

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, 13 SEPTEMBER 2016  
at 5.00 PM**

**Bill Ross  
Chief Executive Officer (Acting)**

### **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 9 August 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 16 Warwick Avenue, KURRALTA PARK

Application No. 211/881/2015

Appearing before the Panel will be:

Representors: **V Haliabalias** of 21 Wood Street, Kurralta Park wishes to appear in support of the representation.

**R Olbrycht** of 14 Warwick Avenue, Kurralta Park wishes to appear in support of the representation.

Applicant/s: **Shanti Ditter** of Planning Aspects wishes to appear to respond to representations.

### DEVELOPMENT APPLICATION DETAILS

|                          |   |
|--------------------------|---|
| DEVELOPMENT PROPOSAL     | Combined Land division and Land use application - Community title - DAC No -211/C104/15 - Create One (1) additional allotment AND Construction of a two-storey residential flat building containing two (2) dwellings and the construction of an attached carport associated with the existing single storey dwelling |
| APPLICANT                | Ocean Lee   |
| APPLICATION NO           | 211/881/2015  |
| LODGEMENT DATE           | 5 August 2015   |
| ZONE                     | Residential   |
| POLICY AREA              | Medium Density Policy Area 18   |
| APPLICATION TYPE         | Merit   |
| PUBLIC NOTIFICATION      | Category 2  |
| REFERRALS                | Internal <ul style="list-style-type: none"><li>City Assets (Traffic, Finished Floor Level &amp; Stormwater Disposal)</li></ul> External <ul style="list-style-type: none"><li>Development Assessment Commission (DAC)</li><li>SA Water</li></ul>  |
| DEVELOPMENT PLAN VERSION | 25 June 2015  |
| MEETING DATE             | 13 September 2016   |
| RECOMMENDATION           | <b>CONSENT</b>  |

### BACKGROUND

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

- 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,
- All Category 2 or 3 applications where a representor has requested to be heard shall be assessed and determined by the DAP.

## PREVIOUS or RELATED APPLICATION(S)

DA 211/368/2015 - Land division - Torrens Title DAC no - 211/D048/15 Create One (1) additional allotment - Development Approval (Delegated Decision)

This application is for the purpose of creating a separate Torrens Title allotment which the existing dwelling will be retained on, and to create one other Torrens Title Allotment (identified as Allotment 85 on the Plan of Division contained within **Attachment 1**) that is to be further subdivided in accordance with this application (DA 211/881/2015) currently submitted before the Development Assessment Panel for a decision.

A decision on development application 211/368/2015 can be made under delegation as the proposal will result in allotments and sites of dwellings that satisfy the minimum area and frontage width as specified within the respective zone and policy area of the relevant Development Plan.

The boundary measurements of the access way and rear allotment correspond with those of DA 211/881/2016.

## SITE AND LOCALITY

The subject land is described as Allotment 14 Deposited Plan 1983 in the area named Kurralta Park, Hundred of Adelaide as contained in Certificate of Title Volume 5550, Folio 941. The land is more commonly known as 16 Warwick Avenue, Kurralta Park.

The subject land is located on the western side of Warwick Avenue and has a rectangle shape of 903 square metres. The site has a primary frontage of 18.288 metres and a depth of approximately 49.3 metres. The land has a gentle fall from the back of the allotment to the front property boundary.

Development of the land includes a 1920's single storey bungalow with an attached carport and additions attached to the rear of the dwelling. Other development on the land includes a free-standing outbuilding situated in the north-eastern corner of the allotment. The subject land has a good coverage of vegetation but it does not contain any regulated tree or trees classified as significant, in addition there are no regulated or significant trees located in close proximity to the subject land. Vehicle access to the site is currently obtained via a single crossover to Warwick Avenue, which abuts the northern side boundary of the allotment.

The street comprises primarily single storey, detached dwellings but there are some examples of double storey buildings within the locality. There are also a number of newer buildings comprising detached dwellings and group dwellings from subsequent infill development. The dwelling styles and types are reasonably diverse, including, residential flat buildings, group dwellings, detached dwellings comprising of Tudor style dwellings, a pre-1920's Villa, conventional 1950's dwellings, recent developed dwellings built (2000's).

The land pattern within the locality is not consistent as it contains some allotments that have wide frontages in the order of 18m/19m, residential flat buildings with smaller allotments, battleaxe development and land that has been more recently subdivided down the middle so to result in narrower street frontages of approximately 10 to 11 metres.

The site and locality are shown on the following maps:









**SUBJECT LAND**  
16 Warwick Avenue,  
KURRALTA PARK

- S** School
- P** Post Office
- H** Other Health Services
- H** Hospital
- Railways
- Local Reserves
- Development Plan Boundary



## Location Map WeTo/13

WEST TORRENS COUNCIL  
Consolidated - 25 June 2015

## PROPOSAL

The development includes both land division and land use proposals.

### Land Division

The land division will be in the form of a Community Title subdivision and will create a total of two allotments and a piece of common property. The common property will be for the purpose of vehicle access, vehicle manoeuvrability and stormwater disposal. The common property will measure 6.5 metres wide at the Warwick Street boundary, and the 'handle' measuring 3.7 metres wide. The portion of the common property which is directly adjacent the two proposed dwelling sites will be 3.9 metres wide, at its narrowest. Proposed Allotment 851 and 852 will have an area of 146 square metres.

### Land Use

The land use component of the application is for the construction of a two-storey residential flat building containing two dwellings and the construction of a carport associated with the existing single storey dwelling.

Each of the dwellings contained within the residential flat building will contain:

- An open plan living, meals and kitchen area (ground floor)
- A water closet (ground floor)
- Single garage including laundry facilities
- Rumpus room (upper level)
- Three bedrooms (upper level)
- Two bathrooms (upper level)

All windows to upper level habitable rooms will either be fixed and obscured to 1.7 meters or have a sill height above 1.7 metres above the upper floor level.

The carport to be associated with the existing dwelling will be open sided, and have a post height of 2.6 metres.

The land use proposal also includes area of landscaping, in the front yard of the existing dwelling, along the side of the proposed driveway (on the common property) and in the rear yards of each dwelling site.

A copy of the plans and information submitted for the proposed development is contained in **Attachment 2**.

## PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and Procedural Matters of the Residential Zone.

|                             |   |
|-----------------------------|---|
| <b>Properties notified:</b> | 11 properties were notified during the public notification process. |
| <b>Representations:</b>     | 4 representations were received.                                    |

|                                     |  |
|-------------------------------------|--|
| <b>Persons wishing to be heard:</b> | 2 representors identified that they wish to address the Panel. <ul style="list-style-type: none"><li>• Steve &amp; Voula Halibalias</li><li>• Anton &amp; Rita Olbrycht</li></ul>  |
| <b>Summary of Representations:</b>  | Concerns were raised regarding the following matters; <ul style="list-style-type: none"><li>• Bulk &amp; scale of two storey development</li><li>• Overlooking</li><li>• Overshadowing of property and solar panels</li><li>• Overdevelopment</li><li>• Obscuring views</li><li>• Insufficient car parking</li><li>• Extra strain on infrastructure</li><li>• Environmental degradation</li><li>• Additional residential development will potentially increase noise</li><li>• Unreasonable traffic generation</li></ul> |

A copy of the representors concerns is contained in **Attachment 3**. The Applicant has provided a response to the representations which is also contained in **Attachment 3** of the report.

## REFERRALS

### Internal

#### *City Assets- Civil Engineer*

The application was referred to Council's Civil Engineer (City Assets) to provide comment regarding stormwater disposal, finished floor levels, driveway arrangement and vehicle manoeuvrability. In the initial stages of the application a few concerns were raised, in particular with regard to the driveway layout and vehicle manoeuvrability, however, all concerns have since been addressed and support for the development is given.

### External

#### *Development Assessment Commission (DAC) & SA Water*

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 4**.

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly within 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 & 2  |
|                                     | Principles of Development Control | 1, 2, 3, 9, 10, 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, 7, 8 & 12  |
| Landscaping, Fences and Walls       | Objectives                        | 1 & 2  |
|                                     | 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  |
| Residential Development             | Objectives                        | 1, 2, 3, 4 & 5   |
|                                     | Principles of Development Control | 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33 |
| Transportation and Access           | Objectives                        | 2  |
|                                     | Principles of Development Control | 1, 2, 8, 9, 10, 11, 23, 24, 30, 34, 35, 36, 37 & 44                                    |

| <u>Zone: Residential Zone</u>   |                             |
|---|-----------------------------|
| <b>Desired Character Statement:</b>   |                             |
| <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 a <b>Historic Conservation Area</b>.</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, 5, 6, 7, 10, 11, 12 & 13 |



|  |                |
|--|----------------|
| <b>Policy Area: Medium Density Policy Area 18</b>  |                |
| <b>Desired Character Statement:</b>  |                |
| <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. 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> |                |
| <b>Objectives</b>  | 1              |
| <b>Principles of Development Control</b>   | 1, 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   |  |
|--|--|--|--|
|  |  | Allotment 852<br>(Proposed Dwelling 1)               | Allotment 851<br>(Proposed Dwelling 2)               |
| SITE AREA<br><i>Medium Density Policy Area 18</i><br>PDC 6     | Residential Flat Building 150m <sup>2</sup> (avg.) | 146m <sup>2</sup><br><b>Does Not Satisfy by 2.6%</b> | 146m <sup>2</sup><br><b>Does Not Satisfy by 2.6%</b> |
| SITE FRONTAGE<br><i>Medium Density Policy Area 18</i><br>PDC 6 | Residential Flat Building 15m (complete building)  | Does not have a frontage to a public Road            | Does not have a frontage to a public Road            |
| SITE COVERAGE<br><i>Medium Density Policy Area 18</i><br>PDC 5 | 70% (max.)   | 54.7%<br><b>Satisfies</b>                            | 54.7%<br><b>Satisfies</b>                            |

|   |  |   |   |
|---|--|---|---|
| PRIMARY STREET<br>SETBACK<br><i>Medium Density Policy Area<br/>18<br/>PDC 5</i> | 3m (min.)  | Does not have a<br>primary street<br>frontage   | Does not have a<br>primary street<br>frontage   |
| SIDE/REAR SETBACKS<br><i>Residential Zone<br/>PDC 11</i>                        | Side<br>0/1m (lower level)<br>2m (upper level)   | North<br>Abutting wall of<br>Dwelling 2 (lower &<br>upper)<br><b>Satisfies</b>  | North<br>900mm (lower)<br>1.8m (upper)<br><b>Partly Satisfies</b>   |
| <i>Medium Density Policy Area<br/>18<br/>PDC 5</i>                              | Rear<br>4m (min.)  | South<br>900mm (lower)<br>1.8m (upper)<br><b>Partly Satisfies</b>   | South<br>Abutting wall of<br>Dwelling 2 (lower &<br>upper)<br><b>Satisfies</b>  |
| BUILDING HEIGHT<br><i>Medium Density Policy Area<br/>18<br/>PDC 5</i>           | 3 storeys or 12.5m   | 2 storeys<br><b>Satisfies</b>   | 2 storeys<br><b>Satisfies</b>   |
| INTERNAL FLOOR AREA<br><i>Residential Development<br/>PDC 9</i>                 | 3+ Bedroom, 100m <sup>2</sup><br>(min.)  | 126m <sup>2</sup><br><b>Satisfies</b>   | 126m <sup>2</sup><br><b>Satisfies</b>   |
| PRIVATE OPEN SPACE<br><i>Residential Development<br/>PDC 19</i>                 | <300m <sup>2</sup><br>- 24m <sup>2</sup> (min.), of which<br>8m <sup>2</sup> may comprise<br>balconies, roof patios<br>and the like, provided<br>they have a minimum<br>dimension of 2m.<br>-Minimum dimension<br>3m (excl. balconies).<br>- 16m <sup>2</sup> (min.) at the<br>rear of side of<br>dwelling, directly<br>accessible from a<br>habitable room. | 27m <sup>2</sup> (total)<br>3m (min. dimension)<br>27m <sup>2</sup> (accessed<br>from habitable room)<br><br><b>Satisfies</b> | 27m <sup>2</sup> (total)<br>3m (min. dimension)<br>27m <sup>2</sup> (accessed<br>from habitable room)<br><br><b>Satisfies</b> |

|  |  |   |   |
|--|--|---|---|
| CARPARKING SPACES<br><i>Transportation and Access</i><br><i>PDC 34</i> | 2 car-parking spaces required, 1 of which is covered | 2 spaces provided (2 covered)<br><br><b>Satisfies</b> | 2 spaces provided (2 covered)<br><br><b>Satisfies</b> |
| LANDSCAPING<br><i>Landscaping, fencing and walls</i><br><i>PDC 4</i>   | A minimum of 10 per cent of a development site       | 12%<br><br><b>Satisfies</b>                           | 12%<br><br><b>Satisfies</b>                           |

## QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

### Site Area

The proposed land division will result in allotment sizes that are less than the 150 square metre minimum area specified for residential flat buildings (Medium Density Policy Area 18 PDC 6). Each proposed allotment will be 146 square metres, which is a 4 square metres deficiency. This is considered the be minor departure from the Development Plan policy for the following reasons:

- The 4.0sqm difference is less than a 5% departure from the provision and in all will not result in an area that is of a size or shape that will be disorderly for future development;
- The deficiency is not that great that it would be highly noticeable to the naked eye;
- The proposed land division will not detract from the land pattern of the locality as it is already mixed, given that there are larger dwellings situated on allotments with wide frontages, allotments with narrow frontages and several battle-axe developments.

### Frontage Width

The allotments containing the residential flat building do not have a direct frontage to a public street, as in this instance the division of land is in a battle-axe arrangement. For that reason, the proposal does not satisfy the minimum frontage width of 15 metres (for complete building) as specified in the Medium Density Policy Area 18 Principle of Development Control (PDC) 6.

### Setbacks

For the most part the proposed dwellings satisfy the setback provisions of the Development Plan, with the exception of the lower level rear setback and upper level side setback.

Residential Zone, PDC 11, designates that walls measuring between 3 metres to 6 metres in height should be setback from side boundaries a minimum of 2 metres. The side setback of the upper level of both proposed dwelling to 14 and 18 Warwick Avenue is 1.8 metres, therefore resulting in a deficiency of 0.2 metres (20cm).

Medium Density Policy Area 18, PDC 5, specifies that dwellings should be setback 4 metres from the back boundary. In this instance, the proposed dwellings maintain a setback of only 3 metres from the back boundary. A rear setback of only 3 metres may conflict with satisfying other policy, such as the provision of private open space, as in most cases the minimum dimension for POS is required to be 4 metres. However, due to the proposed allotment sizes the minimum dimension for POS is 3 metres. In addition, a 1 metre deficiency in some cases may have a detrimental impact on the amenity of adjoining neighbours for other reasons, for example overshadowing, but in this case the deficiency will not result in the development being at odds with the overshadowing provisions of the Development Plan. Overshadowing is discussed under the following heading below.

Overall, the rear and side setback deficiencies are not considered to be major departures from the Development Plan policy as they will not have an unreasonable impact on the adjoining properties (with regard to not jeopardising the achievement of other provisions of the Development Plan) and in the case of the side setback, is considered to be minimal in that it will not be readily discernible.

### **Overshadowing**

*“Development should ensure that sunlight to solar panels of existing buildings is maintained for a minimum of 2 consecutive hours between 9.00am and 3.00pm on 22 June” – Principle of Development Control 14, Residential Zone*

*“The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to:*

- (a) windows of habitable rooms, particularly living areas*
- (b) ground -level private open space*
- (c) upper - level private balconies that provide the primary open space area for any dwelling*
- (d) access to solar energy.” – Principle of Development Control 10, Residential Development*

*“Development should ensure that north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9.00 am and 5.00 pm on the 21 June”. – Principle of Development Control 11, Residential Development*

*“Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:*

- (a) half of the existing ground-level open space*
- (b) 35 square metres of the existing ground-level open space (with at least one of the area’s dimensions measuring 2.5 metres).” – Principle of Development Control 12, Residential Development*

The adjoining property owners at 21 Wood Street and 14 Warwick Avenue have expressed concerns that the proposed development will cast undesirable shadow over their allotments and in particular the solar panels and rear yard of 14 Warwick Avenue. This concern was not supported by shadow analysis conducted by Council staff or diagrams submitted by the Applicant. It is acknowledged that there will be a shadow cast of the adjoining properties to the south but it is determined that it will not be for any unreasonable lengths of time. The impact and extent of shadow satisfies the specific overshadowing guidelines detailed in the Development Plan.

### **Overlooking**

*“Except for buildings of 3 or more storeys, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.7metres or permanent screens having a height of 1.7 metres above finished floor level.” - Principle of Development Control 27, Residential Development*

The proposed development has upper level windows to all four of its elevations. The proposed dwellings do not present any overlooking concerns as:

- The windows on the front elevation will be fixed and obscured to 1.7m above the upper floor level; and
- The side and rear elevation windows to habitable rooms will all have sill height at 1.7 metres above the upper floor.

The only window which has a sill height below 1.7 metres of the upper floor level and is not shown to be fixed and obscured is the window adjacent the stairway on the side elevation. Although the stairway is not considered to be a habitable and therefore not considered to be space that is typically occupied for a considerable amount of time, it is not considered to be unreasonable that this window is not obscured. Further conditions of consent could be established to address the obscuring and fixing of this window should the Development Assessment Panel see fit.

### **Bulk and Scale**

*"New buildings will contribute to a highly varied streetscape. Buildings will be up to 3 storeys and provide a strong presence to streets" – Desired Character Statement, Policy Area 18*

*"Parking areas and garages will be located behind the front facade of buildings." – Desired Character Statement, Policy Area 18*

*"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." – Principle of Development Control 7, Residential Zone*

*"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" - Principle of Development Control 10, Residential Zone*

*"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" - Principle of Development Control 4, Residential Development*

*"Residential development should avoid undue repetition of style and external appearance." - Principle of Development Control 5, Residential Development*

*"Residential development should be designed to ensure living rooms have an external outlook." - Principle of Development Control 7, Residential Development*

*"Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings." - Principle of Development Control 8, Residential Development*

The proposed building will be well within the maximum building heights that are expected within Policy Area 18 and the building's design avoids the use of extensive areas of uninterrupted walls. The upper wall setbacks exceed the quantitative guidelines of the Development Plan which will prevent the mass of the building dominating the adjoining dwellings. The two storey development is not considered to be an inappropriate form of development as it is an envisaged form of development within the policy area. The height of the building will not disrupt any view considered to be of high scenic high.

The design of the dwellings is repetitive, however given that it will be located approximately 34.5 metres from the public street, due to the battle-axe nature of the development, the repetition will not be apparent from the street.

The front elevation of the building includes a front door, large windows and a porch that allow the building to be easily identifiable and address the access way in a manner similar to that of the surrounding dwellings address the public street. The building mass and proportions are consistent with the guidelines of the Development Plan that relate to building design and appearance.

### **Dwelling density and desired character**

*“Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings” – Desired Character Statement, Policy Area 18*

*“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”. – Desired Character Statement, Residential Zone*

*“the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area” – Desired Character Statement, Residential Zone*

The Desired Character Statement (DCS) for the Residential Zone envisages residential flat buildings being common near centres and in policy areas where the desired density is higher. The proposed development has dwelling site areas of 146sqm; that substantially meets the minimum site area provision of 150sqm for a residential flat building in Policy Area 18. The subject land is also approximately 200 metres from the Kurralta Park District Centre Zone which places it within a locality identified in the Development Plan as being appropriate for medium density development involving residential flat buildings.

One representation makes mention of overdevelopment of the site, however the proposed development does not exceed the maximum site coverage percentage allowable and it results in a number of dwellings which is not excessive when considering the density sought in this policy area. The site currently results in a density of 33 dwellings per hectare, but a max of 45 dwellings per hectare (which translates to net densities 67 dwellings per hectare) is sought to be achieved in these medium density policy areas.

### **Parking**

*“Development should provide safe and convenient access for all anticipated modes of transport.” – Principle of Development Control 8, Transportation and Access*

*“Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).” – Principle of Development Control 11, Transportation and Access*

*“Development should be provided with safe and convenient access which:*

- (a) avoids unreasonable interference with the flow of traffic on adjoining roads*
- (b) provides appropriate separation distances from existing roads or level crossings*
- (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision*
- (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties” – Principle of Development Control 24, Transportation and Access*

*“Driveways, access tracks and parking areas should be designed and constructed to:*

- (a) follow the natural contours of the land*
- (b) minimise excavation and/or fill*
- (c) minimise the potential for erosion from runoff*
- (d) avoid the removal of existing vegetation*
- (e) be consistent with Australian Standard AS 2890 Parking facilities” – Principle of Development Control 30, Transportation and Access*

*“On-site vehicle parking should be provided having regard to:*

- (a) the number, nature and size of proposed dwellings*
- (b) proximity to centre facilities, public and community transport within walking distance of the dwellings*
- (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons” – Principle of Development Control 44, Transportation and Access*

*“Vehicle parking areas servicing more than one dwelling should be of a size and location to:*

- (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely*
- (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area*
- (c) reinforce or contribute to attractive streetscapes” – Principle of Development Control 45, Transportation and Access*

A common driveway will facilitate all vehicle access to and from Warwick Avenue. The width of the driveway will ensure all vehicles can enter and exit the subject land in a forward direction and at certain points can facilitate two-way vehicle movements within the subject land. Council's civil engineer has no concerns with the vehicle manoeuvrability on the site and the development does not present any concerns from a safety perspective for existing road users.

The driveway design is consistent with the *Australian/New Zealand Standard AS/NZ 2890.1 2004- Parking facilities* and therefore believed to be an efficient design to provide a balance between function, safety and aesthetics.

The representations raised concerns regarding the impact of the development on the existing supply of on-street parking and safety in general. The proposed development will remove an existing single crossover adjacent to the northern property boundary and replace it with a double crossover, in addition to the newly created single width crossover to accommodate parking associated with the existing dwelling at the front of the subject land. It is agreed that development will result in the loss of two on-street car parking spaces. The reduction in on-street car parking is not a highly regarded deficiency given that the development satisfies the off street parking requirements, is within walking distance to public transport stops and non-residential facilities, and is overall a development that is consistent with the desired character of the zone and policy area.

## SUMMARY

The size of the subject land inhibits the potential for greater density and it is apparent the development is attempting to maximise the use of the space that is available. While this has resulted in some minor inconsistencies with some general guidelines of the Development Plan, the proposal will substantially meet the overall objectives of the Residential Zone and Medium Density Policy Area 18.

The proposed development is considered appropriate for the site as:

- The design and siting of the proposed development is considered to be compatible with the relevant policies for the locality;
- The proposal is unlikely to have a detrimental impact on surrounding properties and should provide for a reasonable level of amenity for future residents; and
- The proposal generally satisfies the qualitative and quantitative provisions of the West Torrens Council Development Plan.

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 25 June 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. 211/881/2015 by Ocean Lee to undertake development comprising land division and land use- (Community title - DAC No -211/C104/15 - Create One (1) additional allotment AND Construction of a two-storey residential flat building containing two (2) dwellings and the construction of an attached carport associated with the existing single storey dwelling) at 16 Warwick Avenue, Kurralta Park (CT 5550/941) 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 Alexander Symonds Surveying Consultants dated 28 June 2016 (reference A004915.0001) relating to Development Application No. 211/881/2015 (DAC 211/C104/15).
2. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 13 September 2016 as detailed in this application except where varied by any condition(s) listed below.
3. 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.
4. 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.
5. 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.
6. 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.
7. That the upper level windows of the dwellings 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 will be maintained in reasonable condition at all times.



8. 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

**DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:**

Nil

**LAND DIVISION CONSENT  
COUNCIL CONDITIONS:**

1. That all structures and building that currently exist on the allotments approved herein and the common property shall be removed. For this purpose, a separate application for demolition shall be submitted for the determination and consideration by Council.

**DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:**

1. The financial requirements of SA Water shall be met for the provision of water and sewerage services (SA Water H0035557).

For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. Information can be found at: <http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information> For information call SAW Land Developments on 74241119.

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 \$6488.00 into the Planning and Development Fund (1 lot(s) @ \$6488/lot). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://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, 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.

**Development No. 211 / D048 / 15**  
**City of West Torrens**

**Proposed Plan of Division  
Allotment 14 in DP 1983  
Hundred of Adelaide  
in the area named**

**KURRALTA PARK**

CT 5550/941



1:250

**AMENDED PLAN**  
**14.01.2016**

REVISÉ PLAN  
4.07.2016

-  S/I - Sewer Inspection Point
-  Water Meter
-  Tap

Dimensions and areas are subject to survey.

© ALEXANDER & SYMONDS PTY. LTD. Original Sheet Size A3

**Franco Rea**

**LICENSED SURVEYOR**

|                           |  |
|---------------------------|--|
| REF: A004915.0000         |  |
| DWG NO.: A004915PROP(K)   |  |
| REVISION: K               |  |
| SEM/RHF/JIL/GMW 4.07.2016 |  |

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111 King William Street Kent Town,  
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PO Box 1000 Kent Town, SA 5071  
DX 209 ABN 93007 753 988

T (08) 8130 1666

F (08) 8362 0099

**W** [www.alexander.com](http://www.alexander.com)  
**E** [adolfo@alexander.com](mailto:adolfo@alexander.com)

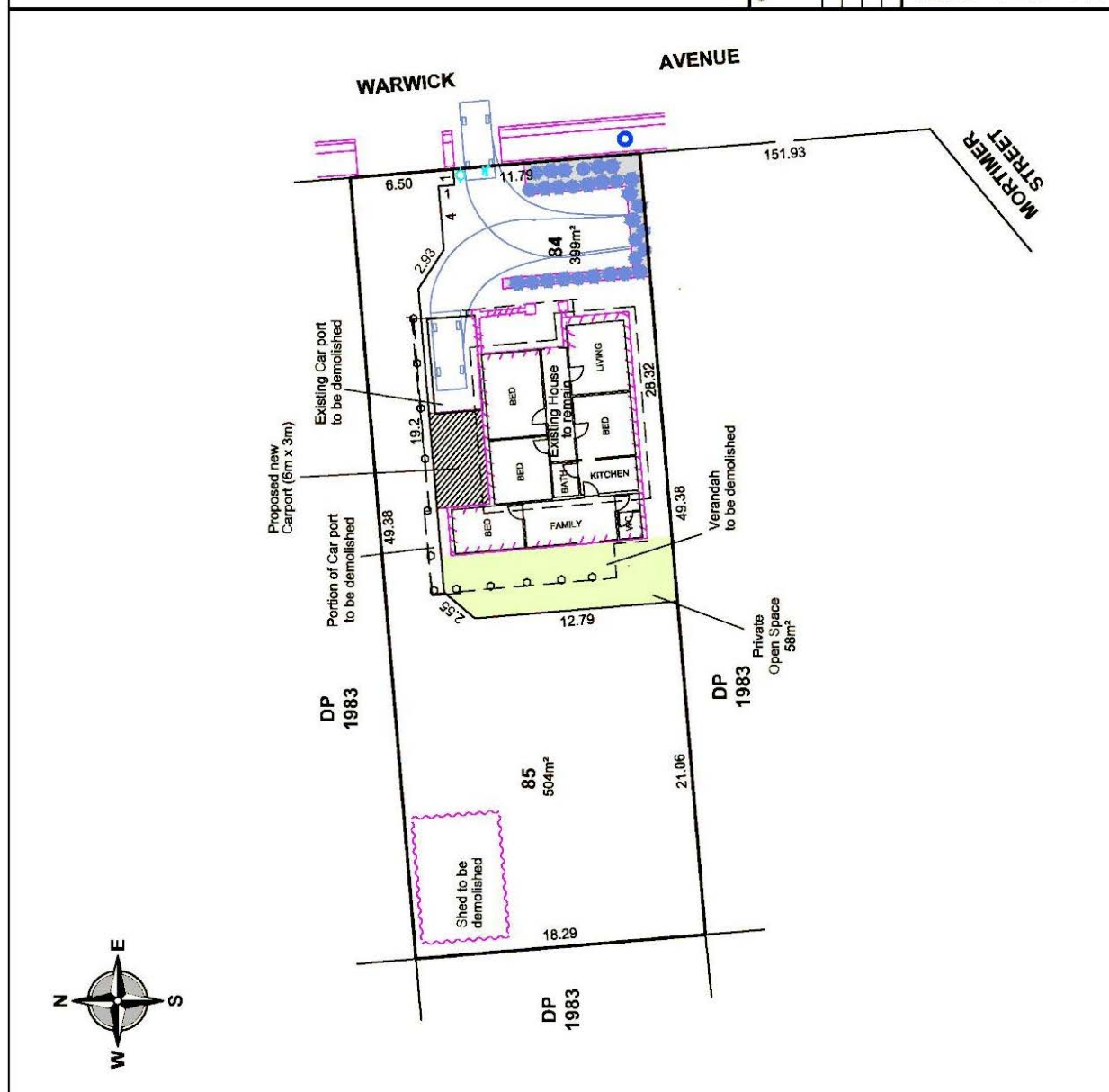
E [adelaida@alexandria.com](mailto:adelaida@alexandria.com)

+ Property + Land Development +

+ Property + Land Development +  
+ Construction + Mining +

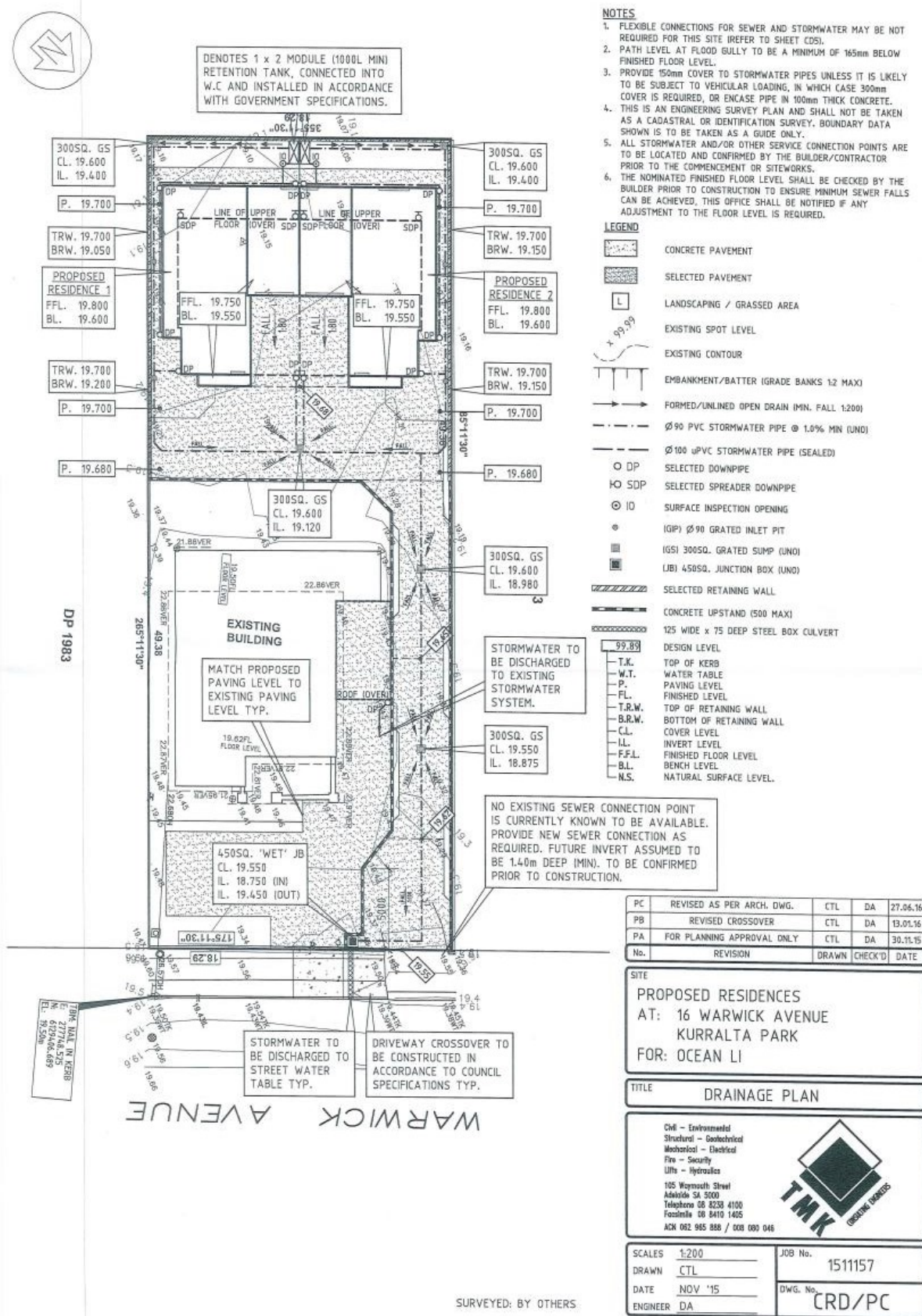
+ Spatial Information Management

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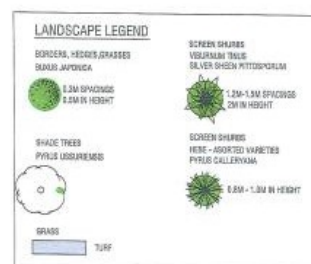








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|-------|----------------|----------|
| A     | CONCEPT ISSUE  | 14.07.15 |
| B     | PLANNING ISSUE | 12.10.15 |
| C     | PLANNING ISSUE | 13.01.16 |
| D     | PLANNING ISSUE | 26.02.16 |
| E     | CONCEPT ISSUE  | 10.05.16 |
| F     | PLANNING ISSUE | 20.06.16 |
| G     | PLANNING ISSUE | 27.06.16 |
| H     | PLANNING ISSUE | 07.07.16 |

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ADMIN@365STUDIO.COM.AU  
WWW.365STUDIO.COM.AU

CLIENT:

OCEAN L.

PROJECT:  
PROPOSED DEVELOPMENT

ADDRESS:

18 WARWICK AVE.

KURRALTA PARK

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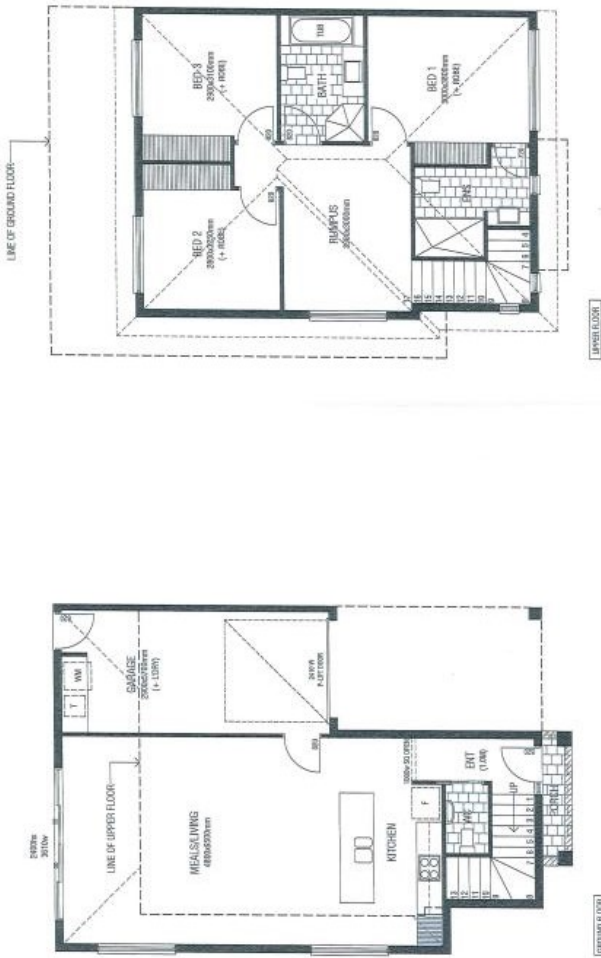
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PROPOSED SITE PLAN

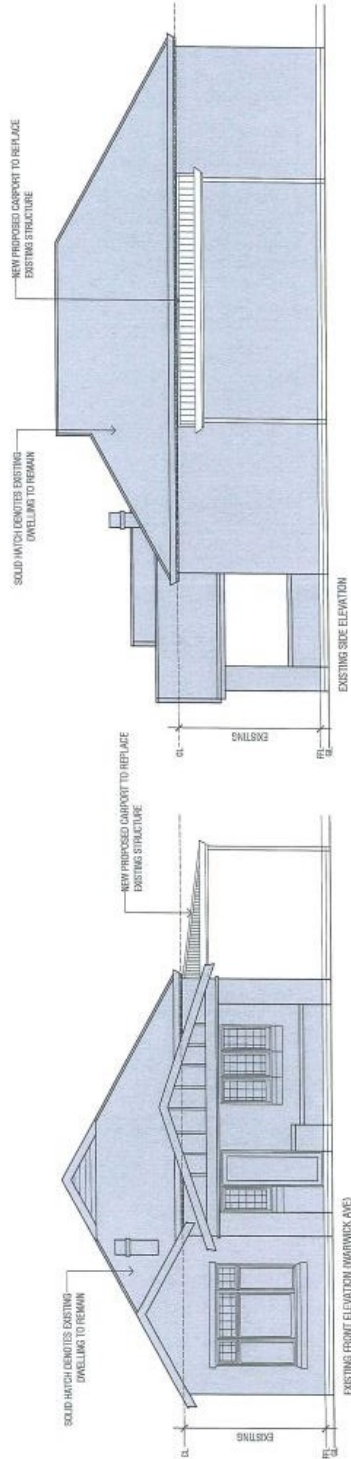
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NOT FOR DWELLING 2  
PROPOSED FLOOR PLANS

SCALE 1:100



EXISTING DWELLING ELEVATION

SCALE 1:100

| DWELLING 1 SIZE AREA   | SCM      |
|------------------------|----------|
| LOWER LIVING           | 57.00    |
| UPPER LIVING           | 99.00    |
| KITCHEN                | 99.00    |
| BATH                   | 2.00     |
| TOTAL                  | 167.00   |
| SITE (EX. COMMON AREA) | 147.00   |
| POS                    | 27.00    |
| ESRSE                  | ANTENNA  |
| ESRSE                  | DATE     |
| A                      | 14/07/16 |
| B                      | 15/07/16 |
| C                      | 16/07/16 |
| D                      | 17/07/16 |
| E                      | 18/07/16 |
| F                      | 19/07/16 |
| G                      | 20/07/16 |
| H                      | 21/07/16 |

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F +61 8 821 5549  
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PROJECT:  
PROPOSED DEVELOPMENT

ADDRESS:  
15 WARWICK AVE,  
ALBERTA PARK

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OCEAN LI

PROJECT:  
PROPOSED DEVELOPMENT

ADDRESS:  
15 WARWICK AVE,  
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CLIENT:

OCEAN LJ

PROJECT:

PROPOSED DEVELOPMENT

ADDRESS:

16 WARWICK AVE,  
KURRALTA PARK

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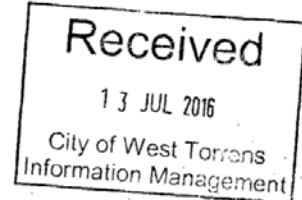
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ATTACHMENT 3

STATEMENT OF REPRESENTATION  
Pursuant to Section 38 of the Development Act, 1993

TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033



DEVELOPMENT No. 211/881/2015  
PROPERTY ADDRESS: 16 Warwick Avenue, KURRALTA PARK SA 5037

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

Anton Peter + Rita Rosa Olbrycht  
14 WARWICK AVE  
KURRALTA PK SA 5037  
City of West Torrens

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

property next door on  
Southern side  
13 JUL 2016  
City Development

REASONS FOR \*  
REPRESENTATION

- 1 do not want a 2 storey dwelling next door
- 2 invasion of privacy - overlooks back yard.
- 3 Solar panels on northern side of roof  
will be affected - especially in winter
- 4 winter time - yard will be in shadow

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

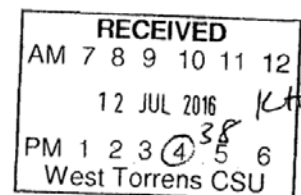
- 1 Building a single storey dwelling only
- 2 Don't build at all!

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

I DO NOT WISH TO BE HEARD  
I DESIRE TO BE HEARD PERSONALLY  
WILL BE REPRESENTED BY \_\_\_\_\_

(PLEASE SPECIFY)

0  
X  
0



SIGNED

*Anton Peter*

DATE

12/7/16

\* If space insufficient, please attach sheets

(FORM 3)

Responsible Officer: Jessica Grima  
Ends: Monday 25 July 2016

→ 5 rear of the house will be  
in shadow making it even darker  
earlier during winter - no winter warmth on sunny  
days.

**STATEMENT OF REPRESENTATION**  
**Pursuant to Section 38 of the Development Act, 1993**

TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033

DEVELOPMENT No. 211/881/2015  
PROPERTY ADDRESS: 16 Warwick Avenue, KURRALTA PARK SA 5037

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

Steve and Voula Haliabalias  
21 Wood St  
Kurralta Pk SA 5037

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

Adjoining Resident

REASONS FOR \*  
REPRESENTATION

Please see attached

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

A lesser development of  
the site. For example 2  
single storey dwellings

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

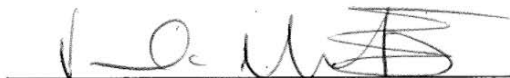
I DO NOT WISH TO BE HEARD

I DESIRE TO BE HEARD PERSONALLY

WILL BE REPRESENTED BY Steve + Voula Haliabalias

(PLEASE SPECIFY)

SIGNED



DATE

24/7/16

\* If space insufficient, please attach sheets

(FORM 3)

Responsible Officer: Jessica Grima  
Ends: Monday 25 July 2016

### Reasons for Representation

1. Visually this development is an eyesore taking away from the richness and character of this beautiful street.

The development is very unattractive over bearing, out of scale and out of character in comparison with the current existing development of the street. Such high density in this street is very much not suited. The current form, size and character of established homes in Warwick Avenue has not been taken into account.

Loss of vegetation will significantly impact on neighbourhood character and the landscape and environmental quality of our area.

The current proposal does not respect nor reflect the neighbourhood character. No neighbourhood characteristic has been taken into consideration (ie lot size and shape, topography, streetscape, architectural style, landscaping, building form, height, location and size of private open space, front setbacks, side and rear setbacks etc)

We believe that the proposed development is a direct contravention of council policies. It does not respect local context and street pattern and in particular the scale and proportions would be entirely out of character of the area to the detriment of the local environment.

2. The proposed development will be overlooking into our home and also that of our surrounding neighbours. This will result in a total invasion of privacy. We will no longer be able to go into our yard without there being onlookers at every angle. What ever happened to private open air space. This will have a major impact on the use of our living accommodation and gardens. Such a large bulky building will impact on the outlook of our neighbours and us and will dominate private open space.

The proposed development has in no way been designed to minimise overlooking of our property and that of our surrounding neighbours. Windows and possibly balconies of the proposed developments will be overlooking our back yard and home. We are entitled to the right to quiet and private enjoyment of these.

The council under the Human Rights Act has a responsibility to ensure that we have a right to peaceful enjoyment of all of our possessions which includes our home and gardens. The Human Rights Act states that a person has the substantive right to respect for their private and family life.

3. The height of the proposed development will result in overshadowing. This loss of natural light is unacceptable. The overshadowing would be in contradiction of council policy. The close proximity and the height of the proposed development will result in substantial overshadowing of our property. A huge proportion of our yard will be subject to overshadowing. This will have an impact on what the area can be utilised for.

4. The proposed development is a gross overdevelopment on this site and amounts to serious "cramming" in such an area.. The proposed development not only will have an adverse impact on the character of the neighbourhood but also the residential amenity of the neighbours. The maximum site coverage we believe has exceeded the allowable maximum. The amount of site coverage is also a contributing factor to the character of the neighbourhood. The amount of hard surface also impacts on the amount of stormwater runoff. The proposed development involves a total loss of garden land to be replaced with "concrete slabs" The proposed development will also result in an excessive building bulk adjacent to existing residential properties, resulting in an un-neighbourly and overbearing impact detrimental to the visual outlook and amenities of us and our neighbours. Such a development is of no benefit to any of the current residents of Wood Street.
5. Our current view of beautiful green lush trees will be taken away if the proposed development is allowed. We currently take great enjoyment of the current views and taking it away will have an adverse impact of the residential amenity of the property. The loss of the current beautiful views will also have a wider impact on our neighbourhood.
6. The proposed development currently has insufficient car parking spaces. This will result in more and more cars being out on the street. The street is already congested with surplus cars Adding more cars into the street will just exasperate the current situation. This also equates to another loss of a valuable residential amenity.
7. The current public sewers are inadequate for such a development and no provisions have been made to amend to accommodate the proposed development.
8. Increased urbanisation of the natural environment will impact on existing shrubs and mature trees, destroying the environmental quality of the area, and will also pose a risk to our property and adjoining properties due to a reduction in natural drainage, increasing run-off or seepage and potential structural issues.
9. There is no mention of infrastructure or stormwater management. There is no provision for an onsite storm water detention system to reduce storm water discharge. Is the council going to upgrade the current stormwater facilities? The amount of hard surface also impacts on the amount of stormwater runoff.
10. The proposed development will potentially see a further 5 or more vehicles in a 900sqm vicinity. Emissions from so many vehicles in such a confined space will result in a significant source of air pollution. This may adversely affect the health and wellbeing of my children and family and also that of our surrounding neighbours.

11. The proposed development of two two storey townhouses will result in noise pollution. This will also cause environmental harm.

Noise generation the likes of this will result in a significant loss of amenity which we believe do not comply with the standards set up by The Environmental Protection Authority in residential areas of acceptable noise levels.

12. The traffic that this proposed development will generate cannot be safely and conveniently accommodated by the existing street networks.
13. The proposed development only allows for a single driveway and does not allow for any "back entry". As a result the safety of our home and that of surrounding homes is greatly compromised especially in the event of a fire or another emergency due to the restricted access.

The proposed development would demonstrably harm the amenities enjoyed by local residents, in particular safe and available on-road parking, valuable green space, privacy and the right to enjoy a quiet and safe residential environment. We want our children to enjoy their home and their environment but such a development will take that option away from them. The only person who sees any benefit to this proposed development is the owner who sees it as a "quick cash grab". They do not care, they will pocket their money and move on to their next development. We and the other residents, who are also very much opposed to this proposed development will be left to deal with the consequences of their actions for the rest of our lives because we do not have the option to move on.!!

We implore you to not allow the proposed development to proceed for the issues outlined above.

21 July 2016

Ms Janine Lennon  
Manager Development  
City of West Torrens  
Civic Centre  
165 Sir Donald Bradman Drive  
HILTON SA 5033

City of West Torrens

26 JUL 2016

City Development

Dear Ms Lennon

**RE: DA No.: 211/811/2015 - 16 Warwick Avenue, Kurralta Park**  
**- Construct two x two storey group dwellings at the rear of an**  
**existing dwelling**

I refer to the above Development Application for which notification has been received from Council.

I own property adjacent to the site. I have been contacted by the owner of the land being developed and viewed the plans for the proposal. I have no objections to the development, and fully support Council issuing approval for the proposal.

Please advise me when the application has been approved.

Yours faithfully,

Signature 

Owner of 37A wood st , Kurralta Park

Received

26 JUL 2016

City of West Torrens  
Information Management Unit

21 July 2016

Ms Janine Lennon  
Manager Development  
City of West Torrens  
Civic Centre  
165 Sir Donald Bradman Drive  
HILTON SA 5033

City of West Torrens  
26 JUL 2016  
City Development

Received  
26 JUL 2016  
City of West Torrens  
Information Management

Dear Ms Lennon

**RE: DA No.: 211/811/2015 - 16 Warwick Avenue, Kurralta Park  
– Construct two x two storey group dwellings at the rear of an  
existing dwelling**

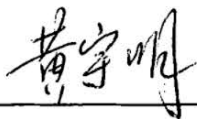
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Please advise me when the application has been approved.

Yours faithfully,

Signature

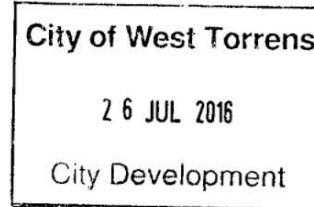
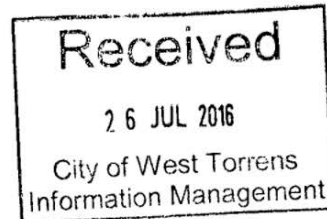


Owner of 23 Warwick Ave, Kurralta Park

Received  
26 JUL 2016  
City of West Torrens  
Information Management Unit

21 July 2016

Ms Janine Lennon  
Manager Development  
City of West Torrens  
Civic Centre  
165 Sir Donald Bradman Drive  
HILTON SA 5033



Dear Ms Lennon

**RE: DA No.: 211/811/2015 - 16 Warwick Avenue, Kurralta Park**  
**- Construct two x two storey group dwellings at the rear of an**  
**existing dwelling**

I refer to the above Development Application for which notification has been received from Council.

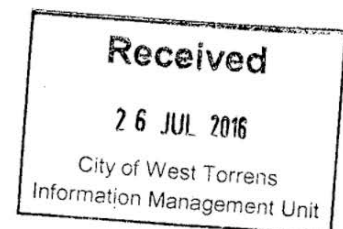
I own property adjacent to the site. I have been contacted by the owner of the land being developed and viewed the plans for the proposal. I have no objections to the development, and fully support Council issuing approval for the proposal.

Please advise me when the application has been approved.

Yours faithfully,

Signature 陈培连

Owner of 18 Warwick Ave, Kurralta Park







31 July 2016

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

Dear Jessica

**Re: Response to Representations DA No: 211/811/2015**

I refer to your advice regarding the receipt of four (4) representations responding to the public notification period for the above Development Application. We have undertaken a review of the submissions and provide the following response to the matters raised. Planning Aspects has been engaged by the applicant to undertake this review.

I note that of the representations received, two are in favour, and two at 14 Warwick Ave, and 21 Wood St) have raised a number of concerns that will be addressed below. The representations are from owners or occupiers within the immediate vicinity of the subject land.

The issues raised can be broadly summarised into the following:

- Proposal is out of character with established character
- Overlooking and loss of privacy
- Overshadowing
- Overdevelopment of the site
- Lack of car parking
- Impacts on infrastructure capacity
- Loss of trees and vegetation
- Loss of amenity due to increased traffic and noise
- Fire hazard

**Planning Aspects Pty Ltd**

ABN: 55 114 897 335

P O Box 87  
GLEN OSMOND SA 5064  
Tel: 0418 856 580  
[Shanti.ditter@planningaspects.com](mailto:Shanti.ditter@planningaspects.com)

Each are addressed in detail below:

Out of character with established character

The subject land is currently developed with a single store detached dwelling. It together with its immediate surrounding neighbours are located in the Residential Zone, Medium Density Policy Area 18 where the Desired Character Statement calls for development to be developed as follows:

*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."*

16 Warwick Avenue is located centrally within Policy Area 18 and is not located close to any of the policy area boundaries referred to above. It is also noted that the site is located within an identified affordable housing precinct where if developed for the purposes of affordable housing, would achieve greater residential development densities.

The proposed development is for the purposes of two storey development rather than three as permitted in the policy area.

The neighbours adjoining the subject land have raised issues with the character of the proposal. In effect the development has been designed to meet the criteria established by the Development Plan. The development therefore does not mirror the type or form of established development on the adjoining allotments, but rather responds to the intent of the Development for this locality to establish a greater diversity of housing forms over time, including three storey dwellings on smaller allotments. The proposal meets the intent of the Development Plan.

Overlooking and loss of privacy

The plans for the proposed new dwellings have been purposely designed such that none of the upper level windows can gain views into development adjoining it, through the incorporation of a combination of window sill heights of 1600mm above finished floor level or obscure glazing up to a height of 1600mm above finished floor level at the first storey of the dwellings. This design response is in accordance with the following provisions of the Development Plan:

*Visual Privacy*

*10 Development should minimise direct overlooking of the main internal living areas and private open spaces of dwellings through measures such as:*

3

- (a) off -setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*
- (b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*
- (c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity*

Overshadowing

Overshadowing diagrams have been prepared in support of the application. The shadow diagrams clearly demonstrate that the proposal clearly meets the following provisions of the Development Plan:

*Overshadowing*

*10 The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to:*

- (a) windows of habitable rooms, particularly living areas*
- (b) ground level private open space*
- (c) upper-level private balconies that provide the primary open space area for any dwelling*
- (d) access to solar energy.*

*11 Development should ensure that north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9.00 am and 5.00 pm on the 21 June.*

*12 Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:*

- (a) half of the existing ground-level open space*
- (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres).*

Overdevelopment of the site

The subject land has a total site area of 903m<sup>2</sup>. The site area of the existing dwelling is approximately 399m<sup>2</sup>, and the two new group dwellings will occupy approximately 250m<sup>2</sup> each. Development in Residential Medium Density Policy Area 18 permits detached dwellings to have minimum site areas of 250m<sup>2</sup> and Group dwellings 150m<sup>2</sup>. The proposal exceeds these minimum densities. Should the site be cleared of the existing dwelling there is potential for development of up to six (6) group dwellings up to a height of 3 storeys. This proposal is significantly less than the development potential or dwelling yield that could be achieved on the site. Clearly on this basis, the proposal is not an over development of the site.

Lack of car parking

The Development Plan requires the provision of 2 car parking spaces per dwelling, one of which is covered. The proposal incorporates six (6) car parking spaces on the site. It also incorporates adequate maneuvering space for vehicles to enter and exit the site in a forward direction. The Development Plan also requires an additional 0.25 car parking spaces per dwelling. The proposal does not incorporate the additional 0.75 car parking spaces, however, the configuration of the site and the proposed site layout ensures that an on-street car park remains available on the street frontage of Warwick Avenue. It is noted that Warwick Avenue is a wide street, with a

significant capacity of on-street car parking spaces. Coupled with this, the subject land is located within 500m of Anzac Highway which is a primary arterial road that is well serviced by public transport.

Impacts on infrastructure capacity

One of the representors has raised concerns about the capacity of existing infrastructure to cater for development of this kind. It is presumed that when Council identified Medium Density Policy Area 18 for significant growth and increases in density, the subject of infrastructure capacity had been also assessed as being capable of accommodating this increase in development potential. Nevertheless, the proposal has been designed to appropriately manage the resultant storm water flows from the site, provision of car parking, access and egress.

Loss of trees and vegetation

The proposal will result in the removal of existing trees and vegetation. However, as illustrated in the photograph below, the rear of the subject land which is to be developed for the two new group dwellings, contains immature shrubs and vegetation. Similarly, the existing front yard does not support any large or significant vegetation. The proposal incorporates landscaping, together with spaces around the buildings where new vegetation can be established.



**Photo 1: View of rear yard of 16 Warwick Avenue**

Loss of amenity due to increased traffic and noise

As a result of the layout of the proposal, the effect of vehicle movements onto the site is unlikely to be experienced by the owners of property on Wood Street due to the shielding of the proposed two storey buildings.

In relation to noise from the dwellings, the representor refers to EPA policy relating to noise from residential development. It is unclear as to the policy reference being made. In relation to the Development Plan, the proposal is in accordance with the relevant provisions relating to noise.

Fire hazard

The representor suggests that as the proposal only has one access point onto Warwick Avenue, the lack of access will pose a fire risk. It should be noted that the proposal incorporates a driveway with a minimum width of 3.7 metres that widens to 5.5 metres where it joins into Warwick Avenue. This design and layout provides more than adequate capacity in the event of emergency.

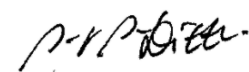
It should also be noted that access arrangements have been developed in direct consultation with Council officers, and the layout proposed has sought to encourage a circulation arrangement and traffic management that provides a safe and convenient plan to access the development.

Conclusion

The proposal meets all the relevant provisions of the Development Plan including density, setbacks, height, car parking, landscaping, design and layout. It is in accordance with the Development Plan's desire for this part of Kurralta Park to provide a variety of housing forms, and therefore warrants consent.

Taking the above points of clarification into consideration I would appreciate if you would proceed with processing the application and presenting it to Council's DAP as soon as possible. For any enquiries or explanation regarding the proposal, please direct these to me on 0f18 856 580. I look forward to Council's favourable consideration of the proposal.

Yours sincerely,



**SHANTI DITTER FPIA CPP**  
**PRINCIPAL**

ATTACHMENT 4

Contact                      Customer Services  
Telephone                  (08) 71097018  
Facsimile                  (08) 83030604



25 August 2016

City Manager  
City of West Torrens  
165 Sir Donald Bradman Dr.  
HILTON SA 5033

Dear Sir/Madam

**Re:            Proposed Application No. 211/C104/15 (ID 51581) - Amended Plan 28/6/16  
for Land Division (*Community Title Plan*) by Ocean Lee**

I refer to the enclosed application received at this office and advise that the Development Assessment Commission has no report to make to Council in accordance with Regulation 29 of the Development Regulations.

The Commission is of the view that there are no planning impacts of State significance associated with the application, and accordingly have only consulted with the SA Water Corporation pursuant to Regulation 29 (3).

While the Commission is making no report on the application, there may be local planning issues which Council should consider prior to making its decision on the application.

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

1. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0035557).

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

2. Payment of \$6488 into the Planning and Development fund (1 lots(s) @ \$6488 /lot). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://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 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.

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 of their preferred servicing option. Information of our servicing options can be found at: <http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/Customer+Connections+Centre.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; pursuant to Regulation 60 (4) (b) (ii).

**IT IS RECOMMENDED THAT THIS INFORMATION BE INCORPORATED INTO COUNCIL'S ADVICE WHEN REPORTING THAT THEIR REQUIREMENTS (IF ANY) HAVE BEEN FULLY SATISFIED.**

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

Yours faithfully

A handwritten signature in black ink, appearing to read "P. Hodgson".

Phil Hodgson  
Unit Manager  
Land titles Office  
As delegate of the  
**DEVELOPMENT ASSESSMENT COMMISSION**





06 July 2016

Our Ref: H0035557

The Chairman  
Development Assessment Commission  
136 North Terrace  
ADELAIDE SA 5000

Dear Sir/Madam

**PROPOSED LAND DIVISION APPLICATION NO: 211/C104/15 AT KURRALTA 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 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.

Yours faithfully

rita demusso

**for MANAGER LAND DEVELOPMENT & CONNECTIONS**

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

## 6.2 59 Main Street, LOCKLEYS

Application No. 211/44/2016

Appearing before the Panel will be:

**Representors:** **Peter McAllister** of 53 Main Street Lockleys wishes to appear in support of his representation

**Applicant** **Phil Brunning** (applicant's representative) wishes to appear to respond to the representation.

### DEVELOPMENT APPLICATION DETAILS

|                          |  |
|--------------------------|--|
| DEVELOPMENT PROPOSAL     | Construction of eight (8) two storey dwellings with associated car parking, fencing and landscaping areas & Community Division to create seven (7) additional lots       |
| APPLICANT                | Main Street Holdings Pty Ltd   |
| APPLICATION NO           | 211/44/2016<br>211/C028/2016 (DAC Number),   |
| LODGEMENT DATE           | 20 January 2016 (211/44/2016)<br>21 February 2016 (211/C028/16)  |
| PUBLIC NOTIFICATION      | Category 2   |
| REFERRALS                | Internal <ul style="list-style-type: none"><li>City Assets</li></ul> External <ul style="list-style-type: none"><li>SA Water/Development Assessment Commission</li></ul> |
| ZONE                     | Residential Zone   |
| POLICY AREA              | Low Density Policy Area 21   |
| APPLICATION TYPE         | Merit  |
| DEVELOPMENT PLAN VERSION | 05 November 2015   |
| MEETING DATE             | 13 September 2016  |
| RECOMMENDATION           | <b>Consent</b>   |

### BACKGROUND

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

- All Category 2 or 3 applications where a representor has requested to be heard shall be assessed and determined by the DAP.

### PREVIOUS or RELATED APPLICATIONS

211/971/2014 Land Division to create 31 Allotments



## **SITE AND LOCALITY**

The subject site is located at the northern end of Main Street, Lockleys and is part of the Riverstone Estate.

The Riverstone Estate is a land development consisting of 31 allotments that was granted approval by the DAP at its meeting of 12 November 2016 [Development Application 211/971/2014 (DAC No.211/D122/2014)].

It is noted that recent amendments to the plan of division for Development Application 211/D122/14) at the land clearance stage are proposing that the number of allotments is reduced to 29 based on the amalgamation of two of the initially approved allotments.

The subject site (Lot 3) is a single lot that was identified for retention as a community development site as part of the initial land division application (211/D122/14).

The current development application involves the further division of Allotment 3 within Development Application 211/122/14 into 8 community lots (7 additional).

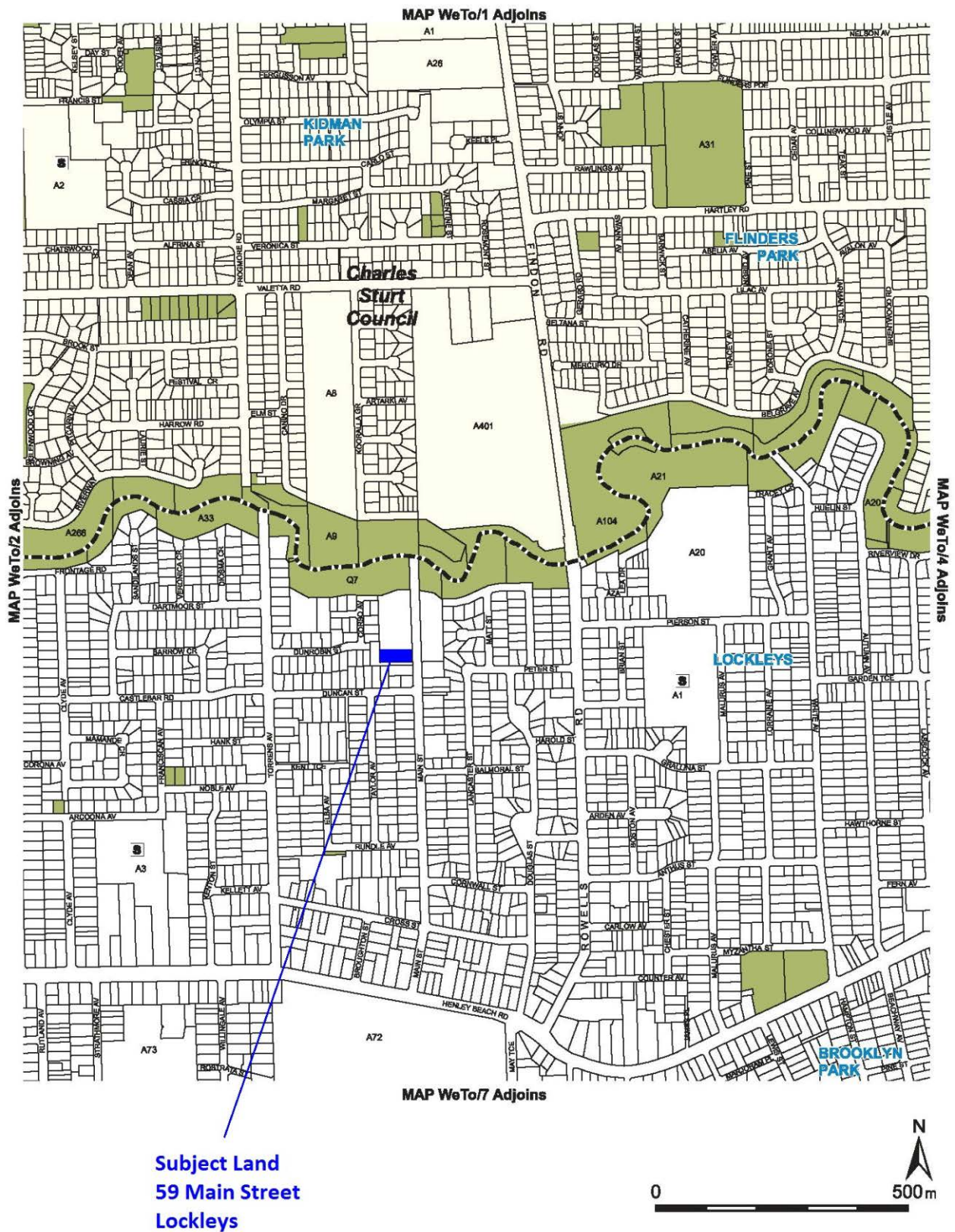
Lot 3 has a frontage of 33.6 metres to Main Street and 66.36m to the continuation of Main Street within the Riverstone Estate and a private right of way at the rear of the site. It has an area of 2173m<sup>2</sup>.

The site and locality are shown on the following maps and site photos.

An aerial photograph of a residential area in Lockleys, South Australia. The map shows several streets: Manning Street, Michael Street, Corso Avenue, Duncan Street, Taylor Avenue, Main Street, and Lancaster Street. A large area is outlined in red, representing the locality. Within this area, a specific plot at 59 Main Street is highlighted with a blue border, indicating it is the subject land. The map also shows various house numbers and some green spaces labeled as Linear Park. A legend in the bottom right corner clarifies the color coding: a blue square for 'subject land' and a red square for 'locality'.



Figure 2: Development Plan Locality Plan



## Location Map WeTo/3

## PROPOSAL

The proposed development consists of the construction of eight two-storey dwellings within a Residential Flat Building with associated car parking, fencing and landscaping areas and a Community Division to create seven additional lots. The proposal was amended following public notification as initially nine dwellings and nine community lots were proposed.

The proposed dwellings will have an internal layout consisting of living and dining, kitchen and storage on the ground floor with a northern outdoor terrace adjacent the living area and a southern outdoor entertaining area between the rear of the dwellings and the garages.

The dwelling on proposed Lot 50 will also have an eastern outdoor terrace adjacent the private open space area enabled by this lot being the largest proposed.

The upper level of the dwellings will contain three bedrooms, bathrooms and ensuites and a small north facing balcony accessed via the Master Bedroom for each dwelling.

The dwellings are oriented towards the continuation of Main Street within the Riverstone Estate with car parking for each dwelling accessed via the rear right of way.

See **Attachment 1**

## PUBLIC NOTIFICATION

The application is a Category 2 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.

|                                     |  |
|-------------------------------------|--|
| <b>Properties notified:</b>         | 28 properties were notified during the public notification process.  |
| <b>Representations:</b>             | <p>4 representations were received in a format consistent with Section 38 of the Development Act 1993.</p> <p>5 adjoining owners who were legally recognisable as respondents to the Category 2 notification process signed a petition to Council.</p> <p>The petition was received and presented to Council in accordance with the provisions of the Local Government Act 1999.</p>   |
| <b>Persons wishing to be heard:</b> | Mr Peter McAllister of 53 Main Street Lockleys identified a wish to address the Panel.   |
| <b>Summary of Representations:</b>  | <p>Concerns were raised regarding the following matters;</p> <ul style="list-style-type: none"><li>• Number of dwellings should be reduced to 4-5</li><li>• Dwellings should be of high quality</li><li>• Dwellings will increase noise and pollution</li><li>• Parking and traffic impacts</li><li>• Privacy and overlooking</li><li>• Visual impact of garages</li><li>• Proposed development not in keeping with provisions for Low Density Policy Area 21</li><li>• No more than 5 dwellings</li></ul> |

The Applicant provided a response to the representations, as summarised below:

- Reduction in proposed dwellings from nine to eight and a corresponding reduction in additional lots from eight to seven.
- Inclusion of an electronic sliding gate to the driveway area to screen the rear garages from the property at 60 Main Street, Lockleys.
- Clarification of access arrangements for the two dwellings adjoining the subject land to the south which do not form part of this application but do have access from the private right of way.
- Commentary on the suitability of the proposed dwelling density and minimum allotment sizes in light of its location within a master planned residential estate (Riverstone Estate).
- Addition of two visitor car parking spaces.
- Provision of revised streetscape drawings/plans and computer generated images
- Commentary on overlooking and overshadowing.

A copy of the representors concerns, the petition and the applicant's response are contained in **Attachment 2**.

## REFERRALS

### Internal

City Assets Department

### *Traffic Comments*

The following comments have been provided by Council's Traffic Consultant.

I have previously provided comments about the proposed development on 14 April 2016.

In the amended plans and accompanying letter dated 24 June 2016 from the Applicant, I note that the proposed development has been reduced from 9 dwellings to 8 dwellings. The proposed dwelling closest to Main Street would have significant private open space. Two open visitor parking spaces are proposed at the entrance to the right of way. I note that an automatic gate is also proposed in the right of way, beyond the two visitor spaces.

My comments about the revised plans are as follows:

1. The proposed 2 visitor parking spaces to be shared for the 8 dwellings are poorly located. I would recommend that the visitor car parks be located at the "front" of the development site rather than the rear. This would necessitate amendments to the private open space area for the large dwelling.
2. I have previously recommended that the proposed garages be set back at least 1m from the boundary to address the sight distance issue. This setback distance is normally required for developments on laneways. This setback requirement has not been provided.
3. Being a right of way for other neighbouring properties, I assume that any automatic gate proposal would require the consent of all parties that have rights to the roadway. Gated control is usually provided for multi-dwelling developments that occupy the same site. In this instance, I am unsure how the gate controls would operate for multiple properties. The Applicant may wish to reconsider this aspect of the proposal.



The applicant has provided a further response from a traffic engineer, Mr Ben Wilson Director, CIRQA Pty Ltd addressing the above comments.

*I have now reviewed the comments from Council regarding the development at Main Street, Lockleys. I've dot pointed the key comments from Council below (in italics), followed by my response.*

- *"The proposed 2 visitor parking spaces to be shared for the 8 dwellings are poorly located. I would recommend that the visitor car parks be located at the "front" of the development site rather than the rear. This would necessitate amendments to the private open space area for the large dwelling."*

*The proposed visitor parking spaces are proposed to be within a range of approximately 25m to 55m of each dwelling's pedestrian access (along the Main Street frontage). Such a distance is not considered excessive. The alternative provision of visitor spaces via Main Street (as suggested by Council) would either require vehicles to reverse directly on to the carriageway (in the vicinity of both a bend in the road and intersection) or an increased extent of impermeable paving/bitumen for a more formal off-street car park with an aisle/driveway (and associated impact on the developable area). It is considered that the proposed arrangement is acceptable and workable. In reality, a portion of visitors may choose to park on-street (parallel) in closer proximity to the dwellings, but the provision of the proposed visitor spaces will ensure the requirement is met on-site in the event of high demands experienced on-street.*

- *"I have previously recommended that the proposed garages be set back at least 1m from the boundary to address the sight distance issue. This setback distance is normally required for developments on laneways. This setback requirement has not been provided."*

*The rear right-of-way is not a public lane. The right-of-way will function as a private driveway for access to/from the development's garages as well as the two residential crossovers servicing properties to the south. The driveway will function in the same as an internal circulation road/aisle within a group dwelling development. There will be no public 'cut-through' movements within the right-of-way (as may occur in a public lane) and all users will be familiar with the operation of right-of-way and the adjacent garages. Accordingly, the relevant width provisions are the apron widths identified in the "Australian Standard for Parking Facilities – Part 1: Off-Street Car Parking" (AS/NZS 2890.1:2004) which the proposal exceeds. The apron width requirements identified in the Standard show no requirement for additional setback. Vehicle movements within the right-of-way will generally be slow and drivers travelling within it will be able to have adequate sight distance to open garage doors and reversing vehicles.*

- *"Being a right of way for other neighbouring properties, I assume that any automatic gate proposal would require the consent of all parties that have rights to the roadway. Gated control is usually provided for multi-dwelling developments that occupy the same site. In this instance, I am unsure how the gate controls would operate for multiple properties. The Applicant may wish to reconsider this aspect of the proposal."*

*It is understood that the gate will operate/activate by proximity sensor (on vehicle approach for both ingress and egress movements). Access for vehicles associated with the adjacent properties will therefore not be restricted by the proposed gate arrangement.*

### ***General Finished Floor Level (FFL) Consideration***

- 2.1 Council seeks to ensure that the FFL of all new development is protected from Inundation when considering a 350mm stormwater flow depth in the adjacent street watertable. This is typically achieved through establishing the FFL of new development a minimum of 350mm above the highest adjacent street water table. Therefore it should be conditioned that FFL of the this development should be minimum of 350mm above the highest adjacent street water table

### ***Verge Interaction***

- 3.1 It should be conditioned that the stormwater outlet from the site should be connected to pre-provided stormwater outlet through the road verge area.

### ***Stormwater Detention (Recently Divided Residential)***

It should be conditioned that **EACH** dwelling should be fitted with a stormwater detention tank meeting the following design criteria;

- A minimum 1500 litre detention storage tank. This detention storage requirement is over and above any Building Code of Australia requirement for a rainwater tank. These tanks shall be arranged such that stormwater is directed to the rainwater tank first, and overflow from this tank shall be directed to the detention tank.
- 100% of the roof area from each dwelling shall be directed to the detention storage.
- Discharge from the detention tank is to be limited through the utilisation of an 20mm outlet orifice.

The plans currently before the DAP have been amended to satisfy the above requirements, the issue is discussed further as part of the assessment or alternatively conditions of consent are recommended.

### **External**

SA Water/Development Assessment Commission

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0043649).
2. Payment of \$45416.00 into the Planning and Development Fund (7 lots @ \$6488.00/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (83030724), 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.

SA Water also advises 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 the preferred servicing option. For further information or queries contact SA Water Land Developments on 74241119.

The developer must inform potential purchases 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 of the owner/applicant.

**Figure 3: Main Street landscaping adjacent the subject site**



**Figure 4: Main Street landscaping adjacent the subject site**



## ASSESSMENT

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

The primary provisions of the Development Plan which relate to the proposed development are outlined below:

| <u>General Section</u>  |  |   |
|---|--|---|
| <i>Design and Appearance</i>  | <i>Objectives</i>  | 1   |
|   | <i>Principles of Development Control</i>   | 1, 2, 3, 4, 9, 10, 11, 12 13, 14, 15  |
| <i>Land Division</i>  | <i>Objectives</i>  | 1,2,3,4   |
|   | <i>Principles of Development Control</i>   | 1, 2,4, 5, 6, 8   |
| <i>Landscaping</i>  | <i>Objectives</i>  | 1, 2  |
|   | <i>Principles of Development Control</i>   | 1, 2, 3, 4  |
| <i>Orderly and Sustainable Development</i>  | <i>Objectives</i>  | 1, 2, 3, 4, 5   |
|   | <i>Principles of Development Control</i>   | 1, 3, 5, 6  |
| <i>Transportation</i>   | <i>Objectives</i>  | 2   |
|   | <i>Principles of Development Control</i>   | 1, 2, 23, 24, 34, 35,36, 37, 44   |
| <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, 30, 31, |
| <i>Zone: Residential Zone</i>   |  |   |
| <i>Desired Character Statement (extract)</i>  |  |   |
| <i>This zone will contain predominantly residential development.</i>  |  |   |
| <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> |  |   |
| <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>                         |  |   |
| <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> |   |

|   |   |
|---|---|
| <p><i>Principles of Development Control</i></p> | <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ domestic outbuilding in association with a dwelling</li> <li>▪ dwelling</li> <li>▪ dwelling addition</li> <li>▪ small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> <li>- child care facility</li> <li>- health and welfare service</li> <li>- open space</li> <li>- primary and secondary school - recreation area</li> <li>- shop measuring 250 square metres or less in gross leasable floor area</li> </ul> </li> <li>▪ supported accommodation.</li> </ul> <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> <p>7 Dwellings should be set back from allotment or site boundaries to:</p> <ul style="list-style-type: none"> <li>(a) contribute to the desired character of the relevant policy area</li> <li>(b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>(a) minimise the visual impact of buildings from adjoining properties</li> <li>(b) minimise the overshadowing of adjoining properties.</li> </ul> <p>18 Development should preserve and enhance streetscapes by:</p> <ul style="list-style-type: none"> <li>(a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality</li> <li>(b) limiting the number of driveway crossovers.</li> </ul> <p>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.</p> |
|---|---|



|   |   |
|---|---|
| <p><b>Policy Area: Low Density Policy Area 21</b></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>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. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p> |   |
| <p><b>Objectives</b></p>  | <p><i>1 Development that contributes to the desired character of the policy area.</i></p>   |
| <p><b>Principles of Development Control</b></p>   | <p><i>1 The following forms of development are envisaged specifically in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>domestic outbuilding in association with a dwelling</i></li> <li>▪ <i>domestic structure, such as a veranda, porch</i></li> <li>▪ <i>detached dwelling</i></li> <li>▪ <i>dwelling addition</i></li> <li>▪ <i>row dwelling within 400 metres of an existing centre zone</i></li> <li>▪ <i>semi-detached dwelling within 400 metres of an existing centre zone</i></li> <li>▪ <i>small scale non-residential use that serves the local community, for example:</i> <ul style="list-style-type: none"> <li>- <i>child care facility</i></li> <li>- <i>health and welfare service</i></li> <li>- <i>open space</i></li> <li>- <i>primary and secondary school</i></li> <li>- <i>recreation area</i></li> <li>- <i>shop measuring 250 square metres or less in gross leasable floor area</i></li> </ul> </li> <li>▪ <i>supported accommodation.</i></li> </ul> <p><i>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p> <p><i>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.</i></p> |

## 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<br>Low Density Policy Area 21<br>PDC 6     | 420m <sup>2</sup>  | Lot 57: 282m <sup>2</sup><br>Lot 56: 225m <sup>2</sup><br>Lot 55: 225m <sup>2</sup><br>Lot 54: 225m <sup>2</sup><br>Lot 53: 225m <sup>2</sup><br>Lot 52: 225m <sup>2</sup><br>Lot 51: 225m <sup>2</sup><br>Lot 50: 490m <sup>2</sup><br><br>Average: 265.25m <sup>2</sup><br>(excluding common driveway)<br><br><b>Does not Satisfy</b> |
| SITE FRONTAGE<br>Low Density Policy Area 21<br>PDC 6 | 12m  | Lot 57: 8.4m<br>Lot 56: 6.78m<br>Lot 55: 6.78m<br>Lot 54: 6.78m<br>Lot 53: 6.78m<br>Lot 52: 6.78m<br>Lot 51: 6.78m<br>Lot 50: 15.58m<br><br>Average: 8.08m<br><br><b>Does not Satisfy</b>   |
| STREET SETBACK<br>Residential Zone<br>PDC 8          | Primary Street<br><br>Same setback as adjacent dwellings or an average of adjacent dwellings   | No adjacent dwellings in this locality as land development is yet to commence<br><br>3.2m to property boundary (from terrace)<br><br>6.4m to Main Street<br><br><b>Satisfies</b>  |
| SIDE/<br>REAR SETBACKS<br>Residential PDC's 11       | Side<br>Wall height less than 3m - 1m<br>Wall height 3m-6m - 2m<br>Wall height over 6m - 2m plus the increase in wall height over 6m | Western elevation side boundary upper level: 1.56m<br><br><b>Does not satisfy</b>   |

|  |  |   |
|--|--|---|
|  | <p>Wall height 6.6m = side setback 2.6m</p> <p>Rear<br/>Single Storey - 3 metres<br/>Upper Storey 8m</p>   | <p>Eastern elevation side boundary:<br/>3.4m lower level<br/>6.1m upper level</p> <p><b>Satisfies</b></p> <p>Rear:<br/>Garages: 0m on property boundary<br/>Single Storey component of dwellings: 8.8m<br/>Upper Storey component of dwellings: 7.1m</p> <p><b>Partly Satisfies</b></p> |
| <p>PRIVATE OPEN SPACE<br/>Residential PDC 33</p>   | <p>24, of which 8 may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2 metres</p> <p>Minimum dimension 3m<br/>16m<sup>2</sup> at ground level</p> | <p>Dwelling 57: 8.4m<br/>Dwelling 56: 6.78m<br/>Dwelling 55: 6.78m<br/>Dwelling: 6.78m<br/>Dwelling 53: 6.78m<br/>Dwelling 52: 6.78m<br/>Dwelling 51: 6.78m<br/>Dwelling 50: 15.58m</p> <p><b>Satisfies</b></p>   |
| <p>LANDSCAPING</p>   | <p>10% of site<br/>(2173m<sup>2</sup>/10=217m<sup>2</sup>)</p>   | <p><b>Satisfies</b></p>   |
| <p>CARPARKING SPACES<br/>Transportation and Access<br/>PDC 33<br/>Table WeTo/2 - Off Street<br/>Vehicle Parking Requirements</p> | <p>Residential flat building to provide: 2 car parking spaces per dwelling, one of which is covered + an additional 0.25 car parking spaces per dwelling</p> <p>18 spaces</p>              | <p>19 car-parking spaces in total<br/>2 visitor spaces</p> <p><b>Satisfies</b></p>  |
| <p>Maximum Height<br/>Residential PDC 6</p>  | <p>2 storey</p>  | <p><b>Satisfies</b></p>   |
| <p>Maximum Wall Height<br/>Residential PDC 6</p>   | <p>6m</p>  | <p>6.3m</p> <p><b>Does not satisfy</b></p>  |

**Figure 5: Subject site**



**Figure 6: Subject site and right of way**



## QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development generally satisfies the relevant Development Plan provisions with the following comments provided:

### Land Use and Zoning

The proposed development is located within the Residential Zone and Low Density Policy Area 21. The intent of the Residential Zone is to accommodate dwellings at very low, low and medium density while the intent of the Low Density Policy Area is to achieve *a low density character over the policy area with 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.*

While the proposed development is not in close proximity to a Centre Zone it is within a defined residential development that will have a different character to the remainder of Lockleys and the Low Density Policy Area 21. The Riverstone Estate has allotment areas smaller than much of Lockleys and less than the Development Plan seeks (420m<sup>2</sup>). There are allotments in the Riverstone Estate as low as 303m<sup>2</sup> which were approved as part of Development Application 211/971/2014. This gives this locality a different character to the remainder of Lockleys and on that basis a lesser allotment area than the Development Plan calls could be suitable in this specific context subject to an assessment against other relevant provisions of the Development Plan.

The subject site is also in close proximity to the River Torrens Linear Park and the Development Plan recognises that higher densities are appropriate in proximity to significant public open space.

A Residential Flat Building is not an anticipated land use in the Low Density Policy Area 21, nor is it a non-complying land use. It is considered that the development of 8 dwellings in a residential flat building could be a suitable development within the Low Density Policy Area 21 subject to an assessment against the quantitative and qualitative provisions within the Development Plan.

### Land Division

Where land is to be divided, the resultant allotments should be suitable for their intended purpose and should be capable of being provided with services and infrastructure. While the proposed community lots will not meet the minimum site area for the Low Density Policy Area 21, as outlined above there are numerous allotments within this area that do not meet the 420m<sup>2</sup> minimum site area. Having assessed the proposed development as a combined land use and land division application the proposed site areas are considered suitable for their intended land use of residential development.

### Surrounding Uses

The land uses within the wider locality are residential dwellings at single and two storeys. The surrounding land uses will consist predominantly of future dwellings of one and two storey in height within the Riverstone Estate and existing dwellings on the fringe of this land development area.

### Siting

The proposed development is sited on Allotment 3 within Development Application 211/971/2014. This site is located at the entrance to the Riverstone Estate behind recently installed landscaping and with a frontage to the extension of Main Street.



This area has a different allotment pattern to the surrounding area and for this reason it is considered that different built forms can be considered within this specific location. It is also noted that Allotment 3 was identified as a future community title development as part of the initial development of the land.

### **Bulk and Scale**

The proposed development will be at a bulk and scale which differs from the general built form within the wider locality which is predominately single and two storey dwellings on large allotments. Given the smaller allotments within the Riverstone Estate (than the surrounding area) it is anticipated that more two storey dwellings will be developed in this immediate locality to maximise dwelling area on smaller allotments, (Council is already in receipt of development applications for two storey dwellings within the Riverstone land division). As a result the bulk and scale of a residential flat building will be more in character with future development than the exiting dwellings in the wider locality.

The scale of the residential flat building would be significant in this locality as a residential flat building does not allow separation between dwellings as detached dwellings would. While the bulk and scale of the building would be significant it is not considered excessive in this locality.

### **Setbacks**

The proposed dwellings are setback 3.2m to the primary street property boundary and 6.4m to Main Street. Vehicle access is via the private access lane at the rear of the dwellings and this access arrangement allows the frontage presented to Main Street to not be dominated by garages and vehicle crossovers.

The Development Plan calls for primary setbacks to be consistent with adjoining development. In this instance there is no adjoining development to compare the subject land to as the area is currently undergoing development. Given the proposed development has its vehicle access at the rear and the public realm in this location already includes a footpath and landscaping which further separates the subject land from the road reserve (note that lots 57-53 front a landscaped area) the proposed front setbacks are considered suitable.

### **Overlooking and Overshadowing**

Proposed upper storey windows on the western and eastern elevations have obscure glass to a height of 1.7m to deal with the issue of potential for overlooking.

The applicant provided overshadowing diagrams based on the impact during the winter solstice that outlines that the impact of the building will be mostly on the right of way to the rear of the dwellings or the subject land itself. Development should allow north-facing windows and ground level open space of adjoining land to receive at least 3 hours of direct sunlight over a portion of their surface between 9.00 am and 5.00 pm on the 21 June. Based on the information submitted the proposed development will allow sufficient solar access to adjacent land.

### **Site Area and Frontage**

The Development Plan contains minimum allotment sizes of 420m<sup>2</sup> with a frontage of 12 metres within the Low Density Policy Area 21, other than where an application for a combined land division/land use application is submitted. This provision has been interpreted as allowing lessor site areas than the minimum nominated within the Policy Area where the full impact of a proposed development can be considered e.g. land use/built form and land division.

In this instance the community lots to be created range from 490m<sup>2</sup> to 225m<sup>2</sup> with site frontages ranging from 15.58m to 6.78 metres. Each lot will be aligned with a dwelling within the residential flat building.

Each of these lots and dwellings has been assessed against the quantitative standards dealing with private open space and satisfy the Development Plan requirements. As each proposed lot will be capable of providing sufficient private open space and car parking for its proposed dwelling and recognising that the Riverstone Estate has a different land development pattern than the surrounding area of Lockleys expressed as smaller allotments the proposed allotments sizes and frontages are considered appropriate in this immediately locality.

### **Transportation & Access**

The proposed development will gain access via Main Street and a private right of way at the rear of the dwellings. Each dwelling will be provided with two undercover car parking spaces and two visitor spaces are provided adjacent the access gate that was added to the proposed development to address the visual impact of the garaging on adjoining neighbours.

Council's independent traffic consultant has provided comment on the proposed development and has raised queries or concerns regarding the operation of the access gate, the location of the visitor's spaces and the setback of the garages from the private right of way. The applicant has indicated that the access gate will operate via a sensor which means the gate will open from its default closed position when a car approaches.

The applicant has also provided traffic engineering advice in response that highlights that the visitor's spaces are accessible to the dwellings and that relocating the visitor spaces to the front of the building may require reversing into the public carriageway. Relocating the visitor spaces into the front of the building would also impact on the landscaping within the entrance to the Riverstone Estate and the location of the visitor parking as proposed by the applicant is considered appropriate.

In relation to the garage setback from the right of way the applicant's traffic engineer has responded that *'The rear right-of-way is not a public lane. The right-of-way will function as a private driveway for access to/from the development's garages as well as the two residential crossovers servicing properties to the south. The driveway will function in the same as an internal circulation road/aisle within a group dwelling development. There will be no public 'cut-through' movements within the right-of-way (as may occur in a public lane) and all users will be familiar with the operation of right-of-way and the adjacent garages. Accordingly, the relevant width provisions are the apron widths identified in the "Australian Standard for Parking Facilities – Part 1: Off-Street Car Parking" (AS/NZS 2890.1:2004) which the proposal exceeds. The apron width requirements identified in the Standard show no requirement for additional setback. Vehicle movements within the right-of-way will generally be slow and drivers travelling within it will be able to have adequate sight distance to open garage doors and reversing vehicles.'*

### **Visual Impact on Streetscape**

Proposed development should recognise and respect the environment in which it will be located. The applicant has provided streetscape drawings and computer generated images of the proposed building and its relationship to Main Street which is attached to this report.

These images and drawings outline that the building will be a contemporary structure that uses articulation and different materials to break up the bulk and scale of the building. The building addresses the public realm with landscaping, fencing and materials that will make a positive contribution to the locality. It is considered that the use of fencing and landscaping does enhance the appearance of buildings from the street as viewed by pedestrians and provides an appropriate transition between the public and private realm.

## SUMMARY

The proposed construction of eight two-storey dwellings with associated car parking, fencing and landscaping areas, also a community division to create seven additional lots within the Low density Policy Area 21 presents a number of challenging issues to consider as part of an assessment against the West Torrens Council Development Plan.

While the development is part of a new residential estate that contains allotments well below the Development Plan provisions, it proposes further reduced lot sizes at well below the minimum site area of 420m<sup>2</sup>. It is noted that Principle of Development Control 6 within the Low Density Policy Area nominates a minimum allotment size of 420m<sup>2</sup> except where an application for land division and land use is made. This has been interpreted as flagging that a lesser allotment size may be appropriate where the full impact of a proposed development can be assessed in a coordinated manner.

The development is proposed on land that has been nominated as part of the initial land development approval (211/971/2014) as a future community title development. The proposed land use of eight dwellings within a residential flat building does not represent an envisaged land use within the Low Density Policy Area but nor is a residential flat building a non-complying development which will indicate that this type of development was not suitable within this policy area. Therefore the specific development must be assessed on its merits against all the relevant provisions of the West Torrens Council Development Plan.

The proposed development meets many of the relevant quantitative provisions within the Development Plan including sufficient areas of private open space, provision of car parking and visitors parking, treatment of upper level windows to minimise potential for overlooking and most boundary setbacks. It does not meet the necessary upper storey setbacks on the western boundary, the minimum site areas or the minimum site frontages.

The subject site is influenced by its location within a new residential subdivision that contains allotments well below 420m<sup>2</sup>. The design of the proposed residential flat building is contemporary in nature and will provide a different form of housing within this immediate locality which is consistent with a number of the council wide provisions contained within the Development Plan.

While the proposed development fails to meet some key quantitative principles, overall it represents a contemporary building that will sit comfortably within its immediate locality and will provide further choice of housing.

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 variation sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 05 November 2015 and warrants the granting of Development Plan Consent.

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development and division of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT CONSENT to Development Applications 211/44/2016 and 211/C028/16 consisting of the construction of eight (8) two storey dwellings with associated car parking, fencing and landscaping areas & community division to create seven (7) additional lots subject to conditions

**DEVELOPMENT PLAN CONSENT  
COUNCIL CONDITIONS**

1. The built form 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 land division must be undertaken and completed in accordance with the plans and information detailed in this application (211/C028/16) except where varied by any condition(s) listed below.
3. The upper level windows of the dwelling must have a sill height of a minimum of 1.7 metres or 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.
4. The cost of rectifying any conflict with existing Council infrastructure arising out of this development will be borne by the applicant.
5. 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.
6. The finished floor level must be a minimum of 350mm above the highest point of the watertable adjacent to the property.
7. 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.
8. 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.
9. The stormwater outlet from the site should be connected to pre provided stormwater outlet through the road verge area.
10. Each dwelling to be fitted with a stormwater detention tank meeting the following design criteria;
  - A minimum 1500 litre detention storage tank. This detention storage requirement is over and above any Building Code of Australia requirement for a rainwater tank. These tanks shall be arranged such that stormwater is directed to the rainwater tank first, and overflow from this tank shall be directed to the detention tank.
  - 100% of the roof area from each dwelling shall be directed to the detention storage.
  - Discharge from the detention tank is to be limited through the utilisation of an 20mm outlet orifice.

***LAND DIVISION CONSENT***  
**COUNCIL CONDITIONS**

Nil

**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 H0043649).
2. Payment of \$45416.00 into the Planning and Development Fund (7 lots @ \$6488.00/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (83030724), 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.

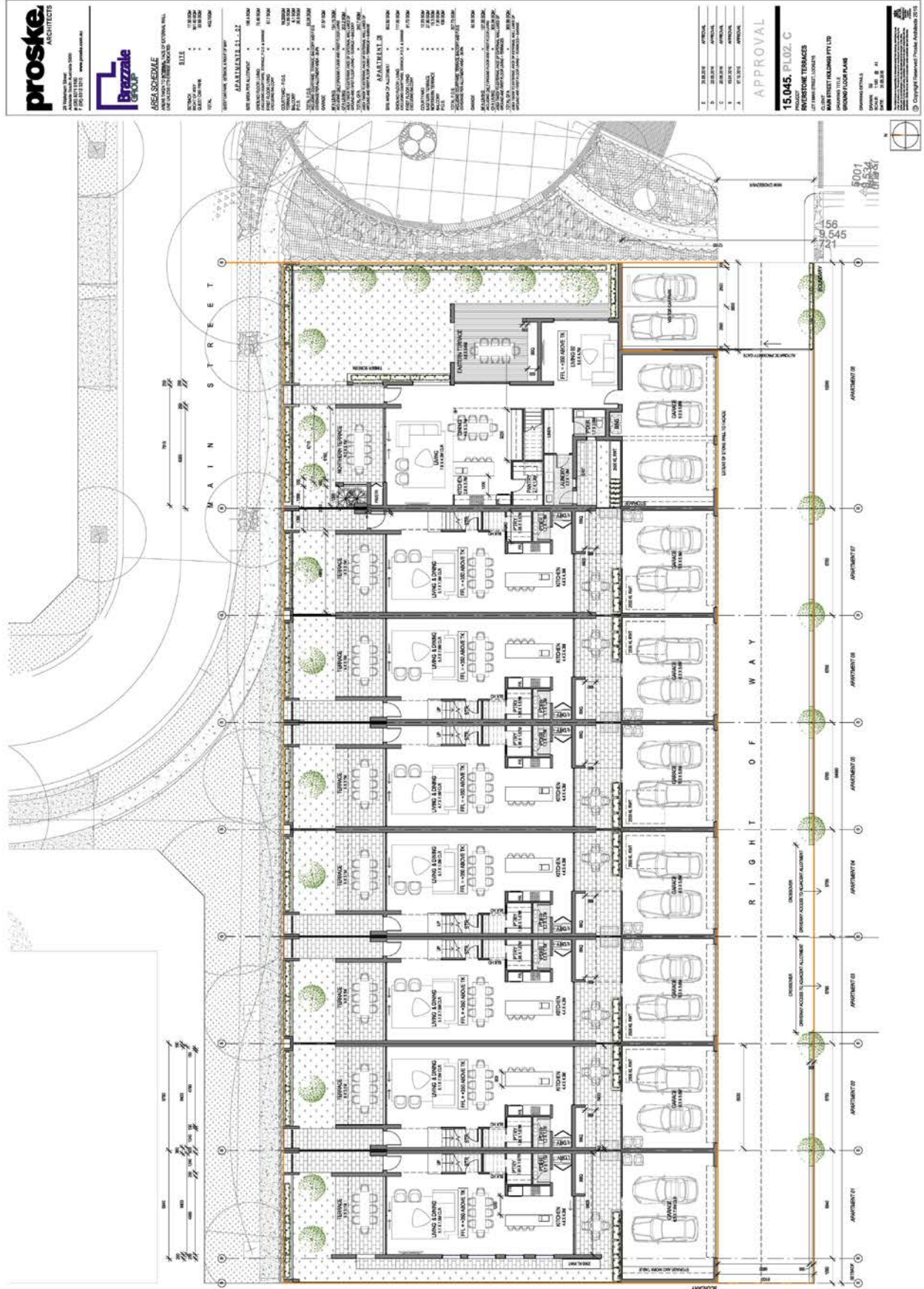
**Notes**

SA Water also advises 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 the preferred servicing option. For further information or queries contact SA Water Land Developments on 74241119.

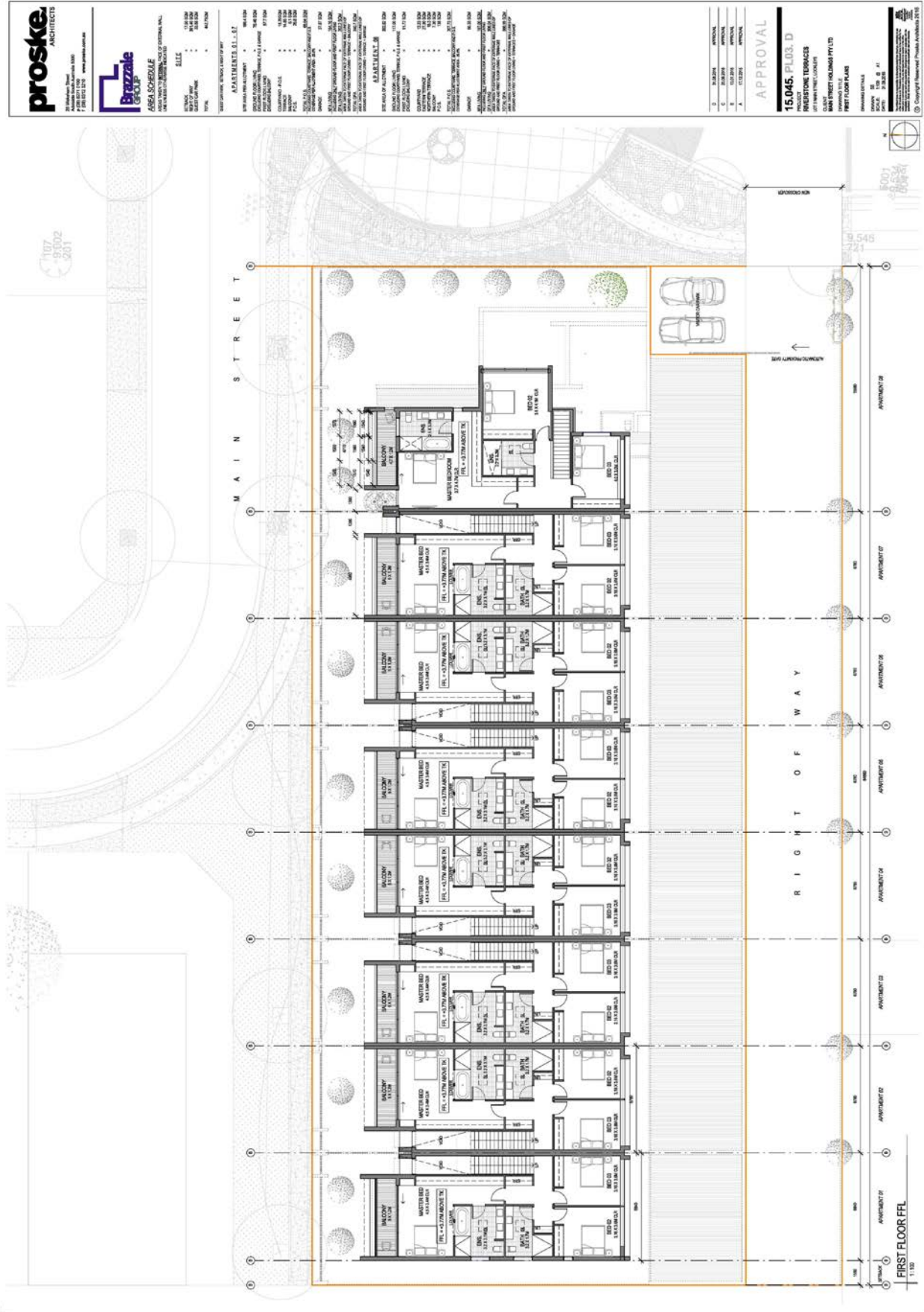
The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost of the owner/applicant.



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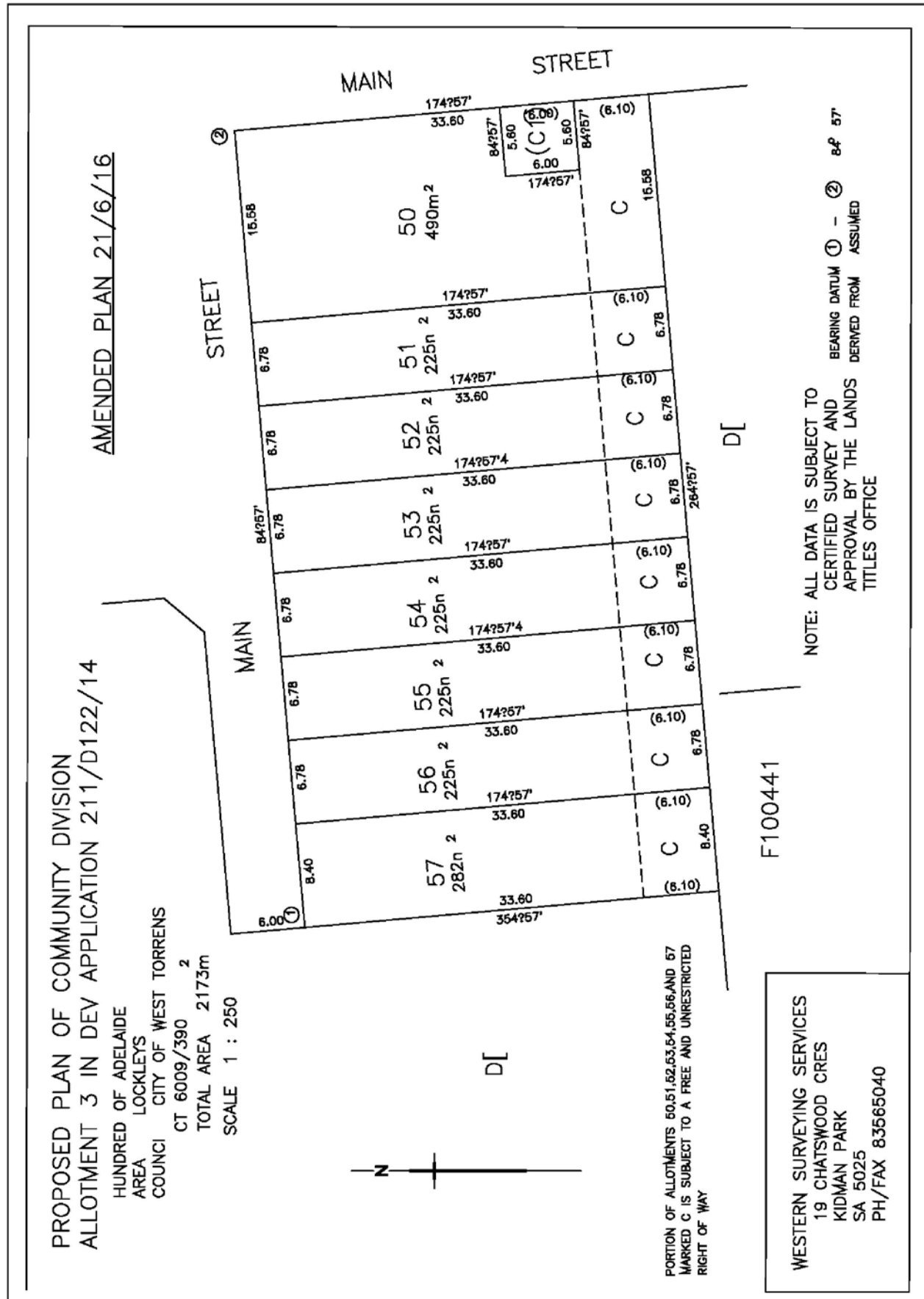


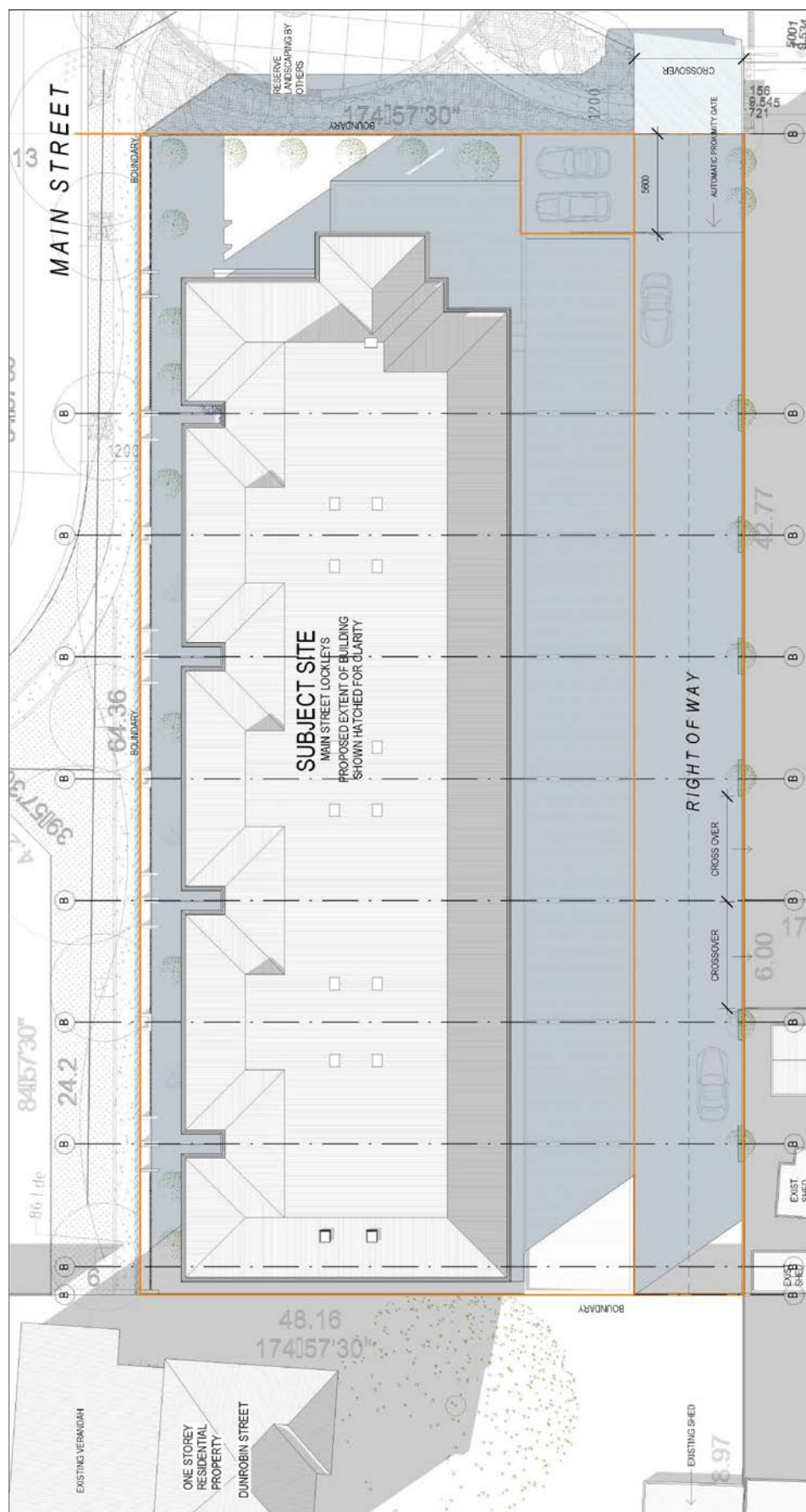


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### SUN STUDY - Winter Solstice 3pm

1:200

**proske**  
ARCHITECTS

26 Wakeham Street  
Adelaide South Australia 5000  
p (08) 8271 0100  
f (08) 8312 3210  
[www.p...](http://www.p...)

[www.proske.com.au](http://www.proske.com.au)

PRELIMINARY

A PLANNING

02.09.2016

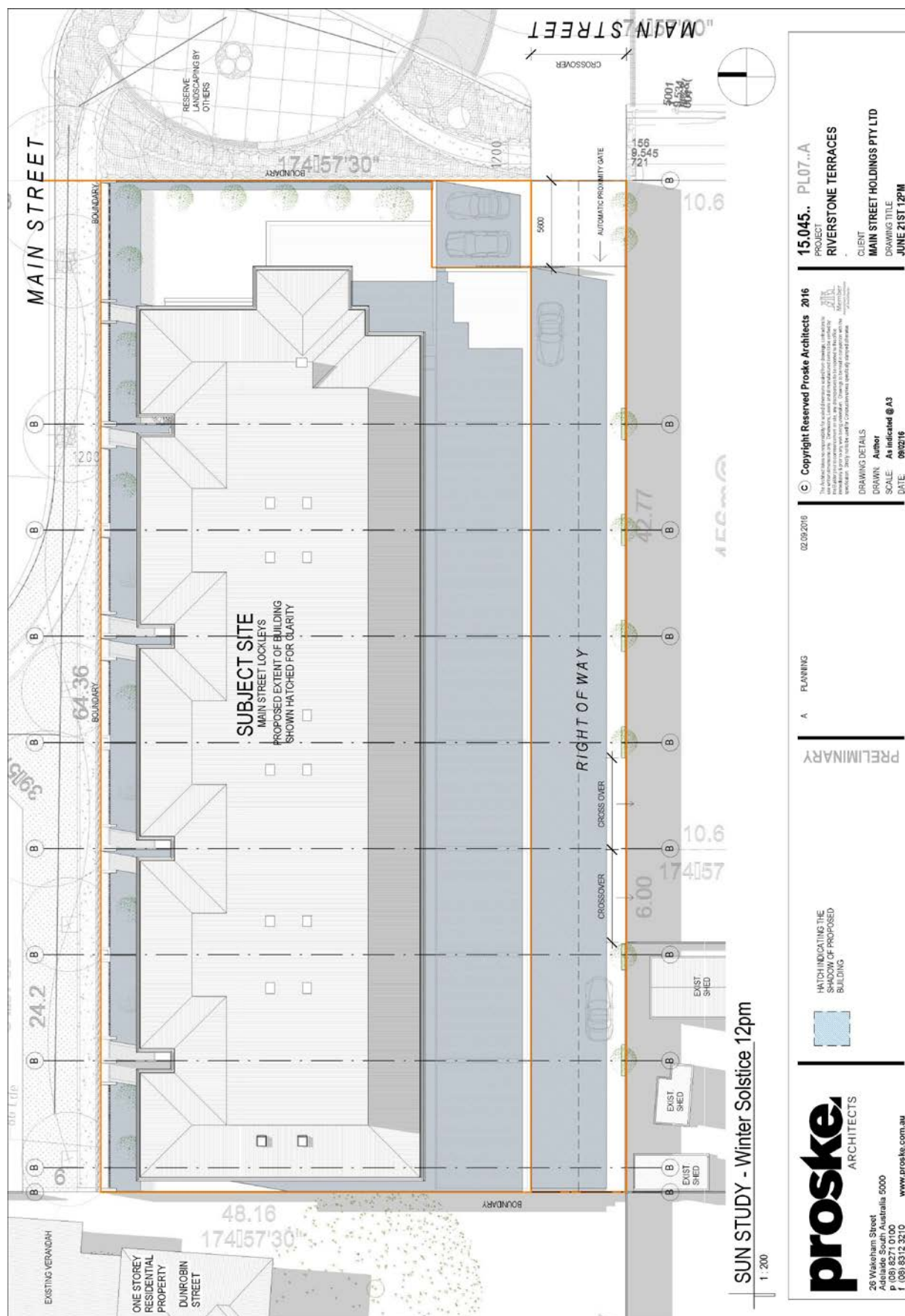
© Copyright Reserved Proske Architects 2016

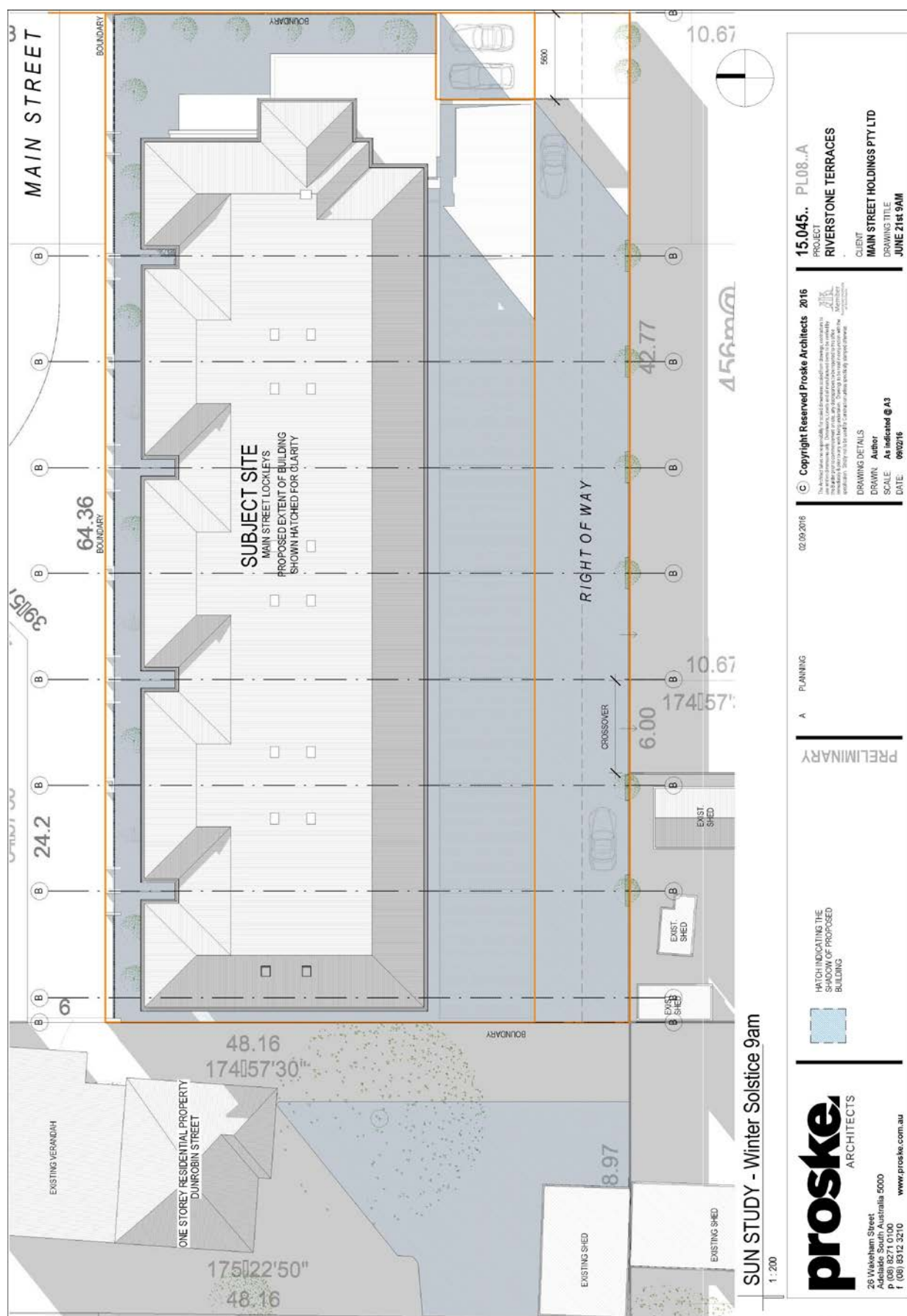
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**RIVERSTONE TERRACES**

CLIENT  
MAIN STREET HOLDINGS PTY LTD  
DRAWING TITLE  
JUNE 21st 3PM

DRAWING DETAILS  
DRAWN MC  
SCALE As indicated @ A3  
DATE 09/02/16









Lockleys 1218 010



Town Planning  
Development Advice  
Strategic Management

18 January 2016

Mr Adam Williams  
Senior Development Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

Dear Adam,

**Development Application – Main Street Holdings Pty Ltd –  
Nine (9) Two Storey Dwellings – Proposed Lot 3 Main Street, Lockleys**

I refer to the Development Application by Main Street Holdings Pty Ltd that seeks Development Plan Consent for nine (9) two storey dwellings in the form of a residential flat building together with associated driveway, car parking, fencing and landscaping on land located at Proposed Lot 3 Main Street, Lockleys.



I have been engaged by the Applicant to provide town planning advice in relation to this proposal having regard to the relevant provisions of the West Torrens Council Development Plan, the existing condition of the land and the pattern and form of development within the surrounding locality.

It is also appropriate to have regard to the Development Approval granted by Council on 12 November 2015 (DA 211/D122/14) for the division of land which will result in an additional thirty one (31) Torrens Title allotments (copy enclosed), including Proposed Lot 3 on which this residential development is now proposed.

I also enclose a copy of the final plan for this division of land which is to be lodged with the Lands Titles Office so as to formally create the approved allotments following satisfactory completion of civil engineering and landscaping works and the issue of a Section 51 Clearance under the Development Act, 1993.

**Phillip Brunning & Associates**

ABN 40 118 903 021

26 Wakeham Street  
Adelaide SA 5000  
Telephone 08 8232 5686  
Mobile 0407 019 748  
phil@phillipbrunning.com







While Lot 3 may not yet formally exist, Council may nonetheless receive, consideration and determine a Development Application for built form and land use. If required, Council may append a condition of approval such that precludes the commencement of construction until such time as the formal title has been issued.

Lot 3 which has an area of some 2173 was purposefully created in order to provide for a Community Titled residential development of the nature now proposed. This is clearly evident within the Master Plan report submitted to Council in support of the Development Application for land division.

## Concept Master Plan

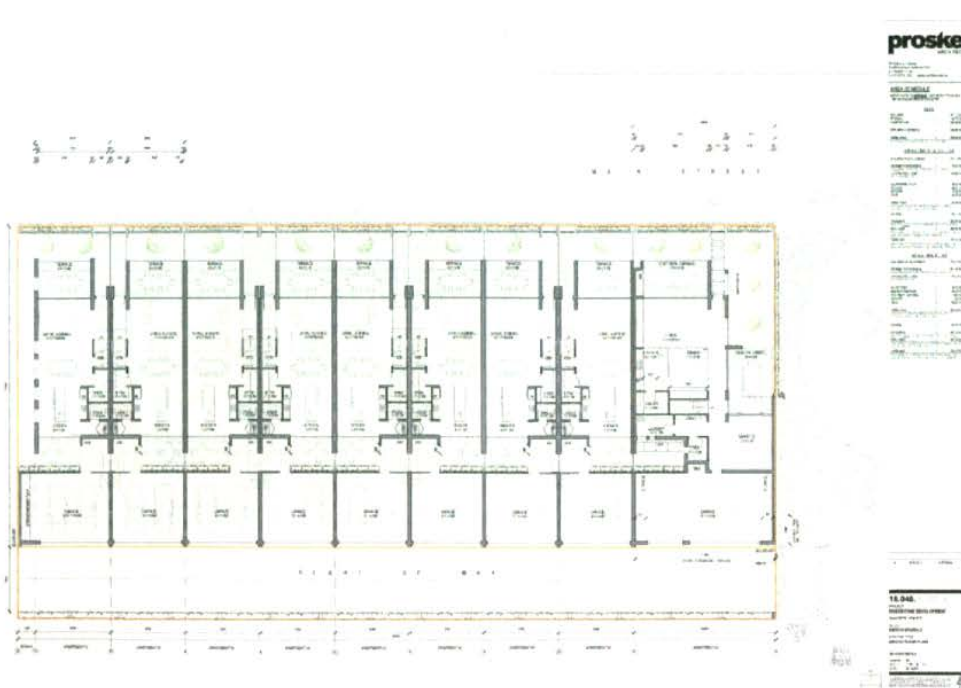




Lot 3 is provided with a shared driveway arrangement which is subject to certain rights of way to the adjoining Lot 40 to the west. The freehold associated with this driveway is to remain with Lot 3 and will be developed as a paved driveway access as part of the proposed development.

This shared driveway arrangement is a key attribute of the proposed residential development in so far as it minimises fragmentation of the streetscape which may otherwise occur should individual driveways be pursued, maximises the area that may be devoted to landscaping together with on street parking.

The entrance to this shared driveway will be enhanced via the use of an arbor or similar landscape element that would allow for a grape vine or similar. Access to this shared driveway will not be restricted via the use of gates or doors, and will remain open at all times so as to provide 'free and unrestricted' access to Lot 40.







A plan of division by Community Title for Lot 3 which reflects the site layouts for the proposed residential dwellings will be lodged in due course. This plan of division will be accompanied by a Scheme Description and By-Laws which more particularly outline the manner in which land will be used and managed over time.



The proposed dwellings are presented in a 'classic contemporary' design style utilising hipped pitched roofs with generous eave overhangs, solid masonry forms with taller window proportions and fenestration, the use of natural stone at the lower level including fencing, with a strong commitment to landscaping.

Provision of garaging to the rear (south) accessed via the shared driveway has provided the opportunity to orientate private open space to the north such that maximises the energy and amenity benefits, in particular during winter months. A more secluded courtyard is provided between the dwelling and the garage.

The corner house to the eastern extent of Lot 3 pays appropriate respect to the adjacent landscaped road reserve associated with Main Street. The dwelling design and layout together with fencing responds to this public space in a positive manner such that would optimise passive surveillance and a sense of address.

The road reserve to the front of the proposed dwellings is to be developed as a high quality pedestrian environment as part of the land division works approved by Council. This will involve paving and landscaping including street trees that will assist in creating a high level of amenity for future residents.

Appropriate window treatments will be implemented so as to limit the potential for overlooking and loss of privacy between the proposed dwelling and on adjoining properties. This includes north facing upper level windows such that may have potential for line of sight onto Lots 11, 24 and 25.





As you would be aware, the land is located within the Residential Zone and more particularly Low Density Policy Area 21 of the Development Plan, the relevant version for the assessment of this Development Application being that consolidated on 25 June 2015.

The Residential Zone seeks a variety of housing types with increased densities in close proximity to centres, public transport and public open space. The Development Plan is clear in its call for housing diversity so as to satisfy the needs and preferences of the community, and make efficient use of land and infrastructure services.

In doing so new development should be respectful of its context and the extent to which it may impact on the character and amenity enjoyed by existing residents within established localities. Specific regard should be given to streetscape character together with potential impacts arising from overlooking and/or overshadowing.

The Development Plan more specifically seeks a minimum allotment size of 420 square metres in this location, with the ability for this to be reduced to 350 square metres where the land is within 400 metres of a centre zone. A further density discount is provided for affordable housing down to 300 square metres.

The land on which these nine (9) dwelling are proposed has an overall area of some 2173 square metres. Expressed as an average and taking into account the shared or common driveway arrangement, this represents a site area of approximately 241 square metres per dwelling.

In this respect the proposal represents a not so insubstantial departure from the quantitative measure expressed within the Development Plan in respect to dwelling density. This departure is however not in itself sufficient reason to decline consent to this application in so far as the specific circumstance is somewhat unique.

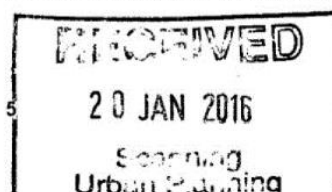
In this regard, we ask that Council apply appropriate weight to a range of qualitative considerations in respect to the location and arrangement of the land as it relates to surrounding development and the extent to which the proposed form of development may have actual impacts on streetscape character and amenity.

This land forms part of a coordinated and integrated master planned estate at the end of Main Street as it adjoins the River Torrens Linear Park. In this regard, it is not an isolated development site which is surrounded by established residential development of an otherwise consistent character.

There was conscious propose to the creation of this land allotment for a more intensive form of residential development that would complement the dwellings proposed on the balance of the land within this estate and existing residential development adjoining to the south.

The driveway provides not only access to Lot 40 adjoining to the west, but also a buffer between the two storey building form proposed and the existing lower scale residential development to the south. There is to be an effective 14 metre separation from the two storey element of the proposed dwellings and properties to the south.

Shadow cast by the proposed building would not detrimentally affect the amenity presently enjoyed on these adjoining properties. These properties would continue to enjoy suitable solar access during winter months and an aspect to the north. The proposed building would not be visually intrusive when viewed from these properties.





Proximity to the River Torrens Linear Park will afford a high level of amenity and function for future residents such that would more than adequately compensate for a lesser allotment size. Not only does this provide ready access for recreational use but also to the bike path network linking the City and the coast.

Suitable areas of private open space are to be provided which will enjoy good solar access and function relative to the internal layout of dwellings. Front fencing and landscaping (including hedging) will be configured so as to provide an appropriate level of privacy for residents using this space.

The proposed development would also provide suitable on site parking for residents (at least 2 spaces per dwelling) with adequate opportunity for on-street parking for visitors, acknowledging that other dwellings within the estate will provide on site parking for their visitors.

Whereas the average site area per dwelling may be less than that ordinarily sought within this location, the proposed dwellings have been designed and sited in such a manner that no serious amenity impacts would occur. Nor would the resultant built form have a profound impact on established character in this locality.

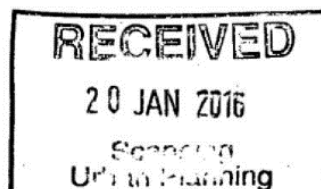
For these reasons, this proposal is commended to the Council as being an appropriate form of development that warrants consent. As required, I would be happy to expand on any of the above matters and may attend Council's Development Assessment Panel in order to respond to any questions arising.

Yours faithfully

**PHILLIP BRUNNING & ASSOCIATES PTY LTD**

A handwritten signature in black ink, appearing to be 'P Brunning', is written over a circular stamp or seal.

**PHILLIP BRUNNING MPiA**  
Certified Practising Planner











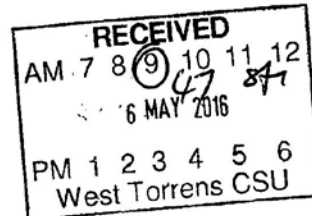




ATTACHMENT 2

|  |  |
|--|--|
| <b>STATEMENT OF REPRESENTATION</b><br><b>Pursuant to Section 38 of the Development Act, 1993</b> | <b>Received</b><br><br>- 6 MAY 2016<br><br>City of West Torrens<br>Information Management Unit |
|--|--|

TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033



DEVELOPMENT No. 211/44/2016  
PROPERTY ADDRESS: 59 Main Street, LOCKLEYS SA 5032

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

RICHARD & MARY REBELLATO  
60 MAIN ST LOCKLEYS  
WE LIVE DIRECTLY OPPOSITE

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

WE LIVE DIRECTLY OPPOSITE  
AS PER ATTACHED

REASONS FOR \*  
REPRESENTATION

|  |                      |
|--|----------------------|
|  | City of West Torrens |
|  | 10 MAY 2016          |
|  | City Development     |

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

DEVELOPMENT TO COMPLY  
WITH RESIDENTIAL  
POLICY AREA 21

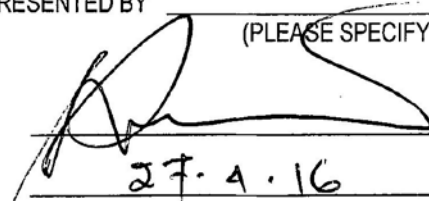
Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

I DO NOT WISH TO BE HEARD ☒  
I DESIRE TO BE HEARD PERSONALLY ☐  
WILL BE REPRESENTED BY ☐

(PLEASE SPECIFY)

SIGNED

DATE

 RICHARD REBELLATO  
27.4.16

\* If space insufficient, please attach sheets

M. Rebellato  
(MARY REBELLATO)

(FORM 3)  
Responsible Officer: Olivia Franco  
Ends: Monday 9 May 2016

F (Richard) Rebellato & Mary Rebellato  
60 Main Street Lockleys SA 5032  
Ph 0411 808 972  
Email: richrebell@gmail.com

City of West Torrens

Re: Development Number 211/44/2016

Applicant Main Street Holdings P/L

Date 27/04/2016

Our home is directly opposite the proposed application.

This proposal if passed will have a huge impact on our home.

The front view of our home will have 54 metres of double garage doors.

This proposal is not in keeping with council Policy Area 21: Residential Zone Low Density.

In fact, it contravenes all of the council's Policy Area 21 Residential Zoning.

Our understanding is that this is a new application, and not in conjunction with the original application and approval granted under the State government development.

As such, it should conform and strictly adhere to Policy Area 21.

The developers having acquired the whole parcel of land, had the opportunity to sub-divide and create allotments to comply, but chose to ignore the guidelines and are now seeking approval for a non complying development.

As council you are seeking our assessment for the proposed development.

Being residents directly opposite this application we strongly object to this proposal and seek the council to do likewise.

We are both disappointed and disturbed to receive this application.

It is obvious that council supports and recommends approval and only seeking the neighbours' views as a matter of compliance within the act.

If this was not the case, this application would not have come before us.

We have no issues with developers maximising their profits, but we do have an issue when it's at the detriment of the area / zoning and neighbours.



Dear Mayor Trainer, Mr Buss, Elected Members, DAP Members and Development Assessment staff.

We, the undersigned, **strongly object to and request that Council REFUSE** application DA 211/44/2016 from Main Street Holdings for *the construction of nine (9) two storey dwellings with associated car parking, fencing and landscaping areas (Lot 3); Community Title Land Division – DAC No. 211/C028/16 (Unique ID 53600) – Create Eight (8) Additional Allotments* at 59 Main Street, Lockleys SA 5032.

We, the undersigned, have a number of concerns including, but not limited to:

- Access:
  - increased traffic and general road usage which has not been adequately provided for.
  - Lack of parking for residents and visitors to the new development and dwellings.
  - Bin collection – access to all housing, along with placement of bins.
- Proposed development is not in keeping with the character of the area.
- This is not low density housing.
- Street frontage set-back for the area is not adhered to.
- Suspected groundwater contamination is not being addressed. A health hazard to future and current local residents.

We also note that the Riverstone Development DA 211/971/2014 is not a luxury development as marketed, construction has not adhered to approval conditions from council and machinery equipment, not suitable for residential areas, have been used. Many local residents have sustained damage to their homes due to construction. Not all residents impacted by this development have been informed at any given time throughout this process.

Overall, the Riverstone development has grossly affected all residents, whether their house backs directly on to the development or not. The health and harmony of the area has and continues to become degenerated. Property values will decrease and the lifestyle that existing residents have bought into the area for are fast becoming distant memories.

The murmurs are of a greedy and/or corrupt council. Please prove otherwise. Support your existing residents, not the developers for whom profit is the only consideration.

Sincerely,

Your rate paying residents of Lockleys.

| Name             | Owner/Resident        | Address                 | Signature        |
|------------------|-----------------------|-------------------------|------------------|
| <i>H. Peters</i> | <i>owner resident</i> | <i>41 Lancaster st</i>  | <i>H. Peters</i> |
| <i>C. Peters</i> | <i>owner resident</i> | <i>41 Lancaster st.</i> | <i>C. Peters</i> |

Petition continued..

| Name                  | Owner/Resident     | Address                  | Signature       |
|-----------------------|--------------------|--------------------------|-----------------|
| Bert Moller           | owner              | 29 Lancaster St          | BAMoller        |
| RAY DONAHUE           | owner              | 5 David Ct Lockleys      | RayDonahue      |
| Glennys Donnell       | owner              | 5 David Ct Lockleys      | GlennysDonnell  |
| BEROUKAS<br>MAGDALINI | OWNER              | 2 MANNING ST             | Beroukas        |
| VINCENZO CARBONE      | owner              | 20 Peter St              | VincenzoCarbone |
| R. REBELATO           | OWNER              | 60 MAIN ST               | RRebelato       |
| Jenny Duggan          | owner              | 16 Lancaster St          | JennyDuggan     |
| Jasmine Duggan        | resident           | 16 Lancaster St          | JasmineDuggan   |
| Ashley Gordon         | resident           | 54 Main St               | AshleyGordon    |
| michele Belcher       | owner<br>resident  | 56 main st               | MicheleBelcher  |
| R Gordon              | resident           | 54 Main St               | RGordon         |
| JILL WATSON           | OWNER              | 54 MAIN ST               | JillWatson      |
| ROBERT WATSON         | OWNER              | 54 MAIN ST               | RobertWatson    |
| Kate Belcher          | resident           | 56 Main St Lockleys      | KateBelcher     |
| MARY REBELATO         | owner/<br>resident | 60 MAIN ST LOCKLEYS      | MaryRebelato    |
| Dennis Flanigan       | owner              | 1 Matt St Lockleys       | DennisFlanigan  |
| Melisa Carbone        | owner              | 35 Lancaster St Lockleys | MelisaCarbone   |
|                       |                    |                          |                 |
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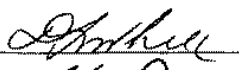

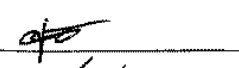
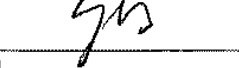
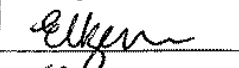

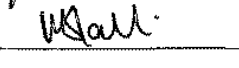
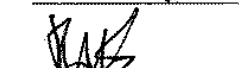
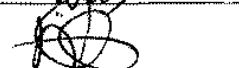
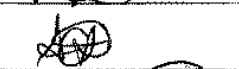

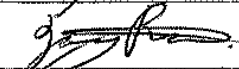

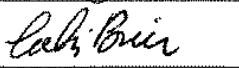

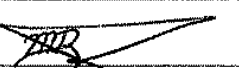
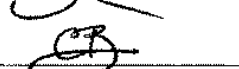



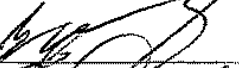
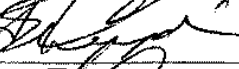
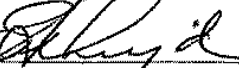
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Sincerely,

Your rate paying residents of Lockleys.

| Name      | Owner/Resident | Address                    | Signature |
|-----------|----------------|----------------------------|-----------|
| Jill Lion | Owner          | Lockleys<br>4 Ron Wait Crt | J. Lion   |
| Karl Lion | ✓              | ✓                          | Karl Lion |

Petition continued..

| Name                     | Owner/Resident | Address                    | Signature   |
|--------------------------|----------------|----------------------------|---|
| Dianne White             | Owner          | 6 Ron Wait Court Lockleys  |    |
| Ken White                | Owner          | 6 Ron Wait Court, Lockleys |    |
| Richard Ballard          | Resident       | unit 1 Main St             |    |
| Soren Braybeck           | resident       | 3/49 mainstreet lockleys   |    |
| Elizabeth Uzunovic       | OWNER          | 1A DUNCAN ST. LOCKLEYS     |    |
| Esed Uzunovic            | OWNER          | 1A DUNCAN ST. LOCKLEYS     |    |
| Michelle Hall            | Owner          | 9 Duncan St Lockleys       |    |
| <del>Owner</del>         |                |                            |   |
| ROB SMITH                | OWNER          | 46-48 TORRENS              |    |
| DAVID DEFAVARI           | OWNER          | 24 DUNROBIN ST             |    |
| SANDRA DEFAVARI          | OWNER          | 24 DUNROBIN ST             |   |
| Anita Dell'oro           | owner          | 2 Corso Avenue             |  |
| Josey Rapuano            | owner          | 4 Corso Avenue             |  |
| Amanda Brice             | owner          | 6 Corso Avenue             |  |
| Colin Brice              | Owner          | 6 Corso Ave                |  |
| Caitlin Brice            | Resident       | 6 corso Ave                |  |
| mark Beswick             | owner          | 2 Ron Wait Ct              |  |
| CHRISTINE BESWICK        | OWNER          | 2 Ron Wait Court           |  |
| Tony Bonifacio           | Owner          | 2 Corso Ave                |  |
| MARGHERITA DIACCIAGIANNI | OWNER          | 3 CORSO AVE                |  |
| TERESA D'OLLAGLIAN       | OWNER          | 3 CORSO AVE.               |  |
| GEORGE CARBONE           | OWNER          | 5 RON WAIT COURT           |  |
| LI 2 SCHNEIDER           | OWNER          | 1 MANNING ST.              |  |
| BILL SCHNEIDER           | OWNER          | 1 MANNING ST               |  |

[illegible]



Petition continued..

[illegible]

|  |  |
|--|--|
| <b>STATEMENT OF REPRESENTATION</b><br><b>Pursuant to Section 38 of the Development Act, 1993</b> | <b>Received</b><br>- 6 MAY 2016<br>City of West Torrens<br>Information Management Unit |
|  |  |

TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033

|                  |   |   |   |    |    |    |            |  |  |  |  |
|------------------|---|---|---|----|----|----|------------|--|--|--|--|
| <b>RECEIVED</b>  |   |   |   |    |    |    |            |  |  |  |  |
| AM               | 7 | 8 | 9 | 10 | 11 | 12 |            |  |  |  |  |
|                  |   |   |   |    |    |    | 6 MAY 2016 |  |  |  |  |
| PM               | 1 | 2 | 3 | 4  | 5  | 6  |            |  |  |  |  |
| West Torrens CSU |   |   |   |    |    |    |            |  |  |  |  |

DEVELOPMENT No. 211/44/2016  
PROPERTY ADDRESS: 59 Main Street, LOCKLEYS SA 5032

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

Tony Bonifacio &  
Anita Dell'orso  
2 Corso Avenue  
Lockleys SA 5032

City of West Torrens

10 MAY 2016

City Development

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

We own and reside  
in a property adjoining  
the development.

REASONS FOR \*  
REPRESENTATION

Riverstone is being marketed as  
"prestigious and picturesque" and  
Lockleys is highly sought after and  
Riverstone has certainly been priced accordingly  
Lockley's home owners take pride in their homes.  
We object to the construction of 9 two  
storey dwellings on the one allotment.

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

Ideally we would like the number of  
dwellings to be reduced to 4-5, and  
the quality to be very high ensuring  
that they attract the right owners

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

I DO NOT WISH TO BE HEARD  
I DESIRE TO BE HEARD PERSONALLY  
WILL BE REPRESENTED BY

☒  
☐  
☐

(PLEASE SPECIFY)

SIGNED

DATE

05/05/2016

\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Olivia Franco  
Ends: Monday 9 May 2016

Reason for representation: (cont...)

Our concerns are that they will be low budget and be crammed in. They will increase urban density, increase noise and pollution. There is insufficient room to accommodate the increase in motor vehicle numbers. The whole development is likely to have overflow parking problems. This impacts all surrounding residents, creating disharmony.

The proposed development of a two storey dwellings is unlikely to add value to the surroundings, instead it will diminish the property values in the surrounding area.

Also, we are extremely concerned about maintaining our level of privacy. and do not want to be overlooked by people hanging over balconies or looking out their windows.

The majority of our back living area is clear glass and therefore we insist that you ensure that our privacy is maintained and respected.

**STATEMENT OF REPRESENTATION**  
**Pursuant to Section 38 of the Development Act, 1993**

TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033

|                  |   |   |   |    |    |    |            |  |  |  |  |
|------------------|---|---|---|----|----|----|------------|--|--|--|--|
| RECEIVED         |   |   |   |    |    |    |            |  |  |  |  |
| AM               | 7 | 8 | 9 | 10 | 11 | 12 |            |  |  |  |  |
|                  |   |   |   |    |    |    | 6 MAY 2016 |  |  |  |  |
| PM               | 1 | 2 | 3 | 4  | 5  | 6  |            |  |  |  |  |
| West Torrens CSU |   |   |   |    |    |    |            |  |  |  |  |

DEVELOPMENT No. 211/44/2016  
PROPERTY ADDRESS: 59 Main Street, LOCKLEYS SA 5032

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

Tosey Rapuano  
4 Corso Avenue  
Lockleys.

City of West Torrens

10 MAY 2016

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT \*  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

Adjoining Resident.

City Development

REASONS FOR \*  
REPRESENTATION

The whole manner in  
which this land  
development has been  
done is a big joke  
and nightmare for  
every property near it.

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

I DO NOT WISH TO BE HEARD  
I DESIRE TO BE HEARD PERSONALLY  
WILL BE REPRESENTED BY \_\_\_\_\_

0  
0  
0

(PLEASE SPECIFY)

SIGNED

Tosey Rapuano  
4/5/16.

DATE

|   |
|---|
| Received  |
| - 6 MAY 2016  |
| City of West Torrens<br>Information Management Unit |

\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Olivia Franco  
Ends: Monday 9 May 2016

### 6.3 6-8 Elizabeth Street, TORRENSVILLE

Application No. 211/1275/2015

Appearing before the Panel will be:

Representors: **Callum Little** or **Bill Stefanopoulos** will appear in support of the representations from Alan and Tracy Maingard and Evan and Olga Lathouras of 1 and 3 Elizabeth Street, Torrensville respectively and G Fotopoulos and D.A. Antoniou of 1 Fairfax Terrace, Torrensville.

Applicants: **Leon Seltsikas** of LS Design Construct wishes to appear to respond to representations.

#### DEVELOPMENT APPLICATION DETAILS

|                          |   |
|--------------------------|---|
| DEVELOPMENT PROPOSAL     | Construction of a two storey detached dwelling with garage under roof and three (3), two storey dwellings and associated driveway and landscaping |
| APPLICANT                | LS Design Construct   |
| LODGEMENT DATE           | 28 October 2015   |
| ZONE                     | Residential Zone  |
| POLICY AREA              | Cowandilla/Mile End West Character Policy Area 23   |
| APPLICATION TYPE         | Merit   |
| PUBLIC NOTIFICATION      | Category 2  |
| REFERRALS                | Internal<br>▪ City Assets<br>External<br>▪ Nil  |
| ASSESSING OFFICER        | Adam Williams   |
| DEVELOPMENT PLAN VERSION | 25 June 2015  |
| MEETING DATE             | 13 September 2016   |
| RECOMMENDATION           | <b>REFUSE</b>   |

#### BACKGROUND

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

- All Category 2 or 3 applications where a representor has requested to be heard shall be assessed and determined by the DAP; and
- 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; and
- All applications where the assessing officer recommends refusal, shall be assessed and determined by the DAP.

#### PREVIOUS or RELATED APPLICATIONS

Nil



## SITE AND LOCALITY

The subject land comprises multiple properties. The properties are described as:

- Unit 1, Strata Plan 206 in the area named Torrensville, Hundred of Adelaide as contained in Certificate of Title Volume 5043, Folio 753;
- Unit 2, Strata Plan 206 in the area named Torrensville, Hundred of Adelaide as contained in Certificate of Title Volume 5043, Folio 754;
- Common Property Strata Plan 206 in the area named Torrensville, Hundred of Adelaide as contained in Certificate of Title Volume 5043, Folio 755; and
- Allotment 17 Filed Plan 144145 in the area named Torrensville, Hundred of Adelaide as contained in Certificate of Title Volume 5724, Folio 833.

The land is more commonly known as 6, 6a and 8 Elizabeth Street, Torrensville.

The total area of the combined allotments is approximately 1826 square metres and each allotment is a rectangle shape. The three allotments have primary street frontages to Elizabeth Street which, combined, is 34.2 metres long. The allotments have depths of 53.45 metres and none of the allotments have secondary street frontages. The land is relatively flat.

Development on the land comprises three dwellings within two separate buildings, a single storey detached dwelling and a single storey building containing semi-detached dwellings. The detached dwelling and semi-detached dwellings were constructed in the first half of the 20<sup>th</sup> century.

The three dwellings are supported by outbuildings and additions. The semi-detached dwelling building has two garages, one for each dwelling, while an additional shed building supports the dwelling in 6 Elizabeth Street. The detached dwelling at 8 Elizabeth Street has a free-standing outbuilding. Vegetation includes medium sized trees scattered around the backyards of the dwellings. No regulated trees are located on the site or adjoining the site and vehicle access to the land is available via three separate single width crossovers to Elizabeth Street. The Elizabeth Street road verge has a number of street trees that line its edge. The trees are of various ages and size with one (1) street tree located directly in front of the site.

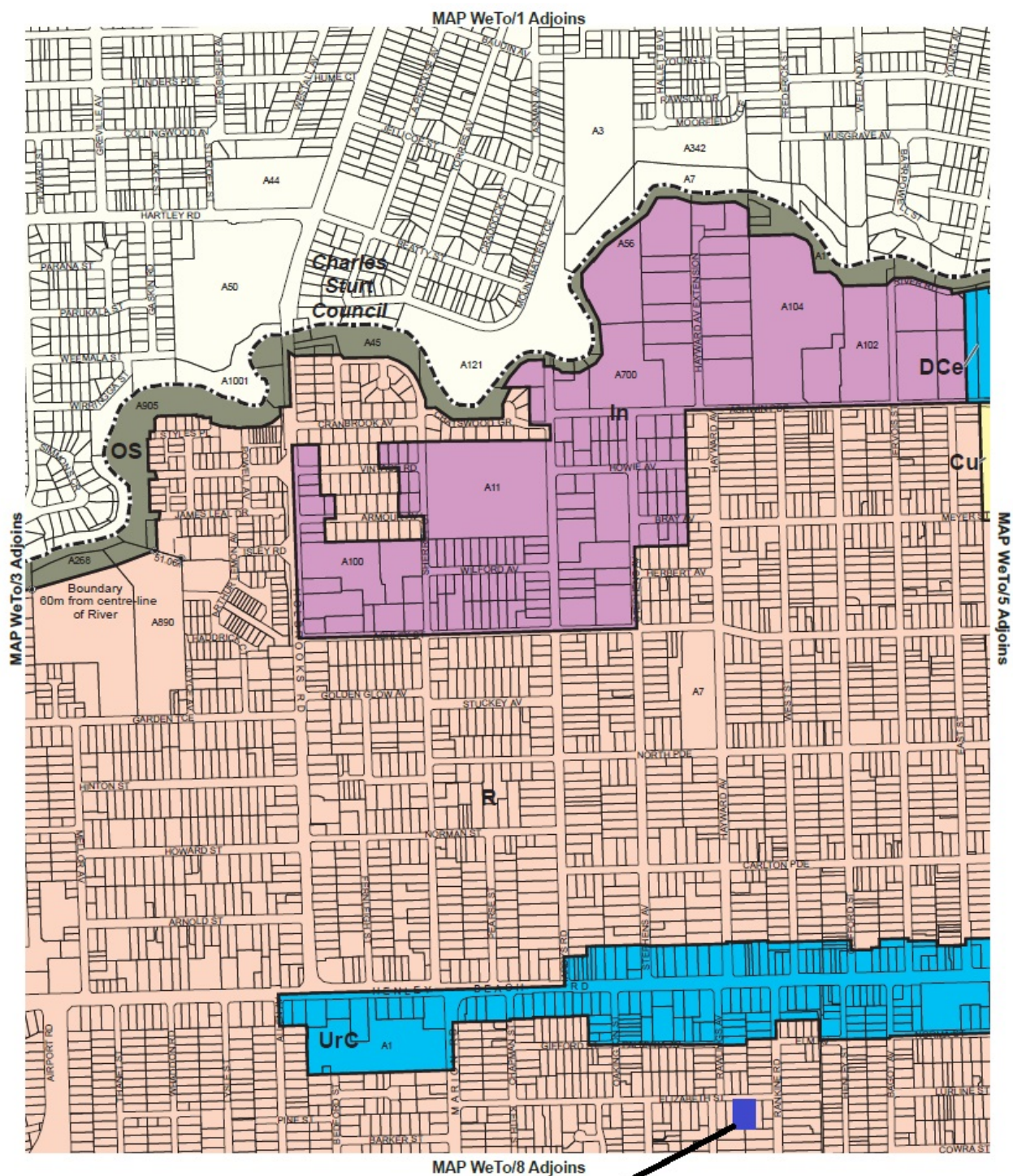
The locality contains primarily single storey, detached dwellings constructed during the 1930's and 1960's. There are also a number of newer detached dwellings and group dwellings from subsequent infill development. Buildings are primarily single storey and predominantly inter-war bungalows and Victorian-era cottages and villas.

The allotment pattern within the locality is reasonably diverse; many of the original rectangle shaped properties still remain but there are a number of allotments which have been divided for infill group dwelling development. Allotment sizes range from 200 square metres to 1200 square metres and have frontages in the range of 14-20 metres wide. There are eight battle-axe allotments within the immediate locality which contain dwellings without a frontage to a street.

The site and locality are shown on the following maps:







Lambert's Conformal Conic Projection, GDA94

- Zones**
- Cu Community
  - DCe District Centre
  - In Industry
  - OS Open Space
  - R Residential
  - Urc Urban Corridor
  - Zone Boundary
  - Development Plan Boundary

**Subject Site**  
**6-8 Elizabeth Street**  
**TORRENSVILLE**



## Zone Map WeTo/4

WEST TORRENS COUNCIL

## PROPOSAL

The Applicant seeks development plan consent for the construction of a two storey detached dwelling and three (3), two storey dwellings at the rear of the land. The dwelling at 8 Elizabeth Street will be retained and a common driveway will be constructed to provide vehicle and pedestrian access to the rear dwellings.

The detached dwelling will be constructed at the front of the site while the other three dwellings will be constructed at the rear of the land. The common driveway will be established between the existing dwelling being retained and the new detached dwelling.

The detached dwelling will contain:

### Ground floor

- Open plan living, kitchen and meals area;
- Laundry and water closet;
- Porch;
- Alfresco; and
- Double garage and external parking space.

### Upper floor

- Three (3) bedrooms;
- Ensuites (for bedroom 1 only);
- Study; and
- Bathroom and toilet.

The dwellings at the rear of the site will each contain:

### Ground floor

- Open plan living, kitchen and meals area;
- Laundry and water closet;
- Sitting room;
- Porch and Entry;
- Alfresco; and
- Single garage and external parking space.

### Upper floor

- Three (3) bedrooms;
- Ensuites (for bedroom 1 only);
- Activity area; and
- Bathroom.

Each dwelling is provided with exclusive private open spaces. The spaces are provided at the rear of each dwelling and between the buildings and their southern property boundaries. Each dwelling is provided with exclusive car park spaces; Residence 1 will have four spaces (two within the garage and two within the driveway). The dwellings at the rear of the subject land will each have two spaces; one within the garage and another open space in front of their respective garages. An additional "shared" on-site visitor car park space will be sited between the proposed detached dwelling and the residential flat building.

The common driveway will be 4.2 metres wide at the narrowest point and 6 metres at the widest points. A 300 mm landscape strip will separate the driveway from the eastern boundary of the existing dwelling at 8 Elizabeth Street.

An indicative carport for the existing dwelling at 8 Elizabeth Street is shown on the ground floor site plan. This structure is not part of the proposed development and will be the subject of a separate development application.

A copy of the drawings submitted for the proposed development is contained in **Attachment 1**.

## PUBLIC NOTIFICATION

The land use application involves the construction of a two storey detached dwelling and a three, two storey dwellings on a single site. The development is not listed as either a Category 1 or Category 2 form of development in the Procedural Matters Section of the Residential Zone of the West Torrens Council Development Plan. The proposed development was processed as a Category 2 form of development in accordance with Section 38 of the *Development Act 1993* and Schedule 9 (18) (b) of the *Development Regulations 2008*.

|                                     |  |
|-------------------------------------|--|
| <b>Properties notified:</b>         | A total of eleven (11) notification letters were sent to owners and/or occupiers of adjoining properties during the public notification process.   |
| <b>Representations:</b>             | Four responses were received.  |
| <b>Persons wishing to be heard:</b> | The following representors requested the opportunity to address the Panel. <ul style="list-style-type: none"> <li>• Alan and Tracy Maingard;</li> <li>• Evan and Olga Lathouras; and</li> <li>• G Fotopoulos and D.A. Antoniou</li> </ul>  |
| <b>Summary of Representations:</b>  | Points raised in the representations are summarised as follows: <ul style="list-style-type: none"> <li>• Building appearance is not compatible with the existing buildings with regard to height, proportion or facades;</li> <li>• Existing properties each have a minimum of three (3) car spaces (excluding garages). Most of the new dwellings will have a maximum of one (1) space, other than the garage space. Elizabeth Street is narrow and parking for residents and visitors is already an issue which will be exacerbated;</li> <li>• Suggest a reduction in the number of dwellings, a reduction of building height to single storey and similar façade proportions to the existing properties;</li> <li>• The applicant seeks densities far greater than those anticipated for the policy area;</li> <li>• Two storey residential flat buildings are not envisaged and development would result in the first intrusion of a two storey dwelling onto a low scale streetscape;</li> <li>• The proposal is likely to result in a negative visual impact on the streetscape and amenity of adjoining residents;</li> <li>• The development is at odds with the existing and desired character of the locality;</li> <li>• Elizabeth Street experiences traffic issues due to being used as a thoroughfare. The development will exacerbate existing traffic issues;</li> <li>• The removal of opportunities for on street parking as a result of new crossovers will increase parking issues and congestion generally;</li> <li>• Council should review the depth of the visitor parking spaces as they may limit movement within the internal driveway;</li> <li>• The development should not be supported.</li> </ul> |



The Applicant provided a response to the representations. The response is summarised as follows:

- The proposal provides densities consistent with similar infill development in the immediate locality. There are numerous examples within the immediate locality of group dwellings and residential flat buildings on larger allotments similar to the subject land and within Policy Area 23;
- The subject land is in close walking distance to centres and public transport routes, the proposal for increased density satisfies policy;
- The scale, bulk and design of the proposal will be consistent with the form of development in the immediate locality and provide siting and setbacks which will aid contributing to the existing appearance of the locality;
- The proposed dwelling facing Elizabeth Street, even though two storey, has a scale and proportion similar to the adjacent dwellings as depicted in the streetscape elevation. The materials are also in keeping with the character of adjoining dwellings through architectural features including hipped and pitched verandah, stone facades with brick quioning and a range of window types consistent with the adjoining residential dwellings;
- The residential flat building will not be highly visible from the street and will maintain and complement the character and building form of the existing streetscape;
- The allotment pattern is consistent with recent infill development;
- The proposal does not increase the number of crossover points to Elizabeth Street and will preserve street trees and landscaping;
- The proposal will have an acceptable impact on the adjoining properties in terms of loss light and outlook;
- There are numerous examples in the immediate locality where allotment sizes are less than the envisaged site areas of 340 square metres with development which sits comfortably around the traditional single storey detached dwellings on medium sized allotments;
- The access for the proposed dwellings will provide safe and convenient access to the site for all modes of transport;
- Off-street parking (including a communal visitor park) provides adequate space to minimise the need for on street car parking;
- The development has been designed to meet the full intent of the Development Plan and is consistent with the form of other recent infill development in close proximity. The amalgamation of sites and proximity to Henley Beach Road and Marion Road lends to a development of low to medium density as stated in Council's Development Plan.

A copy of the representations and the Applicant's response are contained in **Attachment 2**.

## REFERRALS

Internal

- **City Assets -**

The following City Assets Department comments are provided with regards to the assessment of the above development application:

### **1.0 FFL Consideration – Finished Floor Level (FFL) Requirement**

In accordance with the provided 'Civil & Drainage Plan' (KP Square drwg 160322C2 issue A amended received on 15/04/16), the FFL of the proposed Residence 1 (99.90) and Residences 2 to 4 (100.20) has been assessed as satisfying minimum requirements (99.90) in consideration of street and/or flood level information.

## **2.0 Verge Interaction (with street trees)**

New storm water connection for rear allotments are required to be minimum 1.0 metre from existing/proposed driveway crossover and 2.0 metres from existing street tree.

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

## **3.0 Traffic Comments**

Traffic manoeuvrability has been assessed as acceptable in accordance with the site layout shown in 'Civil & Drainage Plan' (KP Square drwg 160322C2 issue A amended received on 15/04/16).

## **4.0 Stormwater Detention (Large Residential)**

As the size of allotment(s) being affected by the proposed development totals between 1000 and 4000 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.

In calculating the stormwater detention requirements, runoff from any existing structures and buildings to be maintained must be taken into consideration.

It is recommended that an indication of how the storage is to be provided and calculations supporting the nominated volume be submitted to Council.

It is noted that the stormwater detention measures are in addition to the compulsory Building Code of Australia (BCA) stormwater re-use requirement that is necessary for the new dwellings. For clarity the BCA required rainwater re-use storage should also be indicated on the plans.

To encourage improved Water Sensitive Urban Design measures within the proposed development, once the necessary extent and distribution of detention storage has been acceptably calculated, Council will permit this storage to traded (on a one to one basis) and added to the compulsory BCA active stormwater re-use storage.

## **ASSESSMENT**

The subject land is located within the Residential Zone and more particularly Cowandilla/Mile End West Character Policy Area 23 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>Crime Prevention</i>      | <i>Objectives</i>                        | 1                                       |
|                              | <i>Principles of Development Control</i> | 1, 2, 3, 7 & 8                          |
| <i>Design and Appearance</i> | <i>Objectives</i>                        | 1 & 2                                   |
|                              | <i>Principles of Development Control</i> | 1, 2, 3, 9, 10, 12, 13, 14, 15, 21 & 22 |
| <i>Energy Efficiency</i>     | <i>Objectives</i>                        | 1 & 2                                   |
|                              | <i>Principles of Development Control</i> | 1, 2 & 3                                |

|  |  |  |
|--|--|--|
| <i>Landscaping, Fences and Walls</i>       | <i>Objectives</i>                        | 1 & 2  |
|  | <i>Principles of Development Control</i> | 1, 2, 3, 4 & 6   |
| <i>Orderly and Sustainable Development</i> | <i>Objectives</i>                        | 1, 2, 3, 4 & 5   |
|  | <i>Principles of Development Control</i> | 1 & 3  |
| <i>Residential Development</i>             | <i>Objectives</i>                        | 1, 2, 3, 4 & 5   |
|  | <i>Principles of Development Control</i> | 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33 |
| <i>Transportation and Access</i>           | <i>Objectives</i>                        | 2  |
|  | <i>Principles of Development Control</i> | 1, 2, 8, 9, 10, 11, 23, 24, 30, 34, 35, 36, 37 & 44                                    |

**Zone: Residential Zone**

**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”.*

|  |   |
|--|---|
| <i>Objectives</i>                        | 1, 2, 3 & 4                                     |
| <i>Principles of Development Control</i> | 1, 5, 7, 8, 10, 11, 12, 13, 14, 17, 18, 20 & 21 |

**Policy Area: Cowandilla/Mile End Character Policy Area 23**

**Desired Character Statement:**

*“The policy area will contain predominantly detached dwellings and semi-detached dwellings. There will also be some small-scale non-residential activities such as offices, shops and consulting rooms in certain locations. Non-residential activities will be complementary to surrounding dwellings.*

*Allotments will vary in size from low density to very low density and are generally deep, with narrow frontages to main streets. Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area.*

*There will be a unity of built-form, particularly as viewed from the street, where all new development is complementary to the key character elements of Victorian-era villas, cottages, inter-war bungalows, Spanish mission and Dutch colonial-style dwellings, rather than dominating or detracting from them. Key elements of this character include pitched roofs, verandas /porticos and masonry building materials. There will be predominantly one storey buildings, with some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings. Setbacks will be complementary to the boundary setbacks of older dwellings in the policy area, preserving considerable space in private yards for landscaping.*

*There will be no garages/carports forward of the main facade of buildings. Fencing forward of dwellings will be low to provide views of built-form that define the character of the policy area. Any driveway crossovers will be carefully designed and located to ensure the preservation of street trees which have an important positive impact on the streetscape."*

|                                   |            |
|-----------------------------------|------------|
| Objectives                        | 1          |
| Principles of Development Control | 1, 2 and 3 |

## QUANTITATIVE ASSESSMENT

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

| DEVELOPMENT PLAN PROVISIONS   | GUIDELINES   | PROPOSED  |
|---|--|---|
| SITE AREA<br><i>Cowandilla/Mile End West<br/>Policy Area 23<br/>PDC 3</i> | 340 square metres  | Existing dwelling - 436 sqm<br>Residence 1 - 323 sqm<br>Residence 2 - 277 sqm<br>Residence 3 - 260 sqm<br>Residence 4 - 280 sqm<br><br><b>Not Satisfied</b>   |
| PRIMARY STREET SETBACK<br><i>Residential Zone<br/>PDC 8</i>               | <b>9.7 metres</b><br><br>The average of the setback of 4 Elizabeth Street (12.2 metres) and 10 Elizabeth Street (7.2 metres) | Residence 1 - 7 metres<br><br>(Not applicable to other dwellings)<br><br><b>Not Satisfied</b>   |
| SIDE SETBACKS<br><i>Residential Zone<br/>PDC 11</i>                       | Side<br>0/1m (Ground Floor)<br>2m (Upper Floor)  | Existing dwelling – ground floor setbacks are at least 1 metre<br><b>Satisfies</b><br><br>Residence 1 – ground and upper wall setbacks to proposed site boundary with common driveway is 1 metre and upper floor setback to eastern site boundary is 2 metres<br><b>Not Satisfied</b> |

|   |   |  |
|---|---|--|
|   |   | <p>Residence 2 - ground floor setback to eastern site boundary is 1 metre and upper floor setback to eastern boundary is 2 metres<br/><b>Satisfies</b></p> <p>Residence 3 – not applicable</p> <p>Residence 4 - ground floor setback to western site boundary is 1 metre and upper floor setback to eastern boundary is 2 metres<br/><b>Satisfies</b></p>  |
| <p>BOUNDARY WALLS<br/><i>Residential Zone</i><br/><i>PDC 13</i></p> | <p>Wall height: 3 metres<br/>Wall length: 8 metres and no further than 14 metres from the front boundary;<br/>and</p> <p>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</p> | <p>Residence 1 – 6.2 metres long and 2.9 metres high and within 14 metres of front property boundary but will not abut a wall of an existing building on the adjoining site.<br/><b>Not Satisfied</b></p> <p>Residences 2-4 have ground walls to proposed internal boundaries which will be 6.3 metres long and 2.9 metres high and abut each other.<br/><b>Satisfies</b></p>  |
| <p>REAR SETBACKS<br/><i>Residential Zone</i><br/><i>PDC 11</i></p>  | <p>3 metres (Ground Floor)<br/>8 metres (Upper Floor)</p>   | <p>Existing dwelling – 4 metres<br/><b>Satisfies</b></p> <p>Residence 1 – 5 metres at closest point fort both ground and upper floors<br/><b>Not Satisfied</b></p> <p>Residence 2 – 8 metres at closest point fort both ground and upper floors<br/><b>Satisfies</b></p> <p>Residence 3 – 8 metres at closest point fort both ground and upper floors<br/><b>Satisfies</b></p> <p>Residence 4 – 8 metres at closest point fort both ground and upper floors<br/><b>Satisfies</b></p> |



|  |  |  |
|--|--|--|
| BUILDING HEIGHT<br><i>Residential Zone</i><br><i>PDC 17</i>                    | 2 storeys for dwellings facing a street otherwise single storey  | Residence 1 – 2 Storeys<br><b>Satisfies</b><br><br>Residence 2– 2 Storeys<br><b>Not Satisfied</b><br><br>Residence 3– 2 Storeys<br><b>Not Satisfied</b><br><br>Residence 4– 2 Storeys<br><b>Not Satisfied</b>  |
| LANDSCAPING<br><i>Module: Landscaping, Fences &amp; Walls</i><br><i>PDC: 4</i> | 10%  | More than 10%<br><br><b>Satisfies</b>  |
| PRIVATE OPEN SPACE<br><i>Residential Development</i><br><i>PDC 19</i>          | Existing dwelling and Residence 1<br><br>- 60m <sup>2</sup> (min.)<br>-Minimum dimension 4m<br><br>Residence 2-4<br><br>- 24m <sup>2</sup> (min.)<br>-Minimum dimension 3m ( | Existing dwelling - 100 sqm<br>Residence 1 - 86 sqm<br>Residence 2 - 93 sqm<br>Residence 3 - 94 sqm<br>Residence 4 - 95 sqm<br><br>Existing dwelling and Residence 1<br>Minimum dimension of 4 metres<br><br>Residence 2-4<br>Minimum dimension of 3 metres<br><br><b>Satisfies</b>      |
| CARPARKING SPACES<br><i>Transportation and Access</i><br><i>PDC 34</i>         | 2 spaces per dwelling (1 covered)<br>plus<br><br>0.25 independent visitor space per dwelling (group dwelling/residential flat building)                                      | Existing dwelling – 2 spaces<br>Residence 1 – 4 spaces<br>Residence 2 – 2 spaces<br>Residence 3 – 2 spaces<br>Residence 4 – 2 spaces<br>1 shared visitor car parking space provided<br><br><b>Satisfies</b>  |
| GARAGE 7 CARPORT WIDTHS<br><i>Residential Zone</i><br><i>PDC 21</i>            | Maximum width of 3.66 metres   | Existing dwelling – 2.7 metres (future application)<br><b>Satisfies</b><br><br>Residence 1 – 5.3 metres<br><b>Not Satisfied</b><br><br>Residence 2– 2.4 metres<br><b>Satisfies</b><br><br>Residence 3– 2.4 metres<br><b>Satisfies</b><br><br>Residence 4– 2.4 metres<br><b>Satisfies</b> |

## QUALITATIVE ASSESSMENT

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

### Design and Appearance

The subject land is located within a Character Policy Area of the Residential Zone. The Desired Character Statement for the Policy Area states, in part:

*There will be a unity of built-form, particularly as viewed from the street, where all new development is complementary to the key character elements of Victorian-era villas, cottages, inter-war bungalows, Spanish mission and Dutch colonial-style dwellings, rather than dominating or detracting from them. Key elements of this character include pitched roofs, verandas /porticos and masonry building materials. There will be predominantly one storey buildings, with some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings. Setbacks will be complementary to the boundary setbacks of older dwellings in the policy area, preserving considerable space in private yards for landscaping.*

The Desired Character Statement is supported by specific character area provisions within the Residential Zone. The provisions are outlined as follows:

*Residential Zone PDC 17 Development should be limited to one storey, except where a dwelling faces a public road (ie is not sited on a battleaxe allotment or at the rear of a development site) and any of the following is proposed:  
(b) in new dwellings, a second storey within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality (refer to the figure below)*



*Residential Zone PDC 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.*

*Residential Zone PDC 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.*

*Residential Development PDC 2: Buildings on battleaxe allotments that do not have frontage to a public road should be single storey and be designed to maintain the privacy of adjoining properties*

*Residential Development 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*

As noted above, the Development Plan has a number of policies relating to development in character areas. The Character Statement for Policy Area 23 envisages “predominantly one storey buildings” but also recognises the opportunity for “some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings.”

Although the policies do not discourage two storey buildings there is clearly a preference for two storey development having direct street frontages and draw upon design cues from the predominant character of existing single storey developments.

Residential Zone PDC 17 provides further guidance noting a second storey be “within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality”.

The proposed dwelling at the front of the subject land and with a frontage to Elizabeth Street does not comply with the design guidelines outlined in PDC 17 and the three proposed dwellings at the rear of the existing dwelling are not single storey in form nor do they have a second storey within the roof space. The proposed dwellings are considered to be contrary to the provisions of the Development Plan directly related to two storey development within character areas.

Furthermore, the proposed two storey buildings have heights and forms that are unlike most of the existing single-storey development in the locality. The locality has a number of original inter-war bungalow and Victoria-era villa and cottage style dwellings constructed in the early 20<sup>th</sup> century period. The proposed buildings have a contemporary form and consist of modern construction materials.

The proposed building form is not likely to complement the appearance of existing built form of the existing dwellings.

### **Allotment Pattern and Density**

The locality has a mix of original rectangle shaped allotments and more recently created battle-axe allotments. The allotment shapes are still primarily rectangular however recent infill development have resulted in group dwellings being constructed on allotments of varying sizes and primarily to the rear of existing dwellings. In this respect the proposed allotment pattern and sizes will be similar to some of the more recently established in-fill allotments that already exist within the locality. The allotment pattern and density resulting from the proposed development is not considered critical to the merits of the proposal given the form and size of existing allotments currently present in the locality.

## Private Open Space

The appropriateness of each dwelling's private open spaces is not determined by just area and dimensions alone; the value of proposed open spaces is also considered against the following provision of the Residential Development Module.

*Residential Development PDC 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.*

*Residential Development PDC 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.*

*Residential Development PDC 21: Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non-permeable paved areas) to:*

- (a) assist with ease of drainage*
- (b) allow for effective deep planting*
- (c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings.*

The private open spaces do not have northern orientations however they are reasonably generous in size and directly accessible from the main living areas of each dwelling. The spaces will include plantings along the southern boundary of the rear dwellings, lawn, alfrescos and ample space to accommodate small outbuildings (the floor areas of the outbuildings were not included in the open space area calculations listed in the quantitative assessment table) and other ancillary fixtures. The spaces should receive some direct sunlight at various periods of the day during winter.

The private open spaces are of sufficient area, orientation and shape to be adequately functional for the occupants of the proposed dwellings.

## Car parking and safety

*Transportation and Access PDC 8: Development should provide safe and convenient access for all anticipated modes of transport.*

*Transportation and Access PDC 11: Transportation and Access PDC "Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).*

*Transportation and Access PDC 24: Development should be provided with safe and convenient access which:*

- (a) avoids unreasonable interference with the flow of traffic on adjoining roads*
- (b) provides appropriate separation distances from existing roads or level crossings*
- (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision*
- (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.*

*Transportation and Access PDC 30: Driveways, access tracks and parking areas should be designed and constructed to:*

- (a) follow the natural contours of the land*
- (b) minimise excavation and/or fill*
- (c) minimise the potential for erosion from runoff*
- (d) avoid the removal of existing vegetation*
- (e) be consistent with Australian Standard AS 2890 Parking facilities*

*Transportation and Access PDC 44: On-site vehicle parking should be provided having regard to:*

- (a) the number, nature and size of proposed dwellings*
- (b) proximity to centre facilities, public and community transport within walking distance of the dwellings*
- (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons.*

*Transportation and Access PDC 45: Vehicle parking areas servicing more than one dwelling should be of a size and location to:*

- (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely*
- (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area*
- (c) reinforce or contribute to attractive streetscapes*

A common driveway will facilitate all vehicle access to and from Elizabeth Street for the proposed rear dwellings. The two front dwellings will have conventional single width driveways. The width and design of the common driveway will ensure all vehicles can enter and exit the subject land in a forward direction and at certain points can facilitate two-way vehicle movements within the subject land. The width can also provide access for emergency service vehicles.

There will be no increase to the number of crossovers to Elizabeth Street however an existing single width crossover will be replaced by a double crossover. There will be no need for the removal of any street trees. Landscaping will be provided along one side of the common driveway and there is space for additional ground plantings being established along the other side of the driveway. The driveway design is consistent with the *Australian/New Zealand Standard AS/NZ 2890.1 2004- Parking facilities* and provides a balance between function, safety and aesthetics.

The representations raised concerns regarding the impact of the development on the existing supply of on-street parking and safety in general. The change to the road verge will possibly result in the loss of one on-street car parking spaces immediately in front of the subject land. The provision of on-site parking that exceeds the guidelines of the Development Plan will help off-set the loss of an on-street space.

The proposal satisfies on-site parking requirements and will have minimal impact to existing on-street spaces. The proposal satisfies the Development Plan policies relating to on-site car parking and vehicle movements.



## Privacy

*Residential Development PDC 27: Except for buildings of 3 or more storeys, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.7metres or permanent screens having a height of 1.7 metres above finished floor level.*

The proposed upper level windows to the front and west elevations of Residence 1 lack sill heights and fixed obscure glazing to a height of no less than 1.7 metres above the upper floor level. This is likely to create potential overlooking of private open spaces associated with the existing dwellings at 8 Elizabeth Street and 20 Rankine Road.

The upper level windows of the rear dwellings have either sill heights and fixed obscure glazing to a height of no less than 1.7 metres above the upper floor level. This window design will ensure the visual privacy of adjoining properties is maintained. The upper level windows designs of Residence 1 will need to be revised to satisfy privacy guidelines within the Development Plan.

## Overshadowing

*Residential Development PDC 10 "The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to:*

- (a) windows of habitable rooms, particularly living areas*
- (b) ground -level private open space*
- (c) upper - level private balconies that provide the primary open space area for any dwelling*
- (d) access to solar energy.*

*Residential Development PDC 12: Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:*

- (a) half of the existing ground-level open space*
- (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres)."*

*Residential Development PDC 14: Development should ensure that sunlight to solar panels of existing buildings is maintained for a minimum of 2 consecutive hours between 9.00am and 3.00pm on 22 June.*

The analysis determined that shadow cast over adjoining properties will have minimal impact to the overall amenity of the adjoining land or any future photovoltaic array constructed on the roof of the adjoining dwelling. The movement of the shadow over the adjoining properties will ensure that no particular part of an adjoining dwelling or their surrounding curtilage is covered by shadow for unreasonable lengths of time. The impact and extent of shadow satisfies the specific overshadowing guidelines of the Development Plan.

## SUMMARY

The size of the subject land inhibits the potential for greater density and it is apparent the development is attempting to maximise the use of the space that is available. This has resulted in some minor inconsistencies with some general guidelines of the Development Plan however for the most part the proposal is considered functional and comparable in terms of allotment form and size to other allotments in the locality.

The most notable and critical departure between the proposed development and the provisions of the Development Plan however relate to the building form of the proposed buildings. The design of the two storey buildings is not consistent with the policies of the Development Plan or the existing built form within the locality. For these reasons it is recommended Development Plan Consent not be issued to the proposal.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered not to be 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 Development Plan Consolidated 25 June 2015 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. 211/875/2015 by LS Design to construct a two storey detached dwelling with garage under roof and three (3), two storey dwellings and associated driveway and landscaping at 6-8 Elizabeth Street, Torrensville (CT's 5034/753, 5043/754, 5034/755 & 5724/833) for the following reasons:

1. The proposed development is contrary to

- Cowandilla/Mile End West Character Policy Area 23 - Objective 1
- Cowandilla/Mile End West Character Policy Area 23 - Desired Character Statement
- Cowandilla/Mile End West Character Policy Area 23 - Principle of Development Control 2
- Residential Zone Principle of Development Control 5
- Residential Zone Principle of Development Control 17
- Residential Zone Principle of Development Control 20
- Residential Zone Principle of Development Control 21
- Residential Development Principles of Development Control 2
- Residential Development Principles of Development Control 4

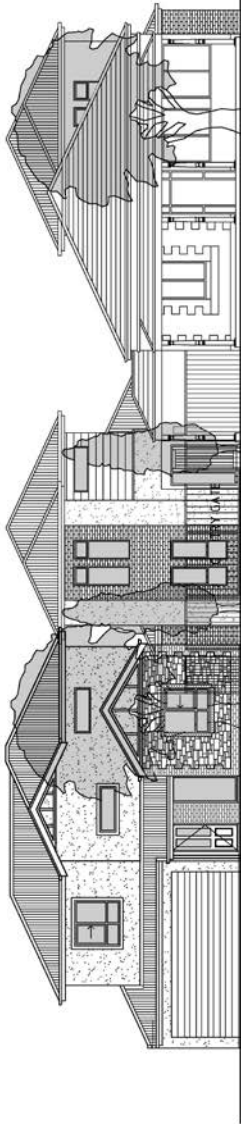
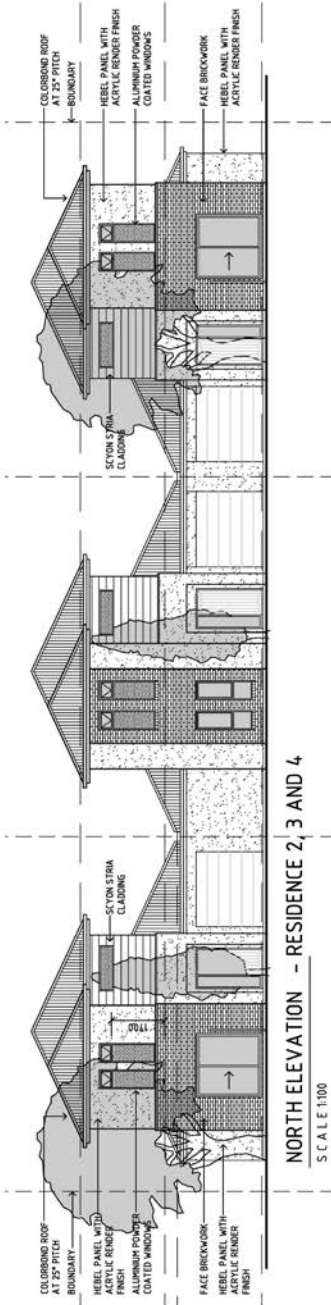
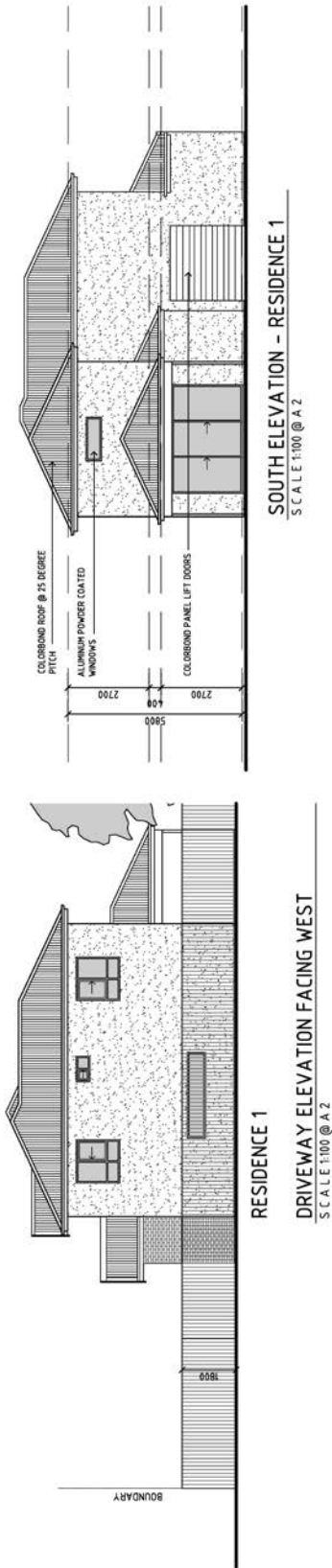
Reason: The two storey buildings are not consistent with the existing dwellings within the locality or with the relevant policies of the Development Plan.



telephone : 0413 617 580  
 email : [info@ledesignconstruct.com.au](mailto:info@ledesignconstruct.com.au)  
 ABN 38 395 280 968  
 BUILD 202375

**LS** DESIGN  
CONSTRUCT  
RESIDENTIAL & COMMERCIAL

| AMMENDMENTS :                 |          |
|-------------------------------|----------|
| 1) AMENDED PROPOSAL - COUNCIL | 02/07/15 |
| 2) AMENDED PLANNING           | 22/12/16 |
| 3)                            |          |
| 4)                            |          |
| 5)                            |          |

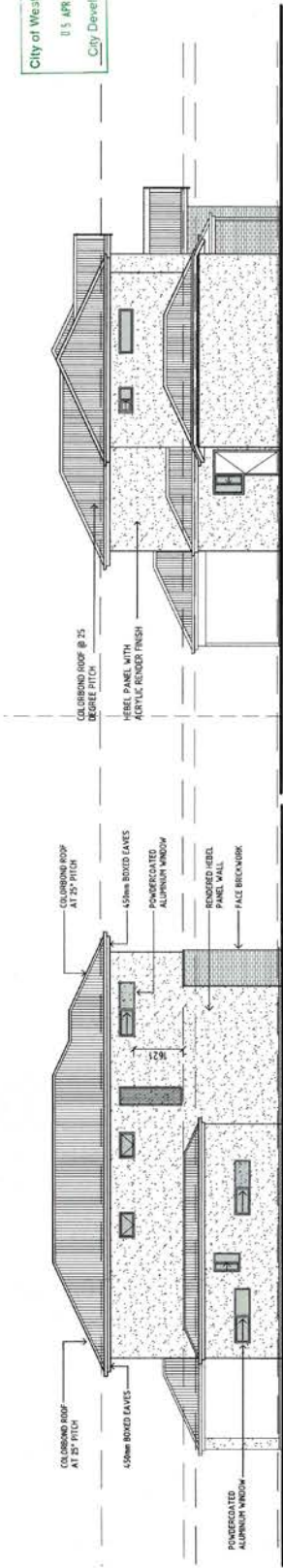


NOTE  
ALL UPPER LEVEL WINDOWS TO HAVE  
RESTRICTED OPENINGS OF 75mm

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| AMENDMENTS :<br>(1) AMENDED PROPOSAL - COUNCIL<br>22/12/15<br>(2) AMENDED PLANNING<br>25/05/16<br>(3) REAR ELEV RESIDENCE 1 ADDED<br>(4)<br>(5) | 02/07/15<br>22/12/15<br>25/05/16 | <div>LS DESIGN<br/>CONSTRUCT</div> <div>RESIDENTIAL &amp; COMMERCIAL</div> | Telephone: 0413 617 980<br>leon@lsdesignconstruct.com.au<br>AUS: 38 362 250 988<br>BLD 200276<br>ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT<br>OR ITS CONTENTS MAY BE REPRODUCED OR<br>TRANSMITTED IN ANY FORM OR BY ANY MEANS<br>WITHOUT THE WRITTEN PERMISSION OF LS DESIGN<br>CONSTRUCT. | PROPOSED DEVELOPMENT<br>ADDRESS<br>NO. 6, 6A & 8 ELIZABETH<br>STREET, TORRENSVILLE | DRAWING TITLE<br>ELEVATIONS                  |
|   |                                  |  |  | CLIENT<br>MR CON KOUTSOUNIS  | STATUS: SKETCH DESIGN<br>SCALE<br>1:100 @ A2 |
|   |                                  |  |  |  |  |

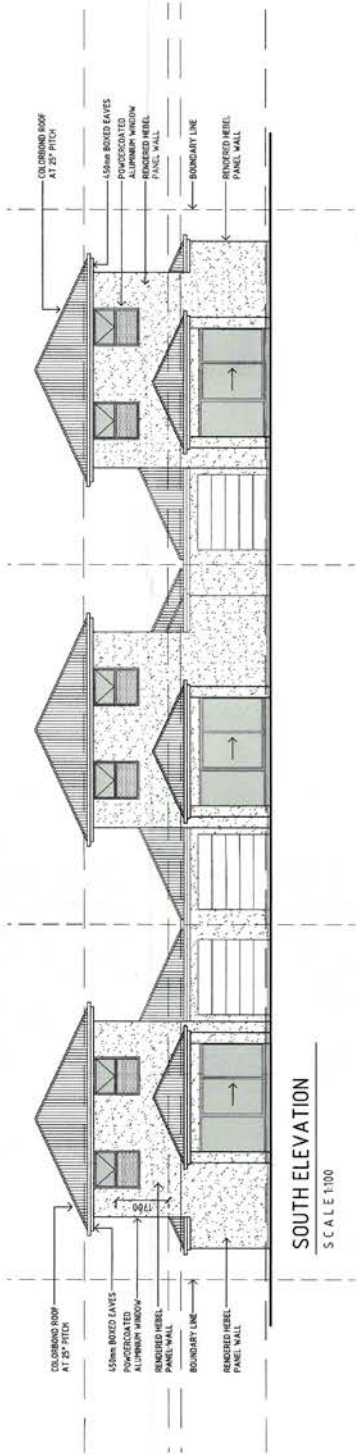
AMENDE

City of West Torrens  
15 APR 16  
City Development



EAST ELEVATION-DWELLING 1  
SCALE 1:100 @ A 2

EAST ELEVATION  
SCALE 1:100



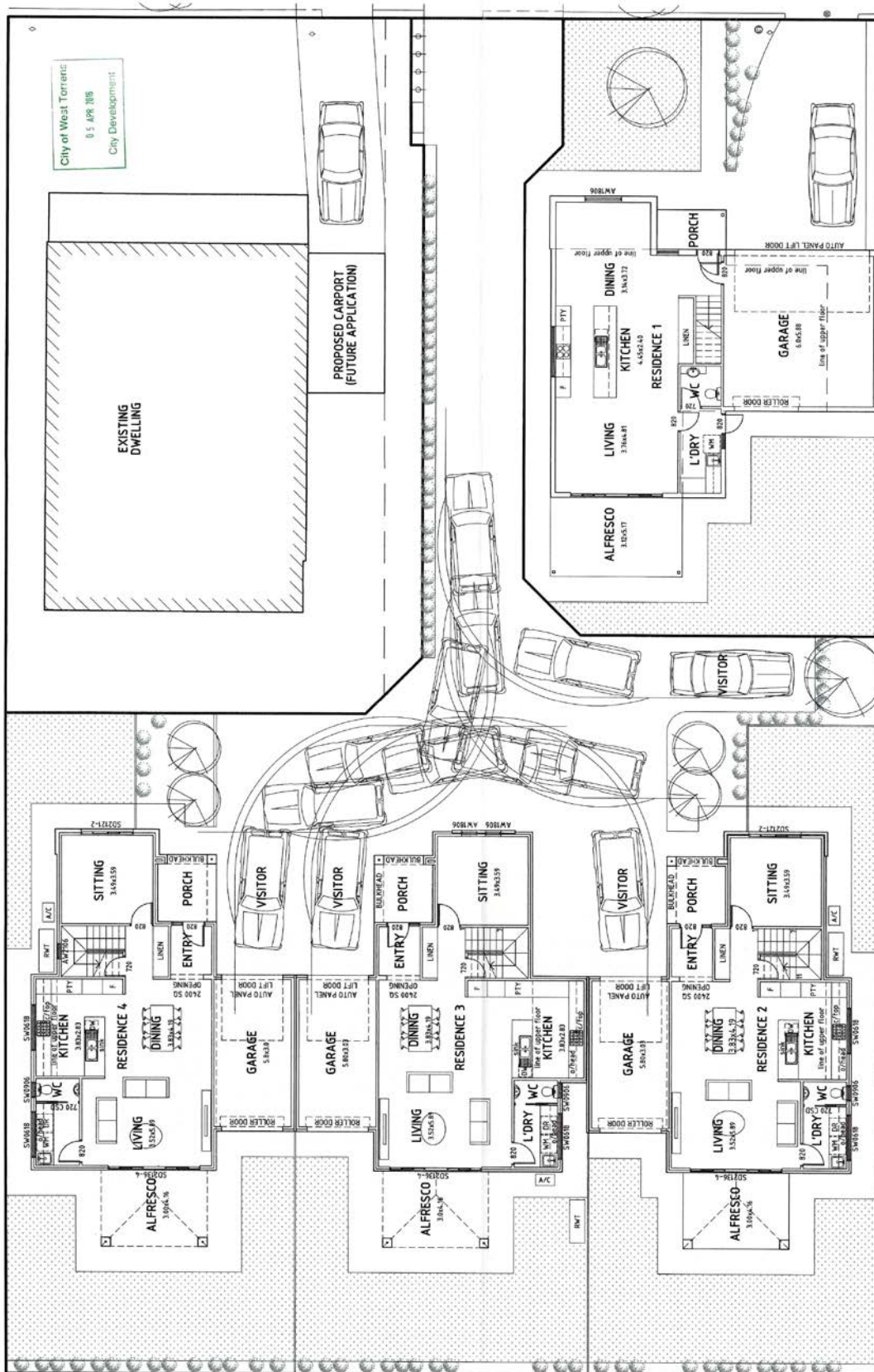
SOUTH ELEVATION  
SCALE 1:100

NOTE  
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RESTRICTED OPENINGS OF 120mm

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|--------------|--|--|---|--|-----------------------------|-----------------------------|-----------------------|
| AMENDMENTS : | (1) AMENDED PROPOSAL - COUNCIL<br>02/07/13<br>22/12/16 | LS DESIGN<br>CONSTRUCT<br>RESIDENTIAL & COMMERCIAL | Telephone : 0413 617 560<br>Email : <a href="mailto:info@lsdesignconstruct.com.au">info@lsdesignconstruct.com.au</a><br>Address : 360-366<br>BLD 202375 | PROPOSED DEVELOPMENT<br>ADDRESS<br>NO. 6, 6A & 8 ELIZABETH<br>STREET, TORRENSVILLE | CLIENT<br>MR CON KOUTSOUNIS | DRAWING TITLE<br>ELEVATIONS |                       |
|              |  |  |   |  |                             | STATUS : SKETCH DESIGN      | DRAWN - LS<br>PROJECT |
|              |  |  |   |  |                             |                             |                       |
|              |  |  |   |  |                             | SCALE<br>1:100 @ A2         | 2015-12               |



AMENDED



AMENDMENTS :  
(1) AMENDED PROPOSAL - COUNCIL 02/07/16  
(2) AMENDED PLANNING 22/12/16  
(3)  
(4)  
(5)

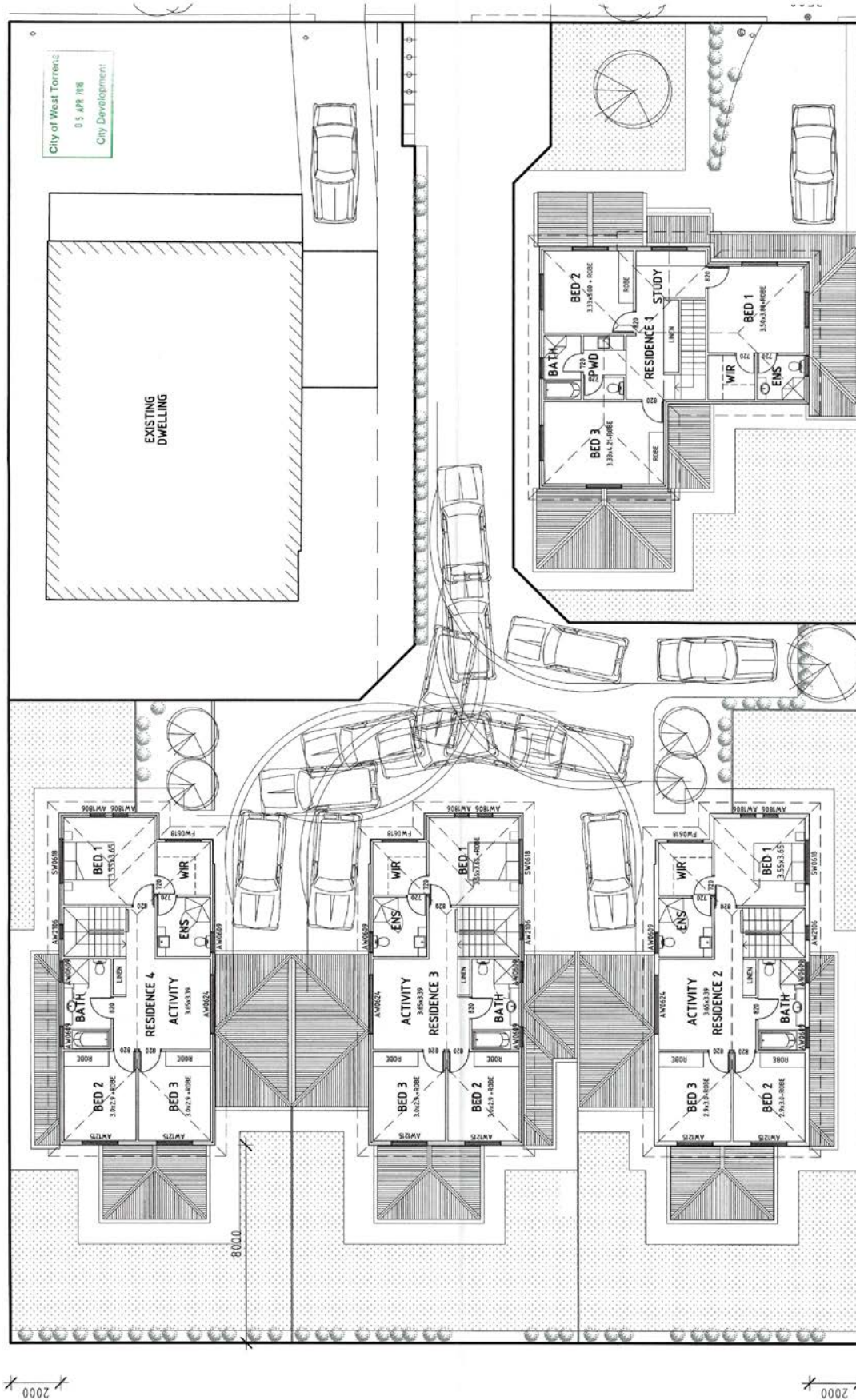
LS DESIGN CONSTRUCT  
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Telephone: 0413 617 560  
Email: info@lsdesignconstruct.com.au  
ABN 30 365 290 868  
BLD 202375  
The information shown on this drawing is for your information only and does not constitute an offer of any financial product or service. It is not intended to be used as a basis for any investment decision. You should seek professional advice before making any investment decision.

PROPOSED DEVELOPMENT  
ADDRESS NO. 6, 6A & 8 ELIZABETH STREET, TORRENSVILLE  
CLIENT MR CON KOUTSOUNIS

DRAWING TITLE  
GROUND FLOOR SITE PLAN  
STATUS: SKETCH DESIGN  
SCALE: 1:100 @ A2  
DRAWN: LS  
PROJECT  
2016-12

AMENDED



|                       |  |  |  |
|-----------------------|--|--|--|
| DRAWING TITLE         |  | FIRST FLOOR SITE PLAN                        |  |
| PROPOSED DEVELOPMENT  |  | NO. 6, 6A & 8 ELIZABETH STREET, TORRENSVILLE |  |
| ADDRESS               |  | MR CON KOUTSOUNIS                            |  |
| CLIENT                |  | MR CON KOUTSOUNIS                            |  |
| STATUS: SKETCH DESIGN |  | DRAWN - LS                                   |  |
| SCALE                 |  | DRAWING                                      |  |
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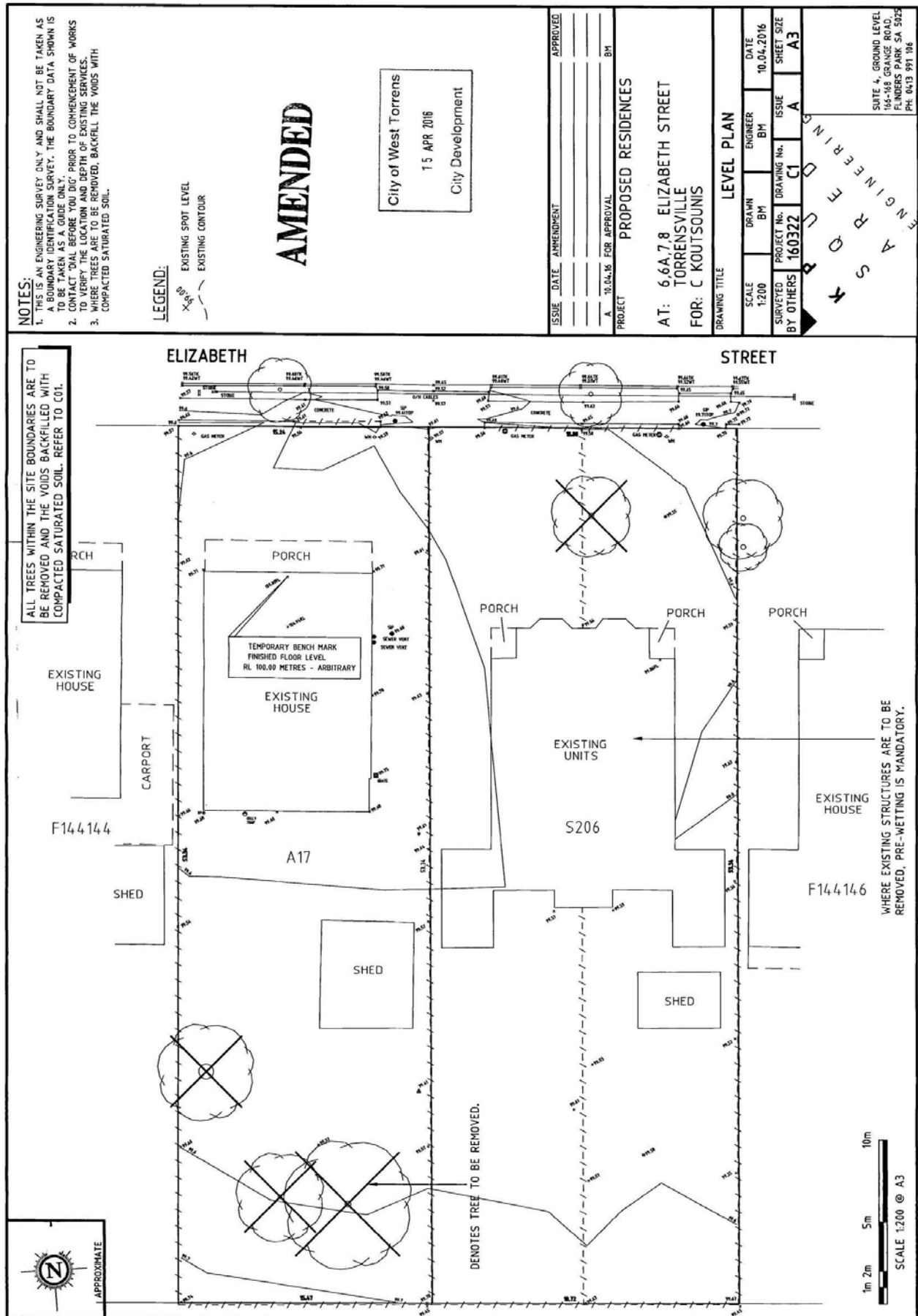
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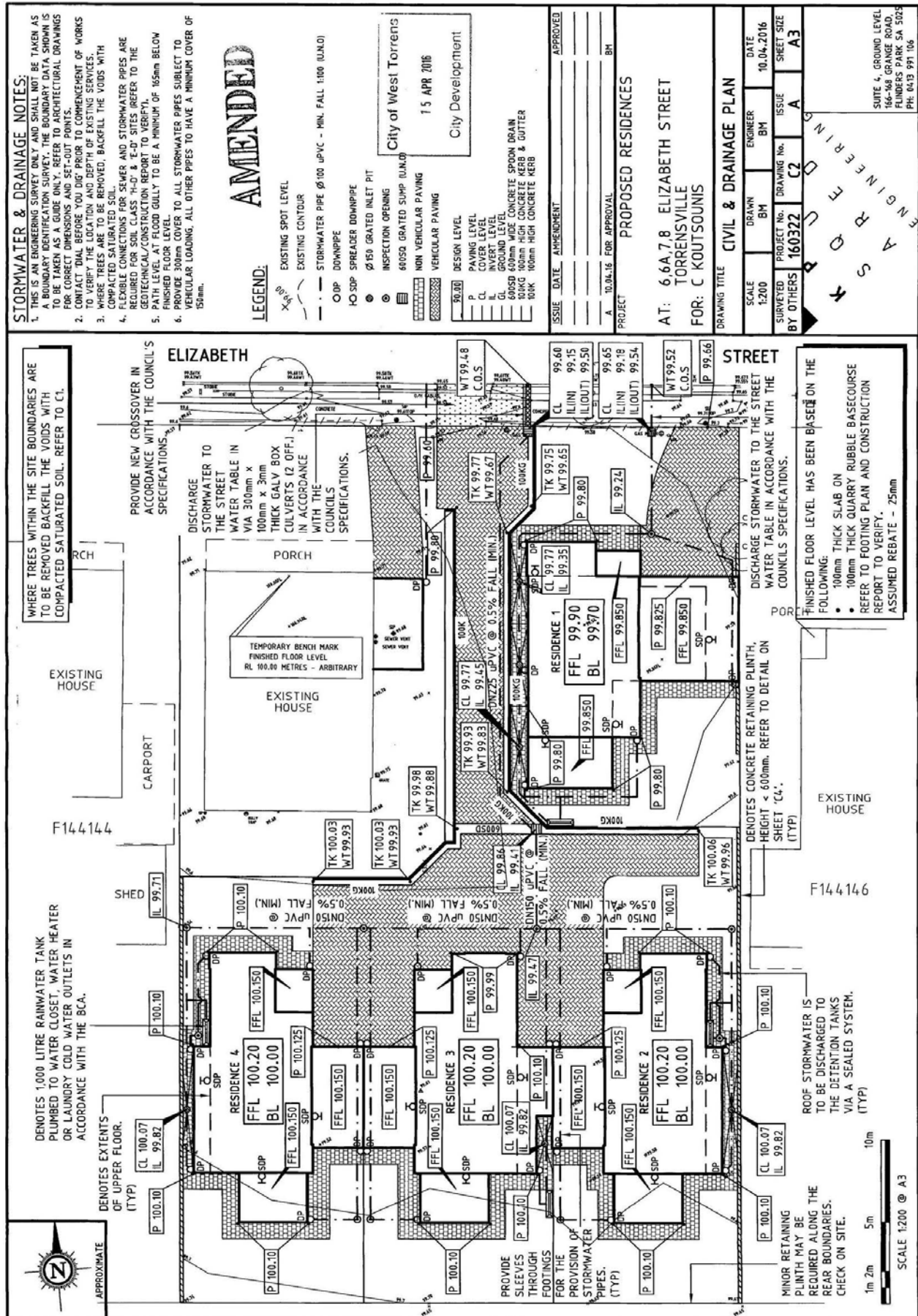
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ATTACHMENT 2

STATEMENT OF REPRESENTATION  
Pursuant to Section 38 of the Development Act, 1993

TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033

DEVELOPMENT No. 211/1275/2015  
PROPERTY ADDRESS: 6 Elizabeth Street, TORRENSVILLE SA 5031, 6 Elizabeth Street,  
TORRENSVILLE SA 5031, 6A Elizabeth Street, TORRENSVILLE SA 5031,  
8 Elizabeth Street, TORRENSVILLE SA 5031

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

*Karen*  
*Alan Peter & Tracy Mainyard*  
*1 Elizabeth Street*  
*Torrensville SA 5031*

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

*Home owner opposite*

REASONS FOR \*  
REPRESENTATION

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

I DO NOT WISH TO BE HEARD 0  
I DESIRE TO BE HEARD PERSONALLY 0  
WILL BE REPRESENTED BY 0  
(PLEASE SPECIFY)

SIGNED

*T. Mainyard*  
*9-6-16*

DATE

\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Adam Williams  
Ends: Thursday 9 June 2016



**STATEMENT OF REPRESENTATION**  
**Pursuant to Section 38 of the Development Act, 1993**

TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033

DEVELOPMENT No. 211/1275/2015  
PROPERTY ADDRESS: 6 Elizabeth Street, TORRENSVILLE SA 5031, 6 Elizabeth Street,  
TORRENSVILLE SA 5031, 6A Elizabeth Street, TORRENSVILLE SA 5031,  
8 Elizabeth Street, TORRENSVILLE SA 5031

NAME & ADDRESS OF PERSON(S) MAKING REPRESENTATION (mandatory requirement \*) ☒ Evan and Olga Lathouras  
3 Elizabeth Street  
TorrensVille, SA 5031

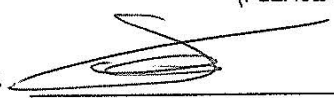
NATURE OF INTEREST \* Adjacent Neighbour  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident; owner  
of land in vicinity, or on behalf  
of an organization or company)

REASONS FOR REPRESENTATION \*  
Concerned about the following elements of the development:  
\* Visual Impact on the Streetscape;  
\* Pattern of Development;  
\* Traffic;  
\* Inconsistency with relevant Development Plan Provisions;  
\* See report from Town Planning Advisors.

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought) Reduced density and reduction in height to single  
storey of any new dwelling

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

I DO NOT WISH TO BE HEARD 0  
I DESIRE TO BE HEARD PERSONALLY 0  
WILL BE REPRESENTED BY \_\_\_\_\_ 0  
(PLEASE SPECIFY)

SIGNED ☒ 

DATE ☒ 9<sup>th</sup> June 2016

\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Adam Williams  
Ends: Thursday 9 June 2016

**STATEMENT OF REPRESENTATION**  
**Pursuant to Section 38 of the Development Act, 1993**

TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033

DEVELOPMENT No. 211/1275/2015  
PROPERTY ADDRESS: 6 Elizabeth Street, TORRENSVILLE SA 5031, 6 Elizabeth Street,  
TORRENSVILLE SA 5031, 6A Elizabeth Street, TORRENSVILLE SA 5031,  
8 Elizabeth Street, TORRENSVILLE SA 5031

NAME & ADDRESS OF PERSON(S) MAKING REPRESENTATION (mandatory requirement \*) ☒ G. FOTOPOULOS & D.A. ANTONIOU  
1 FAIRFAX TCE  
TORRENSVILLE

NATURE OF INTEREST \* ☐ Adjoining Neighbour  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

REASONS FOR REPRESENTATION \* ☐ Concerned about the following elements of the development:  
\* Visual Impact on the Streetscape;  
\* Pattern of Development;  
\* Traffic;  
\* Inconsistency with relevant Development Plan Provisions;  
\* See report from Town Planning Advisors.

MY REPRESENTATION \* ☐ Reduced density and reduction in height to single  
WOULD BE OVERCOME BY storey of any new dwelling  
(state action sought)

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

I DO NOT WISH TO BE HEARD ☐  
I DESIRE TO BE HEARD PERSONALLY ☒  
WILL BE REPRESENTED BY \_\_\_\_\_ ☐  
(PLEASE SPECIFY)

SIGNED ☒ 

DATE ☒ 9/6/2016

\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Adam Williams  
Ends: Thursday 9 June 2016



PO BOX 9061 HENLEY BEACH SOUTH SA 5022  
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Email: [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)  
Website: [www.townplanningadvisors.com.au](http://www.townplanningadvisors.com.au)

24 March 2016

Mr Adam Williams  
City of West Torrens  
165 Sir Donald Bradman Drive  
Hilton SA 5033

Dear Adam

**Construction of a two storey detached dwelling with garage under main roof and two, two-storey residential flat buildings each comprising 2 dwellings Development Application Number 211/1275/2015**

Town Planning Advisors have been engaged by the following residents affected by the proposed development:

- G Fotopoulos and D A Antoniou of 1 Fairfax Terrace Torrensville;
- Evan and Olga Lathouras of 3 Elizabeth Street Torrensville; and
- Alan Peter and Tracy Karen Maingard of 1 Elizabeth Street Torrensville.

The application comprises the following elements:

- The construction of a free standing two storey dwelling facing Elizabeth Street;
- The construction of a residential flat building comprising three dwellings accessed from a common driveway at the rear of the land; and
- The retention of an existing single storey dwelling facing Elizabeth Street.

We submit that the proposed land use is inconsistent with the desired character of the Residential Zone Cownadilla/Mile End West Policy Area 23 and other relevant Development Plan provisions.

**Assessment Process**

The proposed development has been notified as:

*Construction of a two storey detached dwelling with garage under main roof and two, two-storey residential flat buildings each comprising 2 dwellings Development Application Number 211/1275/2015*

In order to determine the nature development it is important to have reference to Schedule 1 of the Development Regulations 2008. Schedule 1 defines a detached dwelling as:

***detached dwelling*** means a detached building comprising 1 dwelling on a site that is held exclusively with that dwelling and has a frontage to a public road, or to a road proposed in a plan of land division that is the subject of a current development authorisation;

As a plan of division has not been lodged or approved in association with Development Application 211/1275/2015 the freestanding dwelling and the dwelling to be retained cannot be described as detached dwellings. A detached dwelling requires a site held exclusively with that dwelling.

The correct description of a Development Application is a critical element of the development assessment process. An incorrect description may leave a decision open to judicial review and may affect the notification category or non-complying status of an application.

### **Land Use and Density**

The primary, critical element to consider when assessing a development application is whether the proposed land use and is appropriate within the zone. The following Residential Zone and Policy Area 64 Residential East Objectives, Desired Character Statements and Principles of Development Control provide guidance as to appropriate land uses:

#### ***Residential Zone***

##### ***Principle of Development Control***

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

#### ***Cowandilla / Mile End West Character Policy Area 23***

##### ***Desired Character***

*The policy area will contain predominantly detached dwellings and semi-detached dwellings.*

*Allotments will vary in size from low density to very low density and are generally deep, with narrow frontages to main streets. Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area.*

*There will be a unity of built-form, particularly as viewed from the street, where all new development is complementary to the key character elements of Victorian-era villas, cottages, inter-war bungalows, Spanish mission and Dutch colonial-style dwellings, rather than dominating or detracting from them.*

*There will be predominantly one storey buildings, with some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings.*

##### ***Principles of Development Control***

- 1     *The following forms of development are envisaged specifically in the policy area:*
- *domestic outbuilding in association with a dwelling*
  - *domestic structure, such as a veranda, porch*
  - *detached dwelling*
  - *dwelling addition*
  - *semi-detached dwelling*
  - *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*

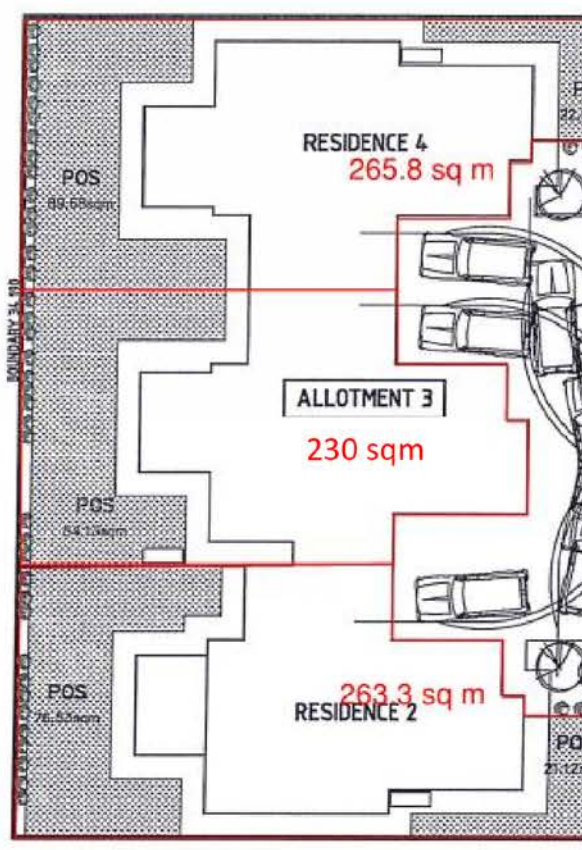


- supported accommodation.
- 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.
  - 3 Land division should create allotments with an area of greater than 270 square metres east of Bagot Avenue and 340 square metres west of Bagot Avenue.

The above provisions state that residential development within the Cowandilla/Mile End West Character Policy Area 23 should be of a low to very low density with allotment areas of greater than 340 square metres. Further new allotments should reinforce the existing allotment pattern and result in a unity of built form.

The applicant proposes the construction of a, two-storey residential flat building comprising three dwellings at the rear of the subject land. Figure 1 below provides an indication of the proposed site areas.

Figure 1



The above diagram demonstrates that the applicant seeks densities far greater than those anticipated within the Cowandilla / Mile End West Character Policy Area 23. Residences 2-4 proposes site area shortfalls (from the minimum required site area of 340 square metres) of:

- Residence 2, 77 square metres or 23%;
- Residence 3, 110 square metres or 32%;
- Residence 4, 75 square metres or 22%

The density of the proposed development is far greater than densities anticipated within the Cowandilla/Mile End West Character Policy Area 23.



The proposed built form is also inconsistent with Policy Area provisions particularly Principle of Development Control 1. Principle of Development Control 1 does not list residential flat buildings as an appropriate form of development and specifically only encourages detached and semi-detached dwellings. Principle of Development Control 1 is reinforced by the Policy Area Desired Character Statement which calls for the retention of the existing allotment pattern and a unity of built form.

The development of two storey residential flat buildings with allotment sizes of as little as 230 square metres is not supported within the Cowandilla / Mile End West Character Policy Area 23.

### **Impact of the proposed development**

Approval of the proposed development is likely to result in a negative impact on both the streetscape and the amenity of adjoining residents.

### **Streetscape**

The locality is characterised by single storey detached dwellings in the form of Victorian-era villas, cottages, inter-war bungalows, Spanish mission and Dutch colonial-style dwellings. The construction of a contemporary two storey dwelling facing the street and two storey dwellings at the rear of the property is at odds with the existing and desired character of the locality.

Approval of the application would result in the first intrusion of a two storey dwelling onto Elizabeth Street and a detrimental impact on the existing low scale streetscape.

It is also important to consider that the subject land is not located within the Residential Code Area, meaning that the Council is under no obligation to approve any form of two storey development.

### **Traffic and Crossovers**

Elizabeth Street currently experiences traffic issues as a result of being used as a thoroughfare to Marion Road. The introduction of four new dwellings is likely to exacerbate existing traffic issues.

Further the removal of opportunities for on street parking as a result of new crossovers will increase on street parking and congestion generally.

The proposed development includes the provision of a single garage and a single visitor car parking space for each dwelling within the residential flat building. We request that Council closely review the depth of the proposed visitor parking spaces as use of these spaces may limit movement within the internal driveway.

### **Conclusion**

The applicant seeks to introduce a number of two storey buildings into the Cowandilla / Mile End West Character Policy Area 23. The policy area seeks low and very low density residential development which respects the existing pattern of development and built form of the locality.

The construction of a two storey dwelling facing Elizabeth Street and a two storey residential flat building comprising three dwellings at the rear of the land is at odds with numerous Policy Area and general Development Plan provisions.

The proposed development does not meet the minimum site areas specified within the Policy Area and will result in an adverse impact on the street and the overall character of the locality. The proposed development should be refused.

Should you have any queries or require any further information or clarification with any components of this application, please do not hesitate to contact by calling me on 0478 509 777 or by email [bill@townplanningadvisors.com.au](mailto:bill@townplanningadvisors.com.au)

Yours faithfully

A handwritten signature in black ink, appearing to read 'Bill Stefanopoulos', with a large, stylized flourish at the end.

**Bill Stefanopoulos, MPlA**  
BA Planning, Grad Dip Environmental Planning

**STATEMENT OF REPRESENTATION**  
**Pursuant to Section 38 of the Development Act, 1993**

TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033

DEVELOPMENT No. 211/1275/2015  
PROPERTY ADDRESS: 6 Elizabeth Street, TORRENSVILLE SA 5031, 6 Elizabeth Street,  
TORRENSVILLE SA 5031, 6A Elizabeth Street, TORRENSVILLE SA 5031,  
8 Elizabeth Street, TORRENSVILLE SA 5031

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)  
Anne Afford  
338 Alexander Ave  
Bikaringa SA 5118

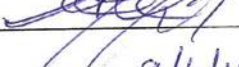
NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)  
Owner of land across the road.

REASONS FOR \*  
REPRESENTATION  
Buildings appearance is not compatible with  
existing surrounding + adjacent buildings with  
regards to height (overall + that of the verandah)  
and hence proportion or the facade detailing  
(rendered hebel). Also existing properties have  
min 3 car spaces <sup>ea</sup> not including garages next to  
the new dwellings will have max 1 car space ~~above~~ - cont pg 2

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)  
Reduction in number of dwellings constructed  
+ by reducing these to single story, with  
similar facade proportions to existing properties.

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

I DO NOT WISH TO BE HEARD 0  
I DESIRE TO BE HEARD PERSONALLY 0  
WILL BE REPRESENTED BY \_\_\_\_\_ 0  
(PLEASE SPECIFY)

SIGNED   
DATE 9/6/16.

\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Adam Williams  
Ends: Thursday 9 June 2016

other than the garage space. Elizabeth St is an extremely narrow street + parking  
for residents + visitors is already an issue which this plan will exacerbate.





25 June, 2016

City of West Torrens  
Adam Williams  
165 Sir Donald Bradman Drive  
Hilton, SA, 5033

Attn : Adam Williams

Further to the receiving the 'Summary of Representations' on the 15<sup>th</sup> June 2016, we offer the following responses as a summary to individual points.

Please note our response below re-iterates many points stated in our planning report by APDS submitted with the original proposal. We feel that many points in the Planning Report undertaken by APDS are still valid to the amended proposal.

#### Density

Under the Development Plan Section 4.3.1 Residential Zone –

#### Objective 1 A Residential Zone comprising of a range of dwelling types

The proposed development is considered to provide and improve the range of dwelling types within the existing locality in-keeping with the intent of the above objective.

#### Objective 2 – Dwellings of various types at very low, low and medium densities.

The Proposal provided densities consistent with other similar infill development in the immediate locality as identified in the locality analysis image on the next page.

The adjoining allotments along Elizabeth Street to the east and west of the subject land contain single storey detached dwellings and semi-detached dwellings with an example of a two storey detached dwellings on the corner of Rankine Road and Elizabeth Street. The dwellings on the opposite side of Elizabeth Street contain single storey detached dwellings on medium sized allotments.

There are numerous examples within the immediate locality of group dwellings and residential flat buildings on larger allotments similar to the subject land as shown in the locality analysis below. These infill developments are all contained within the Cowandilla / Mile End West Character Policy Area 23 as per the subject land.

T: 08 7226 0948  
E: leon@lsdesignconstruct.com.au  
10 James Street, Thebarton, SA 5031  
ABN 38 395 290 96  
BLD 202375

● Page 2

June 25, 2016



Examples of two storey & infill development

Objective 3 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.

The subject land is located in walking distance from Henley Beach Road and Marion Road both which provide public transport options and is located in close proximity to the local centre to the north of the subject land on Henley Beach Road. On this basis, the proposal for increased density on the larger allotment satisfies the intent of the above Objective.

Character

Objective 4 Development that contributes to the character of the Zone.

The proposed development provides a range of dwelling types which will sit comfortably with recent infill development in the immediate and wider locality. The scale, bulk and design of the proposal will be consistent with the form of development in the immediate locality and will provide sufficient siting and setbacks which will aid in contributing to the existing appearance of the locality.

The proposed Dwelling facing Elizabeth Street, even though two storey, has a scale and proportion similar to the adjacent dwellings as depicted in the streetscape elevation. Furthermore the proposed materials are in keeping with the character of the adjoining dwellings.

The subject site provides the opportunity for the construction of a well-designed two storey detached dwelling to the Elizabeth Street frontage as well as two residential flat buildings which will not be highly visible from the street and will maintain and complement the character and built form of the existing streetscape in keeping with the Desired Character Statement.



● Page 3

June 25, 2016

The policy area states *'there will be predominantly one storey buildings, with some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings. Setbacks will be complementary to the boundary setbacks of older dwellings in the policy area, preserving considerable space in private yards for landscaping.'*

It is considered that the proposed front two storey dwelling has been designed to maintain the character elements of the existing dwellings through architectural features including hipped and pitched verandahs, stone facades with brick quoining and a range of window types consistent with the adjoining residential dwellings along Elizabeth Street and in the wider Policy Area.

The proposal will not increase the number of crossover points to Elizabeth Street (proposes to alter the locations) and will ensure the preservation of street trees and areas of landscaping to the front of the existing and proposed dwellings facing Elizabeth Street.

The residential flat buildings to the rear of the subject land will not be highly visible from Elizabeth Street and provide an allotment pattern which is consistent with recent infill development in the immediate and wider locality. The proposal incorporates appropriate siting, setbacks and use of materials which will enhance the appearance of the development and site. Further the proposal will have an acceptable impact on the adjoining properties in terms of loss light and outlook.

On this basis it is considered that the proposal satisfies the intent of the above Objective and Desired Character Statement of the Cowandilla/Mile End West Character Policy Area 23.

Furthermore, Principle of Development Control 2 states that Development should not be undertaken unless it is consistent with the desired character for the policy area.

As aforementioned, the proposal has been undertaken in accordance with the intent of the Desired Character of the Cowandilla/Mile End West Character Policy Area 23.

Principle of Development Control 3: Land division should create allotments with an area of greater than 270 square metres east of Bagot Avenue and 340 square metres west of Bagot Avenue. (my emphasis)  
The Cowandilla/Mile End West Character Policy Area does not specify specific minimum allotment sizes for dwelling types as outlined in other Policy Areas within the Residential Zone, however the above PDC advises that land division should however provide allotments with a site area of 340 square metres to the east of Bagot Avenue.

The term 'should' has been explored in a number of Environment Resources and Development Court cases. It has been held that the word "should" is not indicative of a mandatory obligation: (*Adelaide Produce Markets Ltd v Salisbury CC* [2002] SAERDC 18). Rather, it is directory only. This is so even if a principle is applicable to the relevant site, and is specific in its terms (*Town of Gawler v Impact Investment Corporation Pty Ltd* [2007] SASC 356 at [38] and some flexibility of approach is implicit in the use of the word "should" (*SA Housing Trust v Development Assessment Commission* (1994) 63 SASR 35; *Collins v City of Mitcham* [2008] SAERDC 35 at [25]).

As aforementioned, there are numerous examples in the immediate locality where allotment sizes are less than the envisaged site area of 340 square metres with development which sits comfortably around the traditional single storey detached dwellings on medium sized allotments.

#### Traffic Access & Vehicle Parking

The application utilises the existing number of crossover points from Elizabeth Street to access the proposed dwellings and will provide safe and convenient access to the site for all modes of transport (motor vehicles, cycling and walking).

The areas in front of the garages of the front dwellings will provide adequate space for off-street parking to minimise the need for on street carparking in keeping with the Development Plan requirements in addition to the garaging to each dwelling. The site is also in close proximity to Marion Road and Henley Beach Road which provides public transport options.

● Page 4

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The proposal also provides for an additional communal visitors park as required by the development plan, therefore the intent of the above Principles of Development Control is met.

In conclusion we believe the development has been designed in a way that it meets the full intent of the development plan and is consistent with the form of other recent infill development in close proximity.

The amalgamation of sites and proximity to Henley Beach and Marion Roads and the local facilities lends itself to a development of low to medium density as stated in councils development plan.

We look forward to your review.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'L. Seltsikas', with a stylized, sweeping flourish at the end.

Leon Seltsikas

#### 6.4 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK

Application No. 211/881/2016

#### DEVELOPMENT APPLICATION DETAILS

|                          |   |
|--------------------------|---|
| DEVELOPMENT PROPOSAL     | Land division - Torrens Title; DAC No. 211/D104/16 (Unique ID 54925); Create two(2) additional allotments   |
| APPLICANT                | Mr & Ms Harpidis  |
| APPLICATION NO           | 211/881/2016 (DAC 211/D104/16)  |
| LODGEMENT DATE           | 29 June 2016  |
| ZONE                     | Residential Zone  |
| POLICY AREA              | Low Density Policy Area 20  |
| APPLICATION TYPE         | Merit   |
| PUBLIC NOTIFICATION      | Cat 1   |
| REFERRALS                | Internal <ul style="list-style-type: none"><li>▪ Civil</li><li>▪ Amenity Officer</li></ul> External <ul style="list-style-type: none"><li>▪ DAC</li><li>▪ SA Water</li><li>▪ DPTI</li></ul> |
| DEVELOPMENT PLAN VERSION | 5 May 2016  |
| MEETING DATE             | 13 September 2016   |
| RECOMMENDATION           | <b>CONSENT</b>  |

#### 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)

DA 211/327/2016 Construction of two (2) single storey detached dwellings and carport, and demolition of existing outbuildings

## SITE AND LOCALITY

The subject site is made up of two allotments and is regular in shape except for the corner cut off on 432 Sir Donald Bradman Drive. With a total frontage to Sir Donald Bradman Drive of 36.5m and a depth of 40.7m, the total area is approximately 1470m<sup>2</sup>.

Both allotments have been developed with a single storey detached dwelling and ancillary structures such as carports and domestic outbuildings. Both dwellings front Sir Donald Bradman Drive and are setback approximately 9-10m from the front boundary. The front gardens are grassed areas and separated from the public realm by a dwarf masonry wall.

434 Sir Donald Bradman Drive has vehicular access from Sir Donald Bradman Drive, whereas 432 has its vehicle access from Rushworth Avenue.

Both allotments are flat and not encumbered by any flooding issues. There are no easements registered on the Certificate of Title, nor are there any Regulated trees situated on or about the land.

The locality is mixed use in nature comprised of residential, open space and commercial land uses. Directly south, across Sir Donald Bradman Drive, is IKEA and Masters hardware store and the Kooyonga golf course is 200m east of the subject site. Dwellings are adjacent the subject site to the north, west and east.

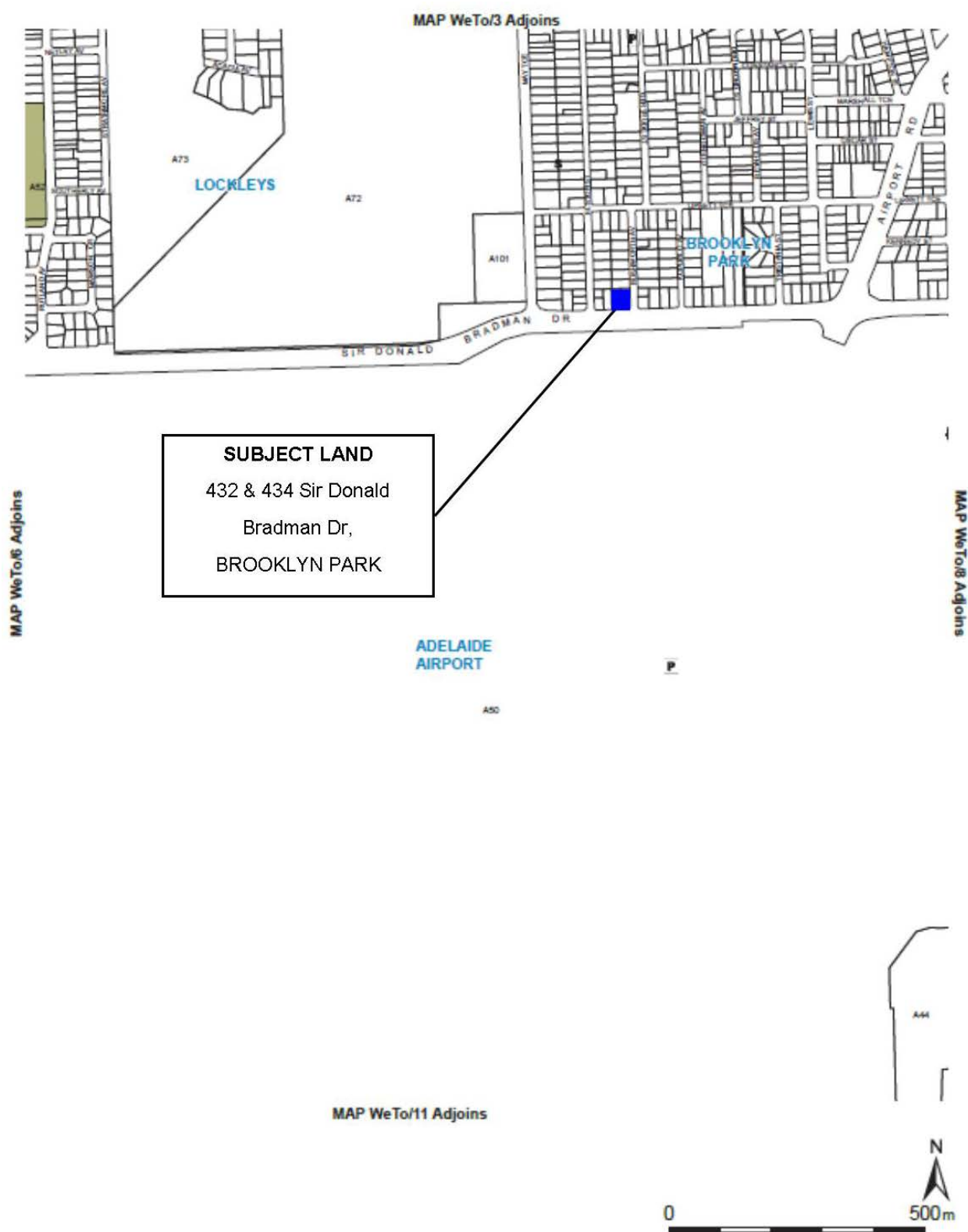
Sir Donald Bradman Drive is a secondary arterial road accommodating a large number of vehicle movements a day.

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









## Location Map WeTo/7

-  School
-  Post Office
-  Local Reserves

## PROPOSAL

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

*"Land division - Torrens Title; DAC No. 211/D104/16 (Unique ID 54925); Creating two (2) additional allotments."*

The rear portions of 432 and 434 Sir Donald Bradman Drive are proposed to be divided from the allotments to create two new allotments that front Rushworth Avenue. This will create four new allotments (see **Attachment 1**) with the following attributes:

| Lot number | Frontage | Depth  | Area              |
|------------|----------|--------|-------------------|
| 41         | 18.29m   | 21.94m | 403m <sup>2</sup> |
| 42         | 37.6m    | 21.94m | 380m <sup>2</sup> |
| 43         | 9.24m    | 35.89m | 332m <sup>2</sup> |
| 44         | 9.24m    | 35.89m | 332m <sup>2</sup> |

## REFERRALS

### Internal

- **City Assets**

- No concerns were raised.

### External

Pursuant to Section 33 and Regulation 29 of the Development Act and Regulations, the application was referred to:

- **SA Water**

- No concerns were raised.

- **Development Assessment Commission (DAC)**

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

- **Department of Planning Transport and infrastructure (DPTI)**

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

See **Attachment 2**

## 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:

| <i>General Section</i>                     |  |  |
|--|--|--|
| <i>Interface between Land Uses</i>         | <i>Objectives</i>                        | <i>1, 2 &amp; 3</i>  |
|  | <i>Principles of Development Control</i> | <i>1, 2 &amp; 4</i>  |
| <i>Land Division</i>                       | <i>Objectives</i>                        | <i>1, 2, 3 &amp; 4</i>   |
|  | <i>Principles of Development Control</i> | <i>1, 2, 5, 6, 8 &amp; 12</i>                                    |
| <i>Orderly and Sustainable Development</i> | <i>Objectives</i>                        | <i>1, 2, 3, 4 &amp; 5</i>  |
|  | <i>Principles of Development Control</i> | <i>1, 3, 5 &amp; 7</i>   |
| <i>Residential Development</i>             | <i>Objectives</i>                        | <i>1, 2 &amp; 4</i>  |
|  | <i>Principles of Development Control</i> | <i>1, 3, 18, 19, 20, 21 &amp; 22.</i>                            |
| <i>Transportation and Access</i>           | <i>Objectives</i>                        | <i>2</i>   |
|  | <i>Principles of Development Control</i> | <i>1, 8, 9, 10, 11, 23, 24, 26, 27, 30, 34, 35, 44 &amp; 45.</i> |

|  |                  |
|--|------------------|
| <b>Zone: Residential Zone</b>  |                  |
| <p><i>Desired Character Statement:</i><br/> <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><br/> <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><br/> <i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a <b>Historic Conservation Area</b>.</i><br/> <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   | 2, 3 & 4         |
| Principles of Development Control  | 1, 2, 5, 10 & 11 |

|   |             |
|---|-------------|
| <b>Policy Area: Low Density Policy Area 20</b>  |             |
| <p><i>Desired Character Statement:</i><br/> <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><br/> <i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.</i><br/> <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><br/> <i>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<br><i>Low Density Policy Area 20</i><br><i>PDC 3 and</i><br><i>PDC 5</i>     | Detached Dwelling<br>340m <sup>2</sup> (min.)   | 403m <sup>2</sup> (Lot 41)<br>380m <sup>2</sup> (Lot 42)<br>332m <sup>2</sup> (Lot 43)<br>332m <sup>2</sup> (Lot 44)<br><br><b>Lot 43 &amp; 44 Do Not Satisfy by 2%</b>  |
| SITE FRONTAGE<br><i>Low Density Policy Area 20</i><br><i>PDC 3 and</i><br><i>PDC 5</i> | Detached Dwelling 10m   | 18.29m (Lot 41)<br>37.6m (Lot 42)<br>9.24m (Lot 43)<br>9.24m (Lot 44)<br><br><b>Lot 43 &amp; 44 Do Not Satisfy by 7%</b>   |
| SIDE/REAR SETBACKS<br><i>Residential Zone</i><br><i>PDC 11</i>                         | Side<br>0/1m (min.)(ground floor)<br><br>Rear<br>3m (min.)(ground floor)  | No change<br><br>3.15m (Lot 41)<br>3m (Lot 42)<br><br><b>Satisfies</b>   |
| PRIVATE OPEN SPACE<br><i>Residential Development</i><br><i>PDC 19</i>                  | 300-500m <sup>2</sup><br>- 60m <sup>2</sup> (min.), of which 10m <sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m.<br>- Minimum dimension 4m.<br>- 16m <sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room. | Lot 41<br>79m <sup>2</sup> (total)<br>3.15m (min. dimension)<br>56m <sup>2</sup> (accessed from habitable room)<br><br>Lot 42<br>68m <sup>2</sup> (total)<br>3m (min. dimension)<br>68m <sup>2</sup> (accessed from habitable room)<br><br><b>Min dimension Does Not Satisfy</b> |
| CARPARKING SPACES<br><i>Transportation and Access</i><br><i>PDC 34</i>                 | Detached, semi-detached, row and multiple dwellings<br>- 2 car-parking spaces required, 1 of which is covered   | 3 spaces provided Lot 41<br>2 spaces provided Lot 42<br><br><b>Satisfies</b>   |

## 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 Area and Frontage

The site areas and frontage widths for two of the proposed allotments will be 2% and 7% deficient respectively. These deficiencies are considered minor in themselves and not considered to be detrimental to the existing or desired character of the locality.

There are a number of examples of infill development that have occurred in the greater locality that have resulted in frontage widths less than that which is stipulated in the Development Plan. Specifically:

| Address              | Frontage Width |
|----------------------|----------------|
| 1a Rushworth Ave     | 4m             |
| 3a Rushworth Ave     | 3.6m           |
| 35 and 35a Elston St | 9.14m & 9.15m  |
| 37 Elston St         | 8.45m          |
| 38 & 38a Elston St   | 9.45m & 9.45m  |

The 2% deficiency in site area equates to 8m<sup>2</sup> and is not considered fatal to the application.

The Applicant has also lodged an application for the built form (211/327/2016). The plans for these dwellings demonstrate that they satisfy the relevant qualitative provisions, despite the above mentioned deficiencies.

### Private Open Space (POS)

The proposed division will result in the existing dwellings being setback approximately 3m from the rear boundary. Whilst this is acceptable in terms of setbacks, it does have an impact on the POS as the minimum dimension stipulated is 4m.

The 1m deficiency is not considered fatal to the application as there is sufficient total area of POS and it is considered useable. There is also some additional area in front of the existing dwellings which will be made private by a solid fence and there is direct access from habitable rooms.

## SUMMARY

This is a reasonable development within the Low Density Policy Area 20 and considering the other examples of infill development in the local area, 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 5/5/2016 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 to GRANT Development Plan and Land Division Consent for Application No. 211/881/2016 by Richard Retallack to undertake Land division - Torrens Title; DAC No. 211/D104/16 (Unique ID 54925); Creating two(2) additional allotments at 432 & 434 Sir Donald Bradman Drive, Brooklyn Park (CT 5704/545 & CT 5964/228) subject to the following conditions of consent:

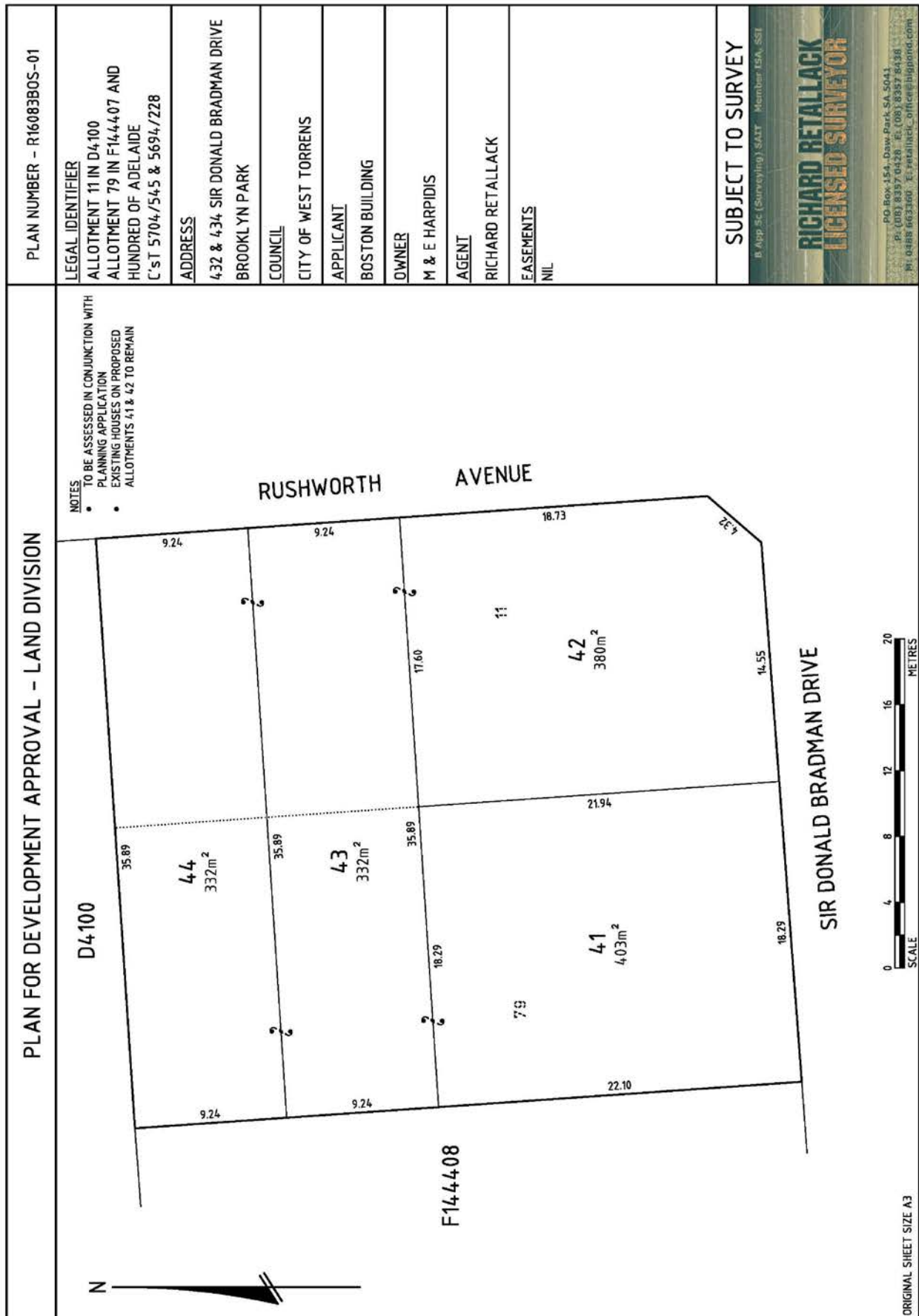
### Development Plan Consent Conditions

1. Development is to take place in accordance with the plans prepared by Richard Retallack relating to Development Application No. 211/811/2016 (DAC 211/D104/16).
2. That prior to the issue of clearance to the division approved herein, the existing outbuildings shall be removed from proposed Allotments.

### Land Division Consent Conditions

3. All vehicles shall enter and exit Allotment 41 in a forward direction. A suitably designed turning bay shall be installed at the front of the dwelling located on Allotment 41 to enable all this to occur.
4. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0048415).  
SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.
5. 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](http://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.
6. 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



ATTACHMENT 2

Contact                      Planning Services  
Telephone                  7109 7016



9<sup>th</sup> August 2016

Mr Terry Buss  
City Manager  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

Dear Sir/Madam

**Re:      Proposed Development Application No. 211/D104/16 (ID 54925)  
         By Boston Building**

Further to my letter dated 21<sup>st</sup> July 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 H0048415).  
SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connection/s to the development will be costed as standard or non standard.
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](http://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.

Council's particular attention is drawn to the comments by the DPTI – Transport Services for this application advising the recommended conditions be attached to any approval issued.

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.

**Please upload the Decision Notification Form (via EDALA) following Council's Decision.**

Yours faithfully,

A handwritten signature in black ink, appearing to read "Brett Miller".

Brett Miller  
**TEAM LEADER – PLANNING SERVICES**  
as delegate of the  
**DEVELOPMENT ASSESSMENT COMMISSION**  
Q:\PLANNING SERVICES\TEMPLATES\STATEMENTS\ELECTRONIC\TFF2R edala

## 6.5 76 Daly Street, KURRALTA PARK

Application No. 211/541/2016

### DEVELOPMENT APPLICATION DETAILS

|                          |  |
|--------------------------|--|
| DEVELOPMENT PROPOSAL     | Land division - Torrens Title; DAC No. 211/D060/16 (Unique ID 54235); Create one(1) additional allotment   |
| APPLICANT                | Damir Ivanovic   |
| APPLICATION NO           | 211/541/2016   |
| LODGEMENT DATE           | 28 April 2016  |
| ZONE                     | Residential  |
| POLICY AREA              | 19 - Medium Density  |
| APPLICATION TYPE         | Merit  |
| PUBLIC NOTIFICATION      | Category 1   |
| REFERRALS                | Internal <ul style="list-style-type: none"><li>• Nil</li></ul> External <ul style="list-style-type: none"><li>• DAC</li><li>• SA Water</li></ul> |
| DEVELOPMENT PLAN VERSION | 5 November 2015  |
| MEETING DATE             | 13 September 2016  |
| RECOMMENDATION           | <b>CONSENT</b>   |

### 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)

211/107/2016 - Construction of a single storey group dwelling with garage under main roof - Undergoing Assessment

## **SITE AND LOCALITY**

The subject land is formally recognised as Allotment 14 Deposited Plan 2478 in the area named Kurralta Park Hundred of Adelaide as contained in Certificate of Title Volume 5285 Folio 278. The land is more commonly known as 76 Daly Street, Kurralta Park. The subject land is rectangular in shape with a frontage of 19.8 metres, a depth of 51.51 metres and a total site area of 1020sqm.

The subject land is located on the western side of the street, north of the Garfield Avenue intersection. The subject land currently accommodates a 1950's single storey conventional style dwelling and associated structures including a outbuildings, carports and verandahs.

The locality is characterised by a vast mixture of residential development. Dwelling styles evident within the locality include, 1950's and 1960's conventional hipped roof, Tudor style, and Spanish mission. Non-residential land uses nearby include the Marleston industrial area.

The site and locality are shown on the following maps.









## Location Map WeTo/13

WEST TORRENS COUNCIL

## PROPOSAL

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

*Land division - Torrens Title; DAC No. 211/D060/16 (Unique ID 54235); Create one (1) additional allotment*

The proposal seeks to two allotments from one existing allotment in a battle-axe type division with the existing dwelling being retained in Lot 100 and a new vacant allotment being created in Lot 101 (see **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

No internal referrals were required due to existing cross-overs.

### External

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

- **SA Water**
  - No issues were raised.
- **Development Assessment Commission (DAC)**
  - No issues were raised and only the standard conditions suggested.

See **Attachment 2**

## ASSESSMENT

The subject land is located within the Residential Zone and more specifically, Medium Density Policy Area 19 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:

| <i>General Section</i>                     |  |   |
|--|--|---|
| <i>Building near Airfields</i>             | <i>Objectives</i>                        | <i>1</i>                                  |
|  | <i>Principles of Development Control</i> |   |
| <i>Land Division</i>                       | <i>Objectives</i>                        | <i>1, 2, 3 &amp; 4</i>                    |
|  | <i>Principles of Development Control</i> | <i>1, 2, 4, 5, 6, 8, 1 &amp; 16</i>       |
| <i>Orderly and Sustainable Development</i> | <i>Objectives</i>                        | <i>1, 2, 3, 4 &amp; 5</i>                 |
|  | <i>Principles of Development Control</i> | <i>1, 3, 5 &amp; 7</i>                    |
| <i>Residential Development</i>             | <i>Objectives</i>                        | <i>1, 2 &amp; 4</i>                       |
|  | <i>Principles of Development Control</i> | <i>1, 3 &amp; 4</i>                       |
| <i>Transportation and Access</i>           | <i>Objectives</i>                        | <i>2</i>                                  |
|  | <i>Principles of Development Control</i> | <i>8, 10, 11, 23, 24, 30, 32 &amp; 33</i> |

|  |          |
|--|----------|
| <b>Zone: Residential Zone</b>  |          |
| <p><b>Desired Character Statement:</b><br/> <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><br/> <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><br/> <i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a <b>Historic Conservation Area</b>.</i><br/> <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, 3 & 4 |
| Principles of Development Control  | 1        |

|  |          |
|--|----------|
| <b>Policy Area: Residential Medium Density Policy Area 19</b>  |          |
| <p><b>Desired Character Statement:</b><br/> <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><br/> <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><br/> <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 & 7 |

## 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<br>Medium Density Policy Area 19<br>PDC 7 | 270m <sup>2</sup> | 522m <sup>2</sup> (Lot 100)<br>342m <sup>2</sup> (Lot 101)<br><br><b>Satisfies</b> |

|   |                                   |  |
|---|-----------------------------------|--|
| SITE FRONTAGE<br><i>Medium Density Policy Area 19</i><br><i>PDC 7</i> | 9m                                | 15.31m <sup>2</sup> (Lot 100)<br>4.50m <sup>2</sup> (Lot 101)<br><b>Does Not Satisfy, battle-axe</b> |
| SITE COVERAGE<br><i>Medium Density Policy Area 19</i><br><i>PDC 3</i> | 60%                               | 60% approximately<br><b>Satisfies</b>  |
| PRIVATE OPEN SPACE<br>Module: Residential<br>PDC 19                   | 80m <sup>2</sup><br>70% uncovered | 80m <sup>2</sup><br>55m <sup>2</sup> or 70% uncovered<br><b>Satisfies</b>                            |
| CARPARKING SPACES   | 2 car-parking spaces required     | 2 provided<br><b>Satisfies</b>   |

## 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

Proposed Lot 101 does not meet the minimum frontage width due to being a battle-axe allotment. Medium Density Policy Area 19 lists group dwellings as an envisaged use and does not discourage battle-axe allotments therefore whilst not meeting the numerical requirements of the Development Plan; the qualitative requirements have been met.

## SUMMARY

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to substantially meet and 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. 211/541/2016 by Damir Ivanovic to undertake Land division - Torrens Title; DAC No. 211/D060/16 (Unique ID 54235); Create one(1) additional allotment at 76 Daly Street, Kurralta Park (CT 5285/278) 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. Development is to take place in accordance with the plans prepared by Jeanes & Somerville Surveyors relating to Development Application No. 211/541/2016 (DAC 211/D060/16).

**DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS**

Nil

**LAND DIVISION CONSENT  
COUNCIL CONDITIONS**

1. That prior to the issue of clearance to the division approved herein, all existing structures on Lot 101 shall be demolished.
2. The existing Class 1a dwelling is required to be fire separated in accordance with Part 3.7.1 of the BCA.
  - Evidence must be submitted to Council to verify compliance with the above
  - If the fire separation does not exist, an application for Building Rules Consent under the Development Act 1993 shall be lodged with Council (or Private Certifier) and Development Approval shall be issued prior to the commencement of building work. A Schedule 19A – Statement of Compliance from the builder (building supervisor), shall be submitted to Council upon completion of the work. Evidence that fire separation of the units is in place shall be submitted to Council prior to the issue of Section 51 Clearance.

**DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS**

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

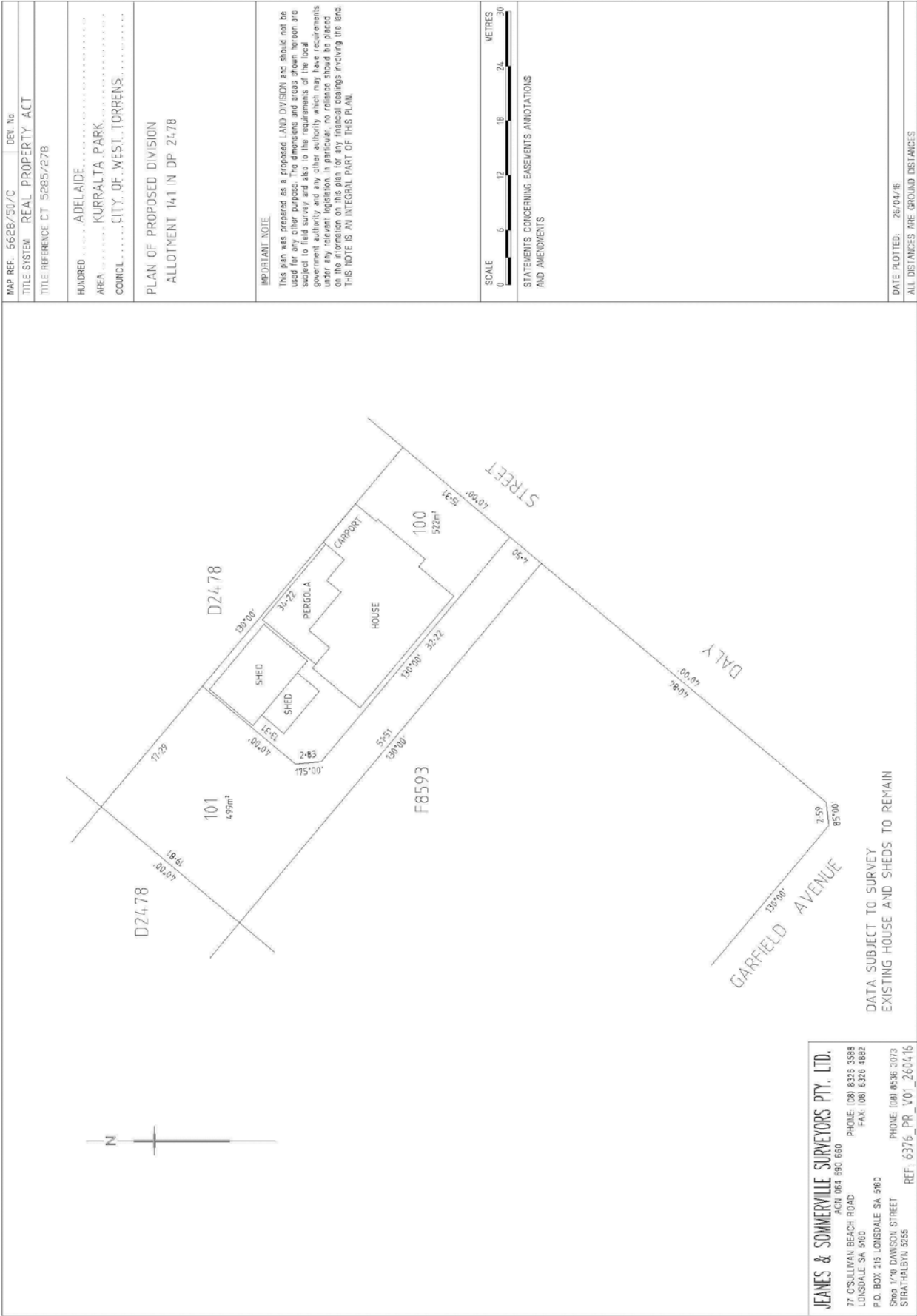
The alteration of internal drains to the satisfaction of SA Water is required.  
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

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.

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](http://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.

ATTACHMENT 1



ATTACHMENT 2

Contact Lands Titles Office  
Telephone 7109 7016



18 May 2016

The Chief Executive Officer  
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No.** 211/D060/16 (ID 54235)  
**for Land Division by** Mr DAMIR IVANOVIC

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 09 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](http://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.**

A handwritten signature in black ink, appearing to read "P. Hodgson".

Phil Hodgson  
Unit Manager  
Lands Titles Office

## 6.6 19 Broughton Avenue, KURRALTA PARK

Application No. 211/487/2016

### DEVELOPMENT APPLICATION DETAILS

|                          |  |
|--------------------------|--|
| DEVELOPMENT PROPOSAL     | Combined Land Division and Land Use Application - Torrens Title; DAC No. 211/D058/16 (Unique ID 54184); Create one (1) additional allotment and construction of two (2) two-storey detached dwellings each with garage under main roof |
| APPLICANT                | State Surveys  |
| APPLICATION NO           | 211/487/2016 (DAC No. 211/D058/16)   |
| LODGEMENT DATE           | 26 April 2016  |
| ZONE                     | Residential  |
| POLICY AREA              | Medium Density Policy Area 19  |
| APPLICATION TYPE         | Merit  |
| PUBLIC NOTIFICATION      | Category 1   |
| REFERRALS                | Internal <ul style="list-style-type: none"><li>City Assets</li></ul> External <ul style="list-style-type: none"><li>Nil</li></ul>  |
| DEVELOPMENT PLAN VERSION | 5 November 2015  |
| MEETING DATE             | 13 September 2016  |
| RECOMMENDATION           | <b>REFUSE</b>  |

### BACKGROUND

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

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

### PREVIOUS or RELATED APPLICATION(S)

DA 211/410/2015 (211/D052/15) Land Division to create one additional allotment - approved  
DA 211/989/2015 Demolition of Dwelling and Construction of two single storey dwellings - approved



## SITE AND LOCALITY

The subject site is located at the intersection of Broughton Avenue and Anstey Crescent Kurralt Park. Allotment 801 has a frontage of 14.98 metres to Broughton Avenue and 19.67 metres to Anstey Crescent for a site area of 403m<sup>2</sup>. The land has been subject to a number of recent development applications and a single dwelling was approved on Allotment 801 as part of Development Application 211/989/2015 which involved the demolition of an existing dwelling and construction of two single storey dwellings.

The site and locality are shown on the following maps and site photos.

**Figure 1: Subject Site**



**Figure 1A: Subject Site**





Figure 2: Subject Site & locality

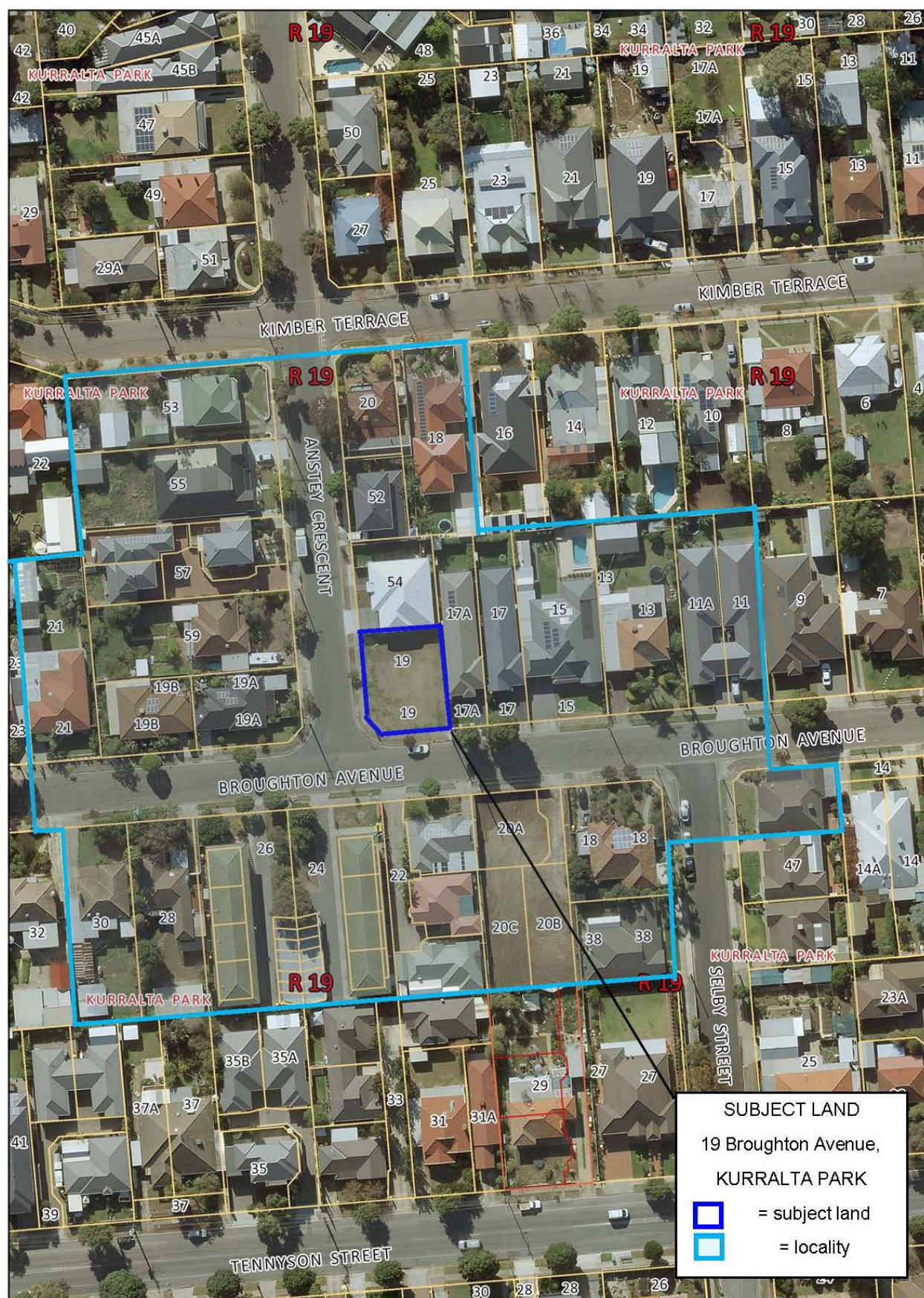




Figure 3: Development Plan Locality Plan



## REFERRALS

Internal

### City Assets

#### ***Flood Consideration – Finished Floor Level (FFL) Requirement – up to 100mm Zone***

In accordance with the provided 'Proposed Site Plan' (John Vlachos Architect drawing 16-0405 dated 04/05/16), the FFL of the proposed development (100.30) has been assessed as satisfying minimum requirements in consideration of street and/or flood level information.

#### ***Verge Interaction***

The proposed driveway may encroach into the existing crossover of the neighbouring residential property. For new driveways, Council normally requires a 1m separation distance to be provided to minimise conflicts between adjacent vehicles and to serve as a refugee Island. It is recommended that revised plans indicating satisfaction to the above should be provided to Council.

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly Medium Density Policy Area 19 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>                        | 2  |
|  | <i>Principles of Development Control</i> | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20   |
| <i>Energy Efficiency</i>                   | <i>Objectives</i>                        | 1 & 2  |
|  | <i>Principles of Development Control</i> | 1, 2, 3 & 4  |
| <i>Land Division</i>                       | <i>Objectives</i>                        | 1, 2, 3 & 4  |
|  | <i>Principles of Development Control</i> | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21   |
| <i>Landscaping, Fences and Walls</i>       | <i>Objectives</i>                        | 1 & 2  |
|  | <i>Principles of Development Control</i> | 1, 2, 3, 4, 5 & 6  |
| <i>Orderly and Sustainable Development</i> | <i>Objectives</i>                        | 1, 2, 3, 4 & 5   |
|  | <i>Principles of Development Control</i> | 1, 2, 3, 4, 5, 6, 7 & 8  |
| <i>Residential Development</i>             | <i>Objectives</i>                        | 1, 2, 3, 4 & 5   |
|  | <i>Principles of Development Control</i> | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 & 56 |

|   |  |
|---|--|
| <b>Zone: Residential Zone</b>   |  |
| <i>Desired Character Statement (extract)</i>  |  |
| <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> |  |
| <b>Objectives</b>   | <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> |
| <b>Principles of Development Control</b>  | 1,2,5,7,10,18,20   |

|   |   |
|---|---|
| <b>Policy Area: Medium Density 19</b>   |   |
| <i>Desired Character Statement (extract)</i>  |   |
| <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> |   |
| <b>Objectives</b>   | 1 Development that contributes to the desired character of the policy area. |
| <b>Principles of Development Control</b>  | 1, 2, 3, 4, 5, 7  |

## 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 AREA<br>Medium Density Policy Area 19<br>PDC 5                                | 250m <sup>2</sup> (within 400m of a Centre Zone)   | Allotment 901: 194m <sup>2</sup><br>Allotment 902: 209m <sup>2</sup><br><br><b>Does Not Satisfy by 22.4% &amp; 16.4%</b>   |
| SITE FRONTAGE<br>Medium Density Policy Area 19<br>PDC 5                                 | 9m (within 400m of a Centre Zone)  | Allotment 901: 14.98m<br>Allotment 902: 10.17m<br><br><b>Satisfies</b>   |
| STREET SETBACK<br>Medium Density Policy Area 19<br>PDC 3                                | Primary Frontage<br>3m<br><br><br><br><br><br><br><br><br><br>Secondary Frontage<br>2m   | Dwelling 1 (Anstey Crescent):<br>3m<br><b>Satisfies</b><br><br>Dwelling 2 (Broughton Avenue): 2.6m<br><b>Does Not Satisfy</b><br><br>Dwelling 2: 2.6m<br><b>Satisfies</b>  |
| SIDE/REAR SETBACKS<br>Residential Zone PDC 11<br>Medium Density Policy Area 19<br>PDC 3 | Side<br>Wall height less than 3m - 1m<br>Wall height 3m-6m - 2m<br>Wall height over 6m - 2m plus the increase in wall height over 6m | Dwelling 1 (Anstey Crescent)<br><br>Southern Boundary Lower Level: 0.9m<br><b>Does Not Satisfy</b><br><br>Southern Boundary Upper Level: 2m<br>Northern Boundary Lower Level: 0m (garage on boundary)<br>Northern Boundary Upper Level: 3.09m<br><b>Partly Satisfies</b> |



|  |   |   |
|--|---|---|
| <p><b>SIDE/REAR SETBACKS</b><br/>Residential Zone PDC 11<br/>Medium Density Policy Area 19<br/>PDC 3</p> | <p>Side<br/>Wall height less than 3m - 1m<br/>Wall height 3m-6m - 2m<br/>Wall height over 6m - 2m plus the increase in wall height over 6m</p> <p>Rear<br/>6m</p>                             | <p>Dwelling 2 (Broughton Avenue)</p> <p>Eastern Boundary Lower Level: 0m (garage on boundary)<br/>Eastern Boundary Upper Level: 3.1m<br/>Western Boundary Lower Level: 2.6m<br/>Northern Boundary Upper Level: 2.6m<br/><b>Partly Satisfies</b></p> <p>Dwelling 1 (Anstey Crescent)<br/>2.55m<br/><b>Does Not Satisfy</b></p> <p>Dwelling 2 (Broughton Avenue)</p> <p>0m (garage on boundary) and 2m to dwelling wall<br/><b>Does Not Satisfy</b></p> |
| <p><b>PRIVATE OPEN SPACE</b><br/>Residential<br/>PDC 18</p>  | <p>24, of which 8 may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2 metres</p> <p>Minimum dimension 3m</p> <p>16m<sup>2</sup> at ground level</p> | <p>Dwelling 1 (Anstey Crescent)<br/>26.88m (excluding area without dimension of 3m)</p> <p>Dwelling 2 (Broughton Avenue)<br/>30.4m (excluding area without dimension of 3m)<br/><b>Satisfies</b></p>  |
| <p><b>SITE COVERAGE</b><br/>Medium Density Policy Area 19<br/>PDC 3</p>                                  | <p>60% maximum</p>  | <p>48.55%</p> <p><b>Satisfies</b></p>   |
| <p><b>MAXIMUM BUILDING HEIGHT</b></p>  | <p>2 Storey or 8.5m</p>   | <p><b>Satisfies</b></p>   |
| <p><b>LANDSCAPING</b><br/>Landscaping, Fences &amp; Walls<br/>PDC: 4</p>                                 | <p>10%<br/>40m<sup>2</sup></p>  | <p><b>Satisfies</b></p>   |
| <p><b>CARPARKING SPACES</b><br/>Transportation and Access<br/>PDC 34<br/>Table WeTo/2</p>                | <p>4 car-parking spaces required</p>  | <p>4 provided</p> <p><b>Satisfies</b></p>   |

## QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development generally satisfies the relevant Development Plan provisions with the following comments provided:

### Site Area

The proposed site areas are Allotment 901, 194m<sup>2</sup> and Allotment 902, 209m<sup>2</sup>. Medium Density Policy Area 19 requires a site area of 270m<sup>2</sup> unless the site is within 400m of a centre zone. As this site is within 400m of a centre zone, the minimum site area is reduced to 250m<sup>2</sup>.

The two proposed allotments are 22.4% and 16.4% below the 250m<sup>2</sup> minimum site area (based on average).

This departure from the minimum site area makes it difficult for the proposed dwellings to meet some of the key quantitative provisions within the Development Plan as outlined in the quantitative assessment above.

### Bulk and Scale

The bulk and scale of the proposed dwellings is significant given the size of the dwellings and the small site area that does not meet the minimum in the Development Plan.

The dwelling fronting Broughton Avenue presents as a solid structure with limited articulation within the built form and a square 'box like' appearance which is to be located 2.6m from the front property boundary. The dwelling and enclosed garage present a strong built form for the majority of the Broughton Road frontage with limited landscaping to soften the impact of the built form design.

The dwelling fronting Anstey Crescent presents a smaller built form component to the street but uses a similar dwelling design with dwelling frontage and enclosed garage that presents a solid built form for almost the entire frontage of the site.

### Setbacks

The proposed development has a number of deficiencies in relation to minimum setbacks to boundaries. The rear setbacks proposed are a significant departure from the Development Plan and are a consequence of the site area proposed being significantly below the minimum site areas in the Development Plan. Features such as the garage for Dwelling 2 being located on both the side and rear boundary are also symptomatic of site areas that do not meet the Development Plan requirements.

### Overlooking and Overshadowing

The Development Plan uses a number of techniques to ensure that adequate daylight and sunlight remains available to adjoining dwellings and private open space:

The first technique uses prescribed building setbacks, General Section - Residential Development PDC 22 & 23.

#### *General Section - Residential Development*

*PDC 22        Setbacks from side and rear boundaries should be progressively increased as height increases to:*

- (a)        minimise the visual impact of buildings from adjoining properties;*
- (b)        minimise the overshadowing of adjoining properties; and*

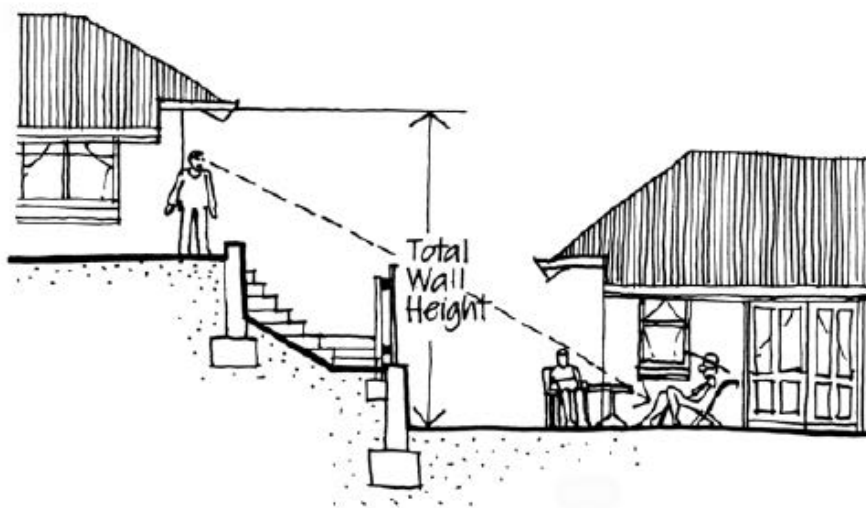


Figure 1

*General Section - Residential Development*

*PDC 23 Dwellings and residential flat buildings should be set back from the side and rear boundaries in accordance with the following table:*

| Parameter   | Minimum value (metres)  |
|---|---|
| Side boundary setback where the vertical side wall is 3 metres or less in height (measured from the existing ground level at the boundary of the adjacent property as per <a href="#">Figure 1</a> )        | 1   |
| Side boundary setback where vertical side wall measures between 3 to 6 metres in height (measured from the existing ground level at the boundary of the adjacent property as per <a href="#">Figure 1</a> ) | 2   |
| Side boundary setback where the vertical side wall is greater than 6 metres in height (measured from the existing ground level at the boundary of the adjacent property as per <a href="#">Figure 1</a> )   | 2 metres plus an additional setback which is equal to the increase in wall height above 6 metres. |
| Rear boundary setback for single storey components of a building  | 3   |
| Rear boundary setback for two storey components of a building   | 8   |

As per above, if the building is not situated upon a side boundary and does meet the table, it is considered that overshadowing has been appropriately minimised and adequate daylight is provided to existing and future properties. The proposed development does not meet the above table regarding boundary setbacks.

Obscure glazing is proposed for upper level windows to a height of 1.7m above floor level in the southern, northern and western elevation of Dwelling 1 and the northern elevation of Dwelling 2 to deal with the potential for overlooking.

### Visual impact of Streetscape

The bulk and scale of the proposed dwellings and the design of the dwellings will have a significant impact on the streetscape of both Broughton Avenue and Anstey Crescent. The dwelling designs use limited articulation to break up the mass of the building frontages and the prominent location of the proposed buildings and the limited primary street setback will lead to buildings that are visually prominent.

### **Design & Appearance**

The Development Plan calls for development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form and buildings that reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: (a) building height, mass and proportion, (b) external materials, patterns, colours and decorative elements, (c) roof form and pitch, (d) façade articulation and detailing, (e) verandas, eaves, parapets and window screens.

The proposed development has a significant bulk and mass and limited articulation or verandas, eaves etc. to provide relief in the built form.

### **Land Division**

The proposed allotments do not meet the minimum site area within Medium Density Policy Area 19. This significant departure (22.4% and 16.4%) leads to sites that have difficulty accommodating dwellings that meet the other quantitative provisions in the Development Plan based on the designs submitted as part of this combined development application. The proposed allotments are not suitable for their intended purpose based on the dwelling designs submitted.

### **SUMMARY**

The proposed development involves the division of land to create one additional allotment and construction of two two-storey detached dwellings. The scale of the proposed dwellings is significant given the size of the dwellings and the small site areas that do not meet the minimum in the Development Plan.

The dwellings and enclosed garages present a strong built form to Broughton Avenue and Anstey Crescent with limited treatment of the facades to minimise the visual impact of the buildings.

The proposed development has a number of deficiencies in relation to minimum setbacks to boundaries. The departure from the minimum site area provisions in the Development Plan makes it difficult for the proposed dwellings to meet some of the key quantitative provisions within the Development Plan.

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 but on balance the proposed development does not sufficiently accord with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2015 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 Plan Consent for Application No. 211/487/2016 (DAC No. 211/D058/16) by State Surveys to undertake a combined Land Division and Land Use Application - Torrens Title; DAC No. 211/D058/16 (Unique ID 54184) to create one (1) additional allotment and construction of two (2) two-storey detached dwellings each with garage under main roof at 19 Broughton Avenue, Kurralta Park (CT 6172/537) for the following reasons:

1. The proposed development is contrary to:

- General Section, Design & Appearance Objective 1
- General Section, Energy Efficiency Objective 1
- General Section, Land Division Objective 2
- General Section, Design & Appearance Principle of Development Control 1
- General Section, Design & Appearance Principle of Development Control 5
- General Section, Residential Principle of Development Control 4

Reason: Proposed dwellings do not respond to the local environment and proposed allotments are not of a suitable size for their intended purpose based on the dwelling design submitted.

- Zone Section, Residential Zone Principle of Development Control 7, 10, 11

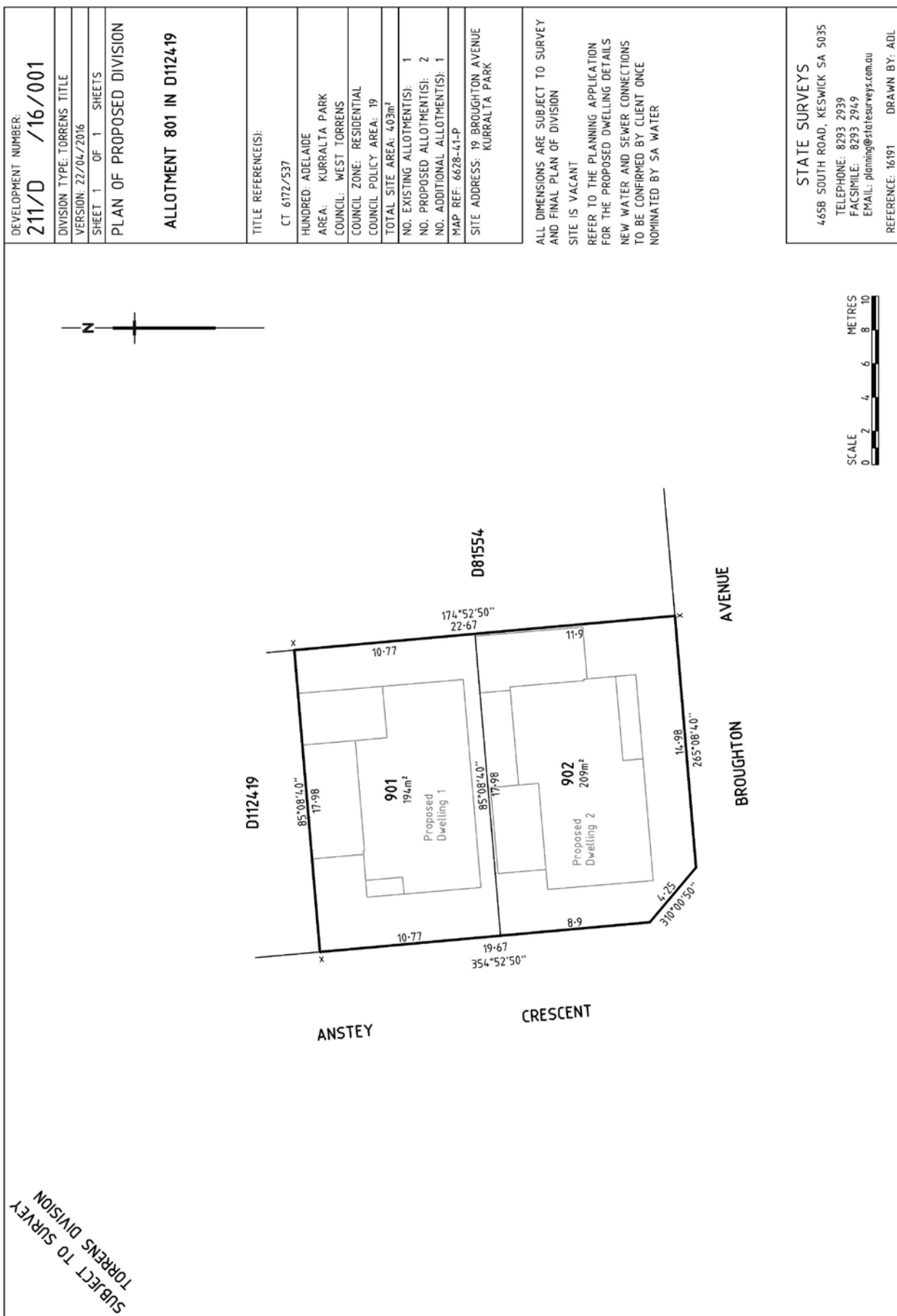
Reason: Proposed dwellings do not meet quantitative provisions of Development Plan

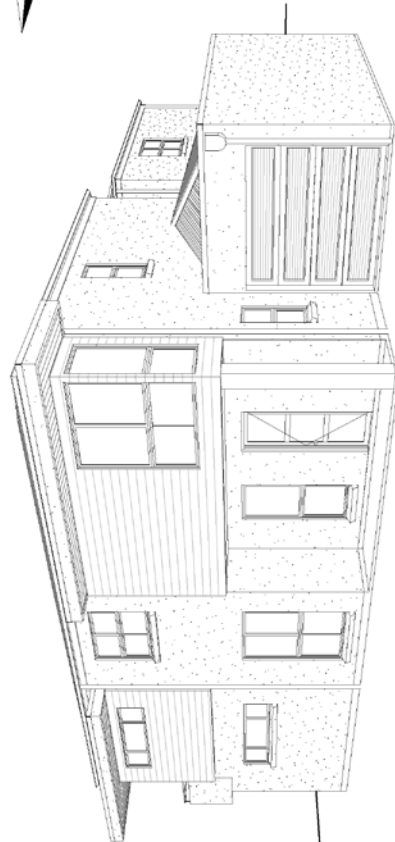
- Zone Section, Residential Zone, Medium Density Policy Area 19 Principle of Development Control 3 & 5

Reason: Proposed dwellings do not meet quantitative provisions of Development Plan in relation to site area and boundary setbacks



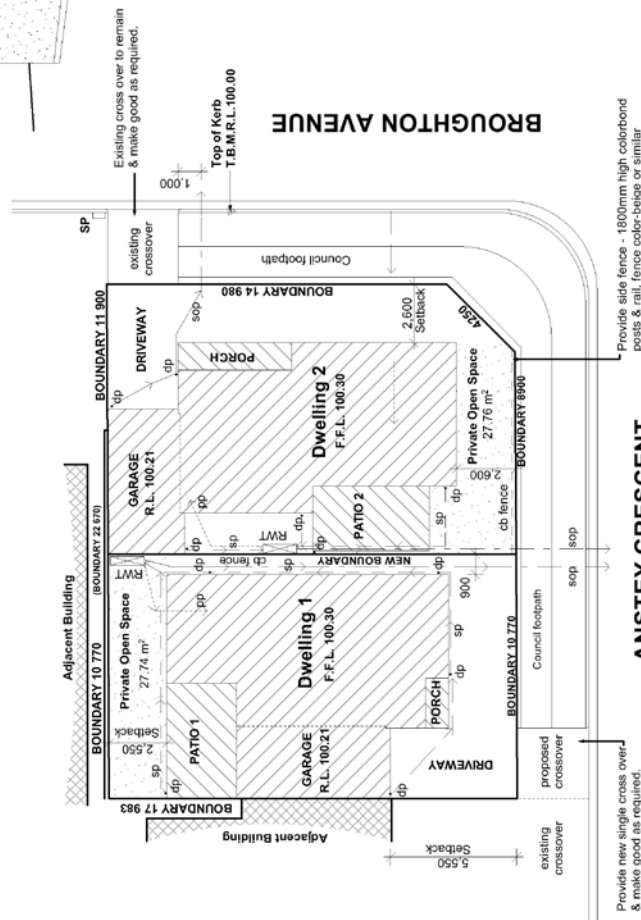
SUBJECT TO SURVEY  
TORRENS DIVISION





Proposed Perspective View  
1:23.91

| AREAS                 |                       |
|-----------------------|-----------------------|
| Total Site Area       | 403.14 m <sup>2</sup> |
| <b>DWELLING 1</b>     |                       |
| Total Site Area       | 193.64 m <sup>2</sup> |
| Proposed Porch        | 2.20 m <sup>2</sup>   |
| Proposed Ground Floor | 96.74 m <sup>2</sup>  |
| Proposed Patio 1      | 15.57 m <sup>2</sup>  |
| Proposed Upper Floor  | 70.52 m <sup>2</sup>  |
| Proposed Balcony      | 3.29 m <sup>2</sup>   |
| <b>DWELLING 2</b>     |                       |
| Total Site Area       | 209.50 m <sup>2</sup> |
| Proposed Porch        | 6.00 m <sup>2</sup>   |
| Proposed Ground Floor | 98.67 m <sup>2</sup>  |
| Proposed Patio 1      | 14.59 m <sup>2</sup>  |
| Proposed Upper Floor  | 80.59 m <sup>2</sup>  |
| Proposed Balcony      | 7.55 m <sup>2</sup>   |

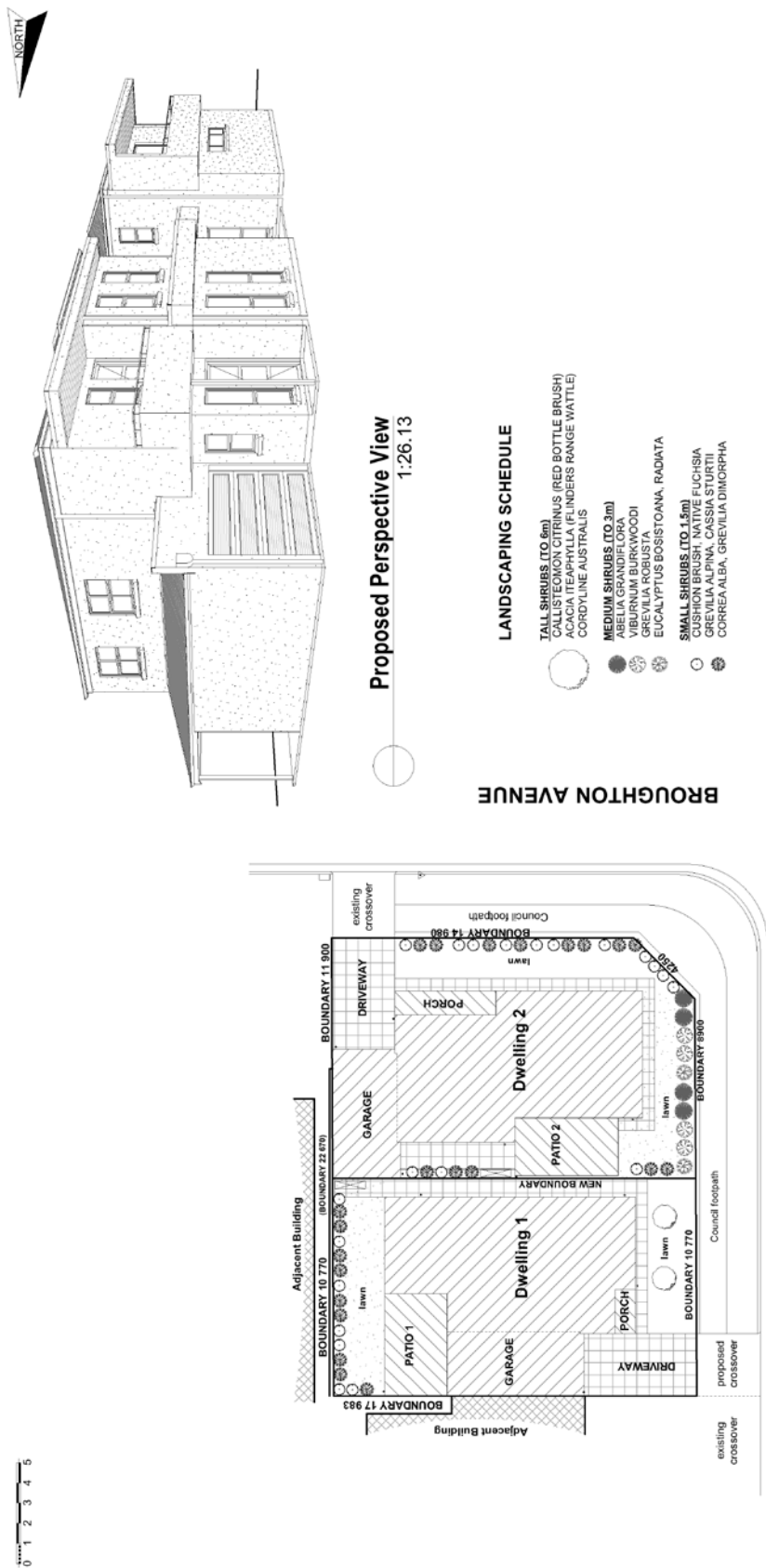


Proposed Site Plan  
1:200

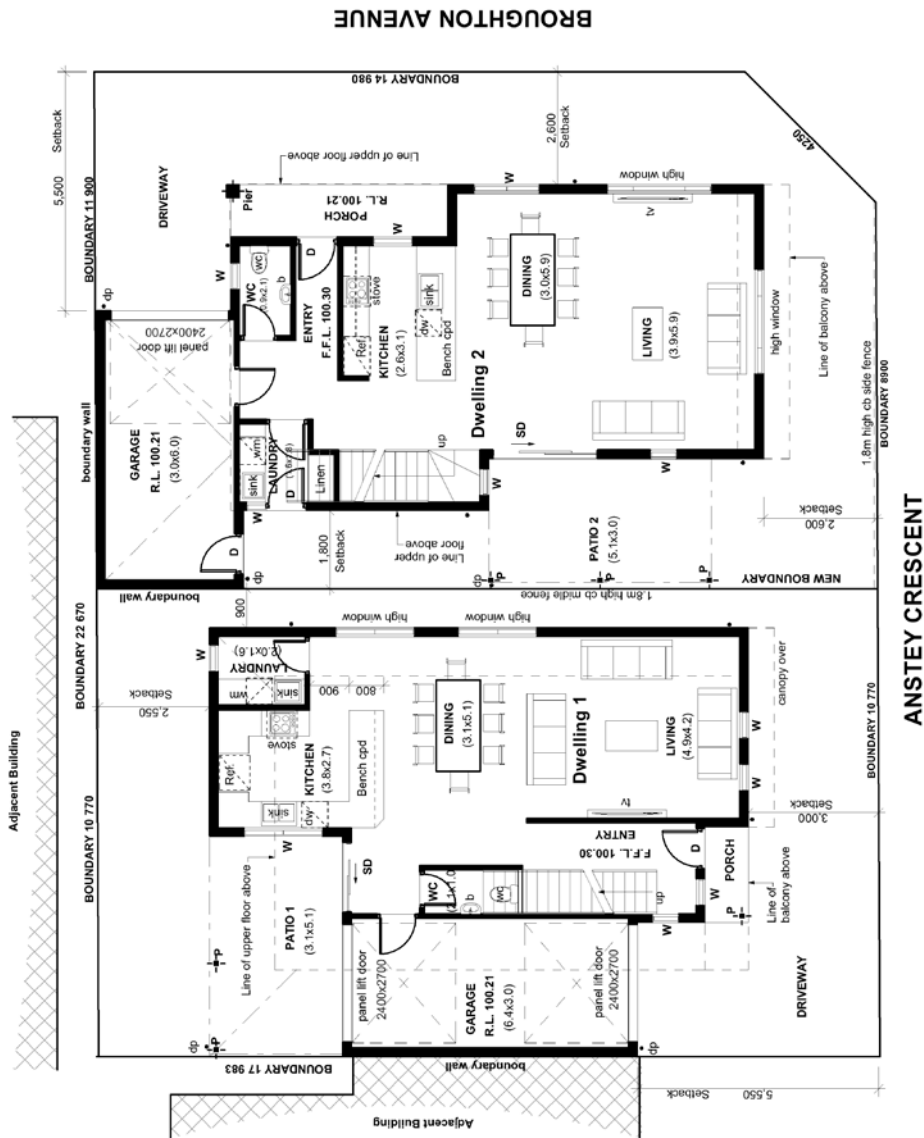
- Legend - Site Plan**  
100.30 Design surface level  
RWT Rainwater tank 2000L
- dp Down pipe
  - sp Stormwater pipe 90 dia. - sealed system, direction of fall shown
  - sop Stormwater overflow pipe discharge to street water table - 90 dia
  - pp Plumbing line to WC or Laundry (return polyethylene pipe)

**NOTE**  
Roof stormwater shall be connected to rainwater tank and 60mm PVC stormwater to street water table.  
Rainwater tank plumbed to either a toilet cistern, water heater or laundry cold water and, in the event of a rainwater tank must be fitted with inspect proof and non degradable screens  
Provide boundary identification survey + site pegging prior any building work.  
The contractor shall check on site all relevant dimensions & site levels prior any work.  
Middle fence - 1800mm high colorbond posts & rail, fence color-beige or similar  
Provide new single cross over & make good as required.

|                                     |   |               |   |                           |
|-------------------------------------|---|---------------|---|---------------------------|
| For Design & Planning Approval only | <b>JOHN VLACHOS ARCHITECT</b><br>22 Strathmore Avenue, Lockleys SA 5032<br>Ph : (08) 8443 5500 Fax : (08) 8443 5566<br>Mob: 0408 855 893<br>Email : john@johnvlachos.com.au |               | <b>Proposed Two Storey Detached Dwellings &amp; Patio for Mr. A. El Masri</b><br>Address :<br>19 Broughton Ave, Kurralta Park SA 5037 |                           |
|                                     | <b>A3 © COPYRIGHT</b>   |               | <b>Amendments</b>   | <b>Date</b> 22/04/2016    |
|                                     |   |               | <b>Date</b>   | <b>P. No.</b> 16 - 0405   |
|                                     |   | <b>D. No.</b> |   | <b>Drawing Ref</b> P - 01 |



|                                     |                |   |  |  |                   |                           |
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|                                     |                |   |  |  | <b>Date</b>       | <b>P. No.</b> 16 - 0405   |
|                                     |                |   |  |  | <b>D. No.</b>     | <b>Drawing Ref</b> P - 02 |



|                                     |                |   |   |            |                    |
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|                                     |                |   |   | Date       | P. No. 16 - 0405   |
|                                     |                |   |   | D. No.     | Drawing Ref P - 03 |
|                                     |                |   |   |            |                    |

Proposed Upper Floor Plan  
1:100

For Design &amp; Planning Approval only

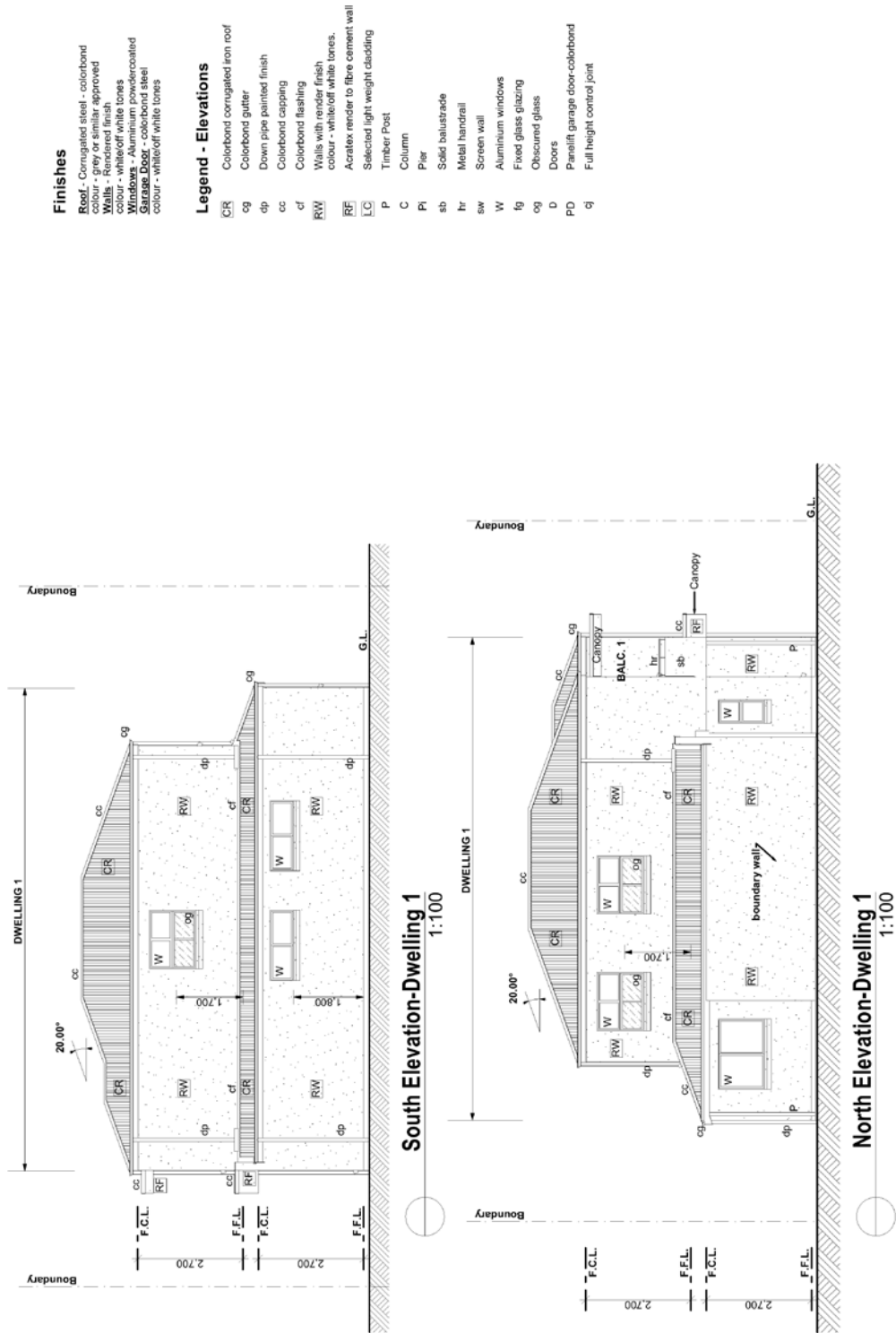
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**JOHN VLACHOS ARCHITECT**  
22 Strathmore Avenue, Lockleys SA 5032  
Ph : (08) 8443 5500 Fax : (08) 8443 5566  
Mob: 0408 855 893  
Email : [john@johnvlachos.com.au](mailto:john@johnvlachos.com.au)

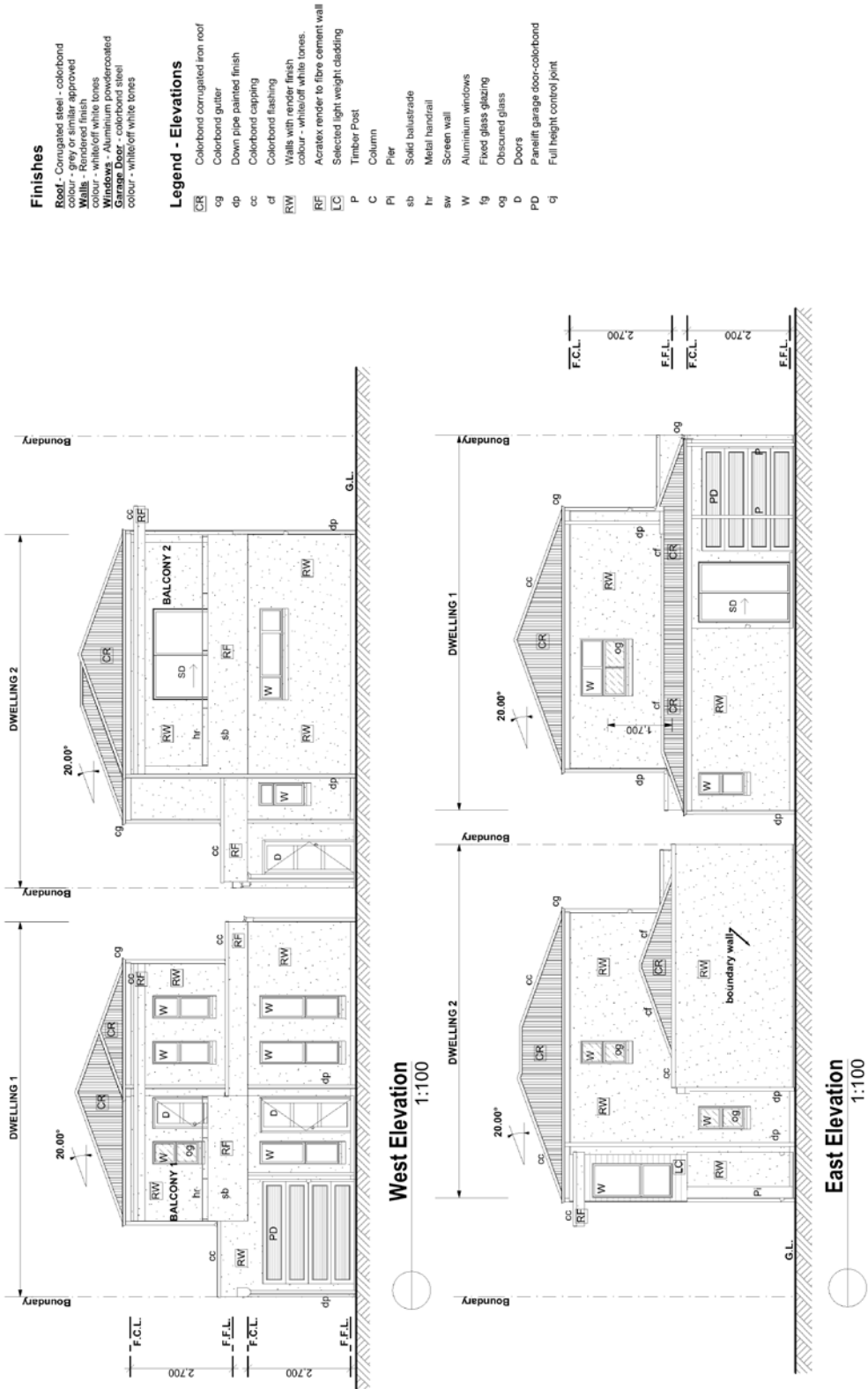
**Proposed Two Storey Detached  
Dwellings & Patio  
for Mr. A. El Masri**  
Address :  
19 Broughton Ave, Kurralt Park SA 5037

**Date** 22/04/2016  
**P. No.** 16 - 0405  
**Drawing Ref** P - 04





|                                     |                |  |  |  |  |            |                    |            |
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|                                     |                |  |  |  |  | Date       | P. No.             | 16 - 0405  |
|                                     |                |  |  |  |  | D. No.     | Drawing Ref P - 05 |            |
|                                     |                |  |  |  |  |            |                    |            |

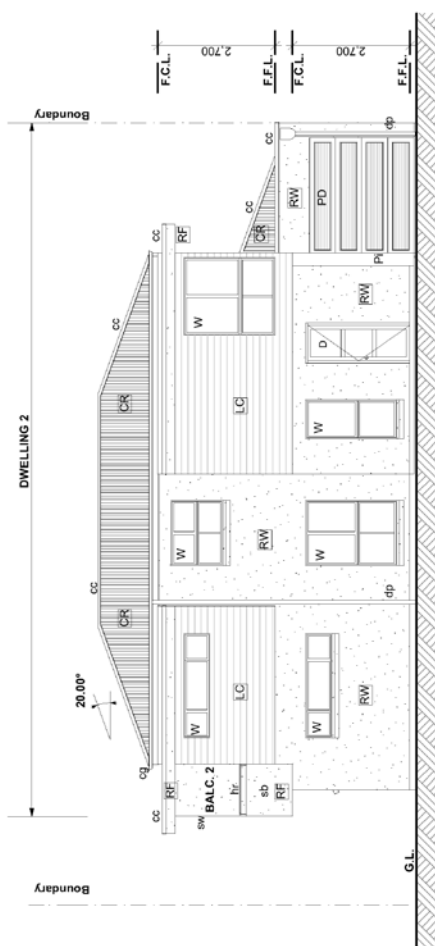


|                                     |   |  |   |  |                   |                           |
|-------------------------------------|---|--|---|--|-------------------|---------------------------|
| For Design & Planning Approval only | <b>JOHN VLACHOS ARCHITECT</b><br>22 Strathmore Avenue, Lockleys SA 5032<br>Ph : (08) 8443 5500 Fax : (08) 8443 5566<br>Mob: 0408 855 893<br>Email : john@johnvlachos.com.au |  | <b>Proposed Two Storey Detached Dwellings &amp; Patio for Mr. A. El Masri</b><br>Address :<br>19 Broughton Ave, Kurralta Park SA 5037 |  | <b>Amendments</b> | <b>Date</b> 22/04/2016    |
|                                     | <b>A3</b> © COPYRIGHT   |  |   |  | <b>Date</b>       | <b>P. No.</b> 16 - 0405   |
|                                     |   |  |   |  | <b>D. No.</b>     | <b>Drawing Ref</b> P - 06 |

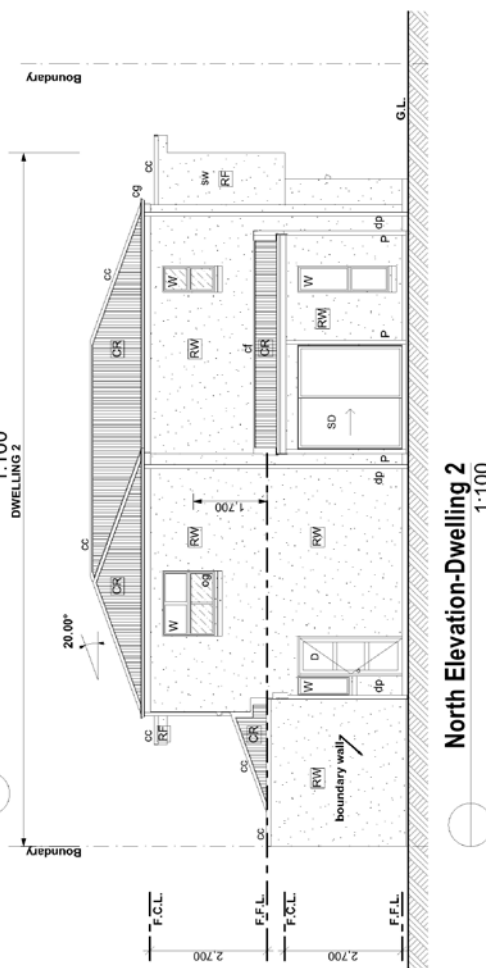
**Roof** - Corrugated steel - colorbond  
colour - grey or similar approved  
**Walls** - Rendered finish  
colour - white/off white tones  
**Windows** - Aluminium powdercoated  
colour - colorbond steel  
**Garage Door** - colorbond steel  
colour - white/off white tones

### Legend - Elevations

- |                                |                  |                          |                    |                    |   |                                     |                                |             |        |      |                  |                |             |                   |                     |                |       |                                |                           |
|--------------------------------|------------------|--------------------------|--------------------|--------------------|---|-------------------------------------|--------------------------------|-------------|--------|------|------------------|----------------|-------------|-------------------|---------------------|----------------|-------|--------------------------------|---------------------------|
| Colorbond corrugated iron roof | Colorbond gutter | Down pipe painted finish | Colorbond clapping | Colorbond flashing | Walls with render finish colour - winiford white tones. | Acratex render to fibre cement wall | Selected light weight cladding | Timber Post | Column | Pier | Solid balustrade | Metal handrail | Screen wall | Aluminium windows | Fixed glass glazing | Obscured glass | Doors | Panelfit garage door-colorbond | Full height control joint |
|--------------------------------|------------------|--------------------------|--------------------|--------------------|---|-------------------------------------|--------------------------------|-------------|--------|------|------------------|----------------|-------------|-------------------|---------------------|----------------|-------|--------------------------------|---------------------------|



## South Elevation-Dwelling 2



## North Elevation-Dwelling 2

|                                     |  |   |                           |                         |
|-------------------------------------|--|---|---------------------------|-------------------------|
| For Design & Planning Approval only | <b>JOHN VLACHOS ARCHITECT</b><br>22 Stratmore Avenue, Lockleys SA 5032<br>Ph : (08) 8443 5500 Fax : (08) 8443 5566<br>Mob: 0408 855 893<br>Email : john@johnvlachos.com.au | <b>Proposed Two Storey Detached Dwellings &amp; Patio for Mr. A. El Masri</b><br>Address :<br>19 Broughton Ave, Kurralta Park SA 5037 | <b>Amendments</b>         | <b>Date</b> 22/04/2016  |
|                                     |  |   | <b>Date</b>               | <b>P. No.</b> 16 - 0405 |
| <b>A3 © COPYRIGHT</b>               |  | <b>D. No.</b>   | <b>Drawing Ref</b> P - 07 |                         |

ATTACHMENT 2

Contact Lands Titles Office  
Telephone 7109 7016



11 May 2016

The Chief Executive Officer  
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/D058/16 (ID 54184)  
for Land Division by Mr Owda Al Masri**

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 05 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.  
AN INVESTIGATION WILL BE CARRIED OUT TO DETERMINE IF THE CONNECTIONS FOR THIS DEVELOPMENT WILL BE 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.
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](http://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.**

A handwritten signature in black ink, appearing to read "P. Hodgson".

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



11 May 2016

Our Ref: H0045569

The Chairman  
Development Assessment Commission  
136 North Terrace  
ADELAIDE SA 5000

Dear Sir/Madam

SA Water  
Level 6, 250 Victoria Square  
ADELAIDE SA 5000  
Ph (08) 7424 1119  
Inquiries James Ettridge  
Telephone 74241119

**PROPOSED LAND DIVISION APPLICATION NO: 211/D058/16 AT KURRALTA 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.

**AN INVESTIGATION WILL BE CARRIED OUT TO DETERMINE IF THE CONNECTIONS FOR THIS DEVELOPMENT WILL BE 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.

Yours faithfully

James Ettridge

**for MANAGER LAND DEVELOPMENT & CONNECTIONS**



## 6.7 6 Darebin Street, MILE END

Application No. 211/173/2016/B

### DEVELOPMENT APPLICATION DETAILS

|                          |   |
|--------------------------|---|
| DEVELOPMENT PROPOSAL     | Variation to an authorisation previously granted (Delete conditions #2 #3 of DA 211/173/2016)                                 |
| APPLICANT                | George Koutsouliotis  |
| APPLICATION NO           | 211/173/2016/B  |
| LODGEMENT DATE           | 15 July 2016  |
| ZONE                     | Residential Zone  |
| POLICY AREA              | Cowandilla / Mile End West Character Policy Area 23   |
| APPLICATION TYPE         | Merit   |
| PUBLIC NOTIFICATION      | No Category   |
| REFERRALS                | Internal <ul style="list-style-type: none"><li>▪ Nil</li></ul> External <ul style="list-style-type: none"><li>▪ Nil</li></ul> |
| DEVELOPMENT PLAN VERSION | 5 May 2016  |
| MEETING DATE             | 13 September 2016   |
| RECOMMENDATION           | <b>CONSENT</b>  |

### BACKGROUND

The Development Assessment Panel (DAP) at its meeting held on 10 May 2016 resolved to grant Consent to an application by Frank Rositano, Architect, to undertake partial demolition of an existing dwelling and construction of ground floor alterations and additions, a first floor addition, a cellar and an attached carport and verandah at 6 Darebin Street, Mile End (CT 5322/37) subject to the following conditions:

1. That the development shall be undertaken and maintained in accordance with the plans and information stamped with **Development Plan Consent 10-May-2016** detailed in this application except where varied by any condition(s) listed below.
2. Prior to the issue of full Development Approval details must be provided to demonstrate that all sides (North, East & West facing elevations) of the balcony will be suitably screened to a height of at least 1.7 metres above the first floor finished floor level to prevent overlooking.
3. That the screen surrounding the balcony will be provided 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 balcony screen shall be maintained in reasonable condition at all times.
4. 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.
5. 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.
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

A copy of the report previously presented to the Panel is contained in **Attachment 3**.

### **PREVIOUS or RELATED APPLICATION(S)**

DA 211/173/2016 - Partial demolition of an existing dwelling and construction of ground floor alterations and additions, a first floor addition, a cellar and an attached carport and verandahs  
**Development Approval Granted 30 May 2016**

DA 211/173/2016/A - Variation to authorisation previously given - Construction of Brick Wall to Western Carport Opening  
**Currently Under Assessment**

### **SITE AND LOCALITY**

The subject site is rectangular in shape and is located on the northern side of Darebin Street, Mile End, between South Road and Falcon Avenue. It has a frontage width of 18.29 metres to Darebin Street and a depth of 42.67 metres, resulting in an overall site area of approximately 780m<sup>2</sup>.

The site is currently occupied by a detached dwelling circa 1920's and associated outbuildings.

Topographically the site is relatively flat.

There are no regulated trees on the site, or on adjoining properties that may be affected as a result of any proposed development.

Vehicle access to the site is currently provided via an existing crossover located near the site's western boundary.

The existing neighbourhood comprises primarily detached dwellings circa 1920's constructed of brick, stone or render with pitched roofs and some newer infill development comprising detached and group dwellings. Car parking facilities are generally constructed in line with or behind the main building line of their associated dwellings.

All surrounding land uses are residential.

The site and locality are shown on the following maps







## Location Map WeTo/9

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## PROPOSAL

Betty Douflias, Building Development Certifier, acting on behalf of the owner George Koutsouliotis, seeks to vary the authorisation granted by DAP on 10 May 2016 by deleting conditions 2 and 3 as they relate to the screening of the north facing section of the proposed balcony.

An appeal against the imposition of such conditions has also been lodged with the Environment, Resources and Development Court. A preliminary conference in the matter has been set down for 20 September 2016.

For a copy of all the details and information relating to this application see **Attachment 1**.

## PUBLIC NOTIFICATION

Pursuant to Section 32 of the Development Act 1993 a change in conditions does not constitute a change in land use and does not, in its own right, constitute 'development' as defined in Section 4 of the Act. This was recently re-affirmed by the Supreme Court in the matter of Caltex vs City of Holdfast Bay:

*"...it is no longer necessary to characterize a change in conditions as a change in use in order to vary a condition of use attached to an existing development approval"*

An application to vary conditions of consent is required under Section 39(6) of the Development Act which states:

*"Subject to this section, a person may seek the variation of a development authorisation previously given under this Act (including by seeking the variation of a condition imposed with respect to the development authorisation)".*

The Development Act does not provide for a public notification category for variation applications, with the exception of the following (Section 39(7)(c)):

*"in a case where the development to which the development authorisation previously given was Category 3 development—must also be dealt with under section 38 as an application for Category 3 development if any representations were made under subsection (7) of that section, unless the relevant authority determines that no such representation related to any aspect of the development that is now under consideration on account of the application for variation and that, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development".*

In this instance, the above does not apply as the original application was a 'merit' Category 2 form of development as per the Residential Zone, Procedural Matters Section and the Development Regulations 2008, Schedule 9(1)(1).

In accordance with the above sections of the Development Act 1993 and the case of Hannon & Anor V Adelaide Hills Council & Anor (2010), a variation application is not an application for development and as such should not be assigned a public notification category:

*"The variation application is not an application for development. The public notification provisions in Part 4, Division 1, Subdivision 2 of the Act do not therefore apply to it, and there is no statutory basis for it to be the subject of public notification".*



## DISCUSSION

The Courts have determined that in built-up environments some level of overlooking is inevitable and to be expected.

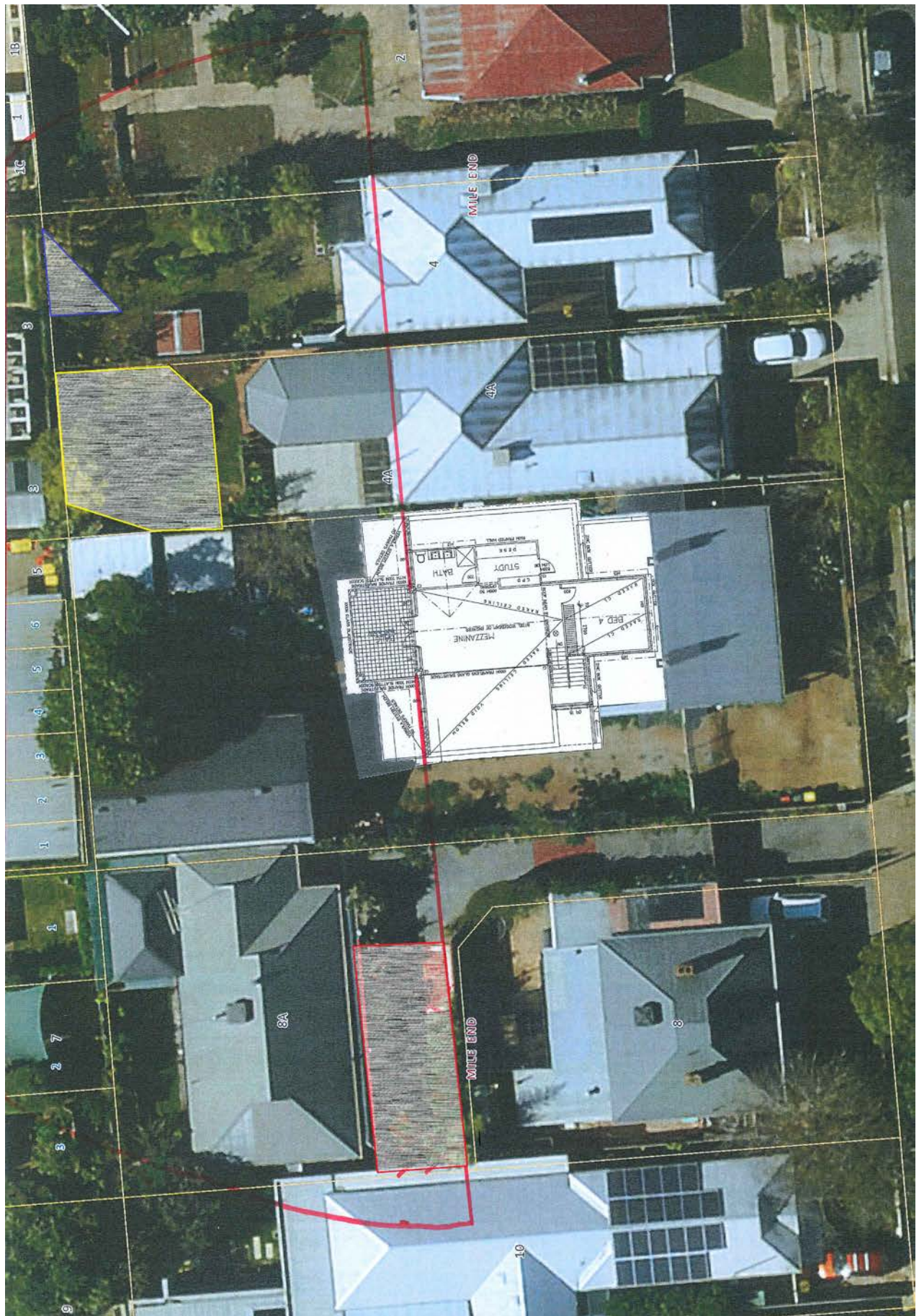
For instance, in *Baker & Baker v City of Burnside* SAERDC 346 (5 June 1996) Commissioner Hodgson had cause to consider the acceptability or otherwise of overlooking of the rear gardens of several adjacent dwellings from the upper level windows of a two storey dwelling and made the following comments:

*"Issues of privacy and overlooking regularly arise when two storey residential development is contemplated. Where such development is subject of appeal proceedings it is necessary for the Court, having regard to the relevant provisions of the Development Plan, to determine whether the degree of overlooking involved is excessive. However, it is not, in any view, realistic to expect that, in an area where multi storey development is contemplated the provisions of the Development Plan can be applied to the effect that overlooking of any kind will occur."* (emphasis added)

Similar views were expressed by his Honour Judge Bowering in a decision of the former Planning Appeal Tribunal in *Sorrell V Corporation of City of Glenelg and Dendy* PAT No 470 1988 when he said:

*"Undoubtedly, whenever a two storey dwelling (be it a detached dwelling house, flat or any other form of two storey dwelling) is constructed in an area where most of the existing development is single storey, there is always risk that some overlooking will occur. Wherever a two storey dwelling is constructed adjacent a single storey development, the question is always one of balance, for, if concerns as to privacy were always pushed ruthlessly to their logical conclusion, there would be no two storey development at all. Absolute privacy, that is the creation of a situation in which the yard or garden of each dwelling cannot be overlooked at all is a desirable but rather elusive phantom. The question is really one of whether the design or location of a multi storey development is such that it will or is likely to give rise to a level of overlooking which is, in the circumstances, either excessive or unwarranted".* (emphasis added)

In this instance the key question is whether the degree of overlooking is excessive or unreasonable keeping in mind that the east and west facing sections of the balcony will be screened to 1.7 metres in height. The owner of 8A Darebin street has previously presented their concerns regarding the potential for overlooking to their private open space. Whilst space forward of the dwelling is not generally considered to be private, the west facing balcony screen will effectively prevent any overlooking to this space (outline in red in the following staff prepared overlooking analysis).



It was previously reported that a significant portion of the private open space area of 4A Darebin Street, being the property adjoining the subject land immediately to the east, will be overlooked from the north facing section of the balcony. Ms Douflias has provided information advising that the location of buildings and vegetation limits the potential for overlooking to the extent that whilst views to the private open space area may be obtained they will not be excessive or unreasonable. Further, the owner of 4A Darebin Street has confirmed in writing that they have no issue with privacy or overlooking from the north facing section of the balcony (See **Attachment 2**). The area of potential overlooking for 4A Darebin Street has been outlined in yellow in the staff's overlooking analysis, whilst it is acknowledged that this overlooking will be filtered by existing vegetation, no photos have been provided by Ms Douflias to detail how effective this vegetation will be in screening overlooking. Given that the existing two-storey residential flat building at 5 Roebuck Street potentially also overlooks the private open space of 4A Darebin Street (from the north) it would be reasonable for the DAP to conclude that the removal of the north facing balcony screen would not increase the potential for overlooking on adjoining properties.

## SUMMARY

In consideration of all of the above it is recommended that conditions 2 and 3 of the Development Plan Consent granted on 10 May 2016 be amended.

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.

## RECOMMENDATION

That the Development Plan Consent granted by the Development Assessment Panel at its meeting held on 10 May 2016, to undertake partial demolition of an existing dwelling and construction of ground floor alterations and additions, a first floor addition, a cellar and an attached carport and verandah at 6 Darebin Street, Mile End (CT 5322/37), be varied by the deletion of existing conditions 2 and 3 and their replacement with the following conditions.

2. Prior to the issue of full Development Approval details must be provided to demonstrate that the east and west facing sides of the balcony will be suitably screened to a height of at least 1.7 metres above the first floor finished floor level.
3. That the screen to the east and west facing sides of the balcony will be provided 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 balcony screen shall be maintained in reasonable condition at all times.

**ATTACHMENT 1**



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**6 Darebin Street Mile End**

This application is to vary DA 211/173/16 which received Development Approval On 30 May 2016.

In particular, the removal of planning condition 2 & 3,

*Condition 2*

*"Prior to the issue of full Development Approval details must be provided to demonstrate that all sides (North, East & West facing elevations) of the balcony will be suitably screened to a height of at least 1.7 metres above the first floor finished floor level to prevent overlooking."*

*Condition 3*

*"That the screen surrounding the balcony will be provided 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 balcony screen shall be maintained in reasonable condition at all times"*

**HISTORY**

Three application were lodged with West Torrens Council namely 211/173/16, 211/540/12 & 211/1298/07,



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[www.torrens.sa.gov.au](http://www.torrens.sa.gov.au)

### **Application 211/173/16 – Current Application (Appendix 1)**

Ground floor alterations & additions, a first floor addition, a cellar & an attached carport & verandahs.

Application was lodged with screens to east & west to 1.7m and balustrade 1m on north side. Planning approval was granted with conditions to have northern side screened to 1.7m

Planner's report "considered that there will not be any unreasonable visual privacy issues from the north facing part of the proposed balcony (1 metre high balustrade) to the habitable room windows or private open space area of the dwelling at 8A Darebin Street due to the siting of the balcony not enabling oblique views to the front of the dwelling. Additionally, the distance from the balcony to the rear private open space area of the dwelling at 8A Darebin Street will be in excess of 16 metre with the existing pitched roof outbuilding on the site and roof on the dwelling at 8A Darebin Street not enabling direct views.

Planner for this application and previous application had the professional opinion that no unreasonable visual privacy issues from the north facing part of the balcony.

Planner stated that they felt 4A Darebin will have some overlooking from north facing section of the balcony. This is debatable as 4A Darebin extended further into the block than 6 Darebin and a tree naturally screen into private open space of 4A. The owners of 4A have no objection and granted consent for balcony in its original form being northern side having a screen 1 metre high (Appendix 4 )

### **Application 211/540/12 (Appendix 2 )**

Dwelling additions & alterations to existing dwelling including carport & ensuite on side boundaries, cellar & addition of a second storey  
Development Approval issued 4 February 2013 (construction not commence, lapsed)



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wren@wtcc.sa.gov.au

Application included balcony screen to east & west to 1.7m and balustrade 1m on north side. Planner supported proposal with no screens to north side and development approval was granted.

### **Application 211/1298/07 (Appendix 3 )**

Additions & alterations to existing dwelling proposed two storey dwelling including swimming pool, garage & front fence Development Approval issued 2 November 2010.

Application included balcony screen to east & west to 1.7m and balustrade 1m on north side. Planner supported proposal with no screens to north side and development approval was granted.

## **PROPOSAL**

The subject property is a detached dwelling circa 1920's which is typical of neighbouring properties. Design of dwelling addition compliments the streetscape and is very sympathetic to the architecture of this period.

6 Darebin St Mile End is located on the northern side of Darebin Street with a frontage width of 18.29 metres and depth of 42.67 metres 780.44m<sup>2</sup>. It is located in the Cowandilla/Mile End West Character Policy Area 23.

Application 211/173/2016 was deemed a category 2 application and went to the Development Assessment Panel (DAP) on the 10 May 2016.

Representors, Jorge Fernandez & Liliana Fernandez of 8A Darebin St Mile End spoke at the DAP meeting. There has been court appearance with neighbours from 8A & 6 Darebin St Mile End in relation to encroachment. Owners of 8A Darebin currently have their property on the market for sale.

Attached photos have been taken on a ladder in the area and height of the balcony once constructed.

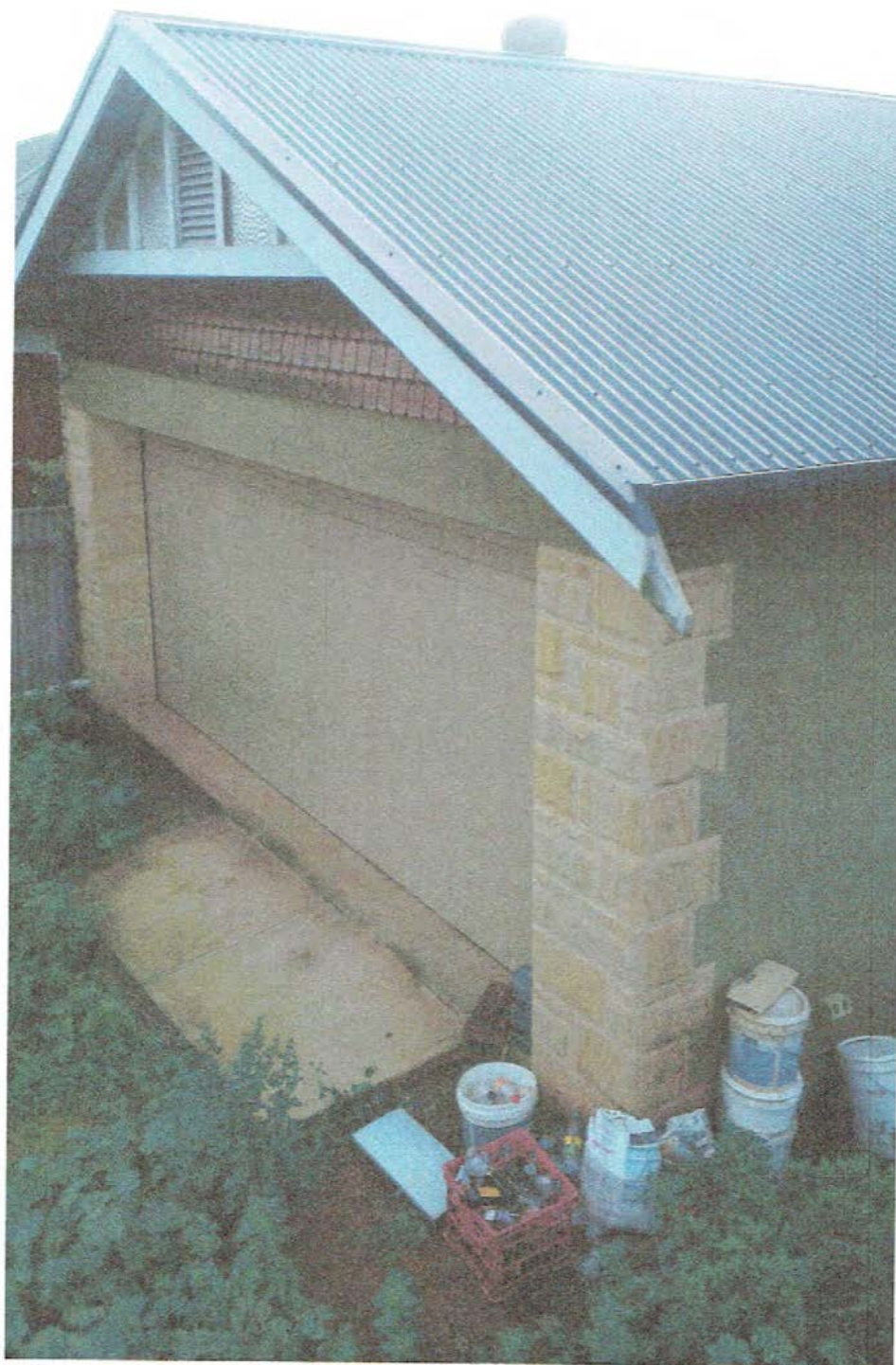


Photo 1 – looking to the west at 8A Darebin Street Mile End



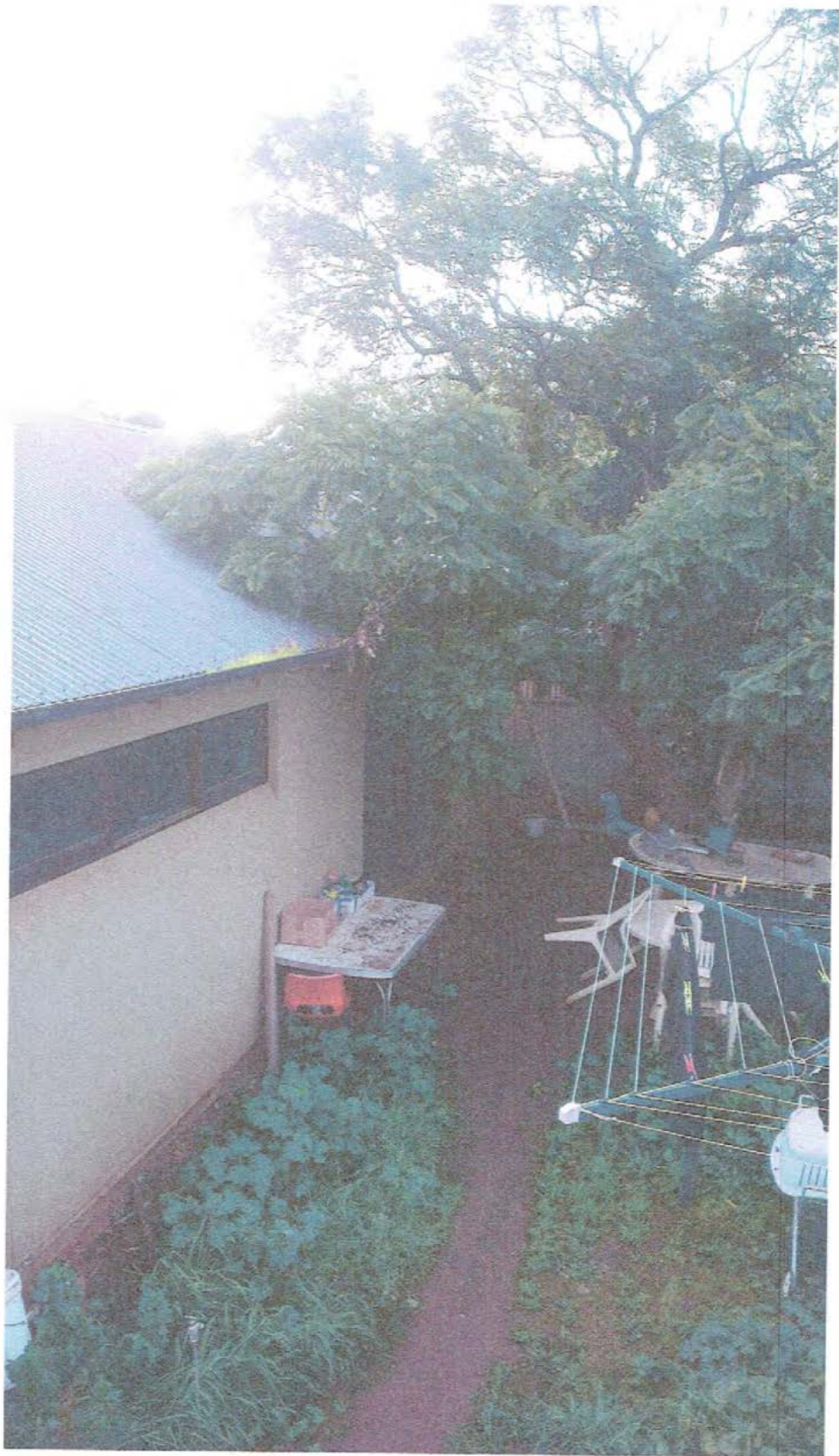


Photo 2 – looking to the north into 6 Darebin Street Mile End

Planner's report to DAP indicates that there is no unreasonable overlooking onto 8A Darebin Street Mile End hence no justification for a 1.7m screen to north side.

Previous two applications were approved with no screen to the north side as planners also reported there was no unreasonable overlooking.

**Planner's report to DAP for application 211/173/16 on the 10 May 2015 stated:**

"It is considered that there will not be any unreasonable visual privacy issued from the north facing part of the proposed balcony (1 metre high balustrade) to the habitable rooms or private open space area of the dwelling at 8A Darebin Street due to the siting of the balcony not enabling oblique views to the front of the dwelling."

Development Application 211/173/16 was granted planning consent on the 10 May 2016 stating:

**Condition 2**

"Prior to the issue of full Development Approval details must be provided to demonstrate that all sides (North, East & West facing elevations) of the balcony will be suitably screened to a height of at least 1.7 metres above the first floor finished floor level to prevent overlooking."

**Condition 3**

"That the screen surrounding the balcony will be provided 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 balcony screen shall be maintained in reasonable condition at all times"

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"A *balcony* is a porch or platform that extends from an upper floor of a building. Your apartment might have a *balcony* with a view of a city park.

Most balconies have railings around them to protect people from tumbling off, and many balconies provide an interesting view. *Balcony* comes from the Italian *balcone*, which in turn comes from *balcone*, or "scaffold." The root is most likely Germanic, possibly related to the Old English *balca*, "beam or ridge."

No dictionary defines a balcony to be fully screened on all side with a 1.7m screen. The actually enclosure to the balcony area technically creating another room which is not the purpose of a balcony.

Condition 2 & 3 of application 211/173/16 does not encourage the built for purpose being a balcony as per definition.

## SUMMARY

Development Approval have been granted in both applications 211/540/12 & 211/1298/07 which includes balcony with screens to east & west sides but no screen to north side only a 1 metre balustrade.

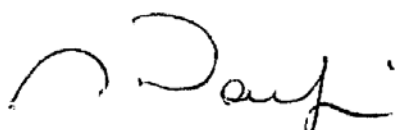
Development application 211/173/16 received a representation from owners at 8A Darebin Street Mile End with concerns of overlooking. In accordance with planner's report this is not justifiable as current built form inhibits any overlooking into 8A Darebin Street Mile End. Planner stated some concern of overlooking into 4A Darebin Street Mile End however this is debatable and owners of the property have signed a letter stating they have no objection to the balcony having a 1 metre balustrade to northern side.



Owners of 6 Darebin Street Mile End feel strongly about this matter and have lodged an appeal to the Environment Recourse and Development Court.

## RECOMMENDATION

It is my professional opinion that development application 211/173/16 condition 2 & 2 should be removed as there will be no adverse effect to adjoining properties. Enclosing balcony with 1.7m high screens on all sides does not permit the balcony to be built for purpose.



**Betty Douflias**

**BDC- Building Development Certifier**

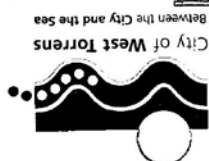
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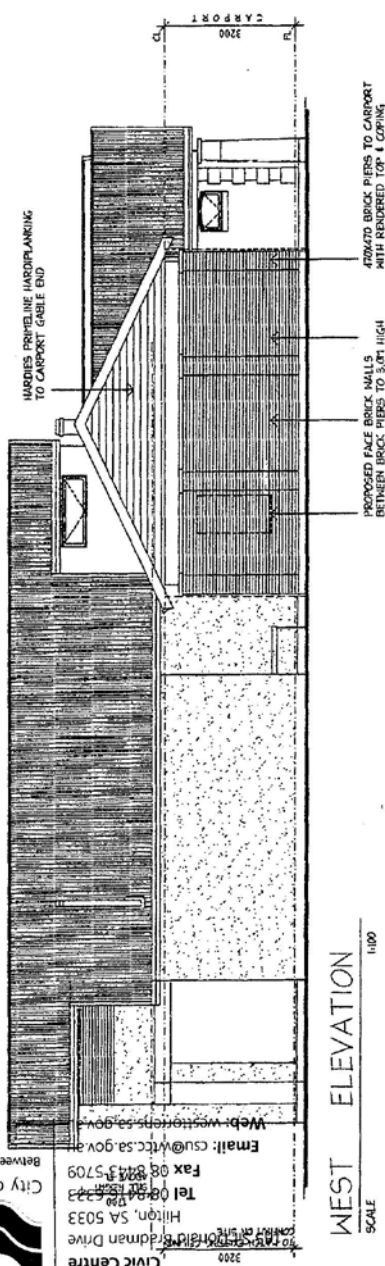
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## PLAN AR PLANNING CONSENT



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WEST ELEVATION

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SCALE

REVISION : JUNE 2014 : BRICK WALL TO CARPORT BD"



FR DESIGN STUDIO  
193 West Terrace ADELAIDE SA 5000

T : 00 0231 5477  
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FIGURED DIMENSIONS SHALL TAKE

### PREFERENCE OVER SCALED DRAWING

VERIFY DIMENSIONS AND LEVELS BEFORE

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ANY DISCREPANCY TO BE REPORTED TO  
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AT: NO 6

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DATE JAN 20 1966

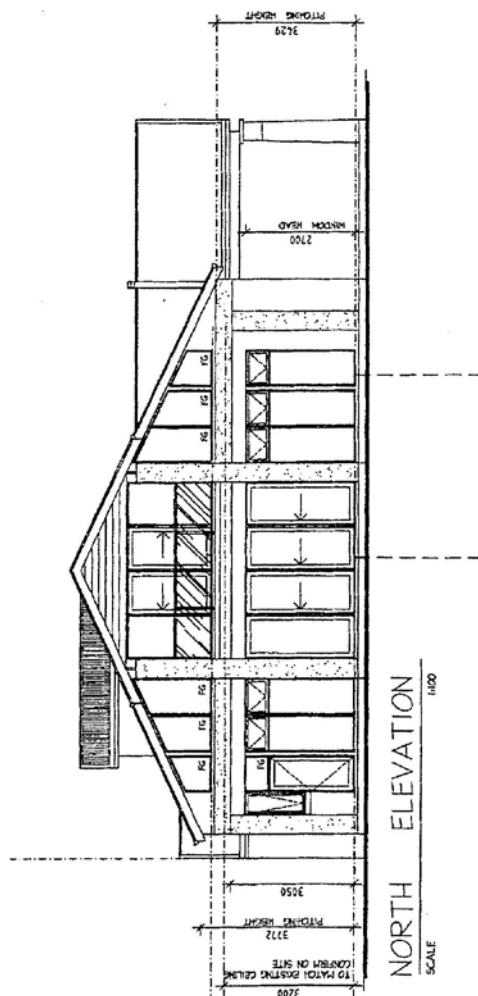
SHEET 2 OF 5

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|  | DRAWN |
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| 200 No. |  |
|---------|--|



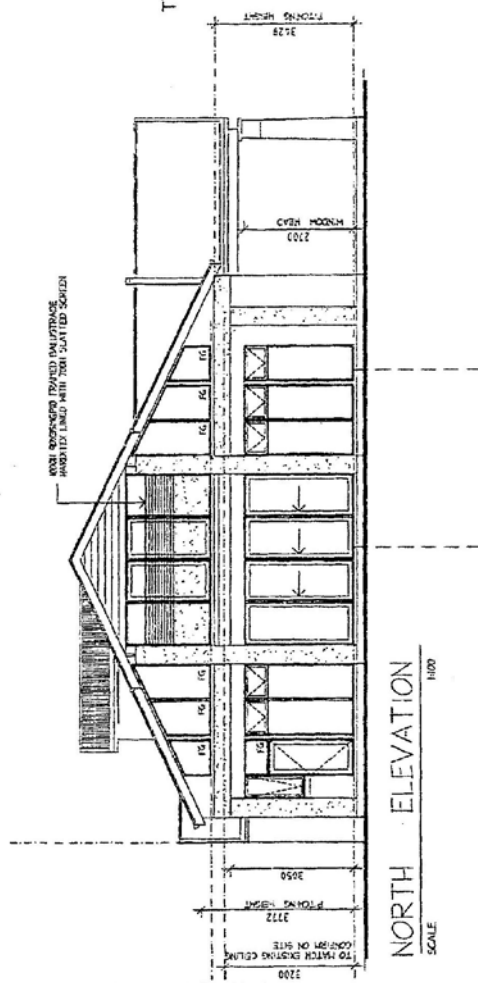
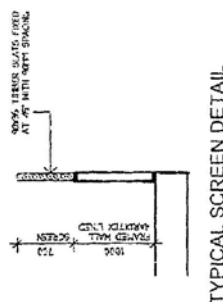
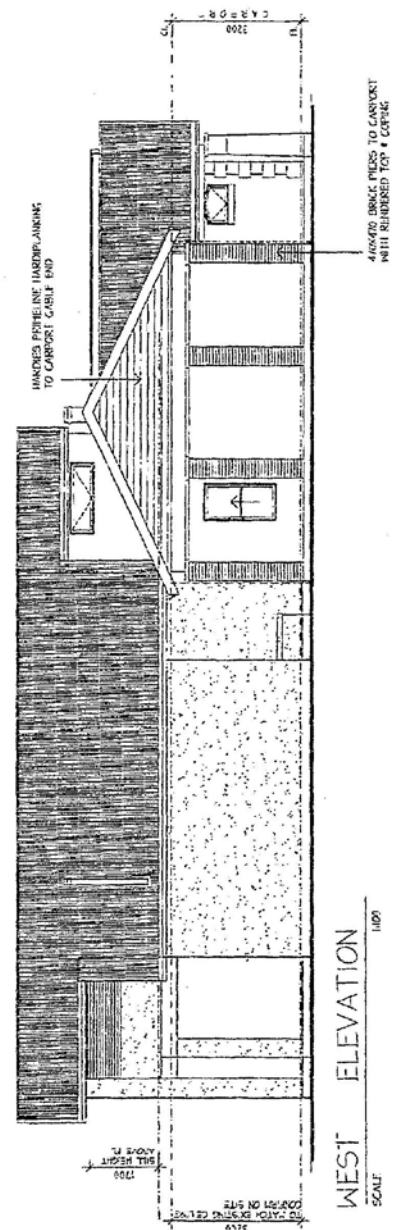
NORTH ELEVATION

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SCALE

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1-7m Screen and Building Consent Stage

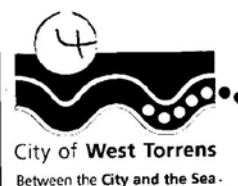


Printed on Envi Recycled, 50/50 which is certified Carbon Neutral and Australian Made.



ATTACHMENT 2

APPENDIX  
Civic Centre  
165 Sir Donald Bradman Drive  
Hilton, SA 5033  
Tel 08 8416 6333  
Fax 08 8443 5709  
Email: [csu@wtcc.sa.gov.au](mailto:csu@wtcc.sa.gov.au)  
Web: [westtorrens.sa.gov.au](http://westtorrens.sa.gov.au)

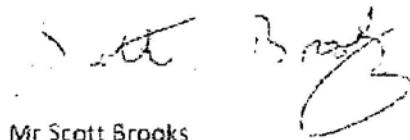


To whom it may concern,

As the owner of 4A Darebin St, Mile End, I am informing WTC Planning & Development, that there are no objections or issues on my behalf with the north section balcony of 6 Darebin St, nor did I have any need to put a notice of representation to the category 2 public notification. My approval not to have 1700h screens is given as I have no issue with privacy, nor overlooking into my property with my neighbours at 6 Darebin St. Thereby I have no objections as discussed personally with my adjoining neighbours. All issues have been discussed and amicably concluded as aforementioned.

If you have any further queries, I may be contacted on my mobile 0421 127 113.

Yours Sincerely,

  
Mr Scott Brooks



## ATTACHMENT 3

### 6.3 6 Darebin Street, MILE END

Application No. 211/173/2016

Appearing before the Panel will be:

Representors: **Jorge M. Fernandez and Liliana Angela Indulsry De Fernandez** of 8A Darebin Street, Mile End wish to appear in support of the representation.

Applicant: **Frank Rositano** of Frank Rositano Architects wishes to appear to respond to the representations.

### DEVELOPMENT APPLICATION DETAILS

|                          |   |
|--------------------------|---|
| DEVELOPMENT PROPOSAL     | Partial demolition of an existing dwelling and construction of ground floor alterations and additions, a first floor addition, a cellar and an attached carport and verandahs |
| APPLICANT                | Frank Rositano Architect  |
| APPLICATION NO           | 211/173/2016  |
| LODGEMENT DATE           | 23 February 2016  |
| ZONE                     | Residential   |
| POLICY AREA              | Cowandilla / Mile End West Character Policy Area 23   |
| APPLICATION TYPE         | Merit   |
| PUBLIC NOTIFICATION      | Category 2  |
| REFERRALS                | Internal<br>▪ Nil<br>External<br>▪ Nil  |
| DEVELOPMENT PLAN VERSION | 5 November 2015   |
| MEETING DATE             | 10 May 2016   |
| RECOMMENDATION           | <b>CONSENT</b>  |

### BACKGROUND

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

- All Category 2 applications where a representor has requested to be heard shall be assessed and determined by the DAP.

It appears that the subject site may be subject to an issue of encroachment in relation to an existing boundary fence. The encroachment is a civil matter and therefore not considered as part of the assessment of this application. The submitted plans indicate that the proposed development is sited as relevant to the legal boundary of the site as per the current certificate of title for the land.

#### **PREVIOUS or RELATED APPLICATION(S)**

- 211/540/2012 - Additions & alterations to existing dwelling including carport and ensuite on side boundaries, cellar and addition of a second storey Development Approval issued 4 Feb, 2013 (construction not commenced, lapsed).
- 211/1298/2007 - Additions & alterations to existing Dwelling (Proposed Two Story Dwelling) including swimming pool, garage and front fence Development Approval issued 2 November, 2010.

#### **SITE AND LOCALITY**

The subject site is rectangular in shape and is located on the northern side of Darebin Street, Mile End, between South Road and Falcon Avenue. It has a frontage width of 18.29 metres to Darebin Street and a depth of 42.67 metres, resulting in an overall site area of approximately 780m<sup>2</sup>.

The site is currently occupied by a detached dwelling circa 1920's and associated outbuildings.

Topographically the site is relatively flat.

There are no regulated trees on the site, or on adjoining properties that may be affected as a result of any proposed development.

Vehicle access to the site is currently provided via an existing crossover located near the site's western boundary.

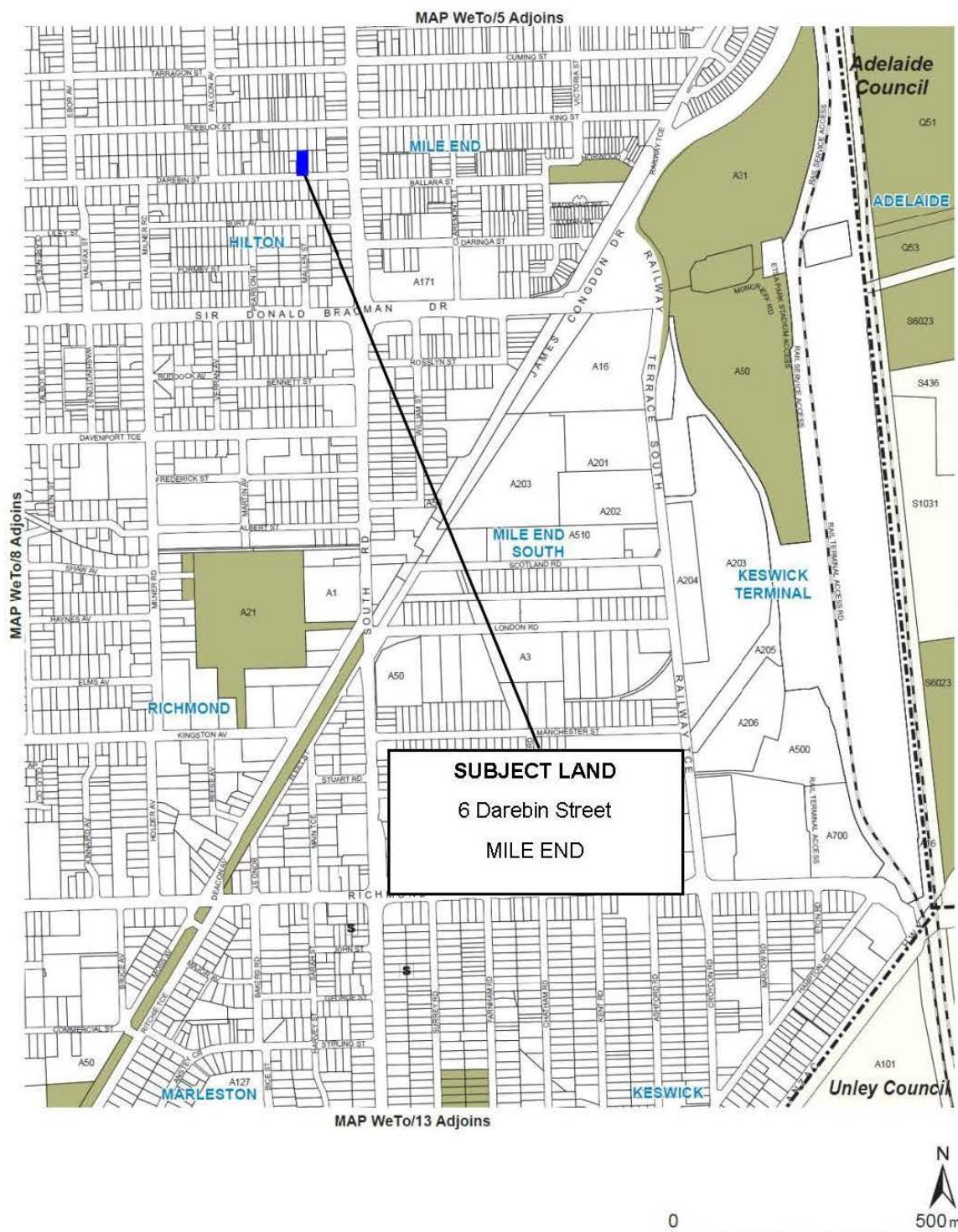
The existing neighbourhood comprises primarily detached dwellings circa 1920's constructed of brick, stone or render with pitched roofs and some newer infill development comprising detached and group dwellings. Car parking facilities are generally constructed in line with or behind the main building line of their associated dwellings.

All surrounding land uses are residential.

The site and locality are shown on the following maps







## Location Map WeTo/9

- School
- Railways
- Local Reserves
- Development Plan Boundary

## PROPOSAL

It is proposed to demolish the following:

- Existing verandah; and
- A portion of the rear of the dwelling.

Then construct the following:

- a ground floor addition to the rear, front and eastern side of the existing dwelling;
- a verandah to the front of the existing dwelling;
- two-storey dwelling addition and internal dwelling alterations;
- a cellar; and
- an attached carport.

The dwelling addition and alterations will result in the dwelling being provided with three bedrooms, study (or additional bedroom), an open plan kitchen / dining / family area and amenities at ground floor, a mezzanine living area, study, bedroom and amenities at first floor and an underground cellar. The proposed first floor additions will be located behind the main ridgeline of the roof of the existing single storey dwelling.

The proposed dwelling extension will be constructed with matching stonework to the front, face brickwork, render and will also be provided with a colorbond roof to match the existing dwelling.

The attached carport will be located to the western side of the dwelling and will be integrated within the roofline of the dwelling.

A copy of the proposal is included at **Attachment 1**.

## PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Section 38 of the Development Act and the Procedural Matters (Public Notification) in the Residential Zone of the West Torrens Development Plan as relevant to the Cowandilla / Mile End West Character Policy Area 23.

|                                     |   |
|-------------------------------------|---|
| <b>Properties notified:</b>         | Twelve (12) properties were notified during the public notification process.  |
| <b>Representations:</b>             | One (1) representation was received.  |
| <b>Persons wishing to be heard:</b> | One (1) representor identified that they wish to address the Panel. <ul style="list-style-type: none"><li>• Jorge M. Fernandez and Liliana Angela Indulsry De Fernandez of 8A Darebin Street, Mile End</li></ul>  |
| <b>Summary of Representation:</b>   | Concerns were raised regarding the following matters; <ul style="list-style-type: none"><li>• Overlooking from the northern side of the first floor balcony in to 8A Darebin Street;</li><li>• The siting of the proposed carport on the site's western property boundary with the driveway of 8A Darebin Street will result in a discontinuity of the boundary fence between 8A Darebin Street and the subject site which will result in loss of property value;</li><li>• Existing plants will be damaged on the property of 8A Darebin Street as a result of construction works near the boundary.</li></ul> |



The Applicant has provided a response to the representation, as summarised below:

- The privacy issue has been addressed with the provision of screens to the eastern and western side of the balcony as previously approved by Council;
- The Development Plan allows for the construction of a carport on the boundary which has minimal impact on the driveway at 8A Darebin Street; and
- During construction every precaution and care will be taken to avoid any damage to existing landscaping along the boundary, however due to existing boundary encroachments some landscaping may have to be moved to suit where new fencing is to be installed.

A copy of the representor's concerns and the applicant's response is contained in **Attachment 2**.

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly Cowandilla / Mile End West Character Policy Area 23 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>Building near Airfields</i>             | <i>Objectives</i>                        | 1   |
|  | <i>Principles of Development Control</i> | 1, 2, 3, 4, 5, 6 & 7  |
|  | <i>Principles of Development Control</i> | 1, 2, 3, 4 & 5  |
| <i>Design and Appearance</i>               | <i>Objectives</i>                        | 1 & 2   |
|  | <i>Principles of Development Control</i> | 1, 2, 3, 4, 5, 7, 9, 10, 12 & 16  |
| <i>Energy Efficiency</i>                   | <i>Objectives</i>                        | 1 & 2   |
|  | <i>Principles of Development Control</i> | 1, 2 & 3  |
| <i>Orderly and Sustainable Development</i> | <i>Objectives</i>                        | 1, 2, 3, 4 & 5  |
|  | <i>Principles of Development Control</i> | 1, 3, 5 & 6   |
| <i>Residential Development</i>             | <i>Objectives</i>                        | 1, 2, 3 & 4   |
|  | <i>Principles of Development Control</i> | 1, 3, 7, 9, 10, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 38, 46 & 47 |
| <i>Transportation and Access</i>           | <i>Objectives</i>                        | 2   |
|  | <i>Principles of Development Control</i> | 34, 35, 36, 43, 44  |

### Zone: Residential Zone

#### 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”.*

|  |                             |
|--|-----------------------------|
| <i>Objectives</i>                        | 1, 2, 3 & 4                 |
| <i>Principles of Development Control</i> | 1, 5, 6, 7, 10, 11, 12 & 13 |

**Policy Area: Cowandilla / Mile End West Character Policy Area 23**

**Desired Character Statement:**

*‘The policy area will contain predominantly detached dwellings and semi-detached dwellings. There will also be some small-scale non-residential activities such as offices, shops and consulting rooms in certain locations. Non-residential activities will be complementary to surrounding dwellings.*

*Allotments will vary in size from low density to very low density and are generally deep, with narrow frontages to main streets. Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area.*

*There will be a unity of built-form, particularly as viewed from the street, where all new development is complementary to the key character elements of Victorian-era villas, cottages, inter-war bungalows, Spanish mission and Dutch colonial-style dwellings, rather than dominating or detracting from them. Key elements of this character include pitched roofs, verandas /porticos and masonry building materials.*

*There will be predominantly one storey buildings, with some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings. Setbacks will be complementary to the boundary setbacks of older dwellings in the policy area, preserving considerable space in private yards for landscaping.*

*There will be no garages/carports forward of the main facade of buildings. Fencing forward of dwellings will be low to provide views of built-form that define the character of the policy area. Any driveway crossovers will be carefully designed and located to ensure the preservation of street trees which have an important positive impact on the streetscape.’*

|  |       |
|--|-------|
| <i>Objectives</i>                        | 1     |
| <i>Principles of Development Control</i> | 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  |
|--|---|---|
| PRIMARY STREET SETBACK<br>Residential Zone PDC 8     | Up to 2m - same as one of the adjacent buildings<br><br>3.7m or 5.37 m  | 3.58m<br><b>Does Not Satisfy</b>  |
| SIDE/REAR SETBACKS<br>Residential Zone PDC 11        | Side<br>0/1 m (min.)(ground floor)<br><br>2m (upper floor)  | 0.6m ground floor<br><b>Does Not Satisfy</b><br><br>2.52m upper floor<br><b>Satisfies</b>   |
| SIDE/REAR SETBACKS<br>Residential Zone PDC 11        | Rear<br>3m (min.)(ground floor)<br>8m (upper floor)   | 14.2m<br><b>Satisfies</b>   |
| BUILDING HEIGHT<br>Residential Zone PDC 17           | 1 storey (except where a dwelling faces a public road and any sympathetic two-storey addition that uses the existing roof space or incorporates minor extensions of the roof space to the rear of the dwellings)  | 2 storey sympathetic additions within roof space and minor extension of roof space to the rear<br><br><b>Satisfies</b>                |
| INTERNAL FLOOR AREA<br>Residential Development PDC 9 | - 3+ Bedroom, 100m <sup>2</sup> (min.)  | 252m <sup>2</sup><br><b>Satisfies</b>   |
| PRIVATE OPEN SPACE<br>Residential Development PDC 19 | >500m <sup>2</sup><br>- 80m <sup>2</sup> (min.), of which 10m <sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m.<br>-- Minimum dimension 4m.<br>24m <sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room. | 242m <sup>2</sup> (total)<br>At least 4m (min. dimension)<br>252m <sup>2</sup> (accessed from habitable room)<br><br><b>Satisfies</b> |

|   |   |                                       |
|---|---|---------------------------------------|
| CARPARKING SPACES<br>Transportation and<br>Access PDC 34              | Detached - 2 car-parking spaces<br>required, 1 of which is covered  | 3 spaces provided<br><b>Satisfies</b> |
| OVERLOOKING<br><i>Residential Development</i><br>PDC 37               | Upper level, windows, balconies,<br>terraces & decks that overlook<br>habitable room windows or private<br>open space require sill height or<br>permanent screen minimum of 1.7m<br>above floor level | <b>Does Not Satisfy</b>               |
| OVERSHADOWING<br><i>Residential Development</i><br>PDC 10, 11, 12, 13 | Protect winter sunlight to adjacent<br>dwellings' north facing windows,<br>private open space and solar panels  | <b>Satisfies</b>                      |

## 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:

### Street Setback

The proposed front setback of 3.58 metres in lieu of 3.7 metres is considered to be a visually imperceptible shortfall and as such is considered acceptable in this instance. Additionally, the proposed setback follows a similar building line to that of the existing verandah which is proposed to be demolished.

### Side Setback

The side setback of 0.6 metres in lieu of 1 metre is considered to be acceptable in this instance given that it will result in a visually imperceptible shortfall and will satisfy the Building Code of Australia as there are no openings along the ground floor eastern elevation of the dwelling.

### Garage

Residential Zone PDC 21 which is applicable to all Character Policy Areas 22 - 28 states that *'Other than in Novar Gardens Character Policy Area 26, garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 3.66 metres.'*

In relation to garages and carports the more specific desired character statement associated with the Cowandilla / Mile End West Character Policy Area 23 is silent in relation to the form of garages / carports and their width, however does state that:

*'There will be no garages/carports forward of the main facade of buildings.'*

The proposed double carport of 6.14 metres in width will exceed the maximum single width specified in the policy area of 3.66 metres.

The proposed double carport is considered acceptable in this instance, as although the prevailing character of the locality has not been altered to such a degree by the presence of double garages / carports to justify a departure from the Development Plan, the subject site is wider than the typical allotment width exhibited in the locality. The width of the allotment, combined with the setback of the carport behind the main façade of the dwelling, and the provision of the significant verandah and gable end ensures that the double garage does not dominate the streetscape.

### Wall height

The wall height of the proposed ensuite gable end on the site's eastern boundary will be approximately 4.5 metres at its highest point. The gable end of the carport located on the site's western boundary will be approximately 5.6 metres at its highest point.

Residential Zone PDC 13(b)(i) specifies that side boundary walls should have a maximum height of 3 metres.

The proposed ensuite wall is considered to be acceptable in this instance given that the 4.5 metre height is for a portion of the wall only and is not located adjacent to any existing north-facing windows or the primary private open space area of the existing dwelling at 4A Darebin Street so as to result in any unreasonable off-site amenity impacts such as overshadowing or excessive visual bulk.

Similarly the increased wall height of a portion of the carport gable end located on the site's western boundary is considered acceptable in this instance given that it will be located directly adjacent to the driveway of 8A Darebin Street, and as such will not result in any unreasonable off-site amenity impacts such as overshadowing or excessive visual bulk.

### Visual Privacy

In order to maximise visual privacy of adjoining dwellings, the four (4) proposed east and west-facing first floor bedroom windows and sides of the rear balcony are provided with sill heights of at least 1.7 metres and balustrades of at least 1.7 metres respectively in accordance with the previously approved plans under Development Application 211/540/2012 which was for the same proposal but has lapsed as construction did not commence.

The officer's delegated assessment report at the time discussed visual privacy with respect to a representation that was received from the occupants of 1, 2 & 3 / 7 Roebuck Street and a condition was included accordingly as follows:

*'That, should the domestic outbuilding allocated at the rear of the subject site be reduced in height or floor area or demolished or otherwise removed, then screening to a minimum height of 1700mm above the upper level floor shall be installed on the rear upper level balcony so as to avoid any overlooking into the private open space areas of the adjacent allotments.'*

The report did not consider visual privacy associated with other directly adjoining properties.

Currently, General Residential Development PDC 27 of the Development Plan states that, '*...upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.7 metres or permanent screens having a height of 1.7 metres above finished floor level.'*

It is not considered that there will be any privacy issues with respect to the north-facing windows of the proposed dwelling either side of the balcony given that they relate to a void and a bathroom with the setback of the internal mezzanine area balustrade being sited to avoid direct views to the rear private open space area of 4A Darebin Street.



It is considered that there will not be any unreasonable visual privacy issues from the north-facing part of the proposed balcony (1 metre high balustrade) to the habitable room windows or private open space area of the dwelling at 8A Darebin Street due to the siting of the balcony not enabling oblique views to the front of the dwelling. Additionally, the distance from the balcony to the rear private open space area of the dwelling at 8A Darebin Street will be in excess of 16 metres with the existing pitched roof outbuilding on the site and roof of the dwelling at 8A Darebin Street not enabling direct views.

For similar reasons it is not considered that the private open space areas or habitable room windows of the dwellings at 3, 5 and 7 Roebuck Street will be directly affected by visual privacy issues.

It is however considered that a significant portion of the private open space area of 4A Darebin Street will be overlooked from the north-facing section of the balcony, and as such it is recommended that the north-facing section of the balcony should also be provided with a suitable screen / balustrade of at least 1.7 metres in height, similar to the screening provided to the proposed balcony's east and west-facing sides.

### Overshadowing

The applicant has not submitted any shadow diagrams with the application, however Council Planning Officers have undertaken a desktop analysis using Shadowdraw which verifies that the existing private open space areas of the adjoining properties would continue to receive adequate sunlight in accordance with General Residential PDC 12 which states that *'Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:*

- (a) half of the existing ground-level open space*
- (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres).*

### SUMMARY

The proposed development is considered appropriate for the site as:

- The design and siting of the proposed dwelling alterations and additions and attached carport are compatible with the surrounding area;
- The proposal would not have a detrimental impact on surrounding properties subject to suitable conditions being included; and,
- The proposal generally satisfies the requirements of the West Torrens Council Development Plan with variations to wall height, street setback, side setback and carport width.

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.

The proposed development demonstrates that it achieves the intent of the qualitative 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. 211/173/2016 by Frank Rositano Architect to undertake Partial demolition of an existing dwelling and construction of ground floor alterations and additions, a first floor addition, a cellar and an attached carport and verandahs at No. 6 Darebin Street, Mile End (CT 5322/37) subject to the following conditions:

### Council Conditions

1. That the development shall be undertaken and maintained in accordance with the plans and information stamped with Development Plan Consent 10 May, 2016 detailed in this application except where varied by any condition(s) listed below.
2. Prior to the issue of full Development Approval details must be provided to demonstrate that all sides of the balcony will be suitably screened to a height of at least 1.7 metres above the first floor finished floor level.
3. That the screen surrounding the balcony will be provided 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 balcony screen shall be maintained in reasonable condition at all times.
4. 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.
5. 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.
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

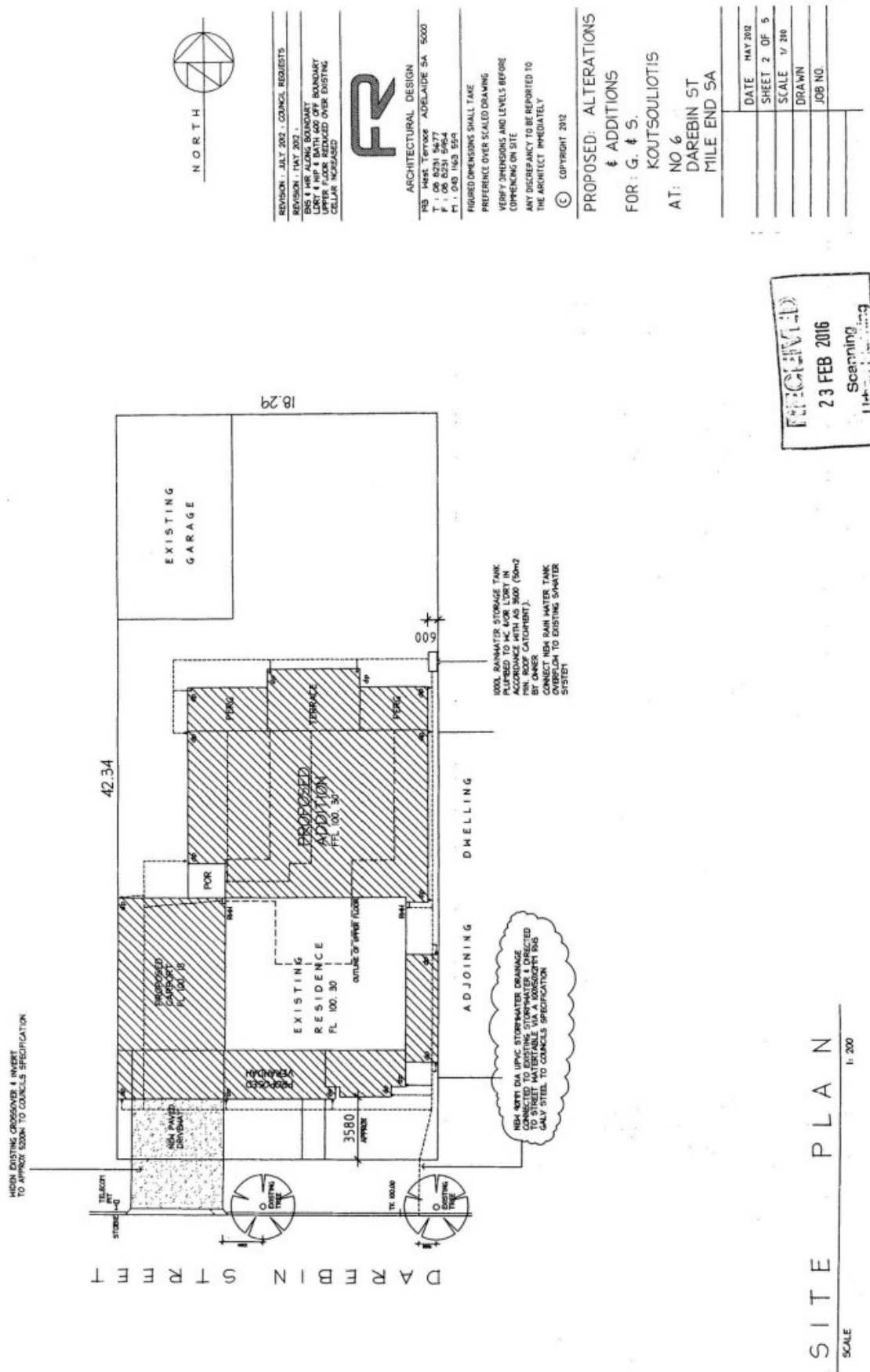
### Note:

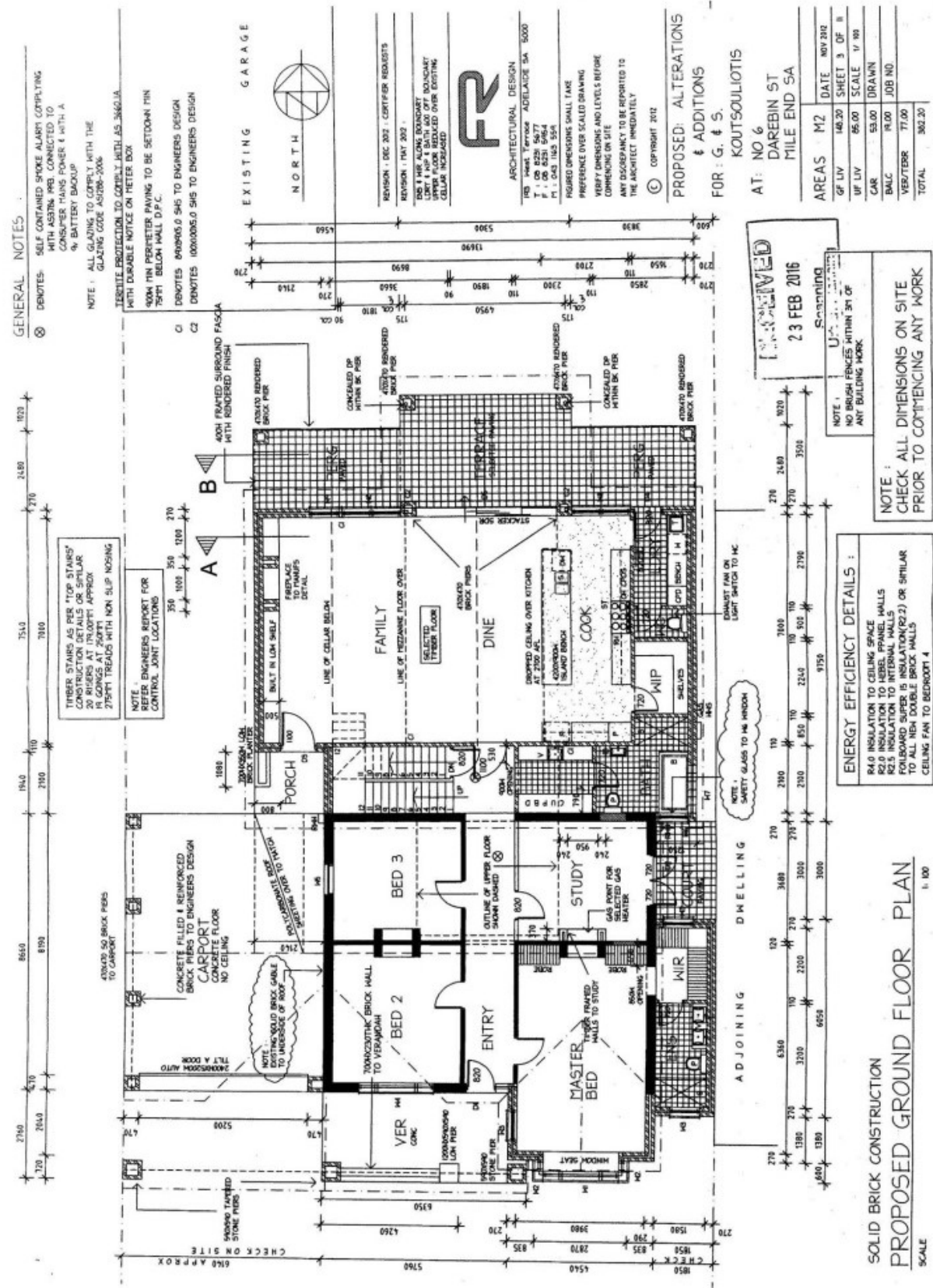
When a building-owner gives notice for the commencement of building work, they shall advise Council of the relevant person, (name, address and telephone number) who will provide the Statement of Compliance required under regulation 83AB.

The relevant person must be:

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

## ATTACHMENT 1





# GENERAL NOTES :

- ⊗ DENOTES SELF CONTAINED SPOKE ALARM COPYLIVING WITH AS3746 HIB3 CONNECTED TO CONSUMER MAINS POWER 4 WITH A 9V BATTERY BACKUP

NOTE : ALL GLAZING TO COMPLY WITH THE GLAZING CODE AS2048-2006

TERRITORY PROTECTION TO COMPLY WITH AS 3440.1A WITH DURABLE NOTICE ON METER BOX

- C1 DENOTES 900906.0 SHS TO ENGINEERS DESIGN
- C2 DENOTES 125025X40 SHS TO ENGINEERS DESIGN

TIMBER STAIRS AS PER 'TOP STAIRS' CONSTRUCTION DETAILS OR SIMILAR 20 RISERS AT 176.00MM APPROX 19 GOINGS AT 250MM 275MM TREADS WITH NON SLIP NOSING

REVISION : MAY 2012

END 4 HIR ALONG BOUNDARY UPPER FLOOR REDUCED OVER EXISTING CELLAR INCREASED



ARCHITECTURAL DESIGN  
RD : Next Terrace ADELAIDE SA 5000  
T : 08 823 5677  
F : 08 823 5964  
P : 045 1163 954

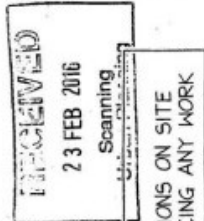
FIGURED DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DRAWING VERIFY DIMENSIONS AND LEVELS BEFORE COMMENCING ON SITE ANY DISCREPANCY TO BE REPORTED TO THE ARCHITECT IMMEDIATELY

© COPYRIGHT 2012

PROPOSED: ALTERATIONS & ADDITIONS  
FOR : G. & S.  
KOUTSOULIOTIS

AT: NO 6  
DAREBIN ST  
MILE END SA

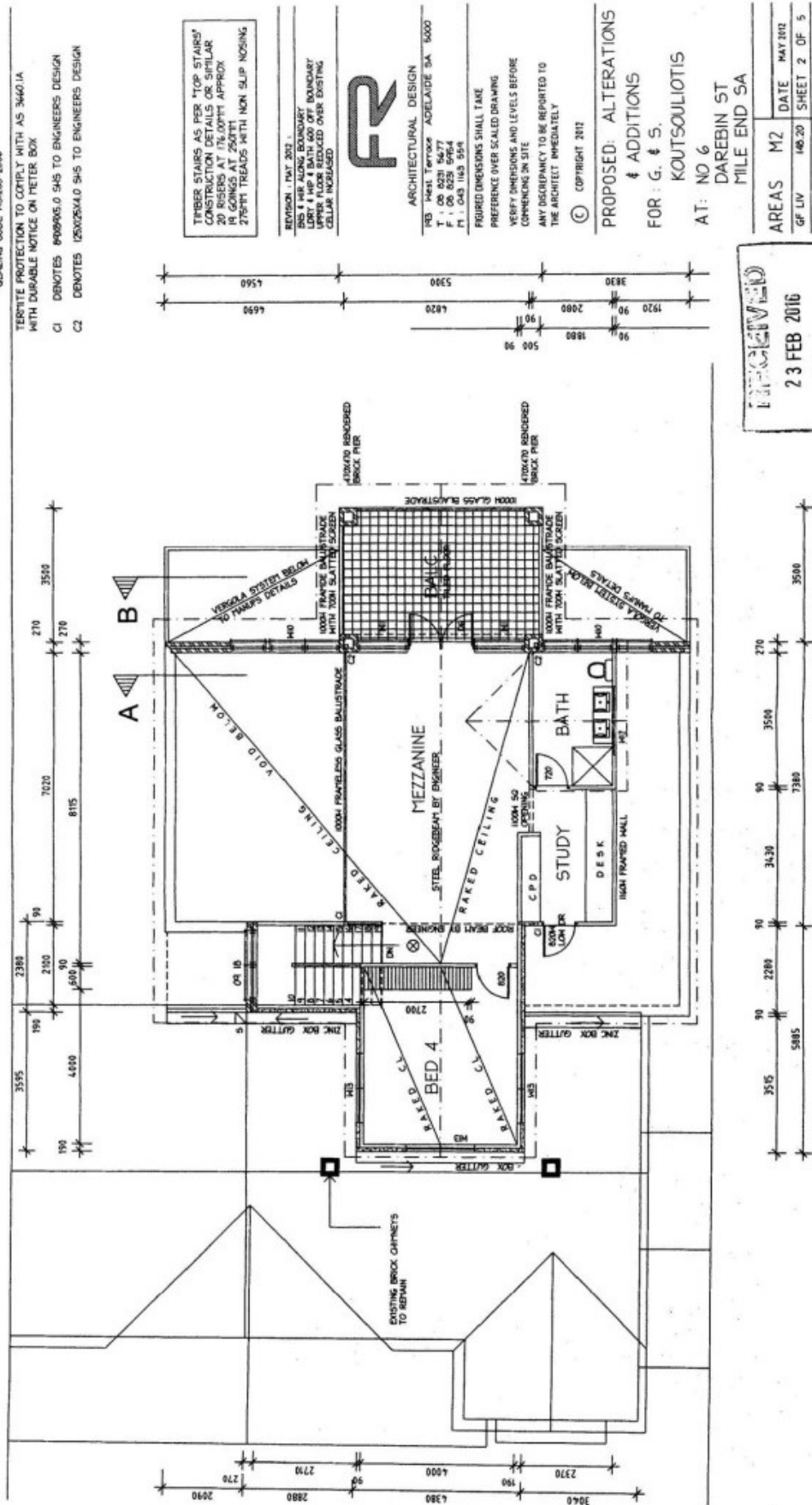
| AREAS    | M2     | DATE    | MAY 2012 |
|----------|--------|---------|----------|
| GF LIV   | 148.20 | SHEET   | 2 OF 5   |
| UP LIV   | 66.00  | SCALE   | 1/100    |
| CAR      | 53.00  | DRAWN   |          |
| BALC     | 14.00  | JOB NO. |          |
| VER/TERR | 77.00  |         |          |
| TOTAL    | 362.20 |         |          |



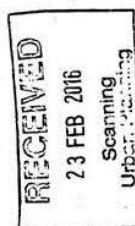
NOTE : CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORK

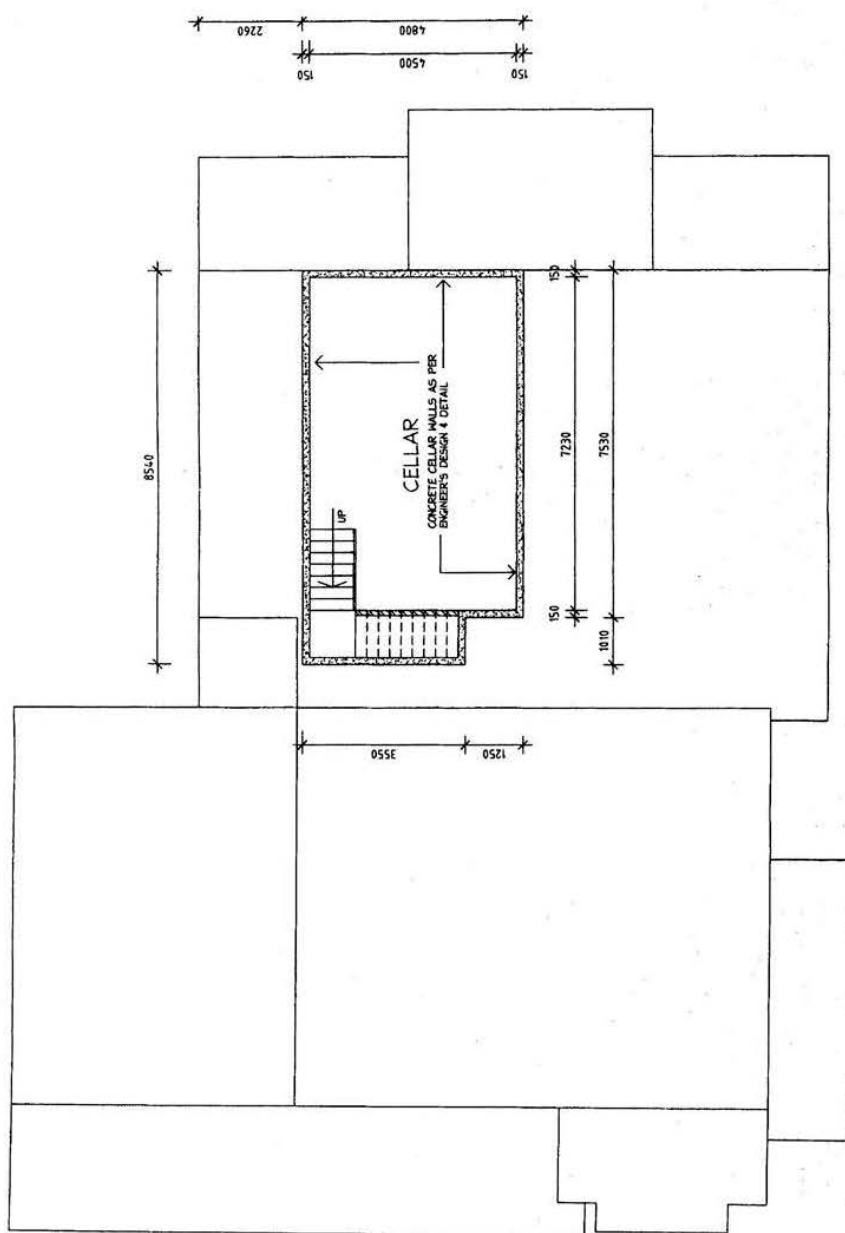
HEBEL POWERPANEL CONSTRUCTION  
75MM HEBEL POWERPANEL FIXED TO 20MM FURRING CHANNELS ON 400X50X60 STUDS AT 600MM CTS

TIMBER FRAMED CONSTRUCTION  
PROPOSED UPPER FLOOR PLAN  
SCALE 1:100









ARCHITECTURAL DESIGN  
103 West Terrace ADELAIDE SA 5000  
T : 08 8231 5477  
F : 08 8231 5954  
M : 043 1163 954

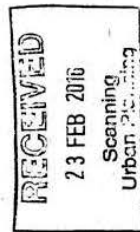
FIGURED DIMENSIONS SHALL TAKE  
PREFERENCE OVER SCALED DRAWING  
VERIFY DIMENSIONS AND LEVELS BEFORE  
COMMENCING ON SITE  
ANY DISCREPANCY TO BE REPORTED TO  
THE ARCHITECT IMMEDIATELY

© COPYRIGHT 2012

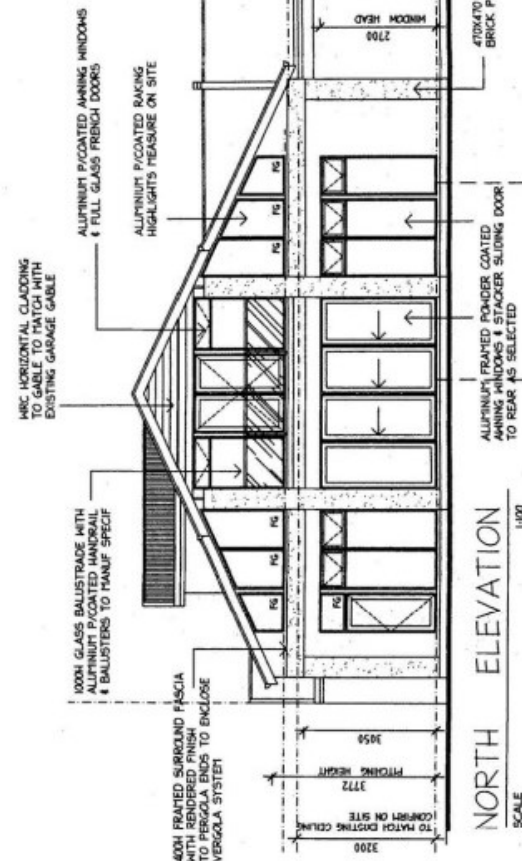
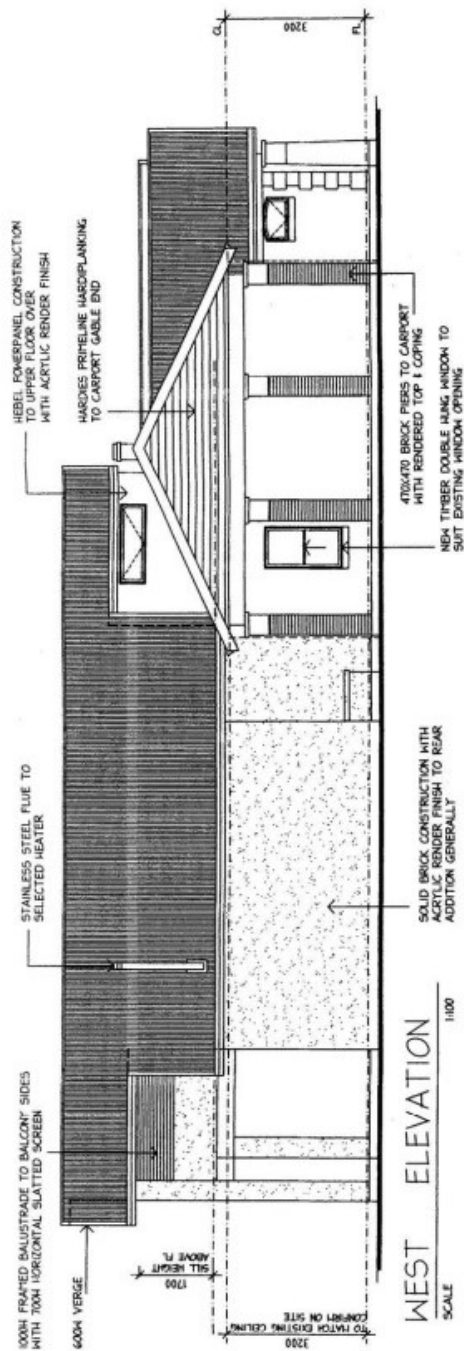
PROPOSED: ALTERATIONS  
& ADDITIONS  
FOR: G. & S.  
KOUTSOULIOTIS

AT: NO 6  
DAREBIN ST  
MILE END SA

| AREAS  | M2    | DATE         | MAY 2012 |
|--------|-------|--------------|----------|
| CELLAR | 40.00 | SHEET 2 OF 5 |          |
|        |       | SCALE 1/100  |          |
|        |       | DRAWN        |          |
|        |       | JOB NO.      |          |



PROPOSED CELLAR FLOOR PLAN  
SCALE 1:100



REVISION : JULY 2002 : 1700M TO UPL WINDOWS



ARCHITECTURAL DESIGN  
115 West Terrace ADELAIDE SA 5000  
T : 08 8231 5477  
F : 08 8231 5964  
A : 08 1463 3594

FIGURED DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DRAWING  
VERIFY DIMENSIONS AND LEVELS BEFORE COMMENCING ON SITE  
ANY DISCREPANCY TO BE REPORTED TO THE ARCHITECT IMMEDIATELY

© COPYRIGHT 2012

PROPOSED: ALTERATIONS

& ADDITIONS

FOR : G. & S.

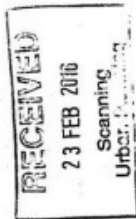
KOUTSOULIOTIS

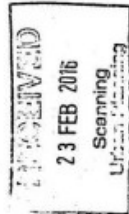
AT: NO 6

DAREBIN ST

MILE END SA

|         |          |
|---------|----------|
| DATE    | MAY 2012 |
| SHEET   | 2 OF 5   |
| SCALE   | 1/100    |
| DRAWN   |          |
| JOB NO. |          |

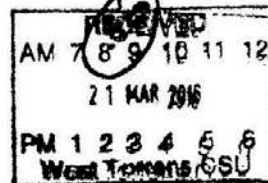




ATTACHMENT 2

**STATEMENT OF REPRESENTATION**  
**Pursuant to Section 38 of the Development Act, 1993**

TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033



DEVELOPMENT No. 211/173/2016  
PROPERTY ADDRESS: 6 Darebin Street, MILE END SA 5031

NAME & ADDRESS OF PERSON(S) MAKING REPRESENTATION (mandatory requirement \*)  
JOSE M. Fernandez And Liliava Angelo  
Indulwey de Fernandez

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner of land in vicinity, or on behalf of an organization or company)  
Adjoining resident (8A DAREBIN street)  
owner

REASONS FOR \* REPRESENTATION  
a) The construction of a Terrace-balcony in the first floor, in the north side and at 3.4 metres height will give the applicant a full access view of every movement in our property (veranda at front - drive way). We consider that this construction will violate our privacy due to the

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

I DO NOT WISH TO BE HEARD  
I DESIRE TO BE HEARD PERSONALLY  
WILL BE REPRESENTED BY

0  
0  
0

(PLEASE SPECIFY)

SIGNED

DATE

[Signature]  
22/03/2016

If space Insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Zoe Delmenico  
Ends: Tuesday 29 March 2016


Page 1/2



Reasons for Representation (continued)

- Location of the Terrace-Balcony with its Appendix (extra Length facing north) that will allow people to monitor each and every movement in our property.
- b) The construction of the carport on the Boundary will give a discontinued-cut shape of the Fence. Consider to build the carport not on the Boundary whether inside his Land to allow the erection of a continued Fence, without breaking continuity and avoid diminishing the value of our Property.
- c) Existing plants and trees, on our side of the Land, and are part of the Landscape of our property can be potentially damaged-destroyed during construction process. We ask for a careful treatment - management during construction process in order to preserve the maximum quantity, their beauty and avoid compromising the value of our property

  
JOSE M. FERNANDEZ  
22/03/2016

  
LILIANA A. IMBULSKY  
22/03/2016

**FRANK ROSITANO**  
FR DESIGN STUDIO

193 WEST TERRACE  
ADELAIDE SA 5000  
T 8231 5677  
F 8231 5954  
M 0431 163 559

Janine Lennon  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

Development No: 211/173/2016  
Site Address : 6 Darebin Street Mile End SA 5031

Dear Janine

In response to the neighbours representation at No. 8A Darebin St .  
I can appreciate the concerns that Mr & Mrs Fernandez may have with the Proposed  
Development at No. 6 Darebin Street Mile End .  
However , i must reiterate that this Development has already been granted Development  
Approval most recently on the 4 February 2013 where these concerns were resolved .

I understand the three main issues raised by Mr & Mrs Fernandez as follows :

1. Privacy issue
2. Proposed Carport along boundary
3. Potential damage to adjoining landscaping

The privacy issue has been addressed with 1700h Privacy screens to sides of Balcony  
previously approved by Council .

The Councils Development Plan allows us to build our Carport along the common  
boundary which has mininal impact onto the adjoining driveway of No. 8A .

During construction my client will take every precaution & care to avoid any damage to  
adjoining landscaping along the boundary fencing .  
However , due to existing Boundary encroachments some of these may have to be  
moved to suit when new fencing is installed .

In conclusion i believe these concerns to be totally unfounded & unnecessary .  
This Proposed Development will not only improve the lives of a growing family but  
will also greatly enhance the streetscape character .

Yours Sincerely

Frank Rositano

## ATTACHMENT 2



Betty Douflias  
9 Kalka Crescent  
Pasadena SA 5042  
[bdouflias@bigpond.com](mailto:bdouflias@bigpond.com)

### 6 Darebin Street Mile End

This application is to vary DA 211/173/16 which received Development Approval On 30 May 2016.

In particular, the removal of planning condition 2 & 3,

#### *Condition 2*

*"Prior to the issue of full Development Approval details must be provided to demonstrate that all sides (North, East & West facing elevations) of the balcony will be suitably screened to a height of at least 1.7 metres above the first floor finished floor level to prevent overlooking."*

#### *Condition 3*

*"That the screen surrounding the balcony will be provided 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 balcony screen shall be maintained in reasonable condition at all times"*

### HISTORY

Three application were lodged with West Torrens Council namely 211/173/16, 211/540/12 & 211/1298/07.

**Application 211/173/16 – Current Application (Appendix 1 )**

Ground floor alterations & additions, a first floor addition, a cellar & an attached carport & verandahs.

Application was lodged with screens to east & west to 1.7m and balustrade 1m on north side. Planning approval was granted with conditions to have northern side screened to 1.7m

Planner's report "considered that there will not be any unreasonable visual privacy issues from the north facing part of the proposed balcony (1 metre high balustrade) to the habitable room windows or private open space area of the dwelling at 8A Darebin Street due to the siting of the balcony not enabling oblique views to the front of the dwelling. Additionally, the distance from the balcony to the rear private open space area of the dwelling at 8A Darebin Street will be in excess of 16 metre with the existing pitched roof outbuilding on the site and roof on the dwelling at 8A Darebin Street not enabling direct views.

Planner for this application and previous application had the professional opinion that no unreasonable visual privacy issues from the north facing part of the balcony.

Planner stated that they felt 4A Darebin will have some overlooking from north facing section of the balcony. This is debatable as 4A Darebin extended further into the block than 6 Darebin and a tree naturally screen into private open space of 4A. The owners of 4A have no objection and granted consent for balcony in its original form being northern side having a screen 1 metre high (Appendix 4 )

**Application 211/540/12 (Appendix 2 )**

Dwelling additions & alterations to existing dwelling including carport & ensuite on side boundaries, cellar & addition of a second storey  
Development Approval issued 4 February 2013 (construction not commence, lapsed)



Application included balcony screen to east & west to 1.7m and balustrade 1m on north side. Planner supported proposal with no screens to north side and development approval was granted.

**Application 211/1298/07 (Appendix 3 )**

Additions & alterations to existing dwelling proposed two storey dwelling including swimming pool, garage & front fence Development Approval issued 2 November 2010.

Application included balcony screen to east & west to 1.7m and balustrade 1m on north side. Planner supported proposal with no screens to north side and development approval was granted.

**PROPOSAL**

The subject property is a detached dwelling circa 1920's which is typical of neighbouring properties. Design of dwelling addition compliments the streetscape and is very sympathetic to the architecture of this period.

6 Darebin St Mile End is located on the northern side of Darebin Street with a frontage width of 18.29 metres and depth of 42.67 metres 780.44m<sup>2</sup>. It is located in the Cowandilla/Mile End West Character Policy Area 23.

Application 211/173/2016 was deemed a category 2 application and went to the Development Assessment Panel (DAP) on the 10 May 2016.

Representors, Jorge Fernandez & Liliana Fernandez of 8A Darebin St Mile End spoke at the DAP meeting. There has been court appearance with neighbours from 8A & 6 Darebin St Mile End in relation to encroachment. Owners of 8A Darebin currently have their property on the market for sale.

Attached photos have been taken on a ladder in the area and height of the balcony once constructed.



## 6.8 27A Stephens Avenue, TORRENSVILLE

Application No. 211/310/2016

### DEVELOPMENT APPLICATION DETAILS

|                          |   |
|--------------------------|---|
| DEVELOPMENT PROPOSAL     | Construction of a two-storey dwelling with garage under main roof   |
| APPLICANT                | Rivergum Homes  |
| APPLICATION NO           | 211/310/2016  |
| LODGEMENT DATE           | 29 March 2016   |
| ZONE                     | Residential Zone  |
| POLICY AREA              | Torrensville Character Policy Area 28   |
| APPLICATION TYPE         | Merit   |
| PUBLIC NOTIFICATION      | Category 2  |
| REFERRALS                | Internal <ul style="list-style-type: none"><li>City Assets</li></ul> External <ul style="list-style-type: none"><li>Nil</li></ul> |
| DEVELOPMENT PLAN VERSION | 5 November 2015   |
| MEETING DATE             | 13 September 2016   |
| RECOMMENDATION           | <b>REFUSE</b>   |

### BACKGROUND

This application was lodged with Council on 29 March 2016 for the construction of a two storey dwelling with garage under main roof and is presented to the Development Assessment Panel (DAP) for the following reasons:

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

### PREVIOUS or RELATED APPLICATION(S)

- DA 211/1027/2013 - Demolition of existing outbuildings and part dwelling - Approved and Completed

## SITE AND LOCALITY

The subject land is described as Allotment 702 Deposited Plan 93516 in the area named Torrensville Hundred of Adelaide as contained in Certificate of Title Volume 6139 Folio 550. The land is more commonly known as 27A Stephens Avenue, Torrensville.

The subject land is a regular shaped allotment to the rear of a previously sub-divided allotment with the front boundary facing to the east with views of North Parade to the south-east.

The site has a frontage to Stephens Avenue of approximately 16.25 metres, a depth of 19.2 metres and an overall site area of 311 metres. Currently the subject land is vacant.

In this locality, the subject land is a smaller allotment (primarily due to its reduced depth), with surrounding allotments ranging in sizes from approximately 766 square metres at 27 Stephens Avenue to the north, 717 square metres at 126 North Parade to the west and 377 square metres at 124 North Parade to the south. As shown in the aerial locality map, this block size is the smallest in the locality.

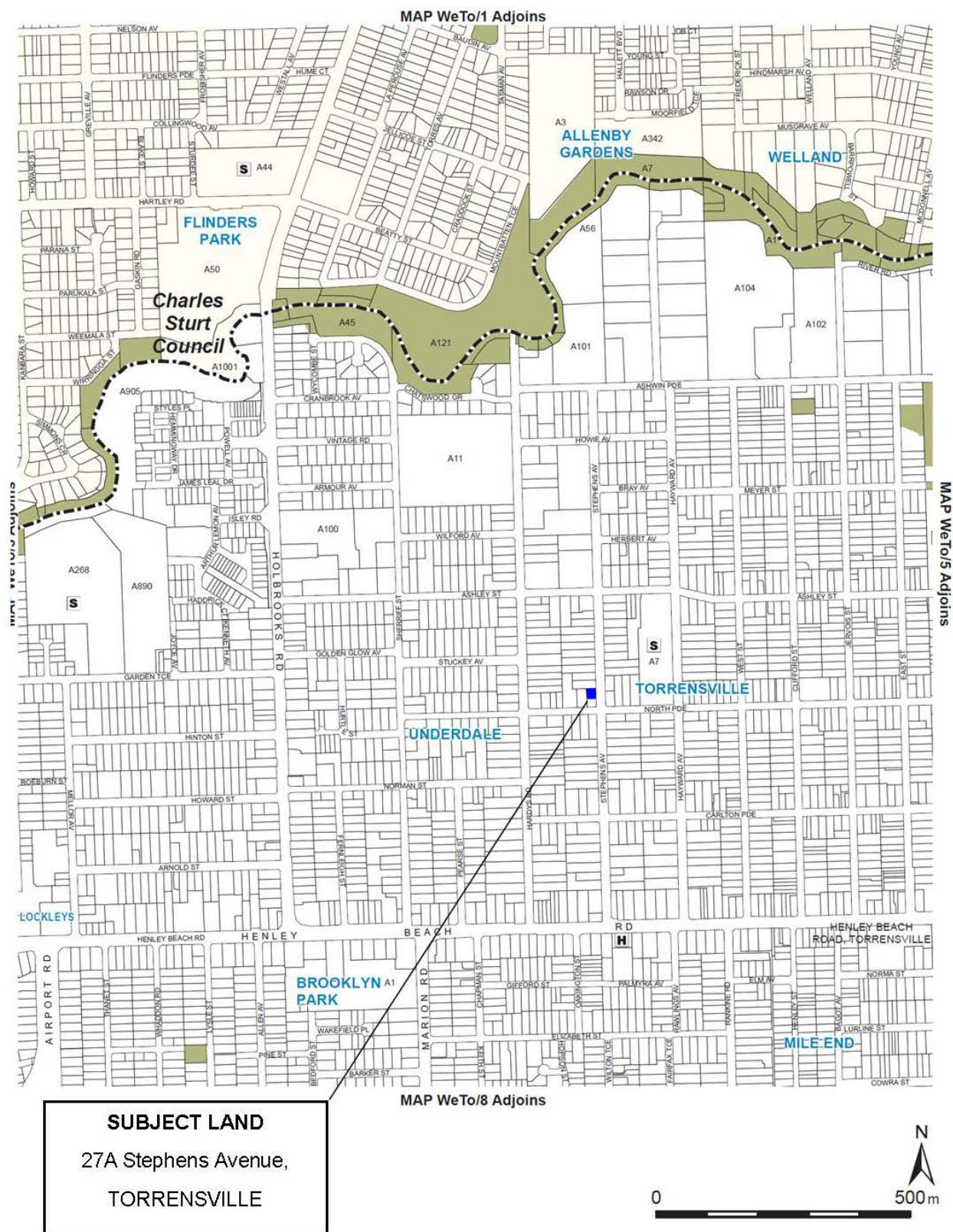
The locality map also shows the consistent frontage setbacks of dwellings along Stephens Avenue, with setbacks of approximately 6.8 metres at 27 Stephens Avenue and 3 metres and 4.5 metres at 124 North Parade for respective side and front setbacks. Further north along Stephens Avenue there are examples of consistent front setbacks from approximately 5 to 6 metres from the front of the property.

The subject land is located within the Residential Zone and more specifically within the Torrensville Character Policy Area 28. The land is located approximately 447 metres from Henley Beach Road and over 1 kilometre from South Road, both of which are arterial roads.

The subject land is located on the western side of Stephen Avenue, between Hardys Road, Hayward Avenue and North Parade. The locality is comprised of low to medium density residential development, most of which is detached single storey with some two storey and group dwellings. Construction periods range from predominantly the 1900's and a small number of 1950's to 1970's. Recent additions to existing dwellings in the last 10 years include second storey addition to the neighbouring property at 124 North Parade and at nearby 35A Stephens Parade.







## Location Map WeTo/4

- S** School
- H** Other Health Services
- Local Reserves
- Development Plan Boundary

## PROPOSAL

The applicant is seeking Development Plan Consent for the construction of a two storey dwelling with a garage located under the main roof.

A full copy of the proposal is contained in **Attachment 1**.

## PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and Residential Zone, Procedural Matters Section of the West Torrens Council Development Plan.

|                             |   |
|-----------------------------|---|
| <b>Properties notified:</b> | Five properties were notified during the public notification process. |
| <b>Representations:</b>     | No representations were received.                                     |

## REFERRALS

Internal

- **Department name**  
City Assets

Concerns were raised regarding the following matters;

- Stormwater drainage connections distance to the street
- Garage internal length
- Garage and driveway manoeuvrability

All concerns have since been addressed to the satisfaction of the City Assets Department and are reflected on the proposed plans (see **Attachment 1**).

## ASSESSMENT

The subject land is located within the Residential Zone and more specifically Torrensville Character Policy Area 28 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 | 6  |
| Design and Appearance               | Objectives                        | 1  |
|                                     | Principles of Development Control | 1, 3, 9, 13, 21 & 22   |
| Energy Efficiency                   | Objectives                        | 1 & 2  |
|                                     | Principles of Development Control | 1, 2 & 3   |
| Landscaping, Fences and Walls       | Objectives                        | 1 & 2  |
|                                     | Principles of Development Control | 1, 2, 4 & 6  |
| Orderly and Sustainable Development | Objectives                        | 1, 2 & 5   |
|                                     | Principles of Development Control | 3  |
| Residential Development             | Objectives                        | 2  |
|                                     | Principles of Development Control | 1, 4, 5, 7, 8, 9, 10, 13, 14, 15, 18, 19, 22, 23, 27, 28, 30, & 31 |



|  |  |
|--|--|
| <b>Zone: Residential Zone</b>  |  |
| <b>Desired Character Statement:</b>  |  |
| <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> |  |
| <b>Objectives</b>  | 1, 2, 3, 4   |
| <b>Principles of Development Control</b>   | Land Use 1, 2, 3 & 4,<br>Form and Character 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14,<br>Character Areas 17, 18, 19 & 21 |

|   |                                    |
|---|------------------------------------|
| <b>Policy Area: Torrensville Character Policy Area 28</b>   |                                    |
| <b>Desired Character Statement:</b>   |                                    |
| <p><i>" The policy area will contain predominantly detached dwellings and some semi-detached dwellings.</i></p> <p><i>Allotments will vary in size from low to very low density with wide street frontages and even deeper side boundaries. Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area.</i></p> <p><i>New development will be complementary to the key character elements of Victorian-era villas, cottages, inter-war bungalow and tudor-style dwellings in the policy area, rather than dominating or detracting from them, particularly as viewed from the street. Key elements of this character include pitched roofs, veranda / porticos and masonry building materials. There will be predominantly one storey buildings, with some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings. Setbacks will be complementary to the boundary setbacks of nearby older dwellings.</i></p> <p><i>There will be no garages/carports forward of the main facade of buildings. Fencing forward of dwellings will be low to provide views of built-form that define the character of the policy area. Any driveway crossovers will be carefully designed and located to ensure the preservation of street trees which have an important positive impact on the streetscape".</i></p> |                                    |
| <b>Objectives</b>   | 1                                  |
| <b>Principles of Development Control</b>  | Land Use 1<br>Form and Character 2 |

## QUANTITATIVE ASSESSMENT

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

| DEVELOPMENT<br>PLAN PROVISIONS  | STANDARD  | ASSESSMENT  |
|---|---|---|
| SITE AREA<br><i>Torrensville Character<br/>Policy Area 28<br/>PDC 3</i> | 340m <sup>2</sup> (min.)  | 311m <sup>2</sup> (min.)<br><br><b>Existing</b>   |
| PRIMARY STREET<br>SETBACK<br><i>Residential Zone<br/>PDC 8</i>          | >7.6m<br>- avg. of adjoining buildings  | 3.57m<br><br><b>Does Not Satisfy</b>  |
| SIDE/REAR<br>SETBACKS<br><i>Residential Zone<br/>PDC 11</i>             | Side<br>0/1m (min.)(ground floor)<br><br>2m (min.)(upper floor)<br><br>Rear<br>3m (min.)(ground floor)<br>8m (min.)(upper floor)  | Abuts boundary of<br>northern residence<br>0.923m<br>Abuts boundary of<br>southern residence<br>0 m<br><br>Abuts boundary of<br>northern residence upper<br>floor<br>0.937 m<br><br><b>Satisfies</b><br><br>Ground floor<br>2.9m<br>Upper floor<br>7.9m<br><b>Satisfies</b> |
| PRIVATE OPEN<br>SPACE<br><i>Residential<br/>Development<br/>PDC 19</i>  | 300-500m <sup>2</sup><br>- 60m <sup>2</sup> (min.), of which 10m <sup>2</sup> may comprise<br>balconies, roof patios and the like, provided<br>they have a minimum dimension of 2m.<br>-Minimum dimension 4m.<br>- 16m <sup>2</sup> (min.) at the rear of side of dwelling,<br>directly accessible from a habitable room. | 60m <sup>2</sup> (total)<br><br><b>Satisfies</b>  |
| CARPARKING<br>SPACES<br><i>Transportation and<br/>Access<br/>PDC 34</i> | 2 spaces  | 2 spaces provided<br><br><b>Satisfies</b>   |

## 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:

### Design and Appearance

The following provisions of the General Section, Design and Appearance set out Principles of Development Control 1:

*Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:*

- (a) building height, mass and proportion*
- (b) external materials, patterns, colours and decorative elements*
- (c) roof form and pitch*
- (d) façade articulation and detailing*
- (e) verandas, eaves, parapets and window screens.*

As discussed under 'site and locality' the local area is a mixture of low to medium density housing, with some recent developments including the subdivision of land and development of a number of two storey dwellings such as 31A and 35A Stephens Avenue, where it should be noted that the desired character of the policy area has been reflected in these developments with examples including red and grey tile roofing and stone coloured rendering.

The proposed external material selected for the lower level, brick veneer construction using Austral Cobalt with a white sand mortar is not complementary to the key character elements of the Policy Area. The appearance of the proposal further detracts from the area as the second storey proposes the use of Hardiflex sheet cladding similar in appearance to a weatherboard style cladding.

Further, the Principle of Development Control 17 stated in the Residential Zone, Character Areas states:

*The following Principles of Development Control apply to the Ashford Character Policy Area 22, Cowandilla /Mile End West Character Policy Area 23, Glandore Character Policy Area 24, Lockleys Character Policy Area 25, Novar Gardens Character Policy Area 26, Thebarton Character Policy Area 27 and the Torrensville Character Policy Area 28.*

*Development should be limited to one storey, except where a dwelling faces a public road (ie is not sited on a battleaxe allotment or at the rear of a development site) and any of the following is proposed:*

- (a) sympathetic two-storey additions that use existing roof space or incorporate minor extensions of roof space to the rear of the dwelling (refer to the figure below).*

### Setbacks

The following provisions of the General Section, Design and Appearance, Principle of Development Control 21 pertain to building setbacks:

*Except in areas where a new character is desired, 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 desired character of the locality.*

The average setback of adjacent dwellings with frontages to Stephens Avenue is between 7.6 metres. The proposed development contains a setback from the porch of 3.57 metres, creating an inconsistent setback to other buildings in the locality and exacerbating the inappropriate bulk, scale and character of the dwelling.

The proposed setback from Stephens Avenue does not meet the desired form and character of the area as the front setback is significantly less to that of neighbouring properties.

### Visual Impact on Neighbouring Developments

The visual impact from the street is not consistent with the surrounding housing as the setback is much closer to the road than that of adjacent properties. In addition to the bulk and scale of the proposed second storey, the use of chosen building materials impacts negatively on the desired character of the policy area, which is predominantly Victorian-era dwellings utilising a mixture of rendered brick, red brick and stone.

### Landscape Assessment

The following provisions of the General Section, Landscaping, Fencing and Walls, Principle of Development Control 4 pertain to landscaping:

*A minimum of 10 per cent of a development site should be landscaped. The development site refers to the land which incorporates a development and all the features and facilities associated with that development, such as outbuildings, driveways, parking areas, landscaped areas, service yards and fences. Where a number of buildings or dwellings have shared use of such features and facilities, the development site incorporates all such buildings or dwellings and their shared features and facilities.*

Although there may be scope for landscaping in the proposed development this detail has not been included in the Development Application.

While the proposed building materials and setbacks do not meet the desired character of the locality, if these were modified to be more sympathetic with the form of development then in addition, the use of landscaping, fencing and appropriate walls could assist in creating a more consistent development to the policy area.

### SUMMARY

Support for the proposal is not recommended as the current exterior design, setbacks and appearance of the building do not contribute to or satisfy the Desired Character of the Torrensville Character Policy Area 28, in that;

*"New development will be complementary to the key character elements of Victorian-era villas, cottages, inter-war bungalow and tudor-style dwellings in the policy area, rather than dominating or detracting from them, particularly as viewed from the street. Key elements of this character include pitched roofs, veranda / porticos and masonry building materials".*

The proposed dwelling design is not considered by the Administration to be sympathetic with the character existing streetscape and locality, particularly with regards to the following aspects:

- Bulk and scale – majority of dwellings within the locality are single storey and detached. The lack of offset from the front contributes to the overwhelming mass of the built form.
- Materials and detailing – the existing built form within the streetscape typically incorporate the following:
  - A mixture of render and brick stone to reduce impacts of visual bulk;
  - Roof forms with gable ends including detailing within the gable itself;
  - Detailing around window and door openings;
  - Tiled roofs; and Archways.

Furthermore, in Character Areas two storey dwellings are discouraged with the second storey only being acceptable if it is included within the roof space where the overall building height, scale and form is compatible with the surrounding locality.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be 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. 211/310/2016 by Rivergum Homes to Construct a two-storey dwelling with garage under main roof at 27A Stephens Avenue (CT 6139/550) for the following reasons:

1. The proposed development is contrary to
  - Council Wide Objectives Design and Appearance Principle of Development Control 1 & 21 and 4  
Reason: The setback will not make a positive contribution to the streetscape
  - Council Wide Principles of Development Control Residential Development Principle of Development Control 4  
Reason: The design and appearance of the proposed dwelling are not in keeping with the existing or desired character of the locality and Policy Area.
  - Residential Zone Objective 4 and Principles of Development Control 5 and 8  
Reason: The proposed development does not contribute to the desired character of the zone.
  - Torrensville Character Policy Area 28 Objective 1 and Principle of Development Control 2  
Reason: The proposed development is not consistent with the desired character for the policy area.



**SITE LAYOUT PLAN**  
SCALE 1:200 (A3)



Windspeed = N1 (<28m/s)

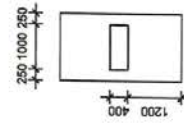
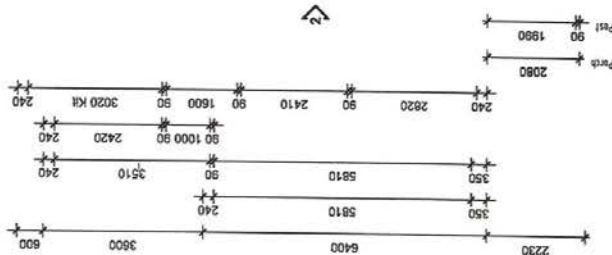
Bushfire Zone = Nil

Brick Veneer Construction

Steel Roof Frame Construction

Timber Wall Frame Construction

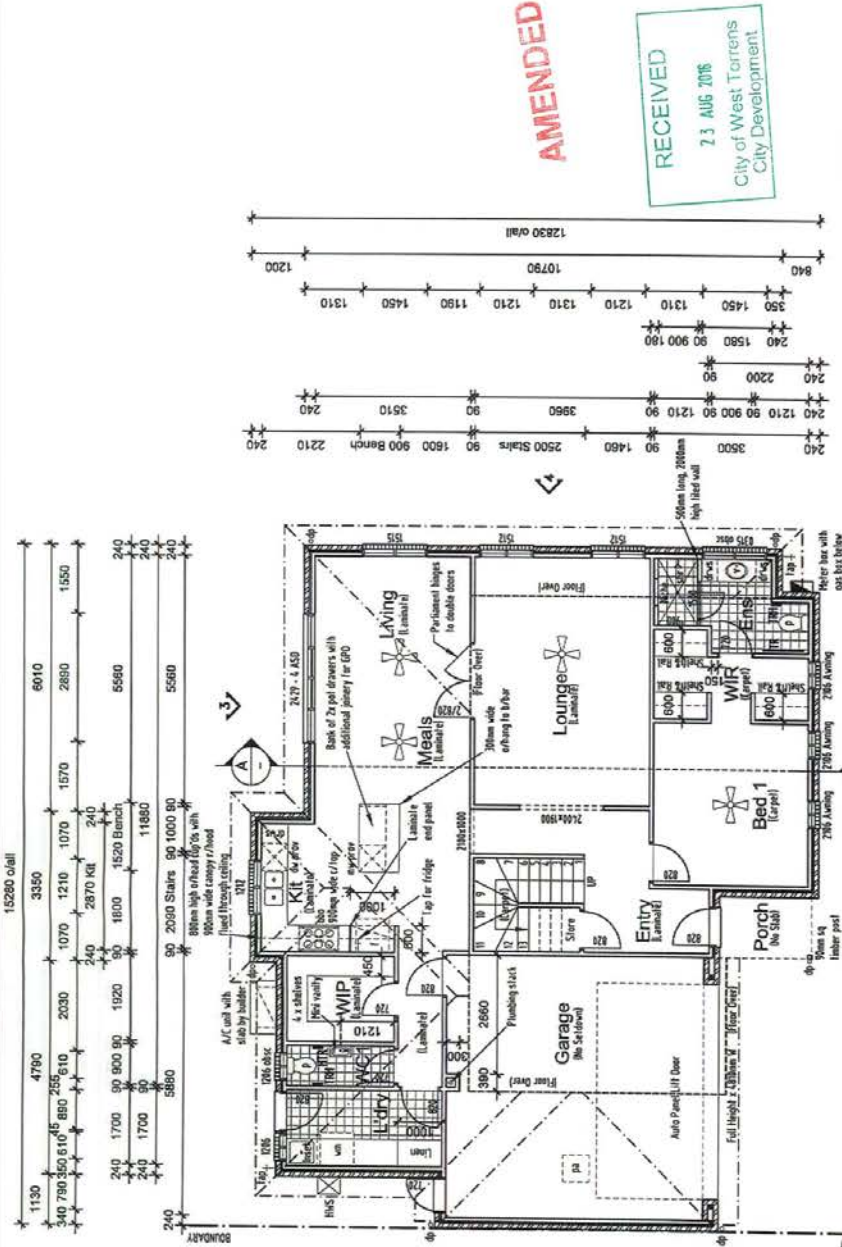
Torrens Title



Ens Niche Detail  
Scale 1:100

### Energy Compliance

Items supplied & installed by Builder:  
-R4.0 insulation to ceilings including garage  
-R2.0 insulation to external walls  
(plus vapour permeable sarking where applicable)  
-R2.0 insulation between floors



**CONSTRUCTION PLANS**  
PLEASE SIGN HERE:.....  
DATE: / /

NOTE: Ground floor internal doors to be 2400mm high

|  |  |   |  |
|--|--|---|--|
| <b>rivergum HOMES</b><br>397-391 South Rd,<br>MILE END SOUTH SA 5031<br>Tel: (08) 8254 6000<br>Fax: (08) 8254 6099<br>A.B.N. 70 065 488 337<br>B.L.O. BLD 115891<br>Web: rivergumhomes.com.au        |  | PROPOSED RESIDENCE FOR:<br><b>W &amp; N.A. Harrison</b><br><b>Lot 702, Stephens Avenue</b><br><b>TORRENSVILLE</b> | SCALE: 1:100<br>SHEET NO: 2 of 10<br>JOB NO: 16001<br>DRAWN: Y.T.<br>DATE: 09.08.16<br>ISSUE NO: 4 |
| REGION: Custom<br>AMENDMENT: AMENDMENT<br>WORKING DRAWINGS - Changes as per amendment request form (77)<br>CONSTRUCTION PLANS - Changes made at sections (80)<br>AMENDMENTS - Council changes - (71) | SHEET TITLE: Ground Floor Plan<br>DATE: 21.02.16<br>09.08.16 | Ground Floor Living<br>First Floor Living<br>Garage<br>Porch  | 125.73<br>79.84<br>37.97<br>2.65   |
|  |  | <b>Total</b>  | <b>245.49</b>  |

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City Development

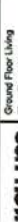


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**CONSTRUCTION PLANS**

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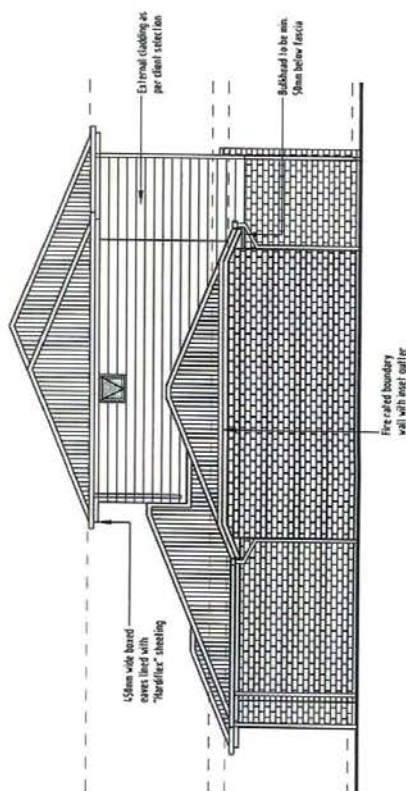
DATE: / /

|  |           |             |                  |   |
|--|-----------|-------------|------------------|---|
| DESIGN   | Amendment | SHEET TITLE | First Floor Plan | WORKING DRAWINGS - Changes as per amendment request form (YT)<br>CONSTRUCTION PLANS - Changes made at sections (S2)<br>AMENDMENTS - Ground changes - (YT) |
|  | Custom    |             |                  |   |
| <div> <div>  <div> <div>287 - 391 South Rd.</div> <div>Maple Ridge, BC V2X 2Z1</div> <div>Phone: (604) 824-8780</div> <div>Fax: (604) 824-6999</div> <div>Web: <a href="http://www.nvergreenhomes.com">www.nvergreenhomes.com</a></div> <div>Blk. Bld. 113551</div> </div> </div> <div> <div> <div>Ground Floor Living</div> <div>725.79</div> </div> <div> <div>First Floor Living</div> <div>78.94</div> </div> <div> <div>Garage</div> <div>37.97</div> </div> <div> <div>Porch</div> <div>2.83</div> </div> <div> <div>Total</div> <div>845.53</div> </div> </div> </div> |           |             |                  |   |
| PROPOSED RESIDENCE FOR<br><b>W &amp; N A Harrison</b><br><b>Lot 702, Stephens Avenue</b><br><b>TORRENSEVILLE</b>   |           |             |                  | SCALE 1:100<br>SHEET NO. 3 of 10<br>JOB NO. 16501<br>DRAWN YT<br>DATE 09.08.19<br>PAGE NO. 4  |





Windows: Aluminum Awning as shown. Aluminum Horizontal sliding windows. To remainder as specified.



## Elevation 2

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**DE**

## CONSTRUCTION PLANS

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DATE: / /

| SECTION   | Custom | SHEET TITLE | Elevations |
|---|--------|-------------|------------|
| AMENDMENT   |        | DATE        | 05/01/16   |
| WORKING DRAWINGS - Changes as per amendment request form (YT) |        |             | 21/03/16   |
| NOTIFICATION PLANS - Changes made at selections (SD)          |        |             | 05/01/16   |
| AMENDMENT 1 - Second stage (YT)                               |        |             |            |

**Ground Floor Living**

**First Floor Living**

**Garage**

**Porch**

125.73

78.94

37.97

2.89

**PROPOSED RESIDENCE FOR:**

**W & N A Harrison**

**Lot 702, Stephens Avenue**

**TORRENSVILLE**

SCALE 1:100

SHEET NO. 4 of 16

JOB NO. 16001

DRAWN YT

CHECKED

DATE 05/01/16

DATE 4

**PROPOSED RESIDENCE FOR:**

**W & N A Harrison**

**Lot 702, Stephens Avenue**

**TORRENSVILLE**

SCALE 1:100

SHEET NO. 4 of 16

JOB NO. 16001

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DATE 05/01/16

DATE 4

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SCALE 1:100

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**PROPOSED RESIDENCE FOR:**

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**Lot 702, Stephens Avenue**

**TORRENSVILLE**

SCALE 1:100

SHEET NO. 4 of 16

JOB NO. 16001

DRAWN YT

CHECKED

DATE 05/01/16

DATE 4

**PROPOSED RES**

© Denotes control joint

**NOTE:**  
FOR BRICKWORK - ALL WINDOW HEAD HEIGHTS  
TO BE AT EAVES LEVEL EXCLUDING FRONT  
ELEVATION AT 2408MM ABOVE REBATE LEVEL.  
ALL DOORS TO HAVE TIMBER TRIM ABOVE.



Windows: Aluminum Awning as above. Aluminum Horizontal sliding windows to remainder as specified



© Denotes control joint

**NOTE:**  
FOR BRICKWORK - ALL WINDOW HEAD HEIGHTS  
TO BE AT EAVES LEVEL EXCLUDING FRONT  
ELEVATION AT 2408MM ABOVE REBATE LEVEL.  
ALL DOORS TO HAVE TIMBER TRIM ABOVE.

AMENDED

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City Development

**CONSTRUCTION PLANS**

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## 6.9 28 & 42 Myer Avenue, PLYMPTON

Application No. 211/691/2016

### DEVELOPMENT APPLICATION DETAILS

|                          |  |
|--------------------------|--|
| DEVELOPMENT PROPOSAL     | Land Division - Torrens Title; DAC No. 211/D085/16 (Unique ID 54526); Boundary re-alignment and create one (1) additional allotment              |
| APPLICANT                | Michelle Kewell  |
| APPLICATION NO           | 211/691/2016   |
| LODGEMENT DATE           | 31 May 2016  |
| ZONE                     | Residential Zone   |
| POLICY AREA              | Policy Area 20   |
| APPLICATION TYPE         | Merit  |
| PUBLIC NOTIFICATION      | Category 1   |
| REFERRALS                | Internal <ul style="list-style-type: none"><li>City Assets</li></ul> External <ul style="list-style-type: none"><li>DAC &amp; SA Water</li></ul> |
| DEVELOPMENT PLAN VERSION | 5 May 2016   |
| MEETING DATE             | 13 September 2016  |
| RECOMMENDATION           | <b>CONSENT</b>   |

### BACKGROUND

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

- 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 comprises two allotments, the primary site is 42 Myer Avenue, and it is a mostly rectangular shaped allotment with a frontage of 18.29m and a site area of approximately 640sqm. The secondary site is 28 Myer Street, it is mostly a rectangular shaped allotment with a frontage of 16.76m and a site area of 1072sqm, this site area includes a 3.0m wide handle that runs along the rear of the properties facing Myer Street up to and including 42 Myer Street.

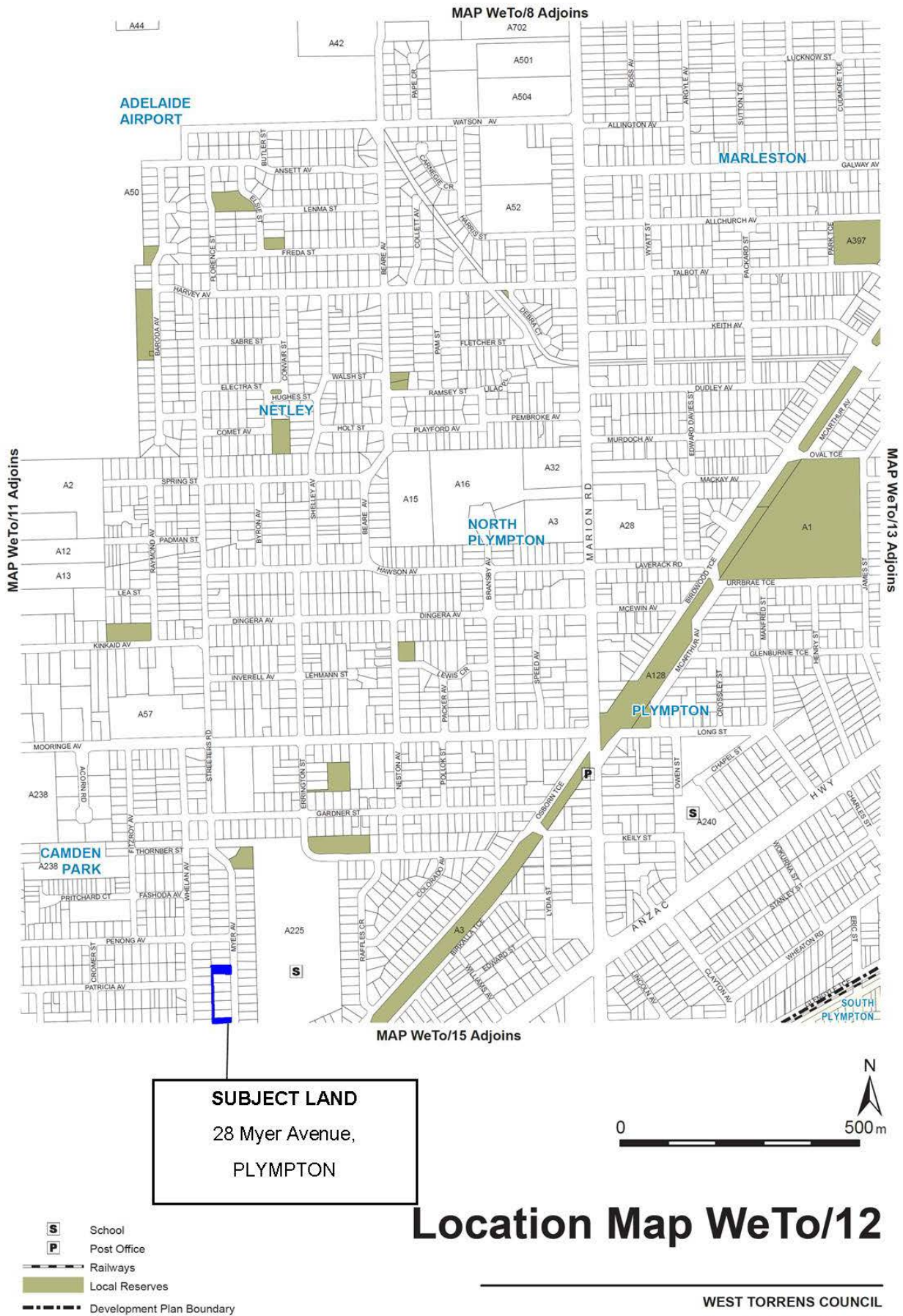
Both sites are currently vacant with the exception of a bore and pump shed on 28 Myer Avenue. The handle associated with 28 Myer Avenue contains an irrigation pipe and appears to have been installed as a part of the irrigation system when this land was a part of the nearby school. Neither property is now owned by the school and a site visit revealed that the irrigation pipe has been terminated.

The primary allotment is flat and informally landscaped with grass. There are no easements, registered on the Certificate of Title, nor are there any Regulated Trees situated on or about the land.

The locality contains low density residential development, predominantly in the form of single storey detached dwellings. The prevailing allotment pattern is characterised by rectangular shaped allotments with wide street frontages. All allotments in the locality are serviced by a single crossover and have been developed with ancillary forms of development such as carports, garages and verandahs. In all cases, these have been sited to the side of rear of the dwelling.







## PROPOSAL

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

*Land Division - Torrens Title; DAC No. 211/D085/16 (Unique ID 54526); Boundary re-alignment and create one (1) additional allotment*

The proposal seeks to create three allotments from two. 28 Myer Avenue will remain substantially the same but will lose approximately 60sqm in site area with the very end of the irrigation handle being incorporated with 42 Myer Avenue. Each of the proposed allotments at 42 Myer Avenue will have a 9.15m frontage and a depth of 34.9m giving a total area of 348sqm each (see **Attachment 1**).

## REFERRALS

No internal referrals were required.

### External

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

- **SA Water**
  - No issues were raised.
- **Development Assessment Commission (DAC)**
  - No issues were raised and only the standard conditions suggested.

See **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>                     |  |                                |
|--|--|--------------------------------|
| <i>Building near Airfields</i>             | <i>Objectives</i>                        | 1                              |
|  | <i>Principles of Development Control</i> |                                |
| <i>Land Division</i>                       | <i>Objectives</i>                        | 1, 2, 3 & 4                    |
|  | <i>Principles of Development Control</i> | 1, 2, 4, 5, 6, 8, 1 & 16       |
| <i>Orderly and Sustainable Development</i> | <i>Objectives</i>                        | 1, 2, 3, 4 & 5                 |
|  | <i>Principles of Development Control</i> | 1, 3, 5 & 7                    |
| <i>Residential Development</i>             | <i>Objectives</i>                        | 1, 2 & 4                       |
|  | <i>Principles of Development Control</i> | 1, 3 & 4                       |
| <i>Transportation and Access</i>           | <i>Objectives</i>                        | 2                              |
|  | <i>Principles of Development Control</i> | 8, 10, 11, 23, 24, 30, 32 & 33 |



|   |          |
|---|----------|
| <b>Zone: Residential Zone</b>   |          |
| <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 <b>Historic Conservation Area</b>.</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> |          |
| <b>Objectives</b>   | 1, 3 & 4 |
| <b>Principles of Development Control</b>  | 1        |

|  |          |
|--|----------|
| <b>Policy Area: Residential Low Density Policy Area 20</b>   |          |
| <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> |          |
| <b>Objectives</b>  | 1        |
| <b>Principles of Development Control</b>   | 1, 2 & 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<br><i>Low Density Policy Area 20</i><br><i>PDC 5</i>     | 340m <sup>2</sup> | 348m <sup>2</sup> (Lot 1)<br>348m <sup>2</sup> (Lot 2)<br>1012m <sup>2</sup> (Lot 3)<br><b>Satisfies</b>    |
| SITE FRONTAGE<br><i>Low Density Policy Area 20</i><br><i>PDC 5</i> | 10m               | 9.15m (Lot 1)<br>9.14m (Lot 2)<br><b>Does Not Satisfy by 8.5%</b><br><br>16.76m (Lot 3)<br><b>Satisfies</b> |

## 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 heading:

### Frontage

The proposal seeks to create two allotments that are 8.5% deficient in frontage width as described in the Policy Area. This equates to a deficiency of 850mm.

It is noted that most allotments in the locality have an existing frontage widths of between 18m and 19m, the granting of consent to this application will provide the first example of an allotment in this street that doesn't meet the minimum and if approved may trigger further applications for subdivision. That being said, the site is within 400m of a Centre Zone and if the land division had been submitted as a part of a combined land division/built form application, the frontage width would be deemed to meet the requirements of the Development Plan, given this the proposal is considered to be acceptable for this locality.

## SUMMARY

It is accepted that the proposal does not meet the minimum frontage requirement of the Zone and Policy Area, however the deficiency is minor and 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 May 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 to GRANT Development Plan Consent for Application No. 211/815/2016 by Mr Lazlo Bachmeyer to undertake Land Division - Torrens Title; DAC No. 211/D085/16 (Unique ID 54526); Boundary re-alignment and create one (1) additional allotment at 28 & 42 Myer Avenue, Plympton (CT 5569/482 & 5570/614) 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 Block Surveys relating to Development Application No. 211/691/2016 (DAC 211/D085/16).

### **DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS**

Nil

### **LAND DIVISION CONSENT COUNCIL CONDITIONS**

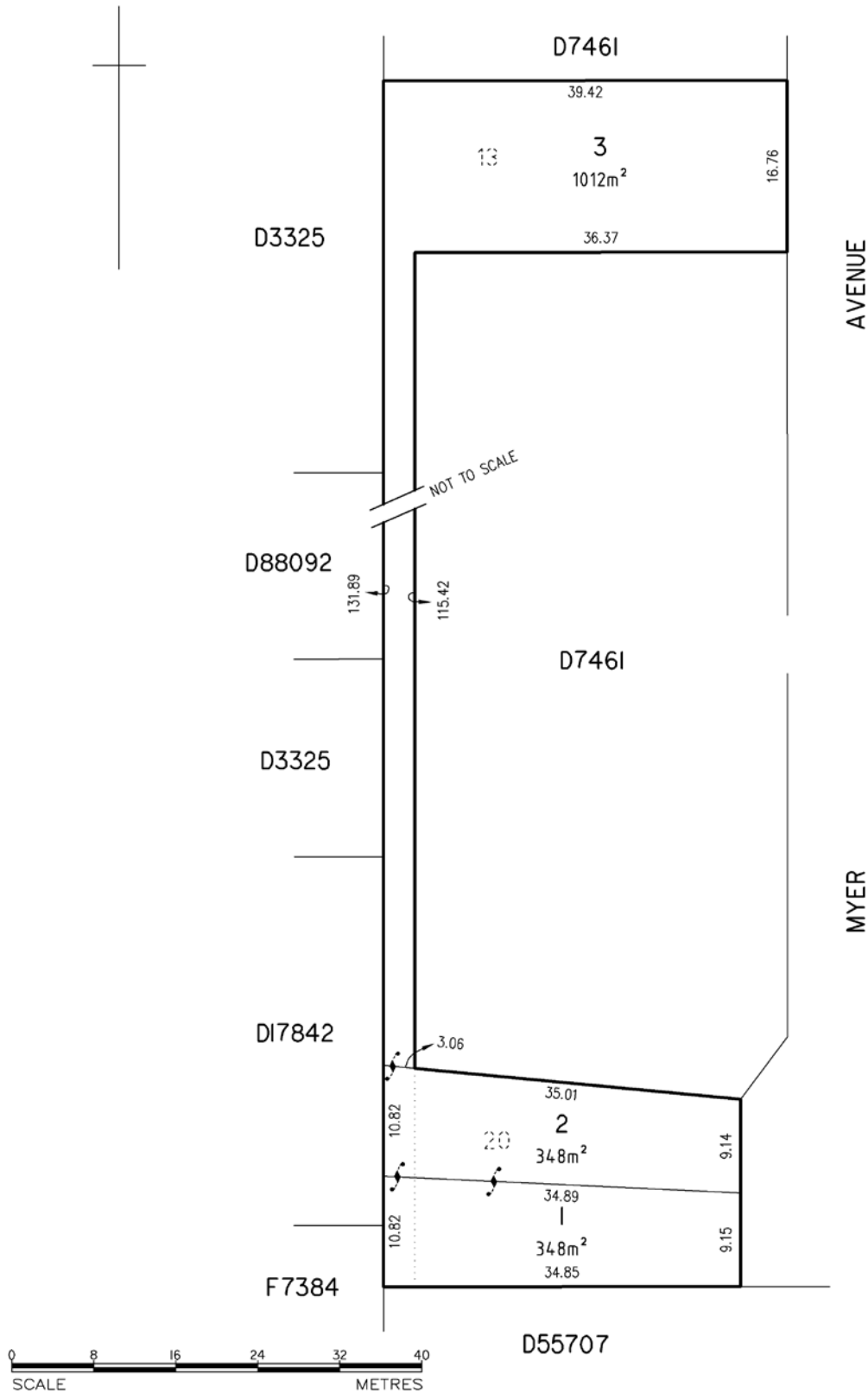
Nil

### **DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS**

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](http://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.

ATTACHMENT 1

PROPOSED PLAN OF DIVISION



**BLOK SURVEYS**

5 Seventh Avenue  
HOVE SA 5048  
mobile: 0438 500 096  
phone: 08 8358 3054  
[bloksurveys@internode.on.net](mailto:bloksurveys@internode.on.net)

|  |                                 |
|--|---------------------------------|
| Client: Michelle Kewell                          | Council: City of West Torrens   |
| Area: Plympton                                   | Title System: Real Property Act |
| Title: CT's 5570/614, 5569/482                   | Scale: 1:400 @ A3               |
| Land Description:<br>Allotments 13 & 20 in D7461 | Date: 26/05/2016                |
|  | Plan Ref: BS0124P001rev00       |

SUBJECT TO SURVEY



ATTACHMENT 2

Contact LandsTitlesOffice  
Telephone 7109 7016



24 June 2016

The Chief Executive Officer  
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No.** 211/D085/16 (ID 54526)  
**for Land Division by** Mrs Michelle Kewell

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 07 June 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.  
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.
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Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://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.**

A handwritten signature in black ink, appearing to read "P. Hodgson", written over a horizontal line.

Phil Hodgson  
Unit Manager  
Lands Titles Office

## 6.10 104 Marion Road, BROOKLYN PARK

Application No. 211/592/2016

### DEVELOPMENT APPLICATION DETAILS

|                          |  |
|--------------------------|--|
| DEVELOPMENT PROPOSAL     | Land Division - Torrens Title; DAC No. 211/D069/16 (Unique ID 54322); Create one (1) additional allotment  |
| APPLICANT                | Mr Peter Thanos  |
| APPLICATION NO           | 211/592/2016 (DAC 211/D069/16)   |
| LODGEMENT DATE           | 6 May 2016   |
| ZONE                     | Residential  |
| POLICY AREA              | 20 -Residential Low Density  |
| APPLICATION TYPE         | Merit  |
| PUBLIC NOTIFICATION      | Cat 1  |
| REFERRALS                | Internal <ul style="list-style-type: none"><li>▪ Nil</li></ul> External <ul style="list-style-type: none"><li>▪ DAC</li><li>▪ SA Water</li></ul> |
| DEVELOPMENT PLAN VERSION | 5 May 2016   |
| MEETING DATE             | 13 September 2016  |
| RECOMMENDATION           | <b>CONSENT</b>   |

### 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 in the south western corner of the intersection of Marion Road and Press Road. With a frontage to Marion Road of 22.3m and a secondary frontage to Press Road of 18.9m, the overall area of the land is 745m<sup>2</sup>.

There is currently a single storey detached dwelling on the land, exhibiting a conventional design. In addition to the dwelling, there are a number of ancillary forms of development such as verandahs and carports that have been constructed. The dwellings itself it well setback from all property boundaries, however the ancillary structures on the rear of the dwelling are built from the northern to the southern boundary.

The site is flat and informally landscaped with a mixture of grass and semi mature trees. There are three street trees in front of the property on Press Road and one on Marion Road.

No new crossovers will be required as part of this application as there are already three in existence. No easements are registered on the Certificate of Title, nor are there any Regulated trees situated on or about the land.

The locality contains low density residential development. There are a number of examples of infill development that have occurred typically involving the division of larger allotments. These divisions have created allotments with and without street frontage. Typically, dwellings in the locality accommodate a generous setback from their primary street frontage, allowing for large open front gardens. Front fences are common but they are generally low enough to see over or have a visually permeable design (i.e. tubular fencing).

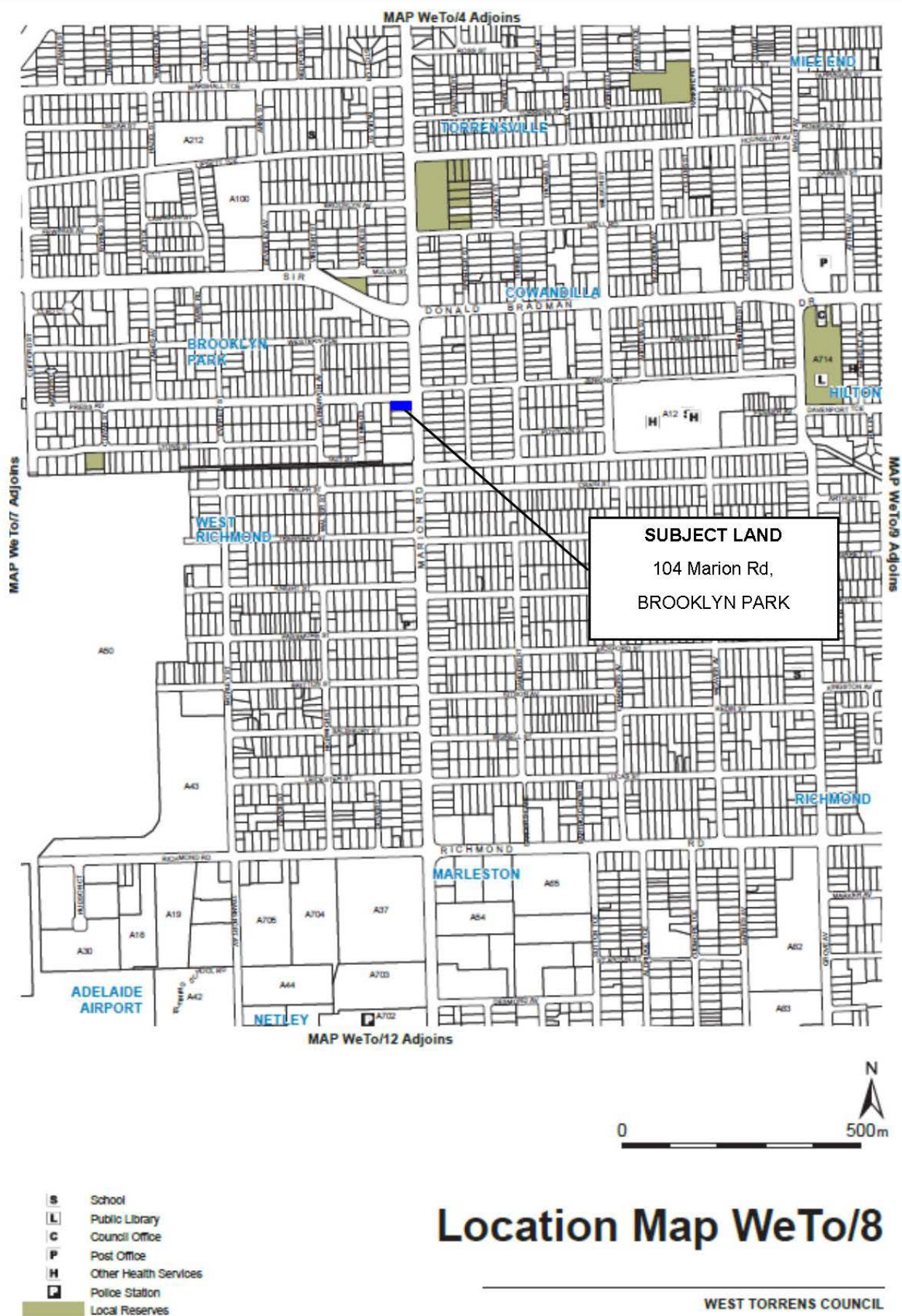
The locality is within the highest categories of area affected by aircraft noise, with the subject site being located in the highest (>35 ANEF). The locality is also affected by flood waters and during a 1 in 100 year flood event will be impacted by 0.1 - 0.5m of flood water.

Overall, it is considered that the prevailing character has a medium level of amenity for its residents.











## PROPOSAL

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

*"Land Division - Torrens Title; DAC No. 211/D069/16 (Unique ID 54322); Create one (1) additional allotment."*

The proposal seeks to divide the existing 745m<sup>2</sup> into two smaller allotments, Lot 822 being 301m<sup>2</sup> and Lot 821 being 444m<sup>2</sup> (see **Attachment 1**).

Lot 822 will have a street frontage only to Press Road, whilst Lot 821 will continue to have a street frontage to both Press Road and Marion Road. The existing dwelling and associated structure will be located on Lot 821.

Lot 821 has two existing crossovers, one from each public road. Lot 822 will be able to utilise a single width existing crossover on Press Road.

## REFERRALS

### Internal

- **City Assets**

No concerns remain outstanding as a corner cut-off is supplied and there is sufficient onsite parking available.

### External

Pursuant to Section 33 and Regulation 29 the Development Act and Regulations, the application was referred to

- **DAC**

No concerns were raised with only the standard conditions imposed.

- **SA Water**

No concerns were raised with only the standard conditions imposed.

- **DPTI (Non-mandatory regulation 29 referral)**

Unlike a mandatory Schedule 8 referral, the relevant authority (Council) does not need to have regard to the response provided by DPTI. The advice provided was requested by DAC under Regulation 29 of the Development Regulations 2008.

Concerns were raised about the access onto Marion Road, but as this is an existing access with no change to how it will be used, DPTI's suggestion of closing it off is not endorsed by staff. It is staff's opinion that it would be unreasonable to impose this requirement on the Applicant since the crossover already exists and it will not be adding any additional traffic movements onto Marion Road. DPTI have suggested that if the driveway is to remain that a condition be imposed that the Applicant is to install a turntable to ensure a vehicle can enter and exit the property in a forward direction. This is not considered a practical approach and is likewise not endorsed by staff.

The suggested notes about the potential road widening have been added to the staff recommendation so as to inform the Applicant of potential future land acquisition. Please note that there are no current plans for this land to be acquired.

See **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>              |                                   |                                    |
|-------------------------------------|-----------------------------------|------------------------------------|
| Hazards                             | Objectives                        | 2 & 4                              |
|                                     | Principles of Development Control | 1, 2, 4, 5 & 6                     |
| Land Division                       | Objectives                        | 1, 2, 3 & 4                        |
|                                     | Principles of Development Control | 1, 2, 4, 5, 6, 8, 12 & 16          |
| Orderly and Sustainable Development | Objectives                        | 1, 2, 3, 4 & 5                     |
|                                     | Principles of Development Control | 1, 3, 7 & 8                        |
| Residential Development             | Objectives                        | 1                                  |
|                                     | Principles of Development Control | 1, 3, 18, 19, 20, 21, 22, 23 & 24, |
| Transportation and Access           | Objectives                        | 2                                  |
|                                     | Principles of Development Control | 1, 2, 23, 24, 26, 27, 28, 44 & 45  |

| Zone: Residential Zone   |              |
|--|--------------|
| <p><i>Desired Character Statement:</i></p> <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 <b>Historic Conservation Area</b>.</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 |

|   |             |
|---|-------------|
| <b>Policy Area: Low Density Policy Area 20</b>  |             |
| <b>Desired Character Statement:</b>   |             |
| <p>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.</p> <p>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.</p> <p>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.</p> |             |
| <b>Objectives</b>   | 1           |
| <b>Principles of Development Control</b>  | 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   |
|--|---|--|
| <b>SITE AREA</b><br><i>Low Density Policy Area 20</i><br><i>PDC 5 (no built form proposed)</i>                       | 340m <sup>2</sup>   | 444m <sup>2</sup> (Lot 821)<br>301m <sup>2</sup> (Lot 822)<br><br><b>Does Not Satisfy by 11%</b>   |
| <b>SITE FRONTAGE</b><br><i>Low Density Policy Area 20</i><br><i>PDC 3 or</i><br><i>PDC 4 (within 400m of centre)</i> | 10m   | 41.25m (Lot 821)<br>17m (Lot 822)<br><br><b>Satisfies</b>  |
| <b>REAR SETBACKS</b><br><i>Residential Zone</i><br><i>PDC 11</i>   | Rear<br>3m (min.)(ground floor)   | 3.64m<br><br><b>Satisfies</b>  |
| <b>PRIVATE OPEN SPACE</b><br><i>Residential Development</i><br><i>PDC 19</i>   | 300-500m <sup>2</sup><br>- 60m <sup>2</sup> (min.), of which 10m <sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m.<br>- Minimum dimension 4m.<br>- 16m <sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room. | Lot 821<br><br>115m <sup>2</sup> (total)<br>3.64m (min. dimension)<br>115m <sup>2</sup> (accessed from habitable room)<br><br><b>Satisfies</b> |

|  |  |  |
|--|--|--|
| CARPARKING SPACES<br><i>Transportation and Access</i><br><i>PDC 34</i> | Detached, semi-detached,<br>row and multiple dwellings<br>- 2 car-parking spaces<br>required, 1 of which is<br>covered | Lot 821<br><br>2 spaces provided<br><br><b>Satisfies</b> |
|--|--|--|

## 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 Area and Frontage

The proposal seeks to create two new allotments, one of which (Lot 822) that is 39m<sup>2</sup> below the minimum stated in the Policy Area. Although it is located within 400m of a Neighbourhood Centre Zone, due to the sites proximity to the airport, medium density residential development is not envisaged here.

That being said, similar land divisions have been approved on allotments directly north and north east of the subject site. There is also an example of group dwellings on the allotment immediate west of the subject site. Each of these group dwellings has a site area of approximately 190m<sup>2</sup>, which is considerably less than the stipulated 340m<sup>2</sup> minimum.

It will not be possible to divide the subject land in order to be able achieve the minimum site areas without removing the existing dwelling. This is because of the need to meet other provisions of the Development Plan such as rear setbacks and Private Open Space (POS).

Given the wide frontage of proposed Lot 822, the 39m<sup>2</sup> land area deficiency will not be perceptible from the public realm. This will minimise the impact it will have on the existing and desired character of the area.

## SUMMARY

Whilst the proposal does not meet the minimum site area for an allotment in this Zone and Policy Area, there are several examples of similar development in the locality which have altered the existing character sufficiently that the proposed development will not be further detrimental to it.

The subject site is located in a flood hazard area and the highest ANEF zone, but both of these challenges can be overcome with construction solutions such as raised FFL and Acoustic treatments, a note has been recommended to help make future purchasers aware of these requirements.

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 5/5/2016 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 to GRANT Development Plan Consent and Land Division Consent for Application No. 211/592/2016 by Peter Thanos to undertake Land Division - Torrens Title; DAC No. 211/D069/16 (Unique ID 54322); Create one (1) additional allotment at 104 Marion Rd, Brooklyn Park (CT 5633/991) 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. Development is to take place in accordance with the plans prepared by Bartlett Drafting and Development relating to Development Application No. 211/592/2016 (DAC 211/D069/16).

### **DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS**

Nil

### ***LAND DIVISION CONSENT*** **COUNCIL CONDITIONS**

2. That prior to the issue of clearance to the division approved herein, the existing carport, verandah and shed shall be modified or removed from proposed Allotment(s).

### **DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS**

3. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0046337).  
An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

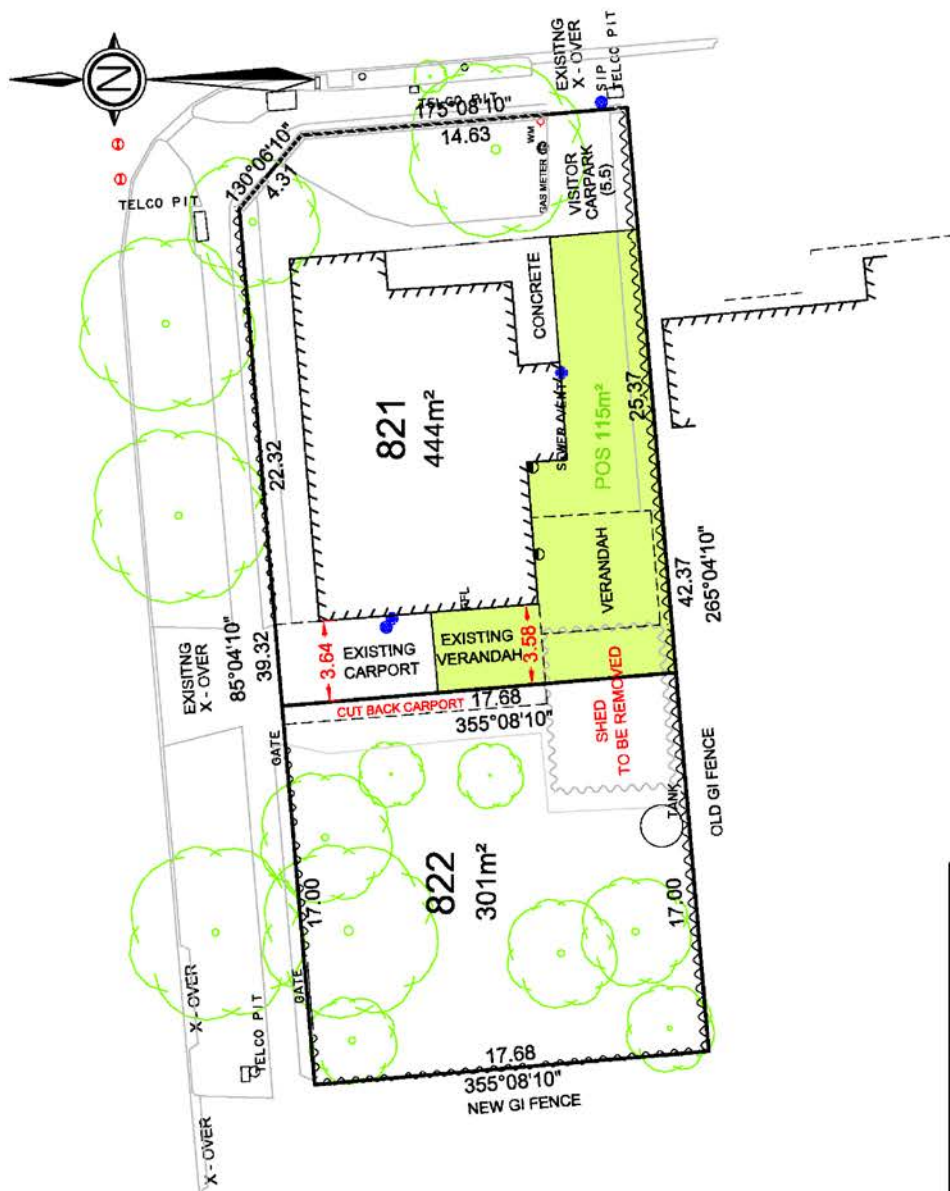
The internal drains shall be altered to the satisfaction of the SA Water Corporation.

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](http://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.

**Notes:**

- a) The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5metres in width from the Marion Road frontage of this site for future upgrading of the Marion Road / Sir Donald Bradman Drive Intersection, together with a 4.5m by 4.5m corner cut off at the Marion Road/ Press Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.
- b) Future owners should be made aware of the following:
  - it is significantly flood affected (up to 0.5m in a 1 in 100yr ARI flood event)
  - Australian Standard 2021 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction will need to be met for any future dwelling built upon the site, the site is currently within the ANEF>35 contour.

# PLAN OF PROPOSED DIVISION



**PRELIMINARY PLAN**  
DATA AND AREAS ARE  
SUBJECT TO CERTIFIED SURVEY  
AND REQUIREMENTS OF COUNCIL

**BARTLETT**  
Drafting & Development

PO Box 297  
WELLAND SA 5007  
gary.bartlett@bigpond.com  
Ph 08 8241 5511  
Fax 08 8241 5011  
mob 04 18 815

|         |          |          |          |
|---------|----------|----------|----------|
| FILE    | GB2345   | Revision | 1        |
| DRAWING | GB2345DA | Date     | 20/01/07 |

**IMPORTANT NOTE**  
THIS PLAN WAS PREPARED AS A PROPOSED DIVISION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS SHOWN HEREON ARE SUBJECT TO SURVEY AND THE REQUIREMENTS OF COUNCIL AND OTHER RELEVANT AUTHORITIES.  
NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THIS LAND. THIS NOTE IS AN INTEGRAL PART OF THE PLAN.

ATTACHMENT 2

Contact                      Planning Services  
Telephone                  7109 7016  
Facsimile                   8303 0604



6<sup>th</sup> July 2016

Mr Terry Buss  
City Manager  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

Dear Sir/Madam

**Re:      Proposed Development Application No. 211/D069/16 (ID 54322)  
         By Peter Thanos**

Further to my letter dated 30<sup>th</sup> May 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 H0046337).  
An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non standard.  
  
The internal drains shall be altered to the satisfaction of the SA Water Corporation.
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](http://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.

Council's particular attention is drawn to the comments by the DPTI – Transport Services for this application advising amended plans addressing the issues raised be forwarded for review and comment.

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.

**Please upload the Decision Notification Form (via EDALA) following Council's Decision.**

Yours faithfully,

A handwritten signature in black ink, appearing to read "P. Hodgson".

Phil Hodgson  
Unit Manager, Land Titles Office  
as delegate of the  
**DEVELOPMENT ASSESSMENT COMMISSION**  
Q:\PLANNING\SERVICES\TEMPLATES\STATEMENTS\ELECTRONIC\TFF2R edala



*In reply please quote 2016/00300/01, Process ID: 412022*  
*Enquiries to Vittorio Varricchio*  
*Telephone (08) 8226 8393*  
*Facsimile (08) 8226 8330*  
*E-mail dpti.luc@sa.gov.au*



**Government of South Australia**  
Department of Planning,  
Transport and Infrastructure

23/08/2016

Development Assessment Commission  
Department of Planning, Transport and Infrastructure  
GPO Box 1815  
ADELAIDE SA 5001

**SAFETY AND SERVICE –  
Traffic Operations**

GPO Box 1533  
Adelaide SA 5001

Telephone: 61 8 8226 8222  
Facsimile: 61 8 8226 8330

ABN 92 366 288 135

Dear Sir,

### REGULATION 29 - CONSULTATION RESPONSE

|                        |                                |
|------------------------|--------------------------------|
| <b>Development No.</b> | 211/D069/16                    |
| <b>Applicant</b>       | Peter Thanos                   |
| <b>Location</b>        | 104 Marion Road, Brooklyn Park |
| <b>Proposal</b>        | Land Division (1 into 2)       |

I refer to the above development application (Unique ID 54322) forwarded to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Regulation 29(3) of the *Development Regulations 1993*. The proposed development involves a land division, which the Development Assessment Commission believes warrants consultation with DPTI.

The following response is provided in accordance with Regulation 29(3) of the *Development Regulations 2008*.

### THE PROPOSAL

The application proposes the creation of an additional allotment at the rear of an existing dwelling. DPTI has previously provided comments regarding the proposal in a letter dated 20/06/2016. The previous response was unsupportive of the proposal. Whilst the proposed plan of division remains unchanged, DPTI has been informed that Council is comfortable with the retention of the Marion Road access point. It has been requested that DPTI provide further comments in light of this.

### CONSIDERATION

The subject site abuts Marion Road, an arterial road under the care, control and management of DPTI and Press Road a Council road. Marion Road is identified as a Major Traffic Route, Freight Route, Standard Frequency Public Transport Corridor and a Major Cycling Route under DPTI's '*A Functional Hierarchy for South Australia's Land Transport Network*'. At this location Marion Road has an AADT of 34,800 vehicles per day (4.8% commercial vehicles) and a posted speed limit of 60 km/h.

### Access and road safety

The existing dwelling upon the site has existing access points direct to/from Marion Road and Press Road. It is proposed to retain both access points to/from Allotment

10707880

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821 and utilise the Marion Road access for visitor parking. It is noted that that vehicles parked within the visitor parking associated with the existing dwelling cannot achieve forward entry and exit under the current layout.

However, it is DPTI policy to minimise the number of access points on the arterial road network in the interests of road safety and utilise local roads when available. It is also DPTI policy that vehicles should enter and exit arterial roads in a forward direction. Given the above and the important role that Marion Road has within the arterial road network, minimising any interference with traffic flow is of critical importance. As the site has alternate access and that the Marion Road access will result in reversing movements onto this road, it is DPTI's strong preference that all access to/from the site is gained via Press Road.

In light of the above, DPTI does not support the retention of the Marion Road Access. Should Council consider approving the application with the Marion Road access point retained for visitor parking, DPTI recommends that as a minimum a turn table be installed in order to enable the forward entry and exit of vehicles through this access, thus maximising road safety. Furthermore, it should be noted that if Allotment 821 is to be redeveloped in the future, all access should be gained via Press Road only.

### Road Widening

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Marion Road frontage of this site for future upgrading of the Marion Road / Sir Donald Bradman Drive intersection, together with a 4.5m by 4.5 metre corner cut off at the Marion Road / Press Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

### ADVICE

DPTI remains unsupportive of the retention of the Marion Road access in its current form. Should Council consider approving the application, DPTI strongly recommends that consent only be granted if conditions are applied that require the installation of a turntable or similar mechanism so that forward entry and exit can be achieved.

In view of the above, DPTI recommends that the following conditions be attached to any approval given:

1. All vehicles shall enter and exit Allotment 821 in a forward direction. A suitably designed turn table shall be installed to facilitate this.
2. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Marion Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.


The following note provides important information for the benefit of the applicant and is required to be included in any approval:

- The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Marion Road frontage of this site for future upgrading of the Marion Road / Sir Donald Bradman Drive intersection, together with a 4.5m by 4.5 metre corner cut off at the Marion Road / Press Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road
- 10707880

3

Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

Yours sincerely,

  
**MANAGER, TRAFFIC OPERATIONS**  
For **COMMISSIONER OF HIGHWAYS**

## 6.11 58 Harvey Avenue, NETLEY

Application No. 211/815/2016

### DEVELOPMENT APPLICATION DETAILS

|                          |  |
|--------------------------|--|
| DEVELOPMENT PROPOSAL     | Land division - Torrens Title; DAC No. 211/D105/16 (Unique ID 54926); Create one(1) additional allotment   |
| APPLICANT                | Mr Laszlo Bachmeyer  |
| APPLICATION NO           | 211/815/2016 (DAC 211/D105/16)   |
| LODGEMENT DATE           | 29 June 2016   |
| ZONE                     | Residential Zone   |
| POLICY AREA              | Low Density Policy Area 20   |
| APPLICATION TYPE         | Merit  |
| PUBLIC NOTIFICATION      | Cat 1  |
| REFERRALS                | Internal <ul style="list-style-type: none"><li>▪ Nil</li></ul> External <ul style="list-style-type: none"><li>▪ SA Water</li><li>▪ DAC</li></ul> |
| DEVELOPMENT PLAN VERSION | 5 May 2016   |
| MEETING DATE             | 13 September 2016  |
| RECOMMENDATION           | <b>CONSENT</b>   |

### 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 Harvey Avenue in the suburb of Netley. With a frontage of 18.59m, a depth of 42.67m the overall area of the land is 793.2m<sup>2</sup>.

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 carports and verandahs have been constructed. The built form is setback from both side boundaries and approximately 7m from the front boundary.

The allotment is flat and informally landscaped with grass and small trees. There is a low fence across the front boundary serving only as a visual distinction between public and private land. There are no easements, registered on the Certificate of Title, nor are there any Regulated Trees situated on or about the land.

The locality contains low density residential development, predominantly in the form of single storey detached dwellings. However there is an example of a group dwelling 30m west of the subject site and a two storey dwelling north east of the subject site.

The prevailing allotment pattern is characterised by rectangular shaped allotments with wide street frontages. All allotments in the locality are serviced by a single crossover and have been developed with ancillary forms of development such as carports, garages and verandahs. In all cases, these have been sited to the side of rear of the dwelling.

Adelaide airport is 250m west of the subject site and has resulted in height restrictions being imposed on dwellings in the locality. The subject site has a height restriction of 8m.

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









## Location Map WeTo/12

WEST TORRENS COUNCIL

Consolidated - 5 May 2016

## PROPOSAL

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

*"Land division - Torrens Title; DAC No. 211/D105/16 (Unique ID 54926); creating one (1) additional allotment."*

The proposal seeks to create two allotments from one. Each of the proposed allotments will have a 9.3m frontage to Harvey Ave and a depth of 42.7m giving a total area of 396m<sup>2</sup> (see **Attachment 1**).

## REFERRALS

No internal referrals were required.

### External

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

- **SA Water**
  - No issues were raised.
- **Development Assessment Commission (DAC)**
  - No issues were raised and only the standard conditions suggested.

See **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>                     |  |   |
|--|--|---|
| <i>Building near Airfields</i>             | <i>Objectives</i>                        | <i>1</i>                                  |
|  | <i>Principles of Development Control</i> |   |
| <i>Land Division</i>                       | <i>Objectives</i>                        | <i>1, 2, 3 &amp; 4</i>                    |
|  | <i>Principles of Development Control</i> | <i>1, 2, 4, 5, 6, 8, 1 &amp; 16</i>       |
| <i>Orderly and Sustainable Development</i> | <i>Objectives</i>                        | <i>1, 2, 3, 4 &amp; 5</i>                 |
|  | <i>Principles of Development Control</i> | <i>1, 3, 5 &amp; 7</i>                    |
| <i>Residential Development</i>             | <i>Objectives</i>                        | <i>1, 2 &amp; 4</i>                       |
|  | <i>Principles of Development Control</i> | <i>1, 3 &amp; 4</i>                       |
| <i>Transportation and Access</i>           | <i>Objectives</i>                        | <i>2</i>                                  |
|  | <i>Principles of Development Control</i> | <i>8, 10, 11, 23, 24, 30, 32 &amp; 33</i> |

|   |          |
|---|----------|
| <b>Zone: Residential Zone</b>   |          |
| <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 <b>Historic Conservation Area</b>.</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> |          |
| <b>Objectives</b>   | 1, 3 & 4 |
| <b>Principles of Development Control</b>  | 1        |

|  |          |
|--|----------|
| <b>Policy Area: Residential Low Density Policy Area 20</b>   |          |
| <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> |          |
| <b>Objectives</b>  | 1        |
| <b>Principles of Development Control</b>   | 1, 2 & 5 |

## QUANTITATIVE ASSESSMENT

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

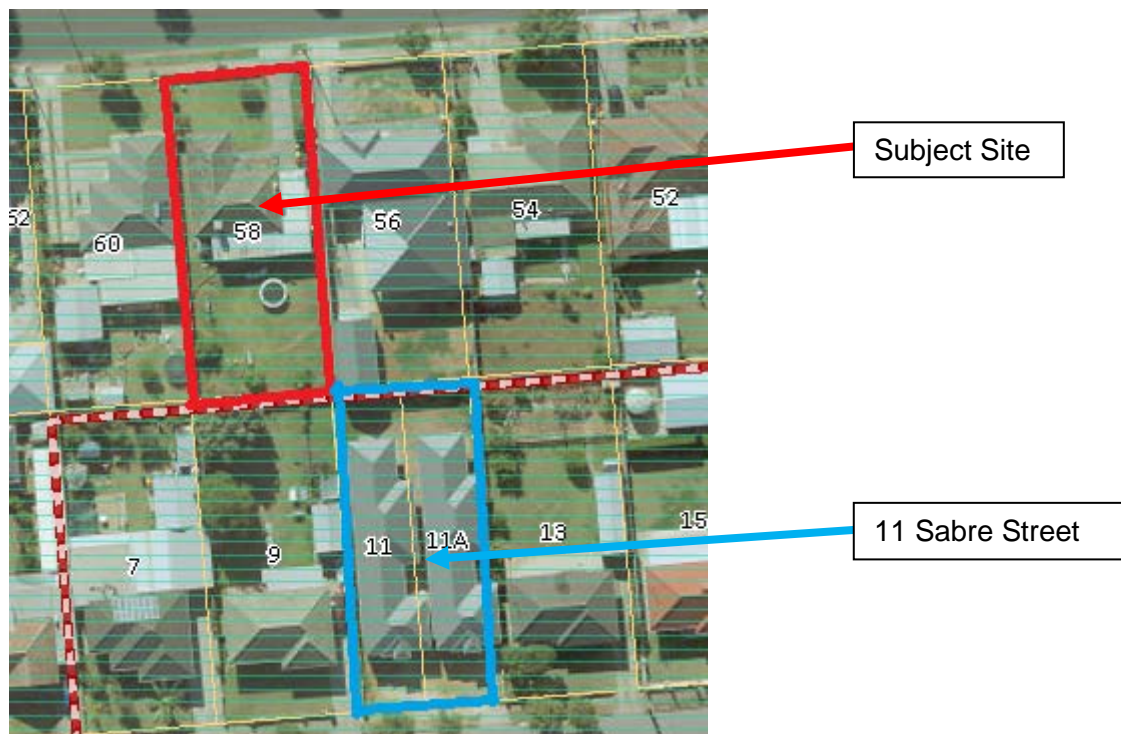
| DEVELOPMENT PLAN PROVISIONS  | STANDARD          | ASSESSMENT   |
|--|-------------------|--|
| SITE AREA<br><i>Low Density Policy Area 20</i><br><i>PDC 5</i>     | 340m <sup>2</sup> | 396m <sup>2</sup> (Lot 801)<br>397m <sup>2</sup> (Lot 802)<br><br><b>Satisfies</b> |
| SITE FRONTAGE<br><i>Low Density Policy Area 20</i><br><i>PDC 5</i> | 10m               | 9.29m (Lot 801)<br>9.3m (Lot 802)<br><br><b>Does Not Satisfy by 7%</b>             |

## 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 heading:

### Frontage

The proposal seeks to create two allotments that are 7% deficient in frontage width as described in the Policy Area. This equates to a deficiency of 700mm. An identical land division, (211/1115/2015), was approved by DAP in January 2015 on an allotment diagonally south east of the subject site at 11 Sabre Street as shown below.





It is noted that most allotments in the locality have an existing frontage widths of between 18m and 19m, the granting of consent to this application will provide another example of an allotment that doesn't meet the minimum and will further lead to the entrenchment of a character where the allotments are around 7% under the minimum sought by the Development Plan. Given that there are already some examples of this type of development and that battle-axe style development is strongly discouraged by the Development Plan, it is possible that this type of development can be viewed as an acceptable compromise for this locality.

## **SUMMARY**

It is accepted that the proposal does not meet the minimum frontage requirement of the Zone and Policy Area, however the deficiency is minor and 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 5/5/2016 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 to GRANT Development Plan Consent for Application No. 211/815/2016 by Mr Lazlo Bachmeyer to undertake Land division - Torrens Title; DAC No. 211/D105/16 (Unique ID 54926); Create one (1) additional at 58 Harvey Avenue, Netley (CT 5487/609) 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 State Surveys relating to Development Application No. 211/815/2016 (DAC 211/D105/16).

### **DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS**

Nil

### **LAND DIVISION CONSENT COUNCIL CONDITIONS**

2. That prior to the issue of clearance to the division approved herein, the existing dwelling shall be removed from proposed Allotments.

**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.  
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.
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](http://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.



ATTACHMENT 2

Contact: Lands Titles Office  
Telephone 7109 7016



23 July 2016

The Chief Executive Officer  
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No.** 211/D105/16 (ID 54926)  
**for Land Division by** Mr Laszlo Bachmeyer

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 08 July 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](http://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.**

A handwritten signature in black ink, appearing to read "P. Hodgson", with a long, sweeping underline.

Phil Hodgson  
Unit Manager  
Lands Titles Office

## **7. CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER**

### **7.1 247-247A South Road, MILE END - CONFIDENTIAL**

Application No. 211/864/2015

#### **Reason for Confidentiality**

It is recommended that this Report be considered in CONFIDENCE in accordance with Section 56A (12) (a) of the *Development Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (vii) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (viii) legal advice

as this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

#### **RECOMMENDATION**

That:

1. On the basis that this matter is before the Environment Resources and Development Court so any disclosure would prejudice the position of Council, the Development Assessment Panel orders pursuant to Section 56A(12)(a) of the *Development Act 1993*, that the public, with the exception of the Chief Executive Officer, General Manager Urban Services, Manager City Development, Co-ordinator Development, Development Officer - Planning, Administrative Assistants, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Chief Executive Officer.
2. At completion of the confidential session the meeting be re-opened to the public.



## 8. SUMMARY OF COURT APPEALS

### 8.1 Summary of Court Appeals

#### BACKGROUND

Monthly statistics are provided for the information of the Panel in relation to:

1. any matters being referred to the Development Assessment Commission (DAC); and
2. any planning appeals before the Environment, Resources and Development Court (ERDC) and their status.

The current status is listed as follows:

#### Matters pending determination by DAC

| Reason for referral | DA number       | Address                              | Description of development                         |
|---------------------|-----------------|--------------------------------------|--|
| Section 49          | 211/722/2016    | Lot 2 West Beach Road, WEST BEACH    | Change of use to function room                     |
| Concurrence         | 211/262/2016    | 437 Henley Beach Road, BROOKLYN PARK | Alterations and additions to existing restaurant   |
| Schedule 10         | 211/136/2015    | 134-136 Anzac Highway, GLANDORE      | On The Run redevelopment                           |
| Section 49          | 211/1155/2012/A | Lot 2 West Beach Road, WEST BEACH    | Amendment to condition regarding lighting          |
| Section 49          | 211/983/2016    | Lot 52 Military Road, WEST BEACH     | Additions to building for office and training room |
| Concurrence         | 211/483/2016    | 39 Gladstone Road, MILE END          | Outdoor dining addition to restaurant              |

#### Development Application appeals before the ERDC

| DA Number    | Address                       | Reason for Appeal              | Description of Development   | Status                                    |
|--------------|-------------------------------|--------------------------------|------------------------------|---|
| 211/173/2016 | 6 Darebin Street, MILE END    | Applicant appealed condition   | Two-storey dwelling addition | Conciliation Conference 20 September 2016 |
| 211/864/2015 | 247-247A South Road, MILE END | Applicant appealed DAP refusal | Change of use                | Conciliation Conference 20 September 2016 |

|                |                                       |  |   |   |
|----------------|---------------------------------------|--|---|---|
| 211/875/2015   | 23 Wood Street,<br>KURRALTA<br>PARK   | Appeal by third<br>party against<br>decision | Construct a<br>residential flat<br>building<br>containing five<br>dwellings | Hearing 22<br>September 2016                    |
| 211/290/2016   | 6 Surrey Road,<br>KESWICK             | Applicant appealed<br>DAP refusal            | Change of use   | Preliminary<br>Conference 19<br>September 2016  |
| 211/391/2016   | 3 Castlebar<br>Road,<br>LOCKLEYS      | Applicant appealed<br>DAP refusal            | carport forward<br>of dwelling  | Conciliation<br>Conference 20<br>September 2016 |
| 211/114/2016   | 273 Marion<br>Road, NORTH<br>PLYMPTON | Applicant appealed<br>DAP refusal            | land division   | Pending   |
| 211/476/2015/2 | 452 Henley<br>Beach Road,<br>LOCKLEYS | Applicant appealed<br>DAP refusal            | Stage 2 of<br>retirement<br>village   | Conciliation<br>Conference 18<br>October 2016   |

#### SUMMARY

The information requested by the Panel has been provided for information purposes.

#### RECOMMENDATION

The Development Assessment Panel receive and note the information.

#### 9. MEETING CLOSE