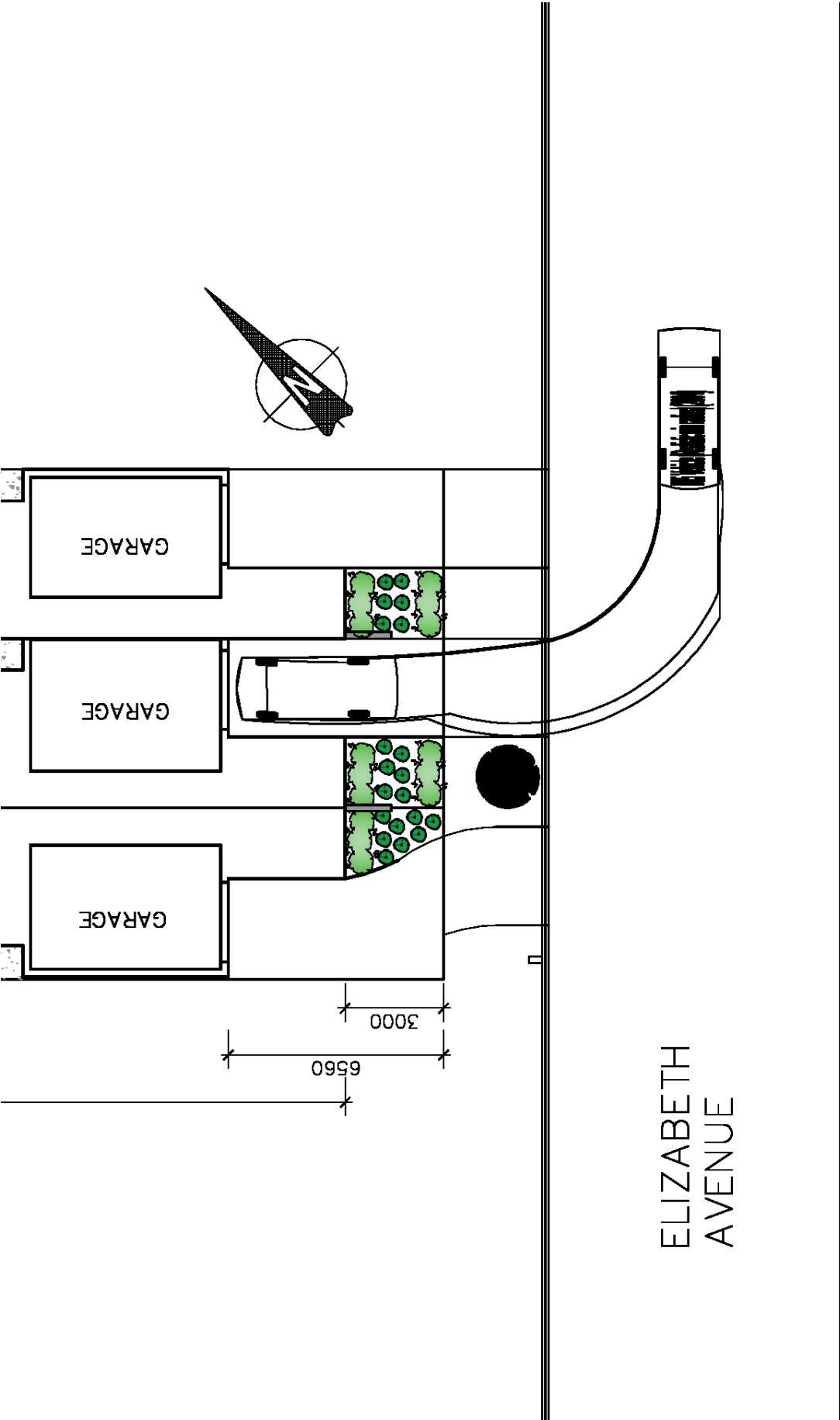


Figure 2

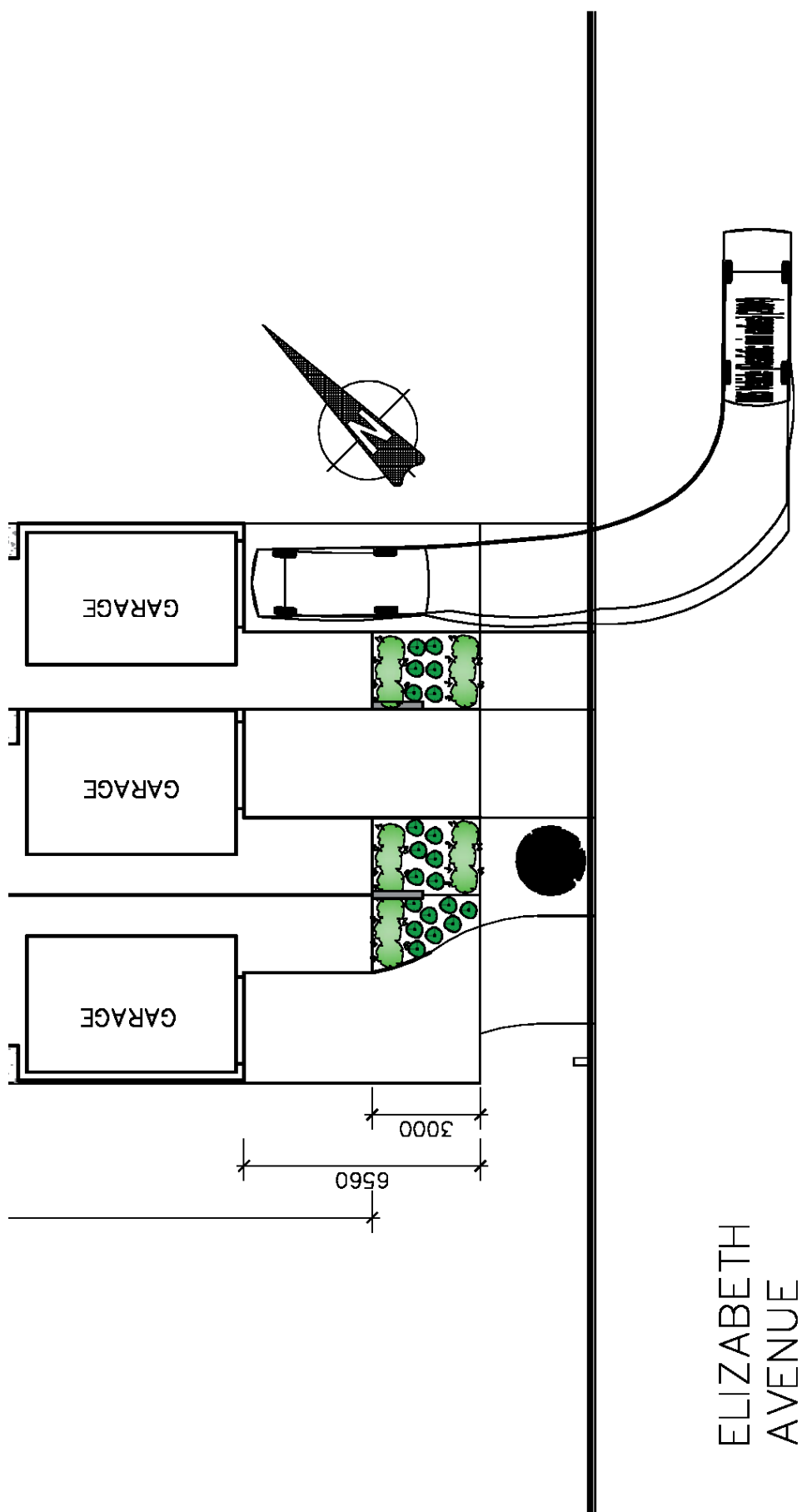


Figure 3

ATTACHMENT 2



18 May 2016

Our Ref: H0045805

The Chairman
Development Assessment Commission
136 North Terrace
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/D065/16 AT PLYMPTON

In response to the abovementioned proposal, I advise that pursuant to Section 33 of the Development Act it is necessary for the developer to satisfy this Corporation's requirements, which are listed below.

The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

The alteration of internal drains to the satisfaction of SA Water is required.

Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

Yours faithfully

Wendy Hebbard

for MANAGER LAND DEVELOPMENT & CONNECTIONS

SA Water
Level 6, 250 Victoria Square
ADELAIDE SA 5000
Ph (08) 7424 1119
Inquiries Wendy Hebbard
Telephone 7424 1119

Contact LandsTitlesOffice
Telephone 7109 7016



18 May 2016

The Chief Executive Officer
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/D065/16 (ID 54286)
for Land Division by FIVE STAR HOMES**

In accordance with Section 33 of the Development Act 1993 and Regulation 29 (1) of the Development Regulations 2008, and further to my advice dated 11 May 2016, I advise that the Development Assessment Commission has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

I further advise that the Development Assessment Commission has the following requirements under Section 33(1)(c) of the Development Act 1993 which must be included as conditions of land division approval on Council's Decision Notification (should such approval be granted).

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
The alteration of internal drains to the satisfaction of SA Water is required.
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
2. Payment of \$12976 into the Planning and Development Fund (2 allotment(s) @ \$6488/allotment).
Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

The SA Water Corporation will, in due course, correspond directly with the applicant/agent regarding this land division proposal.

PLEASE UPLOAD THE DECISION NOTIFICATION FORM (VIA EDALA) FOLLOWING COUNCIL'S DECISION.



Phil Hodgson
Unit Manager
Lands Titles Office

as delegate of
DEVELOPMENT ASSESSMENT COMMISSION

6.6 32 Shierlaw Street, RICHMOND

Application No. 211/318/2016

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Combined application - Division of land to create two Community Title allotments and common property from one existing Torrens Title allotment and construction of single storey group dwelling and a free-standing carport for the existing residence.
APPLICANT	Mr Lucas Tsangari
LODGEMENT DATE	18/02/2016
ZONE	Residential Zone
POLICY AREA	20 - Low Density
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none">City Assets External <ul style="list-style-type: none">SA WaterDAC
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	12 July 2016
RECOMMENDATION	CONSENT

BACKGROUND

The proposed development was initially lodged as a single development application for the construction of a new single storey dwelling and free-standing carport. The Applicant was subsequently requested to lodge a land division application. The land use application and the land division application were then combined into one application.

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason:

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan,

PREVIOUS or RELATED APPLICATION

Nil

SITE AND LOCALITY

The subject site is described as Allotment 87 Deposited Plan 145015 in the area named Richmond Hundred of Adelaide as contained in Certificate of Title Volume 5963 Folio 891. The land is more commonly known as 32 Shierlaw Street, Richmond.

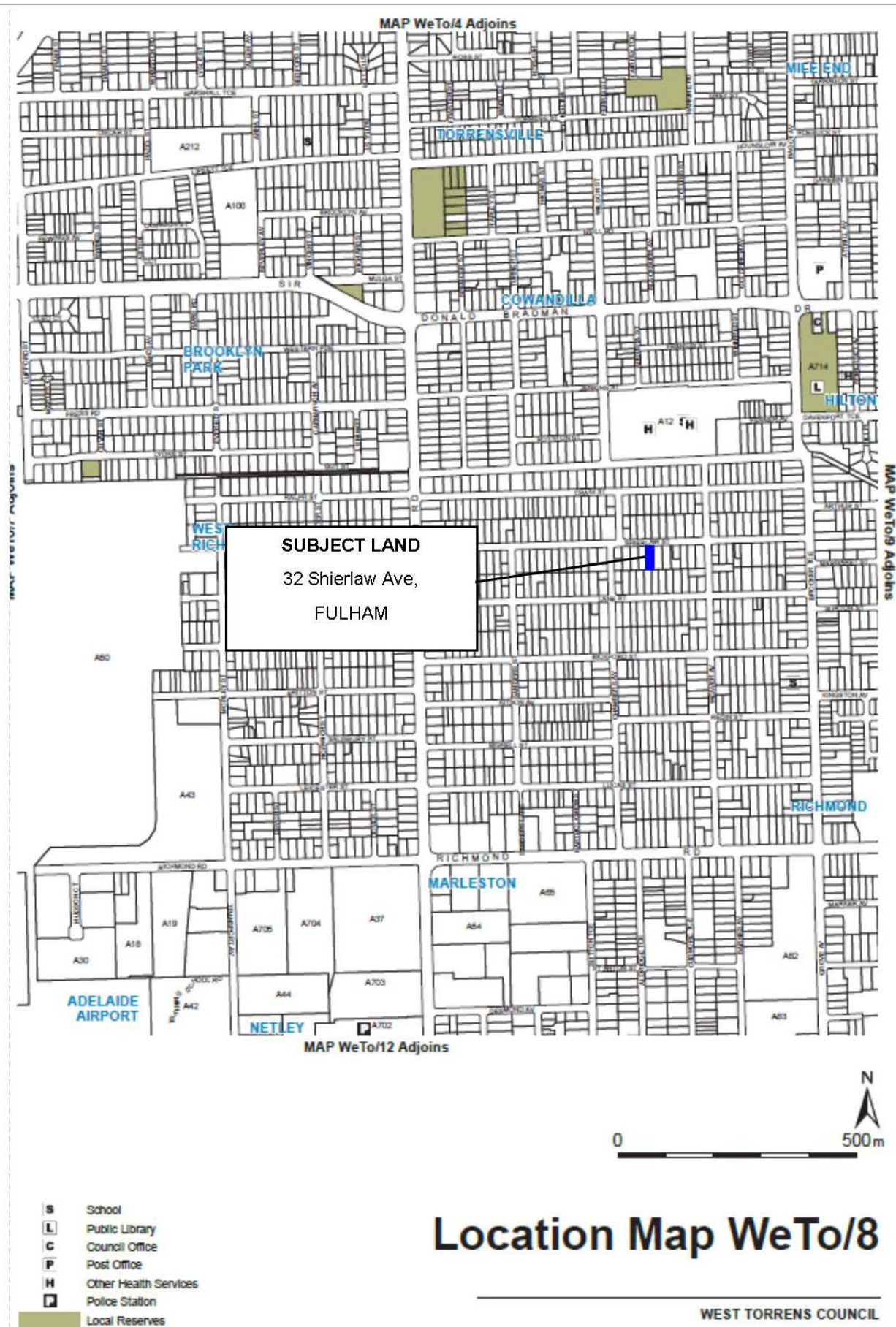
The subject land is located on the southern side of Shierlaw Street, approximately 60 metres east from the intersection Chambers Avenue. The allotment has a regular shape with a frontage of 15.24 metres, a depth of 50.292 metres and a site area of 766.45 square metres.

The land contains a single storey detached dwelling and a domestic outbuilding. The front yard is landscaped with grass and some small shrubs, but the rear yard is devoid of vegetation. There are no regulated trees on the property.

The locality is best described as residential and comprised primarily of single and two storey detached dwellings and group dwellings. The locality has a number of examples of infill development involving battle-axe and corner allotment division of land.

The site and locality are shown on the following map.





PROPOSAL

The proposal involves a combined development application that seeks Development Plan Consent to undertake a Community Title land division to create two (2) community lots and common property and the construction of a single storey group dwelling and a free-standing garage for the existing carport.

The existing dwelling, and some of its associated rear yard private space, is to be retained on the land. The current driveway and the remaining rear private open space will be developed with a common driveway, car parking area with a free-standing carport and a new single storey dwelling.

The front allotment (Lot 801) will have a frontage of 8.57 metres, a depth of 30.59 metres and a site area of 305 square metres. The rear allotment (Lot 802) is shown to have a width of 15.24 metres and a minimum depth of 15.27 metres giving the allotment a total area of 276 square metres.

The common driveway will service both allotments and run down the eastern side of the existing dwelling and comprises a passing area 6.67 metres wide and 5 metres deep at the front of the subject land. The common property narrows to a width of 3.78 metres before expanding into a larger area to facilitate vehicle manoeuvrability from the car park spaces associated with the dwellings. The common property will allow vehicles to enter and exit the land in a forward direction.

The dwelling will comprise three bedrooms (one with an ensuite) kitchen, bathroom, laundry, living room, dining room and garage under the main roof. The dwelling has private open space of approximately 60 square metres and with no dimension of less than four (4) metres. A reversing space and a visitor car park will be established in front of the dwelling.

A proposed free-standing carport is to be provided to Lot 801 to replace the existing garage that will be demolished. The carport will be six (6) metres deep, 2.8 metres wide with a wall height of 2.7 metres. The carport will be clad with colorbond sheeting to its southern and western elevations while the northern side will be open to the adjacent private open space.

All the existing ancillary structures to the side and rear of the existing dwelling are to be removed from the subject land.

The plans of the proposed, division of land, dwelling and carport are included in **Attachment 1**.

PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Section 38 and Schedule 9 of the *Development Act 1993* and *Development Regulations 2008* and the Procedural Matters section of the Residential Zone.

REFERRALS

Internal

City Assets

The proposed land use application was provided to Council's City Assets Department for review. City Assets determined that:

- The finished floor level of the proposed development satisfied the minimum requirements in consideration of street and/or flood level information;
- A 1.0 metre minimum offset distance between the proposed common driveway and existing street tree is easily achievable;
- A redundant portion of crossover should be reinstated to vertical kerb prior to the completion of any building works at the applicant's expense;
- Traffic manoeuvrability was acceptable; and
- The internal width of the carport for the existing house be increased to 3.0 metres.

External

The application was referred to SA Water by the Development Assessment Commission (DAC) who advised of no objection subject to specified standard conditions being included on any consent to be issued. The DAC have also raised no objection to the proposal and requested conditions be attached to any approval.

A copy of the DAC report is included as **Attachment 2**.

ASSESSMENT

The subject land is located within the Residential Zone, and more particularly Policy Area 20 as described in the West Torrens Council Development Plan (Consolidated 5 November 2015). The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 6, 7, 8 & 10
Design and Appearance	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15 & 20
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2, & 3
Hazards	Objectives	1, 2 & 4,
	Principles of Development Control	1, 2, 4, 5, 6 & 7
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 4, 5, 6, 7, 8 & 12,
Landscaping, Fences and Walls	Objectives	1
	Principles of Development Control	1, 2, 3, 4 & 6
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 5 & 7
Residential Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 27, 28, 29 & 31
Transportation and Access	Objectives	2
	Principles of Development Control	23, 24, 30, 34, 35, 36, 37, 40 & 44

Zone: Residential Zone	
Desired Character Statement:	
<p><i>"This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer."</i></p>	
Objectives	3 & 4
Principles of Development Control	1, 5, 7, 11, 18 & 22

Policy Area: Low Density Policy Area 20	
Desired Character Statement:	
<p><i>"Allotments in the policy area will be at low density, accommodating predominantly detached dwellings and some other dwellings types such as semi-detached and group dwellings. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings."</i></p>	
Objectives	1
Principles of Development Control	1, 2, 4 & 5

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the quantitative provisions of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT	
		Lot 801	Lot 802
SITE AREA Low Density Policy Area 20 PDC 3	340m ²	301m ² Not Satisfied by 11%	276m ² Not Satisfied 19%
SITE FRONTAGE Low Density Policy Area 20 PDC 3	10m	8.57 metres Not Satisfied by 14%	Not Applicable
SIDE/REAR SETBACKS Residential Zone PDC 11	Side 1m setback Rear 3m setback	No Change No less than 3 metres Satisfies	900 millimetres to western boundary And No setback to eastern boundary Not Satisfied 4 metres Satisfied
PRIVATE OPEN SPACE Residential Development PDC 19	Allotments less than 300 square metres 24m ² with a minimum dimension of 3 metres and a minimum area provided at the rear or side of the dwelling, directly accessible from a habitable room Allotments between 300 and 500 square metres 60m ² with a minimum dimension of 4 metres and a minimum area provided at the rear or side of the dwelling, directly accessible from a habitable room	60 square metres with a minimum dimension of 4 metres. Satisfied	60 square metres with a minimum dimension of 3 metres. Satisfied

CARPARKING SPACES Transportation and Access PDC 34 Table WeTo/2	2 car-parking spaces required per allotment	2 provided Satisfied	2 provided Satisfied
--	---	------------------------------------	------------------------------------

QUALITATIVE ASSESSMENT

The proposal is assessed for consistency with the qualitative provisions of the Development Plan as outlined under the following sub headings:

Desired Character/Pattern of Development

The desired character statement endorses development of a "*denser allotment pattern close to centre zones*" to accommodate "*other dwelling types such as semi-detached and group dwellings*". The subject land is approximately 405 metres from a centre zone and the proposed development will deliver a denser allotment pattern with a configuration to support the eventual construction of a group dwelling. The proposal will increase the variation in dwelling types and allotment pattern as envisioned by the desired character statement.

The desired character statement also mentions that "*battle-axe subdivision not occur in the Policy Area to preserve a pattern of rectangular allotments*" and that allotments be "*developed with buildings that have a direct street frontage*". The allotment pattern within the immediate and greater locality has been greatly influenced by infill development in recent years. Rectangular allotments are still prevalent but there are many properties which have a battle-axe shape and occupied by dwellings that have no direct street frontage. The proposed development will not compromise or conflict with the existing allotment pattern or dwelling types within the locality.

Density

As noted previously in the quantitative assessment, Principle 3 of Policy Area 20 advises that dwellings should have minimum site areas of 340 square metres and with minimum frontage widths of 10 metres. The proposed allotments fall below these guidelines but their sizes are comparable with many existing allotments in the locality, as highlighted in the table below.

Address/Property	Size
34a Shierlaw Street	291 square metres
12a Shierlaw Street	291 square metres
57a Shierlaw Street	300 square metres
65a Shierlaw Street	279 square metres
29a Lane Street	255 square metres
23a Lane Street	291 square metres
55a Lane Street	317 square metres
3 Chambers Avenue	277 square metres
3a Chambers Avenue	200 square metres
3b Chambers Avenue	200 square metres
2a Shierlaw Street	261 square metres

The locality has a mix of low and medium density residential development which has eventuated from recent infill developments. The lack of larger allotments and wider street frontages might be fatal in other circumstances but in this instance the proposed development exhibits a strong compatibility with many existing properties within the locality. The proposed development is considered acceptable in this context.

Private Open Space

The private open space of the existing dwelling will be reduced considerably by the development however, access remains unchanged and its amenity value is unlikely to be greatly affected by other ancillary functions associated with residential development. The dwelling has space along the side of the dwelling which, although not having dimensions of more than four (4) metres, can accommodate rubbish bin storage, rainwater tanks, clothes lines and small outbuildings.

The space being provided to the new dwelling is similar to that provided to the existing dwelling however the introduction of other ancillary features like a clothes line and a small outbuilding is more likely to impinge on the optimum level of amenity the space can provide.

The spaces provided to both dwellings, although relatively limited, will provide a level of amenity that is consistent with the policies of the Development Plan and comparable with the scale of open space provided to surrounding residential developments.

Building on a boundary

The proposed dwelling will have a wall constructed on the eastern property boundary. The length of the wall will be three (3) metres long, approximately three (3) metres high and located four (4) metres from the rear boundary. The length and height of the boundary wall is not entirely consistent with policies of the Development Plan however the impact of the wall on the amenity of the adjoining property at 30 Shierlaw Avenue will be minimal. The wall creates very little shadow over the adjacent private open space and minimal visual impact as it will be well removed from the immediate activity area of the adjacent dwelling.

Vehicle parking and manoeuvrability

Two on-site car parking spaces will be provided for each dwelling and the driveway crossovers will be adequately designed to facilitate passing movements. Vehicles will be able to enter and exit the subject land in a forward direction. The on-site car parking is consistent with the relevant Development Plan guidelines.

SUMMARY

The proposed development exhibits inconsistencies with various quantitative guidelines of the Development Plan however these variations are not considered fatal to the proposed development. The locality comprises a number of existing developments that are comparable to the proposal before the Panel. The development will not be incongruent with existing development and therefore the character of the locality will continue to be preserved.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2015 and warrants Development Plan Consent.

RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/318/2016 by Lucas Tsangari to undertake the Division of land to create two Community Title allotments and common property from one existing Torrens Title allotment (stage 1) and construction of single storey group dwelling and a free-standing caport for the existing residence (stage 2) at 32 Shierlaw Street, Richmond (CT 5963/891) subject to the following conditions of consent:

Stage 1

1. Development is to take place in accordance with the plans prepared by State Surveys relating to Development Application No. 211/318/2016 (DAC 211/C024/16).
2. That prior to the issue of clearance to this division approved herein, all existing ancillary outbuildings and structures shall be removed from the land. The removal of the buildings shall be the subject of a separate development authorisation

Development Assessment Commission Conditions

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
2. Payment of \$6,488 into the Planning and Development Fund (1 allotment(s) @ \$6,488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), or by cheque payable to the Development Assessment Commission marked "NOT NEGOTIABLE" and sent to GPO Box 1815, Adelaide, 5001
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
4. The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

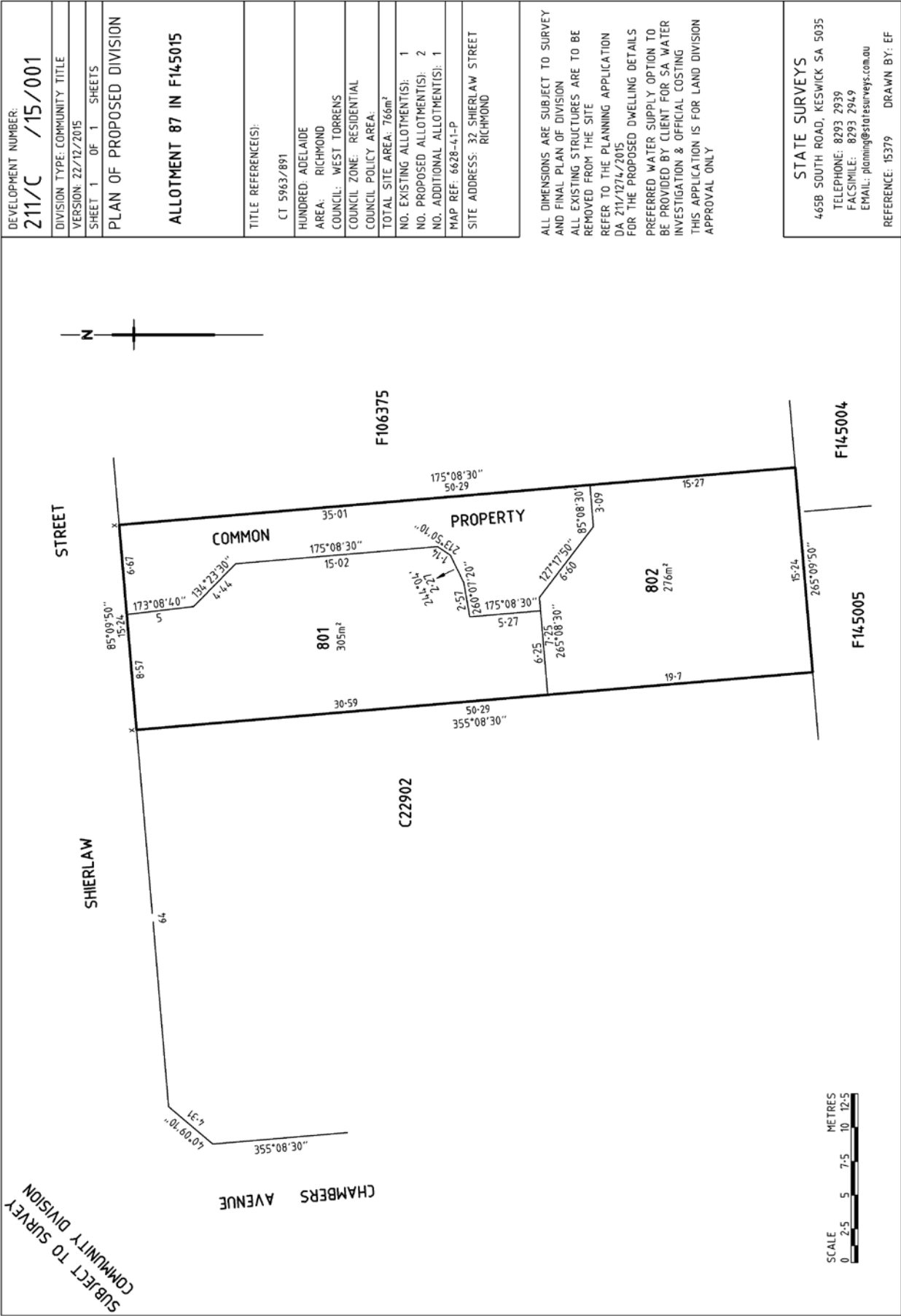
Stage 2

Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. The Finished Floor Level of the proposed development shall be 10.90 in accordance with the provided 'Site Plan, Floor Plan, Rood Plan and Elevations'.
3. Stormwater detention measures will be required to be undertaken to restrict the total discharge from the total development site to a maximum of 20 litres per second for the site critical 20 year ARI storm event. Calculations and site works and drainage plans outlining stormwater detention requirements, runoff from any existing structures and buildings to be maintained shall be submitted to, and endorsed by Council's City Assets Department prior to Development Approval being issued.

4. That all driveways, parking and manoeuvring areas shall be formed (surfaced with concrete, bitumen or paving) and properly drained, and shall be maintained in a reasonable condition at all times.
5. That any retaining walls shall be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
6. That all landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.
7. No street trees shall be removed from the road verge in front of the subject land and any excavations within two (2) metres of a street tree shall be carried out manually using non-invasive methods

ATTACHMENT 1

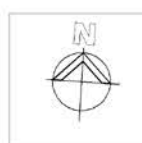




OVERVIEW - SHIERLAW SREET AND LANE STREET - EXISTING HAMMERHEAD BLOCKS IN THE AREA



LOCALITY PLAN



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CLIENT: LUCAS AND GEORGE TSANGARI

PROJECT: PROPOSED HAMMERHEAD DEVELOPMENT
32 SHIERLAW STREET RICHMOND

DATE: 25.05.16

SCALE: AS SHOWN @ A3

DRAWN: MM/CL

TITLE:

AERIAL OVERVIEW

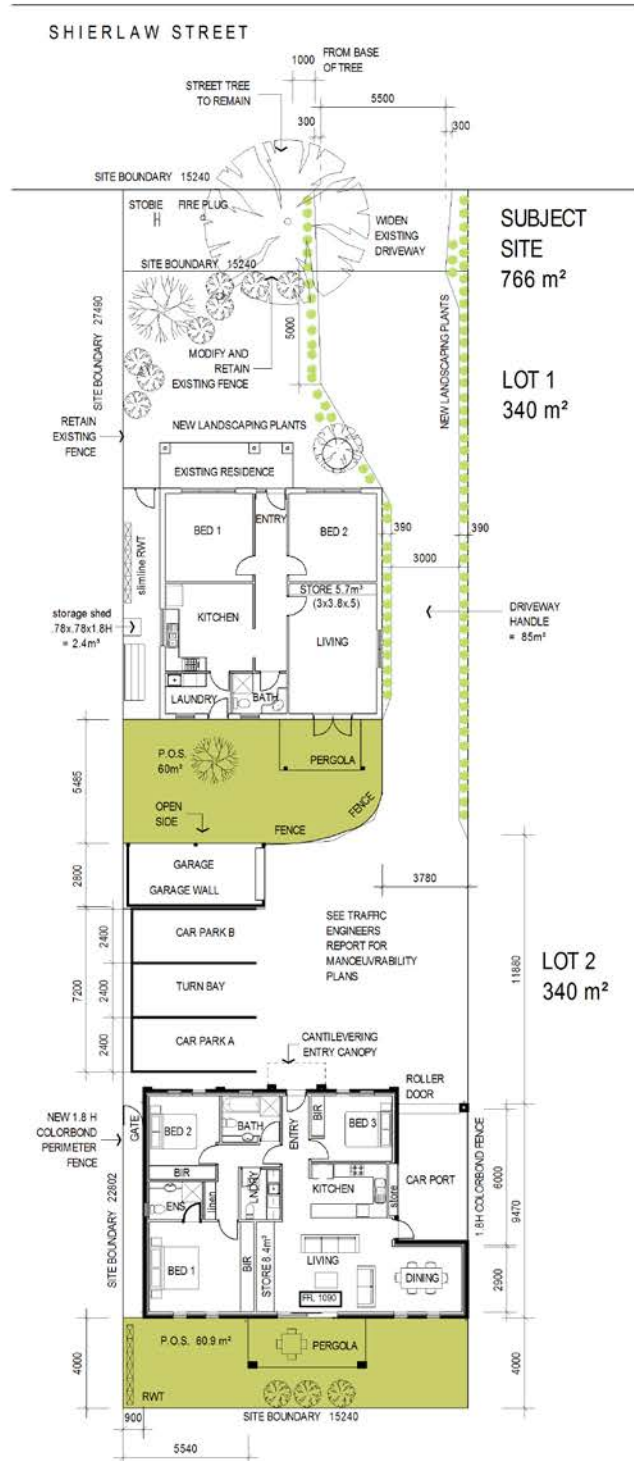
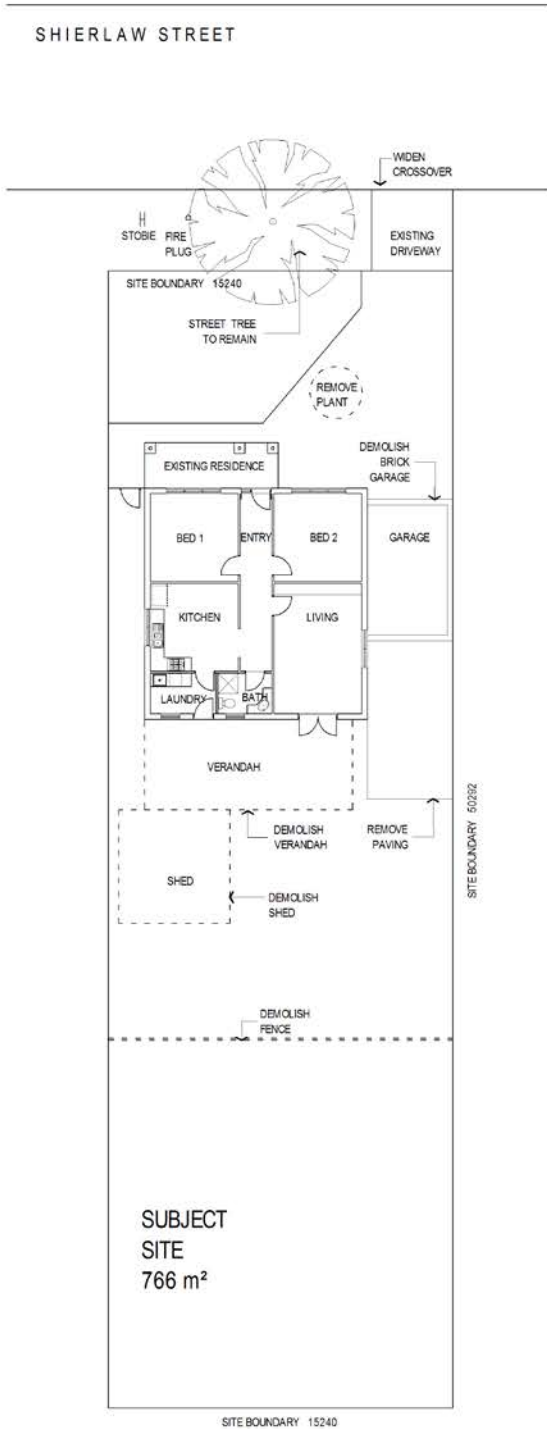
DWG. NO / REV.

01

REVISION AMENDMENT DATE

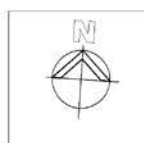
FOR APPROVAL

carumag



EXISTING / DEMOLITION PLAN
SCALE 1:200

PROPOSED SITE PLAN
SCALE 1:200



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CLIENT: LUCAS AND GEORGE TSANGARI

PROJECT: PROPOSED HAMMERHEAD DEVELOPMENT
32 SHIERLAW STREET RICHMOND

DATE: 25.05.16

SCALE: AS SHOWN @ A3

DRAWN: MM/CL

TITLE:

DWG. NO / REV.

DEMOLITION PLAN AND PROPOSED SITE PLAN

15743 - 02A

REVISION	AMENDMENT	DATE
A	storage, car port, street tree clothes line and RWT	25.05.16

FOR APPROVAL

carumag

CARUMAG CORPORATION HEREBY TAKE NO RESPONSIBILITY FOR ANY STRUCTURAL DESIGN OR DETAILS IF CHANGES OR ALTERATIONS ARE MADE TO THE PLANS DURING OR PRIOR TO CONSTRUCTION WITHOUT WRITTEN NOTICE & APPROVAL.

IT IS THE BUILDER'S / CONTRACTOR'S RESPONSIBILITY TO CHECK AND CONFIRM ALL DRAWINGS AND DETAILS PRIOR TO ORDERING OF MATERIALS AND OR QUOTING OF PROJECT. CARUMAG CORPORATION WILL NOT ACCEPT ANY RESPONSIBILITY FOR ERRORS AND OR OMISSIONS.

VERIFY ALL DIMENSIONS PRIOR TO THE
COMMENCEMENT OF ANY SHOP DETAILS,
FABRICATION OR CONSTRUCTION.

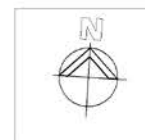
DO NOT SCALE OFF PLAN. FIGURED DIMENSIONS
TO TAKE PRECEDENCE OVER SCALED
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COMPLY WITH THE BUILDING CODE OF AUSTRALIA, BUILDING ACT AND REGULATIONS, AND RELEVANT AUSTRALIAN STANDARDS AND LOCAL AUTHORITY

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VOLUME	5792
FOLIO	770
LOT	87

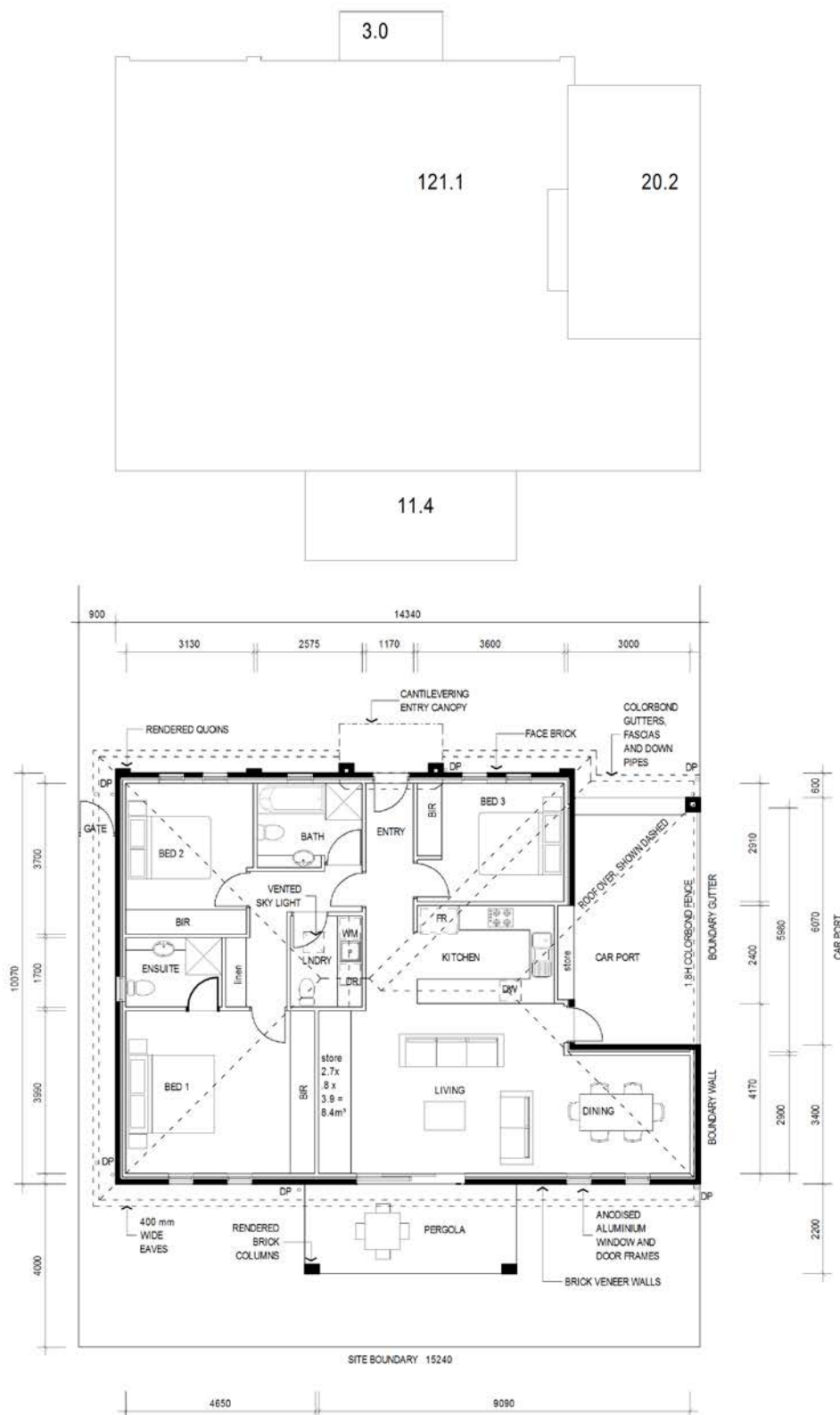
LIVING	121.1
GARAGE	20.2
CANOPY	3.0
VERANDAH	11.4
TOTAL	155.7



A	storage and car port	25.05.16
REVISION	AMENDMENT	DATE

FOR APPROVAL

carum ag



PROPOSED FLOOR PLAN SCALE 1:100

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CLIENT: LUCAS AND GEORGE TSANGARI

PROJECT: PROPOSED HAMMERHEAD DEVELOPMENT
32 SHIERLAW STREET RICHMOND

DATE: 25.05.16

SCALE AS SHOWN @ A3

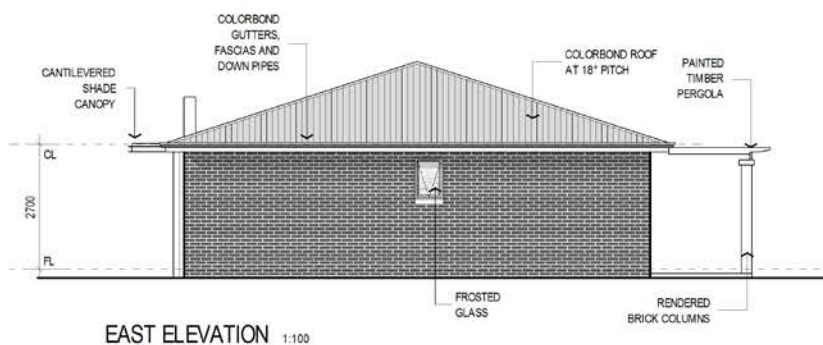
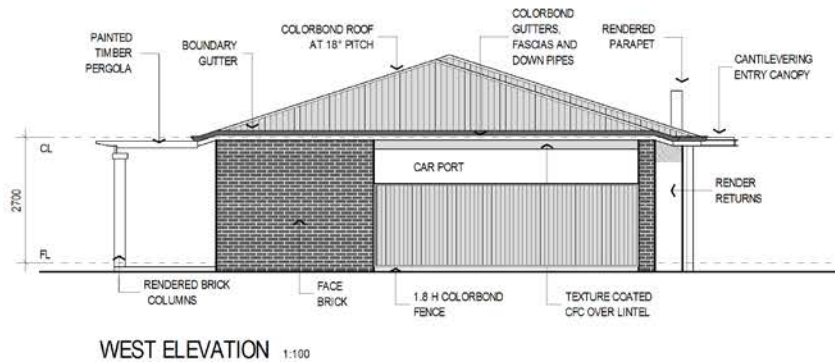
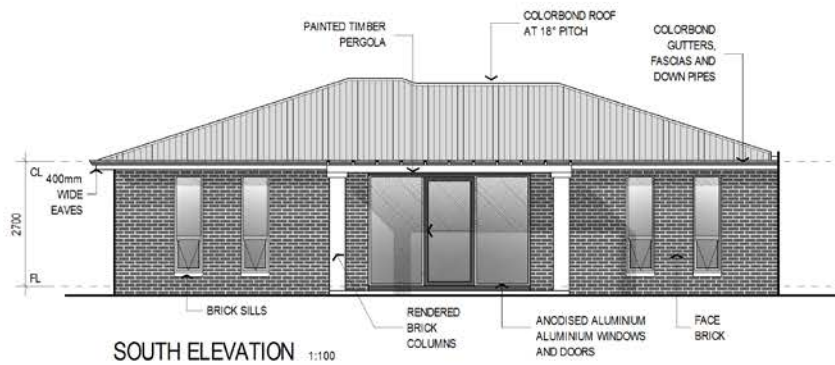
DRAWN: MM/QL

TITLE:

DWG. NO. / REV.

PROPOSED NEW RESIDENCE - FLOOR PLAN

15743 - 03A



GENERAL NOTES

CARUMAG CORPORATION HEREBY TAKE NO RESPONSIBILITY FOR ANY STRUCTURAL DESIGN OR DETAILS IF CHANGES OR ALTERATIONS ARE MADE TO THE PLANS DURING OR PRIOR TO CONSTRUCTION WITHOUT WRITTEN NOTICE & APPROVAL.

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COLOURS & FINISHES

DARK FACE BRICK WALLS - LIGHT MORTAR
RENDER COLOUR - OFF WHITE
GARAGE DOORS - COLORBOND - SURFMIST
FRONT DOOR - TIMBER AND GLASS
WINDOWS - NATURAL ANODISED ALUMINIUM
GUTTERS - COLORBOND - DARK GREY
FASCIAE - COLORBOND - DARK GREY
DOWN PIPES - COLORBOND - DARK GREY
COLORBOND ROOF - MEDIUM GREY
GARAGE WALLS - COLORBOND - SURFMIST

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CLIENT: LUCAS AND GEORGE TSANGARI

PROJECT: PROPOSED HAMMERHEAD DEVELOPMENT
32 SHERLAW STREET RICHMOND

DATE: 25.05.16

SCALE: AS SHOWN @ A3

DRAWN: MM/CL

TITLE:

PROPOSED NEW RESIDENCE - ELEVATIONS

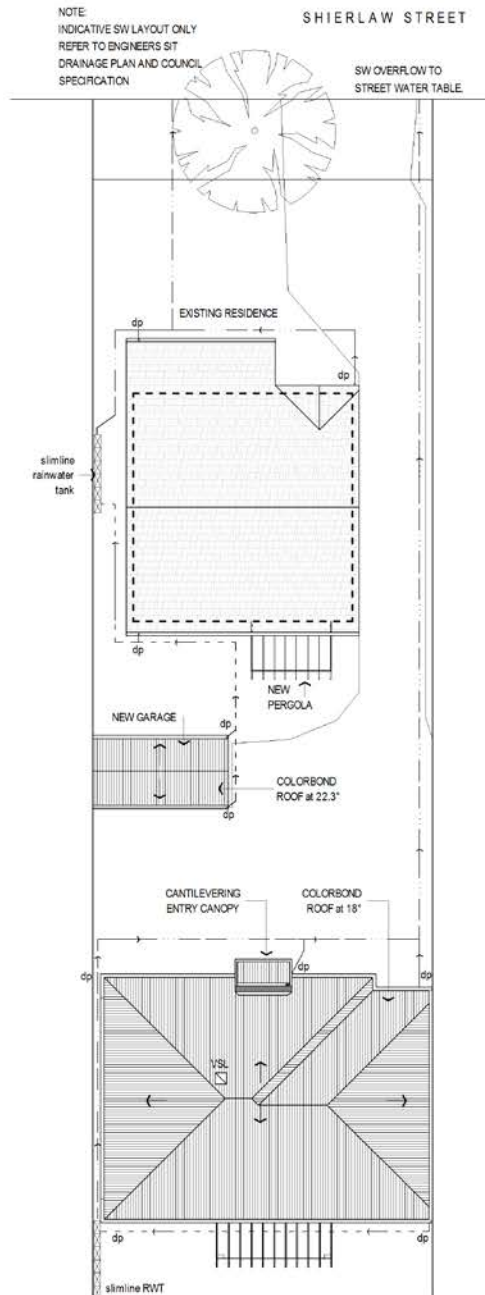
DWG NO/ REV.

15743 - 04A

A Garage changed to car port 25.05.16
REVISION AMENDMENT DATE

FOR APPROVAL

carumag

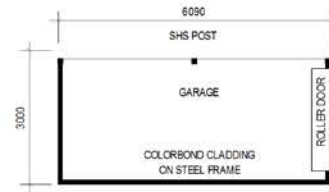


DENOTES 1000 LTR (MINIMUM) RAIN WATER TANK PLUMBED TO
LAUNDRY COLD WATER OUTLETS. RWT MUST BE FITTED WITH OVERFLOW DEVICE
INLET & OVERFLOW MUST BE FITTED WITH MOSQUITO-PROOF SCREENS.

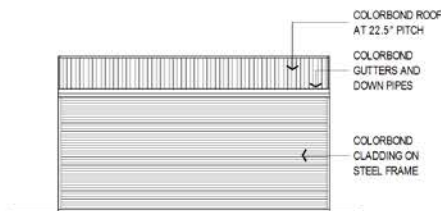
ROOF / STORM WATER PLAN
SCALE 1:200



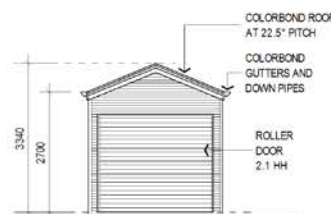
EXISTING FRONT FENCE TO REMAIN



PLAN (NEW GARAGE FOR EXISTING DWELLING)

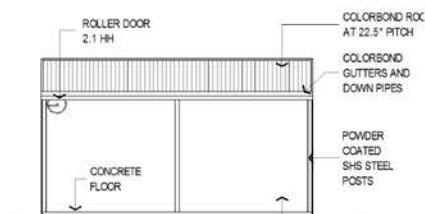


SOUTH ELEVATION 1:100

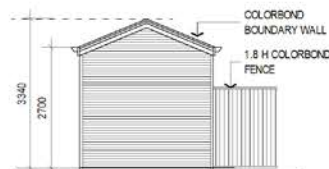


EAST ELEVATION 1:100

NEW GARAGE FOR EXISTING DWELLING



NORTH ELEVATION 1:100



WEST ELEVATION 1:100

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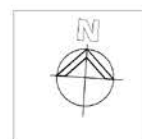
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SPECIFICATION & RECOMMENDATIONS.
THIS ALSO DOES NOT TAKE AWAY
RESPONSIBILITY FOR THE BUILDER /
CONTRACTOR TO INFORM &
EDUCATE THEMSELVES IN RESPECT TO SUCH.

SITE PLAN:

REFER TO ENGINEER'S DRAINAGE PLAN FOR ALL
LEVELS, RETAINING WALLS & STORM WATER
DRAINAGE DESIGN.

1000 LTR (MINIMUM) RWT COLLECTING FROM
ROOF CATCHMENT AREA. PLUMBED TO EITHER
TOILET, HOT WATER SYSTEM OR ALL
LAUNDRY COLD WATER OUTLETS.
RWT MUST BE FITTED WITH OVERFLOW DEVICE.
INLET & OVERFLOW MUST BE FITTED WITH
MOSQUITO-PROOF SCREENS.

SITE PLAN DRAWING IS INTENDED FOR
INDICATIVE BUILDING SET OUT PURPOSES ONLY.
REFER CIVIL ENGINEER / SURVEYOR
DRAWINGS FOR SITE LEVELS, CONTOURS,
BENCH MARKS, SERVICE LOCATIONS &
EARTHWORK DESIGN. FINAL BOUNDARY &
BUILDING SETOUT SHALL BE CONFIRMED &
CERTIFIED BY LICENSED SURVEYOR PRIOR TO
ANY CONSTRUCTION.



COLOURS & FINISHES

DARK FACE BRICK WALLS - LIGHT MORTAR
RENDER COLOUR - OFF WHITE
GARAGE DOORS - COLORBOND - SURFMIST
FRONT DOOR - TIMBER AND GLASS
WINDOWS - NATURAL ANODISED ALUMINIUM
GUTTERS - COLORBOND - DARK GREY
FASCIAE - COLORBOND - DARK GREY
DOWN PIPES - COLORBOND - DARK GREY
COLORBOND ROOF - MEDIUM GREY
GARAGE WALLS - COLORBOND - SURFMIST

A	RWT and street tree	25.05.16
REVISION	AMENDMENT	DATE

FOR APPROVAL



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CLIENT: LUCAS AND GEORGE TSANGARI

PROJECT: PROPOSED HAMMERHEAD DEVELOPMENT
32 SHIERLAW STREET RICHMOND

DATE: 25.05.16

SCALE: AS SHOWN @ A3

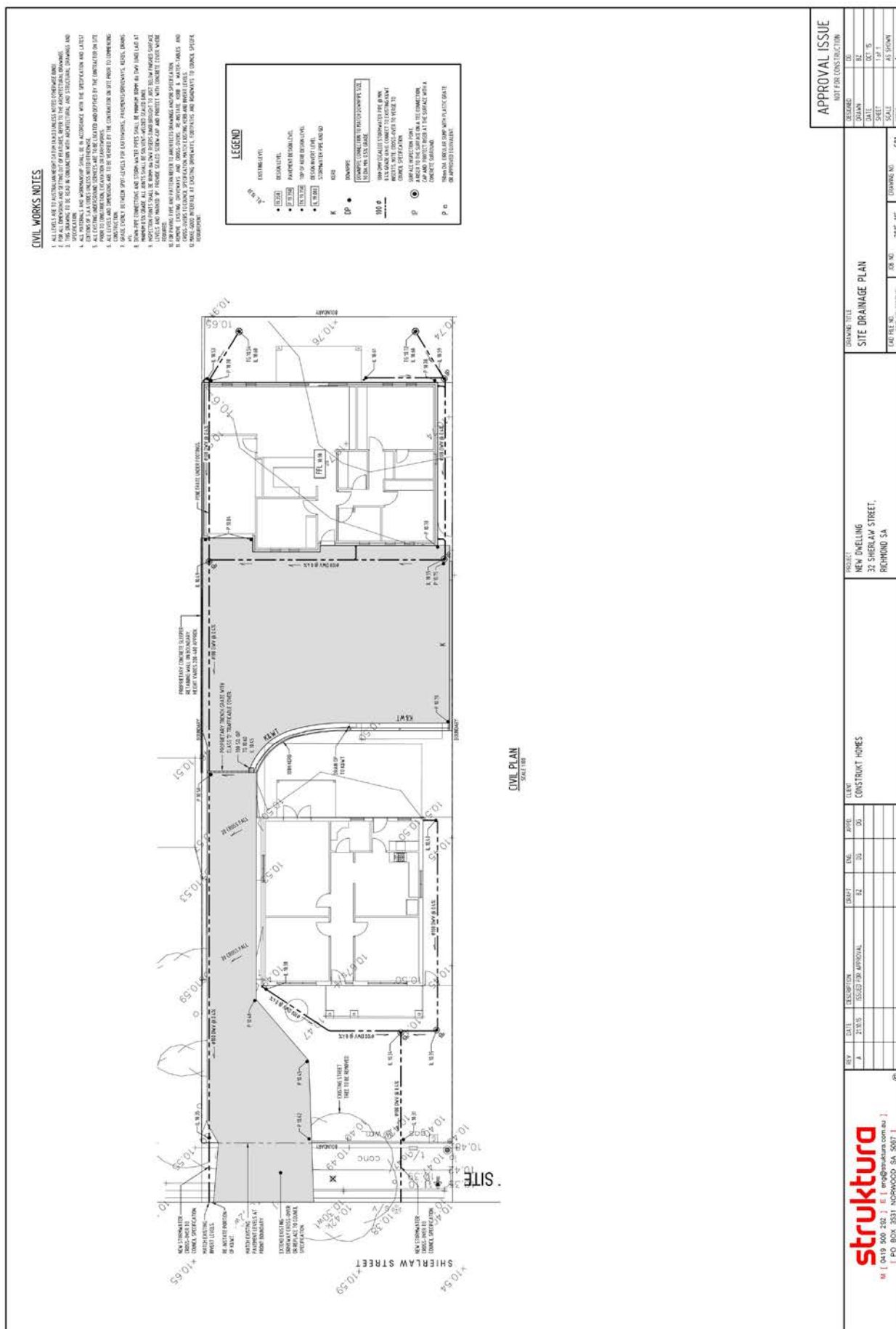
DRAWN: MM/CL

TITLE:

ROOF SW PLAN AND RESIDENCE 1 GARAGE DETAILS

DIWG. NO./ REV.

15743 - 05



EPIC PROJECTS AND CONSULTING

Suite 9, 118 Halifax St, Adelaide 5000 SA
PH: 82233009

Manoeuvrability and Parking Report

32 Shielaw St, Richmond SA

Development Application No. 211/380/2015

Access Drive way had been modified to meet Council's requirement for access arrangements servicing two rear properties, refer to drawing provided.

A B85 Vehicle as been adopted for this proposed development. This vehicle is permitted for special purposes and low traffic volumes . This development meets that requiring due to the space limitations. This meets the requirements of AS 2890.1 Clause B

Classification of off-street car parking is 1A – residential or domestic parking.

The Layout provides for 1 covered car park and 1 Visitors Park for reach residence. Car park dimensions are 2.4 x 4.8m as per AS 2890.1 and a turning pay has been provided

Manoeuvrability Plans have been provided showing a vehicle exit the site in forward direction for both existing and proposed dwelling.

Manoeuvrability Plan 1 - shows a vehicle exit the site in forward direction for existing garaging

Manoeuvrability Plan 2 - show a vehicle exit the site in forward direction for visitors park (A)

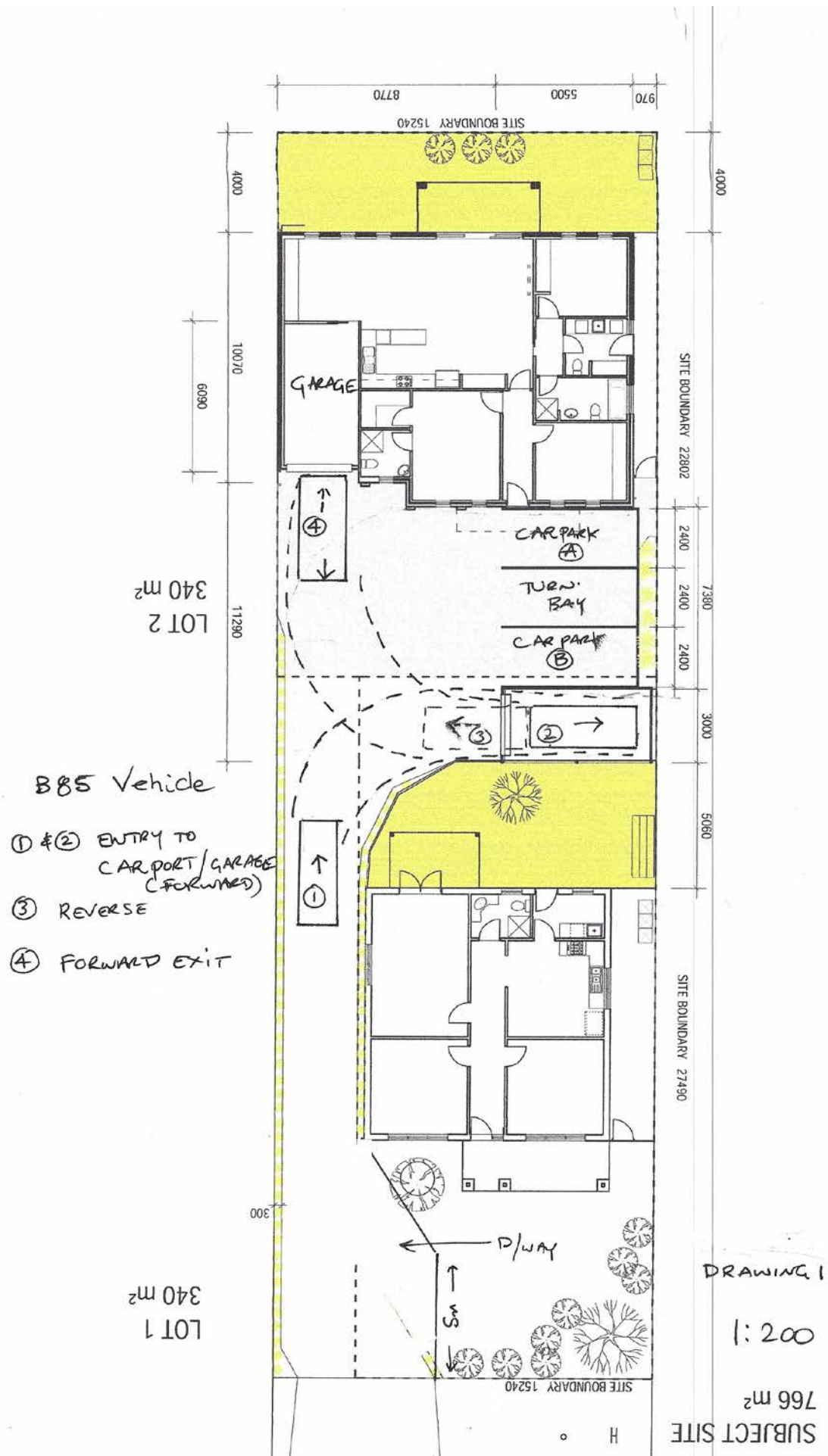
Manoeuvrability Plan 3 - show a vehicle exit the site in forward direction for visitors park (B) – note this will require a 3 point turn to exit forward however as this is Classified 1A (of off-street car parking) three point turn is permitted to exit fro 90 degree park.

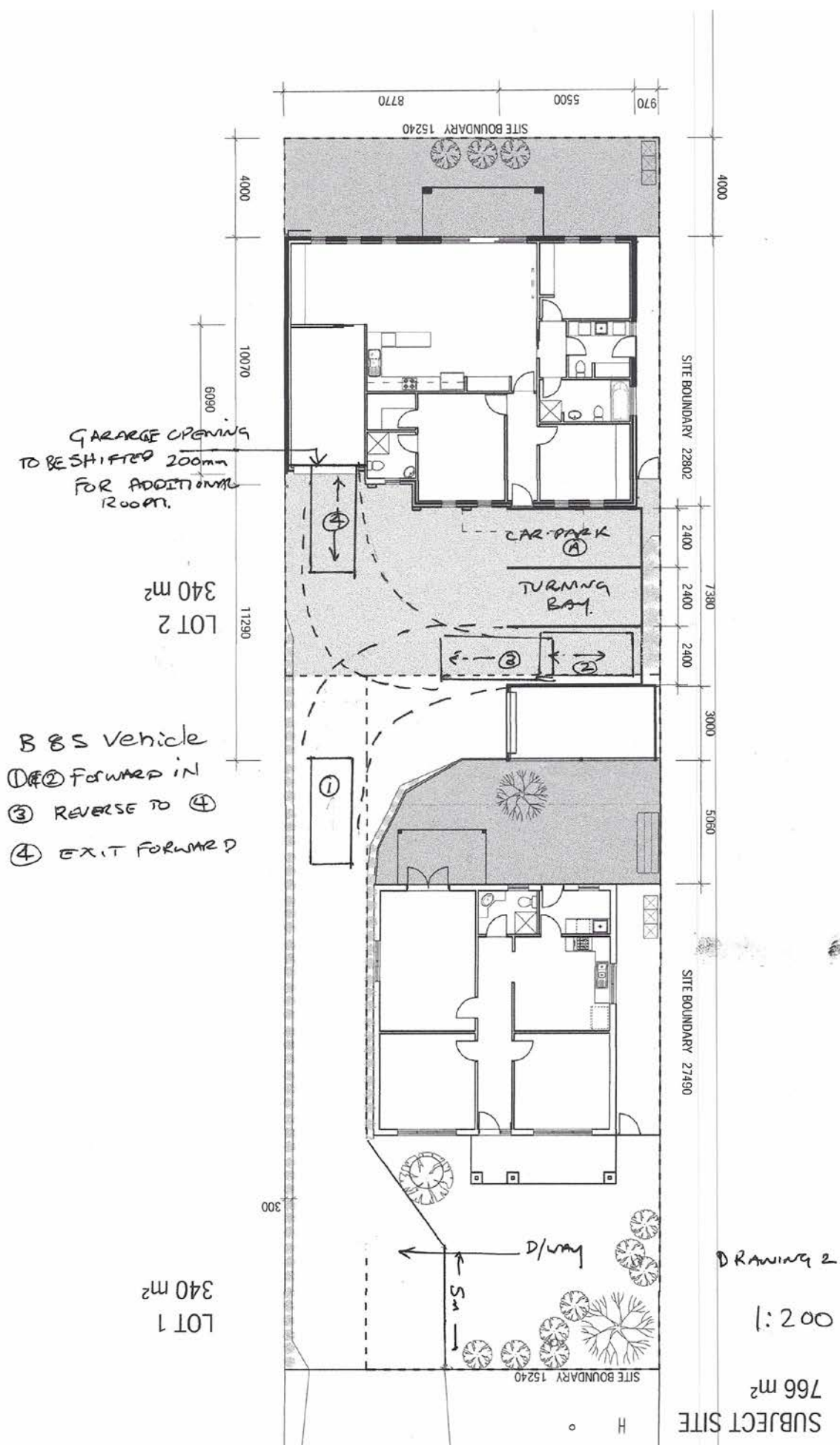
Manoeuvrability Plan 4 - shows a vehicle exit the site in forward direction for proposed garaging, using the turning bay.

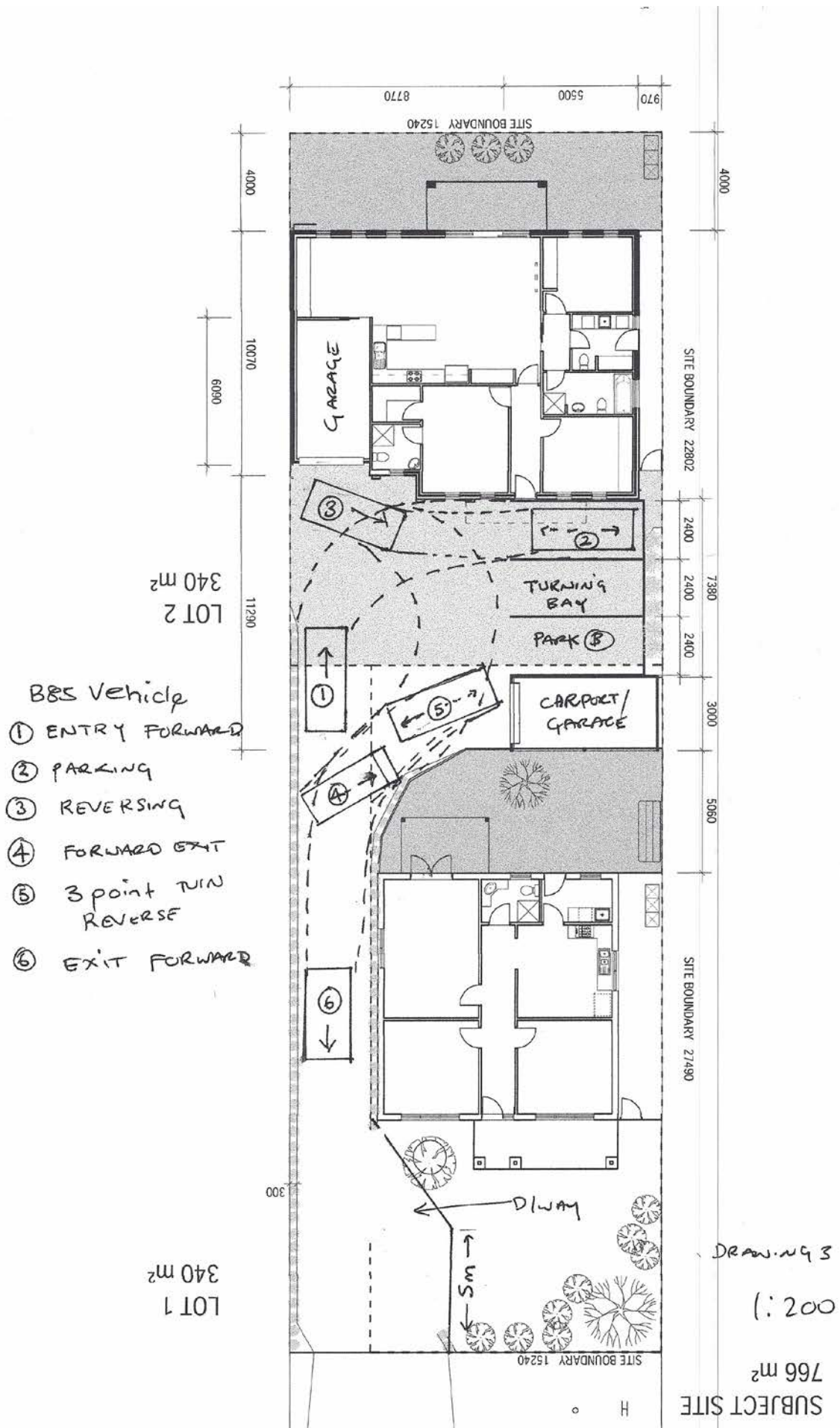
As all parking is achieved to the AS 2890.1 and 3 out of the 4 manoeuvres and conducted with singe manoeuvres we conclude that the parking layout is satisfactory for this proposed development and meets the requirements of AS 2890.1 and satisfies Council's requirement stipulated in their letter dated 14 May 2015.

Regards

Joe Rossi
Principal Traffic Engineer









ATTACHMENT 2

Contact LandsTitlesOffice
Telephone 7109 7016



09 March 2016

The Chief Executive Officer
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/C024/16 (ID 53547)
for Land Division
(Community Title Plan) by Mr Lucas Tsangari**

In accordance with Section 33 of the Development Act 1993 and Regulation 29 (1) of the Development Regulations 2008, and further to my advice dated 25 February 2016, I advise that the Development Assessment Commission has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

I further advise that the Development Assessment Commission has the following requirements under Section 33(1)(c) of the Development Act 1993 which must be included as conditions of land division approval on Council's Decision Notification (should such approval be granted).

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
2. Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment).
Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

The SA Water Corporation will, in due course, correspond directly with the applicant/agent regarding this land division proposal.

PURSUANT TO REGULATION 60(4)(b)(ii), SHOULD THIS APPLICATION BE APPROVED, COUNCIL MUST PROVIDE THE DEVELOPMENT ASSESSMENT COMMISSION WITH:

- (a) the date on which any existing building(s) on the site were erected (if known),
- (b) the postal address of the site

It is recommended that this information be incorporated into the Decision Notification Form.

PLEASE UPLOAD THE DECISION NOTIFICATION FORM (VIA EDALA) FOLLOWING COUNCIL'S DECISION.

Yours faithfully

6.7 29 May Terrace, BROOKLYN PARK

Application No. 211/543/2016

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land division - Torrens Title; DAC No. 211/D061/16 (Unique ID 54243); Create one(1) additional allotment
APPLICANT	S Donaldson
APPLICATION NO	211/543/2016
LODGEMENT DATE	29 April 2016
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none">▪ Nil External <ul style="list-style-type: none">▪ Development Assessment Commission (DAC)▪ SA Water
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	12 July 2016
RECOMMENDATION	CONSENT

BACKGROUND

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason/s:

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan.

PREVIOUS or RELATED APPLICATION(S)

DA 211/534/2016 - Construction of a single storey dwelling with garage under the main roof (Lot 1) - Under Assessment

SITE AND LOCALITY

The subject land is described as Allotment 47 Deposited Plan 1898 in the area named Brooklyn Park Hundred of Adelaide as contained in Certificate of Title Volume 5815 Folio 630. The land is more commonly known as 29 May Terrace, Brooklyn Park.

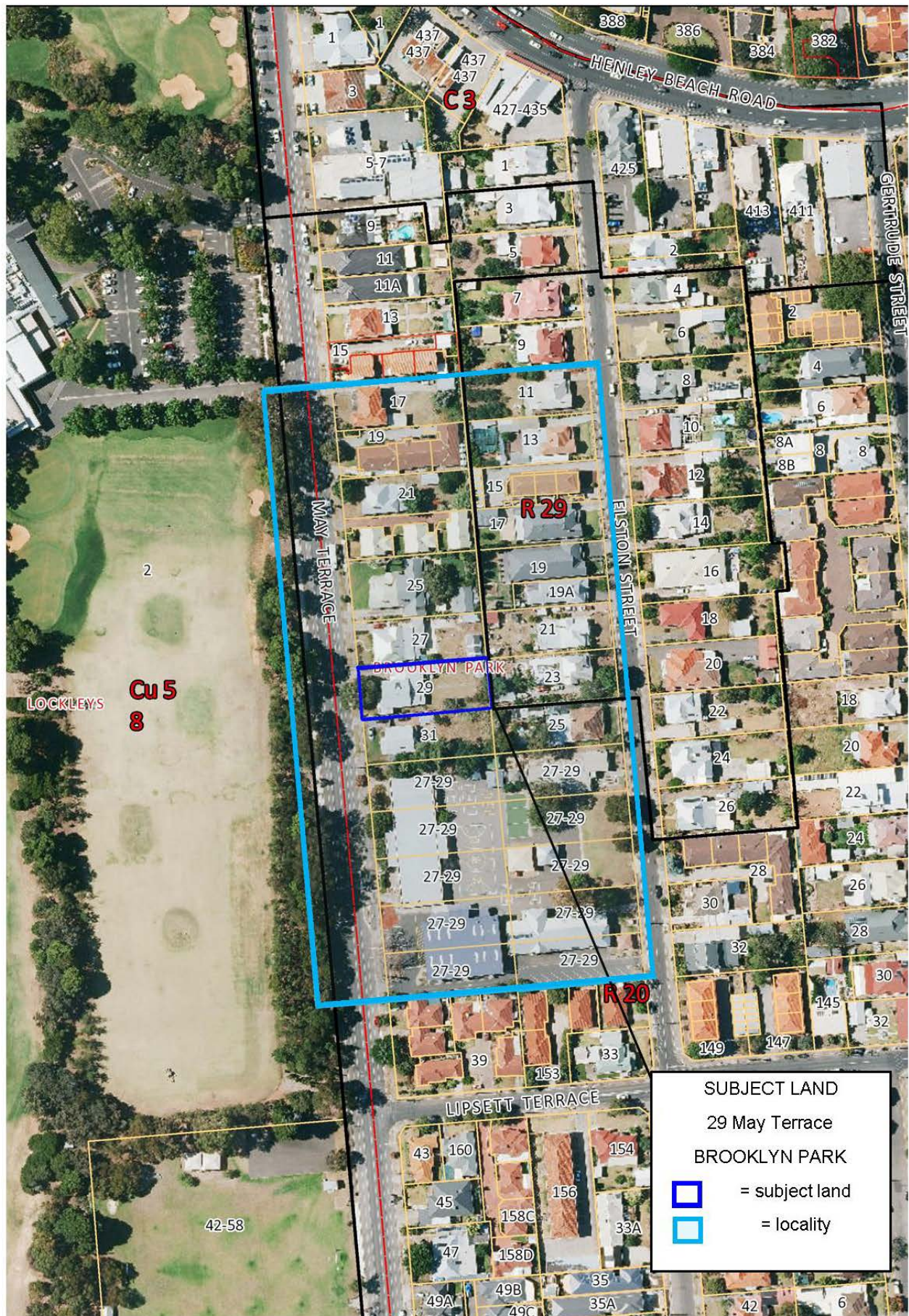
The subject land is a rectangular shaped allotment of approximately 902.67 square metres with a frontage of approximately 18.28 metres to May Terrace and a site depth of 49.38 metre. The site contains a 1930's gable fronted dwelling with a lean-to extension, and associated structures such as a carport, verandah, two (2) outbuildings and a pergola. Within the front yard is a Regulated Willow Myrtle.

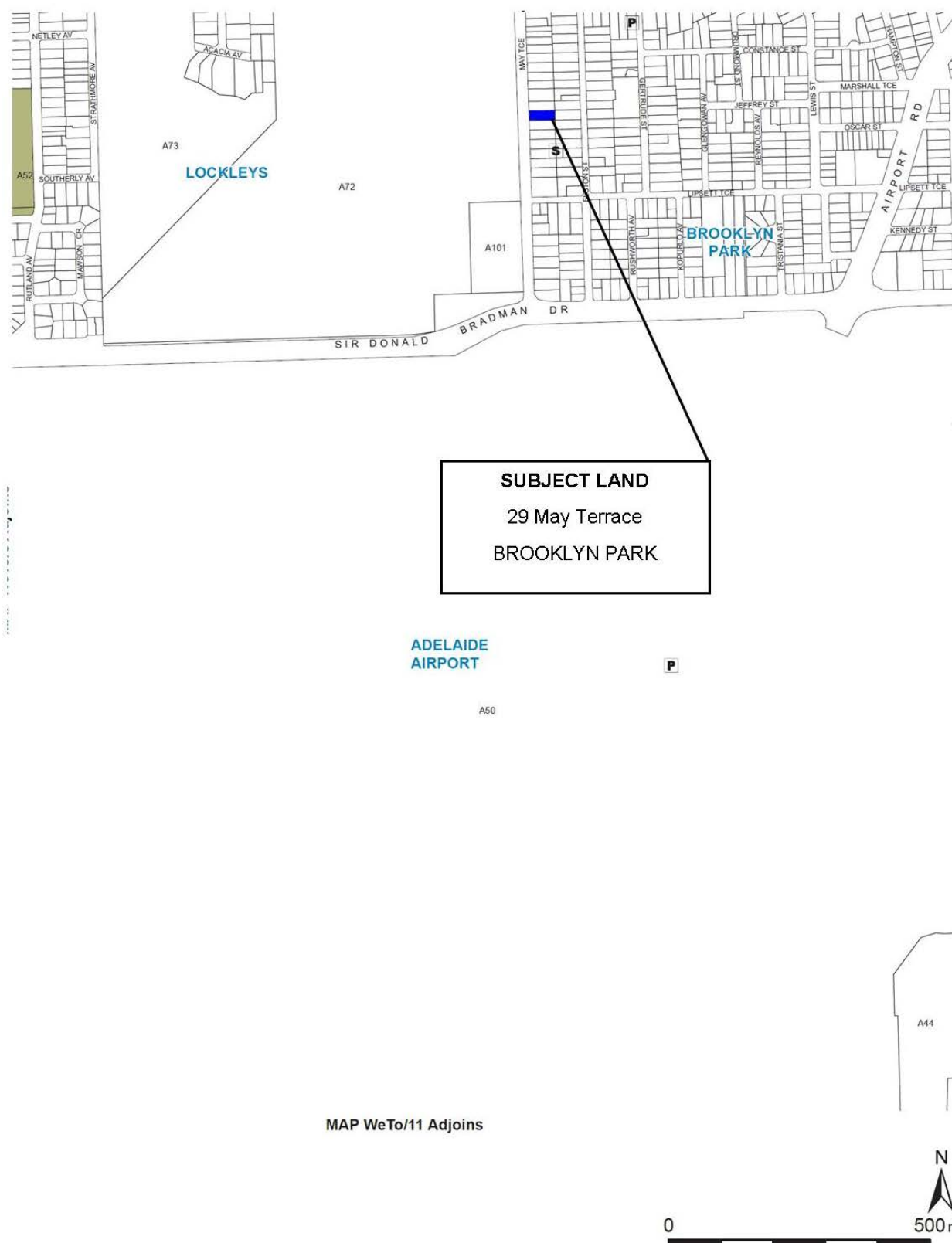
The subject land is located on the eastern side of May Terrace within the Residential Zone and more particularly Low Density Policy Area 20. The rear boundary of the subject land abuts the Elston Street Conservation Policy Area 29, and the front boundary is adjacent to the Community Zone, Recreation policy Area 5, Precinct 8 Open Space, which consists of the Kooyonga Golf Club.

The locality consists of low to medium density residential development up to two storeys in height with construction periods ranging from the 1900's to present. The locality also consists of some non-residential development, such as the Lockleys Primary School which is located south of the subject land at 27-29 May Terrace, Brooklyn Park.

Within the broader locality, in particular towards the northern end of May Terrace, some small-scale commercial and retail uses such as shops and a Volunteering Organisation (known as Trees for Life Inc) exist. This is largely due to the fact that the Commercial Zone, which is the zone these uses are situated within, encourages these types of uses.

The site and locality are shown on the following maps.





Location Map WeTo/7

S School
P Post Office

WEST TORRENS COUNCIL
Consolidated - 5 November 2015

PROPOSAL

The proposed land division is for a Torrens Title Land Division creating one additional allotment. The proposal is for a side by side land division which will result in both allotments having a direct frontage to a public street. Proposed Allotment 1 will have a 9.15 metre frontage width, a depth of 49.38 metres and a total area of 452 square metres. Proposed Allotment 2 will have a 9.14 metre frontage width, a depth of 49.38 metres and a total area of 451 square metres.

The Plan of Division is contained within **Attachment 1**.

PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and Residential Zone, Procedural Matters.

REFERRALS

Internal

Given that the width of each proposed allotment is large enough to accommodate a single width driveway and crossover the application was not referred to Council's City Assets staff for comment. Further consideration and negotiation regarding the location of any proposed crossover will be as part of a referral of any associated land use application submitted on each of the proposed allotments, if approved.

External

The application was referred to SA Water by the Development Assessment Commission (DAC) who advised of no objection subject to specified standard conditions being included on any consent to be issued.

A copy of the relevant referral responses are included in **Attachment 2**.

ASSESSMENT

The subject land is located within the Residential Zone and more specifically Low Density Policy Area 20 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Infrastructure	Objectives	3
	Principles of Development Control	1, 6, 8 & 16
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 5, 6 & 8
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3 & 8
Residential Development	Objectives	1, 2, 3 & 4
	Principles of Development Control	1 & 2
Transportation and Access	Objectives	2
	Principles of Development Control	1, 2, 23, 24 & 25

Zone: Residential Zone	
<i>Desired Character Statement:</i>	
<p><i>"This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in an Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer."</i></p>	
Objectives	1-4
Principles of Development Control	1 & 5

Policy Area: Low Density Policy Area 20	
<i>Desired Character Statement:</i>	
<p><i>"Allotments in the policy area will be at low density, accommodating predominantly detached dwellings and some other dwellings types such as semi-detached and group dwellings. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings."</i></p>	
Objectives	1
Principles of Development Control	1, 2, 4 & 5

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT	
		Allotment 1	Allotment 2
SITE AREA Low Density Policy Area 20 PDC 4	300m ² (For either detached, semi-detached or group dwellings)	452m ² Satisfies	451m ² Satisfies
ALLOTMENT AREA Low Density Policy Area 20 PDC 5	340m ² (This allotment area is only required if the application is not combined with a land use proposal)	452m ² Satisfies	451m ² Satisfies
SITE FRONTAGE Low Density Policy Area 20 PDC 4	9m (For either detached, semi-detached or group dwellings)	9.15m Satisfies	9.14m Satisfies
ALLOTMENT FRONTAGE Low Density Policy Area 20 PDC 5	10m (This allotment frontage width is only required if the application is not combined with a land use proposal)	9.15m Does not satisfy by 8.5%	9.14m Does not satisfy by 8.4%

QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development satisfies the relevant Development Plan provisions with the exception of the following, as discussed under the following sub headings:

Site Frontage

Land Division Principle of Development Control (PDC) 5 of Low Density Policy Area 20 reads as follows:

"Land division should create allotments with an area of greater than 340 square metres and a minimum frontage width of 10 metres, other than where the land division is combined with an application for dwellings or follows an approval for dwellings on the site".

As this application is for land division only and is not combined with a proposal for dwellings the minimum allotment area should be greater than 340 square metres and the minimum frontage width should be 10 metres. In this instance the proposal results in frontage widths marginally less than 10 metres.

It is noted however that the subject land is within 400 metres of a Centre Zone and Form and Character PDC 4 provides for any envisaged dwelling type to have a minimum site area of 300 square metres and a minimum frontage width of 9 metres. In this instance, the proposed allotments satisfy these minimum specifications.

SUMMARY

The proposal will result in allotments with frontages that do not satisfy the minimum for land division, however, regardless of the dwelling type (given that the requirement is the same for all envisaged dwelling types within Low Density Policy Area 20) the proposed allotments will satisfy both the minimum frontage and site area requirements for residential development within 400 metres of a Centre Zone.

With regard to the Regulated Tree within the front yard, any future development will be further considered as part of the assessment of a separate application.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2015 and warrants Development Plan Consent.

RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/543/2016 by S Donaldson to undertake Land division - Torrens Title; DAC No. 211/D061/16 (Unique ID 54243); Create one(1) additional allotment at 29 May Terrace, Brooklyn Park (CT 5815/630) subject to the following conditions of consent:

DEVELOPMENT PLAN CONSENT **COUNCIL CONDITIONS:**

1. Development is to take place in accordance with the plans prepared by John C Bested & Associates Pty Ltd, relating to Development Application No. 211/543/2016 (DAC 211/D061/16).

LAND DIVISION CONSENT **COUNCIL CONDITIONS:**

1. Prior to the issue of Section 51 Clearance to this division approved herein:
 - all existing buildings must be removed (note that the removal shall be subject to a separate development approval).

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

2. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

The alteration of internal drains to the satisfaction of SA Water is required.

An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard.

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

3. Payment of \$6,488 into the Planning and Development Fund (2 allotments @ \$6,488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate Purposes.

D1898

1
4.52m²
EXISTING HOUSE TO BE DEMOLISHED

2
4.51m²

D1898

MAY

LIPSETT TERRACE

D1898

TERRACE

Dimensions: 49.38, 9.15, 9.14, 146.30, 49.38

PLAN OF DIVISION		ALLOTMENT 47 IN D1898	
IRRIGATION AREA		DIVISION	
HUNDRED	ADELAIDE		
AREA	BROOKLYN PARK		
COUNCIL	CITY OF WEST TORRENS		
TITLE REFERENCE	CT 5815 / 630		
MAP REFERENCE	6628-41-K		
DEV. No.			
SCALE	0 5 10 15 20 25	METRES	
ANNOTATIONS			
DATA IS APPROXIMATE AND SUBJECT TO SURVEY			
<p>1. This plan was prepared for the purpose and exclusive use of S. DONALDSON to accompany an application to the CITY OF WEST TORRENS for the approval to subdivide the land described in this plan and is not to be used for any other purpose or by any other person or corporation. JOHN C BESTED & ASSOC PTY LTD accepts no responsibility for any loss or damage suffered hereunder arising to any person or corporation who may use or rely on this plan in contravention of the terms of the Statute or Statutes 2, 3, 4, 5 & 6 thereof.</p> <p>2. The dimensions, areas and total number of parcels shown hereon are subject to survey and the requirements of Council and/or any other authority that may have requirements under any relevant legislation.</p> <p>3. No reliance should be placed on the information on this plan for any financial dealings involving the land.</p> <p>4. Where shown, the contours or levels on this plan are suitable only for the purpose of this application and no reliance should be placed upon such contours or levels for any other purpose.</p> <p>5. Where shown, the dimensions, areas, size and location of any improvements on this plan are approximate only and may vary.</p> <p>6. This plan may not be photocopied unless this note is included.</p>			
JOHN C BESTED & ASSOC PTY LTD ABN 96 004 598 908 SURVEYING & PLANNING CONSULTANTS 362 MAGILL ROAD KENSINGTON PARK 5068 PHONE (08) 8332 7111 FAX (08) 8364 1829 email surveyors@johnbested.com.au		REFERENCE No. 18294 - DIV 18294 - DIV 1	

ATTACHMENT 2

Contact LandsTitlesOffice
Telephone 7109 7016



18 May 2016

The Chief Executive Officer
City of West Torrens
Dear Sir/Madam

Re: Proposed Application No. 211/D061/16 (ID 54243)
for Land Division by Mr Stephen Donaldson

In accordance with Section 33 of the Development Act 1993 and Regulation 29 (1) of the Development Regulations 2008, and further to my advice dated 10 May 2016, I advise that the Development Assessment Commission has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

I further advise that the Development Assessment Commission has the following requirements under Section 33(1)(c) of the Development Act 1993 which must be included as conditions of land division approval on Council's Decision Notification (should such approval be granted).

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
The alteration of internal drains to the satisfaction of SA Water is required.
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
2. Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment).
Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

The SA Water Corporation will, in due course, correspond directly with the applicant/agent regarding this land division proposal.

PLEASE UPLOAD THE DECISION NOTIFICATION FORM (VIA EDALA) FOLLOWING COUNCIL'S DECISION.

Phil Hodgson
Unit Manager
Lands Titles Office
as delegate of
DEVELOPMENT ASSESSMENT COMMISSION



18 May 2016

Our Ref: H0045739

The Chairman
Development Assessment Commission
136 North Terrace
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/D061/16 AT BROOKLYN PARK

In response to the abovementioned proposal, I advise that pursuant to Section 33 of the Development Act it is necessary for the developer to satisfy this Corporation's requirements, which are listed below. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

The alteration of internal drains to the satisfaction of SA Water is required.

Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

Yours faithfully

TONY PANNUNZIO
for **MANAGER LAND DEVELOPMENT & CONNECTIONS**

SA Water
Level 6, 250 Victoria Square
ADELAIDE SA 5000
Ph (08) 7424 1119
Inquiries TONY PANNUNZIO
Telephone 7424 1243

6.8 437 Henley Beach Road, BROOKLYN PARK

Application No. 211/262/2016

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Alterations and extension of existing restaurant and associated car parking
APPLICANT	Peter Demarco
APPLICATION NO	211/262/2016
LODGEMENT DATE	22 March 2016
ZONE	Commercial Zone
POLICY	Local Commercial Policy Area 3
APPLICATION TYPE	Non-Complying
PUBLIC NOTIFICATION	Cat 3
REFERRALS	Internal <ul style="list-style-type: none">City Assets External <ul style="list-style-type: none">Nil
DEVELOPMENT PLAN VERSION	11 November 2015
MEETING DATE	12 July 2016
RECOMMENDATION	CONSENT subject to DAC concurrence

BACKGROUND

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason/s:

- All applications for non-complying forms of development shall be assessed and determined by the DAP.

PREVIOUS or RELATED APPLICATION(S)

211/15759/1988	Convert an existing petrol filling station to a restaurant (shop)
211/84/2003	To erect and upgrade advertising signage
211/34/2004	Shadecloth Infill to Signage Structure
211/511/2004	Shadecloth Panels and Outdoor Eating Area
211/582/2005	Erection of two Verandahs/Carports to shade restaurant

SITE AND LOCALITY

The land is irregular in shape and made up of two allotments CT-5163/417 & CT-5163/418. It is more commonly known as 437 Henley Beach Road, Brooklyn Park. Together they have a frontage of 40.6m, a minimum depth of 32m and an overall area of 1474m².

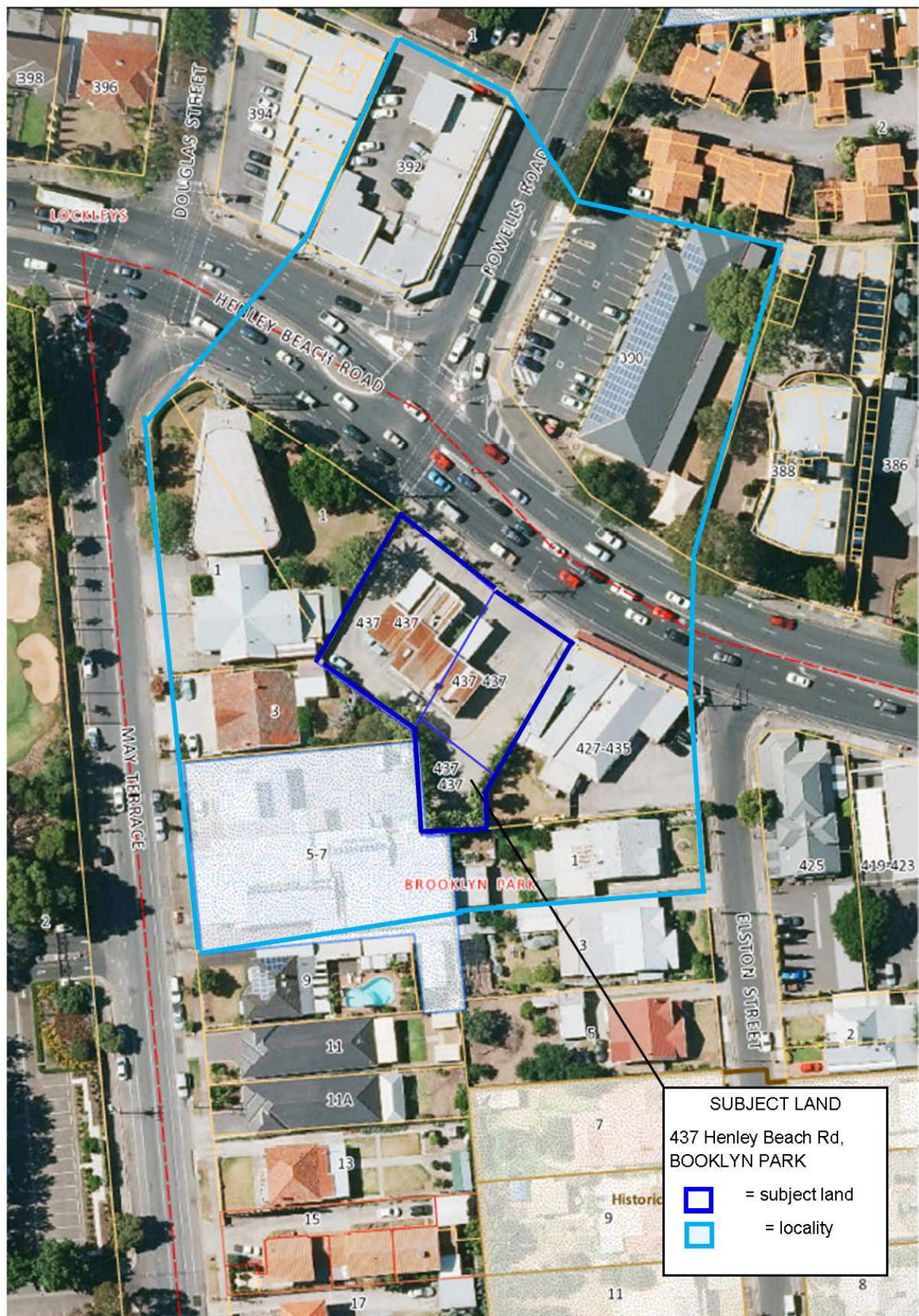
There is currently a single storey building on the site that started life as a petrol filling station, but in 1988 was converted into a restaurant. The building is surrounded by a concrete carpark with a thin landscaping strip around the property boundaries. A 3rd party advertising hoarding has been erected in the north eastern corner of the allotment and was approved in 2003.

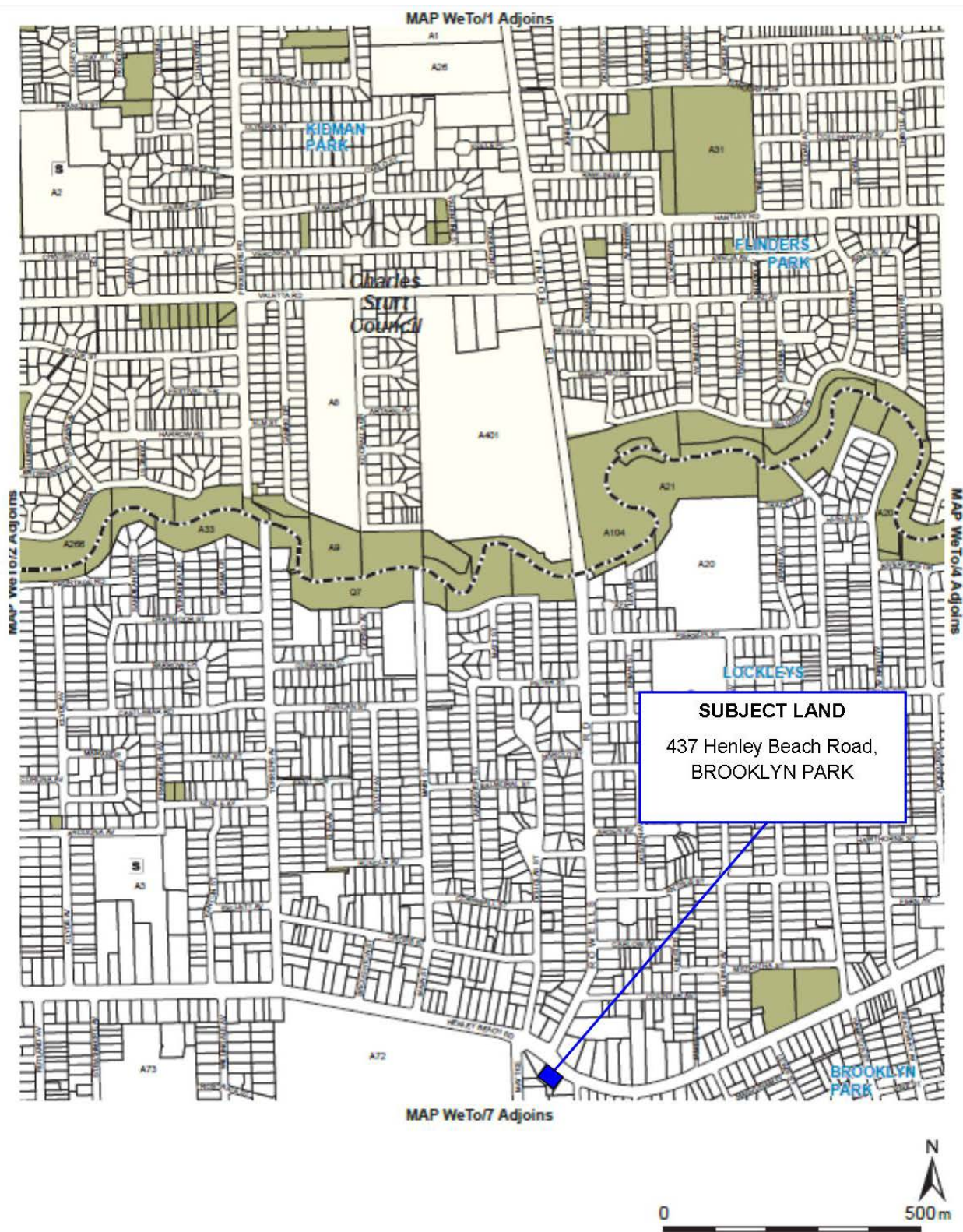
The building itself is centrally located on the land and provides carparking around it. There are two crossovers onto Henley Beach Road, both wide enough to allow vehicles to enter and exit at the same time, although in practice it is likely that vehicles enter through the eastern crossover and exit through the western crossover.

The allotment is flat and does not contain any easements or Regulated trees.

The locality includes a mixture of land uses including commercial, place of worship, restaurants, retail and residential. There are five tenancies in a building to the east of the subject site which is used for retail, consulting rooms and restaurant purposes. To the north-west is the Anglican Church of Australia. To the south west and south are commercial and office land uses and to the south east are residential properties. The closest dwelling to the subject site is located at 1 Elston Street (adjacent to the rear), which is zoned Commercial.

Henley Beach Road is a road divided by a medium strip that prevents vehicles crossing the road. Henley Beach Road is a controlled access arterial road under the care and control of the Department of Transport Planning and Infrastructure (DPTI). As no change to the access points is proposed, no referral to DPTI is required. The signalised intersection of Henley Beach Road and Rowells Road is immediately north of the subject site.





Location Map WeTo/3

- School
- Local Reserves
- Development Plan Boundary

PROPOSAL

It is considered that the proposal is best described as follows:

"Alterations and extension of existing restaurant and associated car parking - Non-Complying"

A more detailed description of the work proposed is as follows:

- Increase the floor area of the dining room by 57m²;
- Increase the number of seats for patrons by 58;
- Construction of a breeze block wall in front of the dining room;
- Exterior upgraded and rebadged signage for the proposed "Chicco Palms" restaurant; and
- Rearrangement of the carpark to provide a total of 22 onsite spaces.

The existing building is to be renovated and decorated as a pizza restaurant called Chicco Palms. It will be a Palm Springs, USA themed restaurant and open Tuesday to Saturday 11:30am to 11pm and Sunday 11:30am to 5pm. It is also the Applicant's intention to apply for a liquor license for the restaurant in the future.

NON-COMPLYING

The application is a non-complying form of development, due to the floor area exceeding the 250m² trigger in the Procedural Section of the Zone. The applicant has provided a Statement of Effect pursuant to Regulation 17 of the *Development Regulations 2008*, refer **Attachment 2**. Should the Panel resolve to approve the application, the concurrence of the Development Assessment Commission is required. Alternatively, should the Panel refuse the application, no appeal rights are afforded to the Applicant.

The Administration resolved under delegation to proceed with an assessment of the proposal. The application is now presented to the DAP for a decision.

PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations.

Properties notified:	70 people were notified during the public notification process.
Representations:	0 representations were received.

REFERRALS

Internal

City Assets

Concerns were raised regarding the following matters:

- Deficient in car parks by 11 spaces;
- The ability for an MRV truck to navigate the carpark when cars are parked; and
- A 40cm deficiency in the width of the aisle way next to carpark 5, 6 & 7.

Amended plans, received by Council on 1 May 2016, altered the design and were able to resolve most of the issues. The deficiency in car parking could not be resolved and therefore City Assets still do not support the application.

The Applicant provided a traffic report that states that the proposed amount of car parking is sufficient due to the circumstances surrounding the development. This will be discussed later in the report.

A full copy of the relevant report is attached, refer **Attachment 3**.

ASSESSMENT

The subject land is located within the Commercial Zone and more specifically the Local Commercial Policy Area 3, as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Advertisements	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 4, 5, 7, 8, 10, 11, 14, 15 & 22
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8 & 10
Design and Appearance	Objectives	1 & 2
	Principles of Development Control	1, 2, 13, 14, 15 & 17
Transportation and Access	Objectives	2
	Principles of Development Control	1, 2, 8, 9, 14, 23, 24, 28, 32, 34, 35, 36, 37, 39, 40, 41, 42 & 43
Waste	Objectives	1
	Principles of Development Control	6

Zone: Commercial Zone	
Desired Character Statement:	
None	
Objectives	1 & 2
Principles of Development Control	1, 2 & 4

Policy Area: Local Commercial Policy Area 3	
Desired Character Statement:	
None	
Objectives	1
Principles of Development Control	1

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
FLOOR AREA Commercial Zone PDC 4	Shops should not exceed 250m ² in floor area	321m ² Does Not Satisfy
CARPARKING SPACES Table WeTo/2 <i>Greater of 1 per 3 seats or 1 per 15 square metres of total floor area</i>	33 car-parking spaces required	22 provided Does Not Satisfy

PDC 4 of the Commercial Zone states:

PDC 4 Shops, other than a bulky goods outlet, should have a gross leasable area of 250 square metres or less.

The Development Regulations 2008 define a shop as:

shop means—

- (a) premises used primarily for the sale by retail, rental or display of goods, foodstuffs, merchandise or materials; or
- (b) **a restaurant**; or
- (c) a bulky goods outlet or a retail showroom; or
- (d) a personal service establishment, but does not include—
- (e) a hotel; or
- (f) a motor repair station; or
- (g) a petrol filling station; or
- (h) a plant nursery where there is no sale by retail; or
- (i) a timber yard; or
- (j) service trade premises; or
- (k) service industry;

The existing restaurant already exceeds this 250m² limit by 14m². The proposed additions will increase the floor area by 57m², resulting in it being 71m² over the PDC 4 stipulated maximum.

It should be noted that as the subject land incorporates two allotments, it would be possible to have a 250m² shop on each allotment without it being at variance to the Development Plan or Non-Complying. With this in mind the proposed restaurant with a 321m² floor area does not seem unreasonable in this location.

It is not clear where the 250m² figure was derived from and therefore how relevant it is to this policy area. There are numerous other commercial properties in the locality that exceed the 250m² floor area limit, specifically;

- 427- 435 Henley beach Road (522m²);
- 388 Henley Beach Road (474m²); and
- 425 Henley Beach Road (420m²).

Table WeTo/2 of the Development Plan stipulates that a restaurant should have the greater of

- 1 carpark per 3 seats; or
- 1 per 15m² of total floor area.

The proposal seeks to have 98 seats (which would require 33 carparks) and a total floor area of 321m² (which would require 22 carparks). As the seating capacity figure is higher, this is what the requirement is. It should be noted that the proposed development does comply with the lower figure of 22 carparks.

The Applicant provided a traffic report by Phil Weaver that outlined the issues and the reasons why the provided amount of parking is sufficient. Whilst the full report can be found as **Attachment 4**, the overview is as follows;

- There will be few occasions during weekday periods when the peak parking demand would occur. This is more likely to happen on Friday and Saturday evenings. A parking survey has resolved that there will be 11 on street carparks available in close proximity to the site. This would balance the shortfall of car parks available on site;
- All traffic movement to and from the site will be left in and left out only. This, in association with the low number of traffic movements generated by the restaurant, will have a minimal impact on traffic movements even during peak periods; and
- The proposed development provides a design standard which is appropriate and essentially meets the requirements of the relevant Australian/ New Zealand standards, particularly given the retention of the existing building and limitations of the site.

The lack of parking provided by this development is not considered fatal to the application due to the on street parking opportunities and the type of restaurant proposed.

QUALITATIVE ASSESSMENT

As the Commercial Zone and Local Commercial Policy Area 3 do not have a Desired Character stipulated in the Development Plan, little guidance can be obtained from these sections. As previously discussed the PDC states that the maximum floor area should not exceed 250m², however this has been exceeded by a number of other commercial developments in the locality. For this reason little weight should be given to this PDC.

PDC 2 of the Zone states:

Development that minimises any adverse impacts upon the amenity of the locality within the zone.

As there is an existing restaurant approved on this site, it is not considered that the proposal will be detrimental to the amenity of the locality. In fact it is likely to be a positive addition given the renovation of the tired looking building that currently exists.

SUMMARY

The proposal seeks to continue the existing restaurant land use, but be more focused on dining in rather than takeaway. The building, previously used by Barnacle Bill's, has a poor visual amenity as the building has not been maintained or updated for many years. Part of this proposal is to renovate the existing building to be more visually appealing.

The lack of parking and the circumstances surrounding the operation of the restaurant have been considered by the Administration and not considered to be fatal to the application. During the expected peak periods on Friday and Saturday night, on street parking will be available in close proximity.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 11 December 2016 and warrants Development Plan Consent.

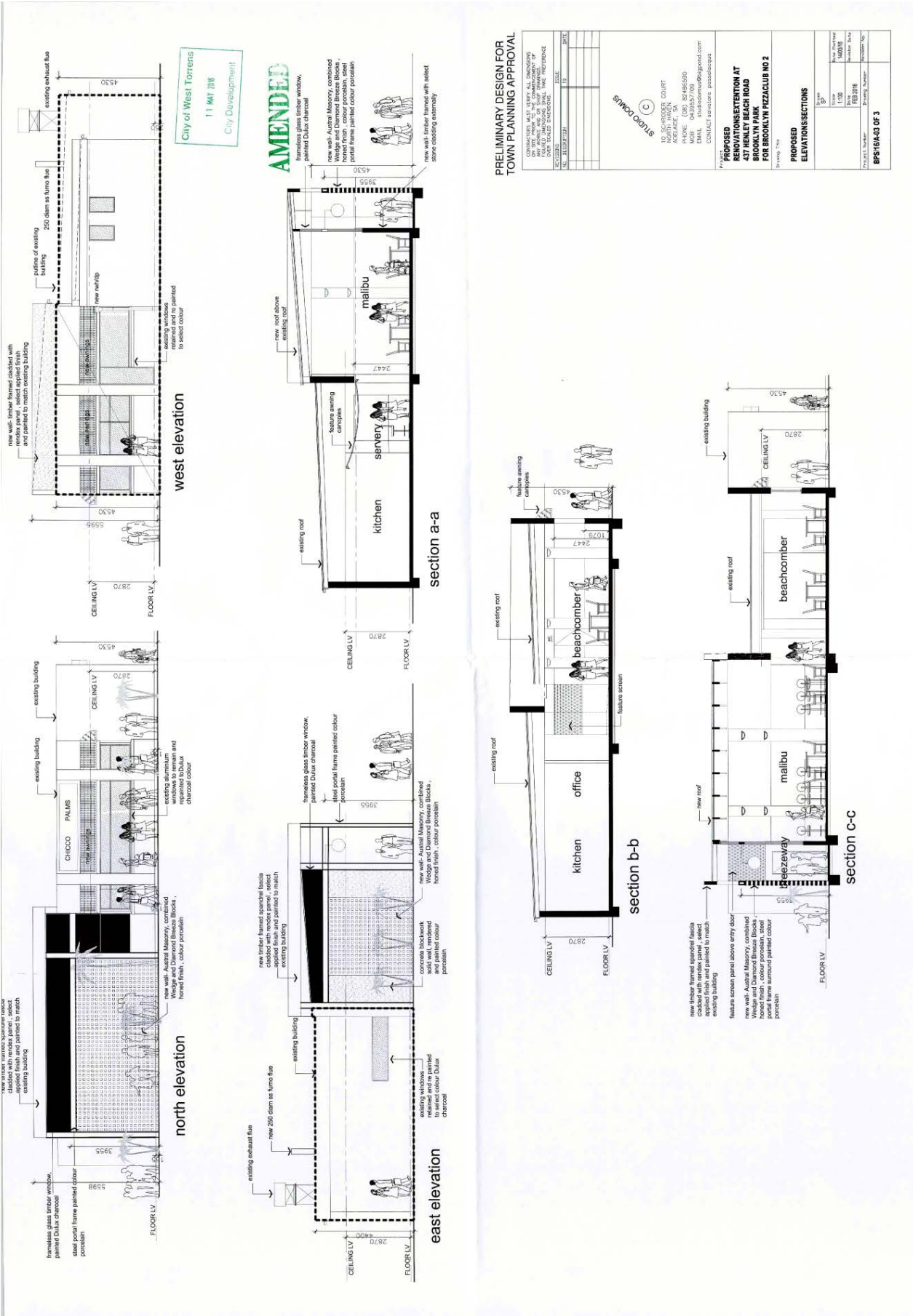
RECOMMENDATION

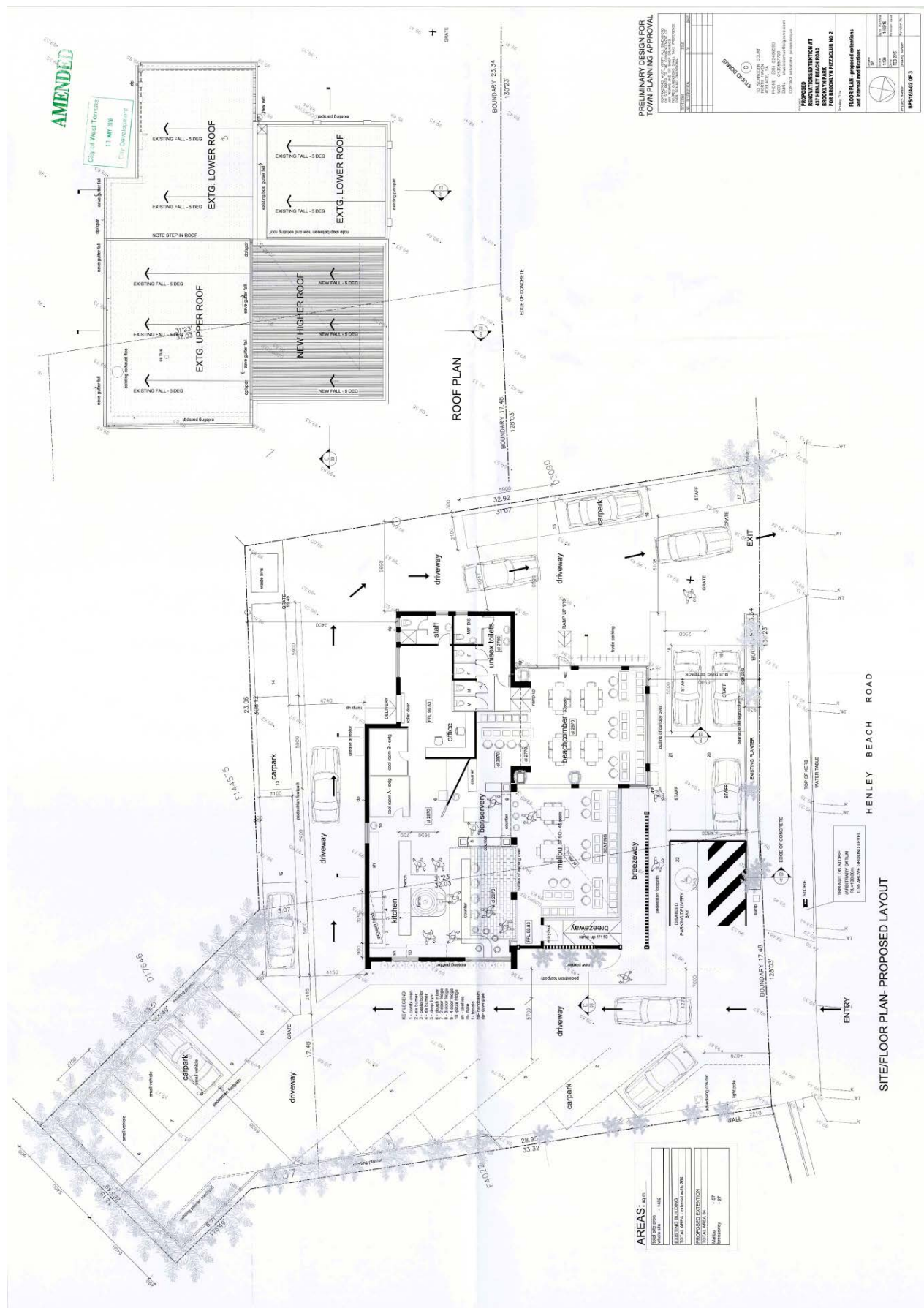
The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves, subject to the concurrence of DAC, to GRANT Development Plan Consent for Application No. 211/262/2016 by Peter DeMarco to undertake alterations and extension of existing restaurant and associated car park at 437 Henley Beach Road, Brooklyn Park (CT 5163/417 & CT 5163/418) subject to the following conditions of consent:

Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That all carparking spaces shall be linemarked, in accordance with the approved plans and in accordance with Australian Standard 2890.1, 2004 Parking Facilities, Part 1, Off Street Carparking, prior to the occupation of the proposed development. Linemarking and directional arrows shall be clearly visible at all times
3. That the hours of operation of the premises shall not exceed the following periods:-
Closed Monday
11:30am to 11:00pm Tuesday to Saturday inclusive; and
11:30am to 5:00pm Sunday
4. That any driveways, parking and manoeuvring areas and footpaths shall be lit in accordance with the Australian Standard 1158 during the hours of darkness that they are in use. Such lights shall be directed and screened so that overspill of light into nearby premises is avoided and minimal impact on passing motorists occurs.
5. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage shall not at any time:-
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.

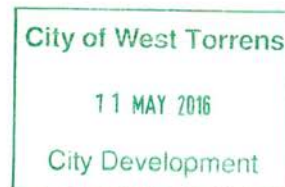
ATTACHMENT 1





ATTACHMENT 2

STATEMENT OF EFFECT



Location: The City of West Torrens

Site: 437 Henley Beach Road, Brooklyn Park

Proposal: To alter and extend an existing vacant restaurant.



Front facade of former shop/café at 437 Henley Beach Road, Brooklyn Park

Statement prepared by: Advantage Planning Services (May 2016)

1. Background

This Statement of Effect has been prepared for the proposed renovation and expansion of an existing vacant café/restaurant located at 437 Henley Beach Road, Brooklyn Park. In discussions with Council staff it is understood the proposed family pizza restaurant is an appropriate land use in this location with its commercial frontage to Henley Beach Road. The existing building is 264 sq metres and it is proposed to renovate and expand the building to 321 sq metres. However buildings of 250 sq metres or more are non-complying in the Commercial Zone.

Henley Beach Road is generally a mixture of commercial, retail and residential land uses. This portion of Henley Beach Road is zoned commercial and is predominated by a mix of shops, cafes, consulting rooms and restaurants. The existing restaurant building is non-complying at 264 sq metres so renovating and/or expanding the existing café/restaurant is also non-complying. This in its self is not considered a reason to reject the proposal, which is located on a relatively large site, provided additional on site car parking can be provided to serve the extra floor space.

2. Description of the development

2 (a) The Location

The subject premises are located on the south side of Henley Beach Road in Brooklyn Park. The subject site is located in close proximity to Kooyonga Golf Course near the intersection of May Terrace and directly over the road from Rowells Road. Along both sides of Henley Beach Road the surrounding land uses are predominantly commercial and retail. Abutting the subject site to the east is a collection of shops and restaurants, to the west is a church and over the road is a local shopping centre.

2(b) Description of the development

The existing building (former Barnacle Bills café/restaurant) is currently vacant. The site and existing building are:-

Site	1482 sq metres
Existing building	264 sq m
Extension	57 sq m
Total new floor space	321 sq m
Existing car parks	9 spaces
Proposed car parking	22 spaces

The existing building is setback approx. 6 metres from Henley Beach Road. It is proposed the kitchen, toilets, cool room, retail/serving areas essentially remain the same. It is the size of the dining room that is proposed to increase so it extends across the whole frontage of the existing building, rather than half the frontage, as it presently does. The existing dining room (Beachcomber) has 40 seats which is proposed to increase to 45 seats. The restaurant dining area is also proposed to expand by 57 sq metres in area with a further 53 seats making a total of 98 seats.

The existing building is to be substantially upgraded as a new pizza restaurant "Chicco Palms" besides the expanded restaurant all internal areas are to be extensively renovated as a smart new themed restaurant (refer Attachment A-E). A new wood oven pizza oven will be installed and a liquor license applied for. A

perforated block wall will be installed across the new dining room screening a breezeway and ramp to the main entrance.

The restaurant is to operate Tuesday to Sunday, when closed Monday rubbish will be collected from the rear of the building. The operating hours proposed are:-

Closed	Mondays
Tuesday – Saturday	11.30 am-11.00pm
Sunday	11.30am- 5.00pm

The site is already extensively well landscape planted, notably with numerous palm trees these areas are to be retain and maintained. The Palm Trees will become part of the “Palm Springs, USA” themed family pizza restaurant to be called Chicco Palms. But there is no amplification of music planned for the restaurant.

All deliveries to the premises will be prior to 11.30am when trading commences so there is no conflict between delivery vehicles and car parking on the site. The Applicant (restaurant proprietor) already operates other restaurants and control rubbish collection and deliveries to suit the operation of their existing businesses, which is also what they propose doing at the subject premises.

Minimal staff will park in the car park as staff either live in the area (including the proprietor) and/ or are encouraged to ride bicycles to work. There is secure, bicycle storage rack for 11 bicycles in an illuminated area adjacent the north-western entrance to the restaurant.

3 Relevant provisions of the West Torrens Development Plan – General Section

13 Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.

The existing building is to be totally refurbished and the existing dining room area extended across the whole front of the existing building. New cladding and masonry finishes will coordinate the extension with the existing building. The existing landscaping and signage is to be maintained and improved. Pedestrian footpaths are to be incorporated around the building and through the car parking to assist in safe pedestrian movement around the site.

14 Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.

The existing building and extension will have articulated facades, varying wall heights incorporating different materials and finishes that will be visually interesting. Complementing the “Palm Springs” feel with bright awnings, a breezeway and a ramp to access the Malibu and Beachcomber dining areas.

15 Building design should emphasis pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas

Paving and walling will direct pedestrians to either of the entrances. When approaching the restaurant from Henley Beach Road pedestrian will be directed via a “breezeblock wall” to the main entrance. In the evenings the illuminated dining room will back light the breezeblock wall adding interest to the front façade.

20 Outdoor Storage, loading and service areas should be:-

- (a) Screened from public view by a combination of built form, solid fencing and/or landscaping*
- (b) Conveniently located and designed to enable the manoeuvring of service and delivery vehicles*

(c) Sited away from sensitive land uses.

Commercial land uses are best located on busy main roads as they benefit from the high volume of passing traffic which is otherwise detrimental to residential amenity. But outdoor storage and service areas should be located at the rear of premises as they are in the case of this existing restaurant. The rubbish bin area will be appropriately screened and the proprietor will have rubbish collected on Mondays, when the restaurant is closed. The restaurant is located centrally in the commercial zone which also includes adjoining properties either side and to the rear of the subject land.

Building Setbacks from Road Boundaries

21 Except in areas where a new character is desirable, the setback of buildings from public roads should:-

- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desirable character of the locality*

The existing building has a stepped setback from Henley Beach Road of approximately 6 metres but the majority of the frontage is setback approx. 12 metres from the road frontage. By extending the dining room across the whole frontage of the existing building this will contribute to the desired character of the locality with the whole building frontage located (6 metres) from Henley Beach Road and relating more closely to the adjacent buildings.



The restaurant dining room is proposed to expand where the canopy is presently located

Movement Systems

11 Driveway crossovers should be separated and the number minimized to optimise the provision of on-street visitor parking (where on-street parking is appropriate)

12 Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive lands uses

13 Industrial/ commercial vehicle movements should be separated from vehicle car parking areas

The subject land has an entry on the eastern side of the site and egress to the western side of the site. It is not proposed to change this egress/ exit arrangement to the site. On site car parking is presently provided on the eastern portion of the site only. The expansion of the restaurant requires more onsite parking which will be provided at the rear of the building and along the western boundary. Because car parking is designated around the site and rubbish storage is appropriately located at the rear of building rubbish collection will occur on Mondays when the restaurant is shut so there is no conflict between the rubbish truck and parked cars (refer Attachment F).



Western egress sufficiently wide for additional on site car parking

The Applicant has stated all deliveries to the site will be scheduled between 8.00am and 11.00 when the restaurant is closed, but staff are in attendance. The restaurant opens at 11.30 every day except Monday. Delivery trucks will pull up in the disabled car park at the front of the premises outside trading hours when the disabled car park will not be in use. Also the other car parks at the front of the site will be vacant when deliveries occur to facilitate the movement of delivery trucks across the front of the building. The proprietor has also stated that delivery vehicles that presently deliver to their other restaurants are not large trucks but are usually vans or small trucks and this will be the case with delivery vehicles to this site.

20 Development should encourage and facilitate cycling as a mode of transport by incorporating end of journey facilities including:-

(c) bicycle parking facilities provided at the rate set out in Table WeTo/7

On-site secure bicycle facilities should be:-

- (a) located in a prominent place*
- (c) located under cover*

(d) located where surveillance possible

The Applicant lives off Rowells Road only a few blocks from the restaurant it his stated intension to employ local people who can walk or ride bicycles to work, as he intends doing. On site secure bicycle parks for 11 bicycles is provided at the (northwest corner) of the building. Cycling is to be actively encouraged by management.

27 Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse onto or from the road.

The car parking layout meets the Australian Standards AS 2890 with some qualifications:-

- Delivery vans or small trucks (not large trucks) will deliver goods between 8.00 to 11.00 a.m. to the front of the restaurant when car parking spaces no. 20 and 22 (disabled park) and staff car parks are not in use
- The only truck that needs to access the rear of the site is rubbish collection on Monday when the restaurant is closed so there is sufficient room for cars to park in spaces designated (11, 12, 13, 14 and 15) the other six days for the week.

It is worth noting that the restaurants busiest trading period will be 7.00 - 9.00 p.m. in the evening when Henley Beach Road is off peak and the traffic volume less. At this time there will be on street car parking spaces available on Henley Beach Road and nearby side streets like Elston Street.

38 Where parking areas are not visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to customers.

Signage on site will make it clear that car parks are located on both sides of the restaurant and at the rear of the existing building.

41 To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.

There is a significant amount of landscaping on the site, particularly a number of Palm trees these are to be maintained and enhanced in keeping with the theme for the restaurant "Chicco Palms".



Significant landscape visible at entrance to the site



Landscaping along the boundaries includes numerous Palm Trees

34 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table WeTo/2

A disabled car park is located at the front of the restaurant. As the restaurant does not open till 11.30am Tuesday to Sunday this disabled park will be used for deliveries to the restaurant between the hours of 8.00-11.00 am.

Table WeTo/2 Off Street Vehicle Parking

Restaurant (traditional) Greater of 1 per 3 seats or 1 per 15 square metres of total floor area

Existing situation – 40 seats 264 sq metres of floor space

- 40 seats divided by three (three seats per car parking space) would require 13 onsite parking spaces
- Gross leasable floor space would require 264 sq metres floor space divided by 15 sq metres or 17.6 parking spaces
- There are presently 9 onsite parking spaces located on the eastern side of the site.
- Taking the greater there is presently a deficiency of $18 - 9 = 9$ parking spaces.

Proposed Expansion – 53 seats or 57 sq metres of floor space

- An additional 53 seat (divided by 3) or an extra 17.6 parking spaces ($17 + 9$ existing spaces = 26)
- Bigger dining room additional 57 sq metres divided by 15 sq metres or an extra 4 parking spaces
- Total floor space 321 sq metres divided by 15 would require 21 car parking spaces.
- The most onerous on site car parking requirement would be 98 seats divided by 3 = 32.6 on site car parks

With reference to the figures above the existing restaurant was deficient 9 on site car parking space. Alternatively 33 parking spaces would be required if 98 seats divided by 3, as 22 on site spaces are provided this would represent a deficiency of 10 spaces.

A traffic and parking report has been prepared by Phil Weaver and Associates who will discuss traffic generation and parking in more detail. But I believe there are numerous factors that should be considered when assessing the onsite car parking required:-

- the existing situation is deficient in car parking with only 9 onsite parking spaces
- 13 additional on site car parking spaces are to be provided or 22 spaces in total
- Henley Beach Road and Rowells Road are secondary arterial roads well serviced by public transport
- Staff including the owner will predominantly walk or ride bicycles to work
- Deliveries and rubbish collection will be when the restaurant is closed to maximise the layout of on site car parking
- Bicycle use is encouraged with safe, cycle parking provided for 11 bicycles
- There is on street parking available on Henley Beach Road and nearby side streets such as Elston Street especially during peak trading time 7.00-9.00 pm.

Although it is proposed to increase the number of seats and floor space of the restaurant many customers are expected to be local residents who walk or ride to the restaurant.

35 Development should be consistent with Australian Standards AS 2890 Parking facilities

36 Vehicle parking areas should be site and designed to:-

- (c) facilitate safe and convenient traffic circulation*
- (d) result in minimal conflict between customer and service vehicles*
- (f) minimise the number of vehicle access points onto public roads*

There are 22 car parking spaces around the site that predominantly do meet the Australian Standards. As already discussed the collection of rubbish and delivery of goods to the site will be when the premises is closed i.e. on Mondays or between 8.00-11.00 am prior to the restaurant opening. Only rubbish vehicles will need to access the rear of the site. So delivery vehicles will traverse the front portion of the site parking in the disabled car park and staff car parks when the restaurant is closed.

4. Commercial Zone

Objective 1 A zone accommodating a range of commercial and business land uses

The subject site is ideally suited to the continued operation of a restaurant.

Principle 1 The following forms of development are envisaged in the zone:-

Shop with a gross leasable area of 250 square metres or less

Principle 2 Development listed as non-complying is generally inappropriate

The existing restaurant is 264 sq metres or 5% more than the 250 sq metres stated as desirable. The existing premises a former Barnacle Bills was targeting take away food customers so the dining room was disposed as only 40 seats and there were 9 car parking spaces on the site. In line with changing community demand the proposed pizza restaurant is to provide a different dining experience and reportedly needs at least 98 seats to be viable. This necessitates an increase in floor space of 57 square metres from 264 to 321 square metres or an 18% increase in floor space. At the same time it is proposed to increase on site car parking from 9 to 22 spaces about a 144% increase in car parking.

Development listed as non-complying is generally inappropriate. However in this case the existing land use is considered completely appropriate and has existed in this busy location fronting and the sub-arterial road for many years. The non-compliance is because the existing vacant restaurant has a floor area greater than 250 sq metres.

The former restaurant had a small dining room but a lot of its business was take away food. The new pizza restaurant will provide take-away service but intends to be more focused on the dine in experience. The Applicant (who operates other restaurants) has stated a 98 seat restaurant is necessary for the business to be viable. To accommodate this 53 extra seats are necessary at the front of the existing building. This extension will be undertaken with a total renovation of the front facade of the existing building to greatly improve the appearance of the building from Henley Beach Road.

5. Local Commercial Policy Area 3

Objectives

1 A policy area accommodating local service activities which are compatible with the amenity of the locality

A restaurant/ café has existed on the site for years offering take away and dine in food. The refurbished pizza restaurant will also provide dine in and takeaway food for both passing trade and the local community. Indeed the expansion of the dining room and provision of bicycle parking is encouraging local staff and customers to visit the restaurant.

The premises are located centrally in the Commercial Zone and over the road from a Local Centre where such activities are entirely appropriate. The location, size of the subject site, landscaping and location of rubbish storage and deliveries will minimise any impact on the locality.

Principles

Land Use

1. Development should be, primarily, local service activities which are compatible with the amenity of the locality.

As discussed above the existing and proposed restaurants are local activities that will provide a service to the local community. At the same time fronting Henley Beach Road with all access and egress to the sub-arterial road should ensure there is no significant impact on the amenity of the locality.

6. Assessment of Social, Economic or Environmental effects of the development on its locality.

Social

The new pizza restaurant will become more focused on a dine in facility providing a culinary and social experience for people who work and/or reside in the area.

The proprietor resides close to the subject site and wants to as far as possible to employ other local people to work at the restaurant.

Economic

The restaurant will employ eight staff so it will provide employment for local people.

The former restaurant had declined in its prominence in the locality. The new operators want to create an upmarket theme styled restaurant that will make a visual and economic impact in the area. Part of this will be expanding the dining room so the building will have more visual prominence to Henley Beach Road complete with renewed signage.

Environment

- Waste material will be stored at the rear of the premises and cleared away weekly on Mondays.
- The restaurant is to focus on healthy and organic products.
- The existing extensive flue that was required to serve the former fish and chip style café/restaurant is very substantial and will continue to be used by the new restaurant. In addition a wood fired pizza oven will be installed specifically for cooking pizzas.
- Existing landscaping on the site will be maintained and improved with the palm trees becoming integral to the theme of the restaurant.

Summary

Having assessed the proposal against the relevant provisions of the West Torrens Development Plan (as consolidated 5 Nov 2015) a restaurant is entirely appropriate on the subject. The most significant issue is the increase in floor space and hence extra onsite car parking required. However I believe the proposal warrants Councils support because it is an improvement over the existing situation. The increased restaurant floor

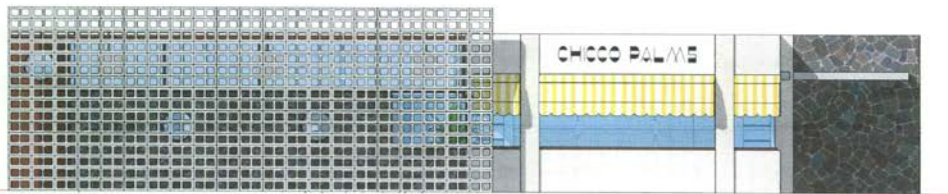
area represents an extra 18% of floor space yet the increased onsite parking (extra 13 spaces) represents an increase of onsite parking of nearly 144% over the existing 9 spaces.

A management regime is proposed for deliveries and rubbish collection to maximise the number of usable parking spaces and encourage the use of bicycles. A Traffic Report has been prepared discussing in detail where other on street parking is available and traffic demand and generation that could be expected so the restaurant will not negatively impact on the locality.



Simon Grose
Advantage Planning Services
DTTP, GDRU, GDPD, CPI and PIA

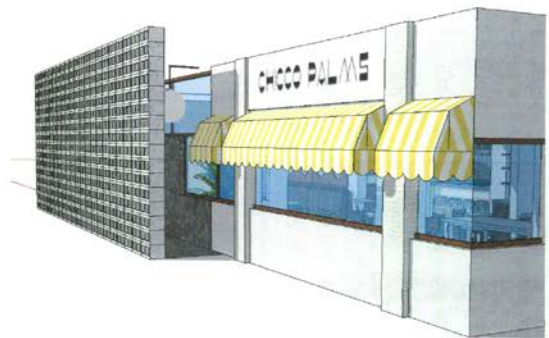
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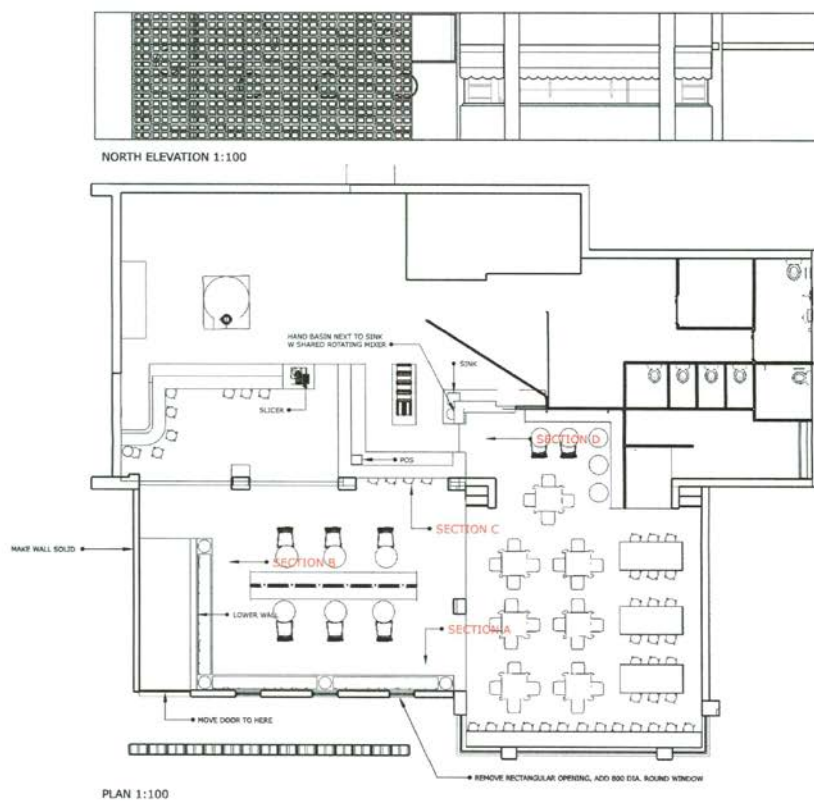
FACADE ELEVATION



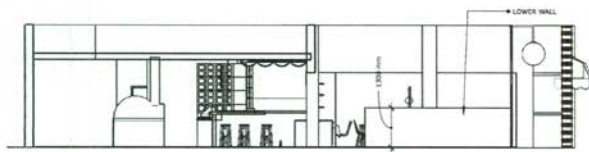
FACADE ELEVATION W/O BREEZEBLOCKS



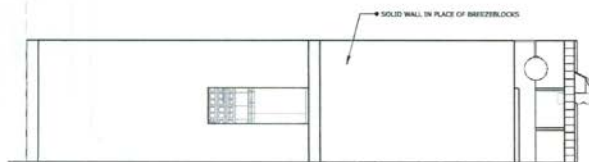
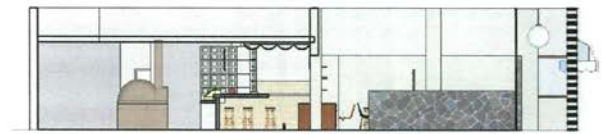
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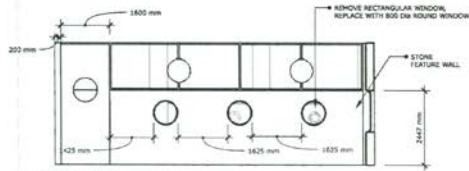
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EAST ELEVATION - INTERIOR 1:100



EAST ELEVATION 1:100

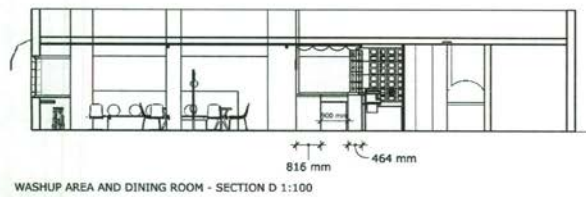
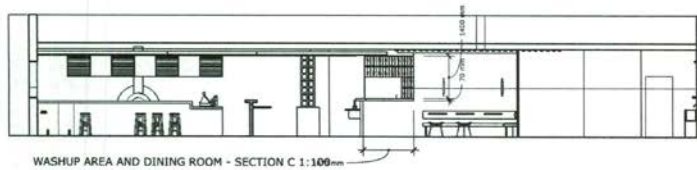
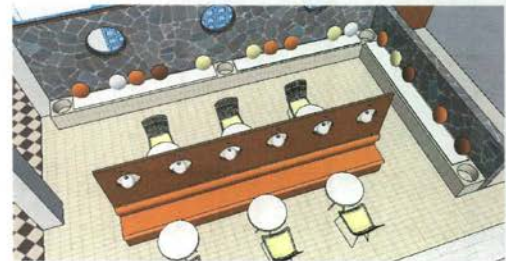
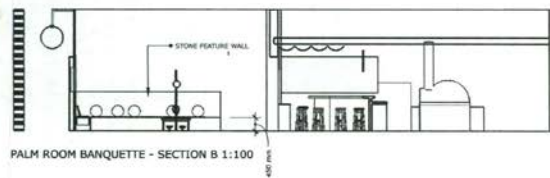
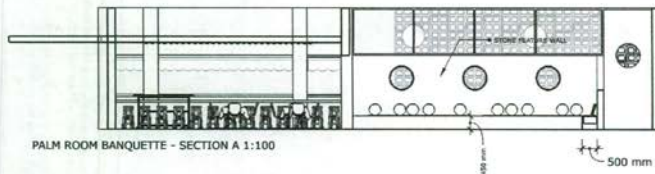


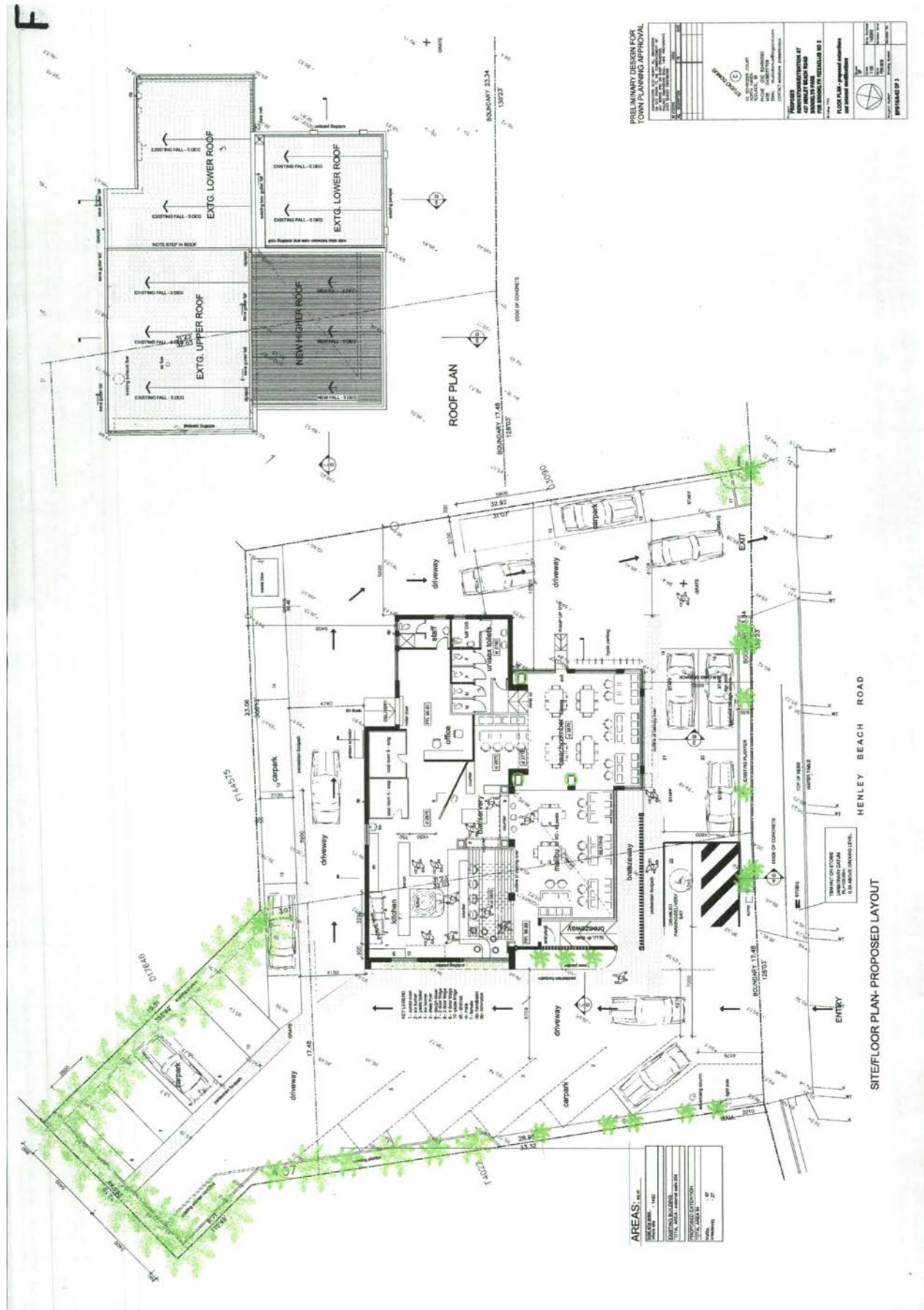
NORTH ELEVATION - GLASS WALL DETAIL 1:100



NORTH ELEVATION 1:100

D





ATTACHMENT 3



PHIL WEAVER & ASSOCIATES

Consultant Traffic Engineers
ABN 67 093 665 680

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Unley SA 5061

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File: 038-16

18 May 2016

Mr Peter Demarco
C/- Studio Domus
10 Schroder Court
North Haven SA 5018

Dear Mr Demarco,

PROPOSED RESTAURANT DEVELOPMENT - 437 HENLEY BEACH ROAD, BROOKLYN PARK - TRAFFIC AND PARKING ASSESSMENT

I refer to our recent discussions relating to the use of existing buildings on the above site as a restaurant.

As requested I have undertaken the following review of the traffic and parking related aspects of the subject development.

Subject site and adjoining locality

The subject site is located on the south-western side of Henley Beach Road, on the south-eastern approach to the intersection of this road with the signalised intersection of Rowells Road and Elston Street, Brooklyn Park.

The subject site is currently vacant, but previously accommodated a restaurant with a takeaway component (Barnacle Bill).

The subject site has a frontage of approximately 40m to Henley Beach Road. There are two existing crossovers associated with the subject site, providing separate entry and exit points into / out of the subject site off Henley Beach Road. These access points are approximately 9.5m and 8.5m in width and are located adjacent to the eastern and western boundaries of the site, respectively.

There is an existing on-site car parking area which provides 9 line marked angled spaces with the design providing a clockwise circulation pattern around the building.

The property to the immediate south east of the subject site accommodates 4 retail tenancies, as follows:-

- Number 427 - Viet Thai Restaurant and Takeaway Facility with the following trading periods:-
 - Monday - Closed,
 - Tuesday to Thursday - 5.00pm to 9.30pm,
 - Friday to Saturday - 5.00pm to 10.30pm, and
 - Sunday - 5.00pm to 9.30pm,
- Number 429 - A hairdressers (The Little Hair Salon),
- Number 431 - A boutique (Blessed with Joolz), and
- Number 433 - A Health and Beauty Facility (Be Pure) which was vacant.

These retail tenancies share a car park which is located off Elston Street. This car park can accommodate up to 10 vehicles.

Henley Beach Road, adjacent to the subject site, provides two traffic lanes and a bicycle lane in each direction opposing traffic flows separated by a central median. The bicycle lane operates between 7.30 am and 9.00 am Monday to Friday on the north eastern side of this road and between 4.30 pm and 6.00 pm Monday to Friday on the south western side of this road.

A No Stopping Anytime restriction applies at other times along the north eastern side of Henley Beach Road. Unrestricted parking is provided outside of the above clearway periods directly in front of the retail tenancies.

The intersection of Henley Beach Road with Rowells Road is located immediately to the north west of the subject site. This intersection provides channelised left and right turn lanes into and out of Henley Beach Road.

The intersection of Henley Beach Road with May Terrace / Douglas Street is located approximately 55m to the north west of the subject site. This intersection provides channelised left and right turn lanes into and out of May Terrace (to the south-west).

Details of traffic volumes on Henley Beach Road have been obtained from the Department of Planning, Transport and Infrastructure (DPTI). From a traffic count undertaken on Tuesday 14th of August 2012 at the intersection of Rowells Road with Henley Beach Road it is identified that the two-way Annual Average Daily Traffic (AADT) volume adjacent to the subject site is approximately 26,000 vpd on Henley Beach Road.

Parking Surveys

In order to determine the level of parking demand in the locality, a parking survey was conducted on Friday 13th May 2016 between 11.30am and 2.30pm.

The above parking survey was undertaken in the following on-street areas:-

- The southern side of Henley Beach Road between May Terrace and Elston Street,
- The southern side of Henley Beach Road between Elston Street and Gertrude Street,
- The western side of May Terrace between Henley Beach Road and the golf club access point,
- The eastern side of May Terrace between Henley Beach Road and the church,
- The eastern side of May Terrace between the church and the golf club access point,
- The western side of Elston Street between Henley Beach Road and No 10 Elston Street,
- The eastern side of Elston Street between Henley Beach Road and the shops, and
- The eastern side of Elston Street between the shops and No 10 Elston Street.

It was identified that the capacity of the above survey area is 49 spaces.

The results of the parking survey are attached to this report. Analysis of the survey results has identified that the maximum number of cars parked in the above survey area was 26 vehicles, which occurred at 1.45pm. Based on the capacity of the survey area this would equate to 23 vacant spaces which could potentially be used by customers of the subject development.

Proposed Development

The proposed development is identified on a series of plans prepared by your office including a Site Plan. I note that the development includes:-

- Alterations and additions to the existing building to accommodate a new restaurant providing 98 seats,
- Reconfiguration of the existing car park to provide 22 parking spaces in the form of angled, parallel and tandem parking spaces. This would require the removal of concrete dividers / strips within the car park.

The area within the south eastern corner of the car park, currently provides four 60 degree angled spaces and one 90 degree angled space at the end of the aisle. This layout provides landscaped areas containing palm trees on three sides of the parking spaces. However, if this area was to fully comply with the relevant off-street parking standard, the landscaped areas and the palm trees would need to be removed.

The design of the angle car parking spaces, as amended, provides:-

- Car parking spaces of 2.6m in width,
- Car parking spaces of 5.4m in length, and
- Adjoining aisle widths of typically 6m.

Parallel car parking spaces at the rear of the site and along the western boundary will provide widths of 2.1m and lengths of at least 5.9m and will incorporate a landscaped strip between these spaces and the boundary fence.

Several of the car parking spaces will be allocated specifically to staff including a parallel space located adjacent to the western access point and two pairs of tandem spaces located adjacent to the front of the building.

The on-site parking area will include one space for use by the disabled. This space will provide a width of 2.4m and will be located adjacent to a shared area of the same width.

Parking Assessment

Table WeTo/2 - Off Street Vehicle Parking Requirements within the West Torrens Council Development Plan identifies car parking provisions as follows :-

- Restaurant (traditional) - Greater of 1 per 3 seats or 1 per 15 square metres of total floor area.

On the above basis the proposed development would require the provision of 33 car parking spaces on site. Consequently the proposed development would have a theoretical shortfall equivalent to approximately 13 car parking spaces.

In my opinion, there will be few occasions during weekday periods when the subject development would be at capacity and the peak parking demand would most likely occur in evening periods on either Friday or Saturday.

Consequently, surveys of parking within locality have been undertaken in order to identify the level of capacity for potential patrons to park on street. These surveys have identified that during lunchtime periods on a Friday there would be more than sufficient car parking in the locality to accommodate the parking demand of the proposed development, even in the unlikely event that the subject restaurant is at capacity.

In evening periods, when the restaurant is more likely to be at capacity, I consider that there would be at least 11 spaces available on-street within close proximity to the site. Such parking would therefore address the potential shortfall in on-site parking.

Traffic Assessment

The “**Guide to Traffic Generating Developments**” report produced by the Roads and Traffic Authority of NSW identifies a peak hour traffic generation rate of 5 trips per 100m² associated with a restaurant development. Based on the floor area of approximately 300m², this would equate to approximately 15 trips associated with the subject development in commuter peak periods.

The above traffic movements would be equivalent to approximately 8 entry and 8 exit movements with traffic continuing to enter by the south-eastern access point and exit via the north-western access point of the subject land, respectively.

All traffic movements generated by the subject development would be left in and left out only. On the basis of the low volume of traffic which would be generated by the subject development and the nature of access into and out of the site I consider that there would be minimal traffic impact associated with the subject development, even during peak commuter periods.

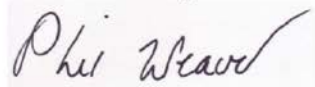
The subject development would be serviced by vans or similar sized vehicles which would readily be accommodated on site.

Summary and Conclusions

In summary, I consider that the proposed development will:-

- Provide a total of 22 car parking spaces including one space for use by the disabled and an adjacent shared area. While such a car parking provision is less than the requirement to provide 33 spaces based on the provisions of **Table WeTo/2 - Off Street Vehicle Parking Requirements**, I consider that on few occasions during weekday periods when the subject development will be at capacity with the peak demand primarily occurring in evening periods on weekends. Based on surveys undertaken within the locality there would appear to be an opportunity to accommodate a maximum shortfall of 13 car parking spaces on street without resulting in capacity or amenity issues on the adjoining road network,
- Not result in adverse traffic impacts on the adjacent road network, particularly given the relatively low traffic volumes which will be generated by the subject development and the nature of the access arrangements to Henley Beach Road which restrict all traffic movements to left turn in/left turn out only, and
- Provide a design standard which is appropriate and essentially meets the requirement of the relevant Australian / New Zealand Standard for off-street car parking areas particularly given the retention of the existing building on the site and the limitations with this provides in respect to the design of the car parking area.

Yours sincerely



Phil Weaver
Phil Weaver and Associates Pty Ltd

Enc

Parking Survey - 437 Henley Beach Road, Brooklyn Park - Friday 13th May 2016

	Henley Beach Road		May Terrace		Elston Street			
	Southern Side Between May Terrace and Elston Street	Southern Side Between Elston Street and Gertrude Street	Western Side Between Henley Beach Road and Golf Club access	Eastern Side Between Henley Beach Road and Golf Club (Opposite Church)	Eastern Side Between Church And Golf Club	Western Side Between Henley Beach Road and No 10	Eastern Side Opposite Shops	Eastern Side Between Shops And No 10
Capacity	3	6	10	3	3	8	3	13
11.30am	3	1	3	0	2	0	0	2
11.45am	3	0	3	0	2	0	1	2
12.00pm	0	1	3	0	3	0	0	2
12.15pm	1	0	3	0	3	0	0	2
12.30pm	1	0	3	0	3	0	1	2
12.45pm	0	0	3	0	3	0	2	3
1.00pm	0	0	4	0	3	0	2	3
1.15pm	0	0	4	0	3	1	0	4
1.30pm	1	0	4	0	3	1	0	2
1.45pm	1	1	9	1	3	0	0	11
2.00pm	1	0	10	1	3	0	1	5
2.15pm	0	1	9	1	3	0	0	5
2.30pm	0	0	9	1	3	0	0	5

6.9 15 Poynton Street, COWANDILLA

Application No. 211/584/2016

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land Division - Torrens Title; DAC No. 211/D072/16 (Unique ID 54391); Create one (1) additional allotment
APPLICANT	Kim Sang Soo Cini
APPLICATION NO	211/584/2016 (DAC 211/D072/16)
LODGEMENT DATE	16 May 2016
ZONE	Residential Zone
POLICY AREA	20 - Residential Low Density
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Cat 1
REFERRALS	Internal <ul style="list-style-type: none">City Assets External <ul style="list-style-type: none">DACSA Water
DEVELOPMENT PLAN VERSION	05/05/216
MEETING DATE	12 July 2016
RECOMMENDATION	CONSENT

BACKGROUND

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason:

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan,

PREVIOUS or RELATED APPLICATION(S)

Nil

SITE AND LOCALITY

The land is regular in shape and located on the southern side of Poynton Street in the suburb of Cowandilla. With a frontage of 17.98m, a depth of 45.54m the overall area of the land is 818m².

There is currently a single storey detached dwelling and ancillary structures occupying the site. These will need to be demolished should the Land Division gain approval. The property is informally landscaped with grass and small shrubs. The land is flat.

Vehicular access is currently gained via a single width crossover in the north eastern corner of the allotment. Apart from a stobie pole adjacent the existing crossover, there are no other items of street infrastructure in front of the site. There are no easements, Land Management Agreements or encumbrances on the property.

The subject site backs onto Keswick Creek which takes the form of a man made stormwater path in this location.

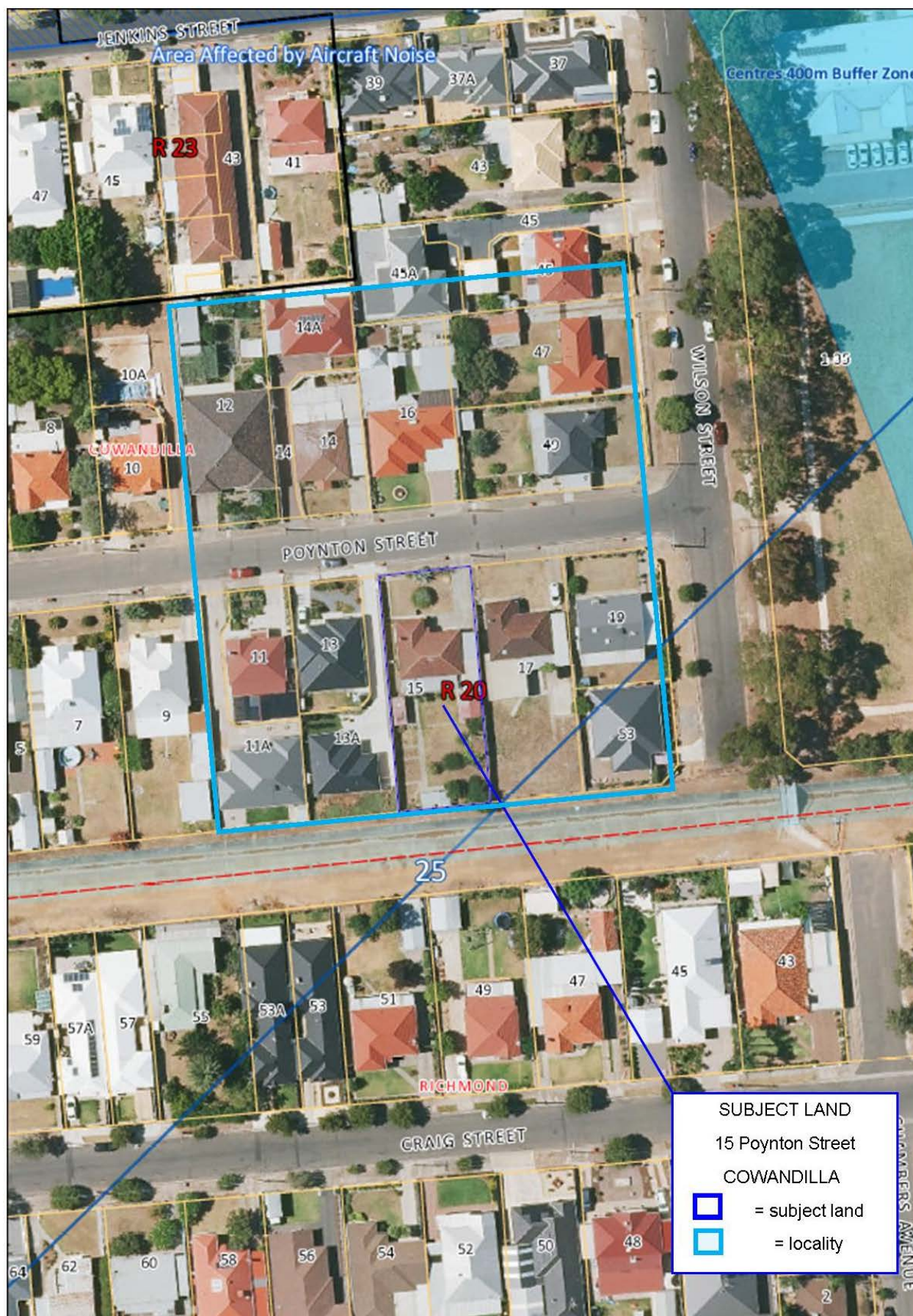
By virtue of the visibility of the subject land, the extent of the locality has been depicted on the map shown below.

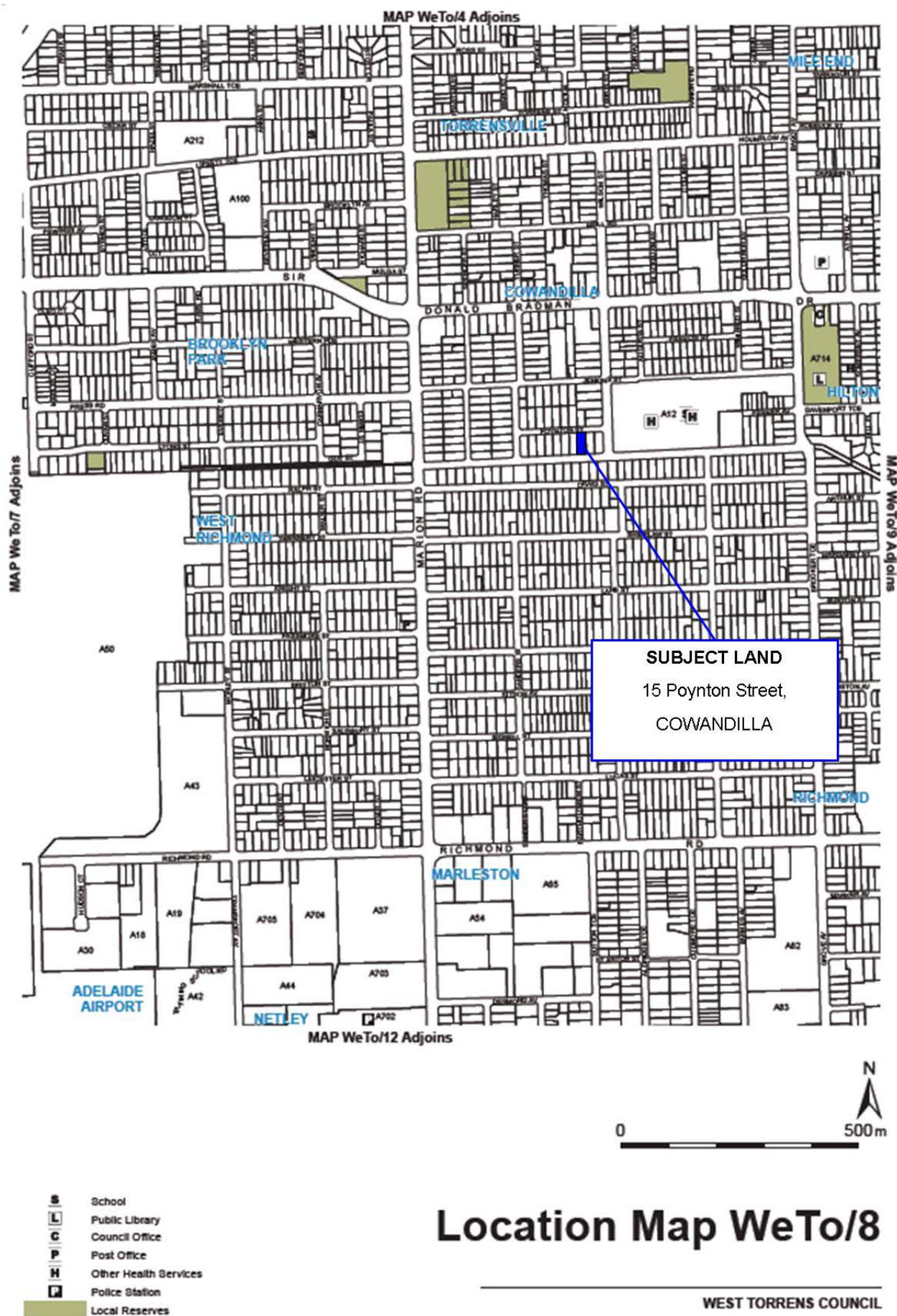
The locality contains very low and low density residential development. Several of the larger allotments have been subdivided, most in the form of a battle-axe. When this has occurred, the existing dwelling has been retained which in turn has helped preserve the streetscape as a whole. Dwellings generally exhibit generous front setbacks and separation from at least one side boundary.

All dwellings within the locality have been improved with ancillary forms of development such as, carports, verandahs and domestic outbuildings. All of these ancillary structures have been positioned behind the main face of the dwelling.

The subject site, and most of the locality, is positioned within the 25-30 Australian Noise Exposure Forecast (ANEF) zone meaning they are affected by aircraft noise. Whilst not a concern for the land division, the future built form will need to be designed in accordance with the relevant Australian Standard.

Overall it is considered that the prevailing character of the locality provides a high level of amenity for its residents.





PROPOSAL

It is considered that the proposal is best described as follows:

"The Torrens title division of one allotment into two"

The proposal seeks to divide the existing allotment into two along the length of the allotment. This will create two allotments with a frontage of 8.99m, depth of 45.54m and an overall area of 409m². Each allotment will have a frontage to Poynton Street.

REFERRALS

Internal

City Assets

No concerns relating to the land division were raised.

External

Pursuant to Section 33(1)(c) and Regulation 29(1) of the Development Act and Regulations, the application was referred to

Development Assessment Commission

No concerns were raised and only the standard conditions were imposed.

SA Water

No concerns were raised and only the standard conditions were imposed.

ASSESSMENT

The subject land is located within the Residential Zone and more specifically Policy Area 20 Low Density Residential as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
<i>Land Division</i>	<i>Objectives</i>	<i>1, 2, 3 & 4</i>
	<i>Principles of Development Control</i>	<i>1, 2, 4, 5, 6, 8, 9, 10 & 12</i>
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	<i>1, 2, 3, 4 & 5</i>
	<i>Principles of Development Control</i>	<i>1, 3, 5 & 7</i>
<i>Residential Development</i>	<i>Objectives</i>	<i>1 & 4</i>
	<i>Principles of Development Control</i>	<i>1 & 3</i>
<i>Transportation and Access</i>	<i>Objectives</i>	<i>2</i>
	<i>Principles of Development Control</i>	<i>1, 2, 8, 10, 11, 17, 23, 24 & 30</i>

Zone: Residential Zone	
<i>Desired Character Statement:</i>	
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	3 & 4
Principles of Development Control	1, 5 & 22

Policy Area: 20 - Residential Low Density	
<i>Desired Character Statement:</i>	
<p><i>Allotments in the policy area will be at low density, accommodating predominantly detached dwellings and some other dwellings types such as semi-detached and group dwellings. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p>	
Objectives	1
Principles of Development Control	1, 2, 3 & 5

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA <i>Low Density Policy Area 20</i> <i>PDC 3 or</i> <i>PDC 4 (within 400m of centre)</i>	Detached Dwelling 340m ² (min.) Semi-detached Dwelling 340m ² (min.) Group Dwelling 340m ² (min.)	409m ² (Lot 1) 409m ² (Lot 2) Satisfies
SITE FRONTAGE <i>Low Density Policy Area 20</i> <i>PDC 3 or</i> <i>PDC 4 (within 400m of centre)</i>	Detached Dwelling 10m Semi-detached Dwelling 10m Group Dwelling 10m	8.99m (Lot 1) 8.99m (Lot 2) Does Not Satisfy by 10%

QUALITATIVE ASSESSMENT

Despite being 10% deficient in frontage, it is considered that the proposal satisfies the relevant qualitative provisions on the Development Plan in that it:

- It is creating two residential allotments and adds to the diversity in allotment choice in the area;
- Each allotment has a frontage to a public road which is consistent with the Desired Character; and
- The allotments exceed the minimum required allotment size for any type of dwelling.

SUMMARY

Land division is a reasonable and expected development with the Residential Zone. Despite being deficient in frontage width, this proposal will result in an outcome that is more consistent with the Desired Character in comparison to the numerous battle-axe allotments found in the locality. It is not considered that, if the application is approved, it will have a detrimental impact on the existing or Desired Character of the locality.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 05 May 2016 and warrants Development Plan Consent and Land Division Consent.

RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Land Division Consent for Application No. 211/584/2016 by Kim Sang Soo Cini to undertake a Torrens Titled land division of one allotment in to two at 15 Poynton Street, Cowandilla (CT 5264/403) subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That prior to the issue of clearance to the division approved herein, the existing structures on the site shall be removed from proposed Allotment(s).

Reason: To ensure the proposed allotments are suitable for their intended use.

Land Division Consent Conditions

3. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The alteration of internal drains to the satisfaction of SA Water is required.

An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

4. Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

[illegible]

6.10 56-60 Boss Street, MARLESTON

Application No. 211/501/2016

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Combined application: Community Title division of land creating thirteen (13) community allotments from three (3) Torrens Title allotments and construction of one (1), two storey building containing five (5) row dwellings and one (1), two storey building containing seven (7) row dwellings
APPLICANT	Precinct One Property Group
LODGEMENT DATE	17 March 2016
ZONE	Residential Zone
POLICY AREA	Policy Area 19
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none">City Assets External <ul style="list-style-type: none">Development Assessment CommissionSA WaterDepartment of Education and Child Development;Department of Planning, Transport and Infrastructure - Mark Maintenance SectionDepartment of Planning, Transport and Infrastructure - Public Transport Division
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	12 July 2016
RECOMMENDATION	CONSENT

BACKGROUND

The proposed development was initially lodged as a single development application for the construction of two (2), two storey buildings containing a total of twelve (12) dwellings. The Applicant was subsequently requested to lodge a land division application. The land use application and the land division application were then combined into one application.

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason:

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan,

In the event approvals are granted to the proposed development, the consent shall be staged so the matter of the division of land can be processed without being hindered by the Building Rules Consent for the land use.

PREVIOUS or RELATED APPLICATIONS

DA 211/1222/2016 - Community Title Division of Land to create seven (7) additional allotments. Application placed on hold.

DA 211/121/2016 - Construction of one two storey building comprising seven (7) dwellings and one two storey building comprising five (5) dwellings - Application placed on hold and merged with subject application.

DA 211/379/2016 - Community Title Division of Land to create seven (7) additional allotments. Application placed on hold and merged with subject application.

SITE AND LOCALITY

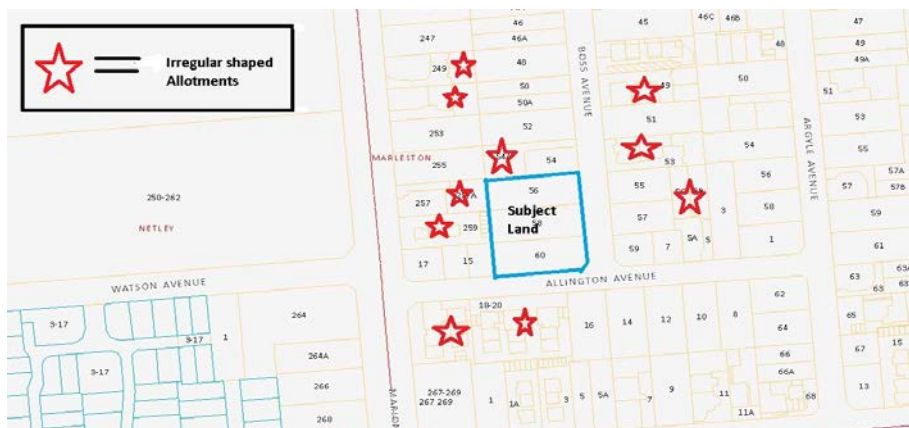
The subject land comprises three allotments. The allotments are formally described as:

- Allotment 238 Deposited Plan 4076 in the area named Marleston Hundred of Adelaide as contained in Certificate of Title Volume 5364 Folio 203 (more commonly known as 56 Boss Street, Marleston);
- Allotment 237 Deposited Plan 4076 in the area named Marleston Hundred of Adelaide as contained in Certificate of Title Volume 5713 Folio 747 (more commonly known as 58 Boss Street, Marleston); and
- Allotment 236 Deposited Plan 4076 in the area named Marleston Hundred of Adelaide as contained in Certificate of Title Volume 5713 Folio 748 (more commonly known as 60 Boss Street, Marleston).

The subject land has frontages to both Boss Avenue and Allington Avenue. The Boss Avenue frontage is approximately 52 metres and the Allington Avenue frontage is approximately 46 metres. There is a 3.5 metre by 3.5 metre corner cut-off in the south-east corner of the subject land. The site has a square-like shape and has a total site area of 2,717m². The land is generally flat.

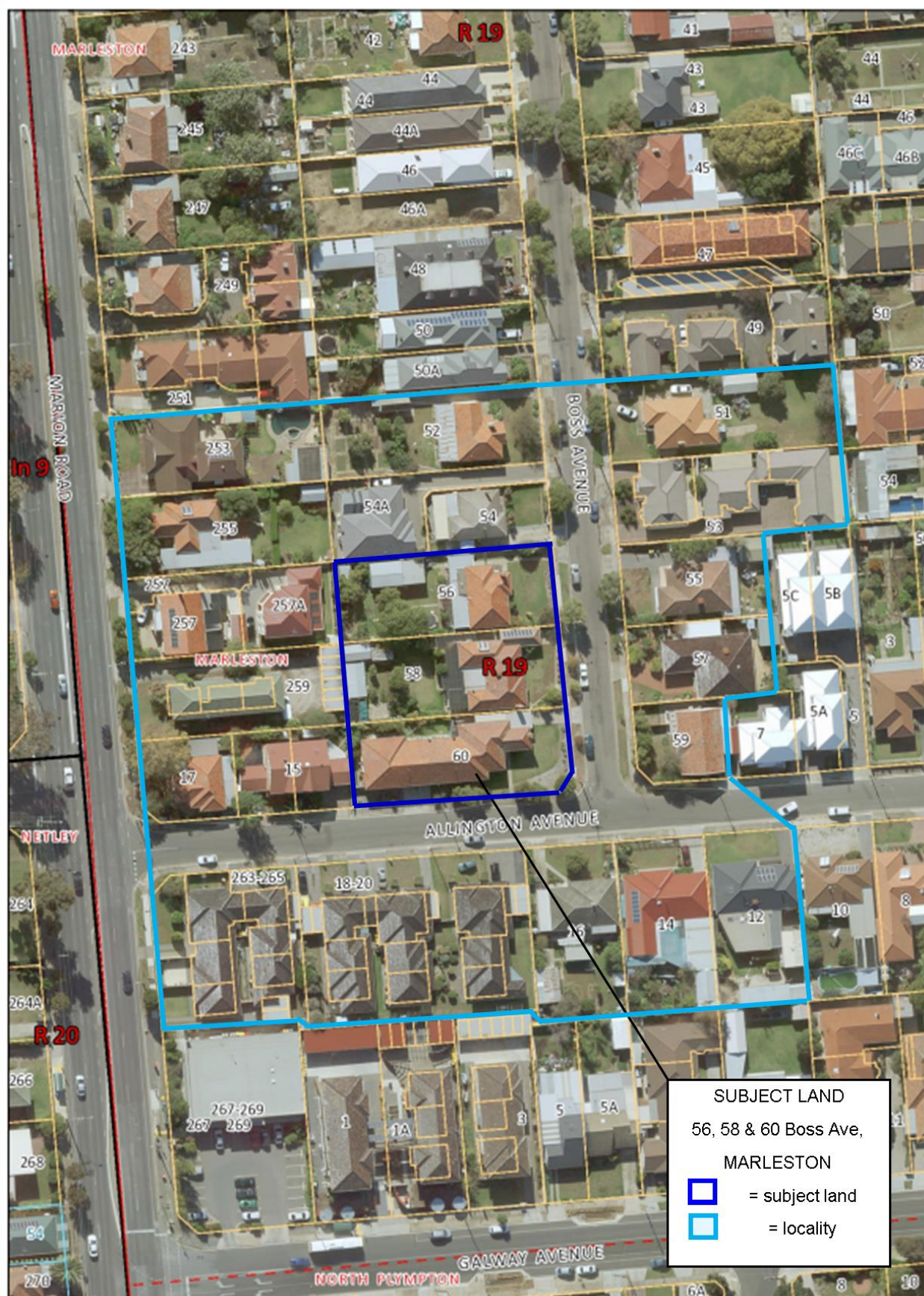
The subject land is currently occupied by three single storey detached brick dwellings constructed in the 1950s. The dwellings are accompanied by ancillary outbuildings and structures and situated upon grassed properties consisting of a range of tree types and sizes informally scattered across the allotments. The land is approximately 50 metres to the east of Marion Road.

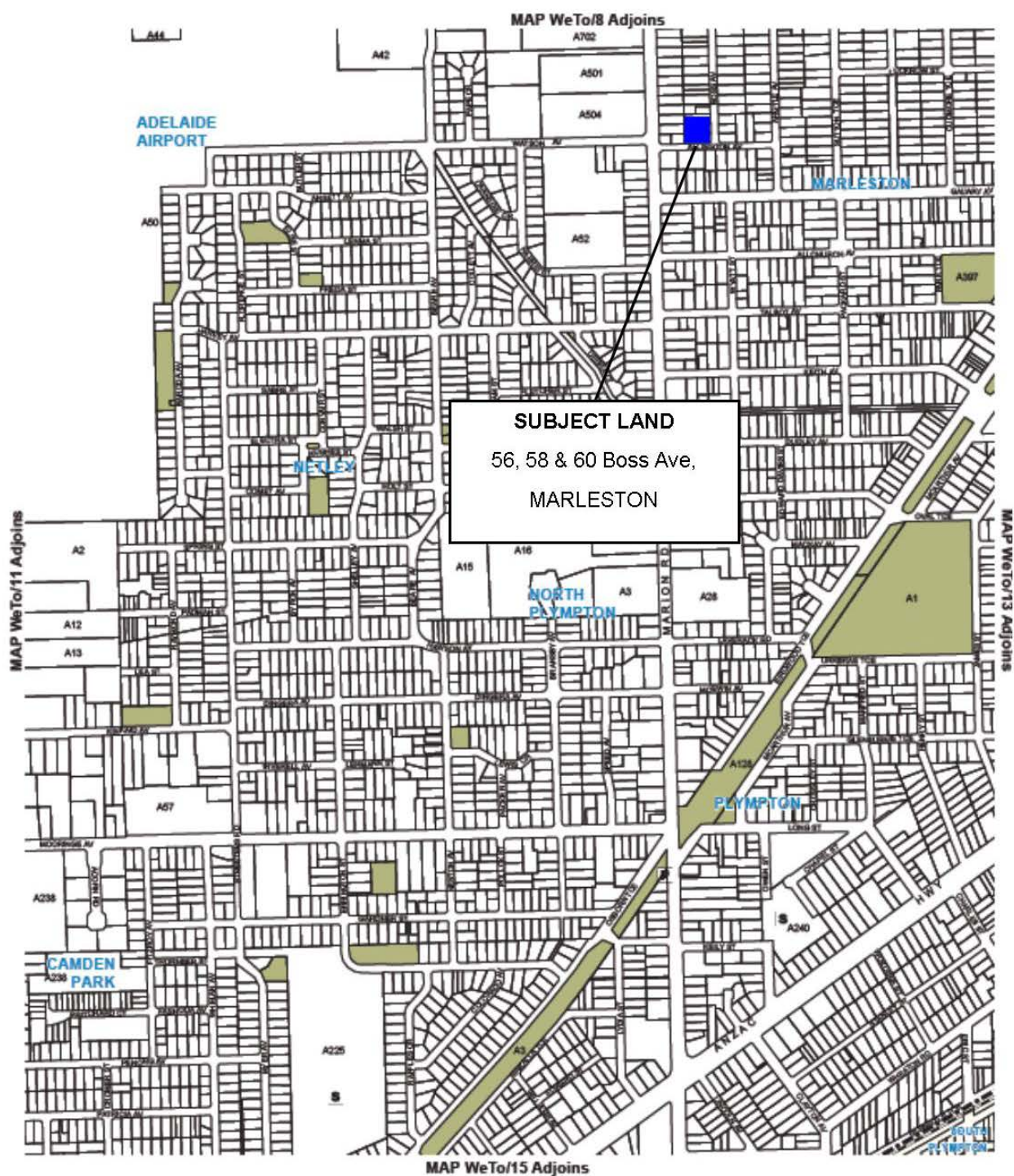
The locality can best be described as an area in transition. Many sites previously developed with single storey detached dwellings have been redeveloped with two storey residential flat buildings and group dwellings. There is also a notable presence of two storey residential flat buildings constructed in the mid to late 20th century. As a result the locality has a diverse allotment pattern and a diverse range of low and medium density dwelling types, as exhibited in the diagram below:



To the north of the subject land, and at the opposite end of Boss Street, are commercial and industrial developments.

The subject land and the immediately locality are shown on the following aerial and location maps.





- School
- Post Office
- Railways
- Local Reserves
- Development Plan Boundary

Location Map WeTo/12

PROPOSAL

The proposed development involves a combined application for a Community Title division of land creating thirteen (13) community allotments from three (3) Torrens Title allotments and construction of one (1), two storey building containing five (5) row dwellings and one (1), two storey building containing seven (7) row dwellings

The proposed community allotments have frontages to a public street, seven allotments having frontage to Boss Avenue and six allotments having frontage to Allington Avenue. The common property will be an area of one (1) square metre located in the south west corner of Lot 1. Most of the allotments will be between 147 square metres and 153 square metres in area with the surplus land, some 888 square metres, being contained in proposed Lot 13. The frontages also range from 5.36 metres to 8.55 metres.

All of the allotments, except Lot 13 which is to be developed at a later date, will be developed with row dwellings. The dwellings will be contained within two separate, two storey buildings; one which faces Boss Street and comprising five dwellings, the other facing Allington Avenue and comprising seven dwellings.

The dwellings each contain three bedrooms (the master bedrooms having ensuites), family, meals and kitchen areas, laundry, bathroom, under stair store rooms, ground floor water closets and upper floor activities area. Garages will also be constructed under the main roof of the dwellings. Alfrescos will be constructed over the rear private open space of each dwelling, except for Dwelling 5 which will have a verandah to the side of the dwelling and also over part of the dwelling's private open space. Dwellings 7-11 will have internal courtyards and all dwellings will have landscaped front yards

PUBLIC NOTIFICATION

The proposal comprises three (3) or more row dwellings that are no more than two (2) storeys high and the division of land that will create more than four additional allotments.

The division of land has been deemed by Council Administration to be consistent with the objective of the Residential Zone and Council's Traffic Consultant, with the endorsement of the Manager of Council's City Assets Department, has determined that the division of land will not change the nature or function of an existing road.

The application was processed as a Category 1 form of development pursuant to Section 38 and Schedule 9 (2)(a)(iv) & Schedule 9 (5) of the *Development Act 1993* and *Development Regulations 2008* and the Procedural Matters section of the Residential Zone (as consolidated 5 November 2015).

REFERRALS

Internal

City Assets

The following is a summary of feedback provided by Council's City Assets Department (including comments provided by Council's Traffic Consultant):

Traffic

- City Assets required the proposed crossovers for Dwellings 6 to 12 be "fixed" so that there would be an opportunity to provide one on-street parking space between driveways of Dwelling 6 and 7, 8 and 9, 10 and 11;

- As a minimum, the width of the common driveway should be 5.5m (subject to the design of the garage and visitor parking space width) and there would be an additional clearance distance of 0.3m required for the driveway width to the boundary fencing, ie 5.8m. Generally a 6m width is adopted. At the driveway entrance to Allington Avenue, the common driveway width should be 6.1m, ie 5.5m driveway plus 0.3m clearances on both sides;
- Lot 1 should include a corner cut-off (2m by 2.5m triangle) to allow the pedestrian sight line requirement to be met in accordance with AS/NZS 2890.1-2004;
- The proposed development would increase traffic movements in Boss Avenue and Allington Avenue, compared to the current situation where there are only three dwellings on the subject land. However, both Boss Avenue and Allington Avenue are local residential streets and provide local access functions. The proposed development would not alter the function or classification of both streets. Therefore it can be confirmed that the proposed division of land would not alter the nature and function of both streets;

Finished Floor Level (FFL)

- Portions of the development are located within the 'up to 100mm' area of flood effect from Keswick and Brown Hill Creek flood plain mapping as nominated in Council's Development Plan. Investigation indicates that the physical flood depth within the portions of the allotment proposed to be developed is approximately 50mm. Making allowance for the necessary freeboard (200mm) over and above the flood level, the minimum finished floor level (FFL) for the proposed development, to protect from flood inundation, would need to be in the vicinity of 250mm above the existing natural site levels within the footprint of the development. This is typically achieved through establishing the FFL of new developments a minimum of 350mm above the highest adjacent street water table.

Stormwater Detention (Large Residential)

- As the size of allotment(s) being affected by the proposed development totals between 1,000 and 4,000 square metres, stormwater detention measures will be required to be undertaken to restrict the total discharge from the total development site to a maximum of 20 litres per second for the site critical 20 year ARI storm event. It is recommended that an indication of how the storage is to be provided and calculations supporting the nominated volume be submitted to Council.

The Applicant has addressed City Assets' concern about on-street parking provision and provided a six (6) metre wide space for a future common driveway to proposed development Lot 13. All other advice can be attached as a condition of consent.

External

The application was referred to the following agencies by the Development Assessment Commission (DAC):

- SA Water
- Department of Education and Child Development;
- Department of Planning, Transport and Infrastructure - Mark Maintenance Section
- Department of Planning, Transport and Infrastructure - Public Transport Division

No objections were raised to the proposed development subject to conditions being included on any consent to be issued.

ASSESSMENT

The subject land is located within the Residential Zone, and more particularly Policy Area 19 as described in the West Torrens Council Development Plan (Consolidated 5 November 2015). The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 6, 7, 8 & 10
Design and Appearance	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15 & 20
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2, & 3
Hazards	Objectives	1, 2 & 4,
	Principles of Development Control	1, 2, 4, 5, 6 & 7
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 4, 5, 6, 7, 8 & 12,
Landscaping, Fences and Walls	Objectives	1
	Principles of Development Control	1, 2, 3, 4 & 6
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 5 & 7
Residential Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 27, 28, 29 & 31
Transportation and Access	Objectives	2
	Principles of Development Control	23, 24, 30, 34, 35, 36, 37, 40 & 44

Zone: Residential

Desired Character Statement:

"This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.

Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.

Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.

Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer."

Objectives	3 & 4
Principles of Development Control	1, 5, 7, 11, 18 & 22

Policy Area: 19 – Medium Density	
<p><i>Desired Character Statement:</i></p> <p><i>Allotments in this policy area will be at medium density, accommodating a range of dwelling types including semi-detached, row and group dwellings, as well as some residential flat buildings and some detached dwellings on small allotments. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones.</i></p> <p><i>New buildings will contribute to a highly varied streetscape. Buildings will be up to 2 storeys, except for allotments fronting Brooker Terrace, Marion Road and Henley Beach Road, and overlooking the Westside Bikeway, where buildings will be up to 3 storeys in height and provide a strong presence to streets. Garages and carports will be located behind the front facade of buildings.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	1
Principles of Development Control	1, 2, 3, 5

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the relevant quantitative provisions of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	Quantitative guideline	ASSESSMENT
SITE AREA Policy Area 19: PDC 5 & PDC 7 (Lot 13 only)	150 square metres	Dwelling/Lot 1 - 150m ² Satisfied
		Dwelling/Lot 2 - 151m ² Satisfied
		Dwelling/Lot 3 - 151m ² Satisfied
		Dwelling/Lot 4 - 151m ² Satisfied
		Dwelling/Lot 5 - 147m ² Not Satisfied by 2%
		Dwelling/Lot 6 - 152m ² Satisfied
		Dwelling/Lot 7 - 150m ² Satisfied

		Dwelling/Lot 8 - 150m ² Satisfied
		Dwelling/Lot 9 - 150m ² Satisfied
		Dwelling/Lot 10 - 150m ² Satisfied
		Dwelling/Lot 11 - 150m ² Satisfied
		Dwelling/Lot 12 - 153m ² Satisfied
		Lot 13 - 888m ² Satisfied
SITE FRONTAGE Policy Area 19: PDC 5 & PDC 7 (Lot 13 only)	5 metres	Dwelling/Lot 1 - 7.61m Satisfied
		Dwelling/Lot 2 - 8.55m Satisfied
		Dwelling/Lot 3 - 8.54m Satisfied
		Dwelling/Lot 4 - 8.55m Satisfied
		Dwelling/Lot 5 - 7.62m Satisfied
		Dwelling/Lot 6 - 5.45m Satisfied
		Dwelling/Lot 7 - 5.36m Satisfied
		Dwelling/Lot 8 - 5.36m Satisfied
		Dwelling/Lot 9 - 5.36m Satisfied
		Dwelling/Lot 10 - 5.36m Satisfied
		Dwelling/Lot 11 - 5.36m Satisfied
		Dwelling/Lot 12 - 5.47m Satisfied

SITE COVERAGE Policy Area 19: PDC 3	60%	Dwelling/Lot 1 - 51% Satisfied
		Dwelling/Lot 2 - 51% Satisfied
		Dwelling/Lot 3 - 51% Satisfied
		Dwelling/Lot 4 - 51% Satisfied
		Dwelling/Lot 5 - 63% Not Satisfied by 3%
		Dwelling/Lot 6 - 55% Satisfied
		Dwelling/Lot 7 - 59% Satisfied
		Dwelling/Lot 8 - 59% Satisfied
		Dwelling/Lot 9 - 59% Satisfied
		Dwelling/Lot 10 - 59% Satisfied
		Dwelling/Lot 11 - 59% Satisfied
		Dwelling/Lot 12 - 59% Satisfied

STREET SETBACK Policy Area 19: PDC 3	Primary setback 3 metres	Dwelling/Lot 1 - Porch 2.5 metres Front wall 3 metres Not Satisfied
	Secondary setback: 2 metres (Applicable to Dwelling/Lot 5 only)	Dwelling/Lot 2 - Porch 2.5 metres Front wall 3 metres Not Satisfied
		Dwelling/Lot 3 - Porch 2.5 metres Front wall 3 metres Not Satisfied
		Dwelling/Lot 4 - Porch 2.5 metres Front wall 3 metres Not Satisfied
		Dwelling/Lot 5 - Porch 2.5 metres Front wall 3 metres Not Satisfied Secondary setback 2 metres Satisfied
		Dwelling/Lot 6 - Porch 4.6 metres Satisfied
		Dwelling/Lot 7 - Porch 4.6 metres Satisfied
		Dwelling/Lot 8 - Porch 4.6 metres Satisfied
		Dwelling/Lot 9 - Porch 4.6 metres Satisfied
		Dwelling/Lot 10 - Porch 4.6 metres Satisfied
		Dwelling/Lot 11 - Porch 4.6 metres Satisfied
		Dwelling/Lot 12 - Porch 4.1 metres Satisfied

<p>SIDE SETBACKS Residential Zone: PDC 11 (Applicable to Dwelling/Lot 12 only)</p>	<p>Where vertical wall is 3 metres or less: 1 metre</p> <p>Where vertical wall is between 3 to 6 metres: 2 metre</p>	<p>Ground floor: 1 metre Satisfied</p> <p>Upper floor: Closest point 1.5 metres Not Satisfied</p>
<p>MAXIMUM BUILDING HEIGHTS Policy Area 19: PDC 3</p>	<p>Two storeys or 8.5 metres</p>	<p>All dwellings are two storeys and no more than 8.5 metres above natural ground level</p> <p>Satisfied</p>
<p>PRIVATE OPEN SPACE Residential Zone PDC 19</p>	<p>24 square metres, with a minimum dimension of 3 metres</p>	<p>Dwelling/Lot 1 - 38m² Satisfied</p>
		<p>Dwelling/Lot 2 - 38m² Satisfied</p>
		<p>Dwelling/Lot 3 - 38m² Satisfied</p>
		<p>Dwelling/Lot 4 - 38m² Satisfied</p>
		<p>Dwelling/Lot 5 - 26m² Satisfied</p>
		<p>Dwelling/Lot 6 - 25m² Satisfied</p>
		<p>Dwelling/Lot 7 - 25m² Satisfied</p>
		<p>Dwelling/Lot 8 - 25m² Satisfied</p>
		<p>Dwelling/Lot 9 - 25m² Satisfied</p>
		<p>Dwelling/Lot 10 - 25m² Satisfied</p>
		<p>Dwelling/Lot 11 - 25m² Satisfied</p>
		<p>Dwelling/Lot 12 - 25m² Satisfied</p>

CARPARKING SPACES Transportation and Access PDC 34	2 car-parking spaces required	Dwelling/Lot 1 - 2 spaces Satisfied
		Dwelling/Lot 2 - 2 spaces Satisfied
		Dwelling/Lot 3 - 2 spaces Satisfied
		Dwelling/Lot 4 - 2 spaces Satisfied
		Dwelling/Lot 5 - 2 spaces Satisfied
		Dwelling/Lot 6 - 2 spaces Satisfied
		Dwelling/Lot 7 - 2 spaces Satisfied
		Dwelling/Lot 8 - 2 spaces Satisfied
		Dwelling/Lot 9 - 2 spaces Satisfied
		Dwelling/Lot 10 - 2 spaces Satisfied
		Dwelling/Lot 11 - 2 spaces Satisfied
		Dwelling/Lot 12 - 2 spaces Satisfied

QUALITATIVE ASSESSMENT

The proposed development has been assessed against the relevant qualitative provisions of the Development Plan, as discussed under the following sub headings:

Desired Character (Allotment Pattern and Dwelling Types)

The character statement for the subject land envisages a denser allotment pattern close to centre zones. The subject land is within 400 metres of a centre zone where it is desirable for more residents to live and take advantage of the variety of facilities within centre zones.

The statement also provides favourable reference to *"medium density, accommodating a range of dwelling types including semi-detached, row and group dwellings, as well as some residential flat buildings and some detached dwellings on small allotments"*. The statement is supported by Principle 1 of the Policy Area which includes row dwellings, group dwellings and residential flat buildings as being forms of development specifically envisaged.

The proposed development primarily consists of rectangle shaped allotments, which will be developed with row dwellings, and a large allotment of a battle-axe like form which will be developed with residential flat or group dwellings. The allotments and dwelling types will be congruent with existing developments within the locality.

The allotment configurations and the dwelling types complement the anticipated development character for the locality.

Built Form and siting

The proposed dwellings are orientated to address Boss Avenue and Allington Avenue and front doors and windows, although partially obscured by landscaped front gardens, will be visible from the public streets. The occupants of the dwellings will have passive surveillance over the public streets from either living rooms or bedrooms.

In terms of proximity to existing dwellings only "Dwelling 12" will have walls either on or near a boundary of an adjoining allotment (54 Boss Avenue). The garage wall on the boundary is consistent with the relevant policies of the Development Plan in terms of height, length and setback to a front property boundary and only a short section of the upper storey wall will be setback less than two (2) metres from the shared property boundary. The siting of the proposed dwellings will have minimal impacts on the visual amenity or privacy of surrounding properties.

The dwellings comprise front porches which provide variety and interest to the street appearance of the dwellings; they play an important role in the articulation of each dwelling. As noted earlier in the quantitative assessment, some porches are less than three (3) metres from the front property boundary. This is not considered fatal to the Allington Avenue streetscape as the presentation of the dwellings will be accompanied by landscaped front yards that will complement the existing development features within the street.

Functionality

Internal amenity

The dwellings will have internal habitable spaces of more than 100 square metres and all ground floor habitable rooms will be provided with direct views to external spaces. Some of the habitable rooms on the upper floors will have windows treated for privacy purposes but in any event all the rooms will be supplied with either an direct or indirect supply of light via windows, skylights or windows to internal courtyards. The internal amenity of the proposed dwellings is consistent with the policies of the Development Plan

Private Open Space

The private open spaces (POS) to each dwelling all exceed 24 square metres in area and have dimensions of no less than three (3) metres. The spaces associated with the row dwellings that face Boss Avenue are smaller than those of the dwellings facing Allington Avenue, with an exception to Dwelling 5, and will have much of their open space under alfrescoes/verandahs. The expansiveness of these structures suggests the intent is to create a courtyard function but the lack of larger spaces may hinder that purpose, particularly if small outbuildings are introduced at a later date. The POS for the remaining row dwellings that face Allington Avenue offer larger spaces and therefore greater versatility.

Overshadowing

Dwelling 6 will cast extensive shadow over the POS of Dwelling 4 during the winter period while the POS of Dwelling 5 will receive little direct sunlight after midday. The level of shadow that will be cast over Dwelling 4 is not consistent with the relevant provisions of the Development Plan regarding overshadowing and direct sunlight supply to dwellings and associated spaces.

The proposed development will not however create shadow that will hinder the supply of direct sunlight that is available to existing dwellings on adjoining properties. In this respect the inconsistency with the relevant policies will be isolated to only the development itself and only to one dwelling. The proposal will have no unreasonable impact on existing dwellings within the locality.

Site Facilities and Storage

The proposal includes information regarding to water tanks, clothes lines and waste receptacles but not external storage or letterbox locations. The development can easily accommodate the addition of letter boxes and a small outbuilding for additional storage of goods and chattels but as noted earlier the function of some of the smaller private spaces may be disrupted by the addition of a small outbuilding.

Privacy

The applicant has shown that all upper level windows that overlook habitable room windows or private open space of other dwellings will include measures such as sill heights of not less than 1.7 metres or fixed obscure glass to a height of 1.7 metres above finished floor level. The proposal does not include balconies therefore the upper floor windows satisfy privacy related provisions of the Development Plan.

Car parking and movement

On-site

The two on-site car parking spaces will be provided for each dwelling and the driveway crossovers are adequately separated to provide on-street visitor parking at a ratio of one car parking space for every two allotments.

The current provision of on-street car parking equates to approximately three (3) spaces for each of the existing three allotments. The locality is within a medium density policy area. At the moment the locality has a mix of low and medium density development and demand for on-street parking is relatively low in comparison to what is anticipated in the future.

The loss of on-street spaces is offset by the subject land being within close proximity to two different bus routes (Marion Road and Galway Avenue) and a short distance from the Westside Bikeway. The on-street visitor car parking available once the development is complete is consistent with the relevant Development Plan guidelines.

SUMMARY

The proposed development reflects the increased density opportunities now available within some localities, particularly when multiple allotments are being developed in one process. The density, dwelling types and scale of development are anticipated within this locality and while some shortcomings have been recognised, the deficiencies of those shortcomings are not considered fatal to the overall performance of the proposed development.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2015 and warrants Development Plan Consent.

RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/501/2016 by Precinct One Property Group to undertake a staged Community Title division of land creating thirteen (13) community allotments from three (3) Torrens Title allotments (stage 1) and construction of one (1), two storey row dwelling containing five (5) dwellings and one (1), two storey row dwelling containing seven (7) dwellings (stage 2) at 56, 58 and 60 Boss Avenue, Marleston (CT's 5364/203, 5713/747 and 5713/748) subject to the following conditions of consent

Council Conditions

Stage 1

1. Development is to take place in accordance with the plans prepared by PyperLeaker Surveying Services relating to Development Application No. 211/501/2016 ((DAC 211/C039/16).
2. That prior to the issue of clearance to this division approved herein, all existing dwellings and ancillary outbuildings and structures shall be removed from the land. The removal of the buildings shall be the subject of a separate development authorisation.
3. A Scheme Description shall be provided to, and endorsed by, Council Administration prior to the sale of the allotments approved herein.

Development Assessment Commission Conditions

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0044544).
2. Payment of \$64,880 into the Planning and Development Fund (10 allotment(s) @ \$6,488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), or by cheque payable to the Development Assessment Commission marked "NOT NEGOTIABLE" and sent to GPO Box 1815, Adelaide, 5001
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
4. The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

Stage 2

Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That the finished floor levels shall be a minimum of 350mm above the highest point of the watertable adjacent to the subject site.

3. Stormwater detention measures will be required to be undertaken to restrict the total discharge from the total development site to a maximum of 20 litres per second for the site critical 20 year ARI storm event. Calculations and site works and drainage plans outlining stormwater detention requirements, runoff from any existing structures and buildings to be maintained shall be submitted to, and endorsed by Council's City Assets Department prior to Development Approval being issued.
4. That all driveways, parking and manoeuvring areas shall be formed (surfaced with concrete, bitumen or paving) and properly drained, and shall be maintained in a reasonable condition at all times.
5. That any retaining walls shall be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
6. That all landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.
7. That the upper level windows, except those on a street facing elevation of the buildings approved herein, shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained in reasonable condition at all times.
8. With the exception of a letterbox, no structures of more than one (1) metre in height shall be erected between the front of the dwelling on Lot 1 and the Allington Avenue property boundary.

PROPOSED COMMUNITY DIVISION

Council: CITY OF WEST TORRENS
DEV. No.:
TITLE SYSTEM: REAL PROPERTY ACT
TITLE REFERENCE: CT 5713/747 (237)
CT 5364/203 (238)
CT 5713/748 (236)
TOTAL AREA: 2696m²
MAP REFERENCE: 6628/41/P
HUNDRED: ADELAIDE
AREA: MARLESTON

**ALLOTMENTS 236,237 & 238
IN D4076**

STATEMENTS CONCERNING EASEMENTS ANNOTATIONS
AND AMENDMENTS

NOTE: THIS PLAN WAS PREPARED AS A PROPOSED SUBDIVISION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS SHOWN ON THIS PLAN ARE BASED ON THE DIMENSIONS OF THE EASEMENTS OF RECORD AND OTHER RELEVANT AUTHORITY. NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY PART OF THE EASEMENTS INVOLVING THIS LAND. THIS NOTE IS AN INTEGRAL PART OF THE PLAN.

SCALE 1:300 (A3) REVISION: 1
DATA SUBJECT TO SURVEY
4/05/2016 REF: PL 74/09

The plan shows a large area divided into several sections. A central section is labeled 'DEV. LOT 13' with an area of 888m². To its right are sections 1 through 6, each with an area of 150m² or 151m². To the left of the central section are sections 7 through 12, each with an area of 150m² or 153m². The plan is bounded by 'BOSS AVENUE' to the north, 'ALLINGTON' to the east, and 'S 3030' to the south. The plan also shows 'C 24971' and 'S 12598' to the west. The plan includes bearings and distances for all boundaries, and a north arrow is located in the top left corner.

Section	Area (m ²)
1	150m ²
2	151m ²
3	151m ²
4	151m ²
5	147m ²
6	152m ²
7	150m ²
8	150m ²
9	150m ²
10	150m ²
11	150m ²
12	153m ²
DEV. LOT 13	888m ²

DWELLING 1									
MAIN LIVING		93.56							
UPPER FLOOR		68.00							
DOWN FLOOR		12.00							
AL FRESCO		1.50							
PORCHES		1.50							
TOTAL		153.00							
DWELLING 2									
MAIN LIVING		32.50							
UPPER FLOOR		20.00							
DOWN FLOOR		20.00							
AL FRESCO		12.50							
PORCHES		7.00							
TOTAL		155.50							
DWELLING 3									
MAIN LIVING		32.50							
UPPER FLOOR		64.00							
DOWN FLOOR		20.00							
AL FRESCO		12.00							
PORCHES		1.50							
TOTAL		157.50							
DWELLING 4									
MAIN LIVING		32.50							
UPPER FLOOR		64.00							
DOWN FLOOR		20.00							
GARAGE		30.00							
AL FRESCO		1.50							
PORCHES		1.50							
TOTAL		151.00							
DWELLING 5									
MAIN LIVING		48.50							
UPPER FLOOR		73.00							
DOWN FLOOR		30.00							
GARAGE		30.00							
AL FRESCO		1.50							
PORCHES		1.50							
TOTAL		170.00							
DWELLING 6									
MAIN LIVING		81.00							
UPPER FLOOR		60.00							
DOWN FLOOR		20.00							
GARAGE		20.00							
AL FRESCO		0.00							
PORCHES		3.00							
TOTAL		159.00							
DWELLING 7-11									
MAIN LIVING		60.00							
UPPER FLOOR		81.00							
DOWN FLOOR		20.00							
GARAGE		0.00							
AL FRESCO		0.00							
PORCHES		0.00							
TOTAL		161.00							
DWELLING 12									
MAIN LIVING		50.00							
UPPER FLOOR		63.00							
DOWN FLOOR		22.00							
GARAGE		22.00							
AL FRESCO		0.00							
PORCHES		3.00							
TOTAL		144.00							

ASSIGNING SCHEDULE

ENVELOPE ROOM RECORD	production height 84"
DOREEN MASTER	production height 1.80"
LAVENDER	production height 84"
MANICUREAN PEAR	production height 3.40"

REFER TO ENGINEER'S SITE WORKS AND DRAINAGE PLAN FOR ALL SITE WORKS AND DRAINAGE

GRANDPOT RAINWATER SYSTEM
TANK AS DESIGNED BY ENGINEER
TO BE PLUMBED TO INC.

R/W T

PRECINCT ONE
PROPERTY GROUP

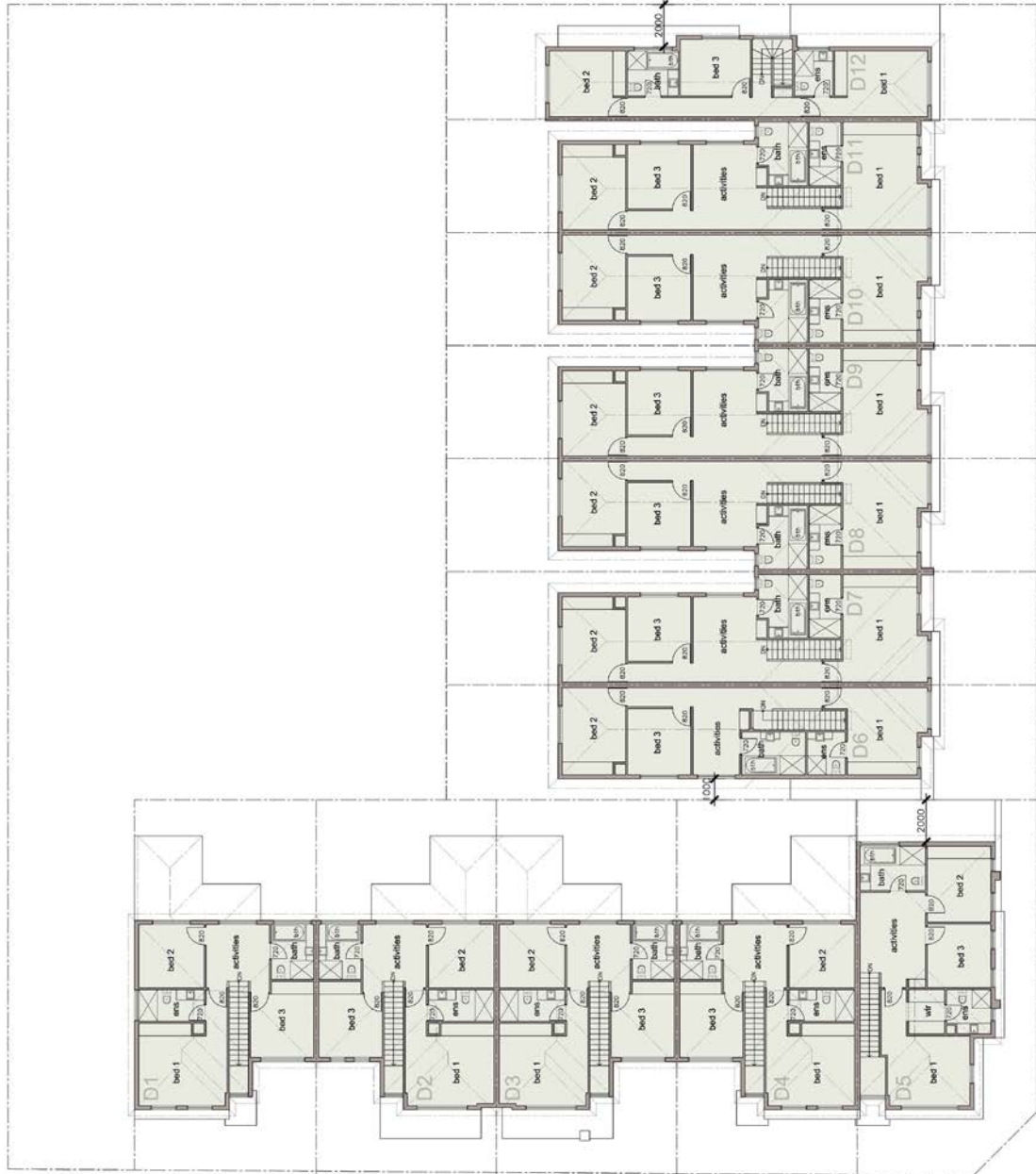
PRECINCT ONE
PROPERTY GROUP

proposed 12 dwellings at: No. 56-60 Boss avenue Marlestone

site gr
scale 1:100

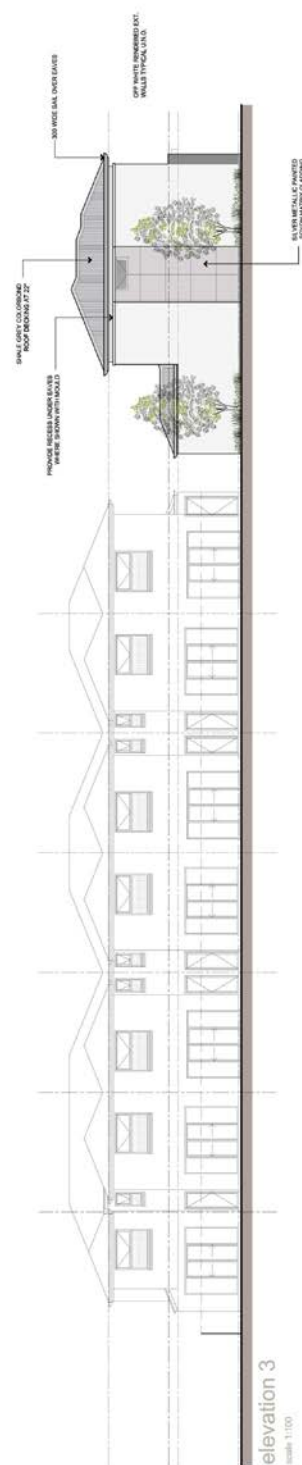
sheet 02 of 04
planning application - 02-02-2015

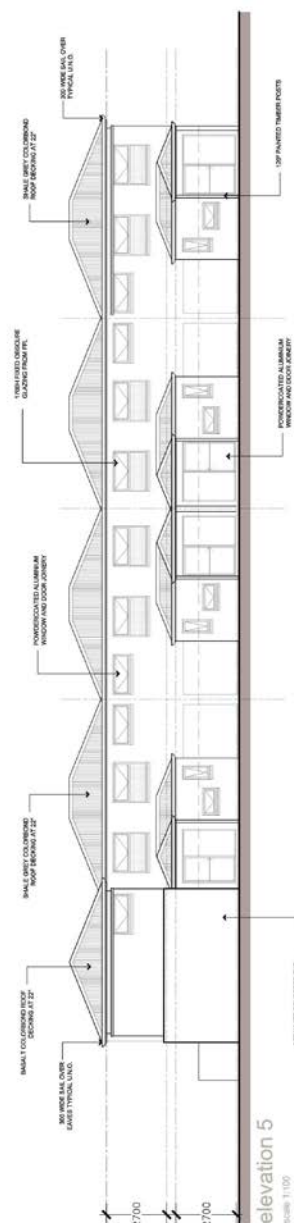
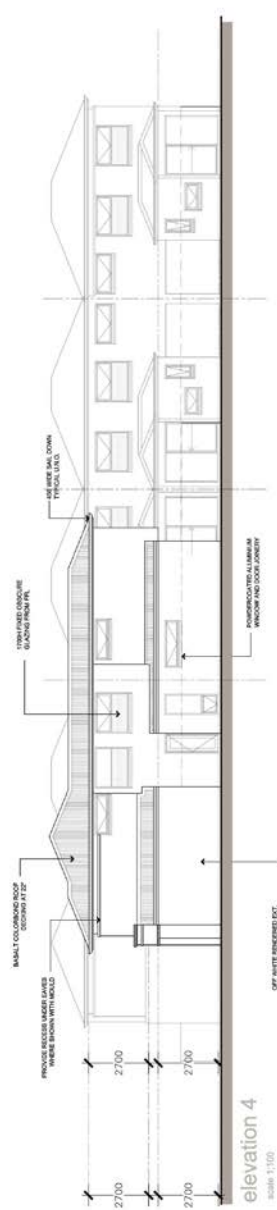
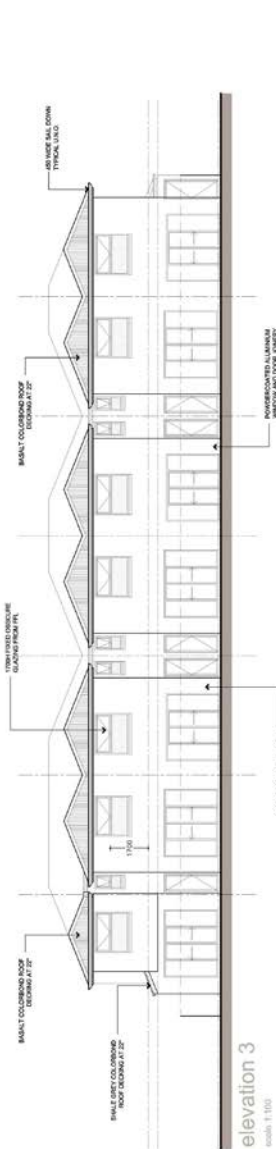
proposed 12 dwellings at: No. 56-60 Boss avenue Marleston



upper floor plan
scale 1:100

PRECINCT ONE
PROPERTY GROUP





ATTACHMENT 2

Contact
Telephone
Facsimile

Planning Services
7109 7016
8303 0604



2nd June 2016

Mr Terry Buss
City Manager
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Sir

**Re: Proposed Development Application No. 211/C039/16 (ID 53744) Amended Plan 20/5/16
for Land Division (Community Title Plan) by Precinct One**

Further to my letter dated 12th April 2016 and to assist the Council in reaching a decision on this application, copies of the reports received by the Commission from agencies that it has consulted have been uploaded for your consideration.

**IT IS REQUESTED PURSUANT TO SECTION 33 (1) (c) OF THE DEVELOPMENT ACT, 1993 THAT THE COUNCIL
INCLUDE IN ITS DEVELOPMENT APPROVAL THE FOLLOWING REQUIREMENTS OF THE COMMISSION.**

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0044544).
2. Payment of \$64880 into the Planning and Development Fund (10 allotment/s @ \$6488 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

SA Water also advise that for further processing of this application by SA Water, to establish the full requirements and costs of this development, the developer will need to advise SA water of their preferred servicing option. Information of our servicing options can be found at:

<http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/CustomersConnectionsCentre.htm>.

For further information or queries please contact SA Water Land Developments on 7424 1119.

IT IS ALSO REQUIRED THAT COUNCIL PROVIDE THE DEVELOPMENT ASSESSMENT COMMISSION WITH:

- a) the date on which any existing building(s) on the site were erected (if known);
- b) the postal address of the site; and
- c) a copy of its Decision Notification Form (via EDALA) pursuant to Regulations 60 (4) (b) ii and 44 respectively.

**IT IS RECOMMENDED THAT THIS INFORMATION BE INCORPORATED INTO COUNCIL'S ADVICE WHEN REPORTING
THAT THEIR REQUIREMENTS (IF ANY) HAVE BEEN FULLY SATISFIED.**

Yours faithfully,

A handwritten signature in black ink, appearing to read "P. Hodgson", with a long, sweeping flourish extending from the bottom.

Phil Hodgson
Unit Manager, Land Titles Office
as delegate of the
DEVELOPMENT ASSESSMENT COMMISSION
Q:\PLANNINGSERVICES\TEMPLATES\STATEMENTS\ELECTRONIC\TF2R-CT

6.11 Delegations to the Development Assessment Panel 2016

Brief

This report informs the Development Assessment Panel of the delegated powers provided to it by the Council.

RECOMMENDATION

It is recommended to the Development Assessment Panel that this report be received.

Introduction

Pursuant to Section 20(3) of the *Development Act 1993* (Act), Council has the ability to delegate powers provided under the Act and the *Development Regulations 2008*, to any person, position, committee or subsidiary. Sections 34(23) and 56A of the Act specifically require that the Council delegates certain powers to the City of West Torrens Development Assessment Panel (DAP).

Discussion

At its meeting on 7 June 2016, the Council resolved to delegate some of its powers, and associated conditions and limitations, to the Development Assessment Panel (DAP) to ensure that the development assessment business of the Council is conducted efficiently and effectively in accordance with the Act and associated legislation.

The Council has also delegated powers under the Act (and other Acts via the *Local Government Act 1999*) to the position of Chief Executive Officer (CEO). Details of these delegations can be found in the *Delegations Framework 2016* including the subdelegation of some of these powers by the CEO to appropriate positions within the Administration.

The *DAP Delegations Framework 2016* (the Framework) (**Attachment 1**) details the powers, conditions and limitations that the DAP can exercise as the relevant authority under Part 4 of the *Development Act 1993*.

The Framework is a complex document so, to assist Panel Members, the layout of it is explained below:

Column 1 (Provision)

The section number of the Act or Regulation to which the proposed delegation relates is displayed in the first column.

Columns 2 (Item Delegated)

The section title, instrument number and description of the section of the Act or Regulation to which the proposed delegation relates is detailed in the second column.

Column 3 (Delegate)

The details of the position/s, committee or subsidiary assigned with that delegation (in this case the DAP) is featured in the third column.

Column 4 (Conditions and Limitations)

The detail of whether there are any conditions or limitations related to the delegation of the section of the Act or Regulation is featured in the fourth column.

The delegations apply to the DAP as a whole. The exercise of any delegated powers must be completed by the DAP - individual members do not have the authority to exercise these decision making powers.

It is important to note that the Council has not provided the DAP the power to further delegate any of its delegations or decisions.

There have been no legislative amendments or additions to any of the sections and/or clauses within the Act or the Regulations which are delegated to the DAP. However, there is one proposed amendment to remove the 'DAP only' condition from all provisions as this condition is exercised in accordance with the DAP terms of reference.

There are several broader limitations that apply to the delegated powers of the DAP including but not limited to;

The Development Assessment Panel shall:

- A) Only exercise its delegated powers and functions in circumstances where, in relation to a particular development, if:
 - (i) notice of the application has been given pursuant to Sections 38(4) and 38(5) of the Act and a representation has been received and the person who made the representation has indicated an interest in appearing before the authority personally or by a representative in support of the representation; or
 - (ii) the person holding for the time being the position of General Manager Urban Services has determined by written notice to the CEO that the circumstances warrant consideration or determination by the DAP; or
 - (iii) where the particular development application is recommended for refusal, other than for deemed refusals under Section 39 of the Act, by the Council's Administration; or
 - (iv) where the particular development application has been referred to the Panel by the Council's Administration.

It should be noted that the 'Instruments of Delegation' used by the City of West Torrens is modelled on the recommended Instruments of Delegation developed by Norman Waterhouse Lawyers in conjunction with the Local Government Association.

Conclusion

This report provides the details of the powers provided to the DAP from the Council and the subsequent responsibilities of the DAP to appropriately exercise this delegated authority.

ATTACHMENT 1

DAP Delegations Framework 2016 - Endorsed by Council 7 June 2016



DAP Delegations Framework 2016

DAP Delegations Framework 2016 - Endorsed by Council 7 June 2016

DAP Delegations Framework 2016

General Conditions - Development Assessment Panel	
DEVELOPMENT ASSESSMENT PANEL shall -	
A) Only exercise their delegated powers and functions in circumstances, in relation to a particular development, if:	
(i)	notice of the application has been given pursuant to Sections 38(4) and 38(5) of the Act and a representative has been received and the person who made the representation has indicated an interest in appearing before the authority personally or by a representative in support of the representation; or
(ii)	the person holding for the time being the position of <u>Deputy CEO (or General Manager Strategy and Community)</u> , <u>General Manager Urban Services</u> has determined by written notice to the CEO that the circumstances warrant consideration or determination by the DAP; or
(iii)	the application is recommended for refusal, other than for deemed refusals under Section 39 of the Act, by the Council's Administration.
(iv)	the application has been referred to the Panel by the Council's Administration.

Development Act 1993			
Provision	Item Delegated	Delegate	Proposed Amendments
s33(1)(a)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.1 the provisions of the appropriate Development Plan;	Development Assessment Panel	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference. DAP Only - To exercise only once a recommendation have been given.
s33(1)(c)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	Development Assessment Panel	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference. DAP Only - To exercise only once a recommendation have been given.

Page 2 of 6

This document includes the delegations to the Council's Development Assessment Panel for 2016 endorsed by Council on the 7th day of June 2016.

DAP Delegations Framework 2016 - Endorsed by Council 7 June 2016

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s33(1)(d)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s33(1)(e)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s33(1)(f)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.6 such other matters as may be prescribed.	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s33(3)	10. Matters Against Which Development Must be Assessed 10.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s35(1b)	12. Special Provisions Relating to Assessment Against Development Plans 12.2 The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.

Page 3 of 6

This document includes the delegations to the Council's Development Assessment Panel for 2016 endorsed by Council on the 7th day of June 2016.

DAP Delegations Framework 2016 - Endorsed by Council 7 June 2016

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s35(2)	12. Special Provisions Relating to Assessment Against Development Plans 12.4 The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s35(3)(a)	12. Special Provisions Relating to Assessment Against Development Plans 12.5 The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	Development Assessment Panel	DAP Only - To exercise only once a recommendation have been given.	Removal of 'DAP Only' condition as this is exercised in accordance with the DAP terms of reference.
s37A(2)(b)	16. Proposed Development Involving Creation of Fortifications 16.2 The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.	Development Assessment Panel		
s39(2)	18. Application and Provision of Information 18.1 The power pursuant to Section 39(2) of the Act to request an applicant to: 18.1.1 provide such additional documents or information to enable assessment of the application; 18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act; 18.1.3 consult with an authority or body prescribed by the Regulations; 18.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and 18.1.5 comply with any other requirement prescribed by the Regulations.	Development Assessment Panel		

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This document includes the delegations to the Council's Development Assessment Panel for 2016 endorsed by Council on the 7th day of June 2016.

DAP Delegations Framework 2016 - Endorsed by Council 7 June 2016

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s39(3)	18. Application and Provision of Information 18.4 Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to: 18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and 18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).	Development Assessment Panel		
s39(4)(a) s39(5)	18. Application and Provision of Information 18.7 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.	Development Assessment Panel		
s39(7)(c)	18. Application and Provision of Information 18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.	Development Assessment Panel		
s42(1)	21. Conditions 21.1 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.	Development Assessment Panel		
s42(6) s42(4)	21. Conditions 21.3 The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.	Development Assessment Panel		

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DAP Delegations Framework 2016 - Endorsed by Council 7 June 2016

Development Act 1993				
Provision	Item Delegated	Delegate	Conditions and Limitations	Proposed Amendments
s42(8)(b)	21. Conditions 21.4 The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.	Development Assessment Panel		
s50(11)	26. Open Space Contribution System 26.6 The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.	Development Assessment Panel		

7. CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER

Nil

8. SUMMARY OF COURT APPEALS

Nil

9. MEETING CLOSE