

CITY OF WEST TORRENS



Notice of Panel Meeting

Notice is Hereby Given that a Meeting of the
COUNCIL ASSESSMENT PANEL

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

on

TUESDAY, 13 MARCH 2018
at 5.00pm

Angelo Catinari
Assessment Manager

City of West Torrens Disclaimer

Council Assessment Panel

Please note that the contents of this Council Assessment Panel Agenda have yet to be considered and deliberated by the Council Assessment Panel therefore the recommendations may be adjusted or changed by the Council Assessment Panel in the process of making the formal Council 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 Procedures****2 PRESENT****3 APOLOGIES****4 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of the meeting of the Council Assessment Panel held on 13 February 2018 be confirmed as a true and correct record.

5 DISCLOSURE STATEMENTS

In accordance with section 7 of the *Assessment Panel Members – Code of Conduct* the following information should be considered by council assessment panel members prior to a meeting:

A member of a council assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the council assessment panel (other than an indirect interest that exists in common with a substantial class of persons) –

- a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
- b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.

If an interest has been declared by any member of the panel, the assessment manager will record the nature of the interest in the minutes of meeting.

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 185 - 187 Holbrooks Road, UNDERDALE

Application No 211/1405/2017

Appearing before the Panel will be:

Representors: **Con Costi** of Costi & Co on behalf of **George and Tanya Lambrakis** wishes to appear in support of the representation.

David Hutchison of Access Planning on behalf of **Skremscin Pty Ltd** wish to appear in support of the representation.

Applicant/s **Hannah Kennedy** and **Rebecca Thomas** of Ekistics on behalf of **Leyton Property** wishes to appear to respond to representations.

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|--|
| DEVELOPMENT PROPOSAL | Demolition of existing shop and wine store and construction of a new child care centre (pre-school) with associated on-site car parking, landscaping, fencing earthworks and retaining walls |
| APPLICANT | Leyton Property |
| APPLICATION NO | 211/1405/2017 |
| LODGEMENT DATE | 17 November 2017 |
| ZONE | Residential |
| POLICY AREA | Low Density Policy Area 21 |
| APPLICATION TYPE | Merit |
| PUBLIC NOTIFICATION | Category 3 |
| REFERRALS | Internal <ul style="list-style-type: none">City AssetsEnvironmental Health External <ul style="list-style-type: none">Department of Planning, Transport and Infrastructure (DPTI) |
| DEVELOPMENT PLAN VERSION | 30 May 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council 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. 211/1405/2017 by Leyton Property to undertake the demolition of the existing shop and wine store and construction of a new child care centre (pre-school) with associated on-site car parking, landscaping, fencing earthworks and retaining walls at 185 - 187 Holbrooks Road, Underdale (CT 6178/258) subject to the following conditions of consent (and any subsequent or amended conditions that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

Reserved Matter

The following information shall be submitted for further assessment and approval by the Council as a reserved matter under Section 33(3) of the *Development Act 1993*:

1. Provision of a stormwater management plan that achieves water quality improvement measures to satisfy the tabulated targets as outlined in the State's WSUD policy and to the satisfaction of the Manager City Development and prior to receiving development approval.

The targets being;

| Parameter | Target |
|--|--|
| Litter/Gross Pollutant | Retention of litter greater than 50mm for flows up to the 3 month ARI peak flow. |
| Oil and Grease | No visible oils for flows up to the 3 month ARI peak flow. |
| Reduction in Average Annual Total Suspended Solids (TSS) | 80% *1 |
| Reduction in Average Annual Total Phosphorous (TP) | 60% *1 |
| Reduction in Average Annual Total Nitrogen (TN) | 45% *1 |

*1 - Reduction as compared to an equivalent catchment with no water quality management controls.

2. Provision of a waste management plan that satisfactorily manages the following aspects of waste storage and collection from the development to the satisfaction of the Manager City Development and prior to receiving Development Approval:
 - a. The use of equipment and timing of collection periods that satisfies the EPA *Environment Protection (Noise) Policy 2007* to avoid noise nuisance for residents of adjacent residential premises.
 - b. Waste collection vehicles shall include the restriction to an MRV vehicle size.
 - c. Ensures waste capable of creating odours is contained within bins that are kept closed at all times and are collected at a frequency and schedule to ensure that waste is not stored in the bins for longer than 48 hours to attract insects and vermin or to create unpleasant odours.
 - d. Timing of waste collection vehicle movements and the type of vehicles used so that use of the child care centre car park is not disrupted such that vehicles would be required to stand and queue on Holbrook Road thereby creating a traffic hazard or risk to the safety of children using the child care centre.

Council Conditions

1. The development shall be undertaken and completed in accordance with the Planning Statement provided by Ekistics; traffic assessment report by Cirqa; stormwater management plan by Combe, Pearson and Reynolds Consulting Engineers; detailed site investigations by Senversa Pty Ltd dated as received 5 December 2017, plans for Job No 2017067, Drawing No 3158, DA01, DA04, DA05, DA06 and - DA08 dated as received 15 December 2017 and DA02, DA03 and DA07 dated as received 28 February 2018 drawn by Brown Falconer, and further information in correspondence received from Ekistics; Cirqa; Combe, Pearson, Reynolds Pty Ltd dated as received 26 February 2018 except where varied by any condition(s) below.

2. The site shall be remediated via the 'consolidation and isolation of the soil by on-site containment' method as per the Senversa report dated as received 5 December 2017 prior to the commencement of works for the childcare centre. This shall be supervised and verified by a suitably trained and experienced environmental consultant. Notification to the EPA shall occur where necessary and in accordance with the *Environment Protection Act 1993*.
3. The total number of children accommodated on the site at any one time shall be limited to 112 in accordance with page 8 of the Ekistics report dated as received 5 December 2017.
4. The hours of operation of the child care centre shall be in accordance with page 8 of the Ekistics report dated as received 5 December 2017 and as follows:
 - 6.30am to 6.30pm Monday to Friday;
 - no operation on Saturdays, Sundays or public holidays.
5. The access/egress point shall be suitably flared to Holbrooks Road in accordance with the site plan prepared by Brown Falconer dated as received 28 February 2018 to allow safe and convenient ingress and egress movement in order to minimise disruption to the free flow of traffic.
6. Stormwater detention shall be installed prior to the occupation of the development and maintained thereafter in accordance with the stormwater calculations designed by Combe, Pearson, Reynolds Consulting Engineers dated as received 26 February 2018.
7. All stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
 - a) result in the entry of water into a building;
 - b) affect the stability of a building;
 - c) create unhealthy or dangerous conditions on the site or within the building;
 - d) flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
8. All waste shall be placed within garbage containers with lids that are closed at all times to limit odours and to prevent insects and vermin accessing the waste at all times.
9. General service vehicles (excluding waste management) for the subject development shall be restricted to 'B99' size and servicing shall be restricted to outside of peak time periods of the child care centre and the use of equipment and timing of collection periods that satisfies the *EPA Environment (Noise) Policy 2007*.
10. The fence along the eastern boundary shall be not less than two metres in height, extending from top to ground level and be sealed between the underside of the fence and ground level.
11. Security lighting and lighting of the driveways, parking and manoeuvring areas and footpaths shall be in accordance with the Australian Standard 1158 during the hours of darkness that they are in use. Such lights shall be directed and screened so that overspill of light into nearby premises is avoided and minimal impact on passing motorists occurs. When not in use such lights shall be reduced in brightness to levels sufficient for security purposes only to diminish impacts on adjacent dwellings after operating hours. All such lighting on the subject site shall be directed and screened so that overspill of light into the nearby premises is avoided and minimal impact on passing motorists occurs.

12. All landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Such landscaping shall be cultivated, tended and nurtured, maintained and shall be promptly replaced if it becomes seriously diseased or dies, to the reasonable satisfaction of Council.
13. All driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to commencement of the use of the development, and shall be maintained in reasonable conditions at all times.
14. Driveways, carparking spaces, manoeuvring areas and landscaping areas shall not be used for storage of materials or goods such as waste products and refuse.
15. A minimum of three staff parks shall be linemarked opposite the entrance of the site to avoid excessive conflict with vehicles entering the site.
16. Easements B, C and D over the subject land are to be extinguished as per the Ekistics report dated as received 26 February 2018.
17. Amalgamation of the two allotments 15 and 16 shall occur prior to Building Rules Consent.

Conditions imposed by DPTI

1. Access to/from Holbrooks Road to serve the site shall be gained via a single two-way access point located 2.0 metres north of the southern property boundary only. No additional access to/from Holbrooks Road shall be permitted.
2. A minimum 1.0 metre separation shall be provided between the access and the stobie pole adjacent the southern property boundary.
3. The Holbrooks Road access shall be a minimum of 6.0 metres in width at the property boundary and extend at this width for a minimum of 6.0 metres into the site.
4. The obsolete Holbrooks Road crossover shall be closed and reinstated to Council standard kerb and gutter at the applicant's expense.
5. The first three car parks opposite the access shall be deleted or dedicated to staff parking only.
6. The first two car parks immediately adjacent the access shall be designated as staff parking only.
7. The access point shall comply with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' as defined in AS/NZ 2890.1:2004.
8. Vehicles larger than 8.8 metre Medium Rigid Vehicles (MRV) shall not be permitted on site. All vehicles larger than B99 passenger vehicles shall access the site outside of normal business hours.
9. All onsite vehicle parking shall be consistent with AS/NZS 2890.1:2009 and AS/NZS 2890.6:2009.
10. All vehicles shall enter and exit the site in a forward direction.
11. Any signage associated with this development that is visible from the adjacent roads shall not contain any elements that flashes, scrolls, moves or changes.

12. Any signage associated with this development shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.
13. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
14. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Holbrooks Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Notes

1. This approval does not include the erection of any signs or advertising. Further permission may be required from Council for the erection or display of any signage.
2. Any retaining walls will be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
3. Any existing crossovers shall be considered redundant and reinstated to upright kerbing to the satisfaction of Council. Any new or modified crossovers shall be constructed to Council's requirements.

BACKGROUND

The development proposal is presented to the Council Assessment Panel (CAP) 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 CAP.

PREVIOUS OR RELATED APPLICATIONS

Nil

SITE AND LOCALITY

The subject site is commonly known as 185 and 187 Holbrooks Road. It is formally described in Certificate of Title Volume 6178 Folio 258, comprising allotments 15 and 16 in Deposited Plan 45832 and has a frontage to Holbrooks Road of 39.43 metres and a frontage to Hurtle Court of 9.75 metres. The area of the land totals 2459m² and there are easements B to D that are for drainage, eaves and gutter purposes.

The site currently contains a bottle shop and wine store that are proposed to be demolished as part of this development. The current hours of operation of the bottle shop are as follows:

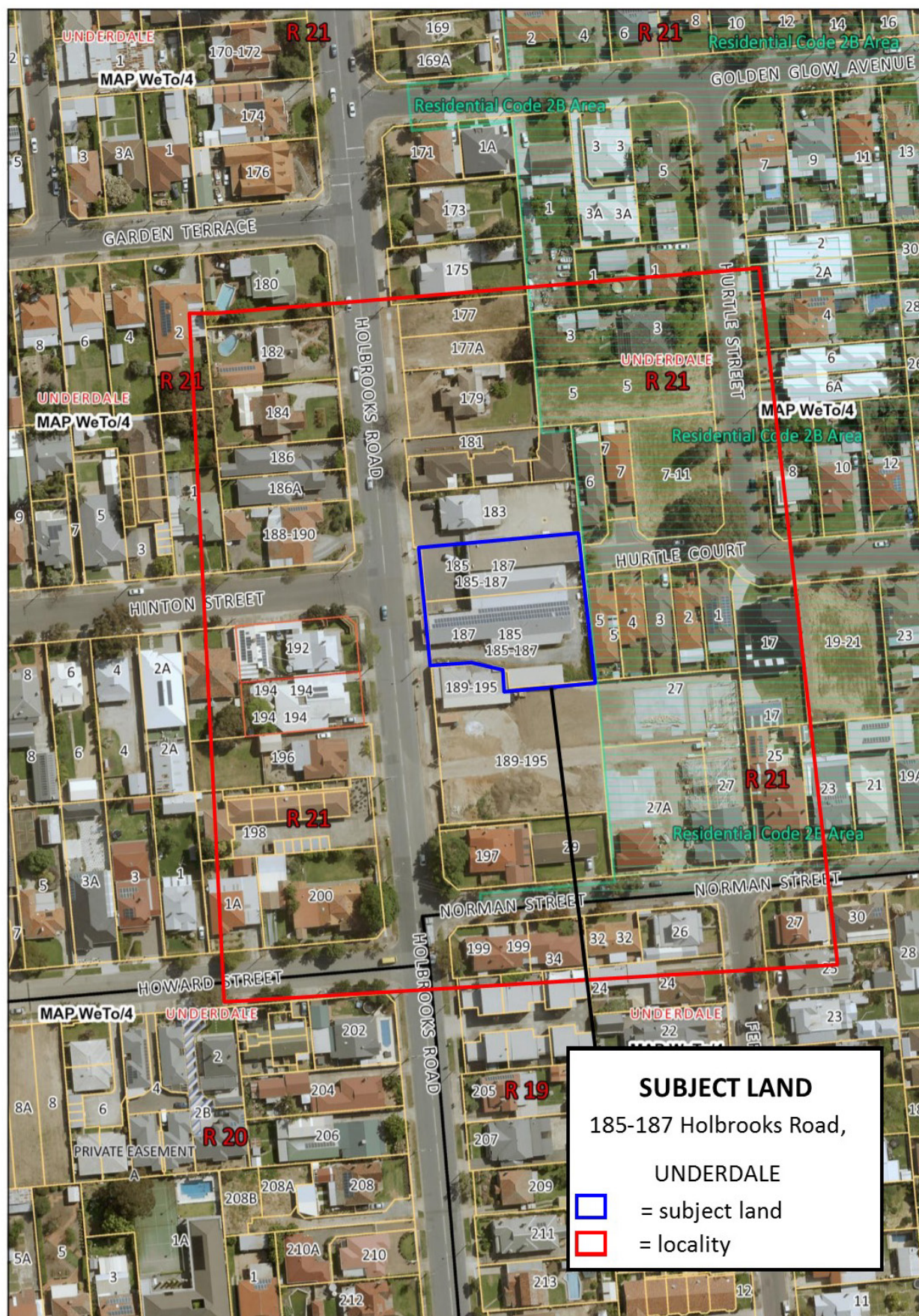
| | |
|-----------|------------|
| Monday | 10am - 6pm |
| Tuesday | 10am - 7pm |
| Wednesday | 10am - 7pm |
| Thursday | 9am - 8pm |
| Friday | 9am - 8pm |
| Saturday | 9am - 8pm |
| Sunday | 10am - 6pm |

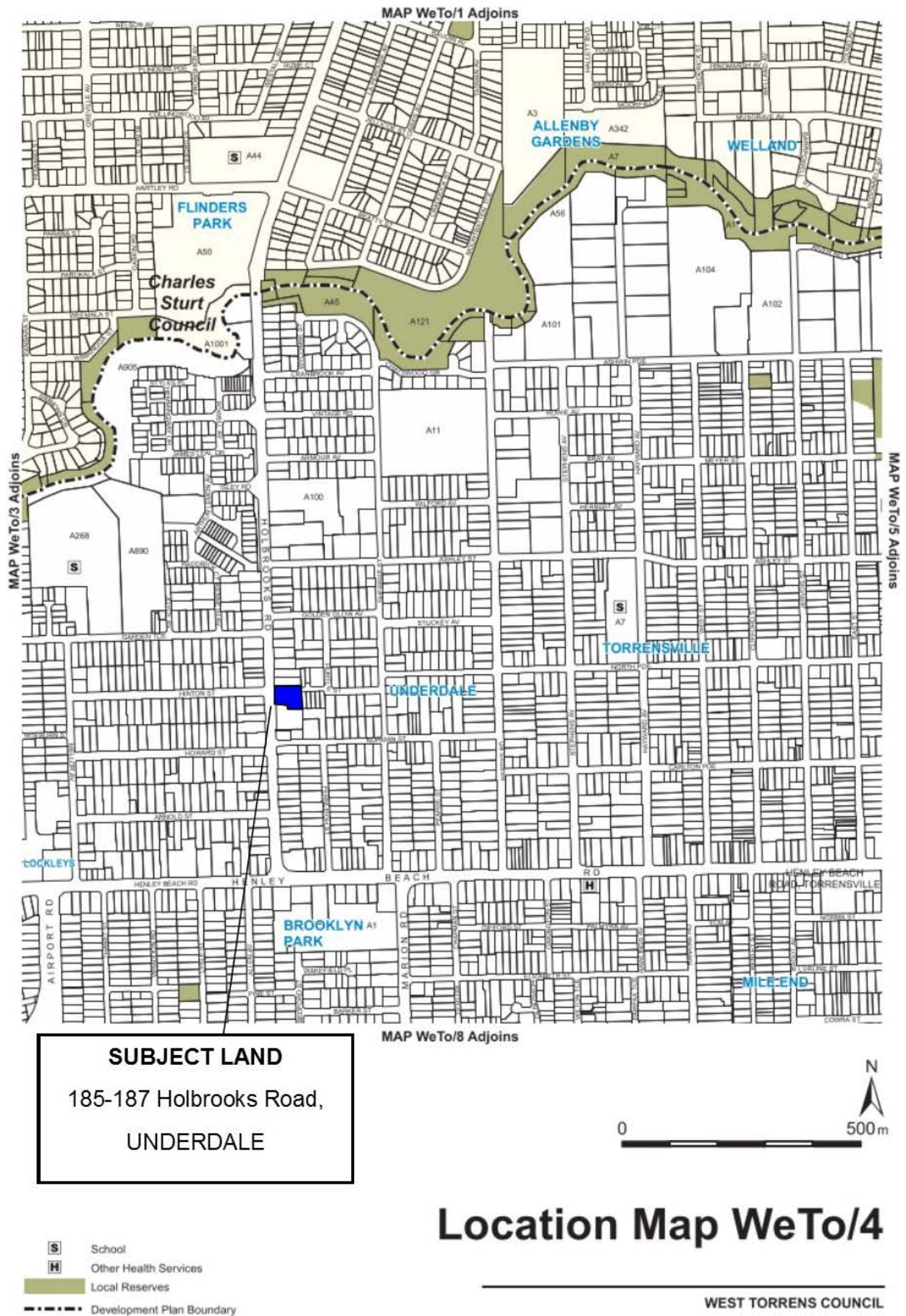
A carpark in average condition exists between the front property boundary and the existing buildings. The site is relatively flat. There are no regulated trees on the subject land or adjoining properties that would be affected by the development.

The locality comprises largely residential development other than the subject two allotments and the adjoining parcel of land to the north. To the north of the subject site is a commercial building with a small carpark to the front and unsurfaced carpark/store area to the rear or eastern side of the site. To the south of the site is the former Underdale Bowling Club where a residential retirement village for 16 dwellings has been approved and is under construction. To the east of the site is Hurtle Court that contains 7 residential dwellings. The site abuts a small portion of the front yard of 6 Hurtle Court and the western boundary of 5 Hurtle Court.

The amenity of the locality is considered to be moderate. The dwelling stock is from 1920s with some more recent development. Holbrooks Road is a secondary arterial road with vehicle volumes per day of around 23,000 vehicles.

Subject land and locality maps are provided overleaf.





Location Map WeTo/4

WEST TORRENS COUNCIL
Consolidated - 30 May 2017

PROPOSAL

The proposed development involves the demolition of an existing shop and wine store and construction of a new child care centre (pre-school) with associated on-site car parking, landscaping, fencing, earthworks and retaining walls.

The proposed building is single storey with a total floor area of 741m² with internal areas comprising 6 activity areas, cot/sleeping room, store rooms, kitchen, pantry, parents' room, office/reception area, staff room and planning room. The total outdoor area is 782m² and is largely to the north and south of the building. A bituminised carpark is proposed with 28 carparks and is sited between Holbrooks Road and the building. Fencing on the site includes a variety of fencing up to 2.5 metres in height (colorbond), timber panel fencing up to 2.4 metres high and 1.8 metre high pool type fencing.

The materials of the building include brick, render, aluminium windows, and colorbond roofing with a maximum height of 4.5 metres. The building has a combination of parapet walls and the roof has a pitch of 3 degrees.

Landscaping is provided at the perimeter of the site with a combination of tuckeroo and crepe myrtle trees and grass/shrubs.

Operations of the child care centre include a maximum of 112 children with a total number of rostered staff of 22 including a director and a chef. Proposed hours are from 6.30am to 6.30pm Monday to Friday other than public holidays.

Waste collection will be via a private waste collector and conducted outside of peak hours.

A detailed site investigation report has been prepared by Senversa. It has been identified that there is soil that is contaminated and that there are three different management options. It is the preference of the company that the 'consolidation and isolation of the soil by on-site containment' is to be adopted. Remediation of the site is to occur prior to any building works for the childcare centre.

The proposal plans and supporting reports are included in **Attachment 1 (under separate cover)**.

PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to the Residential Zone of the Development Plan, Section 38 of the *Development Act 1993* and does not fit within Schedule 9, Part 1 or 2 of the *Development Regulations 2008* and could not be deemed to be 'minor' therefore defaults to Category 3 development.

| | |
|-------------------------------------|---|
| Properties notified: | 35 properties were notified during the public notification process. |
| Representations: | Five (5) representations were received. |
| Persons wishing to be heard: | Two (2) representors identified that they wish to address the Panel. <ul style="list-style-type: none"> • Con Costi of Costi & Co on behalf of George and Tanya Lambrakis • David Hutchison of Access Planning on behalf of Skremscin Pty Ltd |

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|------------------------------------|---|
| Summary of Representations: | <p>Concerns were raised regarding the following matters:</p> <ul style="list-style-type: none"> • Two offered their support for the development; • The development is not small scale non-residential use that serves the local community; • The non-compliance of the use is sufficient reason for refusal; • The proposed 'play areas' are located adjacent residential dwellings and a retirement village which will have an adverse impact in terms of noise; • The appearance of the childcare centre should be of a size and scale which is appropriate in Residential Zones; • The proposed carpark is insufficient for a 112 space childcare centre given there is 22 staff and there will be an overflow of parents and staff parking on Holbrooks Road or the adjacent side streets; • Request that the development application is refused; • The location of the childcare centre adjacent the retirement village is particularly beneficial to the community and they are excited by the prospect of improving facilities throughout all of their communities; • Can foresee grandparents living in the retirement village currently while their grandchildren go to the childcare centre; • There are benefits in promoting interactions between grandparents and grandchildren; • The proposal appears "well set out and fitting 'comfortably' on the site with abundant external play areas and the like"; • Excess traffic congestion; • Safety of vehicular movement on Holbrooks Road; • Size of the childcare centre; • Childcare is an envisaged use conditional upon the development being small scale and serving the local community. • The floor area limit on shops is 250m² - this could be considered small scale; • Majority of childcare centres operate with enrolment numbers of between 60 and 80; • Centres with enrolments over 100 are 'unusual'; • The definition of 'small scale' in relation to child care centres has been subject to a number of ERD Court judgements; • The child care centre should be located in a more appropriate zone, i.e. residential and consider child enrolments in the order of 75 to 80 children. |
|------------------------------------|---|

A copy of the representations is contained in **Attachment 2 (under separate cover)**.

The Applicant has provided a response to the representation(s), as summarised below:

- Two of the five representations outlined their support for the proposal.
- The Karidis Corporation cites that the proposal may be 'beneficial in promoting interactions between grandparents and their grandchildren'.

- Maintains the view that a non-residential development (i.e. childcare centre) is appropriate in the Residential Zone. Presented a map of child care centres within Residential Zones, some of a scale in terms of numbers like this one. "Small scale" is subjective, however PDC 3 suggests the development should be of a scale and nature that:
 - serves the local community;
 - is consistent with the desired character of the locality; and
 - does not detrimentally impact on the amenity of nearby residents.
- Child care offers an essential service for people's wellbeing.
- A child care centre needs analysis of children of pre-school age was undertaken.
- The existing character of the locality comprises a mix of residential and commercial development particularly noting the land use on the site is a wine shop and wine store.
- The existing uses on the site are 'non-complying' within the Residential Zone. The nature of the activity is not inconsistent with the intensity of activity along Holbrooks Road.
- A legal opinion by Hilditch Lawyers was provided regarding the interpretation of 'small scale' which suggests that:
 - a child care centre is specifically listed as small-scale use;
 - the case law used in Access Planning's submission is out of date; and
 - "sees no reason why the authority might conclude the facility does not warrant consent by virtue of its scale".It maintains that the proposal is an appropriate form of development for its location being a small scale non-residential use that serves the local community.
- The form and scale of the building is consistent with the built form character of the locality.
- It is noted that the two residential properties (east) did not raise an objection or representation with the proposal.
- Traffic, access and parking matters have been addressed. Vehicle access, egress and on-site parking are accommodated in an uncomplicated, safe and convenient manner that will have a negligible impact on adjoining properties.
- The proposal offers improved site access and parking arrangements.

Stormwater

CPR has reviewed the issues raised by Council relating to stormwater quality and detention. An amended Stormwater Management Plan (SMP) and amended plans have been provided.

A copy of the applicant's response (and additional information) is contained in **Attachment 3 (under separate cover)**.

REFERRALS

Internal

- City Assets

Initial concerns or comments were raised regarding the following matters:

1. Traffic

Carparking numbers including 28 spaces, based on 112 children, are satisfied.

The first two carparking spaces at the entrance of the carpark should be designated for staff only to minimise delays (and potential conflict).

The carpark dimensions and layout appear to be compliant with Australian Standards other than a disabled marked space needing to be accommodated adjacent the bollarded space.

Regarding waste delivery, the refuse truck should be accommodated outside of key operation hours to avoid conflict with other vehicles. A condition is recommended restricting the maximum service vehicle to an MRV refuse collection vehicle during off-peak times only. A waste management plan should also be provided by the applicant to indicate the servicing requirements of the private refuse contractor.

2. Finished floor levels (FFL)

A minimum FFL of 9.80 is required based on the provided plan (Brown Falconer - Dwg No 3158 DA02).

3. Stormwater quality

A table demonstrating the best practice for stormwater quality was provided. The Gross Pollutant Trap within the Stormwater Management Plan (SMP) was considered insufficient and additional treatment measures would be required for the site.

An indication of how the stormwater quality requirements are to be provided should be provided on a revised site plan prior to finalisation of the planning assessment. A reserved matter can appropriately address this.

4. Stormwater detention

Council typically seeks the rate of discharge of stormwater from the development site (post development) restricted to a maximum rate equivalent to that of a site with a 0.25 runoff coefficient for the site critical for a 20 year ARI storm event.

The plan provided exceeds the minimum requirement therefore the applicant may wish to re-visit the provision.

All stormwater is to be discharged toward the street with the appropriate offset distances being met.

5. Verge interaction

Former crossovers shall be made redundant. New crossovers shall be offset 1 metre from verge infrastructure and 2 metres from street trees.

The stormwater connection shall be through the road verge area and constructed of a shape and material to satisfy Council's standard requirements.

Amended plans were received and City Assets provided the following comments via email dated 26 February 2018:

The carpark was determined to be satisfactory following the provided amendments and conditions or reserved matters could be used to address any other outstanding items.

- Environmental Health

A number of Food Safety obligations were outlined. Should planning consent be issued, notes should be added to the Decision Notification Form.

A full copy of the relevant reports are attached, refer to **Attachment 4 (under separate cover)**.

External

Pursuant to Section 37(4) (b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*, the application was referred to:

- Department of Planning, Transport and Infrastructure

The Department does not object in-principle to the proposed development subject to conditions.

The comments discussed include:

- access;
- traffic assessment;
- car parking; and
- signage.

The following concerns remain outstanding:

- Nil

A full copy of the relevant reports are attached, refer to **Attachment 5 (under separate cover)**.

ASSESSMENT

The subject land is located within the Residential Zone and more specifically 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> | | |
|-------------------------------------|-----------------------------------|--|
| Community Facilities | Objectives | 1, 2 |
| | Principles of Development Control | 1, 2, 3 |
| Crime Prevention | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3, 5, 6, 7, 8, 10 |
| Design and Appearance | Objectives | 1, 2 |
| | Principles of Development Control | 1, 2, 3, 4, 12, 13, 14, 15, 19, 20, 21 |
| Energy Efficiency | Objectives | 1, 2 |
| | Principles of Development Control | 1, 2 |
| Infrastructure | Objectives | 2, 3 |
| | Principles of Development Control | 1, 2, 5, 6, 8 |
| Interface between Land Uses | Objectives | 1, 2, 3 |
| | Principles of Development Control | 1, 2, 5, 8 |
| Landscaping, Fences and Walls | Objectives | 1, 2 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6 |
| Orderly and Sustainable Development | Objectives | 1, 2, 3, 4, 5 |
| | Principles of Development Control | 1, 4, 5 |
| Residential Development | Objectives | 1, 4 |
| | Principles of Development Control | 4, 5, 10, 11, 12, 13, 28, 29 |

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|---------------------------|-----------------------------------|---|
| Transportation and Access | Objectives | 2 |
| | Principles of Development Control | 1, 2, 8, 10, 11, 12, 13, 14, 18, 20, 21, 22, 23, 24, 26, 27, 28, 30, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 |
| Waste | Objectives | 1, 2 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6 |

| | |
|--|-----------------------|
| Zone: Residential Zone | |
| <p><i>Desired Character Statement:</i></p> <p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p> | |
| Objectives | 4 |
| Principles of Development Control | 1, 3, 5, 7, 8, 12, 13 |

| | |
|--|--|
| Policy Area: Low Density Policy Area 21 | |
| <p><i>Desired Character Statement:</i></p> <p><i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternate 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 bound by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i></p> | |

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 |
|--|--|--|
| STREET SETBACK <i>Residential Zone</i> PDC: 8 | At least the average setback of the adjacent buildings 189-195 Holbrooks Road (south) setback = nil 183 Holbrooks Road (north) setback = 10 metres | 18.5 metres Satisfies |
| SITE COVERAGE N/A | Not Applicable | 37.8% Not Applicable |
| LANDSCAPING <i>Landscaping, Fences & Walls</i> PDC: 4 | 10% minimum | 13.6% Satisfies |
| CARPARKING SPACES <i>Transportation and Access</i> PDC: 34 | 1 carparking space per 4 children equal to 28 carparking spaces required including 1 disabled space and 1 bollarded space | 28 carparking spaces are provided including 1 disabled space and 1 bollarded space Satisfies |

QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development satisfies the quantitative provisions as described above. The following is a discussion on the relevant qualitative Development Plan provisions, as discussed under the following sub headings:

Contamination

Principle of Development Control 13 of Hazards, General Section states:

Development, including land division, should not occur where site contamination has occurred unless the site has been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed use.

The applicant submitted a report from Senversa Pty Ltd that detailed soil management options, see **Attachment 1**. Given that this site currently has a commercial use and is going to a more sensitive land use, there was some soil testing undertaken. Areas of unsuitable fill material were discovered and concentrations of zinc were found that needed to be addressed. A number of management options were presented with a preferred option. The preferred option is 'Consolidation and isolation of soil by on-site containment'. This method is considered acceptable and is included in the recommended conditions of consent should the development be granted.

With the appropriate methods of remediation, this development is considered acceptable on this site.

Land Use and Zoning

Child care centres are specifically referenced within PDC 1 of the Residential Zone and Low Density Policy Area 21:

The following forms of development are envisaged in the zone:

- *small scale non-residential land uses 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 area*
-

The above provision explicitly defines what type of non-residential uses are considered acceptable within the Residential Zone. A child care facility is clearly specified and envisaged. It is worthy of note that a primary school or secondary school is also envisaged, which have a similar if not greater impact on the surrounding locality with children drop off, pick up and noise from students. Primary schools and secondary schools are also generally larger in student numbers and physical area and built form than child care centres. It is not uncommon to find all of the above described uses within a Residential Zone.

Having established that a child care facility is envisaged within a Residential Zone, it is necessary to consider whether this child care facility is 'small scale'.

It is proposed that this child care facility has 112 children, 22 staff, a building of 741m², an outdoor play area of 782m² and 28 carparks on a site of 2459m². According to Figure 3 of the Ekistics report dated as received 26 February 2018, there are 5 childcare centres in the metropolitan area of Adelaide over 116 approved places within the Residential Zone, the largest containing 190 spaces. There are 27 child care centres with 78 to 115 spaces throughout the metropolitan area within the Residential Zone. There are 37 child care centres with 77 spaces or less throughout the metropolitan area.

'Small scale' is subjective and relates to the number of occupants, the activity within and around the building and the size of the built form. While this child care centre appears to be at the upper end of 'scale' in terms of the number of children, this does not preclude it from being acceptable within a Residential Zone given the above examples.

The Environment, Resources and Development Court has previously examined the notion of 'small scale' in respect to child care centres and this was raised in the representation:

- *Land Alliance Pty Ltd v City of Salisbury & Anor [2004] SAERDC 99* where the Court determined that a child care centre for 100 places was larger than many other child care centres within the Residential Zone;
- *Eastern Building Group Pty Ltd v The Barossa Council [2005] SAERDC 26* where it was deemed that a building of 650m² with an elevation of 40 metres (of building) with 29 carparking spaces, a 2.8 metre high wall with a total length of 90 metres with 120 children and 17 staff was not 'small scale'.

Notwithstanding the reference to the cases, it is also important to have context as to how each of these centres related to their surrounding localities.

Hilditch Lawyers, acting on behalf of the applicant advised that:

- The Zone contemplates a High School and clearly this child care facility is less than this in terms of scale.
- It is inappropriate to have regard to limits on shop floor area in terms of child care facility building size.
- Reference is made to *Wilcocks v City of Whyalla & Anor [2009] SAERDC 79*; and *Allbound Pty Ltd v City of Onkaparinga (no. 2) [2009] SAERDC 56* and acknowledges that in explicit terms child care centres are described as small-scale non-residential use.
- Concern is raised that the judgements highlighted by Access Planning were written 13-14 years ago and involved different policies.
- Decision lies ultimately with the relevant authority.
- *"Its [the proposal] scale is typical of a childcare facility in the current regulatory environment."*

A copy of this advice is contained within **Attachment 3**.

Following on from the arguments put forward above, whether a proposed development is considered 'small scale' or not is determined by considering a number of factors. It is noted that there is no quantitative definition for a small scale child care centre within the Development Plan. Rather, Residential Zone PDC 3 outlines three criteria to be considered in the assessment of whether a non-residential development is of an appropriate nature and scale. Residential Zone PDC 3 of the Residential Zone states:

Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:

- (a) serves the local community*
- (b) is consistent with the character of the locality*
- (c) does not detrimentally impact on the amenity of nearby residents.*

The concept of 'small scale' is not limited to a specific number of children, but rather requires consideration of a number of issues relating to the three criteria outlined in Residential Zone PDC 3 and how they relate to the specific Residential Zone and the locality context in which the proposal is located.

In relation to whether the child care centre "*serves the local community*", Appendix 3 of the Ekistics report states that there is a high concentration of 0-4 year old children in this area. Local residents and people working locally in the area (including along the Henley Beach Road precinct and the nearby existing industrial area) will be able to utilise the facility for their children's care. The child care centre will also offer local employment opportunities in terms of child minding and other services required for the development. While some people may use the childcare centre but live or work outside of the locality, to have their children cared for this does not reduce the service offered for local residents. The childcare centre is considered consistent with Residential Zone PDC 3(a).

In relation to whether the childcare centre "*is consistent with the character of the locality*", the locality and specifically the two neighbouring properties to the north and south are not of a standard suburban residential use, being a commercial building and a retirement village (under construction), and the proposed development would not be out of character considering the adjacent existing uses.

It is also noted that the desired character statement for the zone largely relates to residential development. It does however allow for "*Buildings up to 2 storeys in height*". The development achieves this with a single storey built form. In addition to this, it is encouraged that "*Development will be interspersed with landscaping, particularly behind the main 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.*" The development contains 13.6% landscaping around the building that will soften the carpark and provides shading to the western windows (by recessing them inward) and light colours are used to reduce the heat loads of the building. For these reasons, the development is considered to meet Objective 1 of the Low Density Policy Area 21 in terms of the relevant desired character attributes, as described above.

The final factor in consideration of Residential Zone PDC 3 is whether the proposal "*does not detrimentally impact on the amenity of nearby residents*". It is noted that the size and scale of the proposed building is smaller (physically) than what currently exists on the site and therefore it is considered that amenity impacts at the interface are sufficiently addressed as they will have less impact on the adjoining development. Discussion relating to interface and amenity impacts are discussed later in this report, however in light of these considerations, the proposal does not detrimentally impact the amenity of nearby residents.

In summary, the proposal is considered to achieve the intent of the Residential Zone PDC 3.

Built Form

The building is single storey with site coverage of 37.8%. This is around half of the existing site coverage which currently exists on the site. The height of the proposed building, 4.5 metres is considered to be compatible with a residential dwelling and is comparable with existing built form on the site, although the proposed development is sited more centrally on the site which results in a less prominent built form compared with the existing buildings. The floor area of the building is around 4 times larger than a standard dwelling in Residential Zone, however, the building is sited on a large allotment (2459m²) therefore allowing a reasonable curtilage about the building.

The built form is some 5 metres from the boundary shared with residential dwellings. The design is considered reasonable and is similar in distance with the northern store built form being approximately 1.5 metres from the eastern boundary and the bottle shop being 6.7 metres from the eastern boundary. Instead of the area being currently used as informal storage and appearing to have the potential for crime and rubbish, it will be activated (children's play area) and planted with landscaping on the western side of a high fence. This will improve the amenity of the existing interface between Hurtle Court and built form on the subject site.

Interface

Objective 1 of the Interface between Land Uses General section requests that development is located and designed to minimise adverse impact and conflict between land uses. Furthermore, specific interface considerations are listed in Principle of Development Control 1, i.e. noise, hours of operation and traffic. These are discussed below.

Noise

PDC 8 of Interface between Land Uses, General Section is seeking *"noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises"*.

The proposed development lies east and adjacent an arterial road with 23,000 vehicles per day. The current use is commercial with a bottle shop currently in operation 7 days per week. The hours of the proposed development will be fewer and restricted to Monday to Friday. The noise of the current shop is directed west toward Holbrooks Road and consists largely of vehicles arriving and exiting the site. The proposed development is similar in that there will be carers dropping children off to the west of the proposed building and entering a door off Holbrooks Road. There will be additional noise generated by the children in the play areas between the proposed building and primarily the northern area adjacent the building and smaller areas to the east and south of the proposed building. The development includes a higher fence at these locations and landscaping which will assist in mitigating noise impacts. It is not uncommon for schools and child care centres to be located within a Residential Zone. The interface in respect to noise between the centre and the adjacent more sensitive land uses such as dwellings within Hurtle Court are considered to be acceptable.

Hours of operation

The proposed hours of the childcare centre, 6.30am to 6.30pm, are considered to be standard hours for a childcare centre. These hours are similar to the existing bottle shop currently on the site, however, the childcare centre will open and close earlier and will not operate on the weekend. The level of disturbance from the trading hours would be vehicle movement from a secondary arterial road that already has significant volumes of traffic and children playing in the outdoor play areas. The proposed carpark is in a similar location to the existing carpark and is between the childcare building and the dwellings to the rear fronting Hurtle Court. It is not anticipated that a significant degree of disturbance would occur for adjacent residents or businesses in respect to the carpark.

The rear play area is adjacent two dwellings, 5 and 6 Hurtle Court. There is a high solid fence and landscaping between these dwellings and the child care building. It is not anticipated that the degree of noise and type of noise will adversely impact on these residents and therefore the development is consistent with PDC 1 (g) of Interface between Land Uses, General Section.

Traffic and parking

The proposal provides 28 carpark spaces to the front of the site between the front boundary of the site and the building. This meets the Development Plan requirement of 1 space per 4 children. The manoeuvrability and safety of the carpark has also been assessed and deemed to be satisfactory subject to some conditions regarding the restriction of vehicle sizes and times of pick up etc. In addition to this, staff parking has been nominated or conditioned that will ensure less frequent movements adjacent the entrance and exit area of the proposed development in order to reduce potential conflict in this area.

Modifications were made to the crossover that meant that it complies with DPTI's requirements in terms of the relocation of the access further north from the southern boundary and flaring of the crossover.

There are no outstanding concerns with respect to traffic and parking and this is consistent with PDC 1 (h) of Interface between Land Uses, General Section being achieved.

Waste

The development proposes an external waste contractor to collect waste from the site. The applicant has not provided a waste management plan at this stage, however, City Assets have confirmed the ability for waste collection vehicles to manoeuvre within the site in a safe manner. In order for Council to review a Waste Management Plan, a reserved matter is requested of the applicant. This matter would address noise and nuisance on adjoining residents, the manoeuvring area for waste collection, maximum vehicle size, management of bins to prevent odours and the timing of the waste collection.

Stormwater

City Assets have reviewed the Storm Water Management Plan provided by Combe, Pearson, Reynolds Consulting Engineers and determined that the proposed management and disposal of stormwater is considered acceptable. A condition of Development Plan Consent is recommended to ensure the safety of the road and adjacent residents in respect to stormwater management from the subject site.

The development is considered to accord with PDC 6 (e) of Hazards, General Section in not increasing the risk of flooding onto other land.

SUMMARY

The development for the child care centre or pre-school is a desired use within both the Residential Zone and the Low Density Policy Area 21. This development has reasonable setbacks, sufficient carparking, adequate play area, waste management and acoustic consideration in the way of fencing and landscaping. The building presents well to Holbrooks Road in terms of scale, proportion, colour and materials and considering this together with the proposed use, its physical and land use impact will improve the amenity of this locality. Conditions and reserved matters are recommended to meet the requirements of internal and external referrals.

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 30 May 2017 and warrants Development Plan Consent.

Attachments

- 1. Proposal Plans and Details (under separate cover)**
- 2. Representations (under separate cover)**
- 3. Response to Representations and Further Information (under separate cover)**
- 4. Internal referrals (under separate cover)**
- 5. External referrals (under separate cover)**

6.2 7 Durham Avenue, LOCKLEYS

Application No 211/906/2017

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|---|
| DEVELOPMENT PROPOSAL | Combined Application : Torrens Title - To create one (1) additional allotment and construction of two (2) storey semi-detached dwellings |
| APPLICANT | Distinctive Homes Pty Ltd |
| APPLICATION NO | 211/906/17 |
| LODGEMENT DATE | 19 July 2017 |
| ZONE | Residential Zone |
| POLICY AREA | Low Density Policy Area 21 |
| APPLICATION TYPE | Merit |
| PUBLIC NOTIFICATION | Category 1 |
| REFERRALS | Internal <ul style="list-style-type: none"> • City Works - Horticultural Services External <ul style="list-style-type: none"> • Development Assessment Commission • SA Water Corporation |
| DEVELOPMENT PLAN VERSION | 30 May 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council 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, Land Division Consent and Development Approval for Application No. 211/906/2017 by Distinctive Homes Pty Ltd to create one additional allotment and construction of two (2) storey semi-detached dwellings at 7 Durham Avenue, Lockleys (CT 5671/472) for the following reasons:

The proposed development is contrary to the following objectives and principles of development control of the West Torrens Council Development Plan consolidated 30 May 2017:

Residential Zone, Low Density Policy Area 21, Principle of Development Control 3

Reason: The dwellings do not achieve the minimum site area and minimum frontage requirements.

Residential Zone, Principle of Development Control 22:

Reason: The proposed development is not consistent with the existing pattern and scale of allotments in the locality.

BACKGROUND

The development proposal is presented to the Council Assessment Panel (CAP) for the following reasons:

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan;
- All applications where the assessing officer recommends refusal, shall be assessed and determined by the CAP.

PREVIOUS OR RELATED APPLICATION(S)

Nil

SITE AND LOCALITY

The subject land is commonly known as 7 Durham Avenue, Lockleys (allotment 186). The allotment has a frontage of 18.59 metres, depth of 42.67 metres and overall site area of 793m².

The land currently contains a single storey detached dwelling with a number of additions including a garage to the northern side of the dwelling, and verandah and swimming pool to the east of the dwelling.

Vehicle access is currently achieved via a singular crossover on the northern side of the allotment. There are two well established street trees on the Council verge in front of the dwelling.

The locality consists largely of single storey detached dwellings on larger allotments that were developed predominantly around 1950 to 1960. There are a couple of examples of more recent dwellings constructed on smaller allotments where one dwelling has been replaced with two or a dwelling has been built as a result of a corner cut-off.

The land is approximately 100 metres to the east of the River Torrens and 500 metres to the north of Henley Beach Road.

The site and locality are shown on the following maps and aerial imagery:





 School
 Post Office
 Local Reserves
 Development Plan Boundary

PROPOSAL

The application proposes the division of the existing allotment to create two allotments from one. The proposed allotments are:

| Allotment | Allotment Area | Allotment Frontage |
|-----------|-------------------|--------------------|
| 1 | 396m ² | 9.3 metres |
| 2 | 397m ² | 9.3 metres |

The application also includes construction of a pair of two storey semi-detached dwellings (symmetrical) each comprising a double garage, open kitchen, living, meals area and theatre and rear verandah at ground level; and three bedrooms, study, living room and balcony to the front within the first floor plan.

The materials listed are minimal but include brick, render, hardiplank and a 22.5 degree colorbond roof.

Proposed crossovers and driveways for vehicular access are on the outside of the two proposed allotments. One will utilise an existing crossover.

A copy of the application plans are attached as **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 Procedural Matters of the Residential Zone.

REFERRALS

Internal

- City Works - Horticultural Services

The land division was referred given that there were two well established street trees on the Council verge and the land division would necessitate the removal of the southern (or left) tree as per the photo below:



Both trees are *Cinnamomum camphora* (Camphor laurel) and are exempt trees under the Development Act 1993 and Development Regulations 2008. It was agreed that allotment 1 could retain its current crossover and the street tree could remain with an offset to the tree of 1.6 metres.

The other tree in front of allotment 2 was considered acceptable for removal following an assessment of its health, structure, form, useful life expectancy and age. The cost (if required) would be \$1,998.00 and this would need to be paid by the applicant to Council.

- City Assets

Finished floor levels of the proposed dwellings are considered satisfactory.

Driveways and stormwater connections through the road verge need to be located 1 metre from verge infrastructure or typically 2 metres from street trees.

The vehicle manoeuvrability within the development appears unsatisfactory. The western-most single roller doors of the double garage to Res 1 and Res 2 will need to be setback at least 6.5 metres from the front property boundary.

Res 2 would result in the lesser offset distance from the street tree and requires approval from the City Arborist.

City Assets has no issues with the proposal to reuse existing driveway crossover to Res 1.

The stormwater connection through the road verge is to be constructed of shape and material to satisfy Council's standard requirements and located 1.0 metre away from driveways and 2.0 minimum from existing street trees and nominated on the plan:

- 100 x 50 x 2mm RHS Galvanised Steel or
- 125 x 74 x 2mm RHS Galvanised Steel or
- Multiples of the above.

Internal referral reports are included as **Attachment 2**.

External

Pursuant to Section 38 of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*, the application was referred to:

- Development Assessment Commission (DAC);
- SA Water Corporation.

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

The relevant reports are attached as **Attachment 3**.

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> | | |
|-------------------------------------|-----------------------------------|----------------------|
| Infrastructure | Objectives | 3 |
| | Principles of Development Control | 1, 5 |
| Land Division | Objectives | 1, 2, 3, 4 |
| | Principles of Development Control | 1, 2, 4, 5, 6, 8, 12 |
| Orderly and Sustainable Development | Objectives | 1, 2, 3, 4, 5 |
| | Principles of Development Control | 1, 3, 5, 6 |
| Residential Development | Objectives | 1, 2, 3, 4, 5 |
| | Principles of Development Control | 1, 3 |

| Zone: Residential | |
|--|---------|
| <i>Desired Character Statement:</i> | |
| <p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> | |
| Objectives | 2, 3, 4 |
| Principles of Development Control | 5, 22 |

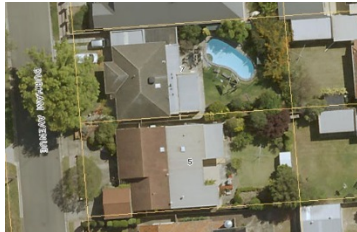
| Policy Area: 21 - Low Density | |
|--|------|
| <i>Desired Character Statement:</i> | |
| <p><i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p> | |
| Objectives | 1 |
| Principles of Development Control | 2, 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 |
|--|--|---|
| ALLOTMENT AND SITE AREA (DWELLINGS) Residential Zone Low Density Policy Area 21 PDC 3 | 420m ² minimum | Allotment 1 - 396m ² Allotment 2 - 397m ² Does Not Satisfy Allotment 1 by 5.7% Allotment 2 by 5.5% |
| ALLOTMENT FRONTAGE (DWELLINGS) Residential Zone Low Density Policy Area 21 PDC 3 | 12 metre minimum | Allotment 1 - 9.3 metres Allotment 2 - 9.3 metres Does Not Satisfy Allotment 1 by 22.5% Allotment 2 by 22.5% |
| BUILDING HEIGHT Residential Zone PDC 6 | Maximum 2 storeys Maximum vertical side wall height 6 metres (measured from natural ground level) | Proposed dwellings: 2 storeys Satisfies 5.7 metres Satisfies |
| STREET SETBACK Residential Zone PDC 11 | The same setback as one of the adjacent buildings | 5 Durham Avenue = 5 metres 9 Durham Avenue = 5 metres Proposed dwellings: 6 metres Satisfies |

| | | |
|--|--|---|
| <p>SIDE SETBACK Residential Zone PDC 11</p> | <p>Dwellings and buildings containing dwellings should be setback from the side and rear boundaries in accordance with the following table:</p> <p>Side boundary setback where the vertical side wall is 3 metres or less in height - minimum value 1 metre</p> <p>Side boundary setback where the vertical side wall measures between 3 to 6 metres in height - minimum 2 metres.</p> | <p><u>Single storey</u></p> <p>1 metre (outside) nil (common boundary - inside)</p> <p>Does not satisfy</p> <p><u>Second storey</u></p> <p>2.66 metres (outside) nil (common boundary - inside)</p> <p>Does not Satisfy</p> |
| <p>REAR SETBACK Residential Zone PDC 11</p> | <p>3 metre minimum for the single storey component</p> <p>8 metre minimum for the two or more storey components of a building</p> | <p>12.4 metres to alfresco 15.2 metres to single storey and two storey components of the dwelling</p> <p>Satisfies</p> |
| <p>PRIVATE OPEN SPACE Residential Development PDC 19</p> | <p>300-500m² allotments</p> <p>60m² minimum with a minimum dimension of 4 metres</p> | <p>145m² with a minimum dimension of 9.3 metres</p> <p>Satisfies</p> |
| <p>LANDSCAPING Landscaping, Fences and Walls PDC 4</p> | <p>Minimum 10% of the site</p> | <p>32.5%</p> <p>Satisfies</p> |
| <p>CARPARKING SPACES Transportation and Access PDC 34</p> | <p>At least 2 spaces per dwelling, one of which is covered</p> | <p>2 undercover and 1 visitor space for each dwelling</p> <p>Satisfies</p> |

| | | |
|--|---|--|
| <p>OVERSHADOWING Residential Development PDC 12</p> | <p>Development should ensure that ground-level open space of existing buildings receive direct sunlight for a minimum of two hours between 9.00am and 3.00pm on 21 June to at least the smaller of the following:</p> <p>a) half of the existing ground level open space b) 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</p> | <p>The applicant has not provided an overshadowing diagram, however, in reviewing the allotment to the south at 5 Durham Avenue and the proposed footprint of the dwellings, it is evident that there will be sufficient available sunlight to the ground-level open space that achieves the minimum dimensions.</p>  <p>Satisfies</p> |
| <p>DOMESTIC STORAGE Residential Development PDC 31</p> | <p>minimum 8m³</p> | <p>2.8m³ (under stairs)</p> <p>Does not Satisfy</p> |

QUALITATIVE ASSESSMENT

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

Allotment Area and Frontage

The proposed division falls short of both the quantitative land division area and frontage requirements and dwelling area and frontage requirements (PDC 3) of the Development Plan. The division has a more significant shortfall (percentage terms) in allotment frontage than allotment area. The allotment frontages are only 9.3 metres and should be 12 metres in order to meet the quantitative provision of the Development Plan.

There are four (4) dwellings, outside of what is considered to be the locality, along Fulham Park Drive that have frontages of around 9.5 metres and site areas of around 389m². These are not considered to form part of what is the 'consistent allotment pattern' but rather inconsistent allotment pattern or different to the majority of allotments.

The proposed division is not considered consistent with the locality and therefore contrary to the quantitative and qualitative provisions regarding land division being in keeping with the predominant locality.

Character

The Desired Character Statement for Policy Area 21 of the Development Plan specifically mentions that:

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.

The character of the above area is defined by wide tree-lined streets with single storey detached dwellings on large allotments. The dwellings are generally single storey with generous front setbacks and curtilage around the dwelling. The locality is very similar to the area described within the Desired Character Statement such that the allotment sizes are generally greater than 700m² with only a few allotments that are 380m². These allotments however have frontages of around 20 metres and appear to be the result of corner cut-off developments.

In addition to this, the proposed development has a built form, ie two storey semi-detached dwellings that has a bulk not consistent with the character of the built form as described above. The symmetrical design, the comparatively large roof mass and minimal side setbacks deem the development at odds with the existing built form in the locality.

Semi-detached dwellings

To assist in determining the suitability of the land division, the applicant has chosen to include the land use component as part of the application. Overall, many of the quantitative provisions are satisfied when reviewing the siting of the dwellings. The two areas that were not satisfied are discussed further below.

Side setback

The proposed development has a minor departure from the side setback requirement of PDC 11 of the Residential Zone. The two storey walls of both dwellings adjacent the common boundary do not achieve the required two metre setback. The two dwellings will achieve a setback of 990mm to the common boundary. Given this is an internal wall and is not impacting on other existing dwellings in the locality, this is considered to be of little consequence other than where they are joined at the front section of the dwelling.

Domestic storage

The development has minimal domestic storage nominated, therefore does not achieve the desired storage amount of 8m³ (PDC 31 of Residential Development). However, there appears to be space within the garages, a kitchen pantry and space in the rear yard should the occupants wish to have a small shed.

The dwellings provide sufficient opportunity for storage.

Additional information

There are areas of the proposal that require amendments should the CAP be of the mind to grant planning consent:

- An improved landscaping plan. The current plan demonstrates minimal landscaping and could be improved in terms of species and areas nominated to be landscaped;
- A site plan and landscaping plan that contain a correct north point. North is demonstrated in the wrong direction;
- A more detailed description of the materials and colours of the dwellings;
- Measurements detailing window heights and treatments;

- Compliance with City Asset's advice in respect to manoeuvring, including alteration to the garage setbacks.

It was not considered necessary to seek this information and provide additional expense to the applicant given the recommendation is for refusal.

SUMMARY

The proposal falls short of the quantitative provisions of the allotment and site areas for this policy area. There is a strong established character in this locality, as described within the desired character statement and the retention of large allotment sizes and frontages is an important characteristic. This development is contrary to this desired character. In addition to this, whilst the proposed dwellings meet most of the quantitative provisions, it is bulky and would appear dominant in a street that is largely developed with single storey detached dwellings.

Should the CAP wish to consider granting consent to this development, it is suggested that the application is deferred and the following information is sought:

- an improved landscaping plan;
- a site plan and landscaping plan that contain a correct north point;
- a more detailed description of the materials and colours of the dwellings;
- measurements detailing window heights; and
- compliance with City Asset's advice in respect to manoeuvring.

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 Council Development Plan Consolidated 30 May 2017 and does not warrant Development Plan Consent or Land Division Consent or Development Approval.

Attachments

- 1. Planning report and proposed plans**
- 2. Internal referrals**
- 3. External referrals**

65154-1

24 November 2017

Ms Hannah Bateman
Manager City Development (Acting)
City of West Torrens
165 Sir Donald Bradman Drive
Hillton SA 5033

Dear Hannah

APPLICATION FOR COMBINED LAND USE AND LAND DIVISION APPLICATION AT 7 DURHAM AVENUE LOCKLEYS DA-211/906/2017

Fyfe has been engaged by the applicant Distinctive Homes in the matter described above, to provide planning advice and assistance. This statement has been prepared following our detailed review of the proposal plans prepared by Distinctive Homes (Enclosure A) and Plan of division prepared by Fyfe Surveying (Enclosure B).

Application 211/906/2017 was lodged on the 19 July 2017 for land division, since lodgement Council have provided feedback in the form of an email dated 23 August 2017 outlining several shortcomings that made it difficult for Council Planning Staff to support.

The client following receipt of this feedback has since considered their options and elected to progress the land use proposal, to expand on the indicative built form outcome previously provided with a formal land use application, to support the land division and provide assurance to Council.

Below we provide a description of the proposal, its site and locality, and a brief appraisal of the proposal's planning merits.

On behalf of the applicant, we enclose an updated development application comprising:

- Updated Plan of Division; and
- Proposal plans and elevations.

Proposal

The proposal involves the combined construction of a two storey building comprising two dwellings and an associated Torrens Title land division.

The existing dwelling, garage, verandah and swimming pool will be demolished, as part of a separate application.

In accordance with the land division, each allotment is proposed to have a frontage to Durham Avenue of 9.29m and the dwellings will exclusively occupy a site of some 397m². The dwellings will be erected side by side, and joined together by a party wall forming a single building. The dwellings fall within the definition of 'semi-detached dwellings' accordingly.

**FYFE**

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Level 1, 124 South Terrace
Adelaide SA 5000

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Adelaide SA 5001
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Facsimile 61 8 8201 9650
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ABN 57 008 116 130

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Internally the dwellings mirror each other and comprise living areas, three bedrooms (main with ensuite), rear yard and typical wet areas. Each Dwelling includes a double garage and one visitor car parking space on site.

Externally the building exhibits a contemporary pitched roof form, with a primary focus on contributing positively to the streetscape through high levels of articulation and glazing combined with a variety of external materials, finishes and landscaping.

The proposal includes removal of various small to mid-sized trees and vegetation within the site. To facilitate access to the southern allotment the removal of the adjacent street tree within the verge is requested.

Subject Land and Locality

The subject land comprises one allotment known as 7 Durham Avenue, Lockleys held in Certificate of Title 5671/472.

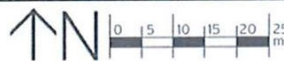
The land has a 18.59m frontage to Durham Avenue, a side boundary depth of 42.67m and a total area of 793.23m². The land contains a modest single storey conventional hipped roof dwelling. The land is relatively flat. An aerial view of the site and a streetscape photograph are presented in Figures 1 and 2 below.

Detached dwellings make up the predominant type of dwelling in the locality, with semi-detached dwellings adding variety to the housing stock in select locations, most notably east of the subject land at 41 Fulham Park Drive Lockleys and south of the subject land at 3 Arcoona Avenue.

Figure 1: Subject Site



 SUBJECT SITE



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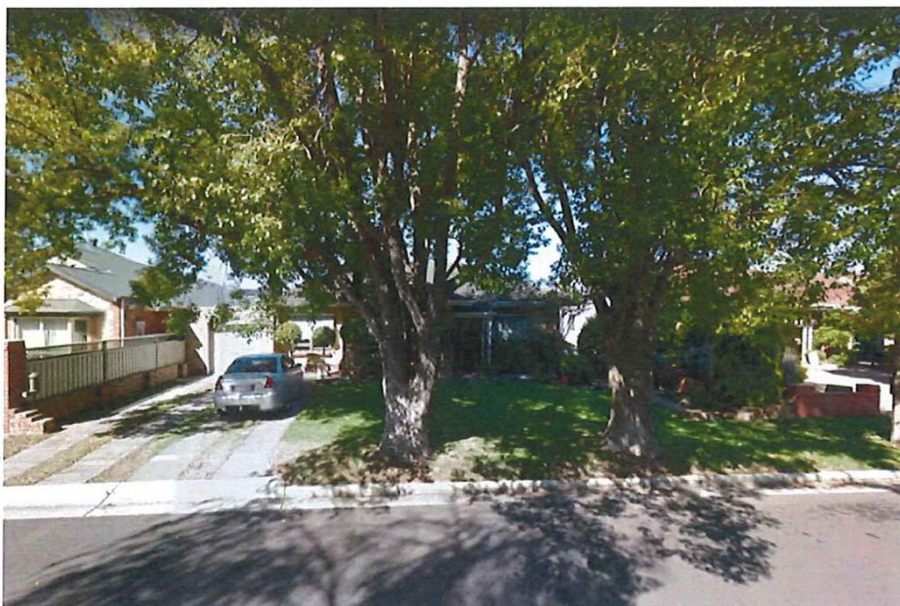


The predominant dwelling style is not easily defined within this portion of Durham Avenue where a variety of single storey conventional hipped and gable dwellings, and contemporary dwellings of a larger scale (occasionally two storeys) contribute to a mixed character.

The established street plantings and vegetation forward of buildings provides a natural setting, contributing to the pleasant streetscape and amenity of the locality.

Infill development has proliferated through the locality in select locations and takes advantage of the areas proximity to services within the neighbourhood centre zone, public open space via the adjacent River Torrens linear park (part of the MOSS) and high frequency public transport servicing Henley Beach Road.

Figure 2: View of Frontage



Procedural Considerations

The subject land is located within the Low Density Residential Policy Area 21 in the Residential Zone of the West Torrens Council Development Plan (Consolidated 30 May 2017), as demonstrated by Figure 3 below. The West Torrens Council is assigned the Relevant Authority accordingly.

The nature of the proposal can be described as a combined application involving the construction of a new building comprising two semi-detached dwellings including garages and alfresco areas and an associated land division.

The components described above are not individually designated complying or non-complying under the Procedural Matters section of the Residential Zone, and therefore the application should be assessed on merit.

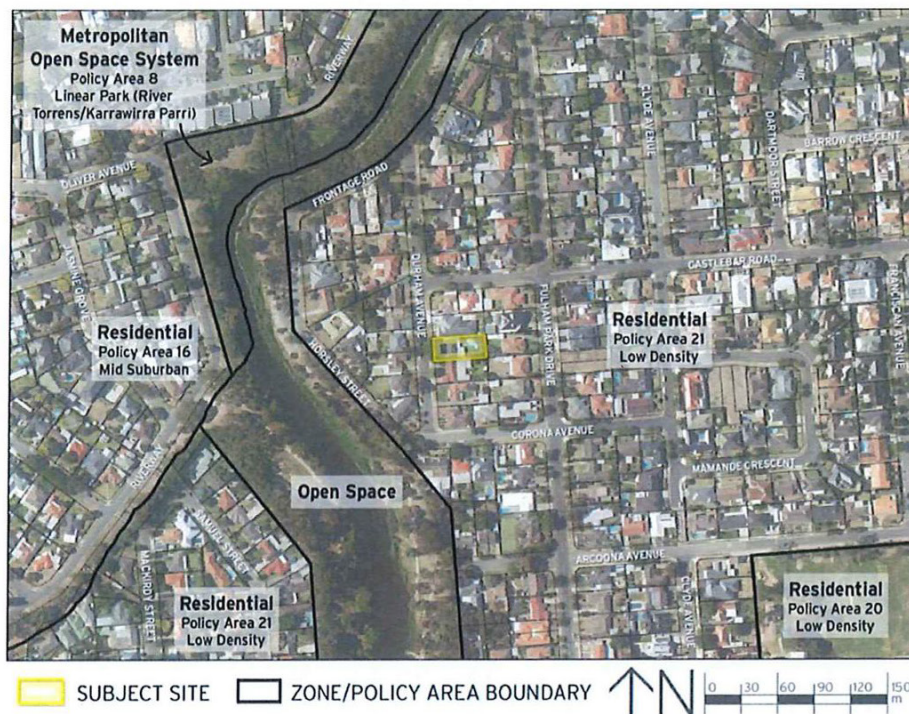
Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*, which assign development to Category 1 or Category 2 for the purposes of Public Notification. In relation to the proposed 'dwellings' and 'land Division', the development should be assigned Category 1 under this Schedule.



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Figure 3: Policy Area and Zone Context



Planning Merits

Having reviewed the Development Plan, in our view the main planning considerations involve five key policy considerations including land use, density, dwelling type, key design outcomes and character.

We note that all sections and all relevant provisions within each section of the Development Plan have been considered in relation to the development proposal. So as to demonstrate consistency with the approach outlined in the matter of *CITY OF MITCHAM v FRECKMAN & ORS* No. SCGRG-98-1399 Judgment No. S234 [1999] SASC 234 (20 July 1999), where the full court determined the following:

"...where the Development Plan neither permits nor prohibits a particular development, the task of the planning authority is to weigh up the "pros" and "cons" with due regard to the guidance afforded by such of the general planning precepts and policies in the Plan as may be relevant. But to suppose that the "pros" and "cons" are in watertight compartments, or that they do not overlap, is to ignore the complexity of the subject matter and the competing elements which have to be weighed in deciding where the planning balance lies."

In determining this balance we provide the following assessment:

Land Use

The proposal seeks to construct two dwellings and create two allotments to be held exclusively with each dwelling. Both dwellings will be used solely for residential purposes and this is considered an appropriate outcome in a residential zone as anticipated by Residential Zone Objective 1:



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Objective 1 *A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.*

This is further reinforced by the following Residential Zone Desired Character statement excerpt:

This zone will contain predominantly residential development.

The proposal clearly satisfies the Development Plan provisions with respect to land use considerations.

Density

A critical consideration for this development relates to the density outcome. Within the residential areas of West Torrens there is a general preference to increase housing diversity through the systematic delivery of additional housing types, sizes and quantities. This is emphasised by Residential Zone Objective 2:

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

As the above Objective suggests this outcome is reliant on the appropriate supply of land, in this instance in very low, low and medium densities. In the case of the subject site it sits within the Low Density Policy Area 21, with the Desired Character statement opening with the following commentary:

This policy area will have a low density character.

This implies that land within Policy Area 21 should only be supplied where it retains a low density character. For guidance when defining residential densities, the Understanding Residential Densities Handbook (2006) released by the South Australian Government defines density in the terms referenced below in table 1:

Table 1: Residential Net Density Guidelines

| | Approx Net Density |
|------------------|---------------------------|
| Very Low Density | Less than 17 dw/ha |
| Low Density | 17-33 dw/ha |
| Medium Density | 34-67 dw/ha |
| High Density | Greater than 67dw/ha |

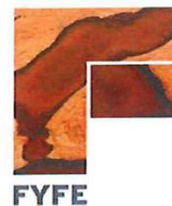
As information regarding the existing density of the Lockleys local area is limited, we have undertaken an investigation to provide a better understanding of the current density, using a Statistical Area level 1 (SA1) analysis.

The SA1 (4110622) was selected on the basis that it best represented an expanded locality with respect to the subject site. The SA1 boundary in relation to the subject site is depicted below in Figure 4. The SA1 has a total residential land area of some 137,238m².

The findings, depicted in Table 2 below, reveal that the SA1 has an existing net density of 13.48 dw/ha, with the proposed land division measured, at an individual site level, as having a net density of 25.22 dw/ha.

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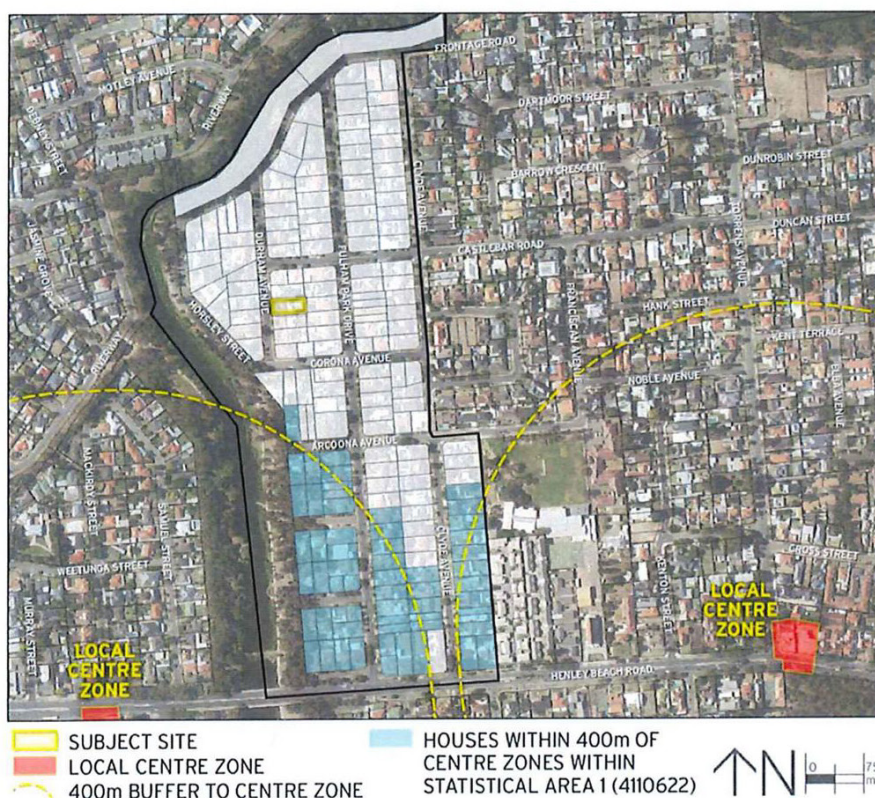


**Table 2: Residential Net Density Guidelines**

| | Approx Net Density |
|------------------------|--------------------|
| SA1 – Lockleys | 13.48 dw/ha |
| Proposed Land Division | 25.22 dw/ha |

This reveals two critical findings, the existing density is well below the low density threshold envisaged for the zone and the proposed density of the application is comfortably within the expectations of the low density range that can reach up to 33 dw/ha.

Within the SA1 the capacity to absorb density increases has also been examined. This has revealed that if all the existing allotments within the 400m of a Local Centre Zone on Henley Beach Road (depicted by Figure 4) were to be divided (1 into 2 at a minimum), then the SA1 projected density would still only be measured at 16.75 dwellings per hectare, inside the very low density threshold of 17dw/ha.

Figure 4: Allotments within 400m of a Centre Zone

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This suggests that that there is a disparity between the Policy Area aspirations and the principles that are meant to support it, but more importantly it suggests that after all allotments that are arbitrarily eligible on account of their proximity to a Centre Zone have been divided, there would still be scope for an additional 16.25 dwellings per hectare within the SA1, before the SA1 would surpass the low density classification.

Therefore within the Policy Area, additional infill development can be absorbed (outside the preferred locations – 400m within a centre zone), whilst still achieving the aspirational objectives that seek to retain the Policy Area as a low density residential locality.

If the Policy Area has the in principle capacity to absorb increased density as demonstrated above, than the locational advantages of the subject site are important to consider, particularly where the site may otherwise be ignored for sensitive infill development. Figure 5 below demonstrates how well the subject site is positioned to support additional density increases.

This site is within 100m of the Linear Park, 500m of a bus route (Considered a high frequency service with connections to the city or the beach) and just over 500m from the Henley Beach Road Neighbourhood Centre.

We note in this regard, the Updated 30 Year plan for Adelaide promotes sensitive infill development that capitalises on locational advantage. In particular, key locational advantages include close proximity to public open space, high frequency public transport and local services. All three attributes the subject site exhibits.

Figure 5 – Location Context



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The timing of the recent policy changes that have stymied infill development in the Policy Area (roughly 2014) are unfortunate and demonstrate a clear disharmony with the broader aspirations of the Updated 30 Year Plan (published 2017). Inflexibility in the interpretation of the Development Plan policy has real and damaging impacts on the targets of the 30 Year Plan that suggest over 80% of new housing within the Greater Metropolitan Region will come from infill development.

Based on the density outcomes alone the proposal to divide the land from one allotment into two appears to display sufficient merit in the context of the Policy Area aspirations with respect to density. When considered more broadly the allotment portrays the hallmarks of a site suited to sensitive infill development, when considered against the benchmarks for such development as presented in the Updated 30 Year Plan.

This outcome supports the following Residential Zone policies:

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

and this, from the Residential Zone Desired Character Statement:

Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone.

This is further reinforced by Principle 3 of the Council-wide Residential Development section:

PDC 3 Residential allotments should be of varying sizes to encourage housing diversity

Dwelling Type

A semi-detached dwelling within the Low Density Policy Area 21 is a contemplated form of development and should have a minimum site area and frontage according to the figures reproduced in Table 3 below.

Table 3: Site area and frontage requirements (located more than 400m from a centre zone)

| Dwelling type | Site Area (square metres) | Minimum frontage (metres) |
|---------------|---------------------------|---------------------------|
| Semi-detached | 420 minimum | 12 |

It is noted in accordance with table 4 that the proposed allotments fall marginally short of the site area minimum by 23m² or -6.8%. In addition the frontages are also considered to display a shortfall of 2.71 metres or -22.6%.

Table 4: Proposed site area and frontage minimums

| Dwelling type | Site Area (square metres) | Frontage (metres) |
|---------------|---------------------------|-------------------|
| Dwelling 1 | 396 | 9.29 |
| Dwelling 2 | 397 | 9.3 |



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In a quantitative sense this may initially appear excessive, however to plainly dismiss the application on a quantitative shortfall is to simplify the full extent of considerations, as Judge Kourakis in the matter of *AG BUILDING & DEVELOPMENTS PTY LTD v CITY OF HOLDFAST BAY AND ANOR (NO 2)* [2009] SASC 310 (30 September 2009) states:

'it does not follow that because some minimum quantitative standards or guidelines are not met, the proposal must be rejected'.

We suggest that further consideration should be given to the dispensation afforded to the same dwelling type when located within 400m of a centre zone. Table 5 reveals that based on this locational advantage a -17.7% reduction in site area and a -25% reduction in the frontage width minimums are afforded.

Table 5: Site area and frontage minimums (located within 400m of a centre zone)

| Dwelling type | Site Area (square metres) | Minimum frontage (metres) |
|---------------|---------------------------|---------------------------|
| Detached | 350 minimum | 9 |
| Semi-detached | 350 minimum | 9 |

When considering the site is only marginally outside 400m of a centre zone, the necessity to apply a reduced site area and frontage minimum to other sites and not the subject appears arbitrary. Importantly it fails to capture and unfairly restricts this site, which exhibits as discussed above, compelling locational advantages including convenient access to public open space and high frequency public transport.

We would implore Council to apply a degree of flexibility in the assessment of this application based on the locational advantages and consider applying a more liberal site area and frontage minimum, which demonstrates a partial alignment with what is arbitrarily afforded to sites located within 400m of a centre zone.

This outcome is supported by the following policies:

Residential Zone Objective 1:

Objective 1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.

Council-wide Residential Development Objective 2:

Objective 2 An increased mix in the range and number of dwelling types available within urban boundaries to cater for changing demographics, particularly smaller household sizes. . .

Policy Area 21 distinctly lacks a housing variety that would support the above outcomes, with a majority of existing housing stock consisting of detached dwellings of varying degrees of quality.

Further, relevant case law has pointed out that The Development Plan is a guide and its provisions are not mandatory: *YUILE & ANOR v THE CITY OF UNLEY & ANOR* [2009] SAERDC 55 (22 July 2009).



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In addition, there will be times when there is good planning reason to depart from the policy articulated in the Development Plan, perhaps because the relevant part of the zone does not have the characteristics attributed to the zone generally or because the achievement of the objective for the zone in the relevant part of it is not presently or likely to be possible, or for some other reason: ST ANN'S COLLEGE INC. V THE CORPORATION OF THE CITY OF ADELAIDE AND RENTON [1999] SASC 479.

We would suggest that in this context, given the objectives of the Zone and Council-wide sections more broadly promoting housing diversity and the fact that semi-detached dwellings are clearly contemplated in the Policy Area, the site is considered to appropriately support the proposed semi-detached outcome with an appropriate design outcome (discussed below), despite displaying marginal shortfalls based on a prescriptive application of the Policy Area provisions.

Key Design Outcomes (Quantitative)

The proposal's performance against the primary quantitative criteria of the Development Plan is presented in Table 1:

Table 6: Quantitative Criteria Assessment

| Attribute | Development Plan | Proposal (D1 & D2) | Assessment |
|-----------------------------------|--|----------------------------|------------|
| Front Setback | 4m | 6m | ✓ |
| Single Storey Side setback | 1m | 1.096m | ✓ |
| Upper Storey Side Setback | 2m (for wall height between 3-6 metres) | 2.656m | ✓ |
| Single Storey Rear setback | 3m | 12.37m | ✓ |
| Upper Storey Rear setback | 8m | 15.37m | ✓ |
| Maximum number of Storeys | 2 Storeys (above natural ground level) | 2 | ✓ |
| Maximum Vertical Side Wall Height | 6m (measured above natural ground level) | 6m | ✓ |
| Total POS | 60m ² | 115m ² | ✓ |
| Car Parking | 2 (one of which is covered) | 3 (2 of which are covered) | ✓ |

As demonstrated by the assessment column in Table 1 the proposal meets or exceeds all of the minimum quantitative requirements for residential development.



With all aspects of the design carefully considered and appropriate design solutions initiated the proposal can be considered to represent sensitive infill development, which has had regard to the relevant policy and the context of the locality.

Character (Qualitative)

The Zone's Desired Character seeks the replacement of detached dwellings with the same (or buildings in the form of detached dwellings) and denser allotment patterns and some alternative dwelling types on allotments that exhibit locational advantages.

In addition, the locality is identified to exhibit a consistent allotment pattern that should be reinforced. Buildings will be up to 2 storeys in height, with garages and carports located behind the front façade of buildings.

The locality is identified as one where new buildings must be integrated sensitively to ensure design features integrate sensitively, in particular roof pitch, eaves and variation in texture of building materials.

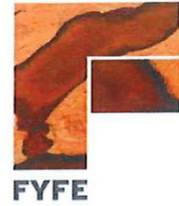
Further, development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians and to provide an appropriate transition between the public and private realm.

The proposal substantially contributes to the desired character of the Zone in respect to the above as:

- The proposal will replace an aged and tired detached dwelling with a building that has been designed to form in a visual sense the appearance of a single double storey detached dwelling. This has been largely achieved through the contiguous roof form and symmetrical façade features, which centralise the bulk of the building, helping to achieve spacious setbacks to the side and rear;
- The predominant form of land division in the locality is deep rectangular allotments with individual street frontage as depicted by Figure 6. The proposed allotments reinforce this character;
- The visual effect of garaging and driveway areas has been minimised, with all garages stepped back behind the main façade, and a consolidated driveway area tapered to allow for additional landscaping forward of the building line;
- Spacious setbacks are provided and the proposed dwellings are well spaced from side and rear boundaries, ensuring the scale and massing of the buildings is compatible with the scale and mass of surrounding dwellings;
- The design and appearance of the Dwellings is supported. The Dwellings feature pitched roofs and eaves compatible with adjoining development, in addition to the use of fine-grained, residential materials in brick, with some render and with significant glazing to the street. Breaks in wall and roof lines, and projecting elements (porch and balcony), create depth and interest. Vertical and horizontal elements on the façade are well managed, and as such, no part of the façade appears too wide, too high, too bulky or too plain. The front entrance is readily identifiable. The rear walls of the dwellings are successfully broken-up with glazing, whilst the rear alfrescoes provide a single storey form at the rear of the



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dwelling. The upper storey side walls exhibit a recessive appearance and would not be readily visible from the street given the land to the north is developed with a large and bulky dwelling, and to the south the gable roof of the adjoining dwelling is likely to provide similar screening.

- Ample landscaping opportunity is provided throughout the site. *Alyogyne Huegelii* trees are proposed to front yard, and will grow up to 2-3m high (comparable to the single storey wall height of the proposed dwellings). The proposed tree plantings will balance and soften the built form. Shrubs, ground covers and grass are also proposed, including along both sides of the driveways, ensuring the development provides a highly landscaped appearance. The proposal will also benefit from the 'borrowed landscape', with mature vegetation already present within the street, ensuring this development will take a landscaped appearance from its inception.

Figure 6 – Deposited Land Divisions in the Locality



Summary

For the above reasons, the proposal is considered to be a suitable development of the subject land, which substantially complies with the broader aspirations of the relevant provisions as detailed above.

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In particular, we highlight that the proposal successfully contributes to the aspirations of the Zone as a low density area, which seeks an appropriate uplift in the number and types of dwellings in appropriate locations.

We trust that the information supplied will enable Council to undertake an assessment of the proposed application.

Please do not hesitate to contact the undersigned on 8201 9643 should you require further information or clarification regarding anything raised above.

Yours sincerely

JAMES SZABO
PLANNING CONSULTANT

enc: A - Updated Plan Of Division
B - Proposal Plans

cc: Distinctive Homes

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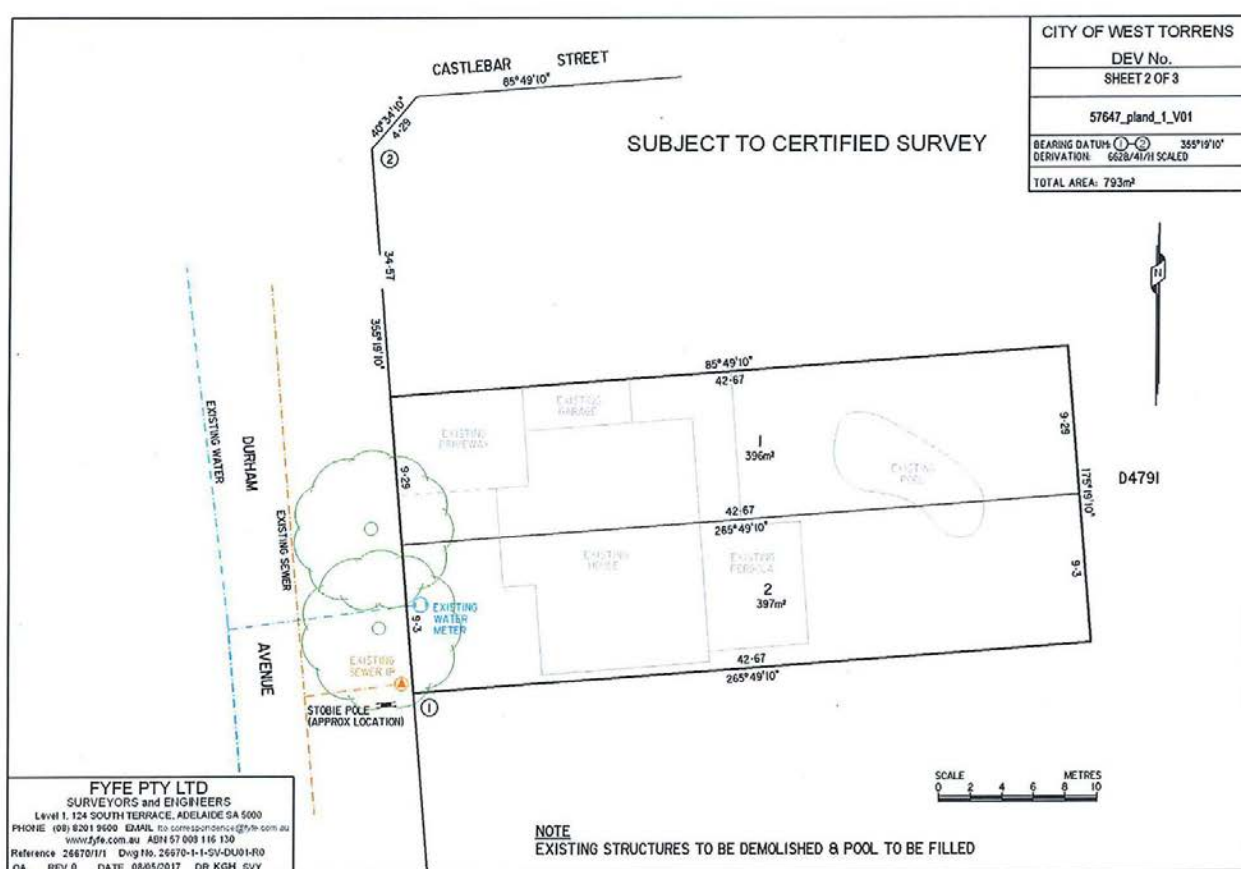
65154 - PLANNING STATEMENT (FINAL)



APPENDIX A

UPDATED PLAN OF DIVISION

| | | | | | | | | | | |
|------------------------|--|-----------------|-----------------------------|------------------------|-----------------------------------|--------------|--------|-------------------------|----------|------------------|
| PURPOSE: | DIVISION | AREA NAME: | LOCKLEYS | APPROVED: | SHEET 1 OF 3 57647_text_01_v01 | | | | | |
| MAP REF: | 6628/41/H | COUNCIL: | CITY OF WEST TORRENS | DEPOSITED/FILED: | | | | | | |
| LAST PLAN: | | DEVELOPMENT NO: | | | | | | | | |
| AGENT DETAILS: | FYFE PTY LTD LEVEL 1, 124 SOUTH TERRACE ADELAIDE SA 5000 PH: 82019600 FAX: ALRF | | SURVEYORS CERTIFICATION: | | | | | | | |
| AGENT CODE: | 26670/1/1 DU1-R0 | | | | | | | | | |
| REFERENCE: | | | | | | | | | | |
| SUBJECT TITLE DETAILS: | | | | | | | | | | |
| PREFIX | VOLUME | FOLIO | OTHER | PARCEL ALLOTMENT(S) | NUMBER | PLAN | NUMBER | HUNDRED / IA / DIVISION | TOWN | REFERENCE NUMBER |
| CT | 5671 | 472 | | | 186 | D | 4791 | ADELAIDE | | |
| OTHER TITLES AFFECTED: | | | | | | | | | | |
| EASEMENT DETAILS: | | | | | | | | | | |
| STATUS | LAND BURDENED | FORM | CATEGORY | IDENTIFIER | PURPOSE | IN FAVOUR OF | | | CREATION | |
| ANNOTATIONS: | | | | | | | | | | |

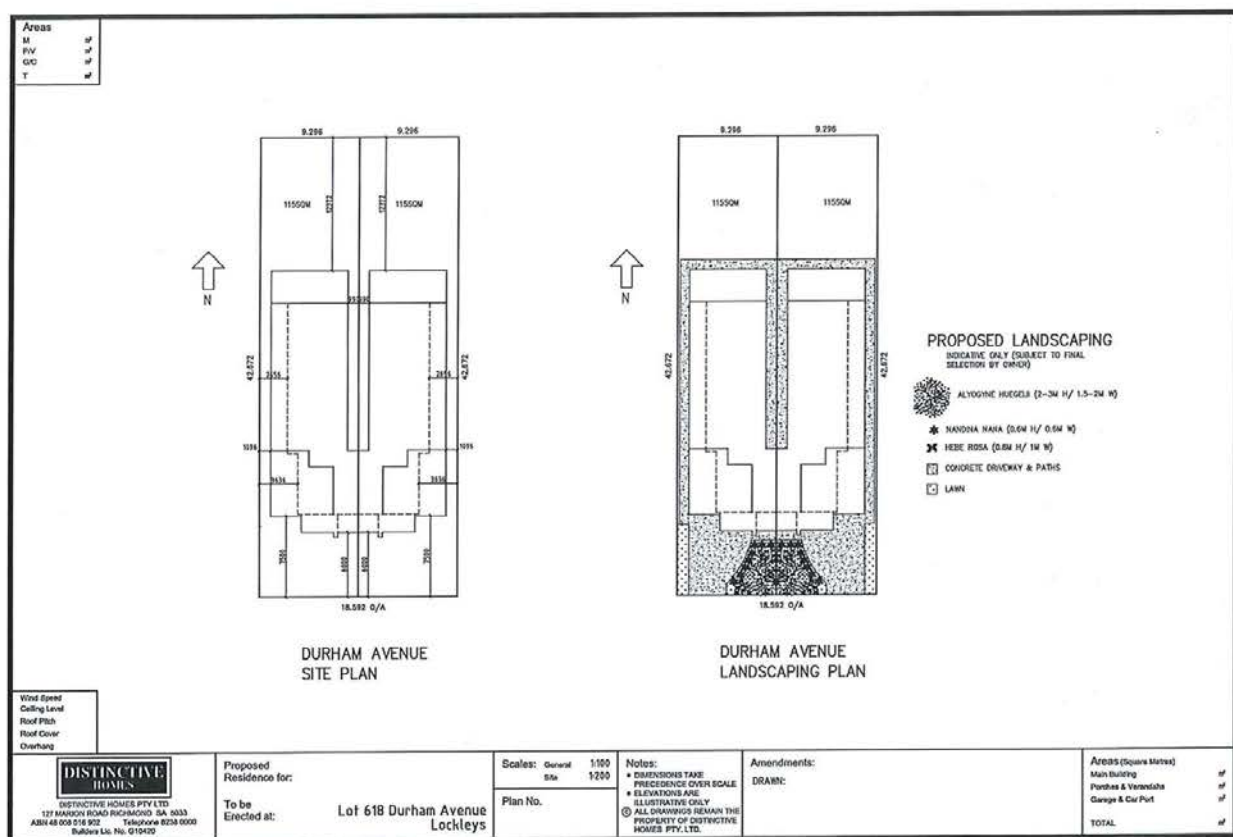


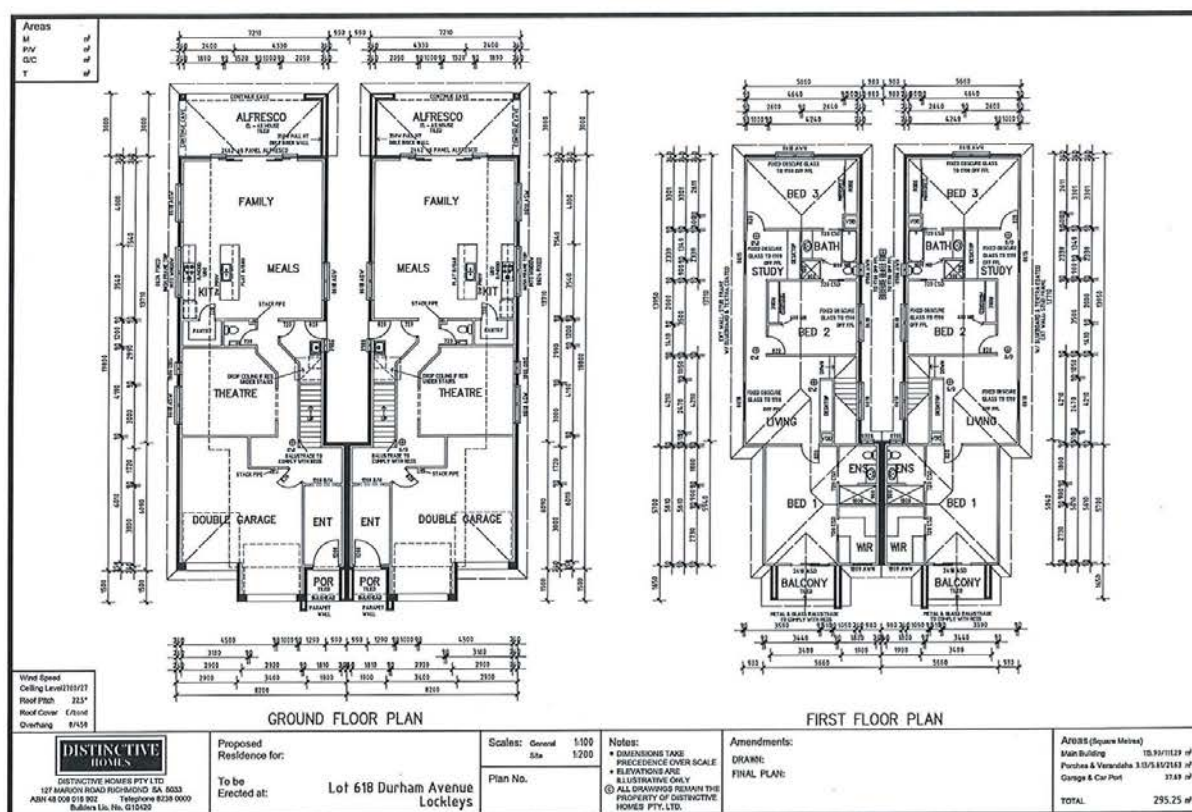
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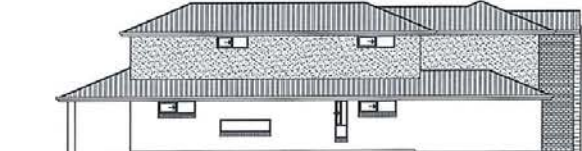



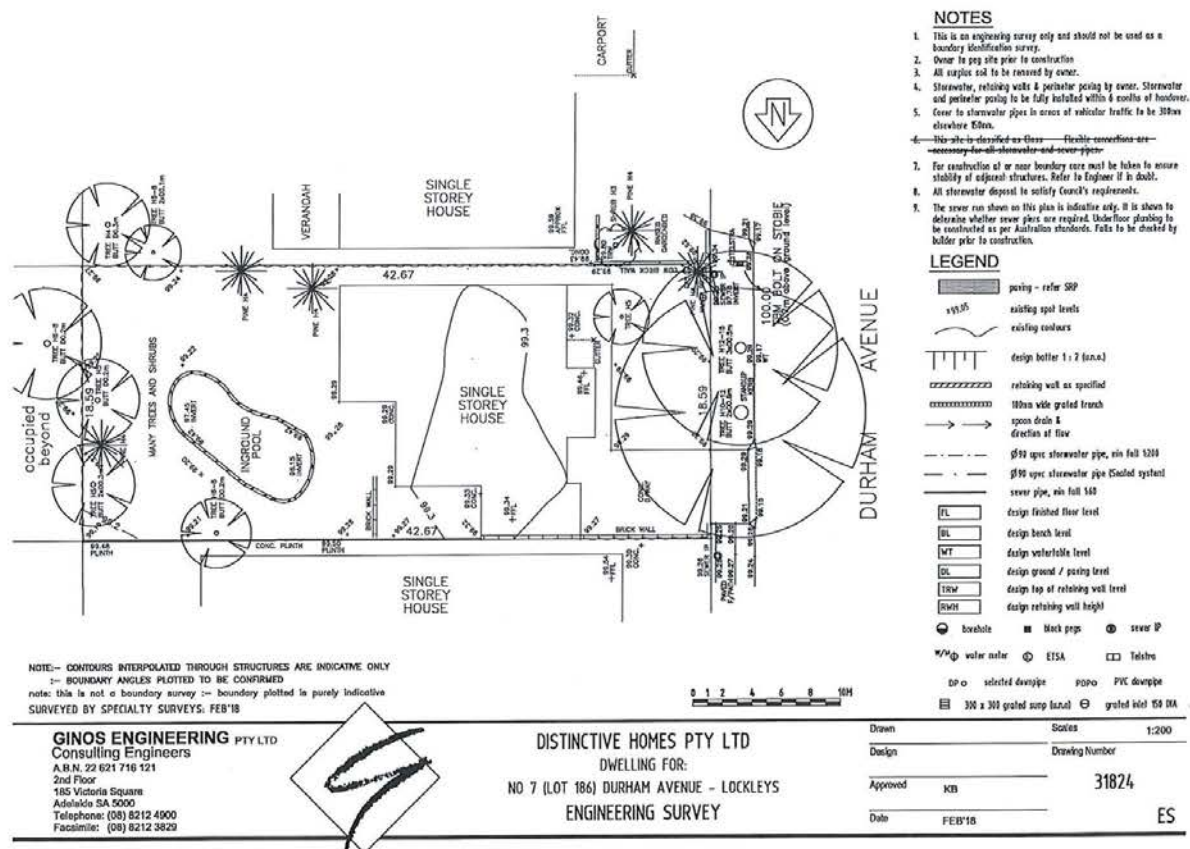
APPENDIX B

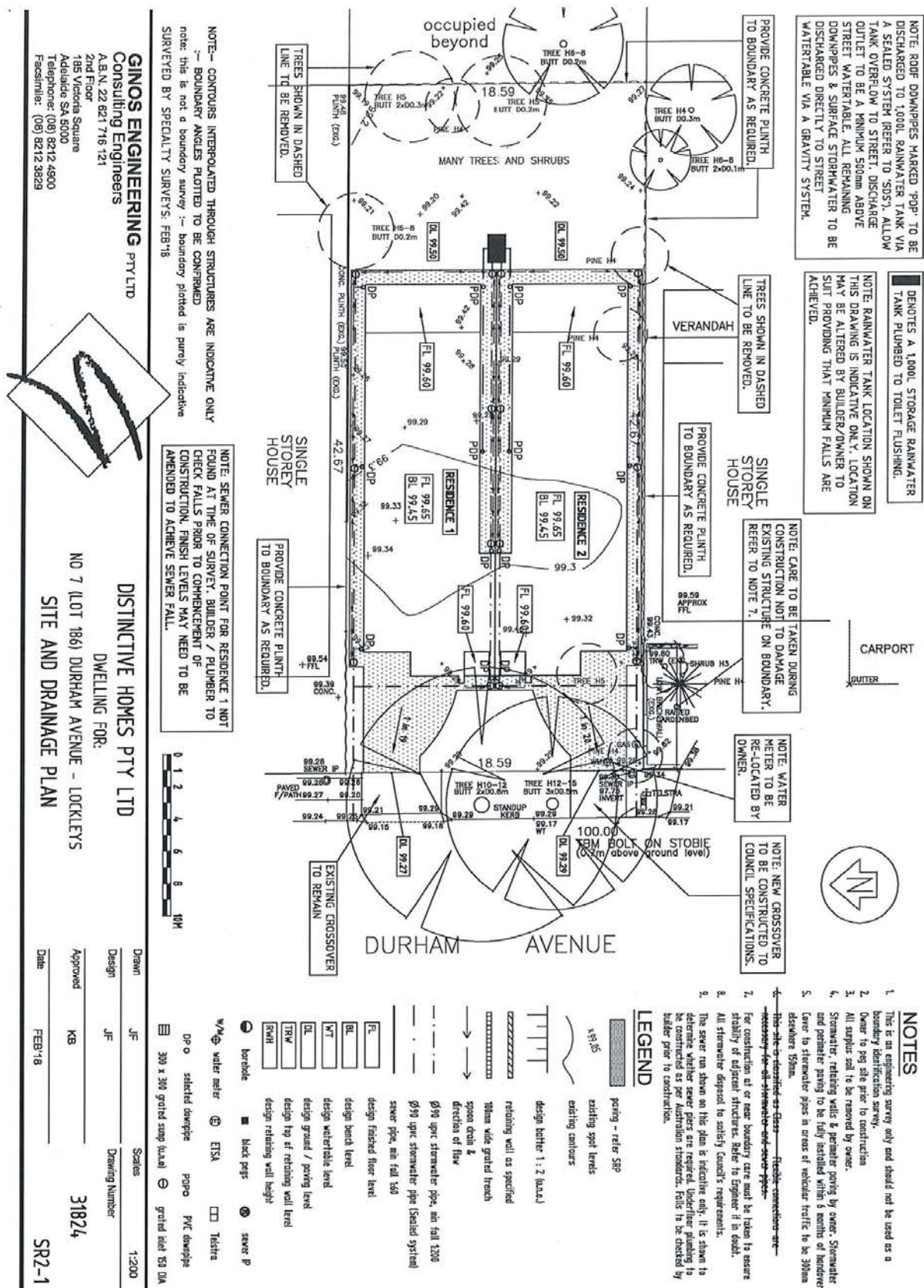
PROPOSAL PLANS





| | | | | | | |
|--|--|--|---|---|-----------------------|--|
| Areas M <input checked="" type="checkbox"/> RV <input checked="" type="checkbox"/> GC <input checked="" type="checkbox"/> T <input checked="" type="checkbox"/> | <p>22.5° ROOF PITCH COLORBOND ROOF 0/450 0/H</p>  <p>HARDPLANK GABLES INC 300 VORGE</p> | | | | | |
| FRONT ELEVATION | | | | | | |
|  | | | | | | |
| SIDE ELEVATION | | | | | | |
|  | | | | | | |
| REAR ELEVATION | | | | | | |
| Wind Speed Ceiling Level 1151/121 Roof Pitch 22.5° Roof Color E/land Overhang 8x155 | DISTINCTIVE HOMES DISTINCTIVE HOMES PTY LTD 127 MARION ROAD RICHMOND SA 8033 ABN 48 000 219 902 Telephone 8238 0000 Builders Lic. No. 915420 | Proposed Residence for: To be Erected at: Lot 618 Durham Avenue Lockleys | Scales: General 1:100 Site 1:200 Plan No. | Notes: • DIMENSIONS TAKE PRECEDENCE OVER SCALE • ELEVATIONS ARE ILLUSTRATIVE ONLY © ALL DRAWINGS REMAIN THE PROPERTY OF DISTINCTIVE HOMES PTY LTD. | Amendments: DRAWN: | Areas (Square Metres) Main Building <input checked="" type="checkbox"/> Porches & Verandahs <input checked="" type="checkbox"/> Garage & Car Port <input checked="" type="checkbox"/> TOTAL <input checked="" type="checkbox"/> |





Arboricultural Assessment of Street Trees

Development Application No: 211/906/2017

REFERRAL DUE DATE: 22 August 2017

Assessing Officer: **Sonia Gallarello**
Site Address: **7 Durham Avenue, LOCKLEYS SA 5032**
Certificate of Title: **CT-5671/472**
Description of Development: **Land division - Torrens Title; DAC No. 211/D129/17 (Unique ID 58910); Create one (1) additional allotment**

TO THE TECHNICAL OFFICER – CITY ASSETS

Please provide your comments in relation to:

- ☐ **The removal of or impact upon the Street Tree**
- ☐ **Species of Tree:**
- ☐ **Your advice is also sought on other aspects of the proposal as follows:**
Land division will necessitate the removal of the right street tree



PLANNING OFFICER - Sonia Gallarello

DATE 8 August 2017

FROM THE TECHNICAL OFFICER

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

As with all development applications it must be proven beyond reasonable doubt that all alternatives have been explored so not to hinder the progress of any street tree(s).

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

Verge interaction must consider all services that cross council land including stormwater outlets (and other) which will need to be maintained a minimum of 2.0m from any existing street tree (unless existing or otherwise negotiated).

A site investigation has revealed and together with the information provided that for proposed Allotment 1 due to the location of the large *Cinnamomum camphora* (Camphor laurel) on the proposed southern boundary it will be necessary to retain the current crossover location and City Works will support the current offset from the street tree of 1.6m.

For Allotment 2 it will be necessary to remove the large *Cinnamomum camphora* (Camphor laurel) that is centrally located on the verge adjacent this proposed allotment to facilitate a crossover.

Both trees are *Cinnamomum camphora* (Camphor laurel) and unfortunately even though they are very large trees they are in fact a species of tree exempt from the Development Act 1993 and Regulations.

City Works will support the removal of the street tree for the propose of development, however it is possible that by removing one of the trees could have a detrimental effect on the neighbouring tree with the two trees being in such close proximity to each other. There will be obvious loss of visual aesthetics to the remaining tree due to the shared canopy.

With reference to the City of West Torrens, Fees and Charges Document 2017-2018 "Tree removal for driveway construction", once Council has assessed all circumstances and considered it acceptable that a street tree can be removed, a fee is calculated based on Council's standard schedule of fees and charges.

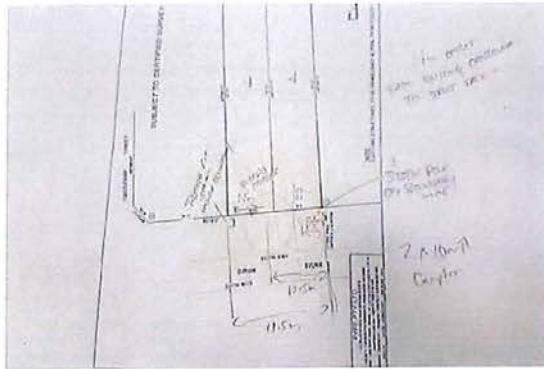
The fee is used to offsets the loss of the asset (street tree) to the community, with funds received invested in Council's annual Greening Program.

As a result of the proposed land division on Durham Avenue, City Works has considered the health, structure, form, useful life expectancy, and age of the street tree and due to the extending weight of circumstances in this specific circumstance will support the removal.

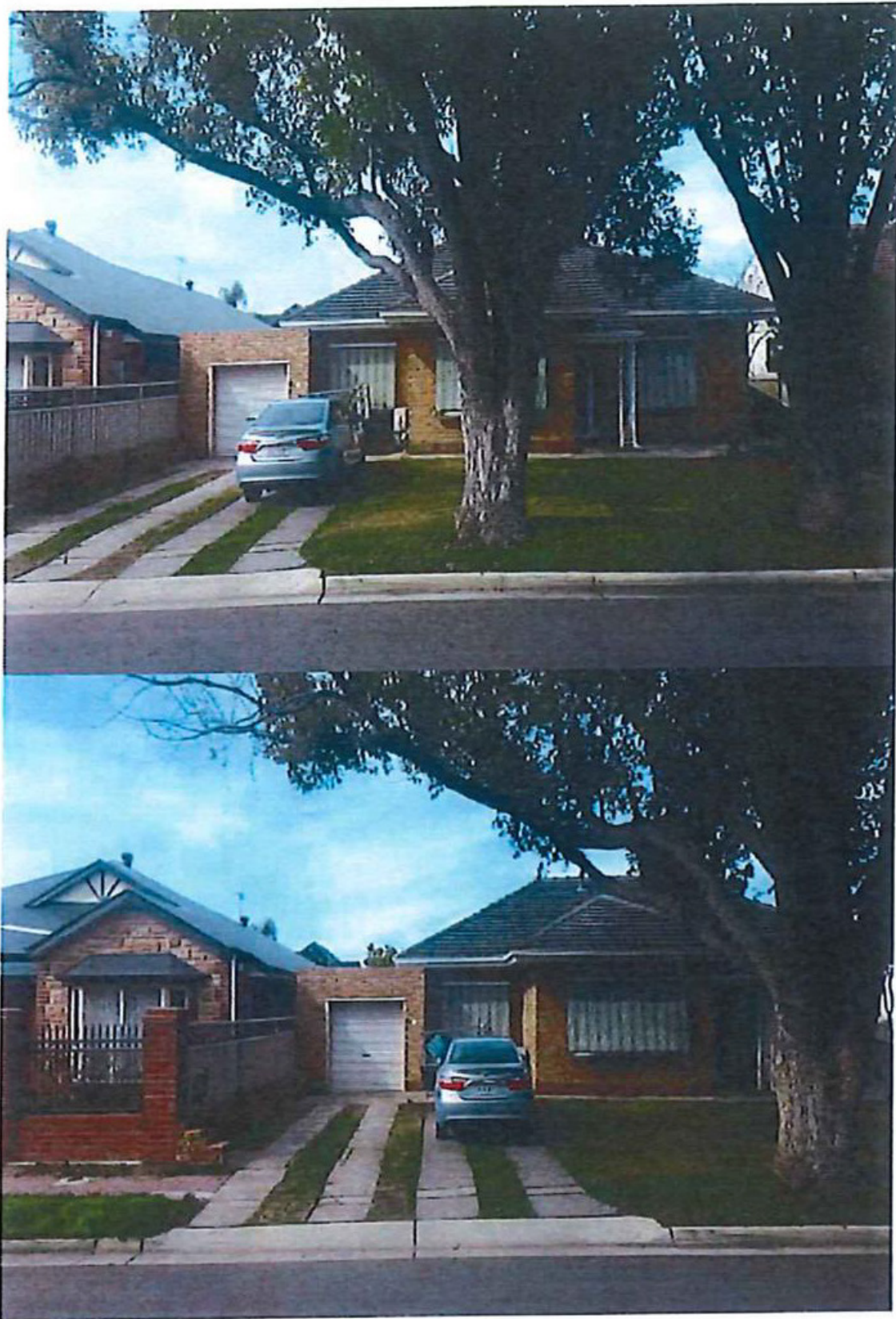
A fee of \$1998.00 will be required prior to the commencement of any work.

Please note, under no circumstances is any individuals other than council staff permitted to interfere with a street tree. If pruning etc. is required, council must be notified via the appropriate request, and council staff will perform all works associated with the community asset.

DATE: 16/08/2017











Memo

To Sonia Gallarello
From Jane Teng
Date 28/02/2018
Subject 211/906/2017, 7 Durham Avenue, LOCKLEYS SA 5032

Sonia Gallarello,

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

1.0 FFL Consideration – Finished Floor Level (FFL) Requirement

In accordance with the provided 'Site and Drainage Plan' (GINOS Engineering Consulting – Drawing Number 31824 SR2-1– Dated Feb'18 the FFLs of the proposed development (99.65 minimum) have been assessed as satisfying minimum requirements (99.53 minimum) in consideration of street and/or flood level information.

2.0 Verge Interaction (with street tree)

2.1 In association with new development, driveways and stormwater connections through the road verge need to be located and shaped such that they appropriately interact with and accommodate existing verge features in front of the subject and adjacent properties. Any new driveway access shall be constructed as near as practicable to 90 degrees to the kerb alignment (unless specifically approved otherwise) and must be situated wholly within the property frontage.

New driveways and stormwater connections are typically required to be located a minimum 1.0 metre offset from other existing or proposed driveways, stormwater connections, stobie poles, street lights, side entry pits and pram ramps, etc. (as measured at the front property boundary).

These new features are also desired to be located a minimum of 2.0 metres from existing street trees, although a lesser offset may be acceptable in some circumstances. If an offset less than the desired 2.0 metres is proposed or if it is requested for the street tree to be removed, then assessment for the suitability of such will be necessary from Council's Technical Officer (Arboriculture).



Residence 1 and Residence 2:

Elements of the vehicle manoeuvrability within this development appear to be unsatisfactory from traffic perspective.

The western-most single roller doors of the double garage systems to both Res 1 and Res 2 will need to be setback at least 6.5m from the front property boundary.

Res 2 would result in the lesser offset distance (required 2.0m minimum) between the proposed new driveway and the existing street tree fronting Res 2. The option of flipping the Res 2 driveway access and garage system would result in the two existing street trees fronting the site potentially requiring removal. As such, the advice and assessment from the City Arborist would be required in matter associated with the existing street trees fronting the site. It is noted that the column between the roller doors will further complicate vehicle manoeuvrability for both residences.

City Assets has no issues with the proposal to reuse existing driveway crossover to Res 1.

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

- 2.2 It should also be nominated for the stormwater connection through the road verge area to be constructed of shape and material to satisfy Council's standard requirements and located 1.0m away from driveways and 2.0m minimum from existing street trees.

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

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



3.0 Stormwater Detention and Quality Requirements

No stormwater detention and water quality provisions are required for the site as the proposed development does not fall under the development category requiring stormwater discharge restriction and water quality treatment.

Should you require further information, please contact Jane Teng on the following direct extension number 8416 6333.

Regards

Jane Teng
Civil Engineer

Contact Lands Titles Office
Telephone 7109 7016



07 August 2017

The Chief Executive Officer
City of West Torrens

Dear Sir/Madam

Re: Proposed Application No. 211/D129/17 (ID 58910)
for Land Division by Distinctive Homes Pty Ltd

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 20 July 2017, I advise that the Development Assessment Commission has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

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

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
The alteration of internal drains to the satisfaction of SA Water is required.
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
2. Payment of \$6830 into the Planning and Development Fund (1 allotment(s) @ \$6830/allotment).
Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

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

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

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



07 August 2017

Our Ref: H0061872

The Chairman
Development Assessment Commission
136 North Terrace
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/D129/17 AT LOCKLEYS

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

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

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

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

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

Yours faithfully

TONY PANNUNZIO

for MANAGER LAND DEVELOPMENT & CONNECTIONS

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

6.3 19 Berrima Street, GLENELG NORTH

Application No 211/1542/2017

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|---|
| DEVELOPMENT PROPOSAL | Removal of a regulated <i>Eucalyptus Camaldulensis</i> (River Red Gum) |
| APPLICANT | S & G Smallacombe |
| APPLICATION NO | 211/1542/2017 |
| LODGEMENT DATE | 19 December 2017 |
| ZONE | Residential Zone |
| POLICY AREA | Low Density Policy Area 21 |
| APPLICATION TYPE | Merit |
| PUBLIC NOTIFICATION | Category 1 |
| REFERRALS | Internal <ul style="list-style-type: none"> ▪ Calypso Tree Co - Consultant Arborist External <ul style="list-style-type: none"> ▪ Nil |
| DEVELOPMENT PLAN VERSION | 19 December 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Development Approval for Application No. 211/1542/2017 by S & G Smallacombe to undertake Removal of a regulated *Eucalyptus Camaldulensis* (River Red Gum) at 19 Berrima Street, Glenelg North (CT 5134/772) subject to the following conditions:

Development Plan Consent Conditions

- 1) That the development is undertaken in accordance with Development Application No. 211/1542/2017, the approved plans and details therein.
- 2) That within four (4) weeks of the date of tree removal, payment of \$175.00 shall be made into the State Government's Planning and Development Fund, in accordance with Section 42(6) of the *Development Act 1993* and Regulation 117(4) of the *Development Regulations 2008*.
Please contact the State Commission Assessment Panel on 1800 752 664 (option 5) for more information on making payment.
- 3) That receipt of payment shall be provided to Council within one (1) week of payment into the State Government's Planning and Development Fund.

BACKGROUND

The development proposal is presented to the Council Assessment Panel (CAP) for the following reason:

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

PREVIOUS RELATED APPLICATION

DA 211/493/2015 - Removal of one (1) Regulated Tree - *Eucalyptus Camaldulensis* (River Red Gum)

This application was refused by the Development Assessment Panel at its meeting on 11 August 2015. This application proposes the removal of the same tree.

SITE AND LOCALITY

The subject site is described as Allotment 200 Deposited Plan 4695 in the area named Glenelg North Hundred of Adelaide as contained in Certificate of Title Volume 5134 Folio 772. The land is more commonly known as 19 Berrima Street, Glenelg North.

The subject site is a rectangular shaped allotment and has a frontage to Berrima Street of approximately 18.3 metres, a site depth of 36.5 metres and a total site area of 667.5 square metres.

The subject site is located within the Residential Zone and more particularly Low Density Policy Area 21. The locality consists mostly of low to medium density residential development up to two storeys in height. Building eras mostly date around the 1950's, however, more recent development is evident within the broader locality. The Council boundary is located approximately 55 metres south-west of the site. The Aroona Place/Bill Shepard Reserve is located approximately 58 metres west of the site and the Golflands Reserve is located approximately 78 metres north of the site. A number of large *Eucalyptus* trees are located within the Golflands Reserve.

The subject *Eucalyptus Camaldulensis* (River Red Gum) is located in the north-west corner of the subject site, approximately 5.8 metres south of the northern side boundary and 1 metre east of the rear boundary. The tree can be seen from the street, from the adjoining properties and within the immediate locality as its canopy mostly sits above the roof lines.

The site and locality are shown on the following maps.





WEST TORRENS COUNCIL
Consolidated - 25 June 2015

PROPOSAL

The applicant is seeking Development Approval for the removal of one regulated *Eucalyptus Camaldulensis* (River Red Gum) located in the north-west corner of the site.

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

The Arborist Report prepared by Mark Lawson, submitted by the applicant, contains a clause that states the report is only valid for three months from the report date. The report is dated 16 July 2015 and, as such, should not be considered as part of the planning assessment of the application.

Given that Council's Consultant Arborist is in support of the proposal (see below), it was not considered necessary that the applicant provide a supplementary Arborist Report.

A copy of the Arborist Report submitted by the applicant is contained within **Attachment 2**.

PUBLIC NOTIFICATION

Tree damaging activity is listed as a Category 1 form of development pursuant to Schedule 9, Part 1 (13) of the *Development Regulations 2008*. The application was not required to be advertised pursuant to Section 38 of the *Development Act 1993*.

REFERRALS

Internal

Consultant Arborist - Calypso Tree Co

Comments have been provided on the proposal, summarised as follows:

- The subject tree is approximately 22 metres tall and possesses an over-extended asymmetrical canopy due to the tree's poor growth structure as a result of a larger adjacent tree to the west (which has recently been removed);
- Due to poor structure, this specimen has been subject to a number of large diameter branch failures, with a concentration of visible failure sites located throughout the upper canopy;
- The retention of torn branch stubs within the canopy indicates that failures have been associated with over-extended and heavy end weighted growth;
- When trees are subject to multiple failures, remaining sections of the canopy can become predisposed and more susceptible to further branch failures. In this particular case, the predisposition is highly exacerbated due to the large neighbouring tree being removed, which has now left the subject tree exposed to differing wind patterns and forces;
- Due to the tree's poor structure and likelihood of further limb failure, it poses an unacceptable level of risk to site users and surrounding property; and
- Having given consideration to the issues associated with this tree, it is concluded that complete removal of the *Eucalyptus Camaldulensis* is the only viable option to mitigate the unacceptable level of risk associated with this tree.

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

ASSESSMENT

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

Visual Amenity

Due to the height of the subject tree (approximately 22 metres), it is highly visible from Berrima Street, Wongala Avenue and Shannon Avenue (see Image 1, 2 and 3 below). Due to the visual prominence of the tree, it is considered that the subject tree makes a contribution to the visual character and amenity of the locality and provides some degree of aesthetic benefit.

As such, removal of the subject tree could show some inconsistency with General Section - Regulated Trees - Objective 1 and 2(a). In saying this, it is worth noting that a number of large Eucalyptus trees are located within the Golflands Reserve, approximately 78 metres to the north of the subject site. These trees will assist in maintaining the visual character and amenity of the locality, should the subject tree be removed.



Image 1: Looking south west from Berrima Street



Image 2: Looking north east from Shannon Avenue



Figure 3: Looking east from Wongala Avenue

Type of Tree Species and Habitat Value

The subject tree is not listed as being of a rare or endangered species and, as such, removal is supported by General Section - Regulated Trees - Objective 2(c).

The subject tree is identified as being a species indigenous to the local area. Given the maturity and indigenous status of the subject tree, it is considered to provide some level of habitat for native fauna. While removal could be considered to be inconsistent with General Section - Regulated Trees - Objective 2(b) and (d), the tree has been identified as a safety risk and greater importance has been placed on the Development Plan provisions relating to safety (see section below).

Risk and Safety

Council's Consultant Arborist, Calypso Tree Co, has identified that the subject tree represents a material risk to public or private safety and has advised of the following in its referral response to Council.

- Since the previous development application was assessed, a large tree located on the adjoining allotment to the rear (west) has been removed. The removal of this tree has resulted in the poor growth structure and over-extended asymmetrical canopy of the subject tree.
- The canopy of the subject tree extends over most of the rear yard of 19 Berrima Street, which contains a cubby house, play area and associated fencing.
- On a recent site inspection, a number of large diameter branch failures were observed throughout the upper canopy. On inspection of the torn branch stubs, it was determined that these failures are associated with the over-extended and heavy end weighted growth of branches.
- When trees are subject to multiple failures, remaining sections of the canopy can become predisposed and more susceptible to further branch failures. In this particular case, the predisposition is highly exacerbated due to the closely adjacent tree being removed, which has left the subject tree exposed to differing wind patterns and forces.

Taking into consideration the comments provided by Calypso Tree Co, it is clear that the subject tree poses an unacceptable level of risk to site users and surrounding properties due to the poor structure and likelihood of further limb failure. Accordingly, removal is supported by General Section - Regulated Trees - Principle of Development Control (PDC) 2(b).

Damage to a building

The subject tree has not caused any substantial damage to substantial structures of value. No evidence or supporting engineering advice has been provided to Council to suggest otherwise. As such, removal of the tree is not supported by General Section - Regulated Trees - Principle of Development Control (PDC) 2(c). In saying this, the subject tree may be susceptible to further branch failures that could result in damage to a substantial building. The applicant has expressed that previous limb failures have caused damage to children's play equipment and fencing.

SUMMARY

The subject tree is highly visible and provides a degree of aesthetic benefit to the locality. The Arboricultural Assessment of the tree has determined the tree exhibits a poor growth structure and an over-extended asymmetrical canopy. This has contributed to a number of large diameter branch failures throughout the upper canopy. Due to the poor structure and likelihood of further limb failure, the subject tree poses an unacceptable level of risk to site users and surrounding properties.

Notwithstanding the aesthetic benefits, greater importance has been placed on the associated risk to private safety. Furthermore, it has been recommended by Calypso Tree Co that the complete removal of the subject tree is the only viable option to mitigate the unacceptable level of risk associated with the tree.

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 accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 12 December 2017 and warrants Development Plan Consent and Development Approval.

Attachments

- 1. Application Plans and Documents**
- 2. Applicant's Arborist Report**
- 3. Calypso Referral Report**

Development Application form

Civic Centre: 165 Sir Donald Bradman Drive, Hilton SA 5033. Office hours: Mon - Fri 8.30am - 5pm.
Phone: (08) 8416 6333. Email: development@wtcc.sa.gov.au. Web: westtorrens.sa.gov.au.



Section 1 - correspondence method

By selecting 'I ACCEPT' below, you agree (as the applicant, the owner and/or the authorised agent) to be legally bound by the 'Terms and conditions' of this service and you consent that all correspondence relevant to this application, or which is otherwise required to be provided to you under the *Development Act 1993* - including Decision Notification forms, stamped plans and relevant documents, be provided to you in **electronic format** only. Please tick **ONLY** one of the following boxes.

☒ I ACCEPT

or, if you do not wish to correspond electronically, three complete sets of hardcopy documents will be required

☐ I choose only to receive general assessment correspondence via email. All stamped plans and Decision Notification forms must be sent by hardcopy mail.

Email address:

guyandSarah19@me.com

211/1542/2017

Section 2 - consent sought

Select **one** type of consent you wish to apply for:

☒ Development Plan consent
(Planning only)

☐ Building Rules consent
(Building only)

☐ Development Approval
(Planning and building)

If unsure what type of consent is needed, contact Council on 8416 6333.

Section 3 - location of proposed development

House number OR Lot number DP CT volume Folio

Street name Suburb

State Post code

Section 4 - applicant details

Please note that all correspondence will be sent to the applicant (this section must be completed).

Given names Surname Phone

Postal address Suburb

State Post code Email

Section 5 - owner's details of the subject land

If same as applicant details, please leave blank and go to section 6.

Given names Surname Phone

Postal address Suburb

State Post code Email



Section 6 - contact for further information

Please note - this section is to be completed if the contact person is not the applicant.

| | |
|-------------|---------|
| | |
| Given names | Surname |
| | |
| Email | Phone |

Section 7 - builder's details

This section must be completed by the applicant for Building and Development approval.

☐ Owner builder OR ☐ Builder

| | |
|---------------------------|----------------|
| | |
| Name of builder (company) | Licence number |
| | |
| Postal address | Suburb |
| | |
| State | Post code |
| | |
| Email | |
| | |

Section 8 - description of development and associated details

Please describe the development (eg single storey detached dwelling, domestic garage, warehouse with office, tree removal).

Tree removal.

Existing site use: Residential with backyard used as a play area for kids

Does the proposal affect a regulated or significant tree? ☒ Yes ☐ No

Note: a regulated or significant tree may be on the adjoining land that may be affected (including damage to tree roots) by the proposed development. If unsure what a regulated or significant tree is, visit Council's website for more information.

Is there a brush fence within three metres of the proposed building work? ☐ Yes ☒ No

Are there any easements on the land? ☐ Yes ☒ No

Section 9 - costing and floor area

Council may require written justification to verify costs (this section must be completed).

| | |
|--|------------------------------|
| \$ 2,000 | m ² |
| Estimated total cost of works (excluding fitout) | Estimated floor area of work |

Section 10 - building classification

If unsure, contact Council on 8416 6333 or visit the Council office during business hours.

| | |
|------------------------|-----------------------|
| | |
| Current classification | Classification sought |

If Class 5, 6, 7, 8, or 9, state number of employees: Male Female.....

Section 11 - declaration

Council is required by the *Development Act 1993* to make Category 2 and 3 Developments available for public inspection and the public may obtain copies of this material for a fee. If you have concerns over the confidentiality or security content of such documents, you should discuss these with a member of Council's planning staff before lodging.

I declare that the information I have provided on this application form is correct to the best of my knowledge and give permission to make this information available for public inspection.

Signature  Date: 21/11/17

☒ Applicant ☐ Owner ☐ Authorised agent

Regulated and Significant Tree proposal form

Civic Centre: 165 Sir Donald Bradman Drive, Hilton SA 5033. Office hours: Mon - Fri 8.30am - 5pm. Phone: (08) 8416 6333. Email: development@wtcc.sa.gov.au. Web: westtorrens.sa.gov.au.



| | | | |
|--|-------------------|-----------------------|---|
| Property No: | 17 | Street: | Berrima Street. Clarendon North SA 5045 |
| Title: | Given name: Sarah | Family name: | Smallacombe |
| Company name: | | | |
| Address: 19 Berrima Street. Clarendon North SA | | | |
| P/Code: 5045 | | | |
| Telephone | Mobile | Email address | |
| 0412335366 | | guyand.sarah19@me.com | |

1. Details of tree

| | |
|--|--|
| Circumference of trunk 1m above natural ground level: | RECEIVED - CWT IM 15 DEC 2017 |
| Height of tree: 16 ⁺ meters | |
| Spread of tree: 3 meters North, South, East, West. | |
| Species or type of tree: Eucalyptus camaldulensis (River red gum). | |

2. Site plan

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

3. Photograph

Yes ☐ If yes provide details No ☐

4. Details of the proposed activity you want to undertake affecting the Regulated/Significant Tree (e.g. pruning, removal etc.).

Approval to remove the gum tree in our backyard

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


Yes ☒ If yes provide details No ☐

There is black bark about 1.5m going up the trunk from ground level and a big crack at the back of the tree.

6. Does the tree represent an unacceptable risk to public or private safety?

Yes ☒ If yes provide details No ☐

This tree is dropping limbs in and around different parts of our backyard, including onto our neighbouring fence, (this tree covers 3 properties) and onto the kids sporting equipment. The tree represents a material risk to private safety and causing damage to a building.

| | |
|---|--|
| 7. If you answer yes to - 6, 7 or 8, have all other remedial steps been determined ineffective by a suitably qualified professional? | |
| Yes, see attached Arborist Report. | |
| 8. Is the tree causing or threatening to cause substantial damage to a building or structure of value? | |
| Yes <input checked="" type="checkbox"/> | If yes provide details No <input type="checkbox"/> |
| The tree has dropped a number of branches on kids play equipment and neighbouring fences. Also the tree is less 10m away from the dwelling, so its affecting our use and enjoyment of our backyard and catchment of the area. | |
| 9. Has specialist advice been obtained (from a qualified arboriculturalist, botanist or horticulturalist)? | |
| Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If yes please attach the information. | |
| Please see attached Arborist Report. | |
| 10. If your application involves the division of land, is it likely that the application will result in substantial "tree-damaging" activity to a Regulated/Significant Tree? | |
| Yes <input type="checkbox"/> | If yes provide details No <input type="checkbox"/> |
| 11. Should Council approve the pruning or removal of a Regulated/Significant Tree, it is a legislative requirement that 2 - 3 replacement trees to be planted on the subject site. | |
| In the instance that replacement trees cannot appropriately be planted on the site, are you willing to make payment of an amount specified in the <i>Development Regulations 2008</i> to the Urban Tree Fund in lieu of planting replacement trees? | |
| Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Signed:  | Date: 21/11/17. |



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5134 FOLIO 772 *

| | |
|--|-----------------------------|
| COST : \$18.70 (GST exempt) | PARENT TITLE : CT 2618/161 |
| REGION : EMAIL | AUTHORITY : CONVERTED TITLE |
| AGENT : PUSH BOX NO : 000 | DATE OF ISSUE : 29/07/1993 |
| SEARCHED ON : 13/07/2010 AT : 13:57:42 | EDITION : 7 |

REGISTERED PROPRIETOR IN FEE SIMPLE

GUY FREDERICK SMALLACOMBE OF 19 BERRIMA STREET GLENELG NORTH SA 5045

DESCRIPTION OF LAND

ALLOTMENT 200 DEPOSITED PLAN 4695
IN THE AREA NAMED GLENELG NORTH
HUNDRED OF ADELAIDE

SEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

10930813 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

NIL

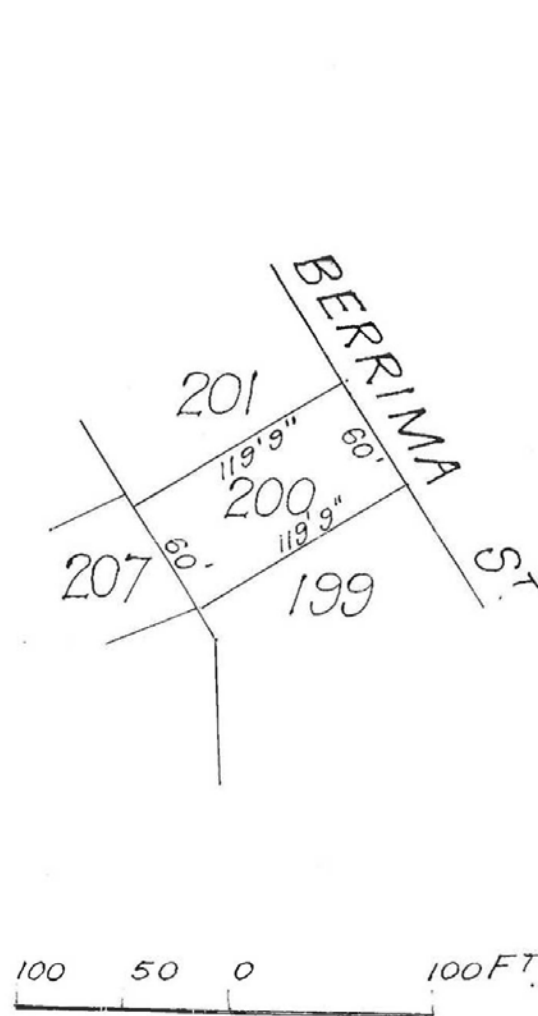
END OF TEXT.

Page 1 of 2

The Registrar-General certifies that this Title Register Search displays the records

Registrar-General 

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA
DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5134 FOLIO 772
SEARCH DATE : 13/07/2010 TIME: 13:57:42



| | |
|---|-----------------|
| DISTANCES ARE IN FEET AND INCHES FOR METRIC CONVERSION | |
| 1 FOOT | = 0.3048 metres |
| 1 INCH | = 0.0254 metres |

Visual Tree Inspection Report
***Eucalyptus camaldulensis*, (River Red gum)**
19 Berrima Street Glenelg North SA



Written By:
MARK LAWSON
Arborist
ABN: 76563354713
16 July 2015

Pg 1
Mark Lawson Inspection Report



043 2392 001

7A Kent Street
Marden

ABN: 76563354713

16 July 2015

Tempest's Arborist Service

PO Box 53
Park Holme SA 5043Re: Arboriculture Visual Tree Inspection Report
Eucalyptus camaldulensis, (River Red gum)
located at 19 Berrima Street Glenelg North SA

Dear Sir / Madam

I am writing with reference to the visual tree inspection performed on 16th July 2015 at 1245pm on the health, root spread/damage and condition of a singular *Eucalyptus camaldulensis*, located at the above address. There are no other trees on the block of land. The tree is situated at the western most end of the block of land, and therefore should not be mistaken for any other tree.

The visual tree inspection was performed from ground level with no climbing. The weather at the time was clear, with no wind and a temperature of 14+.

SITE

The tree is located in the rear of the garden; the tree is on a lean towards the building as well as next doors which is to the north. The tree covers a large amount of the rear garden and has many faults within the crown.



Location of the tree

Tree Details:

Trunk Circumference : 2400 +mm

Tree Height: 16+ meters

Crown Spread: (approx only)

North: 3 meters

South: 3 meters

East: 3 meters

West: 3 meters

TREE/ROOT BASE

Due to the surrounding building the tree would have some soil compaction. Soil compaction harms tree roots by reducing oxygen and water exchange which inhibits root expansion. Trees in compacted soils are smaller, less healthy, and will die sooner if the compaction is left untreated. It is a serious matter which could have catastrophic affects.

A tree's root system is the most vital organ on a tree. When roots fail to work properly the tree will eventually decline and die

No mushroom/toadstools were seen on the tree or around the surface at the base of the tree at the time of inspection. Mushroom/toadstools can be an indication of decay to the root systems or trunks of trees, they attack trees that are in stress and will feed off them. This can lead to catastrophic effects on the health of a tree and in many cases lead to the death of a tree.

The tree has dropped a number of small branches in the rear yard and I would believe more would follow due to the fault such as wild life damage. It's well known this type of tree can and will drop branches at any given time.

TRUNK CONDITION & MAIN SCAFFOLD BRANCHES

The tree was measured at 1 metre above ground level and had a circumference of over 2m. The tree is therefore considered regulated under the Development Act 1993.

The tree has a trunk of 4 meters before it forks into multi stems. Multi-stemmed trees (stems) typically grow away from each other towards the light rather than staying upright by means of tension and wood formation, their growth in thickness, acts like a set of wedges to drive them apart at the base of the stem cluster. This means that the cluster is suicidal and programmed to fall apart (Mattheck and Breloer, 03).

The main union has a major fault as well as wildlife damage. This tree has the potential for a catastrophic failure. No Arboriculture work can make this tree safe. Cable, bracing or cobra only shows admittance that the tree is at fault. If the tree were to be braced correctly, two to three scaffolding branches at the very least would need to be braced. However, as pointed out in this report the scaffolding branches have weak attachments and bracing them may not be beneficial for the tree.



The trunk of the tree is on a slight lean into the garden on a eastern direction, this should be monitored for the future. The scaffolding branches head in all directions covering 3

properties, as the tree gets old the weight will increase in the crown and due to the angle/lean of the tree it could fall into the garden.



CROWN/STRUCTURE & DEVELOPMENT

The crown of this tree is large and it appears that no maintenance has been carried out in the past i.e. pruning. The crown of this tree covers 3 properties. I do not believe that pruning can save this tree. The tree is young and not a visible element of the landscape. It would be difficult to straighten or shape the tree.

Some of the branches throughout the crown are weighted and over extended. Over extended branches tend to have an exacerbated weight, which has a tendency to be susceptible to SLF. SLF is a common problem for many species of trees including exotic trees; it almost always affects limbs held in a horizontal or near horizontal plane, though more upright limbs have also been known to fail due to SLF. Defects do not have to be present, however, if wounds or decay are present the risk of SLF is usually exacerbated.

Were a council officer want to know the immediate risk of limb failure, this question could not be answered by any professional honestly. No one can know when a branch will fail but it is well known that this type of tree will fail at some time and that certain types of visible structural faults and defects assist in guiding us to make a considered decision. There are however many scenarios that affect the growth and lifecycle of a tree that cannot be known or seen. If people /Arborists were to know this then the following people would still be alive:

- Bendigo (Dec 13) – 9 year old girl killed due to failed limb
- Pitt Town (Feb 14) – 8 year old girl killed due to failed limb
- Hobart (Feb 14) – 43year old man killed when branch fell on car

Also not to forget about the people who have lost their lives in Adelaide, such as the young lady on Greenhill Road which was a council tree that concerned persons had warned the council about. There have been many more incidences where people have been injured in council reserves and not to forget about the lady at Flagstaff Hill golf course. I do not believe it is helpful question to ask in this case.

I would like to point out the essence of the WHS Act indicates that if there is a perceived danger of human life conclusive preventative action must be taken.

It is my belief that the pruning of this tree will not guarantee the safety of people. Trees have been pruned and still failed like the tree at a local Kindergarten, narrowly missing the children. This tree was under the care and control of and pruned by the City of West Torrens. Due to this failure in the tree, the Government closed the kindergarten.

It is in my opinion this tree could drop more large branches within the garden or on the homes at any time. Pruning this tree would not prevent this and is not possible. In doing so, it would not guarantee the safety of the owner or their neighbours.

VIGOR/GROWTH

The vigor and growth appears to be below average due to the main faults and lean of the tree, as well as some branch failures

PEST/DISEASE

Exit holes from the longicorn family could be seen on the tree, this is due to stress

Life Expectancy:

| | |
|-------------------------------------|-------------------|
| <input type="checkbox"/> | Less than 5 years |
| <input type="checkbox"/> | 5-15 years |
| <input checked="" type="checkbox"/> | 15-25 years |
| <input type="checkbox"/> | Over 30 years |

(Severe weather and pest or disease can alter tree life expectancy)

POTENTIAL/IMMINENT THREATS

There is always the potential for any tree to fail due to numerous contributing factors. This tree in particular should be removed, in order to reduce the risk of SLF. And damage to the homes as well as lives.

| <u>Environmental Assessment:</u> | |
|--|-----------------|
| Does the tree make an important contribution to the character or amenity of the area? <i>(In my opinion the tree does not contribute to the amenity of the area, as the tree is a safety concern for the owner who wished the tree to be removed, it would be my opinion the tree is not an amenity value tree, amenity value is for shade and I would not be happy to say this tree does this or place people under it as there has been no maintenance for many years).</i> | No |
| Is the tree indigenous and rare or endangered? <i>(This tree is indigenous to the area but is not rare or endangered. The tree is not listed under the National Parks and Wildlife Act 1972 as rare or endangered native species).</i> | Possible |
| Does the tree represent important habitat for native fauna? <i>(No wild life was seen at the time of the inspection).</i> | No |
| Is the tree part of a wildlife corridor or area of remnant vegetation? <i>(This information is unknown; I would believe the tree was planted due to its small size).</i> | No |
| Does the tree have local biodiversity significance? <i>(All trees can provide this but the safety of human life and building of structure should be found to be more important).</i> | No |
| Is the tree a notable visual element of the local area? <i>The tree in my opinion is not a visible element of the landscape</i> | No |
| Is the tree considered to be significant? <i>(Yes the tree is regulated).</i> | Yes |

Hazard Risk Assessment:

Identifying and managing hazards associated with trees can be a subjective process. To produce a user-friendly Tree Hazard Assessment system Matheny and Clarke (1994) has been used. Matheny and Clarke (1994) state that Tree Assessment comprises of 3 parts:

- A tree with the potential to fail
- An environment that may contribute to the failure
- An object or person that may be damaged or injured. (Target)

Failure rating: can generally be defined as:

- Defects are minor (small dead wood) with good wound wood present.
- Medium defects are present and obvious (cavities 10-25% of the trees circumference, co-dominant stems without included bark).
- High numerous or significant defects (cavities 30-50%, multi pruning wounds with decay)
- Severe Heart rot and fungal brackets with decay or cavities covering over 50% of the trunk.

Size of limb:

The actual measurement of the limb that is in question.

Target rating:

This would indicate the potential users and level of frequency that may be attributed to the area i.e.

- Occasional Use is likened to a jogging or cycling track
- Intermittent use is likened to a picnic area or day parking
- Frequent use is likened to a storage or camping area
- Constant Use is likened to a Home or in use for many hours

TOTAL RISK RATING CAN BE SUMMARISED AS FOLLOWS:

A high number does not necessarily mean the tree must be automatically removed. There are a number of Arboriculture management techniques (e.g. pruning, limb removal, weight reduction and even cabling), which can effectively reduce the failure, and size of the limb to an acceptable level. Excluding persons from the site can also effectively lower the target rating.

Risk Rating Summary Table

| | | | | | |
|----------------------------|---------------------|---------------------------|----------------------------|---------------------------------|----------|
| Failure Potential: | 1 Low | 2 <i>Medium</i> | 3 High | 4 Severe | 2 |
| Size of Limb in mm: | 1 450 | 2 150-450 | 3 <i>450-750</i> | 4 750+ | 3 |
| Target Rating: | 1 Occasional Use | 2 Intermittent Use | 3 Frequent Use | 4 <i>Constant Use</i> | 4 |
| Total Risk Score: | | | | | 9 |

RECOMENDATIONS & OBSERVATIONS

Tree safety and the associated management of risk is a matter of limiting the risk of significant harm from partial or complete tree failure whilst maintaining the benefits trees provide to our communities. Although it may seem counter intuitive, the condition of trees should not be the first consideration. Instead, first consideration should be given to the usage of the land on which the tree or trees occupy.

Responsible risk management of trees must address the balance of safety with tree values, and operate to a predetermined limit of reasonable or acceptable risk. Whilst in some cases this will allow tree retention with a degree of management/maintenance processes, in other cases it will advocate complete tree removal. (Adapted from Quantified Tree Risk Assessment).

Following extensive analysis and careful consideration, it is my professional opinion this tree should be removed. To support my recommendation, I summarise the following points:

- Council permission must be sought before any tree work can be carried out
- All tree work should be carried out by a qualified Arborist/Tree Surgeon
- The tree has been assessed by the Principle of Planning and Control:
Significant trees should be preserved and tree-damaging activity should not be undertaken unless;
 - o In the case of tree removal;
 - *the tree is diseased and its life expectancy is short*
 - *the tree represents an unacceptable risk to public or private safety; or*
 - *the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a bushfire prone area; or*
 - *the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure; and*
 - *All other reasonable remedial treatments and measures have been determined to be ineffective.*
- The tree has long and over-weighted branches and is subject to major Sudden Limb Failure (SLF)
- This type of tree is known for its limb failure
- Over the past number of months this tree has dropped branches
- Failure (whether partial or wholesale) is and will remain a possibility
- An accepted model of risk/hazard analysis reveals a rating of /12
- Targets in the form of structures of value will remain
- All forms of remedial action designed to retain and manage the tree have been considered and discounted
- In the event of removal, a replacement planting is encouraged. Ideally, this would be a specimen endemic to the local area, and preferably of local seed provenance. The Department of Environment, Water, and Natural Resources, or the State Flora Belair Nursery will be able to assist in appropriate species selection
- It is my professional opinion that more branches will fall and cause major structural damage or be life threatening
- The owner is very concerned for their safety
- Pruning cannot help this tree.

- I believe this tree will fail again in the very near future, it is very dangerous and it is clear to see from the base of the tree how many failures it has had
- Removing this tree would not affect the area

If you need any further clarification or information, please do not hesitate to contact me on 0432392001.

Yours sincerely



M Lawson
HNC Arboriculture
Sunderland University
QTRA No.: 1326

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DISCLAIMER AND LIMITATIONS

This report only covers identifiable defects and issues present at the time of inspection. The author accepts no responsibility or can be held liable for any structural defects or unforeseen event/weather conditions that may occur after the time of the inspection and assessment, unless clearly specified within timescales detailed within the report.

The author cannot guarantee trees contained within the report will be structurally sound under all circumstances and cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned, this report will only be concerned with issues above ground, and are undertaken visually. It is suggested that trees are living entities and as such are subject to forces and influences out of the control of the author. The recommendations are made on the basis of what can be reasonably identified at the time of the inspection; therefore the author accepts no liability for any recommendations made.

Care has been taken to provide information that is based on sound arboriculture practices and standards. The author accepts no liability for actions undertaken by third parties in undertaking any of the arboriculture work as recommended. All data has been verified and based on sound arboriculture standards, however the author cannot guarantee nor is responsible for the accuracy of information supplied by third parties.

Note: This report is valid for three months from report date.

Arboricultural Assessment of Regulated Trees

Development Application No: **211/1542/2017**

Referral Due Date: **Monday 5 February 2018**

Assessing Officer: **Ebony Cetinich**

Site Address: **19 BERRIMA STREET, GLENELG NORTH SA 5045**

Certificate of Title: **CT-5134/772**

Description of Development **Removal of a Regulated Eucalyptus camaldulensis (River Red Gum)**

To be completed by: Consultant arborist

SPECIES & COMMON NAME: ***Eucalyptus camaldulensis* (River Red Gum)**

TOTAL CIRCUMFERENCE: **2400mm**

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> | Yes |
| (b) <i>Indigenous to the locality</i> | Yes |
| (c) <i>A rare or endangered species</i> | No |
| (d) <i>An important habitat for native fauna</i> | Yes |

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

(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:

This tree is approximately 22 metres tall and possesses an over-extended asymmetrical canopy due to the trees poor growth structure as a result of a larger adjacent tree to the west (which has recently been removed). Known as phototropism, light plays a major role in plant growth which is why the subject tree possesses an eastern bias, and why branch structure is so elongated. The canopy has almost no internal growth (other than mature epicormic growth) and all foliage is located at branch extremities, with little taper along secondary stems. The majority of the canopy extends over the private rear yard of 19 Berrima Avenue including secondary structures such as sheds, cubby houses, boundary fences and play areas. The entire tree is leaning towards the dwelling of 19 Berrima Avenue.

Due to poor structure, this specimen has been subject to a number of large diameter branch failures, with a concentration of visible failure sites located throughout the upper canopy.

It was observed that a large diameter branch failure has occurred at the branch collar, on the northern face of the main stem approximately 5 metres above ground level. It was reported by the tree owner that this limb failure caused significant damage to the shed and boundary fences.

At approximately 16 metres above ground level another torn stub is present, which is the result of a medium diameter branch failure. This was also reported to have caused property damage, landing across the back lawn and destroying the trampoline (damage was observed at the time of inspection).

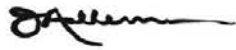
The retention of torn branch stubs within the canopy, indicates that failure have been associated with over-extended and heavy end weighted growth.

When trees are subject to multiple failures, remaining sections of the canopy can become predisposed and more susceptible to further branch failures. In this particular case, the predisposition is highly exacerbated due to the large neighbouring tree being removed, which has now left the subject tree exposed to differing wind patterns and forces.

Due to the trees poor structure and likelihood of further limb failure, it poses an unacceptable level of risk to site users and surrounding property.

Having given consideration to the issues associated with this tree I conclude that complete removal of the *Eucalyptus camaldulensis* is the only viable option to mitigate the unacceptable level of risk associated with this tree.

RECOMMENDATION: REMOVE



Jarrad Allen
Dip. Arb
CALYPSO TREE CO

DATE: 26/1/18

PHOTO's ATTACHED:



Figures 1 & 2: (top left) highlighting the torn stub from the most recent failure (approx. 190mm in diameter at the failure site). (top right) showing the elongated and poorly tapered main stems within the upper canopy.



Figure 3: (left) showing the subject trees heavy eastern bias over the private rear yard, and towards the dwelling

6.4 1-17 Scotland Road, MILE END SOUTH

Application No 211/1094/2017

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|---|
| DEVELOPMENT PROPOSAL | Change of land use from warehouse to warehouse and industry, demolition of existing structures, alterations to existing buildings and construction of a workshop and office addition. (Non-Complying) |
| APPLICANT | Mr G Hazzard |
| APPLICATION NO | 211/1094/2017 |
| LODGEMENT DATE | 13 September 2017 |
| ZONE | Bulky Goods |
| POLICY AREA | N/A |
| APPLICATION TYPE | Non-Complying |
| PUBLIC NOTIFICATION | Category 3 |
| REFERRALS | Internal <ul style="list-style-type: none"> ▪ City Assets External <ul style="list-style-type: none"> ▪ Nil |
| DEVELOPMENT PLAN VERSION | 30 May 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council 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. 211/1094/2017 by Mr G Hazzard to undertake a change of land use from warehouse to warehouse and industry, demolition of existing structures, alterations to existing buildings and construction of a workshop and office addition (Non-Complying) at 1-17 Scotland Road, Mile End South (CT 5420/608) subject to the following conditions of consent and the concurrence of the State Commission Assessment Panel (SCAP):

Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That no goods, materials or equipment associated with the approved use shall be stored outside of the building(s).
3. All equipment and services within the building addition approved herein shall be located a minimum of 500mm above the floor level for flood mitigation purposes.

4. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
 5. That the hours of operation of the warehouse and manufacturing activities shall be between 6.00am and 6.00pm on any day (seven days a week).
 6. That the number of staff to occupy the premises (warehouse, workshop and offices) at any one time shall not exceed 30 people.
 7. The proposed car parking spaces and access areas shall be designed to conform with Australian Standard AS 2890.1:2004- Off-street Car parking and Australian Standard 2890.6:2009 - Off-Street Parking for People with Disabilities.
 8. All car parking areas shall be line marked to delineate the parking spaces prior to the occupation of the development.
 9. That any lights on the subject site shall be directed and screened so that overspill of light into the nearby premises is avoided and minimal impact on passing motorists occurs.
-

BACKGROUND

The development proposal is presented to the Council Assessment Panel (CAP) for the following reason:

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

PREVIOUS OR RELATED APPLICATION(S)

DA 211/562/2005 - Signage attached to fence

Development Approval granted on 11 August 2005

SITE AND LOCALITY

The subject land is located at the corner of Scotland Road and James Congdon Drive, Mile End South.

The land comprises one allotment that is formally described as Allotment 9 in Filed Plan 19507, Hundred of Adelaide, in Certificate of Title Volume 5420 Folio 608. There is a service easement to the Australian National Railways Commission that traverses the allotment in an east to west direction. It is noted there are no encumbrances or Land Management Agreements on the Certificate of Title.

The allotment is a regular shape with an angular frontage to James Congdon Drive due to the alignment of the road. Located on the land is a large metal clad industrial building that is positioned on the Scotland Road boundary. This building is currently used for manufacturing purposes and is accessed from either Scotland Road or James Congdon Drive. A brick clad office building and car park is located adjacent to the road intersection on the western side of the site.

The locality is commercial and industrial in nature. Established land uses include large warehouses, a road transport terminal, manufacturing, mechanical repairs and bulky goods retailing. Immediately north of the subject land is the Mile End Homemaker Centre (bulky goods), to the east is a large industrial facility and on the opposite side of Scotland Road to the south is an Australia Post warehouse and distribution facility. On the western side of James Congdon Drive is a retail showroom that is surrounded by vacant land.





Location Map WeTo/9

- School
- Railways
- Local Reserves
- Development Plan Boundary

WEST TORRENS COUNCIL
Consolidated - 6 February 2018

PROPOSAL

The proposal comprises the following:

- The change of use of a large metal clad building from warehouse to warehouse and industry for the manufacturing of fire protection equipment and building materials including bulkhead sealer systems and fire-resistant service collars. The change of use is retrospective in nature as industry has been in operation since circa 2000. The industry use includes the operation of a furnace;
- Construction of a two storey addition to an existing warehouse building that is to be used for manufacturing and office administration. An additional furnace will be accommodated within the building addition;
- Operating hours of between 6.00am and 6.00pm seven days a week;
- A maximum of 30 on-site staff; and
- A maximum of 10 heavy vehicle deliveries to the site per week.

Note: The applicant has confirmed that the manufacturing processes to be conducted on the subject land would not involve any of the following activities:

- Ceramic works
- Melting of ferrous or non-ferrous metal
- Surface coating
- Manufacturing of fibre-reinforced plastic products
- Storage or warehousing of chemicals or chemical products

Refer to **Attachment 1** for a copy of the proposal plans.

NATURE OF DEVELOPMENT

The application is a non-complying form of development due to the proposal comprising building work and a change of use to 'industry'. The applicant has provided a Statement of Effect pursuant to Regulation 17 of the *Development Regulations 2008*, refer **Attachment 2**. Should the CAP resolve to approve the application, the concurrence of the State Commission Assessment Panel is required. Alternatively, should the CAP refuse the application, no appeal rights are afforded to the applicant.

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

PUBLIC NOTIFICATION

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

| | |
|-------------------------------------|--|
| Properties notified: | 39 property owners and occupiers were notified during the public notification process. |
| Representations: | No representations were received. |
| Persons wishing to be heard: | N/A |
| Summary of Representations: | N/A |

REFERRALS

Internal

- City Assets

The proposed building is within a flood affected area. The finished floor level will need to be elevated by approximately 500mm based on the relevant flood data.

Instead of raising the finished floor level of the addition, the applicant has confirmed that all equipment within the building (i.e. furnace and electrical services) will be located a minimum of 500mm above the floor level for flood mitigation. These measures are considered adequate as the equipment would be protected and there are external and internal door openings that would facilitate flows in the event of flooding.

External

The applicant has confirmed that the manufacturing processes to be conducted on the subject land would not involve any activities of environmental significance. A referral to the EPA was therefore not required.

ASSESSMENT

The subject land is located within the Bulky Goods Zone 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, 4, 5, 6, 7, 8, 9 & 10 |
| Design and Appearance | Objectives | 1 & 2 |
| | Principles of Development Control | 1, 2, 4, 12, 13, 14, 15, 19, 20, 21, 22 & 23 |
| Hazards | Objectives | 1, 2, 4, 6, 7, & 10 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6 & 7 |
| Industrial Development | Objectives | 1, 2, 3, 4 & 5 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 7, 8 & 9 |
| Infrastructure | Objectives | 1, 2 & 3 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 8, 9 & 10 |
| Interface between Land Uses | Objectives | 1, 2 & 3 |
| | Principles of Development Control | 1, 2, 7 & 8 |
| Orderly and Sustainable Development | Objectives | 1, 2, 3, 4 & 5 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 7 & 8 |
| Siting and Visibility | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 7 & 8 |
| Transportation and Access | 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, 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 |
| Waste | Objectives | 1 & 2 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15 |

| | |
|--|---|
| Zone: Bulky Goods | |
| Desired Character Statement: | |
| <p><i>This zone will accommodate a range of bulky good tenancies. Development will occur in a co-ordinated, integrated and holistic manner. Development will be on amalgamated sites or with significant integrated features, in order to achieve an efficient layout, minimise access points and the length of driveways and to maximise pedestrian accessibility. The zone will also provide convenience retail activity at a local centre level in order to satisfy the needs of staff and visitors.</i></p> <p><i>The major bulky goods tenancies will be at least 5000 square metres in floor area. At least half the total floor space in the zone will be taken up by major tenants. It is expected that the development of the bulky goods zone will occur in stages. Adequate parking and access points will be provided for each stage.</i></p> <p><i>Due to the size of the bulky goods tenancies, the size of the buildings is likely to be large with relatively low building heights. The provision of interesting, articulated and varied facades, through the use of texture, pattern, graphics and colour to the buildings, is important in order to make the scale of the development more human. Buildings facing Railway Terrace, Sir Donald Bradman Drive, Scotland Road, London Road and James Congdon Drive will present an attractive façade.</i></p> <p><i>Buildings will be constructed of durable, attractive materials that weather well and have strong colour schemes that are complementary to other bulky goods buildings in the zone. Buildings will incorporate glazing to all public frontages to increase the void to solid ratio of external surfaces.</i></p> <p><i>High quality, structured landscaping will also be required to mitigate large scale building facades, provide visual amenity and shade. Landscaping will be provided at vehicular entry points to the zone, along the Sir Donald Bradman Drive frontage, James Congdon Drive frontage and other road verges, in the vehicle parking areas, and in the zone.</i></p> <p><i>Decorative lighting will be incorporated to enhance the night time experience of building facades or landscaping along Railway Terrace, Sir Donald Bradman Drive and James Congdon Drive.</i></p> <p><i>A clear hierarchy of streets, vehicular and pedestrian movement patterns, and car parks will be established across the site. Individual premises will be accessed via internal service roads. Vehicle parking, access and service areas will be shared to achieve efficiency in land use. Generously dimensioned designated pedestrian routes will be developed between car parks and buildings to provide safe, convenient and pleasant pedestrian movement. They will be clearly defined by landscaping, pavement treatment, lighting and street furniture. At least one north-south and east-west major outdoor sheltered pedestrian route will be established linking the various tenancies. Service bays and loading docks will be located away from public areas.</i></p> <p><i>The development of the former Perry Engineering site will accommodate the potential for an internal vehicular link to the western side of the existing Bunnings site.</i></p> | |
| Objectives | 1 & 2 |
| Principles of Development Control | 1, 2, 6, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20 |

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 |
|--|---|---|
| ROAD SETBACKS <i>Bulky Goods Zone</i> <i>PDC 16</i> | Distance equal to or greater than height of building (9m minimum) | 24m Satisfies |
| BUILDING HEIGHT <i>Bulky Goods Zone</i> <i>PDC 15</i> | 9m maximum | 9m Satisfies |
| LANDSCAPING <i>Bulky Goods Zone</i> <i>PDC 18</i> | 10% minimum | <10% - no additional landscaping Not Satisfied |
| CARPARKING SPACES <i>Module: Transportation and Access</i> <i>PDC 34</i> | 80 car-parking spaces required | 51 spaces total (35 existing spaces and 16 proposed spaces) Not Satisfied |

SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS

A Statement of Effect has been provided in accordance with Regulation 17 of the *Development Regulations 2008* and is summarised as follows:

Social Effects - the subject site is well removed from residential land and the proposal will ensure the continued operation of the facility. The social effects associated with the development are considered to be neutral.

Economic Effects - the proposal will result in the ongoing employment of approximately 30 staff. The proposed development will contribute to the economic base of the local area, with the site to become the head office for the operations in Australia.

Environmental Effects - the proposed use and building addition would not result in adverse environmental impacts as the manufacturing does not involve any activities of environmental significance and the subject site adjoins non-residential uses.

It is considered that there will be no adverse social, economic or environmental effects arising from the proposed development.

The Statement of Effect is contained in **Attachment 2**.

QUALITATIVE ASSESSMENT

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

Land Use Suitability

The subject land is situated within the Bulky Goods Zone of the West Torrens Council Development Plan. The Bulky Goods Zone encompasses the whole of the subject land and extends in a northerly direction to include the Bunnings site, east to Railway Terrace, approximately 125 metres south to London Road, and is bordered by James Congdon Drive to the west. Observed within the zone is a diverse range of land uses and buildings that include large scale bulk goods retailing, outlets, warehousing and logistics and industrial activities of varying size.

The Objectives and Desired Character for the Bulky Goods Zone primarily envisage *"a range of bulky goods outlets and service trade premises"*. Whilst the proposal does not include the retailing of bulky goods or service trade goods, the main test from a land use perspective is whether the proposed development would be orderly and economic in so far as not undermining the future development of the zone for its intended purpose (i.e. bulky goods retailing).

It is noted that the proposed industry (manufacturing) has been operating from the site for an extended period of time (nearly 20 years) without planning approval. Notwithstanding this, the suitability of the land use needs to be considered with regard for the existing characteristics of the site and locality and the current provisions of the Development Plan. The eastern and southern parts of the locality in particular comprise a mix of land uses that are mostly 'industrial' in nature and include large scale buildings. The proposed manufacturing use is considered to be complementary to the surrounding industries and is fully accommodated within an existing metal clad building that was purpose-built for industrial purposes.

The proposed building addition would expand the manufacturing floor area by a modest 115m² (increased from 4900m² to 5015m²) in order to accommodate an additional furnace. The small size of the addition would ensure that any change to the manufacturing operations would not be significant, and it also would not inhibit the land from being developed for bulky goods retailing in the future if so desired.

It is further recognised that proposed industry has been operating without incident or impact upon the locality. All manufacturing is conducted within the building and does not involve any activities of environmental significance.

The proposed development is not considered to entrench an incompatible land use within the locality or undermine the Objectives of the Bulky Goods Zone. Accordingly, the proposal is considered to be orderly and economic in land use planning terms.

Car Parking

The proposal will not change the existing access arrangements from Scotland Road and James Congdon Drive.

The proposal will increase the amount of on-site car parking from 35 to 51 spaces by reconfiguring an existing concrete area on the northern side of the existing office building. Based on the car parking requirements outlined in *Table WeTo/2 - Off Street Vehicle Parking Requirements*, there is a total car parking requirement of 80 spaces for the current industry and the proposed additions. The car parking requirements are summarised in the table below.

| Land Use | Floor Area (m ²) | DP Car Parking Requirement (Spaces) | Proposed Car Parking |
|---------------------------------|------------------------------|-------------------------------------|----------------------|
| Industry (Manufacturing) | | | |
| Current Operations | 4900 | 67 | |
| Proposed Additions | 115 | 2 | |
| Office | | | |
| Current Operations | 300 | 10 | |
| Proposed Additions | 45 | 1 | |
| Total | 5360m² | 80 spaces | 51 spaces |

Although there would be a notional car parking shortfall of 29 spaces, the proposed car parking provision is considered to meet the anticipated demand generated by the development during peak periods for the following reasons:

- The proposal will significantly increase the amount of on-site car parking for staff and patrons (48% increase);
- The manufacturing business has been operating for nearly 20 years without resulting in any overflow car parking or congestion;
- The proposed building additions have a modest floor area with a requirement for only three additional car parking spaces;
- There is on-street car parking spaces available along both sides of Scotland Road should it be required;
- The locality is well served by several public bus routes along South Road and James Congdon Drive; and
- Staff numbers will not exceed 30.

Given the above considerations, the proposal would sufficiently meet the anticipated car parking demand generated during peak periods, and therefore would not lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic on the surrounding road network.

Flood Management

The subject land is situated within a flood prone area and is affected by a 1-in-100 year flood event, as illustrated in **Figure 1** below. Given the potential flooding risks associated with the creek, the proposal has been referred to Council's City Assets Department to undertake a site-specific flood analysis, including a review of relevant flood data.

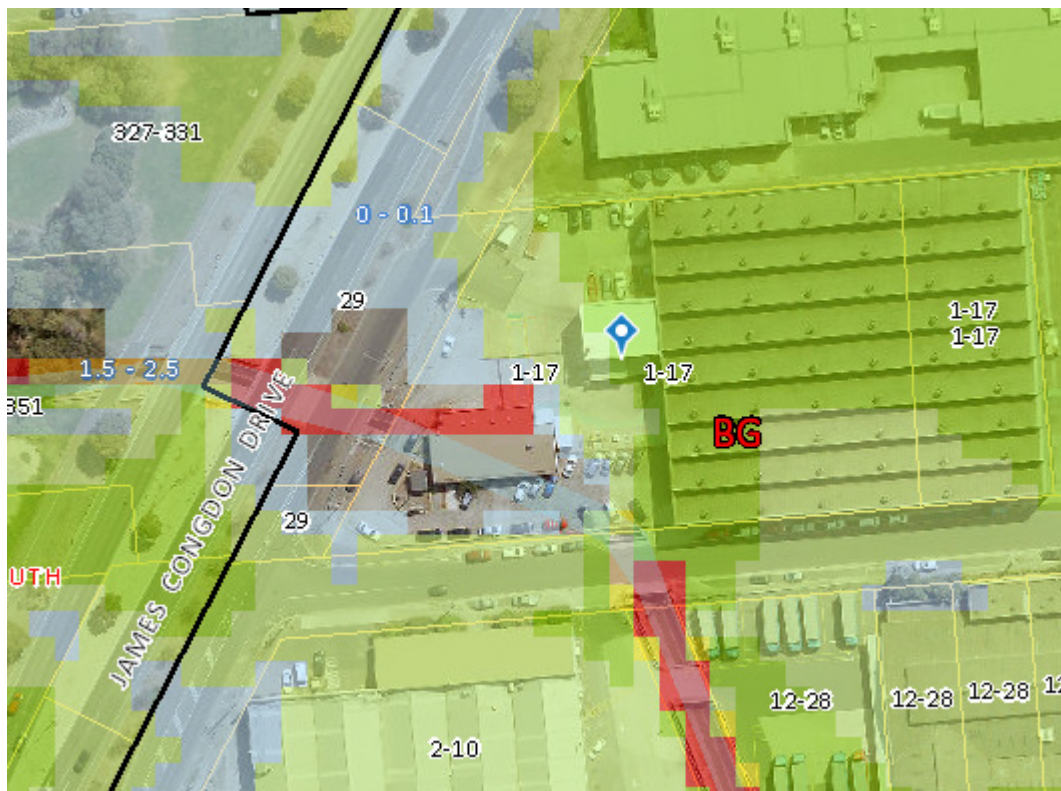


Figure 1: 1-in-100 Year Flood Extent (Source: City of West Torrens)

Principle of Development Control 4, 5 and 6 of the General Section (Hazards) seek to ensure that development located on land that is susceptible to flooding does not occur unless appropriate measures are in place to protect property and public safety during a flood event. Based on the relevant flood data for the site, Council's City Assets Department considers it necessary for the finished floor level of the proposed building addition to be elevated by approximately 500mm unless alternative flood mitigation measures are adopted.

As raising the finished floor level would affect the functionality of the addition, the applicant has agreed for all equipment within the building (i.e. furnace and electrical services) to be located at least 500mm above the floor level. City Assets considers this approach to be acceptable as the equipment would be adequately protected in the event of flooding and the external and internal door openings would ensure that water flows are not impeded.

Given the above measures, the proposal would not increase the potential hazard risk to property or public safety and would not impede the flow of floodwaters through the land. Principle of Development Control 4, 5 and 6 of the General Section (Hazards) is therefore satisfied.

Landscaping

Apart from a relatively small raised garden bed adjacent to the existing office building, the site is covered entirely by either buildings or concrete paving. As the proposal is seeking only a small building addition rather than a redevelopment of the site, additional landscaping is not considered necessary under the circumstances, particularly as it may affect the layout and functionality of the on-site car parking.

Although Principle of Development Control 18 of the Bulky Goods Zone is not being satisfied, this is not considered fatal to the overall merits of the development.

SUMMARY

When balanced against the existing site and locality characteristics, the proposed industry and associated building work is considered to be orderly and appropriate and therefore would undermine the Objectives of the Bulky Goods Zone.

The proposed car parking provision is considered to meet the anticipated demand generated by the development during peak periods due to the proposed use generating a relatively low amount of traffic and there being sufficient on-street car parking available for any overflow.

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 30 May 2017 and warrants Development Plan Consent subject to the concurrence of the State Commission Assessment Panel (SCAP).

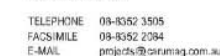
Attachments

- 1. Proposal Plans**
- 2. Statement of Effect**



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FACSIMILE 08-8352 2084
E-MAIL projects@caru.com



[illegible]

| | | |
|----------|-----------|------|
| revision | amendment | date |
|----------|-----------|------|

PLANNING APPROVAL

CLIENT

CPS PROPERTIES

PROJECT

PROPOSED WORKSHOP / OFFICE
EXTENSION

1 SCOTLAND ROAD, MILE END, SA 8531

TITLE

PROPOSED SITE PLAN

| | | | |
|-------|----------|-------|---------|
| DATE | 17.11.17 | DRAWN | MM |
| SCALE | | | 1:200 @ |

DRAWING NO./REVISION

17131-3

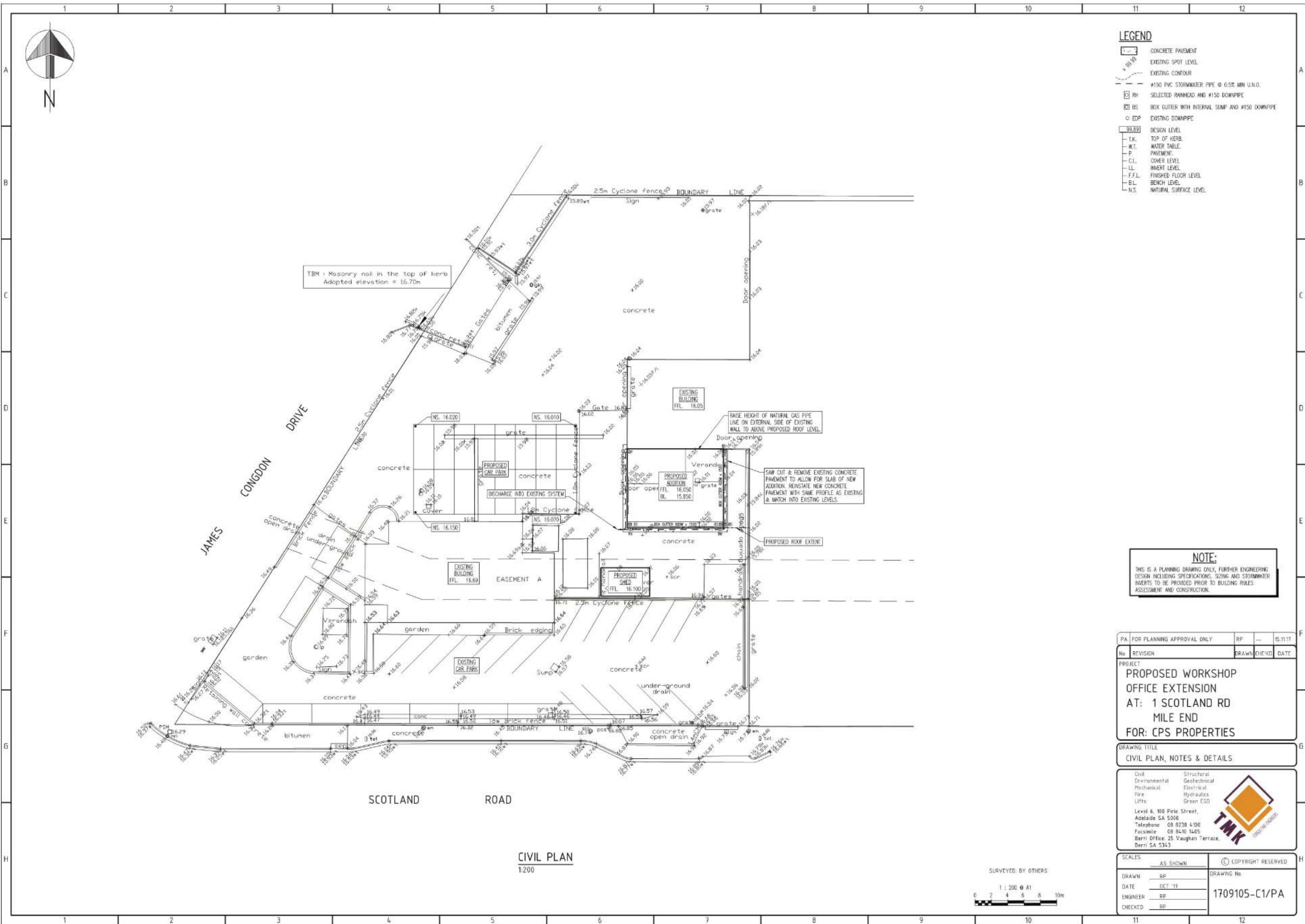
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| AREAS SUMMARY m2 | |
|----------------------------|---------------|
| EXISTING MANUFACTURING | 335.00 |
| EXISTING OFFICE BUILDING | 259.37 |
| PROPOSED WORKSHOP / OFFICE | 115.00 |
| PROPOSED WIGWAG | 46.00 |
| PROPOSED STANDISH | 91.00 |
| PROPOSED SHELTER | 21.00 |
| TOTAL | 842.00 |

| | | |
|---|-----------|------------|
| revision | amendment | date |
| <h1>PLANNING APPROVAL</h1> | | |
| <h2>CLIENT</h2> | | |
| <p>CPS PROPERTIES</p> | | |
| <h2>PROJECT</h2> | | |
| <p>PROPOSED WORKSHOP / OFFICE EXTENSION</p> | | |
| <p>1 SCOTLAND ROAD, MILE END, SA 63 5PI</p> | | |
| <h2>TITLE</h2> | | |
| <p>PROPOSED FLOOR PLANS & ELEVATIONS</p> | | |
| DATE | 22.02.18 | DRWING |
| SCALE | | 1:100 @ A1 |
| DRAWING NO./REVISION | | 17319-05 |



STATEMENT OF SUPPORT

Change in Land Use from Warehouse to Industry Including Alterations and Additions

1-17 Scotland Road, Mile End South
Hazzard and Dosser



Prepared by
MasterPlan SA Pty Ltd
ABN 30 007 755 277, ISO 9001:2015 Certified
33 Carrington Street, Adelaide SA 5000
Telephone: 8193 5600, masterplan.com.au

October 2017



1.0 INTRODUCTION

MasterPlan SA Pty. Ltd. has been engaged by EPS Properties ('our client') to prepare a Statement of Support for Development Application 211/1094/2017 at 1-17 Scotland Road, Mile End South ('the subject site'), which seeks the *change in land use from warehouse to industry and alterations and additions including workshop and offices.*

The 'Procedural Matters' section of the Bulky Goods Zone of the West Torrens Development Plan (consolidated on 30 May 2017) states the following:

Development (including combinations thereof, or more than one of a particular kind, alterations, extensions and/or additions to existing buildings or structures, building work, a change in the use of land, or division of an allotment) for the following is non-complying:

- **Industry.**

The proposed development, as will be described in further detail in **section 4.0** of this report, seeks a change in land use from warehouse to industry and alterations and additions to the existing building, therefore the proposed development is a non-complying form of development.

Part 4, Regulation 17(1) of the *Development Regulations, 2008* requires a Statement of Support be submitted with any application. This Statement of Support contains a description of the subject site, locality and the nature of the proposed development, along with our assessment as to why the application warrants a more detailed assessment.

This report is to be read in conjunction with the following documentation:

- a Certificate of Title attached as **Appendix A;**
- a locality plan attached as **Appendix B;** and
- a full set of plans (to scale) attached as **Appendix C.**

2.0 SUBJECT SITE

The subject site is located on the north-eastern corner of Scotland Road and James Congdon Drive, Mile End South. Currently located on the subject site is an industrial building, which accommodates manufacturing of fire protection systems/construction products. Vehicle access to the subject site is gained via both James Congdon Drive and Scotland Road.

The subject site is formally referred to as:

- Allotment 9: Filed Plan 19507, Hundred of Adelaide, Volume 5420 Folio 608.



A site inspection confirmed there are no regulated and/or significant trees on or adjacent the subject site. The subject sites features are shown in the images below:



Image 1: View from Scotland Road.



Image 2: Close up view of location of proposed additions.

3.0 LOCALITY

The immediate locality comprises a mixture of land uses and built form, an overview of the locality is provided below:

North (side):

- a series of single storey buildings associated with the Mile End Home Centre;
- the centre comprises a mixture of bulky goods outlets, shops and restaurants with associated vehicle parking; and
- vehicle access to the site is gained via both James Congdon Drive to the west and Railway Terrace to the east.

South (opposing side of Scotland Road):

- a warehouse style building that is utilised by Australia Post as a distribution centre;
- heavy vehicles associated with the freight/logistics land use, utilise access points off both James Congdon Drive and Scotland Road; and
- south of this property is a double storey building used for the purpose of auction rooms, with heavy vehicle access gained via James Congdon Drive and London Road.



East (rear):

- a large-scale industrial/warehouse facility; and
- vehicle access is gained via Scotland Road.

West (opposing side of James Congdon Drive):

- located approximately 60 metres west of the subject site, on the opposing side of James Congdon Drive is a single storey retail showroom store (Adelaide Marble), with on-site parking located within the front setback; and
- surrounding land is currently vacant.

4.0 NATURE OF PROPOSED DEVELOPMENT

4.1 Built Form

The proposed development seeks to modify the existing arrangements with a double storey alteration and addition to the existing warehouse/factory. The works will comprise the following elements:

- ground level to comprise:
 - an additional furnace room;
 - a meeting/observation room;
 - a 'construction' area for preparation of testing material/s; and
 - a new covered walkway.
- mezzanine level to comprise three offices;
- the additions will result in an additional 212 square metres of floor area;
- the additions will have an overall building height of 9.0 metres, which means it will sit below the overall height of the existing warehouse/factory building; and
- the additions are to be clad in Colorbond steel to match the existing building.

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4.2 Land Use

The proposed development seeks to formalise the historic industrial (manufacturing) land use of the site, which has been operational since 2000. Prior to this the subject site was approved for, and used as a warehouse facility.

The key elements of the land use components include:

Existing Operations:

- Promat are world leaders in the development of fire protection equipment and building materials, with the current facility the Australian Head Office;
- operating hours of 6:00 am to 6:00 pm;
- maximum staff numbers of 30; and
- heavy vehicle visits to the site average 9-10 per week;

Proposed Additional Operations:

- the installation and operation of an additional furnace to be used for the research and development of new products for their world-wide operations;
- an additional three new offices to be located on the mezzanine level;
- no increase to operating hours or staff numbers; and
- there will be no increase to manufacturing/production.

4.3 Type of Development

The 'Procedural Matters' section of the Bulky Goods Zone outlines criteria for complying and non-complying forms of development. The non-complying section states the following:

Development (including combinations thereof, or more than one of a particular kind, alterations, extensions and / or additions to existing buildings or structures, building work, a change in the use of land, or division of an allotment) for the following is non-complying:

- **Industry.**

Having regard to the above, the proposed development, which seeks to formalise the existing industrial land use and undertake alterations and additions to the existing building, is a non-complying form of development.



It should be noted that the subject site, and immediate locality, were previously zoned Industry up until 9 October 2003 when the Bulky Goods DPA was gazetted. This is reflected by the predominant land uses and associated buildings within the immediate locality, which are of an industrial nature.

4.4 Public Notification

Schedule 9, Part 1, Regulation 3 states the following:

Any development classified as *non-complying* under the relevant Development Plan which comprises—

- (a) the alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only; or
- (b) the construction of a building 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; or
- (c) the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments.

Having regard to the above, we form the opinion that the relevant authority, Council, can reasonably form the opinion that the proposed development is of a minor nature only for the following reasons:

- the proposed development seeks the alterations and additions to the existing building, which will sit lower than the existing building and be constructed of the same external materials;
- the subject site does not sit adjacent land within a different zone;
- the subject site and immediate locality was previously zoned Industry, with the majority of surrounding development reflecting this;
- the proposed alterations and additions are to be used in associated within the existing building and will facilitate the better enjoyment of the existing building through the provision of formal office areas and covered outdoor seating for workers; and
- the proposed development is not seriously at variance with Council Wide and Zone Objectives, Desired Character and Principles of Development Control (PDC).

4.5 Statutory (External) Referrals

No statutory referrals are required under Schedule 8 of the *Development Regulations, 2008*.



5.0 PLANNING MERITS

Whilst it is acknowledged that the proposal is non-complying under the current provisions of the West Torrens Development Plan (consolidated on 30 May 2017), the proposal exhibits substantial planning merit when considered against the relevant Council Wide and Zone Objectives, Desired Character and Principles of Development Control (PDC) as demonstrated below:

- the proposed works will not result in an intensification of the existing use;
- the extent of the proposed building works is proportionally minor when read in context with the entire site – the additional floor area equates to a six percent increase;
- the proposed development will not result in additional staff or an intensification of the existing use;
- the proposed development will not result in detrimental impacts to adjacent land uses, with specific regard to vehicle access/parking;
- PDC 1 (Industrial Development) – the proposed works are located to the front of the subject site/building and comprises offices;
- PDC 3 (Industrial Development) – this proposal does not prevent vehicles from entering and exiting the subject site in a forward direction; and
- PDC 7 (Industrial Development) - the subject site is not located within 50 metres of a residential zone.

6.0 CONCLUSION

In summary, we have formed the opinion that the proposal demonstrates substantial planning merit to warrant a further, more detailed, planning assessment in accordance with Regulation 17(5) of the *Development Regulations, 2008*.

If Council's Assessment Panel (CAP) should resolve to allow the application to proceed to assessment, the following planning considerations will be discussed in greater detail within the Statement of Effect:

- an assessment against the relevant Council Wide Objectives and Principles of Development Control (PDC);
- an assessment against the relevant Bulky Goods Zone Objectives, Desired Character and Principles of Development Control (PDC), with a particular focus on the built form and land use; and
- demonstration that the proposed development will not detrimentally impact on adjacent industrial premises or the character/amenity of the immediate locality.

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For the reasons set out above, and given the proposal represents an enhancement to existing activities to improve the existing operations capabilities and office facilities rather than a change of use we request that the proposal be allowed to proceed to full assessment.

Should you have any queries please do not hesitate to contact the undersigned.

A handwritten signature in black ink, appearing to read 'Grant Croft'.

Grant Croft MPIA
Bachelor in Urban and Regional Planning (Hons)

31 October 2017

50637REP01

7

STATEMENT OF EFFECT

Change in Land Use from Warehouse to Industry Including Alterations and Additions

1-17 Scotland Road, Mile End South
Hazzard and Dosser



Prepared by
MasterPlan SA Pty Ltd
ABN 30 007 755 277, ISO 9001:2015 Certified
33 Carrington Street, Adelaide SA 5000
Telephone: 8193 5600, masterplan.com.au

November 2017



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1.0 INTRODUCTION

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The 'Procedural Matters' section of the Bulky Goods Zone of the West Torrens Development Plan (consolidated on 30 May 2017) states the following:

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The proposed development, as will be described in further detail in **Section 4.0** of this report, seeks a change in land use from warehouse to industry and alterations and additions to the existing building, therefore the proposed development is a non-complying form of development.

Part 4, Regulation 17(1) of the *Development Regulations, 2008* requires a Statement of Support be submitted with any application. This Statement of Support contains a description of the subject site, locality and the nature of the proposed development, along with our assessment as to why the application warrants the planning authority's support.

This report is to be read in conjunction with the following documentation:

- a Certificate of Title attached as **Appendix A**;
- a locality plan attached as **Appendix B**; and
- a full set of plans (to scale) attached as **Appendix C**.

2.0 SUBJECT SITE

The subject site is located on the north-eastern corner of Scotland Road and James Congdon Drive, Mile End South. Currently located on the subject site is a large metal clad industrial building with a 'saw tooth' roof, which accommodates manufacturing of fire protection systems and construction products. Vehicle access to the subject site is gained via both James Congdon Drive and Scotland Road.

The subject site is formally referred to as:

- Allotment 9: Filed Plan 19507, Hundred of Adelaide, Volume 5420 Folio 608.



A site inspection confirmed there are no regulated and / or significant trees on or directly adjacent the subject site.

3.0 LOCALITY

The immediate locality comprises a mixture of land uses and built form, an overview of the locality is provided below:

North (side)

- A series of single storey buildings associated with Mile End Home Centre.
- The centre comprises a mixture of bulky goods outlets, shops and restaurants with associated vehicle parking.
- Vehicle access to the site is gained via both James Congdon Drive to the west and Railway Terrace to the east.

South (opposing side of Scotland Road)

- A warehouse style building that is utilised by Australia Post as a distribution centre.
- Heavy vehicles associated with the freight/logistics land use, utilises access points off both James Congdon Drive and Scotland Road.
- South of this property is a double storey building used for the purpose of auction rooms, with heavy vehicle access gained via James Congdon Drive and London Road.

East (rear)

- A large-scale industrial/warehouse facility.
- Vehicle access is gained via Scotland Road.

West (opposing side of James Congdon Drive)

- Located approximately 60 metres west of the subject site, on the opposing side of James Congdon Drive is a single storey retail showroom store (Adelaide Marble), with on-site parking located within the front setback.
- Surround land is currently vacant.



4.0 NATURE OF PROPOSED DEVELOPMENT

The proposed development seeks, in part, retrospective approval for its historical use of the site for manufacturing, along with alterations and additions to the existing facility as described in further detail below.

4.1 Land Use

The proposed development seeks to formalise the historical industrial (manufacturing) land use of the site, which has been operational since 2000. Prior to this the subject site was approved for, and operated as, a warehouse facility.

The key land use elements have been broken down into existing and proposed operations:

Existing Operations

- Manufacturing of fire protection equipment and building materials including bulkhead sealer systems and fire-resistant service collars.
- Operation of a furnace.
- Operating hours of 6:00 am to 6:00 pm.
- Maximum staff numbers of 30.
- Heavy vehicle visits to the site average 9-10 per week.

Proposed Additional Operations

- The installation and operation of an additional furnace to be used for the research and development of new products for their world-wide operations.
- An additional three new offices to be located on a new mezzanine level associated with the proposed works.
- No increase to operating hours or staff numbers are proposed.
- There will be no increase to manufacturing/production, with the additional furnace to be used for research and development only.

4.2 Built Form

The proposed development seeks to undertake double storey alterations and additions to the existing building, as illustrated on plans attached as Appendix C. These works will comprise the following elements:



- ground level additions to comprise:
 - an additional furnace room, which will sit adjacent the existing furnace;
 - a meeting/observation room;
 - a 'construction' area for the preparation of testing materials; and
 - a new covered walkway and shelter.
- a mezzanine level, which will comprise three offices;
- the proposed works will result in an additional 212 square metres of floor area;
- the additions will have an overall building height of 9.0 metres, which will ensure it sits below the overall building height of the existing building; and
- the additions are to be clad in Colorbond steel to match the existing building.

4.3 Type of Development

The 'Procedural Matters' section of the Bulky Goods Zone sets out criteria for complying and non-complying forms of development. The non-complying sections states the following:

Development (including combinations thereof, or more than one of a particular kind, alterations, extensions and / or additions to existing buildings or structures, building work, a change in the use of land, or division of an allotment) for the following is non-complying:

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4.4 Public Notification

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Any development classified as *non-complying* under the relevant Development Plan which comprises—

- (a) **the alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only; or**
- (b) **the construction of a building 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; or**
- (c) **the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments.**



Having regard to the above, we are of the view that the relevant authority, Council, can reasonably form the opinion that the proposed development is of a minor nature only for the following reasons:

- the subject site and surrounding area was previously zoned Industry, as is clearly visible by the surrounding land uses and buildings, and was converted to the Bulky Goods Zone on 9 October 2003;
- the existing land use has operated within these premises since 2001, which dates back to when the land was originally zoned industry;
- the proposed development seeks the alterations and additions to the existing building, which will sit lower than the existing building and be constructed of the same external materials;
- the subject site does not sit adjacent land within a different zone;
- the subject site and immediate locality was previously zoned Industry, with the majority of surrounding development reflecting this;
- the proposed alterations and additions are to be used in association within the existing building and will facilitate the better enjoyment of the existing building through the provision of formal office areas and covered outdoor seating for workers; and
- the proposed development is not seriously at variance with Council Wide and Zone Objectives, Desired Character and Principles of Development Control (PDC).

5.0 DEVELOPMENT PLAN ASSESSMENT

The subject site is located within the Bulky Goods Zone of the West Torrens Council Development Plan (consolidated on 30 May 2017). An assessment against the relevant Council Wide and Zone Objectives, Desired Character and Principles of Development Control (PDC) is provided below.

5.1 Land Use

The proposed development seeks retrospective approval for a change in land use to the existing building from warehouse to manufacturing (industry), which will be continued on into the new additions proposed as part of this application. The proposed change in land use is considered to have appropriate regard to the relevant Council Wide and Zone Objectives, Desired Character and Principles of Development Control (PDC) of the Development Plan in the following manner:



- Council Wide Objective 1 (Industrial Development) seeks to ensure industrial and/or warehouse development is appropriately located to minimise potential impacts on local transport networks. This is achieved given the historical industrial and warehouse use of the subject building and the immediate locality. We also note the very low traffic volumes to and from the site;
- Council Wide Objective 3 (Industrial Development) seeks to ensure that industrial development does not have adverse impacts on the health and amenity of land within adjoining zones. The subject property does not sit directly adjacent land within another zone, furthermore it should be noted that the Bulky Goods Zone in which the subject site sits, is surrounded by land zoned Industry to the south, east and west;
- Council Wide PDC 6 (Industrial Development) seeks to ensure adverse impacts on adjoining uses are minimised – given the industrial nature of adjacent land uses the proposed industry use is considered appropriate and not likely to cause nuisance to adjacent business which operate at similar, if not longer, operating hours;
- Council Wide PDC 7 (Industrial Development) seeks to ensure industrial development is located greater than 50m from a residential zone boundary. The subject site is located over 200 metres from the closest residential zone boundary, and therefore satisfies the intent of this provision;
- the proposed manufacturing (industry) is located in an area previously zoned Industry, where this form of development was envisaged – this is supported by the predominant character of buildings and land uses in the immediate locality that reflect this character/use; and
- Zone PDC 14 seeks to ensure primary freight access is via Scotland Road. The development achieves this principle, however it should also be noted there is an existing access off James Congdon Drive.

5.2 Built Form

The proposed development seeks approval for the construction of double storey alterations and additions to the existing building as described in **Section 4.2** of this report. The proposed works are considered to have appropriate regard to the relevant Council Wide and Zone Objectives, Desired Character and Principles of Development Control (PDC) of the Development Plan in the following manner:

- the immediate locality is characterised by industrial buildings, in-particular along the northern side of Scotland Road;
- the proposed additions will sit lower than the existing built form, and be constructed and finished from like materials to ensure they seamlessly blend into the existing structures;



- Council Wide Objective 3 (Industrial Development) seeks to ensure development enables all vehicles to enter and exit the site in a forward direction – the development does not impede existing vehicle movements, which allow for all vehicles to enter and exit the site in a forward direction;
- Council Wide PDC 2 (Industrial Development) seeks to ensure new buildings are located within the following building envelope:

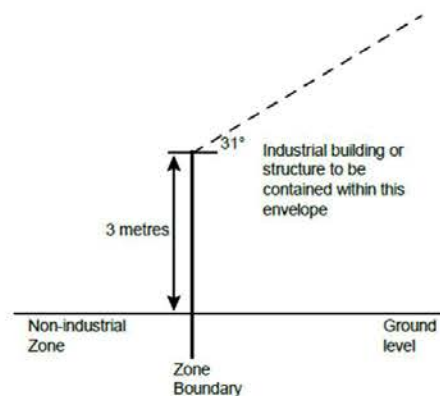


Figure 1: Building envelope associated with Council Wide PDC 2 (Industrial Development)

- the development, whilst not located within an Industry zone, fits well within the building envelope illustrated above with a minimum boundary setback of 24.236 metres
- Council Wide PDC 5 (Industrial Development) seeks to ensure building facades facing a non-industrial zone, public road or open space use a variety of building finishes, that does not consist solely of metal cladding and contains materials of low reflectivity. Whilst the proposed additions are proposed to be clad in metal, this is to ensure consistency and connectivity with the existing industrial building and is of a minor scale when read in context with existing structures;
- all materials are of low reflectivity and the location of ground and upper level windows break up the built form when viewed from the street;
- PDC 15 seeks to ensure new buildings do not exceed 9.0 metres in height when measured from the finished floor level, the proposed additions will measure 9.0 metres exactly and therefore satisfy the intent of this provision;
- PDC 16 seeks to ensure new works are setback from public roads an equal or greater distance than the height of the building – the minimum setback proposed is 24.236 metres, which is substantially greater than the minimum 9.0 metres required; and
- no additional signage is proposed as part of this application.



5.3 Vehicle Parking and Access

Table WeTo/2 of the Development Plan outlines requirements for off-street vehicle parking dependent on the form of development proposed. As demonstrated in the table below, the provisions do not make a distinction between warehouse and industry and therefore no additional vehicle parking requirements for the retrospective approval of the existing warehouse building to industry apply.

TABLE 1: OFF-STREET VEHICLE PARKING REQUIREMENTS

| FORM OF DEVELOPMENT | NUMBER OF REQUIRED CAR PARKING SPACES | |
|--|---|---|
| | Development Plan Requirements | Proposed Additions |
| Office component | 3.3 per 100 square metres of total floor area | 45 square metres of office = 1 additional space |
| Non-office component up to 200 square metres | 2 per 100 square metres of floor area | 115 square metres of 'non-office' space = 2 additional spaces |

Based on the requirements outlined above, an additional three off-street vehicle parks will be generated by the proposed works. Whilst no additional off street parking is proposed, the additional demand for parking is not considered detrimental when assessed against the relevant Council Wide and Zone Objectives, Desired Character and Principles of Development Control (PDC) for the following reasons:

- Council Wide Objective 2 (Transportation and Access) seeks to ensure development provides safe and efficient movement for all transport modes, the proposed development is considered to achieve this in the following manner:
 - all vehicles can enter and exit the subject site in a forward direction;
 - there is sufficient off-street vehicle parking for staff and visitors.
- Council Wide PDC 40 (Transportation and Access) seeks to ensure all parking areas are sealed to minimise dust and mud nuisance, the existing parking areas are sealed;
- Council Wide PDC 42 (Transportation and Access) seeks to ensure all parking areas are line marked – all existing vehicle parks are appropriately line marked;
- the proposed development will not result in additional staff or an increase in production; and
- Zone PDC 14 seeks primary freight access off Scotland Road, which will be maintained.



6.0 SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS OF PROPOSAL

The following section is pertinent to an evaluation of the social, economic and environmental effects of the proposed development, which comprises a change in land use and built form component.

6.1 Social Effects

The social effects associated with this development are considered neutral, especially given the subject site does not sit directly adjacent any land zoned residential. It is also important to note that the proposal presents a substantial commitment by our client to the continued use and operation of its facility, which employs approximately 30 persons and the proposed changes reinforce this employment in this area.

Furthermore, all vehicle access and parking arrangements to the subject site will not change, with no impact on neighbouring land uses.

6.2 Economic Effects

The nature of the proposed development is considered orderly and economic and will result in the continued employment of approximately 30 people within the industry, which has recently been impacted through the closure of the car manufacturing industry within South Australia.

Furthermore, the proposed development represents a substantial financial commitment by our client, Promat, in the local area, as it becomes the head office for operations in Australia, and also the centre for research and development of new product, for not only the Australian market but worldwide.

6.3 Environmental Effects

The proposed change in land use and built form addition to the existing building are not considered to result in adverse environmental conditions, especially given adjacent landowners/uses are all non-residential, and in most instances of an industrial nature themselves. The furnace facilities operate in accordance with all EPA licencing requirements.

7.0 CONCLUSION

In conclusion, the proposed development has appropriate regard to the relevant Council Wide and Zone Objectives, Desired Character and Principles of Development Control of the West Torrens Council Development Plan (consolidated on 30 May 2017) to warrant consent from Council and the State Planning Commission concurrence of that consent for the following reasons:

- the existing manufacturing component of this application has been operational since 2001 when the land was zoned industry;



- the retrospective change in land use will not result in additional demand for off street vehicle parking as the requirements of Table WeTo/2 of the Development Plan do not differentiate between warehouse and office;
- the proposed development has appropriate regard to relevant Council Wide Objectives and Principles of Development Control (PDC) relating to industrial development and interface between land uses;
- the proposed development has appropriate regard to the relevant Zone Objectives and PDC's and by ensuring impacts on adjacent properties are minimised;
- the proposed built form will sit lower than the existing building, and be clad in materials that reflect the industrial character of both the existing building and immediate locality;
- the subject site does not sit adjacent land zoned residential; and
- the development will have both positive social and economic impacts on the locality.

Grant Croft MPIA
B/A in Planning

17 November 2017

50637REP02

10

APPENDIX A



| | |
|---------------------------|-------------------------------|
| Product | Register Search (CT 5420/608) |
| Date/Time | 09/10/2017 04:29PM |
| Customer Reference | 00144 |
| Order ID | 20171009011790 |
| Cost | \$28.25 |



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5420 Folio 608

| | | | | |
|----------------------------|-------------|----------------|---|-----------------------|
| Parent Title(s) | CT 3559/173 | | | |
| Creating Dealing(s) | VE 8192048 | | | |
| Title Issued | 21/05/1997 | Edition | 8 | Edition Issued |
| | | | | 12/10/2015 |

Estate Type

FEE SIMPLE

Registered Proprietor

L. & V. INVESTMENTS PTY. LTD. (ACN: 007 716 592)
OF 26 RIVERSIDE GROVE DERNANCOURT SA 5075
1 / 2 SHARE

SALEF PTY. LTD. (ACN: 008 216 108)
OF 10 GREENHILL ROAD WAYVILLE SA 5034
1 / 2 SHARE

Description of Land

ALLOTMENT 9 FILED PLAN 19507
IN THE AREA NAMED MILE END SOUTH
HUNDRED OF ADELAIDE

Conditions

THE RIGHT OF WAY APPURTENANT AND ACCRUING BY VIRTUE OF SECTION 90 OF THE REAL PROPERTY ACT TO THE WITHIN LAND IS SURRENDERED TO THE EXTENT THAT THE SOUTH AUSTRALIAN COMPANY AND OTHER OWNERS OF LAND IN DP 2163 MAY ENJOY THE RIGHT TO CONSTRUCT MAINTAIN REPAIR AND USE A RAILWAY OVER ALLOTMENT 152 IN FP 19721 OR ANY PART THEREOF AS SET FORTH IN MEMORANDUM 688257

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A TO THE AUSTRALIAN NATIONAL RAILWAYS COMMISSION (T 553559)

Schedule of Dealings

| Dealing Number | Description |
|----------------|--|
| 8998268 | LEASE TO OPTUS MOBILE PTY. LTD. COMMENCING ON 1/6/2015 AND EXPIRING ON 31/5/2020 OF PORTION (A IN GP 456/2000) |

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes



| | |
|---------------------------|-------------------------------|
| Product | Register Search (CT 5420/608) |
| Date/Time | 09/10/2017 04:29PM |
| Customer Reference | 00144 |
| Order ID | 20171009011790 |
| Cost | \$28.25 |

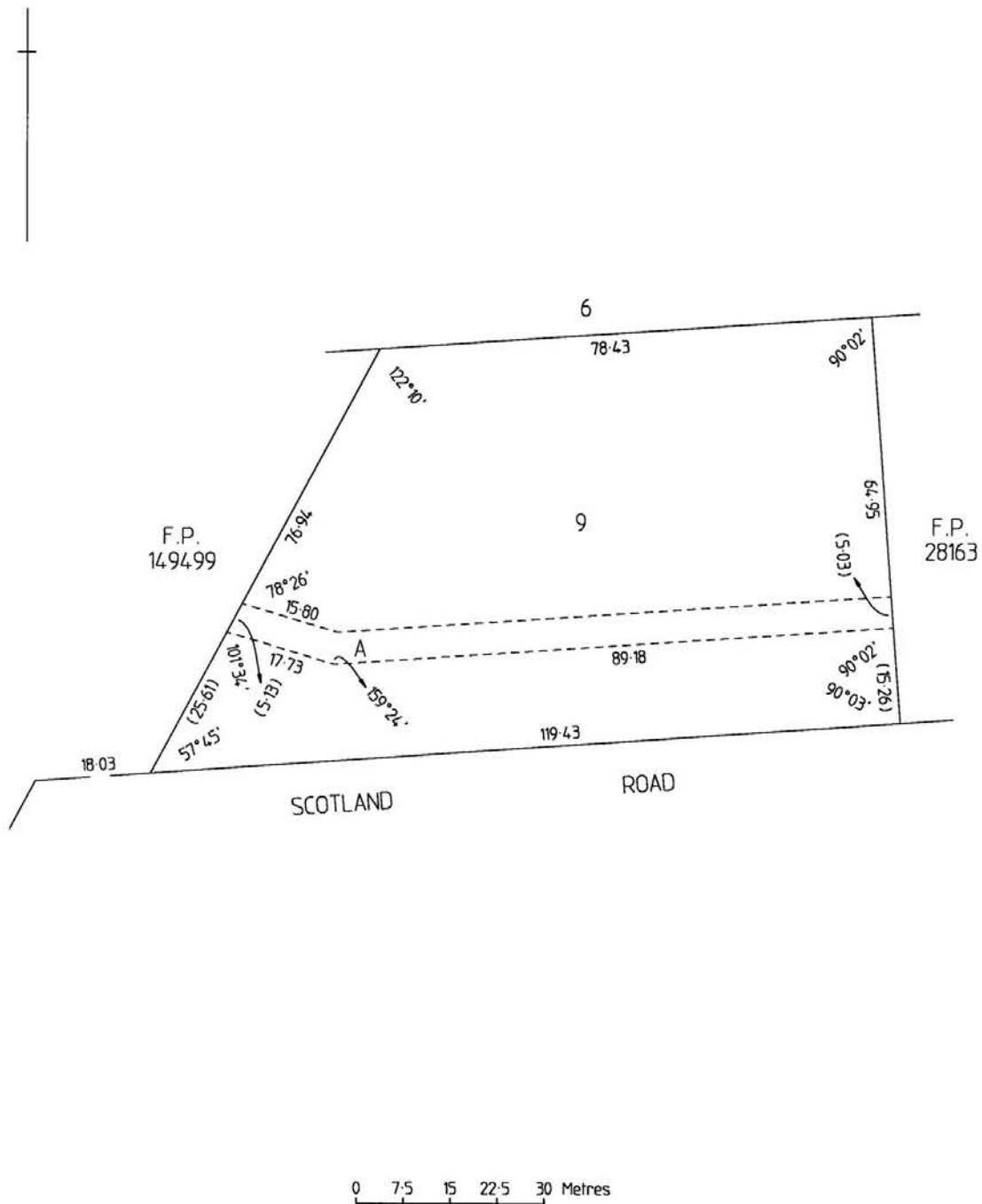
PLAN FOR LEASE PURPOSES VIDE G170/2001
PLAN FOR LEASE PURPOSES VIDE G456/2000
NEW EDITION CREATED DUE TO EXPIRATION OF LEASE

Administrative Interests NIL



Government of South Australia
Department of Planning,
Transport and Infrastructure

| | |
|--------------------|-------------------------------|
| Product | Register Search (CT 5420/608) |
| Date/Time | 09/10/2017 04:29PM |
| Customer Reference | 00144 |
| Order ID | 20171009011790 |
| Cost | \$28.25 |



Land Services

Page 3 of 3

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| | |
|---------------------------|-------------------------------|
| Product | Register Search (CT 5420/608) |
| Date/Time | 12/10/2017 10:15AM |
| Customer Reference | 50637 |
| Order ID | 20171012002652 |
| Cost | \$11.20 |



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5420 Folio 608

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| Dealing Number | Description |
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Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes



| | |
|---------------------------|-------------------------------|
| Product | Register Search (CT 5420/608) |
| Date/Time | 12/10/2017 10:15AM |
| Customer Reference | 50637 |
| Order ID | 20171012002652 |
| Cost | \$11.20 |

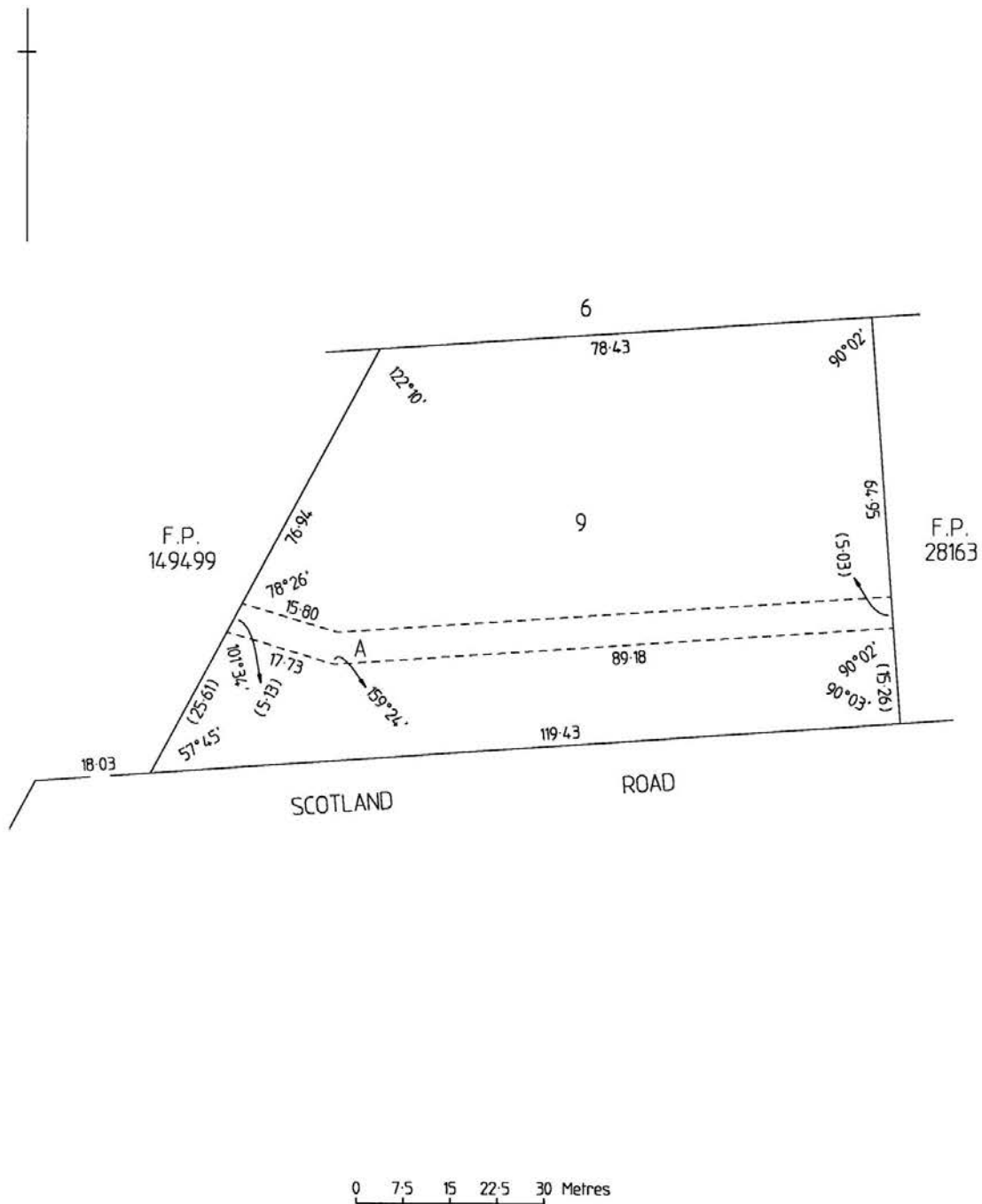
PLAN FOR LEASE PURPOSES VIDE G170/2001
PLAN FOR LEASE PURPOSES VIDE G456/2000
NEW EDITION CREATED DUE TO EXPIRATION OF LEASE

Administrative Interests NIL



Government of South Australia
Department of Planning,
Transport and Infrastructure

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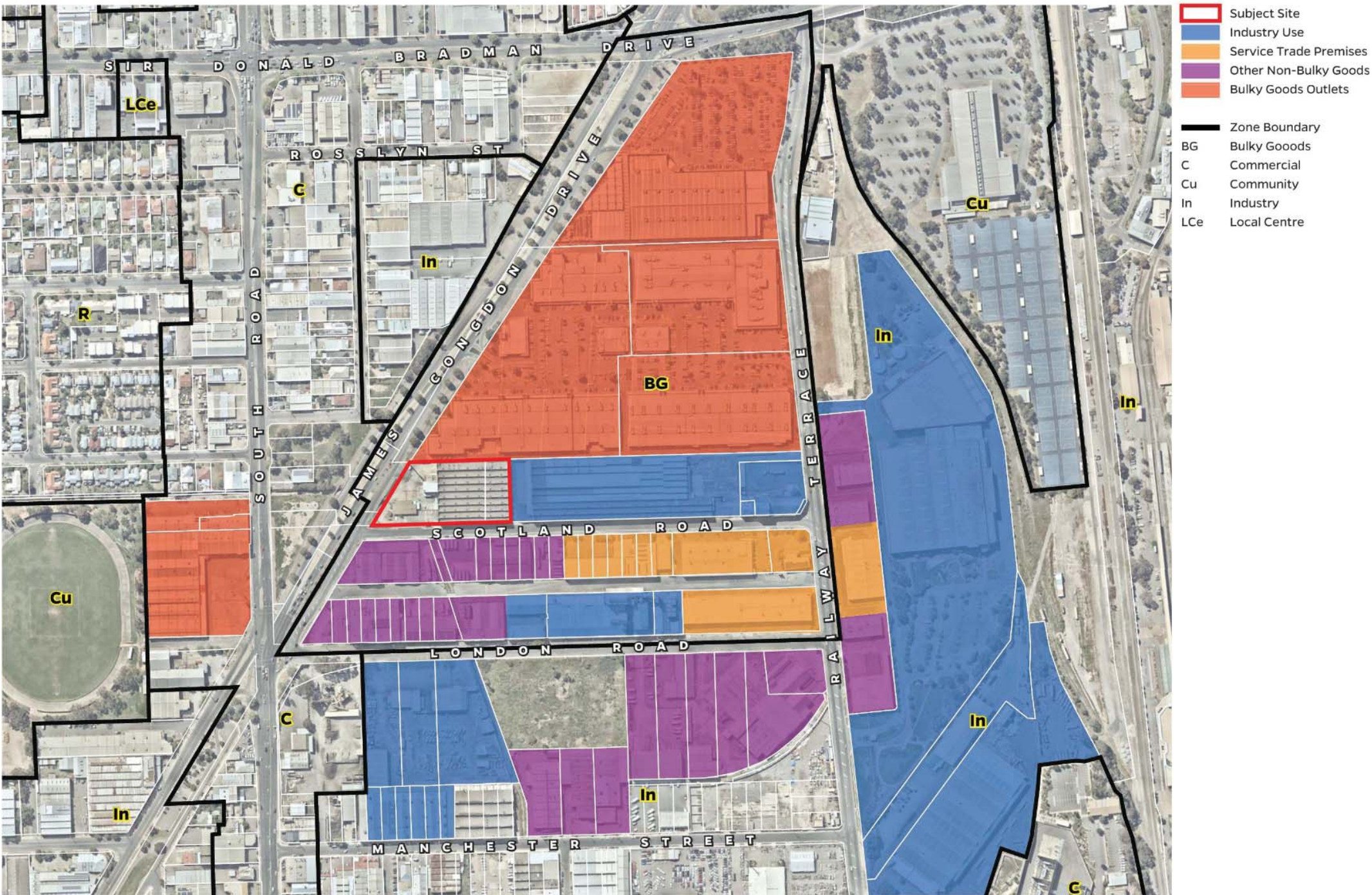
Land Services

Page 3 of 3

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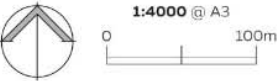
APPENDIX B



Locality Plan
LAND USE

1 Scotland Road
MILE END SOUTH

for Gordon Hazzard



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SA | NT | QLD
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APPENDIX C



TELEPHONE 08-8352 3505
FACSIMILE 08-8352 2084
E-MAIL projects@caru.org

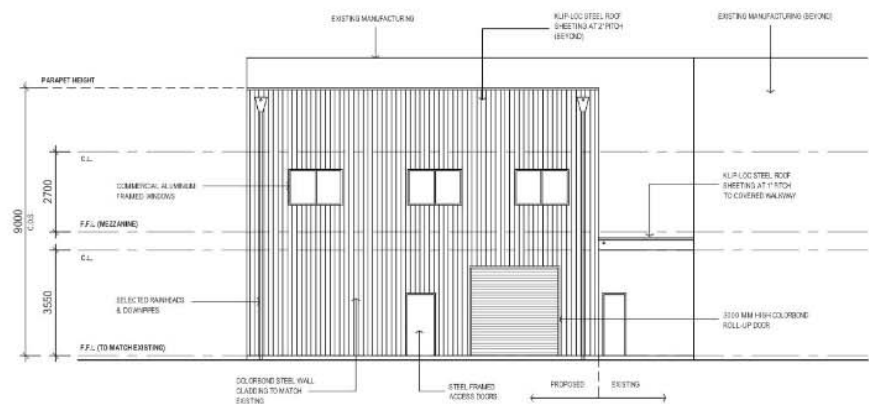


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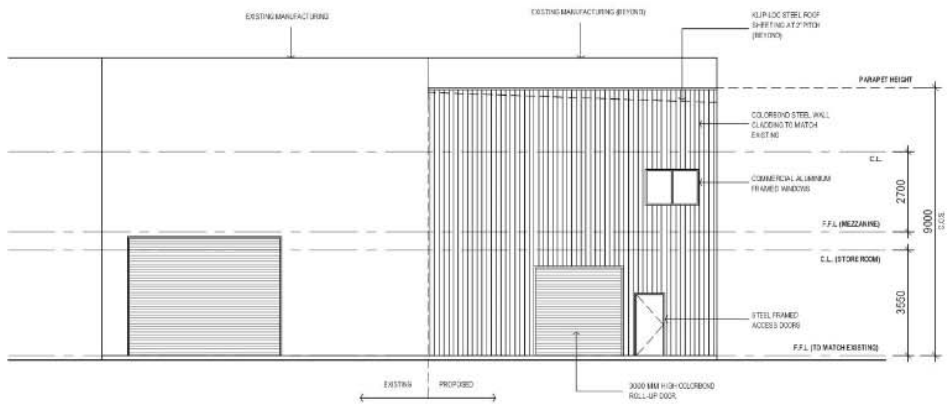


TELEPHONE 08-8352 3505
FACSIMILE 08-8352 2084
E-MAIL projects@caru.org

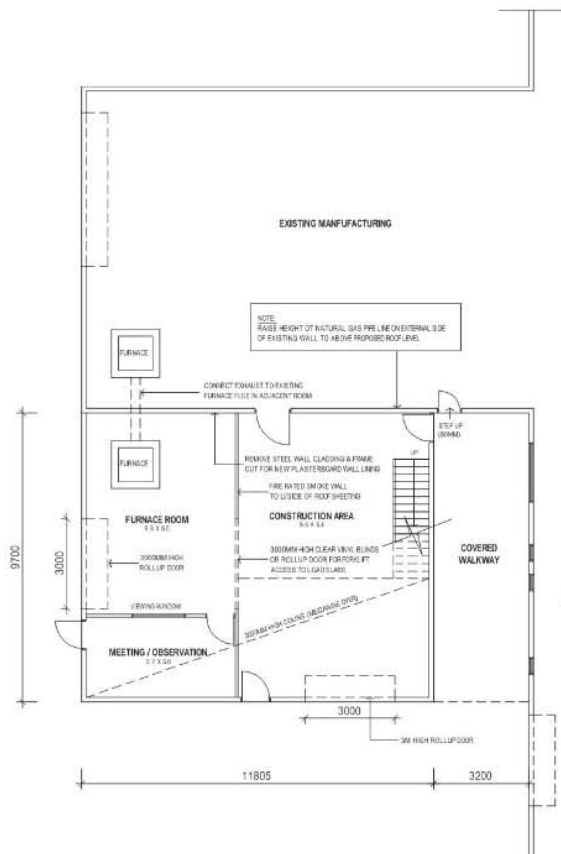




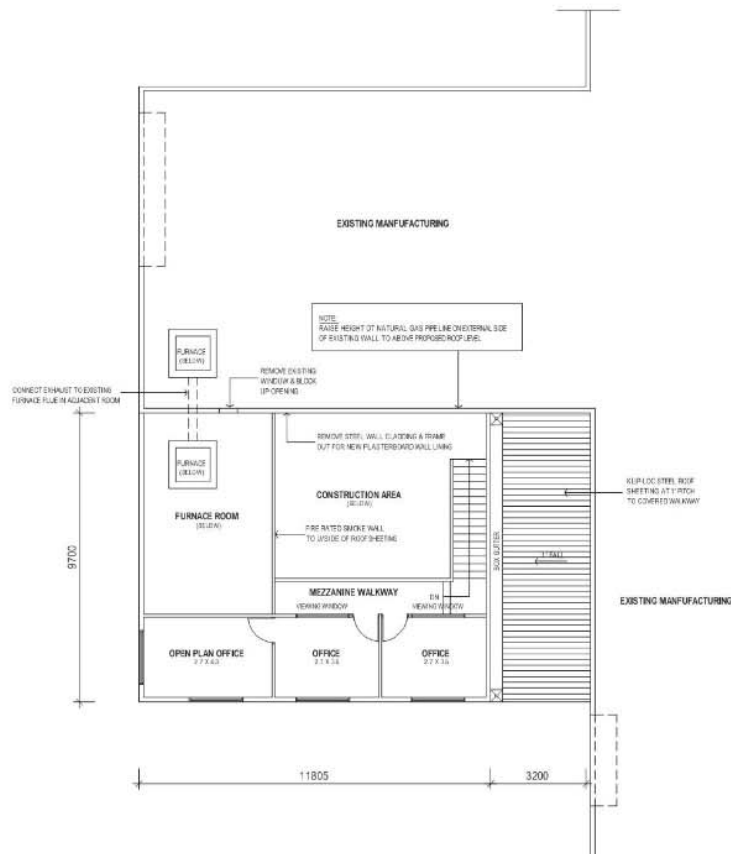
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SCALE 1:100



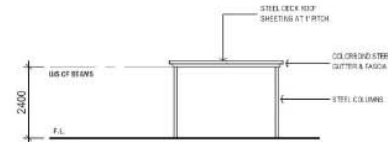
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SCALE 1:100



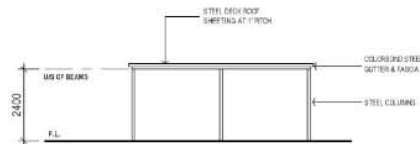
PROPOSED GROUND FLOOR PLAN
SCALE 1:100



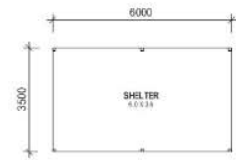
PROPOSED MEZZANINE PLAN
SCALE 1:100



END ELEVATION (TYPICAL)
SCALE 1:100



SIDE ELEVATION (TYPICAL)
SCALE 1:100



PROPOSED FLOOR PLAN (SHELTER)
SCALE 1:100

carumag
CARUMAG CORPORATION PTY LTD
A.C.N. 106 081 017
PROJECT MANAGEMENT & DESIGN

L1 / 137 MARION ROAD
RICHMOND, SA 5033

TELEPHONE 08-8352 3505
FACSIMILE 08-8352 2084
E-MAIL projects@carumag.com.au



| AREAS SUMMARY m2 | |
|----------------------------|---------|
| EXISTING MANUFACTURING | 3351.00 |
| EXISTING OFFICE BUILDING | 380.00 |
| PROPOSED WORKSHOP / OFFICE | 1119.00 |
| PROPOSED MEZZANINE | 49.00 |
| PROPOSED WALKWAY | 81.00 |
| PROPOSED SHELTER | 21.00 |
| TOTAL | 5822.00 |

| revision | amendment | date |
|--|--------------|------|
| PLANNING APPROVAL | | |
| CLIENT | | |
| CPS PROPERTIES | | |
| PROJECT | | |
| PROPOSED WORKSHOP / OFFICE EXTENSION 1 SCOTLAND ROAD, MILE END, SA, 5031 | | |
| TITLE | | |
| PROPOSED FLOOR PLANS & ELEVATIONS | | |
| DATE: 06.11.17 | DRAWN: MM/LP | |
| SCALE: 1:100 @ A1 | | |
| DRAWING NO./REVISION | 17919-03 | |
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6.5 44 Spring Street, NORTH PLYMPTON

Application No 211/700/2017

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|--|
| DEVELOPMENT PROPOSAL | Land division - Torrens Title; SCAP No. 211/D100/17; Create one (1) additional allotment |
| APPLICANT | Amanda Piper |
| APPLICATION NO | 211/700/2017 |
| LODGEMENT DATE | 7 June 2017 |
| ZONE | Residential |
| POLICY AREA | Low Density Policy Area 20 |
| APPLICATION TYPE | Merit |
| PUBLIC NOTIFICATION | Category 1 |
| REFERRALS | Internal <ul style="list-style-type: none"> ▪ City Assets External <ul style="list-style-type: none"> ▪ SCAP ▪ SA Water |
| DEVELOPMENT PLAN VERSION | 30 May 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council 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 and Land Division Consent for Application No. 211/700/2017 by Amanda Piper to undertake land division - Torrens Title; SCAP No. 211/D100/17; Create one (1) additional allotment at 44 Spring Street, North Plympton (CT 5623/86) for the following reasons:

The proposed development is contrary to the following provisions of the West Torrens Council Development Plan consolidated on 30 May 2017:

General Section, Land Division Principle of Development Control 7(e).

Reason: The battleaxe configuration of the proposed allotments is inconsistent with the prevailing pattern of development in the locality.

General Section, Design and Appearance, Objective 1.

Reason: The development does not promote a high standard of design and does not respond to and reinforce the positive aspects of the local environment and built form.

General Section, Orderly and Sustainable Development Objective 1 and 4.

Reason: The proposal is not orderly in that it will disrupt the prevailing pattern of development in the locality and will prejudice the achievement of the provisions of the Development Plan relevant to the Zone and Policy Area.

Residential Zone, Low Density Policy 20, Objective 1 and Principle of Development Control 2.
Reason: The battleaxe configuration of the proposal is contrary to the Desired Character for Low Density Policy Area 20.

Residential Zone, Low Density Policy 20, Principle of Development Control 5.
Reason: The allotment does not satisfy the minimum allotment area nor does Allotment 92 satisfy the frontage requirements by virtue of its battleaxe configuration.

BACKGROUND

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

- With regard to residential development and land division applications, where all proposed allotments and/or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan,
- All applications where the assessing officer recommends refusal shall be assessed and determined by the CAP.

PREVIOUS OR RELATED APPLICATION(S)

Nil.

SITE AND LOCALITY

Site

The site is a rectangular shaped allotment on the northern side of Spring Street. The allotment is on relatively flat terrain with an 18.29m frontage, depth of 44.32m and an area of 810.61m².

The land contains a detached dwelling with an attached carport on the eastern side and a verandah at the rear of the dwelling together with a freestanding single width garage in the rear yard.

The site is within a 400m radius of a centre zone.

There is no significant vegetation or other constraints on the use and development of the land.

Locality

The locality comprises residential development primarily along the section of Spring Street where it abuts the Industry Zone to the west, and extending to the east near the junction of Spring and Byron Streets. The pattern of development is characterised by rectangular shaped allotments with consistently wide frontages to the road containing detached dwellings at low densities. The allotment configuration does vary on Baroda Avenue immediately north of the premises, around the head of a cul de sac. This variation however is of little influence on the merits of this proposal for reasons discussed in this report.



Disclaimer
The City of West Torrens accepts no liability for any reliance placed on the validity and accuracy of data in this publication. While care and effort has been taken in the presentation of this data it is only to be used for demonstration purposes.





Location Map WeTo/12

WEST TORRENS COUNCIL
Consolidated - 30 May 2017

PROPOSAL

The proposal comprises the division of a single rectangular shaped allotment with an 18.29m frontage and an area of 810.61m², in a battleaxe configuration.

The front lot (Lot 91) proposes a frontage of 14.29m to Spring Street, a depth of 27.36m with an area of 363m². This lot will retain the existing dwelling although the existing carport would need to be removed. The plan of division indicates the position of a new carport on the western side of the dwelling, although the application does not include the construction of such a carport.

The rear lot (Lot 92) has a battleaxe configuration. It is to contain the existing single storey hipped roof dwelling apparently dating back to the early development of the area. The head of the battleaxe exclusive of the handle has an area of 311.16m², with 116.84m² in the handle. The overall area is 428m².

A copy of the plan of division is included in **Attachment 1**.

A copy of the accompanying planning report is included in **Attachment 2**.

PUBLIC NOTIFICATION

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

REFERRALS

Internal

- City Assets

Comments were made regarding the following matters:

- New driveways should be at least 1m clear of existing infrastructure and 2m clear of street trees.
- The location of the Stobie pole on the alignment of the eastern boundary of the proposed battleaxe handle may interfere with the use of a new driveway and crossover alignment. There is a substantial misalignment between the existing and proposed driveways with a Stobie pole and electricity connection pit restricting the use of the driveway.

Should the CAP be minded to approve the application, issues associated with the alignment and use of the battleaxe driveway would need to be resolved.

A full copy of the comments are included in **Attachment 3**.

External

Pursuant to Section 38 and Regulation 29 of the Development Act and Regulations, the application was referred to:

- State Commission Assessment Panel (SCAP)

No concerns were raised and standard conditions/requirements have been recommended should the Panel be minded to approve the application.

A full copy of the relevant report is contained in **Attachment 4**.

- SA Water

No concerns were raised and standard conditions/requirements have been recommended should the Panel be minded to approve the application.

A full copy of the relevant report is included in **Attachment 5**.

ASSESSMENT

The subject land is located within the Residential Zone, as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

| <u>General Section</u> | | |
|--|--|--|
| <i>Building near Airfields</i> | <i>Objective</i> | 1 |
| <i>Crime Prevention</i> | <i>Objective</i> | 1 |
| | <i>Principles of Development Control</i> | 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 |
| <i>Design and Appearance</i> | <i>Objective</i> | 1 |
| | <i>Principles of Development Control</i> | 12 |
| <i>Energy Efficiency</i> | <i>Objectives</i> | 1 & 2 |
| | <i>Principles of Development Control</i> | 1, 2, 3 & 4 |
| <i>Infrastructure</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 |
| <i>Land Division</i> | <i>Objectives</i> | 1, 2, 3 & 4 |
| | <i>Principles of Development Control</i> | 1, 2, 5, 6, 7, 8 & 12 |
| <i>Natural Resources</i> | <i>Objectives</i> | 1 |
| | <i>Principles of Development Control</i> | 1 |
| <i>Orderly and Sustainable Development</i> | <i>Objectives</i> | 1, 2, 4 & 5 |
| | <i>Principles of Development Control</i> | 1 & 5 |
| <i>Transportation and Access</i> | <i>Objectives</i> | 2 (a) |
| | <i>Principles of Development Control</i> | 8 & 23 |
| <i>Waste</i> | <i>Objectives</i> | 1 & 2 |
| | <i>Principles of Development Control</i> | 1, 2, 3 & 10 |

Zone: Residential

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

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

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

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

| | |
|--|-------------|
| <i>Objectives</i> | 1, 2, 3 & 4 |
| <i>Principles of Development Control</i> | 1 & 5 |

Policy Area: Low Density Policy Area 20

Desired Character Statement: Allotments in the policy area will be at low density, accommodating predominantly detached dwellings and some other dwellings types such as semi-detached and group dwellings. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage.

Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.

Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.

| | |
|--|----------------|
| <i>Objectives</i> | 1 |
| <i>Principles of Development Control</i> | 1, 2, 3, 4 & 5 |

QUANTITATIVE ASSESSMENT

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

| DEVELOPMENT PLAN PROVISIONS | STANDARD | ASSESSMENT |
|---|---------------------------|--|
| ALLOTMENT AREA Residential Zone, Low Density Policy Area 20 PDC 5 | 340m ² minimum | Lot 91 = 363m ² Satisfies Lot 92 = 311m ² (excluding battleaxe handle) Does Not Satisfy |
| ALLOTMENT FRONTAGE General Section, Land Division PDC 7 Residential Zone, Low Density Policy Area 20 PDC 5 | 10m minimum | Lot 91 = 14.29m Satisfies Lot 92 = 4m Does Not Satisfy |

| | | |
|--|-------------------------------------|--|
| ALLOTMENT DEPTH | Not applicable | 44.32m (existing) Lot 91= 27.36m Lot 92 = 17m |
| SIDE/REAR SETBACKS Residential Zone PDC 11 | Side 1m Rear = 3m | Existing dwelling Western side = 3m Carport side = nil Satisfies Existing Dwelling, 7.5m approximately Satisfies |
| PRIVATE OPEN SPACE General Section, Residential Development PDC 19 | 60m ² x 4m dimension | Existing dwelling 102m ² approximately for existing dwelling Satisfies |
| CARPARKING SPACES General Section Residential Development PDC 34 & Table WeTo/2 | 2 car-parking spaces required | 2 or 3 able to be provided for existing dwelling Satisfies |

QUALITATIVE ASSESSMENT

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

Land Use & Desired Character

The proposed land division is intended for residential use and in this respect the proposal is consistent with the uses envisaged in the Residential Zone and Low Density Policy Area 20. However, the Desired Character for the Policy Area, supported by Objective 1 and PDC 2, is quite specific with respect to the pattern of development. It speaks directly and strongly against battleaxe subdivision where it states that it '*will not occur to preserve a pattern of rectangular allotments with buildings that have a direct street frontage.*' The proposal is in direct conflict with the intent of this statement as it is a classic battleaxe configuration with a 4m wide access handle along the proposed lot that contains the existing dwelling. The introduction of the irregular battleaxe shaped allotment would represent a disruption to the cohesive pattern of rectangular shaped allotments within the locality.

Land Division

The key issue for consideration with the battleaxe form of the proposed land division is the layout and configuration of the allotments that would be created by it. It is inconsistent with the prevailing pattern of allotments and development in the locality and the clear expression in the Desired Character statement that such development will not occur in order to preserve a rectangular pattern of development that produces the arrangement of buildings that directly front roads.

General Section, Land Division PDC 7(e) of the Development Plan states that the creation of battleaxe allotments should be avoided where they are inconsistent with the prevailing pattern of development in the locality in which the land is situated. Clearly the prevailing pattern of development in the locality is detached dwellings on individual allotments, rectangular in shape with dwellings directly fronting the street. There are two examples of dwellings developed on the rear of their allotments at 51 and 60 Spring Street at the western end of Spring Street. In these instances the residential development interfaces with the Industry Zone, and it is only here that two examples of battleaxe style of development can be found in the locality. The balance of the locality has a high degree of consistency with the desired character of rectangular allotments and dwellings with direct street frontages.

Further to the above, PDC 8 of the same section of the Development Plan states that '*allotments should have an orientation, size and configuration to encourage development that:*

(c) *faces abutting streets and open spaces*'.

The proposed battle axe configuration is contrary to this principle as it is clearly not possible to develop Lot 92 with a dwelling that fronts the street. It could only be developed with a dwelling set well to the rear of the subject land.

The applicant has provided a planning submission in support of the proposal, citing the following as justification for the land division:

- The allotment can be divided down the middle into two allotments with two dwellings as a complying form of development as the land is located in a Residential Code area.
- Consideration should be given to the principles established in the matter of *McDonalds Australia Ltd v City of Payneham* when dealing with merit applications, to judge it to some extent having regard to the nature and attributes of that which would be 'complying' development.
- Whilst the Desired Character statement for Low Density Policy Area 20 speaks against battleaxe development, this is contradicted at the specific level by PDC 1 of the Policy Area which envisages group dwellings. A group dwelling development would appear as a battleaxe form of development.
- Group dwellings are a kind of development envisaged for the Policy Area and therefore dwellings without a direct road frontage are contemplated.

This approach and rationale is not supported or agreed with for the following reasons:

- It is accepted that if the existing dwelling were to be demolished, two detached dwellings could be developed as of right as the land is within a Residential Code area. Following approval of the dwellings, the land could then be divided down the middle as of right. However, the proposal is not consistent with what may be achieved as complying development. The only similarity is that one more allotment would be created, but in a completely different configuration. Two allotments side by side, with frontages of just over 9m to Spring Street would be more consistent with the provisions of the Policy Area, and present to the street in a manner consistent with the characteristics of a low density residential area. The battleaxe proposal, however, is inconsistent with such an arrangement and is clearly contrary to the prevailing pattern of development in the locality. It is therefore inconsistent with the Desired Character.

- It is agreed that the list of envisaged developments within the Policy Area does include group dwellings. Such dwellings may not be side by side with direct street frontages as at least one dwelling would not have a direct frontage to the public road in order to be consistent with the definition of group dwelling as defined in *Schedule 1 of the Development Regulations 2008*.
- This does not necessarily mean, however, that group dwellings would take on the characteristics of detached dwellings developed in the proposed battle axe configuration. For example, a community title for group dwellings would retain an overall rectangular allotment configuration, notwithstanding that it may contain two community lots and common property. Access would be likely to form part of the common property and a single access shared to service the dwellings. A common property driveway would be coordinated in terms of design, landscaping and take on the form and appearance of a single driveway as opposed to one access for the existing dwelling plus a second access driveway for the battleaxe allotment which may be a solidly fenced driveway with differing characteristics emphasising that it is a separate title leading to a battleaxe.
- Complying or Rescode complying development allows for two allotments to be created on the subject land but in a manner that is quite different to the proposed battleaxe division. This is not considered sufficient justification to warrant granting consent to the application.
- Placing reliance on general provisions of the Development Plan such as General Section, Land Divisions Objectives 2 and 3, and PDCs 6 & 7 that provide general guidance but are inconsistent with the specific policy area provisions, is not consistent with established planning practice and precedent. Such general provisions should be given lesser weight than the more specific Policy Area provisions.
- The development would leave the existing dwelling with a sufficient site area and setback distances. However, an issue that often arises with battleaxe developments, as in this case, is the retention of old and less desirable housing stock being retained at the street frontage with the new housing stock to the rear. This does little to enhance the character, amenity and appearance of their localities, whereas other forms of development will generally involve the removal or redevelopment of older housing to positive effect. The proposal does not make such a positive contribution and is considered contrary to General Section, Design and Appearance Objective 1 which calls for high design standards and appearance that responds to and reinforces positive aspects of the local environment and built form.

Allotment Area and Frontage

In accordance with Residential Zone, Medium Density Policy 20, PDC 5 the minimum allotment area for land division is 340m² with a minimum frontage of 10m.

Allotment 91 being the front allotment satisfies these criteria with the allotment area and dimensions satisfying the quantitative provisions. However, Allotment 92 falls short of the minimum allotment area by 29m² excluding the handle. Although the handle width at 4m wide meets the general land division requirements, battleaxe allotments are not envisaged in the Low Density Policy Area 20 and therefore does not satisfy frontage requirements.

Car Parking and Access

The proposed division of the land would require the removal of the existing carport and driveway that currently address the access and car parking needs of the existing dwelling. The plan of division indicates a suitable position for a new carport and driveway crossover, however, the application does not include a built form component.

Should the Panel be minded to approve the application, a condition requiring the construction of a new carport for the existing dwelling could be attached to any consent.

SUMMARY

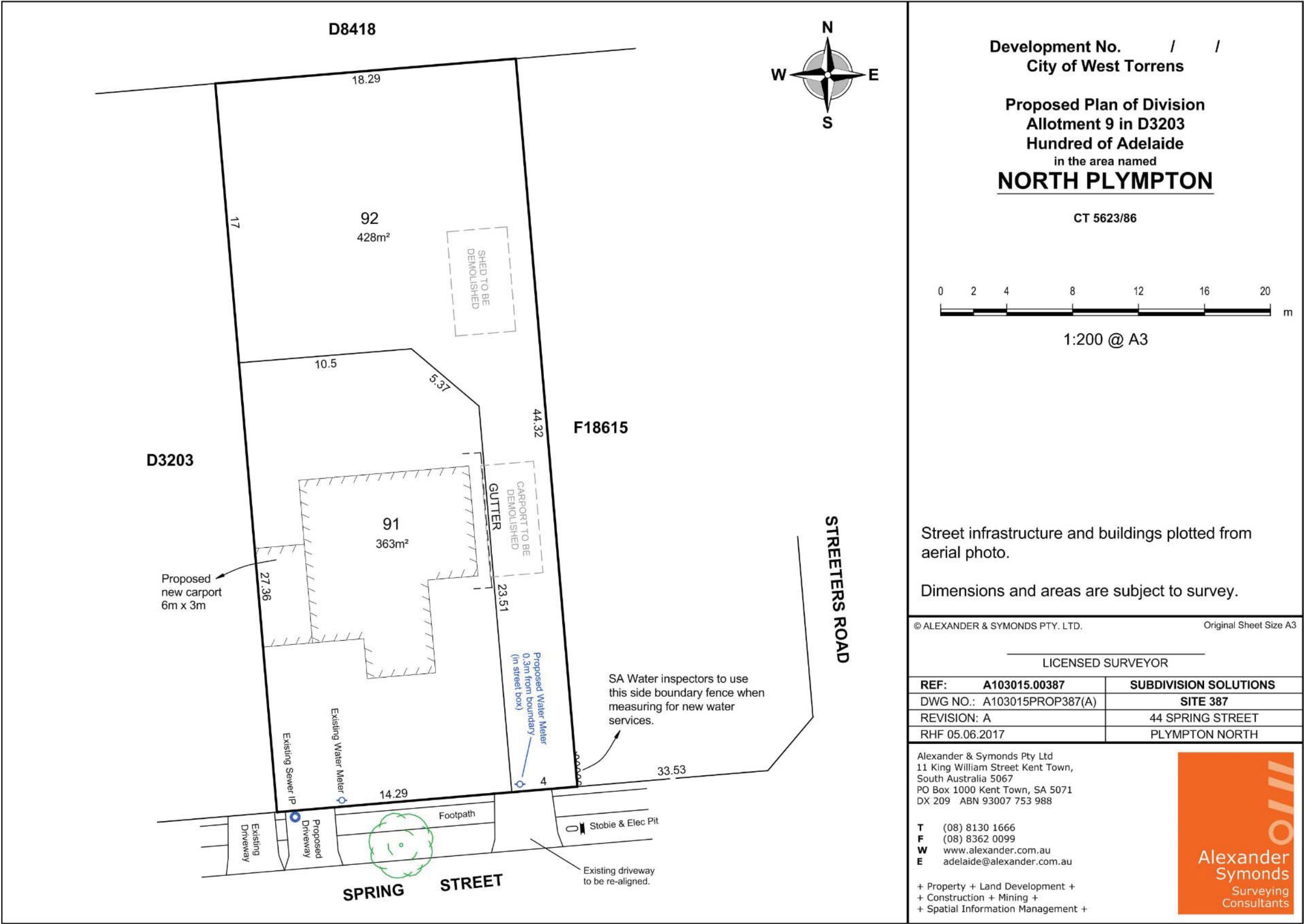
The proposed battleaxe form of land division, notwithstanding meeting or exceeding the minimum numerical requirements is inconsistent with the provision of the Residential Zone, Low Density Policy Area 20 which does not envisage battleaxe allotments being created and maintaining a pattern of development with dwellings fronting streets in a manner that is more typical of low density residential areas.

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 Council Development Plan Consolidated 30 May 2017 and does not warrant Development Plan Consent or Land Division Consent.

Attachments

1. **Plan of Division**
2. **Applicant's Planning Report**
3. **City Assets' response**
4. **SCAP Response**
5. **SA Water response**





HEYNEN
PLANNING CONSULTANTS

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PO BOX 523
KENSINGTON PARK SA 5068

ABN 54 159 265 022

23 November 2017

City of West Torrens
ATT: Jessica Grima
165 Sir Donald Bradman Drive
HILTON SA 5033

Via EDALA (Hard Copy to Follow)

Dear Jessica

**RE: DA 211/700/2017 (EDALA DA 211/D100/17) – 44 SPRING STREET NORTH
PLYMPTON**

I confirm that the applicant for the above-mentioned application (Land Division of 1 into 2) has sought my assistance in this matter. Furthermore, having reviewed the proposed development I have formed the opinion that the proposal warrants the granting of Development Plan Consent given the planning merit displayed when assessed against the relevant Development Plan provisions.

Point of Clarity

As a point of clarification, I note the site is not located within an area affected by aircraft noise as Per Overlay Map WeTo/8 – Development Constraints. Accordingly, in my opinion, the correct reading of the Development Plan is that PDC 6 (General Section – Building near Airfields) is not relevant to the land division.

If the Development Plan was constructed that PDC 6 (extract below) was relevant to the site (again I opine this would be incorrect to do so as it would render Overlay Map WeTo/8 – Development Constraints irrelevant and with no other “work to do”) I offer the following comments of relevance.

General Section – Building Near Airfields

PDC 6 Development within areas affected by aircraft noise should be consistent with *Australian Standard AS2021 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*.

In the first instance, I note that AS2021 is not a “retrospective tool”. That is, it cannot be applied to the existing dwelling on proposed Lot 91. Therefore, the action of “dividing the land” will not offend PDC 6 in this respect.

In relation to Lot 92, in my opinion, the “test” that should apply to the appropriateness of the proposed allotment is clearly expressed in the matter of *Kokkotos v City of Mitcham* [2000] SAERDC 13 which stated that the task when determining whether the land in question is suitable for division into separate residential allotments is one that is undertaken “*in a generic, rather than particular, sense*”.

From Heynen Planning Consultant's experience, a similar development application (DA 211/668/2015 – 9 Press Road, Brooklyn Park) incorporated specific construction related notes for the dwellings (as recommended/assessed by two independent acoustic engineers), these details confirmed that buildings can be constructed so as to comply with AS2021.

The consent as granted by Council with respect to the proposed allotments associated with 9 Press Road was not reliant upon the actual allotment dimensions and areas themselves. Put another way, the dimensions of proposed Lot 92 will not prejudice the ability for future occupants to appropriately manage the noise levels experienced within future dwellings. It follows therefore that the site area guideline set by Policy Area 20 remains appropriate and the land division is able to be supported, regardless of AS2021. The following additional Development Plan provisions are therefore unaffected by the proposed division of land.

General Section – Building Near Airfields

Objective 1 Development that ensures the long-term operational, safety, commercial and military aviation requirements of airfields (airports, airstrips and helicopter landing sites) continue to be met.

PDC 7 Residential development on land within areas affected by aircraft noise as shown on Overlay Map WeTo/8 - Development Constraints should incorporate noise attenuation measures.

Appropriateness of the Proposed Density

Returning to the proposed development, in the first instance I note that the subject site is located within the Residential Zone, Low Density Policy Area 20. In a general sense the "intended use" is entirely consistent with the Objectives of the Policy Area – see for example:

Policy Area 20 – Desired Character

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...

To this end, noting the close proximity of the site to a centre zone, minimum allotment area and frontages are 300 m² and 9 m² respectively. Given also the provision of safe and convenient access to each site and the generally flat nature of the land it is evident that the proposed allotments are consistent with PDC 4 of Policy Area 20.

In further considering the appropriateness of the proposed density, I have reviewed the *Development Regulations* and I confirm that the subject land is located within an area "determined" for the purposes of Schedule 4, Clause 2B. I also note that there are no mandatory referrals and no flood mapping within the Development Plan which would exclude an application from "complying status"¹. The relevance of this designation is that if two complying detached dwellings were proposed and "complying" consent granted, the 18.29 m wide allotment and 791 m² site would provide 2 dwellings and a future 1 into 2 "centrally divided" land division as a form of complying development pursuant to Schedule 4 Clause 2B and Clause 2C.

In my opinion, the site is capable of accommodating two dwellings in one form or another.

Such a consideration of overall density is consistent with the longstanding view as articulated by the Planning Appeal Tribunal in the matter of *McDonalds Australia Ltd v City of Payneham and Others* PAT No. 151 of 1992, at 75 which stated the following of relevance

¹ I note that *Australian Standard AS2021* is not considered within as assessment pursuant to the Residential Code.

“... when dealing with forms of development which are neither ‘permitted’ nor ‘prohibited’ in a zone, ... it is not improper, when considering whether such a development should be authorised, to judge it, to some extent, having regard to the nature and attributes of development which would be ‘permitted’.”

Likewise, I am aware that Desired Character statement for Policy Area 20 seeks for low density allotments.

It is also relevant to note that the State Government publication *“Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples November 2006”*, defines “low density” allotments as ranging from 310 m² to 560 m². Accordingly, the proposed site areas of 363 m² and 428 m² are entirely consistent with the range included in this practical guideline². I also note the retention of the existing 791 m² site for a single dwelling would result in a density of very low density. Accordingly, I note this would be counter intuitive to the achievement of the desired character for Policy Area 20 and the exclusion of very low density in Policy Area 20 is distinct to that provided within Policy Areas 22, 23, 24, 25, 26, 27, 28, 29, 30, 32 and 33.

Accordingly, in an overall sense the density is highly appropriate, while two dwellings on the site is available “as of right” in a “side by side” configuration.

Appropriateness of the Proposed “Battle-axe” Allotment

I note Council has provided a view that the battle-axe arrangement is inappropriate with the following extract from the Desired Character Statement pertinent:

Policy Area 20 – Desired Character

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.

Of note however, I am aware of the PDC 1 contradicts the Desired Character Statement which states as follows:

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

- group dwelling

Clearly, group dwelling has been included as being relevant at a “policy and Council specific” level via its inclusion within PDC 1.

Or put another way, Policy Area 20 has specifically noted that group dwellings (which by virtue of the provision of a common driveway will appear in the form of a battleaxe allotment) are an envisaged form of dwelling, as too is a detached dwelling.

In these circumstances, I am mindful of *Telstra Corporation Ltd v Corporation of the City of Mitcham* [2001] SASC 166 which noted of relevance:

The Court has repeatedly stated that the provisions of the Development Plan are not to be construed like a statute: see, for example, St Ann's College v Corporation of City of Adelaide [1999] SASC 479. A development plan is a planning document couched in the language of planning objectives and principles, rather than that of legal obligation. It uses language appropriate to the expressions of goals and guiding principles, rather than the expression of legal mandates: ...

² In my experience the densities handbook is applied broadly in conventional planning practice.

By applying the Development Plan then as a “practical guide”, I am of the opinion that the proposed site should be considered as one which is consistent with the type of wider landholdings which dwellings of a density commensurate of Policy Area 20 is capable of supporting.

Furthermore, the proposal is highly consistent with the following provisions as a result of (a) the regular shape of the “head” of the allotment and clear ability to provide for a future dwelling, (b) the provision of an 18.29 m rear north facing boundary to assist in appropriate solar orientation and the retention of the rear north facing dwelling which is to be retained and (c) the site areas compliance with the 300 m² guideline provided by PDC 4 (when the “handle” of the allotment is excluded).

General Section – Land Division

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

Objective 3 Land division layout that is optimal for energy efficient building orientation.

PDC 6 Land division should facilitate optimum solar access for energy efficiency.

PDC 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:

Meanwhile, the generous allotment dimensions would facilitate a new dwelling which could reasonably achieve the following provision pertaining to the built form:

General Section Residential Development

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

Finally, I note the provision of one additional low density allotment at the rear of the existing dwelling will ensure the retention of the existing streetscape, and will further assist in the achievement of the Desired Character Statement which provides the following:

Development will be interspersed with landscaping... Low and open-style front fencing will contribute to a sense of space between buildings.

Conclusion

Having reviewed the Development Plan, I am of the opinion that substantial planning merit is displayed by the proposed land division as expressed above, and also evidenced by the ability of the proposal to achieve the following provisions (my underlining added):

General Section – Land Division

Objective 1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.

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

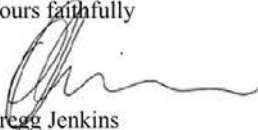
That is, by considering the Residential Zone in its entirety, and by not focusing solely on a single extract from within the Desired Character Statement, the unique provisions of Policy Area 20 clearly support the proposal.

Or put another way, to place excess weight on the extract 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"* would negate to recognize how both Policy Area 20 and 21 both include the same extract noted, however only Policy Area 20 provides a site area guideline for group dwellings and specifies that group dwellings are an envisaged form of development.

Accordingly, the land division does not offend the Development Plan, but rather advances and achieves an increase (a) in the use of public infrastructure and underutilised land and (b) in the number of people living adjacent to centre zone related facilities, public transport and employment sources.

In my opinion, the proposal warrants support from Council.

Yours faithfully



Gregg Jenkins

BUrban&RegPlan(Hons)

E gregg@heyneplanning.com.au

M 0475 933 823

T 8272 1433

Preliminary Assessment Traffic Land Div adjoining Lane or Intersection

| | |
|------------------------------------|---|
| Development Application No: | 211/700/2017 |
| Assessing Officer: | Jessica Grima |
| Site Address : | 44 Spring Street, NORTH PLYMPTON SA 5037 |
| Certificate of Title: | CT-5623/86 |
| Description of Development: | Land division - Torrens Title; DAC No. 211/D100/17 (Unique ID 58352); Create one (1) additional allotment |

TO THE TECHNICAL OFFICER - ENGINEERING SERVICES –(Parking & Traffic)

Please provide your comments in relation to:

- ☐ Is a corner cut-off required?
- ☐ Is a road widening allocation required?
- ☐ Details of land submission required:
Driveway arrangement and manoeuvrability

PLANNING OFFICER - Jessica Grima

DATE 10 August 2017



Memo

To Jessica Grima
From Luke Boin
Date 22 October 2017
Subject 211/700/2017, 44 Spring Street, NORTH PLYMPTON SA 5037

Jessica Grima,

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

1.0 *Verge Interaction*

- 1.1 In association with new development, driveways and stormwater connections through the road verge need to be located and shaped such that they appropriately interact with and accommodate existing verge features in front of the subject and adjacent properties. Any new driveway access shall be constructed as near as practicable to 90 degrees to the kerb alignment (unless specifically approved otherwise) and must be situated wholly within the property frontage.

New driveways and stormwater connections are typically required to be located a minimum 1.0 metre offset from other existing or proposed driveways, stormwater connections, stobie poles, street lights, side entry pits and pram ramps, etc. (as measured at the front property boundary).

These new features are also desired to be located a minimum of 2.0 metres from existing street trees, although a lesser offset may be acceptable in some circumstances. If an offset less than the desired 2.0 metres is proposed or if it is requested for the street tree to be removed, then assessment for the suitability of such will be necessary from Council's Technical Officer (Arboriculture).

Please refer to attached typical sketch of Single Driveway Access to Rear Property.

- 1.2 As currently presented there is substantial misalignment between the proposed existing access and the new driveway for Allotment 92. Further offset of this driveway from the stobie pole may further complicate the necessary width of this driveway at the property frontage.



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

2.0 Driveway Access

- 2.1 It is important to ensure that the functionality of this driveway entrance and passing area is not compromised by the ultimate installation of letterboxes, above ground service meters or similar.

Should this not be simply achievable that additional width should be provided to the relevant section of the driveway corridor.

It is recommended that any approval associated with this development included a condition of similar wording to the following:

"No aboveground structure(s) such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area."

Should you require further information, please contact Jane Teng on the following direct extension number 8416 6296

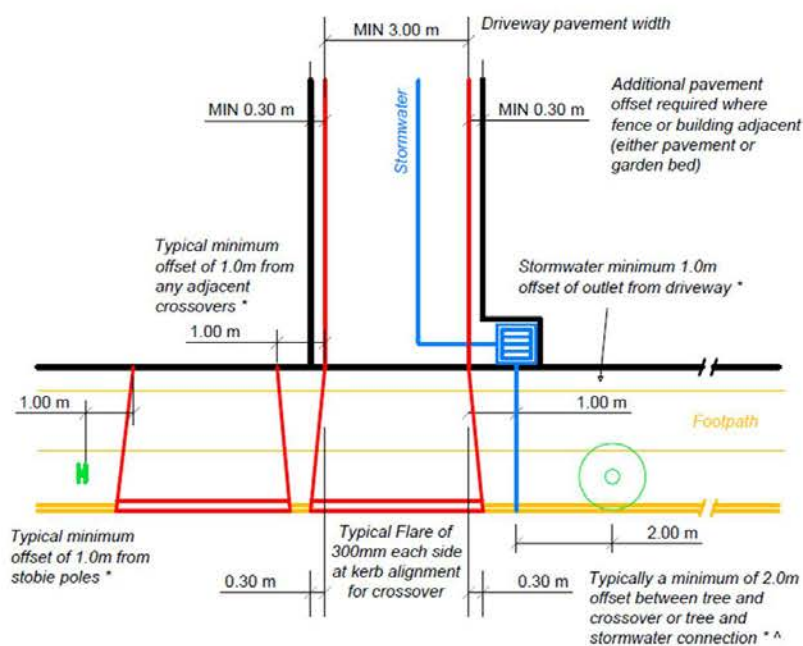
Regards

Luke Boin
Technical Officer



ATTACHMENT 1

SINGLE DRIVEWAY ACCESS TO REAR PROPERTY



NOTES:

* Distance as measured along alignment of front property boundary

^ Must be deemed to comply by Council's Technical Officer (Amenity)

Contact Lands Titles Office
Telephone 7109 7016



30 June 2017

The Chief Executive Officer
City of West Torrens

Dear Sir/Madam

Re: Proposed Application No. 211/D100/17 (ID 58352)
for Land Division by Ms Amanda Piper

In accordance with Section 33 of the Development Act 1993 and Regulation 29 (1) of the Development Regulations 2008, and further to my advice dated 09 June 2017, I advise that the Development Assessment Commission has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

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

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
2. Payment of \$6676 into the Planning and Development Fund (1 allotment(s) @ \$6676/allotment).
Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

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

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

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

Phil Hodgson
Unit Manager
Lands Titles Office

as delegate of
DEVELOPMENT ASSESSMENT COMMISSION



30 June 2017

Our Ref: H0060171

The Chairman
Development Assessment Commission
136 North Terrace
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/D100/17 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.

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

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

Yours faithfully

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

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

6.6 33 & 35 Malurus Avenue, LOCKLEYS

Application No 211/1373/2017

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|--|
| DEVELOPMENT PROPOSAL | Land division - Torrens Title (Boundary re-alignment); SCAP No. 211/D184/17 |
| APPLICANT | GM Developments Pty Ltd |
| APPLICATION NO | 211/1373/2017 |
| LODGEMENT DATE | 06 November 2017 |
| ZONE | Residential Zone |
| POLICY AREA | Lockleys Character Policy Area 25 |
| APPLICATION TYPE | Merit |
| PUBLIC NOTIFICATION | Category 1 |
| REFERRALS | Internal <ul style="list-style-type: none"> ▪ Nil External <ul style="list-style-type: none"> ▪ SA Water ▪ State Commission Assessment Panel (SCAP) |
| DEVELOPMENT PLAN VERSION | 30 May 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council 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, Land Division Consent and Development Approval for Application No. 211/1373/2017 by GM Developments Pty Ltd to undertake Land division - Torrens Title (Boundary re-alignment); SCAP No. 211/D184/17 at 33 & 35 Malurus Avenue, Lockleys (CT 5804/629 and CT5804/628) for the following reasons:

The proposed land division is contrary to the following provisions of the West Torrens Council Development Plan consolidated 30 May 2017:

Residential Zone*Form and Character*

PDC 5 Development should not be undertaken unless it is consistent with the desired character for the zone and policy area.

Reason: The irregular allotment shape and smaller allotment size and depth is not consistent with the Desired Character for the Lockleys Character Policy Area 25.

Character Areas

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

Reason: The irregular allotment shape and smaller allotment size and depth is not consistent with the pattern and scale of existing allotments in the Lockleys Character Policy Area 25.

Lockleys Character Policy Area 25

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

Reason: The proposed land division does not contribute to the Desired Character of Lockleys Character Policy Area 25 but detracts from it by way of irregular allotment shape and smaller allotment size and depth.

Form and Character

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

Reason: The proposed land division does not contribute to the Desired Character of Lockleys Character Policy Area 25 but detracts from it by way of irregular allotment shape and smaller allotment size and depth.

BACKGROUND

The development proposal is presented to the Council Assessment Panel (CAP) for the following reason:

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

PREVIOUS OR RELATED APPLICATION(S)

DA211/877/1995 - Swimming pool and enclosure - 35 Malurus Avenue, Lockleys - Approved 07 December 1995.

SITE AND LOCALITY

The Site

The subject land comprises two residential allotments situated on the western side of Malurus Avenue at the intersection with Anthus Street, Lockleys. The subject land is commonly known as 33 and 35 Malurus Avenue, Lockleys and formally described in Certificate of Title Volume 5804 Folio 629, comprising Allotment 108 in Filed Plan 215194 and Certificate of Title Volume 5804 Folio 628, comprising Allotment 64 in Filed Plan 124358, in the area named Lockleys. There are no service easements, encumbrances or Land Management Agreements on the title.

The allotments are practically rectangular in shape with irregular (angled) frontages due to the bend in the road and adjacent intersection. Number 33 has a frontage of 14.6 metres to Malurus Avenue and 29.7 metres to Anthus Street (excluding corner cut-off) and a total allotment area of 584.5m². Number 35 has a frontage of 15.4 metres to Malurus Avenue and a total allotment area of 583.5m².

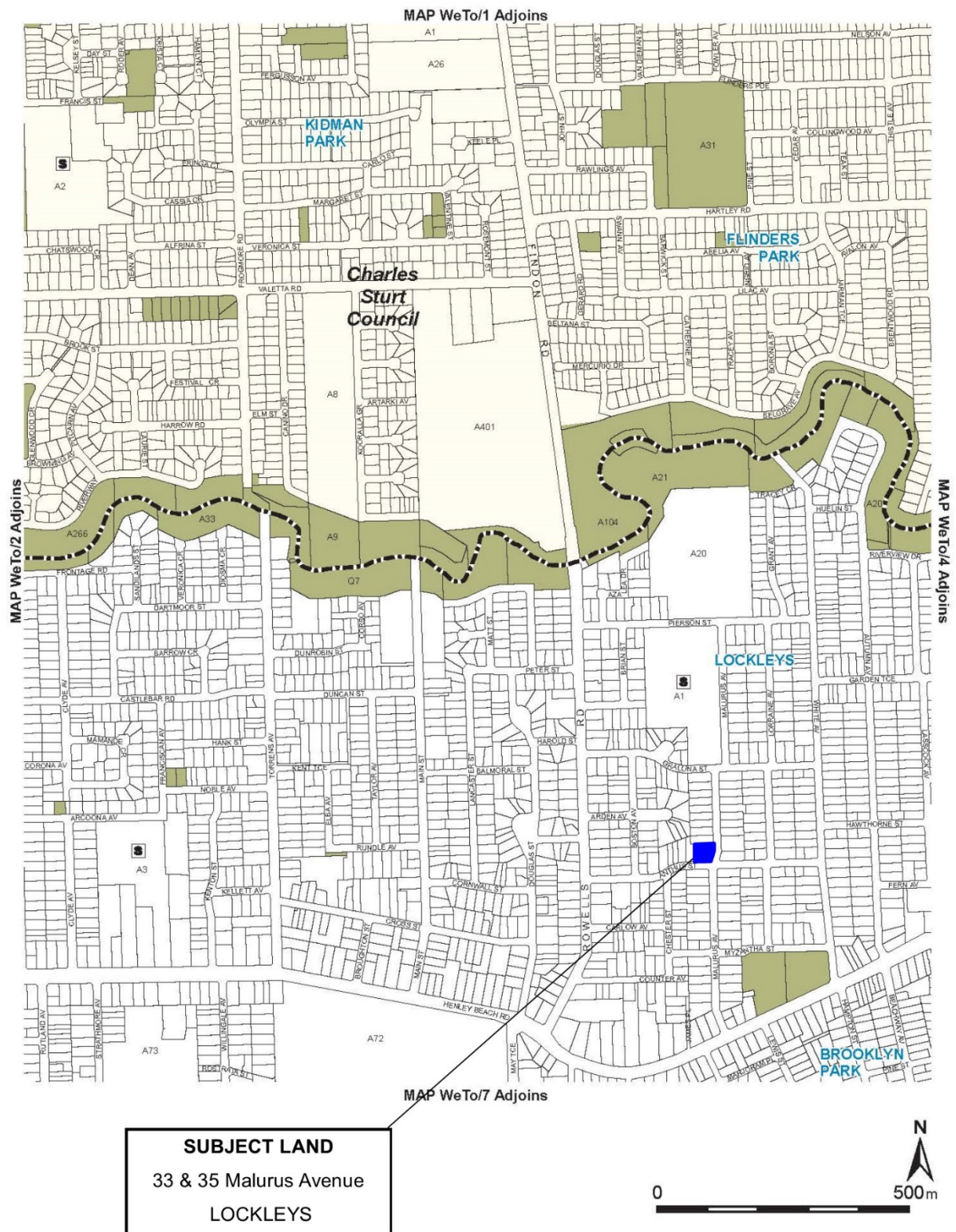
33 Malurus Avenue contains a two-storey detached dwelling (second storey contained within the roof space) built in 1930, ancillary verandahs and a large detached garage. 35 Malurus Avenue contains a single storey detached dwelling built in 1952, ancillary verandahs, a domestic outbuilding and a covered swimming pool. The subject land does not contain any heritage listed items, known hazards, significant vegetation or other features that would impact on the proposed development.

The Locality

The locality is almost wholly contained within the Residential Zone, Lockleys Character Policy Area 25, extending along Malurus Avenue, south of Grallina Street and north of Myzantha Street. The locality comprises an established residential area with the majority of the original dwellings constructed between 1930 to 1959 having been maintained. The original allotment pattern largely remains intact with the exception of six allotments which have resulted from land divisions prior to 2009 (discussed further in the assessment below). These can be seen in the locality plan below.

The pattern and scale of allotments creates a low density character. The average allotment size is 740m² and the average frontage width is 16 metres. Allotments are typically 45 metres deep. The built form comprises predominantly character dwellings which have been designed to take advantage of the relatively wide allotment frontages. Large front setbacks have allowed for generous and well established front gardens. The locality is considered to be of high amenity, resulting from the combination of low development densities, relatively wide frontages and well maintained street verges and front gardens.





Location Map WeTo/3

WEST TORRENS COUNCIL
Consolidated - 30 May 2017

PROPOSAL

The proposed development is summarised as follows:

Torrens Title land division in the form of a boundary realignment. No additional allotments are proposed. The boundary realignment involves realigning the common boundary between 33 and 35 Malurus Avenue. This results in an area of approximately 153.5m² removed from number 33 and added to number 35 in a 'dog leg' configuration.

- A comparison between the original and proposed allotments is contained within the following table.

| Allotment | <i>No. 33 proposed lot 301</i> | <i>No. 35 proposed lot 300</i> |
|---|--------------------------------|--------------------------------|
| Existing Site Area (m²) | 584.5 | 583.5 |
| Proposed Site Area (m²) | 738 | 430 |
| Frontage (m) | 14.6 (no change to existing) | 15.4 (no change to existing) |
| Existing Allotment Depth (m) | 29.7 to 37.7 | 37.7 to 38.3 |
| Proposed Allotment Depth (m) | (no change to existing) | 27.6 to 28.2 |
| Proposed Allotment Shape | Irregular (L shape) | Rectangular (reduced depth) |

The applicant has provided a report prepared by Masterplan in support of the proposal. This report outlines that the proposed boundary realignment reflects the existing built form and current informal arrangements established between the properties. The swimming pool currently situated on 35 Malurus Avenue is being used by the residents of 33 Malurus Avenue.

A copy of the application documents and plans are contained within **Attachment 1** and a copy of the applicant's planning report is contained within **Attachment 2**.

PUBLIC NOTIFICATION

Land division creating 4 or less additional allotments is listed as a Category 1 form of development pursuant to Schedule 9, Part 1 (2)(f) of the *Development Regulations 2008*. Public notification was not required pursuant to Section 38 of the *Development Act 1993*.

REFERRALS

Internal

No internal referrals were required as no changes to the built form or existing access arrangements are proposed.

External

The application was referred to the following external agencies:

- SA Water

SA Water raised no concerns with the proposal and have no requirements as existing services are provided to both allotments.

- State Commission Assessment Panel (SCAP)

No concerns were raised by the SCAP and standard conditions have been recommended should the Panel be minded to support the proposal for land division.

A full copy of the relevant reports are attached, refer **Attachments 3 and 4**.

ASSESSMENT

The subject land is located within the Residential Zone, more specifically the Lockleys Character Policy Area 25, as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

| <u>General Section</u> | | |
|-------------------------------------|-----------------------------------|----------------------|
| Infrastructure | Objectives | N/A |
| | Principles of Development Control | 1, 5, 6, 8 |
| Land Division | Objectives | 1, 2, 3 & 4 |
| | Principles of Development Control | 1, 2, 4, 5, 6, 8, 11 |
| Orderly and Sustainable Development | Objectives | 4 |
| | Principles of Development Control | 1 |
| Residential Development | Objectives | N/A |
| | Principles of Development Control | 18, 19, 20, 21 |
| Transportation and Access | Objectives | 2 |
| | Principles of Development Control | 8, 23, 34 |
| Waste | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3 |

| Zone: Residential Zone | |
|--|------------|
| <p><i>Desired Character Statement:</i></p> <p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a 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, 2, 3, 4 |
| Principles of Development Control | 5, 11, 22 |

| | |
|--|------|
| Policy Area: Lockleys Character Policy Area 25 | |
| Desired Character Statement: | |
| <p><i>The policy area will contain detached dwellings (or buildings that look like detached dwellings).</i></p> <p><i>Allotments will be very low density with wide street frontages and even deeper side boundaries. Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area.</i></p> <p><i>There will be a unity of built-form, particularly as viewed from the street, where all new development is complementary to the key character elements of inter-war bungalows, Dutch colonial-style and art-deco style dwellings, rather than dominating or detracting from them. Key elements of this character include pitched roofs, verandas / porticos and masonry building materials.</i></p> <p><i>There will be no garages/carports forward of the main facade of buildings. Large front setbacks provide space for generous landscaping in front yards which, in turn, have a positive impact on the streetscape given the low front boundary fencing. Any driveway crossovers will be carefully designed and located to ensure the preservation of street trees which have an important positive impact on the streetscape.</i></p> | |
| 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. Please note that the built form is existing.

| DEVELOPMENT PLAN PROVISIONS | STANDARD | ASSESSMENT |
|--|-----------------|--|
| SITE AND ALLOTMENT AREA <i>Residential Zone, Lockleys Character Policy Area 25</i> | No Requirement | Discussed in the qualitative section below. |
| SITE FRONTAGE <i>Residential Zone, Lockleys Character Policy Area 25</i> | No Requirement | No change to existing. |
| SITE DEPTH <i>Residential Zone, Lockleys Character Policy Area 25</i> | No Requirement | Discussed in the qualitative section below. |
| SITE COVERAGE <i>Residential Zone, Lockleys Character Policy Area 25</i> | No Requirement | Allotment 300 - 53.5% approx. Allotment 301 - 68% approx. No notable change to existing. |

| | | |
|---|---|--|
| <p>STREET SETBACK</p> <p><i>Residential Zone PDC 8</i></p> | <p>Average of adjoining dwellings</p> | <p>No change to existing.</p> |
| <p>SIDE/REAR SETBACKS</p> <p><i>Residential Zone PDC 11</i></p> | <p>Side 1m minimum</p> <p>Rear 3m minimum</p> | <p>No change to existing.</p> <p>The rear boundary of allotment 300 has been brought forward approximately 10.1 metres. The existing dwelling will have a rear setback of approximately 10 metres from the new rear boundary.</p> <p>Satisfies</p> <p>Note: The existing covered pool structure will be located on the new boundary and the existing shed on allotment 300 will achieve a 600mm setback from the new boundary, as shown on the Proposed Plan of Division.</p> |
| <p>PRIVATE OPEN SPACE (POS)</p> <p><i>Residential Development - PDC 19</i></p> | <p>Site Area: 300-500m Minimum Area 60m² Minimum Dimension 4m</p> <p>Site Area: >500m² Minimum Area 80m² Minimum dimension 4m</p> | <p>Allotment 300 (430m²) Total Area POS - 105m² Minimum Dimension - 9.5m</p> <p>Allotment 301 (738m²) <i>Excluding Swimming Pool</i> Total Area POS - 55m² Minimum Dimension - 5.2m</p> <p><i>Including Swimming Pool</i> Total Area POS - 138m² Minimum Dimension - 5.2m</p> <p>Please note: Existing provision of POS for allotment 301 will be maintained and will not reduce as a result of the proposal.</p> <p>Satisfies</p> |

| | | |
|---|------------------------|---|
| CARPARKING SPACES <i>Transportation and Access Module PDC 34</i> | 2 spaces (one covered) | Existing on-site car parking has not been altered as a result of the proposed boundary realignment. Satisfies |
|---|------------------------|---|

QUALITATIVE ASSESSMENT

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

Allotment Pattern and Desired Character

The subject land is located in Lockleys Character Policy Area 25 which is a small and discreet area where the original pattern of urban development remains largely intact. The area comprising development along both sides of Malurus Avenue has been deliberately set aside in its own policy area in recognition of the consistent pattern and character of development and high amenity value.

The Policy Area provisions are structured around the Desired Character Statement, which contain specific characteristics relevant to the proposal. These include:

- Allotments will be very low density with wide street frontages and even deeper side boundaries.
- Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area.

The proposed boundary realignment is not considered to reinforce, but rather detract from, the existing allotment pattern given the shape, depth and size of the allotments created. Proposed allotment 301 is an irregular "L-Shape" allotment, which is considered to disrupt the existing allotment pattern typically characterised by consistent rectangular shaped allotments.

Proposed allotment 300 is reducing in depth by 10.1 metres to 27.6 metres and size by 153.5 metres to 430m². This is considered to further disrupt the existing allotment pattern, where the average allotment depth is 45 metres and the average allotment size is 740m².

The consultant report provided in support of the application argues that the proposal will not impact the 'pattern of development' as there will be no change to the street frontage or existing built form. It is agreed that the proposal will not significantly impact the 'pattern of development' when viewed from the street, however, the Desired Character statement specifically references 'allotment pattern'. This is reinforced by Residential Zone Principle of Development Control (PDC) 22 which seeks for land division to be consistent with the existing pattern and scale of allotments. While 'pattern of development' is a valid planning consideration, it is not considered to have the same meaning as 'allotment pattern' nor predispose the intent of the Development Plan policies relating to 'allotment pattern'.

It is noted that some anomalies occur within the existing allotment pattern, such as shallow and smaller allotments, as a result of previous land divisions and corner cut offs. While these anomalies exist, they are not considered to disturb the predominant allotment pattern prevailing through the locality. Previous land divisions associated with these particular allotments were lodged prior to 2009 and prior to Character Area policies being established within the Development Plan in June 2015. These policies were introduced to protect the existing allotment pattern and character of the area, which is likely to be impacted on by the proposed boundary realignment.

SUMMARY




The proposal involves a boundary realignment between two residential properties located within Lockleys Character Policy Area 25. The existing allotment pattern within the locality is largely consistent in terms of allotment size, shape, frontage and depth. The proposal will create two allotments that are not considered to be consistent with the existing allotment pattern in terms of shape, size and depth. The established allotment pattern and character are clearly intended to be protected by the provisions of the Policy Area.

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 Council Development Plan Consolidated 30 May 2017 and does not warrant Development Plan Consent, Land Division Consent or Development Approval.

Attachments

- 1. Development Application Documents and Plans**
- 2. Applicant's Planning Report**
- 3. SCAP Response**
- 4. SA Water Response**

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Application Form Details - DA. 211/D184/17 (Unique Id. 59908)

[Cancel](#)

*NB ** represents a mandatory field.

| | |
|--|---|
| Application Type : | D - Conventional Land Division * |
| What Consents do you wish to apply for? : | <input type="radio"/> Provisional Development Plan Consent Only <input checked="" type="radio"/> Provisional Development Plan Consent with Land Division Consent |
| Certificate of Approval Fee: | <input checked="" type="radio"/> Pay Now <input type="radio"/> Pay Later |
| Is this a combined Land Division/Land Use application? : | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Council : | City of West Torrens (211) * |
| Submitting Agents OrganisationId : | 684 |
| Submitting Agents Name : | Steed Surveyors & Land Divisions |
| Submitted By UserId : | 1118 |
| Submitted By Details : | Michael Pohl, Steed Surveyors & Land Divisions |
| Agents Reference : | A17205 |

APPLICANT DETAILS :

| | | |
|-------------------------------|-------------------------|--|
| Applicant Salutation : | | * |
| Applicant First Name : | | * |
| Applicant Last Name : | | * |
| Applicant Organisation Name : | GM Developments Pty Ltd | *(Mandatory if Salutation, First, and Last Name have not been completed) |
| Postal Address Line 1 : | c/- Steed Surveyors | * |
| Postal Address Line 2 : | 23 Sydenham Road | * |
| Postal Address Line 3 : | Norwood 5067 | |
| State : | South Australia | |
| Country : | AUSTRALIA | * |

OWNER DETAILS :

| | | |
|---------------------------|-------------------|--|
| Owner Salutation : | Mr | * |
| Owner First Name : | Michael Wayne | * |
| Owner Last Name : | Treleaven | * |
| Owner Organisation Name : | | *(Mandatory if Salutation, First, and Last Name have not been completed) |
| Postal Address Line 1 : | 35 Malurus Avenue | * |
| Postal Address Line 2 : | Lockleys 5032 | * |
| Postal Address Line 3 : | | |
| State : | South Australia | |
| Country : | AUSTRALIA | * |

[https://www.edala.sa.gov.au/edala/Edala.aspx?PageMode=ApplicationMaintain_CSB&ApplicationId=59908\[9/11/2017 3:37:51 PM\]](https://www.edala.sa.gov.au/edala/Edala.aspx?PageMode=ApplicationMaintain_CSB&ApplicationId=59908[9/11/2017 3:37:51 PM])

| OWNER DETAILS : | |
|---------------------------|--|
| Owner Salutation : | Mr * |
| Owner First Name : | GR & WA * |
| Owner Last Name : | Mutton * |
| Owner Organisation Name : | *(Mandatory if Salutation, First, and Last Name have not been completed) |
| Postal Address Line 1 : | 33 Malurus Avenue * |
| Postal Address Line 2 : | Lockleys 5032 * |
| Postal Address Line 3 : | |
| State : | South Australia |
| Country : | AUSTRALIA * |

| CONTACT DETAILS : | |
|-------------------------|----------------------------|
| Contact Salutation : | Mr * |
| Contact First Name : | Michael * |
| Contact Last Name : | Pohl * |
| Postal Address Line 1 : | 23 Sydenham Rd |
| Postal Address Line 2 : | |
| Postal Address Line 3 : | Norwood 5067 |
| State : | South Australia |
| Country : | AUSTRALIA |
| Telephone 1 : | 83627900 * |
| Telephone 2 : | |
| Fax 1 : | 83635154 |
| Fax 2 : | |
| Email : | info@steedsurveyors.com.au |
| Mobile : | |

| | |
|---------------------------------------|-----------------|
| Existing Use : | Residential * |
| Description of Proposed Development : | Land Division * |

| SUBJECT PROPERTY DETAILS : | |
|----------------------------|------------------|
| House Number : | |
| Lot Number : | 64 108 |
| Street : | Malurus Avenue * |
| Suburb/Town : | Lockleys * |
| Hundred : | Adelaide * |
| Reference Section : | |

| TITLE DESCRIPTION DETAILS : | |
|-----------------------------|-----------------------------|
| Title Reference Type : | CT - Certificate of Title * |
| Volume : | 5804 * |
| Folio : | 628 * |

[https://www.edala.sa.gov.au/edala/Edala.aspx?PageMode=ApplicationMaintain_CSB&ApplicationId=59908\[9/11/2017 3:37:51 PM\]](https://www.edala.sa.gov.au/edala/Edala.aspx?PageMode=ApplicationMaintain_CSB&ApplicationId=59908[9/11/2017 3:37:51 PM])

| APPLICATION DOCUMENTS | | | | | | | Hide |
|---|----------------------------|-----------|----------|----------------|---------------|----------------------|------|
| Document Title | Document Type | Version # | State | File Size (Kb) | Date Uploaded | Notes | |
| A17205P1 | Proposed Plan of Division | 1 | Uploaded | 77.1700000 | 06 Nov 2017 | Show | |
| A17205P1-image | Miscellaneous | 1 | Uploaded | 1963.6600000 | 06 Nov 2017 | Show | |
| CT 5804 - 628 | Certificate of Title/Lease | 1 | Uploaded | 52.2700000 | 06 Nov 2017 | Show | |
| CT 5804 - 629 | Certificate of Title/Lease | 1 | Uploaded | 52.5400000 | 06 Nov 2017 | Show | |
| Lodgement Fee Receipt | Miscellaneous | 1 | Uploaded | 28.2100000 | 06 Nov 2017 | Show | |
| Location plan - enlargement | Miscellaneous | 1 | Uploaded | 150.3600000 | 07 Nov 2017 | Show | |
| Location plan | Miscellaneous | 1 | Uploaded | 361.6200000 | 07 Nov 2017 | Show | |

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|---|---------------|---|----------|------------|-------------|----------------------|
| LOTS Admin Interests | Miscellaneous | 1 | Uploaded | 14.3000000 | 07 Nov 2017 | Show |
| DAC Regulation 29 Letter New | Miscellaneous | 1 | Uploaded | 2.1200000 | 08 Nov 2017 | Show |

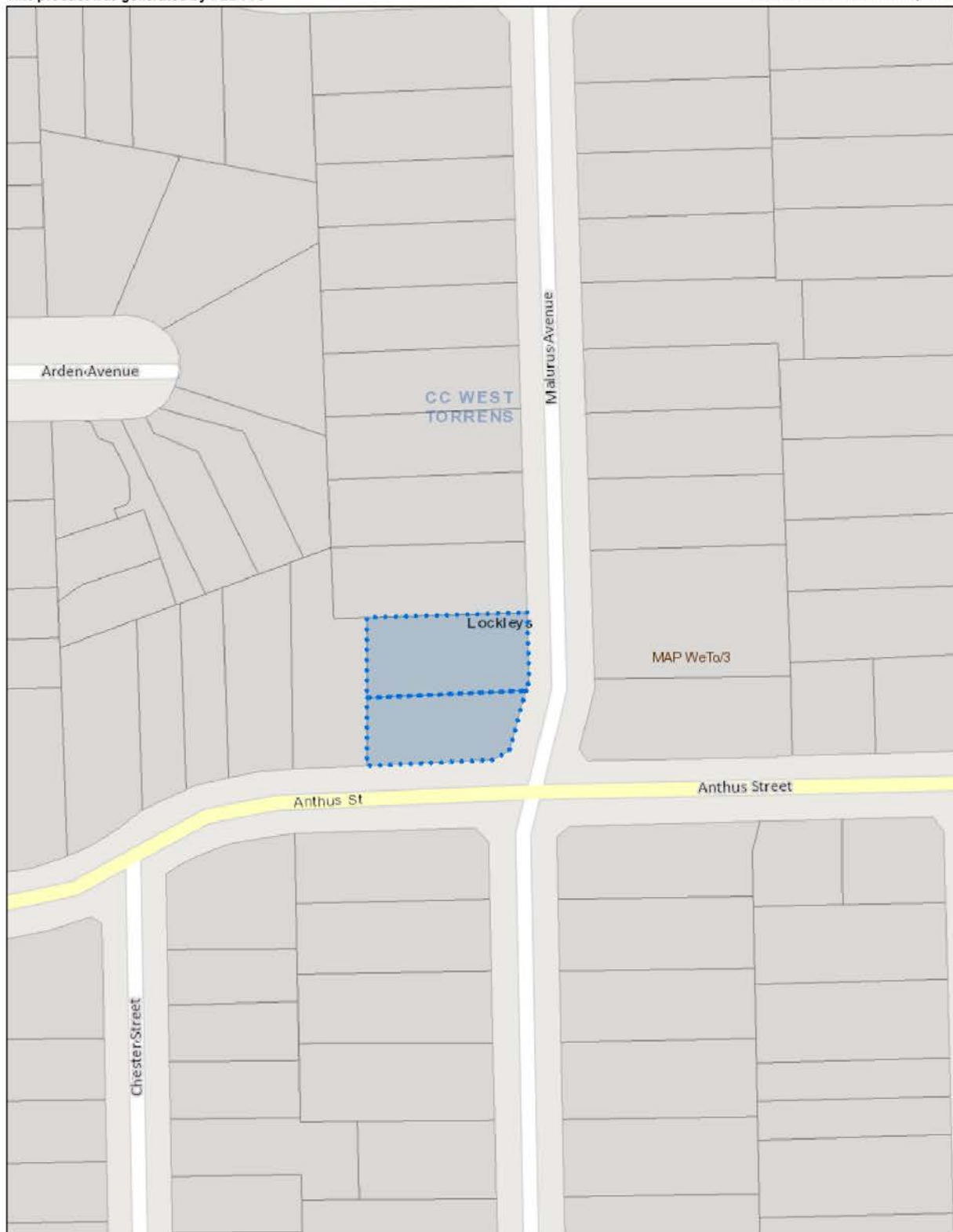
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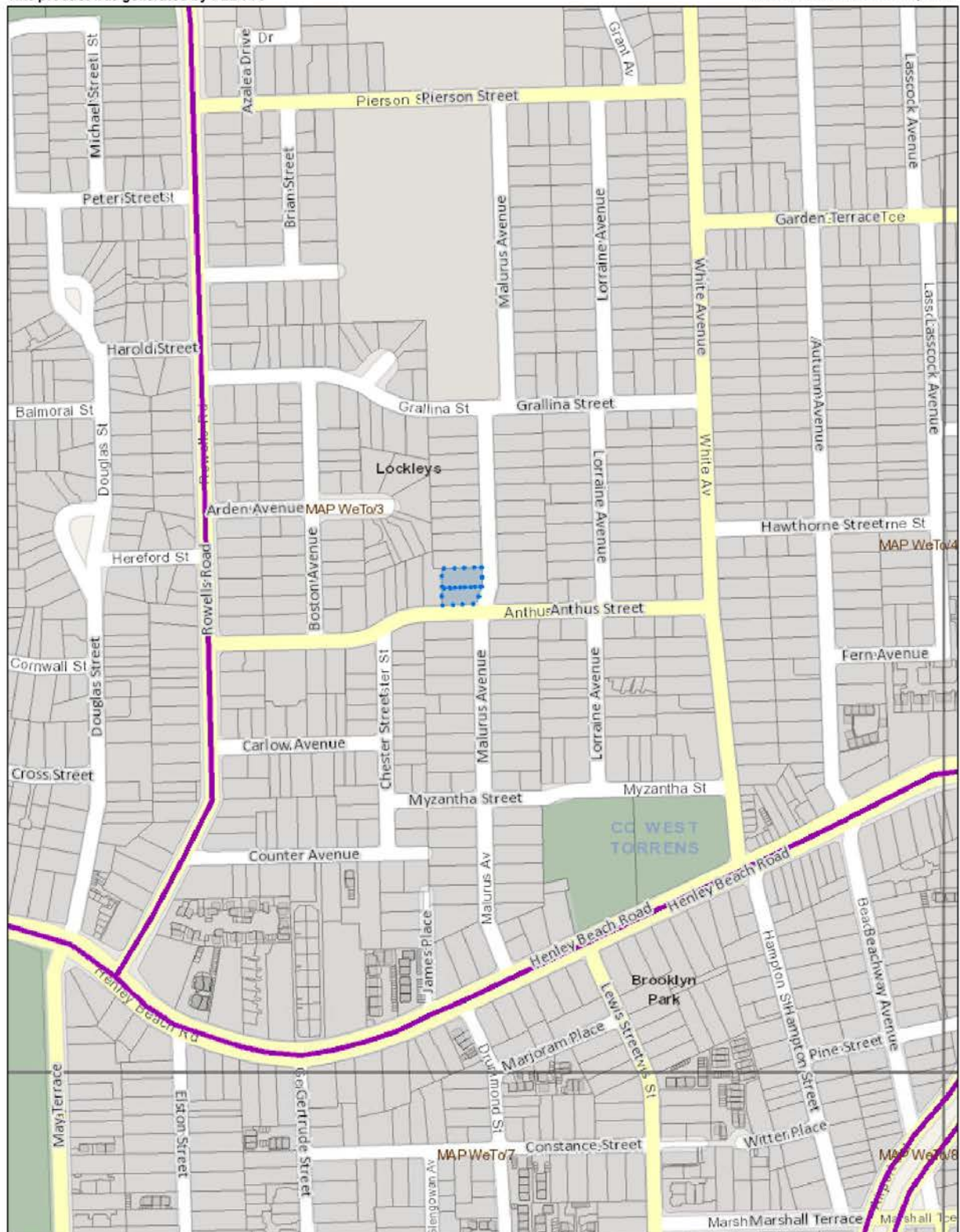
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Government of South Australia
Department of Planning,
Transport and Infrastructure

**Government of South Australia**Department of Planning,
Transport and Infrastructure

Tax Invoice / Receipt

ABN: 92 366 288 135
Agency: Department of Planning, Transport and Infrastructure
Address: PO Box 1815, Adelaide SA 5001
Phone: 7109 7018

| Fee Description | GST excl. | GST | GST incl. |
|---|-----------------|---------------|-----------------|
| Lodgement Fee (boundary adjustment) | \$112.50 | \$0.00 | \$112.50 |
| Land Division Fee (boundary adjustment) | \$72.50 | \$0.00 | \$72.50 |
| Statement of Requirements Fee (boundary adjustment) | \$295.00 | \$0.00 | \$295.00 |
| Certificate of Approval Fee (boundary adjustment) | \$104.00 | \$0.00 | \$104.00 |
| DAC Consultation Report Fee (boundary adjustment) | \$69.50 | \$0.00 | \$69.50 |
| Total | \$653.50 | \$0.00 | \$653.50 |

APPLICATION DETAILS

Unique Id: 59908
Development Number: 211/D184/17
Agents Reference: A17205
Applicant: GM Developments Pty Ltd
Owner: Mr Michael Wayne Treleaven
Type: DirectDebit
Agent: Steed Surveyors & Land Divisions
Address: 23 Sydenham Rd Norwood
South Australia

TRANSACTION DETAILS

Received: Monday, 06 Nov 2017
Receipt Ref. No: 78348004484
Process Id: DEV5990820171106145544555
Amount Paid: \$653.50
Payment Method: Direct Debit



| | |
|--------------------|-------------------------------|
| Product | Register Search (CT 5804/628) |
| Date/Time | 23/10/2017 05:15PM |
| Customer Reference | A17205 |
| Order ID | 20171023011660 |
| Cost | \$28.25 |

REAL PROPERTY ACT, 1886



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5804 Folio 628

| | | | | |
|---------------------|-----------------|---------|---|---------------------------|
| Parent Title(s) | CT 3337/2 | | | |
| Creating Dealing(s) | CONVERTED TITLE | | | |
| Title Issued | 06/09/2000 | Edition | 1 | Edition Issued 06/09/2000 |

Estate Type

FEE SIMPLE

Registered Proprietor

MICHAEL WAYNE TRELEAVEN
OF 35 MALURUS AVENUE LOCKLEYS SA 5032

Description of Land

ALLOTMENT 64 FILED PLAN 124358
IN THE AREA NAMED LOCKLEYS
HUNDRED OF ADELAIDE

Easements

NIL

Schedule of Dealings

NIL

Notations

| | |
|---------------------------|-----|
| Dealings Affecting Title | NIL |
| Priority Notices | NIL |
| Notations on Plan | NIL |
| Registrar-General's Notes | NIL |
| Administrative Interests | NIL |

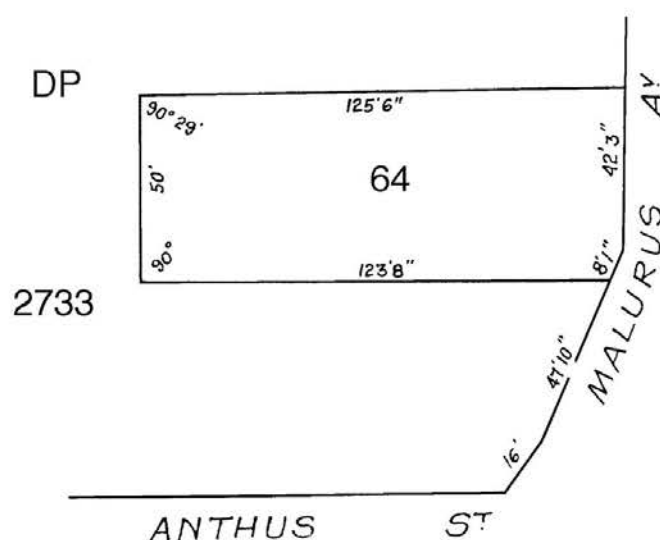


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| | |
|--------------------|-------------------------------|
| Product | Register Search (CT 5804/628) |
| Date/Time | 23/10/2017 05:15PM |
| Customer Reference | A17205 |
| Order ID | 20171023011660 |
| Cost | \$28.25 |

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3337/2

LAST PLAN REF: DP 2733



40 20 0 40 FT

DISTANCES ARE IN FEET AND INCHES
FOR METRIC CONVERSION
1 FOOT = 0.3048 METRES
1 INCH = 0.0254 METRES

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Government of South Australia
Department of Planning,
Transport and Infrastructure

| | |
|--------------------|-------------------------------|
| Product | Register Search (CT 5804/629) |
| Date/Time | 23/10/2017 05:14PM |
| Customer Reference | A17205 |
| Order ID | 20171023011650 |
| Cost | \$28.25 |

REAL PROPERTY ACT, 1886



South Australia

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Certificate of Title - Volume 5804 Folio 629

Parent Title(s) CT 3337/1

Creating Dealing(s) CONVERTED TITLE

Title Issued 06/09/2000 Edition 1 Edition Issued 06/09/2000

Estate Type

FEE SIMPLE

Registered Proprietor

GREGORY RALPH MUTTON
WENDY ANNE MUTTON
OF 33 MALURUS AVENUE LOCKLEYS SA 5032
AS JOINT TENANTS

Description of Land

ALLOTMENT 108 FILED PLAN 215194
IN THE AREA NAMED LOCKLEYS
HUNDRED OF ADELAIDE

Easements

NIL

Schedule of Dealings

| Dealing Number | Description |
|----------------|---|
| 4692705 | MORTGAGE TO NATIONAL AUSTRALIA BANK LTD. |
| 4692706 | MORTGAGE TO THE NATIONAL BANK OF AUSTRALASIA LTD. |

Notations

| | |
|---------------------------|-----|
| Dealings Affecting Title | NIL |
| Priority Notices | NIL |
| Notations on Plan | NIL |
| Registrar-General's Notes | NIL |
| Administrative Interests | NIL |

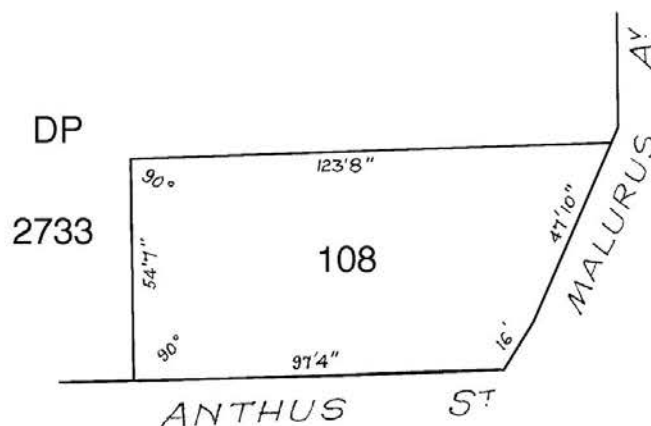


Government of South Australia
Department of Planning,
Transport and Infrastructure

| | |
|--------------------|-------------------------------|
| Product | Register Search (CT 5804/629) |
| Date/Time | 23/10/2017 05:14PM |
| Customer Reference | A17205 |
| Order ID | 20171023011650 |
| Cost | \$28.25 |

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3337/1

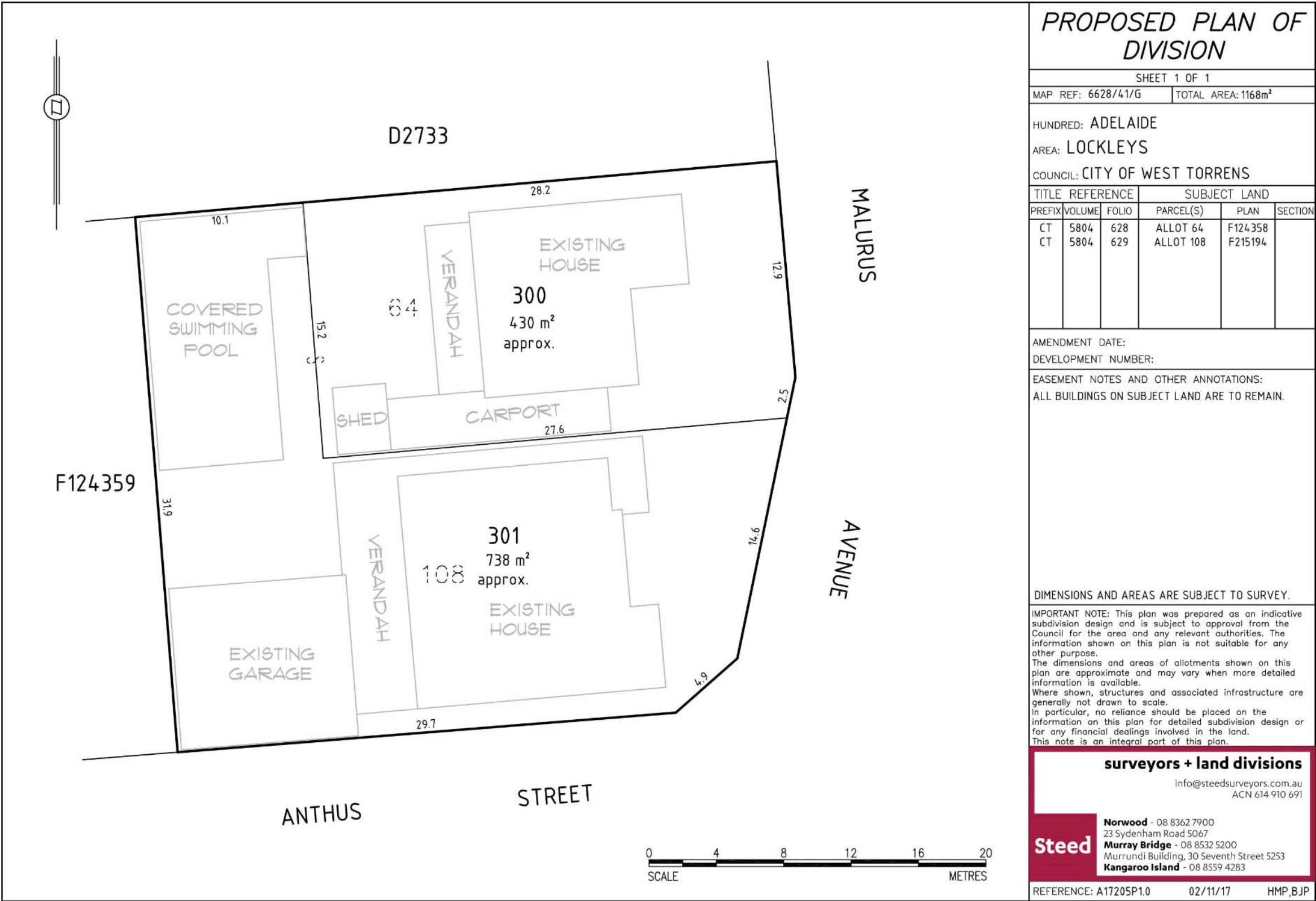
LAST PLAN REF: DP 2733

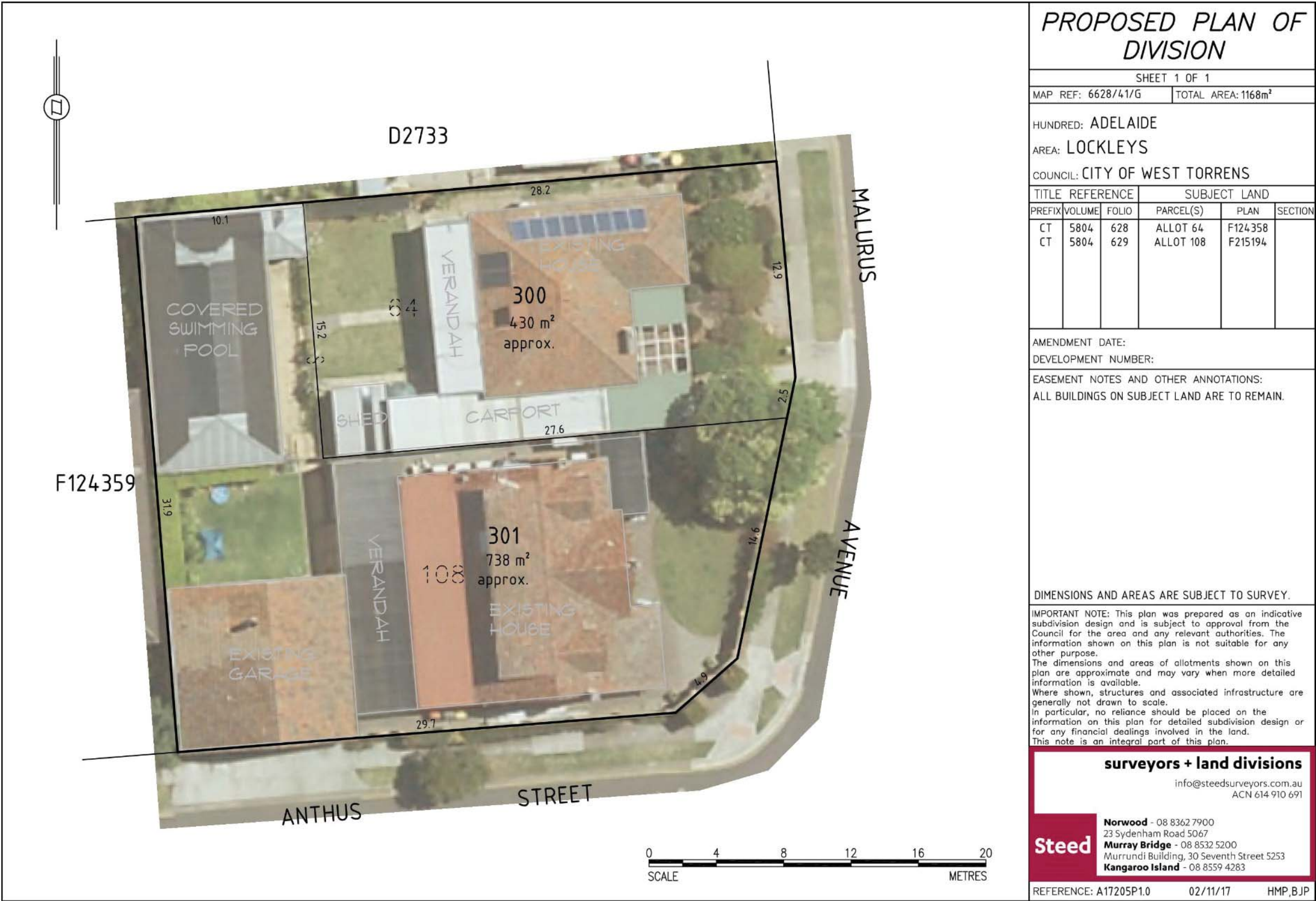


40 20 0 40 FT

DISTANCES ARE IN FEET AND INCHES
FOR METRIC CONVERSION
1 FOOT = 0.3048 METRES
1 INCH = 0.0254 METRES

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION





Contact Lands Titles Office
Telephone 7109 7016



*Development
Assessment Commission*

08-November-2017

The Chief Executive Officer
City of West Torrens

Dear Sir/Madam

Re: Proposed Application No. 211/D184/17 (ID 59908)
 for Land Division by GM Developments Pty Ltd

I refer to the above application received at this office and advise that the Development Assessment Commission will, within the prescribed time, forward to Council its report in accordance with Regulation 29 of the Development Regulations 2008 and (if applicable) any requirements under Section 33 (1)(d) of the Development Act 1993.

Yours faithfully

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

NO GOVERNMENT ADMINISTRATIVE INTERESTS

There are no

- Planning interests (either land division or land use)
- State Heritage interests
- Aboriginal Heritage interests
- Environment Protection Act interests

recorded on the Property Interests System for this property at the date of lodgement of the application.

Other Government Departments may have administrative interests recorded but this has not been searched by Department of Planning, Transport and Infrastructure.

NOTE: The Certificate of Title should be checked for registered interests, e.g. Land Management Agreements.



21 February 2018

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

By Email: ecetinich@wtcc.sa.gov.au

Attention: Ebony Cetinich

Dear Ebony

Re: 211/1373/2017 – 33-35 Malurus Avenue Lockley

MasterPlan SA Pty Ltd has been engaged by GM Developments Pty Ltd to prepare a brief statement in support of its proposal prepared by Michael Pohl of Steed Surveyors, to realign the boundaries of the two allotments at 33-35 Malurus Avenue, Lockleys.

The subject land is located in the Residential Zone and Lockleys Character Policy Area 25. It is understood that in 1995 Council approved a swimming pool and enclosure to be built on existing Allotment 64 for the owner of the adjoining Allotment 108. The swimming pool area has been used ever since by an agreement between the two land owners but it is not registered in the Title. The applicants now wish to realign the boundaries to formalise the long standing existing use of the subject land.

Subject Land and Locality

The subject land comprises the following titles:

- Allotment 64 in Filed Plan 124358 comprised in Certificate of Title Volume 5804 Folio 628 (33 Malurus Avenue – approximately 584 square metres); and
- Allotment 108 in Filed Plan 215194 comprised in Certificate of Title Volume 5804 Folio 629 (35 Malurus Avenue – approximately 584 square metres).

33 Carrington Street
Adelaide, 5000
P (08) 8193 5600

masterplan.com.au

Offices in SA | NT | QLD
ISO 9001:2015 Certified
ABN 30 007 755 277

plan@masterplan.com.au



50776LET02



Attached is a plan showing the boundary of the Lockley Character Policy Area 25 which is referred to as the locality for the proposed development. The locality generally consists of rectangular allotments with an area of 700 metres or greater and a frontage of 15 plus metres. The attached Locality Plan shows the location of the proposed land division in relation to the rest of the area and alterations that have occurred over the years to the original plan of division for this area. This includes three corner allotments which have created allotments less than 470 square metres and other alterations to the rear boundaries which include the two allotments that are subject to this application. The locality therefore also consists of smaller allotments and adjustments to the boundaries of the regular shaped allotments.

Development Plan Assessment

The relevant Development Plan is the West Torrens Council Development Plan consolidated version dated 30 May 2017. The following provisions of the Development Plan are considered to be the most relevant to an assessment of the proposed land division application:

- Residential Zone: Principle 22;
- Lockleys Character Policy Area 25: Principle 2; and
- General Section: Land Division – Objectives 2 and 4. Principles 2(a)(g) and 5.

Pattern of Development

Residential Zone

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

Lockleys Character Policy Area 25

PDC2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

Desired Character Statement

Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area.

It is claimed that the proposal involves the creation of an “L-shaped” allotment which is inconsistent with the existing established allotment pattern. The pattern of development issue relates to the above mentioned element of the Desired Character Statement and Principle 22 of the Residential Zone.

An L-shaped allotment is different to the other allotments located within the locality which has previously been described for the Lockleys Character Policy Area. However this does not necessarily mean that it is inconsistent with the established allotment pattern of development within the locality.



In *Villaplex Pty Ltd v NPSP*, 3 February 2000 ERDC, the concept of the 'pattern of development' was distinguished from the character of the locality and described as follows:

"Pattern consists of several elements which together make-up the two-dimensional fabric of an urban area. Those elements include road layout, allotment size and configuration, the size, location, orientation and distribution of the 'footprint' of the buildings on any one allotment and the spatial relationship between the 'building footprints' on adjoining or nearby allotments."

In this respect there is a slight change to the size and configuration of the two existing allotments but there is no change to the street frontage on each road and no change to the spatial relationship between the building footprints on the subject land and adjoining allotments. From a streetscape perspective there will be no change to the existing pattern and scale of development in the locality.

Density Issues

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

Allotments will be very low density with wide street frontages and even deeper side boundaries.

It has been claimed that the application is in conflict with the above mentioned provision of the Development Plan and in particular that it will create an allotment that is not within the very low density category.

The proposal is for the realignment of boundaries to follow the existing built form development on the two existing lots. In terms of site areas, the following is proposed:

- Lot 300 (proposed Lot 64) goes from approximately 584 square metres to 430 square metres; and
- Lot 301 (proposed Lot 108) goes from approximately 584 square metres to 738 square metres.

In terms of density, the *State Government's Guide to Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples* has been used as a reference point to show that very low density development has a site area of more than 588 square metres. Using the same guide low density development has a site area of 285 to 588 square metres.

According to this criteria, the existing lots (area of approximately 584 square metres) are currently low density allotments. The proposed development maintains Lot 300 in the low density category but amends Lot 301 to take it more into the very low density category.



On balance there is no real change in the density requirements within the desired character statement particularly as it relates to a realignment of the existing allotments. The same situation applies in regard to the side boundaries in that Lot 300 is reduced and Lot 301 is increased and the wide street frontages are maintained.

Therefore in our opinion the proposed land division does not change the proposals consistency in regard to the density element of the desired character statement.

General Section: Land Division

- Objective 2** Land division that creates allotments appropriate for the intended use.
- Objective 4** Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.
- PDC 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;
 - (g) any allotments will straddle more than one zone, policy area or precinct.
- PDC 5** Land division should result in allotments of a size suitable for their intended use.

The proposed land division complies with the general objectives relating to land division and in particular the realignment creates a boundary appropriate for the existing and intended use. The new boundary is integrated with the site features to consolidate the existing land uses.

The proposed land division development realigns the boundaries to ensure that the existing swimming pool and enclosure, constructed and used by the owners of existing Lot 108, are suitable for their intended future use, which is to continue under the current arrangement.

The existing and proposed boundaries within the land division do not result in any allotments which straddle more than one zone or policy area.

The proposed realignment land division does not change the existing configuration of each allotment and is suitable for the intended future use of the subject land.



Summary

We have concluded from our planning assessment that there is sufficient merit for the application to be approved in accordance with the relevant provisions of the Development Plan. In particular:

- the reconfiguration that maintains one allotment as low density and reconfigures the other allotment as a very low density allotment does not impact on the Desired Character of the Policy Area;
- the existing and proposed pattern of development is not affected by the proposed development; and
- the proposed development complies with the relevant general principles relating to land division.

Accordingly, we do not consider that the application is seriously at variance with the Development Plan and warrants the consent of the Council Assessment Panel.

Please do not hesitate to contact me if you require any further information or clarification.

Yours sincerely

Wayne Gladigau
MasterPlan SA Pty Ltd

enc: Locality Plan.

cc: Greg Mutton.
Michael Pohl.

Land Services Group

The Property Location Browser is available on the Land Services Group Website: www.sa.gov.au/landservices



BOUNDARY OF LOCKLEYS CHARACTER POLICY AREA 25

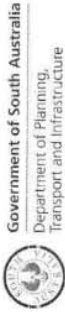


ALTERATIONS TO ORIGINAL LAND DIVISION PLAN D2733



LAND DIVISION APPLICATION 211/D1824/17

Date created:
February 12, 2018



Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

Contact Planning Services Unit
Telephone 7109 7016



27 November 2017

The Chief Executive Officer

City of West Torrens

Dear Sir/Madam

Re: Proposed Application No. 211/D184/17 (ID 59908)
for Land Division by GM Developments Pty Ltd

In accordance with Section 33 of the Development Act 1993 and Regulation 29 (1) of the Development Regulations 2008, and further to my advice dated 08 November 2017, 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. SA Water has no requirements pursuant to the Development Act.
Existing services on both allotments.
2. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

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

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

Brett Miller
TEAM LEADER – PLANNING SERVICES
as delegate of the
STATE COMMISSION ASSESSMENT PANEL



27 November 2017

Our Ref: H0066031

The Chairman
Development Assessment Commission
136 North Terrace
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/D184/17 AT LOCKLEYS

In response to the abovementioned proposal, I advise that this Corporation has no requirements pursuant to Section 33 of the Development Act.

Existing services on both allotments.

Yours faithfully

JENNIFER ALLCHURCH

for MANAGER LAND DEVELOPMENT & CONNECTIONS

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

6.7 8 & 10-12 Jeanie Street, CAMDEN PARK

Application No 211/726/2017

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|---|
| DEVELOPMENT PROPOSAL | Combined Application: Land division – Community Title; SCAP No. 211/C105/17, Create one (1) additional allotment and common property; and construction of one (1) two-storey group dwelling with associated driveway access and landscaping |
| APPLICANT | C S Foord |
| APPLICATION NO | 211/726/2017 |
| LODGEMENT DATE | 13 June 2017 |
| ZONE | Residential Zone |
| POLICY AREA | Medium Density Policy Area 18 |
| APPLICATION TYPE | Merit |
| PUBLIC NOTIFICATION | Category 1 |
| REFERRALS | Internal <ul style="list-style-type: none"> ▪ City Assets External <ul style="list-style-type: none"> ▪ SCAP ▪ SA Water |
| DEVELOPMENT PLAN VERSION | 30 May 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Land Division Consent for Application No. 211/726/2017 by C S Foord to undertake Combined Application: Land division – Community Title; SCAP No. 211/C105/17, Create one (1) additional allotment and common property; and construction of one (1) two-storey group dwelling with associated driveway access and landscaping at 8 Jeanie Street, CAMDEN PARK (CT5377/32) subject to the following conditions of consent:

Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That all driveways, parking and manoeuvring areas shall be formed (surfaced with concrete, bitumen or paving) and properly drained, and shall be maintained in a reasonable condition at all times.
3. That all landscaping will be planted in accordance with the approved plans (Site Plan and Ground Floor Plan prepared by Macgregor Architecture, Drawing PL02 and PL03 Rev C dated 15/11/2017) within three (3) months of the occupancy of the development. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.

4. That all upper level windows shall be fitted with fixed obscure glass or raised sills to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained in reasonable condition at all times.
5. That the timber slat privacy screen to the eastern and southern sides of the upper level deck shall be constructed with spacings of no greater than 10 millimetres between each slat and shall be installed prior to occupation of the dwelling.
6. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
7. That prior to the issue of clearance to the division approved herein, all existing buildings and structures shall be removed from proposed Lot 54 and the existing boundary fence at the rear of proposed Lot 50 shall be relocated in accordance with the approved plans.

Land Division Consent Conditions

Council Conditions

Nil

State Commission Assessment Panel (SCAP) Conditions

8. The financial requirements of the SA Water Corporation shall be met for the provision of water supply (SA Water H0060520).

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

9. Payment of \$13,352 into the Planning and Development fund (2 allotments @ \$6,676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders Street, Adelaide.
10. 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 State Commission Assessment Panel for Land Division Certificate purposes.

State Commission Assessment Panel (SCAP) Notes

1. Council shall provide the SCAP 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.

BACKGROUND

The development proposal is presented to the Council Assessment Panel (CAP) for the following reason:

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

PREVIOUS OR RELATED APPLICATION(S)

- DA 211/315/2016 Land Division Community Title, Create two (2) additional allotments; demolition of all existing outbuildings and the carport attached to 12 Jeanie Street; construction of two x two-storey group dwellings with garages under main roof, and construction of a single carport associated with the existing dwelling at 12 Jeanie Street - **DPC granted on 4 August 2016**
- DA 211/728/2017 Land Division - Torrens Title - Boundary Realignment at 8 Jeanie Street - **Pending**

SITE AND LOCALITY

The subject land comprises three contiguous residential allotments situated on the western side of Jeanie Street, Camden Park.

The land is formally described as:

- Certificate of Title Volume 5377 Folio 32, comprising Allotment 4 in Deposited Plan 2760 in the area named Camden Park;
- Certificate of Title Volume 5059 Folio 152, comprising Allotment 5 in Deposited Plan 2760 in the area named Camden Park; and
- Certificate of Title Volume 5710 Folio 962, comprising Allotment 6 in Deposited Plan 2760 in the area named Camden Park.

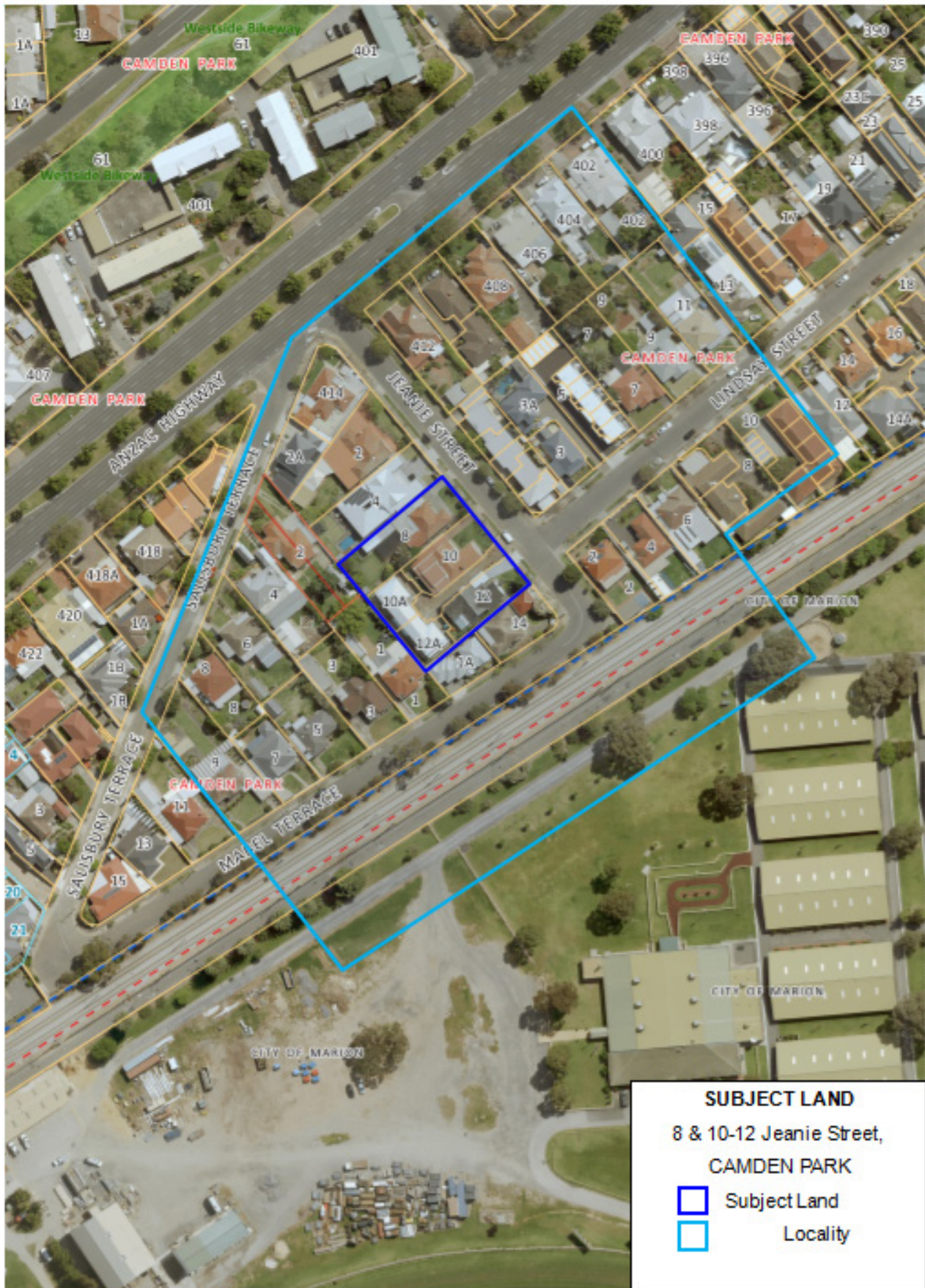
There are no registered service easements, encumbrances or Land Management Agreements on the titles.

Located on the land are three single storey dwellings fronting Jeanie Street (8, 10 and 12 Jeanie Street) and a recently constructed two storey residential flat building containing two dwellings (10A and 12A Jeanie Street). The two storey dwellings are situated at the rear of 10 and 12 Jeanie Street in a battleaxe configuration and are accessed via a common driveway.

The land is naturally flat and there are no Regulated trees on the land or in close proximity to property boundaries.

The locality comprises an established residential area that is situated between Anzac Highway to the north and a tram corridor and the Morphettville Racecourse to the south. The built form character is mixed, with several original unit developments and more recently constructed residential flat buildings and semi-detached dwellings at medium densities. Detached dwellings at lower densities are more prevalent to the west of Jeanie Street. The original allotment pattern continues to fragment as a consequence of infill development.

The amenity of the locality is considered only moderate due to the mixed style and quality of the housing stock, the varied development pattern and limited streetscape enhancements such as established street trees and landscaped verges. The amenity is also affected by the volume and frequency of traffic on Anzac Highway and noise associated with the nearby tram.





PROPOSAL

The proposed development is summarised as follows:

Land Division

A Community Title land division to create one additional allotment and common property. This proposal is seeking to extend the existing common driveway and create an additional residential allotment within the existing rear yard of no. 8 Jeanie Street. The new allotment (Lot 54) has a site area of 188m².

The proposal also includes a minor realignment to the boundaries of 10 and 10A Jeanie Street to facilitate an extension of the existing driveway.

Two Storey Group Dwelling

The construction of a two storey group dwelling with associated driveway access and landscaping.

The proposed dwelling is located at the rear of 8 Jeanie Street and is designed and orientated to front onto a new section of common driveway. The western wall of the dwelling is setback 3 metres from the rear boundary at ground level and 4.6 metres at the upper level.

The design of the dwelling is modern and is of a style that complements the two recently completed dwellings within the community title development. The building facades include an upper level deck over the front entrance, a single garage under the main roof and a pitched roof form. External materials and finishes comprise a mix of brick, render and lightweight panelling, aluminium frame windows and doors and colorbond roof sheeting.

Refer to **Attachment 1** for the plan of division and **Attachment 2** for a copy of the dwelling plans.

PUBLIC NOTIFICATION

The application has not been assigned to Category 2 as the proposal does not comprise of either:

- (a) *a building of 2 storeys comprising dwellings; or*
- (b) *2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high, but no residential building is to be more than 2 storeys high (my underlining for emphasis)*

The application is a Category 1 form of development pursuant to Part 1, 2(g) of Schedule 9 of the *Development Regulations 2008*:

a kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

The proposal is considered to be of a minor nature in that:

- The design and siting of the dwelling is substantially the same as the existing two storey dwellings within the same community title development;
- The dwelling is appropriately setback from side and rear boundaries;
- The dwelling is of moderate height and scale;
- All upper level windows and door openings are designed to prevent overlooking into neighbouring properties; and
- Additional traffic movements would not be significant and the driveway is designed to Australian Standards.

Public notification therefore was not required.

REFERRALS

Internal

- City Assets

Following amendments to the proposal, the on-site vehicle manoeuvrability and finished floor levels of the development are considered acceptable.

The applicant has amended the stormwater drainage system and provided stormwater calculations in accordance with Council requirements.

A full copy of the relevant report is contained within **Attachment 3**.

External

The application was referred to the following external agencies:

- SA Water

SA Water has raised no concerns with the proposal. The developer will be required to meet the requirements of SA Water for the provision of water and sewerage services. Standard conditions of consent have been recommended.

- State Commission Assessment Panel (SCAP)

SCAP has raised no concerns with the proposal. Standard conditions of consent have been recommended.

A full copy of the relevant report is contained within **Attachment 4**.

ASSESSMENT

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

| <u>General Section</u> | | |
|--------------------------------------|--|---|
| <i>Crime Prevention</i> | <i>Objectives</i> | 1 |
| | <i>Principles of Development Control</i> | 1, 2, 3, 5, 6, 7, 8 |
| <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, 20 & 21 |
| <i>Energy Efficiency</i> | <i>Objectives</i> | 1 & 2 |
| | <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, 3, 4, 5, 6, 8, 9, 10, 14 & 16 |
| <i>Interface between Land Uses</i> | <i>Objectives</i> | 1 & 2 |
| | <i>Principles of Development Control</i> | 1, 2, 3, & 4 |
| <i>Land Division</i> | <i>Objectives</i> | 1, 2, 3 & 4 |
| | <i>Principles of Development Control</i> | 1, 2, 4, 5, 6, 7, 8, 12, & 16 |
| <i>Landscaping, Fences and Walls</i> | <i>Objectives</i> | 1 & 2 |
| | <i>Principles of Development Control</i> | 1, 2, 3, 4 & 6 |

| | | |
|-------------------------------------|-----------------------------------|---|
| Orderly and Sustainable Development | Objectives | 1, 2, 3, 4 & 5 |
| | Principles of Development Control | 1, 3, 5, 6, 7 & 8 |
| Residential Development | Objectives | 1, 2, 3 & 4 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 24, 27, 28, 29, 30 & 31 |
| Siting and Visibility | Objectives | 1 |
| | Principles of Development Control | 1, 2, 4, 5, 7 & 8 |
| Transportation and Access | Objectives | 1, 2, 3 & 4 |
| | Principles of Development Control | 1, 2, 8, 9, 10, 11, 13, 14, 18, 20, 21, 22, 23, 24, 25, 30, 32, 33, 34, 35, 36, 37, 39, 40, 41, 43, 44 & 45 |

| | |
|--|---------------------------------------|
| Zone: Residential Zone | |
| <p>Desired Character Statement: This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</p> <p>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</p> <p>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</p> <p>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</p> | |
| Objectives | 1, 2, 3 & 4 |
| Principles of Development Control | 1, 2, 5, 6, 7, 9, 10, 11, 12, 13 & 14 |

| | |
|---|------------------|
| Policy Area: Medium Density Policy Area 18 | |
| <p>Desired Character Statement: Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments. Allotment amalgamation to create larger development sites will occur to maximise the density of development while also achieving integrated design outcomes, particularly within a comfortable walking distance of centre zones. Vehicle access will occur from side streets and new rear public and private laneways wherever possible, also supporting the retention of existing street trees.</p> <p>New buildings will contribute to a highly varied streetscape. Buildings will be up to 3 storeys and provide a strong presence to streets, other than in the part of the policy area in Underdale, Ashford (other than allotments adjacent to Residential Character Ashford Policy Area 22) and allotments bounded by Anzac Highway, Morphett Road and Cromer Street in Camden Park where buildings will be up to 4 storeys. Parking areas and garages will be located behind the front facade of buildings.</p> <p>Buildings on the edge of the policy area which adjoin residential policy areas at lower densities will pay particular attention to managing the interface with adjoining dwellings, especially in terms of the appearance of building height and bulk, and overshadowing.</p> <p>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</p> | |
| Objectives | 1 |
| Principles of Development Control | 1, 2, 4, 5, 6, 8 |

QUANTITATIVE ASSESSMENT

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

| DEVELOPMENT PLAN PROVISIONS | STANDARD | ASSESSMENT |
|--|--|--|
| SITE AREA <i>Medium Density Policy Area 18</i> PDC 6 | 150m ² minimum – Group Dwelling | 188m ² (excludes common driveway) Satisfies |
| SITE FRONTAGE <i>Medium Density Policy Area 18</i> PDC 6 | 7m minimum – Group Dwelling | 6.51m Does Not Satisfy (Refer to assessment below) |
| SITE COVERAGE <i>Medium Density Policy Area 18</i> PDC 5 | 70% maximum | 60% Satisfies |

| | | |
|---|--|---|
| STREET SETBACK <i>Medium Density Policy Area 18</i> PDC 5 | Primary Street 3m minimum Secondary Street 1m minimum | N/A (no frontage) N/A (no frontage) N/A |
| SIDE/REAR SETBACKS <i>Residential Zone</i> PDC 11 <i>Medium Density Policy Area 18</i> PDC 5 | Side 1m minimum - vertical side wall is 3 metres or less 2m minimum - vertical side wall is between 3 and 6 metres Rear 4m minimum at both ground and upper levels | 710mm minimum (ground floor) 4m (first floor) Satisfies 3m Partially Satisfies |
| BUILDING HEIGHT <i>Medium Density Policy Area 18</i> PDC 5 | Three storeys or 12.5 metres | 7.5m Satisfies |
| OVERSHADOWING <i>Residential Development</i> PDC 10, 11, 12, 13 | Protect winter sunlight to adjacent dwellings' north facing windows, private open space and solar panels - min. 2 hours of sunlight between 9.00am and 3.00pm on 21 June | - North-south orientation of site - Adequate boundary setbacks - Modest building height Satisfies |
| OVERLOOKING <i>Residential Development</i> PDC 27 | Upper level, windows, balconies, terraces and decks that overlook habitable room windows or private open space require sill height or permanent screen minimum of 1.7m above floor level | All side and rear upper windows have sill heights or obscure glass to 1.7m. Front upper level deck has privacy screens to 1.7m in height. Condition of consent included in recommendation to reinforce. Satisfies |
| PRIVATE OPEN SPACE <i>Residential Development Module</i> PDC 19 | <300m ² - 24m ² (min.) - Minimum dimension 2m | 55m ² Satisfies |

| | | |
|---|---|---|
| CARPARKING SPACES <i>Transportation and Access Module PDC 34</i> | 2 spaces (one covered) | 1 covered and 1 visitor space Satisfies |
| LANDSCAPING <i>Landscaping, Fences and Walls Module PDC 4</i> | Minimum 10% of development site | At least 10% of development site to be landscaped Satisfies |
| DOMESTIC STORAGE <i>Site Facilities and Storage Module PDC 4</i> | Minimum storage area of 8m ³ | Yard area is large enough for small garden shed Satisfies |

QUALITATIVE ASSESSMENT

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

Allotment Frontage

Principle of Development Control 6 of the Residential Zone, Medium Density Policy Area 18 prescribes a minimum frontage to a public road of 7 metres for a group dwelling. The road frontage for the proposed dwelling is in the form of an 'existing' common driveway that is contained within its own common property allotment. Whilst the frontage of 6.51 metres for this allotment is less than the recommended frontage of 7 metres, the road frontage has no effect in this circumstance given that the common driveway already exists and that the proposed dwelling would not be readily visible from the road frontage due to the battle-axe configuration of the allotment.

Rear Setback

The proposed dwelling is setback from the rear boundary at a distance of 3 metres at ground level and 4.6 metres at the upper level. Principle of Development Control 5 of Medium Density Policy Area 18 recommends a minimum setback distance of 4 metres to both ground and upper levels.

Typically, Development Plan policies allow for single storey buildings to be located closer to rear boundaries than two storey buildings as there is potentially less visual and overshadowing impacts associated with single storey buildings. This is recognised in Principle of Development 11 of the Residential Zone and similarly in the complying standards under Schedule 4 of the *Development Regulations 2008*. These policies only require the ground floor of a dwelling to be setback 3 metres from a rear boundary. The complying standards are a material planning consideration in this case given that the subject land is situated within a code complying area, as determined by the Minister for Planning. Whilst the proposed development is not complying, it would however be possible to develop the subject land with a dwelling or dwellings located within 3 metres of the rear boundary 'as-of-right'.

Notwithstanding the above, the rear boundary setback of 3 metres is acceptable for the following reasons:

- The modest scale of the development and the orientation of the adjoining properties would ensure that their rear yards would continue to receive well in excess of two hours of direct sunlight during winter;
- The locality is characterised by dwellings and outbuildings located in close proximity to rear boundaries;
- The ground level of the residential flat building has a modest wall height of only 3.2 metres and a roof that is flat; and
- There is adequate area within the rear yard for landscaping.

The proposal is therefore considered to satisfy the intent of Principle of Development Control 5 of Medium Density Policy Area 18.

SUMMARY

When balanced against the existing site and locality characteristics and the Desired Character for Medium Density Policy Area 18, the proposed division of land and associated group dwelling is considered to be a desirable, orderly and appropriate form of development.

The dwelling density and allotment layout of the proposal sufficiently accords with the Desired Character and is compatible with the established pattern and built form characteristics of the locality.

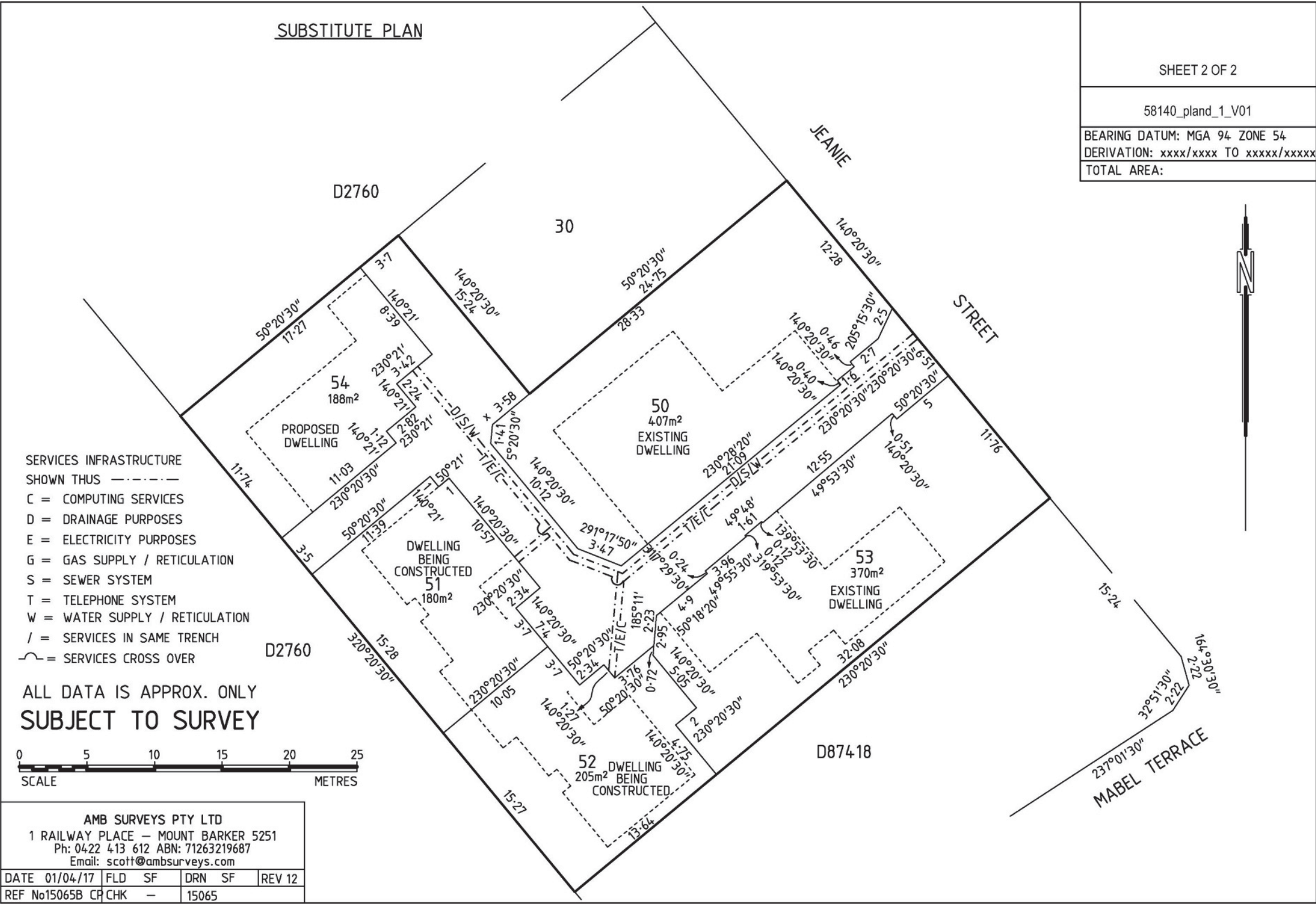
The built form has sufficient regard for surrounding residential development, in terms of the overall scale and massing, architectural detailing and siting of the development. It has also been demonstrated that the proposal would not adversely impact upon traffic safety on the adjacent road network.

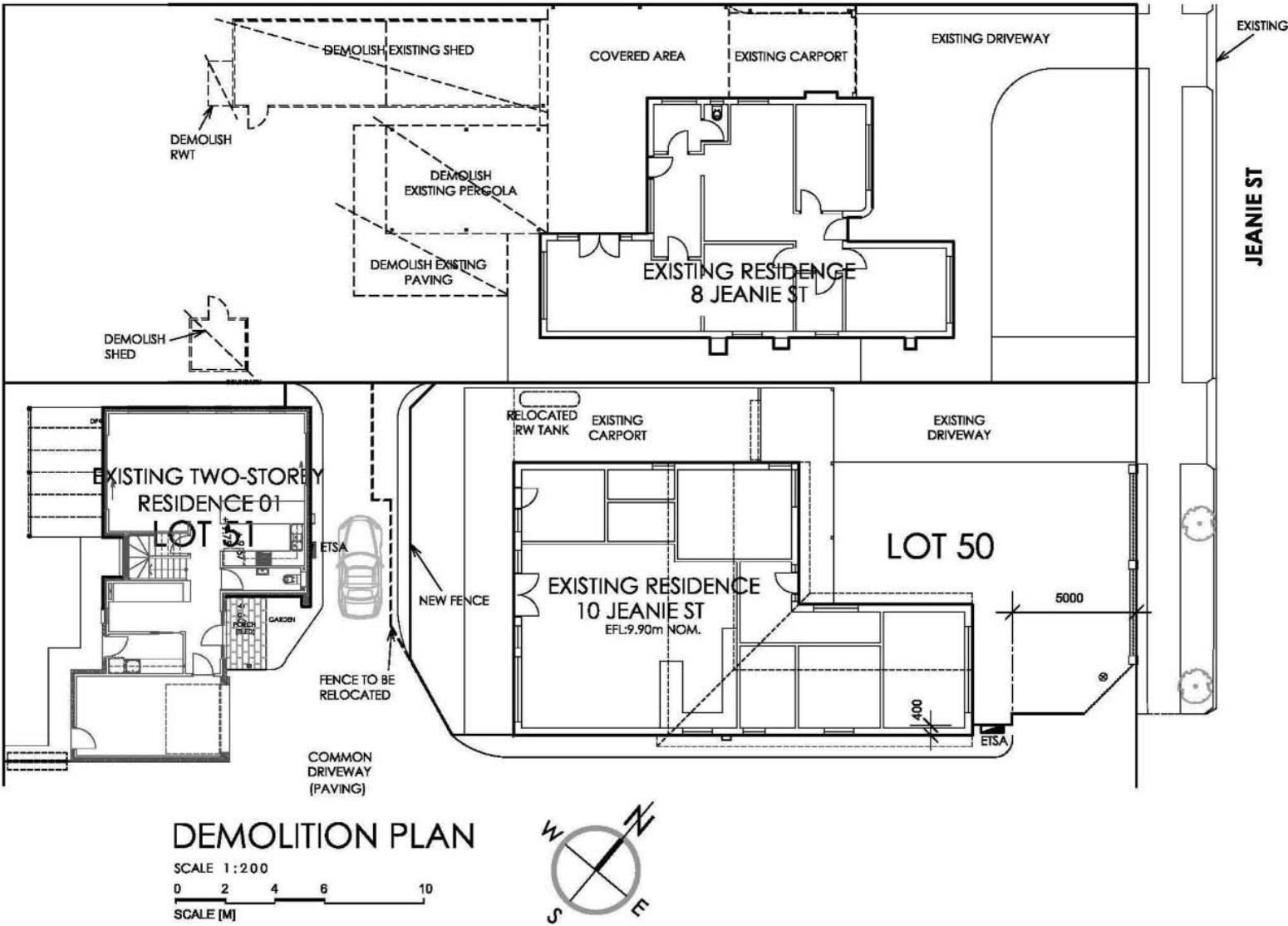
Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 30 May 2017 and warrants Development Plan Consent and Land Division Consent.

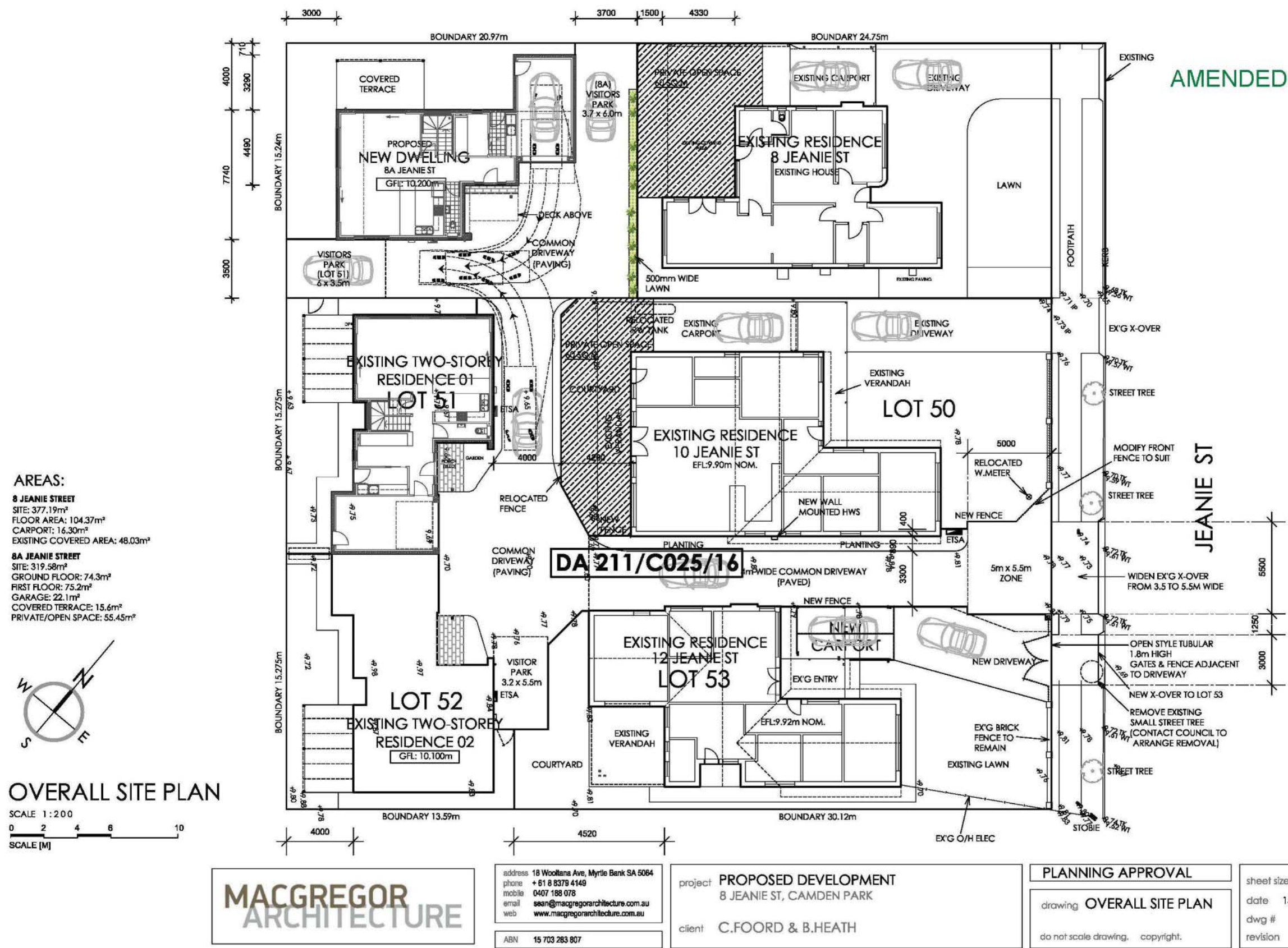
Attachments

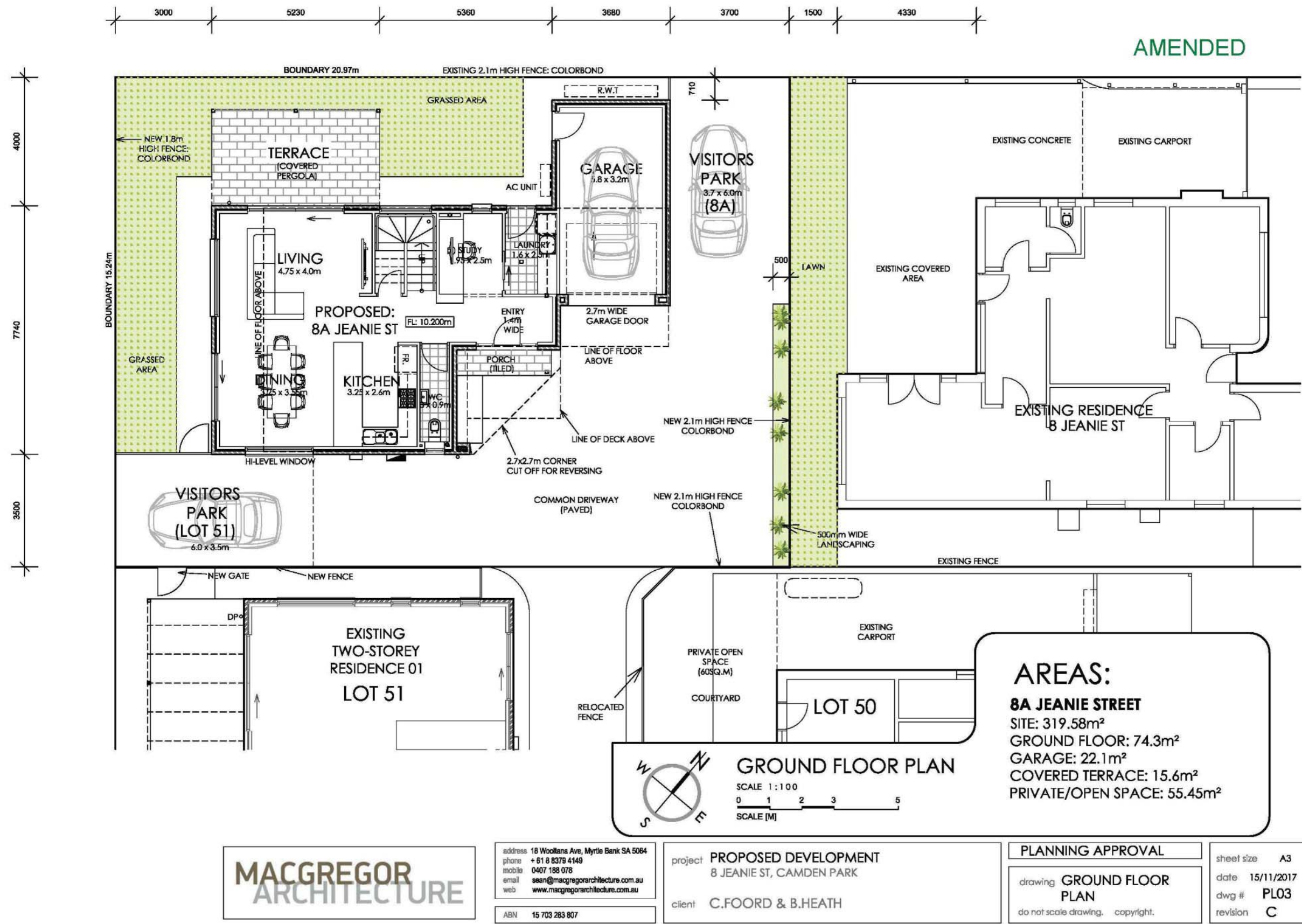
- 1. Plan of Division**
- 2. Dwelling Plans & Documents**
- 3. City Assets' Referral Response**
- 4. SCAP & SA Water Referral Responses**

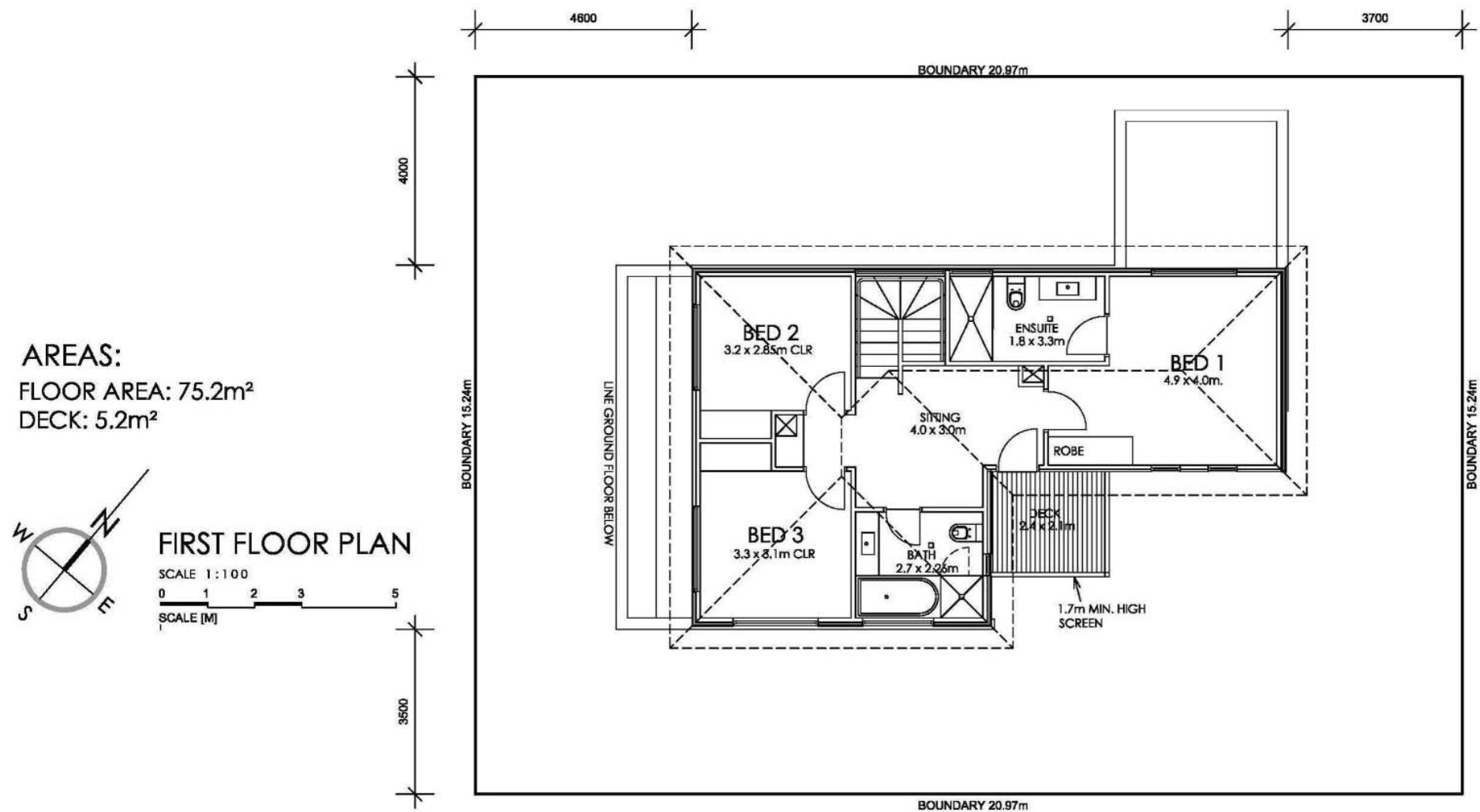




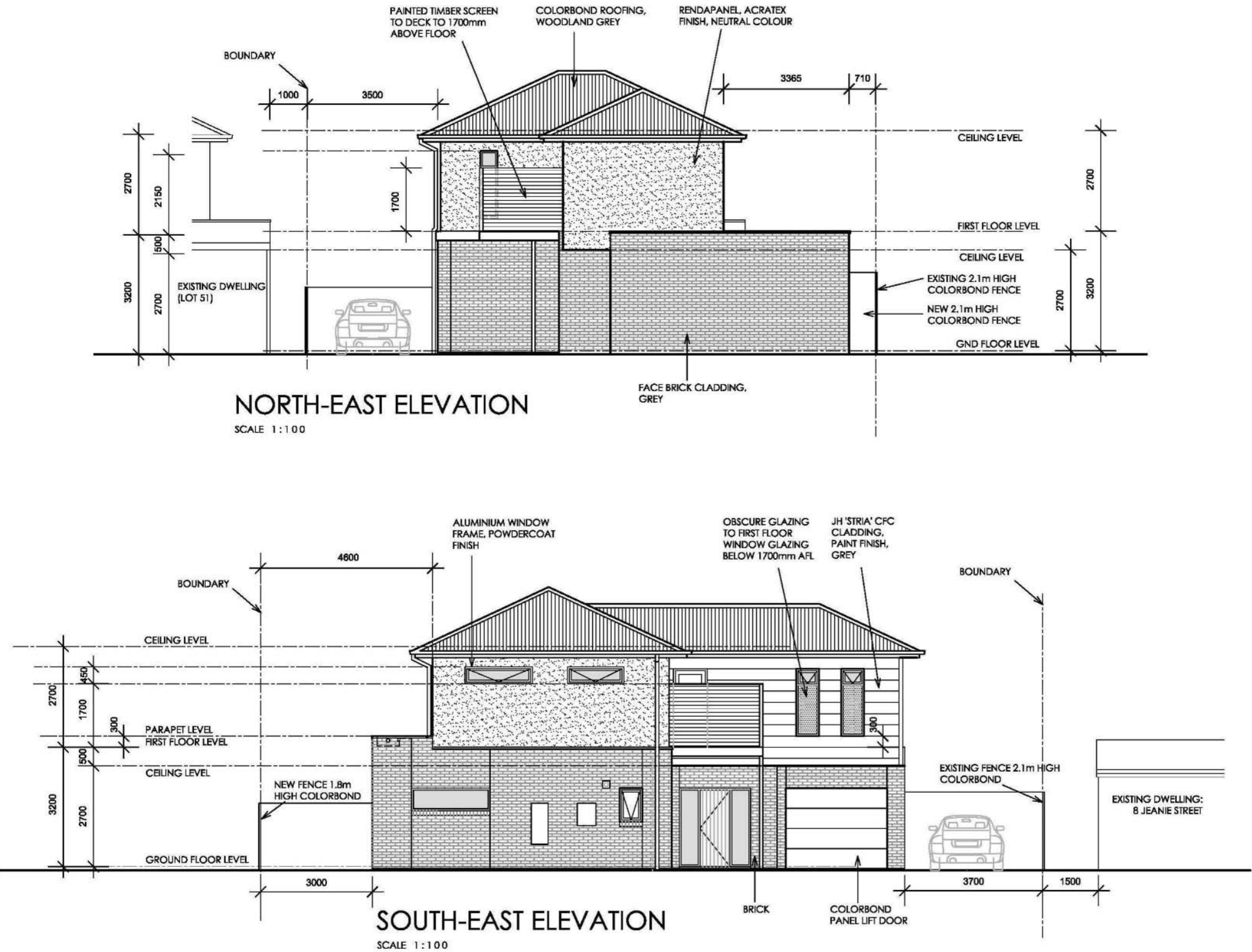
| | | | | |
|----------------------------------|--|---|--|--|
| MACGREGOR ARCHITECTURE | address 18 Wooltana Ave, Myrtle Bank SA 5064 phone + 61 8 8379 4149 mobile 0407 188 078 email sean@macgregorarchitecture.com.au web www.macgregorarchitecture.com.au | project PROPOSED DEVELOPMENT 8 JEANIE ST, CAMDEN PARK | PLANNING APPROVAL | sheet size A3 |
| | ABN 15 703 283 807 | client C.FOORD & B.HEATH | drawing DEMOLITION PLAN do not scale drawing. copyright. | date 8/09/2017 dwg # PL01 revision B |



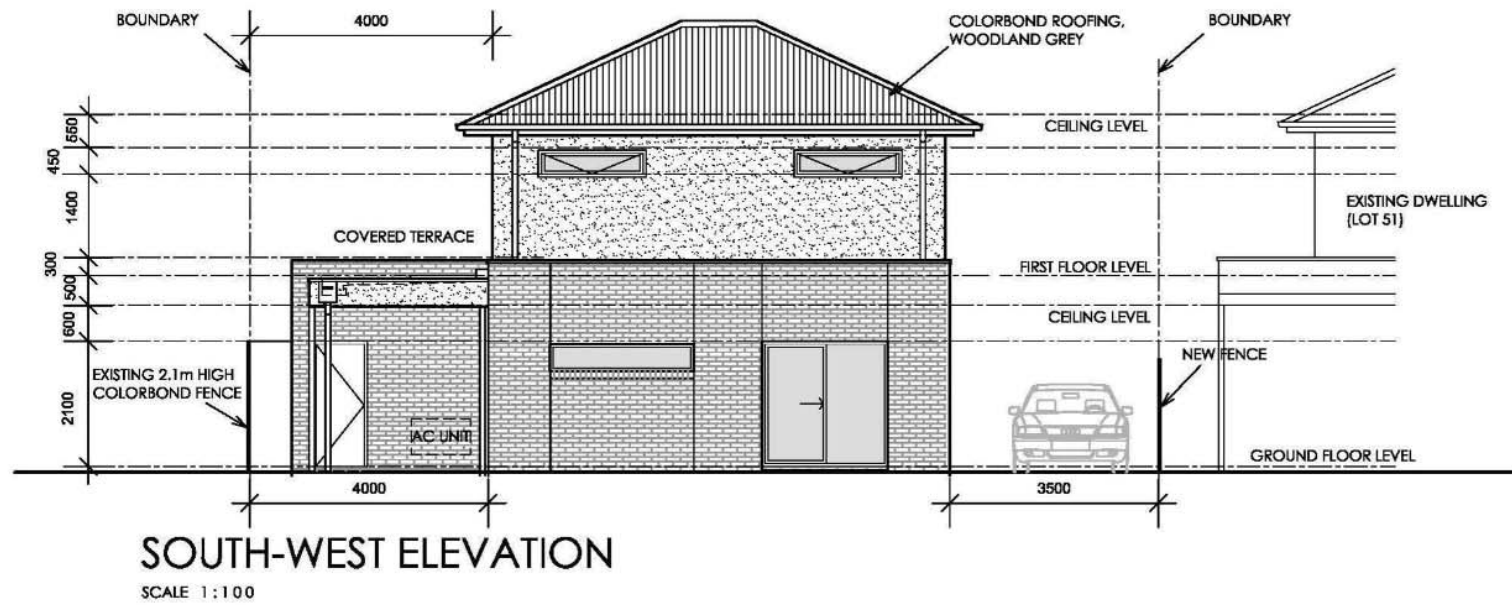




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| MACGREGOR ARCHITECTURE | address 18 Wooltana Ave, Myrtle Bank SA 5064 phone + 61 8 8379 4149 mobile 0407 188 078 email sean@macgregorarchitecture.com.au web www.macgregorarchitecture.com.au | project PROPOSED DEVELOPMENT 8 JEANIE ST, CAMDEN PARK | PLANNING APPROVAL | sheet size A3 |
| | ABN 15 703 283 807 | client C.FOORD & B.HEATH | drawing FIRST FLOOR PLAN do not scale drawing. copyright. | date 8/09/2017 dwg # PL04 revision B |




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| MACGREGOR ARCHITECTURE | address 18 Wooltana Ave, Myrtle Bank SA 5064 | project PROPOSED DEVELOPMENT 8 JEANIE ST, CAMDEN PARK | PLANNING APPROVAL | | sheet size A3 |
| | phone +61 8 8379 4149 | | drawing ELEVATIONS 1 | date 8/09/2017 | |
| | mobile 0407 188 078 | | | dwg # PL05 | |
| | email sean@macgregorarchitecture.com.au | | | revision B | |
| web www.macgregorarchitecture.com.au | client C.FOORD & B.HEATH | do not scale drawing. copyright. | | | |
| ABN 15 703 283 807 | | | | | |



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|--------------------------------------|--|---|-----------------------------|-----------------------|----------------------|
| MACGREGOR ARCHITECTURE | address 18 Wooltana Ave, Myrtle Bank SA 5064 | project PROPOSED DEVELOPMENT 8 JEANIE ST, CAMDEN PARK | PLANNING APPROVAL | | sheet size A3 |
| | phone +61 8 8379 4149 | | drawing ELEVATIONS 2 | date 8/09/2017 | |
| | mobile 0407 188 078 | | | dwg # PL06 | |
| | email sean@macgregorarchitecture.com.au | | | revision B | |
| web www.macgregorarchitecture.com.au | client C.FOORD & B.HEATH | do not scale drawing. copyright. | | | |
| ABN 15 703 263 807 | | | | | |

T:\2016\16298\ACAD\CURRENT\16298-C01 REV.D.DWG



GAMA
CONSULTING

Engineers and project management

c/- Suite 7, No. 128 Falciton Rd,
Norwood, SA 5067
m: 0438 662 888
0407 797 988
admin@gamaconsulting.com.au
www.gamaconsulting.com.au

PROJECT

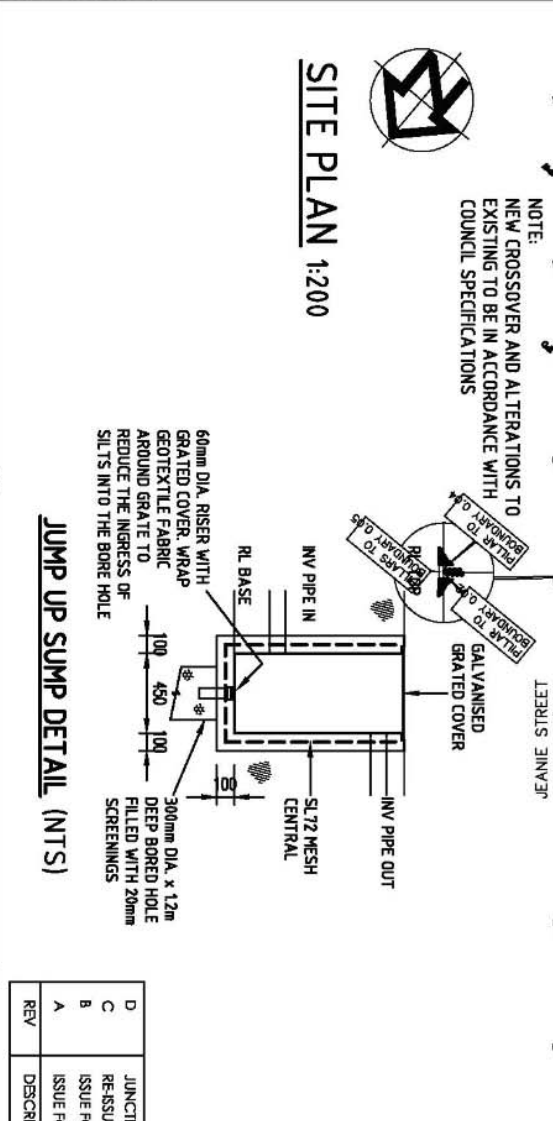
FOORD & HEATH DEVELOPMENT
10 & 12 JEANIE STREET
CAMDEN PARK

CLIENT

MACGREGOR ARCHITECTURE

| STATUS | | APPROVAL | |
|-------------|--|--------------|--|
| COUNCIL | | WEST TORRENS | |
| DESCRIPTION | | SITE PLAN | |
| DRAWING NO. | | 16298-C01 | |
| SHEET SIZE | | A3 | |
| REVISION | | D | |

| REV | DESCRIPTION | DATE | CHECKED |
|-----|-----------------------------|------------|---------|
| D | JUNCTION BOX ADDED | 15/11/2017 | JW |
| C | RE-ISSUE FOR BRC APPROVAL | 13/09/2017 | JW |
| B | ISSUE FOR BRC APPROVAL | 27/10/2016 | JW |
| A | ISSUE FOR PLANNING APPROVAL | 16/09/2016 | JW |



JUMP UP SUMP DETAIL (NTS)

60mm DIA RISER WITH
GRADED COVER, WRAP
GEOTEXTILE FABRIC
AROUND GRATE TO
REDUCE THE INGRESS OF
SILTS INTO THE BORE HOLE

300mm DIA. x 12m
DEEP BORED HOLE
FILLED WITH 20mm
SCREENINGS

INV PIPE IN
SL72 MESH
CENTRAL
INV PIPE OUT

60mm DIA. RISER WITH
GRADED COVER, WRAP
GEOTEXTILE FABRIC
AROUND GRATE TO
REDUCE THE INGRESS OF
SILTS INTO THE BORE HOLE

GENERAL NOTES

- THIS IS AN ENGINEERING SURVEY PLAN, AND SHOULD NOT BE TAKEN AS A CADASTRAL OR IDENTIFICATION SURVEY. BOUNDARY DATA SHOWN IS TO BE TAKEN AS A GUIDE ONLY.
- SURVEYED BY RAPID SURVEYS PTY LTD.
- ALL SITE LEVELS AND DETAILS MUST BE CHECKED AND APPROVED BY THE OWNER/BUILDER PRIOR TO COMMENCEMENT OF ANY WORK.
- INSTALLATION OF STORMWATER SYSTEMS TO COMPLY WITH AS3500.5 NATIONAL PLUMBING AND DRAINAGE CODE.
- REFER TO ARCHITECTURAL SITE PLAN FOR SET OUT DIMENSIONS.
- THE FINISHED GROUND LEVEL ADJACENT TO EXTERNAL FOOTING SHALL BE SET DOWN TO SUIT REQUIRED PAVING LEVELS AND FALLS. REFER TO ENGINEERING REPORT FOR PAVING DETAILS.
- COVER TO PIPES SHALL COMPLY WITH AS 3500.5. PIPES LESS THAN 200mm BELOW THE FINISHED SURFACE UNDER THE DRIVEWAYS SHALL BE ENCASED IN 100mm OF CONCRETE.
- PROVIDE SUITABLE PROPRIETARY FIRST FLUSH SYSTEM TO RAINWATER TANK INLETS, INCLUDING LEAF SCREENS ETC.
- THE STORMWATER DRAINAGE SYSTEM SHALL BE INSTALLED AS SHOWN, ALTERATIONS TO THE SYSTEM MUST BE APPROVED BY THIS OFFICE TO ENSURE THAT THE INTEGRITY OF THE DESIGN IS MAINTAINED.
- SITE CLASSIFICATION TO AS2870-2011: TO BE CONFIRM
- TREE REMOVAL TO BE CONFIRMED WITH OWNER PRIOR TO COMMENCEMENT OF ANY WORK ON SITE. ANY CHANGES TO THE EXTENT SHOWN ON THIS DRAWING MUST BE CONFIRMED WITH THIS OFFICE

LEGEND

- DN90 STORMWATER PIPE
- DN100 STORMWATER PIPE
- DN150 STORMWATER PIPE
- DOWNPIPES
- DOWNPIPE WITH SPREADER
- DOWNPIPES DRAINING INTO THE RAINWATER TANKS (SHOWN DPx) SHALL BE SEALED TO THE UNDERGROUND STORMWATER SYSTEM GRADE ALL SEALED SYSTEM STORMWATER TO FLUSH POINT
- FLUSH POINT IN SUMP
- PROVIDE REMOVABLE SCREW CAP TO END OF PIPE IN SUMP TO ALLOW FOR PERIODIC CLEANING OF SEALED SYSTEM
- 50 PVC RISER + GRATE
- SUMP
- (CLASS A GRATED COVER, UNO)
- 450 sq SUMP
- (CLASS B GRATED COVER, UNO)
- 450 sq JUNCTION BOX
- (CLASS B GRATED COVER, UNO)
- 1000 LITRE RAINWATER TANK PLUMBED TO L DRY OR WC
- OVERFLOW
- FINISHED DESIGN LEVELS
- SURFACE FALL
- RETAINING WALL HEIGHT
- RETAINING WALL/CONCRETE PLINTH (10m MAX. HEIGHT) BY OWNER
- REMOVE EXISTING TREE
- BARRIER KERB AND CHANNEL



18 Wooltana Ave, Myrtle Bank SA 5064
(08) 8379 4149 (W)
0407 188 078 (M)
sean@macgregorarchitecture.com.au
www.macgregorarchitecture.com.au

13 September 2017

City of West Torrens
Development Services
165 Sir Donald Bradman Drive
HILTON SA 5033

Attention: Mr. Jordan Leverington

Dear Jordan,

LAND DIVISION COMMUNITY TITLE APPLICATION
For **C.FOORD & B.HEATH**
At **8 JEANIE ST, CAMDEN PARK SA 503**

DAC NO. 211/C105/17 (Unique ID 58280)

In response to request for additional information dated 24th of August 2017 please find
Enclosed revised drawings & detail;

The documents enclosed and comprising this application are as follows;

- 3 copies of the revised drawings numbered PL01.B – PL06.B (A3 size)

Item 1: FFL Consideration

- Floor level indicated on Drawings is RL: 10.100m

Item 2: Stormwater Connection

- The Civil engineer for the common driveway at No. 10-12 has reviewed the new proposal common driveway stormwater pipe has been upgraded to accommodate the proposed additional development.

Item 4: Residential Parking Requirement

- Layouts & driveways have been adjusted to meet the manoeuvrability requirements as noted by the Council engineering dept.

Item 5: Common Driveway Entrance

- Noted that the common driveway meets the minimum requirements

Item 6: Visitor Parking

- Note added to clearly define allocation of visitor parking spaces for Lot 51 & the new proposed dwelling.

Item 7: Rear Set Backs

- New Dwelling: We acknowledge that we haven't been able to achieve a 4m setback from the South-West Boundary, however the dwelling orientation is predominately set up for a 4m setback from the North-West boundary. While not strictly in accordance with the development plan we believe this achieves a better overall outcome for both adjoining properties while maximising usable private open space for the new dwelling.

- Lot 30 (8 Jeanie St): We acknowledge the reduced setback of 1.5m for a small 4.2m portion of the 15.24m wide rear boundary at No. 8 Jeanie St does vary from the development plan. In the zone of the new set back the existing dwelling is adjacent the common driveway space so still maintains a reasonable separation from adjacent indoor & outdoor living spaces for privacy. We believe the reduced set-back does not detract from No. 8 due to the layout & location of private open space.

Item 8: Private Open Space

- We have been able to demonstrate 60sq.m of Private Open Space is achieved for both Lot 50 (10 Jeanie St) & Lot 30 (8 Jeanie St) - Please refer to the updated drawings for details.

Other Items

- The enclosed Planning drawings have been modified slightly to accommodate the following;
- Slight re-arrangement of Upper Floor location to suit structural implications of modifying the new garage location to meet vehicle access considerations
- Adjustment of Dining windows to suit Visitor parking vs window
- Reduction in Fire floor & ground floor areas to suit revised layout due to vehicle access considerations
- All areas have been amended on the updated drawings.

Should you have any queries or require any further information, please do not hesitate to contact me during business hours on 0407 188 078 (m) or via email sean@macgregorarchitecture.com.au

Thank you for your attention to this matter.

Yours faithfully,



Sean MacGregor
MACGREGOR ARCHITECTURE
sean@macgregorarchitecture.com.au
0407 188 078 (M)

MACGREGOR
ARCHITECTURE

18 Wooltana Ave, Myrtle Bank SA 5064
(08) 8379 4149 (W)
0407 188 078 (M)
sean@macgregorarchitecture.com.au
www.macgregorarchitecture.com.au

15 November 2017

City of West Torrens
Development Services
165 Sir Donald Bradman Drive
HILTON SA 5033

Attention: Mr. Jordan Leverington

Dear Jordan,

LAND DIVISION COMMUNITY TITLE APPLICATION
For **C.FOORD & B.HEATH**
At **8 JEANIE ST, CAMDEN PARK SA 503**

DAC NO. 211/C105/17 (Unique ID 58280)

In response to request for additional information dated 30th of October 2017 please find
Enclosed revised drawings & detail;

Stormwater Connection

- The Civil engineer for the common driveway at No. 10-12 has reviewed the new proposal common driveway stormwater pipe (between sump S2(2) & S2(4) has already been upgraded to 150 dia. pipe to accommodate the proposed additional development.
- A new 150 dia pipe connection from 'JB' to sump S2(2) will be provided in the building works for this development
- Revised Civil drawing C01.D for the common driveway is enclosed for your information
- Also enclosed are stormwater calculations that provide justification the common driveway stormwater will be sufficient to support the proposed additional dwelling
- Floor level for the Proposed new dwelling will be 10.200m to suit stormwater design connection into the new junction box 'JB' – revised Site Plan PL02.C & Floor plan PL03.C are enclosed with amended Floor level.

Should you have any queries or require any further information, please do not hesitate to contact me during business hours on 0407 188 078 (m) or via email
sean@macgregorarchitecture.com.au

Thank you for your attention to this matter.

Yours faithfully,



Sean MacGregor
MACGREGOR ARCHITECTURE
sean@macgregorarchitecture.com.au
0407 188 078 (M)

15/11/2017

[illegible]



Memo

To Josh Banks
From Jane Teng
Date 27/11/2017
Subject 211/726/2017, 8 Jeanie Street, CAMDEN PARK SA 5038

Josh Banks,

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

1.0 Somtermater connection- 8A Jeanie St, Camden park

Further to the clarification from the applicant via the letter from MACGREGOR ARCHITECTURE to Council dated 15 November 2017 and the site plan (GAMA Consulting, DWG No: 16298-C01, rev D) indicating the provision of stormwater connection to the additional dwelling at the rear of the site (Lot 8A Jeanie), there are no major concern of further information required or recommendations required in association with this development proposal.

Should you require further information, please contact Jane Teng on the following direct extension number 8416 6333.

Regards

Jane Teng
Civil Engineer



Contact
Telephone 7109 7016
Email dldptipdclearanceletters@sa.gov.au

State Commission
Assessment Panel

1st November 2017

Level 5
50 Flinders Street
Adelaide SA 5000

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

GPO Box 1815
Adelaide SA 5001

08 7109 7061

Dear Sir

Re: Proposed Development Application No. 211/C105/17 (ID 58280) Amended Plan 26/10/17 for Land Division (*Community Title Plan*) by Claire Foord

Further to my letter dated 26th July 2017 and to assist the Council in reaching a decision on this application, copies of the reports received by the State Commission Assessment Panel (SCAP) 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 SCAP.

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply (SA Water H0060520).
SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.
2. Payment of \$13352 into the Planning and Development fund (2 allotment @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

The developer must inform potential purchasers of the community lots 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.

IT IS ALSO REQUIRED THAT COUNCIL PROVIDE THE SCAP 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,

Brett Miller
TEAM LEADER – PLANNING SERVICES
as delegate of the
STATE COMMISSION ASSESSMENT PANEL
Q:\PLANNINGSERVICES\TEMPLATES\STATEMENTS\ELECTRONIC\TFF2R-CT



03 November 2017

Our Ref: H0060520

The Chairman
Development Assessment Commission
136 North Terrace
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/C105/17 AT CAMDEN 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.

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

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

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

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

6.8 32 Dudley Avenue, NORTH PLYMPTON

Application No 211/1128/2017 & 211/922/2017

DEVELOPMENT APPLICATION DETAILS

| | | |
|--------------------------|---|--|
| DEVELOPMENT PROPOSAL | Land division - Community Title; SCAP No. 211/C148/17 (Unique ID 59205); Create three (3) additional allotments | Construct two (2) two-storey residential flat buildings comprising four (4) dwellings; Dwelling 1 & 2 with front porticos and balconies and double garages under main roof, and Dwellings 3 & 4 with front porticos, rear verandahs to alfresco and double garages under main roof |
| APPLICANT | Dudley Avenue Pty Ltd | I Think Design Studio |
| APPLICATION NO | 211/1128/2017 | 211/922/2017 |
| LODGEMENT DATE | 21 September 2017 | 2 August 2017 |
| ZONE | Residential Zone | Residential Zone |
| POLICY AREA | Medium Density PA19 | Medium Density PA19 |
| APPLICATION TYPE | Merit | Merit |
| PUBLIC NOTIFICATION | Category 1 | Category 2 |
| REFERRALS | Internal <ul style="list-style-type: none"> City Assets External <ul style="list-style-type: none"> SA Water DAC | Internal <ul style="list-style-type: none"> City Assets |
| DEVELOPMENT PLAN VERSION | 30 May 2017 | 30 May 2017 |
| MEETING DATE | 13 March 2018 | 13 March 2018 |

RECOMMENDATION 1

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent, Land Division Consent and Development Approval for Application No. 211/1128/2017 by Dudley Avenue Pty Ltd to undertake a land division - Community Title; SCAP No. 211/C148/17 (Unique ID 59205); Create three (3) additional allotments at 32 Dudley Avenue, North Plympton (CT5239/340) subject to the following conditions of consent:

Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That prior to the issue of clearance to the division approved herein, all existing buildings and associated structures shall be removed from subject land (proposed Lots 1 to 4).

Land Division Consent Conditions

Council Conditions

Nil

State Commission Assessment Panel (SCAP) Conditions

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

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

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.

4. Payment of \$20,490 into the Planning and Development fund (3 allotments @ \$6,830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders Street, Adelaide.
5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

RECOMMENDATION 2

The Council 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. 211/922/2017 by I Think Design Studio to undertake the construction of two (2) two-storey residential flat buildings comprising four (4) dwellings; Dwelling 1 & 2 with front porticos and balconies and double garages under main roof, and Dwelling 3 & 4 with front porticos, rear verandahs to alfresco and double garages under main roof at 32 Dudley Avenue, North Plympton (CT5239/340) subject to the following conditions of consent:

Planning Conditions

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

3. That all landscaping will be planted in accordance with the approved plan (Site Plan and Landscape Schedule prepared by I Think Design Studio, PA Sheet 1 of 11, Amended) within three (3) months of the occupancy of the development. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.
4. That all side and rear upper level windows of Dwelling 1 and 2 within the residential flat building approved herein shall be fitted with fixed obscure glass or raised sills to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained in reasonable condition at all times.
5. That all front, side and rear upper level windows of Dwelling 3 and 4 within the residential flat building approved herein shall be fitted with fixed obscure glass or raised sills to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained in reasonable condition at all times.
6. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
7. That the stormwater connection to the street watertable shall satisfy the following requirements:
 - 100 x 50 x 2mm RHS Galvanised Steel; or
 - 125 x 75 x 2mm RHS Galvanised Steel; or
 - Multiples of the above.

BACKGROUND

The development proposal is presented to the Council Assessment Panel (CAP) 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.

SITE AND LOCALITY

The subject land is an existing residential allotment situated at 32 Dudley Avenue, North Plympton. The land is located on the southern side of the road and is approximately 150 metres west of Birdwood Terrace and the Westside Bikeway.

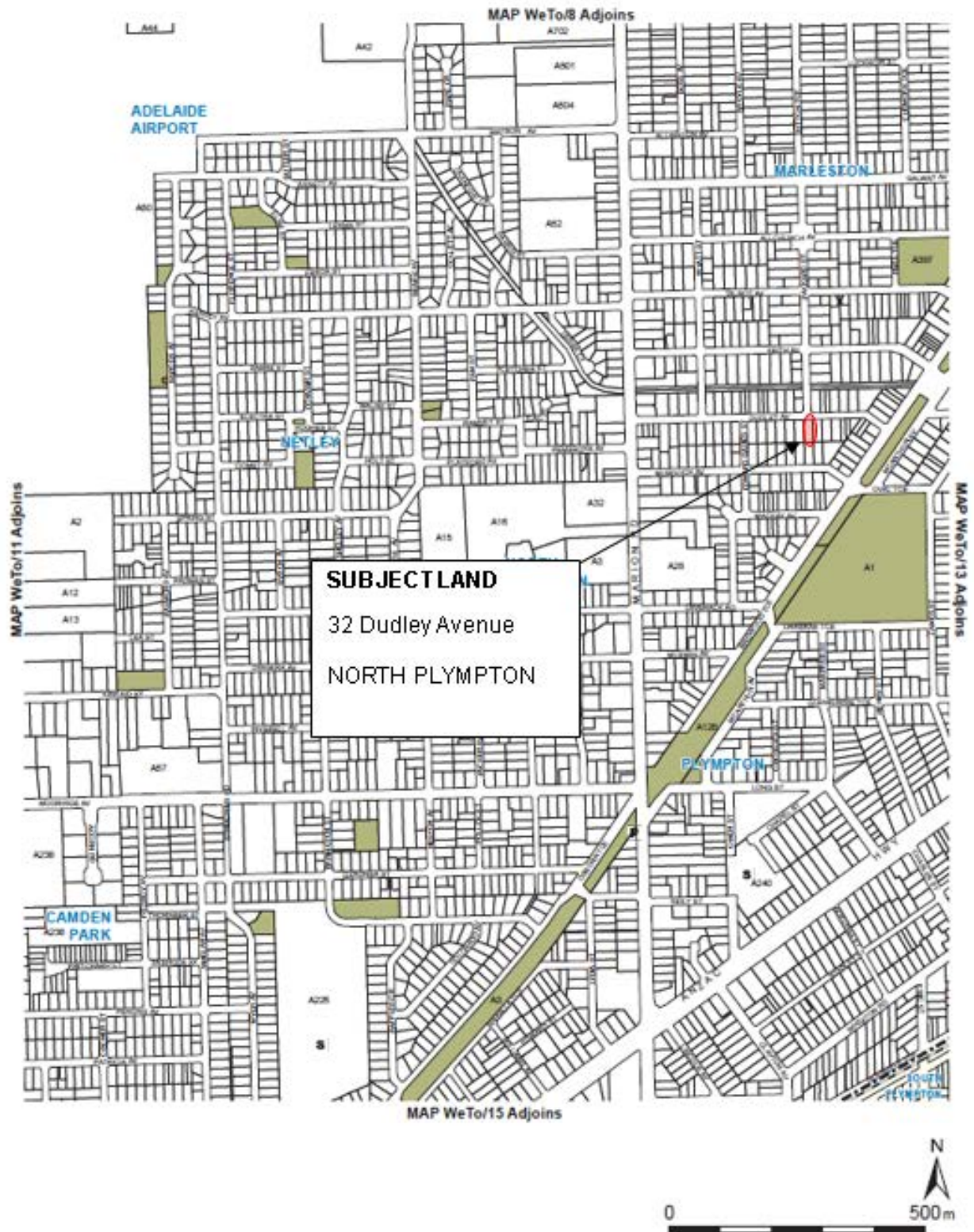
The land is formally described in Certificate of Title Volume 5239 Folio 340, comprising Allotment 35 in Deposited Plan 3143 in the area named North Plympton. There are no easements, encumbrances or Land Management Agreements registered on the title.

The allotment is rectangular in shape with an 18.29 metre wide frontage to Dudley Avenue and a total allotment size of 803m². The land is naturally flat and does not contain any Regulated trees. A modest single storey dwelling and a shed currently occupy the site.

The locality comprises an established residential area with a mixed built form character. The area is currently in transition, as conventional detached dwellings are being replaced with single and two storey group dwellings and residential flat buildings at medium densities. This is resulting in a diverse allotment pattern, particularly near public reserves. The Weigall Oval reserve and Westside Bikeway are in close proximity to the east and south.

The amenity of the locality is considered only moderate due to the mixed housing stock, the changing development pattern and limited streetscape enhancements such as established street trees and landscaped verges.





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

Location Map WeTo/12

WEST TORRENS COUNCIL
Consolidated - 6 February 2018

PROPOSAL

Application 1 (211/1128/2017)

A Community Title land division to create three additional allotments. The proposal is seeking to divide the land into four community allotments with common driveway access from Dudley Avenue that is to be contained within its own common property allotment. The allotments are being created for two residential flat buildings containing a total of four dwellings (refer to 211/922/2017). The proposed allotments are between 141m² and 155m² in area.

Application 2 (211/922/2017)

The construction of two (2) two-storey residential flat buildings comprising a total of four (4) dwellings.

Dwelling 1 and 2 are located at the front of the allotment and are designed to address the road frontage. The main front wall of the dwellings are setback 3.8 metres from the road boundary, with the front upper level balconies setback at a distance of 3 metres. Dwelling 3 and 4 are located toward the rear of the allotment in a battleaxe arrangement and are designed and orientated to front onto a new common driveway.

The proposed dwellings are designed with a common architectural style and form. The dwellings are modern, with articulated facades that comprise upper storey projections and recesses, front porticos and balconies, feature cladding and flat roofs behind parapets. External materials and finishes include rendered Hebel cladding, aluminium frame windows and doors and glass balustrades.

Refer to **Attachment 1** for the plan of division and **Attachment 2** for a copy of the dwelling plans.

PUBLIC NOTIFICATION

Development Application 211/922/2017 is a Category 2 form of development pursuant to Section 38 and Schedule 9 of the *Development Regulations 2008*. One representation was received during the notification period, which was subsequently withdrawn.

| | |
|-------------------------------------|---|
| Properties notified: | 10 properties were notified during the public notification process. |
| Representations: | M Kastrappi (withdrawn) |
| Persons wishing to be heard: | N/A |

REFERRALS

Internal

- City Assets

Concerns were raised regarding the following matters:

- The width of the common driveway;
- Inadequate manoeuvrability for the garage of Dwelling 1 and 2;
- Visitor car parking space should be removed; and
- The location of the stormwater connection.

The applicant has addressed the above concerns and City Assets has no objection to the proposed development.

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

External

The application was referred to the following external agencies:

- SA Water

SA Water has raised no concerns with the proposal. The developer will be required to meet the requirements of SA Water for the provision of water and sewerage services. Standard conditions of consent have been recommended.

- State Commission Assessment Panel (SCAP)

SCAP has raised no concerns with the proposal. Standard conditions of consent have been recommended.

A copy of the relevant reports is attached, refer **Attachment 4**.

ASSESSMENT

The subject land is located within Medium Density Policy Area 19 of the Residential Zone, 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, 5, 6, 7, 8 |
| Design and Appearance | Objectives | 1 & 2 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 20 & 21 |
| Energy Efficiency | Objectives | 1 & 2 |
| | Principles of Development Control | 1, 2, & 3 |
| Infrastructure | Objectives | 1, 2, & 3 |
| | Principles of Development Control | 1, 3, 4, 5, 6, 8, 9, 10, 14 & 16 |
| Interface between Land Uses | Objectives | 1 & 2 |
| | Principles of Development Control | 1, 2, 3, & 4 |
| Land Division | Objectives | 1, 2, 3 & 4 |
| | Principles of Development Control | 1, 2, 4, 5, 6, 7, 8, 12, & 16 |
| Landscaping, Fences and Walls | Objectives | 1 & 2 |
| | Principles of Development Control | 1, 2, 3, 4 & 6 |
| Orderly and Sustainable Development | Objectives | 1, 2, 3, 4 & 5 |
| | Principles of Development Control | 1, 3, 5, 6, 7 & 8 |
| Residential Development | Objectives | 1, 2, 3 & 4 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 24, 27, 28, 29, 30 & 31 |
| Siting and Visibility | Objectives | 1 |
| | Principles of Development Control | 1, 2, 4, 5, 7 & 8 |
| Transportation and Access | Objectives | 1, 2, 3 & 4 |
| | Principles of Development Control | 1, 2, 8, 9, 10, 11, 13, 14, 18, 20, 21, 22, 23, 24, 25, 30, 32, 33, 34, 35, 36, 37, 39, 40, 41, 43, 44 & 45 |

| | |
|--|---------------------------------------|
| Zone: Residential Zone | |
| <p>Desired Character Statement: <i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</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, 2, 3 & 4 |
| Principles of Development Control | 1, 2, 5, 6, 7, 9, 10, 11, 12, 13 & 14 |

| | |
|--|----------------|
| Policy Area: Medium Density Policy Area 19 | |
| <p>Desired Character Statement: <i>Allotments in this policy area will be at medium density, accommodating a range of dwelling types including semi-detached, row and group dwellings, as well as some residential flat buildings and some detached dwellings on small allotments. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones.</i></p> <p><i>New buildings will contribute to a highly varied streetscape. Buildings will be up to 2 storeys, except for allotments fronting Brooker Terrace, Marion Road and Henley Beach Road, and overlooking the Westside Bikeway, where buildings will be up to 3 storeys in height and provide a strong presence to streets. Garages and carports will be located behind the front facade of buildings.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p> | |
| Objectives | 1 |
| Principles of Development Control | 1, 2, 3, 4 & 7 |

QUANTITATIVE ASSESSMENT

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

| DEVELOPMENT PLAN PROVISIONS | STANDARD | ASSESSMENT |
|---|---|---|
| SITE AREA <i>Medium Density Policy Area 19</i> <i>PDC 5 & 7</i> | 150m ² average - Residential Flat Building 270m ² minimum - land division unless combined with application for dwellings | 146m ² average Minor Departure Dwellings and land division not combined Does Not Satisfy (Refer to assessment below) |
| SITE FRONTAGE <i>Medium Density Policy Area 19</i> <i>PDC 5</i> | 15m minimum - Residential Flat Building | 11.88m (Dwelling 1 & 2) 6.4m (Dwelling 2 & 3) Does Not Satisfy (Refer to assessment below) |
| SITE COVERAGE <i>Medium Density Policy Area 19</i> <i>PDC 3</i> | 60% maximum | 64% (Dwelling 1) 67% (Dwelling 2) 80% (Dwelling 3) 80% (Dwelling 4) Does Not Satisfy |
| STREET SETBACK <i>Medium Density Policy Area 19</i> <i>PDC 3</i> | 3m minimum | 3.8m - main face 3m - balcony (Dwelling 1 & 2) N/A (Dwelling 3 & 4) Satisfies |

| | | |
|--|---|--|
| <p>SIDE/REAR SETBACKS <i>Residential Zone</i> PDC 11</p> <p><i>Medium Density Policy Area 19</i> PDC 3</p> | <p>Side 1m minimum - vertical side wall is 3 metres or less 2m minimum - vertical side wall is between 3 and 6 metres</p> <p>Rear 6m minimum</p> | <p>Dwelling 1 & 2 (6.58m max. wall height) - 1m ground level - 2m upper level</p> <p>Satisfies</p> <p>Dwelling 2 & 3 - garage on boundary - 2m upper level</p> <p>Partially Satisfies</p> <p>3m ground floor 6.9m upper floor</p> <p>Partially Satisfies</p> |
| <p>OVERSHADOWING <i>Residential Development</i> PDC 10, 11, 12, 13</p> | <p>Protect winter sunlight to adjacent dwellings' north facing windows, private open space and solar panels - min. 2 hours of sunlight between 9.00am and 3.00pm on 21 June</p> | <p>- North-south orientation of site - Rear yards and north facing windows of adjoining properties would receive in excess of two hours of direct sunlight.</p> <p>Satisfies</p> |
| <p>OVERLOOKING <i>Residential Development</i> PDC 27</p> | <p>Upper level, windows, balconies, terraces and decks that overlook habitable room windows or private open space require sill height or permanent screen minimum of 1.7m above floor level</p> | <p>All side/rear upper windows have sill heights or obscure glass to a height of 1.7m.</p> <p>Condition of consent included to reinforce.</p> <p>Satisfies</p> |
| <p>PRIVATE OPEN SPACE <i>Residential Development Module</i> PDC 19</p> | <p><300m² - 24m² (min.) - Minimum dimension 2m</p> | <p>24m² (Dwelling 1) 24m² (Dwelling 2) 27m² (Dwelling 3) 27m² (Dwelling 4)</p> <p>Satisfies</p> |
| <p>DRIVEWAY ACCESS <i>Land Division Module</i> PDC 7</p> | <p>5.5m wide for first 5m then reduce to 4m</p> | <p>5.5m wide for first 5m then reduce to 4m</p> <p>Satisfies</p> |

| | | |
|--|--|--|
| CARPARKING SPACES <i>Transportation and Access Module</i> PDC 34 | 2 spaces (one covered) - Detached Dwelling and Residential Flat Building, plus additional 0.25 space per dwelling in residential flat building | 2 covered spaces per dwelling Partially Satisfies (Refer to assessment below) |
| LANDSCAPING <i>Landscaping, Fences and Walls Module</i> PDC 4 | Minimum 10% of development site | Approximately 10% of development site to be landscaped Satisfies |
| DOMESTIC STORAGE <i>Site Facilities and Storage Module</i> PDC 4 | Minimum storage area of 8m ³ | 8m ³ + (living areas, garage and robes) Satisfies |

QUALITATIVE ASSESSMENT

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

Site Area and Frontage

Principle of Development Control 5 of Medium Density Policy Area 19 prescribes a minimum average site area of 150m² per dwelling within a residential flat building where located within 400 metres of a centre zone. The development site is within 400 metres of a centre zone and is within a short walking distance of a public reserve and the Westside bikeway.

For land division proposals, Principle of Development Control 7 of the Policy Area prescribes a minimum site area of 270m² "other than where the land division is combined with an application for dwellings or follows an approval for dwellings on the site". Although the land division and proposed dwellings have not been combined on this occasion, it is appropriate to apply the minimum site area of 150m² in Principle of Development Control 5 given that both applications are being assessed concurrently. The combining of the applications is not considered necessary for this development as the proposed land division is creating community allotments that are to be accessed from a common property driveway.

The Community Title land division indicates that the proposed allotments would have site areas of between 141m² and 155m². When assessed against Principle of Development Control 5, the maximum site area shortfall would be 9m² or 6 percent for Dwellings 3 and 4. The average site area shortfall across the whole of the site would be 4m² or 2.66 percent, which is considered relatively minor. Notwithstanding the site area shortfalls, the proposed dwellings have been designed and sited in a manner that reasonably satisfies the relevant quantitative requirements of the Development Plan relating to building height, boundary setbacks, private open space, site coverage and vehicle access and car parking. The only notable exceptions are the rear ground level setbacks of Dwelling 3 and 4 and the siting of their respective garages on the side boundaries. The amenity impacts associated with these dwellings are considered below in more detail.

The intent of minimum allotment sizes is to achieve a residential density that is consistent with the desired character for the area. The Desired Character for the Policy Area is for allotments to be at medium density (i.e. net density of between 40 and 67 dwellings per hectare). On the basis of the subject land having a total area of 803m², the net residential density of the development has been calculated at 50 dwellings per hectare (dw/ha) which is well within the medium density range.

The road frontage for Dwelling 1 and 2 is 11.88 metres wide. The frontage for Dwelling 3 and 4 is in the form of a common driveway that is contained within its own common property allotment. Whilst the frontages to the proposed residential flat buildings are less than the recommended frontage width of 15 metres, the shortfalls would not have any detrimental impacts given that the front dwellings present to the street as one integrated building and are designed with 'rear loaded' garaging. Furthermore, the front of the dwellings and the common driveway will be landscaped to visually soften the built form and paved areas.

The overall dwelling density and allotment layout of the proposal is considered to be compatible with the existing and desired built form characteristics of the locality. Accordingly, the proposal is considered to satisfy the Desired Character for the Policy Area and the intent of Principle of Development Control 5 and 7 of Medium Density Policy Area 19.

Boundary Setbacks

Side Setbacks

The garages of Dwelling 3 and 4 are proposed to be located on the eastern and western side boundaries. The boundary walls are 8 metres in length and 3.43 in height above the footing. The ground and upper levels of the dwellings are setback one metre and two metres respectively.

Principle of Development Control 11 of the Residential Zone recommends a minimum setback of one metre from side boundaries for walls that are three metres or less in height. Whilst the proposal does not achieve this setback, Principle of Development Control 12 and 13 make some allowance for walls on side boundaries provided any associated visual and overshadowing impacts are minimised. From a quantitative perspective, it is noted that Principle of Development Control 13(b) requires boundary walls to have a maximum height of three metres and a maximum length of eight metres. The height of the proposed walls exceed this requirement by only 430mm.

From an amenity perspective, the proposed walls would not result in a significant loss of outlook for the adjoining properties as the eastern wall would be immediately adjacent to a garden shed at the rear of no. 34 Dudley Avenue and the western wall would be located some distance from any windows within the dwelling at no. 30 Dudley Avenue. Similarly, minimal shadow would be cast of the adjoining properties given the north to south orientation of the subject land and the adjoining properties.

Furthermore, it has been well established in planning law that regard should be given to complying or 'as of right' standards when assessing the merits of a proposal. Although hypothetical, it is possible to locate an outbuilding on the respective side boundaries for a length of up to eight metres and at a height of 3 metres under the allowances of the Residential Code (Schedule 4 of the *Development Regulations 2008*). A wall of this size is generally the same as the proposed boundary wall, albeit there is a differential of 430mm in the wall height.

On balance, the siting and design of the proposed development in relation to side boundaries would not significantly detract from the amenity of neighbouring properties and therefore is considered acceptable.

Rear Setback

The rear of Dwelling 3 and 4 is setback 3 metres at ground floor level and 6.9 metres at upper floor level. Principle of Development Control 3 of Medium Density Policy Area 19 recommends a minimum setback distance of 6 metres to both ground and upper levels. The upper level setbacks satisfy this setback standard.

Typically, Development Plan policies allow for single storey buildings to be located closer to rear boundaries than two storey buildings as there is potentially less visual and overshadowing impacts associated with single storey development. This is recognised in the complying standards under Schedule 4 of the *Development Regulations 2008*, which only requires the ground floor of a dwelling on a site of less than 300m² to be setback 3 metres from a rear boundary. This setback requirement increases to 4 metres on sites greater than 300m². These complying standards are a material planning consideration in this case given that the subject land is situated within a code complying area. Whilst the proposed development is not complying, it would however be possible to develop the subject land with a dwelling or dwellings located within 4 metres of the rear boundary 'as-of-right'.

Notwithstanding the above, the rear boundary setback of 3 metres to the ground level of Dwelling 3 and 4 is acceptable for the following reasons:

- The modest height of the dwellings (6.78 metres) would ensure that only minimal shadow is cast over the adjoining properties to the south;
- The ground level of the dwellings have a low roof profile;
- The locality is characterised by dwellings and outbuildings located in close proximity to rear boundaries; and
- There is adequate spatial separation between the proposed dwellings and the existing dwellings on adjoining land to the south.

The proposal is therefore considered to satisfy the intent of Principle of Development Control 11 of the Residential Zone.

Site Coverage

Principle of Development Control 3 of the Policy Area recommends a maximum ground floor building area of 60 percent of each dwelling site. Dwelling 3 and 4 in particular would exceed the recommended site coverage, which for the most part is due to the dwelling sites not having a direct frontage to a public road (i.e. no front building setbacks required).

Although exceeding 60 percent of the site, the proposed dwellings will be provided with sufficient private open space and a stormwater management system that satisfies Council requirements. There is also adequate space for safe and convenient vehicular access and on-site landscaping.

For these reasons, the departure from Principle of Development Control 3 of the Policy Area is not considered to be fatal to the overall merits of the proposed development.

Car Parking

In terms of car parking, *Table WeTo/2 – Off Street Vehicle Parking Requirements* prescribes a minimum car parking rate of two spaces per dwelling with an additional requirement of 0.25 spaces per dwelling for a residential flat building, presumably for visitors. As there would be four dwellings within the development, there is a Development Plan requirement for one additional car park. It is considered that this one space shortfall would not adversely affect the existing flow and safety of vehicular traffic on the surrounding road network as there is sufficient area immediately in front of the site for at least one (possibly two) on-street car parks for visitors.

There is considered to be sufficient on-site car parking to meet the anticipated demand generated by the proposed development. Accordingly, the proposal satisfies the intent of Principle of Development Control 34 of the General Section (Transportation and Access).

SUMMARY

When balanced against the existing site and locality characteristics and the Desired Character for Medium Density Policy Area 19, the proposed division of land and associated dwellings are considered to be a desirable, orderly and appropriate form of development.

Although there are some deficiencies with the proposal, the overall dwelling density, allotment layout and built form is considered to have sufficient regard for the desired character, which is seeking a range of dwelling types at medium densities.

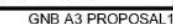
It has also been demonstrated that the proposal would not adversely impact upon traffic safety on the adjacent road network.

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 30 May 2017 and warrants Development Plan Consent and Land Division Consent.

Attachments

- 1. Plan of Division**
- 2. Dwelling Plans**
- 3. City Assets Referral Response**
- 4. SA Water and SCAP Referral Responses**





| | |
|-------------------------------|--------------------|
| AREAS: DWELLINGS 1 & 2 | |
| L/LIVING | 61.7 |
| U/LIVING | 71.8 |
| D/GARAGE | 35.5 |
| BALCONY | 10.1 |
| PORCH | 1.8 |
| TOTAL | 181.53 SQ.M |
| POS: | 24.33 SQ.M |

| | |
|-----------------------------|--------------------|
| AREAS: DWELLINGS 3 & | |
| L/LIVING | 59.7 |
| U/LIVING | 56.5 |
| D/GARAGE | 42.6 |
| ALFRESCO | 9.6 |
| PORCH | 2.4 |
| TOTAL | 171.00 SQ.M |
| POS: | 27.43 SQ.M |

PRELIMINARY

DATED: 2/05/2017



GENERAL NOTES:

1) FIXTURE LOCATION SHOWN INDICATIVE ONLY. EXACT POSITION TO BE CONFIRMED ON SITE AND CO-ORDINATED WITH NOMINATED FIXTURE SPECIFICATIONS.

PLEASE NOTE: ALL KITCHEN & WET AREA LAYOUTS SHOWN ON THESE PLANS ARE INDICATIVE ONLY. REFER TO SELECTED JOINERY MANUFACTURER'S PLANS FOR CORRECT LAYOUTS AND PLUMBING POSITIONS AND CO-ORDINATE ACCORDINGLY.

*

REMOVABLE DOOR HINGES FITTED IN ACCORDANCE WITH NCC VOLUME TWO- PART 3.8.3.3

SC

STEEL COLUMN. REFER TO ENGINEER'S DRAWINGS FOR SIZE

V

SELECTED VANITY BOWL

P

SELECTED CISTERN

OHC

OVERHEAD CUPBOARDS

UBO

UNDER BENCH OVEN

FR

FRIDGE

DWP

DISHWASHER PROVISION

RHO

RANGEHOOD OVER

CM

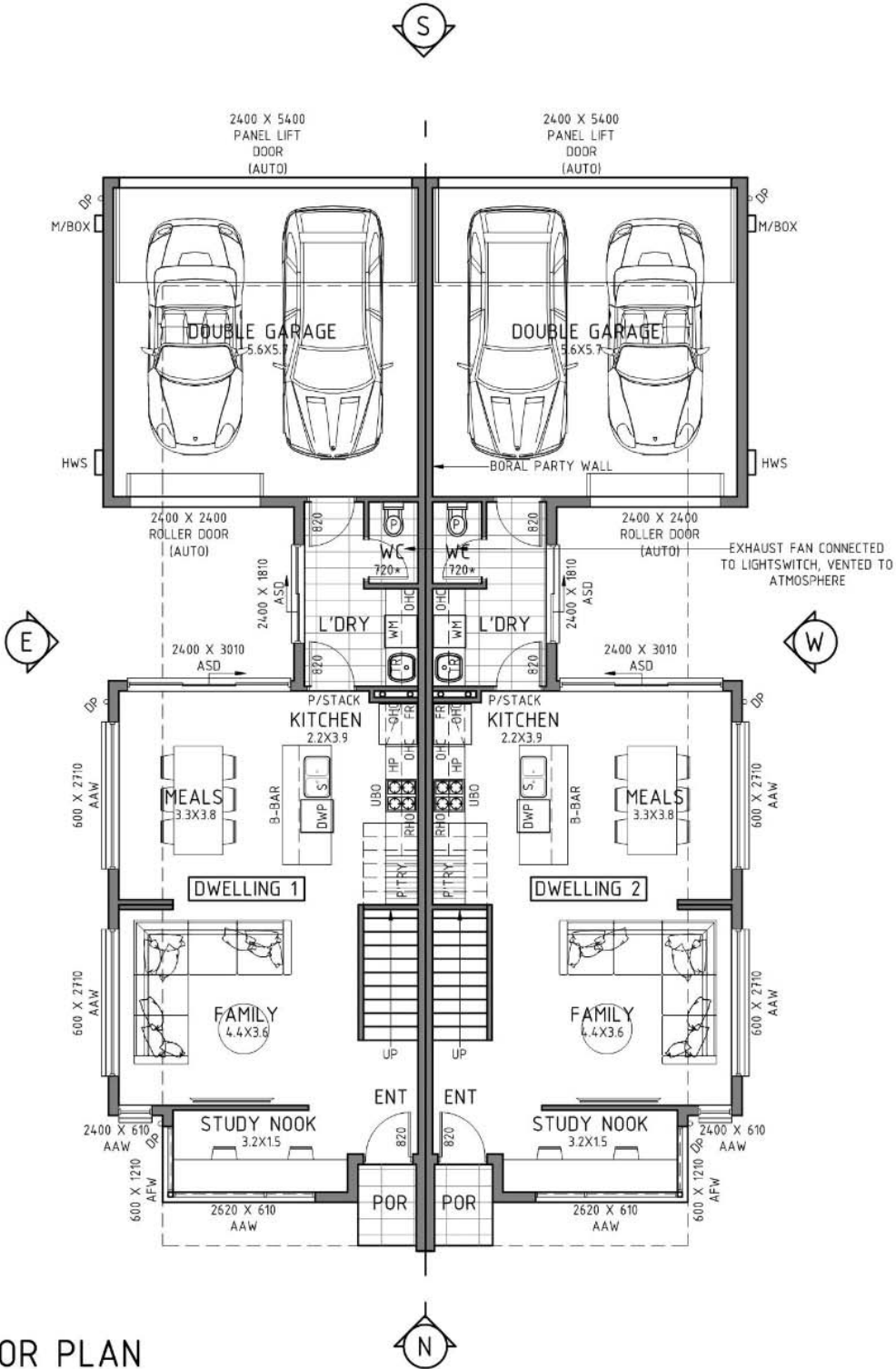
COFFEE MACHINE BUILT IN

TR

SELECTED LAUNDRY TROUGH

WM

WASHING MACHINE PROVISION

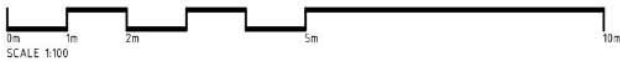




GROUND FLOOR PLAN

SCALE 1:100

W:\PRIVATE-2017\23.2017_URBAN CONCEPT-NORTH PLYMPTON\PA\23.2017_URBAN CONCEPT-NORTH PLYMPTON-PA.DWG



AMENDED

| AREAS: DWELLINGS 1 & 2 | |
|------------------------|--------------|
| L/LIVING | 61.72 |
| U/LIVING | 71.85 |
| D/GARAGE | 35.91 |
| BALCONY | 10.18 |
| PORCH | 1.87 |
| TOTAL | 181.53 SQ.M. |
| POS: | 24.33 SQ.M. |

PRELIMINARY

DATED: 2/05/2017



DESIGN OUTSIDE THE SQUARE

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SA, 5070
P. 08 7078 4070
M. +61 0403 537 500
E. hello@ithinkdesignstudio.com.au
W. www.ithinkdesignstudio.com.au

PROPOSED RESIDENTIAL DEVELOPMENT

CLIENT NAME:

URBAN CONCEPT

ADDRESS:

32 DUDLEY AVENUE

SUBURB:

NORTH PLYMPTON

COUNCIL ZONE:

CITY OF WEST TORRENS

DATE:

2/05/2017

SHEET NO:

PA 02 OF 11

PROJECT:

23.2017

TYPE:

RESIDENTIAL

PAGE SIZE:

A3

SCALE:

1:100

DESIGNED BY:

ADAM ALBANESE

DRAWN BY:

BF

ALL DIMENSIONS AND LEVELS TO BE CONFIRMED PRIOR TO COMMENCING ANY WORK.

FIGURED DIMENSIONS TAKE PREFFERENCE OVER SCALED DIMENSIONS.

DISCREPANCY SHALL BE REPORTED TO iTHINK DS IMMEDIATELY.

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iTHINK DESIGN STUDIO 2017

FOR PLANNING APPROVAL ONLY

GENERAL NOTES:

1) FIXTURE LOCATION SHOWN INDICATIVE ONLY. EXACT POSITION TO BE CONFIRMED ON SITE AND CO-ORDINATED WITH NOMINATED FIXTURE SPECIFICATIONS.

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REMOVABLE DOOR HINGES FITTED IN ACCORDANCE WITH NCC VOLUME TWO- PART 3.8.3.3

SC

STEEL COLUMN. REFER TO ENGINEER'S DRAWINGS FOR SIZE

V

SELECTED VANITY BOWL

P

SELECTED CISTERN

OHC

OVERHEAD CUPBOARDS

UBO

UNDER BENCH OVEN

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FRIDGE

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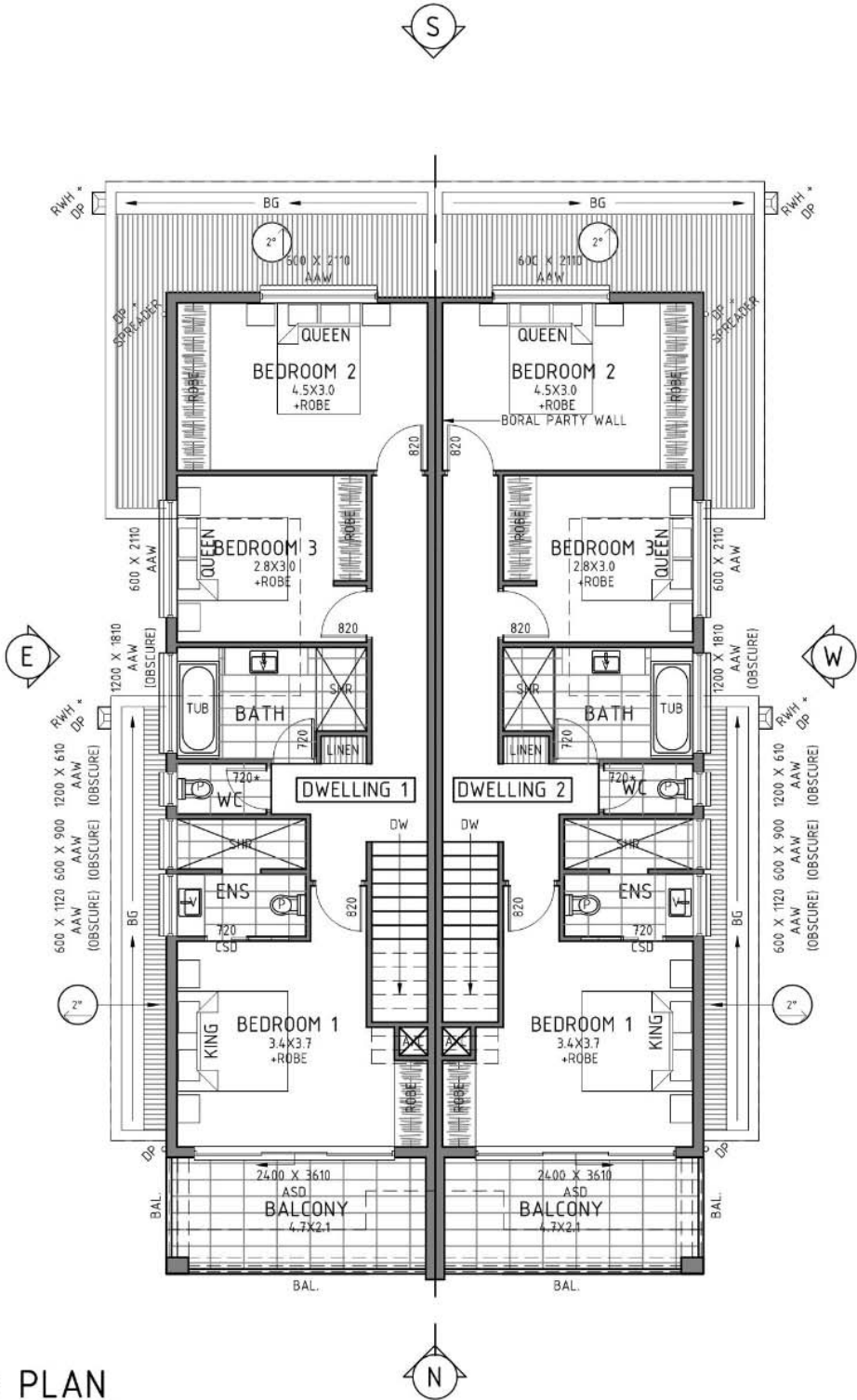
COFFEE MACHINE BUILT IN

TR

SELECTED LAUNDRY TROUGH

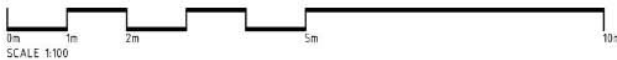
WM

WASHING MACHINE PROVISION




FIRST FLOOR PLAN
SCALE 1:100

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AREAS: DWELLINGS 1 & 2

| | |
|----------|--------------|
| L/LIVING | 61.72 |
| U/LIVING | 71.85 |
| D/GARAGE | 35.91 |
| BALCONY | 10.18 |
| PORCH | 1.87 |
| TOTAL | 181.53 SQ.M. |
| POS: | 24.33 SQ.M. |

PRELIMINARY

DATED: 2/05/2017



DESIGN OUTSIDE THE SQUARE
35 Portrush Road, Payneham
SA, 5070
P. 08 7078 4070
M. +61 0403 537 500
E. hello@ithinkdesignstudio.com.au
W. www.ithinkdesignstudio.com.au

PROPOSED RESIDENTIAL DEVELOPMENT

CLIENT NAME:

URBAN CONCEPT

ADDRESS:

32 DUDLEY AVENUE

SUBURB:

NORTH PLYMPTON

COUNCIL ZONE:

CITY OF WEST TORRENS

DATE:

2/05/2017

SHEET NO:

PA 03 OF 11

PROJECT:

23.2017

TYPE:

RESIDENTIAL

PAGE SIZE:

A3

SCALE:

1:100

DESIGNED BY:

ADAM ALBANESE

DRAWN BY:

BF

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LEGEND:

 RWH SELECTED 'FIELDERS' OR EQUAL RAINWATER HEAD, COLORBOND FINISH - OVER FLOW PROV

DP

90MM ROUND COLORBOND DOWNPIPES

B/G

ZINCALUME BOX GUTTERS, WITH 1200 GRADED FALL. ARROWS INDICATE DIRECTION OF FALL.

 2°

REVOLUTION ROOFING REVKLIP ON 2° FALL WITH COLORBOND FINISH. ARROW INDICATES DIRECTION OF FALL. BMT 48MM

PROVIDE FLASHINGS, SEAL AND ADEQUATELY FLASH ALL PENETRATIONS, JUNCTIONS AND JOINTS.

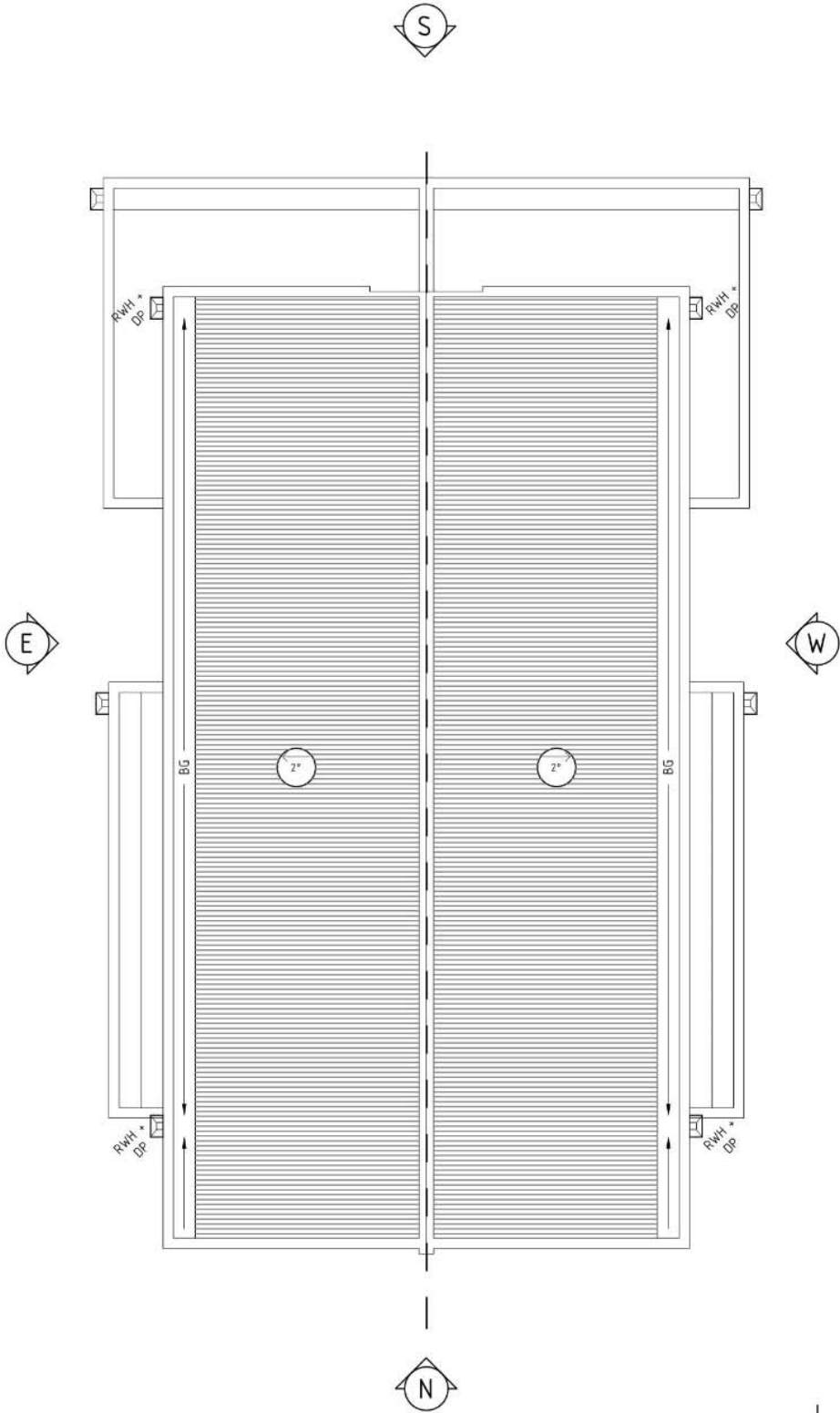
INSTALL ROOF DECK, FLASHINGS AND FITTINGS IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS AND DETAILS TO ENSURE A NEAT WEATHER TIGHT ROOF.

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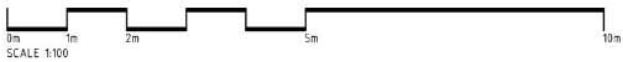




ROOF PLAN

SCALE 1:100

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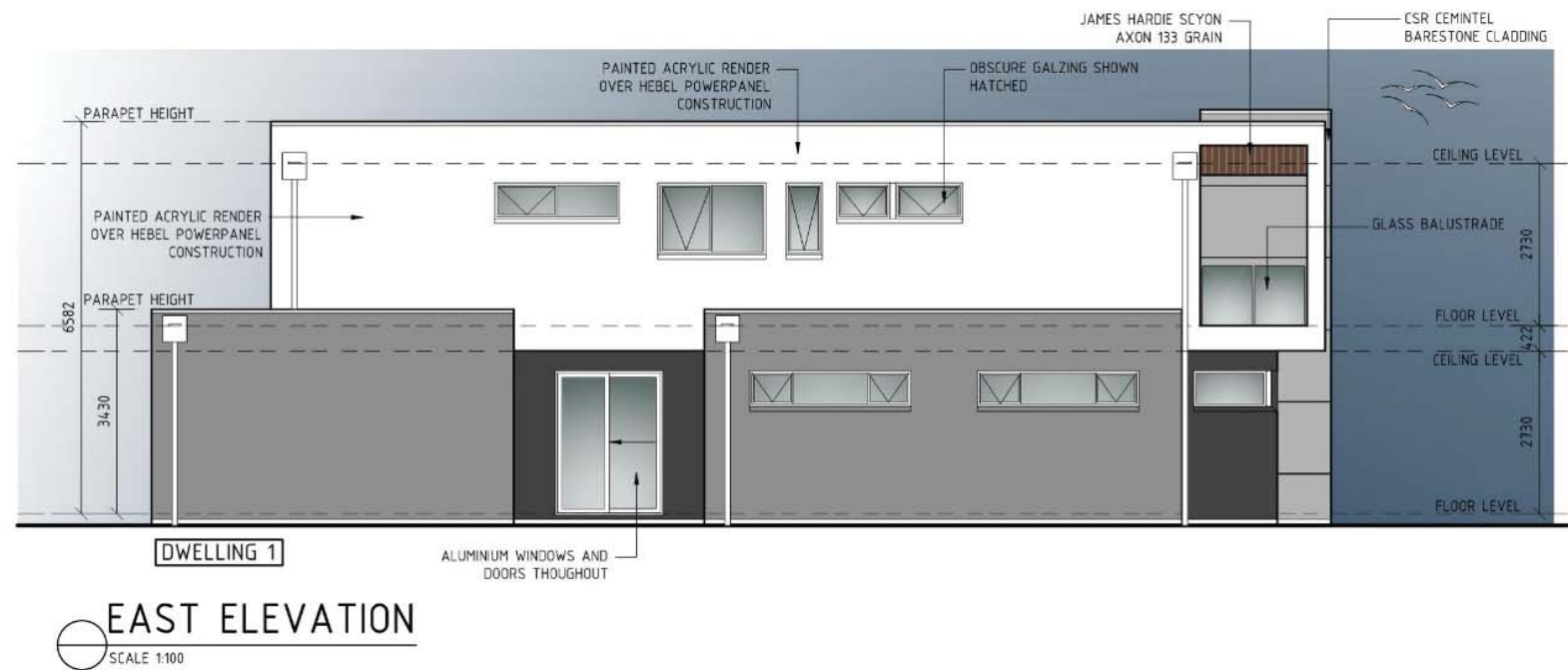
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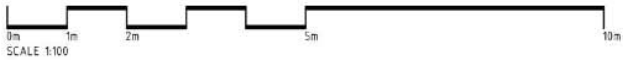
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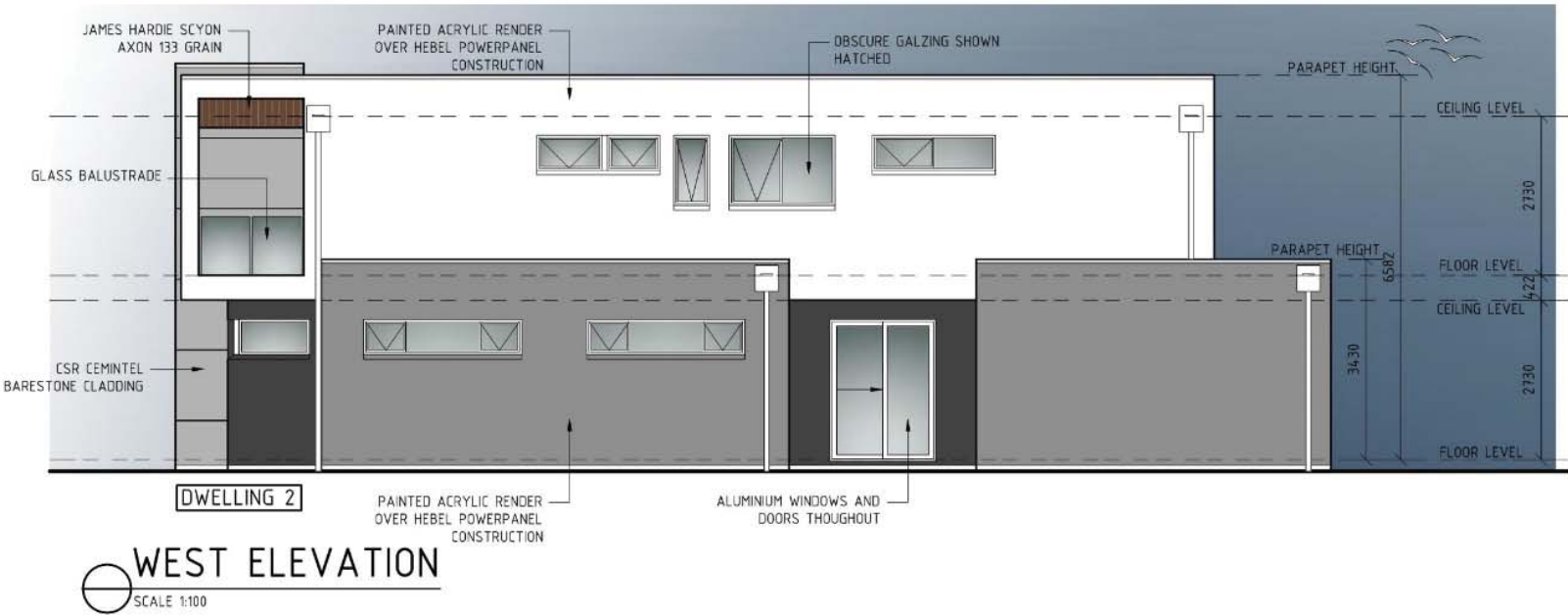
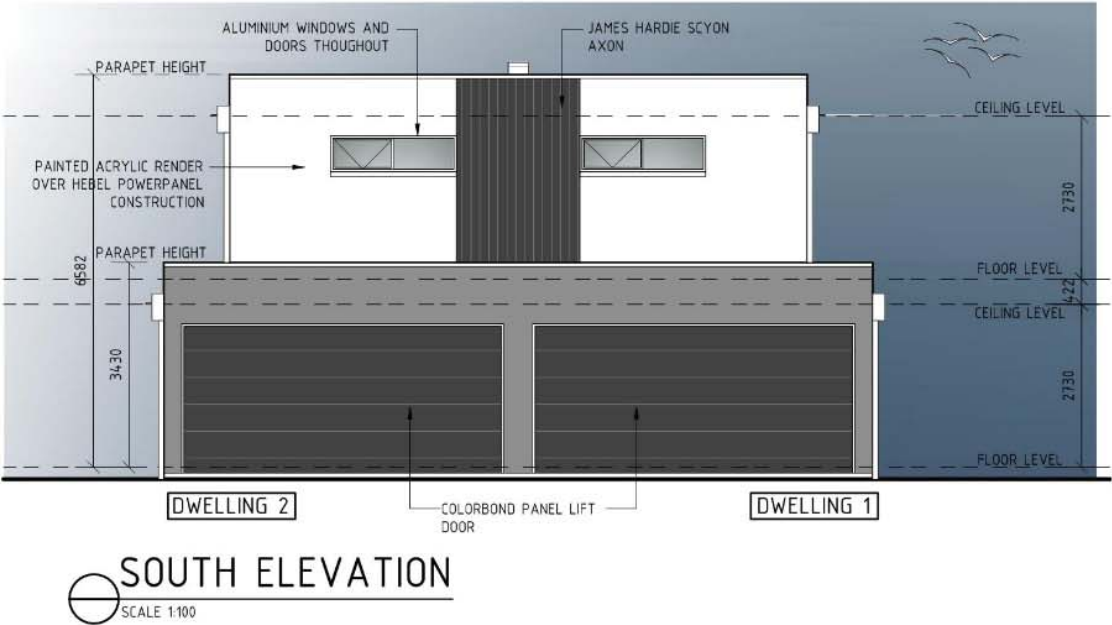
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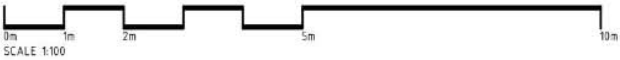
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GENERAL NOTES:

1) FIXTURE LOCATION SHOWN INDICATIVE ONLY. EXACT POSITION TO BE CONFIRMED ON SITE AND CO-ORDINATED WITH NOMINATED FIXTURE SPECIFICATIONS.

PLEASE NOTE: ALL KITCHEN & WET AREA LAYOUTS SHOWN ON THESE PLANS ARE INDICATIVE ONLY. REFER TO SELECTED JOINERY MANUFACTURER'S PLANS FOR CORRECT LAYOUTS AND PLUMBING POSITIONS AND CO-ORDINATE ACCORDINGLY.

*

REMOVABLE DOOR HINGES FITTED IN ACCORDANCE WITH NCC VOLUME TWO- PART 3.8.3.3

SC

STEEL COLUMN. REFER TO ENGINEER'S DRAWINGS FOR SIZE

V

SELECTED VANITY BOWL

P

SELECTED CISTERN

OHC

OVERHEAD CUPBOARDS

UBO

UNDER BENCH OVEN

FR

FRIDGE

DWP

DISHWASHER PROVISION

RHO

RANGEHOOD OVER

CM

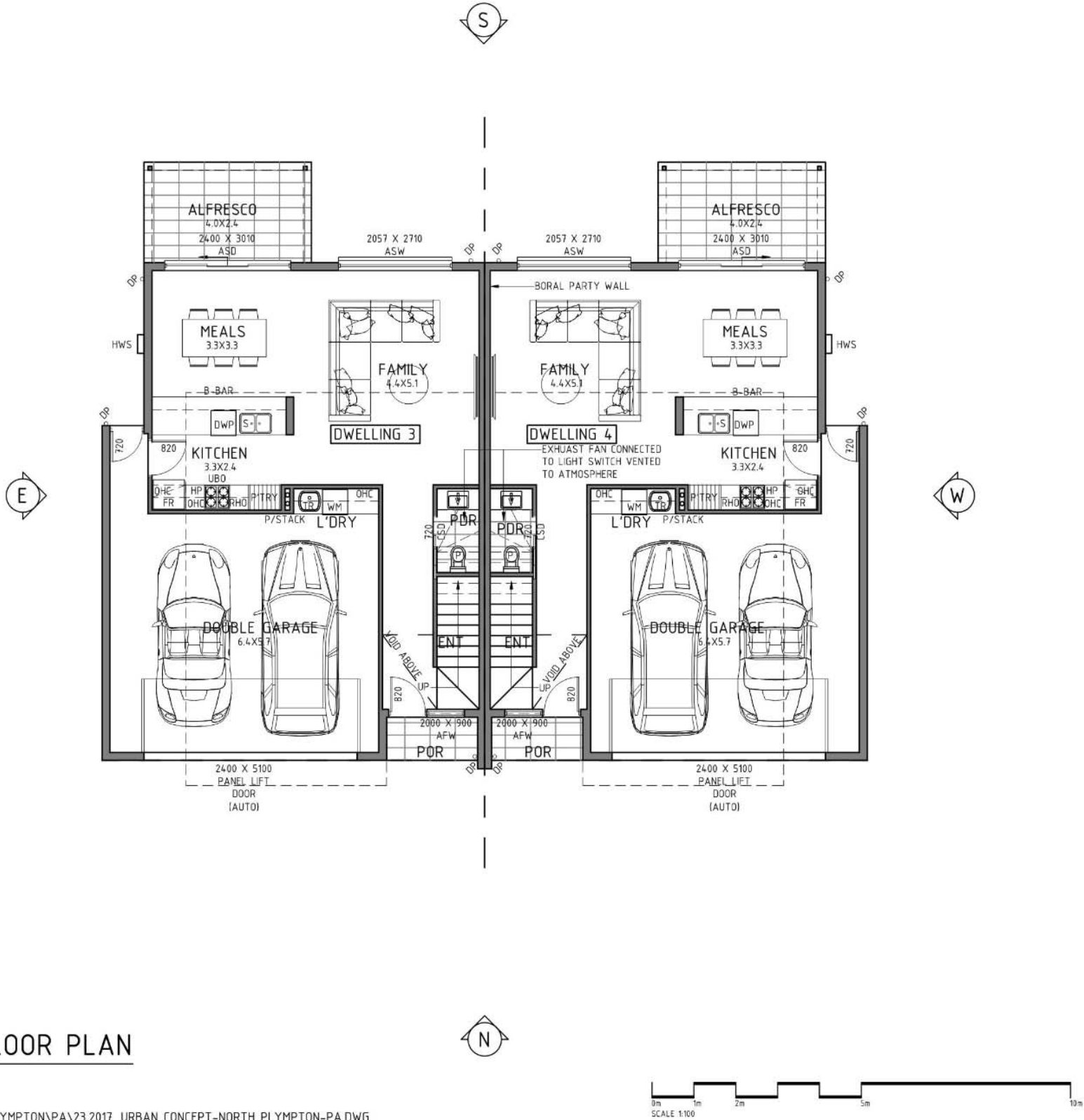
COFFEE MACHINE BUILT IN

TR

SELECTED LAUNDRY TROUGH

WM

WASHING MACHINE PROVISION



AREAS: DWELLINGS 3 & 4

| | |
|----------|--------------|
| L/LIVING | 59.76 |
| U/LIVING | 56.54 |
| D/GARAGE | 42.66 |
| ALFRESCO | 9.60 |
| PORCH | 2.44 |
| TOTAL | 171.00 SQ.M. |
| POS: | 27.43 SQ.M. |

PRELIMINARY

DATED: 2/05/2017

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PROJECT:

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GROUND FLOOR PLAN

SCALE 1:100

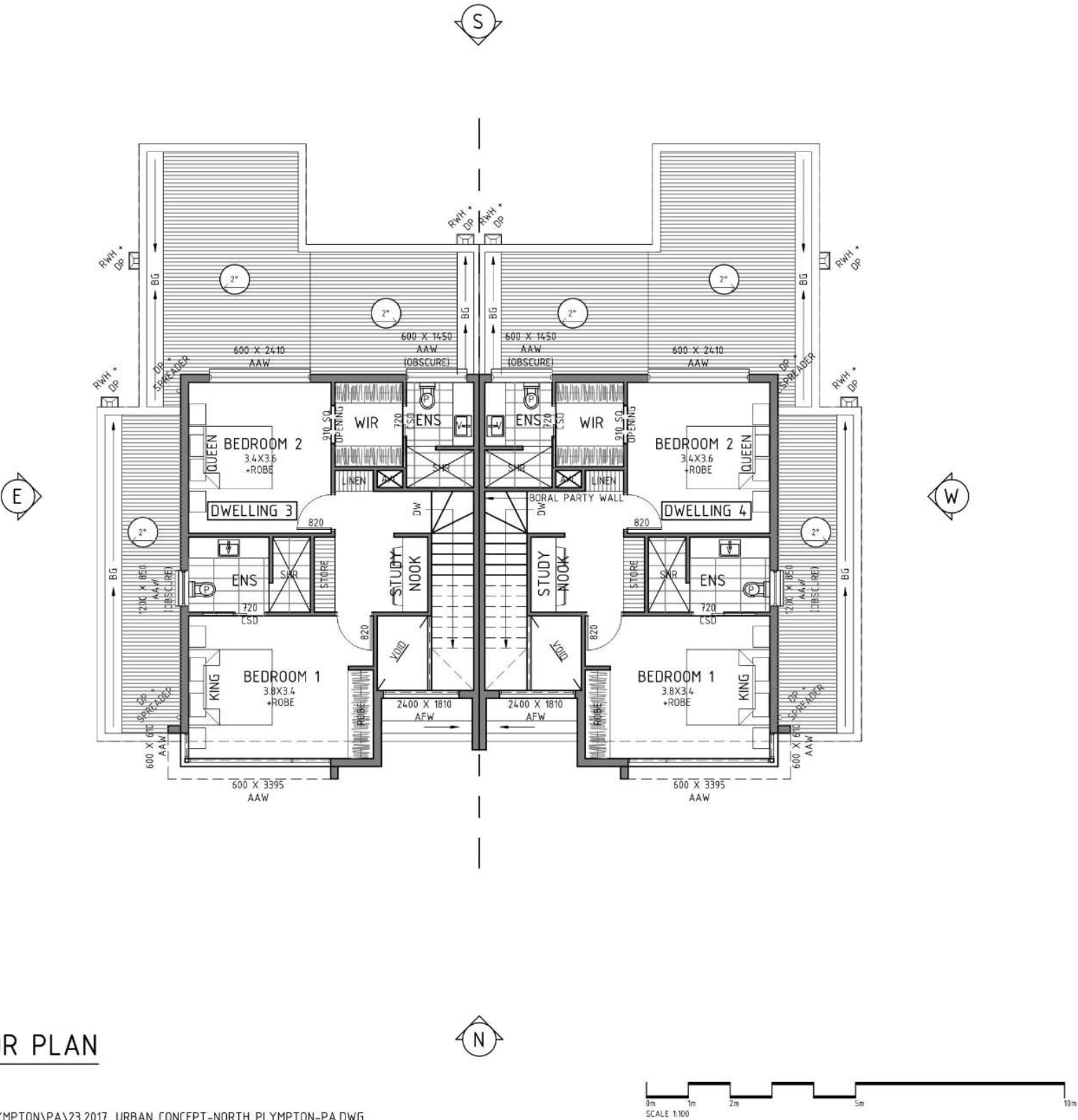
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- * REMOVABLE DOOR HINGES FITTED IN ACCORDANCE WITH NCC VOLUME TWO- PART 3.8.3.3
- SC STEEL COLUMN. REFER TO ENGINEER'S DRAWINGS FOR SIZE
- V SELECTED VANITY BOWL
- P SELECTED CISTERN
- OHC OVERHEAD CUPBOARDS
- UBO UNDER BENCH OVEN
- FR FRIDGE
- DWP DISHWASHER PROVISION
- RHO RANGEHOOD OVER
- CM COFFEE MACHINE BUILT IN
- TR SELECTED LAUNDRY TROUGH
- WM WASHING MACHINE PROVISION



| AREAS: DWELLINGS 3 & 4 | |
|------------------------|--------------|
| L/LIVING | 59.76 |
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| D/GARAGE | 42.66 |
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32 DUDLEY AVENUE

SUBURB:
NORTH PLYMPTON

COUNCIL ZONE:
CITY OF WEST TORRENS

DATE:
2/05/2017

SHEET NO:
PA 08 OF 11

PROJECT:
23.2017

TYPE:
RESIDENTIAL

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DESIGNED BY:
ADAM ALBANESE

DRAWN BY:
BF

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LEGEND:

 RWH SELECTED 'FIELDERS' OR EQUAL RAINWATER HEAD, COLORBOND FINISH - OVER FLOW PROV

DP 90MM ROUND COLORBOND DOWNPIPES

B/G ZINCALUME BOX GUTTERS, WITH 1200 GRADED FALL. ARROWS INDICATE DIRECTION OF FALL.

REVELATION ROOFING REVKLIP ON 2" FALL WITH COLORBOND FINISH. ARROW INDICATES DIRECTION OF FALL. BMT 48MM

PROVIDE FLASHINGS, SEAL AND ADEQUATELY FLASH ALL PENETRATIONS, JUNCTIONS AND JOINTS.

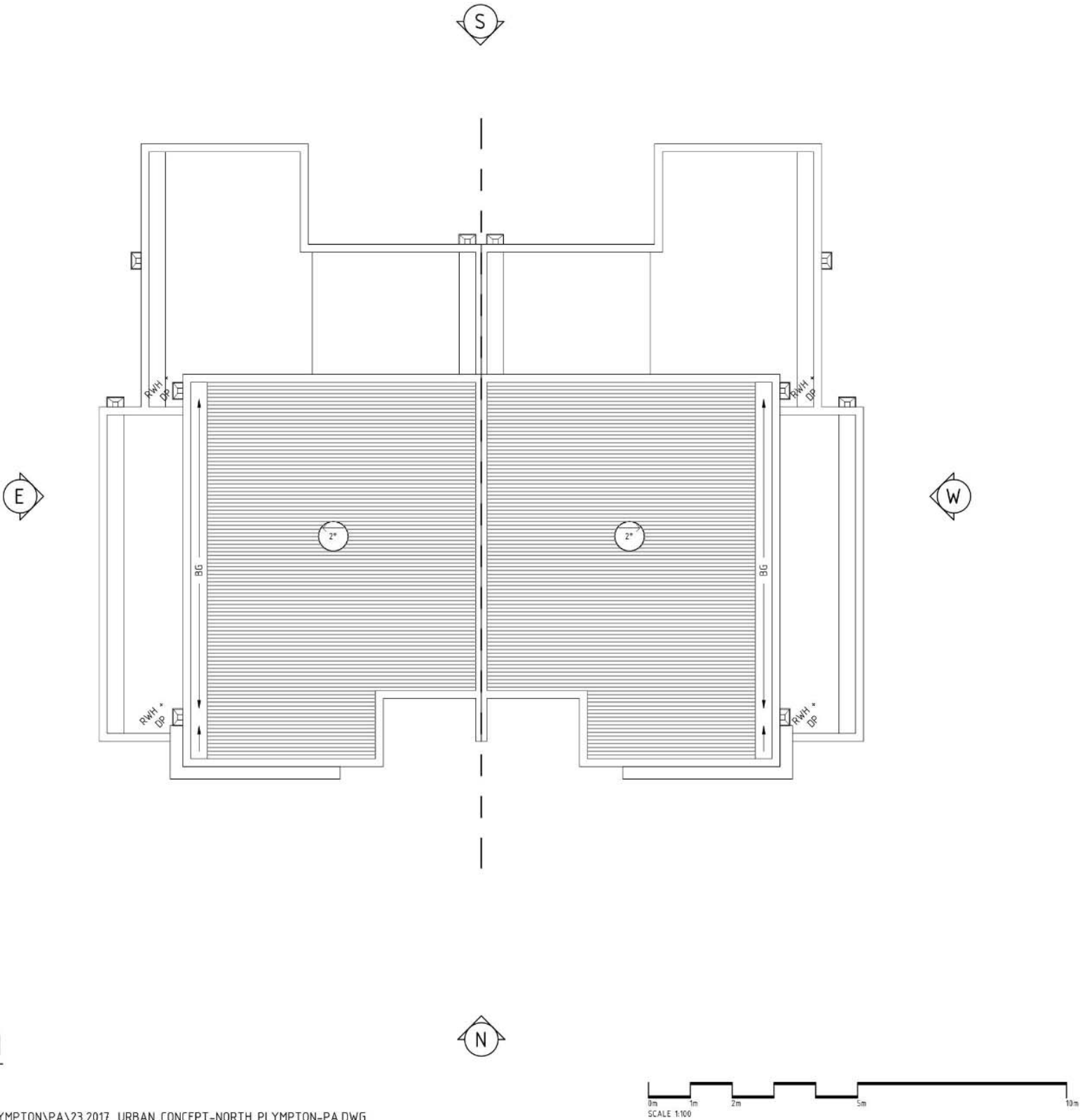
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DATE:
2/05/2017

SHEET NO:
PA 09 OF 11

PROJECT:
23.2017

TYPE:
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DESIGNED BY:
ADAM ALBANESE

DRAWN BY:
BF

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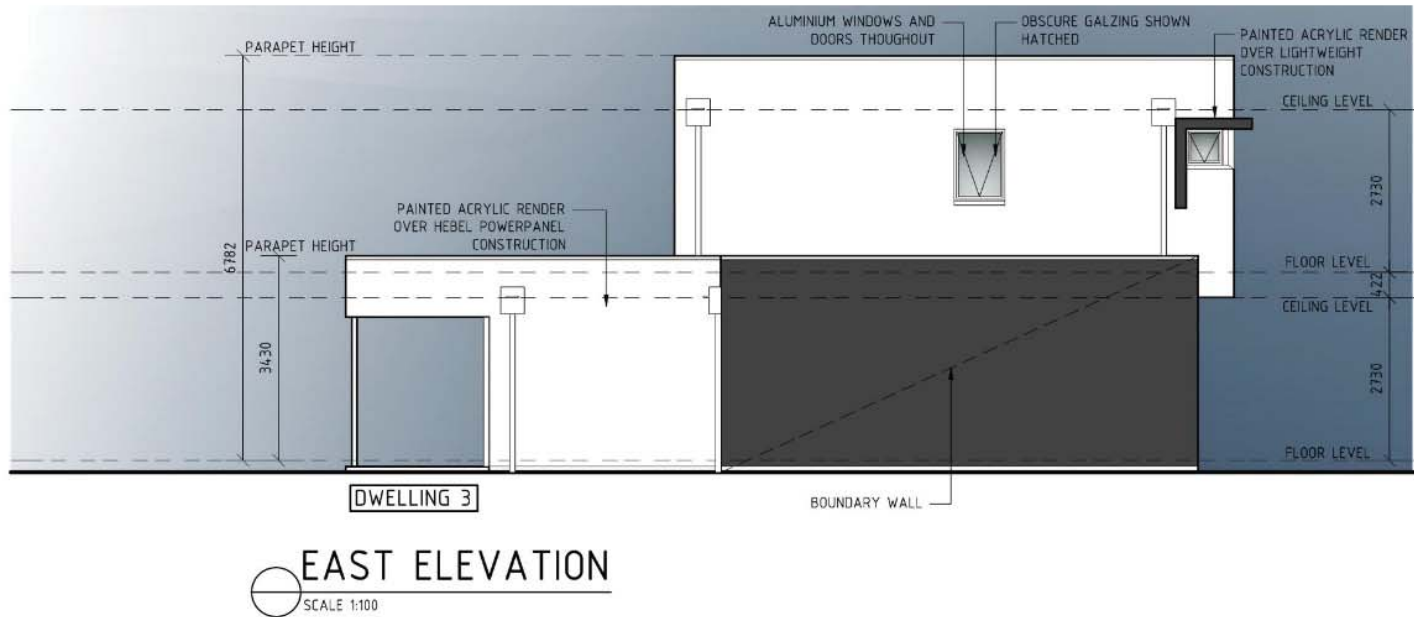
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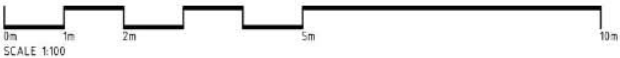


NORTH ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100

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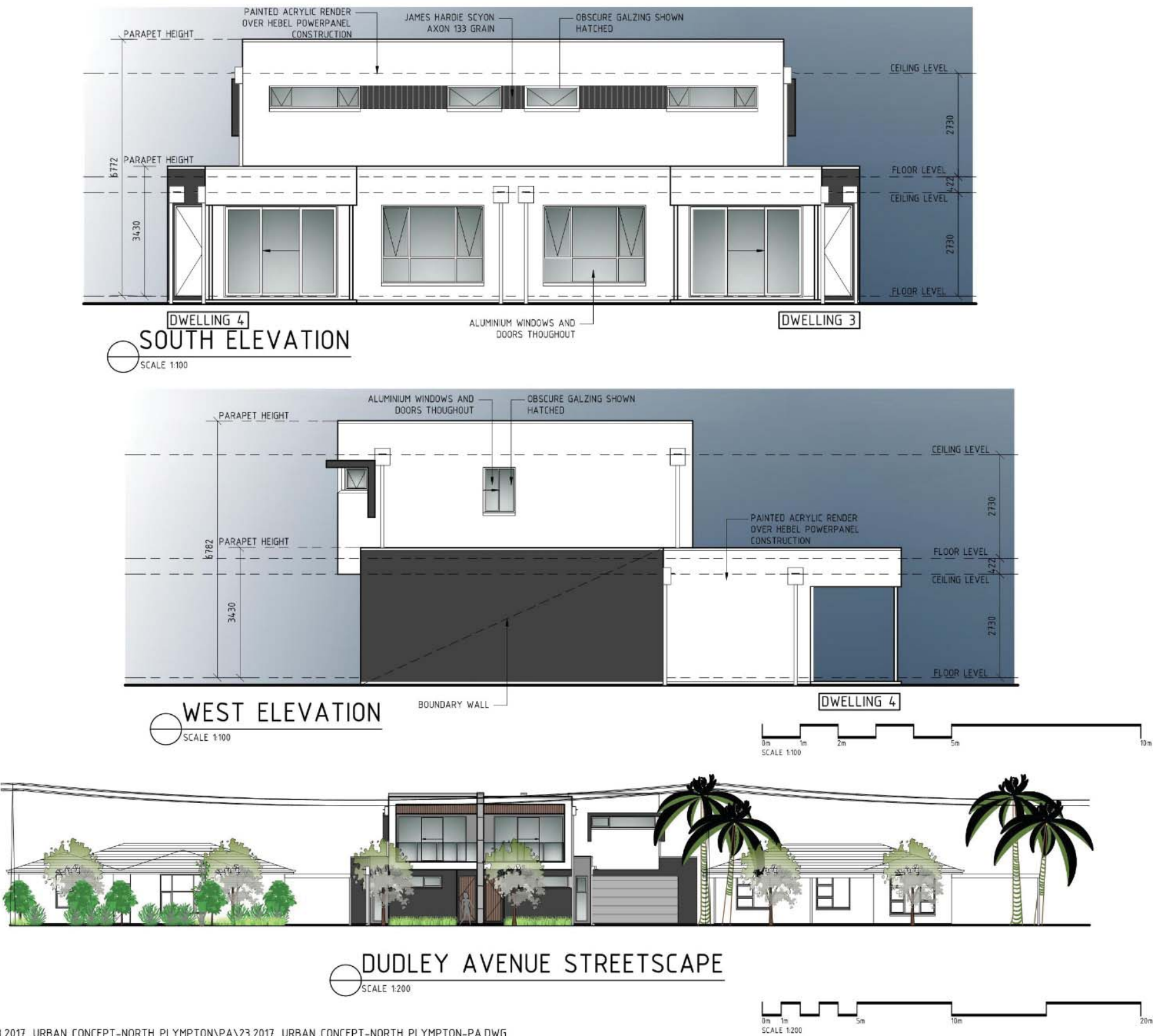
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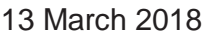
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Memo

To Brendan Fewster
From Jane Teng
Date 29/01/2018
Subject 211/922/2017, 32 Dudley Avenue, NORTH PLYMPTON SA 5037

Brendan Fewster,

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

1.0 **Traffic Comments**

- 1.1 The access driveway dimensions are now acceptable (Site Plan – iThink Design Studio - 21/12/2017).
- 1.2 The provided turning path diagrams do not demonstrate vehicle manoeuvrability for all garage spaces. I note that for Dwelling 2 an additional turn would be required to enter both garage spaces, based on the proposed layout of the dwelling. Exit movements would be of the standard reverse and exit. Such a constraint is similar to the typical manoeuvre into the **first space** of most car park designs. In our opinion, on balance, the additional turn required to enter the Dwelling 2 garage spaces is considered to be acceptable.

However, entry into Dwelling 1 is considered to be unsatisfactory. When one vehicle is already parked inside, an entering vehicle is unable to enter without having to perform multiple turns. In order to address this manoeuvrability issue it is recommended that the garage door be widened to 5.4m (minimum). Alternatively, Dwelling 1 could be set forward slightly (eg. 1.0m) to increase the driveway aisle width, however this may not comply with planning requirements.

Vehicle manoeuvrability for Dwelling 3 and 4 are acceptable.

2.0 **Verge Interaction (with street tree)**

- 2.1 The stormwater plan shows satisfaction to Council's typical offset requirements.



Should you require further information, please contact Jane Teng on the following direct extension number 8416 6296

Regards

Jane Teng
Civil Engineer

MS 29.01.2018



Memo

To Jessica Grima
From Jane Teng
Date 24/10/2017
Subject 211/922/2017, 32 Dudley Avenue, NORTH PLYMPTON SA 5037

Jessica Grima,

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

1.0 Traffic Comments

- 1.1 As the access driveway will service more than one property at the rear, the driveway corridor to the site will require widening to a minimum of 5.5m wide pavement width (+ 300mm offset from fences/walls/boundary) for the first 5.0m into the site to permit the passing of entering and exiting traffic. The proposed driveway falls short of this requirement. Some slight adjustment is required to the proposed landscaping area. Typical layout sketch attached.

It is recommended that the driveway servicing the rear of the subject site be revised to the required dimensions indicated above. Revised plans showing a driveway that satisfies the above provisions should be provided to Council.

- 1.2 It is also important to ensure that the functionality of this driveway entrance and passing area is not compromised by the installation of letterboxes, above ground service metres or similar. The provided plans indicate that a meter box would be adjacent to the driveway without provision of the 0.3m driveway offset. The meter boxes should be relocated or the driveway shifted further away.

It is recommended that any approval associated with this development included a condition of similar wording to the following:

"No aboveground structure(s) such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area."



- 1.3 Elements of the vehicle manoeuvrability within this development appear to be unsatisfactory in consideration of the requirements of the relevant Australian Standard (AS/NZS 2890.1:2004).

Access into the garage of Dwelling 1 is considered to be unsatisfactory. When one vehicle is already parked inside, an entering vehicle is unable to enter without having to perform multiple turns. Access into the proposed garage for Dwelling 2 is also not possible without multiple turns.

Access for visitor car park at the front of the subject site is not possible given the limited front setback of Dwelling 2. This visitor park should be removed from plans.

In the revision of the traffic manoeuvrability design, it is required that information be provided to clearly demonstrate the compliance of manoeuvrability for critical parking spaces and movements using suitable techniques as outlined within AS/NZS 2890.1:2004.

It is recommended that the applicant seek advice from someone suitably experienced in traffic design, to assist them in producing a vehicle manoeuvrability design for this site which complies with the Australian Standard requirements, preferably through the use of either "AutoTrack" or "AutoTURN" demonstration. Reports and drawings should then be submitted to Council.

2.0 FFL Consideration – Finished Floor Level (FFL) Requirement

- 2.1 In accordance with the provided 'Site Plan' (GAMA Consulting – Drawing 17351-C01 – Rev A), the FFLs of the proposed development (100.12 minimum) have been assessed as satisfying minimum requirements (100.00 minimum) in consideration of street and/or flood level information.

3.0 Verge Interaction (with street tree)

- 3.1 In association with new development, driveways and stormwater connections through the road verge need to be located and shaped such that they appropriately interact with and accommodate existing verge features in front of the subject and adjacent properties. Any new driveway access shall be constructed as near as practicable to 90 degrees to the kerb alignment (unless specifically approved otherwise) and must be situated wholly within the property frontage.



New driveways and stormwater connections are typically required to be located a minimum 1.0 metre offset from other existing or proposed driveways, stormwater connections, stobie poles, street lights, side entry pits and pram ramps, etc. (as measured at the front property boundary).

These new features are also desired to be located a minimum of 2.0 metres from existing street trees, although a lesser offset may be acceptable in some circumstances. If an offset less than the desired 2.0 metres is proposed or if it is requested for the street tree to be removed, then assessment for the suitability of such will be necessary from Council's Technical Officer (Arboriculture).

- 3.2 The stormwater plan does not correspond with the site plan in regards to the double driveway design. The stormwater connection is shown to be within the double driveway area. Consequently, revised plans are required relocating the stormwater connection and satisfying the above typical requirements.
- 3.3 It should also be nominated for the stormwater connection through the road verge area to be constructed of shape and material to satisfy Council's standard requirements.
- 100 x 50 x 2mm RHS Galvanised Steel or
 - 125 x 75 x 2mm RHS Galvanised Steel or
 - Multiples of the above.

Should you require further information, please contact Jane Teng on the following direct extension number 8416 6296

Regards

Jane Teng
Civil Engineer

M.S

Contact Lands Titles Office
Telephone 7109 7016



*Development
Assessment Commission*

12 September 2017
The Chief Executive Officer
City of West Torrens
Dear Sir/Madam

**Re: Proposed Application No. 211/C148/17 (ID 59205)
for Land Division
(Community Title Plan) by Dudley Avenue Pty Ltd**

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 31 August 2017, 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.
On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees. 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 \$20490 into the Planning and Development Fund (3 allotment(s) @ \$6830/allotment).
Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

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

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

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

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

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



12 September 2017

Our Ref: H0063510

The Chairman
Development Assessment Commission
136 North Terrace
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/C148/17 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.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

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

Kirsty Jennings
for MANAGER LAND DEVELOPMENT & CONNECTIONS

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

6.9 504 Henley Beach Road, FULHAM

Application No 211/1383/2017

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|---|
| DEVELOPMENT PROPOSAL | Change of use from an office to an office and consulting room. |
| APPLICANT | Jennifer Frisby-Smith |
| APPLICATION NO | 211/1383/2017 |
| LODGEMENT DATE | 13 November 2017 |
| ZONE | Residential Zone |
| POLICY AREA | Low Density Policy Area 21 |
| APPLICATION TYPE | Non-complying |
| PUBLIC NOTIFICATION | Category 3 |
| REFERRALS | Internal <ul style="list-style-type: none"> ▪ City Assets External <ul style="list-style-type: none"> ▪ Nil |
| DEVELOPMENT PLAN VERSION | 30 May 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Development Approval for Application No. 211/1383/2017 by Jennifer Frisby-Smith to undertake a change of use from an office to an office and consulting room at 504 Henley Beach Road, Fulham (CT5324/360) 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 detailed in this application except where varied by any condition(s) listed below.
2. That the hours of operation shall not exceed the following:
 - Monday to Friday: 9am to 8pm
 - Saturday: 9am - 12pm
Any variation to these hours of operation will require a further consent.
3. The maximum number of staff on the site shall be limited to four (4) at any one time.
4. That driveways, parking and manoeuvring areas and footpaths shall remain formed (surfaced with concrete, bitumen or paving) and be properly drained and maintained in a reasonable condition at all time.

5. That all carparking spaces shall be linemarked, in accordance with the approved plans and in accordance with Australian Standards Association Code AS 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.
6. All landscaping shall be planted in accordance with the approved plans within three (3) months of commencement of the use of the development and maintained in good health at all times. Any landscaping which may become diseased or die shall be replaced with the same or like species/variety to the reasonable satisfaction of Council.

BACKGROUND

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

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

PREVIOUS OR RELATED APPLICATION(S)

DA 211/85/2013 - *Internal additions & alterations to an existing bank* - Granted Development Approval on 6 February 2013

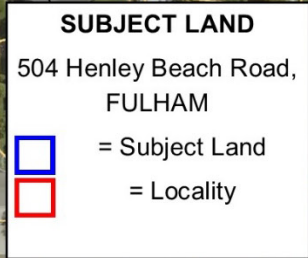
SITE AND LOCALITY

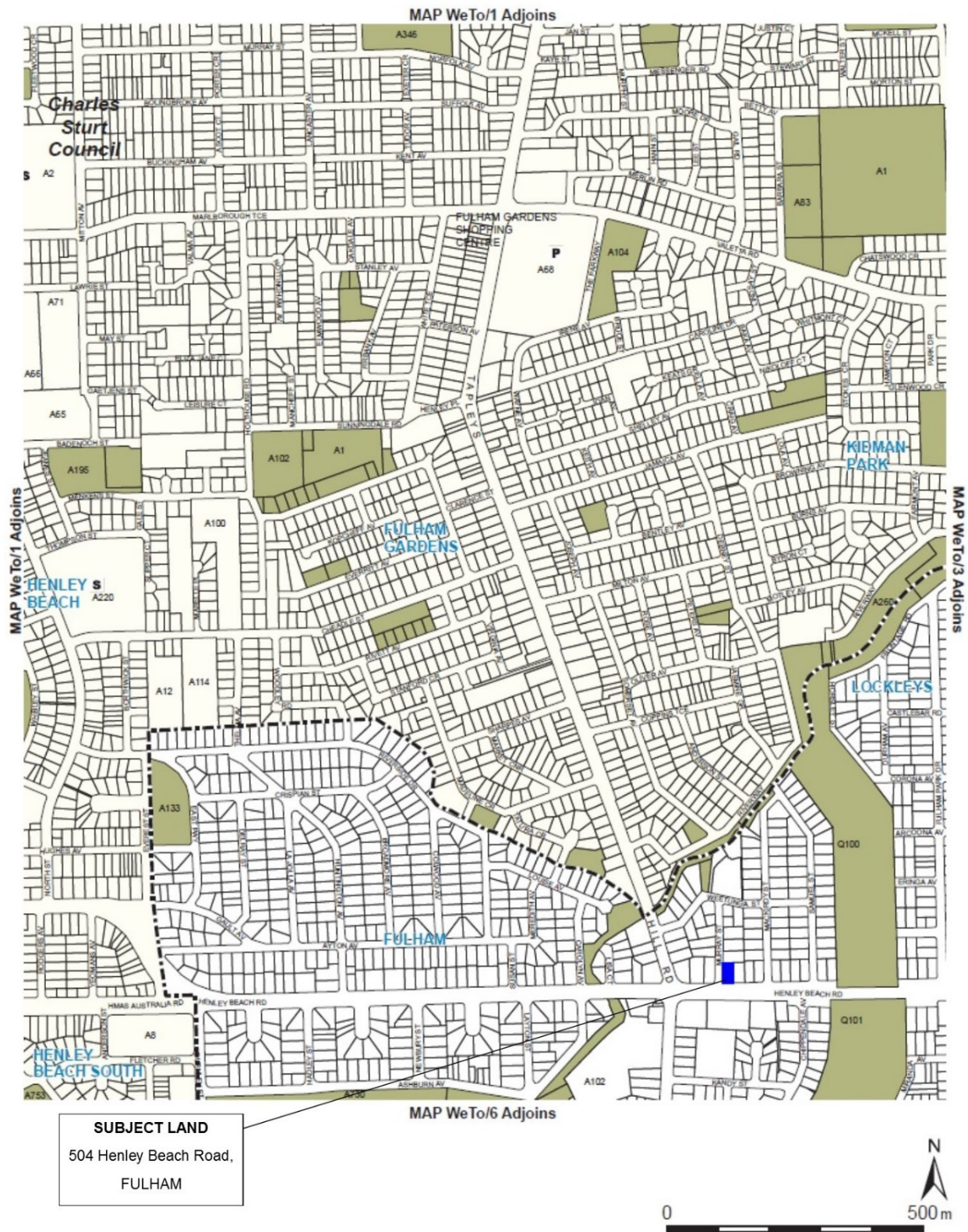
The subject land is formally described as Allotment 1 Deposited Plan 6441 in the area named Fulham Hundred of Adelaide, Volume 5324 Folio 360, more commonly known as 504 Henley Beach Road, Fulham. The subject site is rectangular in shape with a 19.05 metre frontage to Henley Beach Road, a secondary frontage to Murray Street of 36.69 metres and an approximate site area of 801.11 square metres. The subject site is located 90 metres east of the Tapleys Hill Road and Henley Beach Road intersection.

Currently onsite is an existing brick exterior building, previously used by Bank SA. Twelve car parking spaces are available forward of the building. The site gains vehicular access via Murray Street and can be serviced by public transport as there is a bus stop on the opposite side of Henley Beach Road.

The locality is mixed in nature comprising both residential and commercial land uses. North and east of the subject site are residential properties comprising of single and two storey detached dwellings and residential flat buildings. To the west is a consulting room and an On the Run BP petrol station. South of the subject site is Hungry Jacks, Lockleys Hotel, bottle shop and a Foodland.

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





Location Map WeTo/2

WEST TORRENS COUNCIL
Consolidated - 6 February 2018

PROPOSAL

The proposal seeks a change of use from an office to an office and consulting room. The existing building on site, previously occupied by Bank SA, is to be utilised by a chiropractor. The office component of the application has an approximate total floor area of 155.61 square metres and the consulting room comprises approximately 48.5 square metres of the existing building. There are 12 existing carparks on site which will service the use.

The applicant has indicated that a maximum number of four staff members will be on site at any one time. The operating hours were confirmed to be from 9am to 12pm Monday, Wednesday, Friday and Saturday. The operating hours will extend from 2pm to 8pm on Monday and Thursday as well as 2pm to 6pm on Wednesday.

A detailed landscaping plan has been provided. Landscaping will be interspersed throughout the site, particularly behind the main road frontage to enhance the appearance of the building. There will be small internal alterations to the existing building, with two new partition walls to be constructed within the reception area to separate the reception from a consulting room and the office to the rear of the building.

Signage does not form part of the application.

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

NON-COMPLYING

The application is a non-complying form of development as per the procedural matters of Residential Zone of the Development Plan as it is for a change of use to office and consulting room and fronts an arterial road. The applicant has provided a Statement of Effect, prepared by Matt Falconer from Urban Planning & Design, pursuant to Regulation 17 of the *Development Regulations 2008*, refer **Attachment 2**.

Should the CAP resolve to approve the application, the concurrence of the State Commission Assessment Panel is required. Alternatively, should the CAP refuse the application, no appeal rights are afforded to the applicant.

Seriously at Variance

Pursuant to Section 35(2) of *The Development Act 1993* the proposal is not considered to be seriously at variance with the City of West Torrens Development Plan.

Nature of Development

The proposed development, as previously mentioned, is for the change of use from an office to and office and consulting room.

As per Principle of Development Control (PDC) 1 of Low Density Policy Area 21, a health and welfare service is an envisaged form of development for the policy area. However, under the Procedural Matters of the Residential Zone, an office and/or consulting room fronting onto an arterial road is listed as a non-complying form of development.

Statement of Effect

The justification outlined in the Statement of Effect is considered to have sufficient planning merit to justify the proposal even though the application is of a non-complying nature. The consultant has listed the following reasons in which the proposed use satisfies the Development Plan:

- The proposal represents a small scale medical service to the community as sought in the zone and policy area.
- The proposal has sufficient car parking that satisfies the Development Plan requirements and provides safe and convenient access.
- Impacts between adjacent land occupiers will be minimised allowing adjoining properties to enjoy a high level of residential amenity.
- The proposal will not result in the loss of any mature vegetation on the site.

Social Effects

- The proposal has demonstrated that it will minimise impacts to adjoining residential properties to ensure they can enjoy a high level of residential amenity.

Economic Effects

- The proposal will result in a positive investment into the area.
- The proposal will increase the provision of employment opportunities within the local economy.
- The development will occupy a building that is currently vacant and underutilised.
- All infrastructure to the site exists and the proposal will not create any additional or unreasonable demand on services.

Environmental Effects

- The proposal seeks to utilise an existing building with minimal changes thereby minimising the amount of materials required; and
- The proposal will not require the removal of any mature vegetation.
- Inclusion of landscaping will assist in reducing heat load from the carpark.

PUBLIC NOTIFICATION

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

| | |
|-----------------------------|--|
| Properties notified: | Forty-five (45) properties were notified during the public notification process. |
| Representations: | No representations were received. |

REFERRALS***Internal***

- The application was referred to Council's Traffic Consultant. He stated that the 12 car parking spaces currently onsite will sufficiently service the proposed use.

A copy of the referral report is contained in **Attachment 3**.

External

- Nil

ASSESSMENT

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

| <u>General Section</u> | | |
|-------------------------------|-----------------------------------|--|
| 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 |
| Interface between Land Uses | Objectives | 1 & 2 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 7 & 8 |
| Landscaping, Fences and Walls | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3 & 4 |
| Open Space and Recreation | Objectives | 1, 2, 3 & 4 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15 |
| Transportation and Access | 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, 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 |

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

| | |
|---|-------|
| Policy Area: Low Density Policy Area 21 | |
| Desired Character Statement: | |
| <p><i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p> | |
| 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 |
|---|--|--|
| CARPARKING SPACES <i>Transportation and Access</i> PDC 34 Table WeTo/2 | Consulting room: 10 carparks per 100m ² of total floor area Office: 4 carparks per 100m ² of total floor area | Consulting Room: 48.5m ² Requires: 4.8 carparks Office: 155.61m ² Requires: 6.2 carparks A minimum of 11 carparks required, excess of 1 carpark on site. Satisfies |

QUALITATIVE ASSESSMENT

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

Land use and Zoning

An office and/or consulting room fronting an arterial road is listed as being a non-complying form of development within the Residential Zone. PDC 2 of the Residential Zone states that non-complying development is generally inappropriate.

PDC 1 of the Low Density Policy Area 21 lists small-scale health and welfare services as envisaged forms of development. It is considered that a consulting room and office of the scale proposed is of an appropriate size, therefore satisfying Objective 4 and Principle of Development Control 5 of Residential Zone and PDC 1 of Low Density Policy Area 21.

The subject site is located within close proximity to an intersection of two major roads dominated by commercial uses. The subject site is located approximately 120 metres west of a Local Centre Zone and is also within 400 metres of a Centre Zone. There is a clear direction by Council and the State Government to increase densities around these Zones to provide more residents with access to local services and public infrastructure. It is considered that the location of the proposed use will be beneficial to surrounding residents and the broader community.

The subject site is located adjacent to the Commercial Zone - Local Commercial Policy Area 3 that is an interface between Commercial and Residential land uses. It is considered that the development will not have a negative impact on the amenity of the locality nor adjacent residential properties. Chiropractic services will unlikely cause unreasonable odour, noise, light spill or traffic impacts to the area given the proposed hours of operation and staff numbers. Though the proposed hours of operation exceed 5pm on Mondays, Wednesdays and Thursdays, as the carpark is located forward of the existing building any noise impacts from vehicular movements to adjoining residential properties are likely to be minimal. Unlike the previous use of the site, scheduled appointments will be required to utilise the services provided by the Chiropractic service, and this will limit the number of patients on site at any one time. On consideration of all the above, Objective 2 and Principle of Development Control 1 of General Section - Interface between Land Uses are deemed satisfied.

Car Parking Provisions

The site will be utilising the existing sealed carpark at the front of the subject site. Vehicular access will be maintained from Murray Street. It was noted that the site is in close proximity to a public transport route with an eastbound bus stop 40 metres east of the subject site, and a westbound bus stop in front of the Lockleys Hotel on the southern side of Henley Beach Road. As per Council's Traffic Consultant and the Development Plan's *Table WeTo/2 - Off Street Vehicle Parking Requirements*, an office requires 4 carparks per 100 square metres of total floor area and a consulting room requires 10 carparks per 100 square metres of total floor area. These are as follows:

- Office: 6.2 carparks
- Consulting room: 4.8 carparks
-

To satisfy the criteria of the Development Plan a total of 11 carparks will be required. The existing 12 car carpark will sufficiently service the proposed use as per PDC 34 of General Section - Transportation and Access.

Landscaping

In accordance with PDC 4 of General Section - Landscaping, Fences and Walls, 10% of the subject site should be landscaped. The applicant has provided a detailed landscaping plan which shows that 14.4% of the site will be landscaped, satisfying PDC 4. The plantings detailed on the landscaping plan are predominantly located towards the eastern and southern boundary of the subject site. The plantings will visually enhance the site as seen from Henley Beach Road and will assist in softening the extent of hard paved surfaces of the development, satisfying PDC 1 of General Section - Landscaping, Fences and Walls. The plants detailed are drought tolerant species which are native to Australia and thrive in Australian climates, requiring minimal maintenance, satisfying PDC 2 of General Section - Landscaping, Fences and Walls.

SUMMARY

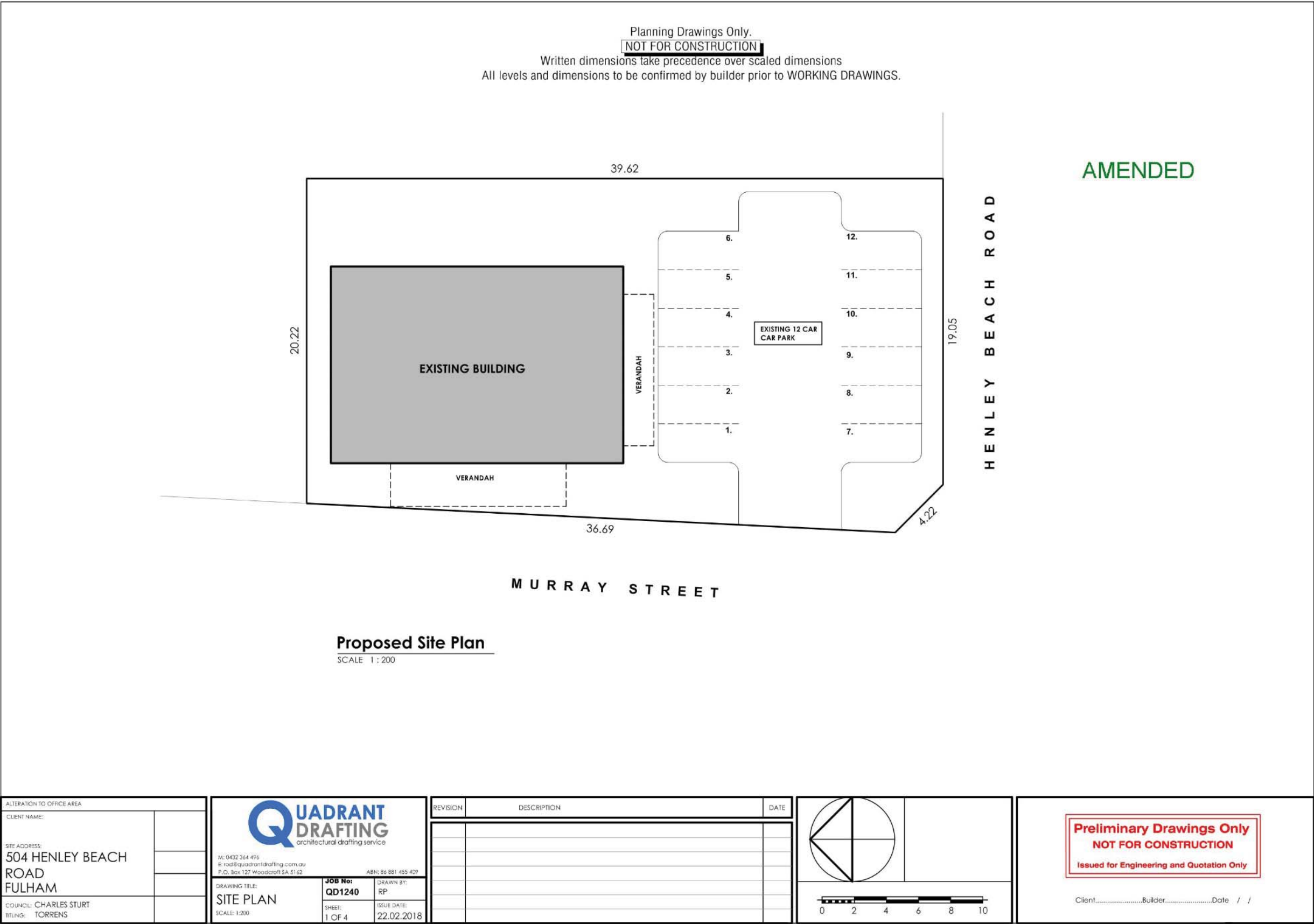
The subject site is located within an area dominated by commercial uses. Though the proposal is non-complying, a small scale consulting room with associated offices is nonetheless an envisaged use within the Residential Zone, and more specifically the Low Density Policy Area 21. The proposal seeks to utilise a building previously used by a financial institution. It is not considered that the addition of a consulting room will negatively impact the residential properties within the locality.

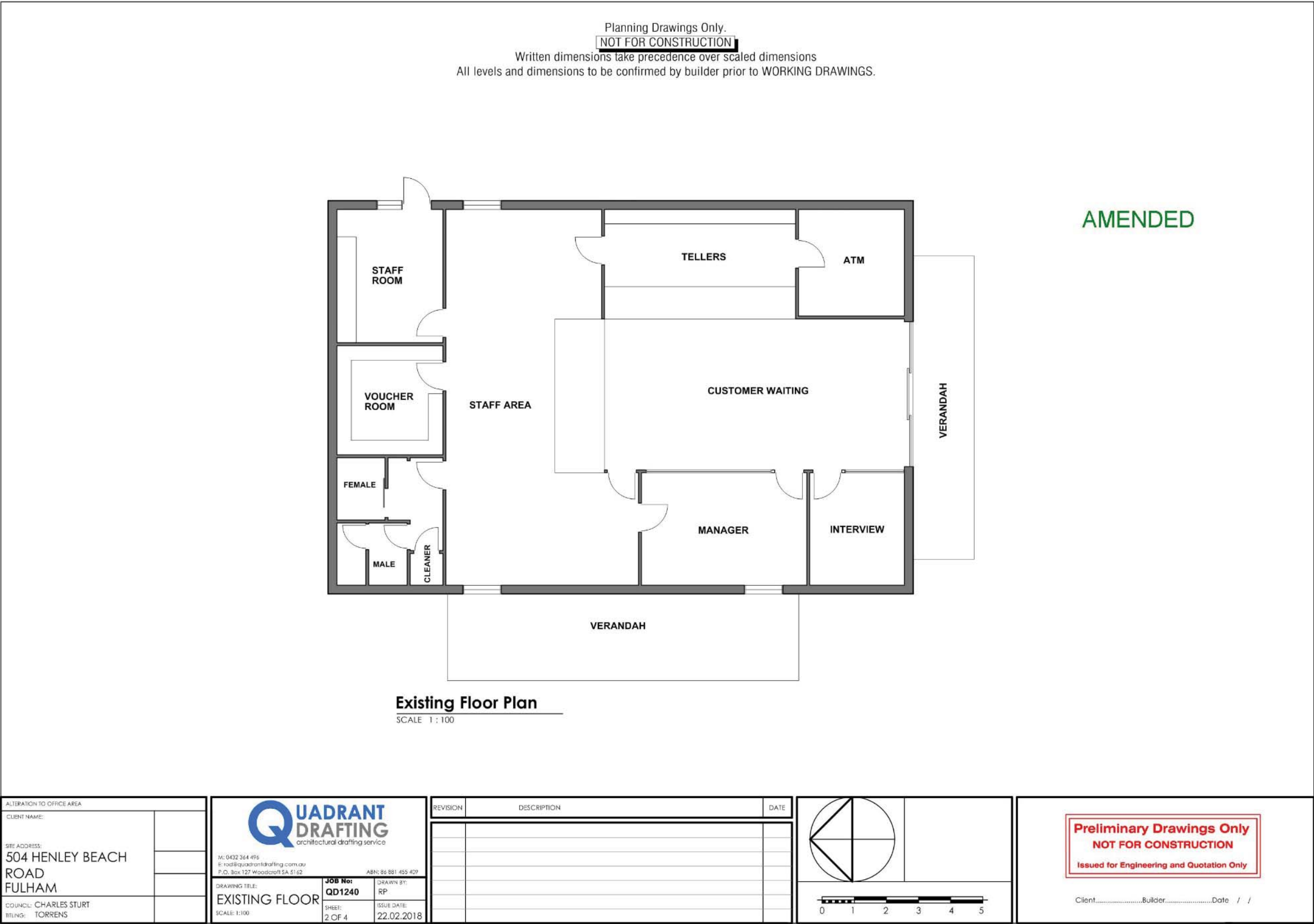
Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

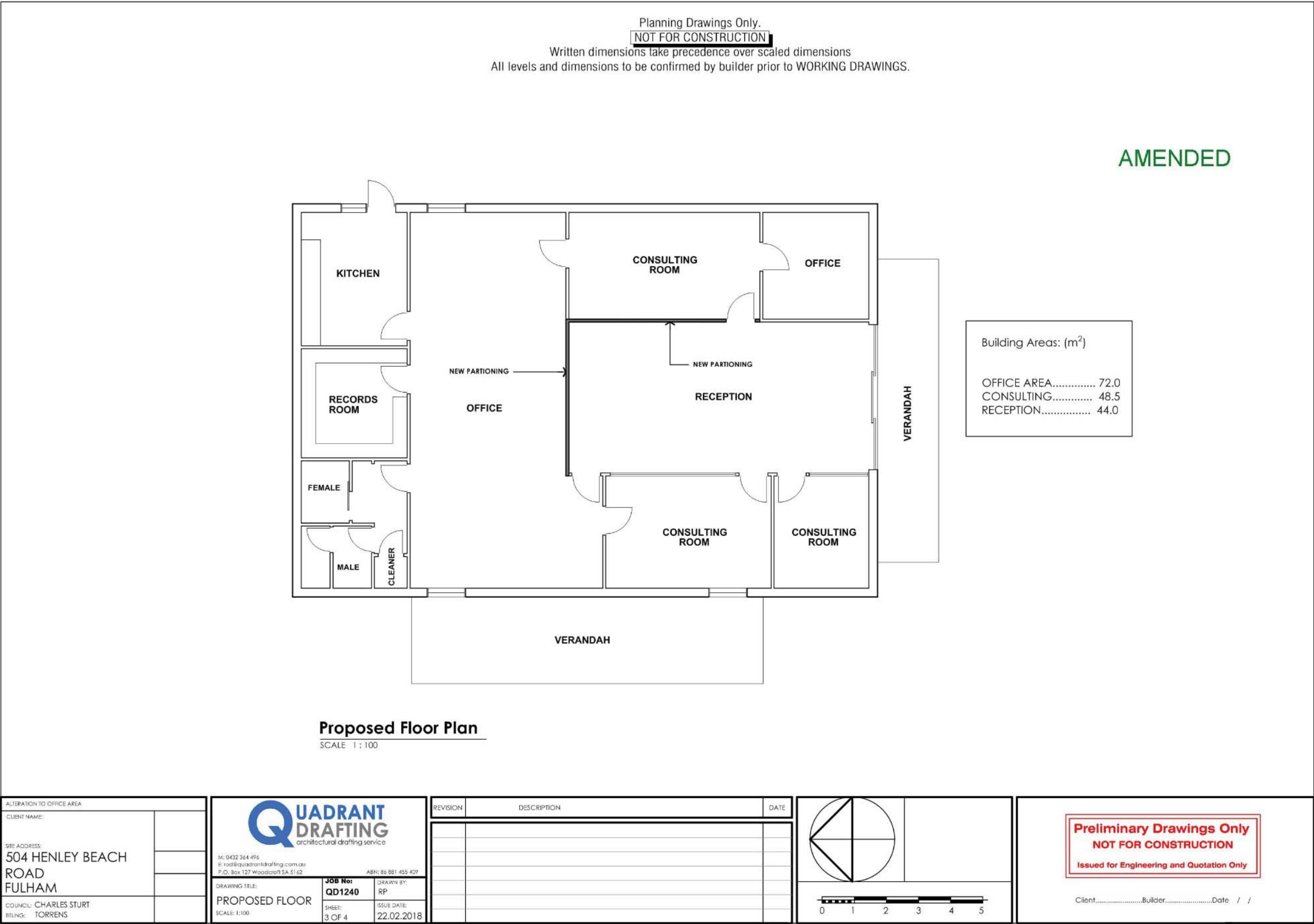
On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 30 May 2017 and warrants Development Plan Consent.

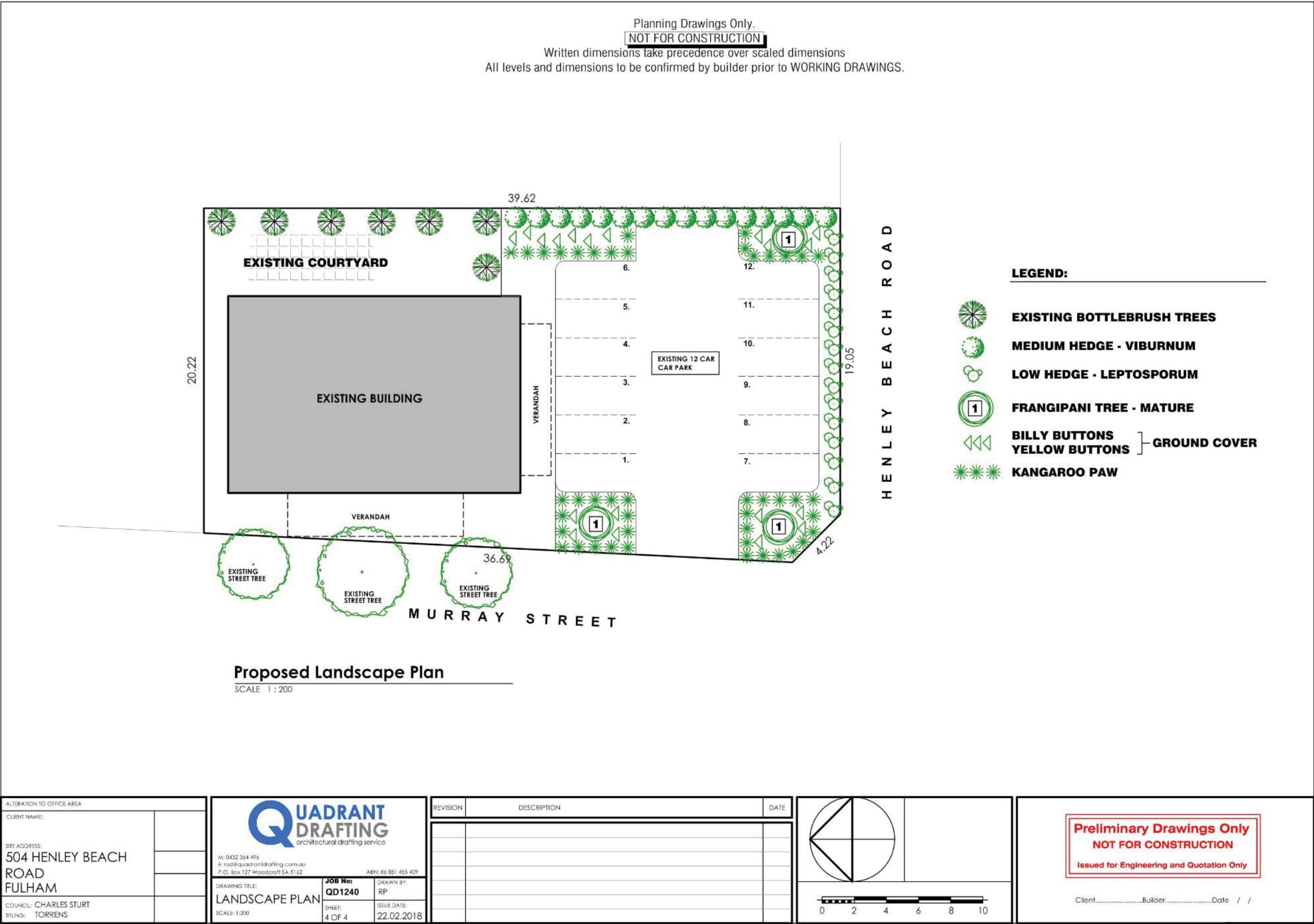
Attachments

1. **Plan Set**
2. **Statement of Effect**
3. **City Assets' referral response**











Statement of Effect

January 2018

| | |
|--------------------------------|--|
| Prepared for | Jennifer Frisby-Smith |
| Author | Matthew Falconer, Urban Planning + Design 124 South Terrace Adelaide SA 5067 Tel: (08) 7425 1050 Email: mfalconer@urbanpd.com.au |
| Subject Site | 504 Henley Beach Road, Fulham |
| Development Application | 211/1383/2017 Change of use from office to office and consulting room |

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Statement of Effect

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Statement of Effect

1.0 Executive summary

This Statement of Effect accompanies Development Application 211/1383/2017 that seeks Development Plan Consent for a change of use from office to office and consulting room at 504 Henley Beach Road, Fulham.

The proposal is a "non-complying" form of development by virtue of a consulting room that is sited on an arterial road within the Residential Zone, Low Density Policy Area 21 of the West Torrens Council Development Plan (consolidated 30 May 2017).

A consulting room is listed as a non-complying form of development in the Procedural Matters section of the Residential Zone; the exception this being where: (a) the consulting room has a total floor area that is less than 100 square metres; and (b) the site does not front an arterial road.

1

2.0 Introduction

This Statement of Effect has been prepared in accordance with Section 39(2)(d) of the *Development Act 1993*, and Regulation 17(5) of the *Development Regulations 2008*. This statement includes a description of the nature of the development and the nature of its locality; a statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development; an assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and an assessment of the expected social, economic and environmental effects of the development on its locality. Hence, this report satisfies the requirements of the *Development Act 1993*.

This Statement of Effect has been prepared following the review of the:

- Proposal plans prepared by Quadrant Drafting dated 8/11/2017 contained in **Appendix A**.
- Certificate of Title contained in **Appendix B**.
- West Torrens Council Development Plan (consolidated 30 May 2017) and mapping software.

3.0 Proposal

The proposal is detailed in the plans contained in **Appendix A**.

The proposal comprises a change of use from office to office and consulting room and some internal modifications.

3.1 Change of Use

The applicant seeks to change the use of the land from an office and associated car parking and landscaping to an office and consulting room with associated car parking and landscaping. The proposal seeks;

- A total area of 72 m² to be allocated to office use.
- A total area of 48.5 m² made up of three rooms to be allocated to consulting rooms.
- The remainder of the building shall be used for a reception, kitchen, records room and toilet facilities.
- A total of 12 car parking spaces and associated landscaping.
- No new signage is proposed

The building is to be utilised by a chiropractor with the number of staff to be a maximum of 4. The operating hours will be from 9am to 12 pm Monday, Wednesday, Friday and Saturday. In addition the operating hours will extend to 2pm to 8pm on Monday and Thursday as well as 2pm to 6pm on Thursday.

The building was previously used by Bank SA as one of their branches and has a current approved use as an office.

There shall be no increase to the size of the existing building. All changes are internal with the kitchen, records room and toilet facilities all existing and no changes to these are proposed. There is also no change to the car park and access.

Statement of Effect

Image 1 : View of site taken in front of 504 Henley Beach Road, Fulham



Image 2 : View of site taken from Murray Street in a south easterly direction



4.0 Subject land and locality

4.1 Subject land

The subject land is situated on the northern side Henley Beach Road with a street address of 504 Henley Beach Rad, Fulham.

The site of the development comprises the following title:

- Allotment 1, Deposited Plan 6441, Certificate of Title Volume 2691 Folio 112

The site is marked in **Image 1**, below, by the blue highlighted area. The site has an area of approximately 830 square metres with a frontage to Henley Beach Road of 19.05 metres and a depth of approximately 39.62 metres.

Access to the site via an existing crossover from Murray Street.

Image 3: View of 504 Henley Beach Road, Fulham. Source <http://nearmap.com>



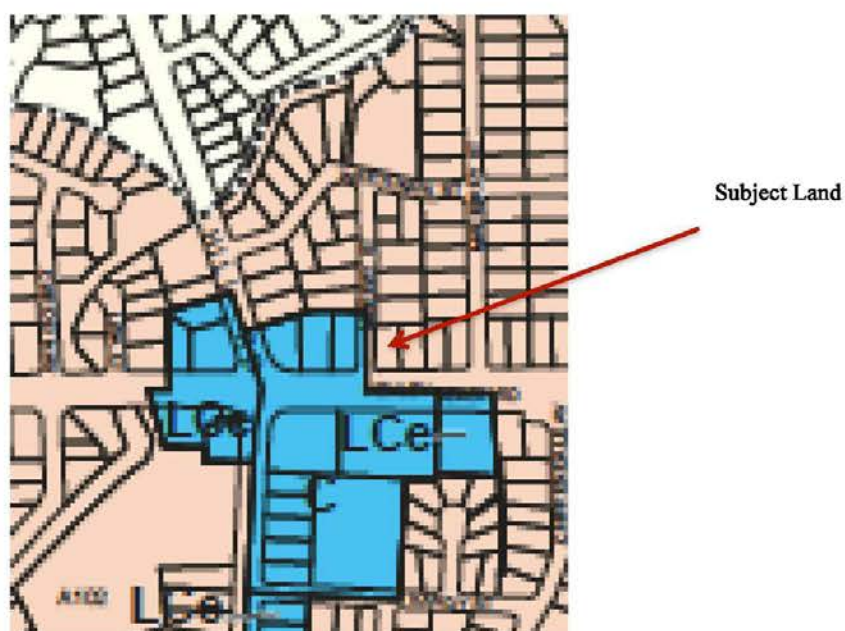
The subject site is regular in shape and is currently occupied by a single storey building with car parking to the front of the site. As mentioned the proposed changes to the building are all internal.

4.2 Locality

As illustrated in the map below, the subject land is bordered by residential properties to the north and to the east. The residential area is characterised by a mix of single and two storey dwellings at low densities.

Whilst the subject land is sited with the Residential Zone, it is on the western periphery of the zone. Commercial properties are sited to the south and west of the site including shops, hotel, restaurant, a service station and offices. The existing built form is commercial in character due to its siting with car parking forward of the building and overall appearance. The building does not reinforce the residential characteristics of the zone.

Image 4: Zone Map. Source West Torrens Development Plan



Statement of Effect

Image 5: Locality plan of subject site. Source <http://nearmap.com>



5.0 Development Assessment

5.1 Procedural matters

The subject site is located in the Residential Zone, Low Density Policy Area 21 in the West Torrens Development Plan (consolidated 30 May 2017). The proposal is a "non-complying" form of development by virtue of a consulting room that is sited on an arterial road within the Residential Zone

The development is not listed as Category 1 or Category 2 under the Development Plan nor Schedule 9 of the *Development Regulations 2008*, therefore the application defaults to a Category 3 kind of development.

We understand the Council have determined to continue with the assessment of the application and have requested this Statement of Effect in accordance with Regulations 17(5) of the *Development Regulations 2008* to assist in the decision as to whether the proposal would be consistent or contrary to the aims of the Development Plan.

Statement of Effect

5.2 Development Plan assessment

The following table summarises the provisions that are most relevant to this assessment.

| Council Wide/Policy Area/Zone | Objectives | Principles |
|-----------------------------------|------------|---|
| Crime Prevention | 1 | 1, 2, 5, 6 & 10 |
| Design & Appearance | 1 | 19 |
| Interface between Land Uses | 1, 2 & 3 | 1 & 2 |
| Orderly & Sustainable Development | 1, 3 & 4 | 1 |
| Transportation & Access | 2 | 1, 8, 23, 24, 26, 28, 32, 35, 36, 37, 40, 41, 42, 43 - Table WeTo/2 |
| Residential Zone | 4 | 1, 2, 3, 4 - Desired Character Statement |
| Low Density Policy Area 21 | 1 | 1, 2 - Desired Character Statement |

The following matters are considered pertinent in the assessment of this application:

- Land use.
- Crime and Prevention.
- Design and appearance.
- Interface between Land Uses.
- Orderly and Sustainable Development.
- Transportation and Access.

The above matters are addressed under their respective sub-headings as follows.

5.3 Land Use

The development involves a change of use from office to office and consulting room at 504 Henley Beach Road, Fulham. The following Zone Objectives and Principles are pertinent in this assessment:

Low Density Policy Area 21

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

Desired Character

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.

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

- ☐ affordable housing
- ☐ domestic outbuilding in association with a dwelling
- ☐ domestic structure, such as verandah, porch
- ☐ detached dwelling
- ☐ dwelling addition
- ☐ row dwelling within 400 metres of an existing centre zone
- ☐ semi detached dwelling within 400 metres of an existing centre zone
- ☐ small scale non-residential development 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

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

Statement of Effect

Residential Zone

Objective 4 Development that contributes to the desired character of the zone.

Principle 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

Desired Character

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

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

Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area. Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

It is acknowledged that the proposed development is not residential in nature however the proposed non-residential land use is considered to be a small scale health service which will serve the local community.

As stated previously the building shall be utilised by a chiropractor with the number of staff to be a maximum of 4. The operating hours will be from 9am to 12 pm Monday, Wednesday, Friday and Saturday. In addition the operating hours will extend to 2pm to 8pm on Monday and Thursday as well as 2pm to 6pm on Thursday.

Given the number of staff, the hours of operation and the low noise generated it is considered that the proposed development is of a low scale and thereby satisfies the above mentioned Objectives and Principles and Desired Character of the Residential Zone and the Low Density Policy Area 21.

5.4 Crime Prevention

The following principles are pertinent under this sub-heading:

- | | |
|--------------------|---|
| Objective 1 | A safe, secure, crime resistant environment where land uses are integrated and designed to facilitate community surveillance. |
| Principle 1 | Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable. |
| Principle 2 | Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance. |
| Principle 5 | Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.. |
| Principle 6 | Landscaping should be used to assist in discouraging crime by: (a) screen planting areas susceptible to vandalism (b) planting trees or ground covers, rather than shrubs, alongside footpaths (c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities. |

The proposed development generally complies with Objective 1 as well as Principles 1, 2, 5 and 6 of the Crime Prevention Section within the Development Plan.

The proposed change of use utilises an existing building that presents to Henley Beach Road. The building is setback from the street behind an open car park that is bordered by low level landscaping and thus clear line of sight are achieved. The front entrance is very well defined and sufficient openings on the external facade offer opportunity for casual surveillance.

5.5 Design and Appearance

- | | |
|---------------------|---|
| Objective 1 | Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form. |
| Principle 19 | Outdoor storage, loading and service areas should be: (a) screened from public view by a combination of built form, solid fencing and/or landscaping (b) conveniently located and designed to enable the maneuvering of service and delivery vehicles (c) sited away from sensitive land uses. |

The proposed development makes use of an existing building to which there shall be no changes to the external appearance. The waste bins are currently stored at the rear of the site away from public view.

It is considered that the proposal generally satisfies Objective 1 and Principle 19.

Statement of Effect

5.6 Interface Between Land Uses

- Objective 1** **Development located and designed to minimise adverse impact and conflict between land uses.**
- Objective 2** **Protect community health and amenity from adverse impacts of development.**
- Principle 1** **Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:**
 (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
 (b) noise
 (c) vibration
 (d) electrical interference
 (e) light spill
 (f) glare
 (g) hours of operation
 (h) traffic impacts.
- Principle 2** **Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.**

It is the intent of the above mentioned provisions to mitigate adverse impacts and conflicts between land uses. It is my opinion that the proposed development will not have a detrimental impact on the amenity of the neighboring properties or broader locality or cause unreasonable interference through emissions or effluent, odour, smoke, fumes, dust or other airborne pollutants, noise, light spill, hours of operation and traffic impacts. As such, I consider the proposal to satisfy Objective 1 and Principle 1.

An assessment of the impacts of the proposed consulting rooms should be considered in the context of land. The site has been used as a bank for an extended period of time and would already have some impact on the amenity of the locality and adjoining properties through noise, and other general activities. The amenity one would expect when surrounded by other residential properties is likely to be less when sited adjacent non residential use.

Given that the proposed office and consulting rooms are considered a low scale non-residential use I am of the opinion that the surrounding residents will not be adversely impacted. The hours of operation are not unreasonable with the earliest starting time of 9 am and the latest finishing time of 9 pm with the maximum number of staff shall be 4 at any one time.

Noise generation is unlikely to be greater than what was experienced when the subject land was utilised as a bank. The majority of noise is likely to be generated by vehicles using the car parking area at the front of the site that is adjacent and existing noise source in Henley Beach Road.

No bollard or directional lighting resulting in light spill is proposed.

Overall, it is considered that the proposed development will have an acceptable impact on the amenity of the locality and satisfies the above highlighted Objectives and

12

Statement of Effect

Principles.

5.7 Orderly and Sustainable Development

- Objective 1** **Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.**
- Objective 3** **Development that does not jeopardise the continuance of adjoining authorised land uses.**
- Objective 4** **Development that does not prejudice the achievement of the provisions of the Development Plan.**
- Principle 1** **Development should not prejudice the development of a zone for its intended purpose.**

In accordance with Objectives 1 the proposal is orderly and economic in that the proposal utilizes an existing building with an appropriate land use that will not detrimentally impact adjoining properties. It is unlikely that the building will ever be considered appropriate for a residential use and as such the proposed use should be encouraged.

The proposed development will not jeopardise the continuation of adjoining authorised land uses in accordance with Objectives 3 and 4 and Principle 1.

5.8 Transportation and Access

- Objective 2** **Development that:**
(a) provides safe and efficient movement for all transport modes
(b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
(c) provides off-street parking
(d) is appropriately located so that it supports and makes best use of existing transport facilities and networks
(e) provides convenient and safe access to public transport stops..
- Principle 34** **Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table WeTo/2 - Off Street Vehicle Parking Requirements.**

The proposed development makes use of the existing car park that provides access to the site from Murray Street. The off street car parking arrangement is considered to be safe and convenient. Furthermore the site is located in close proximity to public transport in the form of buses with a bus stop sited no more than 50 metres away to the east of the site on Henley Beach Road. Buses also operate along Tapleys Hill Road. It is considered that the proposed development satisfies Objective 2.

Statement of Effect

The existing car parking layout and number satisfies Principle 34 and Table WeTo/2 with 12 car parking spaces provided. Table WeTo/2 provides a minimum of 10 spaces per 100 square metres of consulting rooms and 4 spaces per 100 square metres for offices. Based on the consulting room use of 48.5 square metres and the office (including reception area component of 92.5 square metres a minimum of 9 spaces should be provided. The proposed development therefore caters for an additional 3 spaces above the minimum standard.

Statement of Effect

5.9 6.0 Social, Environmental and Economic Effects

6.1 Social

Social effects:

- The proposal has demonstrated that it will minimise impacts to adjoining residential properties to ensure they can enjoy a high level of residential amenity.

6.2 Economic

The following economic effects are considered:

- The proposal will result in a positive investment into the area
- The proposal will increase the provision of employment opportunities within the local economy.
- The development will occupy a building that is currently vacant or underutilised.
- All infrastructure to the site exists and the proposal will not create any additional or unreasonable demand on services.

6.3 Environmental

Environmental effects:

- The proposal seeks to utilise an existing building with minimal changes thereby minimising the amount of materials required .
- The proposal will not require the removal any mature vegetation.

Statement of Effect

7.0 Conclusion

This proposed development involves the change of use from office to office and consulting room. The proposal is a "non-complying" form of development by virtue of a consulting room that is sited on an arterial road within the Residential Zone, Low Density Policy Area 21 of the West Torrens Council Development Plan (consolidated 30 May 2017).

The proposed development satisfies the relevant provisions of the West Torrens Council Development Plan in the following ways:

- The proposal represents a small scale medical service to the community as sought in the zone and policy area.
- The proposal has sufficient car parking that satisfies the Development Plan requirements and provides safe and convenient access.
- Impacts between adjacent land occupiers will be minimised allowing adjoining properties to enjoy a high level of residential amenity.
- The proposal will not result in the loss in any mature vegetation on the site.

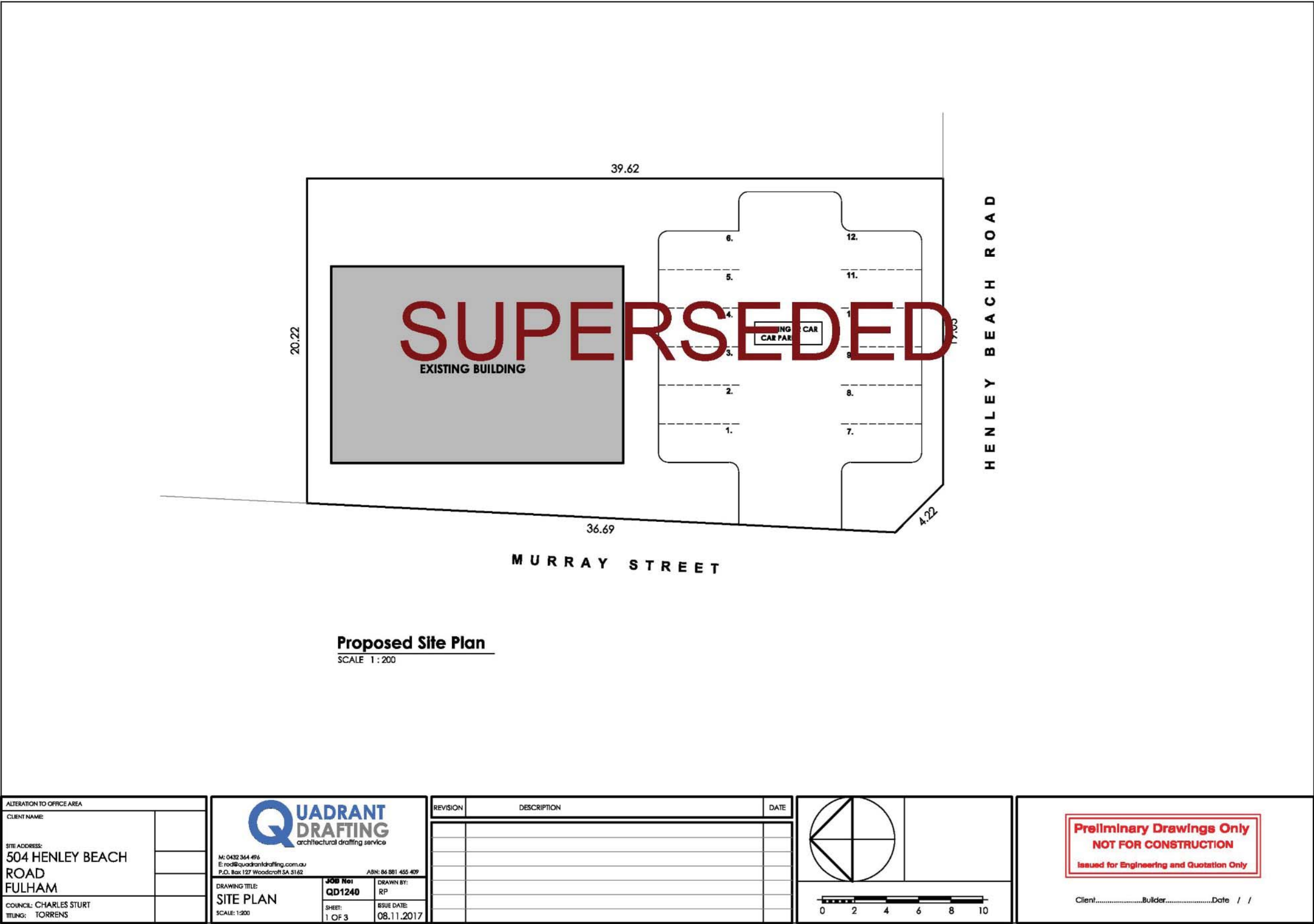
In addition to the above, the proposal will provide social, economic and environmental benefits. For all of the above reasons, I consider the proposal to demonstrate sound performance against the pertinent Development Plan standards. Accordingly, Development Plan Consent is warranted.

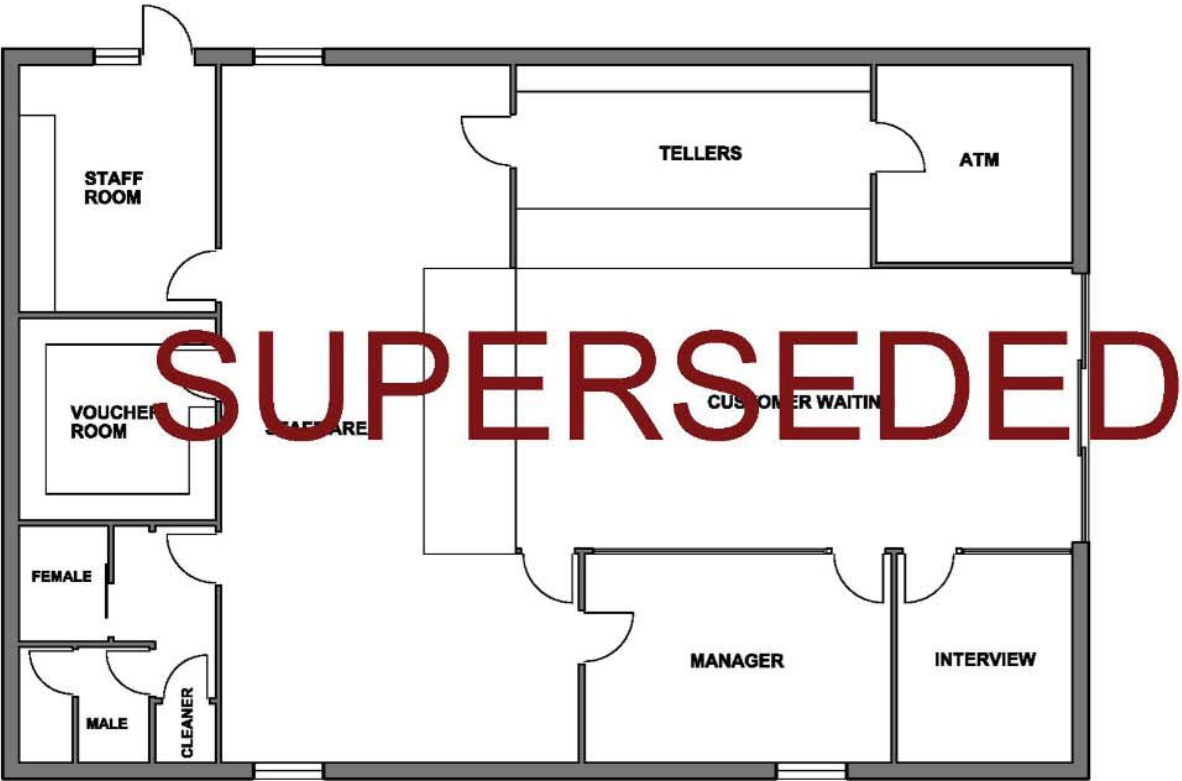


Matthew Falconer, MPIA


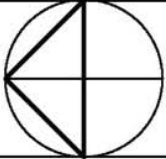

Statement of Effect

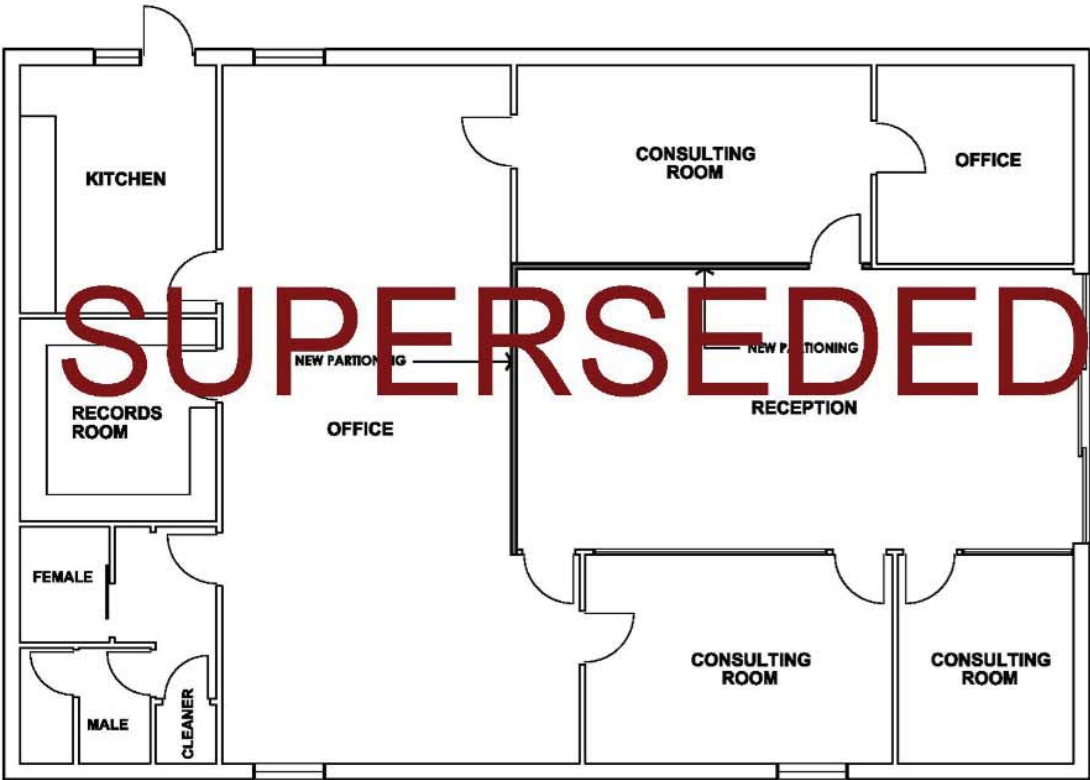
Appendix A – Proposal plans





Existing Floor Plan
SCALE 1 : 100


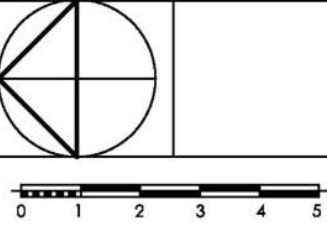
| | | | | | | | | | |
|---|--|--|--|--|--------------------------------|---------------------|--|--|--|
| <small>ALTERATION TO OFFICE AREA</small> <small>CLIENT NAME:</small> | |  <small>M: 0432 364 476 E: rod@quadrantdrafting.com.au P.O. Box 127 Woodcroft SA 5162</small> <small>ABN: 66 881 455 409</small> | <small>REVISION</small> | | <small>DESCRIPTION</small> | <small>DATE</small> |   | <div>Preliminary Drawings Only NOT FOR CONSTRUCTION <small>Issued for Engineering and Quotation Only</small></div> <small>Client.....Builder.....Date / /</small> | |
| <small>SITE ADDRESS:</small> 504 HENLEY BEACH ROAD FULHAM | | | <small>DRAWING TITLE:</small> EXISTING FLOOR | <small>JOB No:</small> QD1240 | <small>DRAWN BY:</small> RP | | | | |
| <small>COUNCIL: CHARLES STURT TITLING: TORRENS</small> | | | <small>SHEET:</small> 2 OF 3 | <small>ISSUE DATE:</small> 08.11.2017 | | | | | |
| | | | <small>SCALE: 1:100</small> | | | | | | |



Building Areas: (m²)

OFFICE AREA..... 72.0
CONSULTING..... 48.5
RECEPTION..... 44.0

Proposed Floor Plan
SCALE 1 : 100

| | | | | | | | | |
|---|--|--|---|--|--|---------------------|---|--|
| <small>ALTERATION TO OFFICE AREA</small> | |  <small>M: 0432 364 476 E: rod@quadrantdrafting.com.au P.O. Box 127 Woodcroft SA 5162</small> | <small>REVISION</small> | | <small>DESCRIPTION</small> | <small>DATE</small> |  | <div>Preliminary Drawings Only NOT FOR CONSTRUCTION <small>Issued for Engineering and Quotation Only</small></div> <small>Client.....Builder.....Date / /</small> |
| <small>CLIENT NAME:</small> | | | <small>DRAWING TITLE:</small> PROPOSED FLOOR <small>SCALE: 1:100</small> | <small>JOB No:</small> QD1240 <small>SHEET:</small> 3 OF 3 | <small>DRAWN BY:</small> RP <small>ISSUE DATE:</small> 08.11.2017 | | | |
| <small>SITE ADDRESS:</small> 504 HENLEY BEACH ROAD FULHAM | | | | | | | | |
| <small>COUNCIL: CHARLES STURT TITLING: TORRENS</small> | | | | | | | | |

Statement of Effect

Appendix B – Certificate of Title



| | |
|---------------------------|-------------------------------|
| Product | Register Search (CT 5324/360) |
| Date/Time | 09/06/2017 03:18PM |
| Customer Reference | Inves |
| Order ID | 20170609009264 |
| Cost | \$27.75 |



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5324 Folio 360

| | | | |
|----------------------------|-----------------|-----------------------|------------|
| Parent Title(s) | CT 2691/112 | | |
| Creating Dealing(s) | CONVERTED TITLE | | |
| Title Issued | 14/02/1996 | Edition | 3 |
| | | Edition Issued | 28/08/2000 |

Estate Type

FEE SIMPLE

Registered Proprietor

MIDWAY SERVICES PTY. LTD. (ACN: 069 214 268)
OF UNIT 1 25 SEAVIEW ROAD WEST LAKES SA 5021

Description of Land

ALLOTMENT 1 DEPOSITED PLAN 6441
IN THE AREA NAMED FULHAM
HUNDRED OF ADELAIDE

Easements

NIL

Schedule of Dealings

| Dealing Number | Description |
|----------------|--|
| 10452724 | CAVEAT BY ST.GEORGE BANK LTD. |
| 11306585 | CAVEAT BY ST.GEORGE BANK LTD. |
| 12385822 | CAVEAT BY WESTPAC BANKING CORPORATION (ACN: 007 457 141) |

Notations

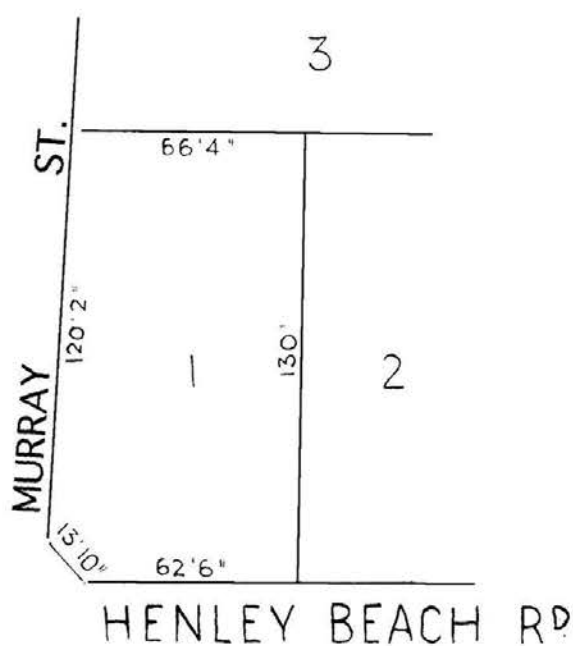
| | |
|----------------------------------|-----|
| Dealings Affecting Title | NIL |
| Priority Notices | NIL |
| Notations on Plan | NIL |
| Registrar-General's Notes | NIL |
| Administrative Interests | NIL |



Government of South Australia
Department of Planning,
Transport and Infrastructure

Product
Date/Time
Customer Reference
Order ID
Cost

Register Search (CT 5324/360)
09/06/2017 03:18PM
Inves
20170609009264
\$27.75



60 30 0 60 FT

DISTANCES ARE IN FEET AND INCHES
FOR METRIC CONVERSION

1 FOOT = 0.3048 metres
1 INCH = 0.0254 metres

Preliminary Traffic, Flooding & Stormwater Assessment

Development Application No: 211/1383/2017

Assessing Officer: Amelia DeRuvo
Site Address: 504 Henley Beach Road, FULHAM SA 5024
Certificate of Title: CT-5324/360
Description of Development: Change of use from an office to office and consulting room

TO THE TECHNICAL OFFICER - CITY ASSETS

Please provide your comments in relation to:

- ☐ Site drainage and stormwater disposal
- ☐ Required FFL
- ☐ On-site vehicle parking and manoeuvrability
- ☐ New Crossover
- ☐ Your advice is also sought on other aspects of the proposal as follows:

.....
.....

PLANNING OFFICER - Amelia DeRuvo

DATE 2 February, 2018



Memo

To Amelia DeRuvo
From Jane Teng
Date 2/02/2018
Subject 211/1383/2017, 504 Henley Beach Road, FULHAM SA 5024

Amelia DeRuvo,

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

1.0 Traffic Comments

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

I refer to the above development application for a change of use from office to office/consulting rooms. I note that the building floor area is relatively small with 72m² of office and 48.5m² of consulting rooms proposed. There is an existing 12-space car park on the subject site. Access for the car park is not proposed to be changed.

The Applicant has advised that a maximum of 4 staff would be present at any one time, with opening hours not of the typical full time nature. I suggest that a condition be included to restrict the maximum staff number to 4 (as proposed by the Applicant) so that parking is maximised for customers.

Having regard to the Development Plan parking rates and the relatively small scale of the development, I am satisfied that the existing parking would be able to meet the anticipated requirements of the office/consulting room land use.

I note that there is no disabled parking provided. If considered to be required under building rules, one of the parking spaces would need to be converted to a clear zone space to comply with the current standard, AS/NZS 2890.6-2009. The loss of one parking space, in my opinion, would not be fatal to the application, from a parking perspective.

Servicing requirements for the proposed land use should be minimal and probably involve passenger size vehicles, which could utilise the normal parking spaces.

On the basis of the above assessment, I am satisfied that adequate parking would be provided for the development.



Should you require further information, please contact Jane Teng on the following direct extension number 8416 6333.

Regards

Jane Teng
Civil Engineer

6.10 66 Whelan Avenue, CAMDEN PARK

Application No 211/49/2017

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|---|
| DEVELOPMENT PROPOSAL | Combined Application: Land division - Torrens Title - SCAP No. 211/D003/17; Creation of one (1) additional allotment and construction of a two storey detached dwelling |
| APPLICANT | Mr Mohammed Saadati Marasht |
| APPLICATION NO | DA 211/49/2017 |
| LODGEMENT DATE | 10 January 2017 |
| 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"> ▪ City Assets External <ul style="list-style-type: none"> ▪ Development Assessment Commission ▪ SA Water Corporation |
| DEVELOPMENT PLAN VERSION | 5 May 2016 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Land Division Consent for Application No. 211/49/2017 by Mr Mohammed Saadati Marasht to undertake Land division - Torrens Title; DAC No. 211/D003/17 to Create one (1) additional allotment and construction of a two storey detached dwelling with portico and single garage under main roof at 66 Whelan Avenue, Camden Park (CT 5712/829) subject to the following conditions of consent:

DEVELOPMENT PLAN CONSENT**Council Conditions**

1. The development must be undertaken and completed in accordance with the plans prepared by Cavallo Forest and Associates except where varied by any condition(s) listed below:
2. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:-
 - a) result in the entry of water into a building; or
 - b) affect the stability of a building; or
 - c) create unhealthy or dangerous conditions on the site or within the building; or
 - d) flow or discharge into the land of an adjoining owner; and not flow across footpaths or public ways.

3. That any retaining walls be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
4. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
5. That all planting and landscaping will be completed within three (3) months of the commencement of the use of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.
6. External material and finishes must be non-reflective.
7. The southern elevation of the dwelling proposed on allotment 2 shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level and to minimise the potential for overlooking of adjoining properties.
8. That prior to the issue of clearance to this division approved herein, the existing structures shall be removed from proposed allotment 11.

LAND DIVISION CONSENT

Council Conditions

Nil

Development Assessment Commission

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

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

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

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

10. Payment of \$6,676 into the Planning and Development Fund (1 allotment(s) @ \$6,676/allotment).

Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders Street, Adelaide.

11. 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.

BACKGROUND

The development proposal (amended plans) is presented to the Council Assessment Panel (CAP) 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.

The proposed plans (as amended) are included as **Attachment 1**.

This application was presented to the CAP meeting of 12 December 2017.

The Council Assessment Panel resolved to defer the application for the following reasons:

- Concerns regarding site area
- Overshadowing
- Side and rear setbacks
- Private open space
- Residential Development Section Principles of Development Control 11, 12 and 19

The relevant agenda and minutes are included as **Attachment 2**.

The applicant has made a series of amendments which are detailed in the "AMENDED PROPOSAL" section of this report.

The purpose of this report is to table the amended plans and discuss and assess the amendments.

The previous report in **Attachment 2** should be referred to for the locality maps and other aspects of the assessment.

AMENDED PROPOSAL

The applicant has made the following amendments:

- the ground floor living area of the proposed dwelling has been reduced by 8.9m²;
- the upper floor living area has been reduced by 8.5m²;
- private open space for the proposed dwelling has increased by 7.0m²;
- the rear setback dimension for the proposed dwelling has increased to the southern boundary. The minimum setbacks for single storey increased from 1.2 metre to 1.65 metres; and the second storey setback has increased from 4 metres to 4.98 metres.

The site areas of the proposed allotments remain the same. Proposed allotment 10 is 412m² and proposed allotment 11 is 304m².

For more detail, refer to **Attachment 1**.

ASSESSMENT OF AMENDMENTS

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> | | |
|-------------------------------------|-----------------------------------|---|
| Crime Prevention | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3 |
| Design and Appearance | Objectives | 1 |
| | Principles of Development Control | 1, 2, 4, 5, 9, 10, 13, 15, 20, 22 |
| Energy Efficiency | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3 & 4 |
| Infrastructure | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 8, 9 |
| Land Division | Objectives | 1, 2, 3, 4 |
| | Principles of Development Control | 1, 2, 4, 5, 6, 8, 12, |
| Landscaping, Fences and Walls | Objectives | 1, 2 |
| | Principles of Development Control | 1, 2, 3, 4, 6 |
| Orderly and Sustainable Development | Objectives | 1, 2, 3, 4, 5 |
| | Principles of Development Control | 1 |
| Residential Development | Objectives | 1, 2, 3, 4 |
| | Principles of Development Control | 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 30, 31 |

| | |
|--|-----------------------|
| Zone: Residential Zone | |
| Desired Character Statement: | |
| <p><i>This zone will contain predominantly residential development.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. 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, 2, 3, 4 |
| Principles of Development Control | 1, 5, 6, 7, 8, 10, 11 |

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

QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan. This table only includes the quantitative assessment that is varied from the previous plans and are outlined in the table below:

| DEVELOPMENT PLAN PROVISIONS | STANDARD | ASSESSMENT | |
|---|--|---|---|
| REAR SETBACK Residential Zone Principle of Development Control 11 | 3 metres for the single storey component 8 metres for two or more storey components of a building | Proposed 2 storey dwelling on Allotment 11 | Existing dwelling on Allotment 10 |
| | | 1.2 metres <i>amended to</i> 1.65 metres Does not Satisfy 4.0 metres <i>amended to</i> 4.98 metres. Does not Satisfy | 3.0 metres Satisfies <i>Remains the same</i> |
| PRIVATE OPEN SPACE General Section Residential Development Principle of Development Control 19 | 300-500m ² allotments 60m ² Minimum dimension of 4 metres | Proposed 2 storey dwelling on Allotment 11 | Existing dwelling on Allotment 10 |
| | | 66.6m ² <i>amended to</i> 74.7m ² Satisfies Minimum dimension is 2.8 metres Does not Satisfy. | 62.8m ² <i>Remains the same</i> Satisfies Minimum dimension is 3 metres Does not Satisfy |

| | | |
|--|--|---|
| <p>OVERSHADOWING Residential Development Principle of Development Control 12</p> | <p>Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:</p> <p>a) half of the existing ground - level open space b) 35m² of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres)</p> | <p>Areas of sunlight in private open space (June 21)</p> <p><u>66 Whelan Avenue (Proposed lot 10)</u></p> <p>9am Nil 12pm 44m² 3pm Nil</p> <p><i>Remains the same</i></p> <p>Partially satisfies</p> <p><u>Proposed dwelling (proposed lot 11)</u></p> <p>9am Nil 12pm 32m² 3pm 4.4m² amended to 8m²</p> <p>Does Not Satisfy</p> <p><u>64 Whelan Avenue</u></p> <p>9am 4m² amended to 5.7m² 12pm 38m² amended to 40.5m² 3pm 29m² amended to 32.9m²</p> <p>Partially Satisfies</p> |
|--|--|---|

QUALITATIVE ASSESSMENT

This section focusses on the assessment of the amended components of the application and the reasons for deferral outlined by CAP.

Site area

Allotment 10 meets the site area requirements when assessed against Principle of Development Control 3 of Residential Policy Area 20, i.e. 340m², however, the site area to accommodate the new dwelling falls short. The average of the two allotments meet the site area requirements, however, allotment 11 falls short by 36m². The CAP previously raised the site area as a concern but a poorer outcome would be achieved if the boundary line separating the two allotments was to be realigned eastward as this would create a rear setback from the existing dwelling of less than 3 metres. The allotment boundaries and plans have been amended (prior to the December 2017 CAP meeting) to achieve a better development outcome. Both allotment sizes as proposed are considered to be low density and therefore are in accordance with the intent of the policy provisions.

Side Setback

One aspect of the proposed development that CAP wished to be addressed related to the side setbacks. These remain unchanged for both the existing dwelling and the proposed dwelling from the December 2017 CAP meeting. Prior to the December 2017 CAP meeting, the applicant amended the proposal to set the garage off the western boundary. This increased the space around the dwelling and reduced the degree of overshadowing on the subject land and on 64 Whelan Avenue. The eastern side setback for the proposed dwelling does not meet the Residential Zone PDC 11 by 1 metre for the two storey component. However, it is considered reasonable because:

- the northern portion of the eastern side boundary faces Myer Avenue rather than adjoining a residential allotment; and
- the positioning and orientation of the existing dwelling and verandah at 4 Myer Avenue minimises the impact of the built form on the adjacent property.

Overall the side setbacks are considered reasonable.

Rear Setback

The amendments have resulted in an increase to the rear setback of the proposed dwelling to allow more space between the rear of the dwelling and the southern boundary. The development is therefore closer to complying with PDC 11 of the Residential Zone. However, the following parts of the dwelling do not achieve the rear setback provisions:

- the laundry (ground floor) is within the 3 metre required single storey development setback; and
- bedroom 4, bathroom, vanity and stairwell (second storey) are within the 8 metre required setback for the two storey component.

The amendment allows more useable space between the dwelling and the rear fence, and will have a lesser impact on the adjoining neighbour to the south.

It is considered that the applicant has suitably addressed concerns regarding rear setbacks.

Private Open Space

The amended proposal results in an increased area of private open space with an increase for the proposed dwelling of around 8m². Both dwellings meet the private open space area requirements provided under PDC 19 of the Residential Development section, however, neither meet the minimum dimension requirement of 4 metres for their total private open space. The existing dwelling has a minimum dimension of 3 metres; the area is rectangular and considered useable and functional. The proposed dwelling has a portion of its private open space west of the garage which has a dimension of 2.8 metres, however, the majority of its private open space is 4 metres wide and directly accessible to the internal meals area.

Overall the areas of the private open space for both dwellings are considered of reasonable size and function to meet the private open space needs of the occupants.

Overshadowing

The proposed development has been amended to reduce the footprint and therefore increase setbacks for the proposed dwelling, which results in a slight improvement in the overshadowing impacts. There is an increased area not impacted by overshadowing for both the proposed dwelling (allotment 11) and on the adjoining dwelling located at 64 Whelan Avenue and its rear yard. The overshadowing on the existing dwelling at 66 Whelan Avenue remains the same.

The overshadowing effect from the proposed changes remains similar to the previous plans and largely does not meet PDC 12 of the Residential Development provisions. While this creates an adverse impact on 64 Whelan Avenue, the degree is not considered to be fatal to the application. There is still access to sunlight within the southern area of the private open space during the winter solstice and there is a degree of existing overshadowing given the adjoining fencing and garages.

Overall the degree of overshadowing as a result of the development is considered acceptable.

SUMMARY

The applicant has made some minor amendments to the proposal, largely to slightly reduce the footprint of the proposed building which addresses issues related to overshadowing, rear setbacks and private open space.

There are some areas that have not been addressed including the site area and the side setbacks. The site areas proposed provide two allotments that are still considered to be low density and in keeping with the character of the locality and the side setbacks are considered to be reasonable.

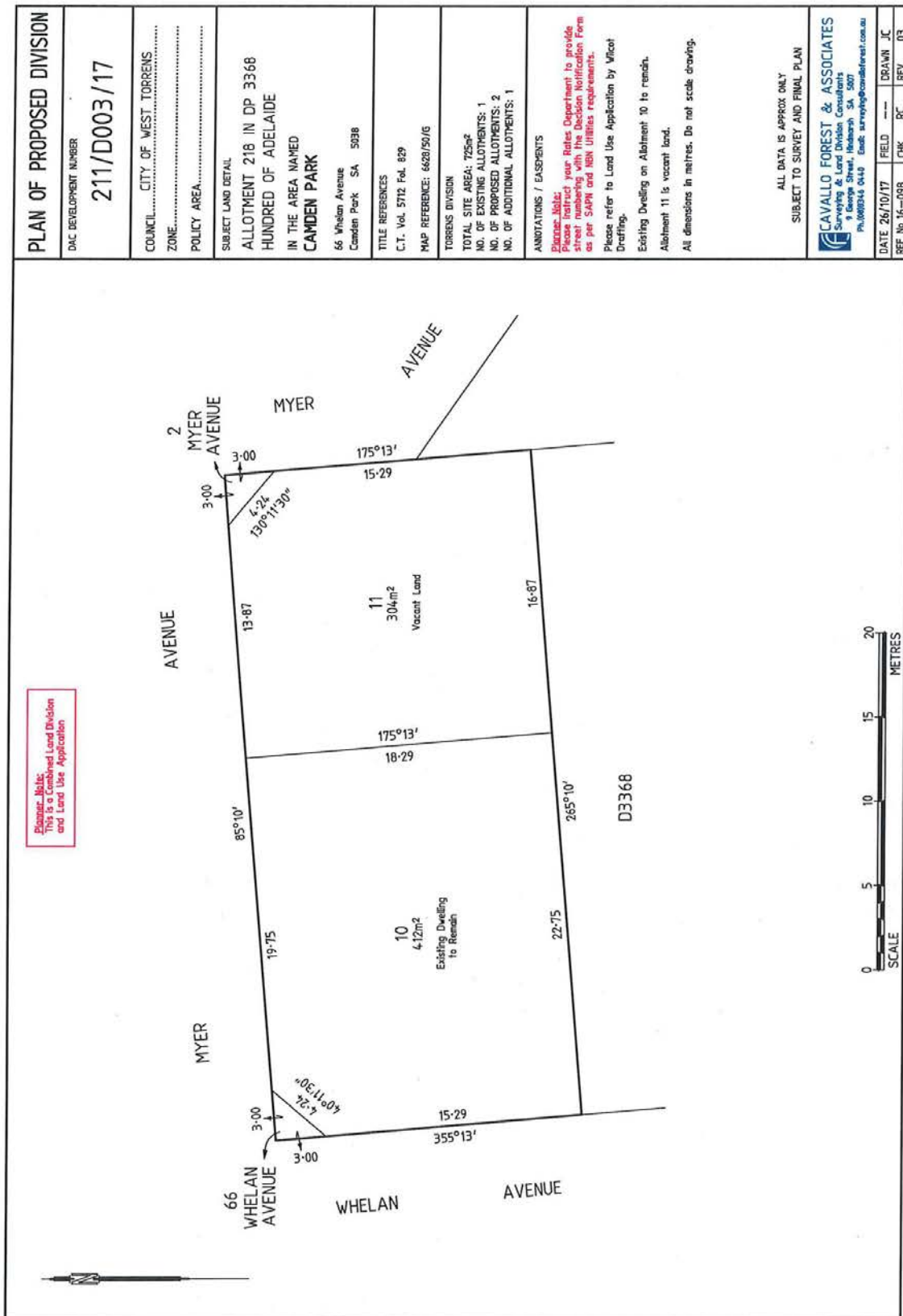
The departures from the Development Plan, including from Residential Development Section PDCs 11, 12 and 19 are not considered of such significance to warrant refusal.

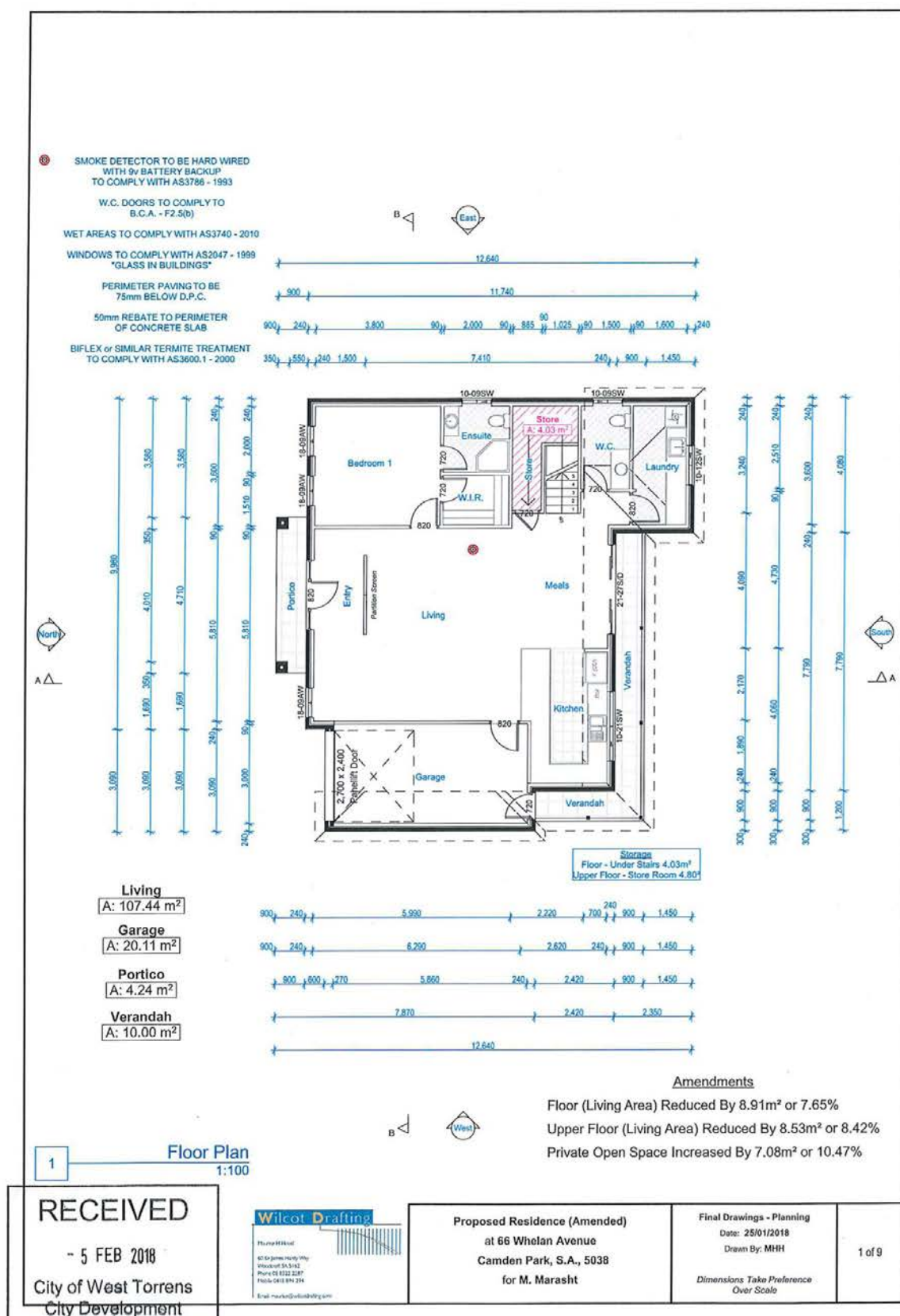
Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

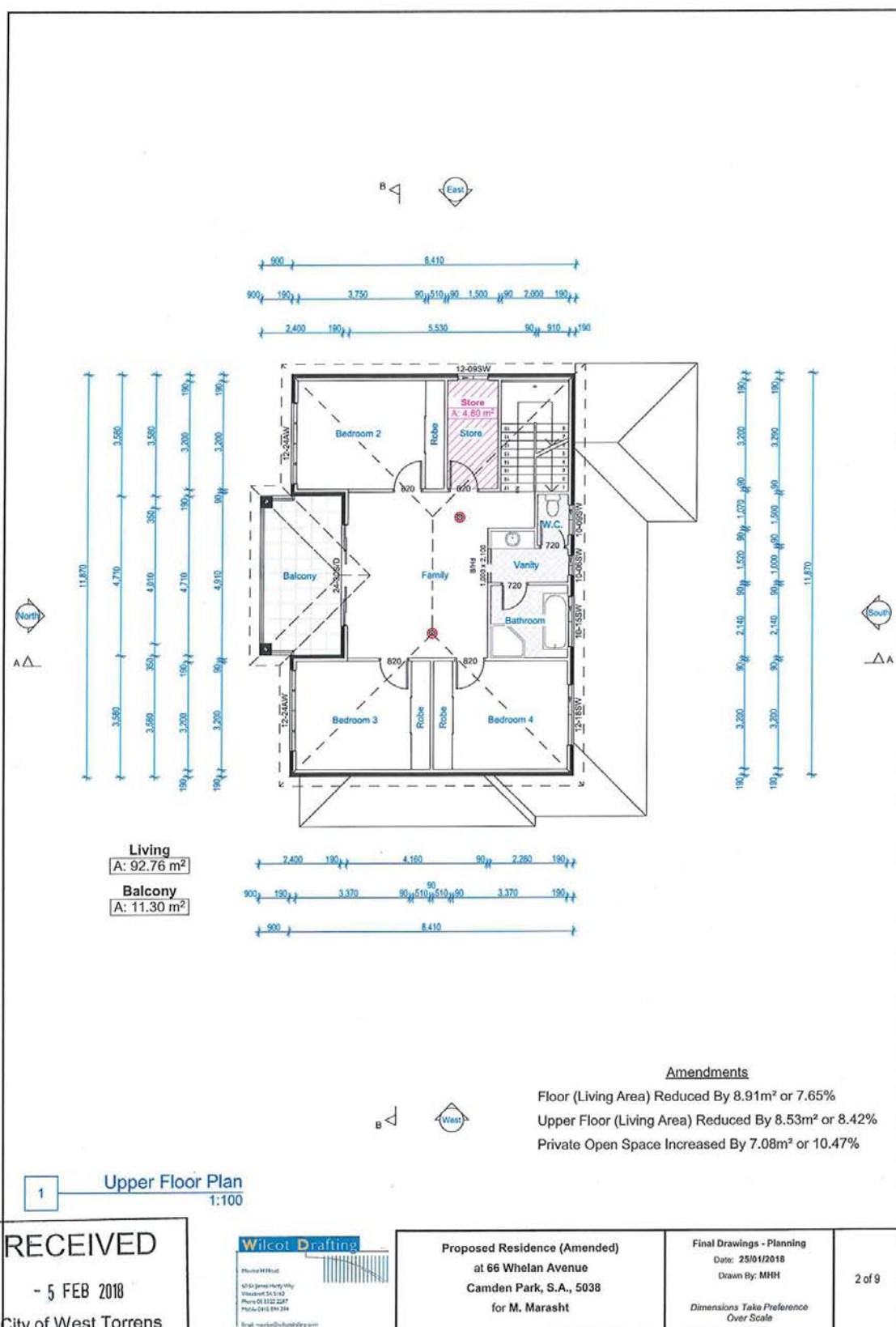
On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 May 2016 and warrants Development Plan Consent.

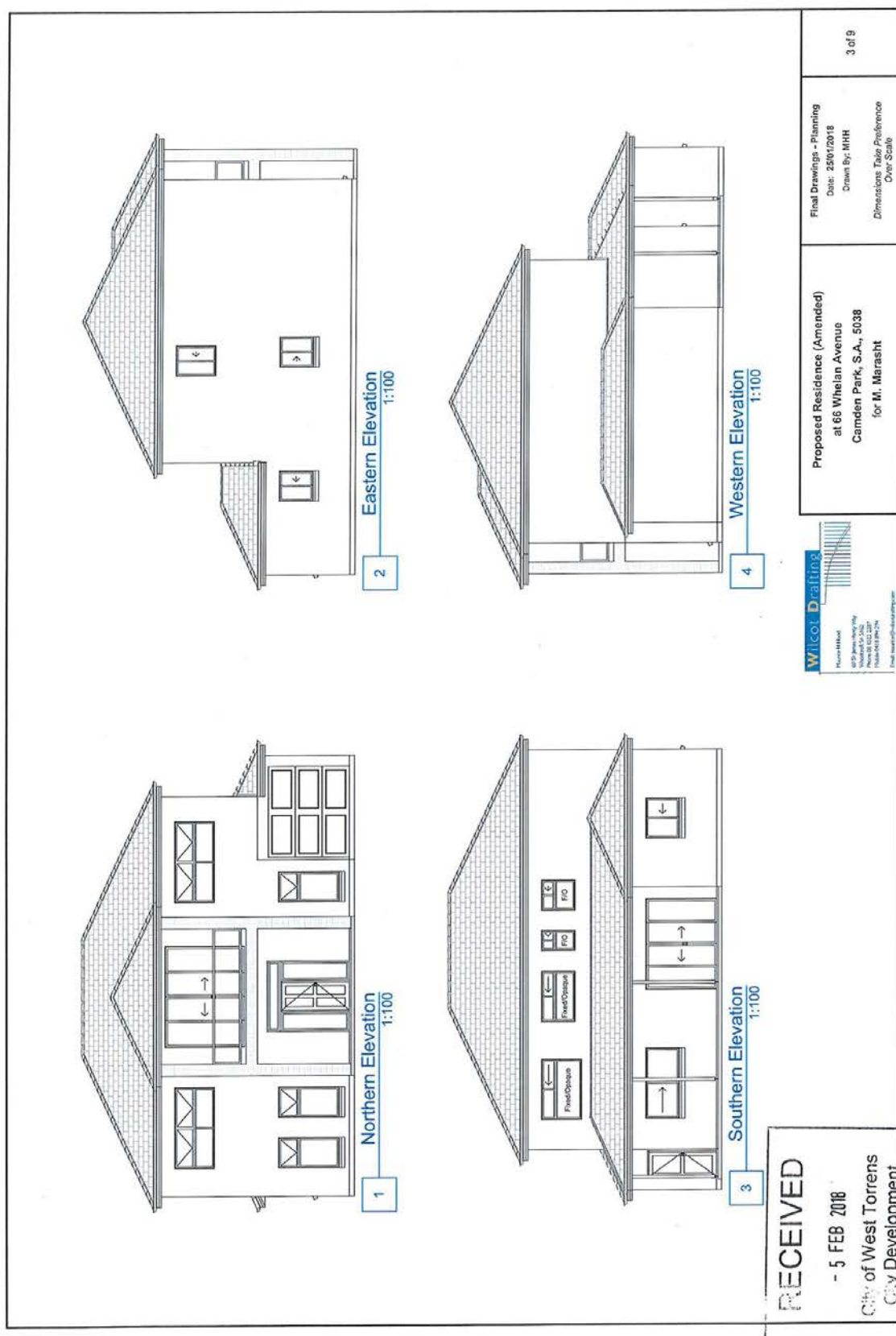
Attachments

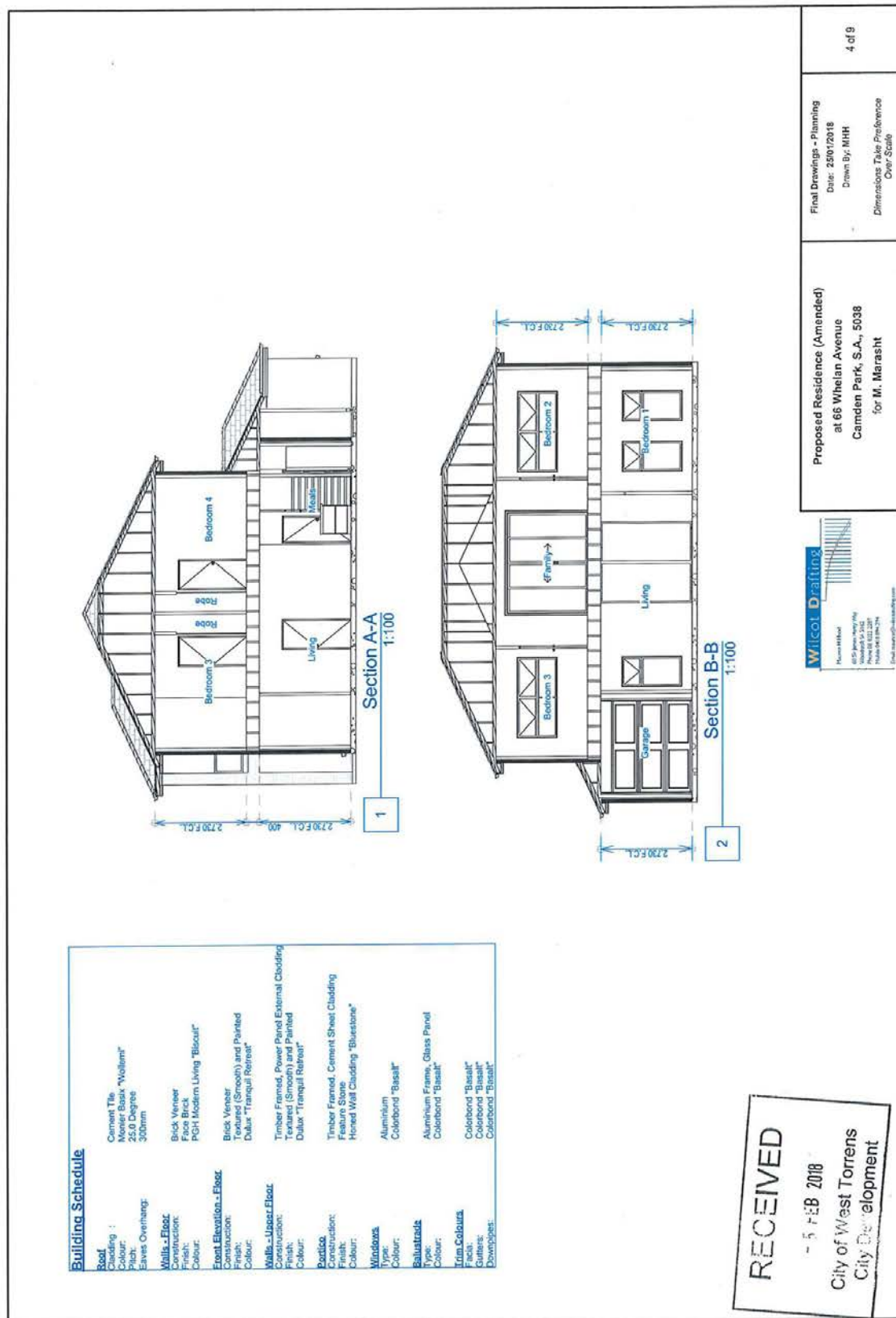
1. **Amended proposal plans**
2. **Agenda and Minutes from 12 December 2017 CAP**

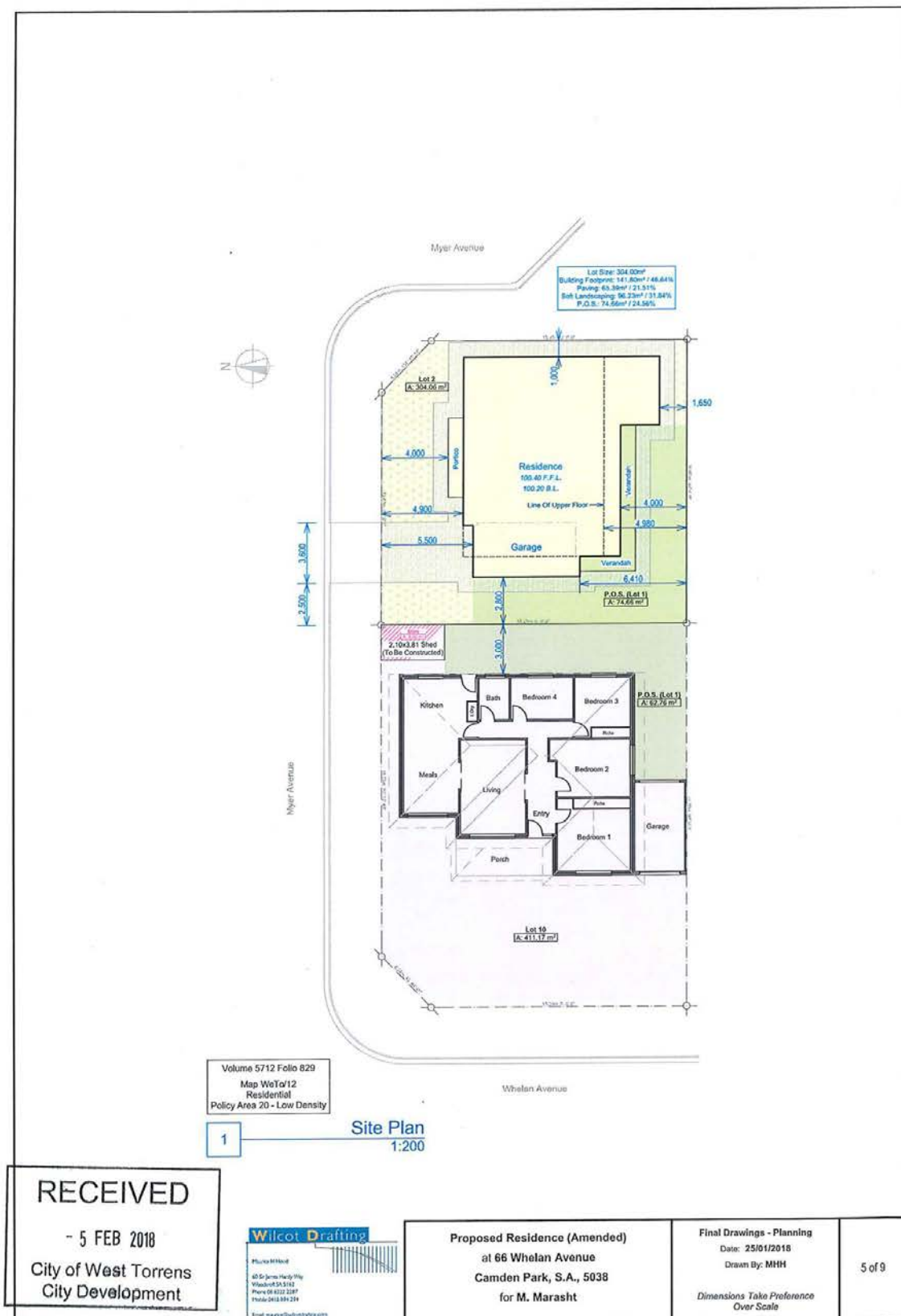


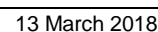


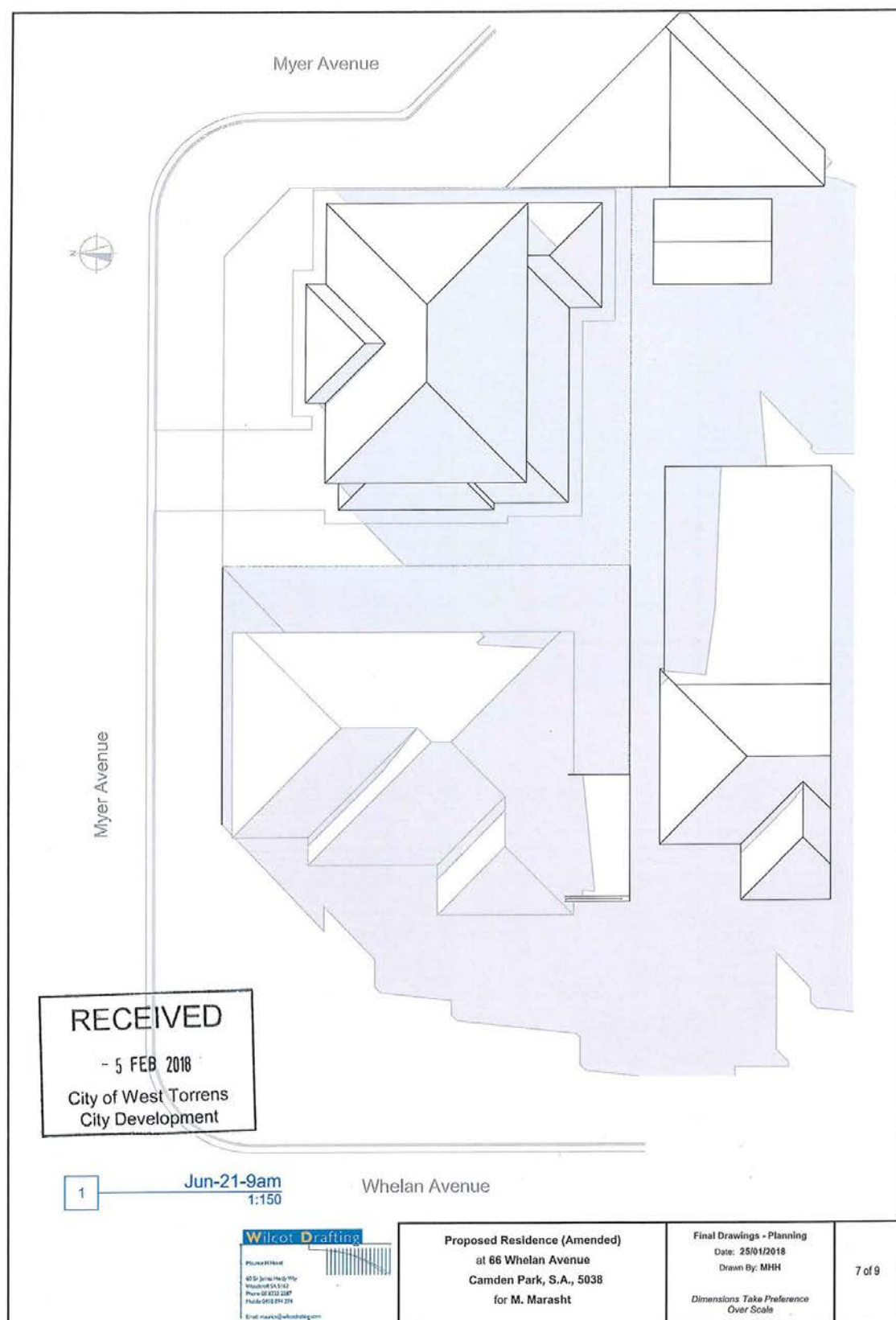


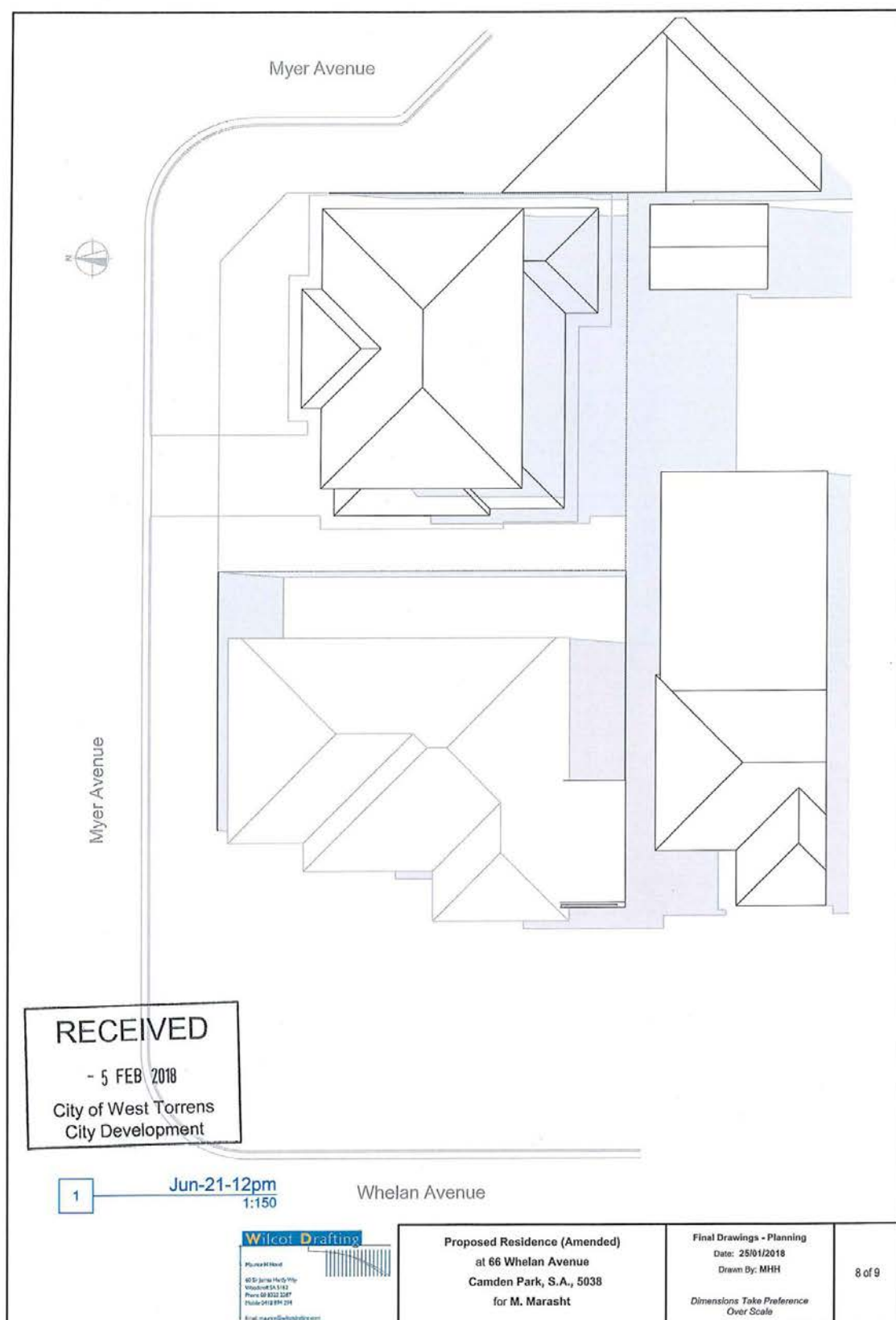


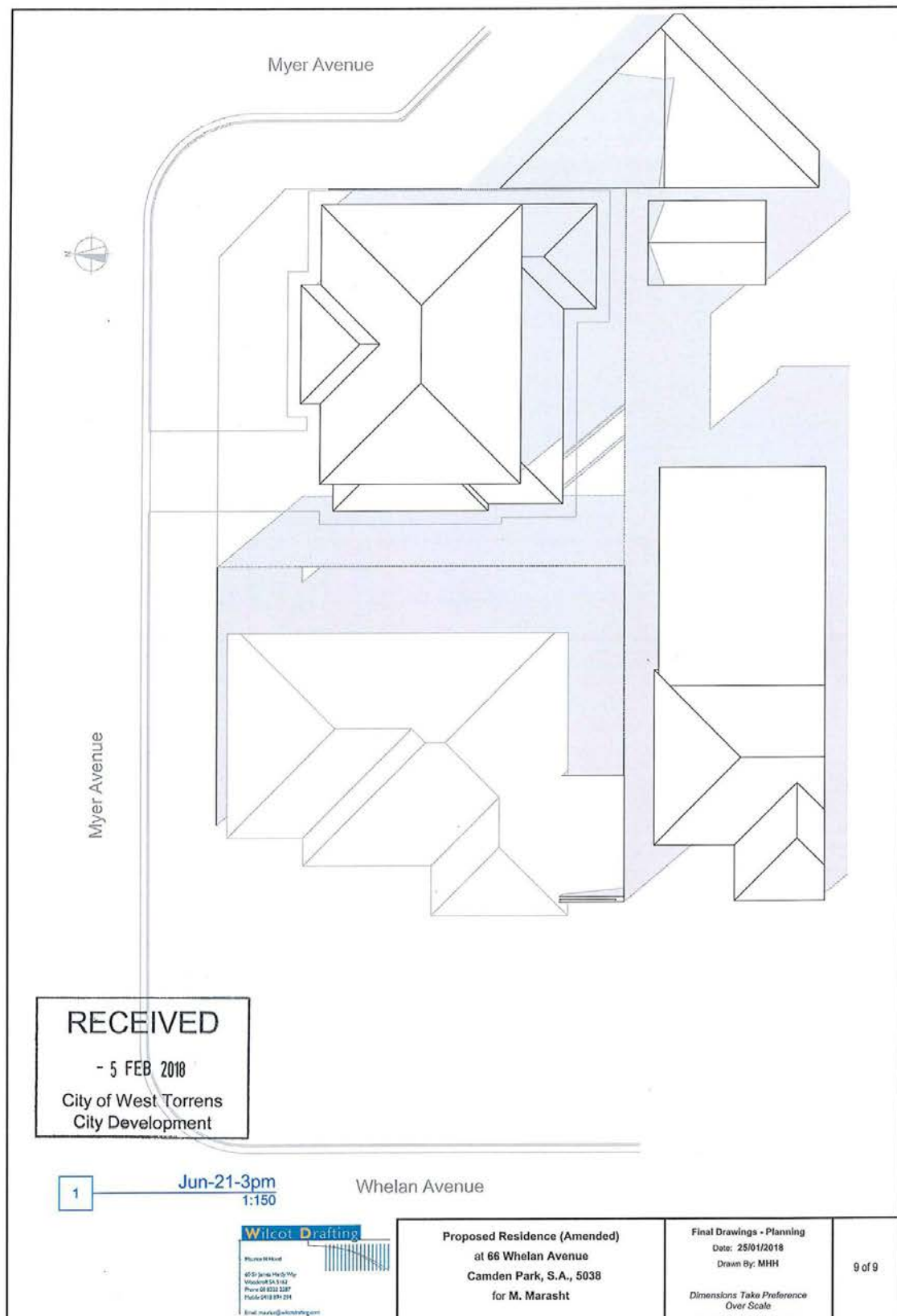












6 REPORTS OF THE ASSESSMENT MANAGER

6.1 66 Whelan Avenue, CAMDEN PARK

Application No 211/49/2017

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|--|
| DEVELOPMENT PROPOSAL | Combined Application: Land division - Torrens Title; SCAP No. 211/D003/17 (Unique ID 56834); Create one (1) additional allotment and construction of a two storey detached dwelling with portico and single garage under main roof |
| APPLICANT | Mr Mohammed Saadati Marasht |
| LODGEMENT DATE | 10 January 2017 |
| 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"> ▪ City Assets External <ul style="list-style-type: none"> ▪ State Commission Assessment Panel ▪ SA Water Corporation |
| DEVELOPMENT PLAN VERSION | 5 May 2016 |
| MEETING DATE | 12 December 2017 |

RECOMMENDATION 1

The Council 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. 211/49/2017 by Mr Mohammed Saadati Marasht to undertake Land division - Torrens Title; SCAP No. 211/D003/17 (Unique ID 56834); Create one (1) additional allotment and construction of a two storey detached dwelling with portico and single garage under main roof at 66 Whelan Avenue, Camden Park (CT 5712/829) subject to the following conditions of consent:

DEVELOPMENT PLAN CONSENT

Council Conditions

1. The development must be undertaken and completed in accordance with the plans prepared by Cavallo Forest and Associates except where varied by any condition(s) listed below:
2. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:-
 - a) result in the entry of water into a building; or
 - b) affect the stability of a building; or
 - c) create unhealthy or dangerous conditions on the site or within the building; or
 - d) flow or discharge into the land of an adjoining owner; and not flow across footpaths or public ways.

3. That any retaining walls be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
4. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
5. That all planting and landscaping will be completed within three (3) months of the commencement of the use of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.
6. External material and finishes must be non-reflective.
7. The southern elevation of the dwelling proposed on allotment 2 shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level and to minimise the potential for overlooking of adjoining properties.

LAND DIVISION CONSENT**Council Conditions**

1. That prior to the issue of clearance to this division approved herein, the existing structures shall be removed from proposed allotment 11.

State Commission Assessment Panel and SA Water Corporation Conditions

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

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

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

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

3. Payment of \$6,676 into the Planning and Development Fund (1 allotment(s) @ \$6,676/allotment).

Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Commission Assessment Panel marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate Purposes.

BACKGROUND

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

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

PREVIOUS OR RELATED APPLICATION(S)

N/A

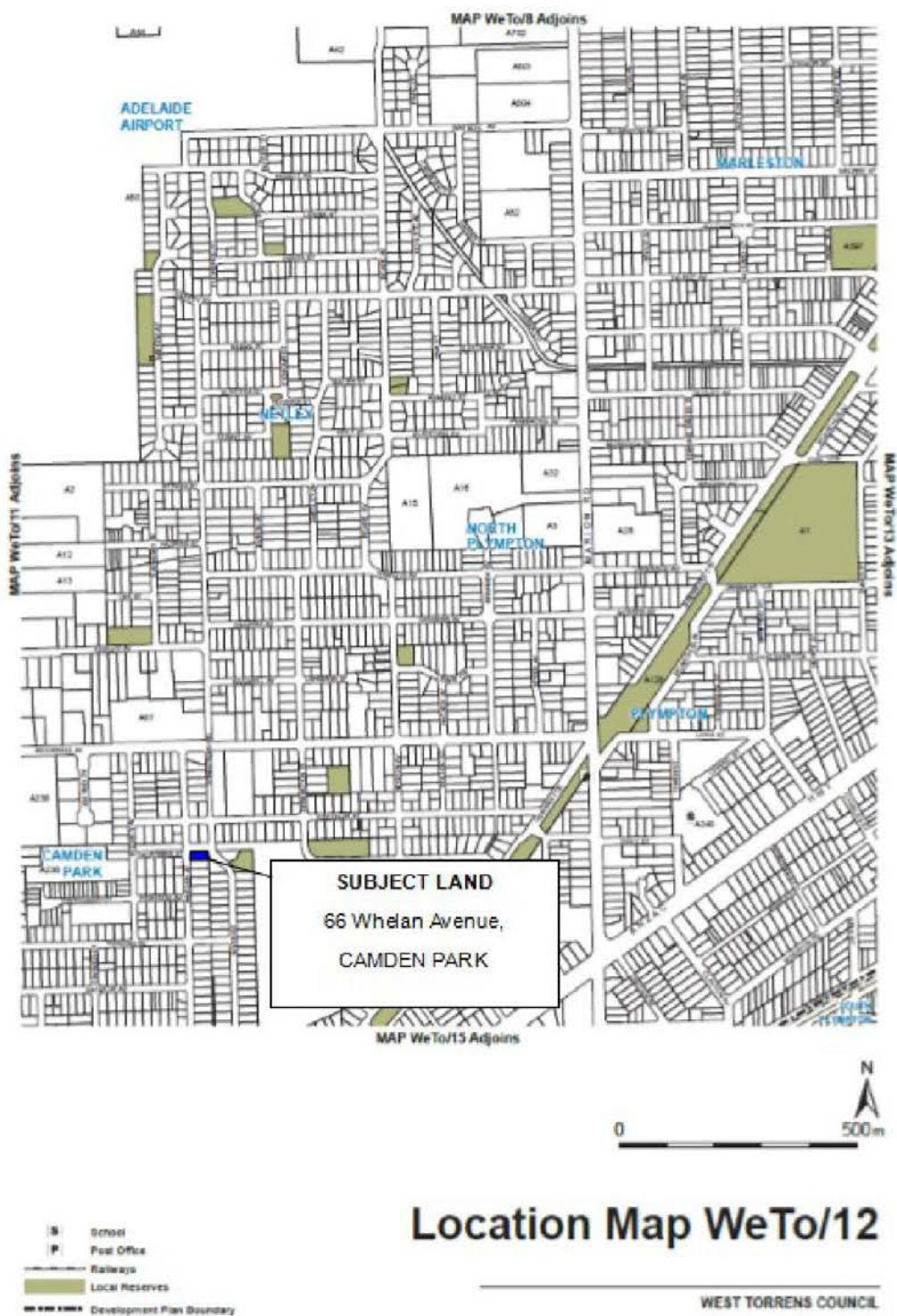
SITE AND LOCALITY

The subject site is on the corner of Myer Avenue and Whelan Avenue, Camden Park. The site is rectangular and has frontage to Whelan Avenue of 18.29 metres and two frontages to Myer Avenue of 33.62 metres to the north and approximately 11 metres to the east. The site area is 724.7m². Currently there is no corner cut-off on the north western corner or the north eastern corner. There is an existing dwelling built in approximately 1960 that fronts Whelan Avenue that is proposed to be retained. There are no easements on the land.

The locality is predominantly residential consisting largely of detached dwellings on low density or similar sized allotments to the existing allotment with a number of recent subdivisions of one allotment into two. There is a pocket of industrial zoned land at 65-73 Mooringe Avenue 75 metres to the northeast of the subject site. Plympton International College is to the east of the subject land.

The site and locality are shown on the following maps and aerial imagery.





PROPOSAL

As per the proposed plan, the proposed combined application is to create one (1) additional allotment and construction of a two storey detached dwelling with portico and single garage under main roof.

Application plans and details 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 1993 and Regulations 2008 Part 1 (2) (a) (i) and Part 1 (2) (f).

REFERRALS

Internal

- City Assets

City Asset's original assessment for the proposal (dated 14 February 2017) is attached. In summary, the concerns raised included:

- Finished floor levels - appropriate site information should be provided for appropriate finished floor levels;
- Verge interaction information;
- Stormwater connection information;
- Garage dimensions;
- Stormwater detention and quality requirements;
- Corner cut-off.

Amended plans were provided and City Assets confirmed that the amended plans satisfied the above requirements on 23 November 2017.

External

- SA Water

SA Water has raised no concerns with the proposal. The developer will be required to meet the requirements of SA Water for the provision of water and sewerage services. Standard conditions of consent have been recommended.

- SCAP

SCAP has raised no concerns with the proposal. Standard conditions of consent have been recommended.

A full copy of the relevant reports are attached, refer **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> | | |
|-------------------------------------|-----------------------------------|---|
| Crime Prevention | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3 |
| Design and Appearance | Objectives | 1 |
| | Principles of Development Control | 1, 2, 4, 5, 9, 10, 13, 15, 20, 22 |
| Energy Efficiency | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3 & 4 |
| Infrastructure | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 8, 9 |
| Land Division | Objectives | 1, 2, 3, 4 |
| | Principles of Development Control | 1, 2, 4, 5, 6, 8, 12, |
| Landscaping, Fences and Walls | Objectives | 1, 2 |
| | Principles of Development Control | 1, 2, 3, 4, 6 |
| Orderly and Sustainable Development | Objectives | 1, 2, 3, 4, 5 |
| | Principles of Development Control | 1 |
| Residential Development | Objectives | 1, 2, 3, 4 |
| | Principles of Development Control | 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 30, 31 |

| Zone: Residential Zone | |
|--|-----------------------|
| <i>Desired Character Statement:</i> | |
| <p><i>This zone will contain predominantly residential development.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. 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, 2, 3, 4 |
| Principles of Development Control | 1, 5, 6, 7, 8, 10, 11 |

| | |
|--|---------|
| Policy Area: Low Density Policy Area 20 | |
| Desired Character Statement: | |
| <p><i>Allotments in the policy area will be at low density, accommodating predominantly detached dwellings and some other dwellings types such as semi-detached and group dwellings. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p> | |
| Objectives | 1 |
| Principles of Development Control | 1, 2, 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 | |
|---|--|--|--|
| SITE AREA Residential Zone Low Density Policy Area 20 PDC 3 | 340m ² | Allotment 10 412m ² Satisfies | Allotment 11 309m ² Does Not Satisfy by 9.1% |
| SITE FRONTAGE Residential Zone Low Density Policy Area 20 PDC 3 | 10m | Allotment 10 (to Whelan Avenue) 15.29 metres Satisfies | Allotment 11 (to Myer Avenue) 16.87 metres Satisfies |
| BUILDING HEIGHT Residential Zone Principle of Development Control 6 | Maximum 2 storeys Maximum vertical side wall height 6 metres (measured from the natural ground level) | Proposed dwelling: 2 storeys Satisfies Maximum vertical side wall height 5.7 metres Satisfies | |

Council Assessment Panel Agenda

12 December 2017

| | | | |
|--|--|--|---|
| STREET SETBACK Residential Zone Principle of Development Control 8 | At least the average setback of the adjacent buildings. 12 metres (centre line of proposed allotment 11). | Proposed dwelling 4.0 metres to portico Does Not Satisfy | |
| SIDE SETBACK Residential Zone Principle of Development Control 11 | Dwellings and buildings containing dwellings should be set back from the side and rear boundaries in accordance with the following table: Side boundary setback where the vertical side wall is 3 metres or less in height - minimum value 1 metre Side boundary setback where the vertical side wall measures between 3 to 6 metres in height | Proposed dwelling <u>Western setback</u> 2.8 metres to garage Satisfies 4.0 metres to upper level bedrooms Satisfies <u>Eastern setback</u> 1.0 metre to two storey wall Does Not Satisfy | |
| REAR SETBACK Residential Zone Principle of Development Control 11 | 3 metres for the single storey component 8 metres for two or more storey components of a building | Proposed 2 storey dwelling on Allotment 11 1.2 metres Does not Satisfy 4.0 metres Does not Satisfy | Existing dwelling on Allotment 10 3.0 metres Satisfies |
| PRIVATE OPEN SPACE General Section Residential Development Principle of Development Control 19 | 300-500m ² allotments 60m ² Minimum dimension of 4 metres | Proposed 2 storey dwelling on Allotment 11 66.6m ² Satisfies Minimum dimension is 2.8 metres Does not Satisfy | Existing dwelling on Allotment 10 76.4m ² Satisfies Minimum dimension is 3 metres Does not Satisfy |

Council Assessment Panel Agenda

12 December 2017

| | | | |
|--|---|---|--|
| LANDSCAPING Module: Landscaping, Fences & Walls Principle of Development Control 4 | 10% | Proposed 2 storey dwelling on Allotment 11 32.9% Satisfies | Existing dwelling on Allotment 10 15% Satisfies |
| CARPARKING SPACES Transportation and Access Principle of Development Control 34 | 2 spaces per dwelling, one of which is covered | Proposed 2 storey dwelling on Allotment 11 1 undercover, 1 visitor Satisfies | Existing dwelling on Allotment 10 1 undercover, 1 visitor Satisfies |
| OVERSHADOWING Residential Development Principle of Development Control 12 | Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following: a) half of the existing ground - level open space b) 35m ² of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres) | Areas of sunlight in private open space (June 21) <u>66 Whelan Avenue (Proposed lot 10)</u> 9am Nil 12pm 44m² 3pm Nil Partially satisfies <u>Proposed dwelling (proposed lot 11)</u> 9am Nil 12pm 32m² 3pm 4.4m² Does Not Satisfy <u>64 Whelan Avenue</u> 9am 4m² 12pm 38m² 3pm 29m² Partially satisfies | |
| DOMESTIC STORAGE Residential Development Principle of Development Control 31 | 8m ³ domestic storage to be located in non-habitable rooms | Proposed dwelling 9m ³ Satisfies Existing dwelling 16m ³ Satisfies | |

QUALITATIVE ASSESSMENT

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

Site area

One allotment (10) meets the site area requirements when assessed against Principle of Development Control 3 of Residential Policy Area 20, i.e. 340m², however, the site area to accommodate the new dwelling falls short. The average of the two allotments meets the site area requirements and allotment 11 as initially proposed in the application. However, the allotment boundary and plans were amended to achieve a better development outcome that resulted in an increased setback from the rear of the existing dwelling from 1 metre to 3 metres. The resultant site area for allotment 11 (304m²) is still considered to be 'low density', able to accommodate a detached dwelling and therefore considered reasonable.

Street setback

The proposed dwelling should have a front setback of around 12 metres if Principle of Development Control 8 of the Residential Zone is applied in isolation. The proposed setback for the proposed dwelling is 4 metres to the portico, 4.9 metres to the main part of the dwelling and 5.5 metres to the garage. While the proposed setbacks are lesser than PDC 8 this is reasonable considering the location of proposed allotment 11, including the short setbacks of the adjoining dwellings and the 90 degree angle of Myer Avenue.

Side setback

The side setback for the proposed dwelling on allotment 11 should ideally be setback 1 metre for the ground level and 2 metres for the upper level in accordance with Principle of Development Control 11 of the Residential Zone. The ground level complies with this provision, however, in order for the second storey of the proposed dwelling to comply it would need to be setback an additional metre from the eastern side boundary. Given the positioning of the dwelling at 4 Myer Avenue further south, it is deemed that a lesser setback for the upper level will have minimal effect on the adjoining dwelling but rather on the public space adjacent the dwelling therefore considered to be reasonable.

Rear setback

Principle of Development Control 11 of the Residential Zone requires the rear boundary setback of a two storey dwelling to be 8 metres. The rear setback for the proposed dwelling should be 3 metres for the single storey component and 8 metres for the two storey component. This is not achieved for the lower or upper levels. The majority of the rear setback is 3 metres for the ground floor component with a small portion of the laundry at 1.2 metres and 4 metres for the upper level. Despite this shortfall, there is reasonable space between the rear of the dwelling and the fence for an area of useable private open space.

Private open space

The Development Plan suggests a numerical minimum of 60m² of Private Open Space in accordance with Principle of Development Control 19 of the Residential Development section of the Development Plan. Both the existing dwelling and proposed dwelling achieve the area, however, the existing dwelling does not achieve the minimum dimension of 4 metres. When this application was originally lodged, the boundary was 1 metre to the east of the existing dwelling. This allowed minimal private open space and provided a poor outcome. The amendments as proposed create areas of private open space that are considered to be satisfactory in terms of their dimensions and functionality.

Overshadowing

The applicant has provided overshadowing diagrams for winter solstice.

A large degree of overshadowing occurs in the rear yard at 9am for the existing dwelling on allotment 10; the proposed dwelling on allotment 11; and the adjoining dwelling at 64 Whelan Avenue, Camden Park.

At 12pm the greatest area of sunlight upon rear private open space may be achieved for each of the most affected dwellings as set out in the table above with each containing a minimum area of sunlight of 32m².

A large degree of overshadowing occurs in the rear yard at 3pm for the existing dwelling and proposed dwelling with minimal sunlight at winter solstice. The adjacent dwelling at 64 Whelan Avenue receives a reasonable amount of sunlight of 29m².

The development results in a large degree of overshadowing, however, some of the overshadowing results from existing buildings and fences. The applicant reduced the proposal from a double garage to a single garage which now allows for additional sunlight. The development does allow for sufficient sunlight access at 12pm for the three affected dwellings.

SUMMARY

The development provides for an additional dwelling on an allotment that is considered to be low density despite falling short of the numerical requirements. Overall the siting of the dwelling, setbacks, the private open space areas and overshadowing impacts are determined to be reasonable. The development meets the majority of the numerical standards and, having considered the policy area provisions and all of the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

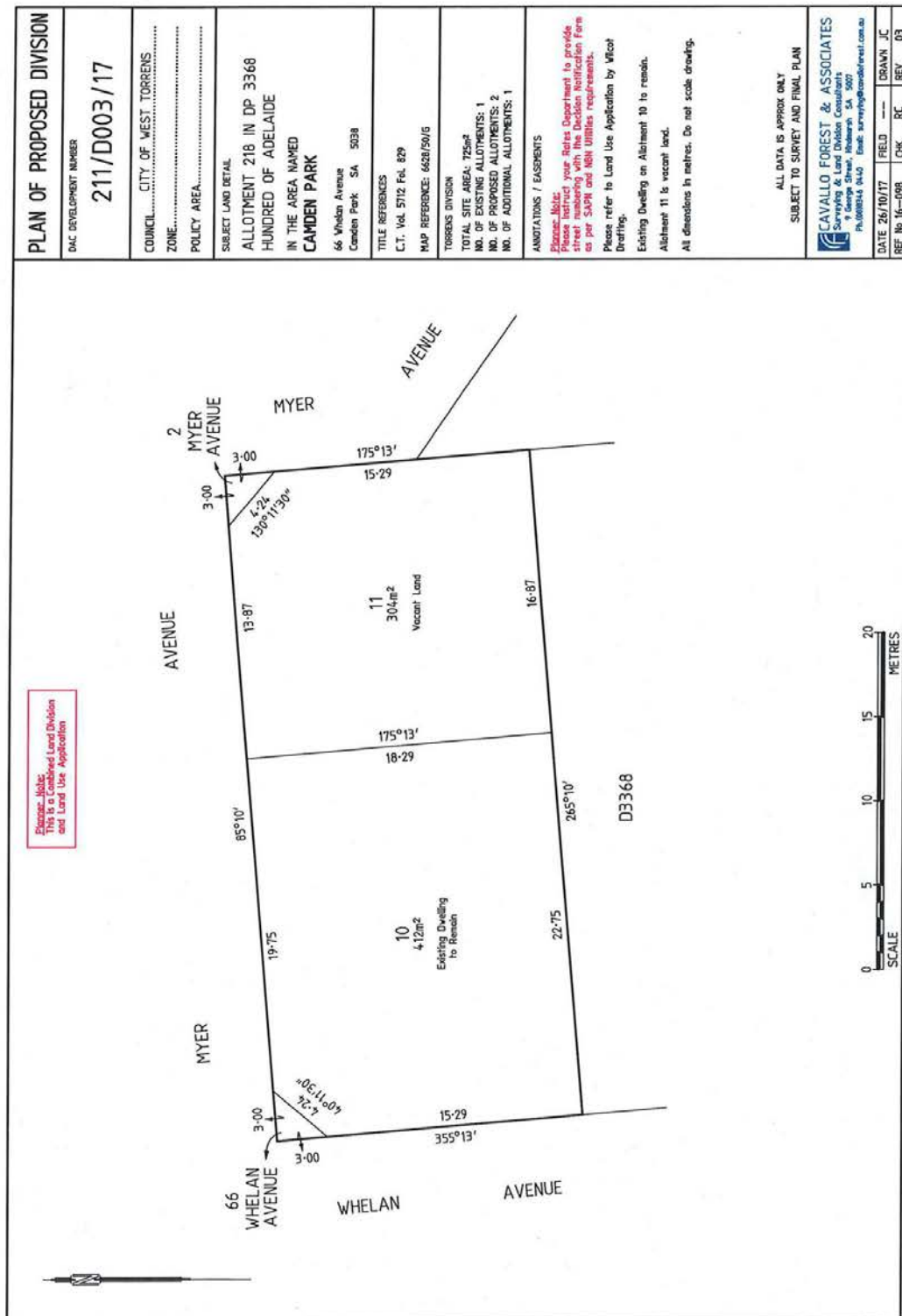
On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 May 2016 and warrants Development Plan Consent.

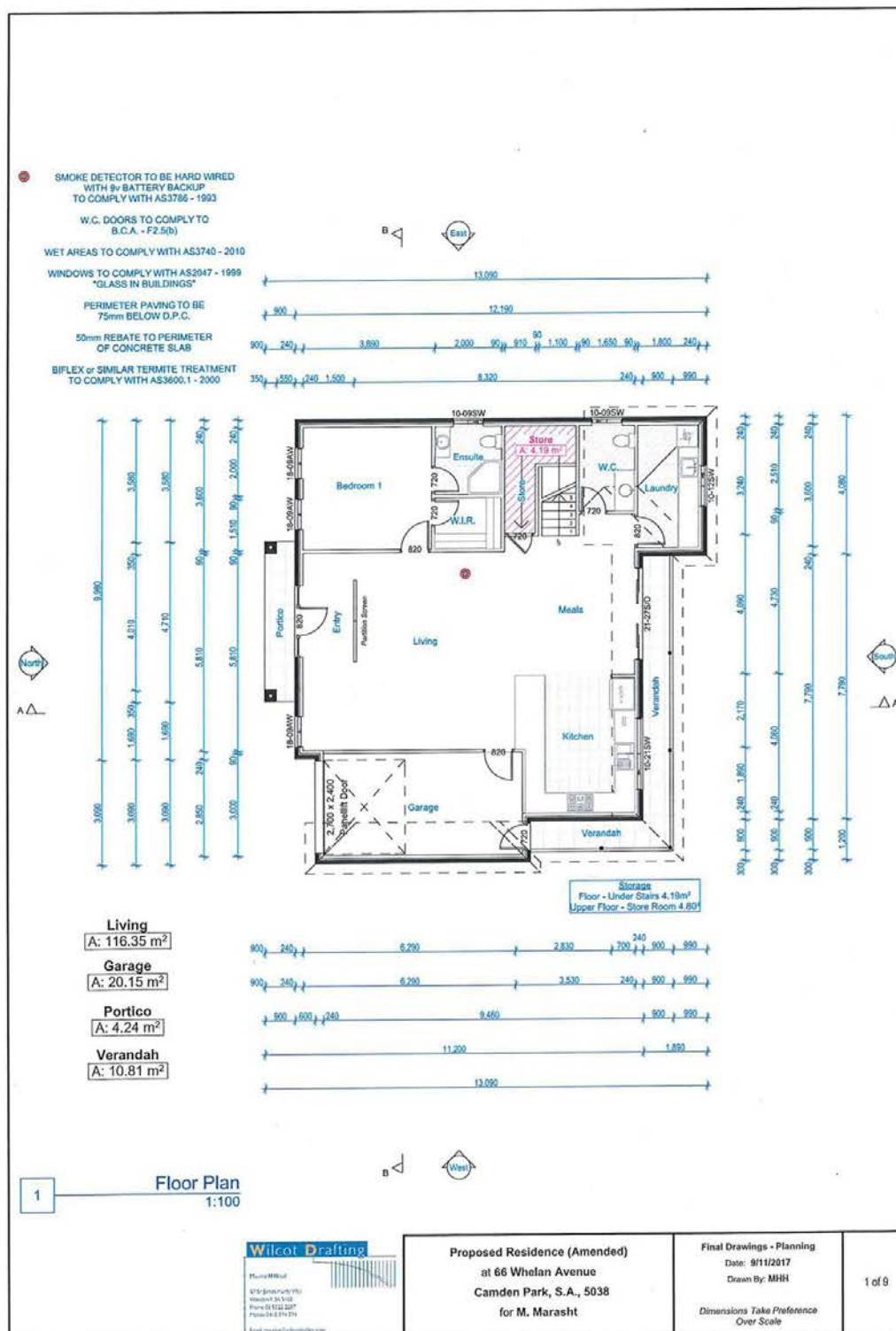
Attachments

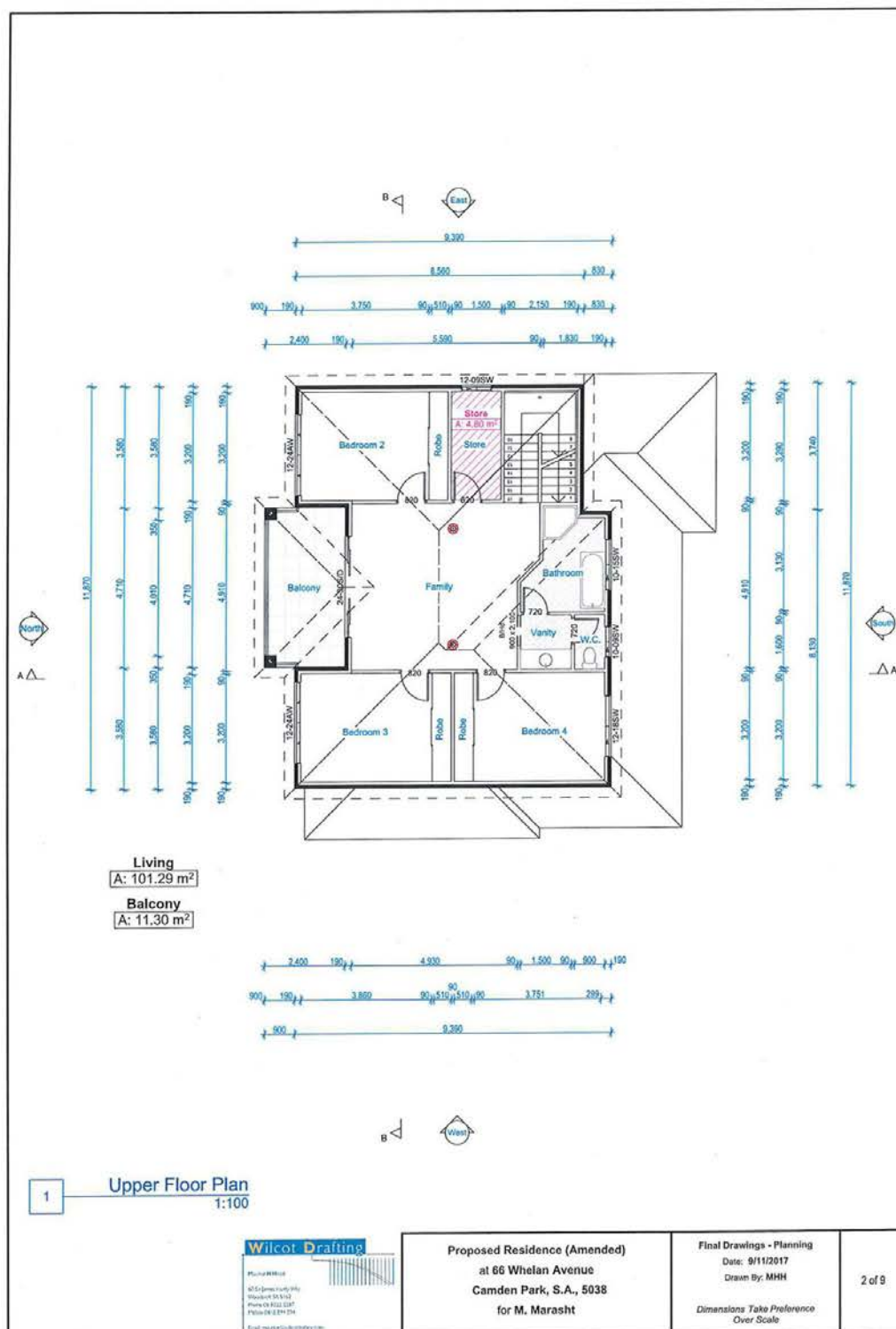
1. **Proposal plans**
2. **External and internal referrals**

Council Assessment Panel

Item 6.1 - Attachment 1

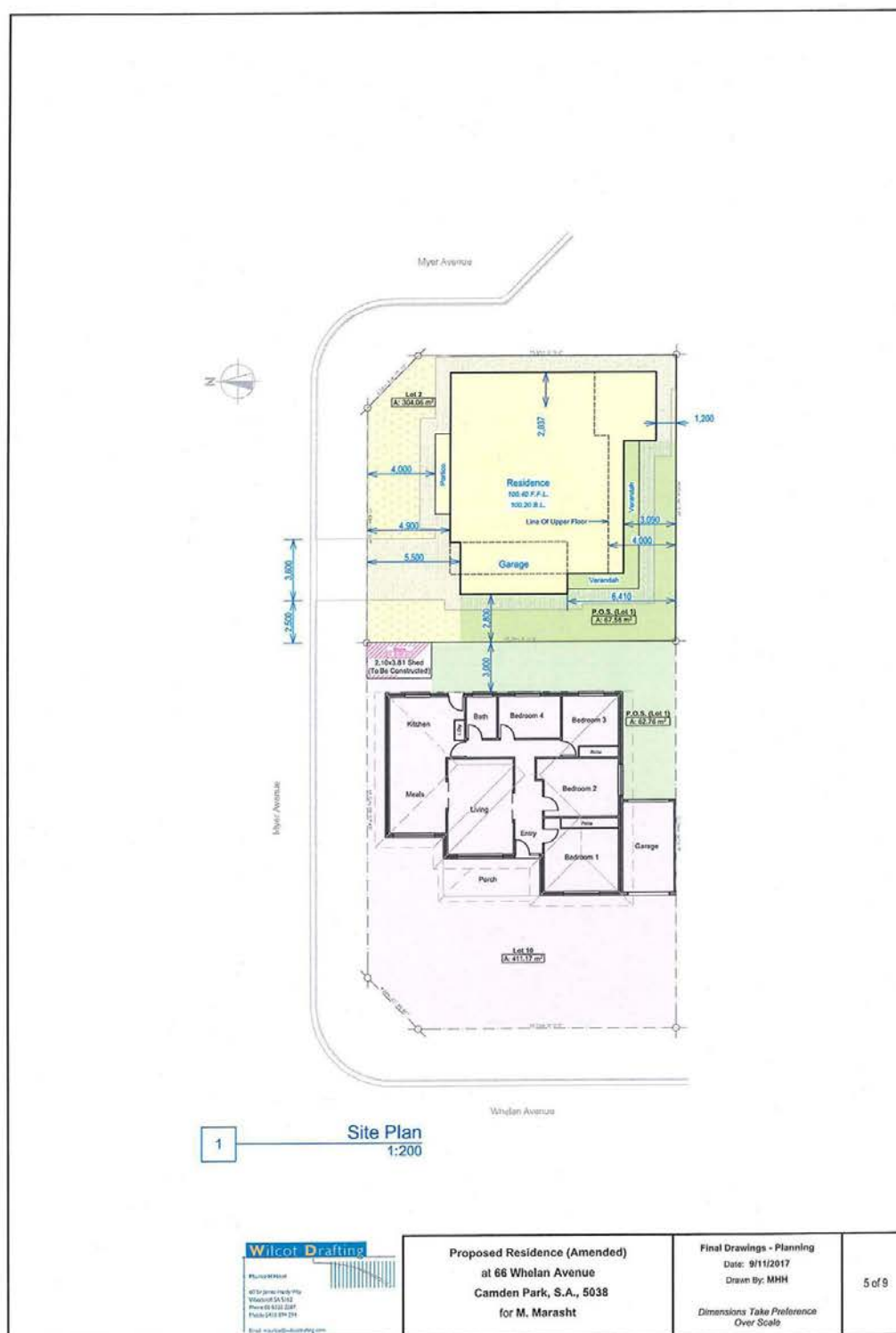


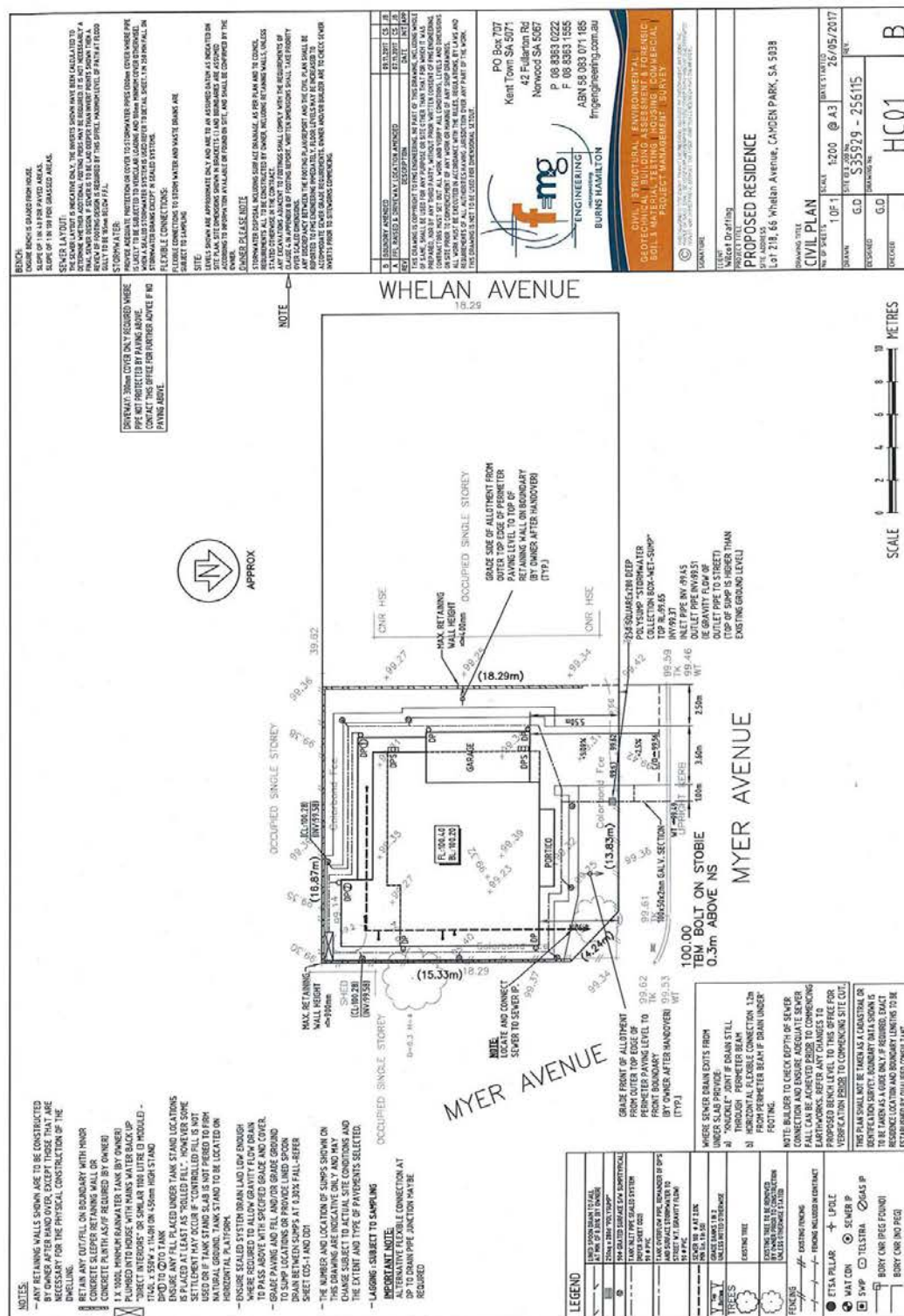


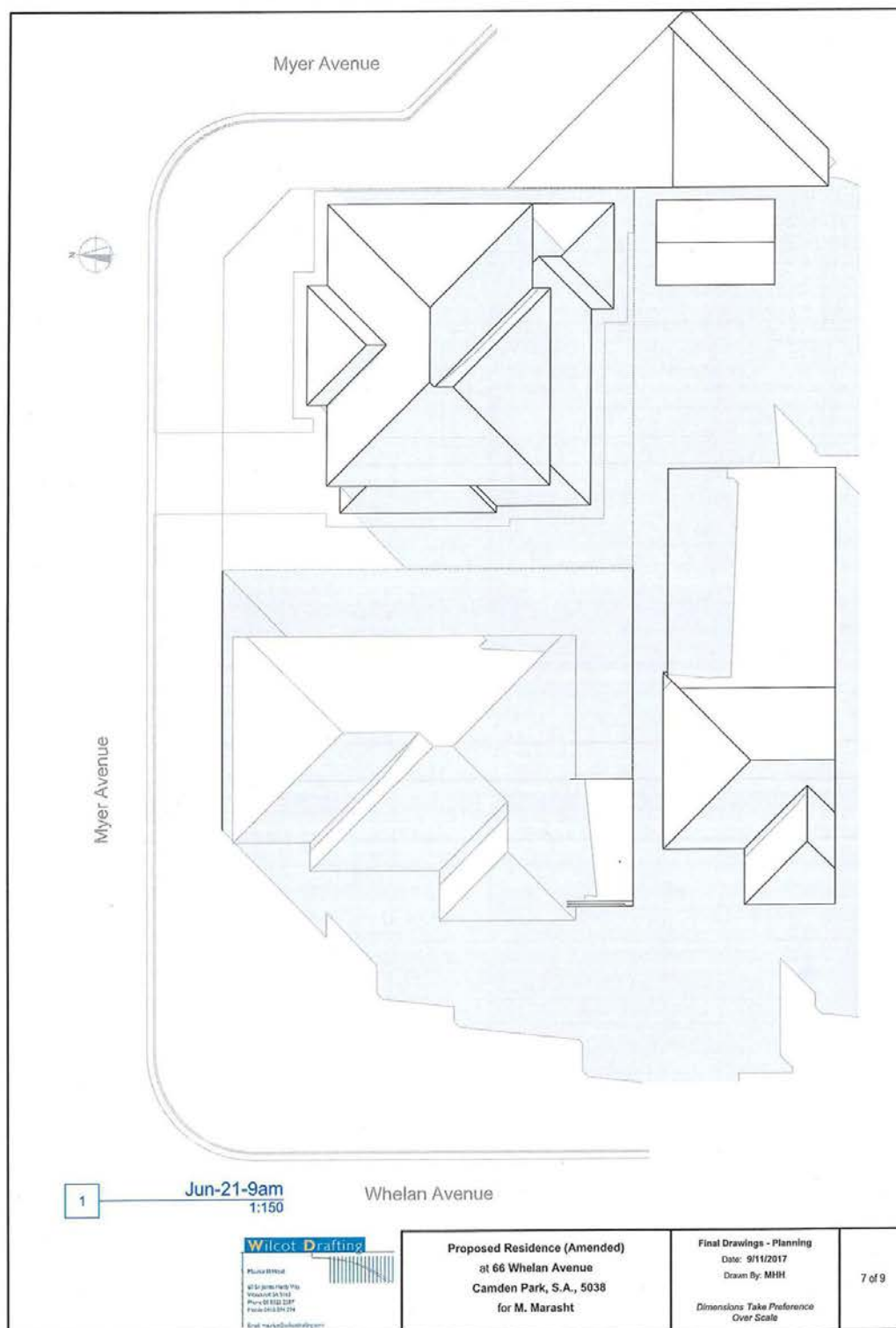


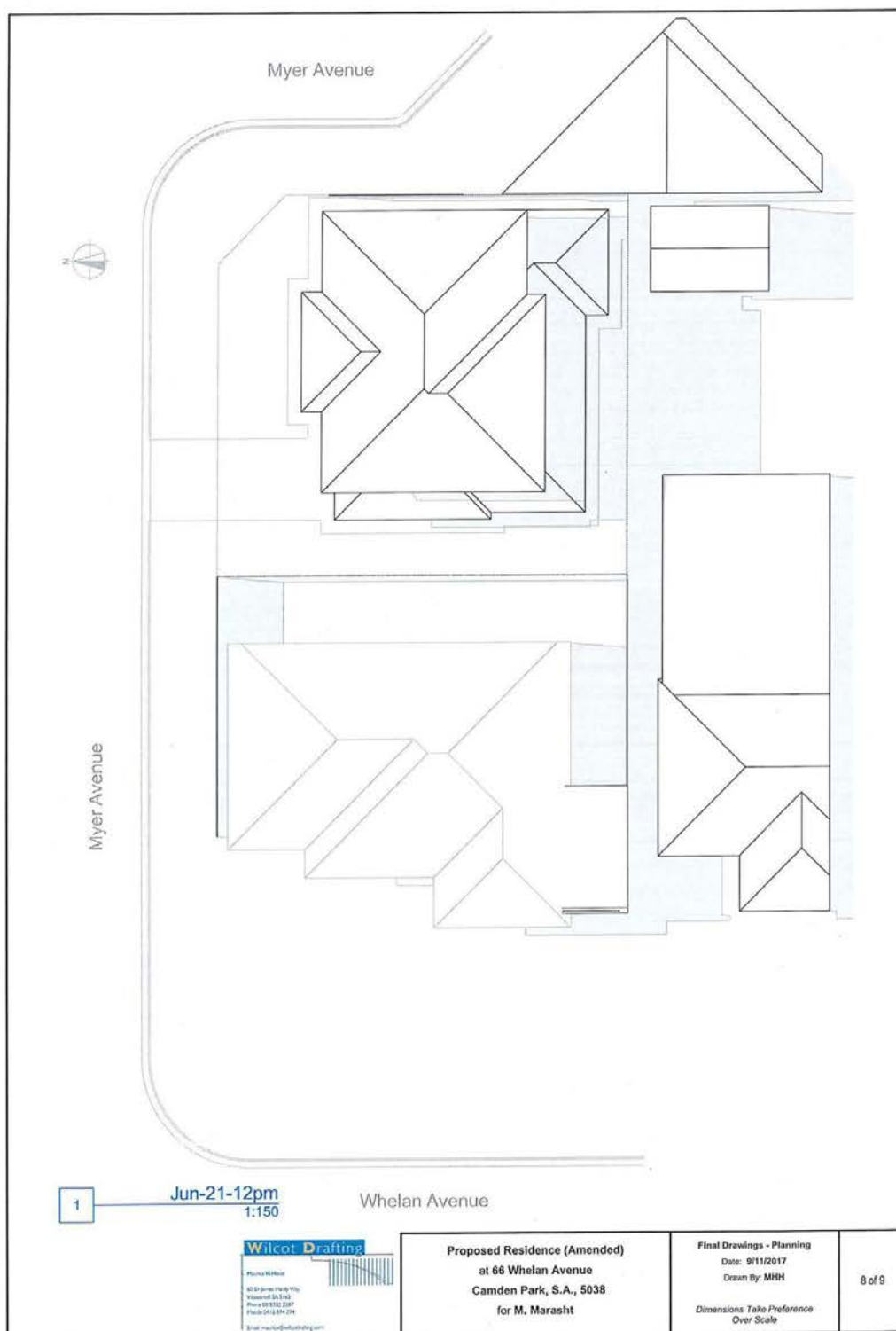


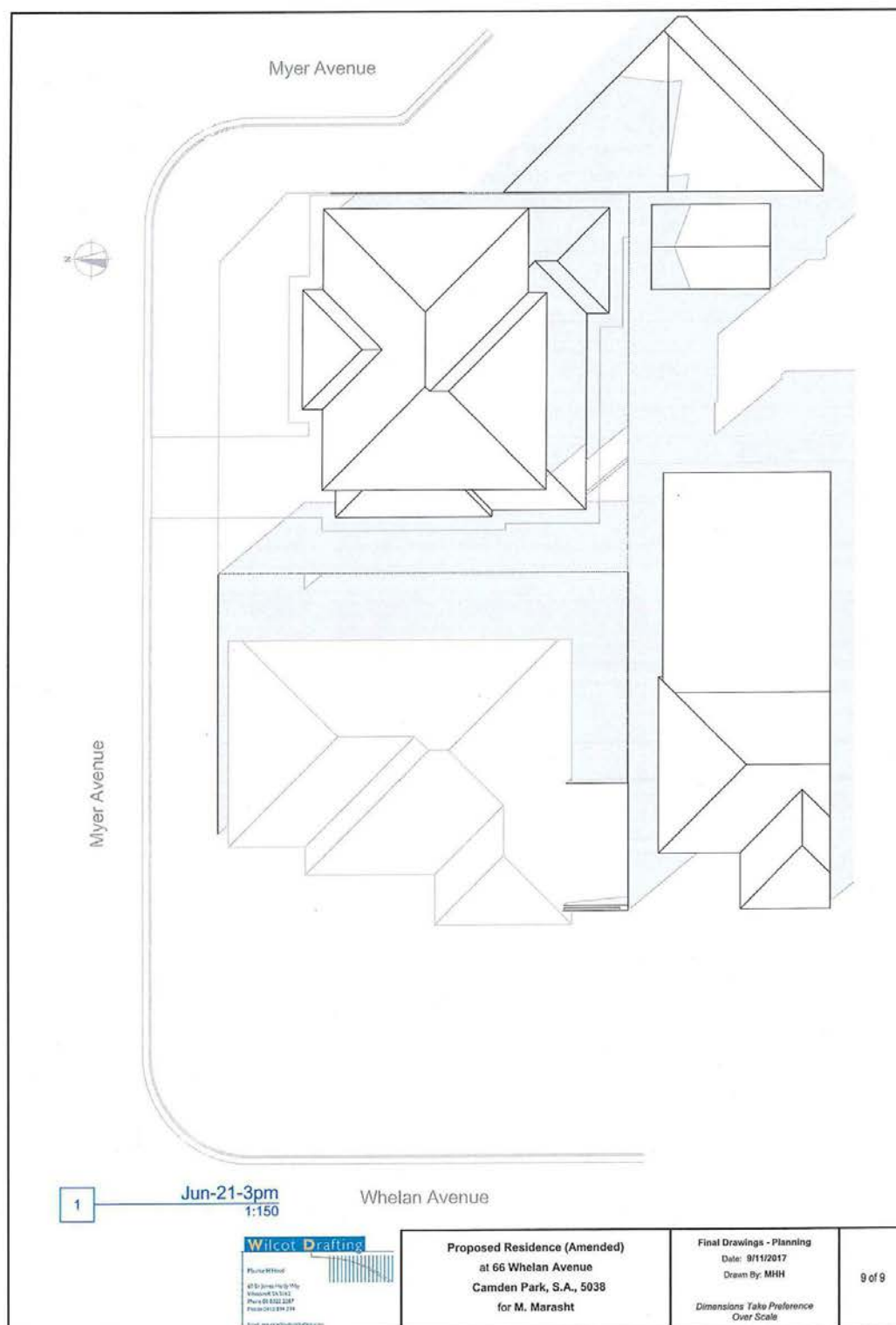












Council Assessment Panel

Item 6.1 - Attachment 2

Contact Customer Services
Telephone (08) 71097016



14 November 2017

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

Dear Sir/Madam

Re: **Proposed Application No. 211/D003/17 (ID 56834) Amended Plan 26.10.17
for Land Division by Mohammad Saadati Marasht**

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

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

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

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

1. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0054690).

 The internal drains shall be altered to the satisfaction of the SA Water Corporation.
2. Payment of \$6676 into the Planning and Development fund (1 allotment @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders 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.

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read "Brett Miller", written over a horizontal line.

Brett Miller
Team Leader – Planning Services
As delegate of the
DEVELOPMENT ASSESSMENT COMMISSION



07 June 2017

Our Ref: H0054690

The Chairman
Development Assessment Commission
136 North Terrace
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 211/D003/17 AT CAMDEN 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.

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

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

Yours faithfully

Wendy Hebbard

for MANAGER LAND DEVELOPMENT & CONNECTIONS

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



Memo

To Sonia Gallarello
From Jane Teng
Date 14 February 2017
Subject 211/1560/2016, 66 Whelan Avenue, CAMDEN PARK SA 5038

Sonia Gallarello,

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

1.0 General Finished Floor Level (FFL) Consideration

Council seeks to ensure that the FFL of all new development is protected from inundation when considering a 350mm stormwater flow depth in the adjacent street watertable.

This is typically achieved through establishing the FFL of new development a minimum of 350mm above the highest adjacent street water table.

In association with the above proposed development, no site or road verge level information has been provided and as such it is impossible to determine if the proposal will satisfy the above consideration.

Simply conditioning that a development satisfy this consideration can have its complications with regards to the ultimately required level of the development in relation to neighbouring properties and the related planning considerations this brings about. It may also bring about the necessity for alterations to the design of the development which are outside of the expectations of the applicant (for example; requiring step(s) up from existing buildings to additions).

It is recommended that appropriate site and adjacent road verge survey information be provided to correctly assess the required minimum FFL for this proposal.

2.0 Verge Interaction

2.1 In association with new development, driveways and stormwater connections through the road verge need to be located and shaped such that they appropriately interact with and accommodate existing verge features in front of the subject and adjacent properties.



New driveways and stormwater connections are required to be located a minimum 1.0 metre offset from other existing or proposed driveways, stormwater connections, stobie poles, street lights, side entry pits and pram ramps, etc. (as measured at the front property boundary).

These new features are also desired to be located a minimum of 2.0 metres from existing street trees, although a lesser offset may be acceptable in some circumstances. If an offset less than the desired 2.0 metres is proposed or if it is requested for the street tree to be removed, then assessment for the suitability of such will be necessary from Council's Technical Officer (Arboriculture).

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

- 2.2 It should also be nominated for the stormwater connection through the road verge area to be constructed of shape and material to satisfy Council's standard requirements

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

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

3.0 *Garage Dimensions, Setback and Traffic Manoeuvrability* ***(In reference to Floor Plan 1 of 6: Wilcot Drafting Date 28/11/2016)***

The internal garage length is currently proposed as 5.80m meets the traffic engineering best practice guides that the minimum internal length of an enclosed garage or enclosed carport space should be a minimum of 5.8m.

Currently the garage setback for dwelling 66 is setback 5.5m from the property boundary which meets the minimum requirement from the property boundary at 5.5m.

However, overall traffic manoeuvrability remains to be assessed pending on the applicant addressing the minimum requirements as detailed in Section 1.0

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



City of **West Torrens**

Between the City and the Sea

4.0 Stormwater Detention and Quality Requirements

No stormwater detention and water quality provisions is required for the site as the proposed development does not falls under the development category requiring stormwater discharge restriction and water quality treatment.

5.0 Corner Cut-off

Commonly on corner properties, a corner cut-off of 3.0m by 3.0m is required. Consequently, it is recommended that the corner cut-off along the north-south corner (fronting Myer Avenue) to be included to satisfy Council's requirements.

It is recommended that revised plans clearly show the correct corner cut off dimensions. Appropriate actions should be taken to ensure that the corner cut-off is secured for Council when any land division is approved.

Should you require further information, please contact Jane Teng on the following direct extension number 8416 6296.

Regards

Jane Teng
Civil Engineer

5 DISCLOSURE STATEMENTS

Nil

6 REPORTS OF THE ASSESSMENT MANAGER**6.1 66 Whelan Avenue, CAMDEN PARK**

Application No 211/49/2017

RECOMMENDATION

The Council 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. 211/49/2017 by Mr Mohammed Saadati Marasht to undertake Land division - Torrens Title; SCAP No. 211/D003/17 (Unique ID 56834); Create one (1) additional allotment and construction of a two storey detached dwelling with portico and single garage under main roof at 66 Whelan Avenue, Camden Park (CT 5712/829) subject to the following conditions of consent:

DEVELOPMENT PLAN CONSENT**Council Conditions**

1. The development must be undertaken and completed in accordance with the plans prepared by Cavallo Forest and Associates except where varied by any condition(s) listed below:
2. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:-
 - a) result in the entry of water into a building; or
 - b) affect the stability of a building; or
 - c) create unhealthy or dangerous conditions on the site or within the building; or
 - d) flow or discharge into the land of an adjoining owner; and not flow across footpaths or public ways.
3. That any retaining walls be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
4. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
5. That all planting and landscaping will be completed within three (3) months of the commencement of the use of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.
6. External material and finishes must be non-reflective.
7. The southern elevation of the dwelling proposed on allotment 2 shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level and to minimise the potential for overlooking of adjoining properties.

*LAND DIVISION CONSENT***Council Conditions**

1. That prior to the issue of clearance to this division approved herein, the existing structures shall be removed from proposed allotment 11.

State Commission Assessment Panel and SA Water Corporation Conditions

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

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

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

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

3. Payment of \$6,676 into the Planning and Development Fund (1 allotment(s) @ \$6,676/allotment).

Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Commission Assessment Panel marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate Purposes.

5.07pm W Stokes entered the meeting.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the application be deferred for the following reasons:

- Concerns regarding site area
- Overshadowing
- Side and rear setbacks
- Private open space
- Residential Development section Principles of Development Control 11, 12 and 19

6.11 6 Torrens Avenue, LOCKLEYS

Application No 211/90/2018

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|---|
| DEVELOPMENT PROPOSAL | Removal of a significant tree - <i>Quercus illex</i> (Holm Oak) |
| APPLICANT | Mark McInerney |
| APPLICATION NO | 211/90/2018 |
| LODGEMENT DATE | 30 January 2018 |
| ZONE | Residential Zone |
| POLICY AREA | Low Density Policy Area 21 |
| APPLICATION TYPE | Merit |
| PUBLIC NOTIFICATION | Category 1 |
| REFERRALS | Internal <ul style="list-style-type: none"> ▪ Calypso Tree Co External <ul style="list-style-type: none"> ▪ Nil |
| DEVELOPMENT PLAN VERSION | 19 December 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council 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 and Development Approval for Application No. 211/90/2018 by Mark McInerney to undertake the removal of a significant tree - *Quercus illex* (Holm Oak) at 6 Torrens Avenue, Lockleys (CT 6183/337) for the following reasons:

The proposed development is contrary to the following provisions of the West Torrens Council Development Plan consolidated 19 December 2018:

- General Section - Natural Resources Principles of Development Control 28
Reason: The tree is important to the local habitat for foraging and shelter of native fauna.
- General Section - Significant Trees Objectives 1 and 2(a)(d)
Reason: The subject tree provides an important aesthetic and environmental benefit which significantly contributes to the locality.
- General Section - Significant Trees Principles of Development Control 2
Reason: The subject tree is not diseased and does not pose a risk to public safety. The subject tree is not causing any structural damage to a building.

BACKGROUND

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

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

PREVIOUS RELATED APPLICATIONS

- DA 211/1046/2015** - Land Division - Torrens Title: Create One (1) additional allotment - Granted Development Approval 18 February 2016
- DA 211/900/2015** - Demolition of existing dwelling and shed - Granted Development Approval 20 August 2015
- DA 211/899/2015/A** - Construction of a two storey detached dwelling - Variation - Increase ground and upper level floor plan by 14.5m² and remove cellar - Granted Development Approval 30 October 2017 August 2016
- DA 211/899/2015** - Construction of a two storey detached dwelling - Granted Development Approval 17 August 2016
- DA 211/1260/2013** - Prune Significant Tree - Quercus ilex (Holm Oak) - Granted Development Approval 19 November 2013

SITE AND LOCALITY

The subject land is formally described as Allotment 10 Deposited Plan 114000 in the area named Lockleys Hundred of Adelaide, Volume 6183 Folio 337, more commonly known as 6 Torrens Avenue, Lockleys. The subject site is predominantly rectangular in shape with a 12.75 metre wide frontage to Torrens Avenue, a depth of 51.82m and an overall site area of 659.53m².

The allotment was previously granted approval for a land division in February 2016 to create one additional allotment and the tree was to be retained. The subject site is a residential allotment with a two storey detached dwelling currently under construction. There are two significant trees located on the site, one along the eastern boundary and the subject tree which is located along the western boundary. The subject tree can be seen in Council's aerial image, refer to Image 1.

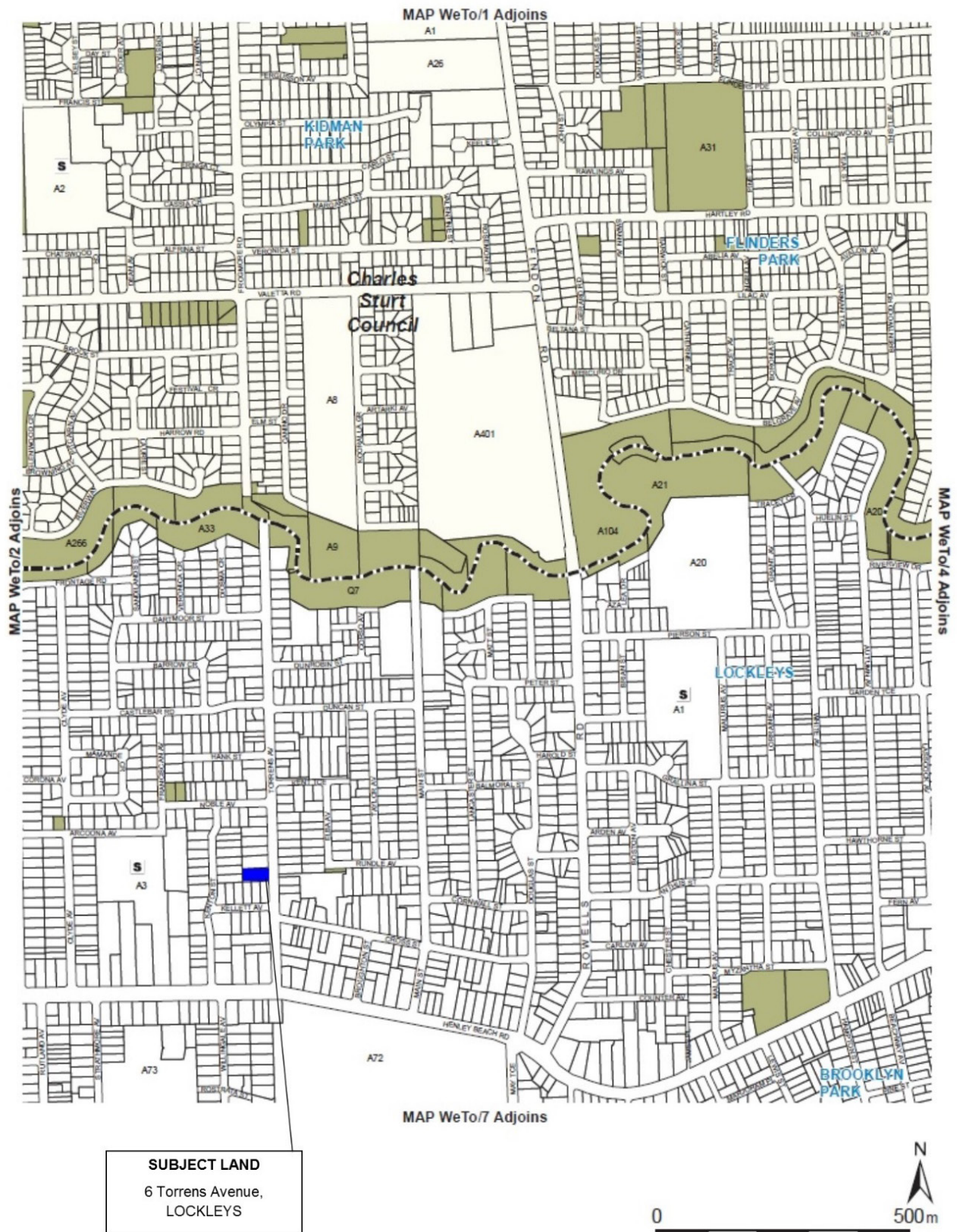
Image 1: Council Areil Image 1979



The locality is residential in nature containing a variety of dwelling types within the immediate locality that include detached, row and group dwellings and residential flat buildings. Front gardens are well landscaped and there are a number of mature trees located within the road verge.

The subject site and locality are shown on the following maps:





Location Map WeTo/3

WEST TORRENS COUNCIL
Consolidated - 6 February 2018

PROPOSAL

The application seeks the removal of a significant tree *Quercus illex*, more commonly known as a Holm Oak tree, at the rear of the site at 6 Torrens Avenue, Lockleys.

The applicant has requested the removal of the significant *Quercus illex* after concerns from neighbours were raised. The neighbours' concerns include the extended branch in close proximity to the dwelling, gutters being blocked up by foliage, recurrent suckers and intrusions into the rear yard and safety concerns from falling branches.

A copy of the relevant plans supplied 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 1993* and *Development Regulations 2008* and Residential Zone, Procedural Matters.

REFERRALS

Internal

Consulting Arborist Calypso provided a report on 11 February 2018. The subject tree is an excellent representative of its species and, due to its health and long life expectancy, has a high visual amenity. The subject tree is important for local habitat of native fauna.

The *Quercus illex* is well structured and not subject to sudden limb failure. On inspection a minor amount of deadwood is located within the upper canopy and there were no visible signs of fungal fruiting bodies, active pests or diseases noted. The risk in relation to the tree is considered broadly acceptable.

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

ASSESSMENT

The subject land is located within the Residential Zone and more particularly Policy Area 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> | | |
|------------------------|-----------------------------------|----------|
| Natural Resources | Objectives | |
| | Principle of Development Control | 29 |
| Significant Trees | Objective | 1 & 2 |
| | Principles of Development Control | 1, 2 & 3 |

| | |
|---|----------|
| 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 | 4 |
| Principles of Development Control | 5 |

| | |
|---|----------|
| Policy Area | |
| Desired Character Statement: | |
| <p><i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p> | |
| Objectives | 1 |
| Principles of Development Control | 2 |

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

It should be noted the application was submitted by Mr Mark McInerney, owner of the property, due to the concerns raised by his neighbours to the west of the subject site. Submitted with the application were three letters, one from Mr McInerney and two from the neighbours at 14 and 16 Kenton Street, Lockleys. Given the application was not subject to any public notification it is therefore not appropriate to consider the written submissions from the adjoining property owners in the assessment of the application. Notwithstanding this, issues relating to the overall risk of the tree will be duly considered as part of the assessment against the Development Plan.

Significant Trees

General Section - Significant Trees, Objectives 1 and 2 state:

1. *The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.*
2. *The conservation of significant trees in balance with achieving appropriate development.*

The subject tree is considered to provide an important aesthetic and environmental benefit to the area. While *Quercus ilex* (Holm Oak) is not a locally indigenous or endangered species, it provides an important habitat for native fauna.

Image 2: Subject Tree seen from Torrens Avenue.



General Section - Significant Trees, Principle of Development Control 1 states:

1. *Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:*
 - (a) *makes an important contribution to the character or amenity of the local area; or*
 - (b) *is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species;*
 - (c) *represents an important habitat for native fauna;*
 - (d) *is part of a wildlife corridor of a remnant area of native vegetation;*
 - (e) *is important to the maintenance of biodiversity in the local environment;*
 - (f) *forms a notable visual element to the landscape of the local area.*

The table below considers these points:

| | |
|--|------------|
| a) Does the tree make an important contribution to the character or amenity of the local area? | Yes |
| b) Is the tree indigenous to the local area and is its species listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species? | No |
| c) Does the tree represent an important habitat for native fauna? | Yes |
| d) Is the tree part of a wildlife corridor of a remnant area of native vegetation? | No |
| e) Is the tree important to the maintenance of biodiversity in the local environment? | No |
| f) Does the tree form a notable visual element to the landscape of the local area? | Yes |

It is prudent to note that in *Prestige Wholesale v City of Burnside*, the Environment, Resources and Development (ERD) Court held that the initial questions to ask in respect to a significant tree are whether the tree makes an important contribution to the local character or amenity of the local area, or whether it forms a notable visual element to the landscape of the local area. In that decision, the ERD Court held that if these issues are determined in the negative, it is not necessary to go further with the assessment and removal is warranted.

Due to the height of the subject tree, it is readily visible from Torrens Avenue, Kellett Avenue and Kenton Street, it is considered to form a notable visible element of the public realm. It worth noting when the locality is viewed from the public realm, in addition to the subject tree a second significant tree is also visible. This second tree is located on the subject site along its eastern boundary. The subject tree is particularly notable as it is only one of two trees that form the only prominent vegetation within the locality.

The subject tree is not considered to be part of a wildlife corridor, however, at the time of inspection, dozens of avian species were present. Furthermore, the subject tree is important part of the local habitat as it provides shelter for native fauna.

General Section - Significant Trees, Principle of Development Control 3 states:

3. *Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:*
 - (a) *in the case of tree removal, where at least one of the following apply:*
 - (i) *the tree is diseased and its life expectancy is short*
 - (ii) *the tree represents an unacceptable risk to public or private safety*
 - (iii) *the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area*
 - (b) *the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value*

- (c) *all other reasonable remedial treatments and measures have been determined to be ineffective*
- (d) *it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring*
- (e) *in any other case, any of the following circumstances apply:*
 - (i) *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*
 - (ii) *the work is required due to unacceptable risk to public or private safety*
 - (iii) *the tree is shown to be causing or threatening to cause damage to a substantial building or structure of value*
 - (iv) *the aesthetic appearance and structural integrity of the tree is maintained*
 - (v) *It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.*

The table below considers these points:

| | |
|--|-----------|
| Is the tree diseased and its life expectancy short? | No |
| Does the tree represent an unacceptable risk to public or private safety; | No |
| Is the tree within 20m of a residential, tourist accommodation or habitable building and is it a bushfire hazard within a Bushfire Prone Area; | No |
| Is the tree shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; | No |
| Have all other reasonable remedial treatments and measures been determined to be ineffective | No |
| Has it been demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring | No |
| In any other case, do any of the following circumstances apply: | |
| i) The work is required for the removal of dead wood, treatment of disease, or is in the general interest of the health of the tree | No |
| ii) The work is required due to unacceptable risk to public or private safety | No |
| iii) The tree is shown to be causing or threatening to cause damage to a substantial building or structure of value | No |
| iv) The aesthetic appearance and structural integrity of the tree is maintained | No |
| v) It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring | No |

As can be seen, the criteria set out under PDC 3 have not been met. The Calypso report identified the subject tree is an outstanding representative of its species due to its excellent overall health, symmetrical structure and long life expectancy. The tree shows evidence of pruning work, most likely to lift the lower branches. A minor amount of deadwood was found within the upper canopy. The subject tree's major branch junctions appear sound and well-structured and the large diameter tree stem has good buttressing and root flare at ground level. *Quercus ilex* are not subject to sudden limb failure and are considered to be appropriate species to have within residential properties as they provide shade and shelter. The subject tree showed no visible signs of fungal fruiting bodies, active pests or diseases. Its foliage colour was good and its density was typical of its species. If the site conditions remained conducive to the tree's health, its life expectancy is estimated to be in excess of 50 years.

Image 3: Subject tree, viewed from the east. Shows excellent growth structure and outstanding visual amenity.



Source: Calypso referral report

Any future development planned for 6A Torrens Avenue, Lockleys can utilise appropriate design and construction techniques while retaining the significant tree. Long-term management, such as maintenance pruning, is sustainable and therefore retention is warranted and recommended.

SUMMARY

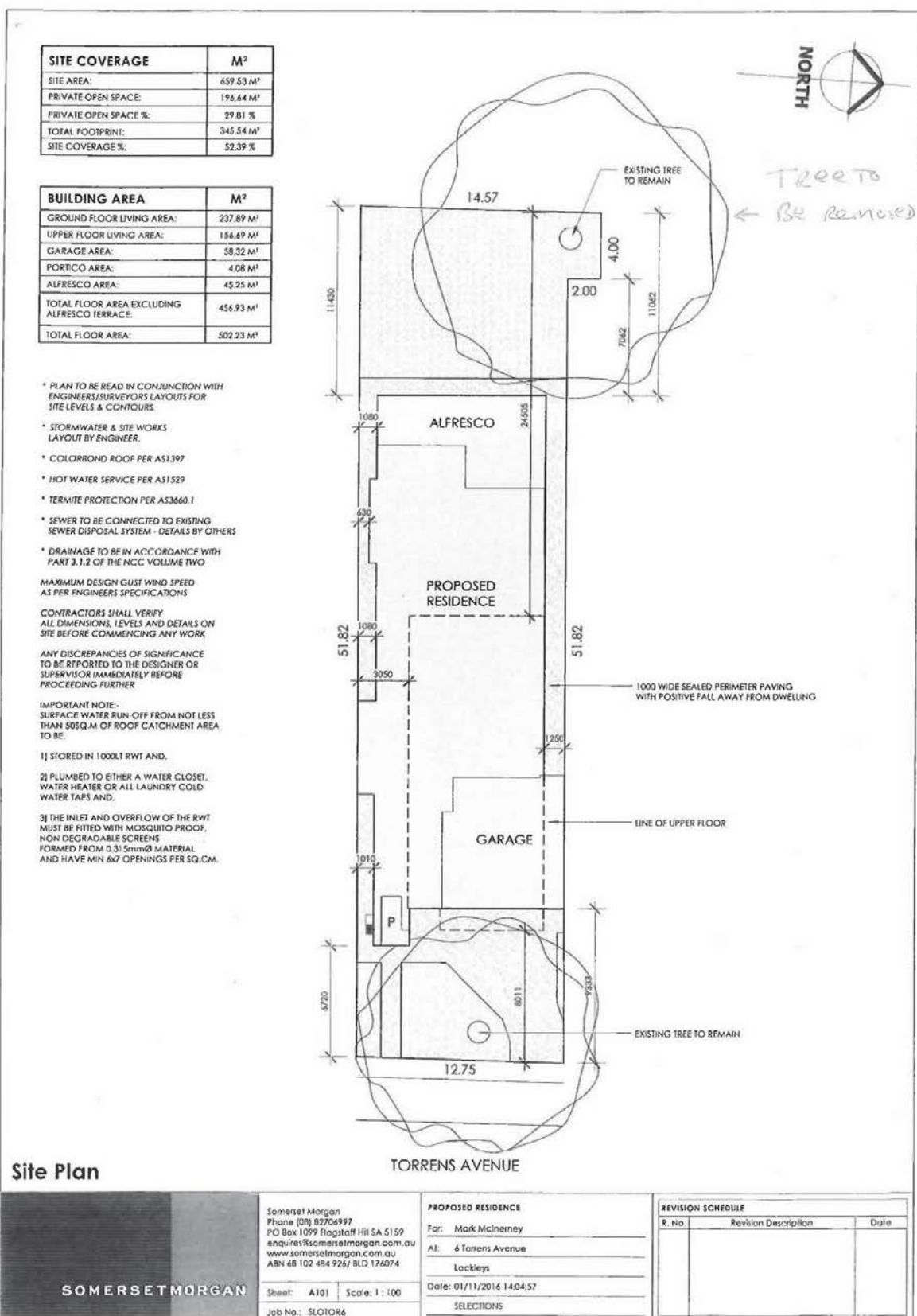
The subject tree is an excellent representation of its species due to its visual amenity, good overall health and long safe life expectancy. Its removal would be unjustified.

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 accord with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 19 December 2017 and does not warrant Development Plan Consent.

Attachments

- 1. Site Plan**
- 2. Applicant Arborist report**
- 3. Consulting Arborist report**





Phone 0416929717
Fax 8395 9024
9 Armiger Court
Holden Hill
SA 5088

consultant@treevision.com.au

Written by:
Duncan McGregor
BSc For, AATech Cert, MICFor

Preliminary Arboricultural Report and Arboricultural Impact Assessment



Prepared For: **Mark McInerney**
Site Location: **6 Torrens Avenue, Lockleys SA 5032**
Council Area: **City of West Torrens**

Wednesday 14 October 2015

Pre-Development Arboricultural Assessment

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1.0 Introduction

This tree survey report and arboricultural impact assessment relates to two trees growing on a residential development site at 6 Torrens Avenue, Lockleys SA 5032.

The report has been commissioned by Mark McInerney in support of a development for a proposed new residential dwelling at 6 Torrens Avenue, Lockleys. This report relates directly to the implications of a proposed new residential development in close proximity to two significant trees.

The survey and report set out to achieve the following objectives:

- To briefly assess the current condition of two significant trees at the front of the site on the eastern and western boundaries of the site.
- To assess the suitability of retention of the trees on site in relation to AS 4970-2009, Protection of Trees on Development Sites.
- To assess the arboricultural implications of the proposed development.

The survey has been based on a visual inspection of the tree carried out from the ground by Mr Duncan McGregor on 29 October 2015. Weather at the time of the survey was dry and overcast.

The inspection was carried out from within the confines of the site and adjacent public highways. Neighbouring property was not entered.

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1.1 Caveat Emptor

This report is the result of an arboricultural inspection of both the site and trees in question.

The trees were inspected from ground level; a climbing inspection was not performed.

An assessment of the current condition of the trees is made and any issues relating to the trees' current health and structural integrity in view of any proposed development and the impact that may affect public safety, structures of value or loss of amenity value are brought forward.

These findings are interpreted and the best course of action to abate these concerns is provided.

No subsurface inspection was conducted and no soil samples were taken for analysis.

No decay detection equipment was used in assessment of the tree and no tissue samples taken for analysis.

This report is limited to the time of inspection and reflects the tree as found on the day of assessment. Modifications and changes to the site conditions or surrounding environment due to impacts from construction work; landscaping, weather and pruning works or other issues may alter the findings of this report.

The findings presented in this assessment are limited to no more than two months upon receipt of this report. Any modification to the site, development proposal or the tree itself will render the findings of this report inaccurate.

All information contained within this report is predicated on material, documents and plans made available by the client or other parties and deemed to be from an accurate source. Tree Vision Arboricultural Consultants hold no responsibility for inaccuracies within the materials or information provided.

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2.0 Tree Survey Methodology

Two significant trees on the site have been surveyed in detail. A number of other small trees were observed but were not surveyed in detail.

A total of two (2) trees were surveyed. The other trees observed on site are not considered protected trees and as such they will be removed prior to start of construction works.

The subject trees have been deemed 'Significant' trees pursuant to the definition contained within the SA Development Act 1993. The subject trees have been identified as potentially being impacted by the proposed development and further have been highlighted for retention into the new design proposal and are integral to the overall development.

The penalties for non-compliance, in relation to 'significant trees', for performing any damaging activity (including removal) without first obtaining Council approval may result in prosecution under the provision of the SA Development Act 1993. The Act further states that the person or party who 'causes, suffers or permits' the illegal work will be held responsible for the breach. Fines of up to \$120,000 may apply.

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3.0 Site Description

3.1 Site Boundaries and Location



Figure 1 – showing site location in relation to major arterial, residential roads.



Figure 2 - below shows an aerial image of the development site taken in January 2010. The approximate boundaries of the site are indicated in red.

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3.2 Tree Cover

The trees that are the subject of this assessment are noticeable specimens on the site and provide an important contribution to street scape and amenity in the locality. The trees and others in the vicinity are considered to be maturing and as such new tree planting should be considered in order to ensure a sustainable tree population on the site.

The subject trees have been deemed 'significant' under the terms and definitions of the SA Development Act 1993.

The subject trees have been integrated into the design of the proposed development and consideration has been given to their successful retention on the site.



Figure 3 - shows an aerial image of the site subject to survey and assessment taken in January 2010. The approximate location of the subject trees are indicated in red.

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4.0 Tree Health and Condition

A number of issues concerning tree health and condition were identified and apparent from the inspection. These are identified and highlighted below. Recommendations for remedial action are made in section 5.

a) Decay and Wounds

No major areas of decay were observed within the subject trees. A number of pruning wounds were observed, particularly in tree 2 and it is considered that these are associated with historic remedial arboricultural works to crown lift the tree over the adjacent properties, the public road and pavement. At present these appear sound and are occluding well.

b) Structural Defects

No major structural defects were observed during the inspection.

c) Crown Symmetry and Suppression

The crown symmetry of both trees is fairly even in each of the four cardinal points. It is clear both trees have developed full unrestricted crowns.

d) Stress and Low Vigour

The subject trees do not display any outward signs of stress, low or reduced vigour.

e) Deadwood

There is large diameter (>25mm) deadwood present within the crowns of both trees. Where deadwood does occur it tends to be mainly a natural feature associated with the ageing process and excessive shade.

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f) Trees in Close Proximity to Housing and Infrastructure

Tree number 1 is located at the front of the property, on the eastern boundary and is overhang the public pavement and road. Tree number 2 is located in the rear garden of the property on the western boundary approximately 13 metres from the existing residential property at 6 Torrens Avenue. Tree number 2 also overhangs a neighbouring shed to the rear of the property.

g) Excessive vegetation

Extensive vegetation growth at the base of Tree Number 1 meant that a full and detailed basal inspection was not able to be completed.



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4.1 Tree Inspection and Assessment

Tree 1

| Tree Number | Species | Height (m) | Circumference (m) | Diameter at 1.4m (cm) | Canopy Spread | Age Class | Physiological Condition | Structural Condition | Preliminary Management Recommendations | Life expectancy (years) | Comments |
|-------------|---|------------|-------------------|-----------------------|------------------------------------|-----------|-------------------------|----------------------|--|-------------------------|--|
| 1 | <i>Eucalyptus camaldulensis</i> / River Red Gum | 20 | 4.40 | 140 | N - 11 S - 9 E - 12 W - 9 | M | Fair | Fair | Remove large diameter deadwood | 40+ | Extensive thick vegetation at the base of the tree |

Health andVigour:

The tree is in fair health. Foliage distribution, density, colour and size are normal. Tree vigour is fair; evident due to the new branch extension.

Structure/Stability:

The tree's main stem architecture is a single stem to approximately 2.5 metres where the tree forks into 5 (five) main stems. The crown structure of the tree also appears sound and free from major structural defects

ManagementHistory:

It appears that there has been some historic past management of this tree to mainly crown lift over the adjacent pavement and roadway. Other pruning for the removal of deadwood was also observed.

Recommendations:

It is recommended that the tree is retained and the large deadwood removed.



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Tree 2

| Tree Number | Species | Height (m) | Circumference (m) | Diameter at 1.4m (cm) | Canopy Spread | Age Class | Physiological Condition | Structural Condition | Preliminary Management Recommendations | Life expectancy (years) | Comments |
|-------------|--------------------------------|------------|-------------------|-----------------------|-------------------------------------|-----------|-------------------------|----------------------|--|-------------------------|---------------------------------|
| 2 | <i>Quercus ilex</i> / Holm Oak | 17 | 4.58 | 176 | N - 9 S - 10 E - 11 W - 10 | M | Fair | Fair | No works required | 20+ | Epicormic growth in lower crown |

Health and**Vigour:**

The tree is in fair health. Foliage distribution, density, colour and size are normal. Tree vigour is fair; evident due to the new branch extension and epicormic growth

Structure/Stability:

The tree's main stem architecture is a single stem to approximately 1.7 metres where it forks into five main stems. The crown structure of the tree appears sound and free from major structural defects.

Management**History:**

It appears that there has been some historic past management of this tree to mainly crown lift over the adjacent property to the rear. A limb was removed and the resulting wound appears to be occluding well and epicormic / adventitious shoots can be seen growing from this wound.

Recommendations:

It is recommended that the tree is retained.



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5.0 Preliminary Recommendations

The following recommendations are made in the interests of good arboricultural management and should be undertaken regardless of any development proposals. A timescale for undertaking these works is also provided.

All recommendations are consistent with the guidance provided by Australian Standard AS 4373 – 2007: Pruning of Amenity Trees.

5.1 Pruning

It is recommended prior to any construction works commencing on the site remedial arboricultural works are completed.

- The existing large diameter (greater than 25mm) deadwood is removed from Tree Number 1.
- No tree works are recommended for Tree Number 2 at this time.

5.2 Arboricultural Standards

All tree removal and pruning should be undertaken by a suitably qualified, experienced and insured Arborist to Australian Standard 4373 -2007 '*Pruning of amenity trees*'. Where Council approvals are required this is noted.

5.3 Risk Management of Trees

All the trees within the site are considered to be within an area of frequent public access and should accordingly be the subject of regular inspections.

It is recommended this is carried out at least once a year or in the aftermath of severe storms and should be carried out by a suitably qualified, experienced and insured Consulting Arborist.

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6.0 Arboricultural Impact Assessment

This report has been produced for the purpose of providing best practice guidelines for tree protection measures in accord with Australian Standard 4970-2009 'Protection of trees on development sites'.

6.1 Tree Protection Zones

The principle means of protecting trees on development sites is the Tree Protection Zone (TPZ). The TPZ is a combination of the root area and crown area of the tree(s) that requires protection. This area is isolated from construction disturbance in order to maintain the long-term viability of the tree(s). The TPZ incorporates the Structural Root Zone (SRZ).

The design proposal may require modifications to the TPZ in order to allow for the development. Encroachment within the optimal TPZ through trenching, excavation and compaction filling maybe possible although it is likely further investigative works will need to be undertaken in order to assess the potential impacts.

Should the overall area of encroachment into the TPZ be less than 10% of the total area and outside the SRZ then it is generally considered that the impact on the tree is minimal and within the tolerable limits of the tree and as such investigative root zone excavations may not be necessary. The area lost to this encroachment should be compensated for elsewhere and must be contiguous with the TPZ. Variations to the Tree Protection Plan must be made by the project arborist considering all relevant factors listed in clause 3.3.4 of the Australian Standard.

Should the design proposal require an encroachment of more than 10% into the total area of the TPZ or within the SRZ the project arborist must demonstrate that the tree will remain viable. The area lost to this encroachment should be compensated for elsewhere and must be contiguous with the TPZ. It is likely non-destructive diagnostic root zone excavations may need to be undertaken and consideration given to clause 3.3.4 of the Australian Standard.

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6.2 Structural Root Zone

The Structural Root Zone (SRZ) is a calculated area around the tree required for tree stability. The SRZ only needs to be calculated in the cases where major encroachment into the Tree Protection Zone (TPZ) is proposed.

Generally no development activities are permitted within this zone.

6.3 Tree Protection Zone Calculations

In order to calculate the Tree Protection Zone (TPZ) a measurement of the stem Diameter at applied:

$$DBH \times 12 = TPZ (Tree Protection Zone)$$

As stated in clause 3.2 of the Australian Standard AS 4970 that the maximum TPZ area should not be less than 2metres or more than a 15metre radius from the centre of the tree except in cases where crown protection is required.

In the case of palms, monocots, cyads and tree ferns the TPZ should not be less than 1 metre outside the crown spread of the tree.

The optimal Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) are measured radially from the centre of the tree.

Table 1: Tree Protection Zones

| | Tree No. 1 | Tree No. 2 |
|---------------------|--------------------|--------------------|
| TPZ (radius) | 15m | 15m |
| TPZ (area) | 707 m ² | 707 m ² |
| SRZ (radius) | 3.92m | 3.71m |

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6.4 Tree Protection Zone Encroachment Considerations

Encroachment into the Tree Protection Zone (TPZ) will be calculated based on information obtained from the plans provided by the client, the tree assessment, the site survey and guidelines contained within the standard.

The proposed lines of encroachment are calculated and the area of encroachment subtracted from the overall area of the optimal TPZ and a percentage result achieved. In this instance the total area of encroachment provided for under the Australian standard is shown below:

| Tree Number | Encroachment Area (m ²) | Encroachment Percentage | SRZ Encroachment |
|-------------|-------------------------------------|-------------------------|------------------|
| 1 | 71 m ² | 10% | Yes |
| 2 | 46 m ² | 6.5% | Yes |

Table 2: TPZ Encroachments

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6.4 TPZ Encroachment Discussion

Encroachment into the Tree Protection Zones (TPZ) of those trees to be retained is calculated based on the information obtained during the Arboricultural Assessment, the plans provided by the client, the tree assessment, the site survey and guidelines contained within the standard.

The proposed residential development at 6 Torrens Avenue, Lockleys will encroach within the Tree Protection Zones of both the subject trees. The approximate level of encroachment is detailed in Table 2 above.

Tree 1

The proposed footprint of the dwelling conflicts directly with the TPZ of Tree 1. The calculation shows the percentage of encroachment to be approximately 10% of the total area occupied by the TPZ. This is the total encroachment from the proposed building footprint. This is considered the maximum limit of the minor encroachment and it can be compensated for by off-setting the TPZ. The proposed dwelling is indicated as being outside the Structural Root Zone (SRZ) at approximately 6.7 metres away from the tree at it nearest point.

The proposed driveway and pavement crossover is considered to be in conflict with the TPZ of the tree and is currently shown as being within the SRZ of the subject tree. It is recommended that where possible the proposed footprint of the driveway be adjusted to reduce the impact on the SRZ. The use of porous paving surfacing to the new driveway will further reduce the impact on the subject tree and still allow for the filtration of water and gaseous exchange within the TPZ and SRZ.

Tree 2

The proposed footprint of the dwelling conflicts directly with the TPZ of Tree 2. The calculation shows the percentage of encroachment to be approximately 6.5% of the total area occupied by the TPZ. This is considered on minor encroachment and it can be compensated for by off-setting the TPZ. The proposed dwelling is indicated as being outside the Structural Root Zone (SRZ) at approximately 8.5 metres away from the tree.

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The crown spread of the tree, east towards the proposed dwelling is approximately 11 metres. The crown clearance here is approximately 6 metres and as such the crown of the tree will not conflict with the proposed roof height at the rear of the dwelling.

Dwelling

In order to ameliorate the potential impacts associated with the proposed development it is important the ground levels remain undisturbed at all times during the construction phase of the development. In this instance there is no intention to alter the ground levels. The site is generally flat and the topography will remain largely unaltered upon completion of the development.

Driveway

The formation of a new driveway and pavement crossover are considered to be in conflict with both the TPZ and SRZ of Tree Number 1. In order to ameliorate the potential impacts associated with the driveway and crossover formation it is important that the existing soil levels remain undisturbed at all times during the construction works and maintained in the long term to minimize changes to the trees surrounding the environment and avoid damage to the root system. It is further suggested that where possible the extent of the driveway and crossover be located outside of the SRZ of the Tree Number 1.

The driveway and crossover are to be constructed using an above existing grade non-compacting permeable paving solution, such as Ecotrihex. This is to be installed over a load spreading cellular confinement system founded a three dimensional geogrid on top of a geotextile base. The appropriate aggregate fill with no fines is to be used as per the final product requirements, manufacturers' recommendations and the project engineers' recommendations. Limestone products are not to be used due to the potential for pH. changes of the soil. The sub base is to be suitably engineered to suit the expected traffic volumes and loading. It will be necessary for the paving system to be retained using reinforced formed kerb stones constructed on a piered footing. The pier holes will need to be kept to a minimum size

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and excavated using nondestructive means such as a HydraVac. The excavations are to be assessed by the project arborist. It may be necessary to over engineer the kerb stones to allow for movement of the pier holes. The proposed paving solution is to provide the functionality required to protect the soil from compaction and to allow water penetration and gaseous exchange to occur. It will be necessary for the product and installation methodology to be reviewed by the project arborist in consultation with the project engineer.

It is further recommended that all of the proposed paving at the front of the property be formed using the similar products and the same methods as described above.

Site Access

The main site access is to the north east of the tree number 1. It will be necessary to install temporary ground protection where it dissects the TPZ of Tree Number 1. This temporary access road is to be designed and constructed in line with the section 7.3 Other Protection Measures – Ground Protection, and to meet the requirements of its proposed use though the life of the construction works.

Alternatively, consideration should be given to forming the driveway and cross over as per the above method prior to the start of construction works to be used as the main site access.

Amelioration recommendations

The current design shows a degree of encroachment into the TPZ of the subject trees. Whilst this level of encroachment is believed to be within the tolerable limits of the tree provided the recommendations are undertaken in full. The potential impacts associated with the encroachment can be further minimized with additional ameliorative measures aimed at improving the overall environment of the tree. These measures are further described in section 7.3 Other Protection Measures.

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6.5 Australian Standard 4970: Section 3.3.4 Assessment

The following shows consideration and direct responses to the framework of assessment presented in section 3.3.4 of the standard;

- a) Root Location and Distribution – It is generally considered that both trees have fairly even distribution of roots generally located within a radial framework. Where ground conditions are favourable tree roots can extend up to twice the height of the tree away from the tree. The location of Tree Number 1 and because of the public road and pavement there is likely to be a higher proportion of roots within the proposed development site.
- b) Loss of Root Mass – The proposed residential development shows an encroachment of 10% and 6.5% into the TPZ of Tree Numbers 1 and 2 respectively. This degree of encroachment is generally considered to be inside the tolerable limits of the trees.
- c) Species tolerance to root loss – Tree Number 1 is a *Eucalyptus camaldulensis* and as such they have a high tolerance to root disturbance. It is a species that has evolved within watercourses throughout mainland Australia. Tree Number 2 is a *Quercus ilex* and is not known for its tolerance to root loss.
- d) Tree Age, Vigour and Size – As can be seen from the tree inspection and assessment in section 4.1 both trees are considered to be large, maturing trees demonstrating a good level of vigour.
- e) Tree Lean and Stability – Both the assessed trees are of an upright form. No signs of existing soil disturbance were noted and the severance of major roots is not proposed. Some encroachment into the SRZ of Tree Number 1 from the driveway and crossover construction is proposed, the use of an alternative design and porous materials are recommended to mitigate any risks to tree stability.
- f) Soil Characteristics, Topography and Drainage – Soil tests have not been undertaken. The topography is generally flat across the whole site. No significant changes in the existing grade are proposed.

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- g) Root Restricting Existing / Past Structures / Obstacles – There are no existing structures or obstacles that are limiting root growth for both of the assessed trees. The development proposals indicate that no further obstruction of the root zone will occur.
- h) Design Factors – The percentage of proposed TPZ lost to development is considered a minor encroachment for both subject trees as determined by AS 4970:2009. However, one of the tree species is known to have a high tolerance to root disturbance and with the use of alternative driveway design, such as porous paving, this should mitigate any of the potentially negative impacts from the proposed development.

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7.0 Tree Protection Plan

The Tree Protection Plan (TPP) is the principle method of protecting trees on a development site. The following plan provides details of the measures to successfully satisfy the juxtaposition between the trees and the development. The protection measures introduced below are recommended to be fully implemented to ensure the protection of the trees.

7.1 Tree Protection Zone

A Tree Protection Zone (TPZ) has been identified for each of the regulated and significant trees identified for retention. The TPZ is a restricted area defined by protective fencing, which is installed prior to site establishment and retained intact until completion of the works. See table 1 for the calculated TPZ's for each tree.

The following is a list of activities that are restricted within the TPZ: -

- Machine trenching including trenching,
- Excavation for silt fencing,
- Cultivation,
- Storage,
- Preparation of chemicals, including preparation of cement products,
- Parking of vehicles and plant,
- Re-fuelling,
- Dumping of waste,
- Wash Down and cleaning of equipment,
- Placement of fill,
- Lighting of fires,
- Soil level changes
- Temporary or permanent installation of utilities and signs, and
- Physical damage to trees.

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Some works and activities maybe authorized by the determining authority within the TPZ and these are to be supervised by the Project Arborist. Any additional encroachment that becomes apparent during the course of the development must be the subject of review by the Project Arborist and be accepted by the determining authority prior to commencement on site.

Approved tree removal and pruning should be carried out prior to the installation of the tree protection measures.

7.2 Tree Protective Fencing

Typically the tree protective fencing is to be erected prior to any machinery or materials being brought onto the site and to any works starting, including demolition. Appendix B gives details of the type of fencing required as detailed in the Australian Standard 4970. It may be permissible to incorporate perimeter fencing or other structures as part of the tree protective fencing and prior consultation with the Project Arborist should be sought. Appendix A provides details of the tree protective fencing plan and outlines the location of the proposed tree protective fencing.

The Tree Protective Fencing must not be altered or removed without prior approval of the project arborist.

Appropriate signage will be attached to the Tree Protective Fencing to clearly state:

TREE PROTECTION ZONE – NO ENTRY

The contact details of the project arborist and site manager should also be clearly visible on the sign. This signage should be clearly visible both inside and outside the site.

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7.3 Other Tree Protection Measures

When tree protection fencing cannot be installed or requires temporary removal, other tree protection measures should be used, including those set out below.

Trunk and Branch Protection

Where necessary, install protection to the trunk and branches of trees as detailed in Appendix E. Appropriate materials and positioning of the protection are to be specified by the Project Arborist. A minimum height of 2m is recommended. Do not attach temporary power lines, stays, guys and the like to the tree. Do not drive nails into the trunks or branches.

Ground Protection

If temporary access for machinery is required within the TPZ ground protection measures will be required. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Measures may include a permeable membrane such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards as illustrated in Appendix E. These measures may be applied to root zones beyond the TPZ.

Root Protection

Some approved works within the TPZ, such as re-grading, may have the potential to damage roots and alter the growing conditions for the tree.

- Where the existing grade is to be raised the material should be coarser or more porous than the underlying material. Depth and compaction should be minimized.
- Supplementary watering of the TPZ areas must be undertaken during dry periods or as deemed necessary by the project arborist.

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Maintaining the TPZ**Mulching**

- The area within the TPZ should be mulched. The mulch must be maintained to a depth of 50-100mm using material that complies with AS 4454. Where the existing landscape within the TPZ is to remain unaltered (e.g. gardens beds or turf) mulch may not be required.

Watering

- Soil moisture levels should be regularly monitored by the Project Arborist.
- Temporary irrigation or watering may be required within the TPZ.

Weed removal

- All weeds should be removed by hand without soil disturbance or should be controlled with appropriate use of herbicide.



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8.0 Recommendations

Having given consideration to all the issues associated with the subject trees, the development proposal and its potential impacts, it is my opinion that the proposed development is within the tolerable limits of the trees, provided steps are in place to ensure the following recommendations are undertaken in full;

Pre-Construction Phase

1. The proposed layout of the driveway and crossover is to be altered to ensure it minimizes the conflict with the Structural Root Zones (SRZ) of Tree Number 1. By increasing the amount of unpaved area by approximately 1m immediately to the north of the tree will further reduce the impacts of the proposed residential development.
2. The recommended tree protection requirements are to be clearly identified during the project tender process. A contractual agreement is to be drawn up with accepted tenderers which outlines their responsibilities and ensures contractor compliance.
3. A contractor with the technical knowledge and experience to correctly install the above existing grade driveway and pavement crossover is to be used. A method statement for the installation of the driveway and crossover is to be submitted with the relevant tender submission and reviewed by the project arborist in consultation with the project engineer to ensure compliance with the agreed tree protection plan.
4. A meeting between the project arborist and the site manager is to be held to finalise the tree protection plan. The construction management plan is to be reviewed to ensure compliance with the tree protection plan.
5. A temporary ground protection system to cover the proposed access road is to be designed by an appropriately qualified and experience engineer. The system is to meet the requirements of the project scope and tree protection recommendations, should the driveway and crossover not be constructed in the first instance.

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6. A predetermined number of site inspections are to be agreed upon and a brief visual assessment of the project and certification of tree protection measures undertaken by the project arborist at these points. This is generally recommended to occur at key stages of the project such as site establishment, footing installation, scaffold erection, when works are undertaken within the TPZ and upon completion of the project.
7. A preconstruction meeting is to be held and attended by the site manager, the project arborist and relevant contractors to introduce the tree protection plan. Tree protection plan requirements and a responsibility for compliance are to be clearly outlined within the contractor site induction process.

8. Tree Protection Fencing

Tree protection fencing is to be installed in the locations provided in the final Tree Protection Fencing Plan. Fencing compliant with specifications listed in AS 4687-2007 Temporary Fencing and Hoardings should be installed and shade cloth or a similar material should be attached to reduce the transport of dust, other particulates and liquids into the TPZ. TPZ fencing must not be removed or altered without prior approval of the project arborist.

A sign is to be placed on the fence that states:

TREE PROTECTION ZONE - NO ENTRY.

The contact details for the project arborist and site manager should also be clearly visible on the sign.

9. The installation of all tree protection measures is to be certified by the by the project arborist upon completion and prior to the commencement of the development stage of the project.

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Construction Phase**1. Tree Protection Fencing and other Protection measures.**

All tree protection measures including fence locations must be maintained as set in the Tree Protection Plan throughout the duration of the project, unless otherwise agreed by the project arborist. The fence cannot be altered without the expressed permission of the project arborist and no materials may be stored, mixed or disposed of within the fenced area.

No materials may be stored, mixed or disposed of within the allocated working area subject to ground protection.

No vehicles or machinery are allowed within the TPZ, this includes throughout the period of installation of the TPZ fencing.

All temporary services that enter the property throughout the development phase of the project are to avoid the TPZ; if compromise of the TPZ is likely, the project arborist should be notified.

If incidents occur throughout the development phase which compromise the TPZ or damage the tree in any manner the project arborist or site manager should be notified.

2. Monitoring

The project arborist is to monitor the impact of the construction on the retained trees at regular intervals and in consultation with the project manager. Site inspection records are to be kept as part of the tree protection plan.

3. Where works are to be carried out within the TPZ these are to be completed working from outside, in. All machinery and vehicles are to be positioned outside the TPZ and under strict supervision.

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Post Construction Phase**1. Final Certification**

A post development inspection of the trees should be undertaken upon practical completion of the project. A written statement of assessment providing details on the condition of the retained trees, detailed of any deviations from approved tree protection measures and the expected long term implications is to be produced. A review of the monitoring records is to be incorporated into the assessment.

A further inspection and review of the trees approximately 12 months after completion are to be undertaken by the project arborist, any relevant recommendations are to be made.

I thank you for the opportunity to provide this report and trust that it meets your requirements. If any further information or clarification is required please do not hesitate to contact me.

Duncan McGregor

BSc For, AATech Cert, MICFor



Chartered Arboriculturalist

Date: 11 November 2015

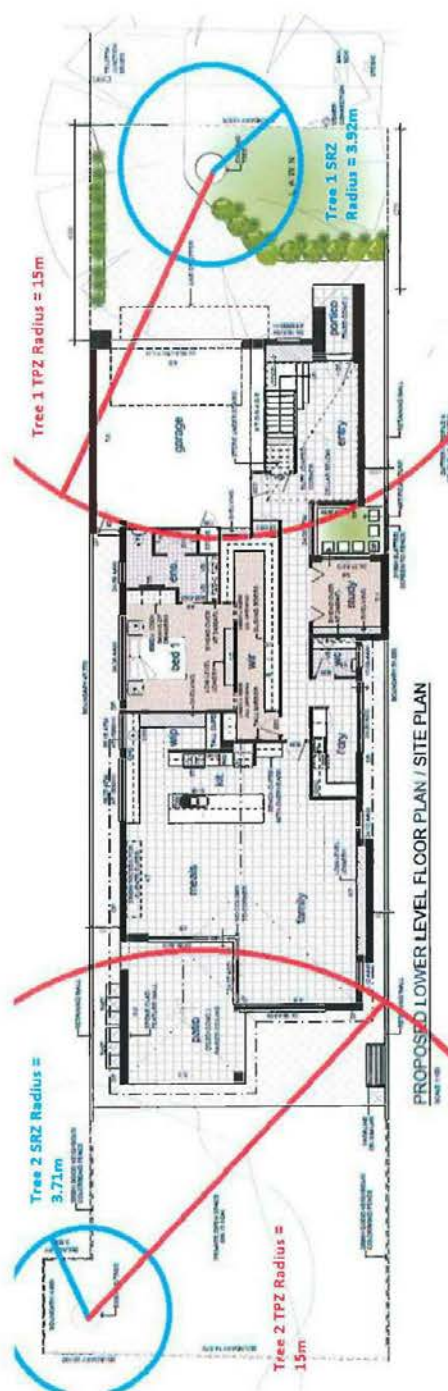
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Appendix A – Tree Protection Zones

NOT TO SCALE

The diagram below shows the indicative Tree Protection Zones (TPZ) in red and the Structural Root Zone (SRZ) in blue of the subject trees.



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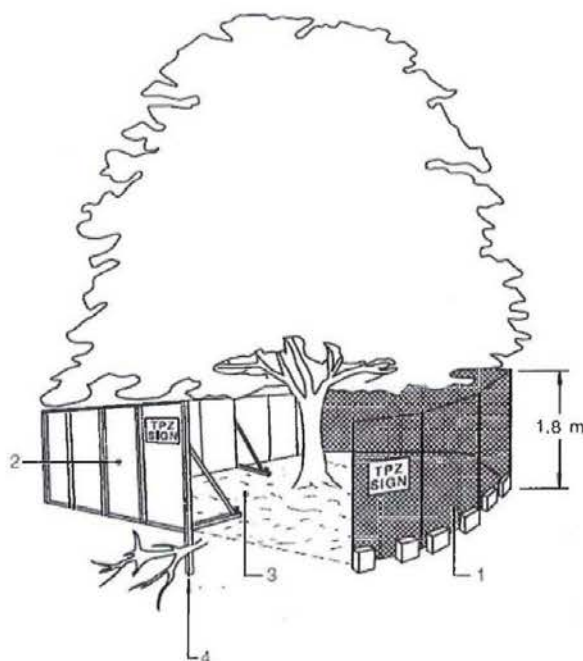
6 Torrers Avenue, Loddleys

Wednesday 14 October 2015

Pre-Development Arboricultural Assessment

Appendix B – Protective Fencing

Example tree protective fencing taken from Australian Standard AS 4970 – 2009.



LEGEND:

- 1 Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.
- 2 Alternative plywood or wooden paling fence panels. This fencing material also prevents building materials or soil entering the TPZ.
- 3 Mulch installation across surface of TPZ (at the discretion of the project arborist). No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.
- 4 Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.

Wednesday 14 October 2015

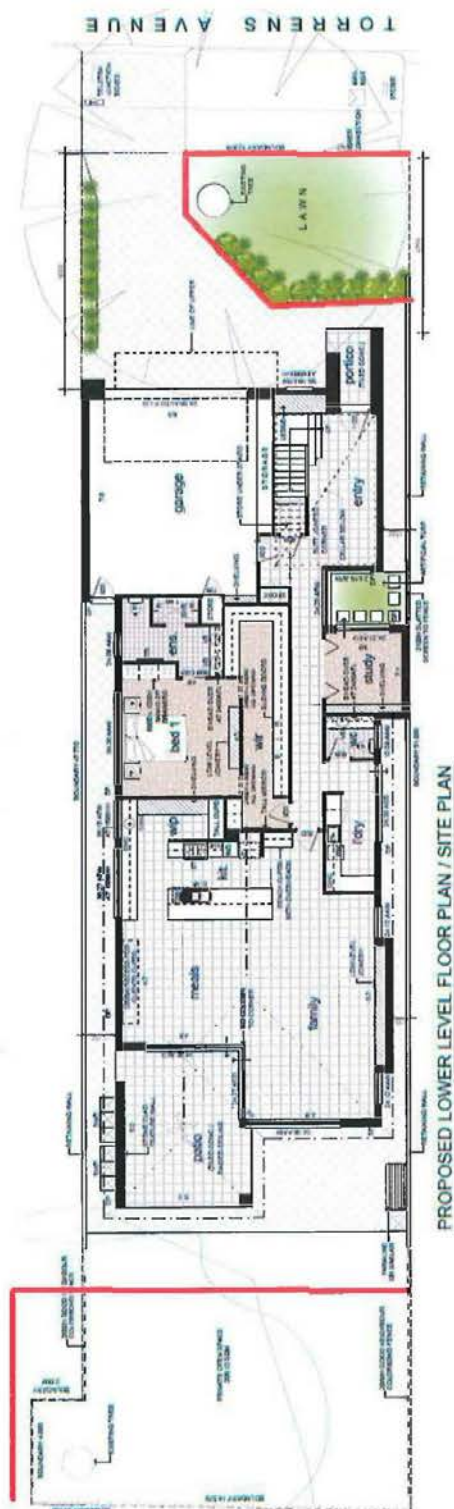
Pre-Development Arboricultural Assessment

Appendix C –Tree Protective Fencing Plan

NOT TO SCALE

The diagrams below show the indicative tree protective fencing location. The final location will be based on the final layout design utilized for the development. All areas within the TPZ will be subject to protection measures.

TPZ Fencing = —



PROPOSED LOWER LEVEL FLOOR PLAN / SITE PLAN



31

6 Torrens Avenue, Lodleys

Wednesday 14 October 2015

Pre-Development Arboricultural Assessment

Appendix D – TPZ Signage



32

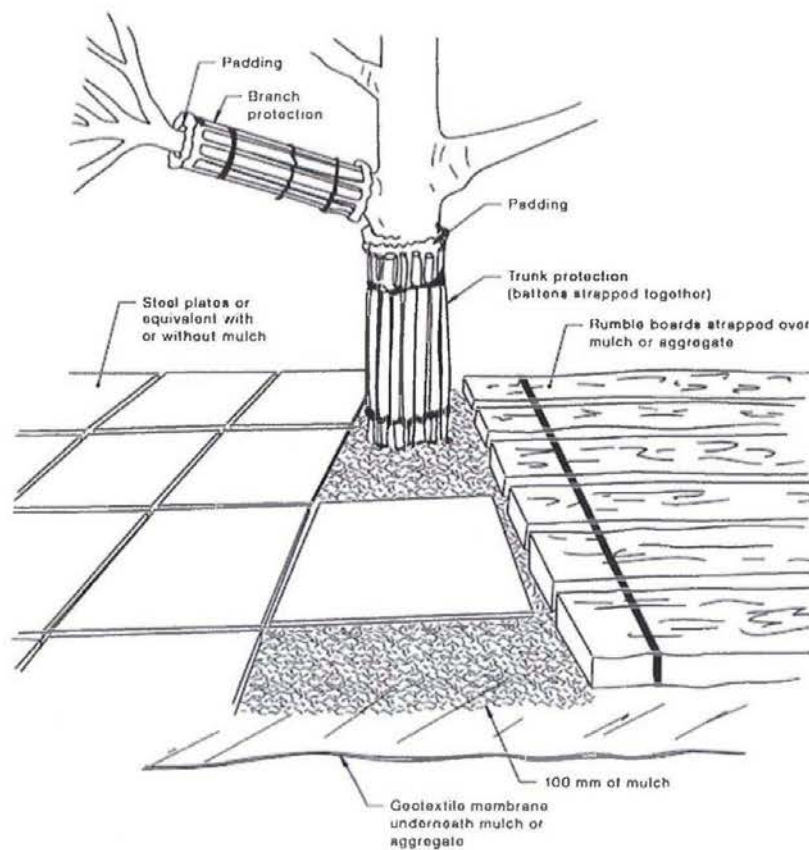
6 Torrens Avenue, Lockleys

Wednesday 14 October 2015

Pre-Development Arboricultural Assessment

Appendix E – Trunk and Branch Protection

Example of Trunk, Branch and Ground Protection taken from Australian Standard AS 4970 – 2009.



Wednesday 14 October 2015

Pre-Development Arboricultural Assessment

Appendix F – References

- Mattheck, K.; Breloer, H. 1994. The body language of trees, a handbook for failure analysis.
- Nelda P. Matheny, James R. Clark: A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas
- PJ Keane, GA Kile, FD Podger and BN,
CSIRO Publishing: Diseases and Pathogens of Eucalypts
- David Lonsdale: 1999 The Principles of Tree Hazard Assessment and Management (Research for Amenity Trees S.)
- Francis W. M. R. Schwarz: Diagnosis and Prognosis of the Development of Wood Decay in Urban Trees
- Australian Standard 4970-2009 Protection of Trees on Development Sites
- British Standard 5837-2012 Tree in Relation to Design, Demolition and Construction. Recommendations
- Trees in the Urban Landscape: Principles and Practice

END OF DOCUMENT

Arboricultural Assessment of Regulated Council Trees

Development Application No: **211/90/2018**

Referral Due Date: 15 February 2018

Assessing Officer: **Amelia DeRuvo**
Site Address: **6 TORRENS AVENUE, LOCKLEYS**
Certificate of Title: **CT-CT-6183/337**
Description of Development **Removal of a significant tree- *Quercus ilex* (Holm Oak)**

To be completed by: **TECHNICAL OFFICER ARBORICULTURE – CITY WORKS**

SPECIES & COMMON NAME: *Quercus ilex* (Holm Oak)

TOTAL CIRCUMFERENCE: 4700mm

MULTI-TRUNK: No

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

OBJECTIVE 1

The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.

OBJECTIVE 2:

The conservation of significant trees in balance with achieving appropriate development.

PDC 1:

Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:

- (a) *Makes an important contribution to the character or amenity of the local area; or* **Yes**
- (b) *Is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species*
No
- (c) *Represents an important habitat for native fauna*
Yes
- (d) *Is part of a wildlife corridor or a remnant area of native vegetation*
No

(e) *Is important to the maintenance of biodiversity in the local environment*

No

(f) *Forms a notable visual element to the landscape of the local area*

Yes

PDC 2:

Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.

PDC 3:

Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:

(a) *In the case of tree removal, where at least one of the following apply:*

a. *The tree is disease and its life expectancy is short*

No

b. *The tree represents an unacceptable risk to public or private safety*

No

c. *The tree is within 20metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area*

No

(b) *The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value*

No

(c) *All other reasonable remedial treatments and measures have been determined to be ineffective*

No

(d) *It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.*

No

(e) *In any other case, and of the following circumstances apply:*

a. *The work is required for the removal of dead wood, treatment of disease, or is in the general interest of the health of the tree*

No

b. *The work is required due to unacceptable risk to public or private safety*

No

c. *The tree is shown to be causing or threatening to cause damage to a substantial building or structure of value*

No

d. *The aesthetic appearance and structural integrity of the tree is maintained*

No

e. *It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring*

No

PDC 4:

Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.

PDC 5

Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.

ADDITIONAL COMMENTS:

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

This tree is an outstanding representative of its species due to its visual amenity, excellent overall health, symmetrical structure and long safe life expectancy.

Quercus ilex is an evergreen exotic tree native to the Mediterranean, therefore, not indigenous to the local area. However, it represents an important part of the local habitat for the shelter of native fauna with dozens of avian species present at the time of inspection.

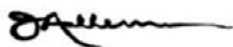
The subject tree shows some evidence of pruning work, most likely to lift the lower branches and a minor amount of deadwood is located within the upper canopy. All major branch junctions throughout the tree appear sound and well structured. The large diameter tree stem has good buttressing and root flare at ground level.

Quercus ilex are not subject to Sudden Limb Failure (SLF) and are an appropriate species to have within residential grounds as they provide shade/ shelter and offer pleasing visual amenity.

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. If site conditions remain conducive to tree health, its useful life expectancy is estimated to be in excess of 50 years. The risk posed by this tree is considered broadly acceptable.

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.

By utilizing appropriate design/ construction techniques, this site can be developed while retaining the 'significant tree'. Long-term management is sustainable and therefore, retention is warranted and recommended.

RECOMMENDATION:**RETAIN**

JARRAD ALLEN
Consulting Arborist

DATE: 11/2/18

PHOTO's ATTACHED:

Figure 1: (above) Subject tree when viewed from the east. Note the excellent growth structure and outstanding visual amenity provided by this tree.



Figure 2: (left) Showing the defect-free main stem unions emanating from approx. 2m above ground level

6.12 23 - 41 Galway Avenue, MARLESTON

Application No 211/1346/2017

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|---|
| DEVELOPMENT PROPOSAL | Removal of a regulated tree - <i>Corymbia Citriodora</i> , Lemon Scented Gum (tree 817) |
| APPLICANT | Peter Ellis |
| APPLICATION NO | 211/1346/2017 |
| LODGEMENT DATE | 2 November 2017 |
| ZONE | Industry |
| POLICY AREA | N/A |
| APPLICATION TYPE | Merit |
| PUBLIC NOTIFICATION | Category 1 |
| REFERRALS | Internal <ul style="list-style-type: none"> ▪ Calypso Tree Co - Consultant Arborist External <ul style="list-style-type: none"> ▪ Nil |
| DEVELOPMENT PLAN VERSION | 30 May 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council 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 and Development Approval for Application No. 211/1346/2017 by Peter Ellis to undertake Removal of a regulated tree - *Corymbia Citriodora*, Lemon Scented Gum (tree 817) at 23 - 41 Galway Avenue, Marleston (CT 5529/625 & CT 5740/895) for the following reasons:

The proposed development is contrary to the following provisions of the West Torrens Council Development Plan consolidated 30 May 2017.

- General Section - Natural Resources Principles of Development Control 28
Reason: In that the tree is important to the local habitat for foraging and shelter of native fauna.
- General Section - Regulated Trees Objectives 1 and 2(a) and (d) Regulated Trees
Reason: In that the subject tree provides an important aesthetic and environmental benefit which significantly contributes to the locality.
- General Section - Regulated Trees Principles of Development Control 2 Regulated Trees
Reason: In that the subject tree is not diseased and does not pose an unacceptable risk to public safety nor is it causing any structural damage to a building at this point in time.

BACKGROUND

The development proposal is presented to the Council Assessment Panel (CAP) for the following reason:

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

PREVIOUS RELATED APPLICATIONS

- DA 211/1347/2017** - Removal of a regulated tree - Lemon Scented Gum (Corymbia Citriodora) - Tree 819 - Granted Development Approval 2 November 2017
- DA 211/1422/2016** - Removal of a regulated tree - Spotted Gum (Corymbia Maculata) - Granted Development Approval 2 February 2017
- DA 211/936/2016** - Retrospective Section 54a works and the removal of a remaining portion of a Regulated Corymbia Citriodora (Lemon Scented Gum) - Granted Approval 26 October 2017
- DA 211/290/2010** - Pruning of multiple significant trees along southern and western boundaries - Granted Development Approval 4 June 2010
- DA 211/715/2008** - Urgent removal of significant tree (Under 54a) - Granted Development Approval 12 June 2008
- DA 211/73/2005** - Pruning of a significant tree - Granted Development Approval 2 February 2005
- DA 211/902/2000** - Removal of a significant tree - Granted Development Approval 18 August 2000

SITE AND LOCALITY

The subject site encompasses a series of contiguous allotments bounded by Sutton Terrace, Lucknow Street, Cudmore Terrace and Galway Avenue and has an approximate site area of 41,472 square metres. The subject site has a 188.64m wide primary frontage to Galway Avenue and 204.53m wide secondary frontages to Sutton Terrace and Cudmore Terrace and 188.64m to Lucknow Street. The subject site is located approximately 340 metres east of Marion Road.

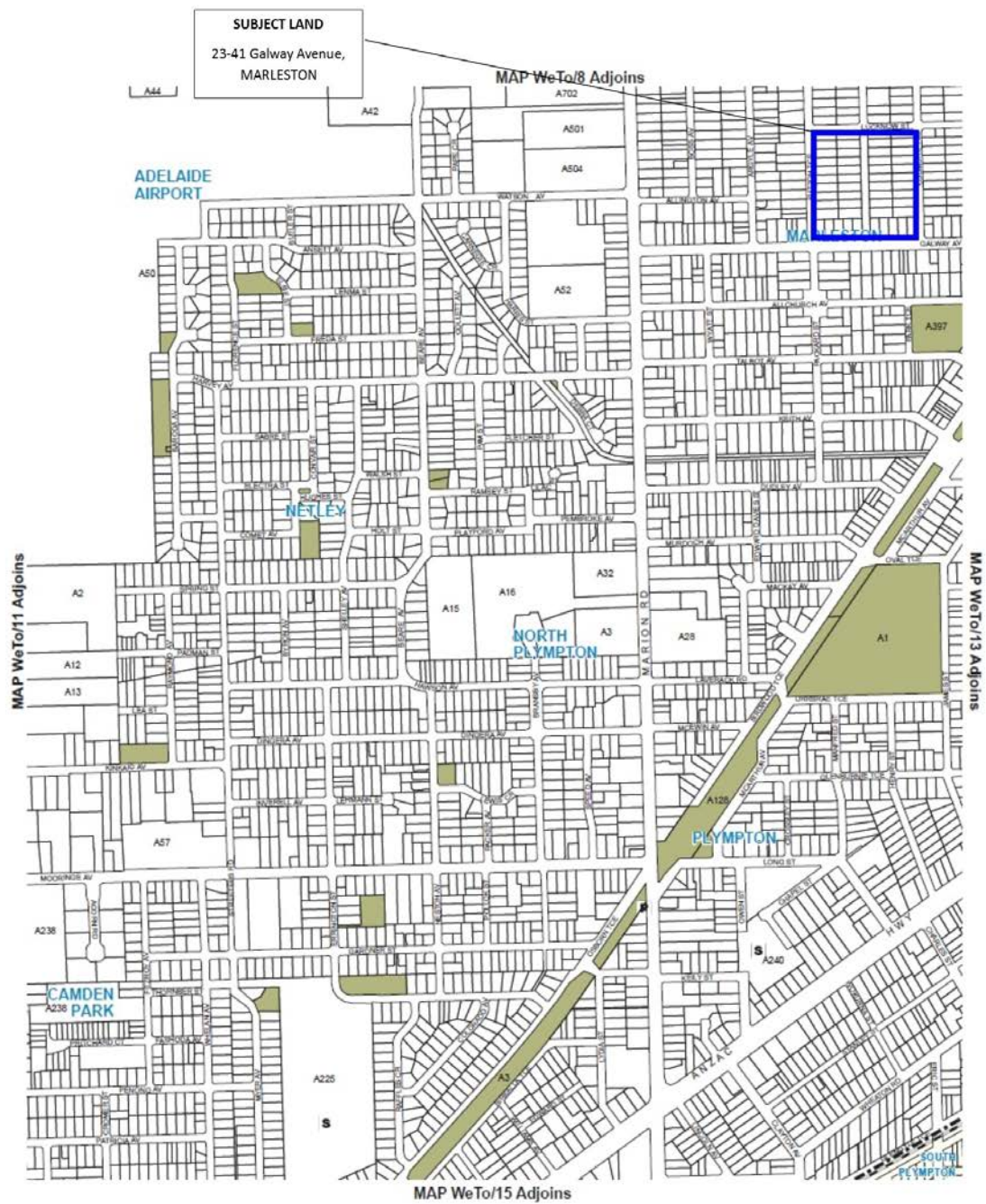
The Arnott's Biscuit factory currently occupies the site. Significant and regulated trees line the street frontages decreasing the visual dominance of the factory building and distinct feature of the subject site. These trees form a distinctive feature of the site.

The locality is predominantly residential in nature comprising of single and double storey detached dwellings, group dwellings and residential flat buildings. The locality is currently under transition with a number of new developments occurring within the immediate and wider locality.

Approximately 130 metres east of the subject site is Industry Zone.

The site and locality are shown on the following maps.





Location Map WeTo/12

WEST TORRENS COUNCIL
Consolidated - 6 February 2018

PROPOSAL

The proposal seeks to remove a regulated *Corymbia Citriodora* tree, more specifically known as a Lemon Scented Gum. The tree is located along the southern boundary of the site and overhangs onto the footpath and carriageway along Galway Avenue.

Council's arborist has indicated that they do not support the removal of the tree. It is unjustified as the tree is in good health, is not diseased and has a long life expectancy.

A copy of the plans and supporting documentation are contained in **Attachments 1 & 2**.

PUBLIC NOTIFICATION

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

REFERRALS

Internal

Consultant arborist Calypso first provided a report on 23 November 2017, providing comments as follows:

- There was some slightly over-extended limbs to the north and over the road to the south. This is a typical characteristic of a healthy *Corymbia Citriodora* and pruning in accordance with AS 4373-07 '*Pruning of Amenity Trees*' can rectify this problem;
- There was no visual sign of fungal, active pests or diseases;
- *Corymbia Citriodora* are not subject to sudden limb failure, and the subject tree presents a low level risk to public and private safety. Pruning of over-extended limbs mentioned can be undertaken to reduce this risk further;
- Minor movement of the adjacent retaining wall and paved walkway was noted. As the tree is reaching its full size the damage is unlikely to worsen;
- Recommended that all major deadwood within the canopy be removed and selectively removing over-extended lateral branches, concentrating to the north and south.

A second report was provided on 26 January 2018, in response to additional information from the applicant.

- Recommendation remained unchanged; the removal of the subject tree was unjustified.

For the full copy of the Calypso report from 23 November 2017 refer to **Attachment 3**.

For the reviewed report from Calypso from 26 January 2018 refer to **Attachment 4**.

External

Nil

ASSESSMENT

The subject land is located within the Industry Zone 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> | | |
|------------------------|-----------------------------------|-----------------|
| Natural Resources | Objectives | 1, 8 & 13 |
| | Principles of Development Control | 27, 29, 31 & 32 |
| Regulated Trees | Objectives | 1 & 2 |
| | Principles of Development Control | 1, 2 & 3 |

| Zone: Industry Zone | |
|-----------------------------------|-----|
| Objectives | Nil |
| Principles of Development Control | 11 |

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:

The applicant submitted an arborist report written by Mark Elliot from *The Adelaide Tree Surgery*. Council's consulting arborist, Calypso, was provided with the applicant's arborist report for review and consideration. Calypso established a differing opinion in relation to the removal of the subject tree. This will be discussed in more detail below.

Visual Amenity

It is considered that the subject tree, located along the southern boundary of the subject site provides an important aesthetic and environmental benefit to the locality, satisfying Objective 1 and 2(d) of General Section - Regulated Trees. Due to the tree's location and size it makes it highly visual and prominent along Galway Avenue. Calypso specifically states that the tree, '*Is an excellent representative of its species due to its visual amenity...*'

Image 1: Looking from the corner of Galway Avenue and Packard Street



Habitat Value

Although the subject tree is not locally indigenous or endangered, it is important to the local habitat for foraging and shelter of native fauna. At the time of inspection, dozens of avian species were noted. Principle of Development Control (PDC) 28 of General Section - Natural Resources and PDC 2(d) General Section - Regulated Trees specifically seeks to ensure that development is undertaken in a manner which is sensitive to and protects habitat for native fauna. To this end, removing the tree would be contrary to the intent of these provisions. The applicant's arborist report submits that, due to the large volume of larger trees within the local area, the subject tree does not contribute to the character and amenity of the area. It was also noted that no habitants were visible at the time of inspection, reinforcing the opinion that the subject tree does not contribute to the local fauna in the area.

Health, Risk and Safety

The health and risk of the subject tree has been considered at length. Both the applicant's arborist and Council's consultant arborist agree that the tree is of a good health and structure. The foliage colour and density of the subject tree is good and typical of a *Corymbia Citriodora*. The crown is well balanced with a few over-extended limbs to the north and south. The subject tree is not diseased, nor showing visible signs of fungal fruiting bodies or active pests. It was suggested that if the site conditions remain conducive to tree health, the life expectancy is estimated to be in excess of 50 years. On this basis the tree does not satisfy PDC 2(a) - General Section - Regulated trees in that the tree is not diseased nor is its life expectancy short.

The applicant has confirmed that recent remedial pruning was undertaken as a result of a failed branch. The failed branch fell within an area utilised by staff for outdoor seating. Due to the targets beneath the crown, the tree has the potential to pose an ongoing risk to persons. The applicants' arborist commented that, '*Corymbia citriodora's are... growing in an environment that is not ideally suitable for their growing habits.*' It is presumed this is in relation to the hard surfaces and small structures located within close proximity to the tree.

Calypso has confirmed that the over-extended limbs to the north and south are typical of a healthy and vigorous *Corymbia Citriodora*. Furthermore *Corymbia Citriodora* are not subject to sudden limb failure and this species of tree is appropriate for suburban properties. The tree is considered to represent a low risk to public and private safety. The over-extended limbs which pose the biggest threat to safety can be remediated via ongoing maintenance, pruning and reduction pruning techniques. It has been recommended to prune the subject tree in accordance with AS 4373- 07 '*Pruning of Amenity Trees*' to rectify the issue. This effectively demonstrates that the tree can be appropriately managed, therefore PDC 2(e) General Section - Regulated Trees has been appropriately addressed and the tree should not be supported for removal.

Hazard Evaluation

A hazard tree evaluation was provided by Calypso to appropriately assess the hazard rating of the tree. The evaluation is a systematic process to assess the potential for a tree or one of its parts to fail and injure a person or damage property. Refer to **Attachment 4**.

The hazard rating has been assessed as '6/12-' which is a low score reflecting minor problems with the tree due to its size and location. Minor abatement actions are required in the near future and undertaking pruning work recommended will further reduce this score.

Property Damage

It was noted that minor damage has occurred to a low lying retaining wall and paved walkway area, refer to image 2 over leaf. As the tree is reaching its full size, the damage occurring is unlikely to be exacerbated. Removing excess sand and dolomite and relaying the pavers in the affected area will resolve this minor trip hazard.

Image 2: As seen from the staff outdoor area**SUMMARY**

Having considered the information provided by the application alongside the report provided by Council's consultant arborist it can be concluded that there are remedial options available to effectively manage the tree to minimise ongoing risk.

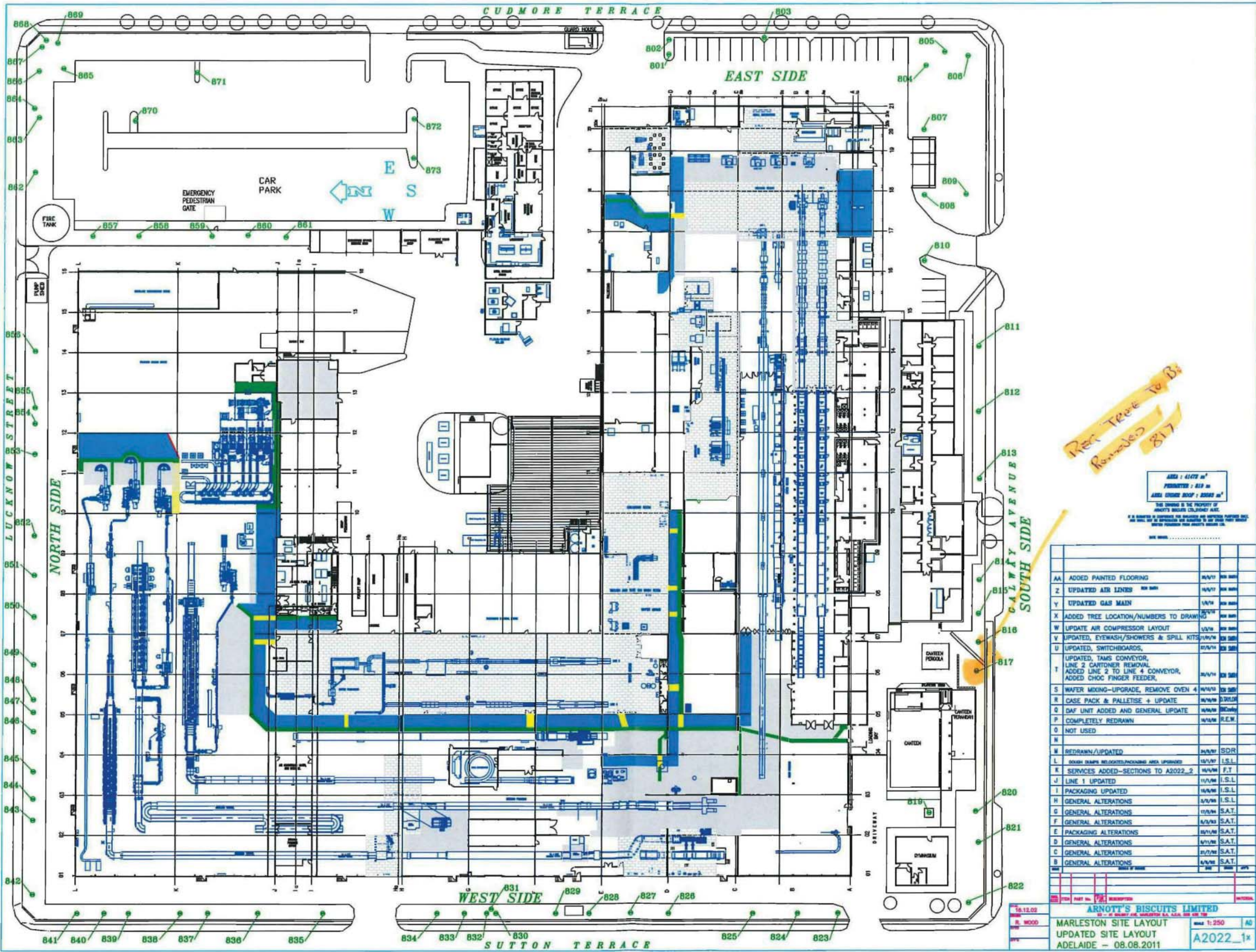
The subject tree is of good health and structure with a life expectancy in excess of 50 years if the site conditions remain conducive to tree health. The tree does not satisfy the relevant Objectives and Principles of Council's Development Plan to warrant removal.

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 30 May 2017 and does not warrant Development Plan Consent.

Attachments

1. **Site Plan**
2. **Applicant Arborist Report and Supporting Documents**
3. **Calypso Arborist Report 23 November 2017**
4. **Calypso Arborist Report 26 January 2018**





3 Ellemsea Circuit LONSDALE SA5160

ABN: 33 099 478 994

Phone: 8371 5955 Mobile: 0408 086 774 Fax: 8297 6885 Email: mark@adelaidetreesurgery.com

Arboricultural Assessment and Report

Prepared for:
Programmed Services
Mr Brad Geue
115 Sherriff Street
Underdale SA 5032

Site located at:
Arnott's
Galway Avenue
Marleston SA 5033



Regarding:
2 x *Corymbia citriodora* (Lemon Scented Gums)

Prepared by
Mark Elliott
Diploma Arb./Consulting Arborist

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Report on *Eucalyptus camaldulensis* (River Red Gums) located at 12 Angus Avenue, Edwardstown SA 5039 for Woolcock Group, Mr John Spagnoletti.
The Adelaide Tree Surgery Pty Ltd – A Division of Tree Aware
Ref: TATSME00679 – 24/09/2016



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Report on *Eucalyptus camaldulensis* (River Red Gums) located at 12 Angus Avenue, Edwardstown SA
 5039 for Woolcock Group, Mr John Spagnoletti.
 The Adelaide Tree Surgery Pty Ltd – A Division of Tree Aware
 Ref: TATSME00679 – 24/09/2016

1.0 EXECUTIVE SUMMARY

- 1.1 This report has been requested by Mr. Brad Geue of Programmed Services and is in relation to two *Corymbia citriodora* (Lemon Scented Gums), located at the Arnott's Factory Site in Marleston SA 5033.
- 1.2 The *Corymbia citriodora* (Lemon Scented Gums) has a stem circumference greater than 2.0 metres and less than 3 metres, when measured at a point of 1.0 metre above natural ground level. Therefore the tree can be declared as 'Regulated' under the SA Development Regulations 1998.
- 1.3 The report has been commissioned due to the concerns with the location of the trees with high targets beneath the trees and also the damage to hard surfaces surrounding the tree located at the western end of the canteen building, which also has a large amount of foot traffic passing beneath the tree.
- 1.4 The trees have been previously assessed as part of a Tree Audit/Survey, which was completed in 2016 (TATSME00679). The trees have been numbered 817 and 819.
- 1.5 Council Approval from the City of West Torrens is to be granted prior to commencement of any works.

2.0 INTRODUCTION

- 2.1 The results of the inspection of both the site and trees are presented. A brief assessment of the current condition of the trees is made, the findings of the inspection are interpreted, and the best course of action to pursue to abate any problems identified is recommended.
- 2.2 The report provides a brief description of the trees, including accurate stem circumferences when measured at one metre above ground level and the approximate height of the trees.
- 2.3 The recommendations made take into consideration the comments and the location of the trees.

3.0 TERMS OF REFERENCE

- 3.1 Verbal instructions were received in September 2017 to proceed with an Arboricultural Assessment of the two regulated trees.
- 3.2 The instructions request:
 - 3.2.1 An assessment of the characteristics and physiology of the tree.
 - 3.2.2 An assessment of the condition and location of the tree.
 - 3.2.3 Recommendations for any current and future actions required to abate concerns .

4.0 LIMITATIONS & RESTRAINTS

- 4.1 This is a stage 1 'tree report'. The inspection of these trees was completed from the ground.
- 4.2 The report is limited by the time of the inspection. The inspection was conducted in September 2017.
- 4.3 The report reflects the trees as found on the day of inspection. Any further changes to site conditions or surroundings, such as construction works or landscape works, may alter the findings of the report.

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Report on *Eucalyptus camaldulensis* (River Red Gums) located at 12 Angus Avenue, Edwardstown SA 5039 for Woolcock Group, Mr John Spagnoletti.
The Adelaide Tree Surgery Pty Ltd – A Division of Tree Aware
Ref: TATSME00679 – 24/09/2016

- 4.4 No soil samples were taken for laboratory analysis.
- 4.5 The inspection period to which this report applies is two months from the date of the report.
- 4.6 The roots were not inspected below ground.

5.0 THE SITE

- 5.1 Refer to the Site Plan (Appendix A).



Figure 1: an aerial view of the site. The property is highlighted in yellow and subject trees are highlighted in red.

- 5.2 The trees are growing within the boundaries of the Arnott's biscuit factory. The trees are located within high traffic areas where staff uses for out door dining and also amongst the buildings on the southern side of the site.
- 5.3 Marleston is located within the council area of The City of West Torrens. The City of Torrens is located approximately 3.5 – 4 km west of the Central Business District (CBD).
- 5.4 The council area of City of West Torrens is made up of a variety of trees, mainly native species with some exotic species scattered throughout the council area. The trees vary in size and maturity.

6.0 THE TREE/S - *Corymbia citriodora* (Lemon Scented Gums)

6.1 Tree no 817

- 6.1.1 The tree is a mature *Eucalyptus camaldulensis* (Lemon Scented Gum), approximately 15 meters tall, with a stem circumference of 2.80 meters when measured at 1 meter above natural ground level, therefore the tree is classed as 'Regulated' pursuant to the definition contained within the *SA Development Regulations 2008*.



Figure 2: shows Tree no 817 which is growing in the raised garden bed area and also overhangs the outdoor area where the employees use/gather.

6.2 Roots

- 6.2.1 There were no visible surface roots within the raised area around the base of the tree.

6.3 Butt and Stem

- 6.3.1 The base of the tree is very typical of the Lemon Scented Gum species. There is good taper at ground level and the stem arises as a single stem to approximately 3 meters above ground level. At this point the first branches originate and the crown begins to form.

6.4 Crown

- 6.4.1 The crown of the tree is showing quite good colour and vigour. The crown of the tree is very well balanced. The tree has had some recent remedial pruning as a result of a recent failure on the northern side of the crown.

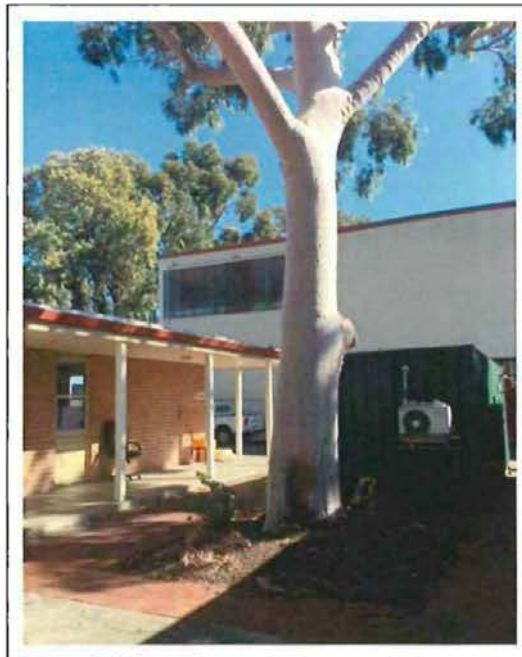
6.4.2 The crown dimensions of the tree are approximately 8 – 9 metres north to south and 8 metres east to west.

6.4.3 Minimal deadwood is located throughout the crown. There were no hollows present that provide habitat value visible at the time of the inspection.

6.5 **Tree no 819:**

6.5.1 The tree is mature *Corymbia citriodora* (Lemon Scented Gum), which is approximately 14 meters tall with an stem circumference of 2.75 meters when measured at 1 meter above natural ground level, therefore the tree is classed as 'Regulated' pursuant to the definition contained within the SA Development Regulations 2008.

Figure 3: show the Lemon Scented Gum Tree. Buildings and hard surface areas surround the tree and also shows some final cuts from previous pruning that has been undertaken.



6.5.2 Tree no 819 is growing within an area that is covered by concrete (pathways) and there are structures on the eastern, western and northern side of the tree within close proximity.

6.6 **Roots**

6.6.1 There were no visible surface roots due to area covered by hard surface (concrete). However, some lifting of the concrete around the base of the tree is visible.

6.7 **Butt and Stem**

6.7.1 The base of the tree is very typical of the Lemon Scented Gum species, with good taper at ground level. Formerly a twin-stemmed tree, one stem has previously been removed, which originated from just above ground level. Epicormic growth appears from this point.



Figure 4 shows the hard surface area around the base of the Lemon Scented Gum Tree where it is proposed to remediate the area as a result of the unevenness caused by the subject tree. The arrow indicates an area of high traffic from employees at Arnott's.

6.8 Crown

- 6.8.1 The crown of the tree is showing quite good colour and vigour. The crown of this tree is above the height of both buildings. The crown is well rounded and the approximate dimensions are, 9 metres north to south and 7-8 metres east to west.
- 6.8.2 Some minor deadwood is located throughout the crown and there was no evidence of any hollows that provide habitat value.

7.0 TREE DISCUSSION

- 7.1 The two *Corymbia citriodora*'s (Lemon Scented Gums) are mature specimens growing in an environment that is not ideally suitable for their growing habits. The areas around the trees have been built up with hard surfaces and or structures and due to the use of the site this has created high targets beneath and around the trees.
- 7.2 Unfortunately due to limited space available it is difficult to relocate areas such as the outdoor eating area used for staff within the Arnotts site.
- 7.3 In relation to the Tree 819 within this report, to remediate the hard surface area around the base of the tree so that this is not a trip hazard or safety concern, I believe this will be detrimental to the trees structural integrity as these remedial works will have to be carried out within the trees Structural Root Zone (SRZ) and Tree Protection Zone (TPZ).
- 7.4 Fortunately the surrounding area has a large number of mature *Eucalyptus sp*, *Corymbia sp* and other species that are growing in better conditions and or locations. Based on this, I recommend the two subject trees be completely removed.

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Report on *Eucalyptus camaldulensis* (River Red Gums) located at 12 Angus Avenue, Edwardstown SA 5039 for Woolcock Group, Mr John Spagnoletti.
The Adelaide Tree Surgery Pty Ltd – A Division of Tree Aware
Ref: TATSME00679 – 24/09/2016

8.0 LEGISLATIVE REQUIREMENTS

- 1.1 The trees are a single stemmed specimen with a stem circumference greater than 2 metres and less than 3 meters when measured at 1 metre above ground level, therefore fulfilling the criteria contained within section 6A (a) of the **Development Regulations 2008**. This also relates to section "Regulated Trees" Section of The City of West Torrens Development Plan – 30th May 2017.

| Section | Definition | Findings – Tree no 817 | Findings – Tree no 819 |
|---------|--|--|--|
| 2 | Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes: | | |
| 2 (a) | makes an important contribution to the character or amenity of the local area | <i>No – the tree is growing in an environment that is fortunate to have a very large number of larger species located around the local area. Due to this, this tree does not make a major contribution to the character and amenity of the local area.</i> | <i>No – the tree is growing in an environment that is fortunate to have a very large number of larger species located around the local area. Due to this, this tree does not make a major contribution to the character and amenity of the local area.</i> |
| 2 (b) | is indigenous to the locality | <i>No – the tree is not indigenous to the local area.</i> | <i>No – the tree is not indigenous to the local area.</i> |
| 2 (c) | A rare and endangered species | <i>No – the tree is not a rare and or endangered species.</i> | <i>No – the tree is not a rare and or endangered species.</i> |
| 2 (d) | An important habitat for native fauna | <i>No- there were no habitats visible at the time of the site inspection so the tree does not provide a major importance for habitat.</i> | <i>No- there was no habitats visible at the time of the site inspection so the tree does not provide a major importance for habitat.</i> |

| Section | Definition | Findings – Tree no 817 | Findings – Tree no 819 |
|---------|--|---|---|
| 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: | | |
| 2a | the tree is diseased and its life expectancy is short | <i>no – the tree is not diseased or have short life expectancy</i> | <i>no – the tree is not diseased or have short life expectancy</i> |
| 2b | the tree represents a material risk to public or private safety | <i>Yes – due to the recent failed branch and the targets beneath the crown of the tree there is potential that there will be ongoing risk to persons.</i> | <i>Yes – the tree does pose a risk to safety of the employees at Arnotts. If remedial works are carried out to the hard surface areas, I believe there will be significant damage to the trees integrity and health and</i> |

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| | | | <i>condition.</i> |
|----|--|---|---|
| 2c | the tree is causing damage to a building | <i>No – this tree is not causing any damage to a building or major structure.</i> | <i>No – this tree is not causing any damage to a building or major structure.</i> |
| 2d | development that is reasonable and expected would not otherwise be possible | <i>n/a</i> | <i>n/a</i> |
| 2e | 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. | <i>n/a</i> | <i>n/a</i> |

9.0 RECOMMENDATIONS

- 9.1 It is recommended that both "Regulated" trees be removed which is a result of the targets beneath the Tree no ??? and also the damage that has been caused to the hard surface area around Tree no /// and the limited remedial options available to remediate this area.
- 9.2 As there is ample amount of suitable space available throughout this site, I do encourage that trees are replanted as replacements for the two Lemon Scented Gum Trees being recommended for removal.
- 9.3 **Council APPROVAL needs to be obtained prior to commencement of removal of these two subject trees.**

Mark Elliott
Diploma Arboriculture/Consulting Arborist

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 Ref: TATSME00679 – 24/09/2016

APPENDIX A: REFERENCES

City of West Torrens Development Plan: 30th May 2017.

Mattheck, C. & Breloer, H. (1994) *The Body Language of Trees a handbook for failure analysis* HMSO, London.

The Development Act (1998) South Australian Legislation.

Matheny, N.P. & Clark, J.R (1994). *Evaluation of Hazard Trees in the Urban Environment*. ISA Publications.

Harris, R.W: Clark, J.R: & Matheny N,P: (2004) *Arboriculture: Integrated Management of Landscape Trees, Shrubs, and Vines*. Prentice Hall

Shigo A.L: (1986) *A new Tree Biology Dictionary: Terms, Topics and Treatments for Trees and Their Problems and Proper Care*: Shigo & Trees & Associates

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The Adelaide Tree Surgery Pty Ltd – A Division of Tree Aware
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APPENDIX B: DISCLAIMER AND LIMITATIONS

This report only covers identifiable defects present at the time of inspection. The author accepts no responsibility and cannot be held liable for any structural defect or unforeseen event/situation that may occur after the time of inspection, unless clearly specified timescales are detailed within the report.

The author cannot guarantee trees contained within this report will be structurally sound under all circumstances, and cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned this report will only be concerned with above ground inspections, that will be undertaken visually from ground level. Trees are living organisms and as such cannot be classified as safe under any circumstances. The recommendations are made on the basis of what can be reasonably identified at the time of inspection therefore the author accepts no liability for any recommendations made.

Care has been taken to obtain all information from reliable sources. All data has been verified; however, the author can neither guarantee nor be responsible for the accuracy of information provided by others.

END OF DOCUMENT

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Report on *Eucalyptus camaldulensis* (River Red Gums) located at 12 Angus Avenue, Edwardstown SA 5039 for Woolcock Group, Mr John Spagnoletti.
The Adelaide Tree Surgery Pty Ltd – A Division of Tree Aware
Ref: TATSME00679 – 24/09/2016



Ms Amelia Deruvo
City Development
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Dear Ms Deruvo

RE: Claim No: Removal of the Regulated Corymbia Citriodora
Application Number: 211/1346/2017

Thank you for meeting with me last week regarding my recent development application for the removal of the Regulated Corymbia citriodora on application number 211/1346/2017, on reflection of our conversation and the pending rejection of my application I would like the opportunity to raise my concerns.

Exposure; Arnotts is an employer of in excess of 300 Employees, additionally we have a constant flow of contractors and visitors to site. The tree is located adjacent to and overhangs the Galway avenue footpath and roadway, it is within 10 meters of bus stop number 8 Galway Avenue that attracts significant pedestrian foot traffic external to our property. The Work Health and Safety Act 2012 (SA), Section 19, Part (3) states

Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable—

- (a) the provision and maintenance of a work environment without risks to health and safety

We have therefore undertaken a risk assessment regarding the aforementioned tree.

Risk Assessment; Our Work Health Safety Team assessed the tree as presenting an extreme risk based on the following information.

- Exposure- Continuous or multiple times daily. The tree is located outside of our canteen, between the walkway to staff gym and the main factory building and above the staff outdoor eating area. This is considered to be a high traffic area, notwithstanding civilian foot traffic and roadway vehicular traffic.
- Probability- It is considered an event where a branch or the tree could fall will definitely occur in the future. Over the last 12 months the tree has lost several

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branches from a total possible height of 30 meters with a spread of 28 metres. There are 31 lemon scented gums on site, during the last 12 months significant limbs have fallen from 15 of them. This tree has been responsible for losing limbs without notice in both hot still days and also during extreme windy events. Given the overall size of the tree, the spread of the branches and the number of sizeable branches the probability of a person or property being hit by a falling branch in this location is high (see attached pictures). We refer to Lonsdale, D. (2000). 'Hazards from trees. A general guide'. Edinburgh: Forestry Commission. Page 3

'No tree is entirely safe, given the possibility that an exceptionally strong wind could damage or uproot even a mechanically 'perfect' specimen. It is therefore usually accepted that hazards are only recognizable from distinct defects or from other failure-prone characteristics of the tree or of the site. (Lonsdale, 2000, p. 3)

Furthermore there is well documented evidence that *Corymbia Citriodora* is well known to have brittle branches and commonly sheds branches during summer (viz. summer branch fall) when under water/heat stress (e.g. Lawson, 2009; Ryder, 2014; Potts, 2015). Therefore despite this tree being essentially healthy it remains a considered probability that a limb will fall into this high traffic area.

- Consequences- A small branch of 2kgs falling from 10 meters will hit the ground at approximately 20kg of force. It is considered this could have a major consequence if a person was hit and if a heavier branch fell from a higher height a catastrophic consequence. A major consequence is considered to be one that results in serious injury or hospitalization, a catastrophic consequence is a death.

RISK ASSESSMENT TOOL

| Step 1 - Exposure | | | | | Step 2 - Probability | | | | | Step 3 - Likelihood | | | | | Step 4 - Consequence | | | | | Step 5 - Risk Score | |
|--|---|--|--|---|--|-------------------------------------|------------------------------|--------------------------------------|---|------------------------|----|----|----|----|---|-------------------------|--|--|--|---------------------|--|
| Select value that reflects frequency of exposure to hazard | | | | | Select value that reflects probability of an event occurring | | | | | Exposure x Probability | | | | | Insignificant Minor Moderate Major Catastrophic | | | | | | |
| Continuous - Multiple times daily | Frequent - Once per day - once per week | Occasional - Once per week to once per month | Infrequent - Once per month to once per year | Rare - Less than once per year | Common or repeating | Will definitely occur in the future | Could occur but not definite | Not likely to occur, but is possible | Has never happened and is not likely to | 1 - 2 | 11 | 16 | 20 | 27 | 31 | 25 - 31 Extreme Risk | | | | | |
| | | | | | | | | | | 3 - 4 | 7 | 12 | 17 | 21 | 24 | | | | | | |
| | | | | | | | | | | 5 - 7 | 5 | 8 | 13 | 18 | 22 | 16 - 22 High Risk | | | | | |
| | | | | | | | | | | 8 - 16 | 3 | 5 | 9 | 14 | 19 | | | | | | |
| | | | | | | | | | | 17 - 25 | 1 | 1 | 3 | 10 | 15 | 7 - 15 Moderate Risk | | | | | |
| 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 | | | | | | | Low Risk | | | | | |
| Exposure <input type="checkbox"/> X Probability <input type="checkbox"/> = Likelihood <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | |
| Consequences | | WHS | | | | | | | | | | | | | | | | | | | |
| Catastrophic | | Fatality | | Extreme Risk 25 - 31: Immediate action required to control or reduce risk, long term risk controls to be implemented within 12 months | | | | | | | | | | | | | | | | | |
| Major | | Hospitalisation | | High Risk 16 - 22: Action within 48 hours to control or reduce risk, longer term risk controls to be implemented within 12 months | | | | | | | | | | | | | | | | | |
| Moderate | | Lost Time Injuries | | Moderate Risk 7 - 15: Between 3 months to 3 years within the risk priority, may be controlled with mix of short & long term controls | | | | | | | | | | | | | | | | | |
| Minor | | Medical Treatment | | Low Risk 1 - 6: Risk priority, may be controlled with long term controls | | | | | | | | | | | | | | | | | |
| Insignificant | | Minor/First Aid | | | | | | | | | | | | | | | | | | | |

Hazard Control; Our Work Health Safety Team, Engineering Team and building Team feel that we have implemented all available hazard controls to reduce the risk posed by this tree. I have

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outlined these below. However we do not feel that the controls are sufficient to address the risk.

- Substitution- We have asked our team to use alternate pathways when accessing the gym and not to eat outside on hot or windy days. We find this control to be unsatisfactory because it does not address the risks to civilian pedestrian and vehicular traffic, it increases the safety risk to our team of accessing the gym through having to move through a delivery area (the alternate path), it reduces the mental health wellbeing of our team in not being able to eat outside, it reduces social and fundraising opportunities for the team as the staff bbq is in the outdoor eating area, and it reduces the physical health of our team through reducing their opportunity naturally source vitamin D. The profusion of lemon scented gums and other high risk trees in Arnotts outdoor areas has meant that no alternate outdoor eating area can be identified.
- Engineering – We are unable to identify a reasonably practicable engineering solution to prevent a 30 meter tree from falling or losing limbs. Over the years and more significantly last year this tree has caused extensive damage to the surrounding grounds by lifting pavers and damaging the council footpaths and roads. This creates a number of significant ongoing tripping hazards that change frequently. We note there is again currently a variance in the footpath levels on Galway avenue adjacent to the tree that create a current tripping hazard. The surface roots have been moving in the direction of the main canteen building, threatening to damage the foundation structure, we maintain monthly reviews of the current risk associated with this. Last year we undertook significant repairs to this area by lifting all the surrounding pavement, building up the area around the tree, building a retaining structure to prevent trip hazards and pruned within the restricted limits, only to notice that the surface roots are now lifting the retaining wall that was put in to prevent these hazards and the roots continue to lift pavers and are on track again to the structures close by.
- Administrative Controls- We currently bunt this area during hot and windy days, additionally we email all staff warning them to stay away from the area. We find this control to be unsatisfactory because it does not address the risks to civilian pedestrian and vehicular traffic.
- PPE- Currently we use the administrative control of bunting the area rather than issuing hard hats to staff as this is a higher control level.

As outlined above Arnotts feel we are not currently able to meet our duty of care in regard to controlling the risk posed by the specified *Corymbia Citriodora*. We currently feel that elimination is the safest solution for our employees, visitors, contractors and for City of West Torrens Ratepayers and visitors that use Galway Avenue.

In conclusion I would like you to reconsider your findings and allow Arnotts to remove this Regulated (not significant) tree. Arnotts have a quote off \$14,000 to remove this tree and are willing to make this commitment in order to fulfil our legal and WHS obligations.

I have attached several pictures to support my request, although not all of these photos are directly related to the tree in question, they are of damage caused by the lemon Scented Gums around the factory areas

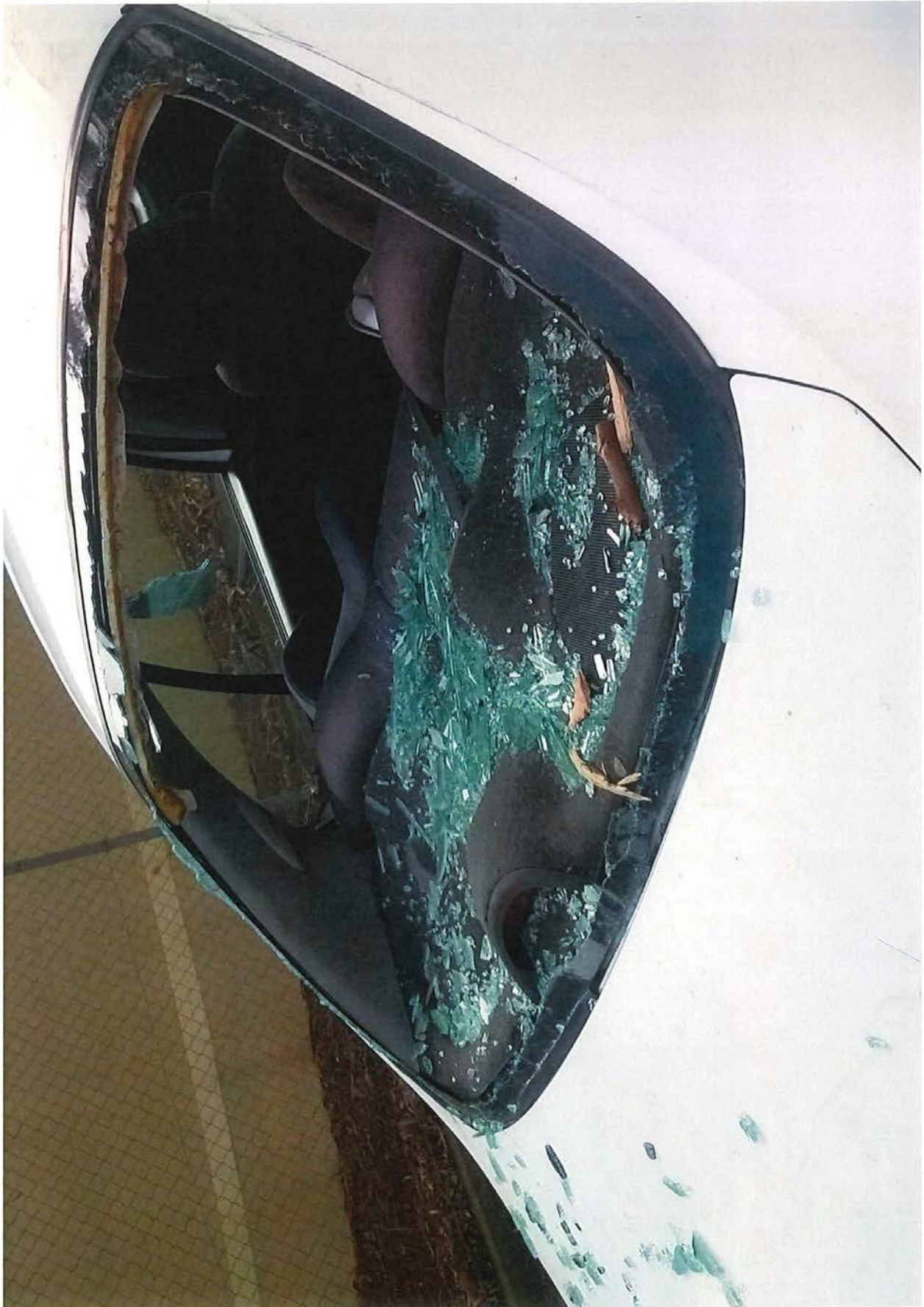
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If you have any queries regarding This matter, please contact the undersigned on 8407 4145.

Yours faithfully



Peter Elliss
Building Services Team Leader
Arnott's Biscuits Limited

References

Lawson, M. (2009). Visual Tree Inspection report: *Corymbia citriodora* (Lemon Scented Gum) 54 Dover St. Malvern, SA 5061: 1-14.

Lonsdale, D. (2000). 'Hazards from trees. A general guide'. Edinburgh: Forestry Commission: 3

Potts, D. (2015). Arborists Report: Kiama Aged Care Centre of Excellence Project (Former Kiama Hospital) Lot 1 DP 596755 Bonaira St, Kiama: 1-31.

Ryder, C. (2014). Assessment of trees at Knox City Shopping centre along Burwood Highway and Stud Road, Wantirna South: 1-61.

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Arboricultural Assessment of Regulated Trees

Development Application No: **211/1346/2017**

Referral Due Date: **23rd November 2017**

Assessing Officer: **Amelia DeRuvo**

Site Address: **23-41 GALWAY AVENUE, MARLESTON SA 5033**

Certificate of Title: **CT-5529/625, CT-5740/895**

Description of Development **Removal of a regulated tree- Lemon Scented Gum (Corymbia citriodora) - Tree 817**

To be completed by: **CONSULTANT ARBORIST**

SPECIES & COMMON NAME: **Corymbia citriodora (Lemon Scented Gum)**

TOTAL CIRCUMFERENCE: **2800mm**

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

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

(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:

This tree is an excellent representative of its species due to its visual amenity, good overall health and long safe life expectancy if maintained.

Corymbia citriodora is not indigenous to the local area. Natural distribution is restricted to temperate and tropical areas of eastern Australia. However, it represents an important part of the local habitat for the foraging/ shelter of native fauna, with dozens of avian species noted at the time of inspection.

This tree contains some slightly over extended limbs over the gazebo to the north and over the road to the south, where foliage is located at the extremities. This is a typical characteristic of a healthy, vigorous *Corymbia citriodora* and pruning in accordance with AS 4373- 07 '*Pruning of Amenity Trees*' can rectify this problem.

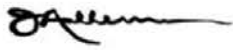
There were no visible signs of fungal fruiting bodies and/ or active pests and diseases noted. Foliage colour is good and foliage density is typical of this species. If site conditions remain conducive to tree health, its useful life expectancy is estimated to be in excess of 50 years.

Corymbia citriodora are not subject to Sudden Limb Failure (SLF) and are an appropriate large tree species to have within a suburban property as they provide shade/ shelter and offer pleasing visual amenity. I believe this tree currently represents a low level of risk to public and private safety. However, the over-extended limbs mentioned, can be remediated via maintenance pruning and reduction pruning techniques, therefore further reducing the risks associated with this tree.

Minor movement of the adjacent retaining wall and paved walkway was noted. As the tree is reaching its full size, this damage is unlikely to worsen. Removing excess sand/ dolomite and relaying the pavers in the affected area will resolve this minor trip hazard.

I recommend removing all major deadwood within the canopy, selectively removing over extended lateral branches, concentrating to the north and south. 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. I believe medium to long-term management is sustainable and therefore, retention is warranted and recommended.

RECOMMENDATION: RETAIN



Jarrad Allen

Date: 19/11/17

CALYPSO TREE CO

PHOTO's ATTACHED



Yellow circles indicate portions of canopy where branch reduction/ crown thinning is required.



Showing the main stem emanating from the raised garden bed with only minor movement visible within the surrounding surfaces

Arboricultural Assessment of Regulated Trees

Development Application No: **211/1346/2017**

Referral Due Date: **23rd November 2017**

Assessing Officer: **Amelia DeRuvo**

Site Address: 23-41 GALWAY AVENUE, MARLESTON SA 5033

Certificate of Title: **CT-5529/625, CT-5740/895**

Description of Development **Removal of a regulated tree- Lemon Scented Gum (Corymbia citriodora) - Tree 817**

To be completed by: **CONSULTANT ARBORIST**

SPECIES & COMMON NAME: **Corymbia citriodora (Lemon Scented Gum)**

TOTAL CIRCUMFERENCE: **2800mm**

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:

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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> | Yes |
| (b) <i>Indigenous to the locality</i> | No |
| (c) <i>A rare or endangered species</i> | No |
| (d) <i>An important habitat for native fauna</i> | Yes |

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

(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**

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

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This tree contains some slightly over extended limbs over the gazebo to the north and over the road to the south, where foliage is located at the extremities. This is a typical characteristic of a healthy, vigorous *Corymbia citriodora* and pruning in accordance with AS 4373- 07 'Pruning of Amenity Trees' can rectify this problem.

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. If site conditions remain conducive to tree health, its useful life expectancy is estimated to be in excess of 50 years.

Corymbia citriodora are not subject to Sudden Limb Failure (SLF) and are an appropriate large tree species to have within a suburban property as they provide shade/ shelter and offer pleasing visual amenity. I believe this tree currently represents a low level of risk to public and private safety. However, the over-extended limbs mentioned, can be remediated via maintenance pruning and reduction pruning techniques, therefore further reducing the risks associated with this tree.

Minor movement of the adjacent retaining wall and paved walkway was noted. As the tree is reaching its full size, this damage is unlikely to worsen. Removing excess sand/ dolomite and relaying the pavers in the affected area will resolve this minor trip hazard.

Having reviewed additional plans provided on 22/2/18, there are some issues raised by the applicant which I would like to address:

The 'extreme risk' rating provided by the Work Health and Safety Team lacks validity as the assessment was not undertaken by a qualified arborist and the assessment tool is not recognised in the arboriculture industry. For the purpose of this assessment I have included an independent hazard evaluation on the subject tree (Page 3).

Furthermore, tree risk must be assessed individually, rather than based on the whole tree population. Providing photographs of damage caused by major limb failures of other trees on this site does not indicate that this tree will do the same. The applicant does not mention if these limbs failed on calm days, or during adverse weather events. Based on the photos provided, it is also hard to know if these failures were the result of structural defects, poorly attached branch unions, or were end-weighted and poorly tapered.

I am unaware of how often maintenance pruning or aerial inspections are undertaken on this tree population or if a tree audit has been compiled by a suitably qualified arborist. In doing so, possible defects and hazardous branches should be identified and remediated, drastically reducing the likelihood of these events occurring.

As with all trees, the likelihood of limb failure increases during adverse weather conditions such as high winds and long hot dry periods, however, it is important to consider that land use directly beneath large trees also decreases during the kind of weather when limb failure is most common. Therefore, the relationship between weather, people and trees is always considered when assessing tree risk.

I recommend removing all major deadwood within the canopy, selectively removing over extended lateral branches, concentrating to the north and south. 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. I believe medium to long-term management is sustainable and therefore, retention is warranted and recommended.

HAZARD EVALUATION

Hazard tree evaluation is the systematic process of assessing the potential for a tree or one of its parts to fail and injure people or damage property.

Following assessment of the subject tree, information regarding the tree and surrounding targets was summarized into an overall hazard rating and a value was assigned for each of the three components. Each component is given a score of 1-4 points (4 being the most severe).

Failure potential: Failure potential identifies the most likely failure and rates the likelihood that the structural defect(s) will result in failure within the inspection period.

Size of defective part: Size of defective part rates the size of the part most likely to fail. The larger the part that fails, the greater the potential for damage. Therefore, the size of the failure affects the hazard potential.

Size Target rating: Target rating rates the use and occupancy of the area that would be struck by the defective part.

The points from each component are added together to obtain the overall hazard rating with 12 being the maximum value.

Hazard Rating; for the *Corymbia citriodora*:

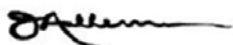
Failure potential: **2-** Due to the over-extended growth identified within the northern and southern portions of the canopy.

Size of defective part: **1-** I suspect the defective parts most likely to fail are small branches at the extremities of the canopy, less than 5cm in diameter

Target Rating: **3-** As branches extend over secondary structures such as a gazebo which is regularly used during the work week as well as boundary fences and a public road to the south.

Hazard Total: 6/12- This is a low score which identifies minor problems with the tree due to its size and location. Minor abatement actions are required in the near future and undertaking pruning work recommended will further reduce this score.

RECOMMENDATION: RETAIN



Jarrad Allen

Date: 26/1/18

CALYPSO TREE CO

PHOTO's ATTACHED

Yellow circles indicate portions of canopy where branch reduction/ crown thinning is required.



Showing the main stem emanating from the raised garden bed with only minor movement visible within the surrounding surfaces

6.13 10 Albert Street, THEBARTON

Application No 211/332/2015/A

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|---|
| DEVELOPMENT PROPOSAL | Vary Condition 7 attached to DA 211/332/2015 to alter sill height of the southern facing upper level windows. |
| APPLICANT | Mr David Davis |
| APPLICATION NO | 211/332/2015A |
| LODGEMENT DATE | 13 February 2018 |
| ZONE | Urban Corridor Zone |
| POLICY AREA | Business Policy Area 37 |
| APPLICATION TYPE | Merit |
| PUBLIC NOTIFICATION | Category1 |
| REFERRALS | Internal ▪ Nil External ▪ Nil |
| DEVELOPMENT PLAN VERSION | 19 December 2017 |
| MEETING DATE | 13 March 2018 |

RECOMMENDATION

The Council 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. 211/332 /2015A by Mr David Davis to Vary Condition 7 attached to DA 211/332/2015 to alter sill height of the southern facing upper level windows at 10 Albert Street Thebarton (CT6178/211) subject to the following conditions of consent.

Council Conditions

1. Development is to take place in accordance with the plans prepared by Design Eminence relating to Development Application No. 211/332/2015/A.
2. Except where varied by this approval, all other conditions, (with the exception of Condition 7), approved plans and details relating to Development Application Number 211/332/2015 continue to apply to this amended application.

BACKGROUND

The development proposal is presented to the Council Assessment Panel (CAP) for the following reason.

- All applications to vary a previous application where the decision on the original application was made by the Development Assessment Panel or CAP shall be assessed and determined by the CAP.

The windows in question have been installed not in accordance with Condition 7 of the original approval. The matter came to Council's attention via a complaint from the neighbour at 8 Albert Street. The owner is now seeking to rectify the non-compliance using an alternative design solution which achieves the intention of the condition to minimise overlooking.

PREVIOUS OR RELATED APPLICATIONS

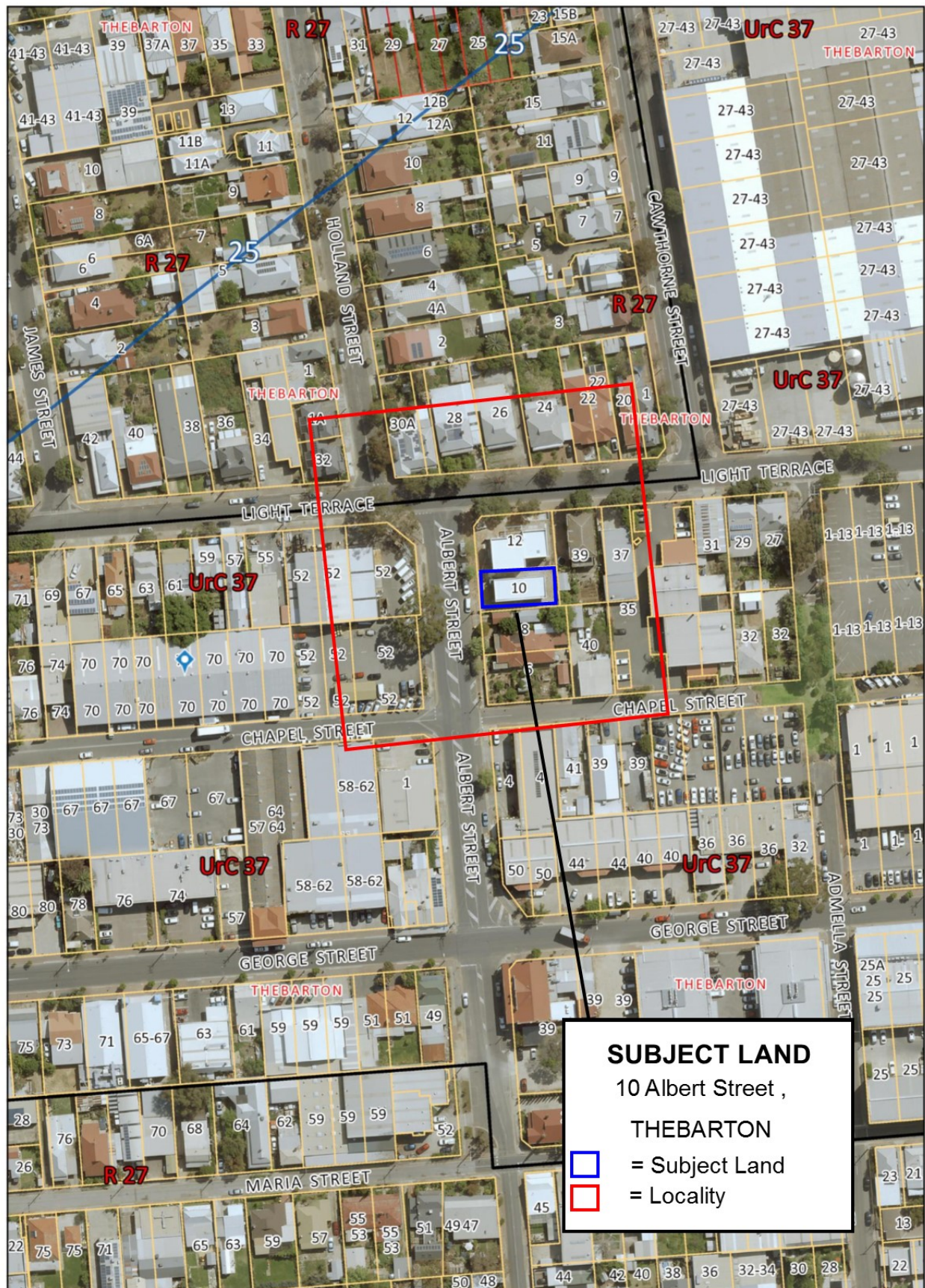
DA 211/332/2015 - Demolition of existing dwelling and outbuildings and the construction of two (2) storey detached dwellings, a swimming pool and fence exceeding 1 metre in height within 6 metres of an intersection. The application was approved by the Development Assessment Panel subject to 8 conditions on 8 September 2015. This application was assessed as Category 1 public notification. The previous Development Assessment Panel agenda and minutes relating to this application is included as Attachment 2.

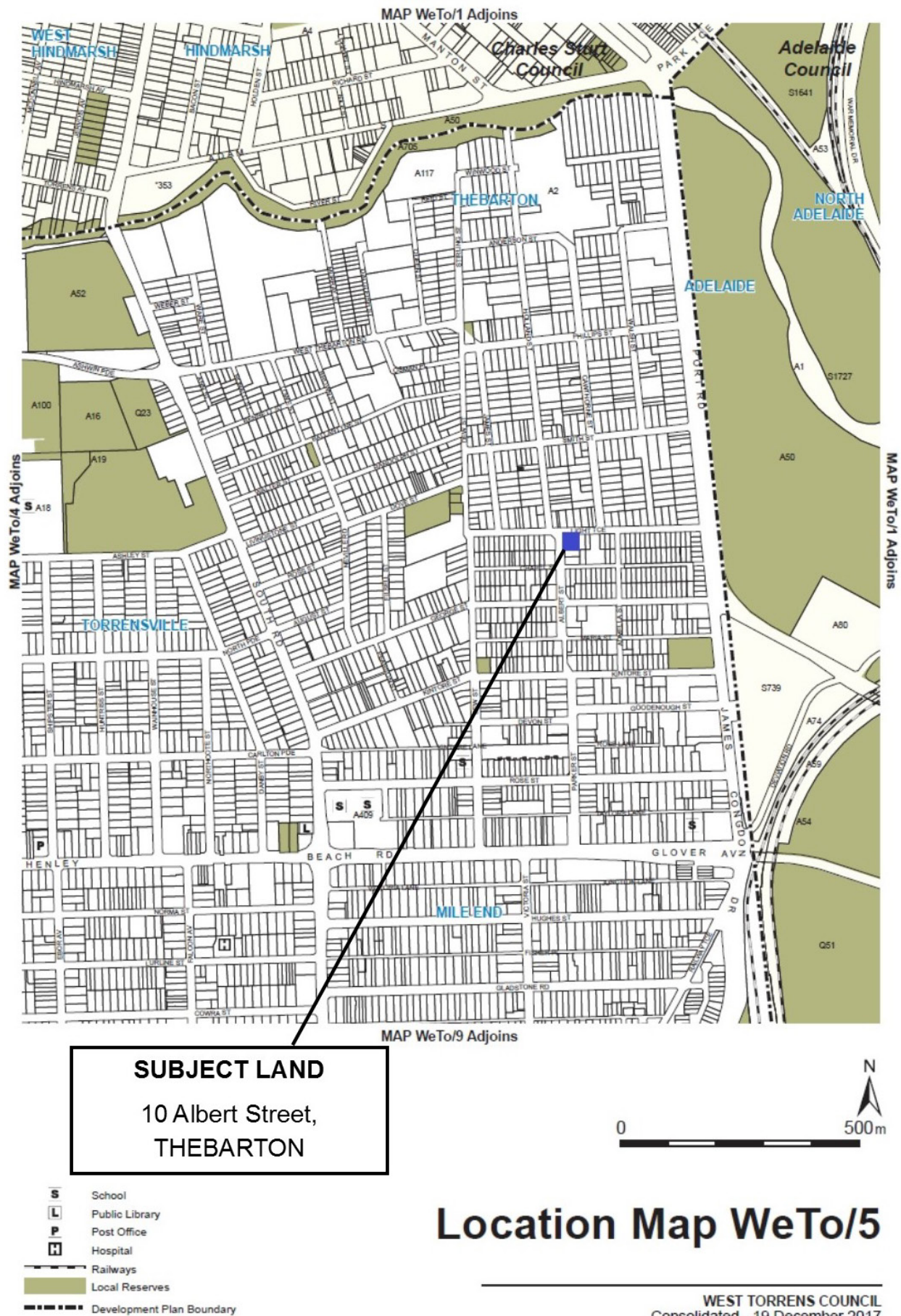
SITE AND LOCALITY

The subject land is located on the eastern side of Albert Street, Thebarton between Light Terrace and George Street, Thebarton. It has a frontage to Albert Street of 13.5 metres and a depth of 27 metres resulting in an overall site area of approximately 351m².

The locality comprises predominantly detached and semi-detached single storey dwellings, two-storey residential flat buildings and non-residential uses including office and industrial uses. Land immediately to the north of the subject site is zoned Urban Corridor Business Policy Area 37.

The site and locality are shown on the following maps.





PROPOSAL

The proposal seeks to vary condition 7 attached to the Development Approval which sought to restrict overlooking from windows of the first floor level of 10 and 12 Albert Street, Thebarton.

Condition 7 required, *'That the upper level windows of the dwelling shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained in reasonable condition at all times'*.

The windows that the applicant is seeking to vary service bedrooms 2 and 4 as well as the bathroom and ensuite to bedroom 1.

All other side and rear upper level windows have been installed in accordance with the requirements set out in condition 7. In lieu of installing obscure glazing to 1.7 metres to the southern windows, the applicant has installed fully obscured glazing to the windows which are openable from 1020mm above the finished floor level. The openable sections have been fitted with restrictors limiting the opening to 75mm. The applicant has advised that the change was made to meet the ventilation requirements of the Building Code of Australia and this has been confirmed with Council staff.



Image 1: Floor plan of dwelling showing affected windows.

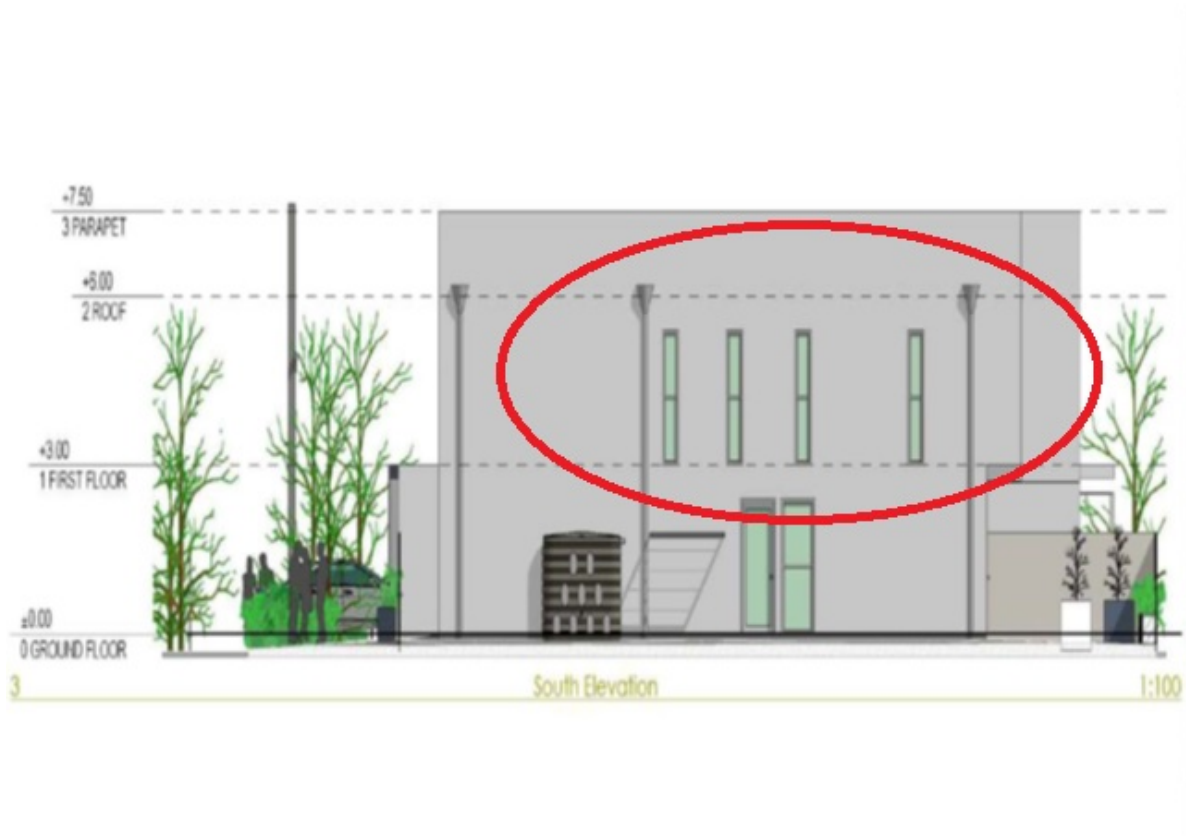


Image 2: Southern elevation of dwelling showing affected windows

PUBLIC NOTIFICATION

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

REFERRALS

Internal

- Nil

External

- Nil

ASSESSMENT

The subject land is located within the Urban Corridor Zone Business Policy Area 37 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> | | |
|-------------------------|-----------------------------------|--|
| 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 |
| 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, 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 |

| | |
|--|-----|
| Zone: Urban Corridor Zone | |
| <p><i>Desired Character Statement:</i></p> <p><i>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, Richmond Road 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.</i></p> <p><i>The function of main roads in the zone, particularly Port Road, Richmond 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, Richmond Road and Henley Beach Road will be redeveloped with built form closer to the road and reconfigured car parking areas.</i></p> <p><i>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.</i></p> | |
| Objectives | 2 |
| Principles of Development Control | Nil |

| | |
|---|-------|
| Policy Area: Business Policy Area 37 | |
| Desired Character Statement: | |
| <p><i>The policy area will have a strong employment focus, containing predominantly shops, offices, commercial activities such as research establishments and bioscience, and light industrial uses, together with 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.</i></p> <p><i>Parking will be predominantly at the rear or underneath buildings. Vehicle access points will be located off side streets and rear laneways where possible, so that vehicle flows, safety and efficient pedestrian movement are achieved, acknowledging that there may be some parking in front of buildings for short-term use. In many cases, vehicle access points and car parking areas will be shared.</i></p> <p><i>Large buildings between 3 to 6 storeys in height will occur. Development will be varied in form to accommodate a mix of land uses, although in all cases will use design elements such as balconies, variation in the texture of building materials and articulation of facades will contribute to an interesting and attractive pedestrian environment. The footpath will be sheltered with awnings, verandas and street trees, which will also soften the appearance of buildings.</i></p> <p><i>State heritage places, local heritage places and contributory items will be adapted, maintaining their heritage qualities with redevelopment occurring to the rear and behind the front facades. Buildings adjacent to these heritage buildings will contain design elements and building materials that are complementary to such buildings.</i></p> | |
| Objectives | 2 |
| Principles of Development Control | 1 & 5 |

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:

Overlooking

The Development Plan uses the following techniques to ensure that overlooking of private open space and into windows of habitable room windows of adjoining dwellings is minimised:

The following Principles of Development Control provide for visual privacy.

General Section Design and Appearance PDC 10

- 10 *Development should minimise direct overlooking of the habitable rooms and private open spaces of dwellings through measures such as:*

(a) appropriate site layout and building orientation

(b) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct to avoid direct line of sight

(c) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms

(d) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.

Residential Development PDC 27.

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

The windows in question are relatively narrow measuring 380mm by 2300mm and consist of two sections. The bottom sections comprise fixed obscure glazing to a height of 1020mm above FFL of the room. The upper section of each window is hinged along one side and fitted with restrictors designed to restrict the opening of the casements to a maximum of 75mm. The hinges are fitted to the eastern side of each window thus the openable face of the casement is to the front of the property. The window frames are also recessed 150mm in from the external face of the building providing a large reveal. When this is combined with the restricted opening, overlooking is minimised in accordance with PDCs 10 and 27 as seen in images 1, 2 and 3 below.



Image 3: View of window restrictor installed on each of the southern facing windows

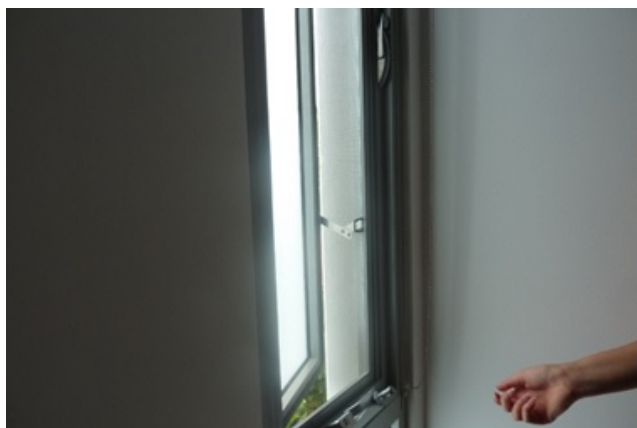
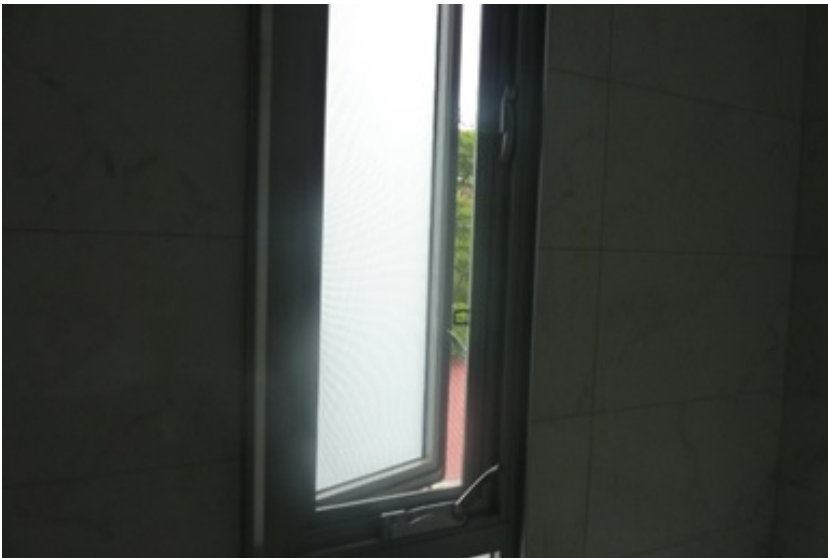


Image 4: Shows the limited view from open windows.



Images 5: Shows the limited view from open windows.

Strictly speaking, the proposed variation to the windows does not incorporate any of the techniques prescribed in either PDCs 10 or 27 to minimise overlooking. However, both PDCs include the words '*through measures such as*'. It is implicit then that there are other methods of achieving the desired outcome and not restricted solely to those listed.

The proposed method of minimising overlooking by the use of 'restrictors', prevents viewing into the rear yard of the adjoining dwelling and in fact allows for very restricted viewing in any direction given the combination of the 150mm window reveals and the restrictors. It is considered that the restrictors used achieve the same outcome as sought in PDCs 10 and 27.

SUMMARY

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

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 19 December 2017 and warrants Development Plan Consent.

Attachments

1. **Application Documentation**
2. **Previous Development Assessment Panel report**

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| | | | |
|---------|--|-------|------------------|
| To | Planing City of West Torrens | From | John Anderson |
| Company | CITY OF WEST TORRENS | Date | 29 December 2017 |
| | | Pages | 1 of 3 |
| Subject | AMENDMENT SOUGHT TO DEVELOPMENT APPROVAL 211/332/2015 - 10 ALBERT STREET THEBARTON SA 5031 | | |

An amendment is sought for the DA 211/332/2015 for the house located at 10 Albert Street Thebarton to change the way Clause 7 applies to the 4 southern first floor windows.

This subject has been discussed at some length with Merryn Walton the Team Leader Compliance and Monitoring and as result we seek an amendment to Development Approval 211/332 2015 in relation to the 4 southern upstairs windows of House 2.

The house in question is nearly complete, on the 24/12/2017 the windows were fitted with the restrictors that limit the opening of these windows. The restrictors have been on special order for months, they were not available at the time of manufacture or installation.

The window dimensions do not differ from the those approved.

The cill height of these casement windows is 1020 mm AFL and does not meet the approved figure of 1700 mm AFL as specified in the Planning Approval Clause 7.

The cill height was changed to enable these windows meet the requirements under the Building Code for ventilation.

- The windows in question consist of two segments:
The base portion of the window is fixed to a height of 1020 AFL and is fitted with a white obscure laminated glass.
- The upper portion of the window is fitted with a casement that opens from the West to the South and is fitted with a white obscure laminated glass. The windows are recessed some 150 mm into the external wall.
- The 4 casements are now fitted as was originally intended with restrictors that limit the opening of the casements to a maximum of 75 mm and with the frame recessed 150 mm into the wall does not permit viewing into the neighbours property.

Approval is sought for to modify the cill height of these 4 windows from the 1700 mm cill height to the 1050 mm as installed for the following reasons:

- It makes the windows perform as they should and provide much needed air and ventilation into the bedrooms, bathroom and ensuite.
- The cill height and restrictors do not make the windows a fall hazard.

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- With the restrictors fitted the overlooking issue disappears.

I have provided some photos that show the Assa Abloy Interlock restrictors fitted to the windows.

Photo showing the interlock restrictor fitted and the window fully open



Note

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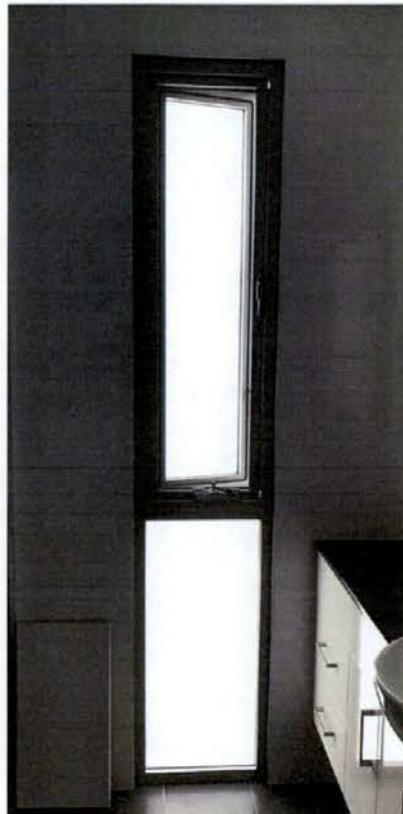
14 Rutland Ave
Unley Park SA 5061

P 08 8271 4161

M 0407 717 661

E designeminence@internode.on.net

Photo inside the bathroom with the window fully open



Note

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6.3 43 Light Terrace, THEBARTON

Application No. 211/332/2015

DEVELOPMENT APPLICATION DETAILS

| | |
|--------------------------|--|
| DEVELOPMENT PROPOSAL | Demolition of existing dwelling and outbuildings and the construction of two (2) two-storey detached dwellings, a swimming pool and a fence exceeding 1 metre in height within 6 metres of an intersection |
| APPLICANT | Mr David Davis |
| APPLICATION NO | 211/332/2015 |
| LODGEMENT DATE | 26 March, 2015 |
| ZONE | Urban Corridor Zone |
| POLICY AREA | 31 |
| APPLICATION TYPE | Merit |
| PUBLIC NOTIFICATION | Category 1 |
| REFERRALS | Internal <ul style="list-style-type: none"> ▪ City Assets External <ul style="list-style-type: none"> ▪ Nil |
| DEVELOPMENT PLAN VERSION | 25 September, 2014 |
| MEETING DATE | 8 September, 2015 |
| RECOMMENDATION | REFUSE |

BACKGROUND

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

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

PREVIOUS or RELATED APPLICATION

DA 211/1108/2007 - Construction of three (3) dwellings (Refused 13 March, 2008)

SITE AND LOCALITY

The subject site comprises two titles, is regular in shape, and is located on the south-eastern corner of Light Terrace and Albert Street, Thebarton. It has a frontage width to Light Terrace of 26.82 metres and a frontage width to Albert Street of 31.62 metres, resulting in an overall site area of approximately 852m².

The site is currently occupied by a 1950's, single storey dwelling and ancillary outbuildings.

Topographically the site is relatively flat.

There are no regulated trees located on, or within close proximity to, the site that may be affected as a result of the proposed development. There are however a number of street trees located adjacent the site's Light Terrace and Albert Street frontages within the verge.

Vehicle access to the site is currently provided by a single width crossover located at the eastern end of the site's Light Terrace frontage which provides access to an existing garage.

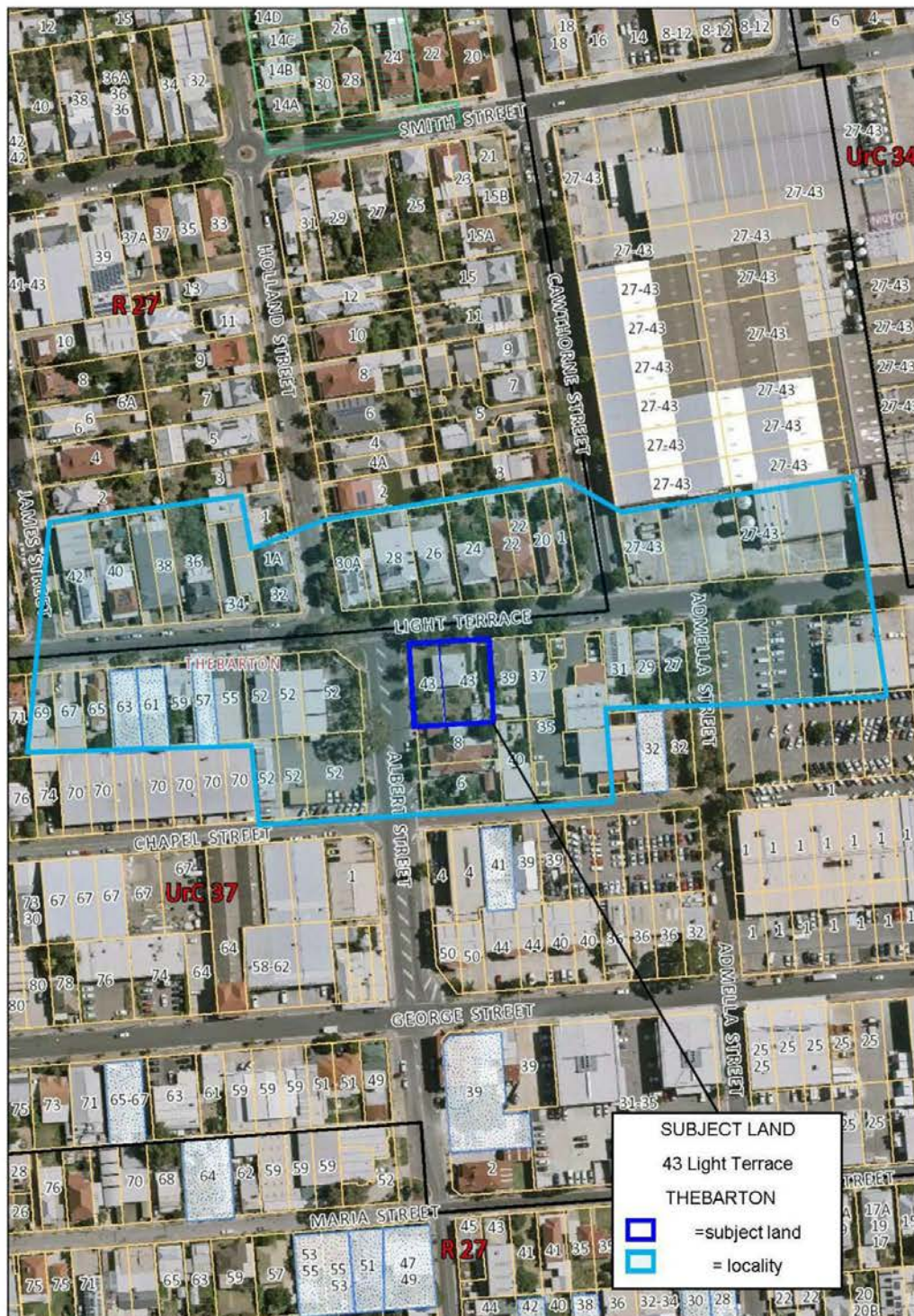
The existing neighbourhood comprises predominantly detached and semi-detached single storey dwellings, two-storey residential flat buildings which are of masonry construction and provided with pitched and flat roofs; and peripheral and interspersed commercial, office and industrial uses constructed of various building materials and existing at varied scales.

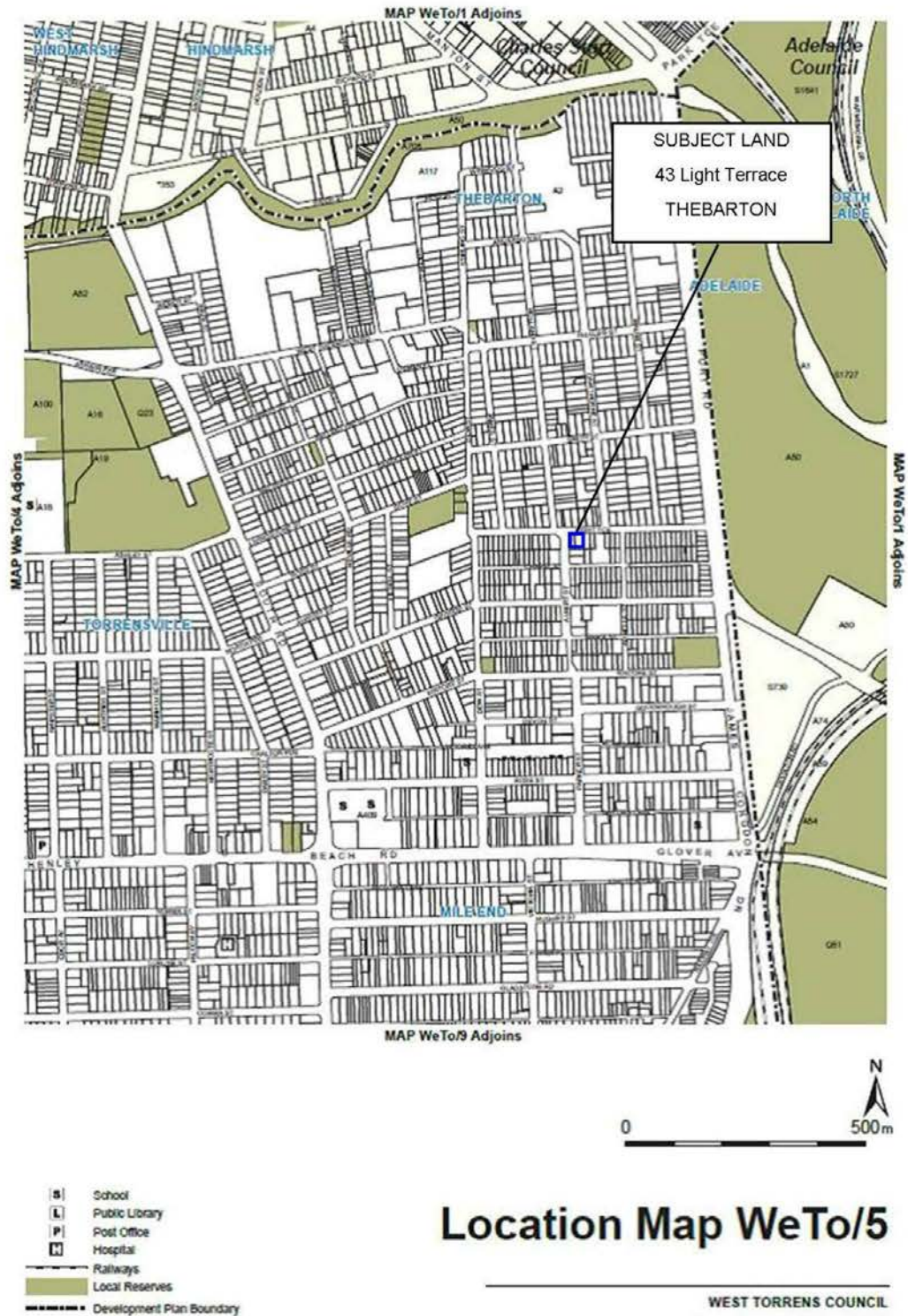
Land uses immediately to the east and south are residential, land uses to the north are residential and office / warehouse, whilst commercial uses exist directly to the west of the subject site.

Currently, the locality does not include any recent infill developments seeking to meet the intent of the Urban Corridor Zone. Land immediately to the north of the subject site is zoned Residential Policy Area 27, whilst the Policy Area boundary of the Urban Corridor Zone, Policy Area 30 is located approximately 170 metres to the east of the subject site.

The site and locality are shown on the following maps.

Page 51





PROPOSAL

It is proposed to demolish all existing buildings on the site and construct two (2) two-storey detached dwellings and associated garages and swimming pool for Dwelling 1. A 2.1 metre high colorbond fence is also proposed within 6 metres of the subject site's north-eastern corner for the purpose of enclosing the private open space area and lap pool of Dwelling 1. Both dwellings would be orientated towards Albert Street.

Dwelling 1 comprises an open plan kitchen/living/dining area, study and amenities at ground floor, and four (4) bedrooms, lounge, deck and amenities at first floor.

Dwelling 2 comprises an open plan kitchen/living/dining area and amenities at ground floor, and three (3) bedrooms, sitting area, deck and amenities at first floor.

Each dwelling is provided with a double garage, set back a sufficient distance to enable vehicle parking within the driveway.

The existing crossover on Light Terrace is proposed to be reinstated and two (2) new crossovers are proposed along the site's Albert Street frontage. The proposed crossover to Dwelling 1 is within close proximity to an existing street tree (which will require removal) and an existing pram ramp which will be required to be relocated.

Although the submitted elevation plans do not specify the materials / colours of construction, the applicant has advised in writing that the dwellings are to be constructed of insulated concrete painted off-white with stone facing to some of the walls, with metallic grey panel lift garage doors. These materials / colours are illustrated in the submitted isometric views of the proposed development. The roof will not be visible due to the inclusion of parapets, however will be constructed of metal deck roofing.

A landscaping plan has been submitted which indicates that landscaping will be provided within parts of the front setback areas and side and rear private open space areas.

The proposed plans are included in **Attachment 1**.

PUBLIC NOTIFICATION

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

REFERRALS**Internal**

The application was referred to Council's City Assets department who advised of some concerns with the proposal relating to the general finished floor level, verge interaction (with the existing street and pram ramp) and provision of a corner cut off.

The applicant has agreed to pay the costs for the removal of the street tree, however has indicated that they are not willing to pay the costs for relocation of the existing pram ramp to facilitate their proposed crossover.

Although access to the proposed dwelling is a planning consideration, essentially, the new crossover is a matter that is dealt with under Section 221 of the Local Government Act. Should Council not consent to the crossover under the provisions of the Local Government Act, an alternative location for the crossover will be required and the proposed access point (as currently nominated on the submitted site plan) will be a hypothetical situation. As such, if the applicant were to make a crossover application to Council's City Assets department and it was refused, Council Planning Administration would not be able to come to the conclusion that Dwelling 1 is provided with adequate vehicle access.

The topography of the site is relatively flat. Although the finished floor level requirement has not specifically been achieved on the submitted plans, Council's Planning Administration consider that it would not be difficult to achieve Council's standard requirement with respect to finished floor levels being at least 350mm above the highest point of the adjacent street water table and as such this could be conditioned accordingly. It would however be preferred if this requested information was nominated on the submitted plans.

The required corner cut off of 3 metres by 3 metres has now been nominated on the submitted plans, however the area is incorporated within the landscape area of the subject site. As the corner cut off would become part of the road reserve as part of any land division proposed, this area should be free of landscaping, particularly given that a future boundary fence could be constructed (subject to separate approval) across the splayed area which would result in it being located in the middle of a landscaping bed.

The relevant referral responses are included in **Attachment 2**.

ASSESSMENT

The subject land is located within the Urban Corridor Zone and more particularly Business Policy Area 31 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> | | |
|-------------------------------------|-----------------------------------|---|
| Design and Appearance | Objectives | 1 |
| | Principles of Development Control | 1, 2, 3, 4, 5, 6, 7, 9, 10, 13, 14, 16, 18, 20 |
| Energy Efficiency | Objectives | 1 & 2 |
| | Principles of Development Control | 1, 2 & 3 |
| Interface between Land Uses | Objectives | 1, 2 |
| | Principles of Development Control | 2 |
| Land Division | Objectives | 1, 2, 3 & 4 |
| | Principles of Development Control | 1, 4, 5, 10, 16 |
| Landscaping, Fences and Walls | Objectives | 1 & 2 |
| | Principles of Development Control | 1, 2, 3, 4, & 6 |
| Orderly and Sustainable Development | Objectives | 1 & 4 |
| | Principles of Development Control | 1 |
| Transportation and Access | Objectives | 2 |
| | Principles of Development Control | 9, 10, 23, 33, 34, 35 |
| Urban Corridor Zone Development | Objectives | 1, 2, 3, 4 |
| | Principles of Development Control | 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 16, 18, 19, 20, 21, 22, 23, 25, 27, 37, 38, 39, 41, 45, 47 |
| Overlay Noise & Air Emissions | 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 corridor.

The function of main roads in the zone, particularly Port Road, as major transport corridors will be protected by providing access to sites 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. Sites with car parking fronting Port 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 use of blank walls in these transitional areas, especially at the rear and side of sites, will be avoided. Plant and service equipment will be enclosed and screened from view from the street and neighbouring sites.

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 sites in Thebarton 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 as 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 within 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, 9 |
| Principles of Development Control | 1, 2, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20 |

Policy Area: Business Policy Area 31

Desired Character Statement: The policy area will have a strong employment focus, containing predominantly shops, offices, commercial activities such as research establishments and bioscience, and light industrial uses, together with 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.

Parking will be predominantly at the rear or underneath buildings. Vehicle access points will be located off side streets and rear laneways where possible, so that vehicle flows, safety and efficient pedestrian movement are achieved, acknowledging that there may be some parking in front of buildings for short-term use. In many cases, vehicle access points and car parking areas will be shared.

Large buildings of up to 3-6 storeys in height will occur. Development will be varied in form to accommodate a mix of land uses, although in all cases will use design elements such as balconies, variation in the texture of building materials and articulation of facades will contribute to an interesting and attractive pedestrian environment. The footpath will be sheltered with awnings, verandas and street trees, which will also soften the appearance of buildings. State heritage places, local heritage places and contributory items will be adapted, maintaining their heritage qualities with redevelopment occurring to the rear and behind the front facades. Buildings adjacent to these heritage buildings will contain design elements and building materials that are complementary to such buildings.

| | |
|-----------------------------------|------------------------|
| Objectives | 1, 2, 3, 4 |
| Principles of Development Control | 1, 2, 3, 4, 5, 6, 7, 8 |

QUANTITATIVE ASSESSMENT

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

| DEVELOPMENT PLAN PROVISIONS | STANDARD | ASSESSMENT |
|---|--|--|
| DWELLING DENSITY Urban Corridor Zone Objective 9 Business Policy Area 31 Objective 4 Desired Character | Desired Character Medium (45-70 dwellings per hectare) to high density (70-200 dwellings per hectare) which is the equivalent of medium density (1 dwelling per 143 -222m ²) to high density (1 dwelling per 50 - 143m ²) | 1 dwelling per 426m ² Does Not Satisfy |
| STREET SETBACK Urban Corridor Zone PDC 17 PDC18 | Primary Road (Albert Street) 3 metres Secondary Road (Light Terrace) 2 metres | Primary Road (Albert Street) - canopy 4.17 metres Secondary Road (Light Terrace) - canopy 4.05 metres Satisfies |
| SIDE/REAR SETBACKS Business Policy Area 31 PDC 19 | Side 3 metres Rear 0 metres | Side 2.817 metres Does Not Satisfy Rear 2.27 metres Satisfies |
| PRIVATE OPEN SPACE Urban Corridor Zone Development PDC 37 | 24m ² with a minimum dimension of 3 metres (excluding balconies) and including 16m ² to rear or side directly accessible from a habitable room | Dwelling 1 - 209m ² Dwelling 2 - 179m ² |
| CARPARKING SPACES Urban Corridor Zone Development PDC 45 | 2 car parking spaces per dwelling = 4 car parking spaces | 6 car-parking spaces Satisfied |

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:

Urban Corridor Zone Desired Character

Based upon the desired character of the Urban Corridor Zone (Business Policy Area 31) and relevant PDCs as outlined earlier in this report, the proposed development is considered to be an underdevelopment of the site.

The overall use and dwelling density of the site with purely a residential component is not considered to be consistent with the desired character of promoting large buildings of 3-6 storeys in height with a mix of complementary residential and non-residential land uses. There has been no justification (feasibility study or similar) submitted by the applicant which demonstrates why a non-residential form of development at ground level cannot be implemented into a suitable mixed use design outcome for the site.

Given that there are not likely to be any off-site amenity impacts (overshadowing / visual bulk to existing private open space areas) of the existing properties within the existing Residential Zone as they are to the north of the subject, and separated by a road, and in keeping with the desired character of achieving medium to high densities, it is considered that the proposed street setbacks could be reduced further in accordance with the Urban Corridor Zone provisions to achieve a development which contributes to the desired character of the policy area.

Additionally, the dwelling density of the proposed development equates to approximately 24 dwellings per hectare, whereas medium to high density development, as sought in the Urban Corridor Zone, Business Policy Area 31 is (45-70 dwellings per hectare) and high density (70-200 dwellings per hectare). Additionally it is considered that the proposed development should incorporate a larger proportion (floor area) of non-residential uses at ground floor level which interact with the street.

Any future application for the site should be more consistent with the desired character sought in the Urban Corridor Zone (Business Policy Area 31), and also give further regard to PDC's 6, 7 & 8 of the Urban Corridor Zone, Business Policy Area 31 in terms of built form and character.

Visual Privacy

In accordance with General Urban Corridor Zone Development PDC 5 development should minimise direct overlooking of the main internal living areas and private open spaces of dwellings. The submitted plans do not indicate any treatments to windows which will result in the minimisation of overlooking to adjoining properties and within the development.

Landscaping

The proposed development incorporates limited landscaping as opposed to hard surfaced areas when presented to the street. The provision of landscaping should be increased adjacent to all street frontages of the site.

Land Division

There has been no land division application lodged to date. In accordance with case law, the land division application and land use application should be considered concurrently at the very least. The applicant has advised that they intend to lodge a land division application, once they have received support for this proposed land use application.

SUMMARY

Whilst the subject site may be appropriate for medium to higher density housing, the current design response to the opportunities of the site has not adequately addressed the context of the site with respect to the achieving the desired character associated with the Urban Corridor Zone (Business Policy Area 31), and as such does not warrant support in this instance.

Having considered all of the relevant Objectives and Principles of the Development Plan, the proposal is considered to be seriously at variance with the Development Plan, particularly with respect to the density of dwellings proposed, the lack of ground floor non-residential uses as sought in Business Policy Area 31 or the ability for the ground floor residential uses to be adapted to non-residential uses in the future, the large setbacks to street frontages and boundaries and built form not consistent with the desired character of promoting large buildings of 3-6 storeys in height with a mix of complementary residential and non-residential land uses.

On balance the proposed development does not sufficiently accord with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 25 September, 2014 and does not warrant Development Plan Consent.

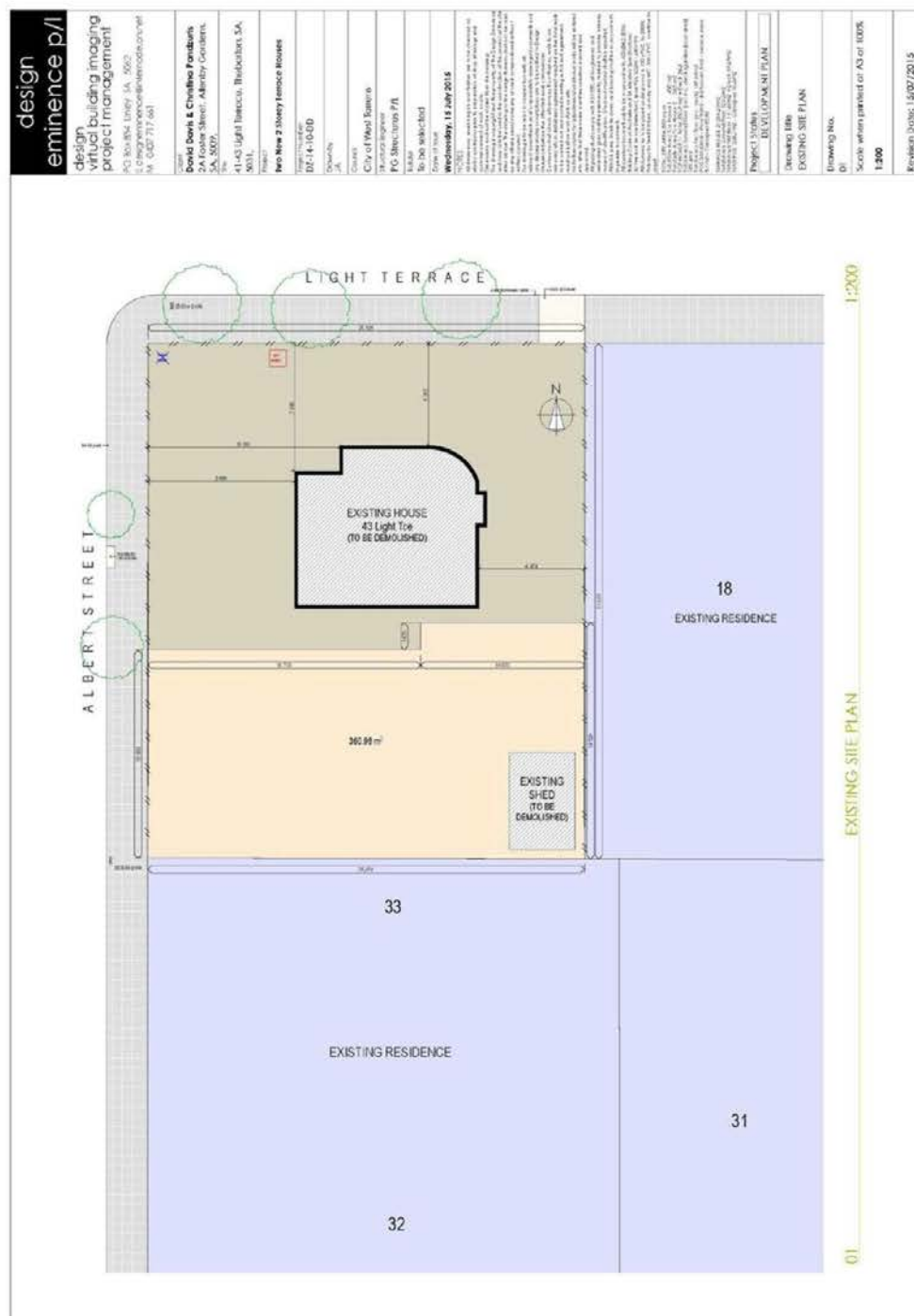
RECOMMENDATION

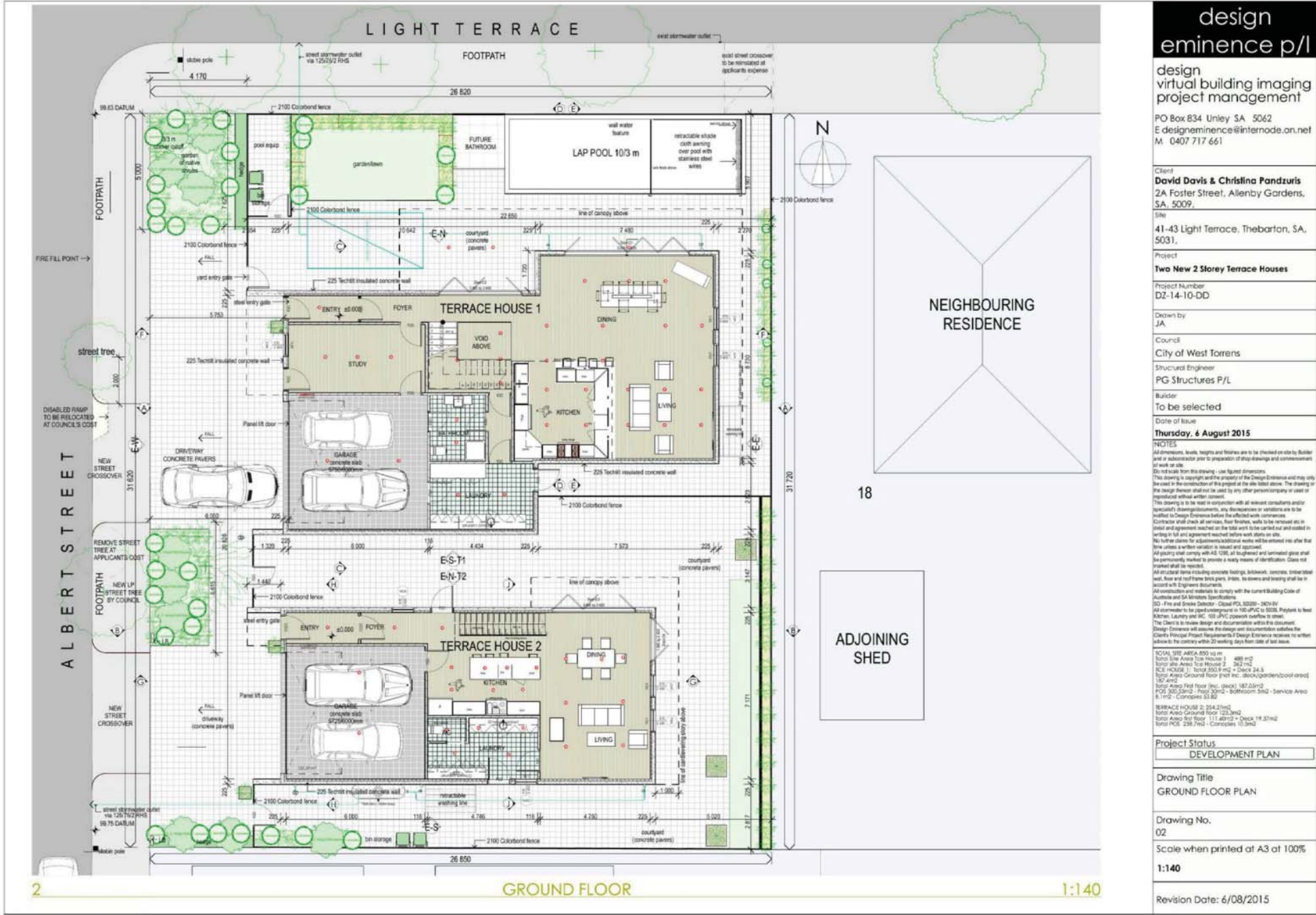
The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to REFUSE Development Plan Consent for Application No. 211/332/2015 by Mr David Davis to undertake the demolition of existing dwelling and outbuildings and construct two (2) two-storey detached dwellings, a swimming pool and a fence exceeding 1 metre in height within 6 metres of an intersection at No. 43 Light Terrace, Thebarton (CT 5137/632) for the following reasons:

1. The proposed development is contrary to
 - Urban Corridor Zone, Objectives 1, 2, 3, 4, 5, 9, Principles of Development Control 1, 4, Business Policy Area 31, Objectives 1, 3 & 4, Principles of Development Control 1, 2, 3, 5
Reason: The development is not consistent with the desired character of the Urban Corridor Zone & Business Policy Area 31 with respect to the type and density of development on the site.
 - Urban Corridor Zone, Principle of Development Control 20
Reason: Any resultant land division will fail to ensure the objectives of the zone are achieved with respect to dwelling density.
 - General Urban Corridor Zone Development, Principles of Development Control 5 & 7
Reason: The proposed dwellings have not been designed to minimise direct overlooking of the private open space areas and main internal living areas of existing dwellings and between the proposed dwellings.
 - General Urban Corridor Zone Development, Objective 4, Principle of Development Control 11 & 22; Business Policy Area 31, Principles of Development Control 7 & 8
Reason: The built form, layout, generous setbacks and floor to ceiling heights are unlikely to result in adaptive reuse of the buildings in the future.
 - General Land Division Principle of Development Control 4(c)
Reason: Dwelling 1 is not provided with an approved crossover.

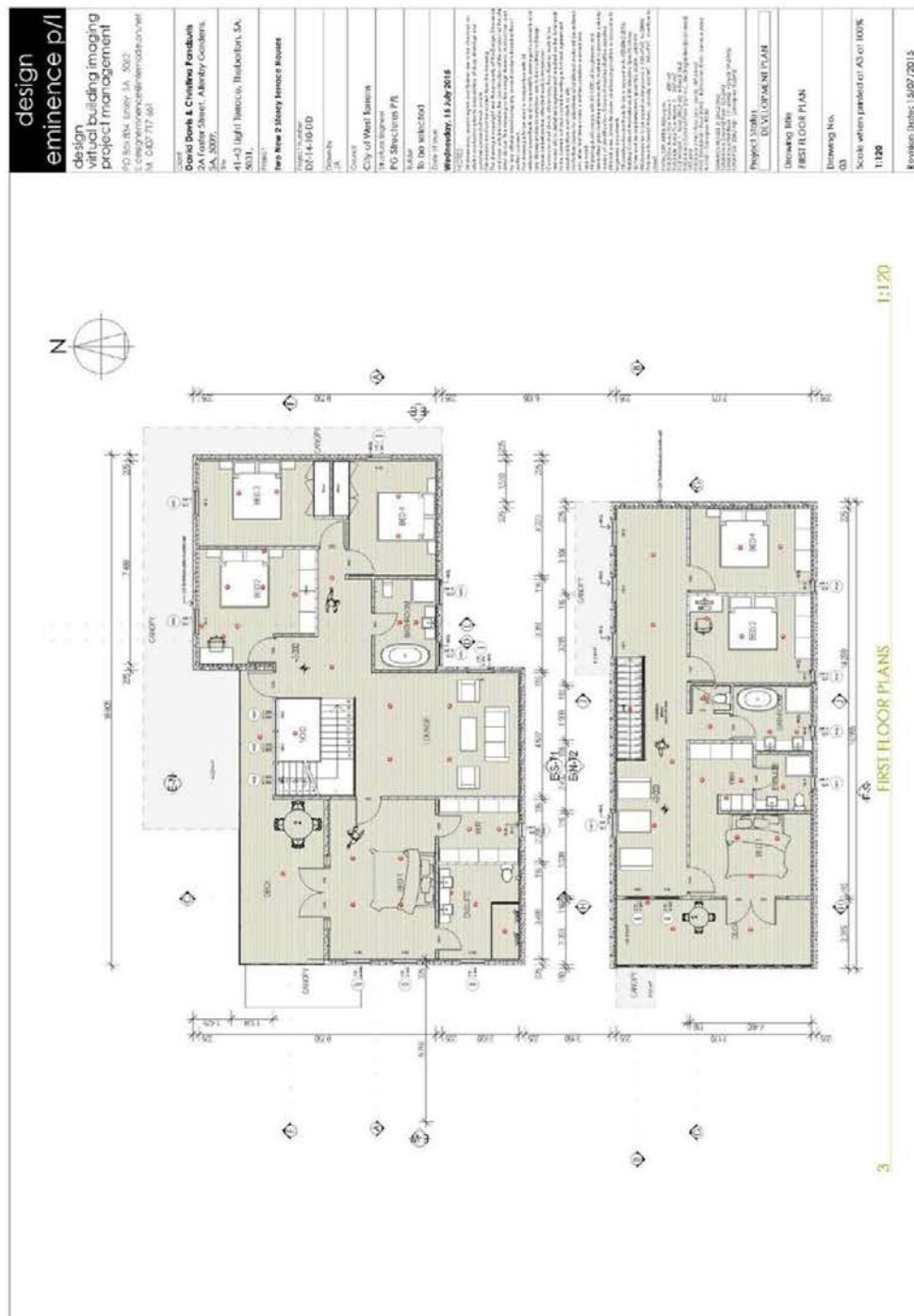
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ATTACHMENT 1

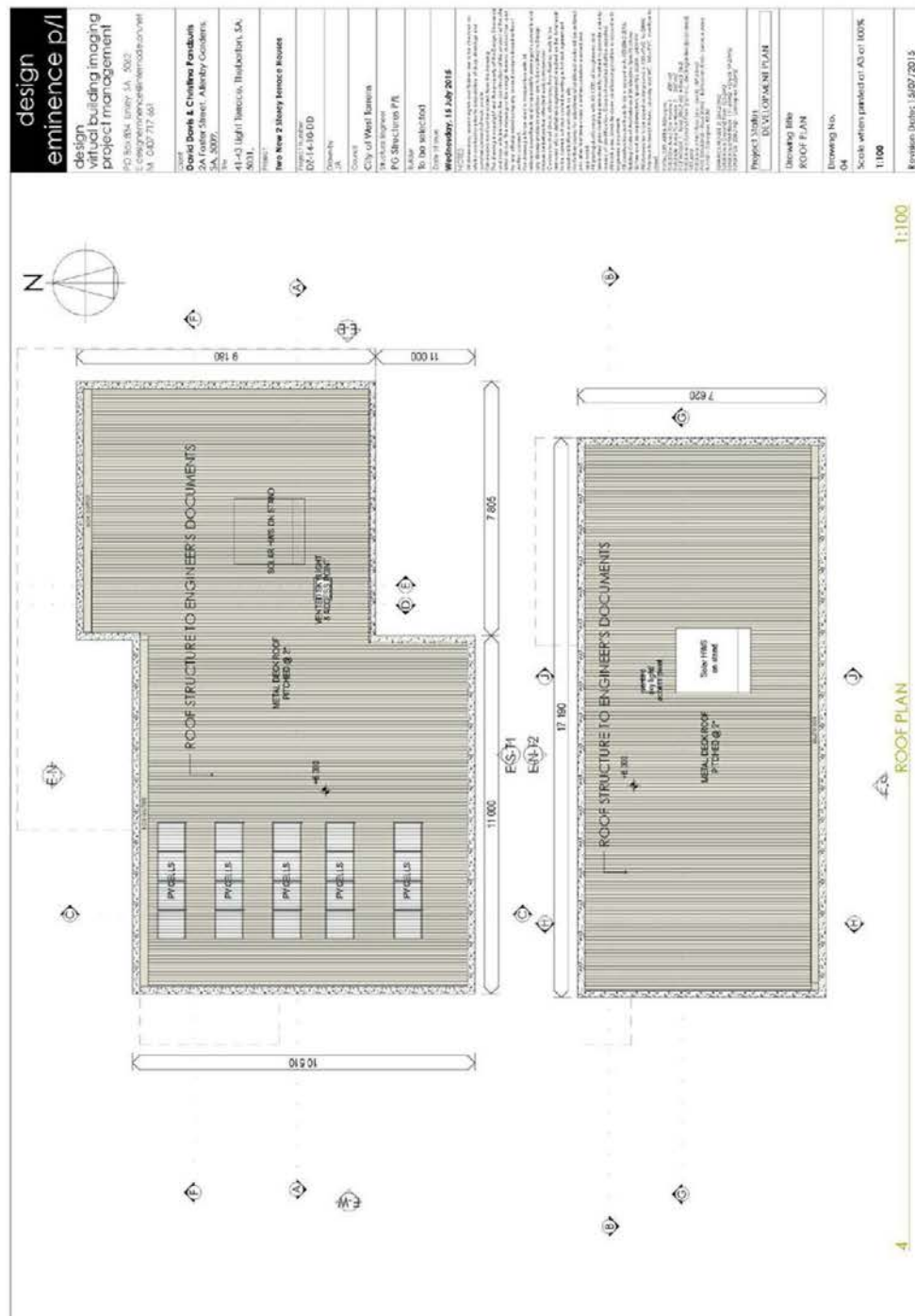


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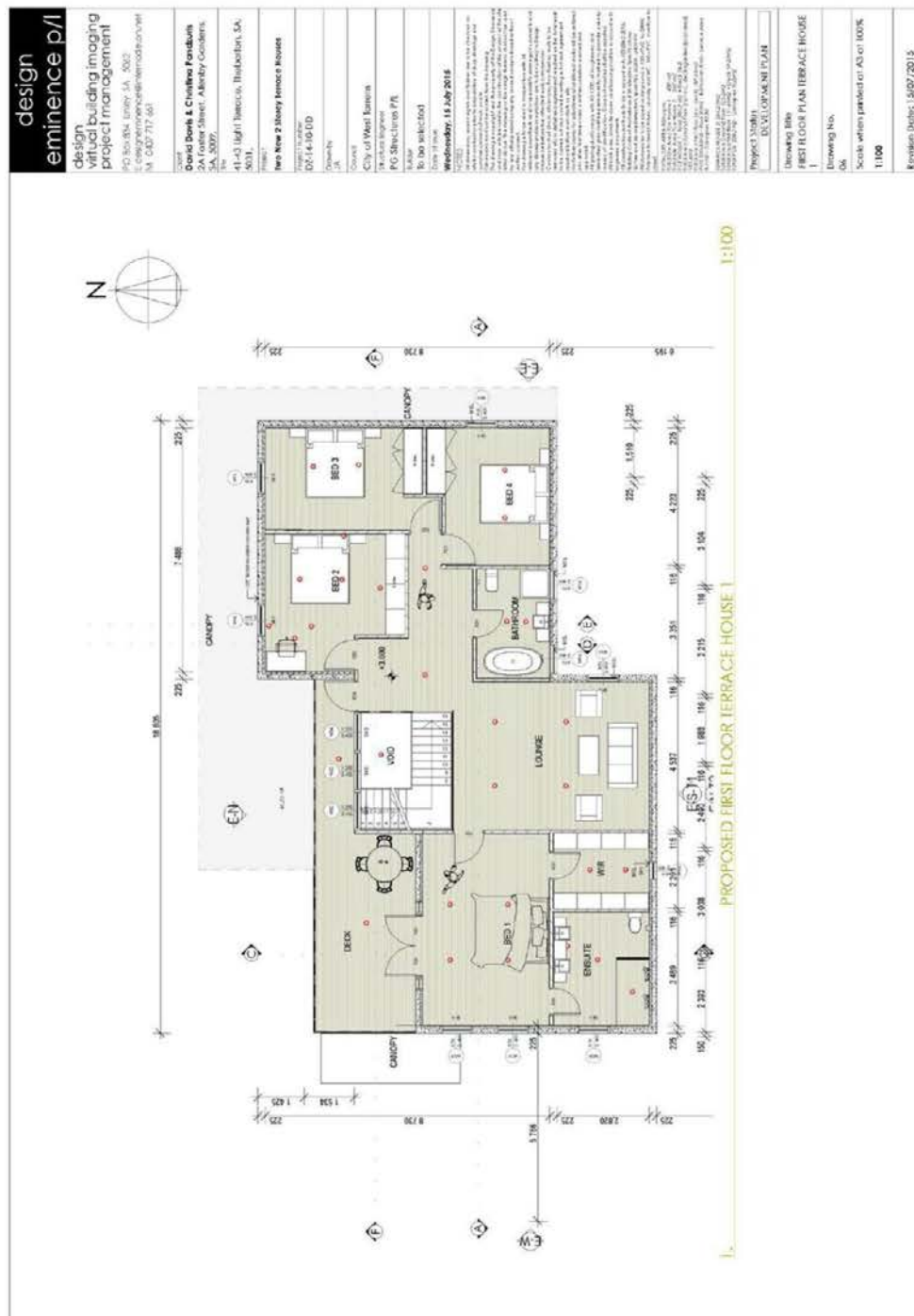


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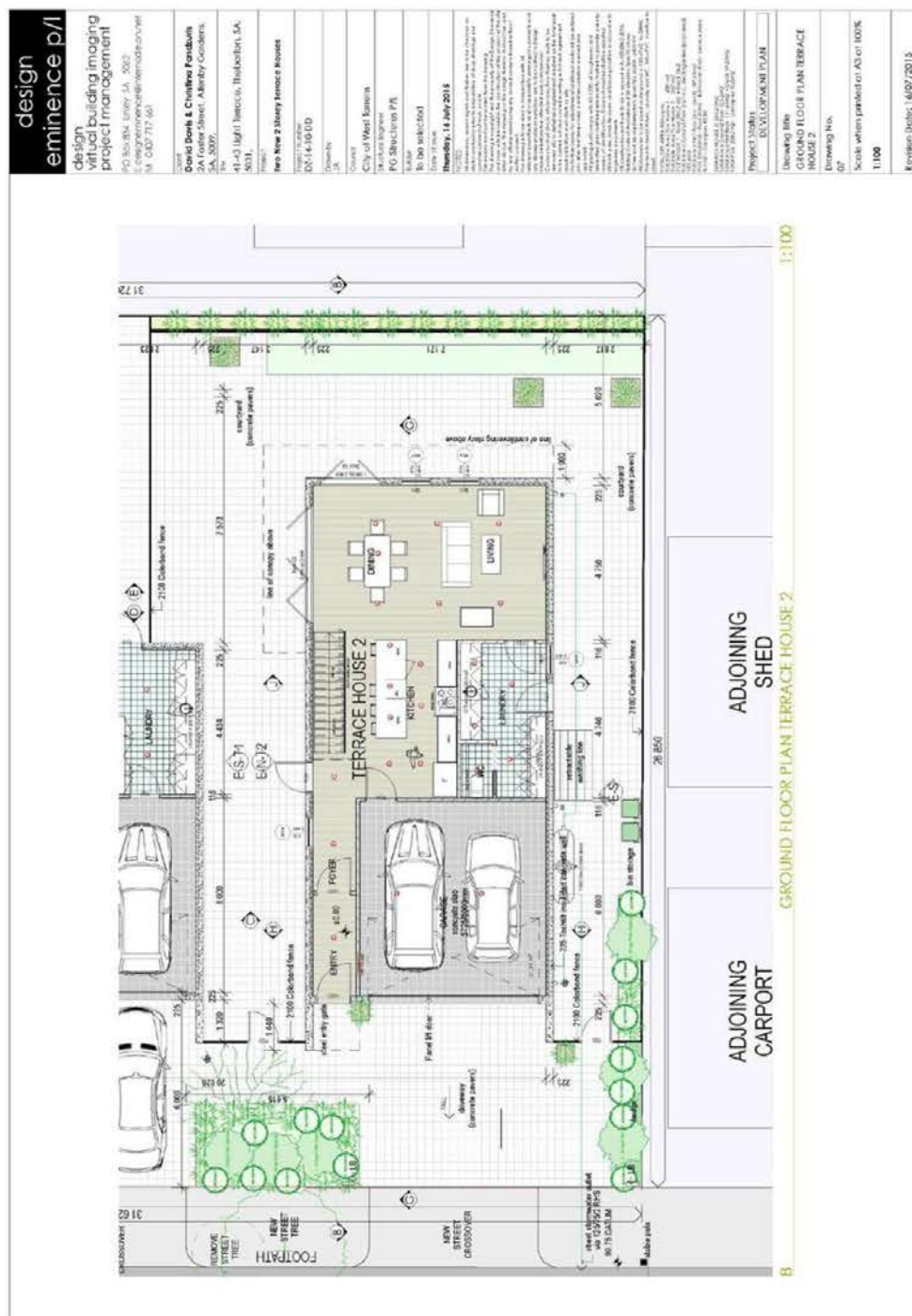






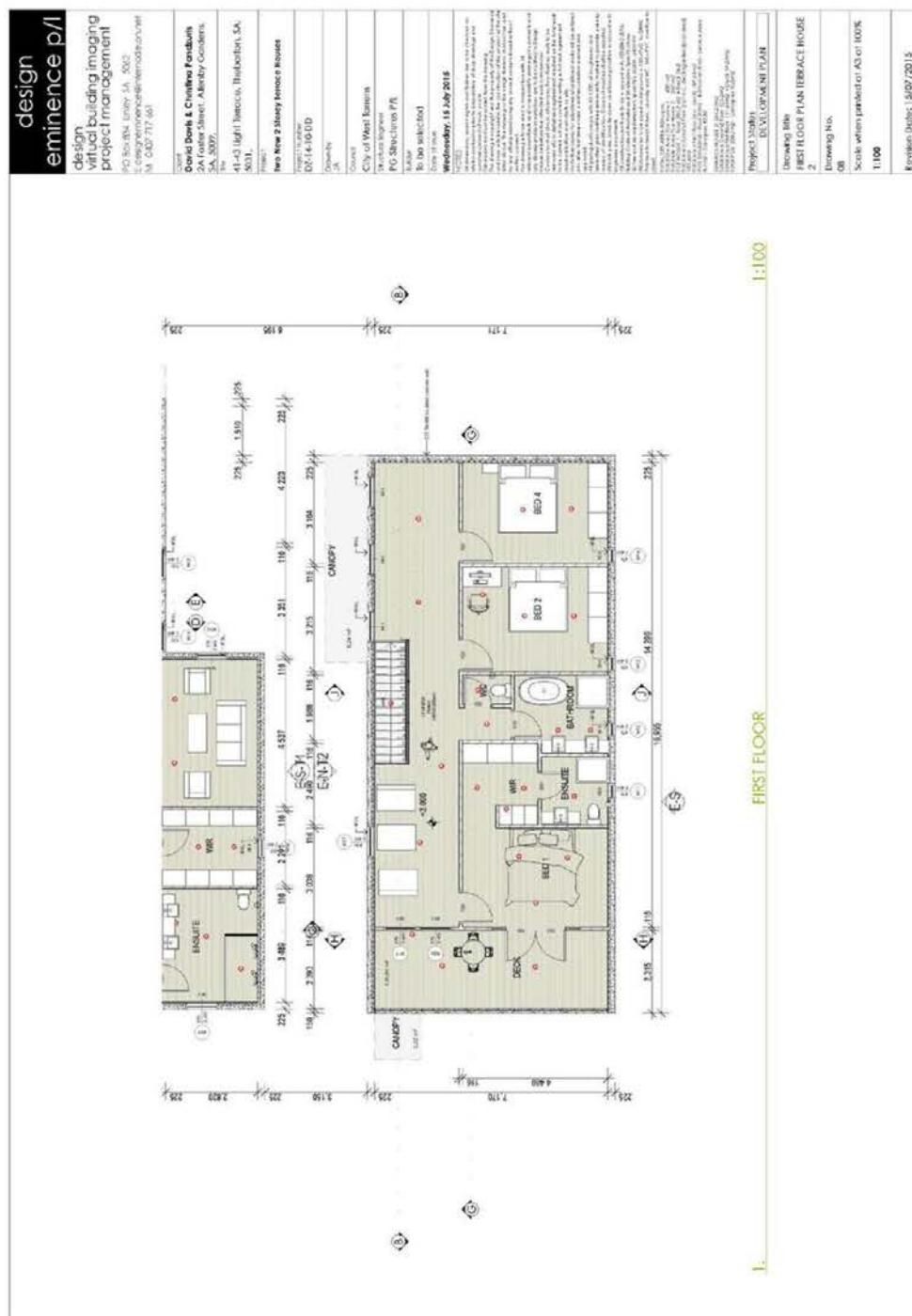
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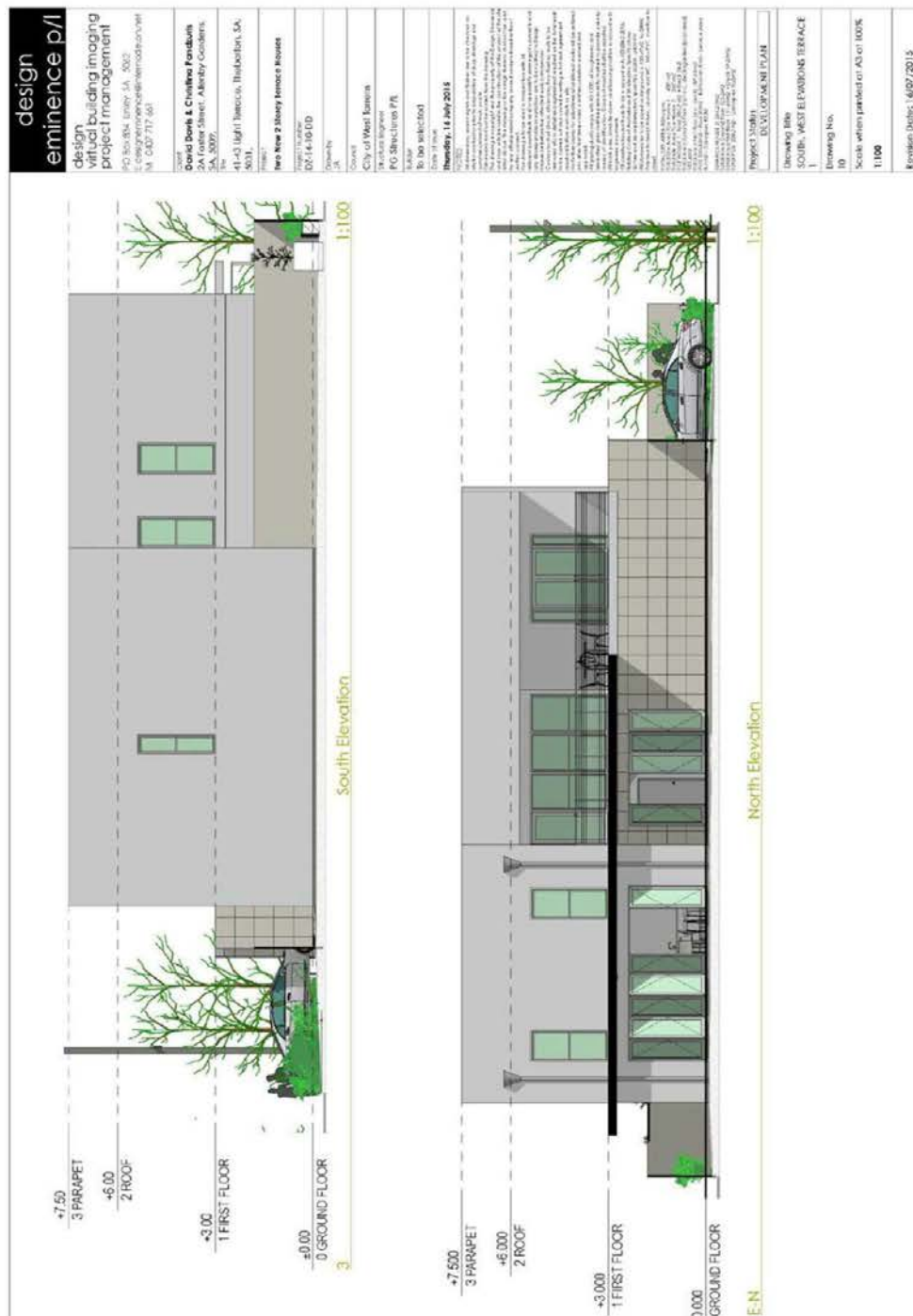
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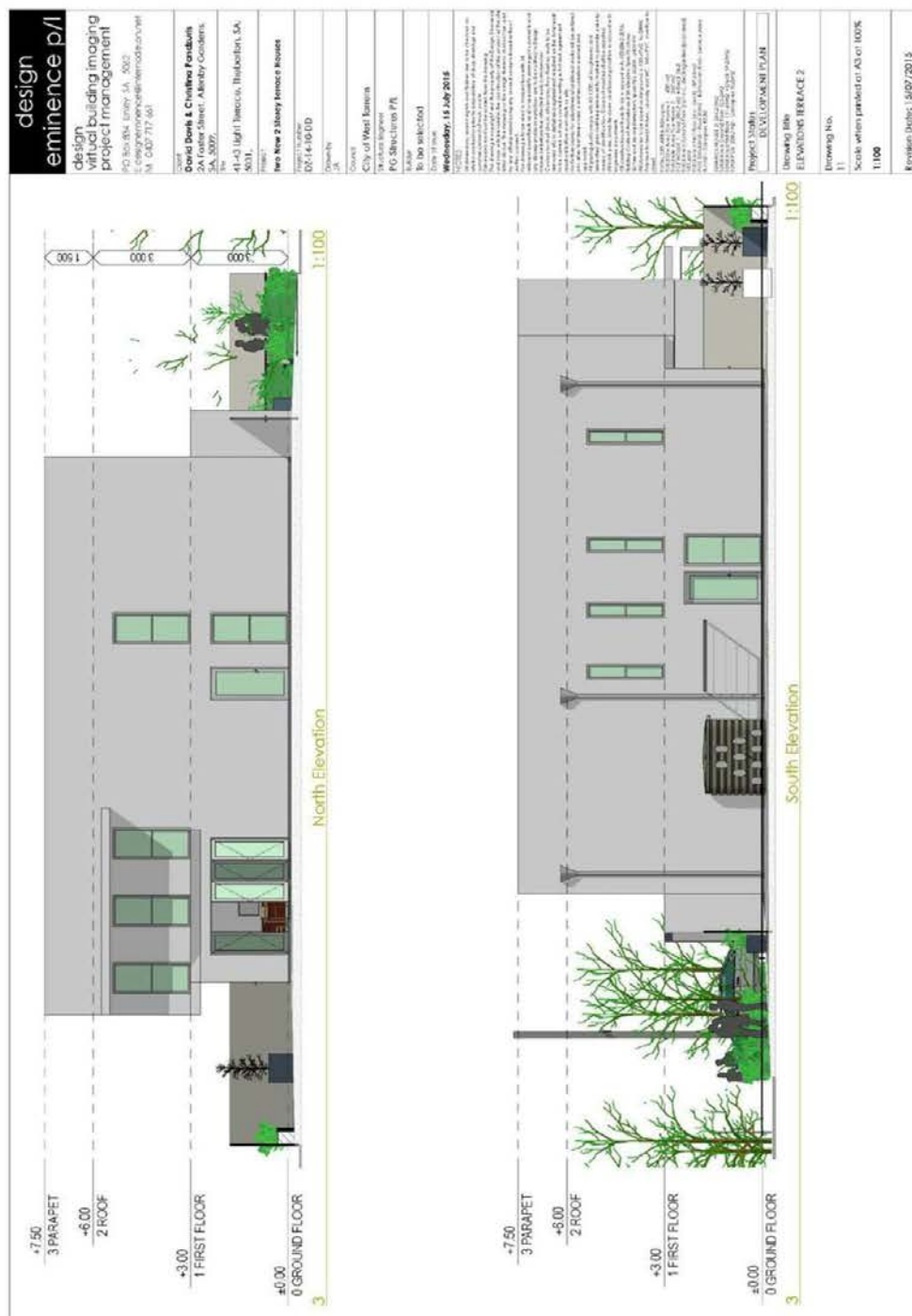
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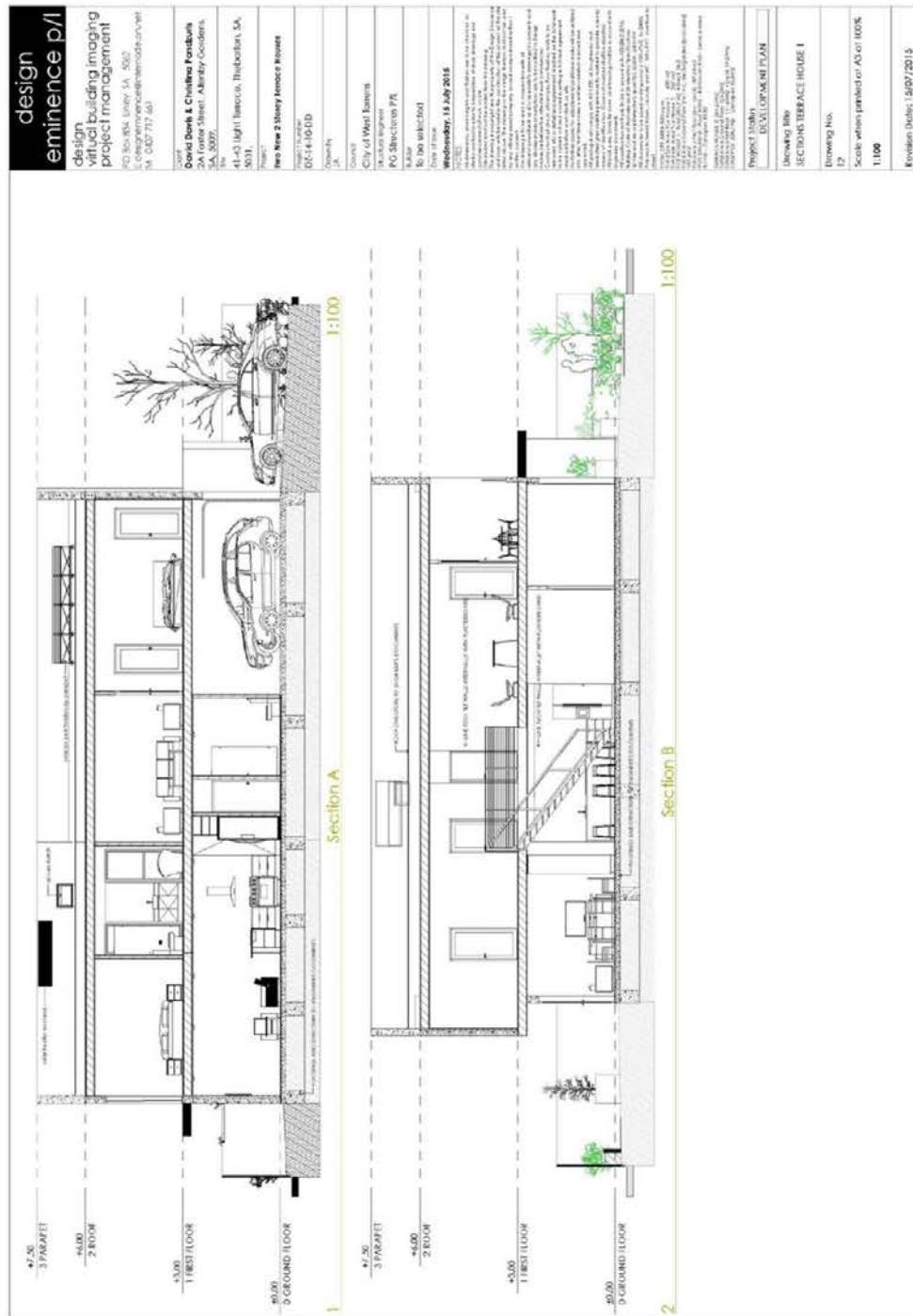
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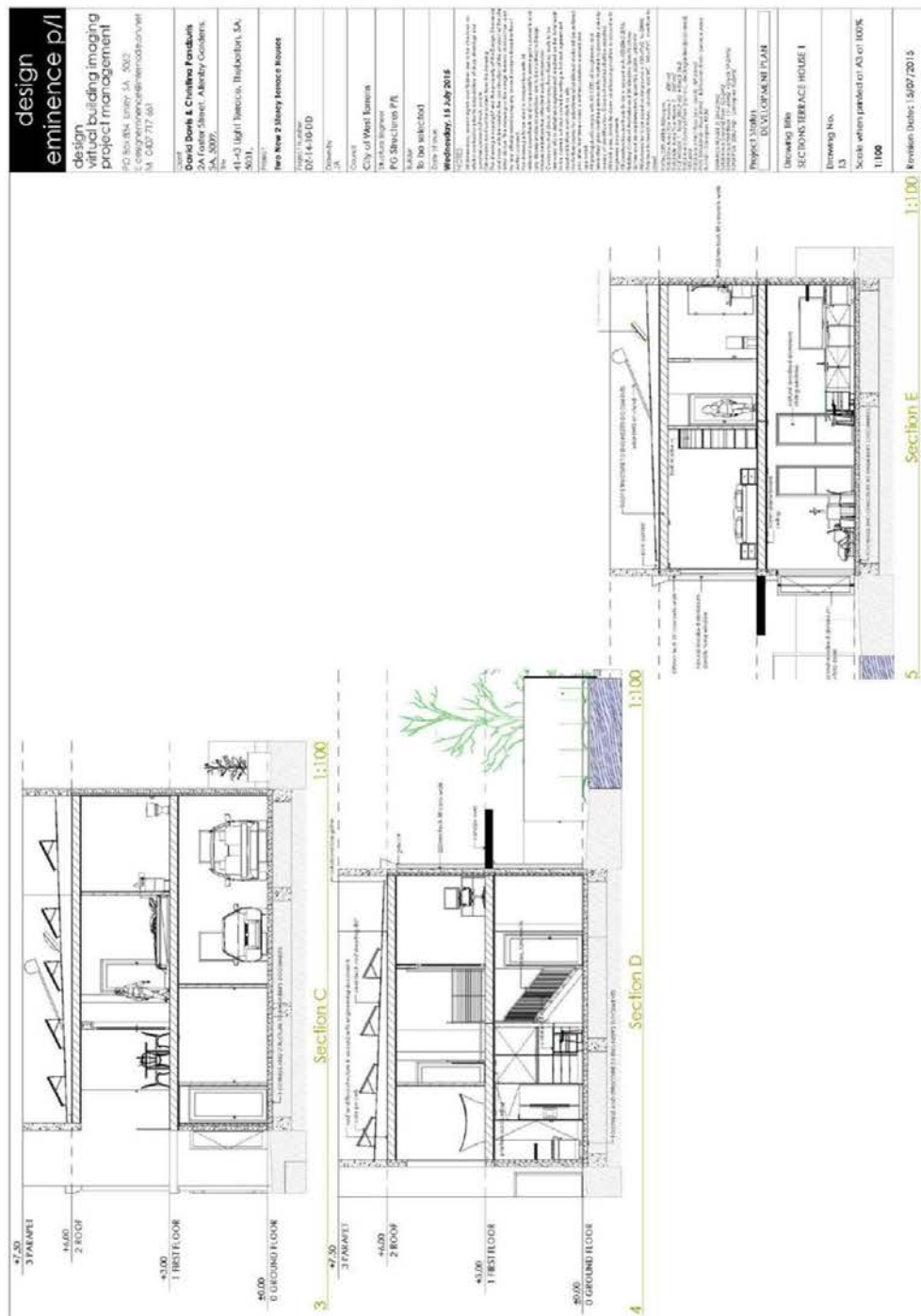
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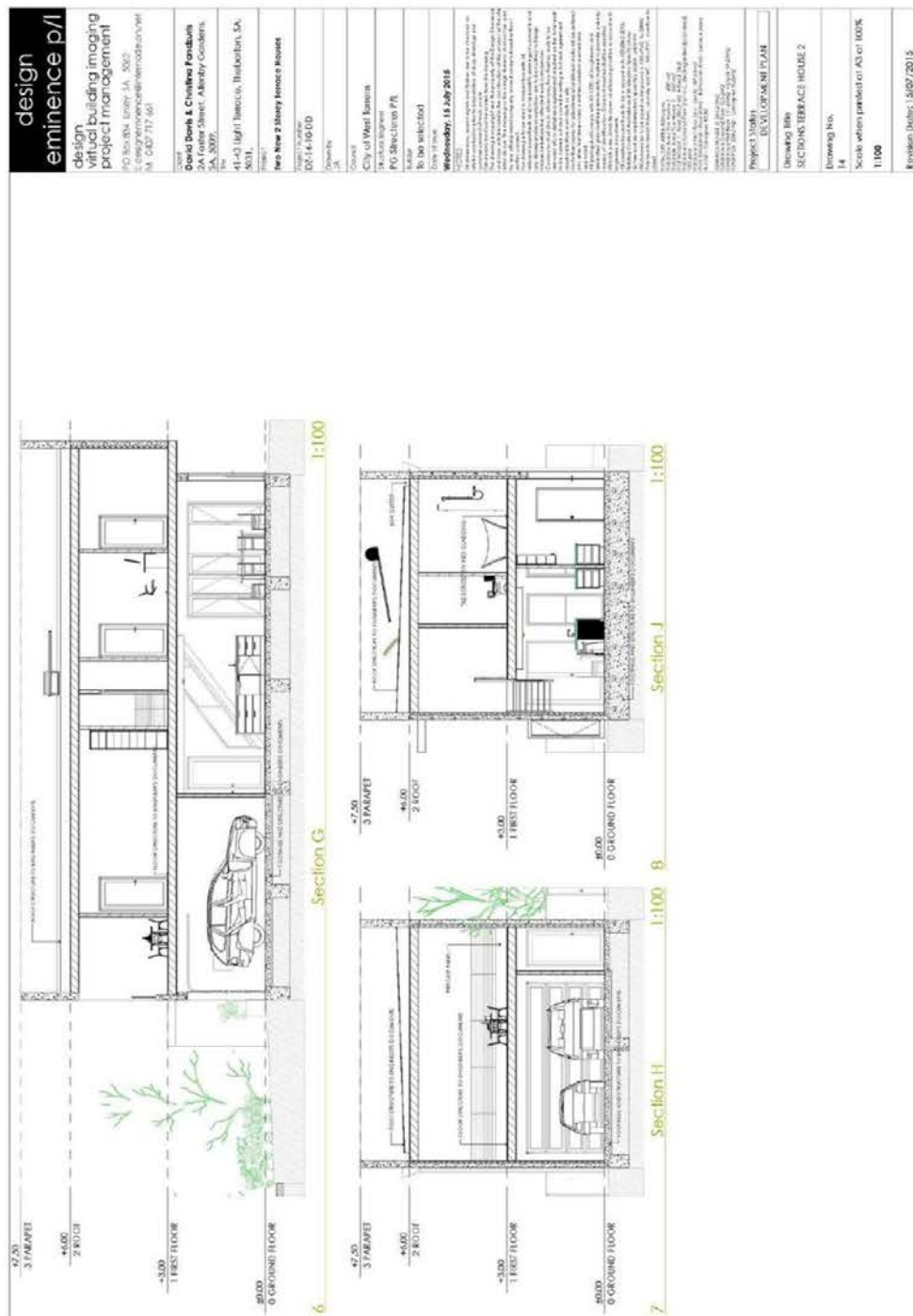


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8 September 2015

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8 September 2015

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eminence p/l**

**virtual building imaging
project management**

PO Box 834, Unley SA 5061
E design@eminencep.com.au
M 080 7717 883

Client:
David Cook & Chelina Pordue
24 Fiske Street, Alberton SA
5A, 5005

Site:
41-43 Light Street, Thebarton, SA
5031

Project Name:
Two New 2 Storey Terrace Houses

Project Number:
06-14-00

Owner:
David Cook & Chelina Pordue

Contractor:
City of West Torrens

Project Manager:
FG Structures Pty

Notes:
To be selected

Date of Issue:
Wednesday, 15 July 2015

Project Description:
The project consists of two new two-storey terrace houses located at 41-43 Light Street, Thebarton, SA 5031. The houses are to be constructed on a 10m wide lot. The houses are to be constructed in a modern style with a mix of materials. The houses are to be constructed in a modern style with a mix of materials. The houses are to be constructed in a modern style with a mix of materials.

Project Location:
41-43 Light Street, Thebarton, SA 5031

Project Status:
To be selected

Project Contact:
David Cook & Chelina Pordue
24 Fiske Street, Alberton SA 5A, 5005
E design@eminencep.com.au
M 080 7717 883



1:200

DAVIS Town Houses Thebarton SS June 21 9 AM

Project Name:
Two New 2 Storey Terrace Houses

Project Number:
06-14-00

Owner:
David Cook & Chelina Pordue

Contractor:
City of West Torrens

Project Manager:
FG Structures Pty

Notes:
To be selected

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Project Location:
41-43 Light Street, Thebarton, SA 5031

Project Status:
To be selected

Project Contact:
David Cook & Chelina Pordue
24 Fiske Street, Alberton SA 5A, 5005
E design@eminencep.com.au
M 080 7717 883

Project Name:
Two New 2 Storey Terrace Houses

Project Number:
06-14-00

Owner:
David Cook & Chelina Pordue

Contractor:
City of West Torrens

Project Manager:
FG Structures Pty

Notes:
To be selected

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Project Location:
41-43 Light Street, Thebarton, SA 5031

Project Status:
To be selected

Project Contact:
David Cook & Chelina Pordue
24 Fiske Street, Alberton SA 5A, 5005
E design@eminencep.com.au
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PO Box 404, Uxley, SA 5095
 E design@eminencep.com.au
 M 0867 717 883

Owner
 David Cook & Chelina Foulds
 24 Fisk Street, Albany Gardens,
 SA 5005

Site
 41-43 Light House & Thebarton, SA
 5031

Project Name
 Two New 2 Storey Terrace Houses

Project Number
 06-14-00

Location
 SA

County
 City of West Torrens

Proposed Structure
 FG Structures Pty

Notes
 To be selected

Date of issue
 Wednesday, 15 July 2015

Project Description
 The project consists of two new two storey terrace houses to be constructed on the site of the existing two storey terrace houses. The houses will be constructed in a modern style with a mix of materials and finishes. The houses will be constructed in a modern style with a mix of materials and finishes. The houses will be constructed in a modern style with a mix of materials and finishes.

Project Name
 DAVIS Town Houses Thebarton

Drawing Title
 SAN 5107-21 JUNE 12pm

Drawing No.
 17

Scale
 Scale when printed at A3 at 100%

Revision Date
 15/07/2015



DAVIS Town Houses Thebarton SS June 21 12 PM 1:200

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8 September 2015

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PO Box 834
Unley South Australia 5061
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E designeminence@internode.on.net
16 July 2015

Ms Zoe Delmenico
Development Officer - Planning
City Development

Dear Zoe

| | |
|-------------------------|------------------------------------|
| Development application | DA 211/332/2015 |
| Applicant | David Davis |
| Site | 43 Light Terrace Thebarton SA 5031 |
| Proposal | Two new Terrace Houses |

I have examined your concerns in your letter dated 18 May 2015 and made the following alterations to the drawings.

All drawings are provided electronically in PDF Format.

The following areas have been addressed.

- 1a. The dimensions of the site are provided as per the current Certificate of Title.
- 1b. All fencing to the site is shown as Colorbond steel at a height of 2.1 m.
- 1c. Driveways and landscaping is shown.
- 1d. All verge features including existing crossover is shown as well as existing street trees and stobie poles are also shown.
New Street crossover locations are shown as well as the two new stormwater street outlets.
The existing crossover on Light Terrace will be redundant and will be reinstated.
The only negative interaction we have with existing site facilities is that an existing disabled crossover will have to be moved for it interferes with a new driveway crossover. This crossover is badly located from the street corner and not compliant with the Code.
- 1e. Existing site levels are not shown in detail, for the existing site is relatively flat and with the floor level described below we will not have any issues with falling paving to the correct levels around the house.

- 1f. The finished floor level of the new houses are shown, the floor levels for both houses are 370 mm above the street water table.
- 1g. The level at the highest point of the water table on Albert Street is shown.
- 1h. The location of the mail boxes are shown.
- 1i. Stormwater from Terrace House 1 is collected and stored in an underground 15Kl tank and the overflow discharges into a new street outlet discharging into Light Terrace via 124/75/2 RHS.
 Both rain water tanks will supply water via a pressure pump internally to plumbing fixtures.
 Stormwater from Terrace House 2 is collected and stored in an underground 5Kl tank and the overflow discharges into a new street outlet discharging into Albert Street via 124/75/2 RHS.
- 2a. The South elevation of Terrace House 1 is now shown.
- 2b. The North elevation of Terrace house 2 is now shown.
- 2c. Pool bathroom has been deleted.
- 2d. The houses are to be built from a system called Tech-tilt where the external insulated concrete walls are to be cast on site. The majority of the external walls are to be painted with a self cleaning insulated paint that is to be off white in colour. A few of the walls are to be clad in stone facing to provide some relief from the uniformity of the painted concrete. Refer to elevations and imagers for detail.
 All fencing is to be Colorbond Steel to a height of 2.1 m and be in a neutral colour to be selected.
 Garage doors are all Panel lift and will be finished in a metallic grey colour.
- 2e. All glazing is to be laminated low E glass with a green tint.
- 2f. All glass on the first floors are to be the same with the exception that windows not facing the street are to contain a white plastic laminate in the middle of the glass to meet the requirements for obscurity.
 Windows and doors facing streetscapes are green tinted clear glass.
3. Shadow diagrams to scale are shown at the 21st of June 2015 for the required times of 9am 12pm and 3pm are provided.
4. Details of the plants to be used are shown on our drawings all are relatively low and are hardy drought tolerant natives. The two trees that are to be planted are to be 1.5 metre tall Mongolian Pears that will grow to around 8 metre in height. The native plants shall be bought in a 200mm pot versions so that they will not be an immediate target for theft.

5. The total weight of the photo voltaic cells on the roof of each house will be greater than 100 Kilograms however the weight is to be evenly distributed so that it does not exceed 100 Kilograms at any one point of attachment. The panels are hidden behind a parapet as is the Solar hot water heater and will not be visible from the ground. Refer to images and elevations for evidence.

Comment on items 1 to 5 from the Councils City Assets Department.

1. The finished floor level of the new houses are shown, the floor levels for both houses are 370 mm above the street water table. The site and verges have been measured.

A detailed survey will be actioned if we receive advice from Council that approval is likely.

2. Verge interaction

The street tree to the South West of the new Terrace House Tree will need to be removed and replaced in a location as shown on the drawing further south.

The tree in front of the same Terrace house on the northern side of the driveway is 2 metres from the new driveway.

The disabled crossing in front of Terrace house 1 will be in the middle of the driveway.

This crossing is poorly located.

2.1. The new driveways and stormwater connections are shown on our plans and do not create any issues.

2.2. The existing redundant crossover on Light Terrace is not required and will be reinstated.

2.3. The driveways between Terrace House 1 and 2 are greater than 5.5 metres.

2.4. Office has been altered to Study.

2.5. New Stormwater outlets are to discharge to street via new 125/75/2 galvanised RHS outlets where shown on drawings.

3.1. Corner Cutoff is not required for this area is already designated as a garden area and will be planted with low growing plants and shrubs.

4.0. The Garages has been altered to 6 metres deep internally. The street setback is also fine and readily allows for a large car or SUV to be parked in front of the driveways without extending onto the footpath.

Urban Corridor Desired Character

I have consulted with my client, with Ben Green Planner and Planning Lawyers regarding the Urban Corridor. All parties agree that as we are on the edge of the corridor there is a need for a transition between the 2 zones.

I have examined in detail the dwelling density issue and it is true that we could possibly fit 4 taller dwellings on the same block, however the density of occupants may not change for the properties we have designed are true family houses with 4 bedrooms and 3 bedrooms that could readily be altered to 4 bedrooms. When you examine this against the alternatives the density of occupants per house against your Urban Corridor Guidelines the occupant densities are similar.

This is further evidenced by contact with the Real Estate industry who have indicated that the market for larger terrace houses that can house a larger family is not being met and that the market for smaller units within the area is already over supplied.

In summary we and our client believe we have designed 2 new terrace houses (against the Urban Corridor figure of 3.8) that transition well between the need for higher density and the neighbouring houses and the existing residential houses on the other side of Light Terrace without creating any issues for neighbours and yet provide housing for 2 large families with a development that enhances and benefits the area.

Overshadowing

Our design makes use of the makes great use of the Northern sun lit areas to provide and catch the winter sun and project that within the living areas of the houses with the Bedrooms all soon the colder Southern side.

The height of our houses and the sun studies show that we will not impact greatly on the surrounding houses. However if we go any taller then the impact will be detrimental for those adjacent houses and the solar collectors on the adjacent house to the South.

Visual Privacy

We have designed the houses so that this is not an issue, however our houses with large glazing areas to the North are going to be light and bright. All glass on the first floors are to be the same with the exception that windows not facing the street are to contain a white plastic laminate in the middle of the glass to meet the requirements for obscurity.

Windows and doors facing streetscapes are green tinted clear glass.

Landscaping

The area of landscaping has been increased to the Albert Street frontage as has the density of plantings. All plants with the exception of the two Mongolian Pear trees are natives

Storage

We do not believe that storage is an issue within our houses.

The garages have been increased in depth to 6 metres that can accommodate high density wall storage, we have large Laundry areas on the ground floor that are full of

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8 September 2015

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storage cupboards and have sufficient space externally that could readily house a small shed for storage of gardening implements.

Yours sincerely

John Anderson

design **eminence** p/l

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8 September 2015

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From: John Anderson [johnde@internode.on.net]
Sent: Thursday, 6 August 2015 4:51:55 PM
To: Development
Subject: Re: City Assets comments (amended plans) - Development Application 211/332/2015 - 43 Light Terrace, Thebarton

Hi Zoe

We still wish to proceed.

However we do not share the major concerns of your Engineer Baskar Kannappan.

1.1 We have already adjusted the FFL so that it is 350 mm above the water table.

2.1 Our drawings already have a note that the existing Kerb ramp is to be relocated. We do not share Council opinion that this should be borne by my Client for this ramp is poorly located some 15.5 m from the Light Terrace Kerb, is not in accordance with AS1428 and AUSTROADS Guide to Traffic Engineering Practice and is of no practical use at the moment due to its location.

2.2 We have already indicated that our client is responsible for making good the existing crossover on the existing Light Terrace entry to the property and have no issue with that.

3.0 The 3.0/3.0 m corner cutoff is not relevant for our fence is setback 4.17/5.0m from Albert Street and Light Terrace corner. This area is to be landscaped and planted with low height ground covers and shrubs.

4.0 The fee to remove and replace the London Plane tree further south as documented on our plans at \$848 is acceptable.

Best Regards

John Anderson
design **eminence** p/l

virtual building solutions + building design + project management

PO Box 834 Unley BC SA 5061
† 08 8271 4161 | m 0407 717 661

E johnde@internode.on.net

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8 September 2015

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On 6 Aug 2015, at 10:58 am, Development <Development@wtcc.sa.gov.au> wrote:

Hi John,

As discussed please find attached City Assets most recent comments in relation to the amended plans.

As per our discussion I understand that you are aware of the relocation costs of the pram ramps and street tree removal, and the other matters raised by City Assets and are wanting to proceed with the plans as submitted to Council on the 16.07.15, to be determined by the DAP.

Many thanks

Zoe Delmenico
Senior Development Officer - Planning
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Phone: (08) 8416 6333
Email: development@wtcc.sa.gov.au

Availability: Monday, Tuesday & Thursday

ATTACHMENT 2

Memo

To Zoe Delmenico
From Baskar Kannappan
Date 28 August 2015
Subject 211/332/2015, 43 Light Terrace, THEBARTON

Zoe,

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

1.0 General Finished Floor Level (FFL) Consideration

- 1.1 Council seeks to ensure that the FFL of all new development is protected from inundation when considering a 350mm stormwater flow depth in the adjacent street watertable.

This is typically achieved through establishing the FFL of new development a minimum of 350mm above the highest adjacent street water table.

In association with the above proposed development, no site or road verge level information has been provided and as such it is impossible to determine if the proposal will satisfy the above consideration. **It is noted that the drawings have been resubmitted without providing this information.**

Simply conditioning that a development satisfy this consideration can have its complications with regards to the ultimately required level of the development in relation to neighbouring properties and the related planning considerations this brings about. It may also bring about the necessity for alterations to the design of the development which are outside of the expectations of the applicant (for example; requiring step(s) up from existing buildings to additions).

It is recommended that appropriate site and adjacent road verge survey information be provided to correctly assess the required minimum FFL for this proposal.

2.0 Verge Interaction (with street tree) - Major Concern

- 2.1 Current plan (Design Eminence drawing no.02 amended dated 16 July 2015) shows that 'Disable Ramp to be relocated'. It should be noted that this ramp relocation also constitute relocation of ramp on opposite side and reinstatement of redundant portion to vertical kerb.

Only Council staff will be permitted to alter or remove a street infrastructure and this will only be undertaken upon payment of the determined fee.

The pram ramps in question has been assessed and considered acceptable to be relocated. However it should be noted that this relocation should be done at applicant's expense. Based on Council's standard schedule of fees and charges the fee for the relocation of this two pram ramps is \$3,816.86 (inc. GST).

Prior to any development plan consent for this application it is requested that the following confirmation is received by the development applicant:

- I as the applicant for development application number acknowledge that this application will result in the necessity for the relocation of two pram ramps.

It is acknowledged that a fee of \$3,816.86 (inc. GST) is required to be paid to Council in association with the pram ramps relocation before full development approval is issued.

I acknowledge that the pram ramps are only to be relocated by Council staff or contractors acting on behalf of Council.

Signature: Date: / /

Recommended that the following condition to be included with any approval of this development: Payment for alter of road infrastructure to necessitate the access to the development must be received by the council prior to the issue of full development approval.

- 2.2 It is noted that the existing crossover at Light Terrace will be made redundant. This crossover should be reinstated to vertical kerb prior to the completion of any building works at the applicant's expense.

It is recommended that revised plans satisfying the above dot point 2.1 and 2.2 be provided to Council.

2.3 **Additional comment provided by Coordinator, Engineering Services:**

It is my understanding that the above development as currently proposed indicates a new driveway which conflicts with an existing Council pram ramp.

The applicant has been provided a quote for the relocation of the pram ramp and associated infrastructure, but has indicated an unwillingness to for acceptance of responsibility for this cost based on their perceived unsuitability of the existing pram ramp location.

Australian Standards and Austroads outline the desired location for pram ramps and proximity to intersections, however where other factors of road arrangement come into play, alternate locations are considered acceptable and functional.

The pram ramp in question was installed over recent years by DPTI as part of the Port Road upgrade works and Council is satisfied with the appropriateness of the location, based on the road design elements which make it difficult for the pram ramp to be located closer to the intersection.

As the subject property already has an acceptable vehicle access location, Council has no obligation under the Local Government Act to provide additional or new vehicle access to the property to facilitate the current development proposal.

Council's City Assets Department WILL NOT approve this new driveway (which conflicts with the pram ramp) as is required under Section 221 of the Local Government Act, unless the applicant engages Council to undertake the necessary pram ramp relocation works. It is my understanding that this would result in the planning application being considered 'hypothetical' and approval for the application not being able to be granted.

To satisfy Council acceptance for approval of this access and pram ramp relation, any approval for the development application would be required to contain the following condition.

- Prior to the issue of Full Development Approval, Council must receive lodgement of an application to "Construct a vehicular crossing place across Council land" and payment for the alteration of the pram ramps and associated infrastructure must be received by Council. The current quoted value for these alterations is \$3,816.86 (inc GST), which is valid for 12 months from the original issue of the Development Plan Consent. Council reserves the right to review this quoted value if payment is proposed to be received any later than 12 months after the original issue of the Development Plan Consent.

This position has been endorsed by the Manger City Assets.

3.0 Street Tree Removal

- 3.1 The proposed driveway is indicated to require the removal of one street tree adjacent to this property.

Only Council staff will be permitted to alter or remove a street tree and this will only be undertaken upon payment of the determined fee.

The tree in question has been assessed and considered acceptable to be removed. Based on Council's standard schedule of fees and charges the fee for the removal of this tree is \$848.00

Prior to any development plan consent for this application it is requested that the following confirmation is received by the development applicant;

- I as the applicant for development application number acknowledge that this application will result in the necessity for the removal of one street tree.

It is acknowledged that a fee of \$848.00 is required to be paid to Council in association with the tree removal in the future crossover application.

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I acknowledge that the street tree is only to be removed by Council staff or contractors acting on behalf of Council.

Signature : Date: / /

It should be noted that City Assets does not support this application unless the above mentioned major concerns are addressed. Should you require further information, please contact Baskar Kannappan on the following direct extension number 8416 6296

Regards

Baskar Kannappan
Civil Engineer

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Preliminary Assessment of Street Trees, Significant and Regulated Trees

Development Application No: 211/332/2015

Assessing Officer: Zoe Delmenico
Site Address: 43 Light Terrace, THEBARTON SA 5031
Certificate of Title: CT-5137/632
Description of Development Construction of two x two storey dwellings & the demolition of existing built form

TO THE TECHNICAL OFFICER – CITY ASSETS

Please provide your comments in relation to:

- Crossover in close proximity to centrally located street tree.

The application has also been referred to Baskar in relation to new crossovers

PLANNING OFFICER - Zoe Delmenico

DATE 20 April 2015

FROM THE TECHNICAL OFFICER

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

As with all development applications it must be proven beyond reasonable doubt that all alternatives have been explored so not to hinder the progress and development of any street tree(s).

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

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

Based on Drawing No 2 Project No DZ-14-10-DD at the side of 43 Light Terrace on Albert Street the stobie pole has been shown in the incorrect position and there are two street trees not one.

There is no conflict with street trees for the proposed crossover location for House 2.

As a result of the proposed crossover location for House 1 on Albert Street there is a conflict with two *Platanus acerifolia* (London Plane) Street trees.
City Works will support the proposal for House 1 with an offset of 1800 mm from the northern most street tree.

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However the southernmost street tree would have an offset of only 600 mm, which would be unacceptable.

City works in this instance will support the removal of the southernmost (London Plane) street tree.

With reference to the City of West Torrens, Fees and Charges Document 2014-2015 "Tree removal for driveway construction", once Council has assessed all circumstances and considered it acceptable that a street tree can be removed, a fee is calculated based on Council's standard schedule of fees and charges.

The fee is used to offsets the loss of the asset (street tree) to the community, with funds received invested in Council's annual Greening Program.

As a result of the proposed crossover on Albert Street for House 1, City Works has considered the health, structure, form, useful life expectancy, and age of the street tree and will support the removal.

A fee of \$848.00 will be required prior to the commencement of any work.

Please note, under no circumstances is any individuals other than council staff permitted to interfere with a street tree. If pruning etc. is required, council must be notified via the appropriate customer request, and council will perform all works associated with that community asset.

Final crossover locations will be confirmed once appropriate consultation has been received from the applicant in the form of "an application to construct a vehicle crossing place(s) across council land".

Rick Holmes
Arboriculture Assistant
165 Sir Donald Bradman Drive
Hilton SA 5033

Telephone: 8416 6333
Fax: 8443 5709
Email: rholmes@wtcc.sa.gov.au

DATE: 18/05/2015

6.14 Procedures at Council Assessment Panel Meetings

Brief

This report presents the *Procedures at Council Assessment Panel Meetings* for approval.

RECOMMENDATION

It is recommended to the Council Assessment Panel that the revised *Procedures at Council Assessment Panel Meetings* be adopted.

Introduction

The *Planning, Development and Infrastructure (General) Regulations 2017* (Regulations) stipulate the statutory procedures to be undertaken during the operation of Council Assessment Panel (CAP) meetings. Under these Regulations, the CAP may adopt meeting procedures for its meetings and may determine its own procedure(s) so long as it is not inconsistent with the Planning, Development and Infrastructure Act or Regulations.

At its 10 October 2017 meeting, the CAP adopted the *Council Assessment Panel Meeting Procedures*.

At its 14 November 2017 meeting, the CAP adopted amendments to the *Council Assessment Panel Meeting Procedures*.

At its 13 February 2018 meeting, the CAP contemplated changes to the *Council Assessment Panel Meeting Procedures* and the Administration agreed to present proposed amendments to the *Council Assessment Panel Meeting Procedures* to a future meeting.

Consequently, this report seeks approval of the *Procedures at Council Assessment Panel Meetings*.

Discussion

The *Procedures at Council Assessment Panel Meetings* include the following proposed amendments to clause (14) Discretionary Procedures as shown below (inserted text is shown with underline and ~~deleted text is shown with strikethrough~~):

- (7) *The Presiding Member may, at their discretion, accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.*
- (8) *In relation to clause (14)(7), Any material to be considered by the CAP must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.*
- (11) *In relation to each application to be considered and determined by the CAP:*
 - (e) *where no representors appear at the meeting, the Presiding Member may, at his or her discretion, allow an applicant to be heard in support of his or her application to answer questions of the CAP, in person or by an agent;*

The intent of the proposed change to clause (14)(8) is to clarify that this clause specifically addresses the circumstances described in clause (14)(7) rather than apply to more general circumstances.

The intent of the proposed changes to (14)(11)(e) is to clarify the applicant's ability to be heard by the panel in circumstances where a representor chooses not to exercise their right to be heard by the CAP. The proposed amendment is consistent with the CAP's approach for Category 1 applications and reflects that the intent of the applicant's opportunity to be heard is to provide a right of reply to a representor's verbal remarks and not to speak more generally regarding the application. This is consistent with the Presiding Member's use of their discretion in practice.

The *Procedures at Council Assessment Panel Meetings* are attached for the CAP's consideration and approval (**Attachment 1**).

Conclusion

The report seeks the appointment of the revised *Procedures at Council Assessment Panel Meetings*.

Attachments

1. Revised Procedures at Council Assessment Panel Meetings

Procedures at Council Assessment Panel Meetings

| | | |
|---|---|------|
| Classification: | Meeting Procedures | |
| First Issued: | 10 October 2017 | |
| Dates of Review: | 2017 | |
| Version Number: | 3 | |
| Next Review Due: | 2018 | |
| Objective ID: | A2115959 | |
| Applicable Legislation: | <ul style="list-style-type: none"> • <i>Planning, Development and Infrastructure Act 2016 (SA)</i> • <i>Planning, Development and Infrastructure (General) Regulations 2017 (SA)</i> • <i>Assessment Panel Members - Code of Conduct</i> | |
| Related Policies or Corporate Documents: | <ul style="list-style-type: none"> • <i>Terms of Reference - Council Assessment Panel</i> | |
| Associated Forms: | <ul style="list-style-type: none"> • Council Assessment Panel Member Conflict of Interest Declaration Form | |
| Note: | | |
| Responsible Manager: | General Manager Urban Services | |
| Confirmed by General Manager: | General Manager Urban Services | Date |
| Approved by Executive: | | Date |
| Endorsed by CAP: | | Date |

City of West Torrens - - Procedures at Council Assessment Panel Meetings

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Procedures at Council Assessment Panel Meetings

(1) Introduction

The *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) stipulate certain statutory procedures to be observed at or undertaken during meetings of the CAP. Otherwise, the CAP determines its own meeting procedure(s) so long as they are not inconsistent with the Regulations.

The combined document is the City of West Torrens' Procedures at CAP Meetings (Meeting Procedures) adopted by the CAP.

These Meeting Procedures operate at CAP meetings. They are also available to the public to assist their understanding of the procedures associated with the operation of CAP meetings. These Meeting Procedures are reviewed annually.

The CAP may, at any time by resolution, alter or substitute these Meeting Procedures.

(2) Interpretation

"Act" means the *Planning, Development and Infrastructure Act 2016*;

"Additional member" - a person who holds a qualification, or has expertise or experience recognised by a practice direction for the purposes of section 85 of the Act. An Additional Member is not able to vote on any matter arising for determination by the CAP.

"Assessment Manager" means a person appointed by the Chief Executive Officer in accordance with section 87 of the Act. The Assessment Manager is responsible for overseeing the operations of and providing advice to the assessment panel.

"Member" means a member of the Council Assessment Panel and includes a Deputy Member.

"Presiding Member" means the person who is the presiding member of and includes any person who is presiding at a particular meeting;

"Representor" means a member of the public who wishes to present information to the CAP in relation to a development assessment matter

"Written notice" includes a notice given in a manner or form determined by the CAP.

- (1) In the calculation of **"clear days"** in relation to the giving of notice before a meeting -
 - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.
- (2) For the purposes of the calculation of clear days if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

(3) Guiding Principles

The following principles (the **"Guiding Principles"**) should be applied with respect to the procedures to be observed at a meeting of the CAP:

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- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the CAP;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

(4) Notice of Meetings

- (1) The CAP will meet at 165 Sir Donald Bradman Drive, Hilton SA 5033 at 5pm on the second Tuesday of each month, commencing 1 October 2017.
- (2) Notice of a CAP meeting must:
 - (a) be in writing
 - (b) set out the time, date and place of the meeting
 - (c) be signed by Council's Assessment Manager
 - (d) contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable)
 - (e) be provided electronically to CAP Members a minimum of three (3) clear days before the meeting; and
 - (f) be displayed at the Civic Centre, Hamra Centre Library and on Council's website a minimum of three (3) clear days before the meeting.
- (3) The Assessment Manager may vary the meeting date and time in consultation with the Presiding Member but must ensure that the minimum of three (3) clear days' notice of the new meeting date is provided and the meeting is notified according to clause 4(2) of these Meeting Procedures.
- (4) Special meetings of the CAP may be required in special circumstances to expedite decisions on applications before the CAP and will be called at the discretion of the Assessment Manager in consultation with the Presiding Member. Members of the CAP, applicants, representors and the public must be given a minimum of four (4) hours' notice before the commencement of the special meeting.

(5) Deputy Members

- (1) If a CAP Member is unable to attend a meeting, they must notify the Assessment Manager as soon as reasonably practicable.

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- (2) The Assessment Manager may request the Deputy Member to the Elected Member attend a meeting in the place of the CAP Elected Member for all or part of a meeting.

(6) Additional Members

- (1) The CAP may, by resolution, appoint up to two Additional Members to assist the CAP in dealing with a particular matter.
 - (a) Such additional members must hold a qualification, or have expertise or experience, recognised by a practice direction conferred under the Act or Regulations.
- (2) The Assessment Manager may request in writing for an Additional Member to attend a CAP meeting and this request must be accompanied by the notice for the meeting in accordance with clause 4(2), highlighting the item(s) the Additional Member is required to consider.
- (3) Additional members appointed by the CAP are not entitled to vote at meetings.
- (4) Additional members will be remunerated accordingly.

(7) Quorums (Regulation 15)

A quorum at a meeting of the CAP is a number obtained by dividing the total number of members of the assessment panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.

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(8) Commencement of Meetings

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting, the Assessment Manager may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of the Presiding Member, the Deputy Presiding Member, or in the absence of both members, the Assessment Manager, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) The Presiding Member may, with the leave of the meeting, adjourn the meeting to a future date and time.
- (6) If a meeting is adjourned to another day, the Assessment Manager must:
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council and on the Council's website.

(9) Order of Business

- (1) Prior to the commencement of business the Presiding Member will read the Fire Evacuation Statement if members of the public are present.
- (2) If both the Presiding Member and the Deputy Presiding Member are absent from a meeting, or for any agenda item at the meeting, a Member will be chosen from those present to preside at the meeting until the Presiding Member or the Deputy Presiding Member is present. That Member presiding will have all the powers and duties of the Presiding Member at that meeting.
- (3) The Presiding Member may alter the order of business listed in the agenda with the leave of the meeting, e.g. if the majority of the representors are interested in a particular item.
- (4) Members are required to make any disclosure of a conflict of interest, pursuant to the Act and/or the Code of Conduct adopted by the Minister, prior to the commencement of the items of business before the meeting.

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(10) Voting (Regulation 16)

- (1) Each member of an assessment panel, present at a meeting of the CAP is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- (2) Sub-regulation (1) does not apply to a person who is taken to be a Member of the CAP under section 85 of the Act*.

*Section 85 precludes additional members from voting.

(11) Public Access to Meetings (Regulation 13)

- (1) In connection with the conduct of the proceedings of the CAP, members of the public are entitled to attend a meeting of the CAP other than as set out in sub-regulation (2).

- (1) The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a Member, applicant, representor or other member of the public) to a specified date and time.
- (2) The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave a meeting where they are, in the opinion of the Presiding Member:
 - (a) behaving in a disorderly manner; or
 - (b) causing an interruption or disruption to the meeting.
- (3) In the event that that the member of public refuses to leave the meeting a senior member of staff will contact SAPOL for assistance.

- (2) The CAP may exclude the public from attendance at a meeting—
 - (a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
 - i. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - ii. information the disclosure of which—
 - A. could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
 - B. would, on balance, be contrary to the public interest;
 - iii. information the disclosure of which would reveal a trade secret;
 - iv. commercial information of a confidential nature (not being a trade secret) the disclosure of which—

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- A. could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - B. would, on balance, be contrary to the public interest;
- v. matters affecting the safety or security of any person or property;
- vi. information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- vii. matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- viii. legal advice;
- ix. information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;
- x. information the disclosure of which—
 - A. would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
 - B. would, on balance, be contrary to the public interest; and
- (b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

- (1) If the public have been excluded from attendance at a meeting, the CAP must resolve whether or not to retain, (in confidence), the reports and documents which have been considered by it in confidence.
- (2) If the CAP orders, by resolution, that the information is to remain confidential it must also determine the circumstances in which that the confidential order will cease to apply or a period after which the order is to be reviewed. Any order exceeding a twelve (12) month period will be reviewed at least once in every twelve (12) month period.
- (3) At the end of each financial year the Assessment Manager will undertake a review of the reports and documents which remain in confidence.
- (4) The annual review will be presented to CAP and will identify which confidentiality orders have expired and which remain in place.
- (5) The outcome of the annual review will also be presented to Council for information and included within the Annual Report.

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(12) Minutes and Other Documents (Regulation 14)

- (1) The Assessment Manager must ensure that accurate minutes are kept of the proceedings of the CAP.
- (2) Any disclosure by a Member of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the CAP.
- (3) Members of the public are entitled to reasonable access to—
 - (a) the agendas for meetings of the CAP; and
 - (b) the minutes of meetings of the CAP.
- (4) However, the CAP may, before it releases a copy of any minutes under sub-regulation (3), exclude from the minutes information about any matter dealt with on a confidential basis by it.
- (5) Minutes must be available under sub-regulation (3) within 5 business days after their adoption by the Members.

- (6) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (7) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (8) On the confirmation of the minutes, the Presiding Member will -
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (9) The minutes of proceedings of a meeting must include -
 - (a) the names of all Members present;
 - (b) the names of all Members from whom apologies have been received;
 - (c) any disclosure by a Member pursuant to regulation 14(2) of the Regulations;
 - (d) the name and time that a Member enters or leaves the meeting, once the meeting has commenced;
 - (e) the name of every person who makes a representation;
 - (f) in relation to each application determined by the CAP:
 - i. the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan;
 - ii. the reasons for granting or refusing Development Plan consent and

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for the imposition of any conditions; and

- iii. where a decision is by majority vote, the decision and its mover and seconder, but not each Members' vote;
 - (g) if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - (h) a decision to exclude the public from attendance pursuant to the Regulations; and
 - (i) if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- (10) All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the subsequent CAP meeting.

(13) Validity of Proceedings (Regulation 17)

A proceeding of the CAP (and any decision made by it) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a Member.

(14) Discretionary Procedures (Regulation 18)

Except insofar as a procedure is not prescribed by the Act or Regulations, the procedures of the CAP in relation to the conduct of its business will be as determined by the CAP

- (1) The CAP should, at least once in every financial year, review the operation of its Meeting Procedures.
- (2) The CAP may at any time, by resolution supported the majority of the Members entitled to vote on the resolution, alter or substitute the Meeting Procedures.
- (3) The CAP must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (4) A person is entitled to inspect (without charge) the meeting procedures of the CAP under this regulation at the principal office of the Council during ordinary office hours.
- (5) A person is entitled, on payment of a fee fixed by Council, to a copy of these Meeting Procedures.
- (6) The Presiding Member may, at their discretion, exclude:
 - (a) a representation or response to representation(s) which is received out of time;
 - (b) a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or
 - (c) a representation or response to representation(s) which is otherwise invalid.
- (7) The Presiding Member may, at their discretion, accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.

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- (8) In relation to clause (14)(7), any material to be considered by the CAP must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- (9) In relation to each application it considers, the CAP must:
- (a) determine whether the proposal is seriously at variance with the Development Plan and provide reasons for its determination;
 - (b) if refusing Development Plan consent, provide reasons for refusing; and
 - (c) if granting Development Plan consent provide reasons for the imposition of any conditions.
- (10) If the CAP determines that a proposal is seriously at variance with the Development Plan, it must refuse Development Plan consent to the application.
- (11) In relation to each application to be considered and determined by the CAP:
- (a) a person who has lodged a representation in relation to a Category 3 application which has not been excluded pursuant to clause 11 of these Meeting Procedures and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - (b) a person who has lodged a representation in relation to a Category 2 application which has not been excluded pursuant to clause 11 of these Meeting Procedures and who has indicated that they wish to be heard on their representation may, at the discretion of the Presiding Member, appear before the CAP and be heard in support of their representation, in person or by an agent;
 - (c) where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
 - (d) unless otherwise determined by the Presiding Member, representors will not be entitled to a right of reply.
 - (e) where no representors appear at the meeting, the Presiding Member may, at his or her discretion, allow an applicant to be heard to answer questions of the CAP, in person or by an agent;
 - (f) representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
 - (g) Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
 - (h) following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application.

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7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

7.1 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK

Application No. 211/738/2017

Reason for Confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with regulation 13(2)(a) (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*, which permits the meeting to be closed to the public for business relating to the following:

- (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

It is recommended to the Council Assessment Panel 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 Council Assessment Panel orders pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams, Assessment Manager, City Development staff in attendance at the meeting, and meeting secretariat staff, 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 Assessment Manager on the basis that 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.
2. At the completion of the confidential session the meeting be re-opened to the public.

8 SUMMARY OF COURT APPEALS

8.1 Summary of SCAP, ERD Court and deferred CAP matters - March 2018

Brief

This report presents information in relation to:

1. any matters being determined by the State Commission Assessment Panel (SCAP);
2. any planning appeals before the Environment, Resources and Development (ERD) Court; and
3. any deferred items previously considered by the Council Assessment Panel.

RECOMMENDATION

The Council Assessment Panel receive and note the information.

Matters pending determination by SCAP that have been received by Council

| Reason for referral | DA number | Address | Description of development |
|---------------------|--------------|---------------------------------------|---|
| Section 49 | 211/911/2017 | 8 & 8A West Thebarton Road, THEBARTON | Land division - Boundary re-alignment |
| Section 49 | 211/40/2018 | Lot 102 Anderson Avenue, WEST BEACH | Installation of Solar Photovoltaic cells (PV) |
| Section 49 | 211/44/2018 | Lot 52 Military Road, WEST BEACH | Swimming pool upgrade |
| Schedule 10 | 211/740/2017 | 192 ANZAC Highway, GLANDORE | Eight-storey building, 36 dwellings |
| Schedule 10 | 211/961/2017 | 79 Port Road, THEBARTON | Nine-storey mixed-use building, commercial tenancy and 28 dwellings |
| Schedule 10 | 211/9/2018 | 4 Selby Street, KURRALTA PARK | Six storey residential flat building with ground level car park |
| Major Project | 211/61/2018 | 292-304 Anzac Highway, PLYMPTON | Land division - Boundary Re-alignment |

Development Application appeals before the ERD Court

| DA Number | Address | Reason for Appeal | Description of Development | Status |
|---------------------------------|---|--------------------------------|--|---|
| 211/412/2017 | 26 Kingston Avenue, RICHMOND | Applicant appealed DAP refusal | Create one additional allotment | Withdrawn |
| 211/271/2017 | 23 White Avenue, LOCKLEYS | Applicant appealed DAP refusal | Carport, alfresco, swimming pool, safety fence, masonry front fence | Withdrawn |
| 211/738/2017 | 432-434 Sir Donald Bradman Drive, BROOKLYN PARK | Applicant appealed CAP refusal | Construct a childcare centre with associated car parking and landscaping | Proposed compromise plans presented to this CAP meeting. Directions hearing scheduled. |
| 211/1159/2017; 211/1309/2017 | 37 & 39 Malurus Avenue, LOCKLEYS | Applicant appealed CAP refusal | Create one additional allotment and construct 3 dwellings | Notice of Appeal lodged |

Deferred CAP Items

| DAP/CAP Meeting | DA number | Address | Description of development | Reason for CAP's deferral |
|------------------|-------------------------------|---------------------------------|--|--|
| 9 August 2016 | 211/796/2016 | 22 Lindsay Street, CAMDEN PARK | Create 2 additional allotments and construct 3 two-storey dwellings within a residential flat building | Acoustic report, tree assessment report |
| 12 December 2017 | 211/49/2017 | 66 Whelan Avenue, CAMDEN PARK | Create 1 additional allotment and construct 2 storey detached dwellings | Site area, overshadowing, side and rear setbacks, private open space |
| 16 January 2018 | 211/704/2017; 211/399/2017 | 17 Keith Street, NORTH PLYMPTON | Create 4 additional allotments and common property and construct a residential flat building compromising 5 two-storey dwellings | Landscaping, car parking, over shadowing impact, bulk and scale, number of dwellings |

| | | | | |
|------------------|-------------------------------|-------------------------------------|--|---|
| 13 February 2018 | 211/475/2017; 211/916/2017 | 37 Daly Street, KURRALTA PARK | Create 3 additional allotments and common property | Land division, landscaping, transportation and access, vehicle parking for residential development, light access to dwellings and covered private open space |
|------------------|-------------------------------|-------------------------------------|--|---|

Conclusion

This report is current as at 4 March 2018.

Attachments

Nil

9 MEETING CLOSE

CITY OF WEST TORRENS



ATTACHMENTS

UNDER SEPARATE COVER

Council Assessment Panel

13 March 2018

Item 6.1 - 185 - 187 Holbrooks Road, UNDERDALE

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185-187 HOLBROOKS ROAD,
UNDERDALE

PLANNING STATEMENT

Proposed Development of a
Child Care Centre (Pre-School)

Prepared for:

Leyton Property

Date:

05 November 2017

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**Proprietary Information Statement**

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Document Control

| Revision | Description | Author | Date |
|----------|--------------------------|--------|------------------|
| V1 | Draft Planning Statement | HK | 9 November 2017 |
| V2 | Draft Planning Statement | HK/RT | 13 November 2017 |
| F | Final Planning Statement | HK/RT | 14 November 2017 |

Approved by:  Rebecca Thomas, Senior Associate

Date: 14/11/2017



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Appendices

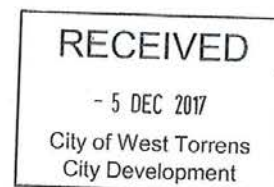
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1. Executive Summary

| Category | Details |
|------------------------|--|
| PROJECT | Child care centre (pre-school) |
| ADDRESS OF SITE | 185-187 Holbrooks Road, Underdale |
| CERTIFICATE OF TITLE | Volume 6178 Folio 258 (parcels 15-16) |
| SITE AREA | 2,459m ² |
| ROAD FRONTAGE | 39.43m – Holbrooks Road |
| DEPTH | 54.38m |
| LOCAL GOVERNMENT | City of West Torrens |
| RELEVANT AUTHORITY | City of West Torrens |
| DEVELOPMENT PLAN | City of West Torrens – Consolidated 30 May 2017 |
| ZONING | Residential Zone |
| POLICY AREA/PRECINCT | Low Density Policy Area 21 |
| EXISTING USE | Shop, Wine Store and Offices |
| PROPOSAL DESCRIPTION | Demolition of existing shop and wine store and construction of a new 'Child Care Centre' (pre-school) with associated on-site car parking, landscaping, fencing, earthworks and retaining walls. |
| REFERRALS/CONCURRENCES | DPTI – Commissioner of Highways |
| PUBLIC NOTIFICATION | Category 3 |
| APPLICANT | Leyton Property |
| CONTACT PERSON | Rebecca Thomas – Ekistics Planning and Design – (08) 7231 0286 |
| OUR REFERENCE | 00363 |



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2. Introduction/Background

This Planning Statement has been prepared in relation to an application by Leyton Property to demolish the existing shop and wine store on site and construct a Child Care Centre (pre-school) with associated car parking, landscaping, fencing, earthworks and retaining walls at 185-187 Holbrooks Road, Underdale.

This Planning Statement provides information about the subject land and proposed development and addresses the merits of the Development Application against the relevant provisions of the 'Low Density Residential Policy Area 21' within the 'Residential Zone' of the City of West Torrens Development Plan, as well as the most relevant 'Council Wide' provisions where assessment commentary is warranted.

For this Planning Statement, the City of West Torrens Development Plan (Consolidated 30 May 2017) will be referred to as the 'Development Plan', the 'Development Act', 1993 will be referred to as the 'Act' and the 'Development Regulations', 2008 will be referred to as the 'Regulations'.

This Planning Statement has been prepared based on the following concept plans for the development prepared by Brown Falconer Architects:

Table 2.1 Drawing Schedule

| Drawing # | Drawing Title |
|-----------|-----------------------------|
| DA01 | Cover Sheet & Location Plan |
| DA02 | Site Plan/ Landscaping Plan |
| DA03 | Floor Plan |
| DA04 | Roof Plan |
| DA05 | Elevations |
| DA06 | Sections |
| DA07 | 3D Views - 1&2 |
| DA08 | 3D Views - 3&4 |

3. The Site and Locality

3.1 The Site

The subject site is located at 185-187 Holbrooks Road, Underdale and is formally recognised as Certificate of Title Volume 6178, Folio 258, parcels 15 - 16 (refer *Appendix 1*).

Parcel 15-16 comprises an existing single storey liquor store (shop), store (wine store) and associated car parking, boundary fencing and minor landscaping.

The site also appears to have use rights to undertake wine processing. The presence of existing storage and processing on site is referenced in the site plan associated with Development Application 210/8/96 (refer to Figure 3.1 below). The site plan further highlights the amount of impervious surfaces on site.

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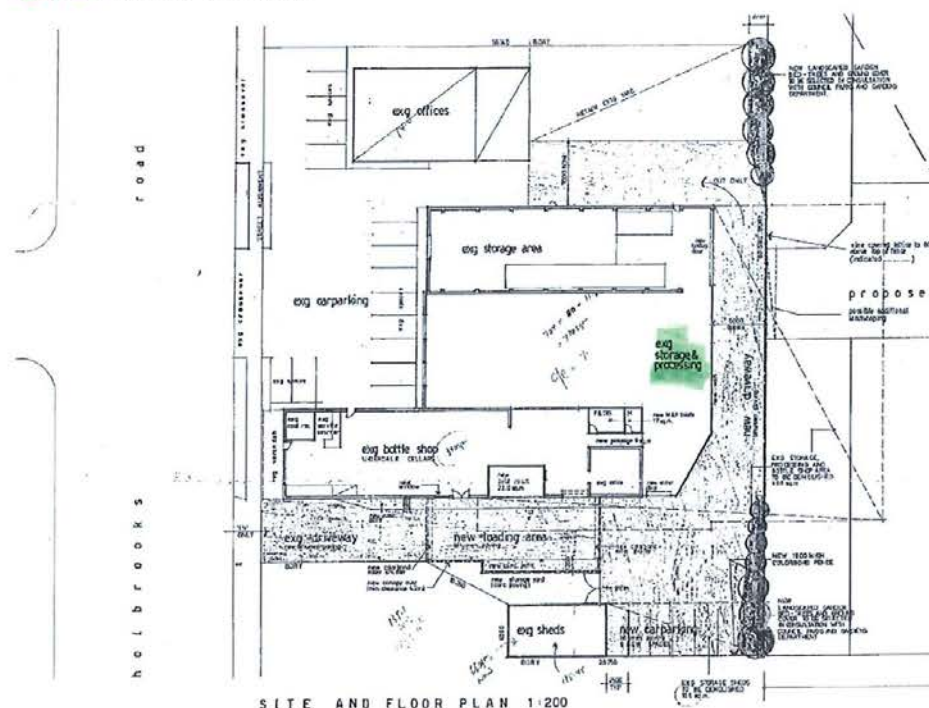
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Figure 3.1 Site Plan C/- DA 210/8/96



The existing retail shop and store will be demolished and parcel 15 and 16 will be amalgamated to facilitate the proposed development.

The land to the north of parcel 15 contains a single storey office building, associated car parking, boundary fencing and landscaping. The existing office building will operate independent of the proposed child care facility.

The total site area of the proposed child care facility measures 2,459m² with a 39.43m frontage to Holbrooks Road and a depth of 54.38m. A pedestrian footpath is present within the Council verge adjacent Holbrooks Road.

Holbrooks Road is a Secondary Arterial Road under the care and control of DPTI. Two (2) existing crossover are present along Holbrooks Road that service the existing retail shop and store buildings. One crossover is located roughly in the centre of parcel 15 and the other is located to the south-western corner of parcel 16, south of the existing shop. An additional crossover is present forward of the existing office building, north of the subject site.

Overhead powerlines are present along Holbrooks Road, primarily along the western side. Holbrooks Road is also serviced by public transport with a bus stop located approximately 60m north of the subject site.

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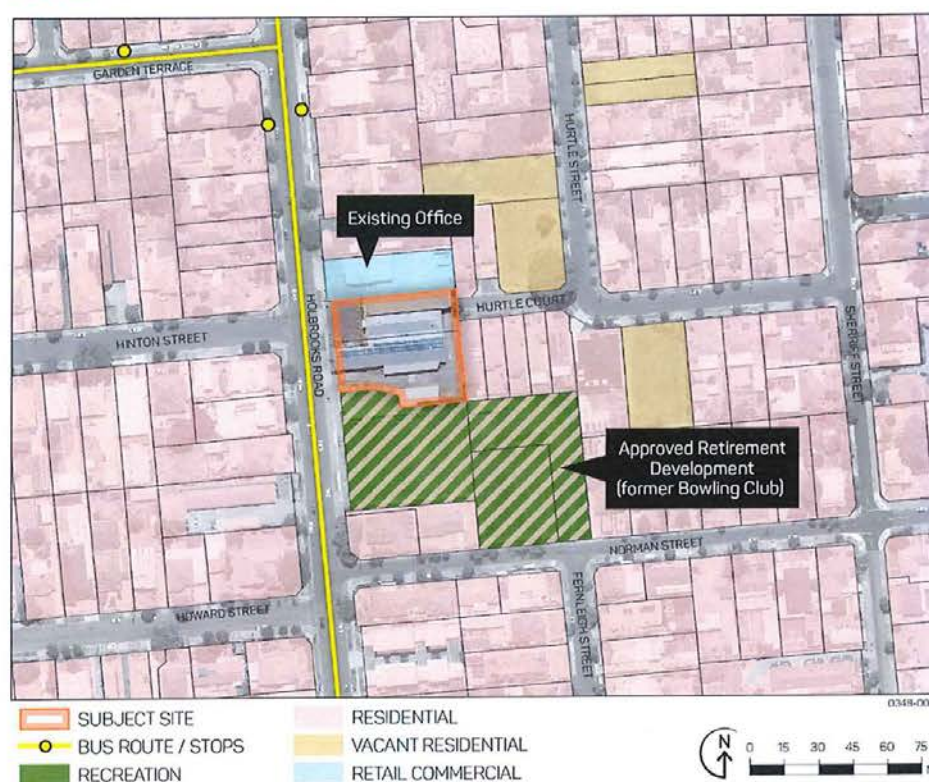
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Existing signage is present on site including multiple signs on the liquor store and a pylon sign advertisement forward of allotment 15. There are no street trees adjacent of the subject site.

The subject site and surrounding land uses are identified in the following image:

Figure 3.2 Subject Site and Surrounding Land Uses

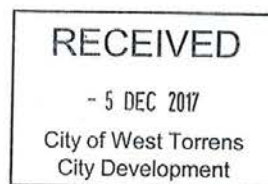


3.2 The Locality and Surrounding Development

The immediate locality includes single storey group dwellings north of the existing office building. To the south, a former Underdale Bowling Club building is present although a retirement village development has been approved on the site and construction has commenced on the former bowling green in the form of single storey buildings.

Single storey detached dwellings adjoin the site to the east, as well the 'dead end' of a local road (Hurtle Court). Also, semi-detached dwellings and detached dwellings are present adjacent the site, to the west, across Holbrooks Road.

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The commercial uses on site and the adjoining Underdale Bowling Club form a 'pocket' of low impact, existing non-residential uses within the Residential Zone.

The broader locality primarily consists of single storey detached dwellings with various roof forms and setbacks. Residential flat buildings are present within the locality to a lesser degree and generally comprise a single storey built form. Ancillary domestic structures are common within the locality, generally located to the side and rear of dwellings.

The locality includes minor landscaping and boundary fencing to the front, side and rear site boundaries. The type and style of front boundary fences varies greatly and includes solid rendered masonry fences, corrugated fencing, open style tubular fencing, timber slats and brick fences. Mature vegetation and hedges also provide visual screens and delineation between allotment boundaries and the public realm.

There are no Heritage Listed Buildings within the locality.

4. Proposed Development

4.1 Description and Centre Operation

The proposed development involves the construction of a full day 'child care centre' with associated car parking, landscaping and fencing. A child care centre is a 'Pre-school', as defined in Schedule 1 of the Regulations as:

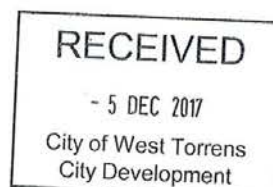
Pre-school means a place primarily for the care or instruction of children of less than primary school age not resident on the site, and includes a nursery, kindergarten or child-care centre.

The proposed child care centre will be used to care for a maximum of 112 pre-school aged children. The children will be cared for by up to 20 educators, as well as the centre director and a cook (22 FTE in total). Staff will be rostered on rotating shifts so not all staff are on site at the same time. The proposed child care centre development includes 28 car parks, five (5) of which are dedicated to staff.

The facility will operate from 6.30am until 6.30pm Monday to Friday (excluding public holidays).

The building will be separated into six (6) activity areas based on the ages of the children, with each area having access to the fenced outdoor play space. A verandah extends along the northern, eastern and southern sides of the building providing covered outdoor play areas and shading to windows, while tree plantings around the perimeter of the play area will offer some shelter and sun protection over the outdoor activity areas. A kitchen will be provided in the building, along with offices, amenities and rooms for staff.

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4.2 Built Form

Brown Falconer Architects have prepared all plans and drawing documentation for the proposal including site plans, elevations, landscaping details and perspectives (refer to *Appendix 2*).

The child care centre will comprise a single-storey building with a floor area of approximately 741m². The building will feature a simple design with a skillion Colorbond® custom roof primarily divided into two, mirrored sections that slope down slightly towards the centre of the building. The brick walls will be contrasted by the cream render portico and the timber slat facade feature to provide interest to the streetscape.

The building has a ceiling height of 2.7 metres and 3° roof pitch with a maximum overall building height of 4.5m. The architectural form and scale is modest, subtle and consistent with the mixed character fronting Holbrooks Road and prevalence of single storey buildings.

Perimeter fencing will include a mix of 2.1 -2.5m high Colorbond® profile fencing as well as 1.8m high open style tubular fencing/access gates internal to the site, to the side of the building (refer to 'Floor Plan' within *Appendix 2*).

The setbacks from Holbrooks Road vary greatly and the proposed primary building setback is approximately 18.8m. The child care building will be setback behind the exiting office to the north and Bowling Club building to the south.

The building is sited 10.9 metres from the southern boundary adjacent the proposed retirement units (excluding the proposed external store [2.1m x 3.4m] located on the boundary, adjacent the existing Underdale Bowling Club building). However, a reduced southern boundary setback of approximately 1.0m is proposed to the side of the existing Bowling Club building.

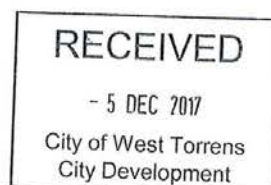
The proposed building is setback 4.8m – 7.2m to the eastern boundary that abuts Hurtle Court and adjoining residences. The building is setback 13.48 metres from the northern boundary (excluding the equipment store [5.4m x 3.0m] located on the boundary adjacent the vehicle access way of the adjoining commercial property [offices]).

The equipment store and external store are located on the side boundaries for a length of 2.1m and 3.0m respectively. The proposed stores are domestic in size, similar to small outbuildings common within the locality.

The proposed development does not include any signage – this will be the subject of a separate Development Application to be resolved by the future tenant.

A perspective of the building is provided over page.

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Figure 4.1 Proposed Building Perspective (c/- Brown Falconer)



4.3 Landscaping

A row of trees will be planted along site boundaries adjacent the outdoor play area and along the Holbrooks Road frontage. A mixture of shrubs are proposed around the perimeter of the carpark.

Several landscaping features such as bark chips, mulch and planting (shrubs etc.) will be contained within the outdoor play area edged by mature trees. The final design of the play space will be resolved and implemented by the child care provider.

The proposed development will significantly enhance the existing yet limited landscaping on site.

The landscaping plan prepared by Brown Falconer is provided within Appendix 2.

4.4 Traffic and Parking

Cirqa traffic engineers have undertaken a traffic and parking assessment to confirm that the proposed access/egress, vehicle manoeuvring and parking arrangements are feasible, safe and achieve the relevant Australian Standards (refer to *Appendix 3*). The Cirqa report sets out an assessment of the anticipated transport implications of the proposed development, including:

- Existing traffic and parking conditions surrounding the site;
- Parking demand likely to be generated by the proposed development;
- Suitability of the proposed parking in terms of supply and layout;
- Traffic generation characteristics of the proposed development;
- Proposed access arrangements for the site; and

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- Transport impact of the development proposal on the surrounding road network.

The associated car parking area will be located to the east of the building adjacent the Holbrooks Road frontage. The car park is proposed to be accessed via a two-way crossover to Holbrooks Road. The total number of access/egress points to Holbrooks Road will be reduced as a result of the development.

The car park will provide 28 spaces for staff and visitors, including a disabled parking space with an adjacent shared area and two bicycle rails (capable of accommodating four (4) bicycles). Five (5) car parks will be dedicated to staff car parking only, near the child care centre entrance.

Further, DPTI advised that the subject site is not affected by:

- Any current road proposal of this Department;
- Any requirement under the *Metropolitan Adelaide Road Widening Plan Act, 1972*, as amended; or
- Any declaration under Part 2A of the Highways Act 1926, as amended.

4.5 Stormwater

Stormwater collection and disposal requirements for the site have been considered by Combe Pearson Reynold (CPR) consulting engineers (*refer Appendix 4*).

The CPR stormwater management plan considered the overland flow paths on site and the post development flows relative to the pre-development flows.

The CPR report proposes 3 x 22,000 litre underground detention tanks with a pump discharging stormwater to the side entry pit on Holbrooks Road at 15L/s.

In addition, a gross pollutant trap will be provided for treatment of the stormwater runoff from the carpark prior to discharge from the site.

4.6 Environmental

Given the history of commercial land uses on the site and the proposed 'sensitive' land use, a Detailed Site Investigation (DSI) report has been prepared by Senversa (*refer to Appendix 5*). The DSI sought to assess the contamination status of soil and ground water, and to determine whether any management was required to make the site suitable for a proposed child care centre.

The DSI identified areas of aesthetically unsuitable fill material, due to the presence of trace slag fragments and zinc in the south, south-eastern portion of the site. These materials require management to make the site suitable for its proposed sensitive use.

Senversa concluded that two management strategies would suitably remediate the site:

- Consolidation and isolation of soil by on-site containment whereby the unsuitable fill material is retained under areas of the future development where there is no access to the soil, such as retention below the building slab or beneath sealed areas such as the car park; OR

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- Excavation and off-site removal whereby soil matter would be excavated and removed from the site and disposed to a suitably licenced landfill.

Both the options are considered to be a feasible strategy to effectively manage the containments and remediate the site to be suitable for the intended use. However, Senversa prefer the consolidation and isolation management strategy due to its success at many other sites in SA and acceptance by the EPA. Further, the consolidation and isolation method represents a cost-effective approach to the *'management of a relatively small volume of low risk material'*.

The applicant has no objection to this matter being addressed via a suitable Planning Condition whereby unsuitable fill material is managed and site remediation occurs after Planning Consent (if granted) and prior to any construction works occurring on site.

5. Procedural Requirements

5.1 Relevant Authority

The relevant authority to determine the development application is the City of West Torrens.

5.2 Nature of Development

As outlined in Section 4.1, the proposal is best described as a 'pre-school' with associated car parking, landscaping, earthworks, retaining walls and fencing. Given that a 'pre-school' (and associated fencing exceeding 2.1 metres) is neither a complying nor non-complying development in the Residential Zone, the application is a 'consent' use, to be assessed on its merits against the relevant provisions of the Development Plan.

5.3 Public Notification

The Residential Zone does not specifically list 'pre-school' as a Category 1 or 2 form of development, nor does the Schedule 9 of the *Regulations*. Therefore, all components of the proposed development are expected to undergo Category 3 public notification.

5.4 Agency Referrals

It is understood that a referral to the Commissioner of Highways (via the Traffic Operations division of DPTI) under Schedule 8 of the *Regulations* will be required as the proposal seeks to alter an existing access and change the nature and function of an existing access to a secondary arterial road.

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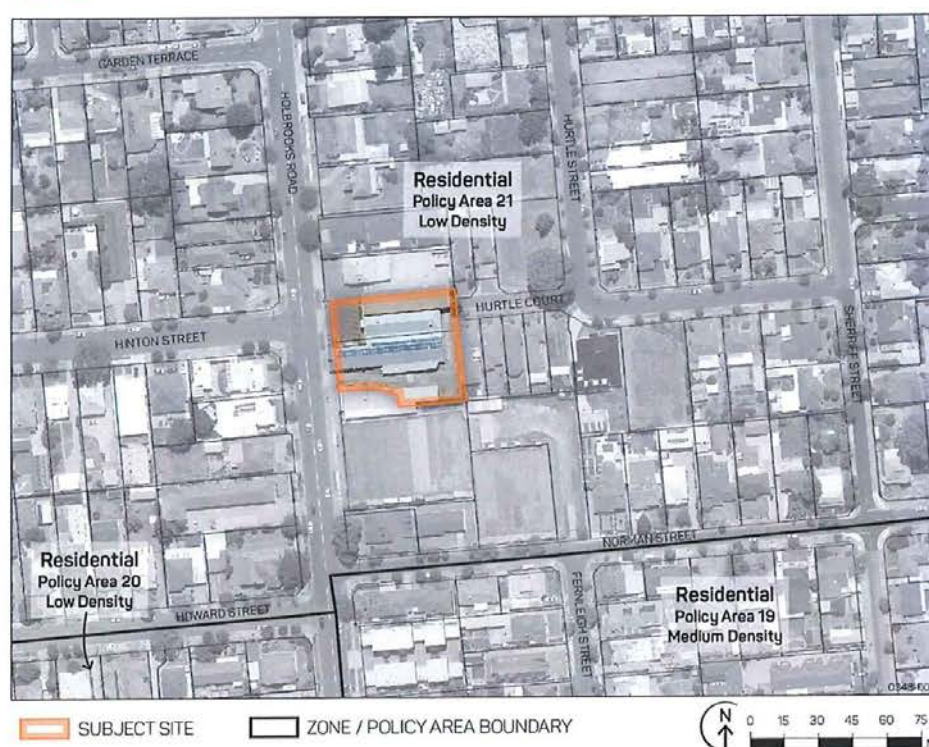
6. Development Plan Assessment

6.1 Overview

The subject land is located within the City of West Torrens and accordingly, the relevant planning ordinance to be used as a basis for assessment of this development application is the West Torrens Development Plan Consolidated 30 May 2017.

The subject land is located within the **Low Density Policy Area 21** within the **Residential Zone** of the Development Plan. The Figure 6.1 below shows the relevant zoning for the site and the surrounding land. There are no Heritage Listed Buildings within the locality.

Figure 6.1 Development Plan Zoning



6.2 Policy Area, Zone and Council Wide Provisions

The following section provides an assessment of the proposal against the key relevant Development Plan Objectives and Principles of Development Control. This assessment is grouped under a series of headings which address specific aspects of the proposed development.

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6.2.1 Land Use

The Residential Zone (the 'Zone') Desired Character Statement envisages primarily residential development and also some small scale residential activity in certain locations, that is complementary to surrounding dwellings.

This Statement is reinforced by Principle of Development Control (PDC) 1 of the Zone which specifically lists the following kinds of development as envisaged within the Zone:

PDC 1 The following kinds of development are envisaged in the zone:

'small scale non-residential use that serve the local community, for example:

- Child care facility

...

[our emphasis]

In addition, the Zone provision is reinforced by the Low Density Policy Area 21 (the 'Policy Area') PDC 1 which similarly lists the following kinds of development as envisaged within the Policy Area:

PDC 1 The following kinds of development are envisaged specifically in the policy area:

'small scale non-residential use that serve the local community, for example:

- Child care facility

...

[our emphasis]

The Development Plan clearly envisages certain forms of non-residential development within the Zone and Policy Area including small-scale child care facilities. Whilst the Policy Area provides no further guidance regarding non-residential development, the Zone broadly seeks to ensure non-residential development serves the local community, complements the character of the locality and does not unreasonable impact the amenity of nearby residents:

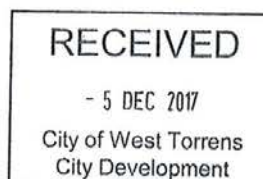
PDC 3 Non-residential development such as shops, schools and consulting room should be of a nature and scale that:

- (a) serves the local community; and
- (b) is consistent with the character of the locality
- (c) does not detrimentally impact on the amenity of nearby residents.

[our emphasis]

We consider that the subject site, given its combined site area, frontage to a secondary arterial road, proximity to public transport services and existing commercial land uses naturally lends itself to a non-residential form of development.

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By comparison, the existing use rights including wine processing (a form of light industry) is less suitable than the proposed land use given the greater potential impact on nearby residences.

The proposed child care centre use is aligned with the intentions of the Zone and will provide a facility which is conveniently accessible to the population it will serve as the locality is primarily residential in nature. The subject site is also accessible via public transport bus services along Holbrooks Road in addition to public footpaths for pedestrians and cyclists.

Further, the proposal is consistent with the primary objective and PDCs of the Council Wide 'Community Facilities' provisions including:

- OBJ 1** *Location of community facilities including social, health, welfare, education and recreation facilities where they are conveniently accessible to the population they serve.*
- PDC 1** *Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.*

In summary, a small-scale child care facility is an envisaged non-residential land use within the Zone and specially envisaged within Policy Area. The Zone seeks to support non-residential development that will service the needs of the local community, provided the development is consistent with the character of locality and the associated activities will not detrimentally impact the amenity of adjoining residential areas. The two latter issues relate to 'built form and character' and 'interface' considerations which are covered further in this report.

6.2.2 Built Form and Character

Demolition of the disjointed, low amenity structures on site with varying front setbacks from Holbrooks Road, removal of the excessive signage associated with the liquor store and construction of the proposed contemporary building of a high-architectural standard will substantially improve the appearance of the land.

The proposed contemporary building form, modest scale and building height, together with the selection of materials, finishes and colours is consistent and complementary to the established built form in the locality and whilst the use of the building is for a non-residential land use, the appearance of the building is respectful of the adjoining residential character within the locality.

The proposed building displays development of a high design standard and the proposed materials including brick façade, render porch, timber and colourbond fencing will have a 'domestic' appearance and complement the existing built form within the locality, consistent the following key Council Wide, 'Design and Appearance' provisions:

- OBJ 1** *Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.*
- PDC 1** *Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:*
- (a) *building height, mass and proportion*

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- (b) external materials, patterns, colours and decorative elements
- (c) roof form and pitch
- (d) façade articulation and detailing
- (e) verandas, eaves, parapets and window screens.

Notwithstanding the development is a community land use and not residential, the form and character of the development has been assessed against the height and setback provisions for dwellings within the Zone as follows:

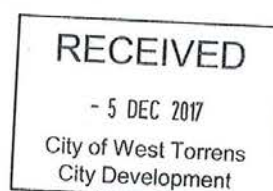
Figure 6.2 Building Setback and Scale Considerations for Residential Development

| Parameter (refer to Zone PDC 6, 8, 11 & 13) | Minimum guideline within the Development Plan | Proposal alignment with Development Plan provisions |
|--|---|---|
| Building height | Up to 2 storey | ✓ |
| Side boundary setback where the vertical side wall is 3 metres or less in height | 1m | ✓ |
| Rear boundary setback for single storey components of a building | 3m | ✓ |
| side boundary walls on boundaries (considered in relation to the proposed equipment store and external store) | (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 | ✓ ✓ ✓ |
| development (including any veranda, porch, etc) should be set back from the primary road frontage, where the setback difference between buildings on adjacent allotments is greater than 2 metres: | At least the average setback of the adjacent building. Bowling club building setback is 0m, office building setback is approximately 10m = 5m | ✗ |

The above table confirms the height, side and rear setbacks, and boundary walls of the proposed development are consistent with the Development Plan provisions for Residential Development.

Whilst the front setback does not strictly maintain the predominant (albeit varied) built form setback from Holbrooks Road, the front setback is considered to be suitable for the following reasons:

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- Primary setbacks differ along Holbrooks Road;
- The 0m setback of the existing bowling club building and the liquor store on the subject site are anomalies within the locality, greater setbacks are predominant;
- The proposed front setback is not dissimilar from the setback of the existing wine store on site that will be demolished;
- The reasonable but not excessive front setback provides sufficient on-site landscaping and car parking and accommodates ease of vehicle access from Holbrooks Road;
- The proposed landscaping adjacent Holbrooks Road will enhance the amenity of the site and the streetscape;
- The setback of the proposed building to Holbrooks Road will recess the proposed non-residential building as viewed from the surrounding road network and maintain and reinforce the visual prominence of residential dwellings within the Residential Zone; and
- The increased primary setback does not detrimentally impact on the amenity of nearby residents as reasonable side and rear boundary setbacks are proposed.

Further, the proposed development will contribute positively to the streetscape and the front setback does not offend and generally satisfies PDC 20 of the Council Wide 'Design and Appearance' section which states:

PDC 20 *Except in areas where a new character is desired, the setback of buildings from public roads should:*

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

The articulated built form avoids extensive areas of uninterrupted wall and produces a varied elevation and roof form that adds visual interest when viewed from the surrounding road network. The main facade of the building faces the primary street frontage, with pedestrian entry points easily identified from Holbrooks Road and the on-site car park, consistent with Council Wide PDC 12 & 15 ('Relationship to the Street and Public Realm').

The proposed equipment store, external store and service area (clothes line) will be screened from public view by a combination of built form and fencing and sited away from the existing residences to the east, as desired by the Council Wide PDC 19 ('Outdoor Storage and Service Areas').

Based on these conclusions, the proposed child care centre satisfies the relevant built form provisions of the Development Plan.

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6.2.3 Interface Considerations

The following provisions from the Residential Zone and Council Wide section of the Development Plan are considered particularly relevant in the consideration of impact and compatibility with adjoining properties:

Residential Zone

- PDC 3** *Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that: ...*
- (c) *does not detrimentally impact on the amenity of nearby residents.*

Interface between Land Uses

- OBI 1** *Development located and designed to minimise adverse impact and conflict between land uses.*
- OBI 2** *Protect community health and amenity from adverse impacts of development.*
- PDC 1** *Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*
- (a) *the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
 - (b) *noise*
 - (c) *vibration*
 - (d) *electrical interference*
 - (e) *light spill*
 - (f) *glare*
 - (g) *hours of operation*
 - (h) *traffic impacts.*
- PDC 2** *Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.*
- PDC 8** *Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises*

Design and Appearance

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

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

The proposed development will maintain and enhance residential privacy by way of a 2.1m - 2.5m high perimeter fencing to adjoining allotments. The proposed boundary fencing will prevent overlooking from the outdoor play area and inside the proposed single storey building.

The building scale and siting is such that there will be no unreasonable overshadowing created by the building and certainly no more than would result from a contemporary single storey detached dwelling.

The overshadowing impact from the single storey buildings is negligible, however there will be some minor overshadowing impact from the proposed 2.5m high southern boundary fence, albeit not dissimilar from a standard residential fence that does not require approval providing the height does not exceed 2.1m.

We understand that the building to the north of the site is an approved office and therefore is not a 'habitable building' or noise sensitive building. Two residential dwellings adjoin the subject site to the east. Whilst only the front yard of 6 Hurtle Court abuts the site, the development site runs along the full length of 5 Hurtle Court. To the south, the Bowling Club building is present although a retirement village development has been approved on the site and construction has commenced on the former bowling green.

In addition to the proposed 2.1m-2.5m high perimeter fencing, usage of the outdoor activity areas will not be permitted prior to 7am to minimise amenity impacts on adjoining land owners. It should also be noted that children only spend allocated periods of time outside and the supervised outdoor play times of the different age groups are generally staggered throughout the day so that not all children in the centre would be playing outside at the same time. Typically, not more than half of the children being cared for in the centre would be outside at any one time. Any noise generated from supervised children playing outside will be strictly limited to week days only and during 'typical' working hours. The proposed child care centre will have no impact on Saturday, Sundays and Public Holidays.

Given the above, the proposal is not considered to create any unreasonable interface implications for adjoining properties and will provide a necessary facility in a convenient location.

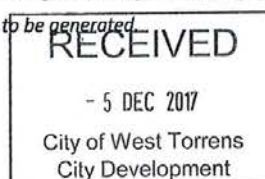
6.2.4 Transport, Access and Parking

The following provisions from the Council Wide section of the Development Plan are considered particularly relevant in the traffic, access and parking consideration of the proposed development.

Transport and Access

- PDC 8** Development should provide safe and convenient access for all anticipated modes of transport.
- PDC 13** Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.
- PDC 14** Development should provide for the on-site loading, unloading and turning of all traffic, including any waste collection vehicles, likely to be generated.

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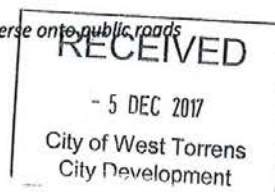


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- PDC 23** Development should have direct access from an all weather public road.
- PDC 24** Development should be provided with safe and convenient access which:
- (a) avoids unreasonable interference with the flow of traffic on adjoining roads
 - (b) provides appropriate separation distances from existing roads or level crossings
 - (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision
 - (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.
- PDC 26** The number of vehicle access points onto arterial roads shown on Overlay Maps – Transport should be minimised and, where possible, access points should be:
- (a) limited to local roads (including rear lane access)
 - (b) shared between developments.
- PDC 28** Development with access from arterial roads or roads as shown on Overlay Maps - Transport should be sited to avoid the need for vehicles to reverse on to or from the road.
- PDC 32** Development should be sited and designed to provide convenient access for people with a disability.
- PDC 34** Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table WeTo/2 - Off Street Vehicle Parking Requirements.
- PDC 35** Development should be consistent with Australian Standard AS 2890 Parking facilities.
- PDC 36** Vehicle parking areas should be sited and designed to:
- (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development
 - (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network
 - (c) facilitate safe and convenient traffic circulation
 - (d) result in minimal conflict between customer and service vehicles
 - (e) avoid the necessity to use public roads when moving from one part of a parking area to another
 - (f) minimise the number of vehicle access points onto public roads
 - (g) avoid the need for vehicles to reverse onto public roads

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- (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for multiple access points
- (i) not dominate the character and appearance of a site when viewed from public roads and spaces
- (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas
- (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.

Community Facilities

PDC 1 Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport

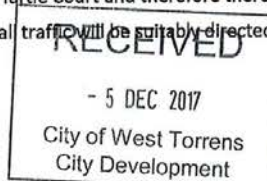
Cirqa provide a detailed parking assessment (refer **Appendix 3**) and conclude that:

- The proposal offers the appropriate number of on-site car parking spaces (2) based on the child care centre parking rate specified in Council's Off-Street Vehicle Parking Requirements Table WeTo/2, that being 1 space per 4 children (112-place centre);
- The design of the on-site car parking conforms to the requirements as set out in the Australian/New Zealand Standards for Off Street Car Parking (AS/NZS2890.1:2004 and AS/NZS2890.6:2009);
- Traffic movements generated by the development, which are estimated to be in the order of 90 trips in the AM peak hour and 80 trips in the PM peak period, will have minimal traffic impact on Holbrooks Road;
- The proposed layout access represents an improvement compared to the current situation as the existing crossover located within the 'prohibited access zone' for the opposite intersection with Hinton Street/Holbrooks Road is non-conforming with the relevant Australian Standards. The proposed single access point will provide greater separation to the opposite intersection and is conforming with the Standards; and
- The traffic generation resulting from the development would have a relatively low impact on the surrounding road network and will be readily accommodated by the adjacent road network.

The proposal further supports the use of active transportation through the provision of two (2) bike rails for staff (accommodating up to 4 bikes) and end of trip facilities (shower) within the centre, which satisfies PDC 20 'Transport and Access'. A disabled car parking space and adjacent shared area is also accommodated on site and achieves PDC 33, 'Transport and Access'.

Furthermore, vehicle access is not proposed through Hurtle Court and therefore there will no increase in vehicle movements through the nearby residential streets as all traffic will be suitably directed to the arterial road.

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The total number of access/egress points to Holbrooks Road will be reduced as a result of the development, consistent with PDC 36 (f), 'Transport and Access'. In addition, vehicles (including the refuse truck) will be able to exit the site in a forward direction, as desired by PDC 36 (g), 'Transport and Access'. Waste removal is proposed to occur outside centre hours of operation and therefore will not conflict with vehicle movements on-site. Further, turnaround movements will be accommodated within the intersection of the two car park aisles; therefore, no dedicated turnaround bay is required.

The entrance to the child care centre is centrally located near the car park and provides efficient access to the building. Whilst internal footpaths have not been provided due to limited available land, it is reasonable to assume children will be under the care and control of their respective caretaker when entering and exiting the site. Additionally, the car parks provided adjacent the building will have direct access to the building without crossing the aisle, further reducing the need for internal footpaths.

In summary, all vehicles will enter and exit in a forward direction and the proposal improves vehicle manoeuvrability, as well as access and egress from the site when compared to the existing site arrangements which do not comply with the relevant Australian Standards. Further, the proposal does not require the removal of any street trees, stobie poles or other infrastructure.

Based on these conclusions, the proposed child care centre satisfies the relevant transportation and access provisions of the Development Plan.

6.2.5 Landscaping Fencing and Walls

The following provisions from the Development Plan are considered particularly relevant in the consideration landscaping:

Low Density Policy Area 21

Desired Character Statement

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.

Landscaping, Fences and Walls

OBJ 1 The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.

OBJ 2 Functional fences and walls that enhance the attractiveness of development.

PDC 1 Development should incorporate open space and landscaping and minimise hard paved surfaces in order to:

- (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)

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- (b) enhance the appearance of road frontages*
- (c) screen service yards, loading areas and outdoor storage areas*
- (d) minimise maintenance and watering requirements*
- (e) enhance and define outdoor spaces, including car parking areas*
- (f) maximise shade and shelter*
- (g) assist in climate control within and around buildings*
- (h) minimise heat absorption and reflection*
- (i) maintain privacy*
- (j) maximise stormwater reuse*
- (k) complement existing vegetation, including native vegetation*
- (l) contribute to the viability of ecosystems and species*
- (m) promote water and biodiversity conservation.*

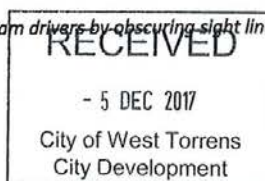
PDC 2 Landscaping should:

- (a) include the planting of drought tolerant species, including locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

PDC 3 Landscaping should not:

- (a) unreasonably restrict solar access to adjoining development*
- (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding*
- (c) introduce pest plants*
- (d) increase the risk of bushfire*
- (e) remove opportunities for passive surveillance*
- (f) increase leaf fall in watercourses*
- (g) increase the risk of weed invasion*
- (h) obscure driver sight lines*
- (i) create a hazard for train or tram drivers by obscuring sight lines at crossovers.*

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PDC 4 *A minimum of 10 per cent of a development site should be landscaped. The development site refers to the land which incorporates a development and all the features and facilities associated with that development, such as outbuildings, driveways, parking areas, landscaped areas, service yards and fences. Where a number of buildings or dwellings have shared use of such features and facilities, the development site incorporates all such buildings or dwellings and their shared features and facilities.*

PDC 6 *Fences and walls, including retaining walls, should:*

- (a) not result in damage to neighbouring trees*
- (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality*
- (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance*
- (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street*
- (e) assist in highlighting building entrances*
- (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites*
- (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land*
- (h) be constructed of non-flammable materials.*

Transport and Access

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

The proposed landscaping will significantly improve the aesthetics of the proposed development and offer an attractive green buffer and backdrop around the site. A Landscape Plan has been prepared by Brown Falconer Architects to accompany the application (*Appendix 2*). The Proposed Landscape plan identifies a combination of trees and low shrubs to provide a landscape setting for the development when viewed from the adjacent road network.

The proposed landscaping will provide amenity within the car park. In addition, the development site allocates a generous portion of the site area to landscaping and satisfies PDC 4, 'Landscaping Fencing and Walls'.

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The design and selection of the landscaping scheme is proposed to:

- Enhance the attractive site attributes of the land;
- Complement the proposed built form;
- Promote safety and opportunities for casual surveillance;
- Offer shade, screen and enhance the appearance of car parking areas;
- Improve visual outlook and enhance the appearance of the Holbrooks Road frontage;
- Contribute to and not compromising energy efficiency and amenity;
- Provide a buffer between the proposed building, vehicle access ways and adjoining land; and
- Minimise maintenance and irrigation requirements.

The proposed boundary fencing includes 2.5m high fencing to the rear boundary, the full length of the southern and northern side boundary adjacent the outdoor activity area. The boundary fencing height along the northern boundary will then reduce to 2.1m adjacent the proposed car park. 2.4m high timber fencing is proposed to the side of the building, perpendicular to the side boundary fencing. The proposed boundary fencing will sit above perimeter retaining wall sleepers that vary in height, from 0.2m to less than 1.0m.

The retaining walls are required to ensure stormwater is effectively managed on site. Nonetheless the retaining walls are domestic in scale and similar to residential development within the locality. Further, the proposed fencing will minimise amenity impacts on nearby residential properties, particularly by improving privacy.

The proposal generally accords with the relevant landscaping, fence and wall provisions of the Development Plan as well as the Desired Character Statement of the Policy Area.

6.2.6 Stormwater

The Council Wide, 'Water Sensitive Design' principles under the 'Natural Resources' section in the Development Plan seek development to *capture and re-use stormwater, where practical* (PDC 7(a)) and *'not exceed the rate of discharge from the site as it existed in pre-development conditions'* (PDC 8 (b)). Stormwater management systems should utilise harvesting methods including detention facilities in accordance with PDC 13 (b)(iii).

Further, we understand the CPR stormwater management plan (*Appendix 4*) was prepared following specific advice issued from the City of West Torrens engineers.

Stormwater from the proposed development will be effectively managed on site by incorporating the following elements:

- The finished floor level of the proposed building will be sited 300mm above the existing top of kerb level to manage overland flow paths;
- The installation of 3 x 22,000L underground detention tanks within the car park area forward of the proposed building;
- Stormwater within the detention tanks will be pumped to an existing side entry pit on Holbrooks Road at a rate of 15L/s; and

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- A gross pollutant trap will be installed to manage the quality of the stormwater runoff from the car park prior to discharge.

The above methods will ensure Council's requirements are met including:

- The post development 1 in 100 year ARI flows will match the pre-development 1 in 20 year ARI flows with pre-development coefficient of 0.25; and
- Overland flows from a 1 in 100 year ARI storm events will exit the site in an appropriate manner.

Further, the detention tanks will be sited away from areas of contaminated fill, should aesthetically unsuitable material remain on site following the adoption and implementation of an appropriate site remediation management option (refer section 4.7), consistent with PDC 16, 'Natural Resources'.

Given the above, the proposal adequately achieves the relevant Development Plan provisions related to water sensitive design and the specific site requirements outlined by West Torrens Council engineers.

6.2.7 Environmental

As mentioned in section 4.7, a Detailed Site Investigation (DSI) report has been prepared by Senversa (refer to *Appendix 5*). The DSI sought to assess the contamination status of soil and ground water, and to determine whether any management was required to make the site suitable for a proposed child care centre.

The DSI identified areas of aesthetically unsuitable fill material, due to the presence of trace slag fragments and zinc in the south, south-eastern portion of the site. These materials require management to make the site suitable for its proposed sensitive use.

Senversa concluded that two management strategies would suitably remediate the site. However, Senversa preferred the 'consolidation and isolation' management strategy whereby the unsuitable fill material is retained under areas of the future development where there is no access to the soil, such as retention below the building slab or beneath sealed areas such as the car park.

This method is preferred due to its success at many other sites in SA and acceptance by the EPA. Further, the consolidation and isolation method represents a cost-effective approach to the 'management of a relatively small volume of low risk material'.

The applicant has no objection to this matter being addressed via a suitable Planning Condition whereby unsuitable fill material is managed and site remediation occurs after Planning Consent (if granted) and prior to any construction works occurring on site.

In summary, the proposed site remediation will ensure the site is suitable for the proposed use, consistent with PDC 13 of the 'Hazards' section within the 'Council Wide' provisions of the Development Plan:

PDC 13 *Development, including land division, should not occur where site contamination has occurred unless the site has been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed use.*

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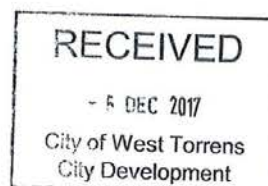


7. Conclusion

This Development Application seeks to establish a child care centre (pre-school) within the Low Density Policy Area 21 of the Residential Zone, within the West Torrens Council Development Plan. Following an inspection of the subject site and locality, a review of the proposed plans and associated documentation accompanying the application and a detailed assessment of the proposed development against the relevant provisions of the Development Plan, we have formed the opinion that the proposed development represents appropriate development that deserves favourable consideration for approval. More specifically:

- The proposal offers a 112-place child care centre which will serve the needs of the local community;
- The development will occupy an existing commercial site within the Residential Zone and provide a more suitable land use with less potential impact than the existing lawful land use;
- A child care centre is listed as an envisaged land use as expressed in PDC 1 of the Zone provisions and specifically envisaged within the Policy Area;
- A DSI environment assessment indicated that the site is fit for its proposed use providing remediation work is carried out on site prior to occupancy to manage *'a relatively small volume of low risk material'*;
- The building is of a suitable design which, combined with the proposed materials and finishes is consistent and complementary with the established built form in the locality;
- The proposed site layout, fencing and landscaping will significantly improve the aesthetics of the site and provide an attractive and coordinated environment around the site;
- Stormwater will be effectively managed on site primarily through the use of three underground detention tanks that will pump stormwater to the existing side entry pit on Holbrooks Road;
- Projected traffic generation and distribution will not adversely impact on the intended function and/or capacity of the adjacent road networks
- The proposed layout access represents an improvement compared to the current situation as the existing crossover located within the 'prohibited access zone' for the opposite intersection with Hinton Street/Holbrooks Road is non-conforming with the relevant Australian Standards.
- The proposed single access point will provide greater separation to the opposite intersection and is conforming with the Standards;
- The site has been designed to accommodate safe and convenient vehicle access, egress and circulation; and
- The supply of car parking spaces will satisfy the anticipated demand generated by the proposed child care centre and is consistent with the car parking rate stipulated within the Development Plan.

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Based on the above, the proposed development is therefore highly aligned with the most relevant provisions of the West Torrens Council Development Plan and warrants Development Plan Consent, subject to reasonable and relevant conditions.

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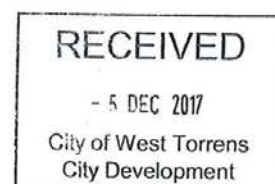
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Appendix 1. Certificates of Title

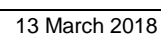


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Appendix 2. Proposed Plans and Elevations







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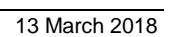
LETTON PROPERTIES
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INDIVIDUAL CHILD CARE CENTRE
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ROOF PLAN
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3D VIEW - 3



3D VIEW - 4



Appendix 3. Traffic Impact Assessment





Ref: 17107|BNW

Ms Rebecca Thomas
Ekistics
PO Box 32
GOODWOOD SA 5034

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- 5 DEC 2017

City of West Torrens
City Development

13 November 2017

Dear Rebecca,

**PROPOSED CHILD CARE CENTRE
183-187 HOLBROOKS ROAD, UNDERDALE**

I refer to the proposal to develop a child care centre at 183-187 Holbrooks Road, Underdale. As requested, I have undertaken a review of traffic and parking aspects of the proposal (as identified on Brown Falconer's Drawing 3158-DA03, dated 25 September 2017). This letter summarises the assessment undertaken.

EXISTING SITUATION

The subject site is bounded by Holbrooks Road to the west, commercial properties to the north, a former bowling club to the south (an approved retirement village for the site has recently commenced construction), and residential properties and Hurtle Court to the east. The site is located within a Residential Zone (Low Density Precinct) as identified by the City of West Torrens' Development Plan.

The overall site comprises two allotments. The allotments are improved by commercial buildings (previously utilised for offices and a retail liquor outlet). The site is currently serviced by two access points on Holbrooks Road. It is noted that the existing northern access point on Holbrooks Road would not conform with the separation requirements from the opposite intersection with Hinton Street identified by the relevant Australian Standard. Pedestrian access to the site is accommodated via the Holbrooks Road frontage.

Holbrooks Road is an arterial road under the care and control of the Department of Planning, Transport and Infrastructure (DPTI). A 60 km/h speed limit applies on Holbrooks Road. Adjacent the subject site, Holbrooks Road comprises single traffic lanes in each direction, separated by a marked centre line. No formal on-road bicycle facilities are provided and cyclists would either share the traffic lanes with vehicles or utilise the adjacent footpaths (provided on both sides of the road). Parking is permitted on both sides of Holbrooks Road. Traffic data sourced from DPTI indicates that Holbrooks Road (adjacent the subject site) has an Annual Average Daily Traffic



(AADT) volume in the order of 23,300 vehicles per day (vpd), of which approximately 5.5% are commercial vehicles.

Hurtle Court is a relatively short dead-end street that provides seven existing residential dwellings. The court is oriented east-west and ends at the boundary with the subject site (with connection to Hurtle Street to the east). The road comprises a 5.7 m wide (approximate) carriageway. No turnaround facilities, such as a 'T-head' or cul de sac bulb is provided at the end of the street (other than residential driveways). The general urban speed limit of 50 km/h applies on Hurtle Court. A footpath is provided on the southern side of Hurtle Court.

Figure 1 illustrates the subject site and the adjacent road network.



Figure 1- Subject site locality and adjacent road network

Public transport services operate in close vicinity to the subject site on Holbrooks Road. Bus stops are provided on both sides of Holbrooks Road approximately 60 m north of the site. The stops are regularly serviced by the 100/100P, 101, H22/H22L services.

DPTI has advised the subject site is not affected by any current road proposal of the Department, any requirement under the Metropolitan Adelaide Road Widening Plan, or any declaration under Part 2A of the Highways Act.

THE PROPOSAL

It is proposed to demolish the existing buildings on the site and construct a new child care centre. The centre will have capacity for 112 children. The development is proposed to be serviced by a parking area between the Holbrooks Road frontage and the centre's proposed building. The car park is proposed to be accessed via a two-way crossover on Holbrooks Road. The access point has been located at the southern end of the site's frontage to minimise interaction with vehicle movements associated with the adjacent intersection of Holbrooks Road and Hinton Street. The access location will be outside of the access restriction area identified by the Australian and New

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Zealand Standard for Parking Facilities Part 1 – Off-street car parking (AS/NZS 2890.1:2004). The existing access points will be removed/closed.

The arrangements have been discussed with representatives of DPTI's Safety and Services Division (SSD). It is understood that SSD considers the arrangements to be acceptable (noting alternatives would either not comply or result in amenity impacts for residents if access was provided via Hurtle Court). However, the SSD representatives did request that consideration be given to potential interaction between the proposed access and the existing access on the opposite side of Holbrooks Road (this is detailed further below).

A total of 28 (car) parking spaces will be provided on-site including one space for use by persons with disabilities. Two bicycle rails will also be provided on-site (capable of accommodating four bicycles).

The parking area has been designed in accordance with the requirements of AS/NZS 2890.1:2004 and *"Australian and New Zealand Standard for Parking Facilities Part 6 – Off-street parking for people with disabilities"* (AS/NZS 2890.1:2009) in that:

- general spaces will generally be 2.6 m wide (staff only spaces will be 2.4 m wide) and 5.4 m long (or 4.8 m with 600 mm overhang to low level landscaping);
- the space designated for use by persons with disabilities and will be 2.4 m wide and 5.4 m long with an adjacent shared space of the same dimension;
- the aisles will be at least 6.0 m wide; and
- a 1.0 m end of aisle extension will be provided.

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Turnaround movements (should the car park be fully occupied) will be accommodated within the intersection of the two car park aisles (refer Figure 2). Therefore, as per the requirements of AS/NZS 2890.1:2004, no dedicated turning bay is required.

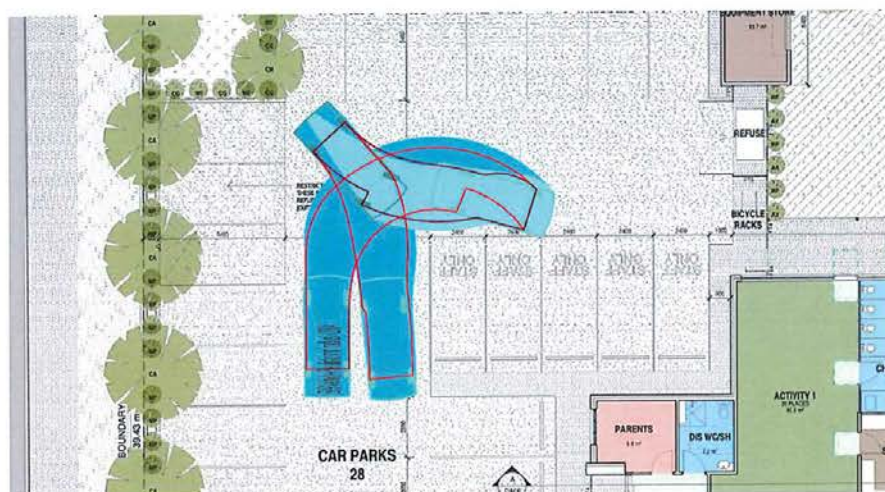


Figure 2 – Swept path for B99 Design Vehicle on-site turnaround



Refuse collection will be undertaken on-site through a private collection company. Waste bins will be wheeled to the parking area for collection via a medium rigid vehicle (MRV). As such, the car park access point has been designed to allow MRV movements to enter and exit the site in a forward direction. Such movements would be undertaken outside of peak set-down/pick-up periods. Figure 3 illustrates the turn path of an MRV accessing the site in a forward direction.

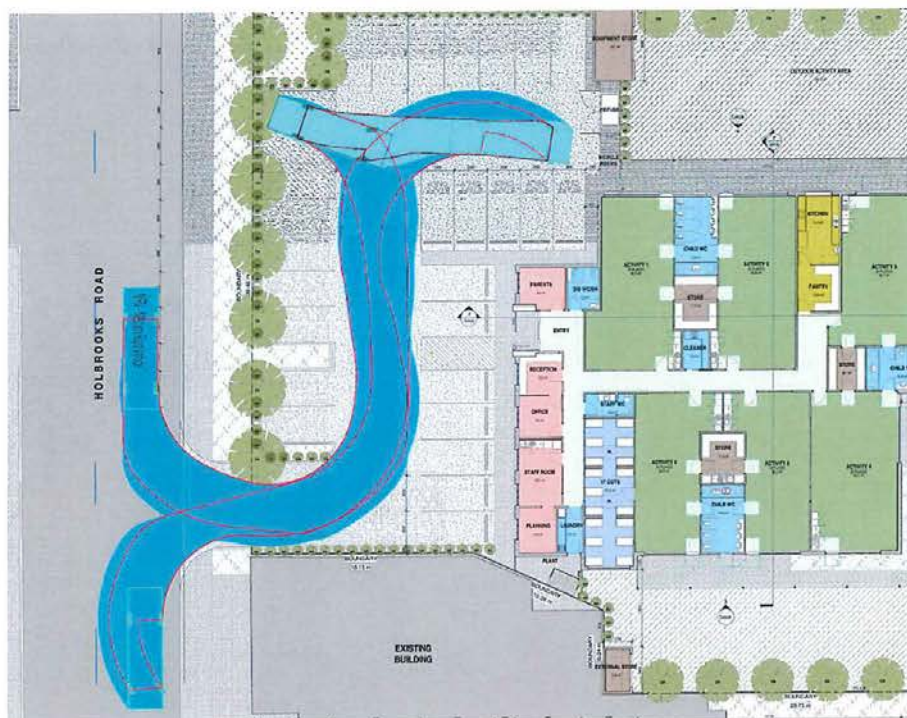


Figure 3 – MRV turn path for access to/from the subject site

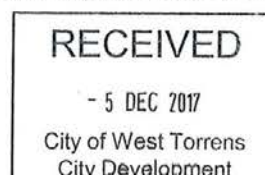
PARKING ASSESSMENT

Council's Development Plan identifies a parking requirement of 1 parking space per 4 children. Such a rate has been confirmed by a recent detailed study prepared by MFY (traffic consultants) in relation to parking demands at a number of child care centres in 2016 for the Australian Childcare Alliance (SA). The study identified actual demands rates between 1 vehicle per 4.2 to 6.7 children. The Development Plan rate is, therefore, considered appropriate for assessment of the proposal.

On the basis of the above, the proposal would require 28 parking spaces to be provided on-site. The proposed number of spaces will therefore adequately accommodate the forecast peak demand associated with the development.

In respect to bicycle parking, two bicycle rails (capable of accommodating 4 bicycles) are proposed on the subject site. Such a provision is considered adequate, however there would be room for additional bicycle spaces to be provided in the future should a higher demand be experienced.

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TRAFFIC ASSESSMENT

The NSW Roads and Maritime Services' (RMS) "Guide to Traffic Generating Developments" identifies peak (2-hour) period trip generation rates for child care centres of 0.8 trips per child in the am peak period (7 to 9am) and 0.7 trips per child in the pm peak period (4 to 6 pm). Based upon these rates, it is anticipated that the proposed child care centre would generate approximately 90 trips in the am and 80 trips in the pm peak periods. Assuming 60% of the generated trips occur in the peak hours, there would be approximately 54 and 48 trips in the am and pm peak hours, respectively.

The vehicle movements will be distributed to/from Holbrooks Road via the proposed access point. Assuming a relatively even distribution, it is considered that each turning movement (left-in, right-in, left-out and right-out) would be associated with 10 to 15 peak hour movements. Such volumes are low and within the capacity of the proposed access point and Holbrooks Road. Additional queuing and delays associated with the proposed access point and forecast volumes would be minimal.

In addition to the above, the forecast volumes do not include consideration of the existing (or previous) traffic generation associated with use of the site. In reality, the additional traffic volumes will be lower than forecast. Furthermore, a proportion of trips associated with the proposal may be 'passing trade' type movements that already occur on the adjacent roads. The actual additional traffic generation of the proposal compared the previous use of the site would therefore be lower than forecast above.

Importantly, the proposal will result in the removal of the existing driveways, one of which is located within the prohibited access zone for the opposite intersection with Hinton Street/Holbrooks Road. The proposed access will therefore reduce the number of conflict points on Holbrooks Road and provide a single access point with greater separation to the opposite intersection (and in conformance with the Standards). It is therefore considered that the proposed access layout represents an improvement compared to current situation.

In addition to the above, as requested by DPTI SSD, consideration has also been given to the existing driveway opposite the site (for 194 Holbrooks Road) and potential interaction between drivers entering/exiting both sites. The property at 194 Holbrooks Road is a residential dwelling and is serviced by two access points. The access point directly opposite the proposed access point appears to service only two or three parking spaces. The number of movements into and out of the opposite driveway would be very low and interaction between movements associated with the proposed child care would be negligible.

SUMMARY

The proposal comprises the construction of a 112-place child care centre with associated access and parking provisions. Vehicle access to the site will be provided via a two-way access point on Holbrooks Road.

A total of 28 parking spaces will be provided on-site. Such a provision will accommodate peak demands generated by the proposal and meets the requirements of the Development Plan. The car park will be provided in accordance with the

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Page 5 of 6



requirements of the relevant Australian Standard. In addition to vehicle parking, four bicycle spaces (two rails) will also be provided.

It is forecast that the proposal will generate in the order of 50 to 55 peak hours trips (excluding consideration of existing traffic generated by the overall site). Such movements will be readily accommodated via the proposed access points and the adjacent road network. The proposal also represents an improvement compared to the current arrangement as it will remove an existing non-conforming access point from opposite the intersection of Hinton Street/Holbrooks Road.

Please feel free to contact me on 0412 835 711 should you require any additional information.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Wilson", written over a horizontal line.



BEN WILSON
Director, CIRQA Pty Ltd





Appendix 4. Stormwater Management Plan





Storm Water Management Plan

Prepared For:
Leyton Property

Site:
Underdale Child Care Centre
183-187 Holbrooks Road, Underdale

Job No: 170222

Dated: Wednesday 26 July 2017

Prepared By:

Combe Pearson Reynolds
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Dulwich SA 5065
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PROPOSED CHILD CARE CENTRE 183-187 HOLBROOKS ROAD, UNDERDALE, SA

STORMWATER MANAGEMENT PLAN

INTRODUCTION

The following outlines the proposed plan to manage the disposal of stormwater from the post development site at 183-187 Holbrooks Road, Underdale.

The stormwater concept has been based upon the architectural plans prepared by the architect, Brown Falconer.

The existing site is 2459sqm and comprised of 3 large commercial buildings and carpark area

The proposed development includes the following:

- 730sqm building
- Large outdoor landscaped space
- Carpark.

This Stormwater Management Plan addresses the following issues:

- general stormwater management
- stormwater detention and disposal off site in accordance with council requirements.

This plan has been prepared in accordance with design advice issued from City of West Torrens engineers Andrew King and Jane Teng.

GENERAL STORMWATER MANAGEMENT

The new works will be designed for the following stormwater criteria:

- Post development 1 in 100 year ARI flows to match pre-development 1 in 20 year ARI flows with pre-development runoff coefficient of 0.25
- Overland flow for 1 in 100 year event

Stormwater from the development will discharge to the existing side entry pit on Holbrooks Road.

FINISHED FLOOR LEVEL REQUIREMENTS

The proposed building is to have finished floors 300mm above the existing top of kerb level.

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Combe Pearson Reynolds Pty Ltd
July 2017

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This creates retaining walls of less than 1m on the perimeter of the site to deal with the retention of soil from the northern, eastern and western neighbouring sites.

Overland flow paths will be managed as the proposed floor level will be a minimum of 300mm higher than adjacent street kerb level. The pavement is to grade levels away from the building.

The above measures have been addressed in order to maintain an appropriate freeboard level higher than surrounding formed ground surfaces to enable overload flows from 1:100 ARI storm events to exit the site in an appropriate manner.

STORMWATER DETENTION

The City of West Torrens requires the following stormwater detention criteria for to this site:

- Post development 1 in 100 year ARI flows to match pre-development 1 in 20 year ARI flows with pre-development runoff coefficient 0.25

Stormwater detention calculations have thus been undertaken to assess the project requirements to limit the post development peak rate of runoff from the proposed development under the 1 in 100 year ARI storm event and match them to the pre development 1 in 20 year ARI storm event with a runoff coefficient of 0.25.

As a result, it is proposed to provide the following stormwater detention:

- 56.7kL underground detention tank with a pump discharging to the side entry pit on Holbrooks Road at 15L/s.

The above detention feature will ensure that the council requirements in regards to stormwater discharge will be met.

A gross pollutant trap will be installed prior to the stormwater entering the detention tanks in order to treat the water to council requirements before discharge. This gross pollutant trap will be specified in order to meet council's water quality requirements and will be specified in the detailed design phase of this project.



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ISSUES DURING CONSTRUCTION

The management of stormwater during construction will be under constant monitoring by the appointed construction manager and by CPR on behalf of the developer.

The construction manager will be employed to maintain control measures on site and to minimise run-off from the site which may contain fine earth particles and any deleterious material that washes off site will be cleaned up by the contractor.

Prepared by

A handwritten signature in black ink, appearing to read 'Costa Morias', is written over a horizontal line.

Costa Morias
COMBE PEARSON REYNOLDS PTY LTD
costam@cprengineers.com.au

Encl.

Appendix A – Stormwater Calculations SW1-SW3

Appendix B – Stormwater Management Plan and Details

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APPENDIX A:
- Stormwater Calculations SW1-SW3



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170222-Underdale Child Care Centre
Combe Pearson Reynolds Pty Ltd
July 2017



Combe Pearson Reynolds Pty Ltd
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 174 Fullarton Road, DULWICH SA 5065
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Job No: 170222
Page: SW1
Date : 26/07/17
Design: CM

UNDERDALE CHILD CARE CENTRE

Summary

The existing site is approximately 2459sqm. In accordance with the council's requirements, the site will have a pre-development runoff coefficient of 0.25.

The post development site consists of one large building, carpark and large pervious play area. This results in 730sqm of roof area, 821sqm of pavement and 808sqm of pervious area. The resultant coefficient for the post-development site is 0.73.

Council requirements outline that the runoff from the post development site in a 1:100 year storm event is to be equal to that of the pre-development site for a 1:20 year storm event with a pre-development runoff off coefficient of 0.25.

| | | |
|-------------------------------------|------------|-------------|
| Existing site 1:20 year, C=0.25 = | 15.204 L/s | (Refer SW2) |
| Post-development site 1:100 year = | 15.204 L/s | (Refer SW3) |
| Detention required to match flows = | 56.726 kL | |

In order to meet the detention requirements, 3/22kL underground detention tanks are to be installed within the carpark area. The stormwater will be pumped from the detention tank to an existing side entry pit on Holbrooks Road at a rate of 15L/s. This demonstrates that the post-development 1:100 year storm event equal to the 1:20 year, C=0.25 storm event for the pre-development site.

A gross pollutant trap will be installed to manage the quality of the stormwater runoff from the carpark prior to discharge into the council system. The nominated GPT will meet all quality requirements outlined by council.





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Job No: 170222
Page: SW2
Date : 26/07/17
Design: CM
UNDERDALE CHILD CARE CENTRE

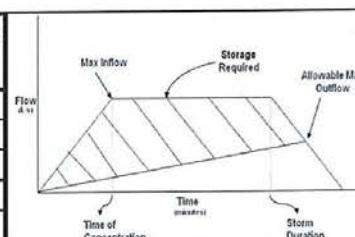
Roof Area 0 m²
Roof Pitch 0 degrees
Run-Off Coefficient 1

Landscaped Area 2459
Run-Off Coefficient 0.25

Pavement Area 0
Run-Off Coefficient 0.9

Storm Design Recurrence Interval 20 years
Time of Concentration 10.0 minutes
Max Allowable Outflow 15.20 L/s
Based on (AR&R 1987)

| Duration (Minutes) | Intensity (mm/h) | Inflow (L/s) | Inflow Volume (m ³) | Max Storage (m ³) |
|--------------------|------------------|--------------|---------------------------------|-------------------------------|
| 5 | 121 | 20.67 | 6.20 | |
| 10 | 89 | 15.20 | 9.12 | |
| 15 | 72 | 12.30 | 11.07 | |
| 20 | 62 | 10.59 | 12.71 | |
| 25 | 54 | 9.23 | 13.84 | |
| 30 | 48.7 | 8.32 | 14.98 | |
| 35 | 44.3 | 7.57 | 15.89 | |
| 40 | 40.7 | 6.95 | 16.69 | |
| 50 | 35.3 | 6.03 | 18.09 | |
| 55 | 32.8 | 5.60 | 18.49 | |
| 60 | 30.3 | 5.18 | 18.63 | |
| 65 | 27.8 | 4.75 | 18.52 | |
| 70 | 25.3 | 4.32 | 18.15 | |
| 75 | 22.8 | 3.90 | 17.53 | |
| 80 | 20.3 | 3.47 | 16.65 | |
| 85 | 17.8 | 3.04 | 15.51 | |
| 90 | 15.3 | 2.61 | 14.11 | |





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Job No: 170222
Page: SW3
Date : 26/07/17
Design: CM

UNDERDALE CHILD CARE CENTRE

Roof Area 730 m²
Roof Pitch 3 degrees
Run-Off Coefficient 1

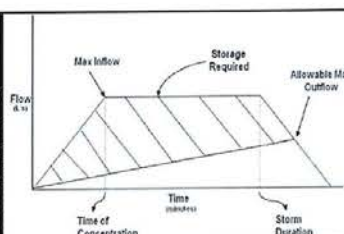
Pervious Area 808
Run-Off Coefficient 0.4

Pavement Area 921
Run-Off Coefficient 0.9

Storm Design Recurrence Interval 100 years
Time of Concentration 10.0 minutes
Max Allowable Outflow 15.204 L/s

Based on (AR&R 1987)

| Duration (Minutes) | Intensity (mm/h) | Inflow (L/s) | Inflow Volume (m ³) | Max Storage (m ³) |
|--------------------|------------------|--------------|---------------------------------|-------------------------------|
| 5 | 186 | 98.37 | 29.51 | 22.67 |
| 10 | 136 | 71.93 | 43.16 | 34.03 |
| 15 | 110 | 58.18 | 52.36 | 40.96 |
| 20 | 94 | 49.72 | 59.66 | 45.97 |
| 25 | 82 | 43.37 | 65.05 | 49.09 |
| 30 | 73 | 38.61 | 69.50 | 51.25 |
| 35 | 66.5 | 35.17 | 73.86 | 53.33 |
| 40 | 61 | 32.26 | 77.43 | 54.62 |
| 50 | 53 | 28.03 | 84.09 | 56.73 |
| 55 | 49 | 25.92 | 85.52 | 55.87 |
| 60 | 45 | 23.80 | 85.68 | 53.75 |
| 65 | 41 | 21.68 | 84.57 | 50.36 |
| 70 | 37 | 19.57 | 82.19 | 45.70 |
| 75 | 33 | 17.45 | 78.54 | 39.77 |
| 80 | 29 | 15.34 | 73.62 | 32.57 |
| 85 | 25 | 13.22 | 67.43 | 24.10 |
| 90 | 21 | 11.11 | 59.98 | 14.36 |



| | |
|--------------------------|----------------------|
| Minimum Tank Size | 56.73 m ³ |
|--------------------------|----------------------|

| | |
|---|-------------------------------|
| Outlet Orifice Design | |
| Approximate head above outlet | 0.01 m water |
| Max allowable outflow | 0.015204167 m ³ /s |
| Discharge Velocity | 0.44 m/s |
| Approx Pipe area 34325.203 mm ² | |
| Approx Pipe Diameter 209.06 mm | |





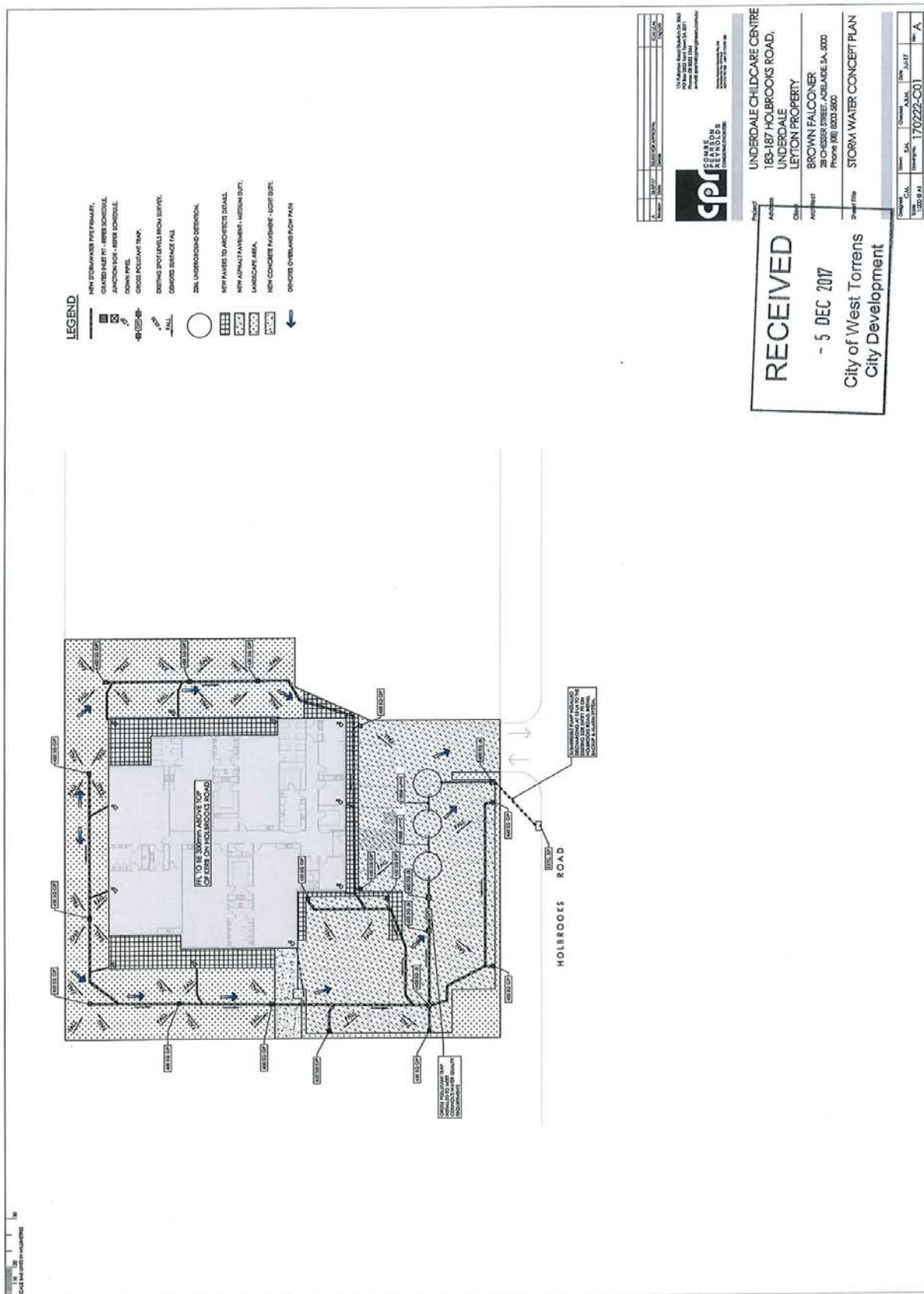
APPENDIX B:
- Stormwater Management Plan and Details



170222-Underdale Child Care Centre
Combe Pearson Reynolds Pty Ltd
July 2017

5

**COMBE
PEARSON
REYNOLDS**
CONSULTING ENGINEERS



ekistics

Appendix 5. Detailed Site Investigation





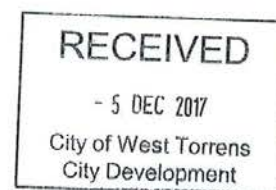
Senversa Pty Ltd
125 Sturt Street, Adelaide, SA 5000
ABN 89 132 231 380 www.senversa.com.au

30 August 2017

Dr James Fox
Land and Water Consulting
4-8 Goodwood Rd,
Wayville SA 5034

Dear James,

Re: Soil Management Options
183-185 Holbrooks Road, Underdale



This document has been developed to support the proposed on-site management of impacted soil materials which was identified during a detailed site investigation at 183-185 Holbrook Road, Underdale (the site).

1. Background

A detailed site investigation (DSI)¹ was completed at the site to assess the contamination status of soil and groundwater, and to determine whether any management was required to make the site suitable for a proposed child care centre (refer to **Attachment A** for development plan).

The DSI identified areas of aesthetically unsuitable fill material, due to the presence of trace slag fragments, in the southern portion of the site. Isolated surficial soil within this portion also contained chemical substances (zinc) at concentrations above the ecological screening level. These materials require management to make the site suitable for its proposed sensitive use.

The preferred management approach for this material is retention under areas of the future development where there is no access to soil, such as below the building slab or beneath sealed areas such as the carpark (i.e. cap and contain). The benefits and suitability of this management option are discussed further below.

2. Material Management Discussion

The following sections provide detail into the nature and extent of contamination and assesses the best remedial option.

¹ Senversa (2017) Detailed Site Investigation – 183-185 Holbrooks Road, Underdale. A13417_004_RPT_REV1, 30 August 2017.

Management Options
183-185 Holbrooks Road, Underdale

Management Objective

Based on results of previous investigations (Senversa, 2017), the management objectives are:

- Mitigate potential risks posed by minor soil contamination (zinc reported greater than the ecological investigation level in only one sample).
- Address aesthetical issues present in some fill soils.
- Manage the above materials in a manner that:
 - Mitigates risks to worker health and safety, and the environment.
 - Is consistent with relevant regulatory provisions and guidance.

Extent of Contamination and Aesthetic Issues in Soil Requiring Management

Based on the information provided in Senversa (2017), the extent of management of soils is considered to be limited to the following:

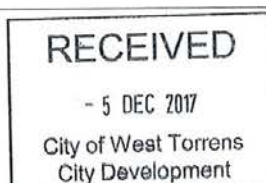
- **Aesthetically unsuitable material:** Shallow fill material (grey to brown gravelly sand) surrounding four soil bore locations (SB05 to SB08) in the southern portion of the site contained trace anthropogenic material (slag), which is considered aesthetically unsuitable. The slag reported at SB08 was associated with the bitumen covering within the storage shed, and is therefore assumed to be removed during demolition of the shed. The area of the site containing other fill with aesthetically unsuitable material is inferred to extend between the western, southern and eastern site boundaries, the southern warehouse and half way between impacted soil bore (SB05) and next adjacent bore (SB04) where no slag was reported (refer to figure in **Attachment B**). The vertical extent of aesthetically unsuitable soils is considered to be the vertical extent of the fill type in this area – i.e. from the ground surface to approximately 0.6 m bgl.
- **Ecologically unacceptable material:** A soil sample collected from the ground surface along the unsealed portion of the southern site boundary had concentrations of zinc above the relevant ecological investigation level. The lateral extent of the zinc contaminated fill is inferred to be half way between impacted sample (SS03) and next adjacent bores (SB07 and SB06) where zinc was reported below criteria, the southern warehouse and the southern site boundary. The vertical extent of the zinc contaminated material is considered to be the vertical extent of the fill type in this area - i.e. from the surface to approximately 0.2 m bgl. This ecologically unsuitable material coincides with the extent of aesthetically unsuitable material, and is considered to represent approximately 18 m³ of soil materials.

Management Options Assessment

Potential management options identified are provided below:

| Management Option | Application | Feasibility |
|---|--|---|
| On-site treatment so that the contaminants are either destroyed or the associated hazards are reduced to an acceptable level. | As impact to fill material is mainly aesthetical treatment is not relevant – apart from possible screening out of anthropogenic materials. | Screening may not be effective. Low feasibility option. |

A13417_006_LET_Rev0
Page 2 of 4



30 August 2017
Commercial in Confidence

Management Options
183-185 Holbrooks Road, Underdale

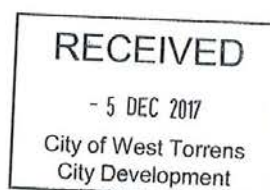
| Management Option | Application | Feasibility |
|--|---|---|
| Off-site treatment so that the contaminants are either destroyed or the associated hazards are reduced to an acceptable level, after which the soil is returned to the Site. | As above. | As above |
| Consolidation and isolation of the soil by on-site containment. | <p>Placement of aesthetically unsuitable material and zinc contaminated soils beneath inaccessible portions of the new development. This management approach is considered acceptable given:</p> <ul style="list-style-type: none"> It will mitigate contact of future childcare students and staff with retained aesthetically unsuitable/ecologically contaminated soils. Groundwater beneath the site appears unimpacted by concentrations of chemicals currently present in fill material – and therefore retention of contaminated soil on site is considered unlikely to have an adverse impact on groundwater quality. Contaminated and aesthetically unsuitable soil material will be placed under impermeable layers of the site (i.e. car park) thereby further reducing or removing the potential for surface water infiltration to cause mobilisation of contaminants. | <p>This option is considered a feasible strategy, and is considered to represent a sustainable approach which:</p> <ul style="list-style-type: none"> Reduces disposal of commercial and industrial waste to landfill, consistent with <i>South Australia's Waste Strategy 2015 – 2020 (ZeroWaste SA, 2015)</i>. Reduces greenhouse gas emissions and potential impacts to the community associated with transport and disposal to landfill of zinc contaminated and aesthetically unsuitable fill soils. |
| Excavation and off-site removal of the impacted material. | <p>Contaminated soil materials would be excavated and removed from site and disposed to a suitably licenced landfill.</p> <p>Based on current data the material would be likely classified as waste fill or intermediate contaminated waste, and would not be suitable for beneficial re-use as waste derived fill. Further assessment would be required to support waste classification.</p> <p>There are currently suitably licensed waste facilities in the Adelaide capable of accepting the identified contaminants within fill materials.</p> | This option is considered a feasible strategy. |

Preferred Management Strategy

Based on the information presented in Senversa (2017) and consideration of the benefits and disadvantages of the presented options (refer above), Senversa considers that *consolidation and isolation of soil by on-site containment* is the preferred management strategy for the zinc contaminated and aesthetically unsuitable soil based on the following:

- It will be effective in addressing the low-level risks presented by the materials requiring management.
- It represents the most sustainable option.
- It is an approach that has been successfully applied at many other sites in South Australia and is acceptable to be EPA.
- It is more cost effective, with the other feasible management option (off-site disposal) likely to cost more than \$50,000 taking into consideration landfill disposal and transport fees, which is a considerable cost implication for the management of a relatively small volume of low-risk material.

A13417_006_LET_Rev0
Page 3 of 4



30 August 2017
Commercial In Confidence

Management Options
183-185 Holbrooks Road, Underdale

3. Closure

Based on the information provided in the DSI and this letter, Senversa considers on-site retention and placement of the small volume of zinc contaminated and aesthetically unsuitable fill under sealed areas of the future childcare development as the most suitable management approach for soils at the site. The placement of the material under these areas should be supervised and verified by a suitably trained and experienced environmental consultant.

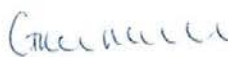
If you have any comments or questions, please do not hesitate to contact the undersigned at lexi.schwarz@senversa.com.au or via mobile on 0439 447 405.

Yours sincerely,



Lexi Schwarz
Senior Environmental Scientist

LS/GM



Graeme Miller
Principal Environmental Scientist

Enclosures: Attachment A: Proposed Development Plan
Attachment B: Extent of material requiring management

Technical Limitations and Uncertainty – The management approach proposed in this document is based on the understanding of the condition of the site at the time of assessment and the envisaged development proposal. If the contaminated soil is disposed to a licensed landfill facility, it is the responsibility of the receiving landfill to ensure that its licence conditions are adhered to when receiving the material. The receiving facility may have additional sampling and analysis requirements.

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Management Options
183-185 Holbrooks Road, Underdale



Attachment A: Proposed Development Plan



A13417_006_LET_Rev0

30 August 2017
Commercial In Confidence

Management Options
183-185 Holbrooks Road, Underdale

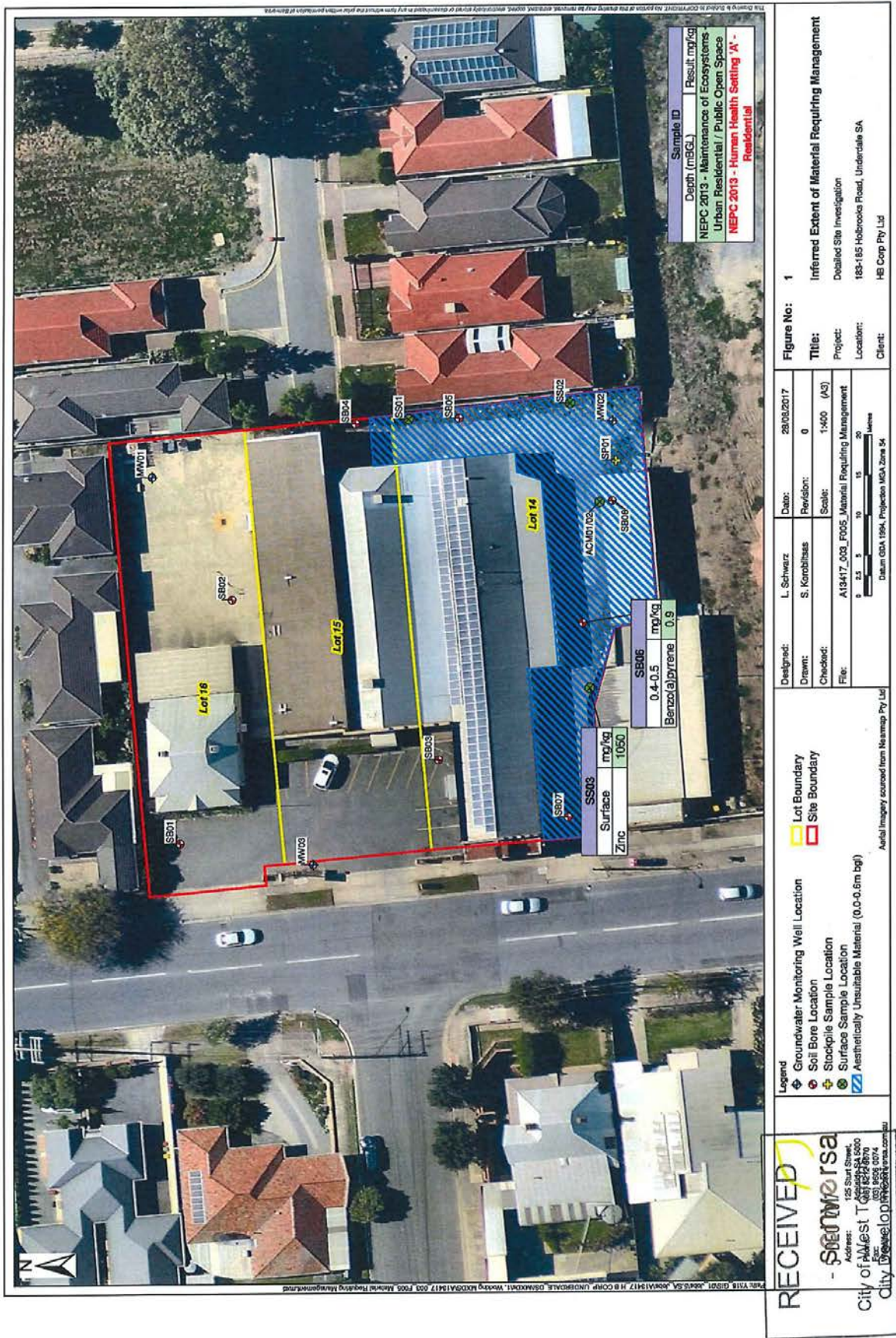


Attachment B: Extent of Material Requiring Management



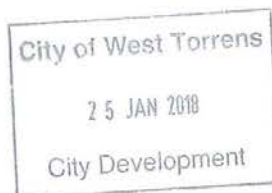
A13417_006_LET_Rev0

30 August 2017
Commercial In Confidence



HB CORP PTY LTD15th January 2018

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



HB Corp Pty Ltd
Level 4
79 Commonwealth Street
Surry Hills NSW 2010

SCANNED

2 JAN 2018
REF No. A2099155

Re: 185-187 Holbrooks Road, UNDERDALE SA 5032.

We write to you as the adjoining owner to this property and your subsequent letter dated 5th January 2018 with respect to

Development No;

No: 211/1405/2017

Applicant

Leyton Property

Nature of Development:

Demolition of existing shop and wine store and construction of a new Child Care Centre (pre-school) with associated on-site car parking, landscaping, fencing, earthworks and retaining walls.

We would like to offer our full support to this development.

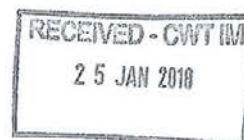
If you have any further queries please do not hesitate to contact the writer.

Yours sincerely

David Satchell

Director
satchell@arrowcom.com.au

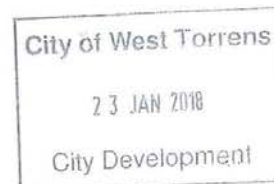
+61 (0) 2 93102333 Work
+61 409 848 828 Mobile



HB Corp Pty Ltd
Level 4, 79 Commonwealth Street, Surry Hills NSW 2010

Brett Mickan

From: Con Costi <ccosti@costico.com.au>
Sent: Monday, 22 January 2018 6:57 PM
To: Development
Subject: Proposed Childcare Centre at 185-187 Holbrooks Rd, Woodville SA 5011 - DA 211/1405/2017



22 January 2017

E-mail to: Mr Terry Buss, Chief Executive Officer, City of West Torrens, C/- Development@wtcc.sa.gov.au

Dear Sir/Madam

**Re: Proposed Childcare Centre at 185-187 Holbrooks Rd, Woodville SA 5011
DA 211/1405/2017**

We act for George and Tanya Lambrakis of 168 Holbrook Road, Underdale SA in respect of the above matter.

We are instructed to inform you that our clients object the above Development Application (as advertised on 5 January 2018) on the grounds which are set out below, as to which we have numbered each of the paragraphs sequentially for ease of future reference.

Land use

1. As we understand it, the above development application is for a proposed Childcare Centre for 112 Children. In those circumstances:
 - 1.1. it is not small scale non-residential use that serves the local community, as envisaged by the relevant zoning; and
 - 1.2. we believe that such non-compliance is itself sufficient basis for a refusal of the above Development Application.

Noise

2. The proposed 'play areas' are located adjacent to residential dwellings and the retirement village currently under construction. In that regard the proposed Childcare Centre will emit noise and does not propose attenuation measures which are appropriate for a Development Application which is adjacent to such noise-sensitive premises.

Appearance

3. The appearance of the proposed Childcare Centre should be of a size and scale which is appropriate in Residential Zones – which is not the case according to the above Development Application.

Car parking and Safety

4. The proposed car parking is not sufficient for a Childcare Centre of a scale which involves 112 places and (as we understand it):

- 4.1. the proposed Childcare Centre will therefore require at least 22 staff; and
- 4.2. parents and staff will have no choice but to park on busy Holbrooks Road or clutter adjacent side streets.

We are accordingly instructed to ask that Council refuse the above Development Application, which is for a large scale non-residential development that is non-compliant with Council's Development Plan.

Kindly note that we are instructed to seek to speak at the appropriate Council Assessment Panel meeting in support of the above submission.

Yours faithfully

Constantine Peter Costi

Principal | Costi & Co, Commercial Lawyers,
106 South Terrace, Adelaide SA 5000
T: (08) 8231 3566 | F: (08) 8231 0566
E: ccosti@costico.com.au

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KARIDIS CORPORATION LIMITED
BUILDING BETTER CITIES

15 January 2018

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

SCANNED
JAN 21
A2696465
REF No.

Serviced Apartment Operations
Retirement Village Operations
Student Accommodation
Industrial Development
Property Management
Property Development
Project Management
Car Park Operations
Property Investment
Commercial Offices
Joint Ventures
Retail Spaces

Dear Mr. Buss,

Re: 185-187 Holbrooks Road, UNDERDALE SA 5032



Development No: 211/1405/2017

Applicant Leyton Property

Nature of Development: Demolition of existing shop and wine store and construction of a new Child Care Centre (pre-school) with associated on-site car parking, landscaping, fencing, earthworks and retaining walls.

We are pleased to support the proposed child care centre at 185-187 Holbrooks Road Underdale.

The location of this particular child care centre adjoining our retirement village currently under construction is particularly beneficial to the community and we are excited by the prospect of improving facilities throughout all of our communities and how we are adding to that within the Underdale vicinity.

We can easily foresee grandparents living in our retirement village while their grandchildren are attending and being cared for at the proposed child care centre next door.

This is beneficial in promoting interactions between grandparents and their grandchildren.

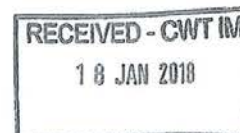
To a lesser extent but still applicable we have several retirement villages close by.

Having perused the proposed plans for the new child care centre it certainly appears well set out and fitting 'comfortably' on the site with abundant external play areas and the like.

To summarise, we have no hesitation in supporting the proposed new child care centre.

Yours sincerely,

Gerry Karidis AM
Chairman



Karidis Corporation Ltd. ABN 79 007 844 144 www.karidis.com.au

Adelaide: 49 Angas Street, Adelaide, South Australia 5000 Australia. Telephone: +61 8 8414 7900 Facsimile: +61 8 8231 0374
Melbourne: Saffron Grove, 8 Saffron Drive, Hallam, Victoria 3803 Australia. Telephone 1300 669 523

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

17 JAN 2018

City Development

DEVELOPMENT No.
 PROPERTY ADDRESS:

211/1405/2017
 185 Holbrooks Road, UNDERDALE SA 5032, 187 Holbrooks Road,
 UNDERDALE SA 5032

| | |
|--|--|
| YOUR FULL NAME | Ermine Romano |
| YOUR ADDRESS | 188 Holbrooks Rd UNDERDALE 5032 |
| YOUR PHONE No | 0407 219966 |
| YOUR EMAIL | mariod5@bigpond.com |
| NATURE OF INTEREST | CATEGORY 3 Development (eg. Adjoining resident, owner of land in the vicinity etc.) 185 Holbrooks Rd UNDERDALE |
| REASON/S FOR REPRESENTATION | |
| <p>CONCERN OF THE PROPOSED CHILDCARE CENTRE CAUSING EXCESS TRAFFIC CONGESTION / SAFETY. OUR PROPERTY IS ACROSS THE ROAD AND WE ARE CONCERNED ABOUT WHEN NO PROCEED ONTO HOLBROOKS WHEN CHILDCARE TRAFFIC APPROACH. ALSO EXCESS NOISE AND THE SIZE OF THE CHILDCARE.</p> <p>MY REPRESENTATIONS WOULD BE OVERCOME BY ALSO SAFETY CONCERN OUT OF ADJACENT STREET.</p> <p>COAST DEVELOPMENT OR SCALE DOWN SIZE OF CHILDCARE.</p> | |

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

I DESIRE TO BE REPRESENTED BY _____

(PLEASE SPECIFY)

☒
☐
☐

SIGNED



DATE

16/11

Responsible Officer: Sonia Gall
 Ends: Wednesday 24 January



15th January 2018

Ref: 7071 Submission

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



Access Planning Pty Ltd
ABN 57 089 707 241
235 Greenly Road
Torrens Park SA 5033
Phone: 08 8190 2777
Fax: 08 8190 7299
admin@accessplanning.com.au
www.accessplanning.com.au

Attention Ms Hannah Bateman

RE: PROPOSED 112 PLACE CHILD CARE CENTRE 185 – 187 HOLBROOKS ROAD,
UNDERDALE

I act for Skremscin 432 DB Drive Pty Ltd and have been asked to review the above application for compliance with the relevant Development Plan provisions.

The land on which the proposed facility is to be constructed is in a Residential Zone Low Density Policy Area 21.

A small scale non-residential use that serves the local community, such as a child care is an envisaged use in the zone.

The listing of a child care centre as an envisaged land use is conditional upon the development being of small scale and serving the local community. This is reflected in both the Zone and Policy Area provisions applicable to the land

The Residential zone provisions reinforce the desire for non-residential land uses to be small in scale and limited to certain locations, viz;

Residential Zone

DESIRED CHARACTER

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.

Principles

- 1 The following forms of development are envisaged in the zone:
 - small scale non-residential use that serves the local community, for example:
 - child care facility
- 3 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:
 - (a) serves the local community
 - (b) is consistent with the character of the locality
 - (c) does not detrimentally impact on the amenity of nearby residents.
- 5 Development should not be undertaken unless it is consistent with the desired character for the zone and policy area.



Low Density Policy Area 21

Principle

- 1 The following forms of development are envisaged in the zone:
 - small scale non-residential use that serves the local community, for example:
 - child care facility

Some concept of the scale of development envisaged in the zone can be gleaned from the floor area limit imposed on shops in the zone, which is restricted to not more than 250m².

The physical scale of development also relates to the number of children to be enrolled and the number of staff associated with the development. The majority of child care centres operate with enrolment numbers of between 60 to 80 children.

Centres with an enrolment of more than 100 children are unusual and represent the higher end of scale for a child care centre.

A child care centre with an enrolment of 75 children for example would expect to have a building floor area in the order of 550m² compared to the 806m² proposed for the current development.

Both in terms of its proposed enrolment and by reference to the building area required to accommodate 112 children, the development cannot be classified as being of small scale.

The issue of what might constitute 'small scale' in relation to a child care centre has been the subject of a number of judgments by the ERD Court.

In the matter of Land Alliance Pty Ltd v City of Salisbury & Anor [2004] SAERDC 99 (26 November 2004), for a 120 place (reduced at the appeal to 100), the Environment Court used the comparative scale of a child care centre to determine whether a child care centre of 100 places was appropriate in a Residential zone.

The Court was provided with information on 19 existing child care centres within the City of Salisbury and found that ... *"The subject proposal is between 58% and 122% larger than any of the existing child care centres within the Residential Zone, and even were it to be accepted that smaller centres are appropriately located within the Residential Zone, the scale of the proposal is such that, based on other child care centres of a comparable scale, it is more appropriately located in a District Centre."*

Whilst the Development Plan provisions in the Land Alliance matter were different to those now applicable to the subject development they are still nonetheless germane to determining what the relevant Development Plan provisions mean in reference to small scale development.

More recently in the matter of Eastern Building Group Pty Ltd v The Barossa Council [2005] SAERDC 26 (14 April 2005), the Environment Resources and Development Court again had cause to reflect on what might construe small scale non-residential development in a Residential zone in respect to proposed child care centre at Nuriootpa.

The relevant Development Plan provisions in that matter provided for; *"A Zone accommodating educational uses and other non-residential activities which are small in scale, benign in external impact and serve the needs of the local community."*



In that matter the Court said;

When determining whether the scale of a development is contemplated in particular circumstances (in this case 'small scale' in accordance with Objective 2) among the considerations would be the scale (both physical and operational intensity) of development that, on the face of it, is intended for the Zone or locality in which it is proposed, the ranking of the particular development against like land uses and its scale relative to the surrounding within which it is intended to be situated.

and;

..... I have concluded that the proposed development could not be reasonably regarded as being small in scale. In my view, a building having an area of 650 square metres, presented to Murray Street by an elevation of 40 metres in length, edged by a large carpark with 29 parking spaces and bounded on two sides by a 2.8 metre high wall with a total length of 90 metres and intended to accommodate 120 children supervised by 17 staff is not, in scale terms, a development that appears to be contemplated

Whilst I note the established character of the subject land lends some support for the development. In this instance the proposed development has an enrolment of 112 children supervised by 22 staff, a building floor area of 741m², fronted by 28 car parks, with building frontage to Holbrooks Road of some 25m.

Notwithstanding the present development of the land, the proposed development, and for the above reasons, is not in accordance with Development Plan at General Section, Residential Development, principle 4 that directs that buildings should be compatible with the desired character statement of the relevant zone when assessed a range of built form elements; viz;

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

These issues are also reflected in General Section, Design and Appearance, Objective 1, principles 1 and 20.

By the tests adopted by the Court in both of the above matters, the proposed development cannot be considered to be small in scale.

More particularly, the subject land seems well placed to accommodate the type and density or residential development sought for the zone and Policy Area, noting that there does not appear to any significant environmental impacts that would stand in the way of the land being redeveloped for residential use, or even a combination of small scale child care centre with some residential development.

I note that the Court has approached the assessment of development in such a way that the proper approach is to identify all the relevant principles in the Plan and assess the proposal against those provisions in order to determine whether it is in sufficient accord with them to warrant approval, as set out the decision in *City of Mitcham v Freckman*.



That matter was referenced in *Karidis Corporation Ltd V City of West Torrens* [2017] SAERDC 27 which also dealt with the issue of the scale of a development in the Residential zone (Policy Area 20).

I have concluded from the above that the proposed development is not one that should satisfactorily locate in the Residential zone by virtue of its scale.

The Environment Court has provided a clear test as to what constitutes a small-scale child care centre and the proposal at hand fails each of the elements adopted by the Court for this purpose.

I have concluded that the scale of the development is such that it should be located in a more appropriate Zone, or the scale of the development reduced considerably to an enrolment in the order of 75 to 80 children, to bring the scale of the development down to scale more reflective of the small scale development sought by the Development Plan.

Having regard to the foregoing, I consider that the application should be refused on the grounds that it is not sufficiently in accord with the following provisions of the Development Plan;

Residential Zone
Objectives 1 to 4
Desired character
Principles 1, 3, 5, 8

Low Density Policy Area 21
Objective 1
Desired character
Principles 1, 2

General Section
Centres and Retail Development
Objectives 1, 2

Design and Appearance
Objectives 1
Principles 1, 20

Building Setbacks from Road Boundaries
Principle 21

Orderly and Sustainable Development
Objective 4
Principle 1

Residential Development
Objectives 2, 4
Principle 4

I advise that I would like to speak to this submission when the application is dealt with by the Panel.

Should you wish to discuss any aspects of this report please do not hesitate to contact me on 81307222. Alternatively, I can be contacted via email at dhutchison@accessplanning.com.au.



Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'D Hutchison'.

David Hutchison
ACCESS PLANNING (SA) Pty Ltd



26 February 2018

REF No.: 00363-003

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

Attention: Sonia Gallarello – Development Officer – Planning

By Email: sgallarello@wtcc.sa.gov.au

Dear Sonia,

RE: RESPONSE TO REPRESENTATIONS AND COUNCIL REQUEST FOR FURTHER INFORMATION–
APPLICATION 211/1405/2017

We refer to the Development Application (211/1405/17) lodged on behalf of Leyton Property in November 2017 to demolish an existing shop and wine store and construct a new child care centre (pre-school) with associated on-site car parking, landscaping, fencing, earthworks and retaining walls, located at 185-187 Holbrooks Road, Underdale.

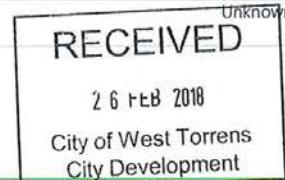
This correspondence seeks to:

- Acknowledge the five (5) representations received by the West Torrens Council in response to Category 3 public notification and respond where appropriate; and
- Respond to Council's request for further information (dated 14 February 2018).

The representations are summarised below in Table 1.

Table 1 Representations Summary

| Submission | Support Proposal (Yes/No) | Seeking to Present Verbally (Yes/No) | Property of Interest |
|--|------------------------------|---|--|
| HB Corp Pty Ltd | Yes | No | 183 Holbrooks Road UNDERDALE (adjoining land owner) |
| G and T Lambrakis C/- Costi & Co, Commercial Lawyers | No | Yes | 168 Holbrooks Road UNDERDALE (land owner 200 metres north) |
| Karidis Corporation Ltd | Yes | No | 189-195 Holbrooks Road UNDERDALE (adjoining land owner) |
| Carmin Romano | No | No | 188 Holbrooks Road UNDERDALE (adjacent land owner) |
| Skremscin 432 DB Drive Pty Ltd C/- Access Planning | No | Yes | Unknown |



def: E-KIS-TICS[noun]: The Science of Human Settlements...

PO Box 32, Goodwood SA 5034 Tel 1/16 Vardon Ave, Adelaide SA 5000 p 08 7231 0286 e contact@ekistics.com.au w ekistics.com.au ABN 34 918 250 862



As highlighted in Table 1, two (2) of the five (5) submissions received outlined their support of the proposal: Karidis Corporation Ltd and HB Corp Pty Ltd adjoin the subject site to the south and the north respectively. In particular, the Karidis Corporation Ltd are constructing a retirement village immediately south of the proposed child care centre and outlined within their submission the proposal may be '*beneficial in promoting interactions between grandparents and their grandchildren*'.

The location of the other representor properties are illustrated below. We note that none of the immediately abutting properties owners have raised concern with the application.

Figure 2 Representor Properties (Blue – support / Red – object)



★ Note: Skermscin P/L (Access Planning) representation not included above as they have not identified their property of interest

The relevant planning related issues and concerns raised within the remaining **Category 3 representations** can be summarised as follows:-

- **Land Use / Scale** of the proposed development relating to the Development Plan guideline for 'small scale' non-residential uses that serve the local community;
- **Traffic management** concerns, including:

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- » insufficient car parking on site and possible overflow of cars parking on Holbrooks Road or nearby local roads;
 - » increase in traffic congestion;
 - » safety concerns in local streets generally; and
 - » increase in difficulty accessing nearby properties adjacent Holbrooks Road and turning onto Holbrooks Road from local streets;
- **Pedestrian movement** across Main Road;
 - **Noise** generated by the development generally; and
 - **Visual appearance** in terms of size and scale;

Some representors made suggestions in relation to changes to the proposal that may assist to reduce their concerns including reducing the scale of the development.

The following discussion focuses on matters applicable to the assessment of the application against relevant planning provisions contained within the City of West Torrens Development Plan (consolidated 30 May 2017).

Response to Planning Matters Raised

Land Use & Scale Considerations

Several representors have questioned the suitability of the land use, suggesting that a child care centre of the size proposed is not appropriate in a Residential Zone.

Consistent with the commentary within our Planning Statement, we maintain the view that an appropriately designed non-residential development in the form of a childcare centre is appropriate within the Residential Zone.

A study of existing child care centres across Adelaide suggest that other planning authorities are of a similar view. The image below (and provided in full as [Appendix 1](#)) illustrates the location of child care centres within Residential Zones (central Metropolitan Adelaide). Centres in other (non-residential) Zones are excluded from this image for clarity. The map clearly demonstrates that Centres of a scale similar to that proposed, as well as Centres that are larger, have been approved in Residential Zones across all areas of Adelaide.

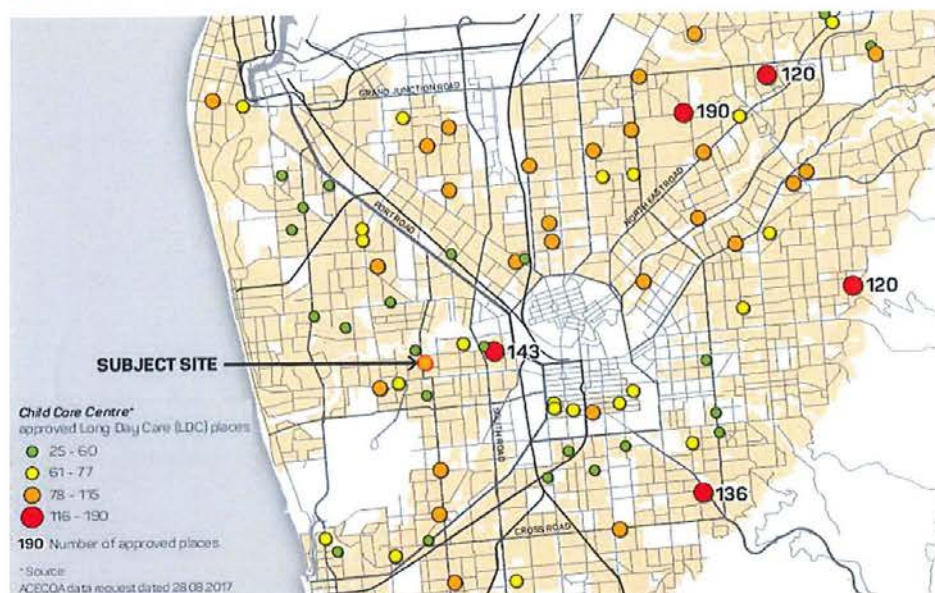


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Figure 3 Child care centres within Residential Zones (refer [Appendix 1](#))



In considering the West Torrens region, Residential Zone PDC 1 makes specific reference to childcare centre development stating that 'small scale non-residential land uses are envisaged in the zone, for example child care facility'. Zone PDC 1 is reinforced by Low Density Policy Area 21, PDC 1.

Whilst the term 'small scale' is subjective in nature, Zone PDC 4 provides further guidance, suggesting that non-residential development should be of a scale and nature that:

- (a) Serves the local community
- (b) Is consistent with the desired character of the locality; and
- (c) Does not detrimentally impact on the amenity of nearby residents

It is well recognised that child care facilities are appropriate and compatible within localities where people live as they offer an essential service which contributes to the wellbeing and quality of people's day to day lives. The Development Plan recognises this by encouraging the location of community facilities where they are conveniently accessible to the population they serve and sited and developed to be *accessible by pedestrians, cyclists and public and community transport* ('General Section Community Facilities' Obj 1 & PDC 1).

Prior to committing to a proposed development site, the operator undertakes considerable market and demographic research to confirm that a new centre is viable. The proximity of other child care facilities and transportation routes is also relevant.

Proximity to pre-school aged children is, obviously, particularly relevant. The following image (refer to full graphic at [Appendix 2](#)) provides a graphic representation of the spatial distribution of 0-4-year-old children

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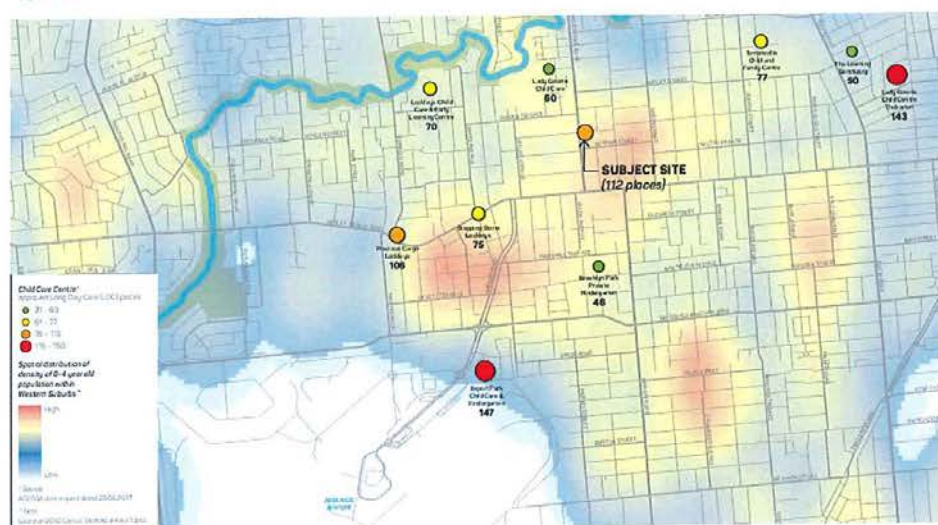


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residing in the inner west region of Adelaide. *Appendix 3* also provides this overview but at a metropolitan wide scale. Holbrooks Road is a key north-south feeder road in this area of the city and services the local Underdale families with pre-school children within immediate proximity of the proposed centre, as well as offering a convenient service for inner west residents travelling north-south from suburb's such as Flinders Park, Torrensville and Cowandilla.

Figure 4 Child Care Needs Analysis (refer *Appendix 2 & 3*)



While the zone is intended as 'predominately residential', 'there may also be some small-scale non-residential activities ...' (Desired Character statement).

The existing character of the locality comprises a mix of residential and commercial development particularly noting the existing land use on the site consists of a shop and wine store (formerly warehouse and factory) contained within a building presenting minimal articulation and street appeal. Furthermore, the proposed site coverage (36%) and building height (4.5m) is also lower than existing.

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Figure 5 Current site appearance – Holbrooks Road



We note that the existing 'shop', 'store' and 'warehouse' all constitute non-complying land uses within the Residential Zone.

Accordingly, the issue of scale and the suitability of the land use should also be considered in the context of the existing land uses and built form. Further, the nature of the activity is not inconsistent with the intensity of activity along Holbrooks Road.

We appreciate the assessment of land use suitability is finely balanced and as such, have sought the views of Hilditch Lawyers in relation to the interpretation of 'small-scale'. Their written opinion is provided as *Appendix 4*. Of note, this advice:

- Identifies that the West Torrens Development Plan specifically lists 'child care facility' as an example of a small-scale use;
- Suggests that the case law referenced in the Access Planning submission is out-dated and based of Development Plan policy quite different to that now used within the West Torrens Development Plan (which is standardized policy from the State Planning Library and utilised across most Adelaide Development Plans); and
- Concludes that they "see no reason why the authority might conclude the facility does not warrant consent by virtue of its scale".

We maintain that the proposal is an appropriate form of development for its location being a small scale non-residential use that serves the local community.

Built Form

With respect to the proposed building, the form and scale of the proposed building is consistent with the built form character of the locality, being a single storey building, set well back from all boundaries and incorporating generous areas of landscaping.



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Figure 6 Proposed built form



In response to Council's comments on the western elevation, the five (5) window bays have been modified and recessed within a deep frame to provide depth and shadow lines to the front façade and offer improved western sun protection to this exposed façade. Refer to the amended architectural plans at *Appendix 5 – DA02, DA03 & DA07*.

Interface Issues

Interface issues have been addressed within the original planning report and refer to matters such as noise transfer, overlooking, traffic and car parking. We note that the two residential properties closest to the facility (immediately east) did not raise concern with the proposal. Given the existing land use rights associated with the subject site (liquor store, warehousing etc) we anticipate that many local residential will be relieved with the removal of the existing commercial activities and built form to make way for a preschool.

In our opinion, the subject site is ideally suited to non-residential development in the form of a childcare centre given the sites' generous proportions which comfortably accommodates a facility of the scale proposed and serves well to minimise the impact of the development on the amenity of nearby residents.

Traffic, Access and Parking Matters

Cirqa have provided attached correspondence addressing the issues raised in the representations and by Council in relation to traffic, access and parking (refer to *Appendix 6*). The first two spaces opposite the site entry have been nominated as 'staff carparking', as requested by Council (refer to amended site Plan, *Appendix 5*). Further we note that vehicle access and egress and on-site parking is accommodated in an uncomplicated, safe and convenient manner which is the best arrangement for this site irrespective of the land use and/or form of development and will have a negligible impact on adjoining properties.

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In relation to existing crossover points and infrastructure, as request, the proposed plans now notate the location of redundant crossovers which will be closed and reinstated by the applicant. The proposal offers significantly improved site access and parking arrangement which are currently non-compliant and incorporate a wide expanse of crossover points to Holbrooks Road.

Waste Management

Council have queried the location of internal and external waste storage areas. The external waste area is located between the 'Equipment Store' and the Bicycle Racks at the end of the carpark isle (refer to Plan DA03, **Appendix 5**). The location and access arrangements are outlined in the original Cirqa Traffic Report, as extracted below:

Figure 7 Extract from Cirqa Report (Appendix 3 in original planning submission)

Refuse collection will be undertaken on-site through a private collection company. Waste bins will be wheeled to the parking area for collection via a medium rigid vehicle (MRV). As such, the car park access point has been designed to allow MRV movements to enter and exit the site in a forward direction. Such movements would be undertaken outside of peak set-down/pick-up periods. Figure 3 illustrates the turn path of an MRV accessing the site in a forward direction.

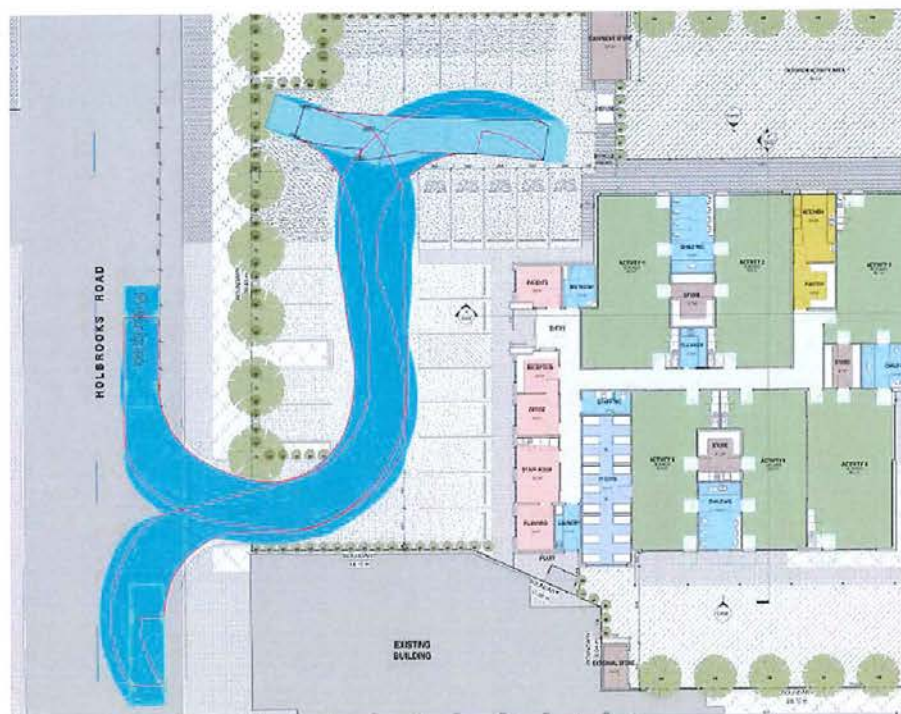


Figure 3 - MRV turn path for access to the subject site

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Internal waste will be managed within the kitchen and the various store rooms within the building. As outlined in our planning report, waste collection will be carried out by a private waste contractor outside of operational hours when no staff cars will be in the carpark. Council kerb side collection will not be utilised.

Stormwater

CPR have reviewed the issues relation to Stormwater Quality and Detention raised by Council and an amended Stormwater Management Plan (SMP) is attached for reference (refer **Appendix 7**).

Key features of the amended SMP include:

- Confirmation that finished floors will be a minimum of 9.8m;
- Post development 1 in 20 year ARI flows shall match pre-development 1 in 20 year ARI flows with pre-development runoff coefficient 0.25;
- On-site detention provided by two(2) 13.64kL underground detention tanks (and underground stormwater system) to be installed within the carpark;
- The remaining detention requirements will be achieved by the capacity within the underground stormwater system and minor ponding within the carpark; and
- Stormwater will be pumped from the detention tanks to an existing side entry pit on Holbrooks Road at a rate of 15L/s.

This demonstrates that the post-development 1:20 year storm event equal to the 1:20 year, C=0.25 storm event for the predevelopment site, as sought by Council.

Further, a gross pollutant trap will be installed to manage the quality of the stormwater runoff from the carpark prior to discharge into the council system. The nominated GPT will meet all quality requirements outlined by Council which are total suspended solids (80%), total phosphorous (60%) and total nitrogen (45%) when compared to an untreated site.

The CPR plan also confirm that the stormwater connection through the road verge will be constructed of a galvanised steel pipe of dimensions to satisfy Council's standards requirements.

Certificates of Title

A revised Certificate of Title is also appended for your information as requested (refer **Appendix 8**).

Further, a copy of the CT for the adjoining northern Allotment 14 (containing the office building) and a 'Grant of Easement' between Allotment 14 and 15 is also provided to clarify the easements referenced on the title. The necessity for the drainage, eaves and gutter easements (Easement B, C & D) between Allotment 15 and the neighbouring Allotment 14 will be eliminated once the proposed development is constructed as the existing buildings on Allotment 15 will be demolished (removing the encroaching eave and gutter) and new site stormwater and drainage will be installed (as per the CPR plan) which make easement B, C and D redundant.

These easements will be formally extinguished once a valid planning consent is granted for redevelopment of the site.

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Summary

Thank you for the opportunity to respond to these matters and we trust this submission offers a constructive response to the issues raised.

We note that representors have elected to speak at the Council Assessment Panel (CAP) meeting and accordingly we would welcome the opportunity to address the CAP in response to this submission and answer any questions which may be asked.

Please do not hesitate to contact the undersigned should you require any further clarification in relation to this submission.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Rebecca Thomas'.

Rebecca Thomas
Senior Associate

REF #00363-003 | 26 February 2018

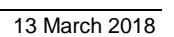


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Appendix 1. Child Care Centres within Residential Zones

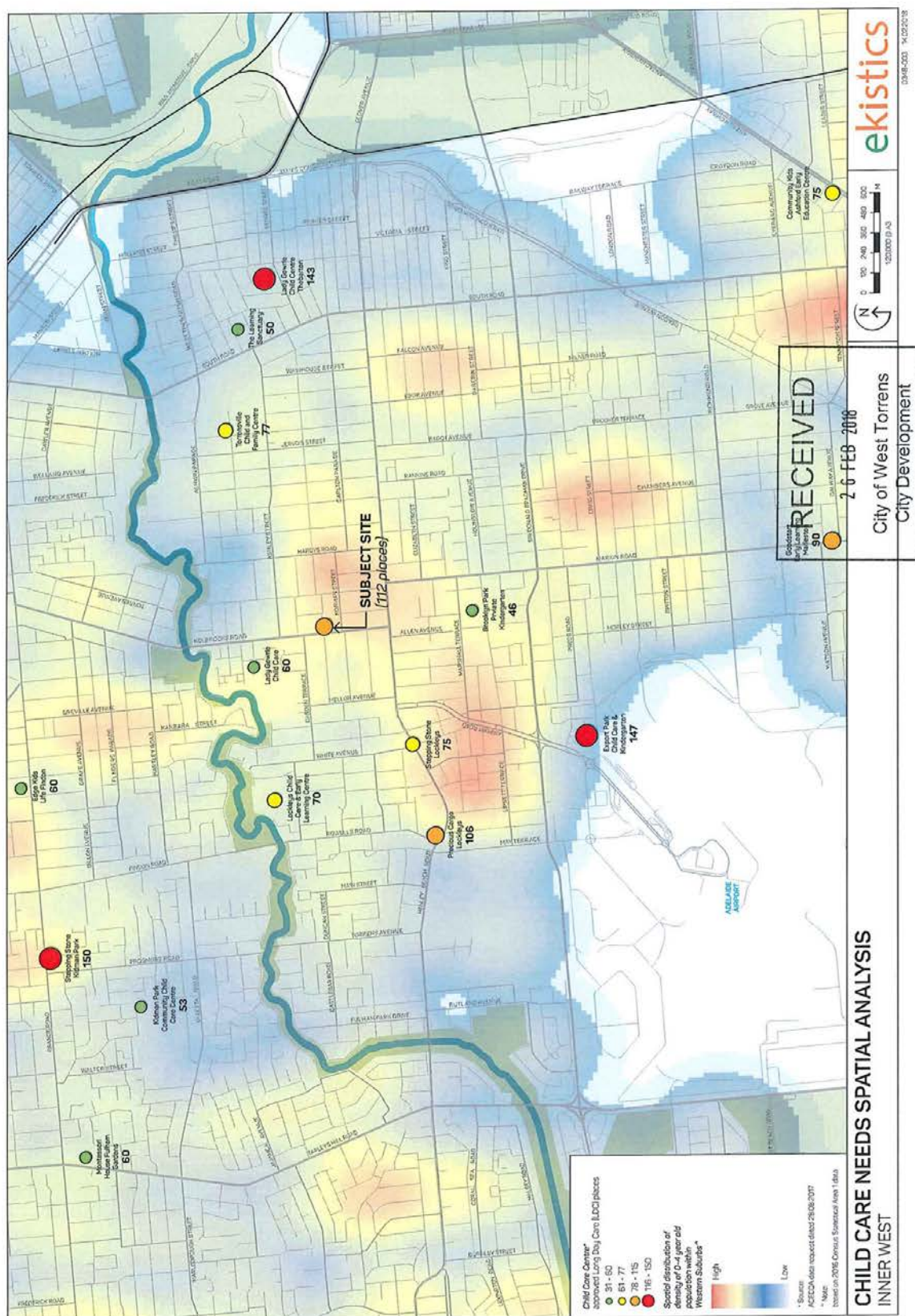






Appendix 2. Child Care Needs Analysis (Inner West)

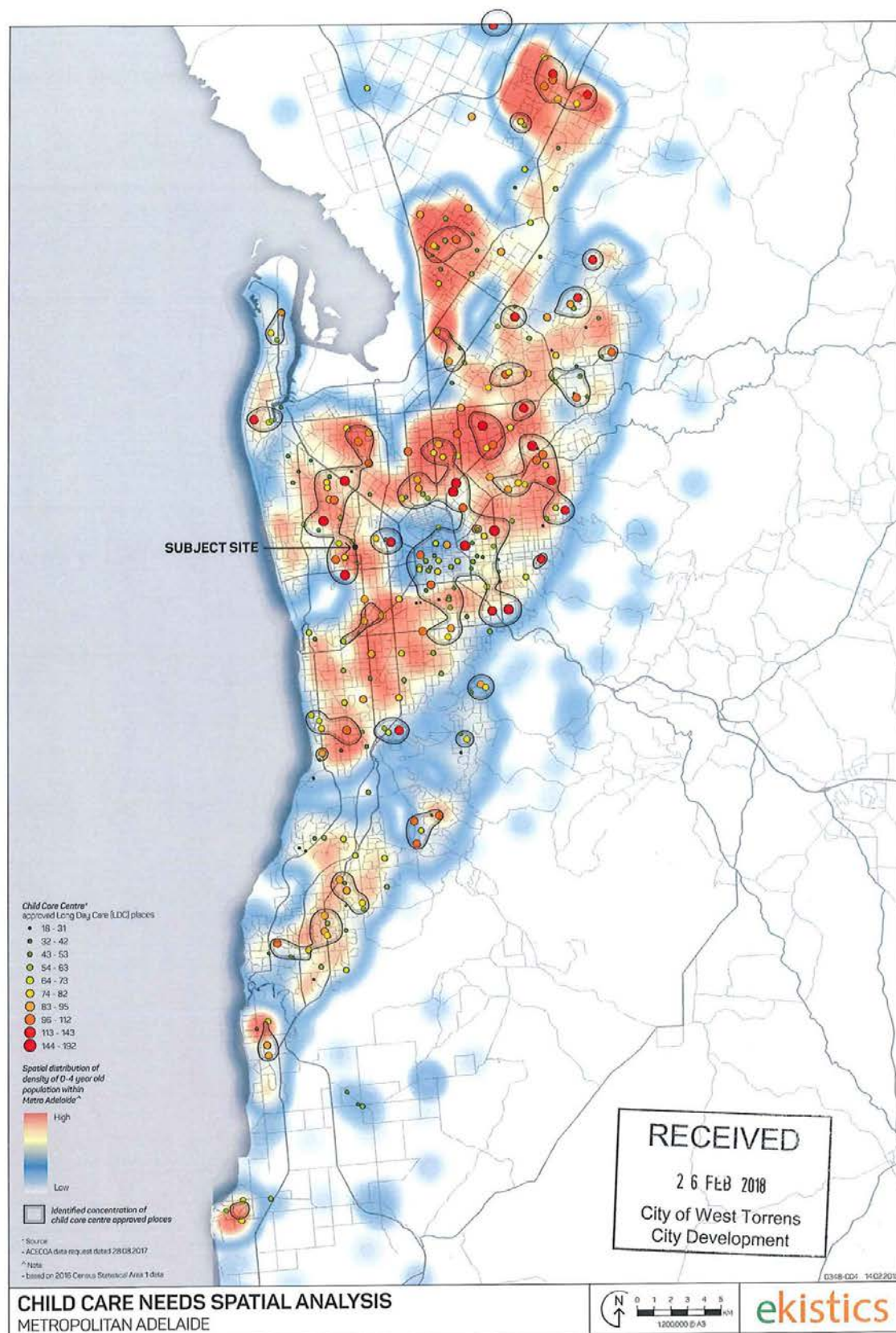






Appendix 3. Child Care Needs Analysis (Metro)







Appendix 4. Legal Opinion

Hilditch Lawyers





HILDITCH LAWYERS

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Adelaide SA 5000GPO Box 11010
Adelaide SA 5001
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26 February 2018

Ms R Thomas
ekistics
 PO Box 32
 GOODWOOD SA 5034

Dear Rebecca

183 - 185 Holbrooks Road, Underdale – DA No. 211/1405/2017

I refer to our recent communications in relation to the above development application.

My understanding of the matter is as follows:

1. Our mutual client, Leyton Property, has sought development authorisation from the City of West Torrens for development described by the Council as "demolition of existing shop and wine store and construction of a new Child Care Centre (pre-school) with associated on-site car parking, landscaping, fencing, earthworks and retaining walls" ("**the proposed child care centre**") on land at 183 – 185 Holbrooks Road, Underdale ("**the subject land**").
2. The total site area for the proposed child care centre is 2,459 square metres.
3. The proposed child care centre will accommodate up to 112 pre-school aged children. The children will be cared for by up to 20 educators, as well as the centre director and a cook.
4. The proposed child care centre includes a total of 28 car parks.
5. The subject land is located in the Residential Zone ("**the Zone**") and, more particularly, in Low Density Policy Area 21 ("**the Policy Area**") having regard to the City of West Torrens Development Plan consolidated on 30 May 2017.
6. The application for the proposed child care centre is being processed by the Council as Category 3 for public notification purposes. Public notification

Liability limited by a scheme approved under Professional Standards Legislation.

Hilditch Lawyers Pty Ltd ACN 145 516 276



has been undertaken. Representations have been lodged on behalf of Skremskin 432 DB Drive Pty Ltd by Access Planning and on behalf of Mr George and Ms Tanya Lambrakis by Costi & Co. These representations assert on behalf of their respective clients that the proposed child care centre is not "small scale" within the meaning of the relevant Development Plan provisions.

I confirm you have sought my advice on whether or not the proposed child care centre is "small-scale" within the meaning of the relevant Development Plan provisions.

I advise as follows:

1. Principles of Development Control 1 and 3 for the Zone relevantly provide as follows:

"Land Use

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

- ...
- *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*
- ...

...

- 3 *Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:*

- (a) *serves the local community*
- (b) *is consistent with the character of the locality*
- (c) *does not detrimentally impact on the amenity of nearby residents."*



2. Principle of Development Control 1 for the Policy Area relevantly provides as follows:

"Land Use

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

- ...
- *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*
- ..."

3. Quite obviously the layout, floor area, open space, and vehicle movements associated with secondary schools can all be greater than child care facilities. It would make no sense to refuse for example a child care facility which is of a similar or smaller scale than is typically to be expected of a secondary school which is specifically contemplated in the very same Zone. The application should be assessed in this context.
4. It would be a nonsense to have regard to the limit on shop floor area as a relevant consideration when determining the appropriate scale of a child care facility. Shops of course are to be treated in a very different way by the planning system and involve completely different considerations.
5. The ERD Court made the following relevant remarks in the case of *Willcocks v City of Whyalla & Anor* [2009] SAERDC 79:

*"Where the provisions of a Development Plan are silent on what tests might be applied to decide whether a proposed use of land use is properly characterised as "small-scale", measures such as floor space, number of people employed, the type of vehicles used, the number of vehicle movements generated, the demand on public utilities and external impacts become considerations: Allbound Pty Ltd v City of Onkaparinga (No.2) [2009] SAERDC 56. They are also of some assistance in circumstances, as in this case, where the provisions of the Plan offer some guidance on the question. For example, **Principle 1 offers a list of land uses envisaged in the Residential Zone. In explicit terms they are said to be examples of small-scale non-residential uses that serve the local community. They include child-care facility, health and welfare services, primary and secondary school, shops, offices and consulting rooms.** ..." (my emphasis).*



6. The provisions for the Zone and the Policy Area relevant to our client's proposal offer specific guidance on the question of whether or not a proposed non-residential development is of a "small scale". A list of envisaged "small scale" land uses is set out in Principle of Development Control 1 for both the Zone and the Policy Area. Examples of the small scale non-residential uses that serve the local community are then given. Notably, a "child care facility" is included as a specific example of one of these very uses.
7. Having regard to the above, it is clear that the proposed child care centre is the very kind of use which the relevant Development Plan identifies as being a "small scale non-residential use that serves the local community".
8. Access Planning in their representation on behalf of Skremskin 432 DB Drive Pty Ltd refer to the judgments of the ERD Court in *Land Alliance Pty Ltd v City of Salisbury & Anor* [2004] SAERDC 99 and *Eastern Building Group Pty Ltd v The Barossa Council* [2005] SAERDC 26 as providing guidance on "[t]he issue of what might constitute 'small scale' in relation to a child care centre ...".

With the greatest of respect, these judgments are not particularly helpful or relevant to a consideration of the current proposal for at least two reasons:

- (a) They were written 13 or 14 years ago and this becomes very evident when one looks at the kind of statistics referred to with reference to child care facilities which do not reflect current day standards on my instructions; and
- (b) They involved very different planning policies and Development Plan provisions.

Likewise the *Allbound* decision was nearly written 10 years ago and the relevant planning policy was very different to the provisions now being considered in relation to the current proposal.

I certainly do not accept that any clear "tests" or hard and fast rules have emerged from these judgments which can now be readily applied when assessing the current proposal.

Whilst I will agree with Access Planning that there are also no more recent cases which would support their contentions it is unhelpful to become focussed on these decisions.

9. The decision as to whether or not the proposal warrants consent is of course a decision for the relevant planning authority. However I can see no reason why the authority might conclude the facility does not warrant consent by virtue of its scale. On my instructions its scale is typical of a childcare facility in the current regulatory environment.

If the planning authority is satisfied that the proposal is consistent with the character of the locality and will not detrimentally impact on the amenity of



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nearby residents then there will be no good reason to refuse approval in my opinion. When making this assessment it will be entirely appropriate for the planning authority to recognise that this kind of proposed development, including on the scale proposed, is squarely envisaged in the Zone and Policy Area.

Please contact me if you have any queries or wish to discuss.

Yours Faithfully,



James Hilditch

james@hilditchlawyers.com

Our Ref: JRH:000598

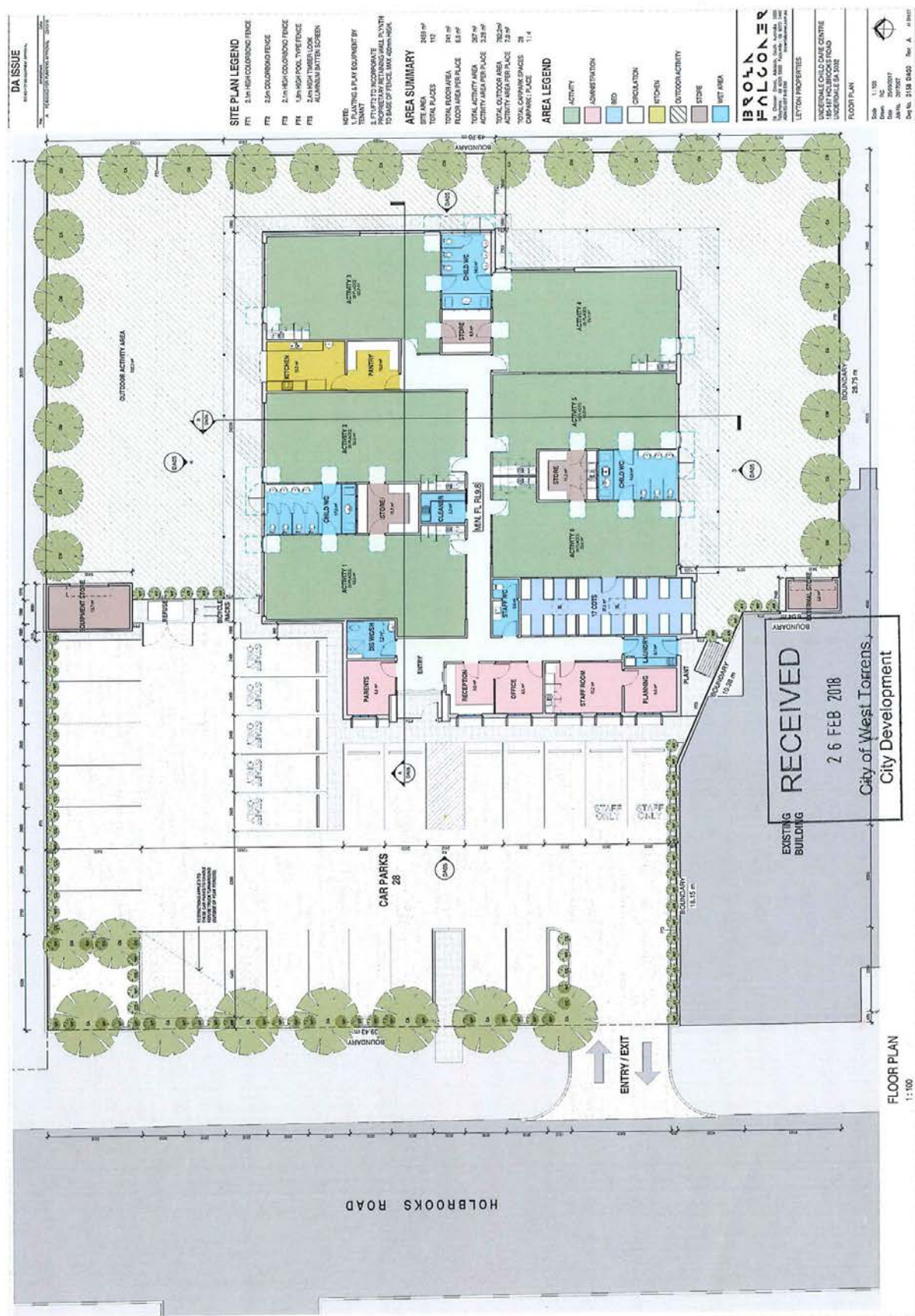


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Appendix 5. Amended Architectural Plans











Appendix 6. Traffic Response

CIRQA





Ref: 17107|BNW

26 February 2018



Ms Rebecca Thomas
Ekistics
PO Box 32
GOODWOOD SA 5034

Dear Rebecca,

**PROPOSED CHILD CARE CENTRE
185-187 HOLBROOKS ROAD, UNDERDALE**

I refer to the development application (DA 211/1405/2017) for a 112-place child care centre at 185-187 Holbrooks Road, Underdale. As requested, I have undertaken a review of comments relating to traffic and parking matters received during the community notification period.

A previous traffic and parking report was prepared by CIRQA in relation to the development application (dated 13 November 2017). The previous report should be read in conjunction with the following responses.

Key comments relating to traffic and parking issues received in the community representations are provided in italics, followed by my response.

"The proposed car parking is not sufficient for a Childcare Centre of a scale which involves 112 places... parents and staff will have no choice but to park on busy Holbrooks Road or clutter adjacent side streets."

As outlined in the original report, the proposed provision of 28 parking spaces will equate to a parking provision of one space per four children. Such a provision is in line with the Development Plan as well as relevant parking guidelines and literature. The proposed level of parking will be sufficient to accommodate peak parking demands without reliance on on-street parking on Holbrooks Road or adjacent side streets.

Furthermore, I note that Council's letter regarding the initial assessment of the application (dated 14 February 2018) identifies that City Assets has reviewed the



proposal and noted that "The number of carparks are (sic) sufficient at the rate of 1 space per 4 children."

"Concern of the proposed childcare centre causing excess traffic congestion/safety... our property [188 Holbrooks Road] is across the road and we are concerned about when we proceed onto Holbrooks [Road] when childcare traffic approaches."

The subject site has two existing crossovers opposite 188 Holbrooks Road and the adjacent intersection of Holbrooks Road and Hinton Street. As part of the proposed development, these two existing crossovers will be closed resulting in a reduction in conflict points in close proximity to the access for 188 Holbrooks Road. The proposed child care centre access will be located further to the south than the existing crossovers. The proposal would therefore reduce conflict risk at and adjacent the access for the property at 188 Holbrooks Road. Furthermore, the proposal will improve safety at the Holbrooks Road/Hinton Street intersection (as a result of the closure of crossovers within and immediately adjacent the intersection).

In addition to the above, an assessment of potential traffic impacts was included in the previous traffic and parking report. The assessment identified that the additional volumes would be within the capacity of the proposed access point and adjacent road network.

Please feel free to contact me on 0412 835 711 should you require any further information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Ben Wilson".

BEN WILSON
Director, CIRQA Pty Ltd





Appendix 7. Stormwater Quality and Detention Report

CPR





Storm Water Management Plan – Revision C



Prepared For:
Leyton Property

Site:
Underdale Child Care Centre
185-187 Holbrooks Road, Underdale

Job No: 170222

Dated: Monday 26 February 2018

Prepared By:
Combe Pearson Reynolds

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PROPOSED CHILD CARE CENTRE 185-187 HOLBROOKS ROAD, UNDERDALE, SA

STORMWATER MANAGEMENT PLAN

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INTRODUCTION

The following outlines the proposed plan to manage the disposal of stormwater from the post development site at 185-187 Holbrooks Road, Underdale.

The stormwater concept has been based upon the architectural plans prepared by the architect, Brown Falconer.

The existing site is 2459sqm and comprised of 3 large commercial buildings and carpark area

The proposed development includes the following:

- 730sqm building
- Large outdoor landscaped space
- Carpark.

This Stormwater Management Plan addresses the following issues:

- general stormwater management
- stormwater detention and disposal off site in accordance with council requirements.

This plan has been prepared in accordance with design advice issued from City of West Torrens engineers Andrew King and Jane Teng.

GENERAL STORMWATER MANAGEMENT

The new works will be designed for the following stormwater criteria:

- Post development 1 in 20 year ARI flows to match pre-development 1 in 20 year ARI flows with pre-development runoff coefficient of 0.25
- Overland flow for 1 in 100 year event

Stormwater from the development will discharge to the street water table on Holbrooks Road.

170222-Underdale Child Care Centre
Combe Pearson Reynolds Pty Ltd
February 2018

COMBE
PEARSON
REYNOLDS
CONSULTING ENGINEERS



FINISHED FLOOR LEVEL REQUIREMENTS

The proposed building is to have finished floors set at a minimum of 9.8m.

This creates retaining walls of less than 1m on the perimeter of the site to deal with the retention of soil from the northern, eastern and western neighbouring sites.

Overland flow paths will be managed as the proposed floor level will be a minimum of 300mm higher than adjacent street kerb level. The pavement is to grade levels away from the building.

The above measures have been addressed in order to maintain an appropriate freeboard level higher than surrounding formed ground surfaces to enable overload flows from 1:100 ARI storm events to exit the site in an appropriate manner.

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STORMWATER DETENTION

The City of West Torrens requires the following stormwater detention criteria for to this site:

- Post development 1 in 20 year ARI flows to match pre-development 1 in 20 year ARI flows with pre-development runoff coefficient 0.25

Stormwater detention calculations have thus been undertaken to assess the project requirements to limit the post development peak rate of runoff from the proposed development under the 1 in 20 year ARI storm event and match them to the pre development 1 in 20 year ARI storm event with a runoff coefficient of 0.25.

As a result, it is proposed to provide the following stormwater detention:

- 28.86kL underground detention tanks (and underground stormwater system) with a pump discharging to the street water table on Holbrooks Road at 15L/s.

The above detention feature will ensure that the council requirements in regards to stormwater discharge will be met.

A gross pollutant trap (SPEL stormceptor or similarly approved) will be installed prior to the stormwater entering the detention tanks in order to treat the water before discharge. The gross pollutant trap will be designed to meet the council's water quality treatment requirements of total suspended solids (80%), total phosphorous (60%) and total nitrogen (45%) when compared to an untreated site. The use of WSUD water quality treatment techniques were explored however were deemed to be an unsatisfactory option given the layout of the site, site levels and intended final use of the site (it was deemed unsatisfactory to have large sections of pooling water in areas around a Childcare Centre).



ISSUES DURING CONSTRUCTION

The management of stormwater during construction will be under constant monitoring by the appointed construction manager and by CPR on behalf of the developer.

The construction manager will be employed to maintain control measures on site and to minimise run-off from the site which may contain fine earth particles and any deleterious material that washes off site will be cleaned up by the contractor.

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City of West Torrens
City Development

Prepared by

A handwritten signature in black ink, appearing to read 'Costa Morias'.

Costa Morias
COMBE PEARSON REYNOLDS PTY LTD
costam@cprengineers.com.au

Encl.

Appendix A – Stormwater Calculations SW1-SW3 – REV B

Appendix B – Stormwater Management Plan and Details



APPENDIX A:
- Stormwater Calculations SW1-SW3 – Rev B



170222-Underdale Child Care Centre
Combe Pearson Reynolds Pty Ltd
February 2018

4

**COMBE
PEARSON
REYNOLDS**
CONSULTING ENGINEERS



Combe Pearson Reynolds Pty Ltd
 PO Box 2832, KENT TOWN SA 5071
 174 Fullarton Road, DULWICH SA 5065
 Ph: (08) 8332 1344 Fax: (08) 8332 1044

Job No: 170222
Page: SW1
Date : 26/02/18
Design: CM
UNDERDALE CHILD CARE CENTRE

Summary

The existing site is approximately 2459sqm. In accordance with the council's requirements, the site will have a pre-development runoff coefficient of 0.25.

The post development site consists of one large building, carpark and large pervious play area. This results in 730sqm of roof area, 821sqm of pavement and 808sqm of pervious area. The resultant coefficient for the post-development site is 0.73.

Council requirements outline that the runoff from the post development site in a 1:20 year storm event is to be equal to that of the pre-development site for a 1:20 year storm event with a pre-development runoff off coefficient of 0.25.

| | | |
|-------------------------------------|------------|-------------|
| Existing site 1:20 year, C=0.25 = | 15.204 L/s | (Refer SW2) |
| Post-development site 1:20 year = | 15.204 L/s | (Refer SW3) |
| Detention required to match flows = | 28.856 kL | |

In order to meet the detention requirements, 2/13.64kL underground detention tanks are to be installed within the carpark area. The remaining detention requirements will be achieved by the capacity within the underground stormwater system and minor ponding within the carpark. The stormwater will be pumped from the detention tank to an existing side entry pit on Holbrooks Road at a rate of 15L/s. This demonstrates that the post-development 1:20 year storm event equal to the 1:20 year, C=0.25 storm event for the pre-development site.

A gross pollutant trap will be installed to manage the quality of the stormwater runoff from the carpark prior to discharge into the council system. The nominated GPT will meet all quality requirements outlined by council which are total suspended solids (80%), total phosphorous (60%) and total nitrogen (45%) when compared to an untreated site





Combe Pearson Reynolds Pty Ltd
 PO Box 2832, KENT TOWN SA 5071
 174 Fullarton Road, DULWICH SA 5065
 Ph: (08) 8332 1344 Fax: (08) 8332 1044

Job No: 170222
 Page: SW2
 Date: 26/07/17
 Design: CM

UNDERDALE CHILD CARE CENTRE

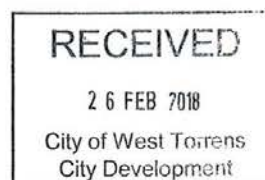
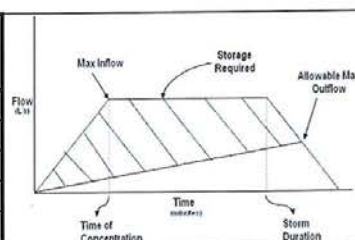
Roof Area 0 m²
 Roof Pitch 0 degrees
 Run-Off Coefficient 1

Landscaped Area 2459
 Run-Off Coefficient 0.25

Pavement Area 0
 Run-Off Coefficient 0.9

Storm Design Recurrence Interval 20 years
 Time of Concentration 10.0 minutes Based on
 Max Allowable Outflow 15.20 L/s (AR&R 1987)

| Duration (Minutes) | Intensity (mm/h) | Inflow (L/s) | Inflow Volume (m ³) | Max Storage (m ³) |
|--------------------|------------------|--------------|---------------------------------|-------------------------------|
| 5 | 121 | 20.67 | 6.20 | |
| 10 | 89 | 15.20 | 9.12 | |
| 15 | 72 | 12.30 | 11.07 | |
| 20 | 62 | 10.59 | 12.71 | |
| 25 | 54 | 9.23 | 13.84 | |
| 30 | 48.7 | 8.32 | 14.98 | |
| 35 | 44.3 | 7.57 | 15.89 | |
| 40 | 40.7 | 6.95 | 16.69 | |
| 50 | 35.3 | 6.03 | 18.09 | |
| 55 | 32.8 | 5.60 | 18.49 | |
| 60 | 30.3 | 5.18 | 18.63 | |
| 65 | 27.8 | 4.75 | 18.52 | |
| 70 | 25.3 | 4.32 | 18.15 | |
| 75 | 22.8 | 3.90 | 17.53 | |
| 80 | 20.3 | 3.47 | 16.65 | |
| 85 | 17.8 | 3.04 | 15.51 | |
| 90 | 15.3 | 2.61 | 14.11 | |





Combe Pearson Reynolds Pty Ltd
PO Box 2832, KENT TOWN SA 5071
174 Fullarton Road, DULWICH SA 5065
Ph: (08) 8332 1344 Fax: (08) 8332 1044

Job No: 170222
Page: SW3
Date : 26/02/18
Design: CM

UNDERDALE CHILD CARE CENTRE

Roof Area 730 m²
Roof Pitch 3 degrees
Run-Off Coefficient 1

Pervious Area 808
Run-Off Coefficient 0.4

Pavement Area 921
Run-Off Coefficient 0.9

Storm Design Recurrence Interval

20 years

Time of Concentration

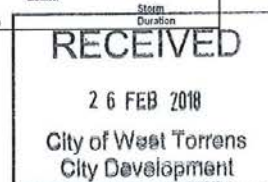
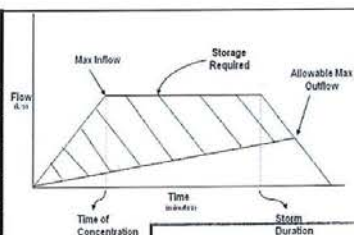
10.0 minutes

Max Allowable Outflow

15.204 L/s

Based on (AR&R 1987)

| Duration (Minutes) | Intensity (mm/h) | Inflow (L/s) | Inflow Volume (m ³) | Max Storage (m ³) |
|--------------------|------------------|--------------|---------------------------------|-------------------------------|
| 5 | 121 | 64.00 | 19.20 | 12.36 |
| 10 | 89 | 47.07 | 28.24 | 19.12 |
| 15 | 72 | 38.08 | 34.27 | 22.87 |
| 20 | 62 | 32.79 | 39.35 | 25.67 |
| 25 | 54 | 28.56 | 42.84 | 26.88 |
| 30 | 48.7 | 25.76 | 46.36 | 28.12 |
| 35 | 44.3 | 23.43 | 49.20 | 28.68 |
| 40 | 40.7 | 21.53 | 51.66 | 28.86 |
| 50 | 35.3 | 18.67 | 56.01 | 28.64 |
| 55 | 32.8 | 17.35 | 57.25 | 27.60 |
| 60 | 30.3 | 16.03 | 57.69 | 25.76 |
| 65 | 27.8 | 14.70 | 57.34 | 23.13 |
| 70 | 25.3 | 13.38 | 56.20 | 19.71 |
| 75 | 22.8 | 12.06 | 54.26 | 15.49 |
| 80 | 20.3 | 10.74 | 51.53 | 10.48 |
| 85 | 17.8 | 9.41 | 48.01 | 4.68 |
| 90 | 15.3 | 8.09 | 43.70 | -1.92 |



| | |
|-------------------|----------------------|
| Minimum Tank Size | 28.86 m ³ |
|-------------------|----------------------|

| | |
|-------------------------------|-------------------------------|
| Outlet Orifice Design | |
| Approximate head above outlet | 0.01 m water |
| Max allowable outflow | 0.015204167 m ³ /s |
| Discharge Velocity | 0.44 m/s |
| | |
| Approx Pipe area | 34325.203 mm ² |
| Approx Pipe Diameter | 209.06 mm |



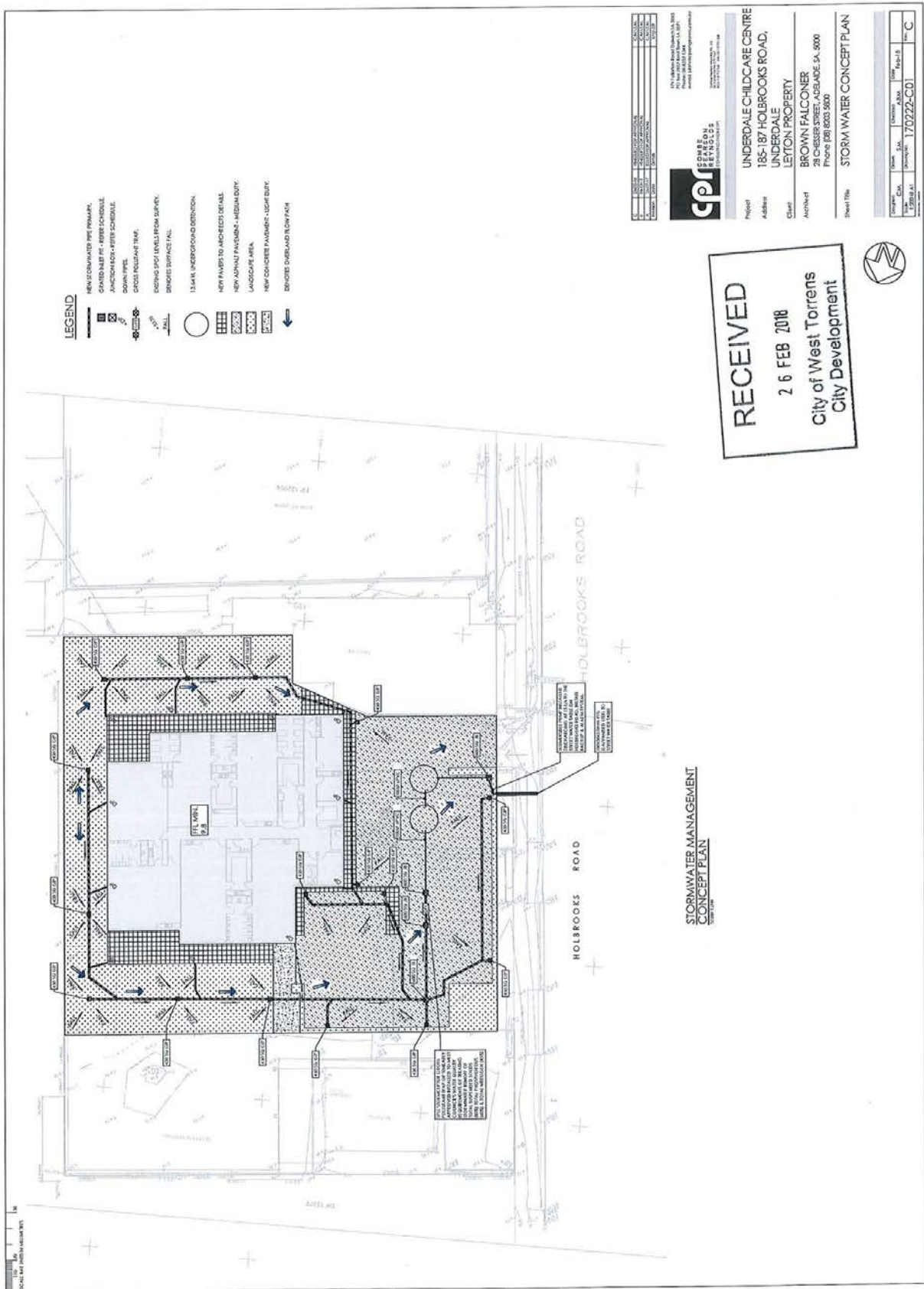
APPENDIX B:
- Stormwater Management Plan and Details



170222-Underdale Child Care Centre
Combe Pearson Reynolds Pty Ltd
February 2018

5

**COMBE
PEARSON
REYNOLDS**
CONSULTING ENGINEERS



ekistics



Appendix 8. Revised Certificate of Title and Survey



| | |
|--------------------|-------------------------------|
| Product | Register Search (CT 6178/258) |
| Date/Time | 26/02/2018 09:02AM |
| Customer Reference | 00363 |
| Order ID | 20180226000804 |
| Cost | \$28.25 |

REAL PROPERTY ACT, 1986



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6178 Folio 258

Parent Title(s) CT 6178/256

Creating Dealing(s) TG 12567884

Title Issued 04/08/2016 Edition 2 Edition Issued 20/09/2017

Estate Type

FEE SIMPLE

Registered Proprietor

HB ONE CORP PTY. LTD. (ACN: 620 672 826)
OF EVANS & AYERS AURORA BUILDING UNIT 901 L 9 147 PIRIE STREET ADELAIDE SA 5000



Description of Land

ALLOTMENTS 15 AND 16 DEPOSITED PLAN 45832
IN THE AREA NAMED UNDERDALE
HUNDRED OF ADELAIDE

Easements

SUBJECT TO EASEMENT(S) OVER PORTION OF ALLOTMENT 15 MARKED C ON F250914 FOR DRAINAGE PURPOSES (TG 12567884)

TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED B ON F250914 FOR DRAINAGE PURPOSES APPURTENANT ONLY TO ALLOTMENT 15 (TG 12499189)

TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED D ON F250914 FOR EAVES AND GUTTERS APPURTENANT ONLY TO ALLOTMENT 15 (TG 12499189)

Schedule of Dealings

| Dealing Number | Description |
|----------------|---|
| 9168319 | LEASE TO TRIPLE P LIQUOR INVESTMENTS PTY. LTD. COMMENCING ON 1/10/1998 AND EXPIRING ON 30/9/2018 OF THE WITHIN ALLOTMENT 16 |
| 9542738 | PARTIAL SURRENDER OF LEASE 9168319 OF PORTION RESERVING A RIGHT OF WAY |
| 12794835 | MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA (ACN: 123 123 124) |

Notations

Dealings Affecting Title NIL

Priority Notices NIL

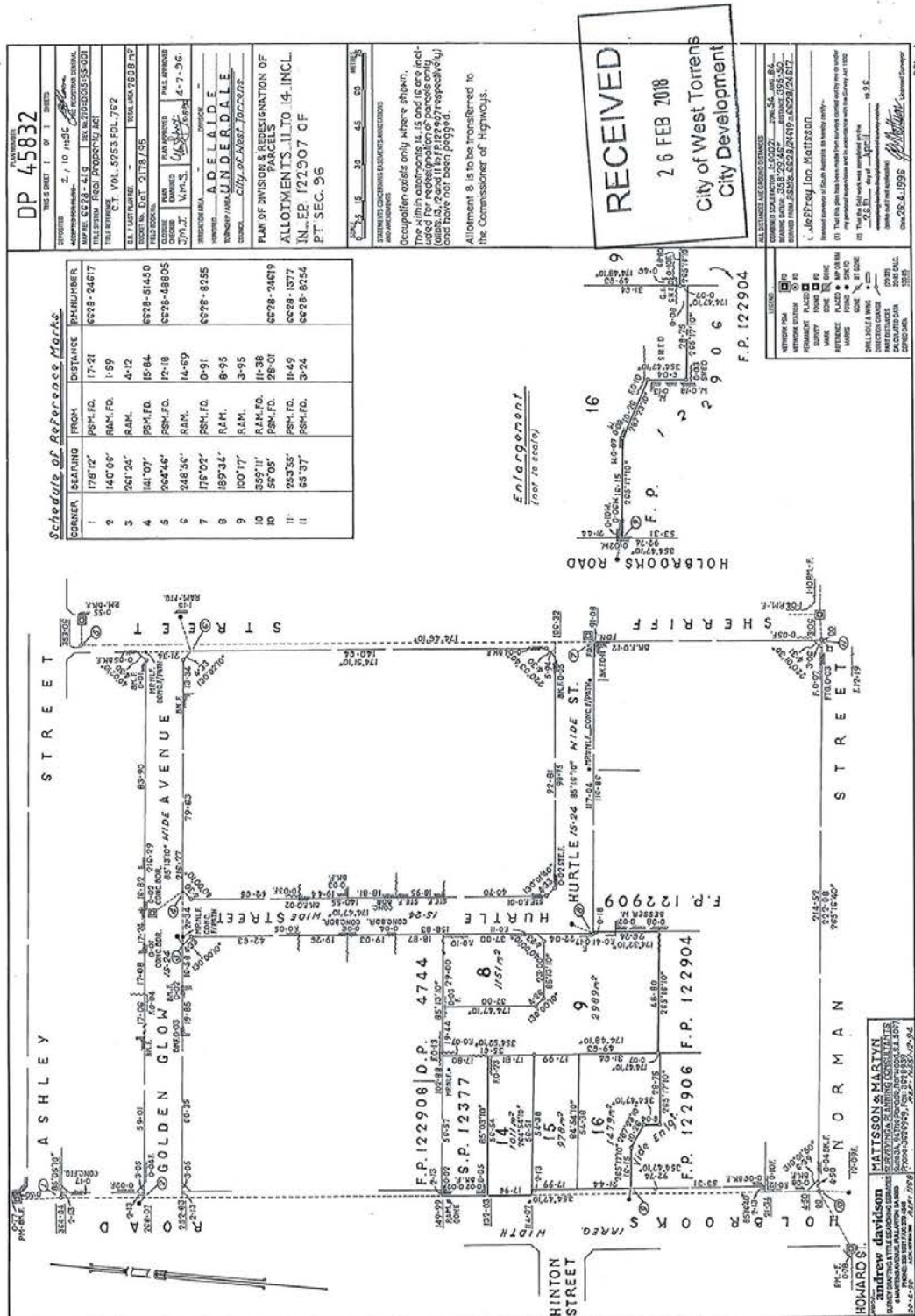
Notations on Plan NIL

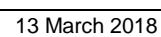
Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G449/1998

Administrative Interests NIL

D45832







Government of South Australia
Department of Finance,
Transport and Infrastructure

| | |
|--------------------|--------------------|
| Product | Register Search |
| Date/Time | 30/09/2016 04:12PM |
| Customer Reference | SL_183Holbrooks |
| Order ID | 20160930009762 |
| Cost | \$38.55 |

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Registrar-General

Certificate of Title - Volume 6178 Folio 257

Parent Title(s) CT 6178/255, CT 6178/256
Dealing(s) TG 12567884
Creating Title
Title Issued 04/08/2016
Edition 1
Edition Issued 04/08/2016

Estate Type

FEE SIMPLE

Registered Proprietor

JOHN ADRIAN MCVANN
DENISE MARY ALDERMAN
OF 102 GRANT AVENUE TOORAK GARDENS SA 5065
AS JOINT TENANTS

Description of Land

ALLOTMENT 14 DEPOSITED PLAN 45832
IN THE AREA NAMED UNDERDALE
HUNDRED OF ADELAIDE

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A ON F250914 FOR SEWERAGE PURPOSES TO SOUTH AUSTRALIAN WATER CORPORATION (TG 8832350)
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B ON F250914 FOR DRAINAGE PURPOSES (TG 12499189)
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED D ON F250914 FOR EAVES AND GUTTERS (TG 12499189)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED C ON F250914 FOR DRAINAGE PURPOSES (TG 12567884)

Schedule of Dealings

| Dealing Number | Description |
|----------------|--|
| 11078553 | MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA |

REAL PROPERTY ACT, 1936



South Australia

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26 FEB 2018

City of West Torrens
City Development

Land Services

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Page 1 of 2



Government of South Australia
Department of Planning
Torrens Title Information

Product
Date/Time
Customer Reference
Order ID
Cost

Register Search
30/09/2016 04:12PM
SL_183Holbrooks
20160930009762
\$38.55

Notations

Dealings Affecting Title

NIL

Priority Notices

NIL

Notations on Plan

NIL

Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G449/1998

Administrative Interests

NIL

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City Development

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Page 2 of 2



Government of South Australia
Department of Planning,
Housing and Infrastructure

| | |
|--------------------|--------------------|
| Product | Register Search |
| Date/Time | 16/05/2016 10:08AM |
| Customer Reference | 183 Holbrooks |
| Order ID | 20160516002411 |
| Cost | \$37.25 |

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Registrar-General

Certificate of Title - Volume 5780 Folio 261

Parent Title(s) CT 5631/521
Dealing(s) TG 8832350
Creating Title
Title Issued 05/06/2000
Edition 1
Edition Issued 05/06/2000

Estate Type

EASEMENT ONLY

Registered Proprietor

SOUTH AUSTRALIAN WATER CORPORATION
OF ADELAIDE SA 5000

Description of Land

EASEMENT(S) IN THROUGH OVER ACROSS AND ALONG

PORTION OF ALLOTMENT 14 DEPOSITED PLAN 45832
IN THE AREA NAMED UNDERDALE
HUNDRED OF ADELAIDE

OVER THE LAND MARKED A FOR SEWERAGE PURPOSES CREATED BY TRANSFER 8832350

Schedule of Dealings

NIL

Notations

Dealings Affecting Title

NIL

Priority Notices

NIL

Registrar-General's Notes

REAL PROPERTY ACT, 1936



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City of West Torrens
City Development



Government of South Australia
Department of Planning,
Transport and Infrastructure

| | |
|--------------------|--------------------|
| Product | Register Search |
| Date/Time | 16/05/2016 10:08AM |
| Customer Reference | 183 Holbrooks |
| Order ID | 20160516002411 |
| Cost | \$37.25 |

NIL

* Denotes the dealing has been re-lodged.

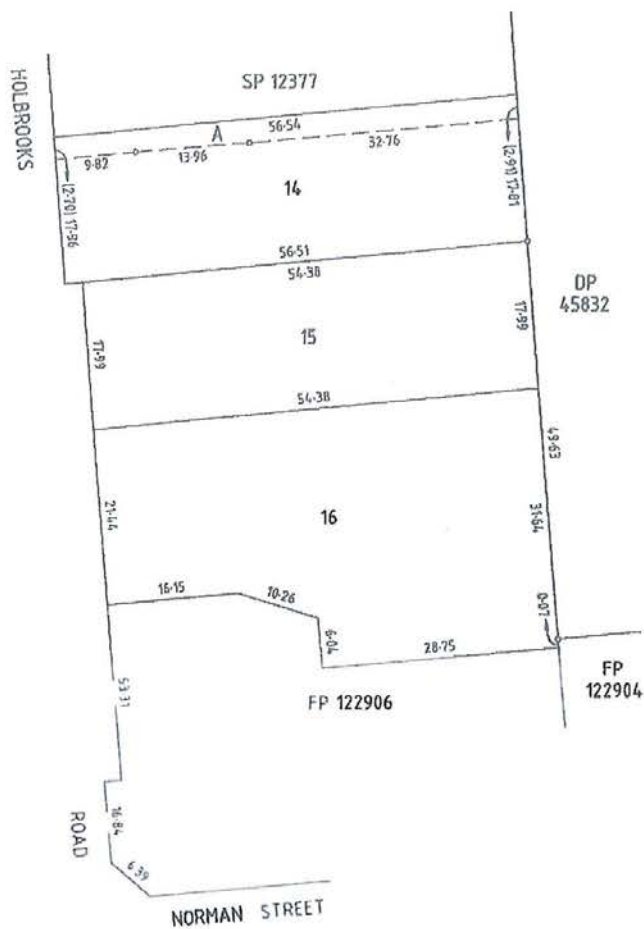




Government of South Australia
Department of Planning,
Transport and Infrastructure

Product
Date/Time
Customer Reference
Order ID
Cost

Register Search
16/05/2016 10:08AM
183 Holbrooks
20160516002411
\$37.25



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City of West Torrens
City Development



Government of South Australia
Department of Housing,
Water and Infrastructure

| | |
|--------------------|--------------------|
| Product | Register Search |
| Date/Time | 31/08/2018 01:19PM |
| Customer Reference | |
| Order ID | 20160831007578 |
| Cost | \$284.00 |

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Registrar-General

Certificate of Title - Volume 6178 Folio 258

Parent Title(s) CT 6178/256
Dealing(s) TG 12567884
Creating Title
Title Issued 04/08/2016
Edition 1
Edition Issued 04/08/2016

Estate Type

FEE SIMPLE

Registered Proprietor

JOHN ADRIAN MCVANN
DENISE MARY ALDERMAN
OF 102 GRANT AVENUE TOORAK GARDENS SA 5065
AS JOINT TENANTS

Description of Land

ALLOTMENTS 15 AND 16 DEPOSITED PLAN 45832
IN THE AREA NAMED UNDERDALE
HUNDRED OF ADELAIDE

Easements

SUBJECT TO EASEMENT(S) OVER PORTION OF ALLOTMENT 15 MARKED C ON F250914 FOR DRAINAGE PURPOSES (TG 12567884)

TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED B ON F250914 FOR DRAINAGE PURPOSES APPURTENANT ONLY TO ALLOTMENT 15 (TG 12499189)

TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED D ON F250914 FOR EAVES AND GUTTERS APPURTENANT ONLY TO ALLOTMENT 15 (TG 12499189)

Schedule of Dealings

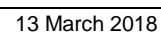
| Dealing Number | Description |
|----------------|---|
| 9168319 | LEASE TO TRIPLE P LIQUOR INVESTMENTS PTY. LTD. COMMENCING ON 1/10/1998 AND EXPIRING ON 30/9/2018 OF THE WITHIN ALLOTMENT 16 |
| 9542738 | PARTIAL SURRENDER OF LEASE 9168319 OF PORTION RESERVING A RIGHT OF WAY |

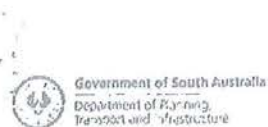


Land Services

Page 1 of 2

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| | |
|--------------------|--------------------|
| Product | Register Search |
| Date/Time | 31/08/2016 01:19PM |
| Customer Reference | |
| Order ID | 20160831007578 |
| Cost | \$284.00 |

11078553

MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

Notations**Dealings Affecting Title**

NIL

Priority Notices

NIL

Notations on Plan

NIL

Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G449/1998

Administrative Interests

NIL

* Denotes the dealing has been re-lodged.

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City Development

Form TG
Guidance
Notes available

GRANT OF EASEMENT

(Pursuant to Section 88 of the Real Property Act 1986)

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 City of West Torrens
 City Development

CERTIFICATE(S) OF TITLES OVER WHICH RIGHTS AND LIBERTIES ARE BEING GRANTED

First- The whole of the land comprised in Certificate of Title Register Book Volume 6171 Folio 105

Secondly- The whole of the land comprised in Certificate of Title Register Book Volume 6171 Folio 106

ESTATE AND INTEREST

First and Secondly - FEE SIMPLE

ENCUMBRANCES

First and Secondly - M 11078553

GRANTOR(S) (Full name and address)

First- JOHN ADRIAN MCVANN and DENISE MARY ALDERMAN
Both of 102 Grant Avenue Toorak Gardens SA 5065

Secondly- JOHN ADRIAN MCVANN and DENISE MARY ALDERMAN
Both of 102 Grant Avenue Toorak Gardens SA 5065

CONSIDERATION

FOR NO MONETARY CONSIDERATION WHATSOEVER WHEREBY IT IS CERTIFIED THAT THE VALUE OF THE WITHIN INTEREST DOESNOT EXCEED \$100.00

GRANTEE(S) (Full name, address and Certificate of Title affected)

First- JOHN ADRIAN MCVANN and DENISE MARY ALDERMAN
Both of 102 Grant Avenue Toorak Gardens SA 5065 as the Registered Proprietor of the whole of the land comprised in Certificate of Title Register Book Volume 6171 Folio 105

Secondly- JOHN ADRIAN MCVANN and DENISE MARY ALDERMAN
Both of 102 Grant Avenue Toorak Gardens SA 5065 as the Registered Proprietor of the whole of the land comprised in Certificate of Title Register Book Volume 6171 Folio 106

Page 2 of 3

| | |
|--|--|
| <p>THE GRANTOR ACKNOWLEDGES RECEIPT OF THE CONSIDERATION HEREIN EXPRESSED AND HEREBY GRANTS TO THE GRANTEE</p> <p>HERE SET FORTH THE RIGHTS AND LIBERTIES BEING CREATED. DEFINE PRECISELY</p> <p>FIRST- AN EASEMENT FOR DRAINAGE PURPOSES OVER THAT PORTION OF ALLOTMENT 14 MARKED "B" IN FILED PLAN 250914 BEING PORTION OF THE LAND ABOVE DESCRIBED FIRST.</p> <p>SECONDLY- AN EASEMENT FOR DRAINAGE PURPOSES OVER THAT PORTION OF ALLOTMENT 15 MARKED "G" IN FILED PLAN 250914 BEING PORTION OF THE LAND ABOVE DESCRIBED SECONDLY.</p> <p>THIRDLY- AN EASEMENT FOR EAVES AND GUTTERS OVER THAT PORTION OF ALLOTMENT 14 MARKED "D" IN FILED PLAN 250914 BEING PORTION OF THE LAND ABOVE DESCRIBED FIRST.</p> <p>TO BE HELD APPURTENANT TO:-</p> <p>HERE SET FORTH APPURTENANCE. DEFINE PRECISELY</p> <p>FIRST- ALLOTMENT 15 IN FILED PLAN 250914 BEING PORTION OF THE LAND IN CERTIFICATE OF TITLE VOLUME 6171 FOLIO 106.</p> <p>SECONDLY- ALLOTMENT 14 IN FILED PLAN 250914 BEING PORTION OF THE LAND IN CERTIFICATE OF TITLE VOLUME 6171 FOLIO 105.</p> <p>THIRDLY- ALLOTMENT 15 IN FILED PLAN 250914 BEING PORTION OF THE LAND IN CERTIFICATE OF TITLE VOLUME 6171 FOLIO 106.</p> | <p>RECEIVED</p> <p>26 FEB 2018</p> <p>City of West Torrens City Development</p> |
|--|--|

Form 97G
Guidance
Notes available

GRANT OF EASEMENT

(Pursuant to Section 96 of the Real Property Act 1886)

CERTIFICATE(S) OF TITLES OVER WHICH RIGHTS AND LIBERTIES ARE BEING GRANTED

The whole of the land comprised in Certificate of Title Register Book
Volume 6171 Folio 108-105

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City of West Torrens
City Development

ESTATE AND INTEREST
FEE SIMPLE

ENCUMBRANCES
M 11078553

GRANTOR(S) (Full name and address)

JOHN ADRIAN MCVANN and DENISE MARY ALDERMAN
Both of 102 Grant Avenue Toorak Gardens SA 5065

CONSIDERATION
FOR NO MONETARY CONSIDERATION WHATSOEVER WHEREBY IT IS CERTIFIED THAT THE VALUE OF THE
WITHIN INTEREST DOES NOT EXCEED \$100.00

GRANTEE(S) (Full name, address and Certificate of Title affected)

JOHN ADRIAN MCVANN and DENISE MARY ALDERMAN
Both of 102 Grant Avenue Toorak Gardens SA 5065 as the Registered Proprietor of the whole of the
land comprised in Certificate of Title Register Book Volume 6171 Folio 108

Page 2 of 3

THE GRANTOR ACKNOWLEDGES RECEIPT OF THE CONSIDERATION HEREIN EXPRESSED AND HEREBY GRANTS TO THE GRANTEE

HERE SET FORTH THE RIGHTS AND LIBERTIES BEING CREATED. DEFINE PRECISELY

FIRST- AN EASEMENT FOR DRAINAGE PURPOSES OVER THAT PORTION OF ALLOTMENT 14 MARKED "B" IN FILED PLAN 250914. *BEING PORTION OF THE LAND ABOVE DESCRIBED*

~~SECONDLY- AN EASEMENT FOR DRAINAGE PURPOSES OVER THAT PORTION OF ALLOTMENT 15 MARKED "C" IN FILED PLAN 250914.~~

SECONDLY
THIRDLY- AN EASEMENT FOR EAVES AND GUTTERS OVER THAT PORTION OF ALLOTMENT 14 MARKED "D" IN FILED PLAN 250914. *BEING PORTION OF THE LAND ABOVE DESCRIBED*

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26 FEB 2018

City of West Torrens
City Development

TO BE HELD APPURTENANT TO:-

HERE SET FORTH APPURTENANCE. DEFINE PRECISELY

AND SECONDLY
FIRST- ALLOTMENT 15 IN FILED PLAN 250914 BEING PORTION OF THE LAND IN CERTIFICATE OF TITLE VOLUME 6171 FOLIO 108.

~~SECONDLY- ALLOTMENT 14 IN FILED PLAN 250914 BEING PORTION OF THE LAND IN CERTIFICATE OF TITLE VOLUME 6171 FOLIO 108.~~

~~THIRDLY- ALLOTMENT 15 IN FILED PLAN 250914 BEING PORTION OF THE LAND IN CERTIFICATE OF TITLE VOLUME 6171 FOLIO 108.~~

Page 3 of 3

DATED 22nd March 2016

EXECUTION (GRANTOR) ~~AND (GRANTEE)~~
THE WITHIN GRANT IS HEREBY ACCEPTED

SIGNATURE OF GRANTOR(S)

[Signature]
Signature of GRANTOR - JOHN ADRIAN MCVANN ✓

[Signature]
Signature of GRANTOR - DENISE MARY ALDERMAN ✓

[Signature]
Signature of WITNESS - Signed in my presence by the
GRANTOR who is either personally known to me or
has satisfied me as to his or her identity. A penalty of up to
\$2000 or 8 months imprisonment applies for improper witnessing


JAN ALDELMAN
Print Full name of Witness (BLOCK LETTERS)

4/21 RUSSELL STREET

ROCKWELL
Address of Witness

Business Hours Telephone No
0439 686 457

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26 FEB 2018
City of West Torrens
City Development

| PURPOSE: EASEMENT | AREA NAME: UNDERDALE | APPROVED: MATTHEW LETHBRIDGE 24/02/2016 |  FX250914 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|----------------------------------|---|--|------------------|-----------------------|------------------------------------|--------------------------------|----------|------------------|---------|--------------|----------|----------|----|-------|-------------|----------|-----------------------|------------------------------------|------------|----------|----|-------|-------------|---|-----------------------|----|--|----------|----|-------|-------------|---|-----------------------|----|--|----------|----|-------|-------------|---|-----------------------|----|--|
| MAP REF: 6628441G | COUNCIL: CITY OF WEST TORRENS | FILED: MATTHEW LETHBRIDGE 24/02/2016 | SHEET 1 OF 2 51038_incl_01_005_Version_5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LAST PLAN: | DEVELOPMENT NO: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AGENT DETAILS: ELITE LAND SOLUTIONS PTY LTD PO BOX 353 PROSPECT SA 5082 PH: 0452 220 600 FAX: AGENT CODE: ELBP REFERENCE: ELS 015-16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SURVEYORS CERTIFICATION: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBJECT TITLE DETAILS: PREFIX VOLUME FOLIO OTHER PT CT 6134 286 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OTHER TITLES AFFECTED: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>PLAN</th> <th>NUMBER</th> <th>NUMBER HUNDRED / IA / DIVISION</th> <th>TOWN</th> <th>REFERENCE NUMBER</th> </tr> </thead> <tbody> <tr> <td>D</td> <td>45532</td> <td>ADELAIDE</td> <td></td> <td></td> </tr> <tr> <td>D</td> <td>45532</td> <td>ADELAIDE</td> <td></td> <td></td> </tr> </tbody> </table> | | | | | PLAN | NUMBER | NUMBER HUNDRED / IA / DIVISION | TOWN | REFERENCE NUMBER | D | 45532 | ADELAIDE | | | D | 45532 | ADELAIDE | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| D | 45532 | ADELAIDE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>EASEMENT STATUS</th> <th>LAND BURDENED</th> <th>FORM</th> <th>CATEGORY</th> <th>IDENTIFIER</th> <th>PURPOSE</th> <th>IN FAVOUR OF</th> <th>CREATION</th> </tr> </thead> <tbody> <tr> <td>EXISTING</td> <td>14</td> <td>SHORT</td> <td>EASEMENT(S)</td> <td>A</td> <td>FOR SEWERAGE PURPOSES</td> <td>SOUTH AUSTRALIAN WATER CORPORATION</td> <td>TG 8832350</td> </tr> <tr> <td>PROPOSED</td> <td>14</td> <td>SHORT</td> <td>EASEMENT(S)</td> <td>B</td> <td>FOR DRAINAGE PURPOSES</td> <td>15</td> <td></td> </tr> <tr> <td>PROPOSED</td> <td>15</td> <td>SHORT</td> <td>EASEMENT(S)</td> <td>C</td> <td>FOR DRAINAGE PURPOSES</td> <td>14</td> <td></td> </tr> <tr> <td>PROPOSED</td> <td>14</td> <td>SHORT</td> <td>EASEMENT(S)</td> <td>D</td> <td>FOR EAVES AND GUTTERS</td> <td>15</td> <td></td> </tr> </tbody> </table> | | | | | EASEMENT STATUS | LAND BURDENED | FORM | CATEGORY | IDENTIFIER | PURPOSE | IN FAVOUR OF | CREATION | EXISTING | 14 | SHORT | EASEMENT(S) | A | FOR SEWERAGE PURPOSES | SOUTH AUSTRALIAN WATER CORPORATION | TG 8832350 | PROPOSED | 14 | SHORT | EASEMENT(S) | B | FOR DRAINAGE PURPOSES | 15 | | PROPOSED | 15 | SHORT | EASEMENT(S) | C | FOR DRAINAGE PURPOSES | 14 | | PROPOSED | 14 | SHORT | EASEMENT(S) | D | FOR EAVES AND GUTTERS | 15 | |
| EASEMENT STATUS | LAND BURDENED | FORM | CATEGORY | IDENTIFIER | PURPOSE | IN FAVOUR OF | CREATION | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| EXISTING | 14 | SHORT | EASEMENT(S) | A | FOR SEWERAGE PURPOSES | SOUTH AUSTRALIAN WATER CORPORATION | TG 8832350 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PROPOSED | 14 | SHORT | EASEMENT(S) | B | FOR DRAINAGE PURPOSES | 15 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PROPOSED | 15 | SHORT | EASEMENT(S) | C | FOR DRAINAGE PURPOSES | 14 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PROPOSED | 14 | SHORT | EASEMENT(S) | D | FOR EAVES AND GUTTERS | 15 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ANNOTATIONS: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

RECEIVED

26 FEB 2018

City of West Torrens
City Development

Preliminary Traffic, Flooding & Stormwater Assessment

Development Application No: 211/1405/2017

Assessing Officer: Sonia Gallarello
Site Address: 185-187 Holbrooks Road, UNDERDALE SA 5032
Certificate of Title: CT-5780/262
Description of Development: Demolition of existing shop and wine store and construction of a new 'Child Care Centre' (pre-school) with associated on-site car parking, landscaping, fencing, earthworks and retaining walls

TO THE TECHNICAL OFFICER - CITY ASSETS

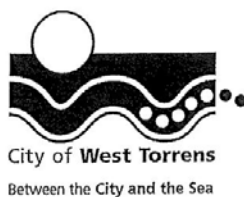
Please provide your comments in relation to:

- ☐ Site drainage and stormwater disposal
- ☐ Required FFL
- ☐ On-site vehicle parking and manoeuvrability
- ☐ New Crossover
- ☐ Your advice is also sought on other aspects of the proposal as follows:

.....
.....

PLANNING OFFICER - Sonia Gallarello

DATE 27 December, 2017



Memo

To Sonia Gallarello
From Jane Teng
Date 2/1/2018
Subject 211/1405/2017, 185-187 Holbrooks Road, UNDERDALE SA 5032

Sonia Gallarello,

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

1.0 Traffic Comments- Provided by Council's Traffic Consultant

In the traffic assessment of the proposed development, I have had regard to the proposed site plan (Brown Falconer – Dwg No. 3158 DA02), planning report (ekistics) and traffic report (CIRQA – Ref 17107|BNW).

The proposed child care centre is indicated to have a capacity for 112 children. Based on Council's Development Plan parking rate of 1 space per 4 children, the car parking requirement would be for 28 spaces. I note that the proposed development would satisfy this requirement

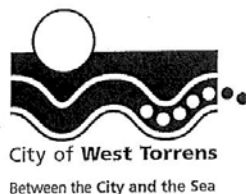
It is recommended that a condition be included to cap the maximum number of children at 112 as the proposal is currently designed for.

The first two spaces (at the entrance of the carpark) should be designated for Staff Only in order to minimise turnover of cars accessing these spaces to ensure that there are minimal delays when entering the car park.

It is recommended that revised plans show two staff parking spaces for the first two spaces (adjacent to Planning and Staff Room).

The remaining spaces are dimensioned as 2.6m wide with a 6.2m aisle width which complies with the parking standard requirements. I note that one disabled parking space is also accommodated.

CIRQA have indicated that an MRV refuse truck will be used to service the subject site. I note that this would be *via a private contractor*. Based on the turn path, the refuse truck would need to be restricted to out of hours times (eg. Before 7am) as it is required to overlap into existing parking spaces. **A condition is therefore required to restrict the maximum service vehicle for the subject site to an MRV refuse collection vehicle during off-peak times only. A waste management plan should also be provided by the**



applicant to indicate the servicing requirements of the private refuse collection contractor.

No details have been provided regarding other delivery vehicles to the site such as size of vehicle required. The applicant should confirm other servicing requirements and how/where unloading or pickup can occur.

I note that the trip generation would not have a significant impact on Holbrooks Road.

Summary:

- A planning condition capping the maximum number of Children to 112 should be included in any approvals
- The first two car parks should be marked as 'Staff Only' to minimise turnover of cars at the entrance to the car park
- The applicant should provide further information regarding waste management plan confirming that the traditional Council kerbside collection is not required by the applicant and also service deliveries to the site.

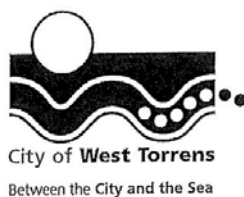
2.0 FFL Consideration – Finished Floor Level (FFL) Requirement

- 2.1 Council seeks to ensure that the FFL of all new development is protected from inundation when considering a 350mm stormwater flow depth in the adjacent street watertable.

This is typically achieved through establishing the FFL of new development a minimum of 350mm above the highest adjacent street water table.

- 2.2 Based on the survey information provided on 'Site Plan/Landscaping Plan', (Brown Falconer – Dwg No. 3158 DA02), a minimum FFL of 9.80 would be required.

It is recommended that revised plans indicating the required minimum FFL be provided to Council.



3.0 Stormwater Quality – Commercial Sites

- 3.1 It is considered within the stormwater industry that the following table outlines current best practice for the targeted improvement of stormwater quality from new developments of scale.

The targets being;

| <i>Parameter</i> | <i>Target</i> |
|--|--|
| Litter/Gross Pollutant | Retention of litter greater than 50mm for flows up to the 3 month ARI peak flow. |
| Oil and Grease | No visible oils for flows up to the 3 month ARI peak flow. |
| Reduction in Average Annual Total Suspended Solids (TSS) | 80% *1 |
| Reduction in Average Annual Total Phosphorous (TP) | 60% *1 |
| Reduction in Average Annual Total Nitrogen (TN) | 45% *1 |

*1 - Reduction as compared to an equivalent catchment with no water quality management controls.

Industry standard computer modelling would be anticipated (as a minimum) to be utilised to demonstrate the suitability of the proposed measures to achieve the above nominated targets.

It can be interpreted in the Stormwater Management Plan (SMP) prepared by CPR (Job No: 17022, Dated 18 Dec 2017), the proposal for the installation of Gross Pollutant Trap (GPT) as the sole water quality treatment measure for the site. GPT system has lower treatment performance and would not be sufficient in meeting the performance targets as indicated in the table above. Additional treatment measures would be required for the site.

An indication of how the water quality requirements are to be met should be provided on revised site plans prior to the finalisation of the planning assessment for this development. CPR in the SMP report has indicated that the Water Quality requirements are to be presented during detailed phase of the project. Should a Reserve Matter is considered for Water Quality Improvement for



the proposed site, it is recommended that the updated stormwater management plan detailing water quality measures which meets the stormwater water quality treatment targets of Total Suspended Solids (80%), Total Phosphorous (60%) and Total Nitrogen (45%) is submitted to City of West Torrens to the satisfaction of the Manager of City Asset prior to the lodgement of building rules consent application.

4.0 Stormwater Detention

In relation to the detention of stormwater runoff from the development, Council typically would be seeking for the rate of discharge of stormwater from the development site (post development) would be restricted to a maximum rate equivalent to that of a site with a 0.25 runoff coefficient for the site critical 20 year ARI storm event (i.e effectively mimicking a site with a 25% impervious cover and 75% pervious cover).

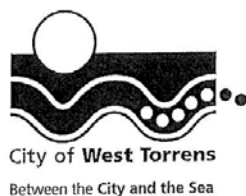
Based on the Stormwater Management Plan prepared by CPR (Job No: 17022, Dated 18 Dec 2017), the applicant has proposed the provision for a total of 56.7KL underground detention system designed to restrict the post development flow during the 100 Year site critical storm event to 20 Year site critical storm event. This exceeds the minimum detention volume required for the site typically required by Council, which requires detention to restrict post development flows during the 20 Year site critical storm event to runoff coefficient of 0.25. The applicant may wish to revisit the stormwater calculation report and amended the calculation as required.

Council does not encourage direct connection of stormwater discharge from the site via a connection to the back of the existing pit on Holbrooks Road. All stormwater is to be discharged towards to the street with the appropriate offset distances being met. The appropriate outlet as elaborated in Section 5.3 is to be nominated on the proposed development plans.

Should no amendments are undertaken, it is recommended that a condition is incorporated indicating a detention volume of 56KL with a pump restricting the discharge outflow to the street water table from the site to 15L/s during site critical 20 Year storm event as part of the planning conditions for this development application.

5.0 Verge Interaction

5.1 In association with new development, driveways and stormwater connections through the road verge need to be located and shaped such that they appropriately interact with and accommodate existing verge features in front of the subject and adjacent properties. Any new driveway access shall be constructed as near as practicable to 90



degrees to the kerb alignment (unless specifically approved otherwise) and must be situated wholly within the property frontage.

New driveways and stormwater connections are typically required to be located a minimum 1.0 metre offset from other existing or proposed driveways, stormwater connections, stobie poles, street lights, side entry pits and pram ramps, etc. (as measured at the front property boundary).

These new features are also desired to be located a minimum of 2.0 metres from existing street trees, although a lesser offset may be acceptable in some circumstances. If an offset less than the desired 2.0 metres is proposed or if it is requested for the street tree to be removed, then assessment for the suitability of such will be necessary from Council's Technical Officer (Arboriculture).

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

- 5.2 It is noted that the existing crossover(s) will be made redundant. This crossover should be reinstated to vertical kerb prior to the completion of any building works at the applicant's expense. It should also be indicated on revised plans that any redundant crossovers will be reinstated.

It is recommended that revised plans showing the reinstatement of redundant crossovers be provided to Council.

- 5.3 It should also be nominated for the stormwater connection through the road verge area to be constructed of shape and material to satisfy Council's standard requirements.

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

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

Should you require further information, please contact Jane Teng on the following direct extension number 8416 6333.

Regards

Jane Teng
Civil Engineer

Civic Centre 165 Sir Donald Bradman Drive, Hilton 5033 South Australia Tel (08) 8416 6333 Fax (08) 8443 5709
E – mail csu@wtcc.sa.gov.au Website westtorrens.sa.gov.au

Sonia Gallarello

From: Andrew King
Sent: Monday, 26 February 2018 5:53 PM
To: Sonia Gallarello; Jane Teng
Cc: Hannah Bateman; Rachel Knuckey
Subject: RE: Response to representations and amended plans 26 02 2018 (A2113319)

Hi Sonia

I have reviewed the below information in context with previously provided City Assets advice and can provide the following comments;

- It was recommended in previous feedback that a condition be included with any approval of the development to reinforce the capacity of the centre to 112 children due to the critical relationship between this and the number of parking spaces provided.
- Previously requested additional of the notation of Staff Only spaces adjacent to the entrance driveway have been included in revised plans and it is considered that this would be suitable to minimise vehicle conflict around the driveway entrance off of an arterial road.
- City Assets previous feedback makes reference to the provision of a disabled parking space, however current site plans do not seem to depict this. It is considered that either parking space to the north or south of the bollarded space in front of the main building entrance could be converted to a compliant disabled space without any major alteration to the car park design. It is considered that this is something which could be conditioned in association with any approval of this application.
- It has been demonstrated how an MRV waste vehicle could suitably access the site to collect waste, but this being reliant on the utilisation of some parking spaces for turning of the vehicle. It is recommended that a condition be included with an approval of this development nominating, the maximum size vehicle to access the site for waste servicing purposes should be limited to an MRV and servicing of waste from the site must be undertaken during the hours when the child care centre is closed.
- No information is evident to have been provided in relation to the general servicing of the site, as such it is recommended that a condition similar to the following be included in any approval of the development; Servicing (excluding waste) of the site is to be limited to vehicles of a maximum size equivalent to a domestic (B99) vehicle.
- Previously requested notation of suitable FFL for the development has been included on revised plans.
- A proprietary stormwater quality improvement device has been indicated on the revised stormwater plans (SPEL Stormceptor). These devices come in differing arrangements and sizes and there are no specific notations on applicant provided information in relation to scale/size. It was also previously requested by City Assets for demonstration of the achieving of desired water quality targets using the nominated device (such as a standard request), however no demonstration has been provided. The principle of utilising a proprietary device is satisfactory, however it is critical that these are nominated and scaled correctly. It is subsequently recommended at a Reserve Matter be included in association with any approval of this development to require nomination and demonstration of stormwater quality improvement measures to satisfy the tabulated targets as outlined in the State Government's WSUD Policy, and to the reasonable satisfaction of the Manager City Development.
- The nominated provision of stormwater detention measures for the development are considered acceptable and include minor alterations as outlined in previous City Assets Feedback.
- Previously requested minor alteration and notation of road verge interactions have been addressed in association with the revised plans.
- Although not previously raised within City Assets feedback, it is considered most likely the DPTI would request for flaring of both sides of the driveway as it connects to Holbrooks Road. This may be difficult to achieve on the exit (southern) side of the driveway due to the proximity of an existing stobie pole, however there is sufficient space and offset to other road features to enable flaring to suitably occur on the more critical entrance (northern) side of the driveway. Although it would be beneficial to reflect this on approved plans, it is considered that as this is outside of the subject property, the detailing of this could be addressed as part of the "Construct a vehicular crossing place across Council land" application.

Feel free to contact me should you require any further clarification of the above.

Many Thanks,

Andrew King
Coordinator Engineering Services
City Assets
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Phone: 8416 6393
Email: aking@wtcc.sa.gov.au

-----Original Message-----

From: Sonia Gallarello
Sent: Monday, 26 February 2018 3:50 PM
To: Andrew King <aking@wtcc.sa.gov.au>; Jane Teng <jteng@wtcc.sa.gov.au>
Cc: Hannah Bateman <HBateman@wtcc.sa.gov.au>; Rachel Knuckey <rknuckey@wtcc.sa.gov.au>
Subject: Response to representations and amended plans 26 02 2018 (A2113319)

Hi Andrew,

Can you please get this reviewed asap - these are the amended plans to go to March CAP.

Please review in respect to your comments dated 2 01 2018.

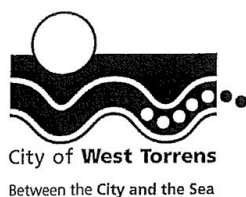
DPTI are likely to recommend the relocation of the crossover 2 metres north and that the carparking spaces opposite the access should be designated for staff parking. I have not got their formal response back at this stage.

Thanks, Sonia

Sonia Gallarello has sent you a link to "Response to representations and amended plans 26 02 2018" (A2113319) from Objective.

Open in Navigator
Double click on the attachment

Open in Your Browser
Latest: <https://objective.wtcc.sa.gov.au/id:A2113319/document/versions/latest>
Published: <https://objective.wtcc.sa.gov.au/id:A2113319/document/versions/published>



Memo

To Sonia Gallarello
 From Deepti Sethi
 Date 5 January 2018
 Subject DA 211/1405/2017 - 185-187 Holbrooks Road, UNDERDALE SA 5032

Reference is made to DA 211/1405/2017 notified to the Environmental Health.

In addition to the provisions of the National *Food Safety Standards* the proposed business activity (Childcare Centre) will require an audited Food Safety Plan for Vulnerable Populations with an accredited SA Health Auditor. The City of West Torrens Environmental Health Department has SA Health approved auditors available to undertake this mandatory requirement under *Food Safety Standard 2.2.1*. More information can be found at the following website:
<http://www.sahealth.sa.gov.au/wps/wcm/connect/Public+Content/SA+Health+Internet/Protecting+public+health/Food+standards/Food+industry+sector+information/Childcare+centre+food+safety+requirements>

The following needs to be taken into consideration during fit out and set-up of the premises to ensure compliance with the *Food Safety Standards 3.2.2 & 3.2.3* is also achieved:

1. Design & construction of food businesses

The design and construction of a food business must be appropriate and provide adequate space for the activities for which the premises is used. The design and construction of a food premises must allow for effective cleaning. A food premises must be designed and constructed to exclude dirt, dust, fumes, smoke and other contaminants, not allow pests to enter or provide pest harbourage.

Food Safety Standard 3.2.3 3 a, b, c & d (i), (ii), (iii)

2. Floors, Walls & Ceilings.

Floors, walls and ceilings must be constructed and designed in a way that is appropriate for the activities to be conducted. These surfaces must be able to be effectively cleansed, impervious, sealed to prevent the entry of dirt, dust and contaminants, and unable to harbour vermin. The construction materials used for the floors, walls and ceilings have not been identified on the floor plan provided.

Food Safety Standard 3.2.3 11(1) (2) (3) a, b & c (4) a & b

Food Safety Standard 3.2.3 10(1) (2) a, b, c & d

3. Fixtures, fittings and equipment

Food premises must have adequate fixtures, fittings and equipment for the production of safe and suitable food. The materials to be used for work bench tops, shelving, appliances etc. have not been specified.

Food Safety Standard 3.2.3 12(1) a & b (2) a, b, c & d (3) a, b & c

4. Hand washing facilities

Food premises must provide hand washing facilities that are located where they can be easily accessed by food handlers both within areas where food is handled or prepared and adjacent to toilets located on the premises. Hand washing facilities must be permanent fixtures, supplied with warm running potable water, suitably sized for effective hand washing and clearly designated for the sole purpose of hand washing. Specific details have not been provided on the plan for the provision of hand washing facilities in the kitchen or prep rooms.

Food Safety Standard 3.2.3 14(1) a & b, 14(2) a, b, c & d

5. Ventilation.

Food premises must have sufficient natural or mechanical ventilation to effectively remove fumes, smoke, steam and vapours from the food premises.

Food Safety Standard 3.2.3 7

6. Equipment Washing Facilities (Sinks)

In addition to hand washing requirements a food premises must have sufficient sink facilities for food preparation, washing and sanitising. The number required will depend on the type of activities being carried out by the business. Most food businesses will require a food preparation sink for the washing of fruit and vegetables and a double bowl sink for the proper cleaning and sanitising of equipment.

General Requirements Food Safety Standards Chapter 3

7. Chemical Storage / Storage facilities

Food Premises must have adequate storage facilities for the storage of items that are likely to be the source of contamination of food, including chemicals, clothing and personal belongings. Storage facilities must be located where there is no likelihood of stored items contaminating food or food contact surfaces.

Food Safety Standard 3.2.3 15

8. Sewage and waste water disposal

Food Premises must have a sewage and waste water disposal system that will effectively dispose of all sewage and waste water and is constructed and located so that there is no likelihood of the waste water polluting the water supply or contaminating food.

Food Safety Standard 3.2.3 5

9. Storage of Garbage and Recyclable Matter

Food premises must have facilities for the storage of garbage and recyclable matter that adequately contains the volume and type of waste material on the premises and is enclosed as necessary to keep pests and animals away from it. Waste storage facilities must also be designed and constructed in such a way that they be easily and effectively cleaned.

Food Safety Standard 3.2.3 6

10. Food Business Notification

Before commencing food handling operations a food business must notify the Council of its contact details, location and the nature of business. The prescribed form is located on the Council website: http://www.westtorrens.sa.gov.au/Services/Public_health/Food_complaints_inspections

Food Safety Standard 3.2.2 4(1) a, b & c

A food business must notify Council of any proposed change to its activity or information previously supplied before the commencement of such changes. Examples include change of business name, address and introduction high risk foods for sale.

Food Safety Standard 3.2.2 4(3)

Should the development proceed the proprietor/applicant is strongly encouraged to contact the City of West Torrens Environmental Health Department to arrange a pre-opening / fit-out advice inspection.

Should you require further information, please contact me on 84166279 or email dsethi@wtcc.sa.gov.au

Regards

Deepti Sethi
Environmental Health Officer

In reply please quote 2018/01931/01, Process ID: 504724
 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

28/02/2018

Ms Cathryn Jones
 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 Jones,

SCHEDULE 8 - REFERRAL RESPONSE

| | |
|-----------------|--|
| Development No. | 211/1405/17 |
| Applicant | Leyton Property |
| Location | 183-185 Holbrooks Road, Underdale |
| Proposal | Construction of a new Child Care Centre (pre-school) with associated car parking, landscaping and fencing. |

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 demolish all existing structures upon the site and construct a child care centre with associated parking, landscaping and earthworks.

CONSIDERATION

The subject site abuts Holbrooks Road, which is designated as a Major Cycling Route, Standard Frequency Public Transport Corridor and Peak Hour Route under DPTI's 'A Functional Hierarchy for South Australia's Land Transport Network'. At this location Holbrooks Road has an AADT of 23,300 vehicles per day (5.5% commercial vehicles) and a posted speed limit of 60 km/h.

Access

The subject site currently has a wide access point adjacent the northern property boundary and an access adjacent the southern property boundary, with an informal access arrangement with the site to the north. The application proposes to close the northern access point and gain all vehicular access via the southern access point which will be modified to facilitate two-way movements. This is consistent with DPTI policy of minimising the number of access points on the arterial road network and the

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access location maximises the separation between the access and the Holbrooks Road/Hinton Street junction. The obsolete Holbrooks Road crossover should be closed and reinstated to Council standard kerb and gutter at the applicant's expense.

Plans provided to DPTI show that the access is proposed to be 6.2 metres wide at the property boundary to cater for any simultaneous two-way vehicular movements. However, site plans provided to DPTI are unclear regarding the location of the proposed access location in relation to the existing stobie pole. It is also noted that the building footprint associated with the adjoining allotment to the south restricts driver sightlines at the access and does not comply with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' as defined in AS/NZS 2890.1:2004.

Subsequently, it is recommended that the proposed access be relocated to a point 2.0 metres north of the southern property boundary in order to achieve consistency with AS/NZS 2890.1:2004, Figure 3.3 and to provide a minimum 1.0 metre separation from the existing stobie pole. This may result in a loss of a car park adjacent the access point. It should also be ensured that any vegetation adjacent the egress be low growing in nature (i.e. mature height no more than 1.0 metre) in order to maximise pedestrian sightlines adjacent the access.

It is also DPTI policy that vehicles enter and exit the site in a forward direction. However turn paths produced by DPTI show that vehicles entering the site would not be able to conveniently manoeuvre into the two car parks adjacent the access. Vehicles would be required to undertake more than one manoeuvre in order to enter the car parks, which may lead to vehicular conflict adjacent the access point.

Additionally, vehicles entering/exiting the four car parks opposite the access would be required to manoeuvre within the functional area of the access. Turn paths also show that vehicles cannot conveniently manoeuvre to exit these parking spaces and would be required to undertake numerous manoeuvres in order to exit these spaces. Consequently, this could further increase the potential of vehicular conflict adjacent the access and negatively impact on the functionality of the access point, as well as encouraging reversing movements to be undertaken onto Holbrooks Road. In order to mitigate the potential issue, it is recommended that the first three car parks in front of the access be removed from the application or be dedicated to staff use and the first two car parks immediately adjacent the access also be designated as staff parking only.

Traffic Assessment

DPTI has also received A Traffic and Parking Assessment produced by CIRQA, Ref: 17107|BNW, dated 13 November 2017 as part of this application. The Report states that the development would generate approximately 54 morning peak hour trips and 48 afternoon peak hour trips. The report also states that refuse collection would be undertaken by an 8.8 metres Medium Rigid Vehicle (MRV). It is noted that refuse collection would be undertaken outside of peak periods and car parking restrictions would be placed to allow refuse trucks to manoeuvre on-site to exit the site in a forward direction. Although DPTI does not object to the nominated vehicle size, it is recommended that all vehicles larger than B99 passenger vehicles access the site outside of operating hours. No vehicles larger than 8.8 metre MRV's should be permitted on site.

Car parking

The application proposes a total of 28 on-site car parks to serve the site. Council should ensure that the proposed development provides sufficient on-site car parking designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009 and that

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any facilities for commercial vehicles conform with AS/NZS 2890.2:2002. It should also be noted that DPTI cannot guarantee the ongoing provision of on-street parking along Holbrooks Road adjacent the site.

Signage

It is noted that no new signage is proposed as part of this development. However, DPTI provides the following design principles that should be adhered to in the final design of any signage associated with the development.

- Signage may use LED lighting for internal illumination of a light box only.
- No element of LED or LCD display is to be included in the design.
- Any illuminated signage is to be limited to a low level of illumination so as to minimise distraction to motorists.
- Signage associated with the development shall not contain any element that flashes scrolls, moves or changes.
- Signage shall be located within the property boundaries.

Furthermore, all signage should be consistent with the DPTI publication *"Advertising Signs - Assessment Guidelines for Road Safety"* (August 2014).

CONCLUSION

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

ADVICE

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

1. Access to/from Holbrooks Road to serve the site shall be gained via a single two-way access point located 2.0 metres north of the southern property boundary only. No additional access to/from Holbrooks Road shall be permitted.
2. A minimum 1.0 metre separation shall be provided between the access and the stobie pole adjacent the southern property boundary.
3. The Holbrooks Road access shall be a minimum of 6.0 metres in width at the property boundary and extend at this width for a minimum of 6.0 metres into the site.
4. The obsolete Holbrooks Road crossover shall be closed and reinstated to Council standard kerb and gutter at the applicant's expense.
5. The first three car parks opposite the access shall be deleted or dedicated to staff parking only.
6. The first two car parks immediately adjacent the access shall be designated as staff parking only.
7. The access point shall comply with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' as defined in AS/NZ 2890.1:2004.

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8. Vehicles larger than 8.8 metre Medium Rigid Vehicles (MRV) shall not be permitted on site. All vehicles larger than B99 passenger vehicles shall access the site outside of normal business hours.
9. All onsite vehicle parking shall be consistent with AS/NZS 2890.1:2009 and AS/NZS 2890.6:2009.
10. All vehicles shall enter and exit the site in a forward direction.
11. Any signage associated with this development that is visible from the adjacent roads shall not contain any element that flashes, scrolls, moves or changes.
12. Any signage associated with this development shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.
13. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
14. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Holbrooks 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

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