

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, 14 JUNE 2016  
at 5.00 PM**

**Terry Buss  
Chief Executive Officer**

### **City of West Torrens Disclaimer**

#### **Development Assessment Panel**

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

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



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## 1. MEETING OPENED

### 1.1 Evacuation Procedure

## 2. PRESENT

## 3. APOLOGIES

## 4. CONFIRMATION OF MINUTES

### RECOMMENDATION

That the Minutes of the meeting of the Panel held on 10 May 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.

The following disclosures of interest have been made in relation to:

Item

Panel Member



## 6. REPORTS OF THE CHIEF EXECUTIVE OFFICER

### 6.1 452 Henley Beach Road, LOCKLEYS

Application No. 211/476/2015/2

Appearing before the Panel will be:

Representors: **Ian Todd** of 447 Henley Beach Road, Lockleys wishes to appear in support of the representation.

**Bethany Nottage** of 448 Henley Beach Road, Lockleys wishes to appear in support of the representation.

**Anna and Frank Condo** of 453 Henley Beach Road, Lockleys wishes to appear in support of the representation.

Applicant: **Chris Vounasis** of **Future Urban Group** wishes to appear to respond to representations.

## DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of a three-storey (3) storey residential flat building comprising twelve (12) dwellings, a community centre and associated carparking and landscaping; and, conversion of the community centre (Stage 1) into a single storey detached dwelling associated with the retirement village complex, and removal of two (2) <i>Phoneix canariensis</i> (Canary Island Date Palms). (STAGE 2)
APPLICANT	David Romaldi Architecture
APPLICATION NO	211/476/2015/2
LODGEMENT DATE	17 September 2015
ZONE	Residential Zone
PRECINCT	N/A
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 3
REFERRALS	Internal <ul style="list-style-type: none"><li>City Assets - Consultant Arborist</li><li>City Assets - Stormwater and Traffic</li></ul> External <ul style="list-style-type: none"><li>Nil</li></ul> <p>Note: reference is made to the previous DPTI referral as part of Stage 1 of development for information purposes.</p>
DEVELOPMENT PLAN VERSION	25 June 2015
MEETING DATE	14 June 2016
RECOMMENDATION	<b>CONSENT</b>



## BACKGROUND

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

- 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 211/476/2015 - Construction of a retirement village comprising nine (9) dwellings, a community centre and associated fencing, car parking and landscaping, and removal of (1) significant tree *Eucalyptus camaldulensis* (River Red Gum) (STAGE 1) (Development Approval Granted)
- DA 211/474/2015 - Demolition of existing dwellings and associated structures (Development Approval granted on 3 June 2015 by staff)
- DA 211/297/2015 - Installation of a sign (Development Plan Consent granted on 4 May 2016 by staff)

## SITE AND LOCALITY

The subject land is described as Allotment 47 Filed Plan 120266 in the area named Lockleys Hundred of Adelaide as contained in Certificate of Title Volume 5213 Folio 662. The land is more commonly known as 452 Henley Beach Road, Lockleys.

The subject land is a rectangular shaped allotment of approximately 3821.4 square metres with a frontage of approximately 39.6 metres to Henley Beach Road and a site depth of 96.2 metres. The site contains nine (9) single storey detached dwellings and a community centre, with ancillary car parking, landscaping and a masonry front fence which formed Stage 1 of the development of the overall retirement village development on the site.

The subject land is located within the Residential Zone and more particularly Residential Policy Area 20. The land has a frontage to an arterial road, namely Henley Beach Road. The Local Centre Zone is located approximately 170 metres east of the land, Kooyonga Golf Club is located approximately 75 metres south and Linear Park is located 380 metres west of the subject land.

The locality consists of low to medium density residential development up to two storeys in height with construction periods ranging from the 1900's to present. The locality also consists of some small-scale centre activities located at the intersection of Torrens Avenue and Henley Beach Road, large scale community uses and public open space.

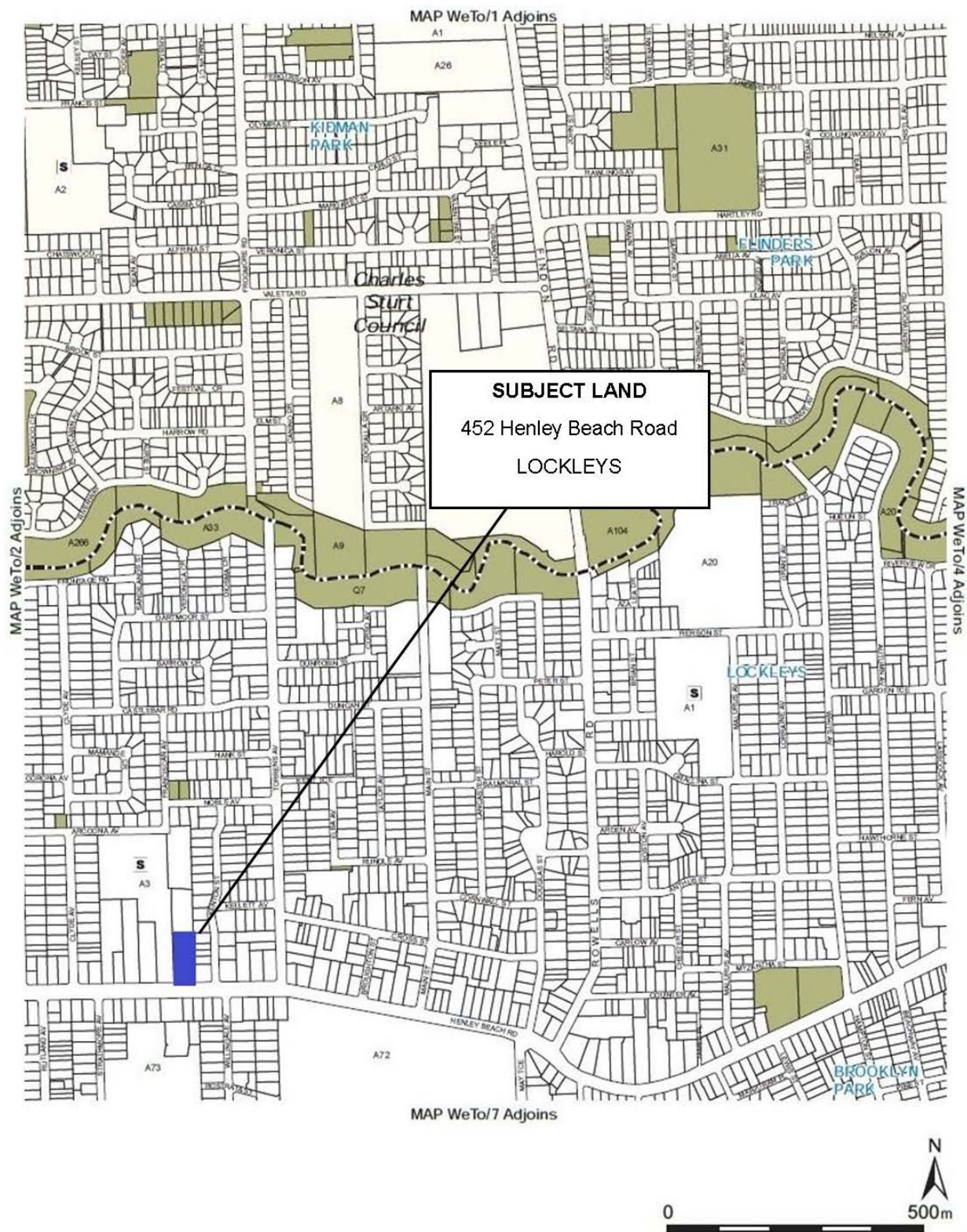
The subject land adjoins St Francis Primary School and a Catholic Church, Christ the King, immediately to the west. A dwelling and ancillary structures are located to the rear of the land and are owned by and accessed via the adjoining Catholic Church. The land adjoins five allotments to the east comprising one vacant lot, three single storey detached dwellings and one two-storey dwelling.

The site and locality are shown on the following maps.









## Location Map WeTo/3

- S School
- Local Reserves
- Development Plan Boundary



## PROPOSAL

The applicant is seeking Development Plan Consent for Stage 2 of the construction of a retirement village complex. The second stage of the proposed retirement village includes the construction of a three-storey residential flat building consisting of twelve (12) apartments on levels one and two, with a ground floor community centre, lobby and undercover car park and establishment of a communal area of open space to the west and south of the building. The existing community centre located to the north of the proposed building will be converted into a dwelling as part of the retirement village complex.

The proposed development will also necessitate the removal of two (2) *Phoneix canariensis* (Canary island date palms) located directly west of the proposed residential flat building adjoining the western side boundary.

A copy of the proposal is contained in **Attachment 1**.

Stage 1 of the retirement village complex development was approved by the Development Assessment Panel at the 11 August 2015 meeting.

## PUBLIC NOTIFICATION

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

<b>Properties notified:</b>	Twelve (12) properties were notified during the public notification process.
<b>Representations:</b>	Seven (7) representations were received.
<b>Persons wishing to be heard:</b>	Three (3) representors identified that they wish to address the Panel. <ul style="list-style-type: none"><li>• Ian Todd, 447 Henley Beach Road, Lockleys</li><li>• Bethany Nottage, 448 Henley Beach Road, Lockleys</li><li>• Anna and Frank Condo, 453 Henley Beach Road, Lockleys</li></ul>
<b>Summary of Representations:</b>	Concerns were raised regarding the following matters; <ul style="list-style-type: none"><li>• Overdevelopment of the site</li><li>• Inconsistent with the desired character for the policy area</li><li>• Inadequate front setback</li><li>• Excessive height, bulk and scale of the development</li><li>• Privacy impacts and overlooking to adjoining properties</li><li>• Overshadowing to adjoining properties</li><li>• Car parking and traffic access impacts</li><li>• Insufficient private open space, on-site vehicle storage and clothes drying areas</li><li>• Access to services and facilities within the broader locality</li></ul>

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

### ***Overdevelopment of the site***

- *The Residential Zone provisions seek greater densities in close proximity to transport.*
- *The residential flat building is appropriately sited adjoining Henley Beach Road.*



- *The residential flat building is setback a significant distance from surrounding residential properties.*
- *Sufficient car parking, vehicular access and communal open space has been provided in accordance with the Development Plan policies.*

***Inconsistent with the desired character for the policy area***

- *The upper level of the residential flat building (four storeys) in the original proposal has been removed so that the building is now three (3) storeys in height.*
- *The facades of the residential flat building have been further articulated incorporating a mix of materials and colours.*

***Inadequate front setback***

- *The front setback to Henley Beach Road meets the Development Plan provisions relating to varying front setbacks of adjoining buildings which range between 4.8 metres to 19.0 metres immediately adjoining the subject site.*

***Excessive height, bulk and scale of the development***

- *The height, scale and bulk of the building relates to the arterial road frontage and neighbouring church building to the west.*
- *Stage 1 of the overall retirement village complex development maintains a low scale built form to the north and east of the site adjoining existing residential development.*

***Privacy impacts and overlooking to adjoining properties***

- *The proposed residential flat building is setback a significant distance from neighbouring residential allotments and private open space areas.*

***Overshadowing to adjoining properties***

- *The majority of overshadowing will occur across Henley Beach Road due to the orientation of the site.*

***Car parking and traffic access impacts***

- *The proposed car parking accords with Table WeTo/2 of the Development Plan provisions.*
- *A consultant traffic engineering report has been prepared which confirms that there is adequate area of onsite manoeuvrability.*

***Insufficient private open space, on-site vehicle storage and clothes drying areas***

- *Applicant notes that there are no specific provisions in the 'Supported Accommodation, Housing for the Aged and People with Disabilities' relating to private open space provision, and thus refer to the 'Residential Development' provisions which generally require a minimum of 11 square metres of private open space for upper level dwellings.*
- *The proposed upper level apartments will vary in balcony size, some of which do not meet the 11 square metre minimum however suggest that this will be offset by the communal open space area at ground level.*
- *Applicant notes that there is no requirement for onsite storage of boats, trailers, caravans etc. in the Development Plan provisions.*
- *An area for clothes drying will be provided within each apartment.*

***Access to services and facilities within the broader locality***

- *A bus stop is located within 60 metres of the subject site on Henley Beach Road providing public transport access to surrounding shopping centres and services.*
- *Regular community bus services will be provided within the retirement village complex.*

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



## REFERRALS

### Internal

- **City Assets - Consultant Arborist**

The application was referred to Council's Consultant Arborist regarding the proposed removal of the two (2) Canary Island Date Palms along the western boundary of the subject site and the response is provided as follows:

*The two mature Phoenix canariensis have stout robust trunks and a compact symmetrical canopy which extends over car parking spaces to the east and a bitumen thoroughfare to the west.*

*There were no visible signs of fungal fruiting bodies and/or active pests and diseases noted. Foliage colour is good and foliage density is typical of this species. However, due to the natural growth characteristics of Phoenix canariensis, they can harbour vermin beneath the loose husks and dead fronds also pose a fire risk.*

*Palms, like other trees, produce and shed considerable amounts of debris in the form of dead fronds, flowers and flower sheaths, seeds and seed panniculi. Regular maintenance undertaken keeps this to a minimum, however during the seed production period (spring to summer) copious quantities can accumulate prior to the next maintenance cycle.*

*This is of particular concern in this case as the trees are located directly adjacent a proposed retirement village carpark. Seeds of P.canariensis have potential to become serious trip hazards when associated with hard surfaces such as paved footpaths and car park areas.*

*Having given consideration to the plans provided and observations made of the trees, I conclude that the two Phoenix canariensis are not suitable for retention in their current growing environment. The most appropriate course of action to abate the issues identified with the palms, and to ensure that the proposed development is possible, I recommend complete removal. Due to open access and location of the palms, transplanting is also an option.*

- **City Assets - Stormwater and Traffic**

Based on the supporting stormwater calculations provided for the Stage 1 development application, it would be reasonable for the Stage 2 works to directly discharge stormwater to the street once completed.

Additionally the number of car parks proposed appears to be adequate and should be clearly defined and line-marked in accordance with the relevant Australian Standards.

Concern was raised in relation to the proposed manoeuvrability arrangements for the refuse enclosure within the subject site with Council's Consultant Traffic Engineer advising that the design of the internal roadway would require a truck to reverse approximately 50 metres to reach the bins, which was considered to be unreasonable.



Accordingly the applicant provided a supporting letter from a Traffic Consultant which identifies that waste collection will be undertaken by a private contractor who will utilise a small rear lift waste truck. The Traffic consultant has prepared an indicative plan demonstrating that a comparable truck could utilise the apartment building car park entrance to undertake a reverse side turn to reverse back to the bins and then exit the site in a forward direction. This is considered to be acceptable given the relatively low number of truck movements likely to occur within the site area and prevents the need to dedicate a large turning circle area to the rear of the site, thus enabling greater provision of landscaping and site areas for the units.

### Previous Referrals

Reference is made to the previous Department of Planning, Transport and Infrastructure (DPTI) referral as part of Stage 1 of development for information purposes with the key points summarised below.

### External - Department of Planning, Transport and Infrastructure (DPTI)

- DPTI does not object in-principle to the proposed development subject to a number of conditions.

### ASSESSMENT

The subject land is located within the Residential Zone, and more particularly the 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>Crime Prevention</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8 & 10
<i>Design and Appearance</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23 & 24
<i>Interface between Land Uses</i>	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 4 & 5
<i>Landscaping, Fences and Walls</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5 & 6
<i>Medium and High Rise Development</i>	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 5, 12 & 13
<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
<i>Regulated Trees</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2 & 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, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31
<i>Transportation and Access</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 7, 8, 9, 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, 40, 41, 42, 43, 44 & 45



<b>Zone: Residential</b>	
<p><i>Desired Character Statement:</i>  <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>  <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>  <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>  <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>	1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14

<b>Policy Area: Policy Area 20 - Low Density</b>	
<p><i>Desired Character Statement:</i>  <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>  <i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.</i>  <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>  <i>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 & 4

## QUANTITATIVE ASSESSMENT

It is recognised that the proposed development incorporates the conversion of the existing community centre into a single retirement unit, with a new community centre proposed within the residential flat building. The existing community centre is a single-storey dwelling with a single-width garage and associated landscaping and private open space. Accordingly as the proposed conversion into a dwelling (retirement unit) is considered to be of a minor nature and accords with the relevant Development Plan provisions, the following table focuses on the residential flat building component of the application.

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	(existing)	3964m <sup>2</sup> (overall site area)
SITE FRONTAGE	(existing)	21.04m (existing) fronting onto Henley Beach Road
INTERNAL FLOOR AREAS Module: Residential Development PDC 9	75m <sup>2</sup> for 2 bedroom dwellings/apartments	76m <sup>2</sup> to 95m <sup>2</sup> (varies) <b>Satisfies</b>
SITE COVERAGE	(Nil)	1887m <sup>2</sup> / 47.5% approx. of overall site with all structures combined
STREET SETBACK Module: Residential Zone PDC 8	Greater than 2.0m distance - at least the average setback of the adjacent buildings (5.24m and 19.0m = 12.1m (approx.))	6.0m <b>Does Not Satisfy</b>
SIDE/REAR SETBACKS Module: Residential Zone PDC 11	Side 2.0m + plus an additional setback which is equal to the increase in wall height above 6 metres = 4.6m minimum  Rear 8.0m for two or more storey components of a building	3.0m (west - residential flat building to church boundary) 8.5m (east - residential flat building to existing retirement units) <b>Does Not Satisfy</b>  >8.0m to the northern rear boundary <b>Satisfies</b>
PRIVATE OPEN SPACE Module: Residential Development PDC 22	2 bedroom dwellings located above ground level: 11m <sup>2</sup>  2.0m minimum dimension	Balconies ranging from 7.4m <sup>2</sup> to 10.3m <sup>2</sup>  >2.0m minimum dimensions <b>Does Not Satisfy</b>
LANDSCAPING Module: Landscaping, Fences & Walls PDC 4	10% of the site	Over 1100m <sup>2</sup> (including rear private open space areas) / 27.8% <b>Satisfies</b>



CARPARKING SPACES Module: Transportation and Access PDC 34	1 car-parking space required per unit for aged care retirement homes as stipulated in Table We/To2	17 spaces provided, including 3 visitor spaces and 1 disability access space  <b>Satisfies</b>
OVERSHADOWING Module: Residential Development PDC 10, 11, 12, 13	Protect winter sunlight to adjacent dwellings' north facing windows, private open space and solar panels	The subject site is oriented north-south with the majority of potential overshadowing from the residential flat building to occur across Henley Beach Road.  <b>Satisfies</b>
BUILDING HEIGHT Module: Residential Policy Area 20 Desired Character	Buildings will be up to two storeys in height	Residential flat building: three storeys  <b>Does Not Satisfy</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:

### Surrounding Uses

The proposed development is for the second stage of a retirement village complex located off Henley Beach Road, Lockleys. The broader subject land has not been sub-divided through either stage of the proposed development. It is also noted that supported accommodation is envisaged in both the Residential Zone and Policy Area provisions.

As noted previously, the subject land adjoins St Francis Primary School and a Catholic Church immediately to the west. A dwelling and ancillary structures are located to the rear of the land and are owned by and accessed via the adjoining Catholic Church with five residential allotments located to the east of the site.

The subject site and proposed supported accommodation provides a logical transition between the church and school sites to the north and west, and the adjoining low density residential development to the east and south. Furthermore, Stage 1 of the proposed development incorporates single-storey retirement units to the north and east which provide a transition and buffer to the proposed three-storey residential flat building within the south-western corner of the site.

The proposed development, in particular the three-storey residential flat building, is considered to be acceptable in the locality as supported accommodation is envisaged within both the Zone and Policy Area and has been appropriately sited and designed to minimise the potential impacts to adjoining dwelling occupants.



## Building Height

The proposed development incorporates a three-storey residential flat building to accommodate retirement units (apartments) on the two upper levels of the building with a vertical side wall height of 8.6 metres. Principle of Development Control 6 of the Residential Zone stipulates that development should be a maximum of two storeys with a maximum vertical side wall height of 6.0 metres. The two storey maximum building height is also echoed in the Desired Character of the Low Density Policy Area 20.

It is recognised that the proposed development is greater in height and scale than envisaged in the Residential Zone and Low Density Policy Area 20. Despite this, the proposed three-storey building is considered to be acceptable in this instance for the following reasons:

- The subject site fronts onto Henley Beach Road which is a major arterial road and is also adjoining a church to the west which is of a similar height and scale to the proposed building - which is a unique setting and unlikely to be readily replicated nearby.
- The location of the building within the south-western corner of the site enables a transition in building heights from the surrounding single-storey retirement units to the proposed three-storey residential flat building which is further offset by the setbacks to surrounding buildings.
- The building façade has been designed to incorporate a pitched roof, and significant articulation and mix of materials and colours to create an attractive and interesting design to the streetscape.

Accordingly for the reasons outlined above the height of the proposed residential flat building is considered to be acceptable.

## Setbacks

### *Front Setback*

The front setback of future development on the subject site should be at least the average setback of the adjacent buildings, being approx. 5.24m (east) and 19.0m (west) equating to a minimum setback of 12.1m (approx.). The proposed front boundary setback of the residential flat building is 6.0m (south) to Henley Beach Road.

Front setbacks along Henley Beach Road within the locality of the site of the proposed development are somewhat varied and range from 5 metres to 19 metres on the northern side of the road, and 3.5 metres to 12.5 metres on the southern side of the road.

Within the locality, the western adjoining site has the greatest setback from the street (approximately 19 metres). However, this land is not residential in nature and allows for a 'horseshoe' driveway forward of the building for drop off/pick up and access to the on-site carparking facilities located on the eastern side and towards the rear of the building.

The adjoining land immediately to the east of the site, as well as the corner site on the eastern side of Kenton Street, have site areas of approximately 1,200-1,400m<sup>2</sup> and contain dwellings constructed circa 1950. These sites have considerable redevelopment potential given their size and the age of the existing homes. The Development Plan provisions allow allotments with a minimum site area of 300m<sup>2</sup>, which would allow for approximately four dwellings on each site. Given that these sites are corner allotments and in consideration of the adjoining front setback, any future development may result in a front setback between 3 and 5 metres.

The shortfall is considered to be critical to the overall merit of the application in this instance given that the front setbacks within the locality are varied, the commercial nature of the western adjoining site and the development potential of the sites immediately to the east.



### *Side Setback*

Additionally, the proposed western side boundary setback of the proposed residential flat building of 3.0 metres does not meet the minimum requirement of 4.6 metres as specified in the Residential Zone provisions. It is also noted that the proposed development incorporates a significant landscaping buffer along the western boundary.

As mentioned previously, the subject site is in a unique location where it is adjoining an existing church site to the west which incorporates significant setbacks to all boundaries including a large 'horseshoe' driveway area to the front of the site.

It is for these reasons that the shortfall in the western side boundary setback is considered to be acceptable.

### **Open Space**

The proposed balconies associated with the upper level dwellings of the residential flat building are the primary area of private open space associated with the dwellings, with a large area of communal open space of approx. 230m<sup>2</sup> located at ground level adjoining the proposed community centre. Specifically the proposed balconies will range from 7.4m<sup>2</sup> to 10.3m<sup>2</sup> in area, though all will have dimensions greater than 2.0 metres.

Whilst it is recognised that the proposed balcony areas do not meet the 11m<sup>2</sup> minimum sought for upper level dwellings with two bedrooms, this is not considered to be detrimental to the proposed development given the large area of communal open space to be provided at ground level that will offset these deficiencies. Furthermore the subject site is within 400 metres of the Lockleys Linear Park to the west and other areas of passive open space within the broader locality which will provide ample opportunity for recreation activities.

For the reasons outlined above, the proposed deficiencies in balcony sizes are not considered to be critical to the application and are considered to be acceptable.

### **Medium and High Rise Development**

In response to the representations received during the Category 3 public notification and the issues raised through an initial assessment of the application by Council, the applicant has amended the plans to:

- reduce the scale of the residential flat building from four storeys to three storeys;
- incorporate a pitched roof with hips and gables, and incorporated 3.0m ceiling heights for the ground and first floors; and
- incorporate significant articulation, architectural features and a mix of colours and materials to all facades of the proposed building.

Furthermore, the proposed building clearly addresses the Henley Beach Road frontage and the internal access road frontage, with the same standard of building articulation to the northern and western facades. A high quality masonry fence incorporating a mix of timber slats, stone veneer and metal work with acoustic panels will be erected along the front boundary incorporating a vehicle access gate and pedestrian gate. The broader subject site, including the communal open space area, will be landscaped with a mix of plants including mature plantings which will contribute to an attractive and pleasant environment, particularly given the arterial road frontage of the site.

The lobby area will be provided at ground level enabling convenient access to the upper level apartments, and the new community centre will be easily identifiable and accessible from ground level with a clear building entrance and a disability access car park to the front. Letterboxes for the retirement village complex will be located within the communal garden area and the waste refuse area will be located to the rear of the site and screened from view by plantings.



In consideration of the elements discussed above, the proposed development generally accords with the intent of the medium rise development provisions of the Development Plan.

## SUMMARY

The subject site is ideally located in Lockleys within walking distance to public transport, local-scale shops and several areas of communal public open space, such as the Linear Park and Kooyonga Golf Course. This particular site offers an ideal transition between low density residential development to the east and south, and the church and school site, and further retirement living development to the west and north.

The proposed conversion of the existing community centre to a single retirement living unit is considered to be appropriate as the overall building design can support this change including the provision of both an undercover and visitor car park, and an area of private open space to the rear. Accordingly the conversion of this building to an additional unit is considered to be minor in nature and acceptable.

The two-staged approach to the development has enabled a transition between single-storey retirement units to the north and east, thereby creating a buffer to the existing surrounding residential development, whilst utilising the location of the site fronting onto Henley Beach Road to develop a high quality retirement living building that offers further variety in housing choice for the local population.

The proposed development meets the sole objective of the *Supported Accommodation, Housing for Aged Persons and People with Disabilities* section of the Development Plan, specifically being the 'provision of well-designed supported accommodation for community groups with special needs in appropriate locations'. Furthermore, supported accommodation is envisaged in both the Residential Zone and Policy Area 20 provisions of 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.

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. 211/476/2015/2 by David Romaldi Architects to undertake the construction of a three-storey (3) storey residential flat building comprising twelve (12) dwellings, a community centre and associated carparking and landscaping; and, conversion of the community centre (Stage 1) into a single storey detached dwelling associated with the retirement village complex, and removal of two (2) *Phoneix canariensis* (Canary Island Date Palms). (STAGE 2) at 452 Henley Beach Road, Lockleys (CT 5213/662) 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 1993*):

### Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 14 June 2016 as detailed in this application except where varied by any condition(s) listed below.



2. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage shall not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.

For this purpose final stormwater management details, including calculations of stormwater detention, disposal and reuse and water quality design and calculations shall be submitted to and approved by Council prior to or at the time of application for Building Rules Consent.

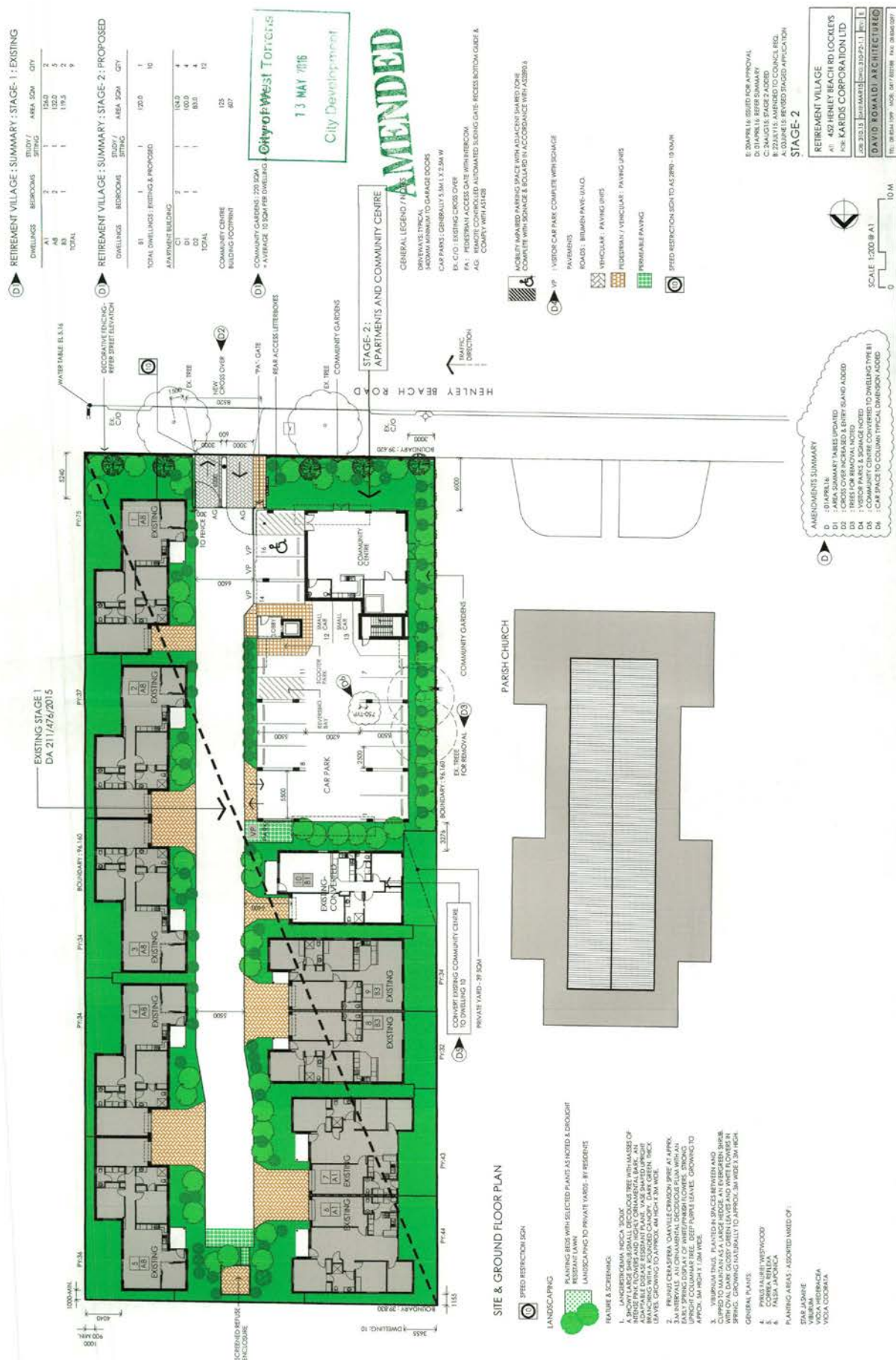
3. That all driveways, parking and manoeuvring areas shall be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
4. That all carparking spaces shall be linemarked, in accordance with the approved plans and in accordance with Australian Standard 2890.1, 2004 Parking Facilities, Part 1, Off Street Carparking, prior to the occupation of the proposed development. Linemarking and directional arrows shall be clearly visible at all times.
5. That all landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.
6. Appropriate measures and adequate provision shall be made on-site for a private contractor to collect all domestic refuse from wholly within the site and collection shall occur between the hours of 7am and 6pm weekdays only.
7. That any lighting of internal driveways shall be directed and screened so that light spill is not a nuisance to adjoining properties.
8. Prior to the removal of the tree approved herein, \$168 shall be paid into the Planning and Development Urban Tree Fund (2 replacement trees @ \$84/tree) in lieu of replanting. Cheques are to be made payable and marked "Not Negotiable" to the Development Assessment Commission and payment made on the 5th Floor, Roma Mitchell House, 136 North Terrace, Adelaide or sent to GPO Box 1815 Adelaide 5001. For payments by mail, please include Development Number, Applicant Name and Address of the Development. Payment may also be made over the phone with Credit Card (Mastercard or Visa) by calling the Development Assessment Commission's Customer Service Officer on 8303 0724.
9. Council requires one (1) business day's notice of the following stages of building work:
  - Commencement of building work on site.
  - The commencement of placement of any structural concrete.
  - The completion of wall and roof framing prior to the installation of linings.
  - Completion of building work.



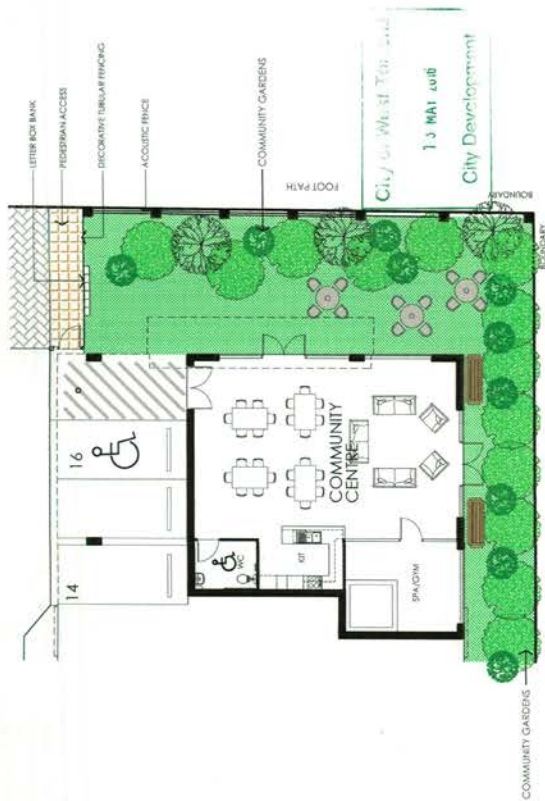
### **Department of Planning, Transport and Infrastructure Conditions**

1. All vehicles shall enter and exit the sites in a forward direction.
2. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.









COMMUNITY CENTRE : 129 SQM TOTAL  
A3 GROUND FLOOR COMMUNITY CENTRE

AMENDMENTS SUMMARY  
A1 : PLANNING  
A2 : LEVEL 3 DELETED AND REPLACED WITH ROOF PLAN  
A3 : MINOR REDESIGN TO APARTMENT LAYOUTS & TYPES REMAINED  
A4 : MINOR REDESIGN TO COMMUNITY CENTRE  
A5 : COMMUNITY CENTRE CONVERTED TO DWELLING TYPE B1

AMENDED

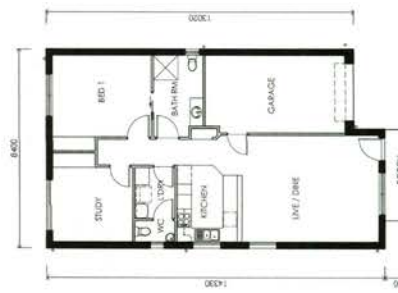
10. 20 APRIL 14 ISSUED FOR APPROVAL  
11. 04 APRIL 14 REVISION SUMMARY

STAGE - 2

RETIREMENT VILLAGE  
A3 : 452 HINLEY BEACH RD LOCKLEYS  
FOR KARDIS CORPORATION LTD  
JOB 30115 BUILDING 100-112  
DAVID TOWARDI ARCHITECTURE  
TEL: 09 834 1099 FAX: 017 638181 FAX: 0844 6287



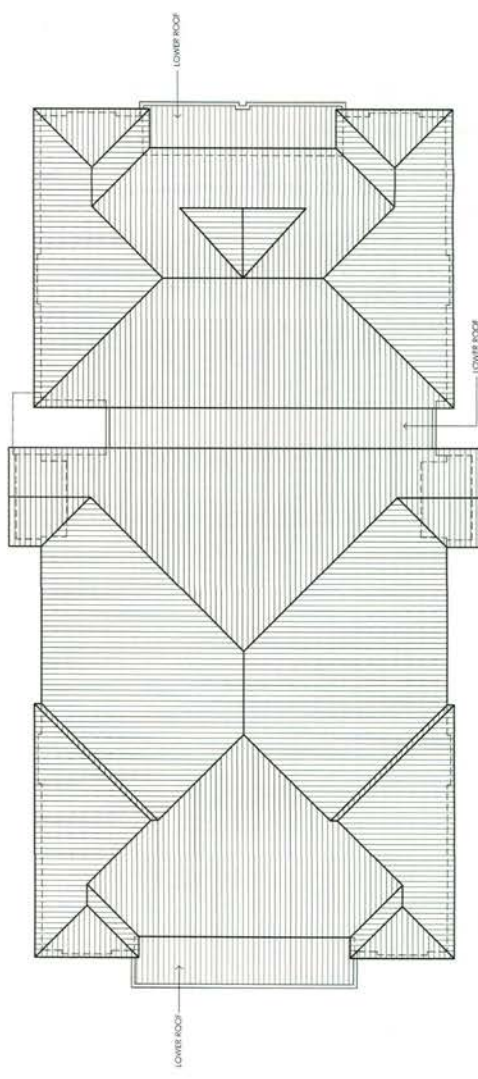
SCALE 1:100 @ A1  
0 5 M



DWELLING TYPE B1  
1 BEDROOM + STUDY  
LIVING : 18.0 SQM  
BED : 11.0 SQM  
TOTAL : 29.0 SQM



A2 APARTMENT BUILDING : LEVELS - 1 & 2

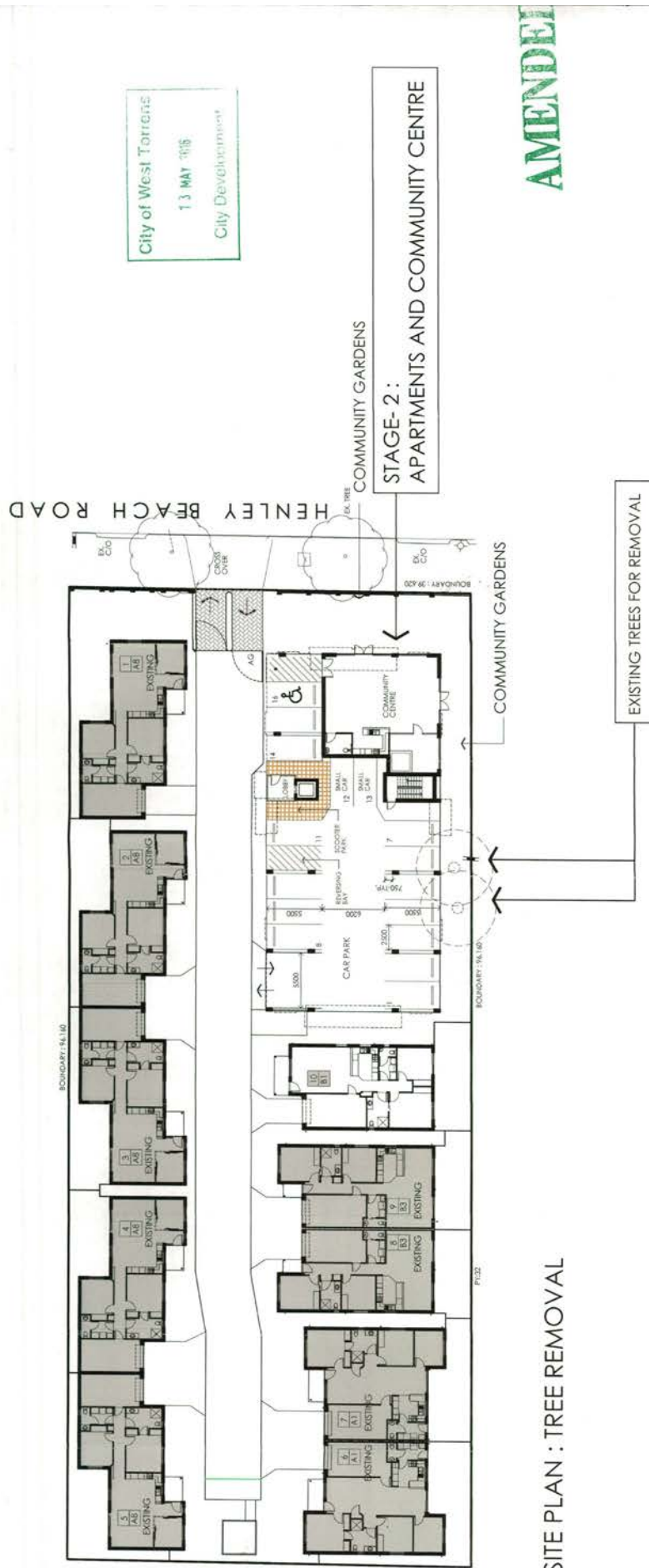


A1 LEVEL 3 DELETED  
APARTMENT BUILDING : ROOF PLAN









SITE PLAN : TREE REMOVAL

B: 20 APRIL 16: ISSUED FOR APPROVAL  
A: 01 APRIL 16: REVISED FOR SUBMISSION

## STAGE-2

RETIREMENT VILLAGE  
AT: 452 HENLEY BEACH RD LOCKLEYS  
FOR: KARIDIS CORPORATION LTD

JOB: 310.15 DATE: MAR15 DWG: 310-P2-3.1 REV: B

DAVID ROMALDI ARCHITECTURE©

TEL: 08 8244 1099 MOB: 0417 832188 FAX: 08 8345 0297

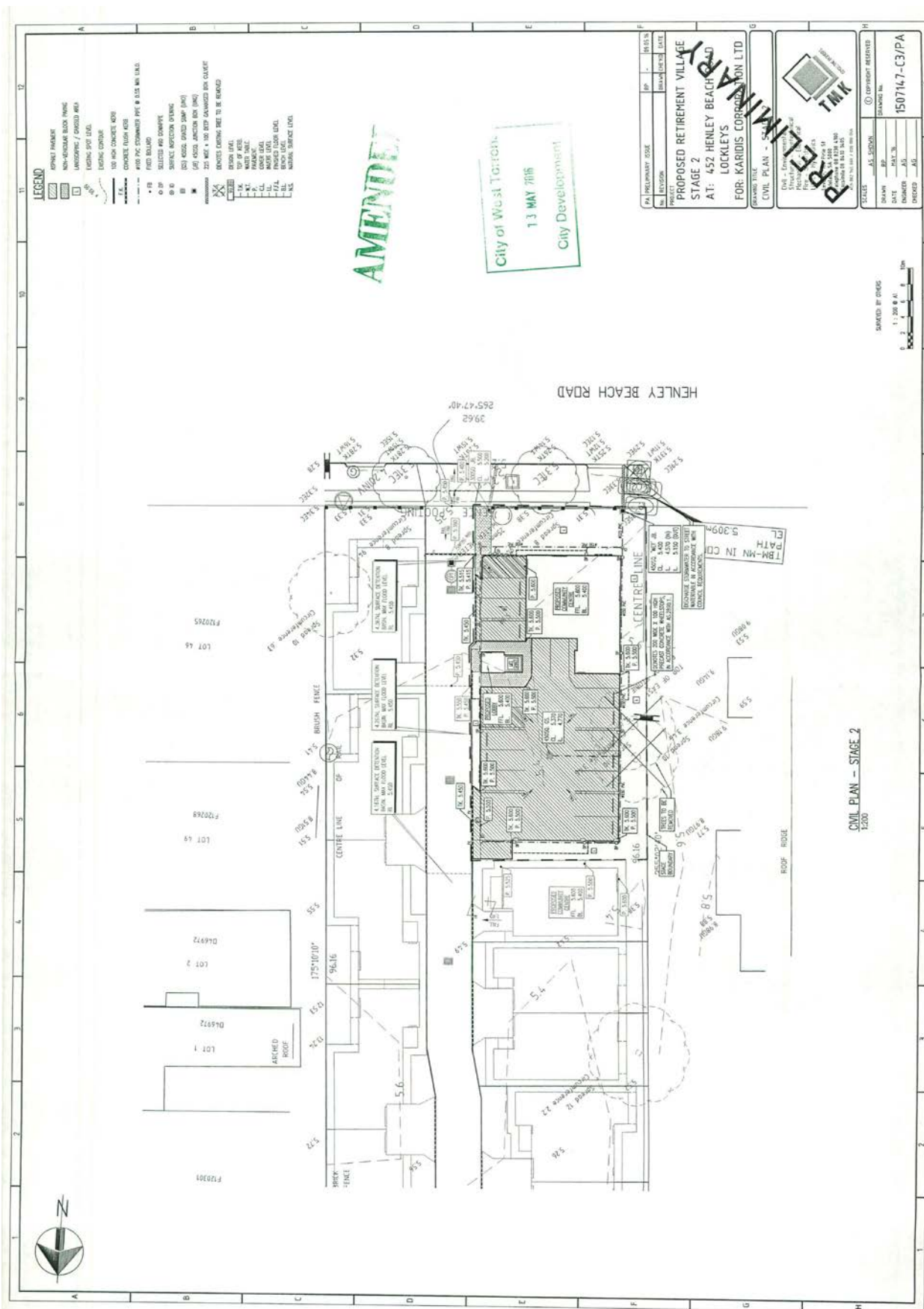




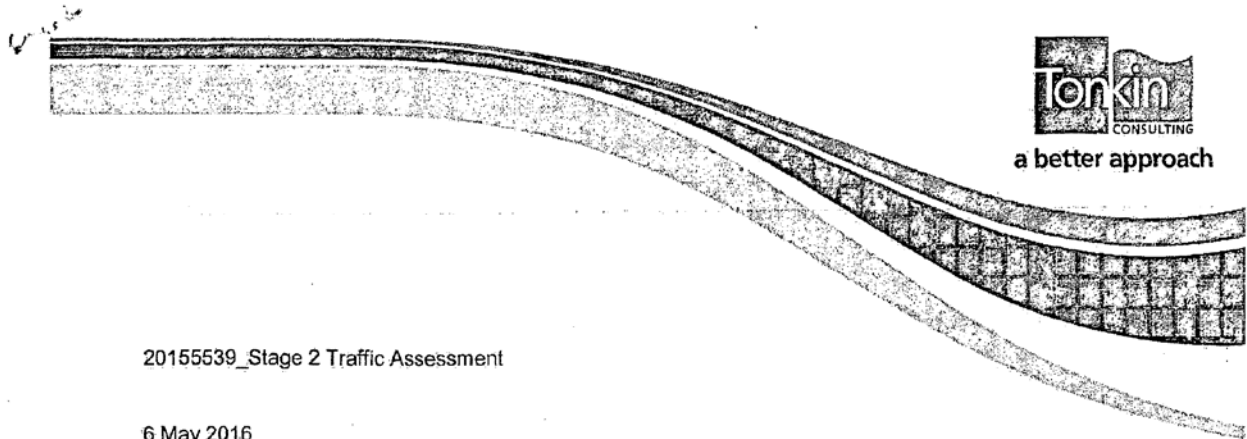












20155539\_Stage 2 Traffic Assessment

6 May 2016

Mark Booth  
Construction Manager  
Karidis Corporation Ltd  
Email: [markb@karidis.com.au](mailto:markb@karidis.com.au)

City of West Torrens

13 MAY 2016

City Development

Dear Mark

#### 452 HENLEY BEACH ROAD – STAGE 2 TRAFFIC RESPONSE

##### Introduction

Tonkin Consulting has been engaged by Karidis Corporation to provide general traffic input and advise into the development of the retirement village at 452 Henley Beach Road. This letter addresses traffic concerns raised by Council in their correspondence dated 31 March 2016.

We understand the Development Application for 'Stage 2' was originally based on the construction of 14 dwellings (in a 4 story apartment building), associated community centre and undercroft parking for 16 vehicles.

We have been advised that the development application will be modified to address various concerns raised by Council and respondents to include 12 dwellings in a 3 story apartment building. The internal road layout (already existing as part of Stage 1 development), the number of additional car parks to be provided, and general access arrangements to/from Henley Beach Road will remain unaltered.

##### Car Park Numbers

The reduction in the number of dwellings effectively increases the parking supply for visitors. Previously 16 spaces were available for 14 dwellings (that is 14 + 2 visitors). The modified proposal will result in 12 spaces for the dwellings + 4 visitors.

##### Car Park Dimensions

Council raised concern over the dimensions of the car park bays with regard to the location of the pillars. We have confirmed the pillars are located 750mm from the outer edge of the parking space in accordance with AS2890.1 (Off Street Parking).

TONKIN CONSULTING ABN 67 606 247 876 ACN 608 247 876. W [www.tonkin.com.au](http://www.tonkin.com.au)

<b>Adelaide</b> Level 2, 66 Rundle Street Kent Town SA 5067 T +61 8 8273 3100 F +61 8 8273 3110 E <a href="mailto:adelaide@tonkin.com.au">adelaide@tonkin.com.au</a>	<b>Bent</b> 6 Key Avenue, PO Box 2248 Bent SA 5343 T +61 8 8582 2700 F +61 8 8582 2277 E <a href="mailto:bent@tonkin.com.au">bent@tonkin.com.au</a>	<b>Darwin</b> Unit 34, 16 Chaffin Court Woodner NT 0820 T +61 8 8981 7155 F +61 8 8981 7455 E <a href="mailto:darwin@tonkin.com.au">darwin@tonkin.com.au</a>	<b>Mt Gambier</b> 1 Krummel Street, PO Box 1182 Mt Gambier SA 5250 T +61 8 8723 5002 F +61 8 8723 5004 E <a href="mailto:mtgambier@tonkin.com.au">mtgambier@tonkin.com.au</a>	<b>Queensland</b> Suite 14, 76 Wises Road Maroochydore QLD 4558 T +61 7 5370 4272 F +61 7 5443 6822 E <a href="mailto:paula.reeves@tonkin.com.au">paula.reeves@tonkin.com.au</a>	<b>Mildura</b> 180 Langtree Avenue Mildura VIC 3500 T +61 8 8582 2700 F +61 8 8273 3110 E <a href="mailto:mildura@tonkin.com.au">mildura@tonkin.com.au</a>
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Development | Environment | Local Government | Mining & Resources | Spatial | Transport | Water





#### **Refuse Vehicle Access**

Tonkin Consulting previously prepared a drawing confirming a smaller refuse truck can undertake a reverse side turn utilising the undercroft car park driveway. Refer attached.

We have been advised that refuse collection would be via a small rear lift waste truck:

- 6.6m long x 2.5m wide x 2.4m high

The plan is based on the development using a 6.5m x 2.45m vehicle within Autoturn. This was the nearest 'standard' vehicle available within the software and we believe is reasonably representative.

The plan shows that a vehicle can undertake a 'reverse side turn' using the car park driveway:

- Forward in from Henley Beach Road
- Reverse into car park
- Forward out into driveway (toward HB Road)
- Reverse back to the bins
- Forward out to Henley Beach Road

We believe this is an acceptable arrangement given the low frequency that the movement will be required.

#### **General Traffic Conditions**

We note that many of the respondents to the initial development application raised concern over parking numbers, general access arrangements and traffic conditions along Henley Beach Road. The availability of parking spaces for visitors has been addressed above. With regard to general traffic and congestion concerns, it is worth clarifying that the construction of 12 retirement living apartments will only increase traffic movements by around 48 vehicle trips per day (24 in and 24 out) based on 4 trips / dwelling / day.

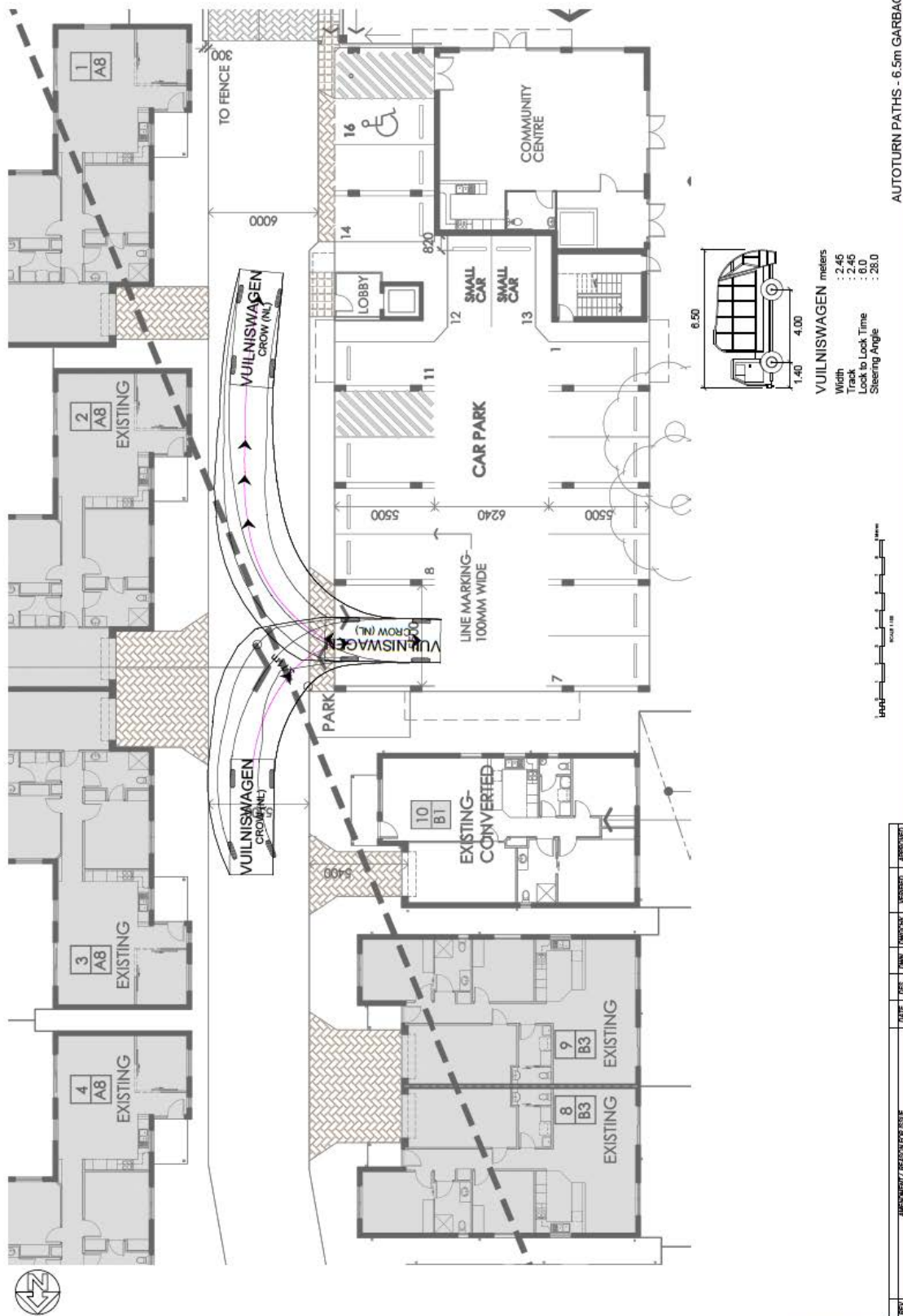
#### **Summary**

Overall we believe the development can be supported from a traffic and parking perspective.

Yours faithfully  
TONKIN CONSULTING

  
PC SIMONS  
Senior Project Manager





AUTOTURN PATHS - 6.5m GARBAGE TRUCK  
KARDIS CORPORATION  
HENLEY BEACH RD

www.torikin.com.au

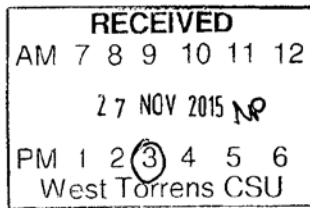
**Torikin** Consulting  
a better approach

Job No: 2015.0539  
Filename: 20150539\_AUTOTURN.DWG  
Survey By: [blank]  
Survey Date: [blank]  
Scale: 1:100  
Sheet Size: A1

DATE	DES	CHK	APPROVED	REVISION



ATTACHMENT 2

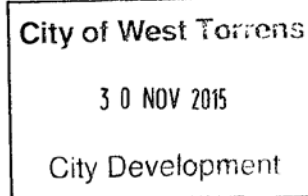


25 November 2015

Mrs R. J. Chapman

451 Henley Beach Rd

LOCKLEYS 5032



To the Chief Executive Officer

West Torrens Council

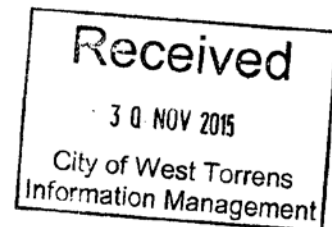
165 Sir Donald Bradman Drive,

Hilton, 5033.

Re: Development No: 211/476/2015/2

452 Henley Beach Rd,

Lockleys SA 5032



Dear Sir/Madam

I wish to lodge my strong objections to the Stage Two (2) development application for the property located at 452 Henley Beach Rd, Lockleys 5032 Development No: 211/476/2015/2.

**BACKGROUND**

Our Family have owned and built several properties in the immediate surrounding area together with our principal place of residence situated opposite the development site at 451 Henley Beach Rd, Lockleys which is in a council Historic Character Area. We were of the understanding that the immediate area was restricted to low density housing of not more than 2 stories high and that units and apartments were strictly forbidden.

We understand the current need for increased accommodation for housing for the aged within reason which is why we did not object to the original development (stage 1), however we are amazed to see that the developer is now trying to seek approval for an additional 15 units on what seems to be a quarter of the site (3/4 of the site already being approved for 9 dwellings and community centre) being some 4 storeys in height under the guise of calling it a retirement village.



We strongly feel that this is a total **overdevelopment** of the site and **totally out of character of the immediate area** and that council should strongly enforce its guidelines of keeping the area low density and restricted to 2 storeys in height thereby retaining the existing character of the area.

If council approves this stage 2 development application it will only set a precedent and council will be flooded with similar development applications which will totally destroy the character of the area.

### **OUR OBJECTIONS BASED ON THE FOLLOWING REASONS**

- The site is in Zone 21 which restricts development to low density housing and not more than 2 storeys high, which states that development should not be undertaken unless it is consistent with the desired character for the policy area.
- It is directly opposite a Historic Conservation Area which enforces buildings to keep the character of the existing surrounds and houses.
- The approved dwellings (9 + community centre) take up approx three quarters (3/4) of the site which would mean that they are trying to add an additional 15 dwellings to a quarter (1/4) of the site resulting in a complete over development of the remaining land. (By my calculations they are trying to build 15 apartments on a site area of 955 sq m which would permit them to be only 63.6 sq m in size).
- Does not conform to the existing streetscape of the immediate area with exception to the Catholic Church.
- The setbacks are totally inadequate and the front setback should be 12 sq m or at least in line with the majority of setbacks in the street. The side and rear setbacks are totally inadequate considering the height of the building and walls.



- The private open space does not conform to the guidelines and the balconies are too small and do not conform.
- There is serious privacy concerns as the eastern side of the building would totally overlook the whole of our properties on the eastern boundary not to mention other properties in Kenton St. The western side of the units would also invade the whole of the privacy of the units that are already approved not to mention the school and the Nuns property to the north.
- There is a serious problem with overshadowing on all sides of the building especially the church on the western side which would get no sun at all especially in winter and block there side windows and cause mould and dampness not to mention making it very cold
- There is insufficient number of parking space allowing only 1 per unit, considering some of the units have 3 bedrooms and the others have 2 bedrooms and a study (that could easily be converted to a 3<sup>rd</sup> bedroom) which allows only 1 car per unit.
- There are no parking spaces for staff, management and insufficient parking for visitors, disabled and medical and support vehicles not to mention sufficient space for an ambulance to park or manoeuvre within the site without blocking access to other residents. The law states that there should be .25 per dwelling for visitor parking.
- The size of the parking spaces is not large enough to fully open car doors as required by law for housing for the aged and disabled.
- There is no provision for manoeuvring cars and community buses and no provision for a suitable turning circle.
- There is no provision as required for storage areas for items such as boats, trailers, caravans and specialised equipment such as mobility scooters (electric powered vehicles).



- There is no external storage spaces for things like tools, golf clubs, boxes sports equipment, wine storage, bicycles and the like and no provision for storage cages or garden sheds for each unit.
- There does not seem to be provisions for a footpath within the whole site to make it safe for resident, visitors and the like to enter and exit the whole site in a safe manner.
- There is insufficient public and private open space and no usable recreation areas for residents, visitors, visiting children with the exception of a small community centre and small garden.
- The vehicular access to the whole development is insufficient and any cars coming in a westerly direction on Henley Beach Rd would have to drive down and into Clyde Ave to turn around to drive in an easterly direction to access the entrance. (It is illegal to do a U turn at the church and entrance to the school). Also cars exiting the property and wishing to travel to the west along Henley Beach Rd would have to either, drive east and enter Torrens Ave to turn around to travel in a westerly direction or alternatively drive into Willingale Ave to turn around safely as again it is illegal to do a U turn at this junction.
- The development does not conform to many aspects of Council's policy for Supported Accommodation, Housing for Persons and People with Disabilities, especially as it is not within walking distance of convenient shops/health/community services/ doctors and chemists/hairdressers. The only shops within walking distance are a butcher and a small delicatessen. All other shopping such as supermarket/greengrocer/bank/food outlets/chemist /doctors/bottle shop etc would require travelling by bus or car to Fulham Gardens.
- There is no provision for clothes drying areas.
- There does not seem to be provision for on site management/caretaker office and storage for essential equipment.



## **IN CONCLUSION**

We consider this whole Development Application 211/476/2015/2

(Stage 2) to be a total overdevelopment of the site and not in character or consistent with character of the policy area and detrimental to the surrounding neighbours including the adjoining properties and to the houses opposite. The site area is not suitable for 24 units and dwellings on such a small site even if it is a Retirement Village.

In the developers initial application for Stage 1 they admit that the development does not comply in the following areas:

- Does not comply with the average site area for housing seniors.
- Does not comply with building height.
- Does not comply with setbacks.
- Does not comply with private open space.
- The development is Medium Density in a Low Density Area.

This can all be confirmed in the Development Assessment Panels, Agenda on 11 August 2015 page 43, 44.

As I mentioned earlier if approved it would set a precedent and we could end up with a flood of multi-storey developments under the guise of retirement villages which in turn would be detrimental to the streetscape, character and environment of this section of Lockleys and Henley Beach rd.

The only conditions of approval that we would consider is the approval of 3 extra single story dwellings that would make a total of 12 dwellings and a community centre for the complete whole site.

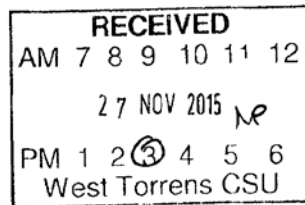
I would strongly urge the council's development assessment panel to **totally reject** this current Stage 2 development application in its current form.

Yours Sincerely,



**Rosalind Chapman**





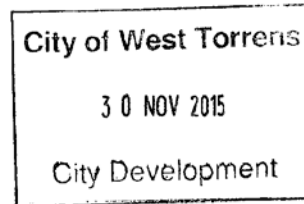
25 November 2015.

Briony Nottage

451 Henley Beach Rd

Lockleys, SA 5032.

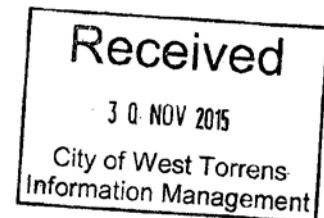
To the Chief Executive Officer  
West Torrens Council  
165 Sir Donald Bradman Drive,  
Hilton, SA 5033.



Re: Development No: 211/476/2015/2

452 Henley Beach Rd,

Lockleys, SA 5032



Dear Sir/Madam

I wish to lodge my strong objections to the Stage 2 development application for the proposed 4 storey building Development Proposal Development No: 211/476/2015/2 (Stage 2) at 452 Henley Beach Road, Lockleys, SA, 5032.

I am vehemently opposed to this gross overdevelopment of this site.

The amount of extra congestion and traffic which this over development would generate in this area would be intolerable. Three people have lost their lives on the Henley Beach Road between Willingale Avenue and Strathmore Avenues just within my lifetime and I fear for children who attend the St Francis School and those children including my own grandchildren living in the near vicinity not to mention the elderly and those attending Christ the King Parish Church who would have to negotiate an ever increasingly busy main road but also the busy drive way which these extra 15 dwellings would cause in an already congested area.



In this small section of road there have also been numerous car accidents and with an increase of elderly drivers both in cars and on mobility scooters, elderly pedestrians and primary school children and bike riders on the foot paths, I believe it will become a toxic mix. One only has to stand and watch the cars entering and exiting the drive way at the side of the Church both before and after school and the volume of cars parked in the streets close by at those times to see how dangerous it has become even now and during these times and during times of funerals & weddings at the church and at other times when there are events there or at the school it becomes quite difficult to gain access to our properties in the near vicinity. The amount of extra traffic this Stage 2 proposal would cause cannot be overlooked.

I find it difficult to understand why this Stage 2 development would even be considered for this area if not for financial gain. This Stage 2, 4 storey development is in no way consistent with the character of the surrounding properties and for the residents and ratepayers of this area to have to put up with living near or alongside of such a gross overdevelopment of this site is an abomination. I live in a zone which council has deemed a Historic Character Area and I am being asked to look from my bedroom, Lounge and dining room windows onto a 4 storey abomination which will tower above us all offering no privacy and severely impact upon our lifestyles.

I feel that a 4 story apartment building would have a severe impact on the privacy of all the surrounding dwellings in the immediate vicinity. It has insufficient setbacks on all sides especially the frontage to Henley Beach Rd and even the developer admits that it does not comply in his Stage 1 application that was submitted in August 2015, on the following grounds:

- Does not comply with the average site area for housing seniors.
- Does not comply with building heights.
- Does not comply with setbacks.
- Does not comply with private open space areas required under law.
- And that their development is Medium Density in a Low Density Area.



## **IN CONCLUSION**

I consider this whole Development Application 211/476/2015/2 (stage 2) to be a total overdevelopment of the site and not in character or consistent with character of the policy area and detrimental to the surrounding neighbours including the adjoining properties and to the houses opposite. The site area is not suitable for 24 units and dwellings on such a small site even if it is a Retirement Village.

If approved it would set a precedent and we could end up with a flood of multi-storey developments under the guise of retirement villages which in turn would be detrimental to the streetscape, character and environment of this section of Lockleys and Henley Beach Rd.

I implore the council's Development Assessment Panel to totally reject the Stage 2 development of this development application Development No: 211/476/2015.2.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Briony Nottage', with a stylized, cursive script.

Briony Nottage



Page 1 of 1

**From:** Sharpe [sharpe.mn@gmail.com]  
**Sent:** Thursday, 26 November 2015 1:45:53 PM  
**To:** Development  
**Subject:** Opposition to 211/476/2015 at 452 Henley Beach Road, Lockleys

Dear Chief Executive Officer,

I am writing to let you know that I object to the the development proposal -Development No: 211/476/2015/2 (stage 2) at 452 Henley Beach Road, Lockleys SA.

Earlier this year, the proposed TWO STOREY building was a concern as it does not fit with the residential houses it surrounds, and now we are shocked to find that they have DOUBLED the height to a FOUR storey building. This should not be allowed to progress.

My sister and her family live next door at 448 Henley Beach Road and already there are congestion issues with the church and school next to the planned development. We can often not find a park near my sisters house as streets are full of cars, and are in need of increased car parking. But to make that worse by putting such a large development next door seems irresponsible.

I object to the 4 storey building as it is out of the character of the road and it does not fit in with the surrounding one and two storey homes. Not only is it a potential risk to school children who enter and exit the driveway adjacent, to get to St Francis School, but a potentially dangerous place for a retirement village.

I hope you are aware that the crossing down the street was placed there because an elderly resident was hit and killed by a car on the stretch of road, right outside where the development is planned. Although there is now a crossing further down the road I have witnessed elderly people and families still dashing across the road and believe that it is still a dangerous section of road, and that such a large development will increase the risk than another person will be killed on that same stretch of road.

I myself have a 4 year old daughter and a baby who play and often stay at the house next door, and if the development goes ahead, I will feel uncomfortable that there could be strangers watching them play with the issue of privacy and overshadowing. And I certainly do not want them to witness the death of an elderly person being hit or run over on the road outside. People who I know that saw the old lady, are still traumatised to this day.

In regards to privacy, I request that all windows facing east are above eye level and are frosted windows, so that no one can look into neighbouring properties and see my children play at 448 Henley Beach Road.

I also believe that because of it's proximity to a school and access to children, all staff and residents who have access to the street, school, or viewing of children from their bedroom windows, should have police checks done, to ensure you are keeping those children safe and not increasing the risk of pedophiles or child groomers having immediate and viewing access to the school and passing children and families.

Please STOP this development from changing from a TWO to a FOUR storey as it is a total overdevelopment of the site and will ruin the look of the road.

Yours sincerely,

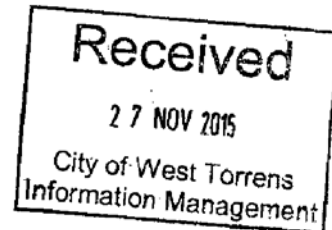
Matthew & Natasha Sharpe  
19 Coleman Street, Heathmont, Victoria.



25 November 2015.  
Ian Chapman  
7 Heaton Ave,  
Clontarf NSW 2093.

To the Chief Executive Officer  
West Torrens Council  
165 Sir Donald Bradman Drive,  
Hilton, 5033.

Re: Development No: 211/476/2015/2  
452 Henley Beach Rd,  
Lockleys SA 5032



Dear Sir,

I wish to lodge my strong objections to the Stage Two (2) development application for the property located at 452 Henley Beach Rd, Lockleys 5032 Development No: 211/476/2015/2.

### **Background**

Our Family have owned 3 properties adjoining the eastern boundary of the proposed development for over 5 generations along with other properties in the immediate surrounding area together with our principal place of residence situated opposite the development site at 451 Henley Beach Rd, Lockleys which is in a council Historic Conservation Area.

We have built some of the original houses since the area was first established and always understood that the area had strict building guidelines, the main one being that the immediate area was restricted to low density housing of not more than 2 stories high and that units and apartments were strictly forbidden.

We understand the current need for increased accommodation for housing for the aged within reason which is why we did not object to the original development (stage 1), however we are amazed to see that the developer is now trying to seek approval for an additional 15 units on what seems to be a quarter of the site (3/4 of the site already being approved for 9 dwellings and community centre) being some 4 storeys in height under the guise of calling it a retirement village.



We strongly feel that this is a total **overdevelopment** of the site and **totally out of character of the immediate area** and that council should strongly enforce its guidelines of keeping the area low density and restricted to 2 storeys in height thereby retaining the existing character of the area.

If council approves this stage 2 development application it will only set a precedent and council will be flooded with similar development applications which will totally destroy the character of the area.

### **OUR OBJECTIONS BASED ON THE FOLLOWING REASONS**

- The site is in Zone 21 which restricts development to low density housing and not more than 2 storeys high, which states that development should not be undertaken unless it is consistent with the desired character for the policy area.
- It is directly opposite a Historic Conservation Area which enforces buildings to keep the character of the existing surrounds and houses.
- The approved dwellings (9 + community centre) take up approx three quarters (3/4) of the site which would mean that they are trying to add an additional 15 dwellings to a quarter (1/4) of the site resulting in a complete over development of the remaining land. (By my calculations they are trying to build 15 apartments on a site area of 955 sq m which would permit them to be only 63.6 sq m in size).
- Does not conform to the existing streetscape of the immediate area with exception to the Catholic Church.
- The setbacks are totally inadequate and the front setback should be 12 sq m or at least in line with the majority of setbacks in the street. The side and rear setbacks are totally inadequate considering the height of the building and walls.
- The wall heights and length do not conform.
- The private open space does not conform to the guidelines and the balconies are too small and do not conform.



- There is serious privacy concerns as the eastern side of the building would totally overlook the whole of our properties on the eastern boundary not to mention other properties in Kenton St. The western side of the units would also invade the whole of the privacy of the units that are already approved not to mention the school and the Nuns property to the north.
- There is a serious problem with overshadowing on all sides of the building especially the church on the western side which would get no sun at all especially in winter and block there side windows and cause mould and dampness not to mention making it very cold
- There is insufficient number of parking space allowing only 1 per unit, considering some of the units have 3 bedrooms and the others have 2 bedrooms and a study (that could easily be converted to a 3<sup>rd</sup> bedroom) which allows only 1 car per unit.
- There are no parking spaces for staff and insufficient parking for visitors, disabled and medical and support vehicles not to mention sufficient space for an ambulance to park or manoeuvre within the site without blocking access to other residents. The law states that there should be .25 per dwelling for visitor parking.
- The size of the parking spaces is not large enough to fully open car doors as required by law for housing for the aged and disabled.
- There is no provision for manoeuvring cars and community buses and no provision for a suitable turning circle.
- There is no provision as required for storage areas for items such as boats, trailers, caravans and specialised equipment such as mobility scooters (electric powered vehicles).
- There is no external storage spaces for things like tools, golf clubs, boxes sports equipment, wine storage, bicycles and the like and no provision for storage cages or garden sheds.
- There does not seem to be provisions for a footpath within the whole site to make it safe for resident, visitors and the like to enter and exit the whole site in a safe manner.



- There is insufficient public and private open space and no usable recreation areas for residents, visitors, visiting children with the exception of a small community centre and small garden.
- The vehicular access to the whole development is insufficient and any cars coming in a westerly direction on Henley Beach Rd would have to drive down and into to Clyde Ave to turn around to drive in an easterly direction to access the entrance. (It is illegal to do a U turn at the church and entrance to the school). Also cars exiting the property and wishing to travel to the west along Henley Beach Rd would have to either drive east and enter Torrens Ave to turn around to travel in a westerly direction or alternatively drive into Willingale Ave to turn around safely as again it is illegal to do a U turn at this junction.
- The development does not conform to many aspects of Councils policy for Supported Accommodation, Housing for Persons and People with Disabilities, especially as it is not within walking distance of convenient shops/health/community services/ doctors and chemists/hairdressers. The only shops within walking distance are a butcher and a small delicatessen. All other shopping such as supermarket/greengrocer/bank/food outlets/chemist /doctors/bottle shop etc would require travelling by bus or car to Fulham Gardens.



## **IN CONCLUSION**

We consider this whole Development Application 211/476/2015/2 (stage 2)

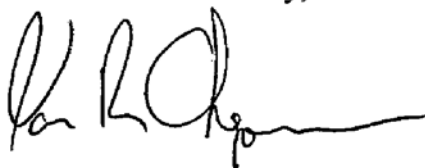
to be a total overdevelopment of the site and not in character or consistent with character of the policy area and detrimental to the surrounding neighbours including the adjoining properties and to the houses opposite. The site area is not suitable for 24 units and dwellings on such a small site even if it is a Retirement Village.

As I mentioned earlier if approved it would set a precedent and we could end up with a flood of multi-storey developments under the guise of retirement villages which in turn would be detrimental to the streetscape, character and environment of this section of Lockleys and Henley Beach rd.

The only conditions of approval that we would consider is the approval of 3 extra single story dwellings that would make a total of 12 dwellings and a community centre for the complete whole site.

I would strongly urge the council's development assessment panel to **totally reject** this current Stage 2 development application in its current form.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Chapman', with a long horizontal flourish extending to the right.

Ian Chapman.



<p><b>Petition summary and background</b></p>	<p>Development No: 211/476/1025/2 Subject land: 452 Henley Beach Rd, LOCKLEYS SA 5032.</p> <p>STAGE 2, Construction of a four (4) storey residential flat building comprising fourteen (14) dwellings, a community centre and associated car parking and landscaping and change the community centre (Stage 1) into a dwelling. Note: Stage one (1) already has approval for nine (9) dwellings and community centre.</p>
<p><b>Action petitioned for</b></p>	<p>We, the undersigned, strongly object to the proposed STAGE two (2) development of the site which would make a total of 24 dwellings on the site which is Zoned for low density housing, for the following reasons: It is a total overdevelopment of the site, does not conform to existing housing and is not of a scale and appearance that reflects the residential style and character of the locality.</p>

[illegible]



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

NAME OF PERSON(S) MAKING REPRESENTATION ADDRESS IAN R. CHAPMAN.

REASONS FOR \*  
REPRESENTATION

TO STRONGLY OBJECT TO THE OVERDEVELOPMENT  
OF THE SITE AND THE CHARACTER OF THE  
STREETSCAPE, TO OBJECT TO A 4 STORY  
BUILDING BEING BUILT IN AN LOW DENSITY  
ZONE

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

SIGNED For [Signature]  
DATE 25 Nov 2015

(FORM 3)  
Responsible Officer: Jasmine Walters  
Ends: Friday 27 November 2015





Our ref: GM/215290

26 November 2015

The Chief Executive  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

[development@wtcc.sa.gov.au](mailto:development@wtcc.sa.gov.au)

Dear Sir

**DA 211/476/2015 - 452 Henley Beach Road, Lockleys**

I act for :

1. Condo Investments Pty Ltd and its Director Frank Condo which is the owner of 453 Henley Beach Road, Lockleys SA (453). There is a single storey dwelling on the land together with an associated tennis court and a swimming pool.
2. Anna and Frank Condo as the owners of 455 Henley Beach Road, Lockleys upon which is established essentially a single storey dwelling, and
3. Condo and Sons Pty Ltd and Lawrence Condo as the owners of 457 Henley Beach Road, Lockleys upon which is established a single storey dwelling.

My clients have instructed me to lodge a representation opposing the development the subject of the above Development Application.

The land the subject of the proposed development is directly across the road from the land at 453 and which dwelling is occupied by Frank and Anna Condo.

**Proposed development**

It is understood that the land the subject of the application is "part of" 452 Henley Beach Road. Further, it is understood that in August 2015, the Council granted Development Plan Consent for a "retirement village" comprising 9 dwellings on the land. That development concentrated on the northern section and eastern section of that land. Apparently that application was described as "Stage 1".

Council has now received an application for "Stage 2" which I understand involves the construction of a four storey residential flat building comprising 14 dwellings, a



– 2 –

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community centre and other associated facilities. The proposal is, in a sense, located in the south western corner (on the balance) of the land at 452 Henley Beach Road.

### **The locality**

The subject land is immediately adjacent to the St Francis Church. It is noted that there is a two way access on the eastern side of St Francis Church which provides the only vehicular access to the St Francis Primary School which is located to the rear of the St Francis Church, noting that the School oval has a frontage to Arcoona Avenue but no vehicular access to the school grounds. Further, there is a hall at the rear of the Church which is used by the Church and the School.

Immediately to the west of the Church are a number of “units”, in single storey format.

The locality comprises essentially single storey development with an occasional two-storey building. Obviously, the Church, because of its roof form, is higher than a typical dwelling but it is, nonetheless, a single storey building.

### **Development**

It is proposed to establish a very substantial residential flat building which contains a number of “dwellings” which are apparently to be used as a retirement village. There is obviously associated car parking etc.

The building is of four stories noting that the nearest four storey building is that to the east, some 600m away.

It is understood that the proposal is to be used “in conjunction” with the development approved in August 2015. However the form of that development is markedly different to what is proposed, that development comprising a number of individual buildings and is of single storey form and construction.

### **Objection to proposed development**

For the reasons that follow, Development Plan Consent must be refused.

### **Development Plan**

The land the subject of the application is within a Residential Zone and more particularly within Low Density Policy Area 20.

The land owned by my clients is also in the Residential Zone, with 453 in the Lockleys Character Policy Area 25 and the other land in Low Density Policy Area 21.

There is clearly an overlap between the Policy Area provisions as they relate to Policy Area 20 and 21, both being within a Low Density Policy Area and there is also an overlap with Policy Area 25 albeit that Policy Area 25 seeks development at a *very low density* as opposed to *low density*. Both Policy Area 20 and 21 seek buildings up to two storeys in height.



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Accepting that the proposal is for a retirement village - I assume that something will be endorsed on the certificate title to confirm that - it is respectfully submitted that the proposal is a land use that is not supported nor anticipated within the Zone or this Policy Area. The Council's Development Plan in the General Section contains a section titled "*Supported Accommodation, Housing for Aged Persons and People with Disabilities*". Supported accommodation which includes retirement homes and retirement villages should comply with the Principles in that part of the Development Plan noting that such facilities should be "*located within walking distance of essential facilities such as convenience shops, health and community services and public and community transport*" and that such development should make special provision so as to provide "comfortable living" for the residents including communal areas, usable recreation areas for residents for visitors, storage areas for boats, trailers, caravans and the like.

It does not appear that the proposal necessarily provides all of those facilities noting in any event that the land is not conveniently located in terms of convenience of shops, health and other community services.

The mere fact that the proposal may be used in conjunction with an "existing retirement village" is not an answer. It will simply compound the problem or put another way, two wrongs do not make a right.

In short, the subject land is not appropriately located for a retirement village. Further, the Council's Development Plan envisages retirement villages in particular locations and more particularly within the Urban Corridor Zone where a retirement village (and also residential flat buildings being the form of the building) are types of development specifically envisaged within that Zone.

The subject land therefore fails the location test.

The built form of the proposal is one large building of four storeys. The elevations demonstrate the height and bulk of the proposal. It is understood that the applicant has sought to "justify" the four storey building by reference to the existing Church. With respect that comparison is inappropriate and at best an illusion. The built form of the Church is something very different to the unambiguous four storey residential flat building. The building is overly large and bulky.

The nature/form of the building is entirely inconsistent with the Development Plan expectations regarding the built form in Policy Area 20. The Desired Character for the Policy Area anticipates a residential development in the form of primarily detached dwellings, semi-detached dwellings and group dwellings. A (four storey) residential flat building is not envisaged.

Further, the Desired Character expressly refers to:

*Buildings will be up to two storey in height*

The development is clearly at odds with that provision. That provision is also quite particular. First it provides an upper limit of 2 storeys and secondly its wording is such so as to effectively seek single storey buildings. Put another way properly understood



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single storey buildings are to be the norm but from time to time 2 storey buildings may be established. In any event there is no support for a 4 storey building.

Further, development is anticipated to be interspersed with *landscaping so as to enhance the appearance of buildings from the street*. No amount of landscaping will enhance this very very large four storey building, which again is completely at odds with the Desired Character.

Policy Area 20 is also importantly entitled “*Low Density*”. The name of the Policy Area gives more than a hint as to what is sought in the Policy Area as is the case with adjacent Low Density Policy Area 21.

The Development Plan nominates certain site areas for various forms of residential development which comparatively demonstrates the lower density sought in this Policy Area and the adjoining policy areas. The density of the proposal is therefore inconsistent with the name of the Policy Area within which the land is located and will result in a much higher density than one can reasonably infer from the Policy Area provisions as contained in both the Desired Character and Principles.

It is acknowledged that the land is not within Low Density Policy Area 21, but some of my clients’ land is, and which land is clearly within the locality. Thus as a matter of law it is appropriate to consider the DP provisions as they apply to the land in the locality. The Desired Character for that Policy Area again seeks buildings up to two storeys in height and buildings in the area bounded by Henley Beach Road are to be “*complementary to existing dwellings through the incorporation of desired features such as “pitched roofs, eaves and variation in texture and building materials”*”. The elevations of the proposal itself demonstrate that the proposal could not be said to be complementary to existing dwellings within the locality. Indeed, the elevations demonstrate the very very substantial difference in the built form of the proposal when compared to not only the single storey dwellings to the east but also the Church and the other buildings to the west of the “subject land” together with buildings on the southern side of Henley Beach Rd.

Dealing briefly with the Residential Zone provisions, the Desired Character for the Zone recognizes the diversity of housing options within the Residential Zone but also notes that “*allotments will be at very low, low and medium densities...*”. The Desired Character then goes on to reference the allotment sizes by reference to the Desired Character for each Policy Area. I have touched on that issue above and note the Zone provisions also do not support the density outcome inherent in the proposal.

#### Traffic

The St Francis Church provides on-site car parking for its parishioners and other visitors and the two-way access on the eastern side of the Church provides the sole vehicular access to the St Francis Primary School and the whole of the rear of the Church. The two-way access is used every School day. It will be located a short distance from the driveway to the subject proposal.

The Church is often used during the week for Mass as well as conducting a large number of funeral services.



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The “intensity” of the proposed development will add a number of vehicle movements in this already busy area. The busy area is compounded by not only the use of the Church and the St Francis Primary School but also the development immediately to the west of the Church.

Further it must be remembered that there is a drop off and pick up of children with the pedestrian crossing directly in front of the church. There will be additional safety concerns with the extra flow of traffic where the school children are exiting the school via that vehicular access road and walking to cars with awaiting parents that are parked all the way both sides of Henley Beach Road during pickup time. Pedestrian safety should not in any way be compromised.

Whilst no doubt the overall increase in traffic on Henley Beach Road will not be substantial, it is a question of the timing of and the intensity of the traffic movements which gives rise to real concerns about the safety of users of the existing facilities when a significant number of new “dwellings” are to be provided.

### **Conclusion**

There is no support for the proposed development in either the general section of the Development Plan, the Residential Zone Desired Character or more particularly the Desired Character for the specific Policy Area, and also the Desired Character for the immediately adjoining policies areas which are separated by a road. There are real traffic/pedestrian safety concerns.

A four storey building is entirely inappropriate, as is the land use. There is no support in the Development Plan for this form of development.

Development Plan Consent must therefore be refused to the application.

### **Request to be heard**

The proposal is for a Category 3 development. My clients wish to be heard in person or by agent in support of their representation.

Yours faithfully



**George Manos**  
**BOTTEN LEVINSON**  
Email: gm@bllawyers.com.au



City of West Torrens  
26 NOV 2015  
City Development

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

RECEIVED  
AM 7 8 9 10 11 12  
25 OCT 2015  
Nov 2  
PM 1 2 3 4 5 6  
West Torrens CSU  
11.39 DOT

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

DEVELOPMENT No. 211/476/2015/2  
PROPERTY ADDRESS: 452 Henley Beach Road, LOCKLEYS SA 5032

NAME OF PERSON(S) Ian & Teresa TODD  
MAKING REPRESENTATION 447 Henley Bch Rd  
ADDRESS LOCKLEYS SA 5032

NATURE OF INTEREST \* We own a property across the road  
AFFECTED BY DEVELOPMENT and believe that we will be adversely  
(eg adjoining resident, owner impacted.  
of land in vicinity, or on behalf  
of an organization or company)

REASONS FOR \* We believe that the amenity of our  
REPRESENTATION property will be adversely affected by  
having a 4 storey building, plus roof top  
air conditioning units on the street frontage  
in this site. It may well allow people in  
that building to see into our front yard in which  
we have our swimming pool. We also have  
concerns about the effect it might have on traffic flow.

MY REPRESENTATION \* I, Ian Todd, would like to address the council  
WOULD BE OVERCOME BY in person to explain why I believe that this part  
(state action sought) of the proposal should not go ahead.

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 Ian Todd  
(PLEASE SPECIFY)

0  
0  
0  
Received  
25 NOV 2015  
City of West Torrens  
Information Management

SIGNED Stodd

DATE 25/11/15

\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Jasmine Walters  
Ends: Friday 27 November 2015



<p><b>Petition summary and background</b></p>	<p>Development No: 211/476/1025/2 Subject land: 452 Henley Beach Rd, LOCKLEYS SA 5032.</p> <p>STAGE 2, Construction of a four (4) storey residential flat building comprising fourteen (14) dwellings, a community centre and associated car parking and landscaping and change the community centre (Stage 1) into a dwelling. Note: Stage one (1) already has approval for nine (9) dwellings and community centre.</p>
<p><b>Action petitioned for</b></p>	<p>We, the undersigned, strongly object to the proposed STAGE two (2) development of the site which would make a total of 24 dwellings on the site which is Zoned for low density housing, for the following reasons: It is a total overdevelopment of the site, does not conform to existing housing and is not of a scale and appearance that reflects the residential style and character of the locality.</p>

[illegible]



REF:0009-3-Lockleys

11 May 2016

Ms Olivia Franco  
City Development  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

City of West Torrens

13 MAY 2016

City Development



Level 1, 89 King William Street  
GPO Box 2403  
Adelaide SA 5001  
PH: 0447 029 088  
info@futureurbangroup.com  
ABN: 34 452 110 398

Dear Olivia,

**452 HENLEY BEACH ROAD, LOCKLEYS – DA/211/476/2015/2**

We write in response to representations received during public notification of the abovementioned development application and your further information request dated 31 March 2016.

A total of seven (7) representations were received from:

- B Nottage (458 Henley Beach Road, Lockleys)
- F & A M Condo C/- Botten Levinson Lawyers (455 Henley Beach Road, Lockleys)
- R J Chapman (451 Henley Beach Road, Lockleys)
- B Nottage (451 Henley Beach Road, Lockleys)
- T S & I P Todd (447 Henley Beach Road, Lockleys)
- M & N Sharpe (19 Coleman Street, Heathmont, VIC)
- I Chapman (7 Heaton Ave, Clontarf NSW)

The key issues raised by the representors can be summarised as follows:

- The proposal represents an over-development for the site;
- The overall height, scale and bulk of the development is excessive;
- The subject land is not appropriately located for a retirement village;
- The building will have a detrimental impact upon the character of the streetscape and locality;
- The front setback is inadequate;
- The private open space is considered insufficient;
- Overlooking from balconies;
- The building will cause unreasonable overshadowing;
- The development provides an insufficient number of on-site car spaces for residents, staff and visitors with such car spaces not adequate in width for aged or disabled persons;
- There is insufficient space provided on-site for vehicle manoeuvrability, a community bus or boats/trailers/caravans and/or mobility scooters;
- There is no provision made for an internal pedestrian footpath;
- The proposal would result in additional traffic congestion;





- There is insufficient communal area for residents and visitors;
- Access to shopping centre and medical/consulting/community facilities would require travel by bus or car to Fulham Gardens;
- No provision has been made for clothes drying;
- No provision has been made for any on-site caretaker/manager

Before we respond to the above issues it is important to note that not all residential development provisions apply to housing for the aged. For example, the provisions provided under the theme *'Supported Accommodation, Housing for Aged Persons and People with Disabilities'* should prevail and take precedence over the *'Residential Development'* provisions where inconsistencies exist.

This is not inappropriate given that an intentional and deliberate approach adopted by the Better Development Plan Policy Library is to better recognise the functional and operational differences between traditional residential forms and housing that is designed specifically for aged persons. We have not ruled out the importance of the *'Residential Development'* provisions rather we have used them as a reference to guide and assist in the assessment of the application, where necessary.

### Density

The proposed development is located in Low Density Policy Area 20 of the Residential Zone. We note that there is no density guideline for the type of residential development proposed. In the absence of any density guideline we believe it is appropriate to assess the proposal in the context of other provisions that influence density and how the proposal may sit and relate to its context. We do not consider the proposed density to be detrimental to the character and amenity of the locality and its specific purpose in providing housing for the aged for the following reasons:

- increased dwelling densities in close proximity to public transport routes (i.e. Henley Beach Road) is specifically envisaged within the Residential Zone (Objective 3);
- the building is setback 3m from the side (western boundary) which satisfies Residential Zone PDC 11;
- the proposed landscaped front setback is acceptable in the context of the character of the streetscape (to be discussed specifically later);
- the proposed building (although exceeding two storeys in height) is appropriately sited towards Henley Beach Road and is compatible with the adjacent Christ the King Parish Church building to the west. In doing so, the proposal responds to the existing urban context of the locality which is strongly encouraged by PDC 1(d) of the *'Supported Accommodation, Housing for Aged Persons and People with Disabilities'* provisions;
- the building is setback a substantial distance from all representors properties with such setback being buffered by either the Stage 1 development or Henley Beach Road, ensuring minimal visual intrusion and overshadowing upon all adjoining residential properties;
- the development provides a car space for every dwelling in accordance with Table WeTo/2 – Off Street Vehicle Parking Requirements. While there is no specific requirement to provide visitor car parking, the proposal provides three visitor spaces adjacent to the driveway;
- the development is provided with communal open space accessible to all residents;





- the development provides for safe and compliant vehicular access, on-site manoeuvring and waste collection in a manner that will not compromise Stage 1;
- the development appropriately plans for the projected increase in the number and proportion of elderly people, responding to their preference to remain living in their existing community.

In addition to the above, we note that the subject site is situated less than 100m from bus stops on either side of Henley Beach Road both with direct bus services to key services and facilities within the City of West Torrens, Adelaide City and the wider metropolitan area. The 30 Year Plan for Greater Adelaide seeks to provide a significant amount of dwelling growth within 400m of transit corridors (e.g. bus route). The proposed development will clearly accommodate population growth but importantly provide a form of housing (that will assist in reversing the out-migration of older people from the City of West Torrens) within close proximity to key bus routes.

The scale and type of housing proposed ensures that the elderly will also have access to smaller housing products that are affordable providing the high proportion of elderly people in the Council area an opportunity to downsize from larger dwellings/allotments to remain living in their existing community (ageing in place).

For all the above reasons, we form the opinion that the density of the proposal is highly appropriate for this particular site along Henley Beach Road.

### **Height, scale and bulk**

The plans have been amended in response to the issues raised by the representors. The upper level of the building has been removed and the side setbacks increased to reduce the overall height, scale and bulk of the building. The facades of the building have also been further articulated with material and colour changes and additional design elements/treatments.

We acknowledge that the desired character statement envisages buildings up to two storeys in height, however we have formed the opinion that the three storey form of the building is acceptable on this portion of the subject site and along this part of Henley Beach Road. Stage 1 provides well designed dwellings that maintain a low scale built form character to the north and east respecting the lower scale adjacent built form interfaces. Stage 2 is appropriately sited towards Henley Beach Road and adjacent to the Christ the King Parish Church building to the west. The proposed building is compatible with the height of the Church building and will complement rather than dominate either the street setting or the character of the Church building.

The height of the proposed building should also be assessed in relation to its mass and scale. In consideration of these matters, the proposed building has a smaller footprint than the adjoining Church building with a compatible overall scale and mass. We also note the presence of much larger buildings within the school grounds to the north which are located on the northern side of existing dwellings within the Residential Zone. Unlike these school buildings, the location of the proposed building will not result in any detrimental overshadowing or visual impacts.

The height, scale and bulk of the building should also relate to the street it fronts. Henley Beach Road is an arterial road with two lanes in each direction. The distance between properties along the northern and southern side of Henley Beach Road is approximately 30m. In this context the overall form of the building is considered acceptable.





In consideration of all the above, we have formed the opinion that the height of the three storey building will not present any detrimental micro or macro level streetscape character or amenity impacts.

### **Streetscape character**

Responses above address this issue and need not be repeated again.

### **Front setback**

With respect to the front setback, where the difference between the two adjacent buildings is greater than 2m, PDC 22 of the *'Design and Appearance'* provisions encourage new development to be setback between those setbacks.

The Church to the west is setback approximately 19m from Henley Beach Road and the dwelling approved in Stage 1 to the east is setback approximately 4.8m from Henley Beach Road. The proposed building is setback between the adjacent building setbacks.

In our opinion, front setbacks along Henley Beach Road vary significantly with the Church and dwelling located on the western corner of Henley Beach Road and Kenton Street representative of such diversity. For example, between the Church and Clyde Avenue to the west there is a predominance of dwellings setback between 7m and 7.5m. To the east of Kenton Street, we have observed building setbacks of between 5m and 14.5m. On the opposite side of Henley Beach we have calculated front setbacks of between 5m and 13m. In our opinion, there is no clear front setback context which could be referred to as an established architectural cue. Further, the site located on the western corner of Henley Beach Road and Kenton Street represents a redevelopment opportunity and being a corner site is very likely to bring development much closer to the Henley Beach Road frontage than that which currently exists.

PDC 21 encourages a front setback which is similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality, a front setback which contributes positively to the streetscape character of the locality and will not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.

The proposed building is setback 6m from Henley Beach Road which is within the range of building setbacks measured along this part of Henley Beach Road. While the three storey building will be taller than other buildings which are setback a similar distance to Henley Beach Road, the amended design of the building and the proposed landscaping treatment will soften any visual impacts the proposal may have upon the streetscape character of Henley Beach Road.

In the context of the front setback provisions we believe that the front setback of the proposed development is considered satisfactory.

### **Private open space**

The provisions of the *'Supported Accommodation, Housing for Aged Persons and People with Disabilities'* section of the Development Plan does not stipulate a quantitative guideline for private open space associated with housing for aged persons.





Rather PDC 1(e) encourages such development to be *'provided with.....private open space'* and PDC 2(a) and (b) encourages the design of such development *'to provide safe, secure, attractive, convenient and comfortable living conditions for residents that include internal....private spaces'* and *'useable recreation areas for residents and visitors, including visiting children'*.

In our opinion, this would be an appropriate circumstance to refer to the private open space provisions of the *'Residential Development'* provisions for guidance to assist in understanding what an appropriate level of private open space may be in this instance. PDC 22 recommends a minimum balcony area of 11 square metres for two bedroom apartments. We note that four apartments have a study room that could be used as a bedroom in a typical apartment building development. In this instance, we would not apply the 15 square metre balcony area for these apartments as it is highly unlikely that the study would be used as a third bedroom given the nature of elderly people (single or couples) that will be occupying the apartments.

The apartments contained within the apartment building have balconies ranging in area between 7.4 square metres and 10.3 square metres where four dwellings are provided with 7.4 square metres balcony areas. In our opinion, the shortfalls in area (ranging between 0.7 square metres, 1.2 square metres and 3.6 square metres) are not fatal when considering all balconies are accessible from the living area and have dimensions greater than 2m (as recommended by PDC 23) to ensure they are useable.

In addition to the above, it is also important to recognise that all dwellings will have access to the community centre and communal open space on the site. The community centre (125 square metres) and communal open space area (220 square metres) comprise a total area of some 345 square metres which equates to an area of 15.7 square metres for every dwelling across Stage 1 and 2. Strictly, in regard to 'open space', the communal open space area equates to an area of 10 square metres for every dwelling. PDC 24 allows private open space to be substituted for the equivalent area of communal open space.

Respecting this, we are satisfied that the areas of private and communal open space will be sufficient to meet the needs of the elderly occupants and their visitors.

### **Overlooking from balconies**

The building proposed building is setback a substantial distance from all representors properties with such setback being buffered by either the Stage 1 development or Henley Beach Road, ensuring minimal visual intrusion upon surrounding residential properties.

### **Overshadowing**

Due to the orientation of the subject site and the proposed siting of the building, overshadowing will be predominantly across Henley Beach Road not affecting any of the representors properties.

### **Car parking**

The development provides a car space for every dwelling in accordance with Table WeTo/2 – Off Street Vehicle Parking Requirements. While there is no specific requirement to provide visitor car parking, the proposal provides three visitor spaces adjacent to the driveway.





It is also important to note that not all residents within the apartment building will require a car space and therefore the undercover car park could also be utilised by visitors.

The space provided for people with disabilities complies with the relevant standards.

### **Vehicular movement**

According to the letter prepared by Tonkin Consulting dated 6 May 2016 there is sufficient space provided on-site for vehicle manoeuvrability.

With respect to comments made regarding the parking of boats, trailers and/or caravans we note that there is no Development Plan requirement to provide such parking on-site. This is a lifestyle issue that will need to be considered by potential buyers of the apartments.

We can confirm that a small community bus will travel between the recently developed Karidis retirement villages located in Brooklyn Park and the proposed development. The community bus will temporarily park for a very short period of time within the access way area in front of the lobby space to pick-up and drop-off residents. The community bus will manoeuvre within the site in the same way the waste truck will manoeuvre ensuring a forward entry into and exit from the site.

We note that scooter parking is provided adjacent to the lobby area.

### **Lack of internal pedestrian footpath**

We acknowledge that there is no defined internal pedestrian footpath however due to the very low speed environment, the low vehicular movements associated with the type of housing proposed and the gated entrance we consider the 'shared' vehicular and pedestrian environment appropriate.

It is important to note that existing driveway has already been approved as a result of Stage 1.

### **External traffic impacts**

The report prepared by Tonkin Consulting assesses all external traffic impacts. The report does not identify any external traffic impacts associated with the proposed development due to the low number of traffic of movements associated with the land use and its density.

We also understand that DPTI support the proposed development subject to conditions.

### **Insufficient communal area**

All residents and their visitors will have access to the community centre and communal open space on the site. The community centre (125 square metres) and communal open space area (220 square metres) comprise a total area of some 345 square metres which equates to an area of 15.7 square metres for every dwelling across Stage 1 and 2.





In our opinion, the area of communal open space will be sufficient to meet the needs of the elderly occupants and their visitors.

### **Location of proposed development**

The representors suggest that the proposed development is poorly located lacking accessibility to a shopping centre and medical/consulting/community facilities forcing requiring residents to travel by bus or car to Fulham Gardens or other facilities within the Council area.

We note that there is a bus stop (Stop 16 - north) located approximately 60m to the west of the site (northern side of Henley Beach Road) and a further bus stop (Stop 16 – south) located directly opposite the subject site on the southern side of Henley Beach Road. Residents can simply cross Henley Beach Road at the pedestrian crossing located in front of the adjacent Church to access the bus stop (approximately 80m walk). We also note that there is small butcher and delicatessen within walking distance of the proposal.

Respecting this, the proposal is within walking distance of public transport that provides ease of access to essential facilities such as convenience shops, health and community services satisfying PDC 1 of the *'Supported Accommodation, Housing for Aged Persons and People with Disabilities'* provisions.

### **Clothes drying**

We can confirm that all dwellings will be provided with a laundry containing washing machine and dryer.

### **On-site caretaker/manager**

Provision for an on-site caretaker/manager's office has been made within the community centre.

In consideration of all the above, we have formed the opinion that the amended proposal satisfactorily responds to all key planning issues raised by the representors. Following we respond to the issues raised in the further information request.

### **Council Request for Further Information**

With respect to your further information request the following issues were raised:

- The overall height and density of the development should be considered further;
- The balcony areas do not satisfy the minimum requirements for dwellings located above ground level;
- The visual bulk of the building should be reduced through design techniques and the setbacks from the side and rear boundary should be progressively increased as height increases;
- The location of mail boxes should be located within easy walking distance of all units;





- Marking of visitor car spaces, identification of dimensions for car parking spaces; confirmation of waste area and collection.

We have responded to the majority of the issues raised above (height, density, balcony areas and building bulk) through our response to representations and need not repeat those here again. However, in relation the issues relating to mail boxes and car parking and traffic related matters we respond as follows:

- The mail boxes are located adjacent to the driveway entrance and will be accessed by all residents from the rear (within the community garden area). This provides a safe and accessible location for both Australia Post and residents;
- All visitor spaces are marked and all car spaces are dimensioned. The location of the screened waste area is also identified. Waste will be collected by a private contractor on-site with the turn-circles identified in the plan attached to the letter prepared by Tonkin Consulting dated 6 May 2016

We trust our responses above address all key issues raised by the representors and your further information request otherwise please do not hesitate to contact the undersigned should you require any further information.

We also wish to confirm our attendance at the Development Assessment Panel meeting to respond to any third party submissions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Vounasis'.

**Chris Vounasis**  
Director

Encl.    Amended plans  
         Letter from Tonkin Consulting



## 6.2 273 Marion Road, NORTH PLYMPTON

Application No. 211/114/2016

Appearing before the Panel will be:

Representors: **Paul Fasano** of **2A Galway Avenue, North Plympton** wishes to appear in support of the representation.

Applicant: **Philip Botsaris**, applicant, wishes to appear to respond to representations.

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Demolition of an existing dwelling; Construction of a two-storey residential flat building containing six (6) dwellings with garages under main roof; Community Title Land Division - DAC - 211/C018/16 (Unique ID 53503) - Create five (5) additional allotments
APPLICANT	Construct Living Pty Ltd
APPLICATION NO	211/114/2016
LODGEMENT DATE	9 February 2016
ZONE	Residential
POLICY AREA	19 - Medium Density
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>DPTI</li></ul>
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	14 June 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 Category 2 or 3 applications where a representor has requested to be heard shall be assessed and determined by the DAP.
- All applications where the assessing officer recommends refusal, shall be assessed and determined by the DAP.

### PREVIOUS or RELATED APPLICATION(S)

Nil



## SITE AND LOCALITY

The subject site fronts Marion Road, North Plympton and currently consists of an existing building that has been used as a local retail land use. The subject site is shown in Figure 1 & Figure 2.

**Figure 1 Subject Site**



The immediate locality contains residential development fronting both Marion Road and Galway Avenue. This residential development consists of predominately detached dwellings, residential flat buildings and group dwellings. The adjoining property to the south contains an office and to the north on the corner of Galway Avenue and Marion Road is a medical practice.

The wider locality contains industrial and commercial development fronting Marion Road and Galway Avenue and the subject site is approximately 185 metres from a Local Centre Zone on the corner of Marion Road and Talbot Avenue.

Other notable land uses in the locality include aged housing to the west of the subject site.



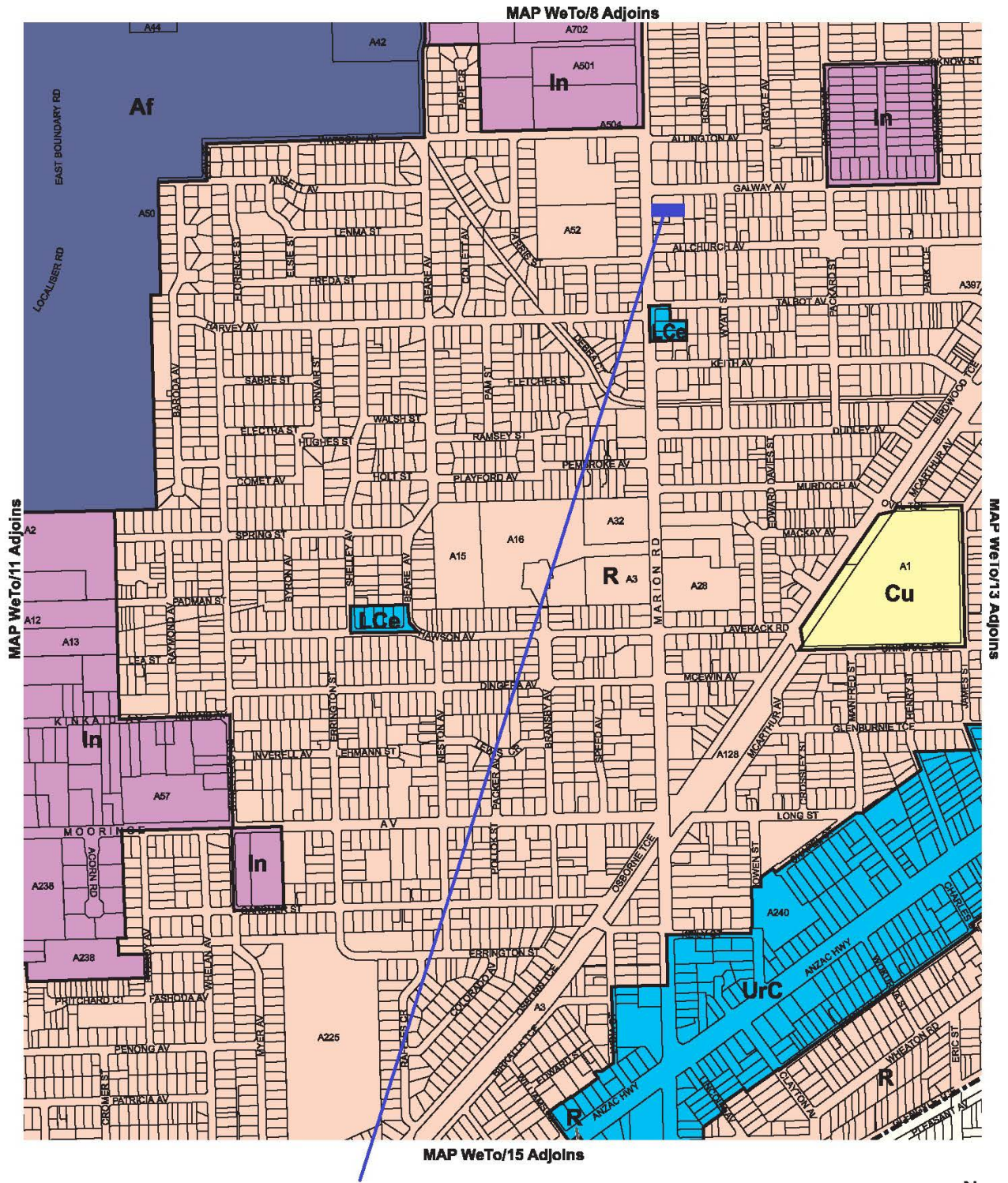
**Figure 2 Subject Site**



Source: Property Location Browser 2016 (<http://maps.sa.gov.au/plb/>)

The relevant Development Plan map page and an overhead image of the site and locality can be found on the following pages.





Lamberts Conformal Conic Projection, GDA94

**Zones**

- Af Airfield
- Cu Community
- In Industry
- LCe Local Centre
- R Residential
- UrC Urban Corridor

Zone Boundary

Development Plan Boundary



# Zone Map WeTo/12

**WEST TORRENS COUNCIL**

Consolidated - 5 November 2015





## PROPOSAL

Demolition of an existing building; Construction of a two-storey residential flat building containing six (6) dwellings with garages under main roof;

- The dwellings will contain 3 bedrooms and living areas on the upper level with kitchen, family living and car parking located on the lower level.
- The dwellings are internally oriented on the subject site with Bedroom 1 & 2 in dwellings 2-5 overlooking the common driveway. Bedroom 3 and living rooms oriented to the north in dwellings 2-5.
- Dwellings 1 & 6 will provide 118m<sup>2</sup> of living area per dwelling and Dwellings 2-5 will provide 127m<sup>2</sup> of living area.
- The proposed building (Residential Flat Building) is of a contemporary design with a flat roof and variety of colours and finishes proposed.

Community Title Land Division - DAC - 211/C018/16 (Unique ID 53503) - Create five (5) additional allotments



## 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.

<b>Properties notified:</b>	Thirteen properties were notified during the public notification process.
<b>Representations:</b>	One representation was received.
<b>Persons wishing to be heard:</b>	One representor identified that they wish to address the Panel. <ul style="list-style-type: none"><li>• Paul Fasano</li></ul>
<b>Summary of Representations:</b>	Concerns were raised regarding the following matters; <ul style="list-style-type: none"><li>• Boundary development</li></ul>

The Applicant did not provide a response to the representation.

A copy of the representor's concerns is contained in **Attachment 2**.

## REFERRALS

### Internal

#### City Assets Department

Concerns were raised regarding the following matters;

- Finished Floor Levels (Flooding)
- Verge Interaction
- Stormwater Detention

The following concerns remain outstanding:

#### Stormwater Detention (Large Residential)

As the size of allotment(s) being affected by the proposed development totals between 1,000 and 4,000 square metres, stormwater detention measures will be required to be undertaken to restrict the total discharge from the total development site to a maximum of 20 litres per second for the site critical 20 year ARI storm event. 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 be traded (on a one to one basis) and added to the compulsory BCA active stormwater re-use storage.



## External

Pursuant to Section 37 and Schedule 8 of the Development Act and Regulations, the application was referred to:

### Department of Planning, Transport & Infrastructure

DPTI does not object in-principle to the proposed development, subject to the following conditions.

1. The site shall be served by a single shared access point direct to/from Marion Road. No additional vehicular access shall be created.
2. The shared access shall be a minimum of 6.0 metres in width at the property boundary and extend at that width for a minimum of 6.0 metres into the site.
3. The garage for Dwelling 1 shall be located adjacent Dwelling 2.
4. All vehicles shall enter and exit the site in a forward direction.
5. Pedestrian sightlines at the access shall be in accordance with AS/NZS2890.1:2004.
6. The shared driveway and on-site manoeuvring areas shall remain clear of any impediments to vehicle movements (such as meters, garden beds and parked vehicles).
7. 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.

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

## ASSESSMENT

The subject land is located within the Residential Zone, 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>General Section</u>		
Advertisements	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 & 22
Animal Keeping	Objectives	1, 2 & 3
	Principles of Development Control	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
Building near Airfields	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 5, 6 & 7
Bulk Handling and Storage Facilities	Objectives	1
	Principles of Development Control	1, 2, 3 & 4
Centres and Retail Development	Objectives	1, 2, 3, 4, 5 & 6
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13



Coastal Areas	Objectives	1, 2, 3, 4, 5, 6, 7, 8 & 9
	Principles of Development Control	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
Community Facilities	Objectives	1 & 2
	Principles of Development Control	1, 2 & 3
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9 & 10
Design and Appearance	Objectives	2
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2, 3 & 4
Hazards	Objectives	1, 2, 3, 4, 5, 6, 7, 8, 9 & 10
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15
Heritage Places	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8 & 9
Historic Conservation Area	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13
Industrial Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12
Infrastructure	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12
Interface between Land Uses	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7 & 8
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21
Landscaping, Fences and Walls	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4, 5 & 6
Marinas and Maritime Structures	Objectives	1
	Principles of Development Control	1, 2, 3, 4 & 5
Metropolitan Open Space System	Objectives	1, 2, 3, 4, 5, 6 & 7
	Principles of Development Control	1, 2, 3 & 4
Mineral Extraction	Objectives	1, 2, 3, 4, 5 & 6
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13



<i>Natural Resources</i>	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13
	<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
<i>Open Space and Recreation</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
<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>Regulated Trees</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2 & 3
<i>Renewable Energy Facilities</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1 & 2
<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
<i>Significant Trees</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4 & 5
<i>Siting and Visibility</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7 & 8
<i>Sloping Land</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6 & 7
<i>Supported Accommodation, Housing for Aged Persons and People with Disabilities</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5 & 6
<i>Telecommunications Facilities</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3 & 4
<i>Tourism 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
<i>Transportation and Access</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
<i>Waste</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16
<i>Waste Management Facilities</i>	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18



**Zone: Residential Zone**

*Desired Character Statement (extract);*

*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.*

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

**Objectives**

- 1. A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.*
- 2. Dwellings of various types at very low, low and medium densities.*
- 3. Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.*
- 4. Development that contributes to the desired character of the zone.*

**Principles of Development Control**

- 1 The following forms of development are envisaged in the zone:*
  - affordable housing*
  - domestic outbuilding in association with a dwelling*
  - dwelling*
  - dwelling addition*
  - small scale non-residential use that serves the local community, for example:*
    - child care facility*
    - health and welfare service*
    - open space*
    - primary and secondary school*
    - recreation area*
    - shop measuring 250 square metres or less in gross leasable floor area*
  - supported accommodation.*
- 5 Development should not be undertaken unless it is consistent with the desired character for the zone and policy area.*



	<p><i>7 Dwellings should be set back from allotment or site boundaries to:</i></p> <p><i>(a) contribute to the desired character of the relevant policy area</i></p> <p><i>(b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>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:</i></p> <p><i>(a) minimise the visual impact of buildings from adjoining properties</i></p> <p><i>(b) minimise the overshadowing of adjoining properties.</i></p> <p><i>12 Side boundary walls in residential areas should be limited in length and height to:</i></p> <p><i>(a) minimise their visual impact on adjoining properties</i></p> <p><i>(b) minimise the overshadowing of adjoining properties.</i></p> <p><i>13 Except where otherwise specified by a policy area, side boundary walls comply with the following:</i></p> <p><i>(a) side boundary walls should be located immediately abutting the wall of an existing or simultaneously constructed building on the adjoining site and constructed to the same or to a lesser length and height</i></p> <p><i>(b) side boundary walls:</i></p> <p><i>(i) should have a maximum vertical wall height of 3 metres</i></p> <p><i>(ii) should have a maximum length of 8 metres</i></p> <p><i>(iii) should be constructed along one side of the allotment only and no further than 14 metres from the front boundary</i></p> <p><i>(c) where there is an existing adjacent boundary wall which is setback greater than 1 metre from the front setback standard established for the rest of the street, side boundary walls should be located not more than 1 metre closer to the primary street frontage.</i></p>
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**Policy Area: Medium Density 19**

*Desired Character Statement: 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.*

*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.*

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

**Objectives**

**Objectives**

**Principles of Development Control**

**Principles of Development Control**



## QUANTITATIVE ASSESSMENT

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

A key issue in the assessment of this proposed development is the average site area per dwelling proposed by the development.

Principal of Development Control 5 in the Medium Density Policy Area reads:

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

Dwelling type	Site area (square metres)	Minimum frontage (metres)
Detached	250 minimum	9
Semi-detached	200 minimum	9
Group dwelling	170 minimum	9
Residential flat building	150 average	15 (for complete building)
Row dwelling	150 minimum	5

For the purposes of this planning assessment average site area per dwelling has been calculated by excluding the common driveway, consistent with the advice received by Council from its legal advisors.

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA  PDC 5 Medium Density Policy Area	150m <sup>2</sup> average  (Residential Flat Building within 400m of a Centre Zone)	121m <sup>2</sup> (average)  <b>Not Satisfied</b>
ALLOTMENT AREA		1076m <sup>2</sup> (existing)
SITE FRONTAGE  PDC 5 Medium Density Policy Area	15m	18.29m (existing) 18.29m (proposed)  <b>Satisfies</b>
SITE DEPTH		58.83m (existing)
SITE COVERAGE  PDC 3 Medium Density Policy Area	60%	41.7% approximately  <b>Satisfies</b>



STREET SETBACK  PDC 3 Medium Density Policy Area	3 metres (Marion Road)	3m  <b>Satisfies</b>
SIDE/REAR SETBACKS  PDC 11 Residential Zone  PDC 3 Medium Density Policy Area	Side 2.0m ground level   2.5m upper level Rear 6m	2m (northern elevation) 0m for two lengths on northern elevation <b>Not Satisfied</b>  3.3m (northern elevation)  6.03m setback <b>Satisfies</b>
PRIVATE OPEN SPACE  Council Wide PDC 19  Council Wide 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.	24m <sup>2</sup> Minimum dimension of 3 metres	Dwelling 1: 29.5m <sup>2</sup> Dwelling 6: 31m <sup>2</sup> <b>Satisfies</b>  Dwellings 2-5: 24 m <sup>2</sup> (including storage of rubbish bins, clothes drying and rainwater tanks.)  <b>Not Satisfied</b>
CARPARKING SPACES  Council Wide PDC 34 (Transportation & Access) Table WeTo/2	13.5 (14) car-parking spaces required	14 provided  <b>Satisfies</b>

## QUALITATIVE ASSESSMENT

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

### Siting

The proposed residential flat building is consistent with front and rear setbacks identified in the Development Plan, however it does include common boundary development on the northern allotment boundary that is inconsistent with Development Plan requirements.

### Bulk and Scale

The proposed built form (Residential Flat Building) will have a frontage of 11.5 metres to Marion Road (identified as a Secondary Arterial Road Map WeTo/12 Transport) which represents approximately 63% of the site frontage.



The Marion Road façade will be broken up with a series of rectangular windows. The northern elevation will contain similar windows which will minimise opportunities for overlooking. The building design has attempted to break up wall areas through the use of different materials, finishes and articulation.

It is noted that the subject site could have been developed for a 3 storey building up to a height of 12.5 metres. The height of the proposed development is lower than the Development Plan allows and overall it is considered that the bulk and scale of the proposed building is reasonable.

### **Overlooking and Overshadowing**

The proposed development includes window sill heights of 1.7 metres on the northern elevation, with obscure glazing for wet area windows in Dwelling 1 & 6 (south elevation and north elevation).

Dwellings 1-6 all contain windows that overlook the common driveway. Dwellings 5 & 6 have the potential to overlook the rear of 271 Marion Road, which currently contains an office and vacant area at the rear of the site that is part of a hammerhead allotment. Given this land could be developed for a residential land use should the application be granted consent a condition requiring this potential for overlooking to be dealt with is recommended.

The subject site comprises an allotment that is oriented east/west and the upper storey is setback 4.9 metres (southern boundary) and 3.0 metres (northern boundary). On that basis there is expected to be limited overshadowing of adjacent allotments. It is noted that the applicant did not provide a shadow diagram as part of the development application.

### **Colours and Materials**

Material of construction include Hebel powerpanel and cladding walls, timber entrance doors and panel lift garage doors. Proposed material colours included lime green, burnt orange, grey and charcoal.

### **Visual Impact on Neighbouring Developments & Streetscape**

There are a number of Council Wide Principles of Development Control that address building design and impact on the streetscape including:

*12 Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.*

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

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

The proposed Residential Flat Building is oriented towards the proposed common driveway and not its primary frontage of Marion Road. Dwelling 1 at the front of the building is oriented internally and does not address the road frontage (Marion Road) in a significant manner.

*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.*

The construction of a 1.8 metre rendered fence on the front property boundary and the proposed 3 metre front boundary setback will present a strong built form presence to the street. This design approach is not consistent with the relevant Council wide principles of Development Control.



## Private Open Space

As well as the prescriptive requirements for a minimum size and dimensions of private open space the Development Plan contains recommended design criteria to ensure that private open space is suitable. These provisions include:

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

The proposed private open space for Dwelling 1 in the front setback area immediately adjacent to Marion Road has the potential to be significantly impacted upon by Marion Road through traffic noise. Also while it is located at the side of the proposed Residential Flat Building, this is only because the orientation of the building is towards the common driveway. If the building were oriented towards Marion Road this private open space would be in front of the building.

In addition, as outlined above, the private open space provided for Dwellings 2-5 is the minimum 24m<sup>2</sup>, however this includes the storage of bins, clothes drying lines and rainwater tanks and the configuration of the open space would limit its useability. If the area for clothes drying, bin storage and rainwater is removed the private open space provided is approximately 16m<sup>2</sup>, it is therefore considered that the private open space provided for Dwellings 2-5 does not meet the Development Plan requirements.

The proposed residential flat building will have two lengths of wall on the common boundary (north elevation) for a length of 8.1 & 8.2 metres with a height of 3.5 metres from ground level. Development on property boundaries is addressed in a number of objectives and principles of development control within the Development Plan including:

- 12 Side boundary walls in residential areas should be limited in length and height to:*
- (a) minimise their visual impact on adjoining properties*
  - (b) minimise the overshadowing of adjoining properties.*
- 13 Except where otherwise specified by a policy area, side boundary walls comply with the following:*
- (a) side boundary walls should be located immediately abutting the wall of an existing or simultaneously constructed building on the adjoining site and constructed to the same or to a lesser length and height*



- (b) side boundary walls:*
  - (i) should have a maximum vertical wall height of 3 metres*
  - (ii) should have a maximum length of 8 metres*
  - (iii) should be constructed along one side of the allotment only and no further than 14 metres from the front boundary*
- (c) where there is an existing adjacent boundary wall which is setback greater than 1 metre from the front setback standard established for the rest of the street, side boundary walls should be located not more than 1 metre closer to the primary street frontage.*

The single representation received in relation to the proposed development related to the location of the development on the common property boundary and indicated that the representation could be addressed by offsetting the walls from the boundary. The applicant chose not to respond to this written representation and has not amended the plans to offset the common boundary walls.

### **Stormwater**

Councils City Assets Department has determined that 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.

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

This information has not been provided to Council and, were the Development Application to be granted Development Plan Consent, this issue should be considered as a Reserved Matter.

### **Waste Storage & Collection**

Bin storage for each dwelling is to be located in the private open space area which is discussed elsewhere in this report. On bins collection day 12 bins will be placed on the Marion Road streetscape. With a site frontage of 11.29 metres (18.29 metres frontage less the proposed common driveway and landscaping) there appears to be insufficient space for the collection of bins associated with the proposed development.

### **Contamination**

The subject land is not identified in the Council contaminated land register, but as the site has had previous commercial use, should the DAP be of a mind to support the proposal a site use history assessment will be required.

### **Regulated & Significant Trees**

The proposed development should it proceed will require the removal of existing vegetation on site. An engineering survey has been undertaken for the proposed site and provided as part of the development application documentation which identifies two trees on the site while aerial photograph shows several other trees on site. None of the trees have been identified as regulated or significant. Should they meet the criteria for regulated or significant trees then an approval for any tree damaging activity or removal will be required.

### **Landscape Assessment**

Council Wide Principle of Development Control 283 – A minimum of 10 percent of a development site should be landscaped.



An indicative landscaping schedule has been provided as part of the development application and the areas of landscaping have been included in the site plan. Landscaping will be contained within the front setback area which is allocated as private open space for Dwelling 1, adjacent the common driveway and in the private open space of Dwellings 2-6. The total area of site landscaping (including private open space) is approximately 136m<sup>2</sup> which is great than 10% of the site area.

## Land Division

Council Wide provisions that relate to Land Division include:

*Objective 2 Land division that creates allotments appropriate for the intended use.*

*Objective 5 Land division should result in allotments of a size suitable for their intended use.*

*Objective 7 Allotments in the form of a battleaxe configuration should:*

- (a) have an area of at least the minimum site area specified by the zone, policy area or precinct (excluding the area of the 'handle' of such an allotment)*
- (b) provide for an access onto a public road, with the driveway 'handle' being not less than:
  - (i) 4 metres in width to facilitate landscape planting along the driveway, and*
  - (ii) 5.5 metres for at least the first 5 metres of the driveway for an allotment accommodating two or more dwellings to allow vehicles to pass safely**
- (c) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction*
- (d) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape (for example through the loss of mature street trees, on-street parking or pedestrian safety)*
- (e) be avoided where their creation would be incompatible with the prevailing pattern of development.*

*Principle of Development Control 2 Land should not be divided if any of the following apply:*

- (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use*
- (b) any allotment will not have a frontage to one of the following:
  - (i) an existing road*
  - (ii) a proposed public road*
  - (iii) access to a public road via an internal roadway in a plan of community division**
- (c) the intended use of the land is likely to require excessive cut and/or fill*
- (d) it is likely to lead to undue erosion of the subject land or land within the locality*
- (e) the wastewater treatment plant to which subsequent development will be connected does not have sufficient capacity to handle the additional wastewater volumes and pollutant loads generated by such development*
- (f) the area is unsewered and cannot accommodate an appropriate onsite wastewater disposal system within the allotment that complies with (or can comply with) the relevant public and environmental health legislation applying to the intended use(s)*
- (g) any allotments will straddle more than one zone, policy area or precinct*
- (h) the allotments unreasonably restrict access to publicly owned land such as recreation areas.*

In addition the Desired Character for the Residential Zone outlines that:

*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.*



Principal of Development Control 4 in the Medium Density Policy Area outlines that unless the development is located within 400m of a Centre Zone, a residential flat building should have an average site area of 270m<sup>2</sup>.

As the subject site is within 400m of a small local centre zone located at the corner of Talbot Avenue and Marion Road, then Principal of Development Control 5 in the Medium Density Policy Area applies:

*5 When a dwelling is located within 400 metres of a centre zone, it should have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) and a frontage to a public road not less than that shown in the following table:  
150 m<sup>2</sup> average.*

It can be seen above that the subject site is granted a substantial variation from the average site area provision for a residential flat building by virtue of being located within 400m of a centre zone. The development proposal involves a further variation of approximately 20% from this 150m<sup>2</sup> site average with the development having an average site area of 121m<sup>2</sup>. This is a significant departure from the provisions of the Development Plan given the clear policy intent for minimum site areas or average site areas to be complied with to allow each policy area to achieve its desired character. Further the applicant has provided no justification as to why a lesser site average should be considered appropriate in this location.

Given the average site area of the proposed development and the area provided to each proposed dwelling that forms part of the residential flat building, it is considered that the proposed land division does not create lots that are of a suitable size for their intended purpose of residential development.

## SUMMARY

The proposed development of a Residential Flat Building within the Residential Zone and Policy Area 19 is considered an appropriate land use. In particular given the location of the proposed development at 273 Marion Road and its proximity to public transport, medium density development on this site is considered desirable.

While the proposed development meets many of the qualitative and quantitative standards within the West Torrens Development Plan, it is deficient in a number of key areas most notably minimum average site areas and the provision of useable private open space. These deficiencies have the potential to negatively impact on any future residents of the proposed development.

The average site area provisions in the Development Plan are not met by the proposed development and this has a flow on effect on the quality of the open space provided, its location, dimensions and suitability. This also results in the design of the building including two significant areas of common boundary development which has been identified as a potential impact by one of the adjoining owners who has made a written representation in relation to the proposed development.

The design of the Residential Flat Building does not significantly address its primary frontage of Marion Road and when combined with the proposed rendered fence will present a dominant built form to the streetscape. While the rendered fence may be deemed necessary to provide a level of privacy to the private open space of dwelling 1, the location of this private open space in the front setback area is not ideal and it is questionable as to the amenity that would be enjoyed in this area, which is the only private open space provided to Dwelling 1.

The need to locate the private open space adjacent Marion Road is likely a symptom of the scale of the development proposed on the site and its inability to meet the minimum site area averages prescribed in the Development Plan.



Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not 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 05 November 2015 and does not warrant the granting of Development Plan Consent.

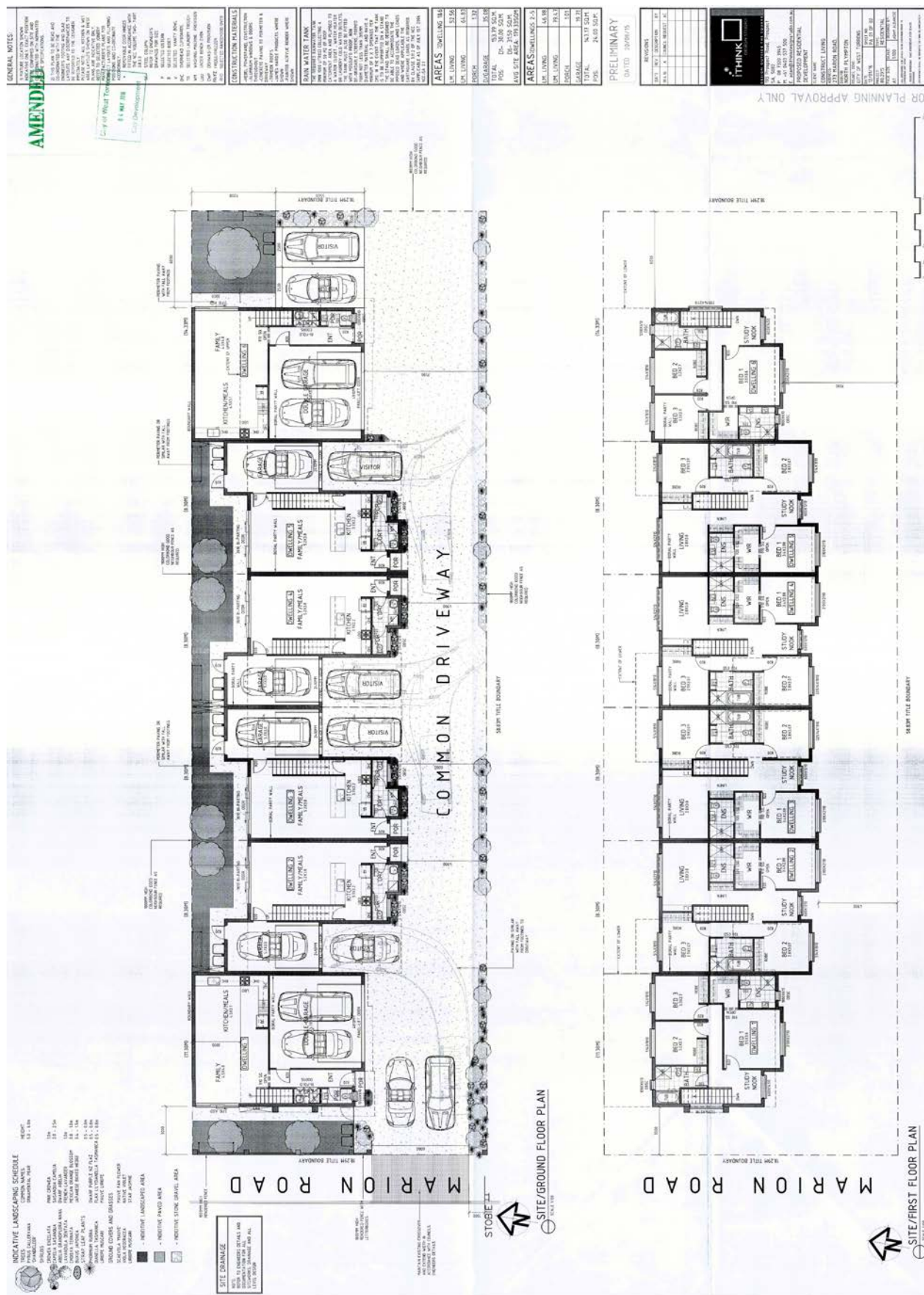
## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to REFUSE Development Plan Consent for Application No. 211/114/2016 by Construct Living Pty Ltd to Demolition of an existing building; Construction of a two-storey residential flat building containing six (6) dwellings with garages under main roof; Community Title Land Division - DAC - 211/C018/16 (Unique ID 53503) - Create five (5) additional allotments at 273 Marion Road, North Plympton (CT 5672/281) for the following reasons:

1. The proposed development is contrary to
  - Council Wide Objectives 2,5  
Reason: Average site area and useability of proposed community lots
  - Council Wide Principles of Development Control 2,12, 18, 19, 20  
Reason: Building not oriented to primary street frontage  
Insufficient private open space provided, location of bins storage, rainwater tanks and clothes drying in nominated private open space
  - Residential Zone Objective 4  
Reason: Proposed development is inconsistent with Desired Character due to proposed average site area per dwelling
  - Residential Zone Principles of Development Control 11, 12,13  
Reason: Insufficient side setbacks, length, height and location of building walls on common boundary,
  - Policy Area 19 Objective 1  
Reason: Proposed development does not provide an appropriate transition from public to private realm due to dominance of built form
  - Policy Area Principles of Development Control 5  
Reason: Insufficient average site area per dwelling



## ATTACHMENT 1







ANY SITE CUT ON OR ADJACENT BOUNDARIES MUST NOT UNDERMINE EXISTING STRUCTURES. WHEN EXCAVATING TO ACHIEVE LEVELS NOTED ON THIS DRAWING SHOULD UNDERMINING OF EXISTING STRUCTURES OCCUR, BEYOND THAT SPECIFICALLY NOTED, CONSTRUCTION MUST CEASE AND THE ENGINEER CONTACTED FOR ADVICE.

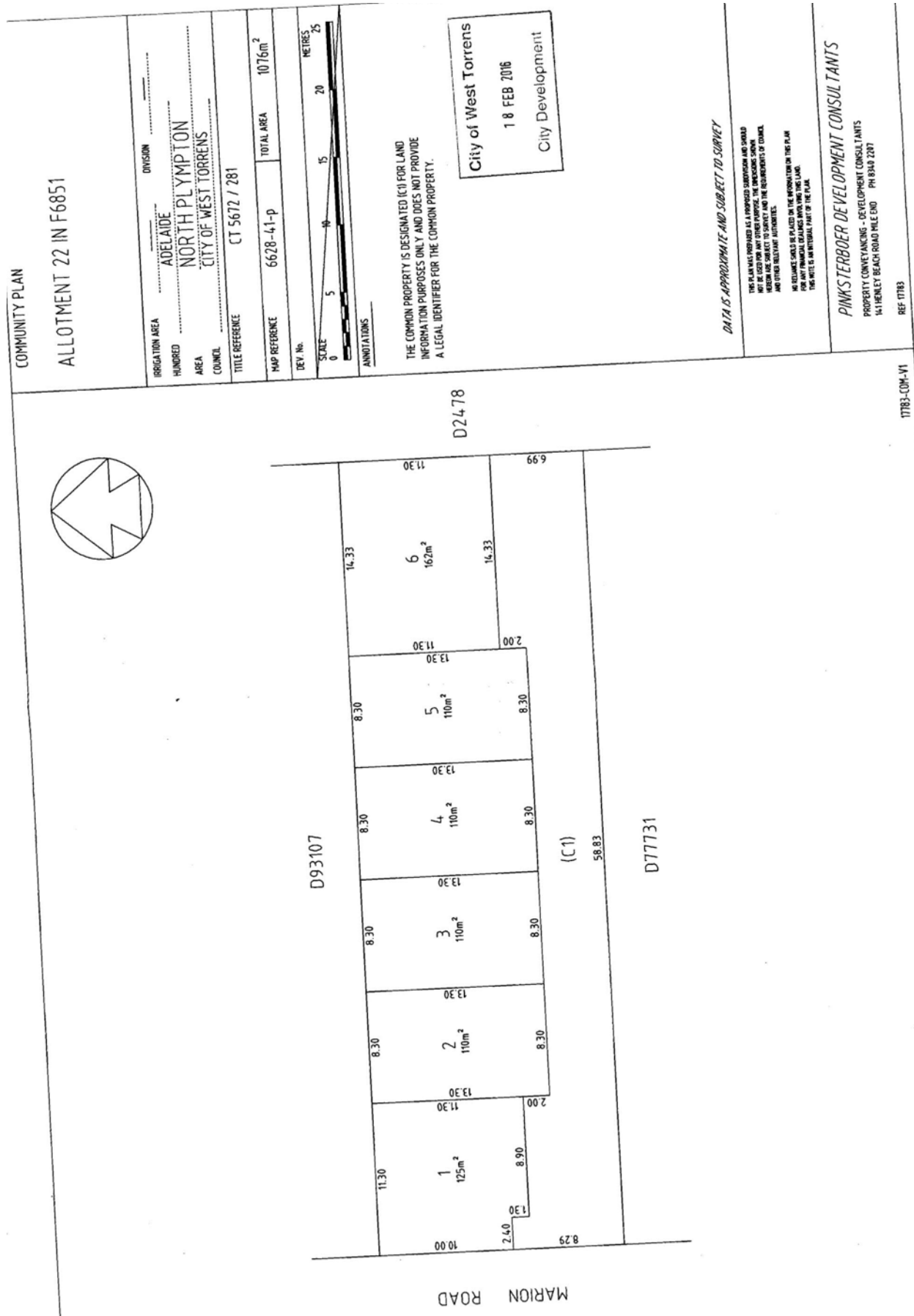
NOTE: THIS IS AN ENGINEERING DETAIL SURVEY.  
BOUNDARIES HAVE NOT BEEN CHECKED.  
COUNCIL : CITY OF WEST TORRENS  
DATE SURVEYED : 15/12/2015

[illegible]







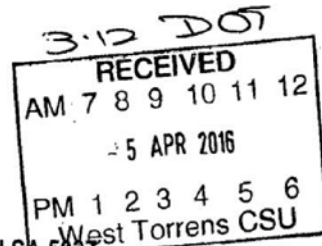




ATTACHMENT 2

**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. 211/114/2016  
PROPERTY ADDRESS: 273 Marion Road, NORTH PLYMPTON SA 5037

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)  
PAUL FASANO 24 GALWAY AVE  
NTH PLYMPTON

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)  
Wood board near fence to be removed  
height of new development block all  
light into living room

REASONS FOR \*  
REPRESENTATION  
neighboring property

City of West Torrens
06 APR 2016
City Development

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)  
Communicate regarding boundary may need  
to offset from boundary.

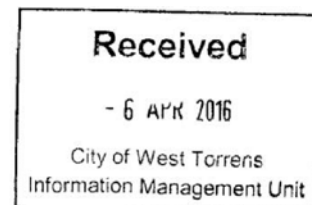
Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

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

SIGNED [Signature]

DATE 4/4/16

\* If space insufficient, please attach sheets



(FORM 3)  
Responsible Officer: Janine Lennon  
Ends: Friday 15 April 2016



## ATTACHMENT 3

In reply please quote 2016/00229/01, Process ID: 398557  
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

11/05/2016

Ms Janine Lennon  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

**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 Ms Lennon,

### SCHEDULE 8 - REFERRAL RESPONSE

<b>Development No.</b>	211/114/16
<b>Applicant</b>	Construct Living
<b>Location</b>	273 Marion Road, North Plympton
<b>Proposal</b>	AMENDED PLAN - Construction of a two storey residential flat building

I refer to the above development application forwarded to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

### THE PROPOSAL

The application proposes to construct a two storey residential flat building containing 6 dwellings. DPTI has recently provided comments regarding this development and related DA 211/C018/16 in letters dated 06/04/2016 and 01/03/2016 respectively.

### CONSIDERATION

It is DPTI policy to minimise the number of access points on the arterial road network in the interests of road safety, therefore the use of a single shared access point to serve the proposed dwellings is supported. The location of the access adjacent the southern property boundary is also supported as this will maximise the separation between the access and the Marion Road/Galway Avenue signalised junction.

With respect to the proposed access arrangement, it is noted that the shared access is 6.0 metres wide at the property boundary to cater for any simultaneous two-way vehicular movements and continues at that width inbound into the site for a sufficient distance to allow vehicles to store off-street while another vehicle enters/exits the property. This area should remain clear of any impediments to vehicle manoeuvring. The access design should also provide appropriate flaring to the road to enable



2

unimpeded ingress/egress and minimise disruption to the free flow of traffic on Marion Road.

It is also DPTI policy that vehicles should enter and exit arterial roads in a forward direction in the interest of road safety. Turn paths produced by DPTI show that the manoeuvrability of vehicles exiting Dwelling 3 and Dwelling 5 appear to be constrained. However, it is noted that sufficient area has been provided for vehicles exiting Dwelling 1 and Dwelling 2 to conveniently manoeuvre on site to exit in a forward direction. Furthermore, it is been noted that a 1.0 metre separation has been provided between the stobie pole and the access.

## CONCLUSION

DPTI does not object in-principle to the proposed development, subject to the conditions.

## ADVICE

The planning authority is advised to attach the following conditions to any approval:

1. The site shall be served by a single shared access point direct to/from Marion Road. No additional vehicular access shall be created.
2. The shared access shall be a minimum of 6.0 metres in width at the property boundary and extend at that width for a minimum of 6.0 metres into the site.
3. The garage for Dwelling 1 shall be located adjacent the garage of Dwelling 2.
4. All vehicles shall enter and exit the site in a forward direction.
5. Pedestrian sightlines at the access shall be in accordance with AS/NZS2890.1:2004.
6. The shared driveway and on-site manoeuvring areas shall remain clear of any impediments to vehicle movements (such as meters, garden beds and parked vehicles).
7. 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.

Yours sincerely,

  
MANAGER, TRAFFIC OPERATIONS

For COMMISSIONER OF HIGHWAYS

A copy of the decision notification form should be forwarded to [dpti.developmentapplications@sa.gov.au](mailto:dpti.developmentapplications@sa.gov.au)



Contact  
Telephone 7109 7016  
Facsimile 8303 0604

Planning Services  
7109 7016  
8303 0604



17<sup>th</sup> March 2016

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

Dear Sir

**Re: Proposed Development Application No. 211/C018/16 (ID 53503)  
for Land Division (Community Title Plan) by Construct Living**

Further to my letter dated 29<sup>th</sup> February 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 H0042966).  
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 \$32440 into the Planning and Development Fund (5 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, 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.

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

SA Water also advise that for further processing of this application by SA Water, to establish the full requirements and costs of this development, the developer will need to advise SA water of their preferred servicing option. Information of our servicing options can be found at:

<http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/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; and
- c) a copy of its Decision Notification Form (via EDALA) pursuant to Regulations 60 (4) (b) ii and 44 respectively.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read "P. Hodgson", with a long, sweeping flourish extending to the right.

Phil Hodgson  
Unit Manager, Land Titles Office  
as delegate of the  
**DEVELOPMENT ASSESSMENT COMMISSION**  
Q:\PLANNING\SERVICES\TEMPLATES\STATEMENTS\ELECTRONIC\TFF2R-CT





09 March 2016

Our Ref: H0042966

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 rita demusso  
Telephone 7424 1119

**PROPOSED LAND DIVISION APPLICATION NO: 211/C018/16 AT NORTH PLYMPTON**

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

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

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 queries call SAW Land Developments on 74241119. An investigation will be carried out to determine if connections to the development will be standard or nonstandard.

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**



### 6.3 2 Brooker Terrace, COWANDILLA

Application No. 211/1125/2015

#### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Installation of a verandah facade sign associated with the use of a building
APPLICANT	Genesis Pregnancy Support Inc
APPLICATION NO	211/1125/2015
LODGEMENT DATE	24 September 2015
ZONE	Residential
POLICY AREA	Policy Area 20
APPLICATION TYPE	Non-complying
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal ▪ Nil External ▪ Nil
DEVELOPMENT PLAN VERSION	25 June 2015
MEETING DATE	14 June 2016
RECOMMENDATION	<b>CONSENT SUBJECT TO DAC CONCURRENCE</b>

#### BACKGROUND

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

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

The proposal is retrospective in nature; a previous application for the approval of four signs was refused under delegation. The applicant subsequently removed three signs and has now submitted an application for the remaining one.

#### PREVIOUS or RELATED APPLICATION(S)

DA 211/391/2015 - Installation of four signs associated with the use of a building - REFUSED



## **SITE AND LOCALITY**

The subject land is located in Residential Zone and more particularly within Residential Policy Area 20. The subject land is located on the western side of Brooker Terrace and is within 100m of the Brooker Terrace and Sir Donald Bradman Drive intersection.

Although the subject land is located within a Residential Zone there is a mixture of land uses within the locality which may be due to the fact that the subject land is located adjacent to a Neighbourhood Centre Zone and in close proximity to a major arterial road. Some of the land uses which exist within the locality include, the West Torrens Council Chamber and Library, the Church of Christ, Diabetes SA, Centro Hilton Shopping Centre, Billy Baxters Café, Oasis Pizza Takeaway, The Place Café, a news agency, a clothing boutique, a hairdresser, Cowandilla Primary School, single storey detached and semi-detached reproduction dwellings and 1920's bungalows.

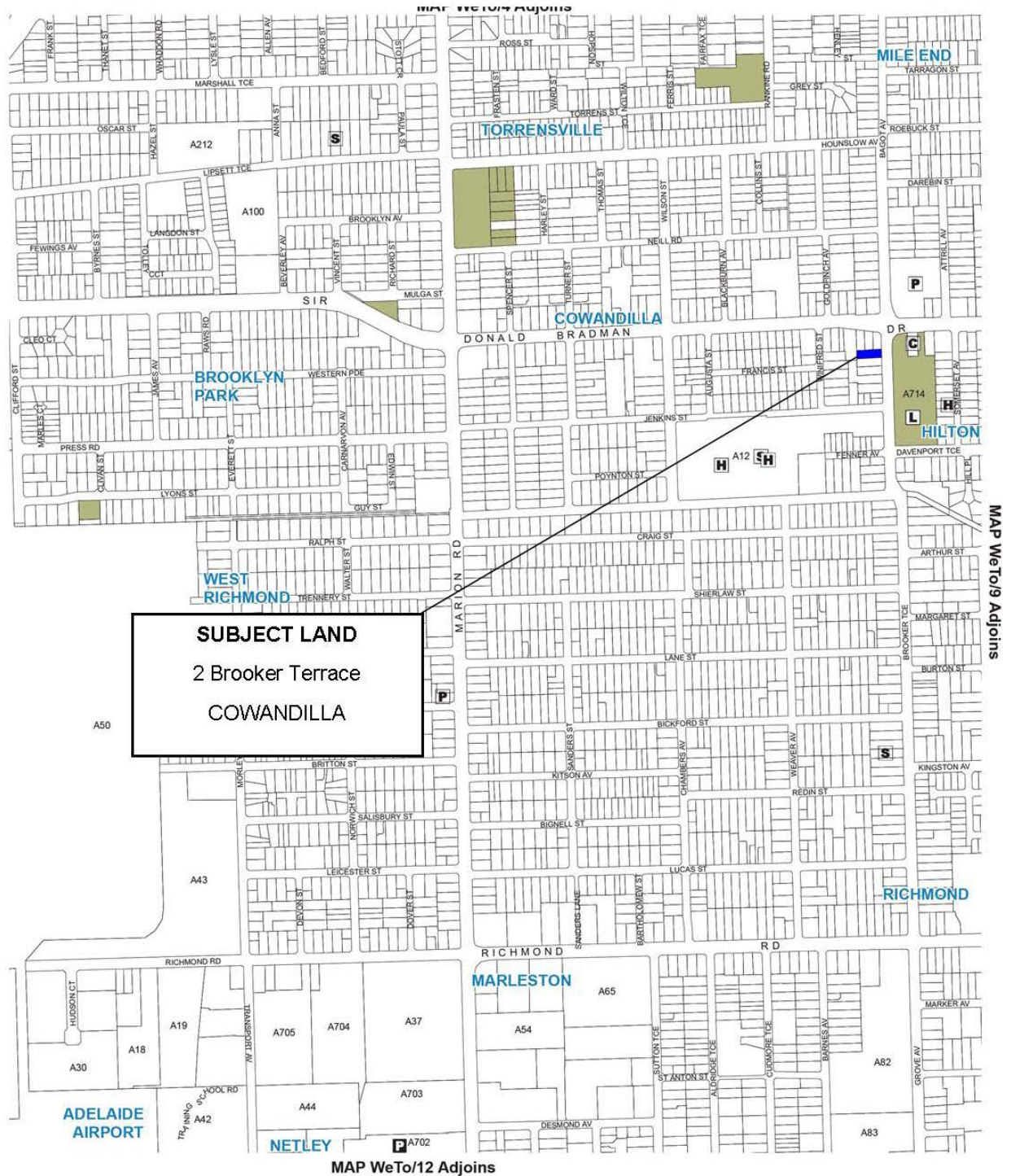
Sir Donald Bradman Drive also has a significant influence on the character of the locality. Being a primary arterial road the locality experiences a high volume of daily traffic and the noise generated by passing traffic has a significant influence on the amenity.

The site and locality are shown on the following maps.









- S** School
- L** Public Library
- C** Council Office
- P** Post Office
- H** Other Health Services
- P** Police Station
- Local Reserves**

## Location Map WeTo/8



## PROPOSAL

The proposed development involves the installation of a verandah facade advertising sign for the purposes of advertising the tenant of the subject site, being Genesis Pregnancy Support. The sign will not be illuminated and it only incorporates the colours white and purple. The sign is 6 metres long by 0.670 metres wide and is 2.860metres above ground level.

A copy of the proposal is contained in **Attachment 1**.

## NON-COMPLYING

The application is a non-complying form of development, due to "*Advertisements and/or advertising hoarding*" being listed as non-complying development in the Procedural Matters table of the Residential Zone of the West Torrens Council Development Plan (as consolidated 25 June 2015). The signage is considered to be advertising and the subject land is within the Residential Zone.

The Administration resolved, under delegation, to proceed with an assessment of the proposal and determined that it was not necessary for the Applicant to provide a Statement of Effect pursuant to Regulation 17 of the *Development Regulations 2008*. This decision was made on the basis that the new structure would be used in a manner that is ancillary, in association with, and will facilitate the better enjoyment of, the existing use of the subject land. Furthermore, the proposed development was considered to be of a minor nature given the size of the subject land, the authorised use of the site, the location of the development within the site, and the ancillary manner in which the development will relate to the use of the site without having unreasonable impact on occupiers of adjoining properties.

The application is now presented to the DAP for a decision. Should the Panel resolve to approve the application, the concurrence of the Development Assessment Commission (DAC) is required. Alternatively, should the Panel resolve to refuse the application, no appeal rights are afforded to the applicant.

## PUBLIC NOTIFICATION

The proposed development is not listed as a Category 1 or 2 form of development in the Procedural Matters table of the Residential Zone of the West Torrens Council Development Plan (as consolidated 5 November 2015).

Clause 3 of Schedule 9 of the Development Regulations 2008 allows non-complying development to be processed as a Category 1 development should a development comprise the construction of a structure to be used as ancillary to or in association with an existing building, and which will facilitate the better enjoyment of the purpose for which the existing building is being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only.

As noted earlier in this report, the Administration considered the proposed development to be of a minor nature, will be ancillary to, and will facilitate the better enjoyment of, the authorised land use.

The proposed development was accordingly processed as a Category 1 form of development in accordance with Section 38 of the *Development Act 1993*.



## REFERRALS

Nil

## ASSESSMENT

The subject land is located within the Residential Zone, more particularly 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>		
Advertisements	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 4, 5, 6, 10, 11, 14 & 16
Historic Conservation Area	Objectives	1, 2 & 3
	Principles of Development Control	1, 2 & 11
Orderly and Sustainable Development	Objectives	1
	Principles of Development Control	1

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



<b>Policy Area: Low Density Policy Area 20</b>	
<b>Desired Character Statement:</b>	
<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

## QUALITATIVE ASSESSMENT

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

### Land Use and Zoning

The intent of the Residential Zone is primarily for the development of residential development in various forms and densities, with some small-scale non-residential development acceptable in certain locations. Genesis Pregnancy Support is an existing establishment that has occupied the site for a number of years and the proposed sign is of a size and design that will enable the site occupants to better enjoy the existing land use, whilst not detrimentally impacting the existing and lawful enjoyment of surrounding residential development.

The proposed sign is complementary to this existing lawful use and is of a size and scale that will not detract from the amenity of the existing streetscape or be visually obtrusive to surrounding development. It is for these reasons the proposed advertising sign within the Residential Zone is considered to be appropriate.

### Signage

As noted in the table above, there are no quantitative parameters for advertising signage that is located within a Residential Zone. Accordingly, the proposed sign is assessed on qualitative measures with some reference to the size and scale typically envisaged for new signage.

The proposed verandah façade sign fits the context and the size of the building to which it is attached. Furthermore, the advertising area is very modest in size and is intended for informational purposes by identifying the business. In consideration of the height, scale and design of the sign, it is relatively minor in nature and will not detrimentally impact the visual amenity of the locality.



## SUMMARY

The proposed sign is for information purposes associated with Genesis Pregnancy Support, and is of a size and design that is appropriate for the building and the locality. Furthermore the proposed development will not detrimentally impact the character of the locality as it is of a relatively minor nature and simplistic design.

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 subject to the concurrence of the Development Assessment Commission for Application No. 211/1125/2015 by Genesis Pregnancy Support to undertake the installation of a verandah facade sign associated with the use of a building at 2 Brooker Avenue, Cowandilla (CT 5816/275) subject to the following conditions:

### Council Conditions

1. That the sign, herein approved, shall be maintained in good repair with all words and symbols being clearly visible at all times.
2. That the sign, herein approved, shall not move, flash, blink or rotate in any manner.
3. That the proposed sign shall not be internally or externally illuminated.



ATTACHMENT 1

SIGNAGE FOR GENESIS PREGNANCY SUPPORT INC [Not for profit Charity]



2 BROOKER TERRACE, COWANDILLA



LEFT PROFILE

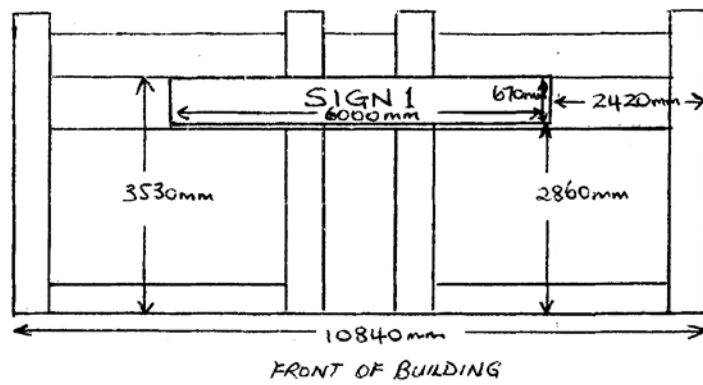


RIGHT PROFILE



ELEVATION  
PLAN

Scale 1:100



SIGN 1





**POSTAL ADDRESS**

P.O. Box 99  
Oaklands Park  
SA 5046

Phone: (08) 8352 4044

Fax: (08) 8352 4011

genesispregnancysupport@msn.com

ABN 32 947 063 007

**OFFICE ADDRESS**

2 Brooker Terrace  
Cowandilla  
SA 5033

24 September 2015

Development Application: 211/1125/2015  
Subject Land: 2 Brooker Terrace, Cowandilla SA 5033  
Proposal: Erection of signage



In reference to your requirement to provide a brief statement to Council setting out the reasons supporting the proposed development we submit the following:

- 2 Brooker Terrace is adjoined to a commercial establishment and is positioned as a continuation of the retail precinct that forms part of the Sir Donald Bradman Drive/Brooker Terrace intersection.
- The property is adjoined on the other side to a residential home that is well screened by foliage from the front of the property where signage is located.
- There are no residential properties on the whole suburban block on the opposite side of the road.
- There is no neon signage and no illumination of signs, day or night.
- We are a charity that provides free community services and our signage will notify the local residents of our presence and easy access in their area.
- Our ability to help others efficiently and effectively is dependent upon our name and services being visible and easily located.
- There are 11 car parks located at the rear of the property which provide adequate parking for anyone accessing our services.

We submit the above for your consideration.

[As a group of volunteers we have now committed to a 3 year lease at this premises having not been made aware beforehand by the commercial properties agent negotiating the lease that the property was not approved for signage].

Kind regards

Juli Bednall  
Executive Officer  
0406 477 707





**POSTAL ADDRESS**

P.O. Box 99  
Oaklands Park  
SA 5046

Phone: (08) 8352 4044  
Fax: (08) 8352 4011  
genesispregnancysupport@msn.com  
ABN 32 947 063 007

**OFFICE ADDRESS**

2 Brooker Terrace  
Cowandilla  
SA 5033

24 September 2015

Dear Sir/Madam



We submit the following details about our organisation and operation along with lodgement of our Development Application for your information.

Genesis Pregnancy Support Inc is a not for profit charitable organisation that has been operating for 24 years in Adelaide.

We provide a variety of free services and material assistance to girls and women with unplanned or unsupported pregnancies, as well as cheap, quality clothing through our second-hand baby gear shop 'Reborn', and 'beREADY' sex and relationship education programs for primary and high school students. [see our attached services brochure]

- Our staff and governing committee are all volunteers.
- We receive no government funding and are financially supported by our donors plus limited additional income from our shop and sex education programs.

A number of government and non-government welfare agencies utilise our services for marginalised women whom they are assisting for various reasons eg domestic violence, homelessness, new migrants, refugees, financially challenged etc.

In regards to this development application:

- Our property is a continuation of the commercial and retail precinct that is part of the Sir Donald Bradman and Brooker Terrace intersection, and only has one adjoining residential neighbour.
- Our business is quiet and conducted within limited business hours (10am-3pm) and should be of no inconvenience to neighbours.

We believe both the shop and the services of Genesis to be an asset to the community and rely on the small but significant income from the shop for our subsistence.

We respectfully submit this application for your consideration.

Kind regards

Juli Bednall

Executive Officer / 0406 477 707



## 6.4 208A Holbrooks Road, UNDERDALE

Application No. 211/1253/2015

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of a single storey residential flat building containing two (2) dwellings
APPLICANT	LS Design Construct
APPLICATION NO	211/1253/2015
LODGEMENT DATE	23 October 2015
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"><li>▪ <b>Civil Engineer (City Assets)</b> - Traffic and manoeuvrability, stormwater detention &amp; disposal and finished floor levels</li></ul> External <ul style="list-style-type: none"><li>▪ Nil</li></ul>
DEVELOPMENT PLAN VERSION	25 June 2015
MEETING DATE	14 June 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 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 211/952/2010 - Construction of two (2) x two storey group dwellings and two (2) single storey group dwellings - Development Plan Consent Lapsed

DA 211/135/2013 - Land Division - Torrens Title DAC No - 211/D016/13 Create One (1) Additional Allotment - Torrens Title Approval

DA 211/862/2014 - Construction of free-standing carport/verandah - Development Approval



## **SITE AND LOCALITY**

The subject land is described as Allotment 31 Deposited Plan 94001 in the area named Underdale Hundred of Adelaide as contained in Certificate of Title Volume 6148 Folio 979. The land is more commonly known as 208A Holbrooks Road, Underdale.

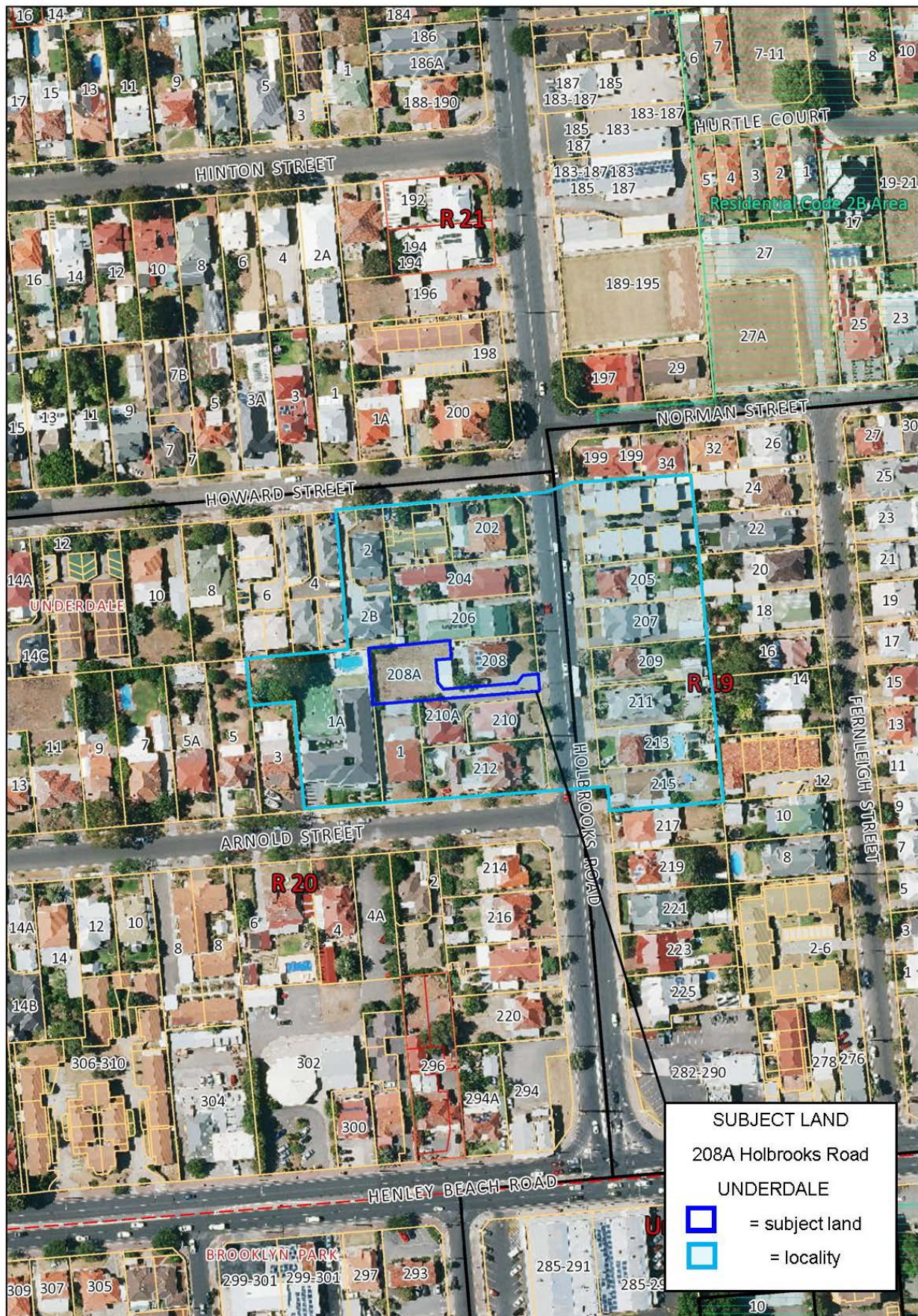
The subject land is located on the western side of Holbrooks Road, between Howard Street and Arnold Street. It is a battle-axe allotment that is situated behind 208 Holbrooks Road, with the handle located along the southern boundary, abutting the boundary of 210A Holbrooks Road. The subject land is the result of subdivision of the parent allotment which occurred in 2013. The driveway is community land and is used by the occupiers of 208 Holbrooks Road for parking purposes. The driveway is eight (8) metres wide at the road, and sixty-four (64) metres in length. Excluding the driveway handle (communal area) the total area of the subject land is approximately 540 square metres, and it is currently vacant.

The subject land is located within the Residential Zone and more particularly Low Density Policy Area 20. The site is directly adjacent Medium Density Policy Area 19 and approximately seventy-five (75) metres south of the Low Density Policy Area 21.

Whilst the majority of residential stock in the locality is intact on rectangular shaped allotments there are some examples of infill development mainly in the form of group dwellings and residential flat buildings which are dispersed amongst the locality and broader locality. Therefore it cannot be said that there is a consistent allotment pattern. The residential development within the locality is highly varied and contains group dwellings, a maisonette, a double storey residential flat building, and detached dwellings. The dwelling styles range from 1920-30's Tudor, villas, bungalows and cottages to contemporary style dwellings built within the 2000's.

The site and locality are shown on the following maps.









## Location Map WeTo/4

- WEST TORRENS COUNCIL**  
Consolidated - 25 June 2015



## PROPOSAL

The applicant is seeking Development Plan Consent for the construction of a single storey residential flat building containing two dwellings. Each dwelling will have a garage and alfresco built under the main roof. The layout of each dwelling will differ slightly but essentially both will contain an open plan living/dining and kitchen area, three bedrooms, one bathroom and a laundry. The proposal includes areas of landscaping within the associated areas of private open space and along the shared driveway.

A copy of the proposal is contained in **Attachment 1**.

## PUBLIC NOTIFICATION

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

## REFERRALS

Internal

- **Civil Engineer - City Assets**

The application was referred to Council's Civil Engineer for comment on traffic and manoeuvrability, stormwater detention and disposal and finished floor levels. The current proposal presents no concerns with regard to vehicle manoeuvrability, stormwater disposal and finished floor levels but there is one outstanding matter involving stormwater detention that has not been addressed by the applicant. The following advice regarding stormwater detention was provided:

*"As advised in previous land division development application (DA 211/135/2013), 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."*

The above stormwater detention matter can be addressed by way of a reserved matter should the application be granted Development Plan Consent.

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly within 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>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 7 & 8
Design and Appearance	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 9, 10, 11, 13, 14 & 15
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2 & 4
Infrastructure	Objectives	3
	Principles of Development Control	1, 3, 5, 6 & 8
Landscaping, Fences and Walls	Objectives	1
	Principles of Development Control	1, 2, 3 & 4
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3 & 7
Residential Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 28, 29, 30 & 31
Transportation and Access	Objectives	2
	Principles of Development Control	1, 23, 24, 25, 28, 34, 35, 36, 44 & 45

Zone: Residential Zone	
<p><b>Desired Character Statement:</b></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	1 - 4
Principles of Development Control	1, 5, 6, 7, 10, 11, 12, 13 & 14



<b>Policy Area: Low Density Policy Area 20</b>	
<b>Desired Character Statement:</b>	
<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 & 3

## QUANTITATIVE ASSESSMENT

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

## QUALITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT	
		Dwelling 1	Dwelling 2
SITE AREA <i>Low Density Policy Area 20 PDC 3</i>	Detached Dwelling 340m <sup>2</sup> (min.) Semi-detached Dwelling 340m <sup>2</sup> (min.) Group Dwelling 340m <sup>2</sup> (min.)	288.6m <sup>2</sup>  <b>Residential flat building not envisaged, therefore no minimum land size stipulated</b>	251.06m <sup>2</sup>  <b>Residential flat building not envisaged, therefore no minimum land size stipulated</b>



SIDE/REAR SETBACKS <i>Residential Zone PDC 11</i>	Side 0/1m (min.)(ground floor)  Rear 3m (min.)(ground floor)	1m - North 3.948m - South  <b>Satisfies</b>  900mm <b>Does Not Satisfy</b>	1m - North 5.7m - South  <b>Satisfies</b>  1m <b>Does Not Satisfy</b>
BUILDING HEIGHT <i>Residential Zone PDC 6</i>	Max 2 storeys or 6m	1 storey  <b>Satisfies</b>	1 storey  <b>Satisfies</b>
INTERNAL FLOOR AREA <i>Residential Development PDC 9</i>	3+ Bedroom, 100m <sup>2</sup> (min.)	109m <sup>2</sup>  <b>Satisfies</b>	106.76m <sup>2</sup>  <b>Satisfies</b>
PRIVATE OPEN SPACE <i>Residential Development PDC 19</i>	<300m <sup>2</sup> - 24m <sup>2</sup> (min.), of which 8m <sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m. -Minimum dimension 3m (excl. balconies). - 16m <sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room.	52.8m <sup>2</sup> (total) 4.8m (min. dimension) 52.8m <sup>2</sup> (accessed from habitable room)  <b>Satisfies</b>	42.3m <sup>2</sup> (total) 4m (min. dimension) 42.3m <sup>2</sup> (accessed from habitable room)  <b>Satisfies</b>
CARPARKING SPACES <i>Transportation and Access PDC 34</i>	- 2 car-parking spaces required, 1 of which is covered + an additional 0.25 spaces per dwelling	2 spaces provided (1 covered)  <b>Satisfies</b>	2 spaces provided (1 covered)  <b>Satisfies</b>

### Site Area and Desired Character

The proposal is for the construction of a single storey residential flat building containing two dwellings. There are no provisions within the Low Density Policy Area 20 to guide the development of residential flat buildings. As, unlike detached, semi-detached, or group dwellings, residential flat buildings are not a specifically envisaged land use within the policy area and consequently there is no policy to help guide the minimum site area of such development.

Low Density Policy Area 20, PDC 3 is shown within the West Torrens Development Plan as follows:



*A dwelling should have a minimum site area and a frontage to a public road not less than that shown in the following table:*

*(a) when located 400 metres or more from a centre zone, or*

*(b) when located within 400 metres of the Neighbourhood Centre Zone on Marion Road*

Dwelling type	Site area (square metres)	Minimum frontage (metres)
Detached	340 minimum	10
Semi-detached	340 minimum	10
Group dwelling	340 minimum	10

\*Please note that the subject land is not located within 400 metres of a Centre Zone\*

Given that there is no variance in site area depending on the dwelling type, the proposed site areas will be compared against the minimum of 340 square metres.

The calculation of the site area excludes the communal land as delineated on the deposited plan (see **Attachment 2**) which is consistent with the land division approval of DA 211/135/2013. The site of Dwelling 1 is approximately 288.6 square metres, which is 15% less than the site area sought within the Low Density Policy Area 20. The site of Dwelling 2 is approximately 251.06 square metres, which is 26% less than the site area sought within Low Density Policy Area 20. It is acknowledged that the development is not for any of the above dwelling types, but it is recognised the site area of 340 square metres is required regardless of the dwelling type and so it can be presumed that in any case site areas less than this are not favourable.

There are several allotments located outside of the locality and some examples located within the locality, and within the same policy area, such as 1/2A Howard Street, 2/2A Howard Street that have areas less than envisaged. But in those circumstances the dwelling types are ones which are envisaged by the respective policy area.

It may be argued that, as 201-203 Holbrooks Road contains two residential flat buildings each with areas less than 340 square metres, that the proposed development is appropriate. However, that allotment is located within Medium Density Policy Area 19 where different site area provisions and dwelling types apply. Given that the direction of Medium Density Policy Area 19 is to increase densities in the form of residential flat buildings as one example, there may be a change in built form on the side of Holbrooks Road opposite the subject land in the future. If there was a higher prevalence of residential flat buildings within the locality, in accordance with the Medium Density Policy Area 19 provisions, the proposed residential flat building may be viewed in a more favourable light given that it would provide transition in the local environment. However, as this is currently not the case, and the development is being considered based upon the context of the existing locality, the departure from the site areas sought within the Low Density Policy Area 20, and along with the incongruous dwelling type, the proposal is not considered to be appropriate.

## Rear Setback

Residential Zone, Principle of Development Control (PDC) 11 seeks a minimum rear setback of three metres for single storey dwellings. The proposal will result in each proposed dwelling having a rear setback of less than three metres. Proposed Dwelling 1 will have a rear setback of 900 millimetres and proposed Dwelling 2 will have a rear setback of one metre.

In this instance, the compromised rear setbacks are not considered to be fundamentally detrimental to the proposal given that in both instances it will not result in any offsite amenity impacts on adjoining or adjacent land uses.



Regarding proposed Dwelling 1 the only portion of the dwelling that will be within the 3 metre rear setback requirement is Bedroom 1 which is 4.7 metres wide. The remainder of the dwelling maintains a rear setback of 4.5 metres. Given the orientation of the subject land and the scale of the proposed dwelling it will not create any unreasonable impacts to 1A Arnold Street such as overshadowing or visual dominance.

Similar to proposed Dwelling 1, the only portion of proposed Dwelling 2 that will be within the 3 metre rear setback requirement is Bedroom 1 which is 4.2 metres wide. The remainder of the dwelling maintains a 3.3 metre and more, setback from the rear boundary of its respective site. Given the orientation of the subject land, the scale of the proposed dwelling, the fact that there is an existing carport built directly adjacent to the portion of the dwelling with the reduced rear setback, and separation between the proposed dwelling and the existing dwelling on 208 Holbrooks Road is maintained, the rear setback deficiency is not considered to be unreasonable.

The siting of Dwelling 2 is similar to what could be expected if only one dwelling was proposed on the subject land and therefore the rear setback deficiency is not considered to be a major departure from the intent of the Development Plan policy.

In consideration of the above, if the rear setback was the only concern with the proposal, it would not be so seriously at variance with the Development Plan as to warrant refusal of the application.

### **Land Division**

In accordance with Case Law, either a separate Land Division application must be lodged and assessed prior to a decision of this Land Use application, or the current application should be amended to a combined Land Use and Land Division application. Currently no associated application for land division has been lodged with Council. Should the Panel seek to grant Development Plan Consent for this proposal, the land division should be listed as a Reserved Matter.

### **SUMMARY**

With the exception of the minor inconsistency of the rear setback the proposed residential flat building satisfies the relevant provisions of the West Torrens Development Plan relating to residential development, and is considered to be an orderly development providing a reasonable level of amenity for its potential occupants. Although it has been demonstrated that the development is functional, it is not considered to be an appropriate form of development within the Low Density Policy Area 20 as the site areas are less than that required for residential development and the dwelling type is not an envisaged land use.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be 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 25 June 2015 and does not warrant Development Plan Consent.

### **RECOMMENDATION**

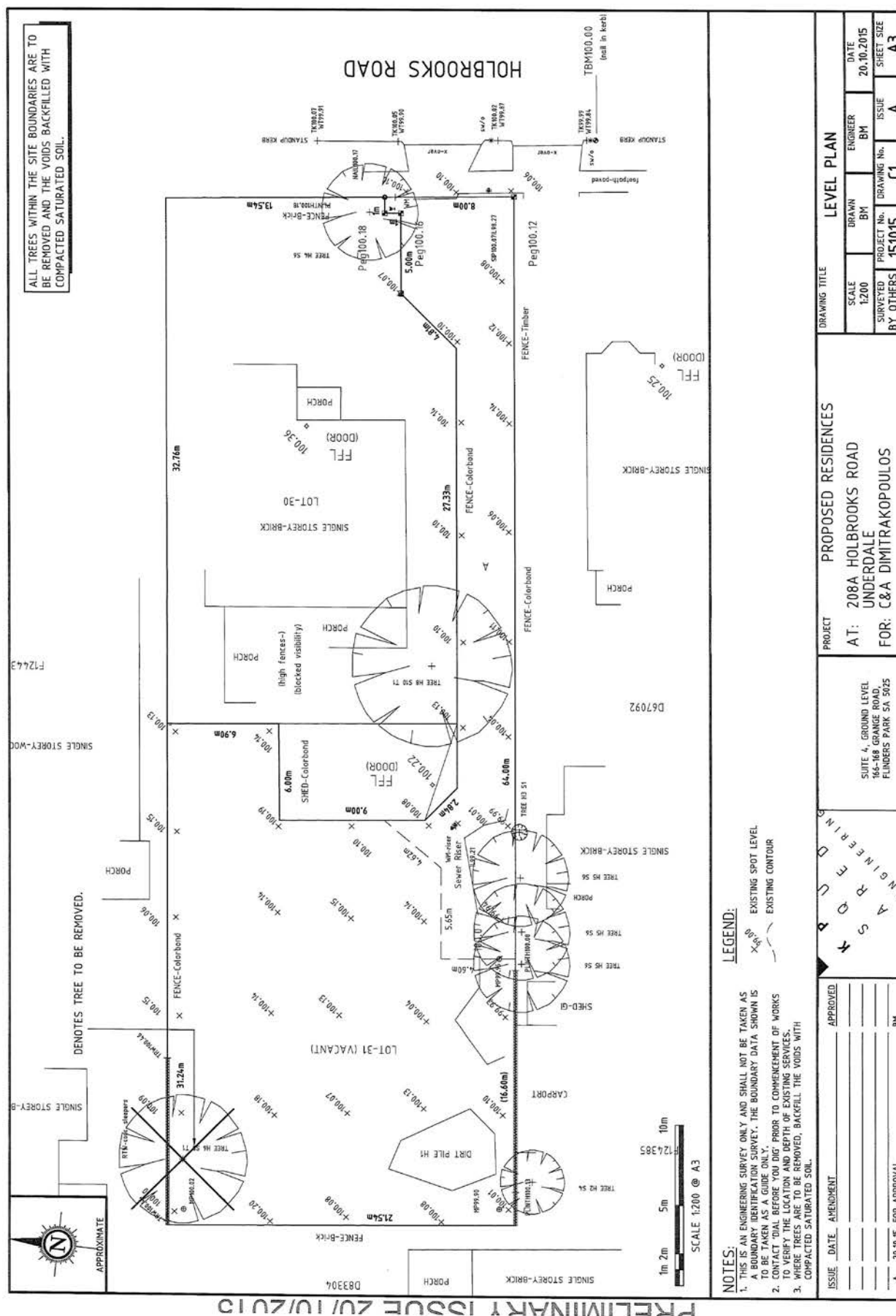
The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to REFUSE Development Approval for Application No. 211/1253/2015 by LS Design Construct to construct a single storey residential flat building containing two (2) dwellings at 208A Holbrooks Road, Underdale (CT 6148/979) for the following reasons:



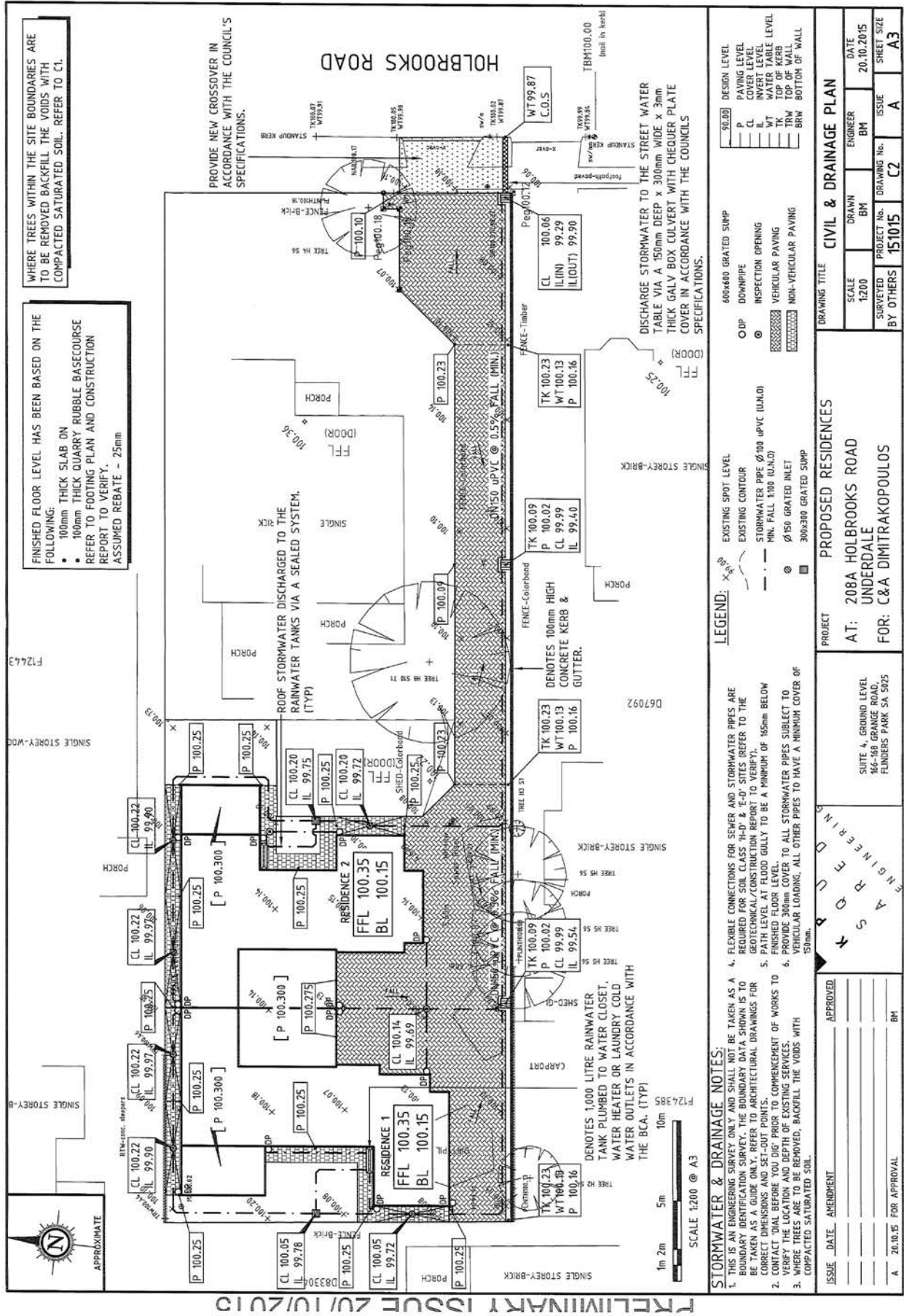
1. The proposed development is contrary to
  - Low Density Policy Area 20 Objective 1  
Reason: The proposed development is not consistent with the desired character of the policy area as it is not an envisaged form of development
  - Low Density Policy Area 20 Principle of Development Control 1& 2  
Reason: The proposed development is not consistent with the desired character of the policy area as it is not an envisaged form of development



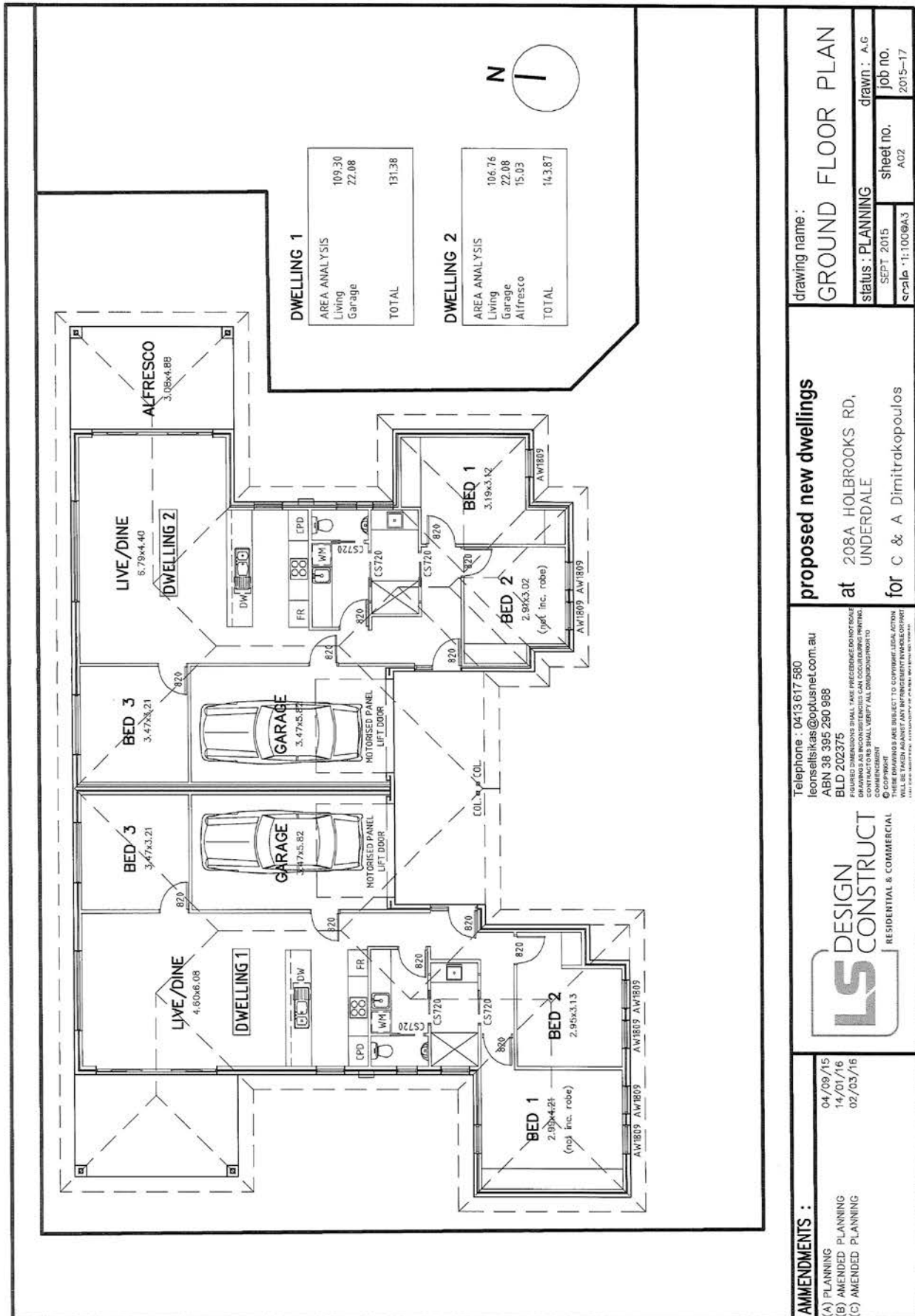
## ATTACHMENT 1



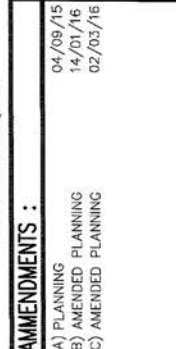




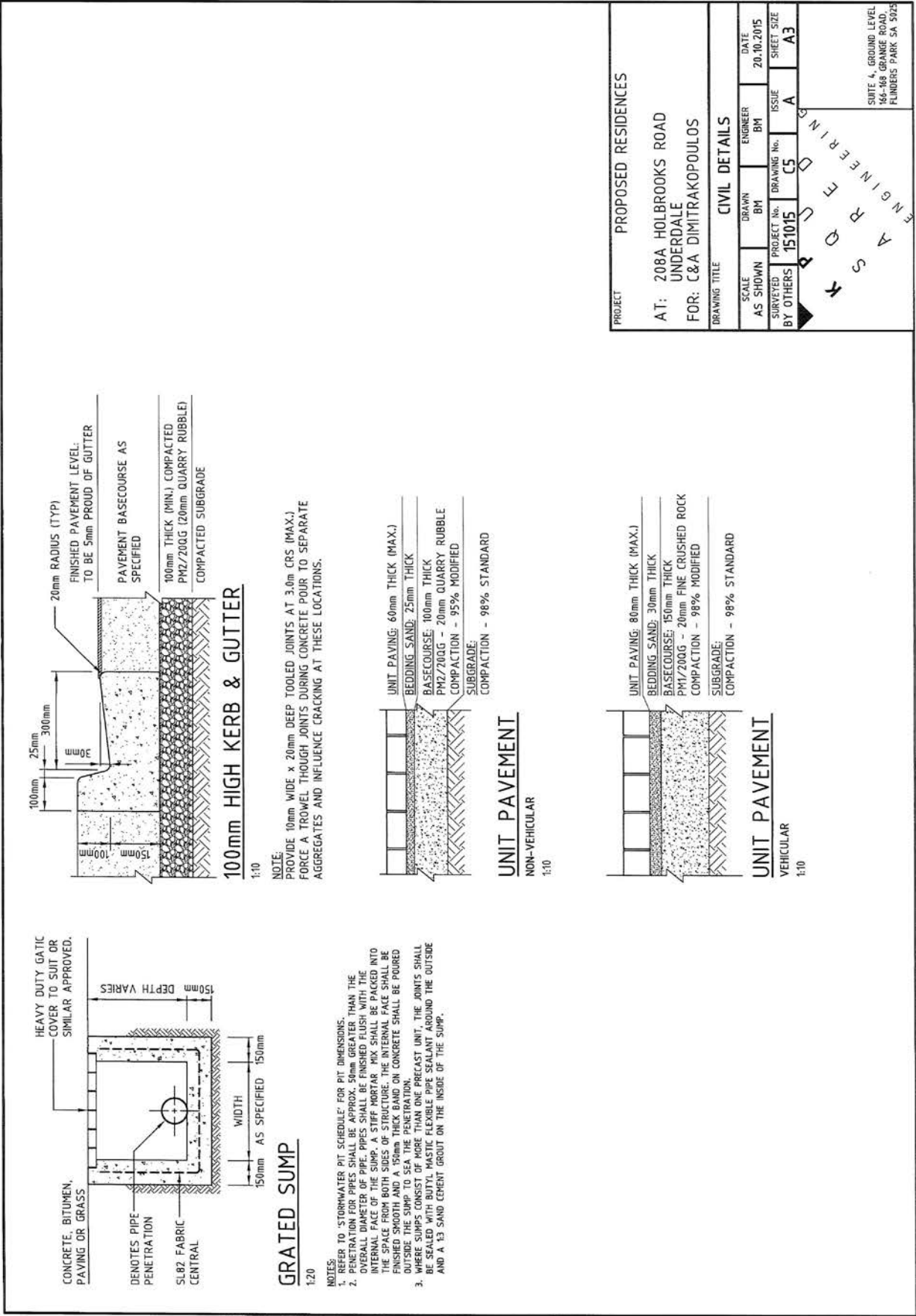






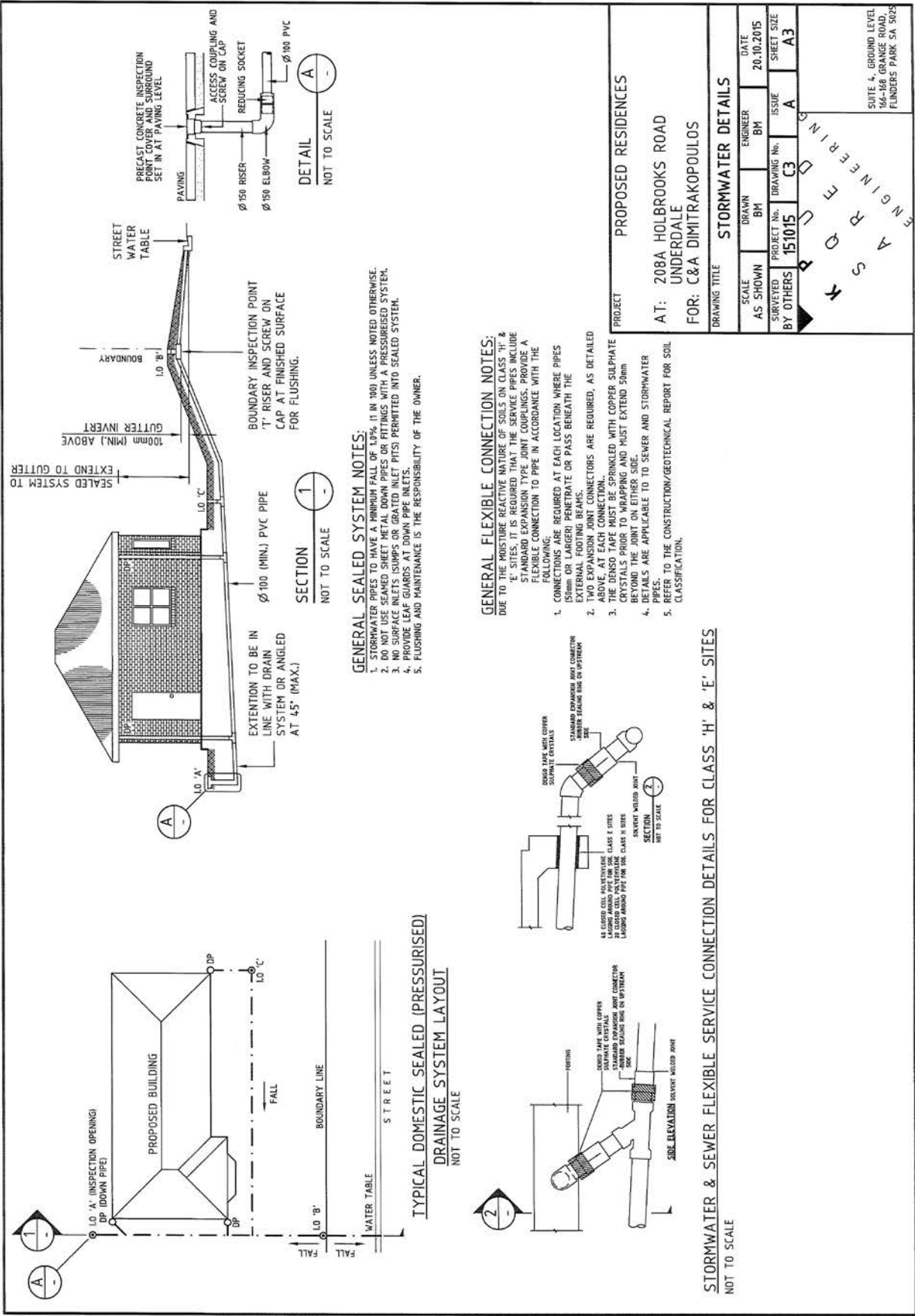






PRELIMINARY ISSUE 20/10/2015



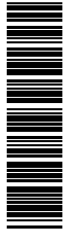




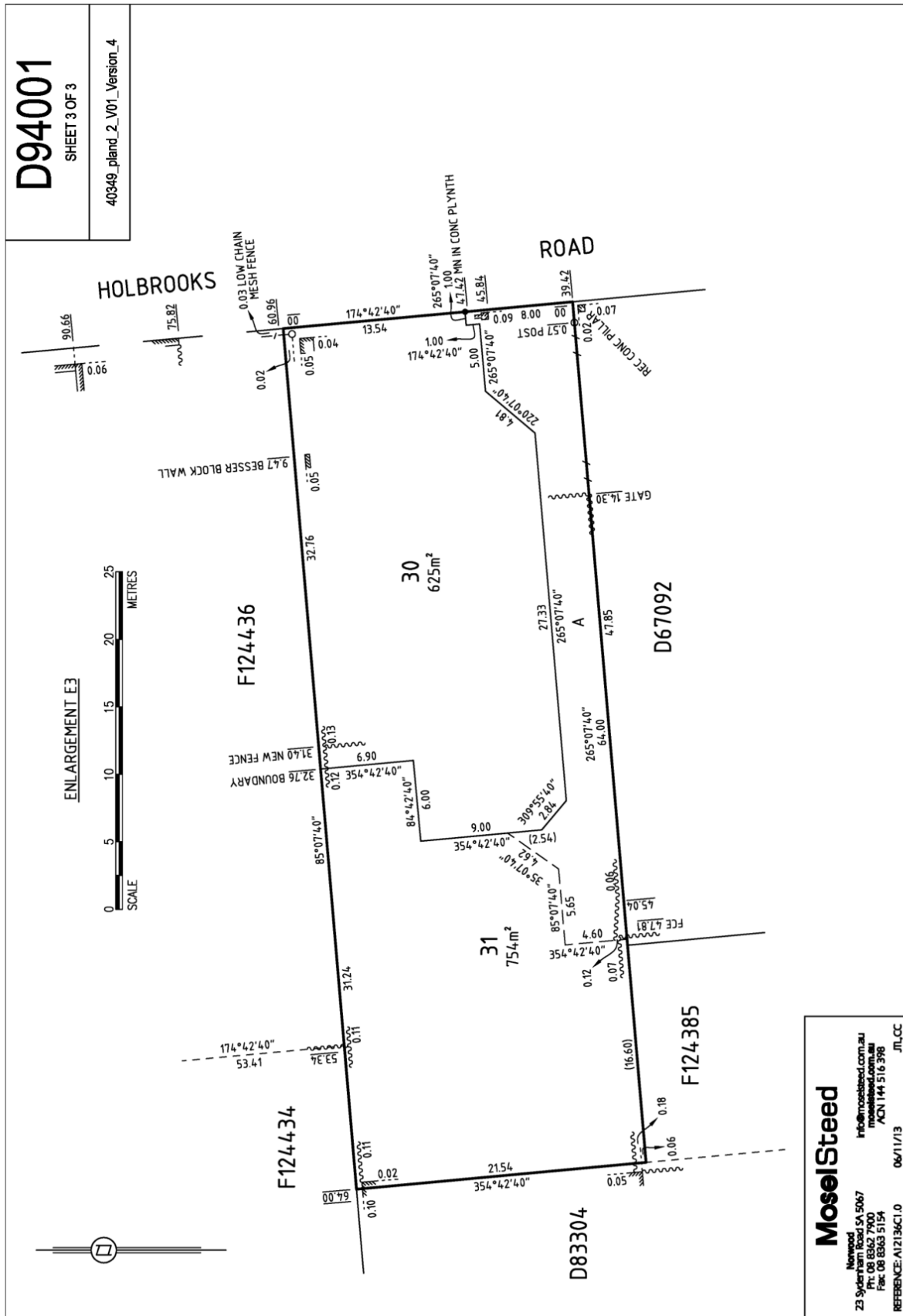




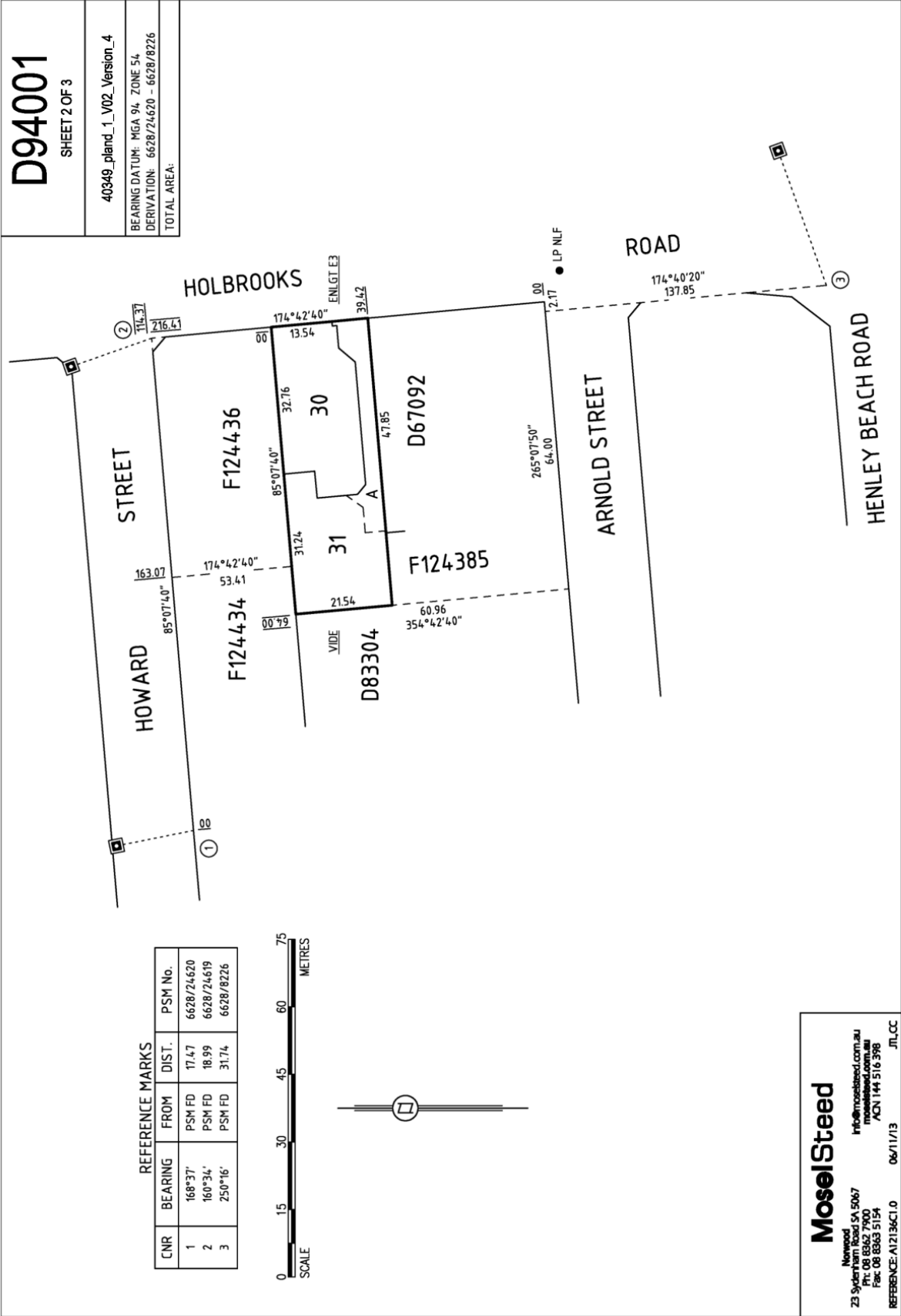
ATTACHMENT 2

PURPOSE:	DIVISION	AREA NAME:	UNDERDALE	APPROVED:	GARY WOODCOCK 27/06/2014	 <b>D94001</b> SHEET 1 OF 3 40349_text_01_v04_Version_4
MAP REF:	862841/G	COUNCIL:	CITY OF WEST TORRENS	DEPOSITED:	PAUL GRAHAM 18/11/2014	
LAST PLAN:	DEVELOPMENT NO: 211/D016/13001/37673					
AGENT DETAILS:		MOSEL STEED 23 SYDENHAM ROAD NORWOOD SA 5067 6 GRAVES ST KADINA SA 5554 PH: 08 8362 7900 FAX: 08 8363 5154		SURVEYORS CERTIFICATION:		[John Thomas Linsell] a licensed surveyor do hereby certify - 1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992. 2) That the field work was completed on the 23rd day of October 2013 24th day of June 2014 John Linsell Licensed Surveyor
AGENT CODE:		MSKOP				
REFERENCE:		A12136C1.0.JTL				
SUBJECT TITLE DETAILS:						
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN
CT	5731	495		ALLOTMENT(S)	94	F
OTHER TITLES AFFECTED:				NUMBER	HUNDRED / I/A / DIVISION	TOWN
				124386	ADELAIDE	
EASEMENT DETAILS:						
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF
NEW	31	SHORT	FREE AND UNRESTRICTED RIGHT(S) A OF WAY	A		30
ANNOTATIONS: NO OCCUPATION ON SURVEYED BOUNDARIES UNLESS OTHERWISE SHOWN						











## 6.5 9 Byrnes Street, BROOKLYN PARK

Application No. 211/88/2016 & 211/370/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land Division - Torrens Title; DAC No 211/D033/16 (Unique ID 53698); Create one (1) additional allotment	Construction of two (2) dwellings each with garage under main roof
APPLICANT	PETER FRANZON CONSTRUCTION PTY LTD	VERROCCHI BUILDING DESIGN
APPLICATION NO	211/370/2016	211/88/2016
LODGEMENT DATE	7 March 2016	1 February 2016
ZONE	Residential	Residential
POLICY AREA	Low Density Policy Area 20	Low Density Policy Area 20
APPLICATION TYPE	Merit	Merit
PUBLIC NOTIFICATION	Category 1	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> <li>Nil (City Assets referral conducted for land use application)</li> </ul> External <ul style="list-style-type: none"> <li>Development Assessment Commission (DAC)</li> <li>SA Water</li> </ul>	Internal <ul style="list-style-type: none"> <li>Civil Engineer (City Assets) - traffic, parking, stormwater &amp; drainage.</li> <li>Amenity Officer (City Works) - Street Tree Assessment.</li> </ul> External Nil
DEVELOPMENT PLAN VERSION	5 November 2015	5 November 2015
MEETING DATE	14 June 2016	14 June 2016
RECOMMENDATION	<b>CONSENT</b>	<b>CONSENT</b>

### BACKGROUND

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

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

### PREVIOUS or RELATED APPLICATION(S)

Nil



## **SITE AND LOCALITY**

The subject land is described as Allotment 97 Filed Plan 144425 in the area named Brooklyn Park Hundred of Adelaide, but is more commonly known as 9 Byrnes Street, Brooklyn Park. It is a rectangular shaped allotment with a frontage width to Byrnes Street of 15.24 metres and a depth of 45.72 metres. The total site area is approximately 696.77 square metres. The site is currently vacant, but before the site was cleared it accommodated a dilapidated tennis court and carport, that was associated with the dwelling situated on 7 Byrnes Street.

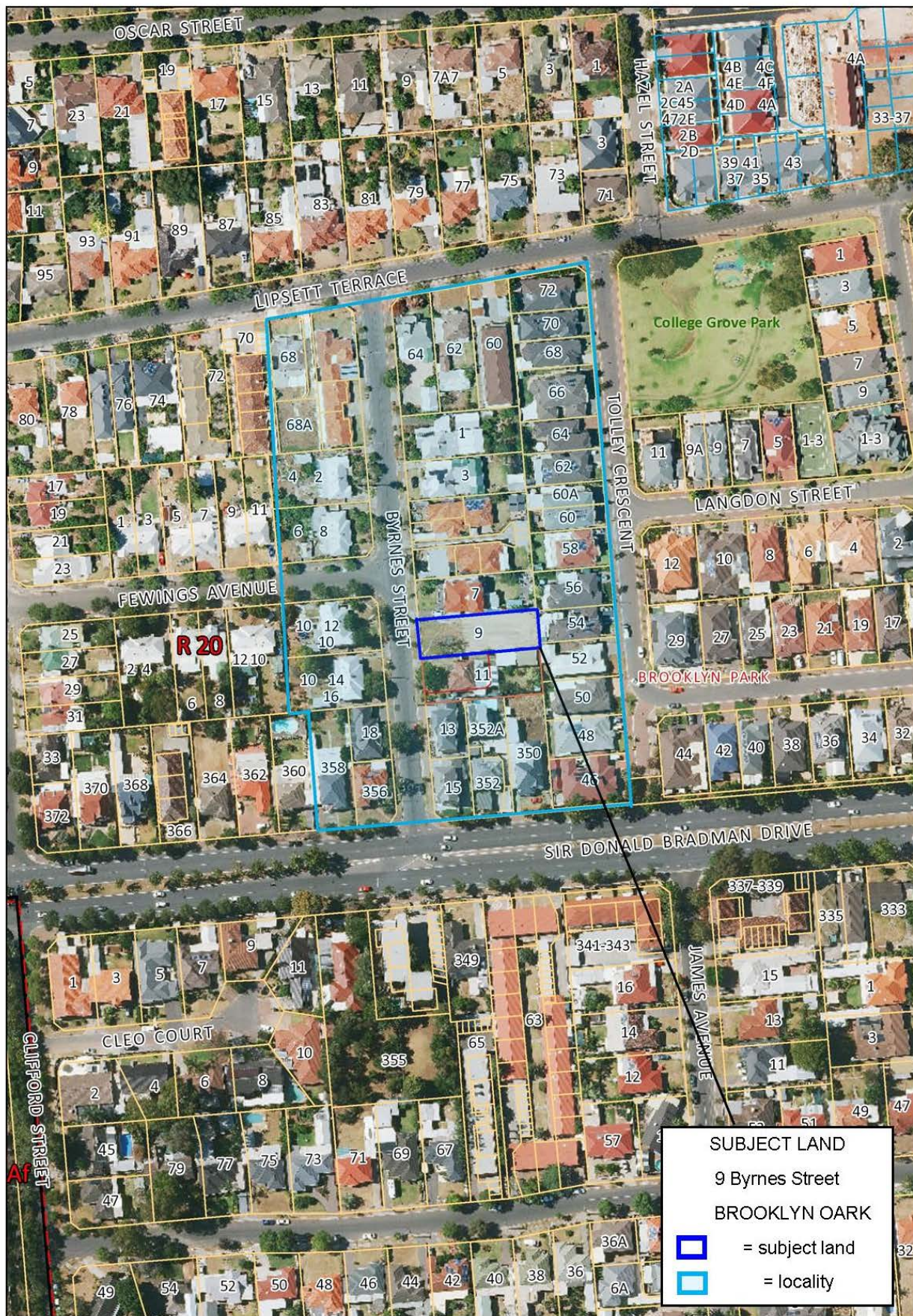
The subject land is located on the western side of Byrnes Street and is just south of the Fewings Avenue and Byrnes Street intersection and is also approximately 62 metres north of Sir Donald Bradman Drive. The site is located within 400m of a Centre Zone. Vehicle access to the subject land is currently provided via an existing crossover located to the northern boundary frontage.

The locality is comprised of residential development however the dwelling type is eclectic. To the east of the subject land residential development is generally in the form of one or two-storey detached dwellings that have consistent setbacks from the front boundary and are situated on similar sized rectangular shaped allotments. All of these dwellings were built within the early 2000's.

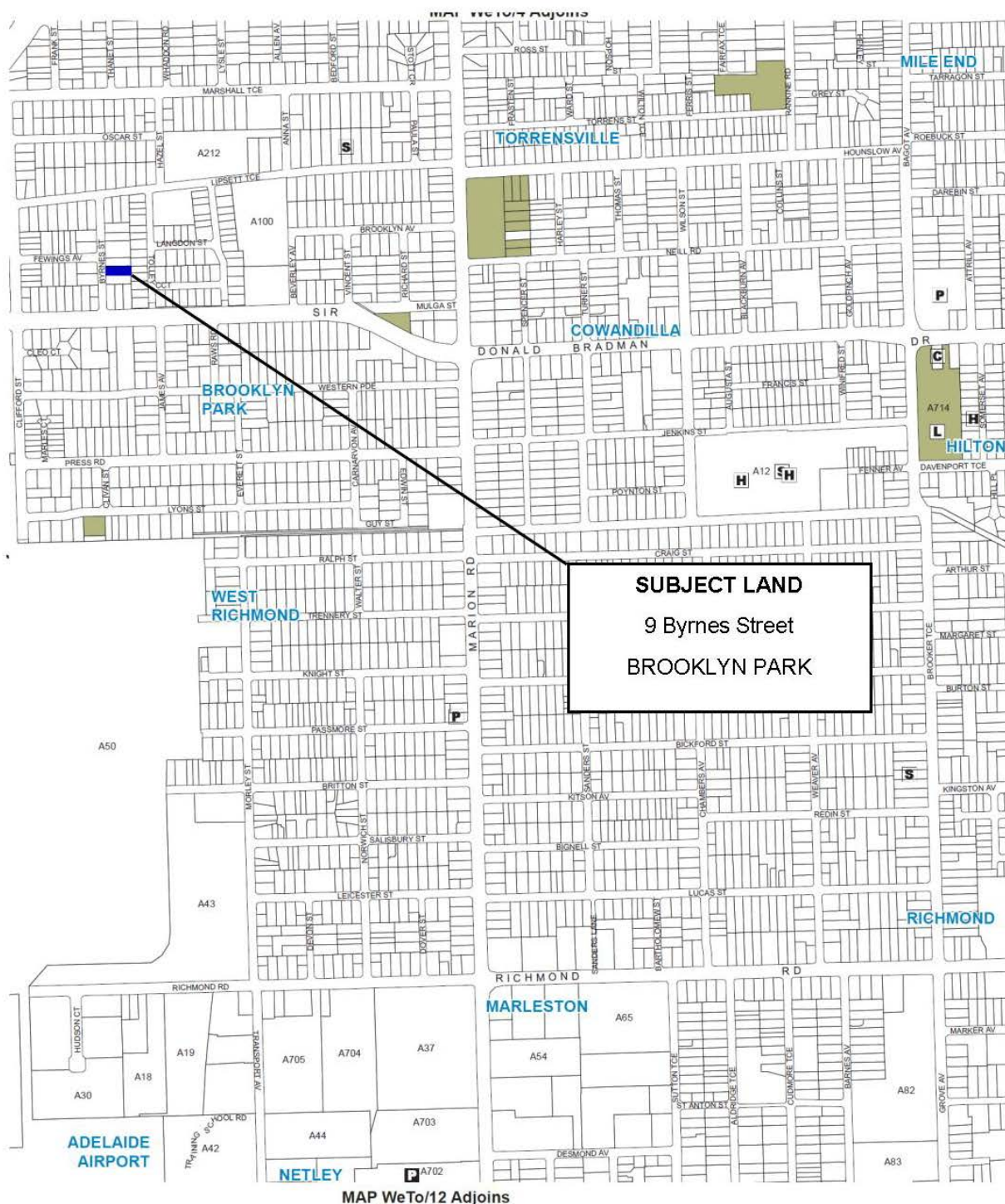
Dwellings facing Byrnes Street do not have the same uniformity as those developed east of the subject land. The dwelling form is diverse and they are situated on allotments of various sizes and shapes. There are examples of 1920's and 1950's detached dwellings situated on large allotments with wide frontages, a 1960's residential flat building and two semi-detached dwellings occupying smaller square shaped allotments, and detached dwellings on small rectangle allotments with wide frontages that have been a result of the subdivision of corner blocks. Fewings Avenue is primarily made up of 1950's maisonette dwellings on narrow but deep allotments. There are two examples of battle axe development within the locality one at 352 Sir Donald Bradman Drive and the other at 68 Lipsett Terrace. Several other residential flat buildings, mainly established in the 1970's and 1980's, are existent in the wider locality.

The site and locality are shown on the following maps.









- S** School
- L** Public Library
- C** Council Office
- P** Post Office
- H** Other Health Services
- P** Police Station
- Local Reserves**

## Location Map WeTo/8

WEST TORRENS COUNCIL  
Consolidated - 5 November 2015



## PROPOSAL

It is proposed to construct two, single-storey dwellings each with an associated garage built under the main roof. The development is in a battle-axe formation with one dwelling having a direct frontage to the public road, and the other being situated behind with an extended driveway to provide access to the site. In accordance with case law, land division should come first and until this has been undertaken the proposed dwellings cannot technically be defined as detached dwellings, which is, *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.*

Prior to land division being undertaken and the allotments being created, the dwelling would more accurately be defined as group dwellings.

Each proposed dwelling comprises an open plan living/dining/kitchen area, two bathrooms, a separate laundry and three bedrooms.

All car parking facilities associated with the proposed dwellings are accessed by separate driveways and crossovers.

Landscaping has also been included which indicates that for Dwelling 1 landscaping will mainly be provided within the front setback area and a portion of the rear yard. For Dwelling 2 landscaping will be provided along the driveway and in a portion of the rear yard.

The proposed land division is for a Torrens Title Land Division creating one additional allotment. The boundaries of the land division application are consistent with the land use application (DA 211/88/2016). The land division proposal has been lodged to formalise titling arrangements in accordance with the associated land use development application being concurrently considered in this report (DA 211/88/2016).

The proposed land use and land division development applications are included in **Attachment 1**.

## PUBLIC NOTIFICATION

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

## REFERRALS

Internal

- **Civil Engineer (City Assets)**

The land use application (DA 211/88/2016) was referred to Council's City Assets Engineer who considered development levels and drainage, verge interaction, and traffic and manoeuvrability. Initially only concerns regarding the dimensions of the internal garage widths were raised, but have since been adequately addressed and are reflected within the plans being considered by the DAP.

Given that feedback was provided for the land use and the site boundaries are replicated within the land division drawings, no referral was made for the land division application.



- **Amenity Officer (City Works)**

The proposed driveway for Allotment 2/Dwelling 2 does not maintain the typical two metre minimum offset required from existing street trees. In this instance feedback was obtained from Council's Amenity Officer who supports the one metre offset from the existing street tree, and therefore the street tree can be retained.

External

The land division application (DA 211/370/2016) was referred to SA Water by the Development Assessment Commission (DAC) who advised of no objection subject to specified standard conditions being included on any consent to be issued.

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

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly 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>Crime Prevention</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2 & 8
<i>Design and Appearance</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 4, 9, 12, 13, 14, 15, 21 & 22
<i>Energy Efficiency</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, & 3
<i>Infrastructure</i>	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6 & 8
<i>Land Division</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 4, 5, 6, 7, 8, 12 & 16
<i>Landscaping, Fences and Walls</i>	<i>Objectives</i>	1
	<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 & 7
<i>Residential Development</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23 & 31
<i>Transportation and Access</i>	<i>Objectives</i>	2
	<i>Principles of Development Control</i>	1, 8, 10, 11, 23, 24, 25, 26, 34, 35 & 44



<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 <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, 2, 3, & 4
<b>Principles of Development Control</b>	1, 2, 4, 5, 6, 7, 8, 10, 11, 12 & 13

<b>Policy Area: Residential Policy Area 20</b>	
<b>Desired Character Statement:</b>	
<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, 4 & 5

## QUANTITATIVE ASSESSMENT

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



DA 211/370/2016 - Land Division			
DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT	
		Allotment 1	Allotment 2
SITE AREA <i>Low Density Policy Area 20</i> <i>PDC 5</i>	340sqm	300m <sup>2</sup>  <b>Does Not Satisfy by 11.8%</b>	300.4m <sup>2</sup> (excluding driveway handle)  <b>Does Not Satisfy by 11.65%</b>  397m <sup>2</sup> (including driveway handle)  <b>Satisfies</b>
SITE FRONTAGE <i>Low Density Policy Area 20</i> <i>PDC 5</i>	10m	10.6m  <b>Satisfies</b>	4.6m (driveway width)  <b>Does Not Satisfy</b>

DA 211/88/2016 - Dwellings			
DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT	
		Dwelling 1	Dwelling 2
SITE AREA <i>PDC 4 (within 400m of centre)</i>	Detached Dwelling 300m <sup>2</sup> (min.) Group Dwelling 300m <sup>2</sup> (min.)	300m <sup>2</sup>  <b>Satisfies</b>	300.4m <sup>2</sup> (excluding driveway handle)  <b>Satisfies</b>
SITE FRONTAGE <i>PDC 4 (within 400m of centre)</i>	Detached Dwelling 9m Group Dwelling 9m	10.6m  <b>Satisfies</b>	4.5m (driveway width)  <b>Does Not Satisfy</b>
PRIMARY STREET SETBACK <i>Residential Zone</i> <i>PDC 8</i>	avg. of adjoining buildings approx. 8m	5.02  <b>Does Not Satisfy</b>	26.01m  <b>Satisfies</b>
SIDE <i>Residential Zone</i> <i>PDC 11</i>	0/1m (min.)	<u>North</u>  1m and garage on boundary  <u>South</u>  1.4m	<u>North</u>  2m  <u>South</u>  1.0m



		<b>Satisfies</b>	<b>Satisfies</b>
REAR SETBACKS <i>Residential Zone</i> <i>PDC 11</i>	3m (min.)	5.5m <b>Satisfies</b>	4m <b>Satisfies</b>
BUILDING HEIGHT <i>Residential Zone</i> <i>PDC 6</i>	2 storeys or 6m	1 Storey <b>Satisfies</b>	1 Storey <b>Satisfies</b>
INTERNAL FLOOR AREA <i>Residential Development</i> <i>PDC 9</i>	3+ Bedroom, 100m <sup>2</sup> (min.)	118m <sup>2</sup> <b>Satisfies</b>	118m <sup>2</sup> <b>Satisfies</b>
PRIVATE OPEN SPACE <i>Residential Development</i> <i>PDC 19</i>	-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. -Minimum dimension 4m. - 16m <sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room.	62m <sup>2</sup> (total) 4.5m (min. dimension) 62m <sup>2</sup> (accessed from habitable room) <b>Satisfies</b>	61m <sup>2</sup> (total) 4m (min. dimension) 61m <sup>2</sup> (accessed from habitable room) <b>Satisfies</b>
CARPARKING SPACES <i>Transportation and Access</i> <i>PDC 34</i>	2 car-parking spaces required, 1 of which is covered	4 spaces provided (2covered) <b>Satisfies</b>	3 spaces provided (1 covered) <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:

### Allotment Frontage

Regardless of whether the application for land division is combined with the application for the land use, the minimum frontage width for Allotment 2 or Dwelling 2 will not be met as it is essentially the width of the driveway. The frontage is required to be either 9 metres, in accordance with Low Density Policy Area 20 Principle of Development Control (PDC) 4, or 10



metres in accordance PDC 5. The appropriateness of the battleaxe allotment is discussed under the next subheading.

### **Allotment size**

In accordance with Low Density Policy Area 20 PDC 5 the minimum allotment size should be 340 square metres if the application for land division follows an approval for dwellings on the site or is combined with the land use application. In accordance with Low Density Policy Area 20 PDC 4 the minimum site area for either a detached, semi-detached, or group dwelling is 300 square metres. Given that in any case the minimum site area for a dwelling is 300 square metres which is adequately achieved as demonstrated within the land use application, the deficiency in achieving 340 square metres per allotment is not considered detrimental to the overall objective of residential development within the policy area as we are assured in any case that the site area for the dwelling will be achieved.

### **Existing Allotment Pattern and Character**

From a review of the allotment pattern within the locality and also the broader locality, it is evident that it is not consistent but rather diverse and offers several different housing options.

The Desired Character of Low Density Policy Area 20 states that, *"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"*. The proposed development will result in a battleaxe development, however the allotment pattern in the locality is not 'intact' and comprised of only dwellings with a direct street frontage, therefore it cannot be said that allotments with a direct street frontage is a pattern of the locality. There are eleven (11) existing examples of dwellings within the immediate locality with no direct frontage to the public street and one recently approved on the adjoining property to the south at 11 Byrnes Street. Furthermore, in this instance, a battleaxe allotment may be more suitable so as to maintain the characteristic of allotments with wider street frontages to Byrnes Avenue, compared to a side by side division of a minimum of 9 metres.

The Desired Character also includes the following statement, *"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"*. The policy encourages a denser allotment pattern in areas that are close to centre zones. Apart from allotments 46, 48 and 50 Tolley Crescent all properties within the locality (including the subject land) are situated within 400 metres of a centre zone. The subject land is also located within walking distance to a public transport stop on Sir Donald Bradman Drive and College Grove Park. Increased housing types and densities in close proximity to centres, public transport routes and public open spaces are further encouraged through Residential Zone Objective 3 and General Residential PDC 3.

### **Front Setback**

Proposed Dwelling 1 will result in a setback of approximately 5.02 metres from the front property boundary, a shortfall of 2.98metres from that sought by the Development Plan. The majority of the façade of the dwelling has a front setback of 5.5 metres to the street.

Impacts on the existing streetscape character are considered suitably minimised by the fact that proposed Dwelling 1 will have a staggered façade which will conform to the street setbacks on the buildings either side of the subject land. Although the proposed setback is less than the average of the buildings on the adjoining pieces of land, the setback of Dwelling 1 will conform with the setbacks of the street as, at the southern end of Byrnes Street the buildings have closer front setbacks some in the order of 3.5 metres.



## SUMMARY

The proposed development does present some inconsistencies with the Development Plan policy, some of which are marginal, the foremost being the inconsistency with the statement of the Desired Character which discourages battleaxe allotments. The Desired Character discourages battleaxe allotments so as to preserve the pattern of allotments with frontages to the public street but in this instance the locality lends itself to a mixture of dwelling types, and as a result does not currently present a pattern of allotments with only direct street frontages. Overall the development is orderly and functional so that it satisfies other aspects of the Desired Character, namely increasing density in areas of close proximity to centre zones and is done so in a manner that maintains the characteristic of wide allotments as viewed from Byrnes Street.

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

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

## RECOMMENDATION 1 - LAND DIVISION

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. 211/370/2016 by Peter Franzon Constructions Pty Ltd to undertake Land division - Torrens Title DAC No- 211/D033/16 Create one (1) additional allotment at 9 Byrnes Street (CT 5723/683) subject to the following conditions:

### Council Conditions

### DEVELOPMENT PLAN CONSENT

#### COUNCIL CONDITIONS:

1. Development is to take place in accordance with the plans prepared by Sawley Lock O'callaghan Survey and Spatial, Drawing No. 16208, relating to Development Application No. 211/370/2016 (DAC 211/D033/16).

### 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.

An investigation will be carried out to determine if the connections to the 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 \$6,488 into the Planning and Development Fund (1 allotment @ \$6,488/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.

## RECOMMENDATION 2 - DWELLINGS

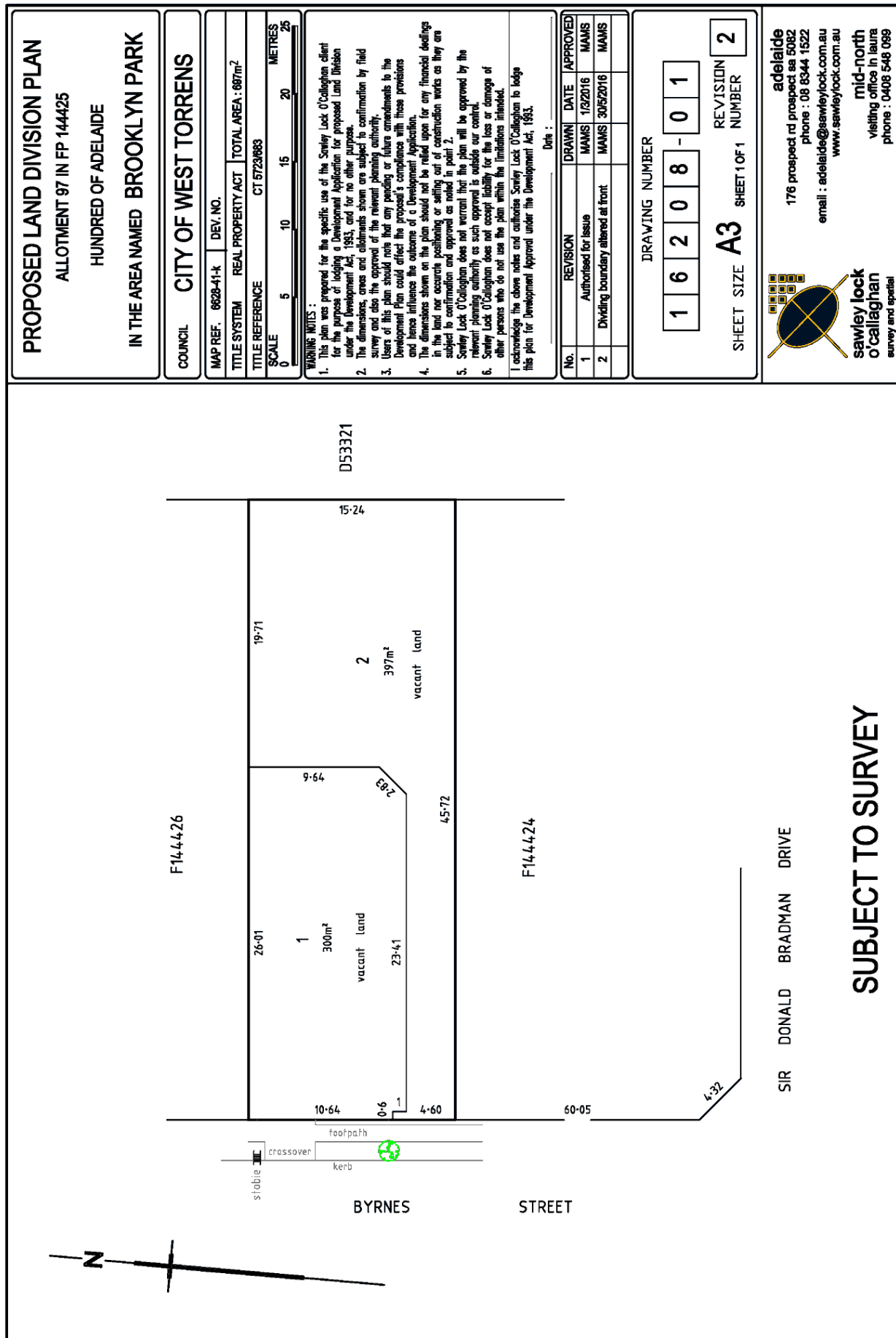
The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/88/2016 by Verrochi Building Design to undertake the construction of two (2) single storey dwellings each with garage under main roof at 9 Byrnes Street, Brooklyn Park (CT 5723/683) subject to the following conditions:

### Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 14 June 2016 as detailed in this application except where varied by any condition(s) listed below.
2. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage shall not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
3. That any retaining walls shall be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
4. That all driveways, parking and manoeuvring areas shall be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
5. That all planting and landscaping shall be completed prior to occupation of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die shall be replaced with a suitable species.
6. Council requires one business day's notice of the following stages of building work:
  - Commencement of building work on site
  - Commencement of placement of any structural concrete
  - Completion of wall and roof framing prior to the installation of linings
  - Completion of building work.



ATTACHMENT 1





**LANDSCAPING SCHEDULE:**

GROUND COVERS	HEIGHT (m)	SPREAD (m)
COAST BONEFRUIT <i>Threlkeldia diffusa</i>	0.2	1.0
NATIVE BLUEBELL <i>Wallerbeggia sp.</i>	0.3	1.2-1.5
CUSHION BUSH <i>Leucosiphia brownii</i>	1.0	1.0
<b>SHRUBS</b>		
COASTAL DASHY BUSH <i>Orearia andreae</i>	3.0	1.5
CUSHION FANFLOWER <i>Scandelia cassidifolia</i>	1.5	2.0
ROUND LEAF WATTLE <i>Acacia acrocomia</i>	2.0	1.5-2.0
<b>TREES / SCREENING PLANTS</b>		
SOUTHERN CYPRESS PINE <i>Culcitia parvifolia</i>	5.0	2.0-4.0
COMMON BOOBALLA <i>Mycoporum laetum</i>	2.0-5.0	5.0

**RWT NOTE:**

1000 LTS (MIN) RWT COLLECTING 50M<sup>2</sup> ROOF CATCHMENT AREA, PLUMBED TO EITHER TOILET, HOT WATER SYSTEM OR ALL LAUNDRY COLD WATER OUTLETS. RWT MUST BE FITTED WITH OVERFLOW DEVICE. INLET & OVERFLOW MUST BE FITTED WITH MOSQUITO-PROOF SCREENS. MUST COMPLY WITH BCA REQUIREMENTS.

**BOUNDARY/SURVEY NOTE:**

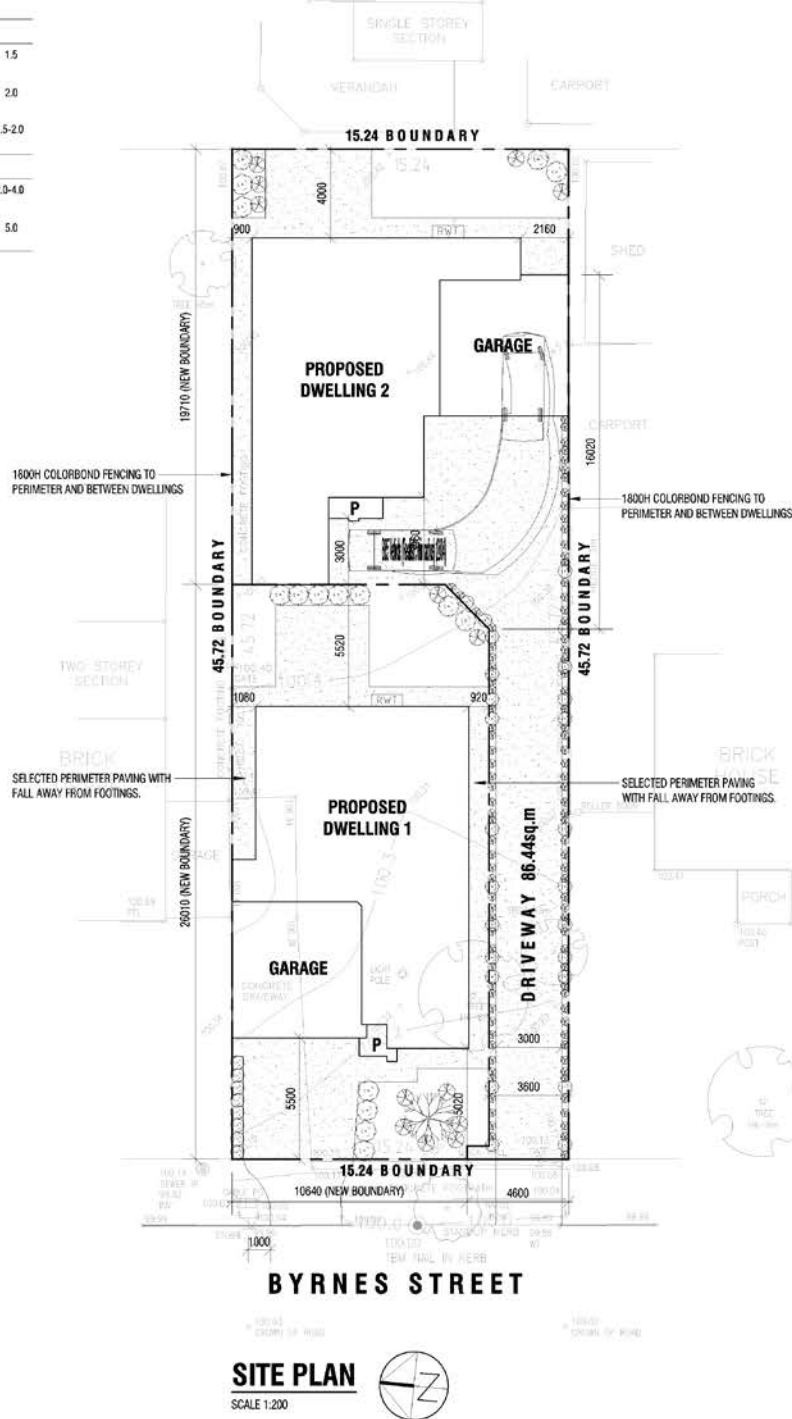
THIS DRAWING IS INTENDED FOR INDICATIVE BUILDING SETOUT PURPOSES ONLY. REFER TO CIVIL ENGINEER / SURVEYOR DRAWINGS FOR SITE LEVELS, CONTOURS, BENCH MARKS, SERVICE LOCATIONS, & EARTHWORK DESIGN. FINAL BOUNDARY & BUILDING SETOUT SHALL BE CONFIRMED & CERTIFIED BY LICENSED SURVEYOR PRIOR TO ANY CONSTRUCTION.

**BRUSH FENCE NOTE:**

THERE WILL NOT BE ANY BRUSH FENCES WITHIN 3MTRS OF THE PROPOSED BUILDING WORKS. ANY BRUSH FENCES WITHIN 3 METRES OF THE DWELLING ARE TO BE REMOVED (BY OWNER) & REPLACED WITH NON-COMBUSTIBLE MATERIAL. MUST COMPLY WITH BCA REQUIREMENTS.

**STORMWATER NOTE:**

REFER TO ENGINEER'S DRAINAGE PLAN FOR ALL LEVEL, RETAINING WALLS & STORMWATER DRAINAGE DESIGN.



AREAS (D1)	sq.m
LIVING	118.23
GARAGE	36.23
PORCH	1.82
TOTAL	156.28
SITE	300.16
P.O.S.	62.25
SITE COVERAGE	52.06%

AREAS (D2)	sq.m
LIVING	118.15
GARAGE	36.41
PORCH	2.41
TOTAL	156.97
SITE	309.58
P.O.S.	60.96
SITE COVERAGE	50.70%

<p>Contractors to verify all dimensions prior to commencement of any building work. Figured dimensions shall take preference over scaled dimensions and any discrepancy shall be reported to the designer immediately. These drawings are the exclusive property of Verrocchi Building Design. Any reproduction without written authority is prohibited. Copyright (c)</p>	rev	date	description	<p><b>verrocchi</b>buildingdesign</p> <p>128a Moorings Ave North Plympton 5037 m: 0407 820 946 e: dino.verrocchi@gmail.com</p>	<p>project: BYRNES STREET DEVELOPMENT</p> <p>at: 9 BYRNES STREET BROOKLYN PARK SA 5082</p> <p>client: P. FINOCCHIO</p>	<p>date: OCT 2015 drawn by: LD</p> <p>scale: 1:200 drawing no: 01</p> <p>project no: VBD 212 sheet size: A3</p>
	6	10/5	INCREASE GARAGE DEPTH TO 5.8M			
<b>PLANNING DRAWINGS</b>						



LEGEND:

- S STAINLESS STEEL SINK
- WP WET PLANT
- UBO UNDER BENCH OVEN
- WO WALL OVEN
- RA RANGE HOOD
- DW DISHWASHER
- F REFRIGERATOR
- FR FREEZER
- PTRY PANTRY
- SHR SHOWER
- B BATH
- FBS FREESTANDING BATH
- L LINEN
- WM WASHING MACHINE
- UBWM UNDER BENCH WASHING MACHINE
- UBRD UNDER BENCH DRYER
- TR TROUGH
- LC LAUNDRY CHUTE
- P TOILET PAN
- V VANITY
- BCH BENCH
- BR BROOM CUPBOARD
- ST STORAGE
- RA ROOF ACCESS 600x600
- SL SKY-LIGHT
- SB SWITCH BOARD
- DP DOWNPIPE
- DPS DOWNPIPE WITH SPREADER
- PHI RAIN WATER TANK
- RMT RAIN WATER TANK
- SA SMOKE ALARM HARD WIRED IN ACCORDANCE WITH AS3786
- WIR WIRING TO BE INTERCONNECTED
- WMS WIND MONITORING SMOKE ALARMS ARE REQUIRED
- EX EXHAUST FAN - CEILING MOUNTED
- EXD EXHAUST TO OUTSIDE AIR
- OC OPERATION CONTROL UNITS AS PER ENGINEER'S REPORT



**FLOOR PLANS**  
SCALE 1:100

AREAS (D1)		sq. m
LIVING		118.23
GARAGE		36.23
PORCH		1.82
TOTAL		156.28
SITE		300.15
P.O.S.		82.25
SITE COVERAGE		52.06%

AREAS (D2)		sq. m
LIVING		118.15
GARAGE		36.41
PORCH		2.41
TOTAL		156.97
SITE		303.58
P.O.S.		60.96
SITE COVERAGE		50.70%

verrocchi**building**design

project: BYRNES STREET DEVELOPMENT  
at: 9 BYRNES STREET  
BROOKLYN PARK SA 5032  
client: P. FINOCCHIO

date: OCT 2015  
scale: 1:100  
project no: VBD-212  
drawing no: 02  
sheet no: A3

1284 Moorings Ave North Plympton 5037  
m: 0407 820 946 e: dno.verrocchi@gmail.com

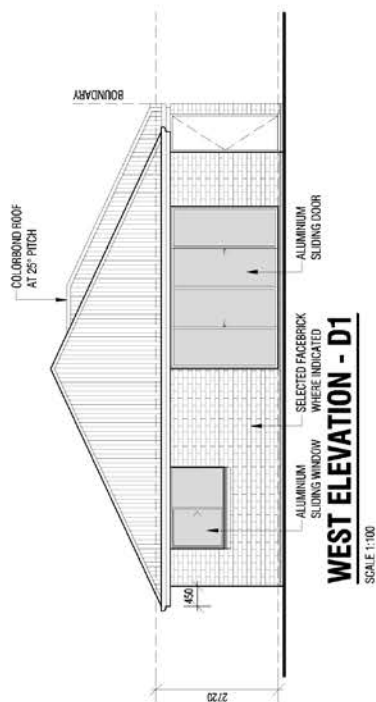
rev	date	description
A	11/1	PLANNING DRAWINGS
B	10/5	INCREASE GARAGE DEPTH TO 5.8M

Consent to verify all dimensions prior to construction. Dimensions shall be taken from the face of the wall unless otherwise indicated. Dimensions shall be taken from the face of the wall unless otherwise indicated. Dimensions shall be taken from the face of the wall unless otherwise indicated. Dimensions shall be taken from the face of the wall unless otherwise indicated.

Copyright ©

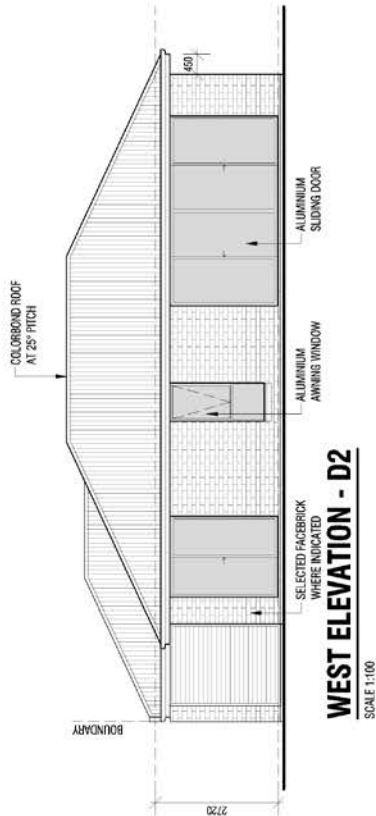
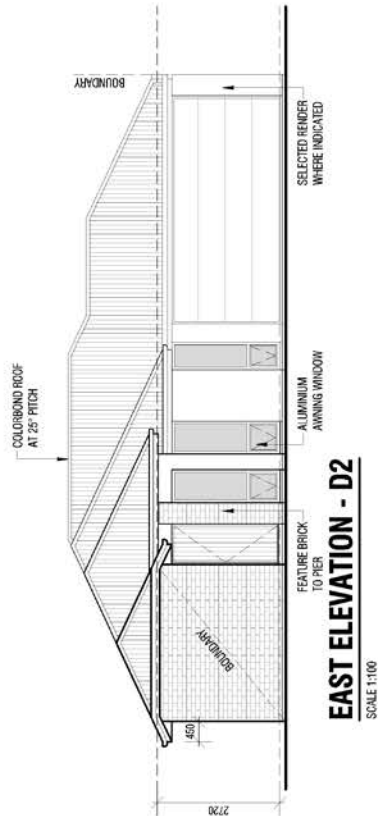
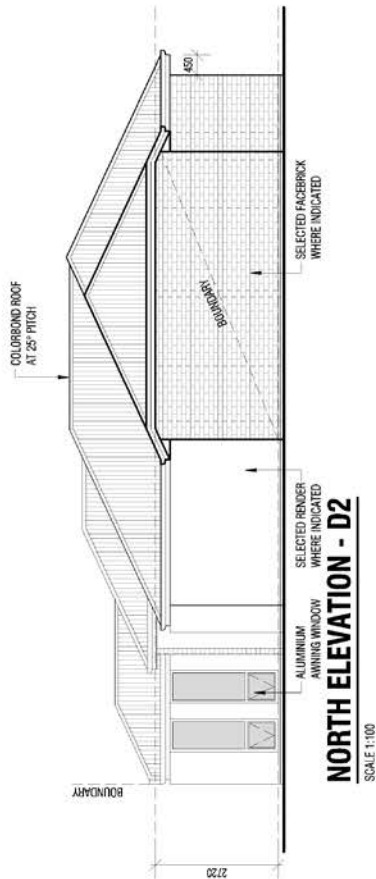
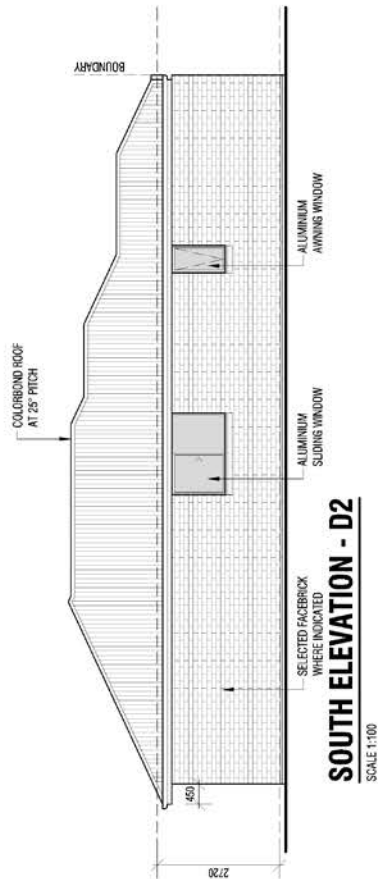
PLANNING DRAWINGS





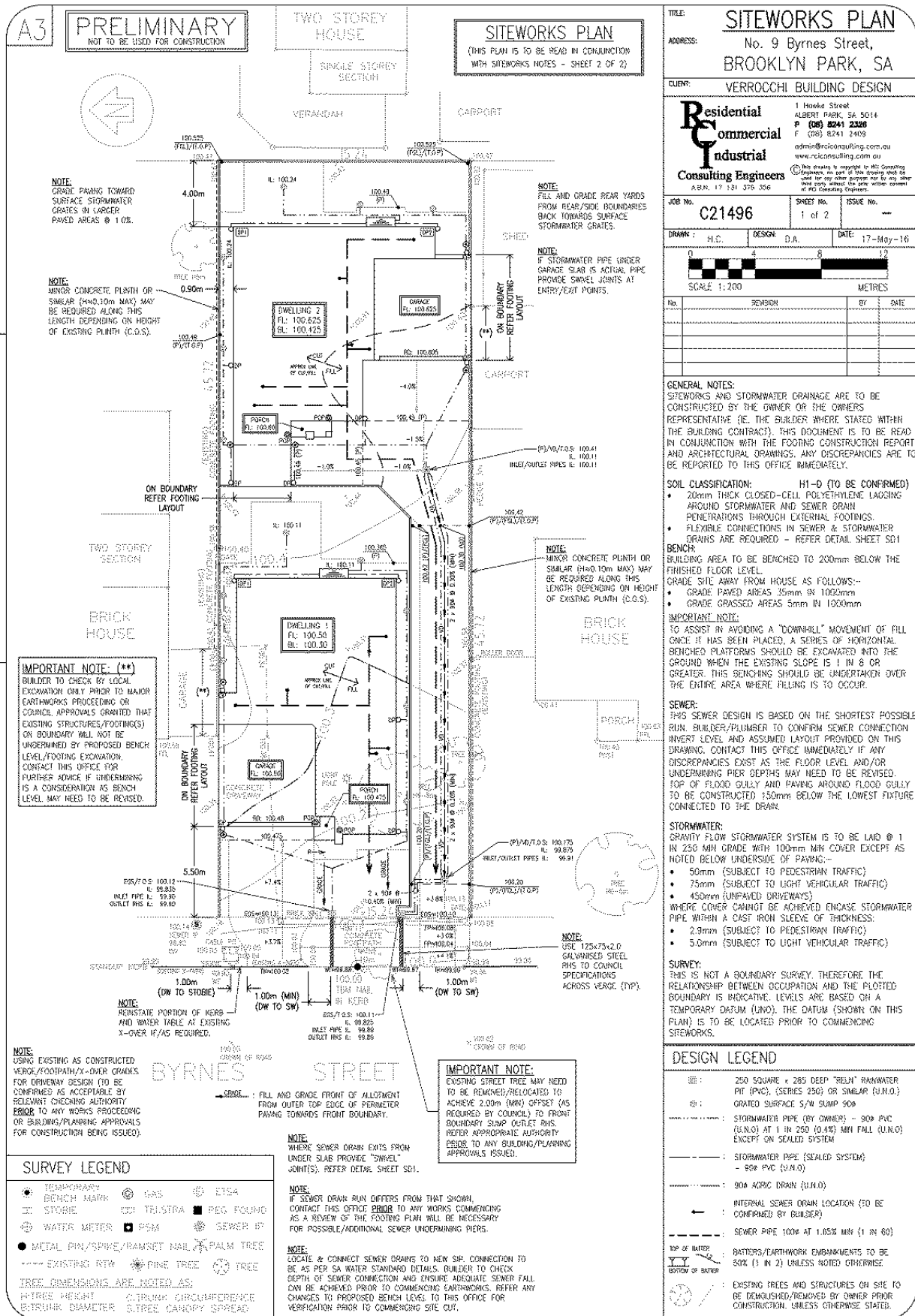
notes		project: BYRNES STREET DEVELOPMENT	
date: OCT 2015		drawn by: LD	
scale: 1:100		drawing no: 02	
project no:		sheet title:	
12th Moorings Ave North Plympton 5027		at: 9 BYRNES STREET	
m: 0407 820 945 e: dino.verrocchi@gmail.com		BROOKLYN PARK SA 5022	
client: P. FINOCCHILO		VBD.212	
A3			





PLANNING DRAWINGS		NOTES		project		BYRNES STREET DEVELOPMENT		date: 03/07/2015		drawn by: LD	
REV	DATE	DESCRIPTION	TWO'S INCREASE GARAGE DEPTH TO 5.8M								
A	11/1	PLANNING DRAWINGS									
B											
				at: 3 BYRNES STREET		scale: 1:100		drawing no: 02		sheet no:	
				BROOKLYN PARK SA 5032		project no:		VBD 212		sheet size:	
				128a Morningside Ave North Plympton 5037		client: P. FINOCCHI				A3	
				m: 0407 820 946 e: gino.verrocchi@gmail.com							







ATTACHMENT 2



22 March 2016

Our Ref: H0043507

The Chairman  
Development Assessment Commission  
136 North Terrace  
ADELAIDE SA 5000

Dear Sir/Madam

**PROPOSED LAND DIVISION APPLICATION NO: 211/D033/16 AT BROOKLYN PARK**

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

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

An investigation will be carried out to determine if connections to the development will be standard or nonstandard.

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

Megan Lee  
for **MANAGER LAND DEVELOPMENT & CONNECTIONS**

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



Contact Lands Titles Office  
Telephone 7109 7016



22 March 2016

The Chief Executive Officer  
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/D033/16 (ID 53698)  
for Land Division  
(Community Title Plan) by Mr Peter Franzon**

In accordance with Section 33 of the Development Act 1993 and Regulation 29 (1) of the Development Regulations 2008, and further to my advice dated 10 March 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 connections to the development will be standard or nonstandard.  
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.

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

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

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

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read "P. Hodgson", with a long, sweeping underline.

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



## 6.6 12 Kitson Avenue, RICHMOND

Application No. 211/323/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Removal of a Regulated Tree - <i>Allocasaurina cunninghamiana</i> (River Sheoak)
APPLICANT	Anton Tomastic
APPLICATION NO	211/323/2016
LODGEMENT DATE	31 March 2016
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"><li>City Works - Council's Consultant Arborist</li></ul> External <ul style="list-style-type: none"><li>Nil</li></ul>
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	14 June 2016
RECOMMENDATION	<b>REFUSAL</b>

### BACKGROUND

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

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

### PREVIOUS or RELATED APPLICATION(S)

Nil



## SITE AND LOCALITY

The subject land is described as Allotment 6 Deposited Plan 5406, Certificate of Title Volume 5568 Folio 993. The land is more commonly known as 12 Kitson Avenue, Richmond.

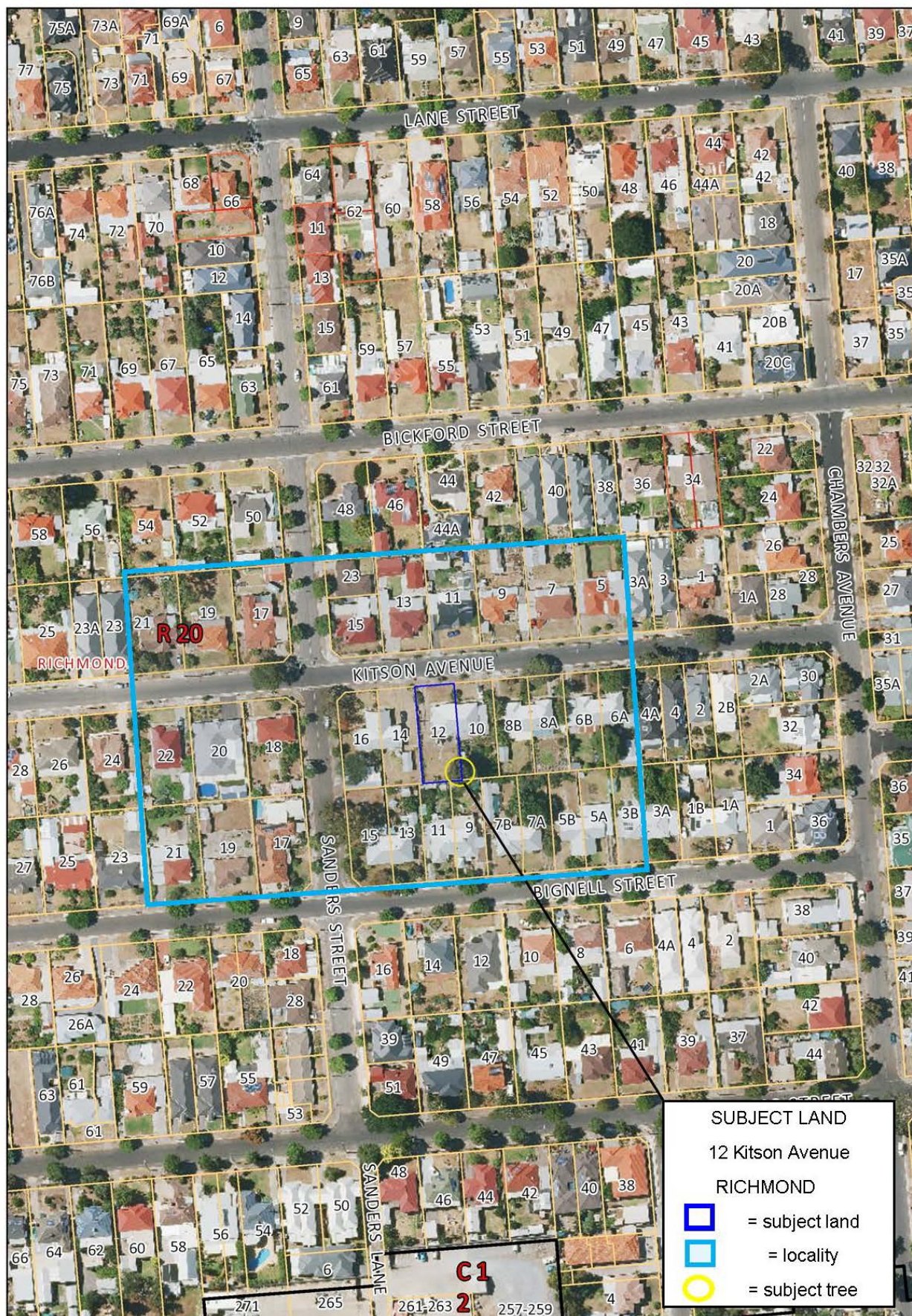
The subject land is a rectangular shaped allotment with primary street frontage to Kitson Avenue of 14.63 metres, a depth of 37.69 metres and a total area of 551.4 square metres.

The subject land is located within the Residential Zone and more particularly Low Density Policy Area 20. The locality consists mostly of low to medium density residential development mainly single storey. Building eras mostly date around the 1950's; however more recent development is evident within the broader locality.

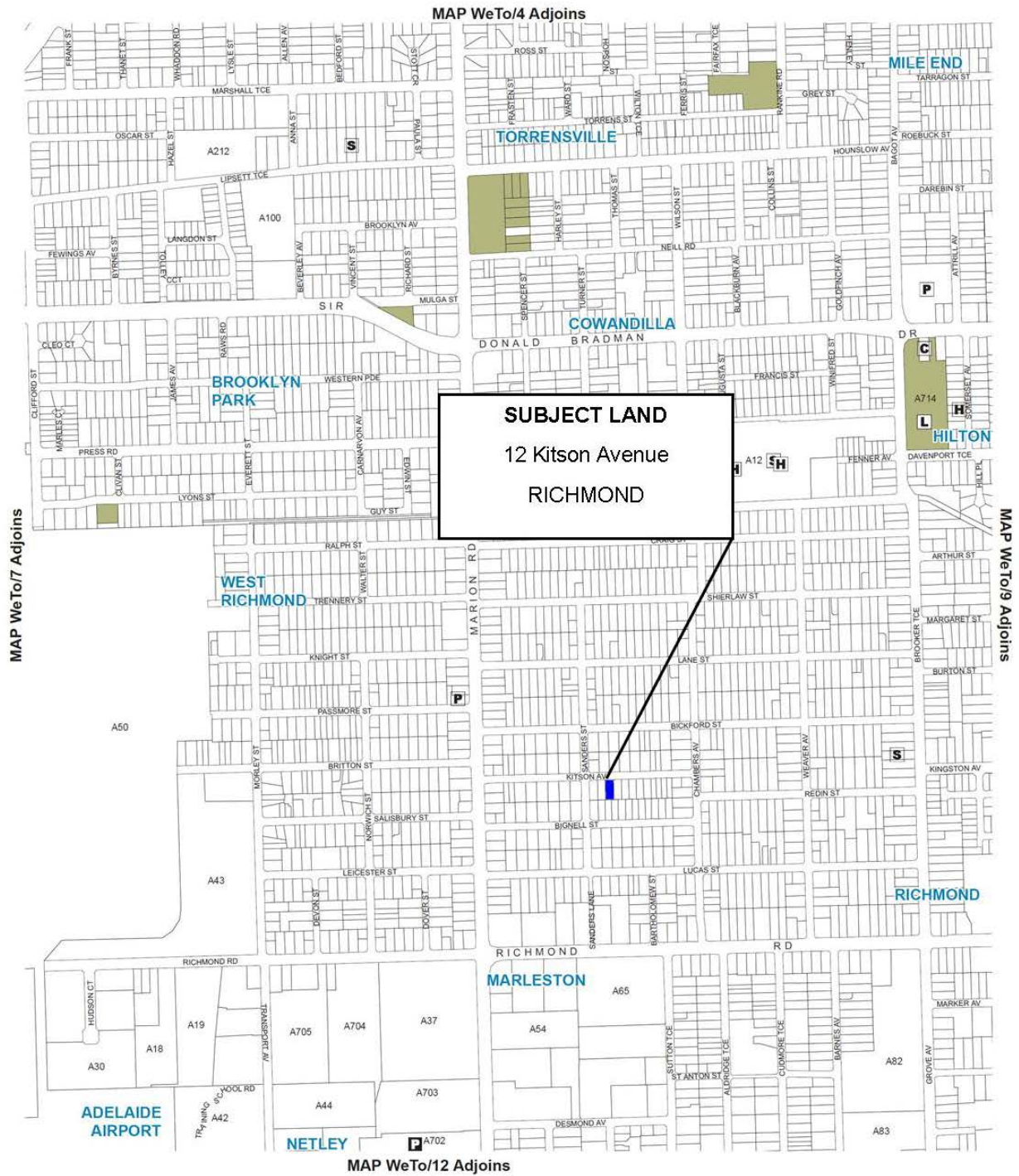
The subject tree (*Allocasaurina cunninghamiana* (River Sheoak)) is located in the south-eastern corner of the land within the rear yard. Although the subject tree is not within the front yard it is easily identifiable and can be seen from the street, the adjoining properties and within the immediate locality as its canopy mostly sits above the roof line of the associated and surrounding dwellings.

The site and locality are shown on the following maps.









MAP WeTo/7 Adjoins

MAP WeTo/9 Adjoins



- S** School
- L** Public Library
- C** Council Office
- P** Post Office
- H** Other Health Services
- P** Police Station
- Local Reserves

## Location Map WeTo/8

**WEST TORRENS COUNCIL**  
Consolidated - 5 November 2015



## PROPOSAL

The applicant is seeking Development Approval for the removal of one *Allocasaurina cunninghamiana* (River Sheoak) located within the rear yard and to the south-east corner of the site.

Apart from the application form and the Site Plan demonstrating the location of the subject tree on the site, the Applicant has not provided any additional information to support their proposal for removal of the regulated tree. The Applicant's main concern is that if the tree drops a limb it may hurt someone or cause damage to a shed on neighbouring properties.

The plans and relevant information provided by the applicant are contained in **Attachment 1**.

## PUBLIC NOTIFICATION

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

## REFERRALS

Internal

- **City Works - Council's Consultant Arborist**  
Calypso Tree Co.

Council engaged Jarrad Allen, Arborist, Calypso Tree Co., to provide comments on the proposal which are summarised as follows:

- The tree has a good stature with no signs of structural defects or decay
- The tree provides '*pleasing amenity to the immediate area*'
- The tree has been pollarded previously and has responded well
- '*This specimen can be retained within its current growing environment for the long term with only minor, if any intervention required to maintain existing low levels of risk presented by this tree*'
- Retention of the tree is warranted.

A full copy of the relevant report is attached, refer **Attachment 2**.

## ASSESSMENT

The subject land is located within the Residential Zone and more particular 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>		
Regulated Trees	Objectives	1
	Principles of Development Control	1 & 2

The subject tree meets the requirements for a Regulated Tree, as defined by Part 2(6A)(1) of the Development Regulations 2008, due to the fact that its circumference exceeds 2 metres but is less than 3m and is located further than 10 metres away from a dwelling or in-ground swimming pool.



Objective 1 of the, General Section, Regulated Trees, of the Development Plan seeks to ensure the conservation of regulated trees that provide important aesthetic and environment benefit. The subject tree is notable within the immediate locality as the canopy is full and it can be seen from the street and above the surrounding dwelling roof forms.

General Section, Regulated Trees, Principle of Development Control (PDC) 1 states:

*"Development should have minimum adverse effects on regulated trees".*

The proposed removal is not required for any other development nor is it in a location that will hinder development that could be reasonably expected on the site. Removal of the tree would obviously have adverse impacts on it.

General Section, Regulated Trees, PDC 2 states:

"A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

- (a) the tree is diseased and its life expectancy is short
- (b) the tree represents a material risk to public or private safety
- (c) the tree is causing damage to a building
- (d) development that is reasonable and expected would not otherwise be possible
- (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree".

An answer of 'no' for every one of the above questions was given from Jarrad Allen of Calypso Tree Co and the Applicant has acknowledged that the subject tree does not appear to be diseased and is not causing any substantial damage to a building.

The location of the subject tree in the rear eastern corner of the subject land reduces the risk as it is not located in close proximity to a dwelling, it does not cover a large portion of the rear yard of 12 Kitson Avenue or the adjoining pieces of land, and it is not in a location which would hinder any future reasonable development of the site.

Although the applicant has stated that the tree could drop a limb, the application is absent of any evidence from a suitably qualified expert that shows that the subject tree is of material risk to public or private safety.

## SUMMARY

The application does not warrant removal of the subject tree. The Development Plan policy only supports the removal of regulated trees in instances where there is a justifiable cause, but this application does not provide any evidence which demonstrates or supports this.

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 accord with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2015 and does not warrant Development Plan Consent.



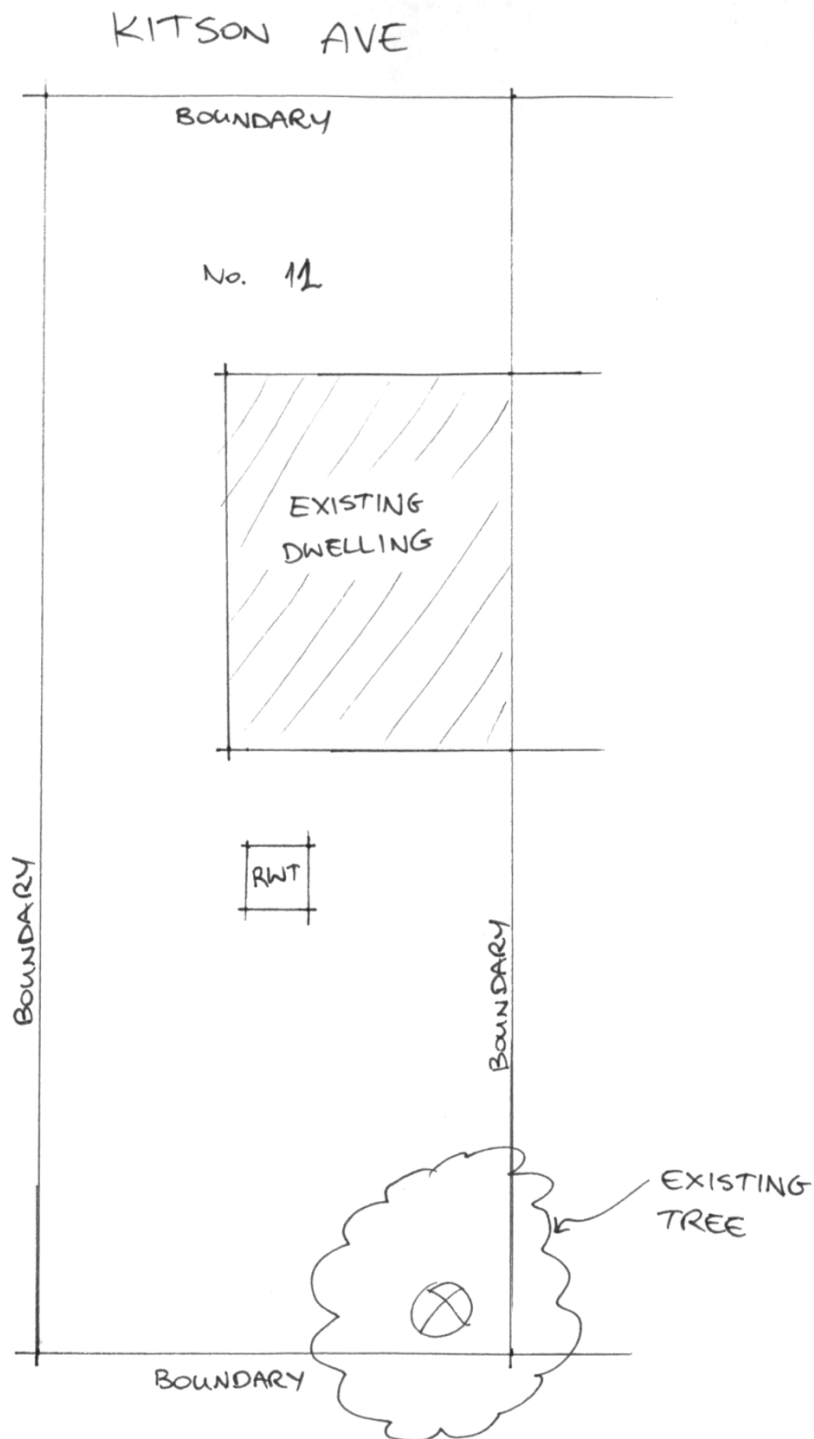
## RECOMMENDATION

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 Approval for Application No. 211/323/2016 by Anton Tomastic for the removal of a regulated tree - *Allocasaurina cunninghamiana* (River Sheoak) at 12 Kitson Avenue, Richmond (CT 5568/993) for the following reasons:

1. The proposed development is contrary to:
  - General Section, Regulated Trees, Objective 1  
Reason: The subject tree makes a significant contribution to the visual amenity of the locality.
  - General Section, Regulated Trees, Principle of Development Control 2(a)(b)(c)  
Reason: The subject tree does not demonstrate (a), (b), (c), (d) or (e).



ATTACHMENT 1



SITE PLAN  
SCALE 1:200

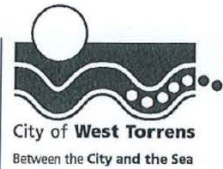


City of West Torrens  
31 MAR 2016  
City Development



## Regulated and Significant tree proposal

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)  
Website [westtorrens.sa.gov.au](http://westtorrens.sa.gov.au)



Property No: 12	Lot No:	Street: Kitson Ave.	
Title:	Given name: Anton	Family name: Tomelic	
Company name:			
Address: 11 Bignell St Richmond			
			P/Code: 5033
Telephone	Mobile	Fax	Email address

### 1. Details of tree

Girth/circumference of trunk 1m above natural ground level:

Height of tree: About 30 metres

Spread of tree: Approx 10 metres

Type or species of tree: Casuarina

### 2. Site plan

Please attach site plan scale not less than 1:200.

Previously provided.

### 3. Photograph

Yes ☐ If yes provide details No ☐

### 4. Details of the proposed activity you want to undertake affecting the regulated/significant tree

Remove tree

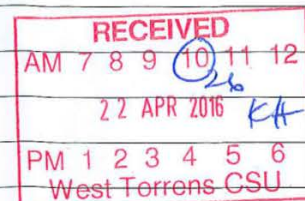
Received

22 APR 2016

City of West Torrens  
Information Management Unit

### 5. Is the tree, or does the tree appear to be diseased?

Yes ☐ If yes provide details No ☒





Date last modified 10.05.2013



ATTACHMENT 2

## Arboricultural Assessment of Regulated Trees

Development Application No: **211/323/2016**

Referral Due Date: **29 April 2016**

Assessing Officer: **Jessica Grima**

Site Address: **12 KITSON AVENUE, RICHMOND SA 5033**

Certificate of Title: **CT-5568/993**

Description of Development **Removal of a Regulated tree**

To be completed by: **CONSULTANT ARBORIST**

SPECIES & COMMON NAME: ***Allocasaurina cunninghamiana* (River Sheoak)**

TOTAL CIRCUMFERENCE: **2640mm**

MULTI-TRUNK: **No**

The following comments are provided with regards to the relevant Objectives and Principles of Development Control of the General Section, Regulated Tree Section of the West Torrens Council Development Plan:

**OBJECTIVE 1:**

*The conservation of regulated trees that provide important aesthetic and/or environmental benefit.*

**OBJECTIVE 2:**

*Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:*

- |   |            |
|---|------------|
| (a) <i>Significantly contributes to the character or visual amenity of the locality</i> | <b>Yes</b> |
| (b) <i>Indigenous to the locality</i>   | <b>No</b>  |
| (c) <i>A rare or endangered species</i>   | <b>No</b>  |
| (d) <i>An important habitat for native fauna</i>  | <b>Yes</b> |

PDC 1: *Development should not have minimum adverse effects on regulated trees.*

PDC 2: *A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:*

- |  |           |
|--|-----------|
| (a) <i>The tree is diseased and its life expectancy is short</i>                       | <b>No</b> |
| (b) <i>The tree represents a material risk to public or private safety</i>             | <b>No</b> |
| (c) <i>The tree is causing damage to a building</i>                                    | <b>No</b> |
| (d) <i>Development that is reasonable and expected would not otherwise be possible</i> | <b>No</b> |



(e) *The work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree* **No**

PDC 3:

*Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.*

#### **ADDITIONAL COMMENTS:**

---

I have examined the plans as requested and provide comments as follow:

The mature *A. cunninghamiana* has a substantial trunk and a balanced symmetrical canopy, which provides pleasing amenity to the immediate area. The large diameter tree stem has good buttressing and root flare at ground level.

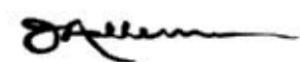
All main stem unions appear free from structural defects with no visible decay noted. Branch tips extend over the neighbouring property to the east however; all remaining parts of the tree crown are orientated over the open lawn in the rear yard of the subject property. The tree contains moderate amounts of small to medium sized deadwood located within the canopy, which is typical for this species.

The entire canopy appears to have been pollarded decades ago, as all major stems bifurcating at the same point approx. 3 metres above ground level. In this case, the tree has responded well and has formed a robust well-balanced canopy consisting entirely of epicormic growth.

I believe this specimen can be retained within its current growing environment for the long term with only minor, if any intervention required to maintain existing low levels of risk presented by this tree.

Having given consideration to the plans provided, and observations made of the tree, I conclude that the desired outcome of 'tree removal' is unjustified, as the applicant has not provided supporting evidence that can be considered as satisfying the criteria required. The subject tree can be retained within its current growing environment for the long term. Its retention is warranted and recommended.

**RECOMMENDATION:        RETAIN**



Jarrad Allen

CALYPSO TREE CO

**DATE: 22/4/16**



**PHOTO's ATTACHED:**



**Figure 1 (above): Showing the substantial broad spreading canopy of the subject tree when viewed from the west.**



## 6.7 17 Coralie Street, PLYMPTON

**Application No.** 211/386/2016  
211/387/2016  
211/388/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of a single storey dwelling with garage under main roof (Unit 1)	Construction of a single storey dwelling with garage under main roof (Unit 2)	Construction of a single storey dwelling with garage under main roof (Unit 3)
APPLICANT	Weeks and Macklin Homes	Weeks and Macklin Homes	Weeks and Macklin Homes
APPLICATION NO	211/386/2016	211/387/2016	211/388/2016
LODGEMENT DATE	14 April 2016	14 April 2016	14 April 2016
ZONE	Urban Corridor Zone	Urban Corridor Zone	Urban Corridor Zone
PRECINCT	N/A	N/A	N/A
POLICY AREA	Boulevard Policy Area 34	Boulevard Policy Area 34	Boulevard Policy Area 34
APPLICATION TYPE	Merit	Merit	Merit
PUBLIC NOTIFICATION	Category 1	Category 1	Category 1
REFERRALS	Internal ▪ Nil External ▪ Nil	Internal ▪ Nil External Nil	Internal ▪ Nil External Nil
DEVELOPMENT PLAN VERSION	5 November 2015	5 November 2015	5 November 2015
MEETING DATE	14 June 2016	14 June 2016	14 June 2016
RECOMMENDATION	<b>CONSENT</b>	<b>CONSENT</b>	<b>CONSENT</b>

### BACKGROUND

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

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

This matter was originally referred to the Development Assessment Panel (DAP) undercover of five separate applications on 11 August 2015. All five applications were refused primarily on the basis that...

*"The unsatisfactory width of the driveway access is a serious concern with the proposal as it will undermine safe and convenient vehicle access to the proposed allotments and dwellings to the rear".*



The Development Plan recommends that the width of the access driveway be 5.5 metres for the first 5.0 metres. The applications proposed a driveway width of 5.5 metres for the first 4.5 metres only.

The applicant being aggrieved by the decisions appealed to the Environment, Resources and Development Court.

A conciliation conference was held on 19 October 2015. The Court noted that the matter was somewhat confusing and recommended that in the first instance, separate land division applications addressing the driveway issue be submitted for the consideration of and determination by Council. Otherwise five separate appeals would need to be lodged which would be costly to all parties and draining on the system.

The applicant accepted the Court's advice and lodged new land division applications namely a Torrens Title application creating one additional allotment and a Community Title creating two community allotments to the rear. The access driveway was amended to satisfy the Development Plan and City Assets has advised that the amended plans have been assessed as acceptable.

The land division application was referred to the DAP at the 8 March 2016 meeting and was subsequently granted Development Approval. The titles are in the process of being formally issued.

It is noted that the subject land is now located in the Urban Corridor Zone and more particularly the Boulevard Policy Area 34, which calls for increased densities and minimum building heights of 3 storeys. However, in the particular circumstances of this case and in consideration of dealings to date, noting that the original applications were lodged in April 2015 prior to the zoning change, it is considered that it would not be fair and reasonable to refuse the application on such basis.

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

- DA 211/330/2016 - Demolition of dwelling and ancillary structures (Development Approval Granted)
- DA 211/406/2015 - Construction of a single storey dwelling with garage under main roof (Unit 1) (Development Plan Consent Refused)
- DA 211/407/2015 - Construction of a single storey dwelling with garage under main roof (Unit 2) (Development Plan Consent Refused)
- DA 211/408/2015 - Construction of a single storey dwelling with garage under main roof (Unit 3) (Development Plan Consent Refused)
- DA 211/1400/2015 - Land division - Community title DAC No - 211/C160/15 Create one (1) additional allotment (Development Approval Granted)
- DA 211/1401/2015 - Land division - Torrens title DAC No - 211/D161/15 Create one (1) additional allotment (Development Approval Granted)
- DA 211/1324/2014 - Land division - Torrens Title DAC No - 211/D167/14 Create one (1) additional allotment (Development Plan Consent Refused)
- DA 211/1325/2014 - Land division - Community title DAC No - 211/C168/14 Create One (1) additional allotment (Development Plan Consent Refused)
- DA 211/4220/1961 - Garage and Workshop (Historic Application)
- DA 211/2622/1960 - Dwelling Additions (Historic Application)
- DA 211/8797/1957 - Carport (Historic Application)
- DA 211/1740/1952 - Bedroom (Historic Application)
- DA 211/525/1949 - Shed (Historic Application)
- DA 211/123/1947 - Dwelling (Historic Application)



## SITE AND LOCALITY

The subject sites are described as Allotment 71 Filed Plan 8115 in the area named Plympton Hundred of Adelaide as contained in Certificate of Title Volume 5736 Folio 234. The land is more commonly known as 17 Coralie Street, Plympton.

As noted previously the land division was approved by DAP at the 8 March 2016 meeting, and the titles are in the process of being issued.

The subject land is generally rectangular-shaped with an angled front and rear boundary, totalling 920.37 square metres in area with a frontage of 19.81 metres to Coralie Street. The three future allotments that are the subject of the recent land division are configured as follows:

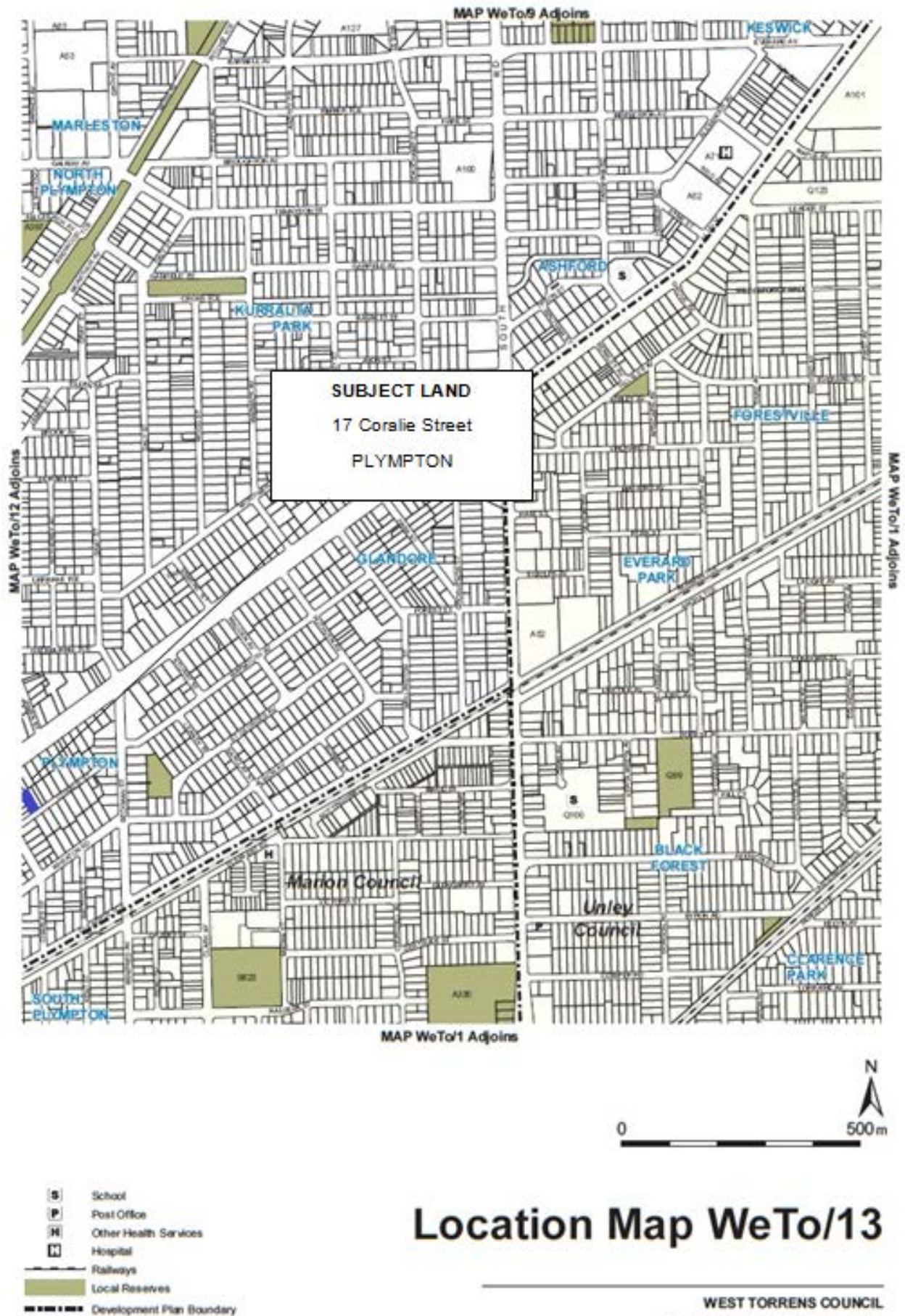
- Unit 1 (DA 211/386/2016): 272 square metres with a frontage of 13.7 metres
- Unit 2 (DA 211/387/2016): 285.47 square metres (no street frontage)
- Unit 3 (DA 211/388/2016): 285.47 square metres (no street frontage)

Coralie Street is an eclectic mix of dwellings constructed between the 1950's and 1960's, with more recent subdivisions resulting in one allotment being divided into three.

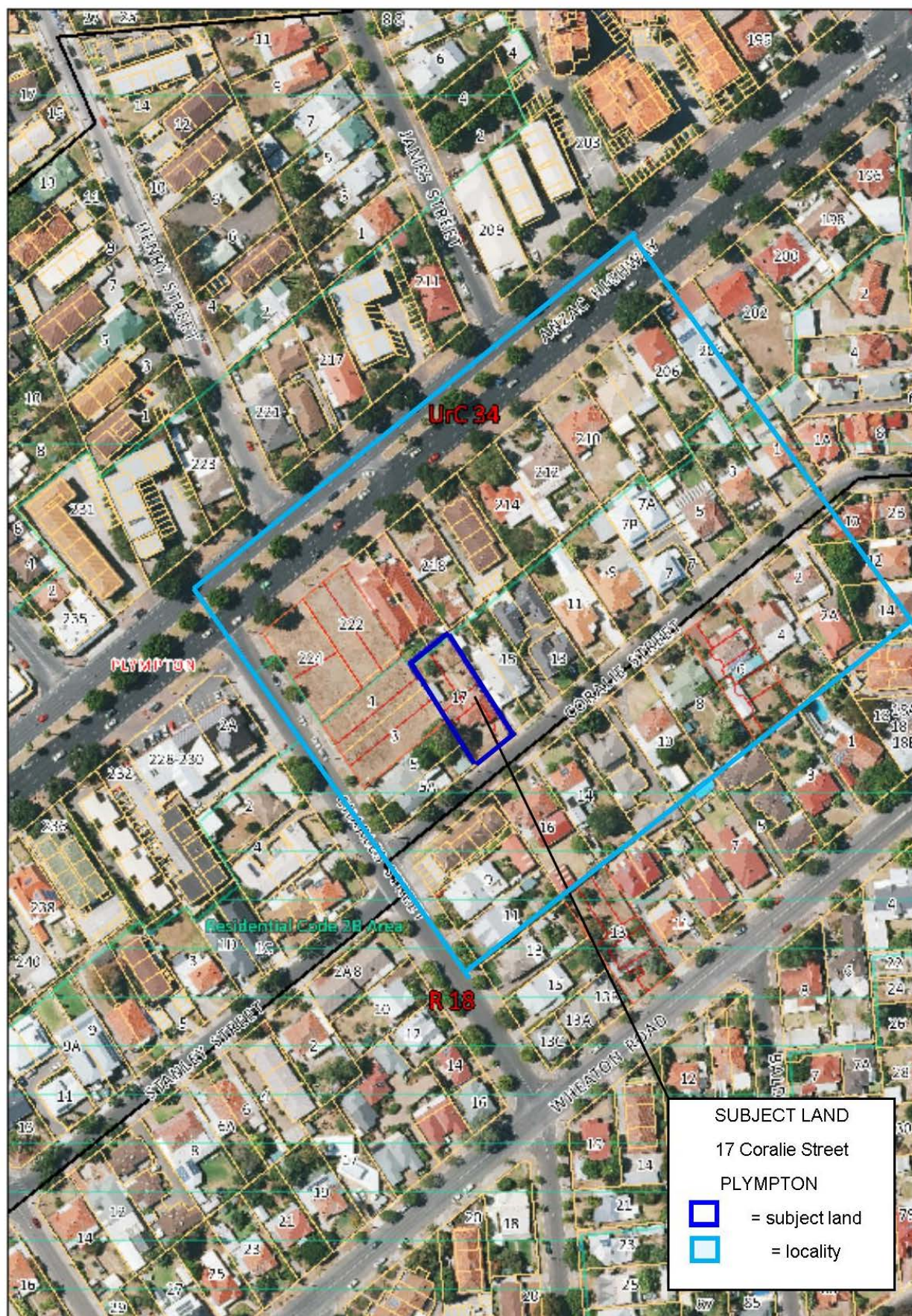
Under the Development Plan consolidated 5 November 2015, which was the Development Plan relevant on the day the applications were lodged, the subject land is located within the Urban Corridor Zone and more particularly the Boulevard Policy Area 34. The centreline of Coralie Street acts as the boundary between the Urban Corridor Zone and the Residential Zone, specifically Medium Density Policy Area 18.

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











## PROPOSAL

The applicant is seeking Development Plan Consent for three separate development applications each for the construction of a single-storey detached dwelling on three separate allotments that are in the process of being created through a recently approved land division application. The demolition of the existing dwelling and associated structure was recently granted Development Approval on 26 April 2016.

Each proposed dwelling incorporates three bedrooms with a single garage under the main roof and associated private open space and landscaping. Unit 1 is located to the front of the subject land with a direct street frontage to Coralie Street and will utilise the existing driveway crossover. Units 2 and 3 are located to the rear of the front allotment accessed through a shared driveway to be established within the south-eastern corner of the street frontage.

Application plans for each of the dwellings are attached as follows:

- Unit 1 (DA 211/386/2016): **Attachment 1**
- Unit 2 (DA 211/387/2016): **Attachment 2**
- Unit 3 (DA 211/388/2016): **Attachment 3**

## PUBLIC NOTIFICATION

All three applications are a Category 1 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and Urban Corridor Zone, Procedural Matters provisions relating to Public Notification Categories.

## REFERRALS

Internal

- **Nil**

The applications were not referred to Council's City Assets Department as the proposed access arrangements were previously reviewed as part of the approved land division applications (211/1400/2015 and 211/1401/2015), and the subject land is not identified as being located within a flood affected area.

External

- **Nil**

## ASSESSMENT

The subject land is located within the Urban Corridor Zone, and more particularly the Boulevard Policy Area 34, as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:



<u>General Section</u>		
<i>Design and Appearance</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 9, 10, 12, 13, & 21
<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 & 8
<i>Residential Development</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, 28, 29 & 31
<i>Transportation and Access</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 8, 10, 11, 16, 23, 24, 30, 32, 33, 34, 35, 36, 37, 40, 41, 43 & 44

**Zone: Urban Corridor Zone**

***Desired Character Statement:***

*This zone will contain an innovative mix of medium density (45-70 dwellings per hectare) and high density (70-200 dwellings per hectare) residential development, together with community and employment land uses, along the Port Road, Anzac Highway and Henley Beach Road corridors. The combination of land uses will vary within these corridors. Some locations will contain a genuine land use mix with ground floor shops, restaurants and offices, and upper level residential, while other areas will give primacy to residential development. Other parts of the zone will have a strong employment focus.*

*The function of main roads in the zone, particularly Port Road and Anzac Highway, as major transport corridors will be protected by providing access to allotments from secondary road frontages and rear access ways as much as possible. Parking areas will be consolidated, shared (where possible) and screened from the street or public spaces. Allotments with car parking fronting Port Road, Anzac Highway and Henley Beach Road will be redeveloped with built form closer to the road and reconfigured car parking areas.*

*As one of the key zones in the City of West Torrens where there will be transformation in built form, new buildings will be recognised for their design excellence. These buildings will establish an interesting pedestrian environment and human-scale at ground level through careful building articulation and fenestration, verandas, balconies, canopies and landscaping. In general, the greatest height, mass and intensity of development will be focussed at the main road frontage. Buildings of 3 or more storeys will be the predominant built form. It is for these reasons that dwellings other than detached dwellings will be the predominant form of residential development.*

*Overlooking, overshadowing and noise impacts will be moderated through careful design, Impacts on adjoining zones where development is lower in scale and intensity will be minimised through transition of building heights and setbacks, judicious design and location of windows and balconies, and the use of landscaping. The transition of building heights and setbacks, and judicious design is especially important adjacent Character Policy Areas, including those Character Policy Areas at Glandore and Ashford. The use of blank walls in these transitional areas, especially at the rear and side of allotments, will be avoided. Plant and service equipment will be enclosed and screened from view from the street and neighbouring allotments.*



Where buildings are set back from main roads, landscaping will contribute to a pleasant pedestrian environment and provide an attractive transition between the public and private realm. Large scale development in the zone will facilitate the establishment of areas of communal and public open space, and create links with existing movement patterns and destinations in the zone. Front fencing in the zone will be kept low and/or visually permeable. Some parts of the zone, including allotments in Thebarton and Keswick, are potentially contaminated because of previous and current industrial activities. In these circumstances, development is expected to occur on a precautionary basis if site contamination investigations identify potential site contamination, particularly where it involves sensitive uses such residential development.

The Thebarton brewery has potential to cause nuisance to future users and residents within this zone through noise and odour. To mitigate potential adverse impacts, residential development north of Smith Street that is likely to be sensitive to brewery operations should generally be avoided unless interface mitigation measures have been implemented (or will be implemented within an acceptable period) such that the anticipated impacts are within acceptable limits. Noise and air amenity with the zone is not expected to be equivalent to that expected from living in a purely residential zone.

Objectives	1, 2, 3, 4, 5 & 9
Principles of Development Control	1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 18 & 19

**Policy Area: Boulevard Policy Area 34**

**Desired Character Statement:**

The policy area will contain a mix of land uses that complement the function of Port Road as a strategic transport route linking central Adelaide with the north western suburbs, and Anzac Highway linking central Adelaide with Glenelg.

The redevelopment of existing commercial and industrial allotments into medium-to-high scale, mixed-use development will occur. Where development has a mix of land uses, non-residential activities such as shops, offices and consulting rooms will be located on lower levels with residential land uses above. In order to achieve the desired transformation of the policy area, dwellings other than detached dwellings will be the predominant form of residential development.

A mix of complementary land uses will assist in extending the usage of the policy area beyond normal working hours to enhance its vibrancy and safety.

Development will take place at medium and high densities, at a scale that is proportionate to the width of Port Road and Anzac Highway respectively. To achieve this, development will take place on large, often amalgamated allotments. Vehicle access points will be located off side streets and new rear laneways where possible, so that vehicle flows, safety and efficient pedestrian movement along Port Road and Anzac Highway are maintained.

Pedestrian areas will be enhanced to maximise safety and strong links will be made between development and tram stops along Port Road, and Bonython Park.

While the use and address of buildings will be designed to be easily interpreted when driving in a vehicle, the footpath will be sheltered with awnings, verandas and similar structures.

Buildings of up to eight storeys will have a strong presence to Port Road and Anzac Highway. At lower levels, buildings will have a human scale through the use of design elements such as balconies, verandas and canopies. Development on corner allotments will enhance the gateway function of such corners by providing strong, built-form edges combined with careful detailing at a pedestrian scale to both street frontages.

Podium elements, where higher floors of the building are set back further than lower level floors, may be used to improve air quality (through greater air circulation), as well as enhancing solar access, privacy and outlook for both the residents of the building and neighbours.

Buildings along Port Road will have zero setback from the front boundary in order to establish a strong and imposing presence to the road, while short front setbacks along Anzac Highway will allow for some landscaping to contribute to a more open landscaped character.



*On-site vehicle parking will not be visible from Port Road and Anzac Highway, by locating parking areas behind building façades and shielding undercroft parking areas with landscaping and articulated screens.*

Objectives	1, 2, 3 & 4
Principles of Development Control	1, 2, 3, 5 & 6

## 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	(overall site)	920.37m <sup>2</sup>
ALLOTMENT AREA	(approved)	272m <sup>2</sup> (unit 1) 285.47m <sup>2</sup> (unit 2) 285.47m <sup>2</sup> (unit 3)
SITE FRONTAGE	(approved)	13.7m (unit 1) N/A (units 2 and 3)
SITE DEPTH	(approved)	17.88m (unit 1) 23.08m (unit 2) 23.08m (unit 3)
SITE COVERAGE	(no maximum for Urban Corridor Zone)	44.5% (unit 1) 46.7% (unit 2) 46.7% (unit 3)  <b>Acceptable</b>
STREET SETBACK Module: Urban Corridor Zone PDC: 16	2.0 metres (minimum) other than Port Road, ANZAC Highway or Henley Beach Road	5.033m (unit 1) at the closest point N/A (units 2 and 3)  <b>Satisfies</b>
SIDE/REAR SETBACKS Module: Urban Corridor Zone PDC: 18	Side No minimum where an allotment has a frontage width of less than 20.0m  Rear 0m except where the development abuts the wall of an existing or simultaneously constructed building	0m / 0.3m (unit 1) N/A (units 2 and 3)  <b>Satisfies</b>  2.722m (unit 1) 2.05m (unit 2) 2.05m (unit 3)  <b>Satisfies</b>



PRIVATE OPEN SPACE Module: Residential Development PDC: 19	24m <sup>2</sup> at ground level with a minimum dimension of 3.0m	59m <sup>2</sup> / minimum dimension ranging from 2.37m to 2.72m (unit 1) <b>Does Not Satisfy</b>  51m <sup>2</sup> / 4.91m minimum dimension (unit 2) <b>Satisfies</b>  52m <sup>2</sup> / 4.94m minimum dimension (unit 3) <b>Satisfies</b>
LANDSCAPING Module: Landscaping, Fences & Walls PDC: 4	10% of the development site	109m <sup>2</sup> / 18.4% approx. (unit 1) 63m <sup>2</sup> / 22.1% approx. (unit 2) 64m <sup>2</sup> / 22.4% approx. (unit 3)  <b>Satisfies</b>
CARPARKING SPACES Module: Urban Corridor Zone PDC: 19	1.25 car-parking spaces per 3+ bedroom dwelling, plus 0.25 visitor spaces per dwelling in accordance with Table WeTo/6	1 covered space and 1 visitor space provided per dwelling  <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:

### Private Open Space - Minimum Dimensions

The private open space associated with each dwelling all meet the minimum area sought in Principle 19 of the Residential Development Module, and generally meet the minimum dimension of 3.0 metres sought by this provision. The private open space areas for units 2 and 3 both exceed the minimum dimension requirements and are therefore considered to be acceptable.

The private open space associated with unit 1 is more than double the minimum area sought for ground level private open space, though will incorporate an area that does not meet the minimum dimension of 3.0 metres. Specifically and area of the private open space will measure approximately 2.37 metres (shortest point) x 4.05 metres adjoining the bathroom area to the rear of the dwelling. This section will result in a generally rectangular area of private open space totalling approximately 9.6 square metres in area.

In consideration that the majority of the private open space associated with unit 1 will have a minimum dimension of 4.0 metres, will be north-facing and as the total area exceeds the minimum requirements by 35 square metres, the resultant deficiency in minimum dimensions for unit 1 is considered to be acceptable.



## SUMMARY

Overall, the proposal is for three separate Development Applications for the construction of three single-storey detached dwellings each with single garages under the main roof and associated landscaping and driveways. The proposed dwellings are of a reasonable size and configuration for the benefit of future dwelling occupants, and are of a contemporary design and appearance that will contribute positively to the streetscape appearance.

Whilst it is recognised that higher density residential development is sought in the Urban Corridor Zone, it is also recognised that the original development proposal submitted to Council in November 2014 and processed during this time through separate land division and land use applications. Furthermore it is also recognised that the land division was recently approved by the Development Assessment Panel for three separate allotments. Accordingly the proposed density of the overall development is therefore considered to be acceptable.

All three dwellings are single-storey in nature and generally oriented in a north-south direction which will minimise the potential for overshadowing and overlooking to surrounding neighbouring properties. Additionally, the locality of the subject site is experiencing higher density residential infill development which is further encouraged through the Residential Zone Medium Density Policy Area 18 provisions which is located directly south of the subject land, separated only by Coralie Street.

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

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

## RECOMMENDATION 1

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. 211/386/2016 by Weeks and Macklin Homes to undertake the construction of a single-storey detached dwelling at 17 Coralie Street, Plympton (CT 5736/234) 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 1993*):

### Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 14 June 2016 as detailed in this application except where varied by any conditions listed below.
2. That the finished floor level shall be 100.30 in reference to the plan provided by Ginos Engineers (Drawing Number 27744) dated March 2015.



3. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage shall not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
4. That all driveways, parking and manoeuvring areas shall be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
5. That all landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.

## RECOMMENDATION 2

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. 211/387/2016 by Weeks and Macklin Homes to undertake the construction of a single-storey detached dwelling at 17 Coralie Street, Plympton (CT 5736/234) 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 1993*):

### Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 14 June 2016 as detailed in this application except where varied by any conditions listed below.
2. That the finished floor level shall be 100.45 in reference to the plan provided by Ginos Engineers (Drawing Number 27744) dated March 2015.
3. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage shall not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
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### RECOMMENDATION 3

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. 211/388/2016 by Weeks and Macklin Homes to undertake the construction of a single-storey detached dwelling at 17 Coralie Street, Plympton (CT 5736/234) 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 1993*):

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1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 14 June 2016 as detailed in this application except where varied by any conditions listed below.
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193 -195 PORT ROAD  
HINDMARSH SA 5007  
t 8292 7272 f 8292 7255

All steel framing to comply with  
Aust Standards AS 3623  
Roof Pitch subject to +/- 1 degree tolerance  
Refer to engineers report for all structural elements  
Control joints as specified by  
designer defined by:

## Site Plan

**Weeks Macklin Homes**  
Guidered Nuriotpa Pty Ltd  
as Trustee for the Guidera

Redman Family Trust  
Lot 81, No 17 (Unit 1 of 3)  
Coralie Street

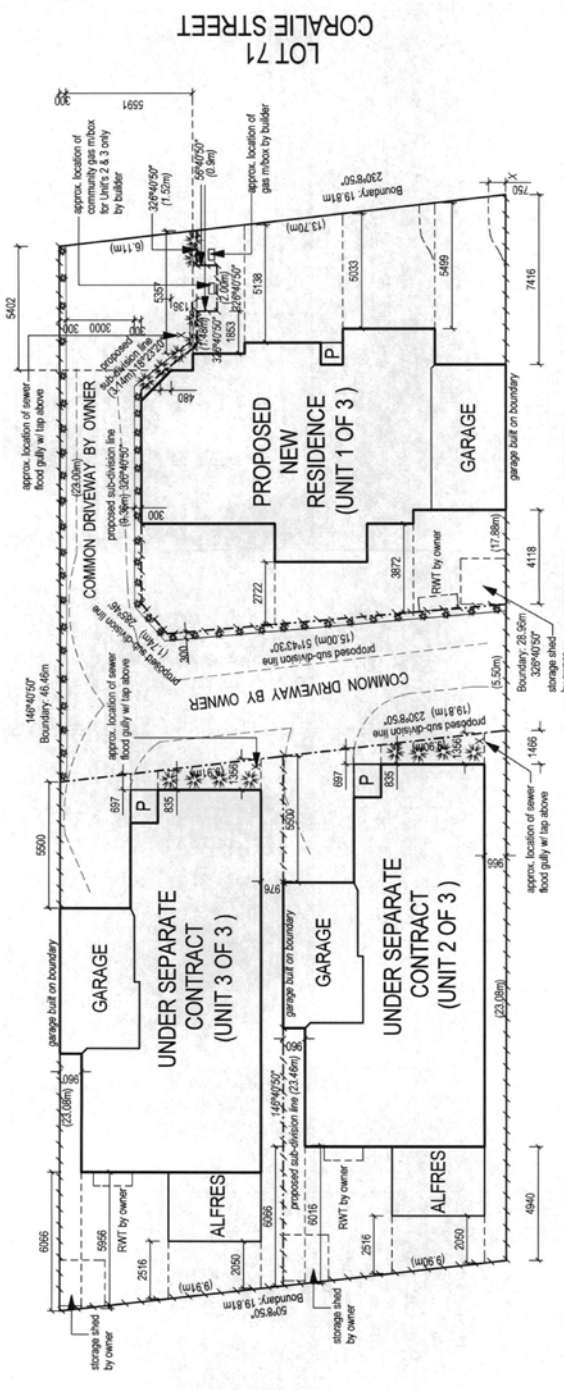
Job No.	12749	Drawing No.	WD01	Rev	D
Areas - M2		Scale		1:200	
		Date		29-Jan-2015	
		Drawn		NM	
		Total Sheet		07	
		Checked		OM	

Sales Rep: Romeo Barone

amendments

- 3/3/15, 10/3/15 KCLMA frame change req'd, amend as req'd called 20/2/15, 24/6/15, 27/10/15 & 6/03/15
- 24/06/15 CM no framing changes, amendment as per council request 11/08/15
- 15/09/15 OR framing changes req'd, amendment as per council request called 1/09/15
- 14/1/16 AA site plan updated as requested on 12/1/16

Version No. 6.00.062 - 1



— — — — — DENOTES 1800HI  
COLORBOND GOOD NEIGHBOUR FENCING

**LANDSCAPING LEGEND:**

NOTE: LANDSCAPING BY OWNER

NOTE: CONCRETE PATHS & DRIVEWAYS BY OWNER

NOTE: TREE STANDING CLOSE

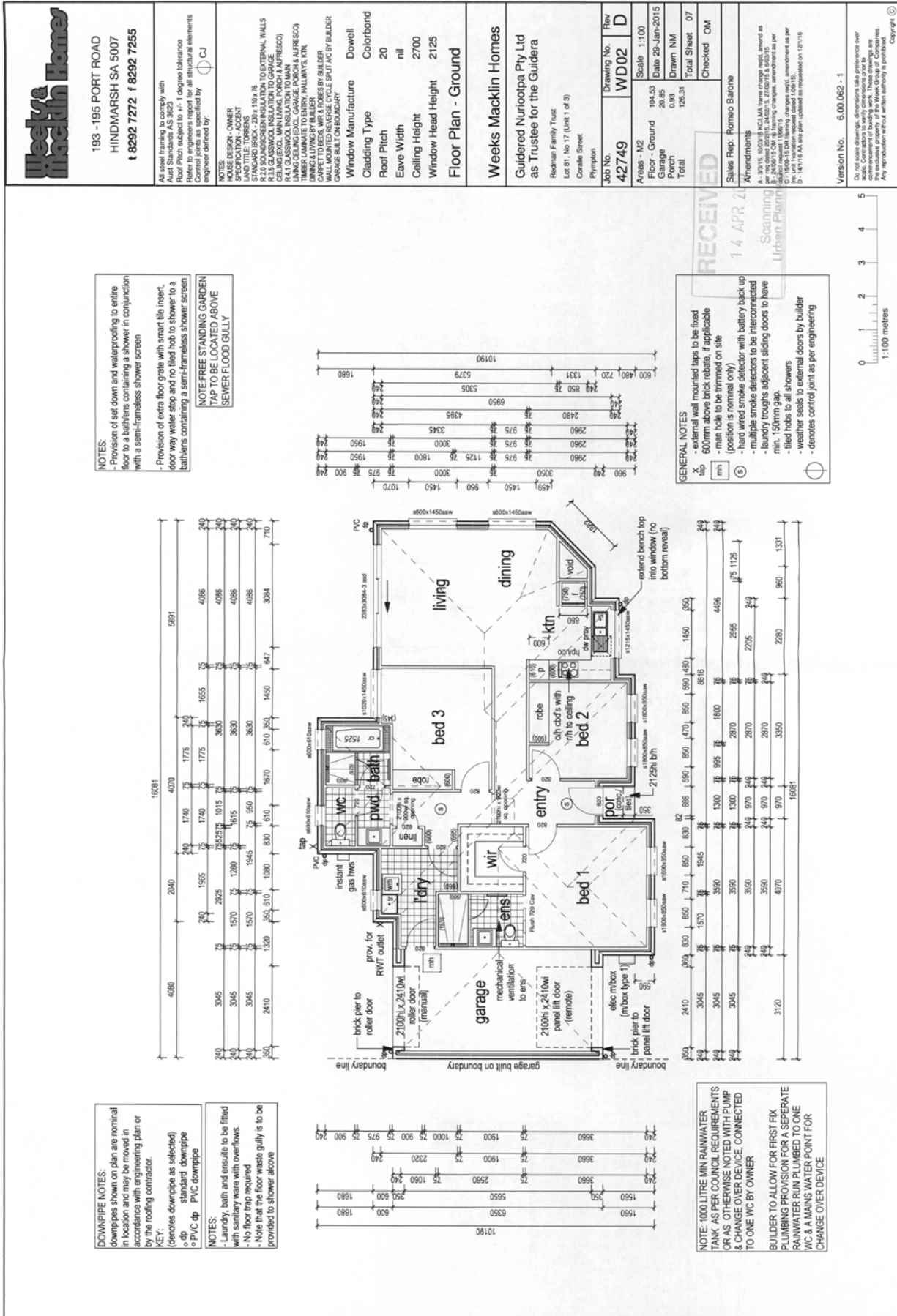
NOTE:  
NO BRUSH FENCE WILL

TOTAL SITE AREA = 267m<sup>2</sup>  
TOTAL ROOF COVERED AREA = 126.32m<sup>2</sup>  
SITE AREA TO ROOF COVER RATIO = 46.73%  
PRIVATE OPEN SPACE = 62.5m<sup>2</sup>  
TOTAL BUILDING AREA = 126.31m<sup>2</sup>  
SITE AREA TO BUILDING AREA RATIO = 46.73%

RECEIVED  
14 APR 2016  
Scanning  
Urban Planning









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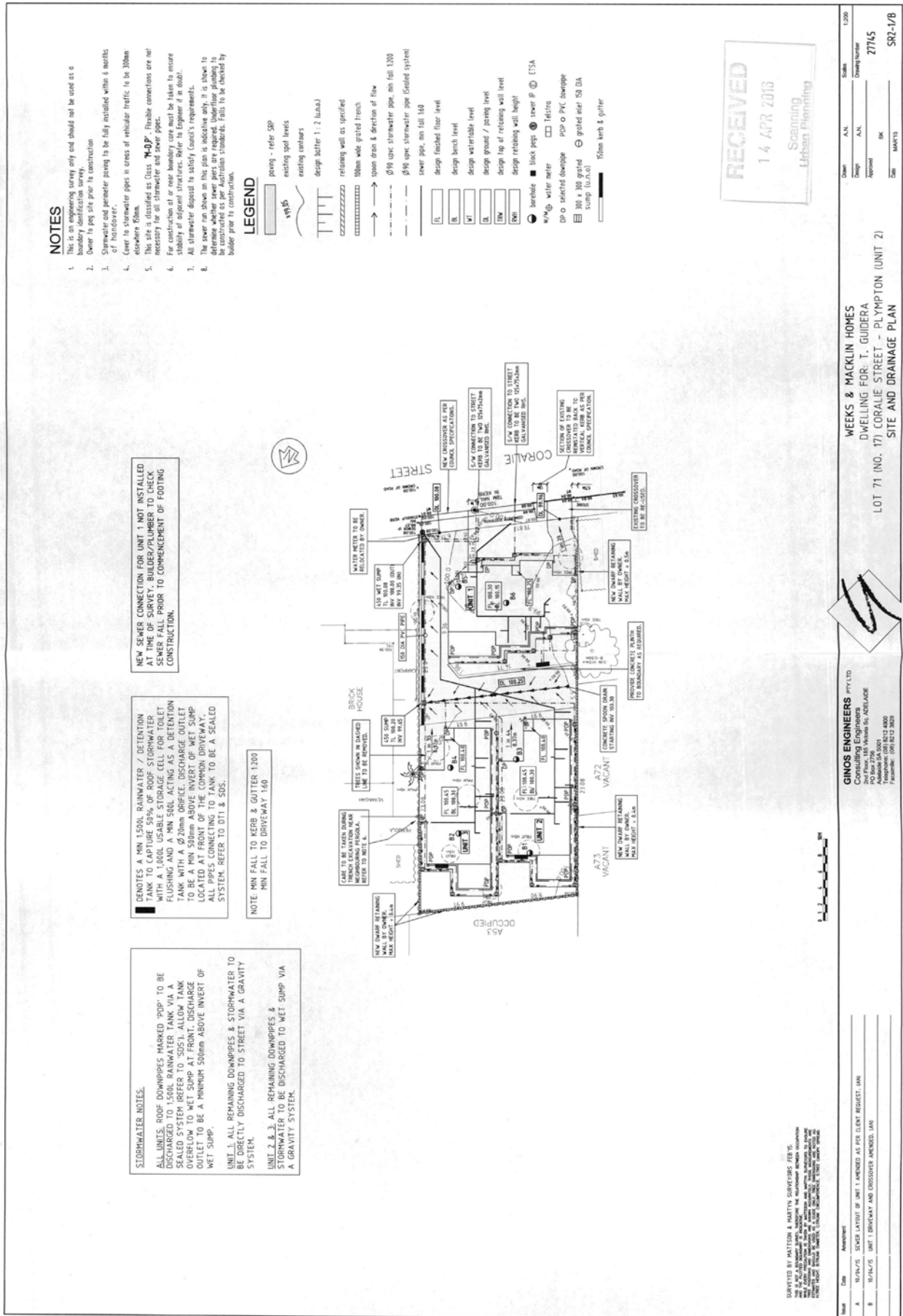
**WEEKS & MACKLIN HOMES**  
DWELLING FOR: T. GUIDERA  
LOT 71 (NO. 17) CORALIE STREET - PLYMOUTH  
SITE AND DRAINAGE PLAN

**GINOS ENGINEERS** PTY LTD  
Consulting Engineers  
2nd Floor, 115 Victoria St, ADELAIDE  
PO Box 2796  
Adelaide SA 5001  
Telephone: (08) 8212 4000  
Facsimile: (08) 8212 3629

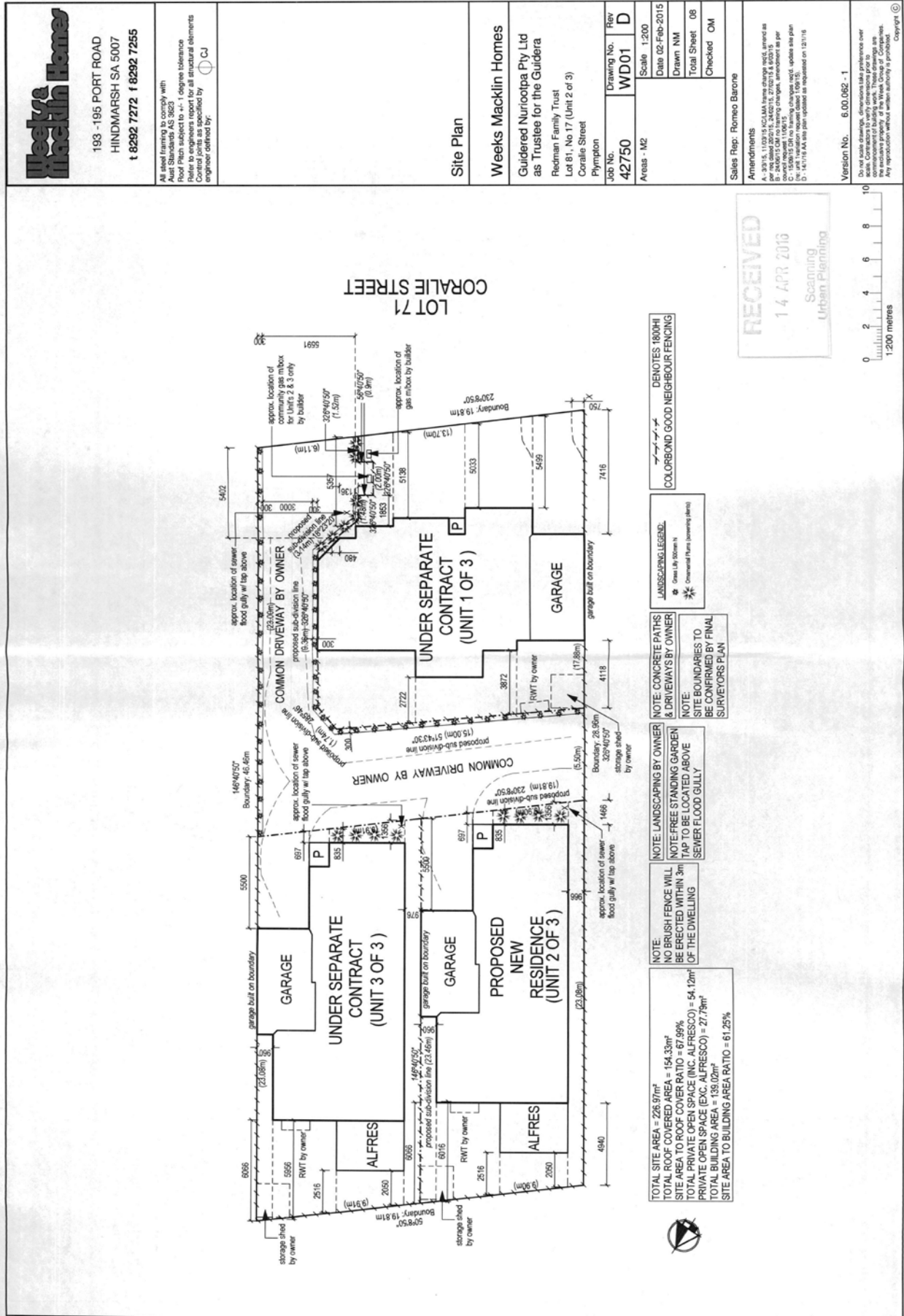
Issue	Date	Amendment
A	10/04/75	SERVER LAYOUT OF UNIT 1 AMENDED AS PER CLIENT REQUEST. (NN)
B	10/04/75	UNIT 1 DRIVEWAY AND CROSSOVERS AMENDED. (NN)



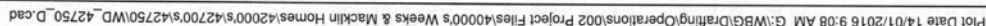
ATTACHMENT 2













**Weeks Macklin Homes**  
 193 -195 PORT ROAD  
 HINDMARSH SA 5007  
 t 8292 7272 f 8292 7255

All steel framing to comply with  
 Aust Standards AS 3623  
 Roof Pitch subject to +/- 1 degree tolerance  
 Refer to engineers report for all structural elements  
 to be installed as specified by  
 engineer defined by: CJ

**Elevations**

**Weeks Macklin Homes**  
 Guided Nurotopa Pty Ltd  
 as Trustee for the Guidara  
 Redman Family Trust  
 Lot 81, No 17 (Unit 2 of 3)  
 Coralie Street  
 Plympton

Job No. 42750  
 Drawing No. WD03  
 Scale 1:100  
 Date 02-Feb-2015  
 Drawn NM  
 Total Sheet 08  
 Checked OM

Sales Rep. Romeo Barone

**Amendments**  
 A- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 B- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 C- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 D- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 E- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 F- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 G- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 H- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 I- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 J- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 K- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 L- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 M- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 N- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 O- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 P- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 Q- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 R- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 S- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 T- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 U- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 V- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 W- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 X- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 Y- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15  
 Z- 23/15, 11/03/15 KCL/LMA items change noted, issued as per received 20/01/15, 24/01/15, 27/01/15 & 05/01/15

**Front elevation**  
 Pitching Ceiling  
 aluminium awning windows  
 90x50 steel post  
 2100H x 2410W panel lift door  
 window head height 2125  
 ceiling height 2700  
 pitching height 2745  
 boundary line  
 450 nom eaves  
 nil eaves  
 colorbond roof @ 20° pitch

**Rear elevation**  
 Pitching Ceiling  
 450 nom eaves  
 colorbond roof @ 20° pitch  
 aluminium sliding doors  
 90x50 steel post  
 boundary line

**Left elevation**  
 Pitching Ceiling  
 450 nom eaves  
 90x50 steel post  
 aluminium sliding windows  
 colorbond roof @ 20° pitch  
 nil eaves  
 ext. sub-board in elec mibox (mibox type 1)  
 1800  
 floor

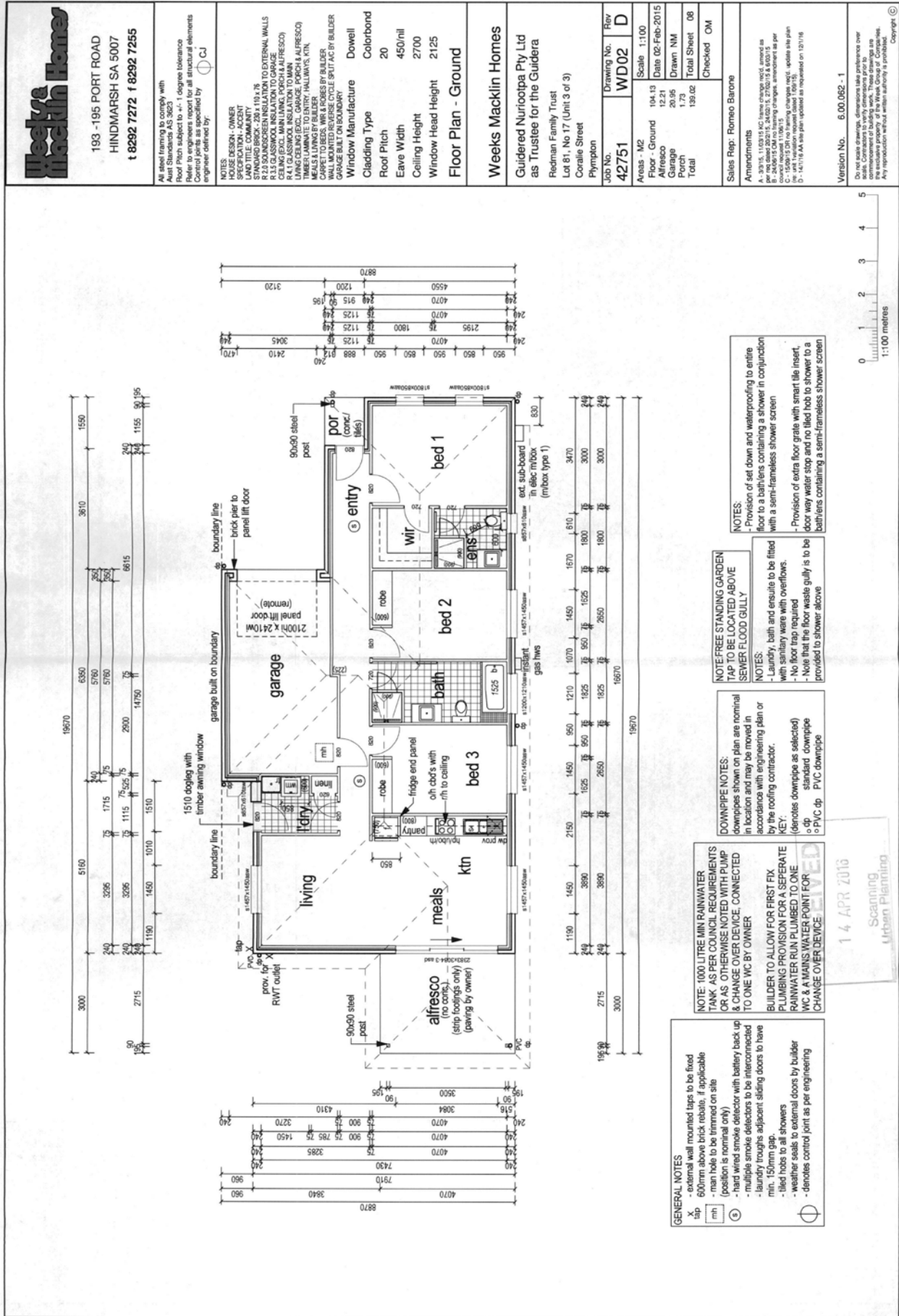
**Right elevation**  
 Pitching Ceiling  
 450 nom eaves  
 90x50 steel post  
 aluminium sliding windows  
 1510 dogleg with timber awning window  
 garage built on boundary  
 90x50 steel post  
 nil eaves  
 colorbond roof @ 20° pitch

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 14 APR 2016  
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 Urban Planning

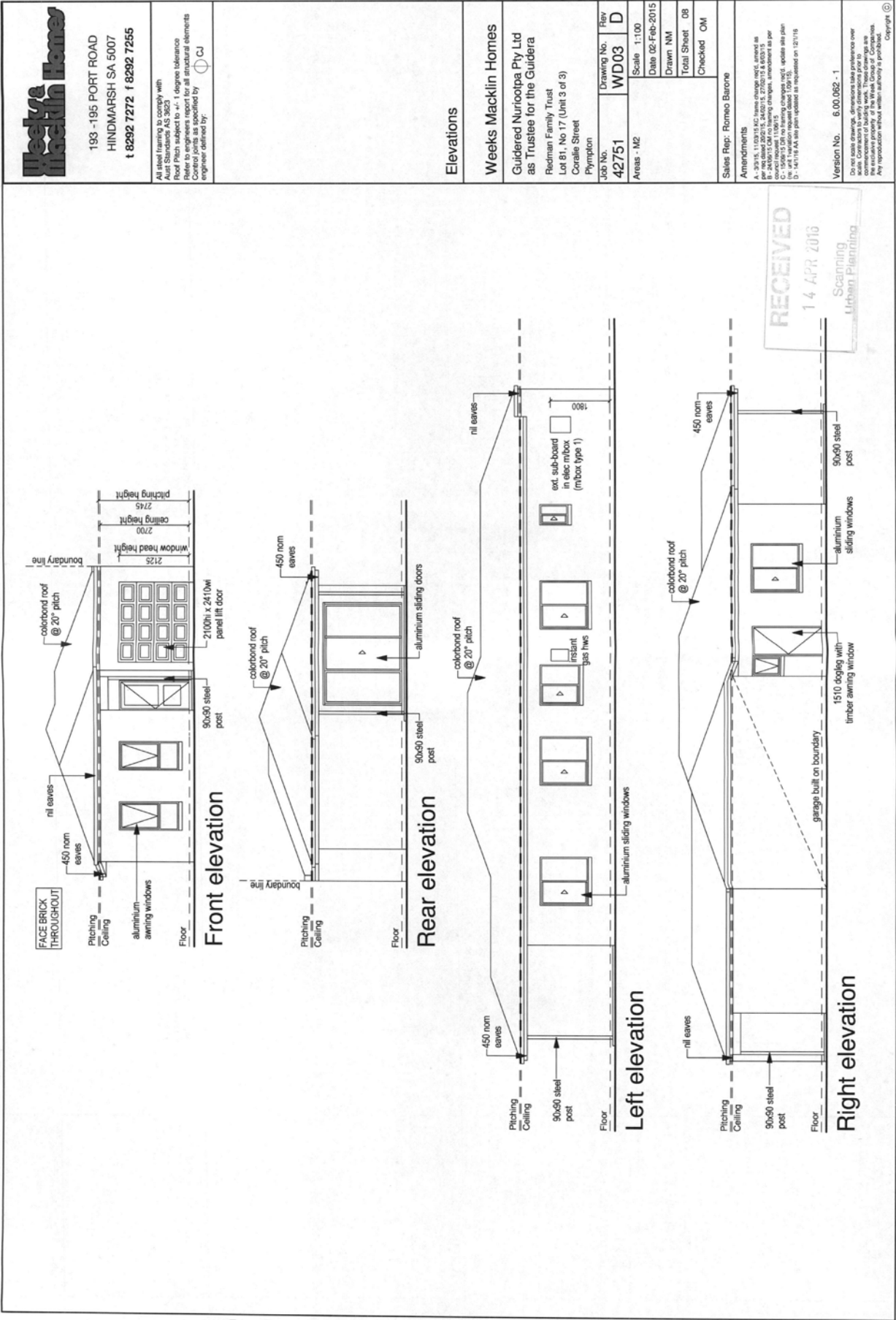


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## NOTES

1. This is an engineering survey only and should not be used as a boundary identification survey.
2. Owner to peg site prior to construction.
3. Stormwater and sewer pipes to be fully installed within 6 months of handover.
4. Cover to stormwater pipes in areas of vehicular traffic to be 300mm elsewhere 150mm.
5. This site is classified as class "H-DP". Feasible connections are not necessary for all stormwater and sewer pipes.
6. For construction at or near boundary care must be taken to ensure stability of adjacent structures. Refer to Engineer if in doubt.
7. All stormwater disposed to satisfy Council's requirements.
8. The sewer run shown on this plan is indicative only. It is shown to determine whether sewer pipes are required. Underpinning existing structures may be required to meet minimum standards. This to be checked by builder prior to construction.

## LEGEND

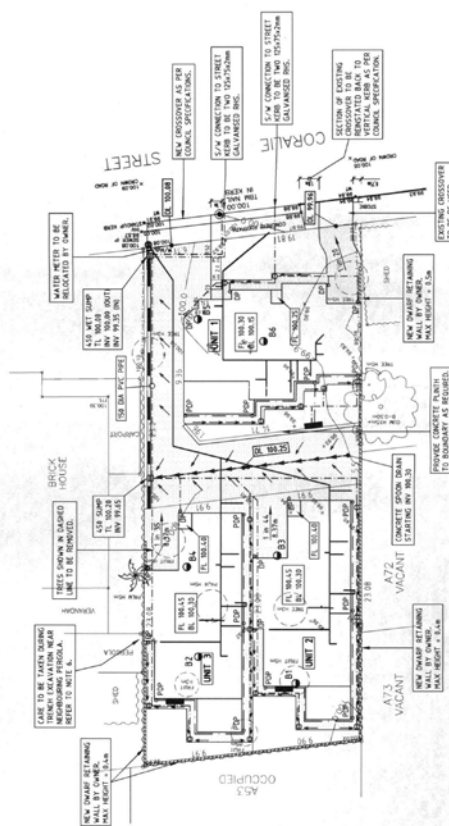
- poning - refer SDO  
existing spot levels  
existing contours  
design batter 1:2 (L.A.S.)  
retaining wall as specified  
150mm wide graded trench  
span drain & direction of flow  
Ø150 ups stormwater pipe, min fall 1:200  
Ø150 ups stormwater pipe (sealed system)  
sewer pipe, min fall 1:60  
design finished floor level  
design bench level  
design water table level  
design ground / poning level  
design top of retaining wall level  
design retaining wall height  
borerole  
block pipe  
sewer R @ 1:50  
water meter  
DP - O PVC downpipe  
300 x 300 graded  
grated inlet 150 ØA  
sump (L.A.S.)  
150mm kerb & gutter

NEW SEWER CONNECTION FOR UNIT 1 NOT INSTALLED  
TOP OF SURVEY, BUILDER/PLUMBER TO CHECK  
SEWER FALL PRIOR TO COMMENCEMENT OF FOOTING  
CONSTRUCTION.

IDENTIFIES A MIN 1500L RAINWATER / DETENTION  
TANK TO CAPTURE 50% OF ROOF STORMWATER  
FROM UNIT 1. THE TANK IS TO BE CONSTRUCTED  
FLUSHING AND A MIN 500L ACTING AS A DETENTION  
TANK WITH A Ø200mm ORIFICE. DISCHARGE OUTLET  
TO BE A MIN 500mm ABOVE INVERT OF WET SUMP  
LOCATED AT FRONT OF THE COMMON DRIVEWAY.  
ALL PIPES CONNECTING TO TANK TO BE A SEALED  
SYSTEM. REFER TO DTI & SDS.

NOTE: MIN FALL TO KERB & GUTTER 1:60  
MIN FALL TO DRIVEWAY 1:60

**STORMWATER NOTES:**  
ALL UNITS: ROOF DOWNPIPES MARKED "POD" TO BE  
DISCHARGED TO 1500L RAINWATER TANK VIA A  
SEALED SYSTEM (REFER TO SDS). ALLOW TANK  
OVERFLOW TO WET SUMP AT FRONT. DISCHARGE  
OUTLET TO BE A MINIMUM 500mm ABOVE INVERT OF  
WET SUMP.  
UNIT 1: ALL REMAINING DOWNPIPES & STORMWATER TO  
BE DIRECTLY DISCHARGED TO STREET VIA A GRAVITY  
SYSTEM.  
UNIT 2 & 3: ALL REMAINING DOWNPIPES &  
STORMWATER TO BE DISCHARGED TO WET SUMP VIA  
A GRAVITY SYSTEM.



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WEEKS & MACKLIN HOMES  
DWELLING FOR: T. GUIDERA  
LOT 71 (NO. 17) CORALIE STREET - PLYMPTON (UNIT 3)  
SITE AND DRAINAGE PLAN

GINOS ENGINEERS PTY LTD  
2nd Floor, 100 Victoria St, Adelaide  
PO Box 1000, Adelaide SA 5001  
Telephone: (08) 8212 8000  
Facsimile: (08) 8212 1000

Date	Amendment
14/04/16	STORM LAYOUT OF UNIT 1 MINOR AS PER CLIENT REQUEST (AM)
14/04/16	UNIT 1 DRAINAGE AND DISCHARGE APPENDIX (AM)



## 6.8 3 Castlebar Road, LOCKLEYS

Application No. 211/391/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of an enclosed pergola and wall forward of the dwelling
APPLICANT	A & H Baldwin
APPLICATION NO	211/391/2016
LODGEMENT DATE	15 April 2016
ZONE	Residential
POLICY AREA	21 - Residential Low Density
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal ▪ Nil External ▪ Nil
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	14 June 2015
RECOMMENDATION	<b>REFUSE</b>

### BACKGROUND

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

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

### PREVIOUS or RELATED APPLICATION(S)

211/1318/2014	Construction of verandah
211/1218/2013	Alterations and additions to the rear of existing dwelling and the construction of a verandah
211/761/2008	Demolition of existing Verandah and Pool shed and Construction of a Shed (19.0m x 5.5m x 2.4m) on the rear boundary and both side boundaries and a Carport (5.0m x 5.0m) in front of the proposed shed and on the side boundary
211/1119/2002	To construct a swimming pool
211/375/2002	Land Division (divide land into 2 allotments), DAC - 211/D021/02



## SITE AND LOCALITY

The land is irregular in shape and located on the southern side of Castlebar Road in the suburb of Lockleys. With a frontage of 20.14m, a depth of 42.32m the overall area of the land is 877.2m<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 verandahs, outbuildings, carports and swimming pool have been constructed. The built form almost spans from one side of the allotment to the other and is setback between 6 - 8m from the front boundary.

The allotment is flat and informally landscaped with plants and shrubs of varying maturity and size. There is a low hedge along the front boundary that separates the public from private land, but this hedge is not tall enough to provide screening.

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

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

- 1 & 1a Castlebar Road;
- 5 & 7 Castlebar Road;
- 40 Torrens Ave;
- 2 & 4 Castlebar Road; and
- 2 Barrow Crescent.

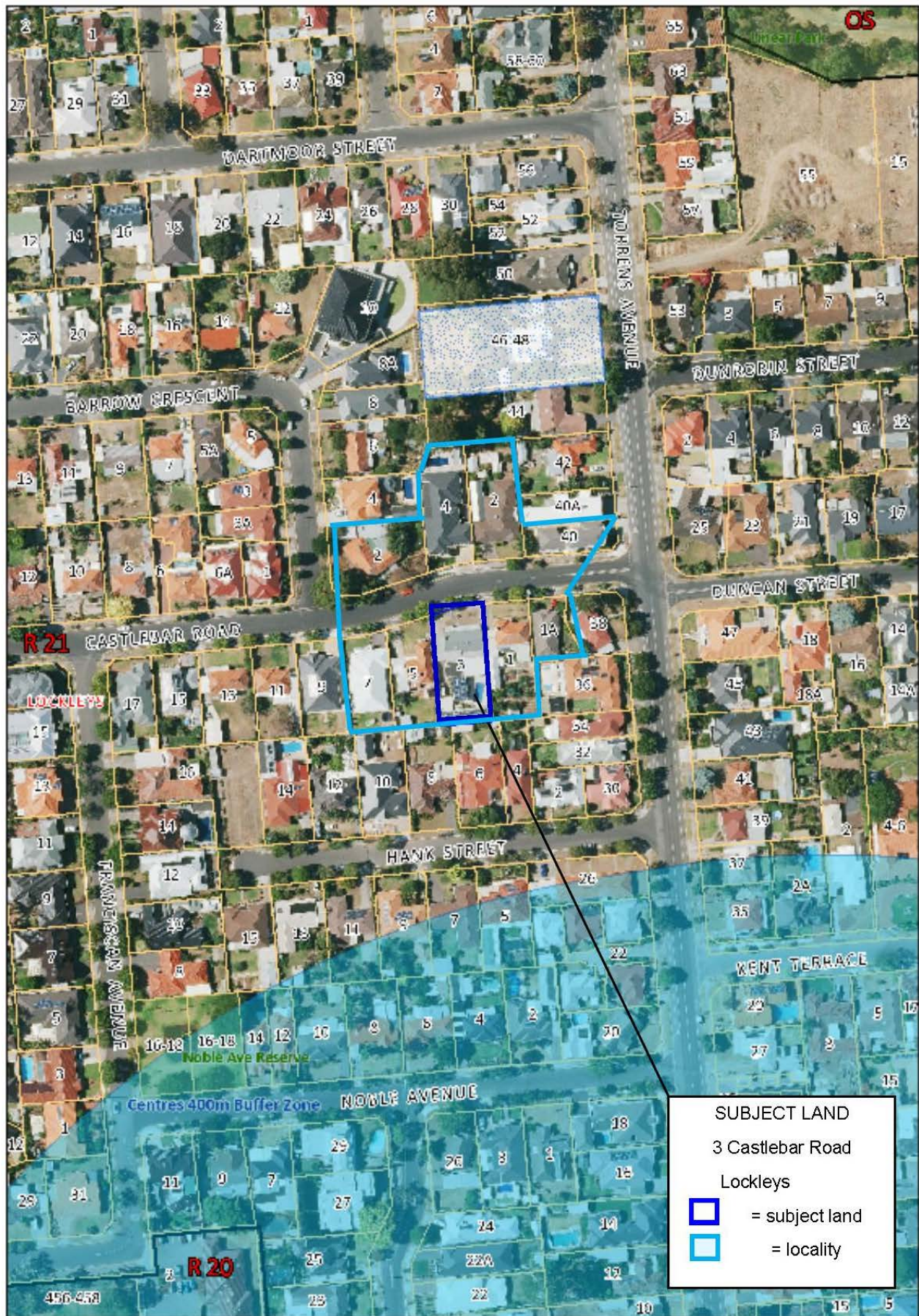
The locality contains low density residential development. Typically, the buildings accommodate a generous setback from the street providing for large, well landscaped front yards. This together with the fact that front fences are uncommon, or where they do exist are generally visually permeable, provides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

Providing an example of a relatively typical residential street, all properties within the locality have been improved with ancillary forms of development such as outbuildings, verandahs and swimming pools.

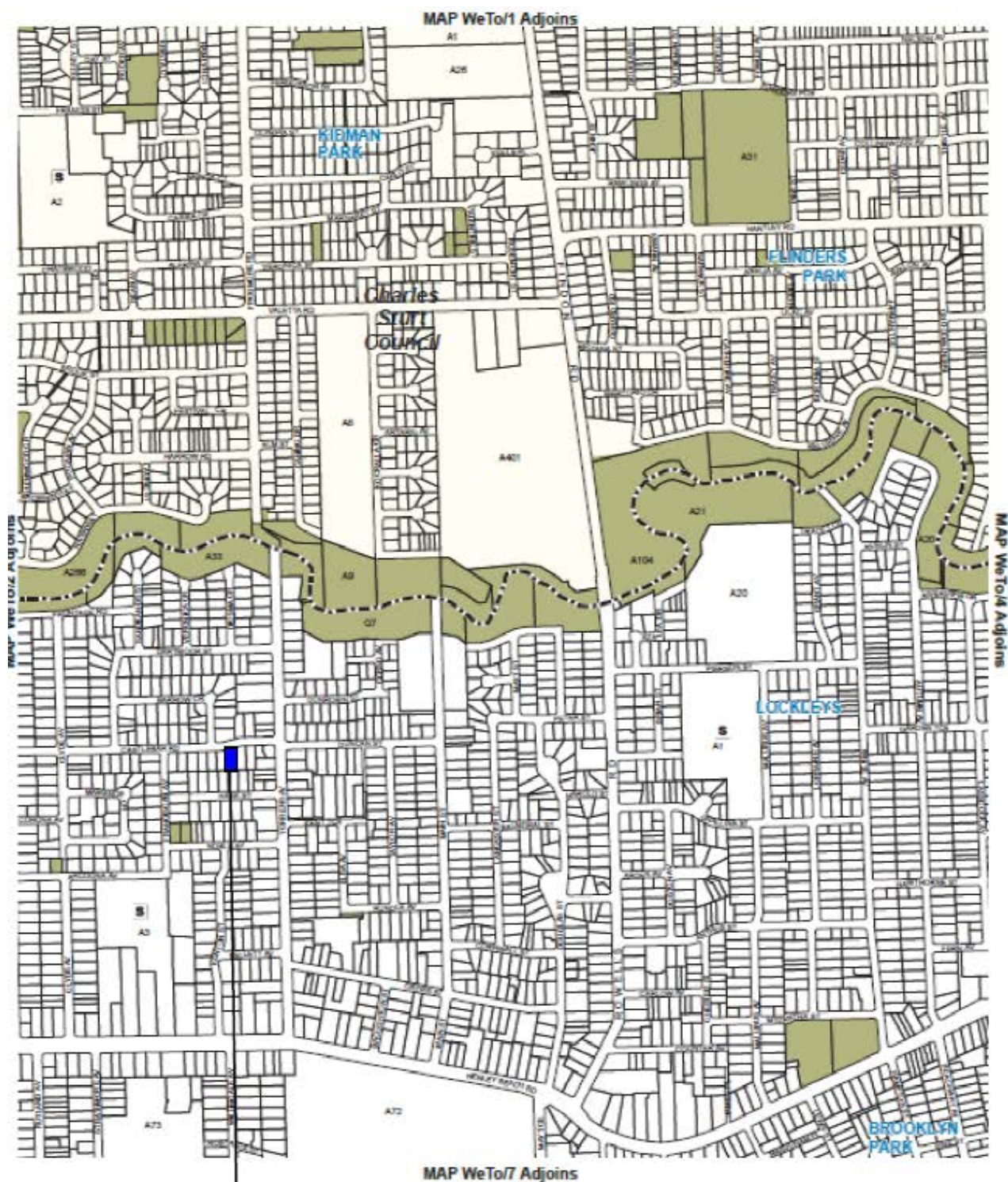
In most cases these have been sited to the side or rear of the associated dwelling, although there are a couple of examples of verandahs being constructed across the façade of the dwelling.

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









**SUBJECT LAND**  
3 Castlebar Road,  
LOCKLEYS



## Location Map WeTo/3

- School
- Local Reserves
- Development Plan Boundary



## PROPOSAL

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

*"The construction of an enclosed pergola and wall forward of the dwelling"*

The pergola is located in front of the dwelling extending from the verandah that is built along the front of the dwelling. The structure is walled on the front and two sides up to a height of 1.8m. The pergola itself is 2.7m high, 4.7m deep and 4.4m wide and has an open lattice roof.

The wall is also proposed forward of the dwelling and made of breeze blocks, this is also built to a height of 1.8m.

The Applicant is seeking approval for these structures retrospectively.

## REFERRALS

None required

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly Low Density Policy Area 21 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3 & 6
Design and Appearance	Objectives	1
	Principles of Development Control	1, 2, 3, 10, 11, 13, 14, 15, 21 & 22
Energy Efficiency	Objectives	1
	Principles of Development Control	1 & 2
Landscaping, Fences and Walls	Objectives	1 & 2
	Principles of Development Control	1 & 6
Residential Development	Objectives	1
	Principles of Development Control	1, 4, 7, 8, 18, 19, 20 & 21
Siting and Visibility	Objectives	1
	Principles of Development Control	1, 2, 4, 5 & 8

<b>Zone:</b> Residential Zone
<p><b>Desired Character Statement:</b></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>



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

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

Objectives	4
Principles of Development Control	1, 5, 7 & 8

**Policy Area: Low Density Policy Area 21**

**Desired Character Statement:**

*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).*

*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. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.*

*Buildings will be up to 2 storeys in height. 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.*

*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.*

Objectives	1
Principles of Development Control	1 & 2

**QUANTITATIVE ASSESSMENT**

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
<p>PRIMARY STREET SETBACK <i>Residential Zone</i> PDC 8</p> <p>1 Castlebar = 7m (approx.) 5 Castlebar = 8 m (approx.)</p>	<p>If the front setback of the adjoining dwelling differs by up to 2m, then the setback required should be the same as one of the adjacent buildings</p>	<p>3.6m</p> <p><b>Does Not Satisfy</b></p>



SIDE SETBACKS <i>Residential Zone</i> <i>PDC 11</i>	Side  N/A	1.55m  <b>Satisfies</b>
REAR SETBACK	Rear  N/A	In front of dwelling  <b>Satisfies</b>
BUILDING HEIGHT <i>Residential Zone</i> <i>PDC 6</i>	3m	2.7m  <b>Satisfies</b>
PRIVATE OPEN SPACE <i>Residential Development</i> <i>PDC 19</i>	>500m <sup>2</sup> - 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. - Minimum dimension 4m. - 24m <sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room.	115m <sup>2</sup> (total) 8m (min. dimension) 115m <sup>2</sup> (accessed from habitable room)  <b>Satisfies</b>
CARPARKING SPACES <i>Transportation and Access</i> <i>PDC 34</i>	Detached, semi-detached, row and multiple dwellings - 2 car-parking spaces required, 1 of which is covered	6 spaces provided (3 undercover)  <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:

### Siting

The Design and Appearance section of the Development Plan states:

*PDC 13 Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.*

The proposed pergola is considerably closer to the front boundary than other dwellings fronting Castlebar Rd, which makes it conspicuous in the streetscape. The 1.8m high walls that enclose the pergola give it a considerable bulk not unlike a garage that is forward of the dwelling. It is not considered that this proposal maintains or enhances the visual attractiveness of the locality.



This structure is most visually dominant when travelling west along Castlebar Rd, as can be seen in the photos below.



It is not until you are directly in front of the property that the front door can be viewed from the public realm. This is considered to be at variance to PDC 8 of the Residential Development section which states:

*PDC 8 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.*

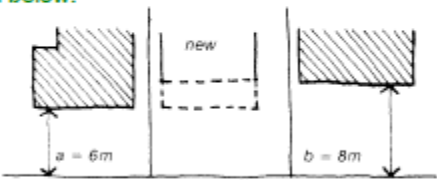




## Setbacks

The Residential Zone has a specific provision relating to the front setback of structures from the primary road frontage. PDC 8 states:

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

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

Whilst the exact dimensions cannot be ascertained from council records, approximate measurements have been calculated from Dekho, council's Geographical Information System (GIS):

- 1 Castlebar Rd is setback approximately 7m
- 5 Castlebar Rd is setback approximately 8m

In order for the proposal to comply with PDC 8 shown above, it would need to be setback at least 7m from the front property boundary. The 3.4m difference is not considered a minor deficiency. Where new dwellings have been built, it is the portico or entrance statement which is the closest part of the dwelling to the front boundary.

The above Zone specific PDC is reinforced by a Council wide provision from the Design and Appearance section which states:

- PDC 21** Except in areas where a new character is desired, the setback of buildings from public roads should:
- be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
  - contribute positively to the function, appearance and/or desired character of the locality.

## Visual Impact on Streetscape

As stated in the description of the locality at the beginning of this report, there is a strong character of dwellings, fronting Castlebar Rd, being set well back from the front boundary. The proposal will contrast with this prevailing character.

The Design and Appearance section of the Development Plan states:

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



The proposal is not considered to be of a high design standard given the 1.8m enclosing walls and visual prominence when viewed from adjoining properties and the public realm.

The positive aspects of the locality are considered to include:

- open and well landscaped front gardens;
- main face of the dwelling being the most visually prominent feature; and
- casual overlooking of the public realm from habitable rooms.

This proposal seeks to block the view from the master bedroom behind the pergola and obscure the view from the lounge behind the breezeblock wall.

Whilst it is accepted that there is some landscaping in the front yard of the subject site, it should be noted that the majority of the front yard has been covered in stones. This in addition to the enclosed pergola forward of the dwelling is out of character with the locality. In the Applicant's cover letter it is explained that the gravelled area provided them with an additional carpark in front of the dwelling.

## SUMMARY

The proposal is not considered to be similar to or compatible with adjoining development or of a high design standard that responds to and reinforces the positive aspects of the locality. For these reasons it is considered that proposal will have a detrimental impact on the existing and 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 does not sufficiently accord with the relevant provisions contained within the West Torrens (City) Development Plan Consolidated 5/11/2015 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. 211/391/2015 by Mr Andrew Baldwin to construct an enclosed pergola forward of the dwelling and masonry wall at 3 Castlebar Rd, Lockleys (CT 5911/39) for the following reasons:

1. The proposed development is contrary to
  - Council Wide (Design and Appearance) Objective 1  
Reason: the proposal is not of a high design standard that responds to and reinforces the positive aspects of the locality.
  - Council Wide (Design and Appearance) Principle of Development Control 13  
Reason: The proposal does not have a co-ordinated appearance that maintains or enhances the visual attractiveness of the locality.
  - Council Wide (Design and Appearance) Principle of Development Control 21  
Reason: The setback is not similar to or compatible with the setbacks of dwellings on adjoining land.
  - Council Wide (residential Development) Principle of Development Control 8  
Reason: The entry to the dwelling is not clearly visible from the street.
  - Residential Zone Principles of Development Control 8  
Reason: The front setback is not the same as one of the adjoining buildings.



17.81

N

EXISTING SHED

EXISTING CARPORT

EXISTING PERGOLA

EXISTING RESIDENCE

EXISTING HOUSE

EXISTING CARPORT

BOUNDARY

CASTLEBAR

ROAD

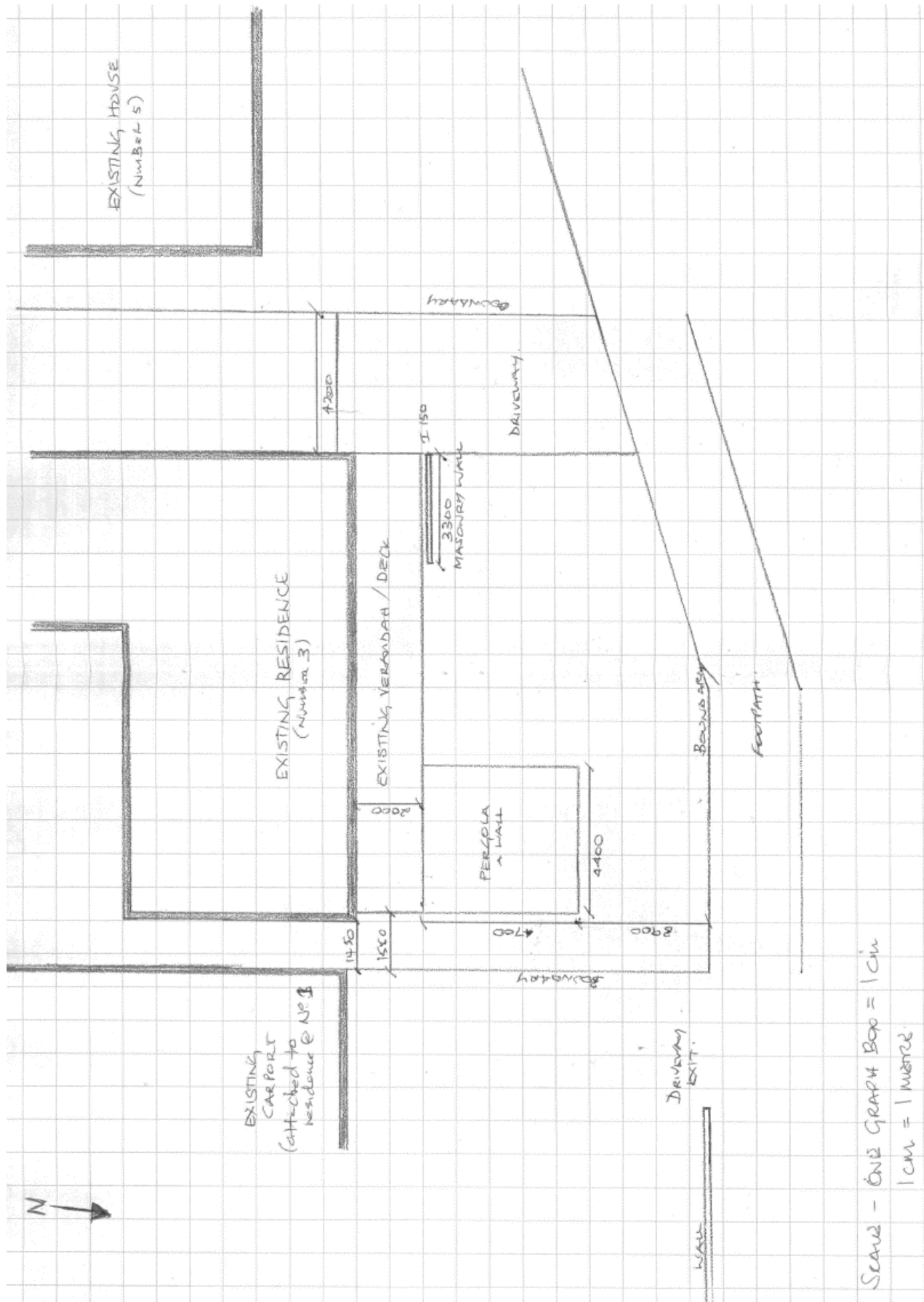
City of West Torrens

15 APR 2013

City Development

SCALE (1:200)



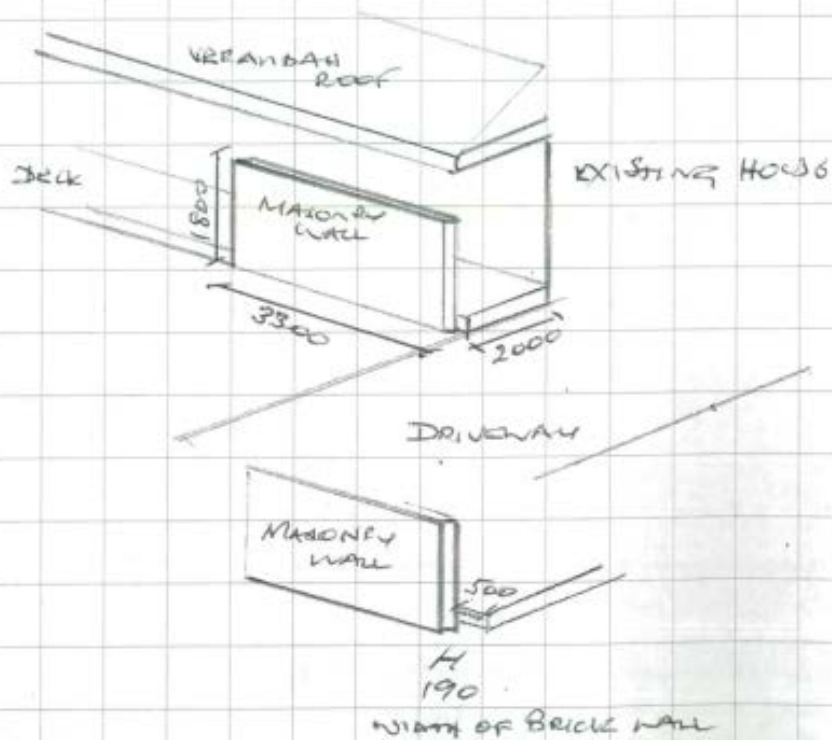
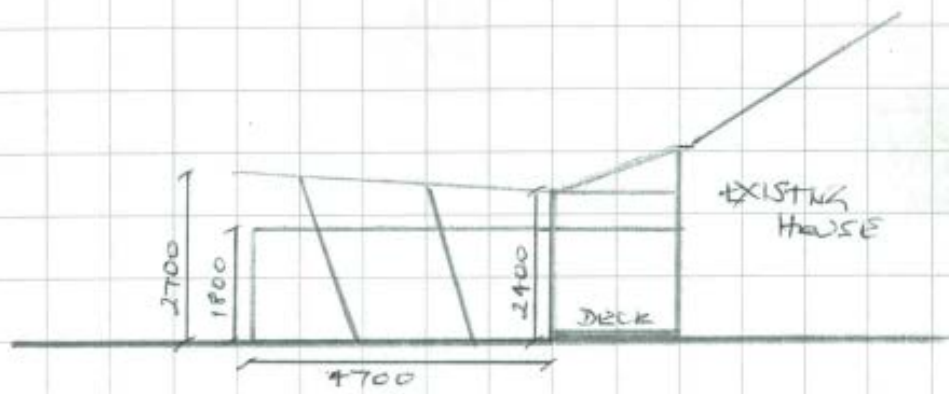




3 CASTLEBAR RD, WICKLOWS

SCALE - ONE GRAPH BOX = 1cm  
1cm = 1 METRE.

← N





















## 6.9 14 & 16 Strathmore Avenue and 15 & 17 Rutland Avenue, LOCKLEYS

Application No. 211/1068/2011/A

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Community Title land division; DAC No. 211/C103/11; Originally the creation of three (3) additional allotments; Amended to the creation of two (2) additional allotments
APPLICANT	Distinctive Homes Pty Ltd
APPLICATION NO	211/1068/2011/A
LODGEMENT DATE	14 April 2016
ZONE	Residential
POLICY AREA	20
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, SA Water</li></ul>
DEVELOPMENT PLAN VERSION	13 October 2011
MEETING DATE	14 June 2016
RECOMMENDATION	<b>CONSENT</b>

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

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

### BACKGROUND

The original application was refused by the DAP on 8 January 2013. The decision was appealed in the ERD Court, with the court overturning the decision and approving the proposal on 8 May 2013.

An extension of time to the operative date of the authorisation was granted by Council on 6 June 2016.

### PROPOSAL

This application is an amendment to the original application insofar as it is only for the creation of two additional allotments rather than three (removal of 'development lot 200' and the right of way designated C1 & C3 as shown on the original approved plan). See **Attachment 1** for a copy of the original approved plan of division, and **Attachment 2** for a copy of the proposed amendment.



## PREVIOUS or RELATED APPLICATION(S)

DA 211/1068/2011 - Community Title Land Division (DAC No. 211/C103/11),  
Create three (3) additional allotments (as discussed above).

DA 211/1494/2015 - Demolition of existing dwelling (approved 21 December 2015). The site has since been cleared.

## SITE AND LOCALITY

The division extends over portions of four (4) existing allotments identified as follows:

Certificate of Title (Volume/Folio)	Allotment #	Deposited Plan	Area	Common Address
5136/814	3	103679	Lockleys Hundred of Adelaide	14 Strathmore Avenue
5726/428	1	3986	Lockleys Hundred of Adelaide	16 Strathmore Avenue
5681/820	73	4065	Lockleys Hundred of Adelaide	15 Rutland Avenue
5687/988	72	4065	Lockleys Hundred of Adelaide	17 Rutland Avenue

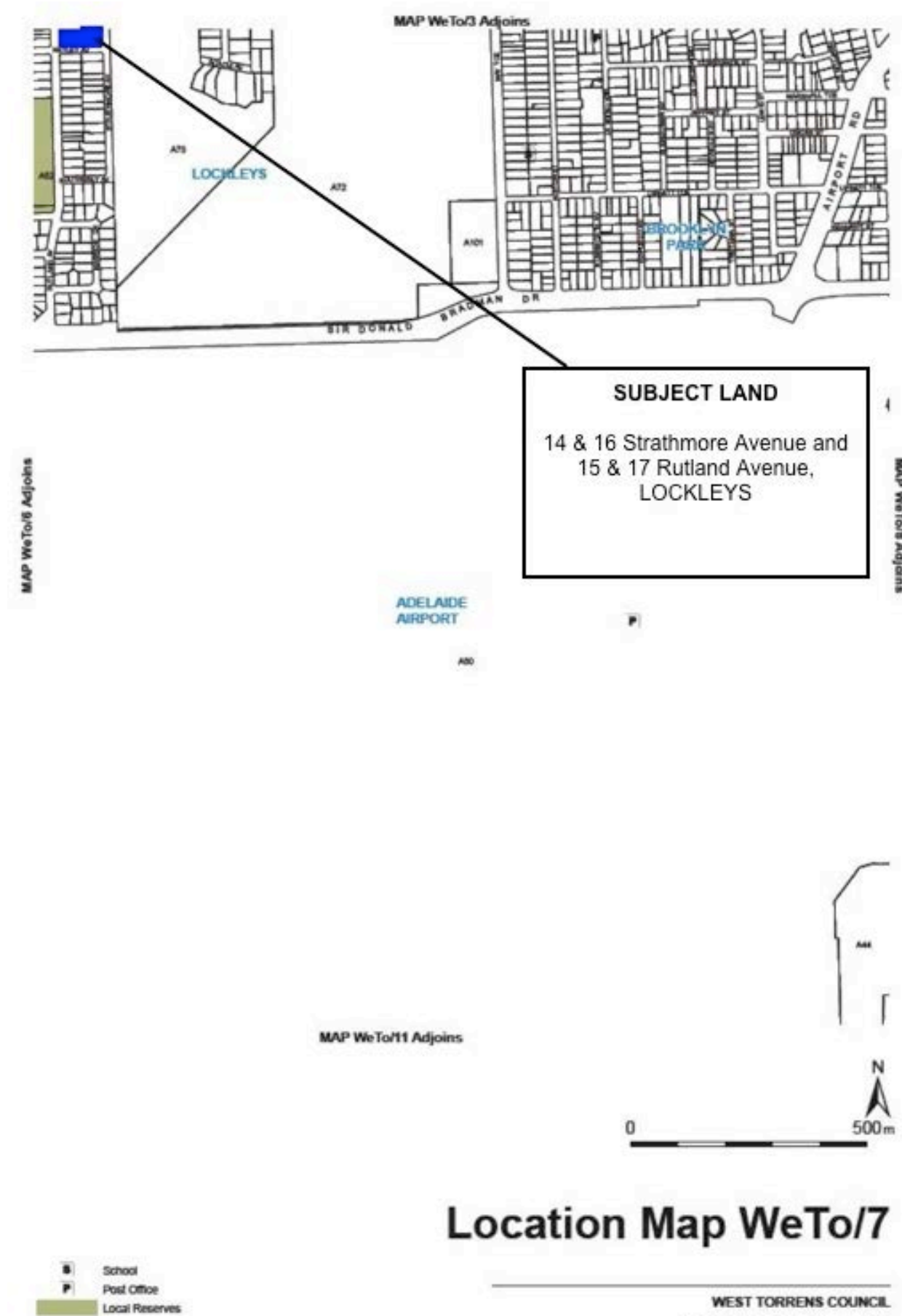
The subject land is located within the Residential Zone and more particularly Residential Policy Area 20. The site is located directly adjacent the Kooyonga Golf Club, approximately 150 metres east of Linear Park and approximately 100 metres north-east of Lockleys Oval.

The locality also consists of residential development mostly in the form of detached dwellings on large allotments with a mix of established and newer residential development.

Strathmore Avenue is characterised by large statement homes built on large allotments with wide frontages which are set well back from the street and incorporate established landscaping. The segment of Netley Avenue between Rutland and Strathmore Avenues is somewhat void of character in that it mostly contains garages on the boundary. The main feature of Netley Avenue is the Significant Eucalyptus tree located in the road carriageway directly adjacent the subject land. Rutland Avenue is home to newer development including some land division. While allotment sizes remain large the once wide frontages have now been somewhat compromised.

The locality and the subject land are shown on the following maps:











## PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Section 38 and Schedule 9 of the *Development Act and Regulations 1993* and the Procedural matters of the Residential Zone of the West Torrens Council Development Plan Consolidated 13 October 2011.

## REFERRALS

Pursuant to Section 33 of the *Development Act 1993* and Regulation 29 of the *Development Regulations 2008*, the application was referred to the Development Assessment Commission, and SA Water Corporation. Their comments and conditions were received and will be implemented where relevant.

Internal referrals were not made as the proposal does not seek to make any change relevant to City Assets.

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly Policy Area 20 as described in the West Torrens Council Development Plan (Consolidated 13 October 2011). The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Infrastructure	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 2, 3, 4, 5, 7, 8, 9 & 10
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 4, 5, 6, 8, 10, 15, 16, 17, 18, 19, 20 & 21
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 5 & 6
Transportation and Access	Objectives	2
	Principles of Development Control	23, 24, 29, 33, 34 & 35
Zone: Residential Zone		
Desired Character Statement:		
<p><i>"This zone will accommodate a range of dwelling types.</i></p> <p><i>Residential development will reflect a variety of building styles, yet where a consistent character exists, new buildings will be designed to harmonise with that which is existing in terms of form, mass, scale, colours and textures of materials and setback distances.</i></p> <p><i>The streetscape will reflect the functions and characteristics of the street type in the traffic movement network and be designed to encourage pedestrian access and to support or establish a sense of place and street identity.</i></p> <p><i>The scale, bulk and design of non-residential development will be sensitive to the desired character of the residential environment. Landscaping will be of a high standard and provide continuity with residential streetscapes.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling should not be undertaken in a Historic Conservation Area other than such development associated with an existing use".</i></p>		
Objectives		1, 2, 3 & 4
Principles of Development Control		1, 2 & 6



<b>Policy Area:</b> Residential Policy Area 20	
<b>Desired Character Statement:</b>  <i>"This policy area is characterised by well maintained single storey detached dwellings on large allotments, set well back from the street. The policy area is reasonably homogenous and is mainly comprised of detached dwellings.</i>  <i>This policy area is home to newer subdivisions and housing redevelopment.</i>  <i>Many dwellings have characteristic verandas, porches and entry doors facing the street.</i>  <i>Development will maintain and complement the character and built form of the existing streetscape".</i>	
<b>Objectives</b>	1
<b>Principles of Development Control</b>	1 & 2

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 desired character statement for Residential Policy Area 20 states in part that the policy area is *'characterised by well maintained single storey detached dwellings on large allotments, set well back from the street. The policy area is reasonably homogenous and is mainly comprised of detached dwellings'*. In addition this locality is characterised by wide frontages, established landscaping and an absence of front fencing.

The desired character statement also states:

*"This policy area is home to newer subdivisions and housing redevelopment".*

Both of these statements are true in this locality. While the existing built form on Strathmore Avenue is characterized by large dwellings on large allotments with wide frontage and generous setbacks from the street, the existing character for Rutland Avenue conforms more to the second statement and supports newer subdivision and redevelopment.

The proposal seeks to retain the dwellings at 14 and 16 Strathmore Avenue as well as the large allotments on which they are situated. As such the existing character of Strathmore Avenue will be unaffected by the proposal.

Similarly the proposal will have minimal impact on Rutland Avenue in that no new allotments will be visible from the street however it is feasible that either a future dwelling will result in a closer street setback to Rutland Avenue, or it will possibly become the secondary street. It is considered that a smaller street setback could be accommodated in this instance due to the existing staggered setback pattern on Rutland Avenue and impacts of the secondary street interface can be dealt with upon application using sympathetic architectural design elements.

Netley Avenue will be most impacted by the proposal as two (2) new allotments will be created with frontages to the street. Impacts will be minimal due to the lack of existing character along this section of Netley Avenue and the fact that the only other residential structures fronting Netley Avenue are garages.



Residential Zone, Residential Policy Area 20, Principle of Development Control 2 states:

*"A dwelling should conform to the following site areas and have a frontage to a public road not less than that shown in the following table:*

<b><i>Dwelling type</i></b>	<b><i>Minimum site area (m<sup>2</sup>)</i></b>	<b><i>Average site area (m<sup>2</sup>)</i></b>	<b><i>Minimum site frontage to a public road excluding hammerhead or battle axe allotments (m)</i></b>
<i>Detached</i>	420	N/A	12
<i>Other dwellings</i>	N/A	420	12
<i>Supported accommodation and housing for seniors</i>	N/A	300	25

Proposed allotments 20, 21 and 22 each have a shortfall of 10m<sup>2</sup>, 9m<sup>2</sup> and 10m<sup>2</sup> respectively of the minimum recommended site area for the policy area. Impacts on the streetscape character and locality are considered minimal given the moderate shortfall and the fact that the proposed allotments exceed the minimum recommended frontage of 12 metres and contain a sufficient land size to enable a dwelling that will conform to the desired character of the Policy Area with regard to setbacks, frontage and landscaping.

### **Water Supply**

General Section, Land Division Principle of Development Control 1 states:

*"When land is divided:*

- (a) Stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner*
- (b) A sufficient water supply should be made available for each allotment*
- (c) Provision should be made for the disposal of wastewater, sewerage and other effluent from each allotment without risk to health*
- (d) Proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.*

The applicant has provided plans which demonstrate water and sewerage supply from both Rutland and Strathmore Avenue. Proposed allotments 20, 21 and 22 will access these existing services via Rutland Avenue with the meters being located on proposed community property (C2). It should be noted that the *Community Titles Act 1996* does not require an easement for access to water and sewerage infrastructure.

It is considered that the above provision is satisfied and it is recommended that any requirements of SA Water be reinforced with an appropriate condition.

### **Orderly and Sustainable Development**

General Section, Orderly and Sustainable Development Objective 1 states:

*"Orderly and economical development that creates a safe, convenient and pleasant environment in which to live".*

The proposal is considered in accordance with Objective 1 and satisfies the relevant Principles of Development in that:

- As a form of residential development the proposal satisfies the intent of the Residential Zone;
- The proposal will result in a compact extension of the existing area; and
- The proposal will maximise the use of existing services and infrastructure.



## SUMMARY

This amended application for the division of land does not seek to alter the dimensions of the three resultant development lots previously approved by the ERD Court in the original application.

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

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 13 October 2011 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. 211/1068/2011/A by Distinctive Homes Pty Ltd to undertake Community Title land division - create two (2) additional allotments at 14 & 16 Strathmore Avenue and 15 & 17 Rutland Avenue, Lockleys (CTs 5136/814, 5681/820, 5687/988, 5726/428) 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):

### Council Conditions

1. Development is to take place in accordance with the plans prepared by Fyfe Pty Ltd relating to Development Application No. 211/1068/2011/A (DAC 211/C103/11/A).

### DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

Nil

### 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 06063/08).

Further processing of this application by SA Water to establish the full requirements and costs of this development the developer will need to advise SA Water of their preferred servicing option. Information of our servicing options can be found at: <http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/Customer+Connections+Centre.htm>. For further information or queries please contact SA Water Land Developments on 7424 1119.

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 \$18,450 into the Planning and Development Fund (3 lot(s) @ \$6,150/allotment). Cheques to be made payable and marked "NOT NEGOTIABLE" to the Development Assessment Commission and payment made at Level 5, 136 North Terrace, Adelaide, or sent to GPO Box 1815, Adelaide, 5001 or via the internet at [www.planning.sa.gov.au](http://www.planning.sa.gov.au).
3. Two copies of a certified survey plan being lodged with the Commission for Certificate purposes.



[illegible]



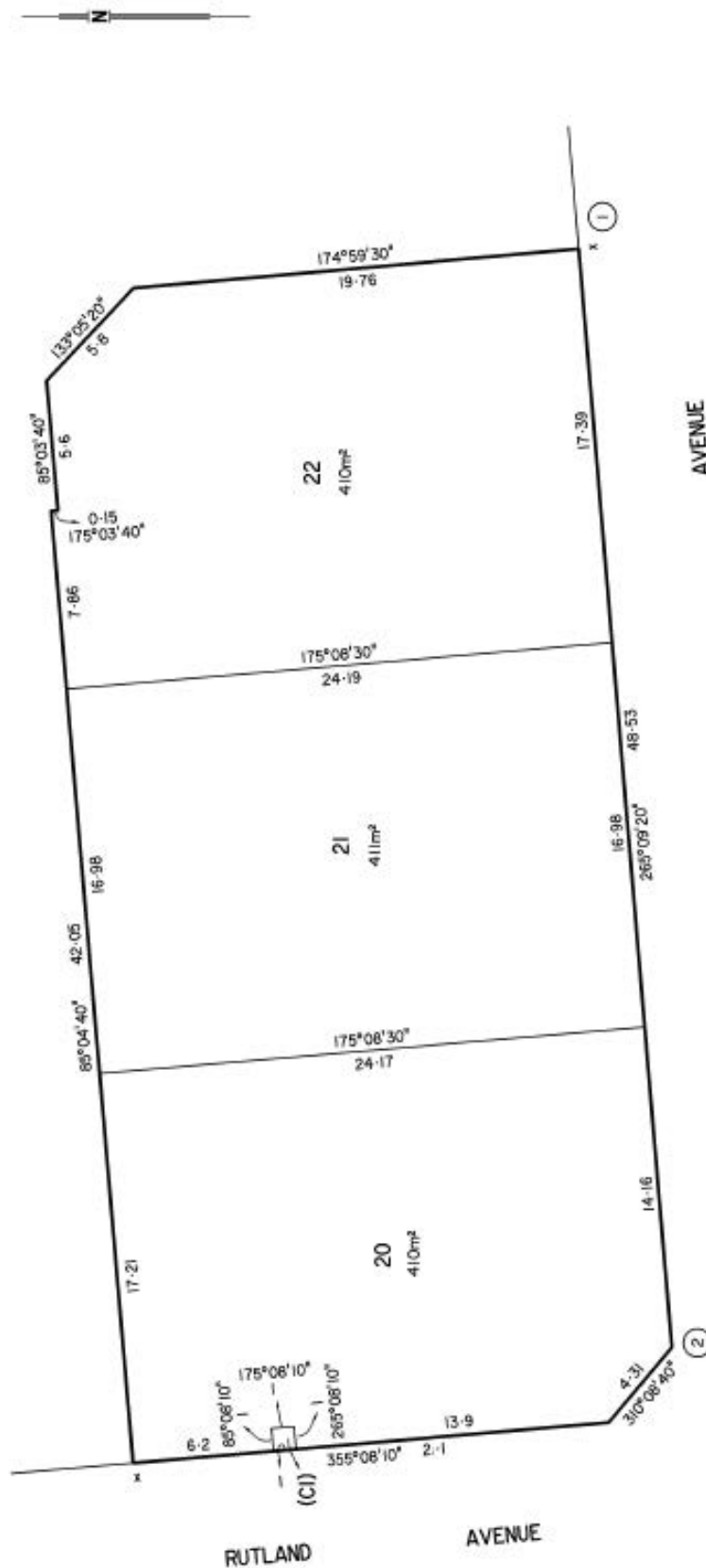
ATTACHMENT 2

SHEET 2 OF 2
51119_pland_1_V01
BEARING DATUM: ①-② 265°09'20"
DERIVATION: 0111294 (ADOPTED)
TOTAL AREA 1232m <sup>2</sup>

LOCATION PLAN



0111294



FYFE PTY LTD  
SURVEYORS and ENGINEERS  
80 FLINDERS STREET ADELAIDE SA 5000  
PHONE (08) 8201 9600 FAX (08) 8201 9660  
www.fyfe.com.au ABN 57 008 116 130  
Reference 16322-3-10 Dwg No. 19322SC1-10  
REV 0 DATE 09-02-2016 DR JRK SVY RK  
QA



## 6.10 1 George Street, THEBARTON

Application No. 211/1524/2015

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Conversion of existing illuminated billboard sign to a digital LED sign
APPLICANT	APN Outdoor Pty Ltd
APPLICATION NO	211/1524/2015
LODGEMENT DATE	23 December 2015
ZONE	Urban Corridor
POLICY AREA	34 - Boulevard
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>▪ DPTI &amp; DEWNR</li></ul>
DEVELOPMENT PLAN VERSION	5 November 2016
MEETING DATE	14 June 2016
RECOMMENDATION	<b>REFUSE</b>

### BACKGROUND

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

- With regard to advertising displays, involve an advertising display adjacent and/or abutting an existing arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the West Torrens Council Development Plan) and within 100 metres of a signalised intersection or a pedestrian actuated crossing where the display-
  - a) will be internally illuminated and incorporate red, yellow, green or blue lighting; or
  - b) will incorporate a moving display or message; or
  - c) will incorporate a flashing light
- All applications where the assessing officer recommends refusal, shall be assessed and determined by the DAP.

### PREVIOUS or RELATED APPLICATION(S)

Nil

### SITE AND LOCALITY

The subject land is located at 1 George Street, with the proposed sign to be located along the southern boundary. The subject site is more formally identified as Allotment 286 File Plan 6536 in the area named Thebarton, Hundred of Adelaide as contained in Certificate of Title Volume 6049 Folio 352.



The subject site is located at the south-western portion of the intersection of Port Road, George Street and James Congdon Drive Thebarton. The total road frontage of the subject land to George Street is 41.65 metres, whilst the frontage to James Congdon Drive Road is 31.99 metres.

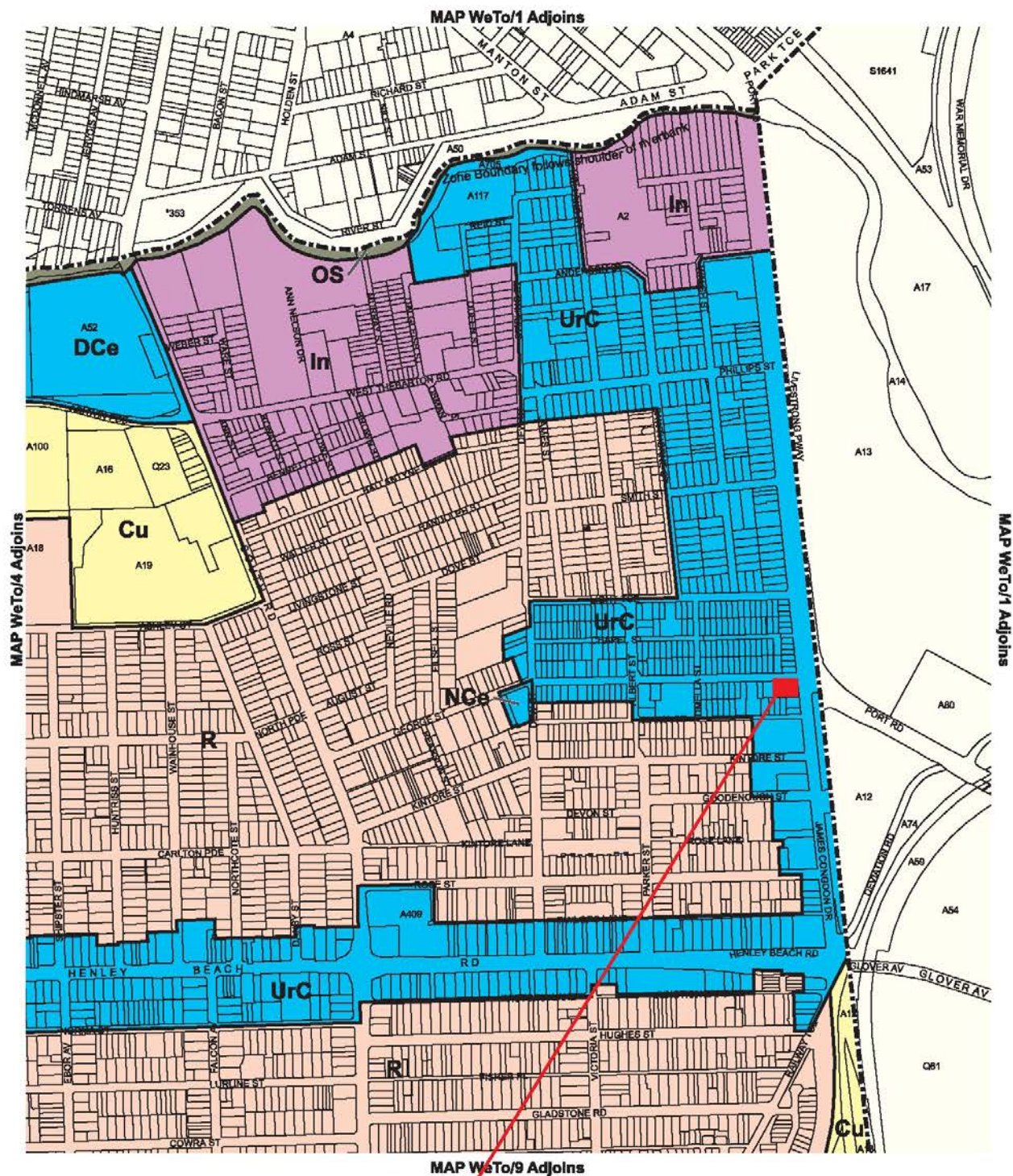
Currently the subject site contains a disused, State Heritage listed hotel and the subject sign.

The subject site is located within an area that is generally characterised by commercial development to the west of Port Road and James Congdon Drive and the Adelaide Parklands to the east.

The site and locality are shown on the following maps.







Lambert Conformal Conic Projection, GDA94

WEST TORRENS COUNCIL

Consolidated - 5 November 2015



## PROPOSAL

Conversion of an existing externally illuminated billboard sign to a digital LED sign

The proposed plans can be found in **Attachment 1**, the associated reports can be found in **Attachment 3**.

## 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 Urban Corridor Zone, Procedural Matters.

## REFERRALS

External

Pursuant to Section 37 and Schedule 8 of the Development Act and Regulations, the application was referred to:

### DPTI

DPTI does not object in-principle to the installation of a LED sign at this location subject to the conditions being applied to any approval granted to maximise road safety:

### State Heritage Unit

The proposed development is considered to be acceptable in relation to the above State heritage place for the following reason:

- The proposed illuminated sign replaces an existing sign in this location of similar size. The sign is free-standing and set away from the hotel. The visual impact of the proposed new sign on the hotel's setting will not be appreciably greater than the existing sign's impact.

A full copy of the relevant report(s) is/are attached, refer **Attachment 2**.



## ASSESSMENT

The subject land is located within the Urban Corridor Zone, Boulevard Policy Area 34 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Advertisements	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 1, 23 & 24
Landscaping, Fences and Walls	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4 & 6
Orderly and Sustainable Development	Objectives	1
	Principles of Development Control	1

### Zone: Urban Corridor Zone

#### Desired Character Statement:

*This zone will contain an innovative mix of medium density (45-70 dwellings per hectare) and high density (70-200 dwellings per hectare) residential development, together with community and employment land uses, along the Port Road, Anzac Highway and Henley Beach Road corridors. The combination of land uses will vary within these corridors. Some locations will contain a genuine land use mix with ground floor shops, restaurants and offices, and upper level residential, while other areas will give primacy to residential development. Other parts of the zone will have a strong employment focus.*

*The function of main roads in the zone, particularly Port Road and Anzac Highway, as major transport corridors will be protected by providing access to allotments from secondary road frontages and rear access ways as much as possible. Parking areas will be consolidated, shared (where possible) and screened from the street or public spaces. Allotments with car parking fronting Port Road, Anzac Highway and Henley Beach Road will be redeveloped with built form closer to the road and reconfigured car parking areas.*

*As one of the key zones in the City of West Torrens where there will be transformation in built form, new buildings will be recognised for their design excellence. These buildings will establish an interesting pedestrian environment and human-scale at ground level through careful building articulation and fenestration, verandas, balconies, canopies and landscaping. In general, the greatest height, mass and intensity of development will be focussed at the main road frontage. Buildings of 3 or more storeys will be the predominant built form. It is for these reasons that dwellings other than detached dwellings will be the predominant form of residential development.*

*Overlooking, overshadowing and noise impacts will be moderated through careful design, Impacts on adjoining zones where development is lower in scale and intensity will be minimised through transition of building heights and setbacks, judicious design and location of windows and balconies, and the use of landscaping. The transition of building heights and setbacks, and judicious design is especially important adjacent Character Policy Areas, including those Character Policy Areas at Glandore and Ashford. The use of blank walls in these transitional areas, especially at the rear and side of allotments, will be avoided. Plant and service equipment will be enclosed and screened from view from the street and neighbouring allotments.*



*Where buildings are set back from main roads, landscaping will contribute to a pleasant pedestrian environment and provide an attractive transition between the public and private realm. Large scale development in the zone will facilitate the establishment of areas of communal and public open space, and create links with existing movement patterns and destinations in the zone. Front fencing in the zone will be kept low and/or visually permeable. Some parts of the zone, including allotments in Thebarton and Keswick, are potentially contaminated because of previous and current industrial activities. In these circumstances, development is expected to occur on a precautionary basis if site contamination investigations identify potential site contamination, particularly where it involves sensitive uses such residential development.*

*The Thebarton brewery has potential to cause nuisance to future users and residents within this zone through noise and odour. To mitigate potential adverse impacts, residential development north of Smith Street that is likely to be sensitive to brewery operations should generally be avoided unless interface mitigation measures have been implemented (or will be implemented within an acceptable period) such that the anticipated impacts are within acceptable limits.*

*Noise and air amenity with the zone is not expected to be equivalent to that expected from living in a purely residential zone.*

Objectives	1, 2, 3, 4, 5, 6, 7, 8, 9
Principles of Development Control	1, 2

**Policy Area: Boulevard Policy Area 34**

**Desired Character Statement:**

*The policy area will contain a mix of land uses that complement the function of Port Road as a strategic transport route linking central Adelaide with the north western suburbs, and Anzac Highway linking central Adelaide with Glenelg.*

*The redevelopment of existing commercial and industrial allotments into medium-to-high scale, mixed-use development will occur. Where development has a mix of land uses, non-residential activities such as shops, offices and consulting rooms will be located on lower levels with residential land uses above. In order to achieve the desired transformation of the policy area, dwellings other than detached dwellings will be the predominant form of residential development.*

*A mix of complementary land uses will assist in extending the usage of the policy area beyond normal working hours to enhance its vibrancy and safety.*

*Development will take place at medium and high densities, at a scale that is proportionate to the width of Port Road and Anzac Highway respectively. To achieve this, development will take place on large, often amalgamated allotments. Vehicle access points will be located off side streets and new rear laneways where possible, so that vehicle flows, safety and efficient pedestrian movement along Port Road and Anzac Highway are maintained.*

*Pedestrian areas will be enhanced to maximise safety and strong links will be made between development and tram stops along Port Road, and Bonython Park.*

*While the use and address of buildings will be designed to be easily interpreted when driving in a vehicle, the footpath will be sheltered with awnings, verandas and similar structures.*



*Buildings of up to eight storeys will have a strong presence to Port Road and Anzac Highway. At lower levels, buildings will have a human scale through the use of design elements such as balconies, verandas and canopies. Development on corner allotments will enhance the gateway function of such corners by providing strong, built-form edges combined with careful detailing at a pedestrian scale to both street frontages.*

*Podium elements, where higher floors of the building are set back further than lower level floors, may be used to improve air quality (through greater air circulation), as well as enhancing solar access, privacy and outlook for both the residents of the building and neighbours.*

*Buildings along Port Road will have zero setback from the front boundary in order to establish a strong and imposing presence to the road, while short front setbacks along Anzac Highway will allow for some landscaping to contribute to a more open landscaped character.*

Objectives	1, 2, 3, 4
Principles of Development Control	1, 3

## 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
ADVERTISEMENT AREA ADVERTISEMENT PDC 17	Within non-residential zones: Advertisement area: 2.0m <sup>2</sup> (max), <i>plus</i> Additional advertisement area per metre of site frontage with a public road or public thoroughfare: (0.1m <sup>2</sup> x 73.63m) 7.363m <sup>2</sup> = 9.363m <sup>2</sup> (total area)	66.3552m <sup>2</sup> (existing)  <b>Does Not Satisfy</b>
FREE-STANDING SIGNAGE HEIGHT ADVERTISEMENT PDC 17	Non-residential zone  Max. height: 6.0m	21.0m approx. (existing)  <b>Does Not Satisfy</b>
LOCATION OF ILLUMINATED SIGNS ADVERTISEMENT PDC 15	Internally illuminated signs should be located a minimum of 80m from traffic signals, levels crossings and other important traffic control devices	25m (approx.) to the nearest traffic light on the George Street, Port Road intersection  <b>Does Not Satisfy</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:

### Siting

The sign within close proximity to the intersection of Port Road, George Street and James Congdon Drive, less than the 80 metres stipulated in Principle of Development Control 15 of the Advertisements General Section policies. Although it is noted that DPTI has determined that the sign is so high that it will not cause a conflict with the adjacent traffic signals.

### Signage

The existing sign already exceeds the maximum height and advertising areas stipulated by the provisions of the Advertisements General Section policies of the Development Plan. Additionally, advertisements are not an envisaged form of development within the Urban Corridor Zone. Therefore whilst being an existing feature within the Zone, the sign is not what is envisaged for the future of the Zone.

## SUMMARY

The proposed conversion of the billboard to a LED display is not supported in that the existing sign is not envisaged by the Development Plan and the conversion to an LED sign so close to the traffic signals will increase the disparity of this development with the Development Plan.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be 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 (City) 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. 211/1524/2015 by APN Outdoor Pty Ltd for the Conversion of existing illuminated billboard sign to a digital LED sign at 1 George Street, Thebarton (CT 6049/352) for the following reasons:

1. The proposed development is contrary to
  - Advertising General Section Principle of Development Control 15  
Reason: *Any internally illuminated advertising signs and which utilise LED should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.*
  - Advertising General Section Principle of Development Control 23  
Reason: *23 Advertisements and/or advertising hoardings should be:*  
*(a) no higher than the height of the finished floor level of the second storey of the building to which it relates*



PROPOSED DIGITAL SIGN



## ATTACHMENT 2

In reply please quote 2016/00229/01, Process ID: 393412  
Enquiries to Matthew Henderson  
Telephone (08) 8226 8388  
Facsimile (08) 8226 8330  
E-mail dpti.luc@sa.gov.au



Government of South Australia

Department of Planning,  
Transport and Infrastructure

28/04/2016

Ms Janine Lennon  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

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 Ms Lennon,

### SCHEDULE 8 - REFERRAL RESPONSE

Development No.	211/1524/15
Applicant	APN Outdoor Pty Ltd
Location	1 George Street, Thebarton
Proposal	Conversion of existing illuminated static sign to a digital LED sign

I refer to the above development application forwarded to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

### THE PROPOSAL

The application proposes to convert an existing illuminated billboard to a LED sign. The billboard is located adjacent to the Port Road / James Congdon Drive / George Street signalised intersection, and would be viewable to southbound traffic on Port Road.

The adjacent section of Port Road is classified as a Major Traffic Route, Primary Freight Route, Major Cycling Route, High Activity Pedestrian Area and High Frequency Public Transport Corridor under DPTI's *A Functional Hierarchy for South Australia's Land Transport Network* in the vicinity of the site and carries a posted speed limit of 60 km/h. Approximately 60500 vehicles per day (6% commercial vehicles) utilise this stretch of road.

### CONSIDERATION

#### LED Signage

The application proposes a LED sign with a single facing directed towards southbound traffic. DPTI has released the *Advertising Signs: Assessment Guidelines for Road Safety* (DPTI, August 2014). An assessment against the Guide has been undertaken and finds that:

10440586



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- The sign is within a device restriction area as defined in the Guide.
- The sign would be viewable to south bound traffic.
- The sign achieves adequate clearances from direct sightlines to the adjacent signals.
- One other signage installation (the roof mounted cube at the Coca-Cola site) is likely to be viewable at times on the approach to the sign. However, this is due to the prominence of the two installations in the landscape. The minimum separation between subsequent installations recommended in DPTI's guide (150 metres) is satisfied.
- The proposed dwell time of 45 seconds achieves consistency with the Guide.
- The illumination levels proposed are generally consistent with DPTI's guide. However, given the high level of contrast between the sign and the night sky, it is recommended that the night time maximum luminance should be slightly reduced. It should also be noted that Council will need to consider the high potential for residential development occurring on or adjacent the subject site when finalising the permissible level of light spill from the sign.

#### **Metropolitan Adelaide Road Widening Plan**

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Port Road frontage of this site for future upgrading of the Port Road / James Congdon Drive / George Street intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works located on or within 6.0 metres of the possible requirement.

Accordingly, should Council approve the proposed development in its current form, the applicant should submit the attached form to DPTI, along with three copies of the approved plans for consent purposes.

#### **ADVICE**

DPTI does not object in-principle to the installation of a LED sign at this location subject to the following conditions being applied to any approval granted to maximise road safety:

1. The LED sign shall be permitted to display one message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 seconds.
2. The sign shall not flash, scroll or move.
3. All messages displayed on the sign shall be self-contained messages that are simple, effective and easily assimilated by glance appreciation and do not imitate a traffic control device in any way.
4. Sequential messages (i.e. messages that are displayed as part messages over two or more displays) shall not be permitted.
5. Illuminated signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination



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or glare. Subsequently, the LED components of the sign/s shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m <sup>2</sup> ) Max
Sunny Day	40 000	6 300
Cloudy Day	4 000	1 100
Twilight	400	300
Dusk	40	200
Night	<4	150

6. The luminance contrast between consecutive displays shall be limited to a maximum of 2:1 (Note: For the purposes of this condition luminance contrast is defined as the ratio of the average luminance of the consecutive displays).
7. The sign shall be operated by a closed circuit system that is impervious to hacking or unauthorised modification.
8. The operational system for the sign shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction. The screen shall only be reactivated in the next available off peak period.
9. The illuminated logo box shall be limited to a maximum luminance of 150Cd/m<sup>2</sup>
10. The signs shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.

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 Port Road frontage of this site for future upgrading of the Port Road / James Congdon Drive / George Street intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works located on or within 6.0 metres of the possible requirement.

Accordingly, the applicant should submit the attached form to DPTI, along with three copies of the approved plans for consent purposes.

Yours sincerely,

  
MANAGER, TRAFFIC OPERATIONS

For COMMISSIONER OF HIGHWAYS

A copy of the decision notification form should be forwarded to [dpti.developmentapplications@sa.gov.au](mailto:dpti.developmentapplications@sa.gov.au)





Government of South Australia

Department of Environment,  
Water and Natural Resources

Ref: SH/11833 D  
Date: 22 April 2016

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

Attention: Janine Lennon

**STATE HERITAGE UNIT**

Conservation and Land  
Management Branch

Strategy and Advice  
Directorate

First Floor  
1 Richmond Rd  
Kewick SA 5035

GPO Box 1047  
Adelaide SA 5001  
Australia  
DX138

Ph: +61 8 8124 4960  
Fax: +61 8 8124 4980

Dear Ms Lennon

**DESCRIPTION: SQUATTERS ARMS HOTEL - CONVERSION OF EXISTING ILLUMINATED STATIC SIGN TO A DIGITAL LED SIGN - 1 GEORGE STREET, THEBARTON**

Application number: 211/1524/15  
Referral received: 4/03/2016  
State heritage place: Squatters Arms Hotel, 1 George Street THEBARTON (SH/11833)

The above application has been referred to the Minister for Sustainability, Environment and Conservation in accordance with Section 37 of the *Development Act 1993* as development that directly affects a State heritage place or, in the opinion of the relevant authority, materially affects the context within which a State heritage place is situated.

The proposed development is considered to be acceptable in relation to the above State heritage place for the following reasons.

- The proposed illuminated sign replaces an existing sign in this location of similar size. The sign is free-standing and set away from the hotel. The visual impact of the proposed new sign on the hotel's setting will not be appreciably greater than the existing sign's impact.

**General notes**

1. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
2. In accordance with Regulation 43 of the *Development Regulations 2008*, please send the Department of Environment, Water and Natural Resources a copy of the Decision Notification.
3. Council is requested to inform the applicant of the following requirements of the *Heritage Places Act 1993*.
  - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
  - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department of Environment, Water and Natural Resources.



4. Council is requested to inform the applicant of the following requirements of the *Aboriginal Heritage Act 1988*.
  - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Any enquiries in relation to this application should be directed to Deborah Lindsay on telephone (08) 8124 4922 or e-mail [DEWNR.StateHeritageDA@sa.gov.au](mailto:DEWNR.StateHeritageDA@sa.gov.au).

Yours sincerely



Peter Wells  
**Principal Conservation Architect**  
DEPARTMENT OF ENVIRONMENT, WATER AND NATURAL RESOURCES  
as delegate of the  
**MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION**

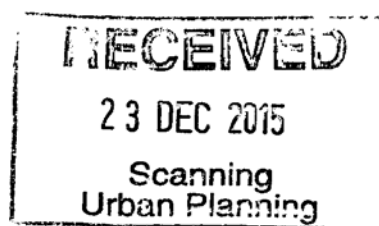


ATTACHMENT 3

**HERITAGE IMPACT ASSESSMENT**  
**Squatters Arms Hotel**

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December 2015



**Bruce Harry & Associates**

Architects and Heritage Consultants  
4 Leslie Street, Glen Osmond SA 5064

T: 0418 825 183

E: [ionica@internode.on.net](mailto:ionica@internode.on.net)



## **Proposed modification of existing freestanding sign Squatters Arms Hotel site, 1 George Street , Thebarton**

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### **HERITAGE IMPACT ASSESSMENT**

#### **Heritage values and context**

The original hotel on this site was built and opened in 1850 by Patrick McLarron and has been known variously as the “Foresters Arms”, “Foresters and Squatters Arms”, and “Squatters Arms” . Situated adjacent the main road from the City to the Port of Adelaide, it was one of the first hotels built in the area west of the Park Lands .

Thebarton grew slowly between 1850 – 70 and except for the core of early villages, the area west of the Park Lands remained largely agricultural and thinly peopled, with the population of Thebarton still only around 450 persons by 1866 . Although consolidation had begun with the introduction of Local Government in 1853, and continued during the following decades, it was not until the land speculation boom of the late 1870s/early 1880s that much of Thebarton and adjacent Southwark was subdivided and the population of the district began to grow markedly .

By 1883 , there were 1900 people living in the area , mostly employed in local commercial activities such as the tanneries , wool washing , brickworks , iceworks , and slaughterhouses that had developed adjacent the River Torrens .

During the period of optimism preceding the onset of droughts and economic depression in the mid-1880s , a great many of the hotels in Adelaide, and in country towns , were upgraded and remodelled in the then fashionable Italianate Style . The Squatters Arms Hotel was substantially rebuilt at this time .

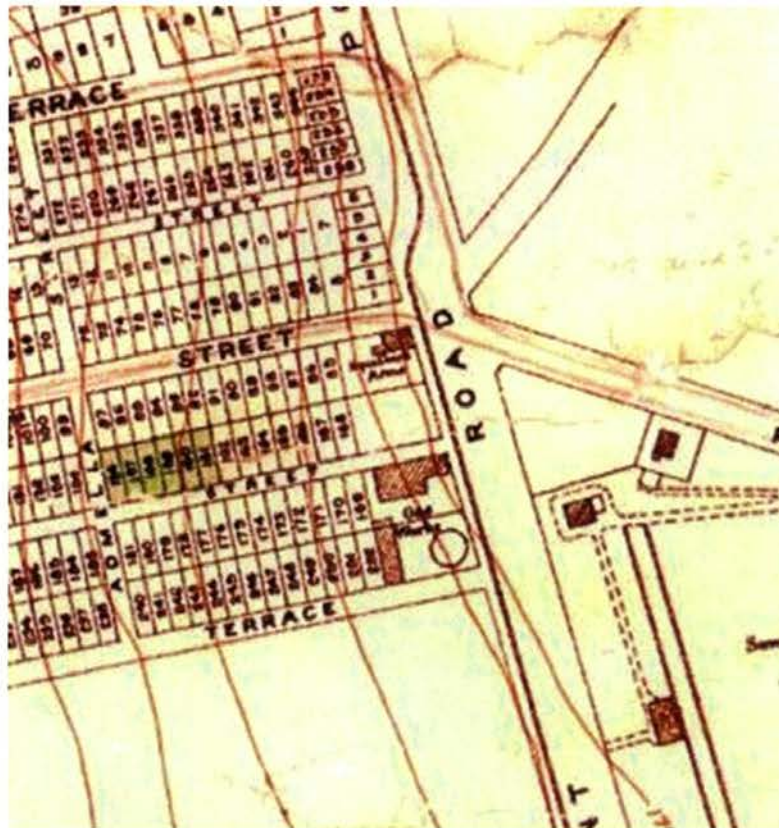
*( The Squatters Arms is )”.... one of the oldest houses in the locality having been established about 40 years ago . It has been rebuilt within the past eight years....”*  
(from Smillie J., Descriptive Australia and Federal Guide , 1890 ).

Neither the architect or builder have been identified , however the built form appearance of the Squatters Arms today , with its brick quoined stone walls, chamfered corner , high parapets with rounded pediments ( to conceal the



roof ) , and ornate cantilevered balcony , dates from that time and is typical of the design of late 19<sup>th</sup> Century hotels .

Prominently situated at the Park Lands edge and intersection of three roads, the rebuilt hotel was in a locality now dominated by light industrial development such as the large gasworks and storage facility that had already been erected along East Terrace ( demolished in the early 1980s ) , and a Sewerage Depot ( only recently demolished and the site returned to parkland ) . Over the ensuing decades , Port Road and East Terrace would be infilled with the numerous factories , workshops , stores , and other light industrial enterprises which still characterise the locality today .

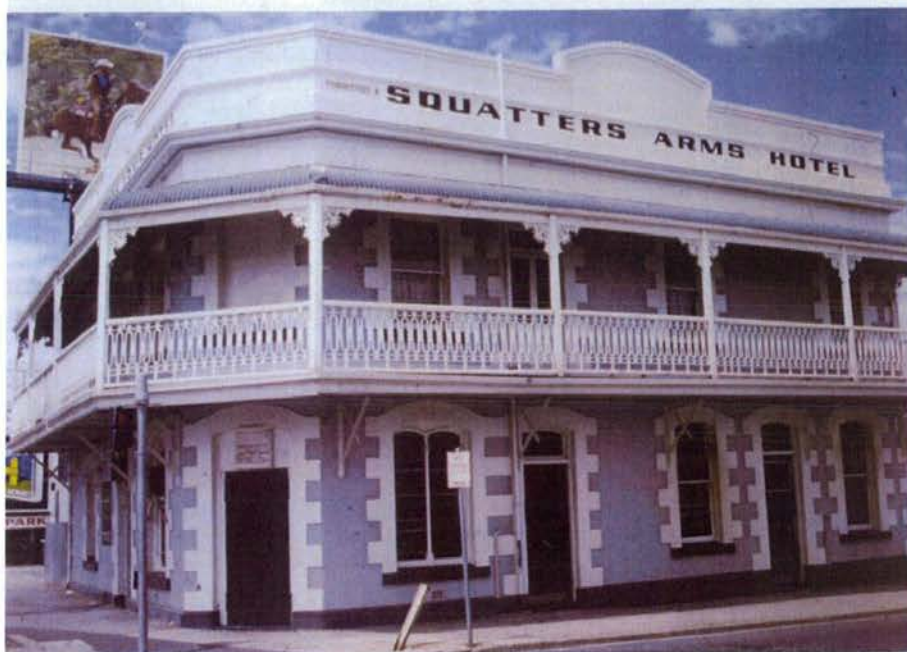


*Figure 1 : Extract from 1881A&SWS Reticulation Map showing Squatters Arms , Gas Works and Sewerage Depot with recently sub-divided but largely unbuilt surrounding land*

The Squatters Arms Hotel was entered in the SA Heritage Register in November 1986 ( ID 11833) for heritage values assessed as residing primarily in its historical associations with the early development and social and recreational activities of the working people of the locality; its representation of Nineteenth Century hotel design ; and its landmark qualities .



Photographs of the hotel taken during the listing assessment process , indicate that sometime prior to 1985 ( thought to have been the mid- late 1970s ) , a large , freestanding aerial sign structure had been erected on the southern boundary of the site , detached from the historic hotel building .



*Photograph 1 : The Squatters Arms Hotel in May 1985 showing aerial sign in background*



*Photograph 2 :Rear view of hotel and aerial sign structure as seen from George Street (May 1985) .*



Since its heritage listing in 1986, the hotel has undergone sundry alterations and additions at the rear ( 2003 ), and internally , numerous changes of external colour scheme , and various changes to signage affixed to the hotel building . Despite these changes , the late 19<sup>th</sup> Century building envelope remains comprehensible .



*Photograph 3 : Current view of East Terrace/George Street corner , showing existing aerial sign on southern site boundary*



*Photograph 4 : Current view of hotel from South-East, showing clear separation of existing aerial sign from historic building*



The building fabric which is of highest importance in representing and understanding the identified heritage values of the Place includes the detailing and features of the principal facades to East Terrace and George Street, the surviving balconies , parapets and roof forms behind , and the overall two storey building envelope , the composition of which gives effect to the historical built form character of the hotel. The later single storey additions to the side and rear are of no heritage significance.

The locality has also changed in the nearly 30 years since listing , with significant road and landscape alterations and a consequent increase in surrounding traffic management , lighting and tram service infrastructure .

### **The proposed sign changes**

The existing aerial sign and support structure is visible in Photographs 3 and 4 above .The current sign frame ( above the original support structure ) is believed to have replaced the original sign frame in 1986 . It is a static display, externally lit at night .

It is now proposed to replace the circa 1986 sign frame with a similar sized digital display box , supported on new 900 x 400 RHS columns of similar profile to the existing supports and situated in the same locations. The proposed LED sign will have an adjustable light level with alternating signage displays. A computer generated image of the proposed sign modification is included below.



*Photograph 5 : Computer generated image of the proposed new sign frame and support columns as viewed from Port Road ( see also photograph 3 for comparison with existing sign )*



For the purpose of assessing the comparative visual impact of a digital sign to a static sign, I have inspected the similar (larger) digital signs installed at the corner of South Road and Anzac Highway, Ashford, and at the corner of Gouger and Morphett Streets in the City. A smaller digital sign has also been fitted above the front façade of the SA Power Networks building at the corner of Anzac Highway and Richmond Road, Keswick.

### **Assessment of Heritage Impacts**

The key heritage values of the Squatters Arms Hotel are its historical associations and late 19<sup>th</sup> Century architecture and these reside primarily in its built form appearance, which combined with its prominent corner siting, provide its heritage context.

Historically the locality of the Squatters Arms Hotel has been characterised by light industrial and commercial development, gas and sewer infrastructure, and the many traffic, lighting and tram elements inserted into the local townscape, and with which it has co-existed for much of the last 100 years. The existing aerial sign has been a visually prominent feature on the Squatters Arms Hotel site for around 40 years.

The robust Victorian Italianate architecture of the Squatters Arms Hotel and its two storey scale have proven sufficient to retain its visual prominence in the locality, and its current setting will not be further altered by the sign modifications now proposed.

The proposed sign will not differ noticeably from the existing sign, other than in regard to the differential visual impacts of a digital versus a static sign display. My observation of the digital sign installations referred to above indicates that during daylight hours, there will be little perceptible difference beyond visual clarity, while at night, when the illumination is more effective, the setting of the historic hotel is naturally less prominent.

As a freestanding structure, detached from the hotel building, it is also able to be removed at a future time without any physical impact on the fabric of the historic hotel.

Having inspected the hotel, its setting and locality, and considered the necessary modifications to convert the existing static sign to a digital sign, I am satisfied that the proposed changes will have no direct impact upon the heritage values of the historic hotel building; will not materially affect its site context; and are therefore supportable.





**Bruce Harry** FRAIA  
**Principal**

16 December 2015

### **Principal Sources**

SA Heritage Unit Database and Register Nomination Report

Manning Index of SA History

*"Gateway City : the reunited community of Thebarton and West Torrens"* ,

P.Donovan ,2004

SAILIS Historic Titles record

TROVE digitised historic Newspaper records

Proposal Drawings 15285/A01 and A02





## PLANNING REPORT

### Conversion of Existing Illuminated Static Sign to a Digital LED Sign

AT: 1 George Street, Thebarton

FOR: APN Outdoor Pty Ltd

#### 1.0 INTRODUCTION

This report forms part of the development application lodged by APN Outdoor Pty Ltd for the conversion of the existing illuminated static sign to a digital LED sign at the site of the Squatters Arms Hotel on the corner of George Street, Port Road and James Congdon Drive, Thebarton. The application relates only to the northern face of the existing sign. The southern face will remain as a static signboard.

The existing sign is located on the site of the proposed redevelopment scheme for an eight storey residential complex. It is also on the site of the Squatters Arms Hotel which is a State Heritage Place. The development application also includes a Heritage Impact Assessment Report from Bruce Harry & Associates, a Road Safety Review prepared by GTA Consultants, and a Lighting Impact Assessment Report by ElectroLight.

The subject land is located within the Urban Corridor Zone and Boulevard Policy Area of the West Torrens Development Plan. An advertising sign is neither listed as complying or non-complying, and is therefore a merit form of development. An advertisement is also listed as a Category 1 form of development.

#### 2.0 THE SUBJECT LAND AND LOCALITY

The subject land at 1 George Street, Thebarton is defined as Allotment 286 in Filed Plan F6536 in the Hundred of Adelaide and comprised in Certificate of Title Volume 6049, Folio 352.

The subject land is the site of the Squatters Arms Hotel, which is located on the corner of George Street and Port Road. The Squatters Arms Hotel is a registered State Heritage Place. The existing sign is located on the southern boundary of the car park adjoining the premises of Stepney Salvage.

Further to the south is the Ice Arena located on James Congdon Drive. Located on the north east side of George Street and Port Road is the car dealership of Metro Motors. The western parklands and Botanic Park are located on the eastern side of Port Road and James Congdon Drive.







### 3.0 THE PROPOSED DEVELOPMENT

The proposed development involves the conversion of the northern face of the existing static sign to a digital LED format. The proposed sign will be in the same location as the existing sign, but will include a full digital LED display rather than the current externally illuminated static sign on its northern face. The existing external lights and the APN logo box will also be removed on the northern side. The existing front lit sign will remain on the southern side.

The overall sign size will remain the same 12.15 metres x 6.03 metres to accommodate the proposed 11.52 metres x 5.76 metres visual screen size. The columns will be resized to support the digital sign structure. A new ladder and access hatch will be provided next to one of the columns. The proposed development is shown on the following plans prepared by Dennis Bunt Consulting Engineers:

- Existing General Arrangement Plan, Job No 15285, Dwg A01 Rev A; and
- Proposed General Arrangement Plan, Job No 15285, Dwg A02 Rev E.

The existing front lit sign on the southern face which is viewed by north bound traffic on James Congdon Drive will remain the same. The new digital sign on the northern face is proposed to have a dwell time of 45 seconds.

The proposed LED digital sign replaces one of the existing front lit illuminated signs, which over a 10 year lifespan would have meant the replacement of 52 metal halide lamps and used approximately 7,500 square metres of PVC vinyl in changing advertisements every four weeks.

Whilst the energy consumption of the LED sign compared to the existing illuminated sign will be greater, it is important when considering other environmental impact factors (for example waste), that LED signage offers zero waste generation over the 10 year lifecycle assessment period when compared to PVC vinyl signage. In order to address the increase in energy consumption, APN Outdoor intends, where possible, to purchase green energy and carbon credits to ensure the replacement proposal is one that has a carbon neutral outcome. Although the LED signage also has a limited lifetime, at the end-of-life approximately 98 percent of the components can be recycled or refurbished. In this respect, LED signage is favoured over PVC vinyl signage.

As mentioned, a separate traffic road safety assessment has been prepared by GTA Consultants. In conclusion, GTA considers that the proposed development will not create a road safety issue and will generally meet the requirements of the DPTI guidelines, and this will be referred to in more detail in the planning assessment.

A Lighting Impact Assessment Report has been prepared by ElectroLight which concludes that the proposed sign should not result in unacceptable glare, nor should it adversely impact the safety of pedestrians, residents or vehicular traffic.





The Heritage Impact Assessment Report prepared by Bruce Harry & Associates concludes that the proposed changes will have no direct impact upon the heritage values of the historic hotel building and will not materially affect its site context. In summary, there are many benefits of the proposed development:

- there is no change to the size and location of the sign, and the visual screen size on the northern face is slightly smaller than the existing;
- there is minimal change to the overall appearance of the structure and the signs;
- there is a different method of displaying the sign on the northern face and an ability to more regularly change the images of the sign;
- the sign will not display moving images or video;
- there are occupational health and safety benefits by eliminating the need to manually change the northern sign display;
- there are environmental sustainability benefits involved in less waste being produced;
- the light emissions from the digital signs will be contained within the sign structure to avoid any unnecessary light spillage; and
- the sign will not create a significant road safety issue.

#### 4.0 DEVELOPMENT PLAN ASSESSMENT

The subject land is located within the Urban Corridor Zone and Boulevard Policy Area of the West Torrens (City) Development Plan consolidated version dated 25 June 2015.

##### **Urban Corridor Zone**

**Objective 1:** A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.

**Objective 2:** Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential development above.

**Objective 9:** Development that contributes to the desired character of the zone.

**PDC 13** Except where airport building height restrictions prevail or the interface height provisions require a lesser height, building heights (excluding any rooftop mechanical plant or equipment) should be consistent with the following parameters: ...

**8 storeys and up to 32.5 metres.**





#### **Boulevard Policy Area 34**

- Objective 1:** Medium and high rise development framing the street, including mixed use buildings that contain shops, offices and commercial development at lower floors with residential land uses above.
- Objective 3:** Development that does not compromise the transport functions of the road corridor.
- Objective 4:** Development that contributes to the desired character of the policy area.

The Development Plan is generally silent on the issue of outdoor advertising in the new Urban Corridor Zone and Boulevard Policy Area. The advertising sign is part of the subject land that contains non-residential development and is subject to the redevelopment of land uses that are consistent with the mix of development that is envisaged in the zone. The existing and proposed advertising sign development assists to create active and vibrant streets desired for the area. The proposed development will not compromise the transport functions of the road corridor as discussed in the Road Safety Review.

For all of these reasons it is considered that the proposed development contributes to the desired character of the zone and the policy area, and in particular complementing the function of Port Road as a strategic transport route.

#### **Advertisements**

- Objective 1:** Urban and rural landscapes that are not disfigured by advertisements and/or advertising hoardings.
- Objective 2:** Advertisements and/or advertising hoardings that do not create a hazard.
- Objective 3:** Advertisements and/or advertising hoardings designed to enhance the appearance of the building and locality.

The proposed development is in accordance with all of the objectives relating to outdoor advertisements in the General section of the Development Plan. Given that the proposal replaces and improves an existing sign display, it is considered that the urban landscape, in particular the area immediately surrounded by the proposal, will not be disfigured by advertisements and/or advertising hoardings.

The proposed development relating to the existing advertising hoarding will not create a hazard in any form. The existing advertising hoarding is suitably separate from the existing building on the subject land and does not affect the appearance of the building. Given the existing use, it is considered that the proposed development will not impact on the general appearance of the locality.





**PDC 1 The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:**

- (a) consistent with the predominant character of the urban or rural landscape;
- (b) in harmony with any buildings or sites of historic significance or heritage value in the area; and
- (c) coordinated with and complement the architectural form and design of the building they are to be located on.

Similarly, because the development is replacing the existing sign in the same location, the proposed development is in accordance with the above general principle of development control relating to outdoor advertisements. The advertisement is consistent with the predominant character of the urban landscape. The existing sign is also in harmony with the building of historic significance and heritage value in the area. This relates specifically to the State Heritage Place on the subject land.

A Heritage Impact Assessment Report has been prepared by Bruce Harry which noted that the existing sign has been a visually prominent feature of the hotel site for approximately 40 years and was present when the Squatters Arms Hotel was originally listed in 1986. In conclusion, the Heritage Impact Assessment stated:

*"Having inspected the hotel, its setting and locality, and considered the necessary modifications to convert the existing static sign to a digital sign, I am satisfied that the proposed changes will have no direct impact upon the heritage values of the historic hotel building, will not materially affect its site context, and are therefore supportable."*

**PDC 2 The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:**

- (a) clutter;
- (b) disorder;
- (c) untidiness of buildings and their surrounds; and
- (d) driver distraction.

**PDC 5 Advertisements and/or advertising hoardings should:**

- (a) be completely contained within the boundaries of the subject allotment;
- (b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees; and
- (c) not obscure views to vistas or objects of high amenity value.

**PDC 6 Advertisements and/or advertising hoardings should not be erected on:**

- (a) a public footpath or veranda post;
- (b) a road, median strip or traffic island;
- (c) a vehicle adapted and exhibited primarily as an advertisement; and
- (d) residential land.





The existing sign will be replaced with a new structure of the same size and will not add to clutter, disorder, untidiness of surrounds and driver distraction as discussed in the traffic report. The existing and proposed advertisement is completely contained within the boundaries of the subject land, does not impact on any street trees, and does not obscure views or vistas, or objects of high amenity value.

**PDC 14 Advertisements and/or advertising hoardings should not create a hazard by:**

- (a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road;
- (b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals;
- (c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high; and
- (d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).

As discussed in the Road Safety Review and Lighting Impact Assessment Report, the application complies with Principle 14. In particular:

- it is not highly illuminated to cause discomfort to an approaching driver or to create difficulty with the driver's perception;
- there is no change to the existing sign location and the sign shall not display images which are likely to be interpreted as official traffic signs;
- given that there will be no video images and signs that scroll, flash, move or rotate, it is unlikely to detract drivers from the primary task in that location; and
- it does not obscure the driver's view of the road, road users and other road features.

**PDC 15 Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.**

**PDC 16 Freestanding advertisements and/or advertising hoardings should be:**

- (a) limited to only one primary advertisement per site or complex; and
- (b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.

**PDC 22 Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.**





Although the advertising sign is located within 80 metres of the traffic signals and the device restriction area of the DPTI guidelines, it is however outside of the 5 degree horizontal envelope of the adjacent traffic signal. The sign is located on a stretch of road that has a 60 kilometre per hour speed limit.

## 5.0 CONCLUSION

The proposed development to convert the method of display to a portion of the existing advertising hoarding is part of the next generation of outdoor advertising which provides environmental sustainability benefit. The proposed development is in the same location and will be the same size as the existing sign, and will not change the character and amenity of the locality.

The Heritage Impact Assessment Report concludes that the proposed changes will have no direct impact upon the heritage values of the historic hotel.

The conclusion of the Road Safety Review is that the proposed sign will not create a significant road safety issue and will not impact on the operation of the main roads. The Lighting Impact Assessment Report concludes that the proposed sign will comply with the recognised standards relating to the illumination of outdoor advertising.

The proposed application is an appropriate form of development which is in accord with the relevant provisions of the Development Plan and warrants consent.

Wayne Gladigau  
B/A in Planning

MPIA, CPP

21 December 2015





**ELECTROLIGHT**

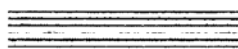
Bronwyn Clementson  
Development Manager  
APN Outdoor  
Level 4, 33 Saunders St  
Pyrmont NSW 2009

**LIGHTING IMPACT ASSESSMENT**

**OUTDOOR SIGNS AT THE CORNER OF PORT ROAD AND GEORGE STREET, THEBARTON, SA (INBOUND)**

1096.14  
17 December 2015

**Lighting Impact Assessment Outdoor Signage  
at the corner of Port Road and George Street, Thebarton, SA  
(Inbound)**

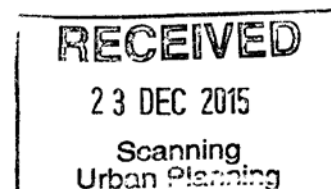


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DATE	REV	COMMENT	PREPARED BY	CHECKED BY
17/12/15	A	Issued for information	RA	DHS





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## 1. INTRODUCTION

Electrolight have been appointed by APN Outdoor to undertake a Lighting Impact Assessment on the proposed digital sign to be installed at the corner of Port Road and George Street, Thebarton. The objective of the assessment is to report on compliance with the DPTI Advertising Signs Assessment Guidelines for Road Safety – Appendix 5 and AS4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

## 2. DEFINITIONS

### 2.1 Illuminance

The physical measure of illumination is illuminance. It is the luminous flux arriving at a surface divided by the area of the illuminated surface. Unit: lux (lx); 1 lx = 1 lm/m<sup>2</sup>.

(a) Horizontal illuminance (E<sub>h</sub>) The value of illuminance on a designated horizontal plane

(b) Vertical illuminance (E<sub>v</sub>) The value of illuminance on a designated vertical plane

Where the vertical illuminance is considered in the situation of potentially obtrusive light at a property boundary it is referred to as environmental vertical illuminance (E<sub>ve</sub>).

### 2.2 Luminance

The physical quantity corresponding to the brightness of a surface (e.g. a lamp, luminaire or reflecting material such as the road surface) when viewed from a specified direction. SI Unit: candela per square metre (cd/m<sup>2</sup>) – also referred to as “nits”.

### 2.3 Luminous Intensity

The concentration of luminous flux emitted in a specified direction. Unit: candela (cd).

### 2.4 Obtrusive Light

Spill Light which, because of quantitative, directional or spectral attributes in a given context, gives rise to annoyance, discomfort, distraction or a reduction in the ability to see essential information.

### 2.5 Threshold Increment

The measure of disability glare expressed as the percentage increase in contrast required between a standard object and its background (the carriageway) for it to be seen equally as well with the source of glare present as with it absent, derived in the specified manner. This metric is directly related to Veiling Luminance.

NOTE: The required value is a maximum for compliance of the lighting scheme.

### 2.6 AGI32 Light Simulation Software

AGI32 (by U.S. company Lighting Analysts) is an industry standard lighting simulation software package that can accurately model and predict the amount of light reaching a designated surface or workplane. AGI32 has been independently tested against the International Commission On Illumination (CIE) benchmark, CIE 171:2006, Test Cases to Assess the Accuracy of Lighting Computer Programs.



### 3. SITE DESCRIPTION AND SCOPE

The location of the proposed self-illuminated digital sign is at the corner of Port Road and George Street, Thebarton and will replace an existing front illuminated billboard. The signage faces due north (inbound direction of vehicular traffic). The total active display area of the screen is 66.3 m<sup>2</sup>. Refer Appendix A for existing sign image and Appendix B for proposed site plan and elevations.

The digital sign is illuminated using LEDs installed within the front face. The brightness of the LEDs can be controlled to provide upper and lower thresholds as required as well as automatically via a local light sensor to adjust to ambient lighting conditions.

For the purpose of this report the proposed manufacturer of the digital sign is noted as Screencorp, model type with performance parameters as outlined in Appendix C. Alternative digital signage manufacturers may be used for this installation as long as they have equivalent lighting and performance characteristics and are commissioned as described in this report.

### 4. DESIGN GUIDELINES AND STANDARDS

The Lighting Impact Assessment will review the proposed sign against the follow Criteria, Design Guidelines and Standards.

- DPTI Advertising Signs Assessment Guidelines for Road Safety – Appendix 5.
- AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting. \*

\* Although AS 4282-1997 specifically excludes internally illuminated advertising signs in Section 1.1 Scope (b) the requirements have been considered as if the Standard's requirements had to be met.



## 5. LUMINANCE ASSESSMENT

The screen shall be commissioned on site to adopt a minimum of four levels of stepped dimming to suit a range of ambient light levels from dark of night to fully sunlit conditions. The proposed sign has a maximum brightness (luminance) of 6500 cd/m<sup>2</sup>. The maximum allowable day time and night time dimming levels to comply with these requirements are:

LUMINANCE LEVELS FOR INTERNALLY ILLUMINATED SIGNS			
Ambient Conditions	Max Dimming Level to achieve compliance #	Max Permissible Luminance (cd/m <sup>2</sup> )	Compliant
Sunny Day	96.9%	6300	✓
Cloudy day	16.9%	1100	✓
Twilight	4.6%	300	✓
Dusk	3%	200	✓
Night	3%	200	✓

# The dimming % is based on a maximum calibrated screen brightness of 6500 cd/m<sup>2</sup>. For the basis of this Report, it is assumed that the dimming level is directly related to the luminance level via a linear relationship.

The Guidelines also outline a maximum allowable veiling luminance in accordance to the ambient road lighting environment (refer AS1158 for Lighting Subcategories). Based on an assessment of the road and area type, Port Road has been classified as a V3 subcategory road. The maximum allowable veiling luminance for V3 subcategory roads should not exceed 0.25 cd/m<sup>2</sup> for a driver throughout the approach to an illuminated sign.

The proposed sign (and surrounding environment) was modelled in lighting calculation program AGI32 to determine the veiling luminance for the traffic approach on Port Road. Photometric data for the screen was based on a diffused light panel (approximating a lambertian emitter) with a luminance corresponding to the night time limit outlined in the table above. Appendix D shows the lighting model and the results of the calculations.

The calculation grids have been located at 1.5m above ground level, at regular intervals of maximum 10 meters and a windscreen cutoff angle of 20 degrees (as outlined in AS1158). The calculation results of the model show that the veiling luminance from the sign does not exceed 0.02 cd/m<sup>2</sup> for Port Road approach (inbound direction).

It can therefore be seen that the proposed illuminated sign complies with the maximum veiling luminance of 0.25 cd/m<sup>2</sup> as described in DPTI Advertising Signs Assessment Guidelines for Road Safety- Appendix 5, Table 5.



## 6. AS4282 ASSESSMENT

The proposed digital sign has been assessed against AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting as outlined in Section 4.

As it is intended that the sign will be illuminated after 11pm, the requirements for curfewed operation under the standard will be applied. The sign is located in a mixed residential and commercial area, therefore the maximum illuminance in the vertical plane of habitable rooms for adjacent residential properties is limited to 4 lux (as outlined in Table 2.1 of AS4282 for curfewed operation). Under the standard, a value of less than 4 lux is deemed to not affect the visual amenity of local residents.

The proposed sign (and surrounding environment) was modelled in lighting calculation program AGI32 to determine the effect (if any) of the light spill from the proposed sign. Photometric data for the screens was based on a diffused light panel (approximating a lambertian emitter) with a luminance corresponding to the night time limit outlined in Section 5. Utilising a luminance value of 200 cd/m<sup>2</sup> (representing a maximum 3% of full dimming power) across the viewable sign area, the theoretical zone where visual impact exceeds 4 lux is located in Appendix E. It can be seen that no residential developments with views of the sign fall within the affected zone.

The Threshold Increment was also calculated for inbound traffic on Port Road. The calculation grid was located at 1.5m above ground level, with an approach viewing distance of between 30 m to 200 m from the sign. The calculation results show that the Threshold Increment does not exceed 0.21% along the Port Road approach (the allowable maximum under the standard is 20%).

The luminous intensity limits nominated in the AS4282-1997 are only applicable to point sources such as floodlights and are therefore not relevant for illuminated signage.

It can therefore be seen that the proposed illuminated sign complies with all relevant requirements of AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.



## 7. SUMMARY

- The new digital sign proposed to be installed at the corner of Port Road and George Street, Thebarton shall be commissioned on site to yield the following maximum luminances:

LUMINANCE LEVELS FOR INTERNALLY ILLUMINATED SIGNS			
Ambient Conditions	Max Dimming Level to achieve compliance #	Max Permissible Luminance (cd/m <sup>2</sup> )	Compliant
Sunny Day	96.9%	6300	✓
Cloudy day	16.9%	1100	✓
Twilight	4.6%	300	✓
Dusk	3%	200	✓
Night	3%	200	✓

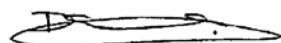
# The dimming % is based on a maximum calibrated screen brightness of 6500 cd/m<sup>2</sup>. For the basis of this Report, it is assumed that the dimming level is directly related to the luminance level via a linear relationship.

- The proposed sign to be installed at the corner of Port Road and George Street, Thebarton has been assessed and complies with the maximum veiling luminance of 0.25 cd/m<sup>2</sup> as described in DPTI Advertising Signs Assessment Guidelines for Road Safety for a road V3 lighting subcategory (when commissioned to the maximum luminance levels above).
- The proposed illuminated sign has been found to comply with all relevant requirements of AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting (less than 4 lux vertical illuminance on habitable windows and less than 20% Threshold Increment for vehicular traffic).
- In complying with the above requirements, the proposed sign should not result in unacceptable glare nor should it adversely impact the safety of pedestrians, residents or vehicular traffic. Additionally, the proposed sign should not cause any reduction in visual amenity to nearby residences or accommodation.

## 8. DESIGN CERTIFICATION

The proposed digital sign to be installed at the corner of Port Road and George Street, Thebarton if commissioned according to this report, will comply with the following criteria, guidelines and standards:

- DPTI Advertising Signs Assessment Guidelines for Road Safety – Appendix 5.
- Relevant Sections of AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.



Donn Salisbury MIES

Director

Electrolight Sydney

17/12/15  
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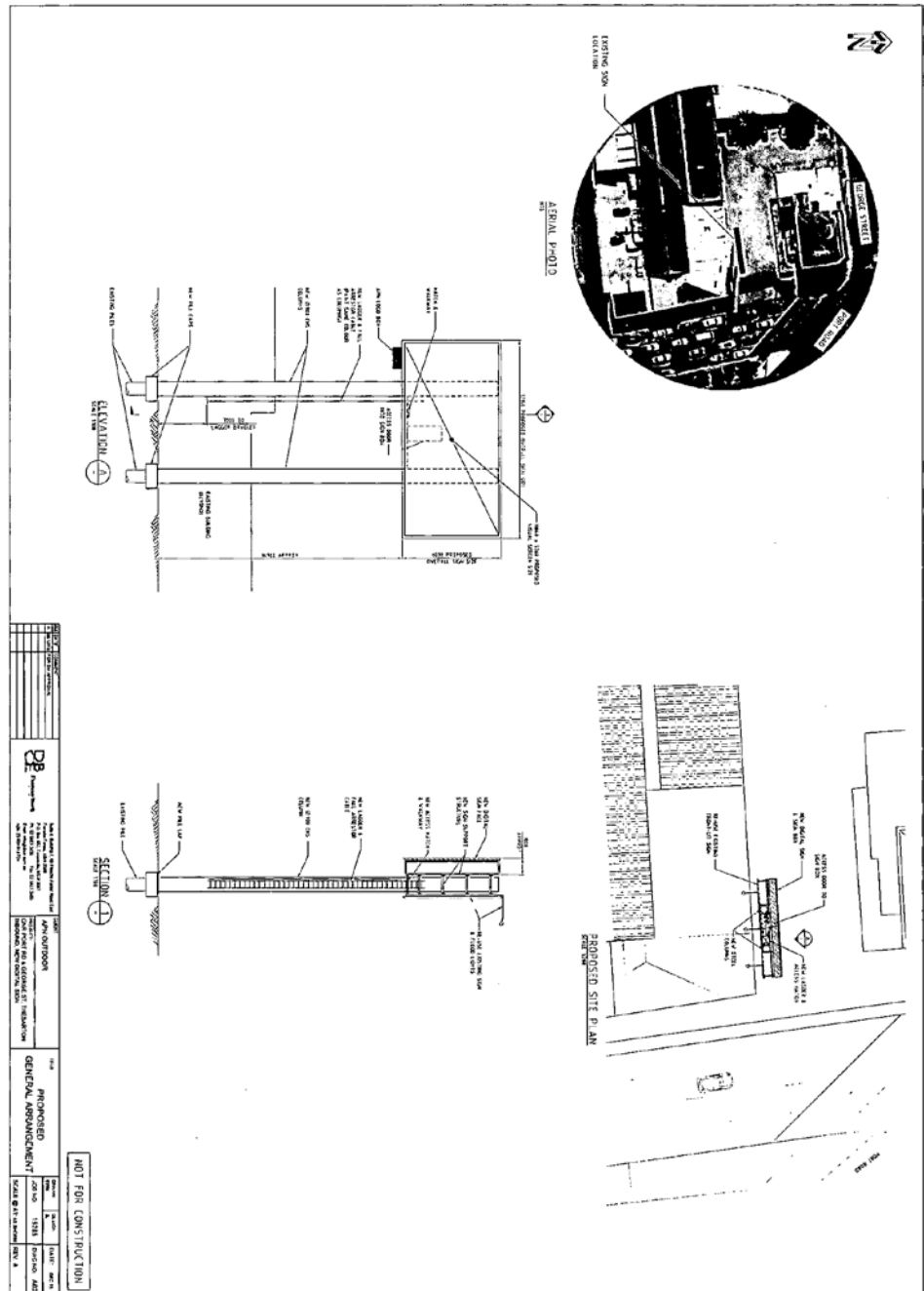
APPENDIX A

EXISTING SIGN IMAGE





# APPENDIX B SITE PLAN AND ELEVATIONS





APPENDIX C  
DIGITAL SIGNAGE SPECIFICATION

**APN** | OUTDOOR

**LED Key Criteria XD10 Cnr Port & George St Thebarton (APN Outdoor)**

Size (screen size L x H, including SQM)	11.52m X 5.76m = 66.36m <sup>2</sup>
Number of tiles	648 (320mm x 320mm)
Resolution	1152 x 576
Panel model	X-series
Manufactured in	China
Pitch – Real	10
Pitch – Virtual	N/A
LED configuration	SMD 2728
IP Rating (front / back)	IP67/67
Air-Conditioned	Not required with manual ventilation
Operating Temperatures	-30 to 60 degrees Celsius
Maintenance Access	Front or Rear
Viewing Angle - Horizontal	140 degrees (+ / - 70 degrees)
Viewing Angle - Vertical	110 degrees (+ / - 55 degrees)
LED's per m <sup>2</sup>	10,000
Refresh Rate	2000 Hz
Maximum Brightness Capability	6500 candelas per sqm
Power Consumption (Min ie. 100% display of black creative)	715 watts
Power Consumption (Max)	550 watts per sq metre
Power Consumption (Ave)	185 watts per sq metre
Weight – total (not including structure)	1,850 kgs, including frame
Warranty Term & Scope	5 years – Document attached
Sales & Service Support	10 years
Refresh frequency	1920Hz
Colours	68.7 billion
Brightness control levels	256 levels
Lifetime expectancy	100,000 hours to half brightness
Operating temp / humidity (degrees C)	-20 ~ +60 / 10% ~ 90%
Driving mode	Dynamic Scan, constant drive
Air Conditioned Control rack IP65	Yes
Control Equipment including UPS	Yes
System reporting software (SRS)	Yes
Operating System	Windows
Installation	Included
Light sensor + control	Novastar NS048C
Control Distance	Cat 5 – 100m : Fiber – 10klms
Pixel matrix	24 x 24
Pixel matrix per cabinet	120 x 96
Input power frequency	50 or 60 Hz
Service frequency	Quarterly

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APPENDIX D  
THRESHOLD INCREMENT & OBSTRUSIVE LIGHTING CALCULATIONS



Calculation Summary				
Label	Description	CalcType	Units	Max
ObtrusiveLight_TI_1	Port Road inbound	Obtrusive Light - TI	%	0.21
ObtrusiveLight_TI_2	George St	Obtrusive Light - TI	%	0.10

Note: AGI32 outputs "Threshold Increment" values as described in AS4282, however this is directly related to the Veiling Luminance by the relationship  $Ti = 65Lv / 10^{0.8}$ . A maximum Veiling Luminance of 0.25cd/m2 is equivalent to a maximum Threshold Increment of 2.57%. It can be seen from the results table that the maximum Threshold Increment is 0.21%. For simplicity all values have been correspondingly converted to Veiling Luminance in the main body of the report.



APPENDIX E  
RESIDENTIAL EXCLUSION ZONE

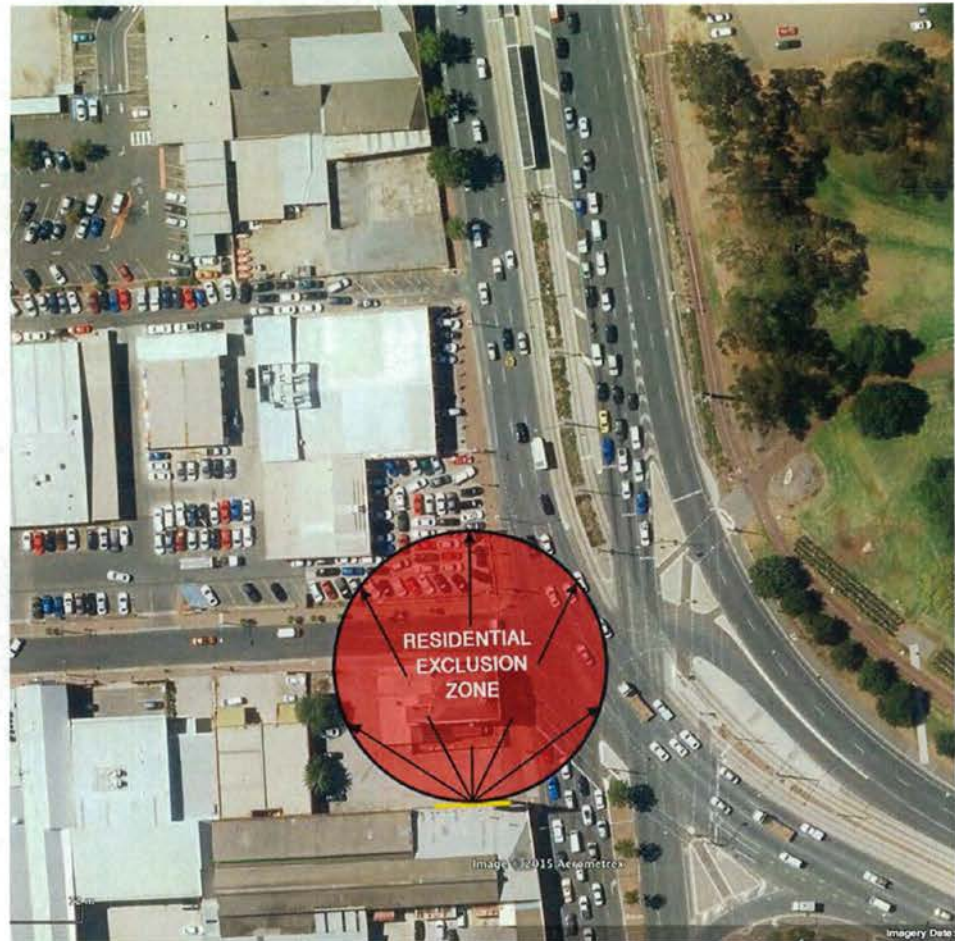


Image: Zone where visual impact in the vertical plane exceeds 4 lux





## Proposed Digital LED Sign George Street, Thebarton Road Safety Review

Client // APN Outdoor  
Office // SA  
Reference // 16A1095500  
Date // 17/12/15

**RECEIVED**

23 DEC 2015

Scanning  
Urban Planning



## Proposed Digital LED Sign

George Street, Thebarton

## Road Safety Review

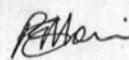
Issue: A 17/12/15

Client: APN Outdoor

Reference: 16A1095500

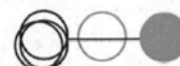
GTA Consultants Office: SA

### Quality Record

Issue	Date	Description	Prepared By	Checked By	Approved By	Signed
A	17.12.15	Final	Paul Morris	Paul Morris	Paul Morris	

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# 1. Introduction

1

## 1.1 Background & Proposal

GTA understands that a Development Application is being sought for a digital sign located at the intersection of George Street and Port Road in Thebarton.

This report contains the assessment undertaken to assess the proposed sign based on the Department of Planning, Transport and Infrastructure guidelines titled 'Advertising Signs Assessment Guidelines for Road Safety' (dated August 2014, hereafter referred to as the DPTI Guidelines), with particular reference to the 'Road Safety Checklist'.

## 1.2 Subject Sign

The subject sign currently exists and is located at the intersection of George Street / Port Road / James Congdon Drive, as shown on Figure 1.1 below.

George Street is a two-way road aligned in an east-west direction with one vehicle lane in each direction. It is subject to the default urban speed limit of 50 km/h and carries approximately 3,700 vehicles per day<sup>1</sup> past the subject sign (two-way).

Port Road is a two-way road forming a right angle bend adjacent the subject sign, generally aligned in a north-south on approach to the sign with three vehicle lanes in each direction. It is subject to a posted speed limit of 60 km/h and carries approximately 63,500 vehicles per day<sup>1</sup> north of the subject sign (two-way).

James Congdon Drive is a two-way road aligned in an approximately north-south direction and intersects Port Road adjacent the subject sign, with three vehicle lanes in each direction adjacent the subject sign. It is subject to a posted speed limit of 60 km/h and carries approximately 30,700 vehicles per day<sup>1</sup> past the subject sign (two-way).

The adjacent intersection and all roads (except George Street) are arterial roads under the care and control of Department of Planning Transport and Infrastructure.

<sup>1</sup> Based on turning movement counts by the Department of Planning, Transport and Infrastructure on the 30 June 2011



Figure 1.1: Subject Sign Location



The subject sign is externally lit, is dual sided and is visible from the north and southbound approaches on James Congdon Drive and Port Road respectively. The subject sign is located approximately 15 metres above the ground.

The existing sign is shown in Figure 1.2 below.

Figure 1.2: View South of the Existing Sign



16A1095500 // 17/12/15

Road Safety Review // Issue: A

Proposed Digital LED Sign, George Street, Thebarton



### 1.3 Proposed Sign

GTA understands a Development Consent is being sought to modify the existing sign to a digital LED sign.

The modifications include upgrading the sign to a single-sided Digital LED Display (northern side). The proposed digital sign will be approximately the same size as the existing sign.

Based on the above details this assessment has been undertaken to assess the modified sign based on the Department of Planning, Transport and Infrastructure guidelines titled '*Advertising Signs Assessment Guidelines for Road Safety*' (dated August 2014, henceforth referred to as the DPTI Guidelines), with particular reference to the 'Road Safety Checklist'. The assessment and analysis is conducted in the following section.



## 2. Road Safety Checklist

2

### 1. Is the advertisement located in an area that has a low crash rate?

Crash data has been sourced for the intersection of George Street / James Congdon Drive and the Port Road approach to the sign from the Department of Planning, Transport and Infrastructure for the last five year period (2010-2014).

An analysis of the crash data revealed 18 crashes were recorded in the past year on the southbound approach to the intersection adjacent the subject sign. 16 of the 18 crashes recorded were rear end crashes, which is common at signalised intersections.

A review of the 'Guide to Road Safety-Part 8: Treatment of Crash Locations' (Austroads, 2009, henceforth referred to as Austroads Guide), indicates that between 2 and 6 crashes could be expected for the approach per year based on chance variation.

Of the five years of survey data analysed all years are within the range of crashes that could be expected based on chance variation, except for 2010 which only recorded 1 crash.

Whilst only cursory, the analysis does not indicate there is any significant factor contributing to crashes at this intersection.

An average crash rate of 3.6 crashes per year suggests this approach has a low crash rate.

### 2. Is the advertisement located such that it does not create a confusing or dominating background, foreground or surrounding which might reduce the clarity or effectiveness of a traffic control device?

The existing sign does not dominate the streetscape, as such the proposed sign will not. The proposed LED sign will replace the existing static sign in the same location.

The subject sign appears above and to the west of the traffic lights at the intersection and at no point appears behind or between the traffic lanterns.

The southbound view approaching the signalised intersection of George Street / is shown on Figure 2.1 below, which shows that the subject sign remains above the traffic signal housing.

Figure 2.1: View south of existing sign





**3. Is the advertisement located such that it does not obstruct a road user's line of sight of a traffic control device or at an intersection, curve or point of egress from an adjacent property?**

The existing sign does not obstruct a road user's line of sight as it is set back from the carriageway sufficiently, is located on a straight section of road and is set 15 metres above ground level. The proposed sign will replace this sign and as such will not form an obstruction to road users.

**4. Does the advertisement meet relevant clearances?**

GTA understands the content of the advertisements will meet relevant clearances, as per other similar APN digital LED signs.

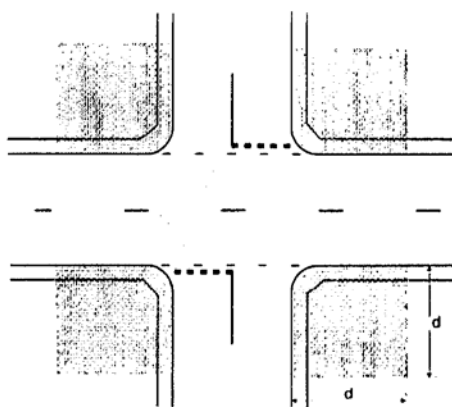
**5. Is the advertisement located outside of a 'Device Restriction Area'?**

*"There are locations where particular types of advertising should be restricted in order to ensure the safe and efficient operation of the arterial road network. That is, maximising the safety of the road environment by minimising the risk for driver distraction in locations where a high level of concentration is required. These locations are defined as 'Device Restriction Areas'. For example:*

- *Signalised and un-signalised intersections*
- *Pedestrian crossings*
- *Rail level crossings*
- *Driver decision-making points – in particular in the vicinity of traffic control devices where reading and interpreting is required*
- *Sharp bends and crests*
- *Locations of merging and diverging traffic, or where weaving manoeuvres take place*
- *High road speed environments 80km/h and above (with the exception of Freeways and Expressways)"*

The subject sign is located within a 'Device Restriction Area' due to its proximity to a signalised intersection. For a 60km/h road the advertising signs device restriction distance 'd' is 80 metres. The subject sign is located within the 'Device Restriction Area' measured as shown on Figure 2.2 below.

**Figure 2.2: Intersection Device Restriction Area**



Within a Device Restriction Area "Advertising signs should generally be installed outside of the 5° horizontal envelope around a driver's line of sight to a Traffic Control Device, and not between signals."

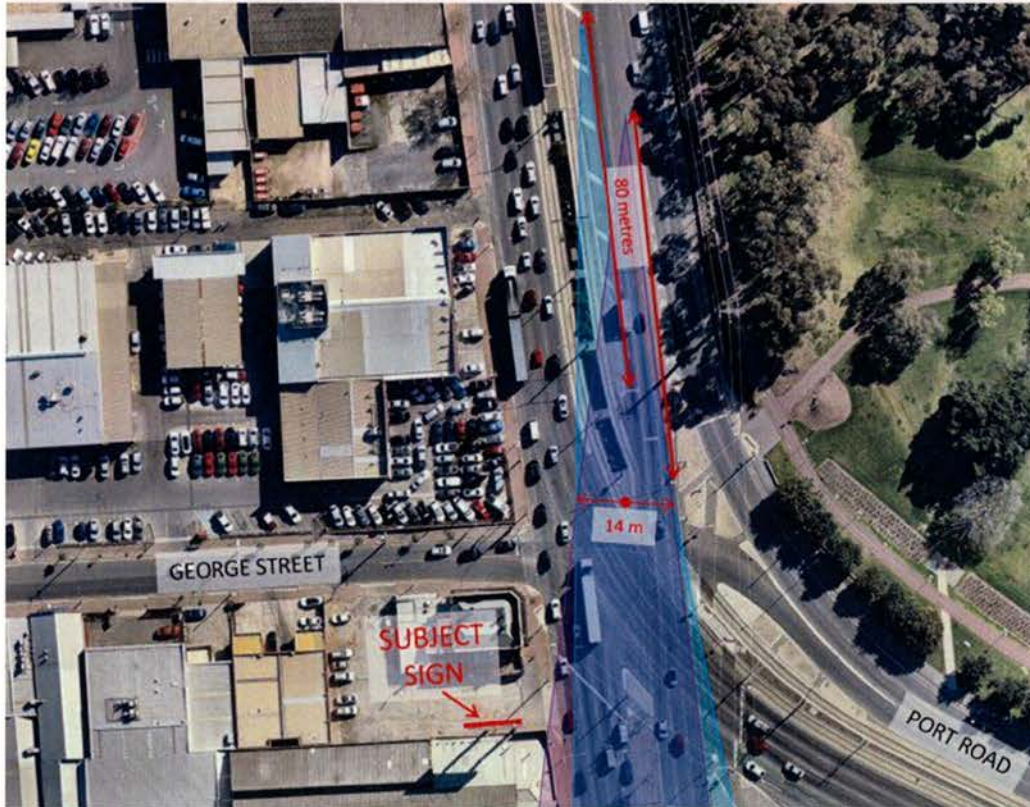
GTA notes that discussions with DPTI have ascertained that DPTI assess the above "5° horizontal envelope" requirement as **a 5° envelope either side of the signal, for a total envelope of 10°**. DPTI



has also noted that they assess the sign location within this envelope from a distance of **80 metres and 40 metres from the stop line**.

The subject sign is not located within the 5° horizontal envelope around a driver's line of site to the adjacent traffic signals from the Stopping Sight Distance for 60km/h (80 metres) as shown on Figure 2.3 below.

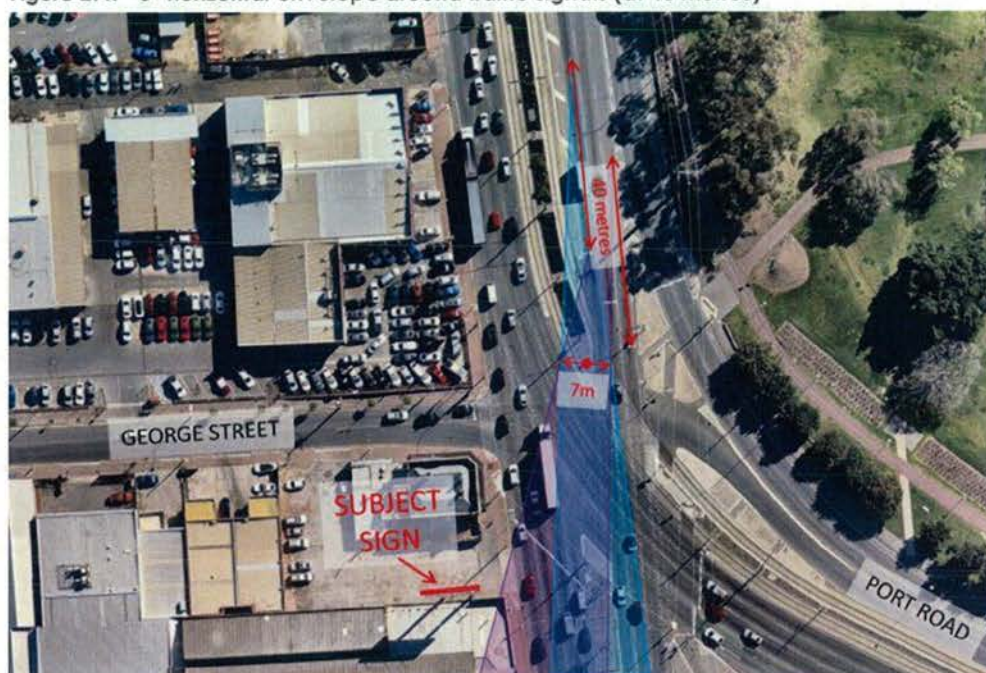
Figure 2.3: 5° horizontal envelope around traffic signals (at 80 metres)



In addition, Figure 2.4 below shows that the subject sign is not located within the 5° horizontal envelope around a driver's line of site to the adjacent traffic signals from 40 metres (as required by DPTI).



Figure 2.4: 5° horizontal envelope around traffic signals (at 40 metres)



**6. If the advertisement is attached on a bridge (rail, road, pedestrian) or other transport-related infrastructure, is the advertisement located and attached such that it does not interfere with the integrity and function of the bridge or other infrastructure?**

The advertisement will not be attached to a bridge or other transport related infrastructure.

**7. Is the advertisement designed such that it cannot be mistaken for a traffic control device or it gives instructions to road users?**

GTA understands the advertising content will not allow the sign to be readily mistaken for a rail, traffic or road sign or signal, as per other similar APN digital LED signs.

**8. Is the advertisement designed such that it does not 'dazzle' or distract the driver due to its size, design or colouring, or it being illuminated, reflective, animated, changing, moving or flashing?**

*(Note: Criteria outlined in 'Appendix 5 – Illumination, Reflectivity and Movement' must be met)*

GTA understands that the illumination of the sign will be discussed in a separate lighting report.

*"Advertisements should not comprise videos or animations."*

GTA understands the signs advertisements will not comprise of videos and animations, as per other similar APN digital LED signs.

*"Where permitted, each change of message should be completed instantaneously (i.e., within 0.1 of a second). Animated effects such as 'fade', 'zoom' or 'fly-in' must not be used."*

GTA understands the changes of advertisements will be completed instantaneously (within 0.1 of a second) and will not use animated effects, as per other similar APN digital LED signs.

*"Where message change is permitted, each display should have a self contained message that is simple, effective and easily understood at a glance. Sequential messages should be avoided."*

GTA understands the advertising content will display single self-contained messages or advertisements, as per other similar APN digital LED signs.



*"Advertising signs should generally be static with a minimal number of changes per day. Where changing messages are appropriate a minimum dwell time of 45 seconds should be applied with no blank screen between messages. Longer dwell times may be necessary in more complex locations, or in higher speed environments."*

GTA understands the proposed sign will have a minimum dwell time of 45 seconds. This will meet DPTI's Guidelines.

Based on the above analysis and discussion the sign will generally meet the criteria outlined in 'Appendix 5 – Illumination, Reflectivity and Movement.'

**9. Is the advertisement designed such that lighting effects do not increase road safety risk?**

GTA understands the lighting of the sign is discussed in a separate report.

**10. Does the advertisement contain an error detection system?**

GTA understands the operational system for the sign shall incorporate an automatic error detection system that will turn the display off (or to a blank black screen) should the sign or system malfunction, as per other similar APN digital LED signs.

**11. Is the advertisement designed such that it does not contain movement or any special effects that create the illusion of movement?**

GTA understands that images displayed on the sign shall not scroll, move, flash, rotate or be animated in any manner, as per other similar APN digital LED signs.

**12. Do the messages change at frequency intervals appropriate for the location?**

GTA understands the proposed sign will have a minimum dwell time of 45 seconds. This will meet DPTI's Guidelines, and signs have been approved in Adelaide and other areas of Australia with much shorter dwell times without any detectable impact on crash records or road safety at those locations. As such the minimum advertisement dwell time of 45 seconds is considered appropriate for the proposed site.



### 3. Summary

A summary of the assessment of the proposed digital sign against DPTI's Guidelines is presented on the tables below.

**Table 3.1: DPTI Guidelines Response Summary – Requirements for All Advertising Signs**

DPTI Road Safety Checklist	Comply (Y/N)	Comment
1. Located in an area that has a low crash rate?	Y	Existing sign location
2. Does not reduce the clarity or effectiveness of a traffic control device?	Y	
3. Does not obstruct a road user's line of sight of a traffic control device?	Y	Existing sign location
4. Does the advertisement meet relevant clearances?	Y	
5. Is the advertisement located outside of a 'Device Restriction Area'?	N (1)	Existing sign location
6. Not attached on transport-related infrastructure?	N/A	On private property
7. Cannot be mistaken for a traffic control device?	Y	
8. Is the advertisement designed such that it does not 'dazzle' or distract the driver?	Y	Refer to separate lighting report

[1] Note: sign does not have to be outside of 'Device Restriction Area'.

**Table 3.2: DPTI Guidelines Response Summary – Additional Requirements for Electronic Signs**

DPTI Road Safety Checklist	Comply (Y/N)	Comment
9. Is the advertisement designed such that lighting effects do not increase road safety risk?	Y	Refer to separate lighting report
10. Does the advertisement contain an error detection system?	Y	
11. Is the advertisement designed such that it does not contain movement or any special effects that create the illusion of movement?	Y	
12. Do the messages change at frequency intervals appropriate for the location (45 seconds minimum proposed)?	Y	45 seconds minimum dwell time proposed

Based on the above the proposed Digital LED sign will not create a significant road safety issue, and will generally meet the requirements of DPTI's Guidelines. The only categories where the sign does not meet the DPTI Guidelines are;

- 5. The sign is located in a 'Device Restriction Area' – however the sign does not impact the traffic signals and is outside of the 5° viewing envelopes. The location is only a "technical" breach and will not impact the operation of the intersection, visibility or clarity of the traffic lanterns and thus the location is considered acceptable.

Based on the above summary and the attached detailed assessment (including case studies of similar existing signs in Adelaide), the proposed digital LED sign will not create a road safety issue, and will generally meet the requirements of the DPTI Guidelines.



## 4. Conclusion

4

Based on the analysis and discussions presented within this report, the following conclusions are made:

- i Development Consent is being sought to modify the existing sign to a single-sided digital LED sign, with the proposed digital sign approximately the same size as the existing sign to face northwards (i.e. visible to southbound traffic).
- ii The proposed modifications to the existing sign generally meet the relevant DPTI Guidelines, with the proposed modifications not anticipated to decrease the road safety of the intersection adjacent the subject site.
- iii The proposed sign is located within a 'Device Restriction Area' however it is outside of the 5° horizontal envelope of the adjacent traffic signals.
- iv The proposed sign will not create a significant road safety issue, and will generally meet the requirements of DPTI's Guidelines.



## 6.11 10 Holt Street, NETLEY

Application No. 211/1265/2015

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Division of land to create two Community Title allotments and common property from one existing Torrens Title allotment
APPLICANT	Mr James Vanderhaak
APPLICATION NO	211/1265/2015
LODGEMENT DATE	24 October 2015
ZONE	Residential Zone
POLICY AREA	20 - Low Density
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>▪ SA Water</li><li>▪ DAC</li></ul>
DEVELOPMENT PLAN VERSION	25 June 2015
MEETING DATE	14 June 2016
RECOMMENDATION	<b>REFUSE</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 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.

### PREVIOUS or RELATED APPLICATIONS

Nil



## **SITE AND LOCALITY**

The subject site is described as Allotment 23 Deposited Plan 7186 in the area named Netley Hundred of Adelaide as contained in Certificate of Title Volume 5615 Folio 375. The land is more commonly known as 10 Holt St, Netley.

The subject land is located on the southern side of Holt Street, approximately 20m east from the intersection with Shelley Ave. The allotment has a regular shape with a frontage of 17.65m, a depth of 42.76m and a site area of 754.7m<sup>2</sup>.

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

The locality is best described as residential comprised mainly of single storey detached dwellings and associated structures. There are some examples of infill development in close proximity to the subject land, specifically 9 & 11 Holt St and 27 & 27a Shelley Ave. In these examples the existing dwelling was removed and the land was separated down the middle creating two allotments with direct frontage to a public road. There are a number of examples of battle-axe divisions within the broader locality.

Allotments within the street are primarily rectangular in shape and range from 367m<sup>2</sup> to 877m<sup>2</sup> and have frontages from 10m to 22m.

The site and locality are shown on the following map.





SUBJECT LAND

10 Holt Street

NETLEY

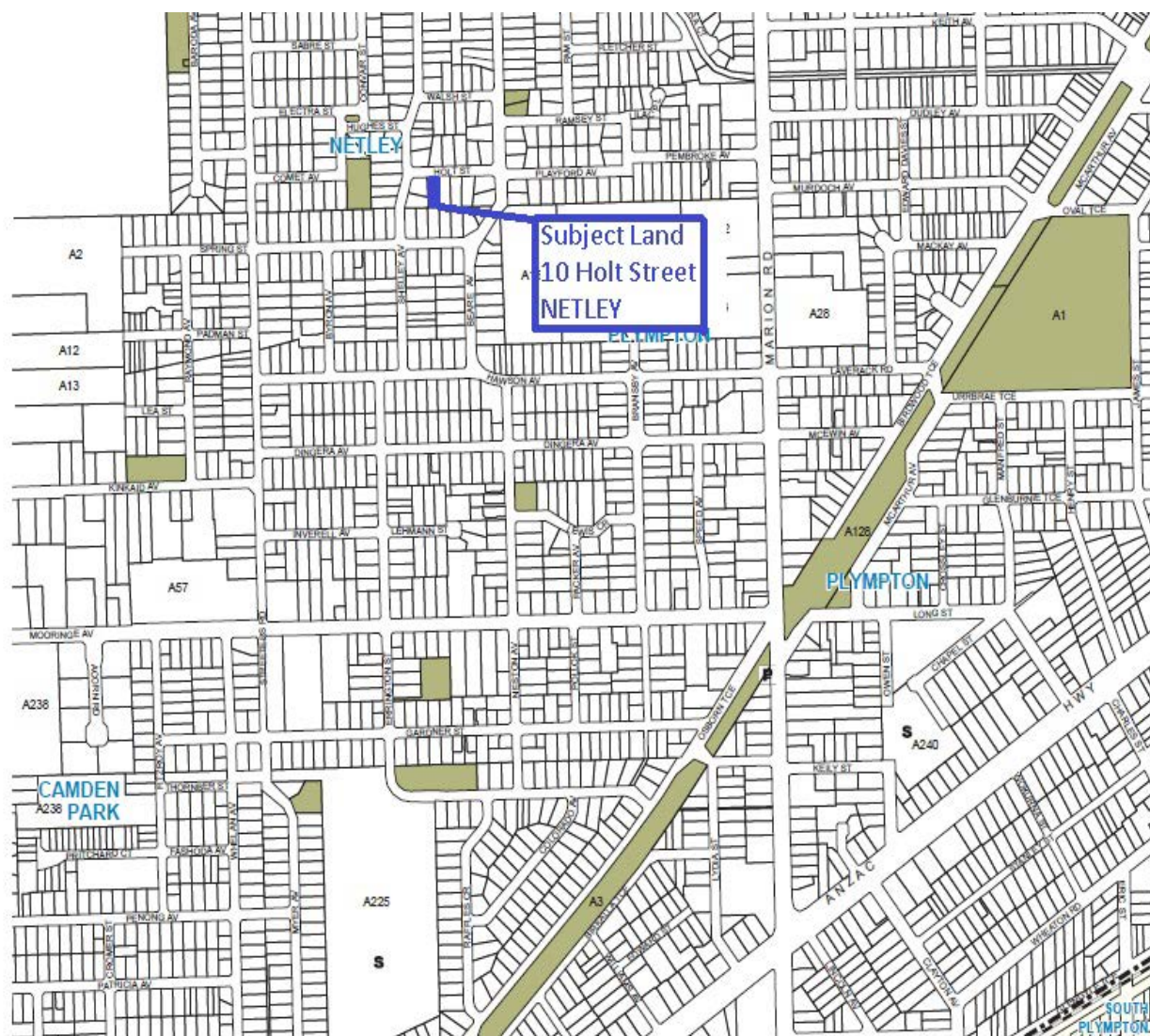


=subject land



= locality





MAP WeTo/15 Adjoins



- S** School
- P** Post Office
- Railways
- Local Reserves
- Development Plan Boundary

## Location Map WeTo/12

WEST TORRENS COUNCIL



## PROPOSAL

The proposed development seeks Development Plan Consent to undertake a Community Title land division to form two allotments from one.

The proposal seeks to retain the existing dwelling and create the new allotment at the rear in a battle-axe formation. The plan of division shows the front allotment (Lot 5) to have a frontage of 11.5 metres, a depth of 25.75 metres and a site area of 341m<sup>2</sup>. The rear allotment (Lot 6) is shown to have a width of 17.6m and a minimum depth of 17 metres giving a total area of 287m<sup>2</sup> after discounting a small area of common property.

The driveway servicing both allotments will be contained in the proposed common property and run down the eastern side of the existing dwelling. The common property has a width of no less than 3.8 metres and comprises a passing area 6.1 metres wide and 5 metres deep at the front of the subject land. The common property is configured to allow a vehicle reversing from Lot 5 to exit the subject land in a forward direction.

A proposed carport is shown on Lot 5 to provide an undercover car parking space. It has been placed on the western boundary to allow another vehicle to park in front of it.

The existing outbuilding shown on the plan of division straddling Lot 5 and Lot 6 is to be removed.

The plan of division is included as **Attachment 1**.

## REFERRALS

### Internal

#### **City Assets**

The Applicant amended the proposed development in response to feedback provided by Council Administration. That feedback included comments provided by the City Assets Department that initially raised concerns regarding the following matters:

- Driveway access width.  
As the driveway will service more than one property, the driveway should be 5.5m wide for the first 5m into the site to allow the passing of entering and egressing traffic.
- The ability for a vehicle to turn around on site.  
The proposed vehicle turnaround area at the end of the driveway does not appear to comply with Australian Standard (As/NZS 2890.11:2004). This means that vehicles will not be able to access and egress the subject site in a forward direction.

The plan of division before the Panel is a revised proposal from the Applicant. It has addressed the concerns previously raised by City Assets staff.

### External

The land division application (DA 211/1265/2015) was referred to SA Water by the Development Assessment Commission (DAC) who advised of no objection subject to specified standard conditions being included on any consent to be issued. The DAC have also raised no objection to the proposal and requested conditions be attached to any approval.

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



## ASSESSMENT

The subject land is located within the Residential Zone, and more particularly Policy Area 20 as described in the West Torrens Council Development Plan (Consolidated 25 June 2015). The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 6, 7, 8 & 10
Design and Appearance	Objectives	1 & 2
	Principles of Development Control	3, 9, 10, 12, 13, 14 & 17
Infrastructure	Objectives	1, 2 & 3
	Principles of Development Control	1, 3, 4, 5, 6, 8, 9, 10, 14 & 16
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 3, 5, 6, 7, 8 & 12
Landscaping, Fences and Walls	Objectives	1
	Principles of Development Control	1, 2, 3, 4 & 6
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 5 & 7
Residential Development	Objectives	1 & 4
	Principles of Development Control	1, 3, 8, 10, 12, 18, 19, 2 & 21
Transportation and Access	Objectives	2
	Principles of Development Control	1, 8, 9, 10, 23, 24, 25, 30, 32, 34, 35, 36, 37, 40 & 44

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



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

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA Low Density Policy Area 20 PDC 5	340m <sup>2</sup>	<p>Lot 5 = 341m<sup>2</sup></p> <p><b>Satisfied</b></p> <p>Lot 6 = 287m<sup>2</sup></p> <p><b>Not Satisfied by 15.6%</b></p>
SITE FRONTAGE Low Density Policy Area 20 PDC 5	10m	<p>17.6m (existing)</p> <p>Lot 5 = 11.56m (proposed)</p> <p><b>Satisfied</b></p> <p>Lot 6 = 4m (proposed)</p> <p><b>Not Satisfied by 60%</b></p>



<p><b>SIDE/REAR SETBACKS</b></p> <p>Residential Zone PDC 11</p>	<p>Side 1m setback</p> <p>Rear 3m setback</p>	<p>0.9m setback (existing dwelling)</p> <p><b>Not Satisfied by 10%</b></p> <p>3.2m setback (existing dwelling)</p> <p><b>Satisfies</b></p>
<p><b>PRIVATE OPEN SPACE</b></p> <p>Residential Development PDC 19</p>	<p>60m<sup>2</sup> with a minimum dimension of 3 metres and a minimum area provided at the rear or side of the dwelling, directly accessible from a habitable room</p>	<p>Lot 5 = 35 square metres with a minimum dimension of 3 metres.</p> <p><b>Not Satisfied by 41%</b></p> <p>Lot 6 = Not Applicable</p>
<p><b>CARPARKING SPACES</b></p> <p>Transportation and Access PDC 34 Table WeTo/2</p>	<p>2 car-parking spaces required per allotment</p>	<p>2 provided for Lot 5</p> <p><b>Satisfies</b></p> <p>Lot 6 Not Applicable</p>

## QUALITATIVE ASSESSMENT

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

### Desired Character/Pattern of Development

The allotment pattern within the immediate and greater locality is being changed by recent infill development. Rectangular allotments are prevalent and most properties predominantly comprise detached dwellings with direct street frontages however, the character is changing due to the locality's proximity to a centre zone.

The desired character statement endorses development of a "*denser allotment pattern close to centre zones*" to accommodate "*other dwelling types such as semi-detached and group dwellings*". The subject land is within 400 metres of a local centre and the proposed development will deliver a denser allotment pattern with a configuration to support the eventual construction of a group dwelling. The proposal will increase the variation in dwelling types and allotment patterns as envisioned by the desired character statement.

The desired character statement also mentions that "*battle-axe subdivision not occur in the Policy Area to preserve a pattern of rectangular allotments*" and that allotments be "*developed with buildings that have a direct street frontage*". Whilst the size of the battleaxe allotment may be supportable, the formation of a battleaxe allotment is not supported by the desired character statement, nor is it supported by the character of the locality.



## **Density**

Density is not an issue with this proposal, the subject site is large enough to subdivide into two allotments and meet the quantitative measures of the Development Plan. The issue with this proposal is the intention to retain the existing dwelling.

## **Private Open Space**

The division of land will leave approximately 35 square metres of private open space at the rear of the existing dwelling. This is considerably less space than currently provided to the dwelling however, access to the space remains unchanged, it will be held exclusively within Lot 5 and its amenity value is unlikely to be compromised by other ancillary functions associated with residential development.

The private open space will be supported by spaces along the side and rear of the dwelling that, although not having dimensions of more than four metres, can accommodate rubbish bin storage rainwater tanks, clothes lines and small outbuildings. These spaces will be located between the dwelling and the western property boundary, the rear wall of the dwelling and the proposed carport. The on-site carport and driveway will also be separated from the private open space.

The private open space for the existing dwelling will be quite limited however the space will provide a small courtyard like setting at the rear of the dwelling that will not be compromised by other functions. The provision of private open space is not consistent with the provisions of the Development Plan however it is recommended that the Panel consider the shortcomings to be inconsequential to the function and enjoyment of the land.

## **SUMMARY**

The proposed division of land will deliver an infill development of a site that the Development Plan recognises as being suitable for denser allotments developed with group dwellings. The proposal is not without significant draw backs such as private open space and the creation of a battle-axe allotment. Redevelopment of the site to increase density fully in accordance with the Development Plan Objectives and Principles is possible however it would require the demolition of the existing dwelling on the site.

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

On balance the proposed development does not sufficiently accord with the relevant provisions contained within the West Torrens (City) Development Plan Consolidated 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 Plan Consent for Application No. 211/1265/2015 by James Vanderhaak to undertake a Division of land to create two (2) Community Title allotments and common property from one existing Torrens Title allotment at 10 Holt Street, Netley (CT 5615/375) for the following reasons:

1. The proposed development is contrary to:

- Residential Policy Area 20 Objective 1

Reason: The proposal will not contribute to the desired character for the policy area.

- Residential Policy Area 20 Principle of Development Control 2

Reason: The proposal is not consistent with the desired character for the policy area.

- Residential Policy Area 20 Principle of Development Control 3

Reason: The proposal division will not satisfy the minimum site area for Lot 6.

- General Section Land Division Principle of Development Control 7(f)

Reason: The creation of the proposed allotments is deemed incompatible with the prevailing pattern of development in the locality

- General Section Residential Principle of Development 31

Reason: The siting and area of the private open space is insufficient to provide amenity and function for the existing dwelling.



Development No 211/C153/15  
City of West Torrens

AMENDED PLAN 3/3/16  
AMENDED PLAN 31/3/16

PLAN OF COMMUNITY DIVISION  
FOR DEVELOPMENT APPROVAL  
HUNDRED OF ADELAIDE  
ALLOTMENT 23 IN DP 7186  
in the area named  
**NETLEY**

CT 5615/375

Subject to Survey Approval

Diagram illustrating the proposed development on Lot 5 (Total Area 34.1m²) and Lot 6 (287m²). The plan shows the existing dwelling, the proposed carport, and the shed to be removed. Dimensions are provided for the lots, the dwelling, the carport, and the shed. The plan also shows the location of the lots relative to the street and the surrounding area.

0 SCALE 4 8 12 16 20 METRES

STREET & WATERTABLE

KERB & WATERTABLE

EXISTING CROSSOVER

PROPOSED 1.80m FENCE

STOBIE

21.34

06.97

SHELLEY AVENUE

11.50

6.10

5.00

3.23

18.45

3.80 WIDE

28.75

4.2.75

14.00

3.80

1.50

2.12

13.80 ALL

12.30

6.00

PROPOSED CARPORT

CARPARK

SHED TO BE REMOVED

17.60

6 287m²

5 Total Area 34.1m²

EXISTING DWELLING

P.O.S. 76m²

COMMON

PROPERTY

D7186

D7186

D3203

Hennig & Co. Pty. Ltd.  
Licensed Surveyors  
275 Marion Road, North Plympton S.A. 5037  
Ph: (08)82570883 Fax: (08)82971170  
Email: hennig@hennig.com.au  
Reference: 17203 Date: 16/10/15



ATTACHMENT 2

Contact Lands Titles Office  
Telephone 7109 7016



24 November 2015

The Chief Executive Officer  
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/C153/15 (ID 52439)  
for Land Division  
(Community Title Plan) by Mr James Vanderhaak**

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 24 October 2015, I advise that the Development Assessment Commission has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

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

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.  
The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
2. Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment).  
Payment may be made by credit card via the internet at [www.edala.sa.gov.au](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.

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

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

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

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

Yours faithfully

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

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



## **7. CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER**

### **7.1 33 Brooker Terrace, RICHMOND - CONFIDENTIAL**

Application No. 211/1224/2015 & 211/1185/2015

#### **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 CEO, General Manager, 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
Schedule 10	211/136/2015	134-136 Anzac Highway, GLANDORE	On The Run redevelopment
Schedule 10	211/473/2016	2 May Terrace, LOCKLEYS	Replacement of water tank
Concurrence	211/297/2015	452 Henley Beach Road, LOCKLEYS	Signage
Section 49	211/1155/2012/A	Lot 2 West Beach Road, WEST BEACH	Amendment to condition regarding lighting

#### Development Application appeals before the ERDC

DA Number	Address	Reason for Appeal	Description of Development	Status
211/437/2014	1 Hinton Street, UNDERDALE	Applicant appealed DAP refusal	create one additional allotment	Decision of the DAP upheld by Court
211/1311/2015 & 211/1427/2015	51 Watson Avenue, NETLEY	Applicant appealed Nature & DAP refusal	construction of two dwellings & create one additional allotment	Pending outcome of Hearing regarding nature of development & Conciliation Conference for land division
211/1224/2015 & 211/1185/2015	33 Brooker Terrace, RICHMOND	Applicant appealed DAP refusal	Construct a residential flat building containing six dwellings & associated land division	Conciliation Conference



## **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**