

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 OCTOBER 2020  
at 5.00pm**

Public access will be by electronic platform only (audio and video).  
Public access to the meeting will not be provided in person.

Information on public access to the meeting is available at:  
<https://www.westtorrens.sa.gov.au/livestream>

**Hannah Bateman  
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****1.2 Electronic Platform Meeting****2 PRESENT****3 APOLOGIES****4 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of the meeting of the Council Assessment Panel held on 8 September 2020 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 12 Broughton Avenue, KURRALTA PARK

Application No 211/334/2020

Appearing before the Panel will be:

Representors: **Judith Vincent** of 14 Broughton Avenue, Kurralta Park wishes to appear in support of the representation.

**Andrew Young** of 9 Broughton Avenue, Kurralta Park wishes to appear in support of the representation.

Applicant: **Matt Falconer** acting on behalf of the Applicant wishes to appear in response to the representation.

#### DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Construction of a two storey residential flat building containing 4 x dwellings, associated landscaping and a front masonry fence.
APPLICANT	365 Studio Pty Ltd
LODGEMENT DATE	5 May 2020
ZONE	Residential Zone
POLICY AREA	Medium Density Policy Area 19
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 2
REFERRALS	Internal <ul style="list-style-type: none"><li>• City Assets</li><li>• Waste services</li></ul>
DEVELOPMENT PLAN VERSION	Consolidated 12 July 2018
DELEGATION	<ul style="list-style-type: none"><li>• The relevant application is for a merit, Category 2 or Category 3 form of development, representations have been received and one or more representors wish to be heard on their representation.</li></ul>
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Jordan Leverington

#### SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 26 Deposited Plan 2478 in the area named Kurralta Park, Hundred of Adelaide, Volume 5175 Folio 153, more commonly known as 12 Broughton Avenue, Kurralta Park. The subject site is rectangular in shape with a 19.20 metre (m) wide frontage to Broughton Avenue, a depth of 44.12m and overall site area of 847.1 square metres (m<sup>2</sup>).

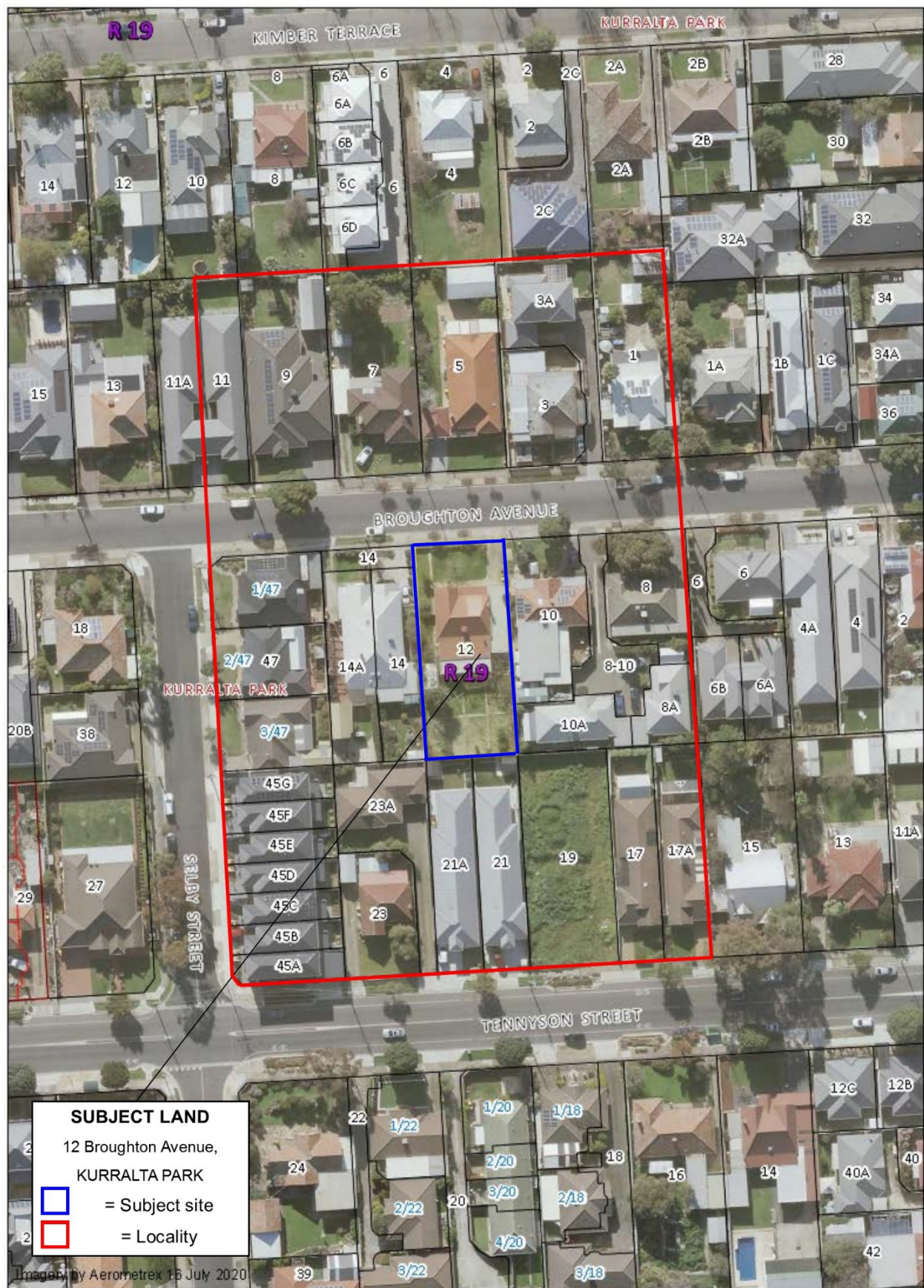
It is noted that there are no easements, encumbrances or Land Management Agreements on the Certificate of Title.

The site currently contains a single storey detached dwelling with an attached carport and verandah. These will need to be removed in order to facilitate the proposal and will be subject of a further application to obtain demolition approval. The site is relatively flat. There are no Regulated Trees on the subject site or on adjoining land that would be affected by the development.

The locality is residential in nature comprised of a variety dwelling types, including detached, semi-detached, group and row dwellings. They do share similar design traits such as pitched roofs and being predominantly single storey in height. This variety of housing and increased densities is reflective of the zoning change in 2015 which supported a denser allotment pattern and corresponding built form. The subject site is one of the last allotments within this section of the street to go through a redevelopment process.

The locality is within both a designated flood prone area and within 400m of a Centre Zone. Although being flood prone, the anticipated flood depth is fairly minor being 0-0.1m during a 1 in 100 year flood event.

The amenity of the locality is considered medium to high influenced by tree lined streets, low density residential development and reasonable setbacks between dwellings. The subject land and locality are shown on the aerial imagery below.



## PROPOSAL

This application seeks consent to construct a two storey residential flat building containing four dwellings, associated landscaping and a front masonry fence. Each of the dwellings have the following attributes:

- Three bedrooms
- Rumpus room
- Open plan living dining and kitchen area
- Alfresco; and
- Three bathrooms

Three of the dwellings have a double carport, with the dwelling to the rear of the site having a single garage.

Each of the dwellings gain vehicular access from the common driveway, which has landscaping around the periphery. The Private Open Space (POS) of each dwelling is located on the ground floor on the western side of the dwelling, incorporating a covered alfresco area as well as open to air grassed areas.

There is one on-site visitor carpark at the southern end of the property and two on-street carparks directly in front of the subject site.

Each proposed dwelling has a dedicated waste storage area and intend to use the Council waste and recycling service.

The relevant plans and documents are contained in **Attachment 2**.

## PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Schedule 9 clause 18(a) of the *Development Regulations 2008*.

<b>Properties notified</b>	23 properties were notified during the public notification process.
<b>Representations</b>	Three representations were received.
<b>Persons wishing to be heard</b>	Two representors have requested to be heard. <ul style="list-style-type: none"> <li>• Judith Vincent</li> <li>• Andrew Young</li> </ul>
<b>Summary of representations</b>	Concerns were raised regarding the following matters: <ul style="list-style-type: none"> <li>• Bulk and scale of residential flat building and the detrimental impact to the visual amenity</li> <li>• Overshadowing of 14 Broughton Ave</li> <li>• On-street parking congestion</li> <li>• Overlooking of the front two rooms of 5 Broughton Ave</li> <li>• Increase of traffic and congestion on Broughton Ave</li> <li>• Two storey built form out of character with the streetscape</li> <li>• Setback less than 5m from the front boundary</li> <li>• Insufficient vegetation and concern of maintenance of that vegetation</li> <li>• Vehicle manoeuvres appear too tight</li> </ul>



<b>Summary of representations (continued)</b>	<ul style="list-style-type: none"> <li>• Insufficient visitor car parking</li> <li>• Insufficient POS</li> <li>• Proposal should be reduced to two dwellings</li> <li>• Artificial grass is not landscaping and will contribute to stormwater runoff</li> <li>• Box like construction which is not in keeping with the existing streetscape</li> </ul>
<b>Applicant's response to representations</b>	<p>Summary of applicant's response:</p> <ul style="list-style-type: none"> <li>• Obscured glazing has been installed to the upper level windows on each side and rear façade. This is considered to have resolved any overlooking concerns</li> <li>• A traffic consultant has demonstrated that the required traffic movements can be achieved</li> <li>• It is acknowledged that the proposal has a 1 on site carpark shortfall, however the presence of two on street carparks directly in front of the subject site is considered suitable</li> <li>• The two storey built form is supported and encouraged by the Desired Character of the Zone and Policy Area</li> <li>• The separation between the proposed residential flat building and the neighbouring property will provide sufficient access to natural light to their property.</li> <li>• The Policy Area actively supports lesser setbacks than the original built form and has stated a minimum front setback of 3m</li> <li>• Site coverage has been calculated at 50%, which is 10% lower than the maximum that the Policy Area supports</li> <li>• Landscaping has been revised to include real grass vegetation</li> </ul>

A copy of the representations and the applicant's response is contained in **Attachment 3**.

## INTERNAL REFERRALS

Department	Comments
<b>City Assets</b>	<ul style="list-style-type: none"> <li>• Finished Floor Levels are satisfactory</li> <li>• The closest point of the crossover flare is setback less than 2m from the existing street tree. The driveway is setback 2.29m from the tree</li> <li>• Stormwater sump in the common driveway should be made trafficable to ensure it is not damaged from vehicle movements</li> <li>• Redundant crossover is to be reinstated to upright kerb</li> <li>• The internal garage depth of dwelling 4 is 5.71m, best practice is 5.8m</li> <li>• Noted that there is a deficiency of one onsite carpark</li> <li>• Stormwater management is satisfactory</li> </ul>
<b>Waste management</b>	<ul style="list-style-type: none"> <li>• The amount of bins presented to the street is satisfactory</li> <li>• There is sufficient space on the verge for these bins to be collected by Council's waste contractors</li> </ul>

A copy of the relevant referral responses are contained in **Attachment 4**.

## RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, Medium Density Policy Area 19 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

### 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.

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.

### Medium Density Policy Area 19 - Desired Character:

Allotments in this policy area will be at medium density, accommodating a range of dwelling types including semi-detached, row and group dwellings, as well as some residential flat buildings and some detached dwellings on small allotments. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones.

New buildings will contribute to a highly varied streetscape. Buildings will be up to 2 storeys, except for allotments fronting Brooker Terrace, Marion Road and Henley Beach Road, and overlooking the Westside Bikeway, where buildings will be up to 3 storeys in height and provide a strong presence to streets. Garages and carports will be located behind the front facade of buildings.

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

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

## QUANTITATIVE STANDARDS

The proposal is assessed for consistency with the quantitative 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 (within 400m of centre)</i>	Within 400m of centre zone Residential Flat Building 150m <sup>2</sup> (avg.)	211m <sup>2</sup> (avg.)  <b>Satisfies</b>
SITE FRONTAGE <i>Medium Density Policy Area 19</i> <i>PDC 5 (within 400m of centre)</i>	Residential Flat Building 15m (complete building)	18m  <b>Satisfies</b>
SITE COVERAGE <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	60% (max.)	44%  <b>Satisfies</b>
PRIMARY STREET SETBACK <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	3m (min.)	Majority of main face of dwelling achieves 3m at ground floor 2.3m to upper level  <b>Does Not Satisfy</b>
SIDE SETBACKS <i>Residential Zone</i> <i>PDC 11</i>	Side 0/1m	D1 = 0.9m D2 = 0m D3 = 0m D4 = 0m  <b>Satisfies</b>
REAR SETBACKS <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	Rear 6m (min.)	D1 = 0m D2 = 0.9m D3 = 0.9m D4 = 4m  <b>Does Not Satisfy</b>
BUILDING HEIGHT <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	2 storeys or 8.5m (all other locations)	2 storeys / 7m  <b>Satisfies</b>



INTERNAL FLOOR AREA <i>Residential Development</i> PDC 9	- 3+ Bedroom, 100m <sup>2</sup> (min.)	D1 = 143m <sup>2</sup> D2 = 156m <sup>2</sup> D3 = 156m <sup>2</sup> D4 = 132m <sup>2</sup>  <b>Satisfies</b>
LANDSCAPING <i>Landscaping, fences and walls</i> PDC 4	10% of site area (Min) = 85m <sup>2</sup>	86m <sup>2</sup>  <b>Satisfies</b>
PRIVATE OPEN SPACE <i>Residential Development</i> PDC 19	<300m <sup>2</sup> - 24m <sup>2</sup> (min.), of which 8m <sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m. -Minimum dimension 3m (excl. balconies). - 16m <sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room.	D1 28m <sup>2</sup> (total) 4m (min. dimension) 21m <sup>2</sup> (accessed from habitable room)  D2 + D3 24m <sup>2</sup> (total) 5m (min. dimension) 24m <sup>2</sup> (accessed from habitable room)  D4 30m <sup>2</sup> (total) 4m (min. dimension) 30m <sup>2</sup> (accessed from habitable room)  <b>Satisfies</b>
STORAGE <i>Residential Development</i> PDC 31	8m <sup>3</sup> (min.)	D1 = 8.7m <sup>3</sup> D2 = 8.4m <sup>3</sup> D3 = 8.4m <sup>3</sup> D4 = 8.3m <sup>3</sup>  <b>Satisfies</b>
CARPARKING SPACES <i>Transportation and Access</i> PDC 34	Group dwellings and Residential Flat Buildings - 2 car-parking spaces required, 1 of which is covered + an additional 0.25 spaces per dwelling  Demand = 9	8 spaces provided  <b>Does Not Satisfy</b>

## ASSESSMENT

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

### Desired Character & Pattern of Development

Some of the representations have called into question the appropriateness of the proposal due to the density proposed. Two of the representors have suggested it is appropriate to retain lower density development, for example replacing one dwelling with two. This concern is frequently raised when an area is evolving, i.e. increasing in density. The locality used to exhibit a pattern of development of single storey dwellings on large allotments this is now beginning to change with higher density developments such as row, group dwellings and residential flat buildings.

Whilst this concern is understood, it needs to be considered in light of the Desired Character of the Policy Area. As the name suggests, the Medium Density Policy Area 19 is seeking medium density development. Medium density is defined by the Development Plan as being a net density of 40-67 dwellings per hectare. The proposal has a net density of 47 dwellings per hectare, meaning it is at the lower end of the medium density range. The density is therefore considered to be appropriate and supported by the Desired Character as well as PDC 5 of the policy area.

In addition to the density, the Desired Character statement also specifically mentions residential flat buildings and encourages them when located close to Centre Zones. As previously mentioned, the site is within 400m of a Centre Zone. The suitability of residential flat buildings is reinforced by Principle of Development Control (PDC) 1 which also states that residential flat buildings are specifically envisaged in the policy area.

The proposal is therefore considered to satisfy these provisions.

### Built Form

The proposed building has a contemporary cubic design with a 5 roof and parapet walls. Whilst this is quite different to most other dwelling designs in the locality, there are no specific provisions that seek to retain the current or prevailing built form character. In fact it could be argued that by the mere fact of encouraging such densities and built form, consistency with the current built form would never be achieved. Unlike heritage conservation areas or even Low Density Policy Areas, the focus in the Medium Density Policy Area 19 is to increase dwelling densities over retaining a certain character.

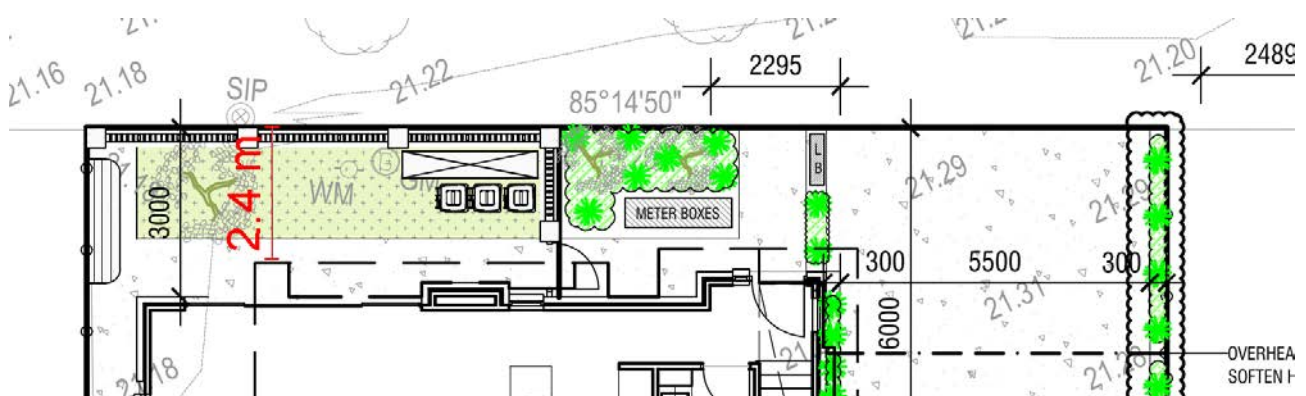
Furthermore, it is not considered feasible to achieve a medium density, whilst also remaining single storey, meeting minimum internal floor areas, providing adequate private open space, and onsite car parking amongst other matter. As previously mentioned the proposal is at the lower end of the medium density scale. The reduction of one dwelling would mean that the proposal would fall into the low density bracket.

In order to minimise the impact of bulk and scale on the neighbouring properties, the residential flat building has been designed so that the highest point of the roof is located adjacent the common driveway. The slope falls towards the western boundary, this results in a building height of 6m on this side.

The residential flat building incorporates a number of different materials to visually break the massing up. A mixture of face brick, rendered brick, Axon cladding, AAC cladding, Stria Cladding, aluminium and Colorbond © metal cladding has been used. The colour scheme chosen is high in contrast, offsetting dark colours like charcoal with lighter colours such as Surfmist (very light grey).

## Setbacks

The Medium Density Policy Area 19 calls for a minimum front setback of 3m. The proposal has elements of the design which penetrate this area and ultimately result in a front setback to the upper level of the building of 2.35m (see image below).



Whilst below the minimum, these protrusions are not significant and the upper level is cantilevered over the lower level of which the vast majority of the built form at ground level complies with the 3m setback. Removing these elements would result in a poor design outcome and lower streetscape amenity. The current design results in a well-articulated building that presents well to the street. There is potential for the whole building to be moved further back into the block, however this will bring it closer to neighbouring properties to the south and their private open space.

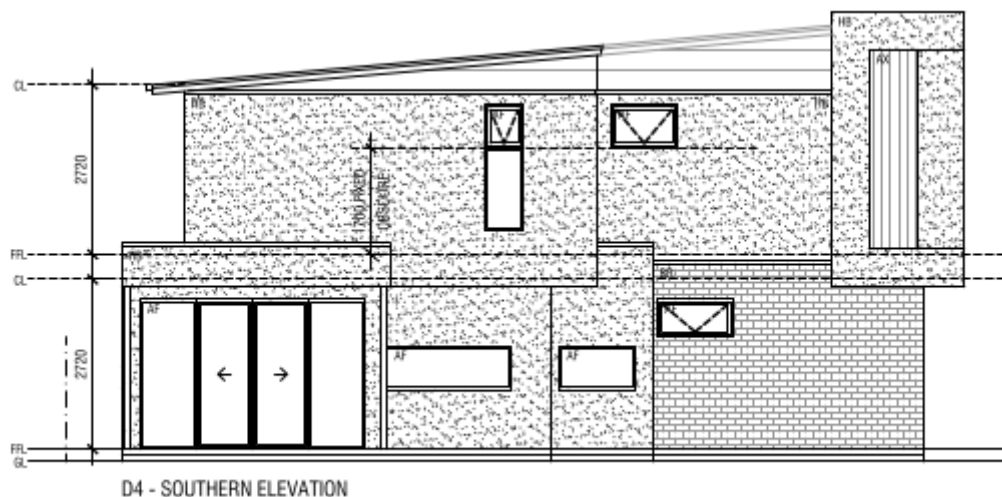
As is common with all residential flat buildings built perpendicular to the street, they do not satisfy the rear setback provision described in PDC 3 of the Medium Density Policy Area 19. This PDC calls for a minimum rear setback of 6m, and does not differentiate between the ground and upper levels.

The way that PDC 3 is worded also creates conflict with the way most residential flat buildings are developed. PDC 3 refers to "*dwelling*s" rather than buildings, which means that strictly speaking each of the dwellings within the residential flat building should provide a 6m rear setback. This simply is not achievable.

The Medium Density Policy Area 19 calls for a minimum width of site for development of a Residential Flat Building to be 15m. Once the 6m rear setback and 4m wide driveway is removed, 5m depth remains to accommodate the dwelling and associated site landscaping.

Due to these conflicts, the proposals inability to conform to the envisaged 6m rear setback is not considered fatal to the application. Putting aside the quantitative figure, it is considered that this provision is seeking to minimise issues such as bulk and scale and overshadowing.

The bulk and scale of the proposal has been minimised by integrating fenestration and articulation through use of differing materials into the design. At its closest point, the ground level is within 900mm of the boundary, whereas the upper level ranges between 2 and 3.35 metres to the same western (rear) boundary. The image below is of dwelling 4 which has the least setback difference between the ground and upper level.



This articulation is considered to satisfactorily ameliorate the potential bulk and scale issues related to the proposal not meeting the minimum rear setbacks. A representor has made comment about the how their windows will face a huge brick wall. This concern appears to be less about the setback than it is about the structure being two storey in nature. This is reinforced by their further comment about loss of sky view and sunlight. The representation stated their concerns would be overcome by the dwellings being single storey, however as highlighted in the desired character policy two storey development is envisaged in this policy area.

It is noted that had a dwelling been orientated towards the road, the upper level wall could be setback 2m from the same boundary. In terms of bulk and scale, there is no discernible difference between the side of a dwelling and the rear. Whilst there will be a visual impact to the adjoining neighbour, this impact needs to be considered in light of the Policy Area 19 specifically seeking this type of development at increased densities.

## Amenity

### Overlooking

The Development Plan expects that there will be some overlooking, however it seeks to minimise rather than eliminate it. In order to minimise it, direct views of neighbouring private open space and habitable room windows are to be avoided.

Representors have indicated that they feel that the proposal will impact on their amenity. The specific examples were the potential for overlooking in their front windows and also over shadowing of their property.

The first concern, overlooking into the front windows of the dwelling across the road, is not considered necessary to address. There is no discernible difference between the proposed new development and the ability for people in the current dwelling at 12 Broughton Ave to look across the road and into their front windows. Views would also be available by people using the public road network. There are currently no fences or other meaningful obstacles which currently obscure views into the front windows of 5 Broughton Ave as shown in the Streetview image below.



View of 5 Broughton Ave looking north

Source: Google Streetview

The dwelling at 5 Broughton Ave will be located approximately 25m from the proposed dwellings windows, and is also separated by a public road. This means that any views of these windows from the proposed development will be distance and not result in direct overlooking.

The Development Plan actively encourages casual surveillance of the public realm. PDC 2 of the Crime Prevention module states that buildings should be designed to overlook public and communal streets and public open space. It is considered that the current design is supported by this provision.

No other overlooking is expected to adjoining properties as all the upper level side and rear windows to the eastern, western (side) and southern (rear of building) elevations will be fitted with fixed obscure glazing up to a minimum height of 1.7m. The windows to the upper level of Dwelling 1 facing out to the street (northern elevation) will remain clear. A condition is proposed to reinforce these requirements should the Panel be minded to support the proposal.

#### Overshadowing

The representor at 14 Broughton Ave to the west has raised concern in relation to the potential overshadowing that the proposed two storey building will have over their property. Given the north/south orientation of the allotments, it is acknowledged that there will be some overshadowing in the morning, however from midday 14 Broughton Ave will receive full sunlight to its eastern garden and eastern facing habitable room windows.

PDC 12 of the Residential Development module of the Development Plan states that ground level private open space should be provided with a minimum of two hours of sunlight, between 9am and 3pm, during the winter solstice to half the lesser of half ground level private open space or 35m<sup>2</sup>. As the subject site and adjoining property are aligned in a north south direction, this will be achieved as both the side and rear yard of 14 Broughton Ave will have direct sunlight from at least midday onwards. The habitable room windows on 14 Broughton Avenue are setback at least 5m from the proposed residential flat building, this will provide in excess of the minimum 2 hours sunlight to the windows described by PDC 12.

## Landscaping

The Development Plan calls for a minimum of 10% of the site to be formed of landscaping. As indicated in the quantitative provision stated above, the proposal meets this minimum. The landscaping areas are formed of gardens beds around the periphery of the common driveway and in the yards of each of the dwellings. The majority of the garden bed along the eastern boundary is 500mm in width which is considered to provide enough space to plant meaningful vegetation. Trees have been shown to accommodate the garden beds in front of the stair wells of Dwelling 2 and 3, with more trees shown along the southern boundary and in the rear yards of each dwelling.

An arbor is proposed across the driveway to provide a structure for vines to grow up and across from the garden bed to the eastern facade of dwelling 1. The remaining landscaping is formed of the following species:

- Turf
- Capital Pear tree
- Silver bush
- Murraya
- Dwarf Nandina
- Oriental Pearl
- Dwarf Agapanthus and Flax Lily

PDC's 1, 2 & 3 of the Landscaping, fences and walls module of the Development Plan seeks landscaping to include the planting of drought tolerant species, which are orientated towards the street frontage and assist with climate control around buildings.

The amount, variety and positioning of the landscaping is considered to satisfy these provisions. The inclusion of trees within the landscape beds along the eastern side of the driveway, to the front of the site, outside the front of each dwelling and along a section of the southern boundary, will assist in reducing heat island effects and provide some degree of shading once mature.

## Parking and Access

The crossover, common driveway and vehicle manoeuvring have all been assessed as being satisfactory by Council Traffic Engineers. However, it is noted that the proposal is short one car park.

As highlighted in the quantitative provision section, each dwelling within a residential flat building should have 2.25 car parks, one of which is covered. Dwelling 1-3 have a double carport and dwelling 4 has a single garage. Adjacent to dwelling 4 is another carpark which is open to the sky. Without a land division it is not clear if this open carpark will belong to dwelling 4 or not, however based on its location, it is likely to be used by dwelling 4.

The lack of one visitor car park is not considered fatal to the application, this is because of the availability of two on-street car parks directly in front of the subject site, the proximity of the Centre Zone and short walking distance to South Road and the high frequency public transport network it provides. It should also be noted that the Westside Bikeway is located at the western end of Broughton Ave, providing another alternative method of transport.

## Waste Management

The application has been considered by Council's waste management team and the waste collection arrangements are considered to be satisfactory. There is sufficient capacity for each of the proposed dwellings to have their own set of bins and suitable space on the verge for bins to be presented for collection by Council's waste service.

The plans have provided indicative locations for the storage of these bins, which will be out of public view and not interfere with areas of private open space. This is in accordance with Objective 2 and PDC 30 of the Waste module which seeks to minimise impact to the environment, human health and the amenity.

### **Stormwater Management**

Council's Stormwater Engineers have reviewed the site works and drainage plan and are satisfied with the outcomes in relation to finished floor levels of the dwellings, and detention, retention and stormwater quality. These best practice engineering outcomes are aligned with many of the provisions in Natural Resources Management module of the Development Plan. These provisions seek the protection of natural ecosystems, maximise harvest and storage of stormwater and protection of water quality.

Each of the proposed dwellings will be connected to a 3000L rainwater tank which will be plumbed to every toilet and the cold water tap of the laundry. This should provide a high utilisation of the captured water.

### **SUMMARY**

The proposal to construct a two storey residential flat building containing four dwellings is the type of development expected and encouraged by the Medium Density Policy Area. Despite the shortfall of one on-street parking and deficient setbacks, it is considered to be suitable and will not be significantly detrimental to the amenity of the locality nor to adjoining properties.

The concerns raised by representors are not uncommon and reflect the tension often experienced when areas transition from traditionally low density to a higher density. It is considered that the design techniques adopted and recognition of the desired character sought by the policy area have satisfactorily addressed their concerns.

Having considered all the relevant provisions of the Development Plan, the proposal is not considered to be 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 12 July 2018 and warrants Development Plan Consent.

### **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. 211/334/2020 by 365 Studio Pty Ltd to undertake the construction of a two storey residential flat building containing 4 x dwellings, associated landscaping and a front masonry fence at 12 Broughton Avenue, Kurralt Park (CT5175/153) subject to the following conditions of consent:

#### **Development Plan Consent Conditions:**

The development shall be undertaken, completed and maintained in accordance with the following plans and information detailed in this application except where varied by any condition listed below:

- a) Site Plan by ThreeSixFive, Drawing no.19-11-023/PD 01, Revision no. G, Dated 07/09/2020.
- b) Ground Floor Plan by ThreeSixFive, Drawing no. 19-11-023/PD 02, Revision no. G, Dated 07/09/2020.

- c) Upper Floor Plan by ThreeSixFive, Drawing no. 19-11-023/PD 03, Revision no. G, Dated 07/09/2020.
- d) Ground Floor Plan by ThreeSixFive, Drawing no. 19-11-023/PD 04, Revision no. G, Dated 07/09/2020.
- e) Elevations by ThreeSixFive, Drawing no. 19-11-023/PD 05, Revision no. G, Dated 07/09/2020.
- f) Siteworks and Drainage Plan by Jack Adcock Consulting PTY.LTD Structural and Civil Engineering, drawing number 200270-C01, revision D, Dated 22/7/2020
- g) Turnpath Assessment by CIRQA, Project number 20250, Dated 07/09/2020

*Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.*

1. Prior to the occupation or use of the development, all the upper storey windows on the eastern, western and southern elevations of the dwellings shall be fitted with fixed obscure glass (not film coated) 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. The glazing in these windows shall be maintained in good condition at all times to the reasonable satisfaction of Council.

*Reason: To minimise the impact on privacy to residents of adjoining dwellings.*

2. The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.

*Reason: To provide amenity for the occupants of the development and those of adjacent properties.*

3. Prior to the occupation or use of the development, all driveways, parking and vehicle manoeuvring areas shall be constructed and surfaced with concrete, bitumen or paving, and shall be drained and maintained in a good condition at all times to the reasonable satisfaction of Council.

*Reason: To provide safe and convenient parking and manoeuvring areas for users of the development.*

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

*Reason: To ensure the ongoing use and safety of vehicle parking and manoeuvring areas.*

5. All stormwater management measures for a dwelling, including harvest tanks and supply mechanisms, must be installed and operation prior to occupancy of that dwelling.

*Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater.p16*



6. Rainwater tank plumbed to deliver recycled water to all toilets and laundry cold water outlet. (Can also be connected to Hot Water Service if desired).

*Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater.*

7. A minimum of 90 percent of the roof area of each dwelling must be plumbed to direct stormwater runoff to the rainwater tank for that dwelling.

*Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater.*

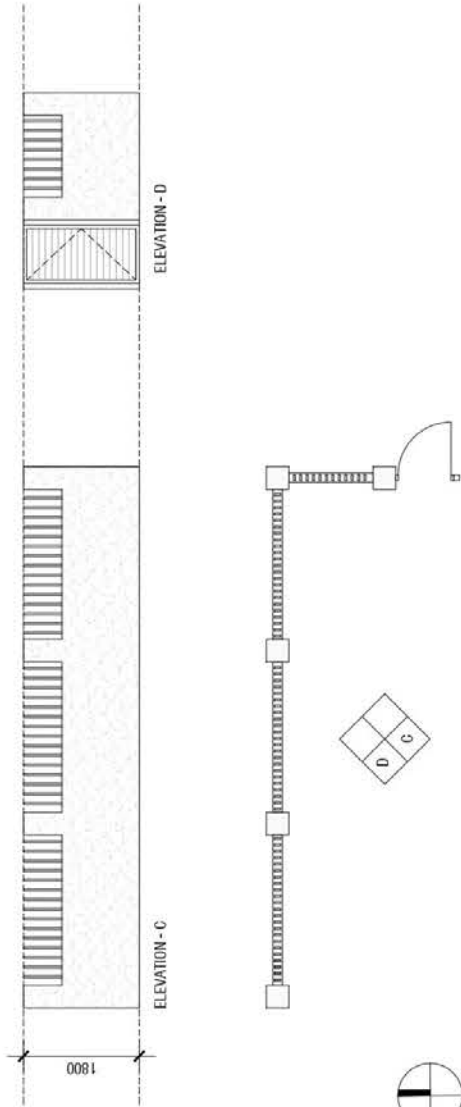
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## **Attachments**

1. **Additional Development Plan provisions**
2. **Plans and supporting documents**
3. **Representations and response from the Applicant**
4. **Referral responses**

<u>General Section</u>		
Crime Prevention	Objective	1
	Principles of Development Control	1, 2, 3, 7 & 10
Design and Appearance	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 & 23
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2, & 3
Landscaping, Fences and Walls	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4 & 6
Natural resources	Objectives	1, 2, 3, 5, 6, 7, 10, 12 & 13
	Principles of Development Control	1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 & 16
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 5 & 7
Residential Development	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30 & 31
Transportation and Access	Objective	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, 27, 28, 29, 30, 31 & 34
Waste	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4, 5, 7 & 8

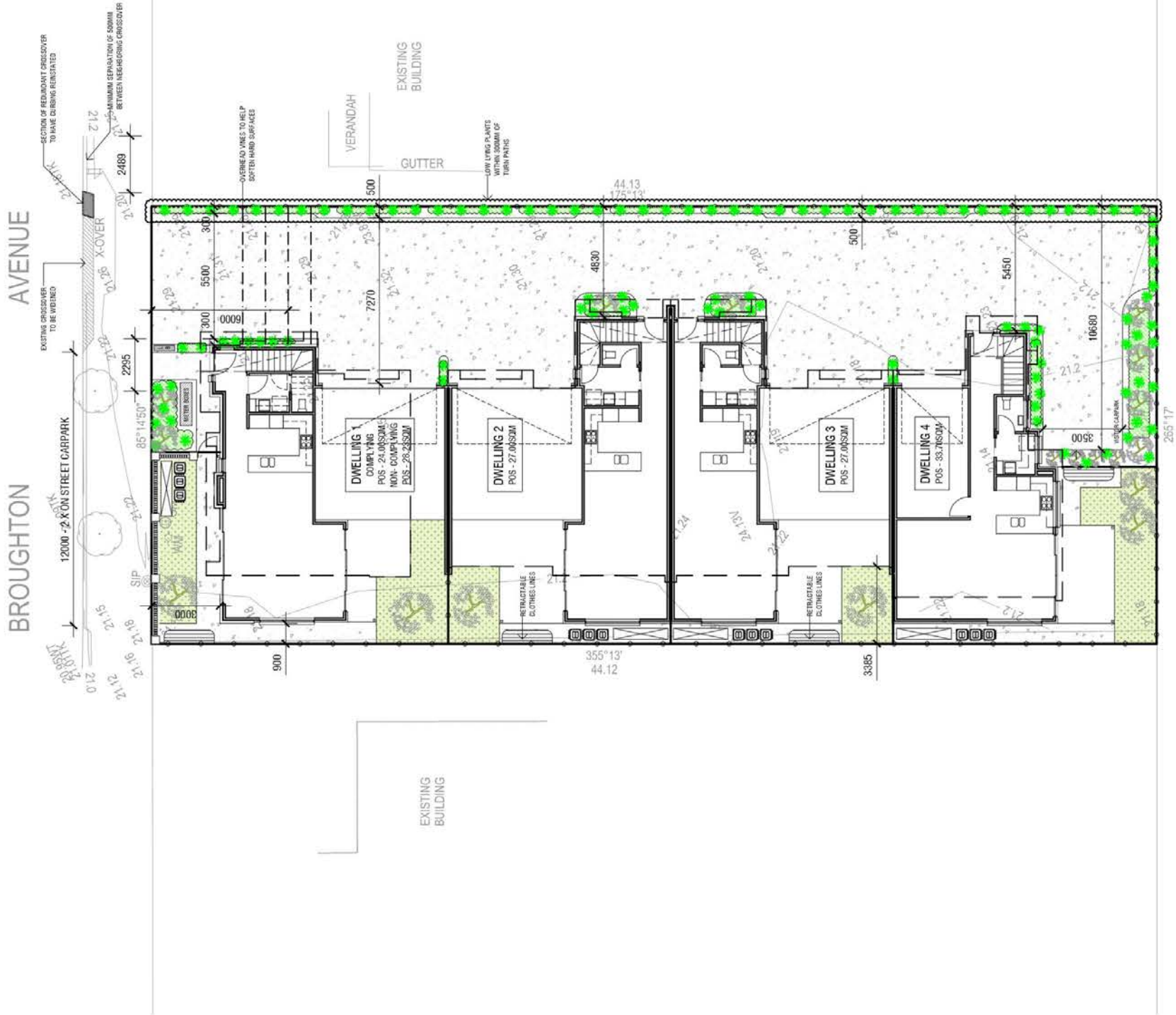
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FOR DISCUSSION PURPOSE ONLY



FRONT FENCE PLAN/ ELEVATION    SCALE 1:100

FENCING NOTE:  
FENCING AND RETAINING WALL TO NOT  
EXCEED 2.1m IN HEIGHT

LANDSCAPE LEGEND:			
	BACKYARD TREES PRUNUS CAPITAL		MASS PLANTING SPARGANGLIA SPARGANGLIA SPARGANGLIA
	FILLER PLANTS		LAWN
PLANT SCHEDULE:			
SYMBOL	BOTANICAL NAME	COMMON NAME	POT SIZE
<b>TREES</b>			
PC	PRUNUS CAPITAL	'CAPITAL PEAR'	2.4M TALL
<b>FILLER PLANTS</b>			
OC	CONVOLVULUS CHEIRIDUM	SILVER BUSH	200MM POTS
MP	MURRAYA PANICULATA	MURRAYA	250MM POTS
ND	NERANDA DOMESTICA NANA	ORIENTAL PEARL	200MM POTS
RP	RAPHANOPHYS	ORIENTAL PEARL	200MM POTS
<b>STRAPPY LEAF PLANTS</b>			
ACN	AGAPANTHUS	DWARF	150MM POTS
DBL	DANIELLA BLAZE	'BLAZE' FLAX LILLY	150MM POTS



PROPOSED SITE PLAN

SCALE 1:200

AREAS	
SITE AREA - MF	847.60
SITE COVERAGE - %	48.80

ISSUE	AMENDMENT	DATE
A-E	CONCEPT ISSUE	28.12.19
F	ROOF AMENDMENTS	31.08.20
G	SITE PLAN AMENDMENT	07.09.20

ThreesixFive  
DESIGN STUDIO

64 HALFAX ST  
ADELAIDE SA 5000 AUSTRALIA  
T +618 8231 5548  
ADMIN@365STUDIO.COM.AU  
WWW.365STUDIO.COM.AU

CLIENT: JOSEPH MILDREN & KRISTY SAUNDERS

PROJECT: PROPOSED DEVELOPMENT

ADDRESS: 12 BROUGHTON AVE, KURRALTA PARK

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ON SITE. DIMENSIONS OF EXISTING BUILDINGS AND  
DISCREPANCIES OF ISSUE ARE TO BE NOTIFIED TO 365 STUDIO  
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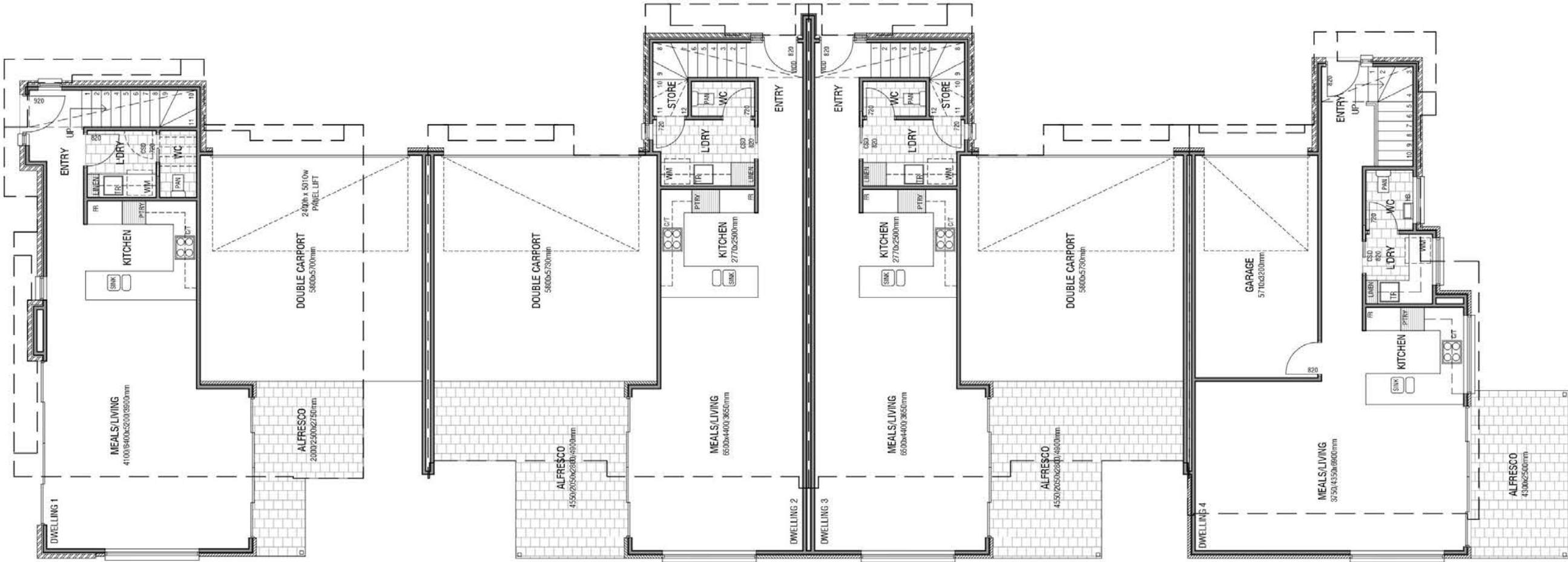
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AREAS (D1)		m <sup>2</sup>
LOWER LIVING		60.61
UPPER LIVING		83.31
DOUBLE CARPORT		32.13
PORCH		1.00
ALFRESCO		12.80
TOTAL		189.85

AREAS (D2-D3)		m <sup>2</sup>
LOWER LIVING		59.76
UPPER LIVING		96.90
DOUBLE CARPORT		33.45
PORCH		1.00
ALFRESCO		16.50
TOTAL		207.63

AREAS (D4)		m <sup>2</sup>
LOWER LIVING		58.85
UPPER LIVING		73.60
GARAGE		19.40
PORCH		1.00
ALFRESCO		13.60
TOTAL		166.45

ISSUE	AMENDMENT	DATE
A-E	CONCEPT ISSUE	28.12.19
F	ROOF AMENDMENTS	31.08.20
G	SITE PLAN AMENDMENT	07.09.20

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GROUND FLOOR PLAN SCALE 1:100



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AREAS (D1)		m <sup>2</sup>
LOWER LIVING		60.61
UPPER LIVING		83.31
DOUBLE GARPORT		32.13
PORCH		1.00
ALFRESCO		12.80
TOTAL		189.85

AREAS (D2-D3)		m <sup>2</sup>
LOWER LIVING		59.76
UPPER LIVING		96.90
DOUBLE GARPORT		33.45
PORCH		1.00
ALFRESCO		16.50
TOTAL		207.63

AREAS (D4)		m <sup>2</sup>
LOWER LIVING		56.85
UPPER LIVING		73.60
GARAGE		19.40
PORCH		1.00
ALFRESCO		13.60
TOTAL		166.45

ISSUE	AMENDMENT	DATE
A-E	CONCEPT ISSUE	28.12.19
F	ROOF AMENDMENTS	31.08.20
G	SITE PLAN AMENDMENT	07.09.20

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CLIENT:  
JOSEPH MILDREN & KRISTY SAUNDERS

PROJECT:  
PROPOSED DEVELOPMENT

ADDRESS:  
12 BROUGHTON AVE, KURRALTA PARK

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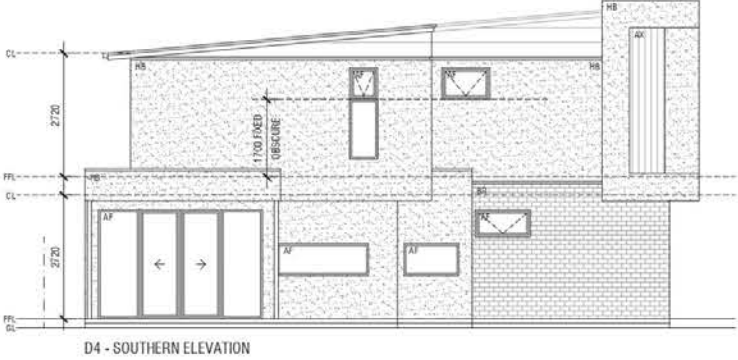
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PLANNING DRAWINGS

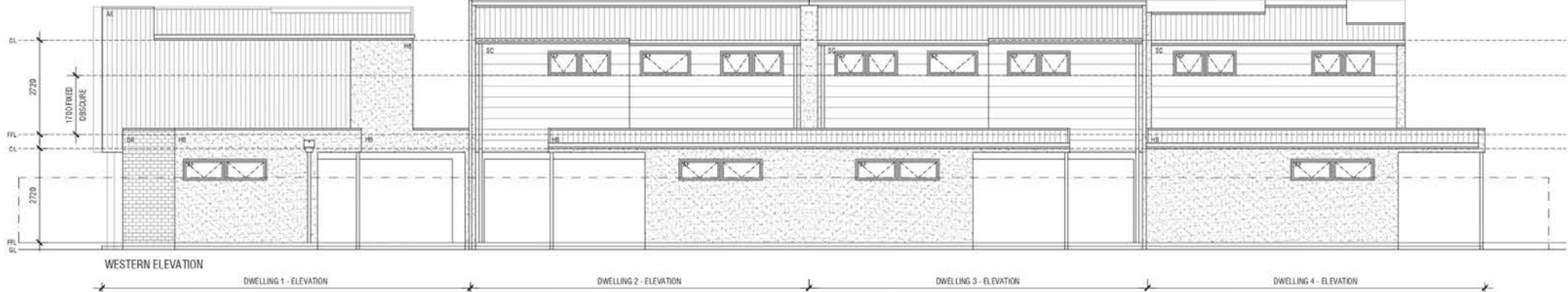
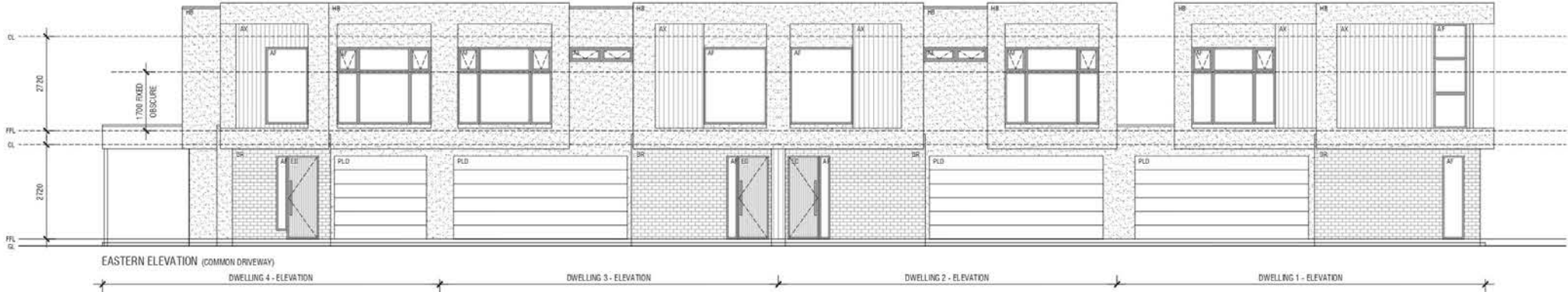


UPPER FLOOR PLAN SCALE 1:100

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FOR DISCUSSION PURPOSE ONLY



MATERIAL / COLOUR SCHEDULE:		
*SCHEDULE TO BE CONFIRMED BY CLIENT/BUILDER*		
AAC CLADDING	HB	AAC CLADDING DULUX - WHITE ON WHITE
STRIA CLAD	SC	JAMES HARDIE STRIA CLADDING DULUX - UNIFORMETABLE
BRICK	BR	AUSTAL BRICKS - URBAN ONE CHAR WITH BLACK MORTAR
AXON CLAD	AX	AXON CLADDING 133mm WIDE GASKOTH COLOUR - MONUMENT
STONE	STN	TRAVERTINE FRENCH PATTERN ALMOND BLEND
DOORS & WINDOWS	AF	BLACK ALUMINUM FRAMES
ENTRY DOOR	ED	CORNTHIAN - SHIP LAP WESTERN RED CEDAR
PANEL-LIFT DOOR	PLD	2710/1010mm WIDE STEEL-LINE GARAGE DOOR SECTIONAL - FLATLINE COLORBOND - SURFMIST
ROOF/FASCIA	RF	COLORBOND - MONUMENT
GUTTER	GT	REPLICATION ROOFING COLORBOND - EVENING HAZE
CAPPING	CP	COLORBOND - SURFMIST



WINDOW OPENINGS NOTES:  
FIRST FLOOR OPENING - ALL BEDROOM  
WINDOWS OPENINGS BELOW 1700mm APL  
TO FIRST FLOOR TO BE RESTRICTED AND  
HAVE A MAXIMUM OPENING OF NO MORE  
THAN 125MM.

ISSUE	AMENDMENT	DATE
A/E	CONCEPT PHASE	28.12.19
F	ROOF AMENDMENTS	21.08.20
S	D/E PLAN AMENDMENT	07.09.20

ThreeSixFive  
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CLIENT:  
JOSEPH MILDREN & KRISTY SAUNDERS

PROJECT:  
PROPOSED DEVELOPMENT

ADDRESS:  
12 BROUGHTON AVE, KURRALTA PARK

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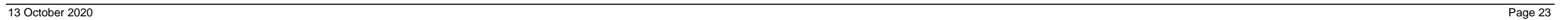
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JOB NUMBER:  
19-11-023/PD 04

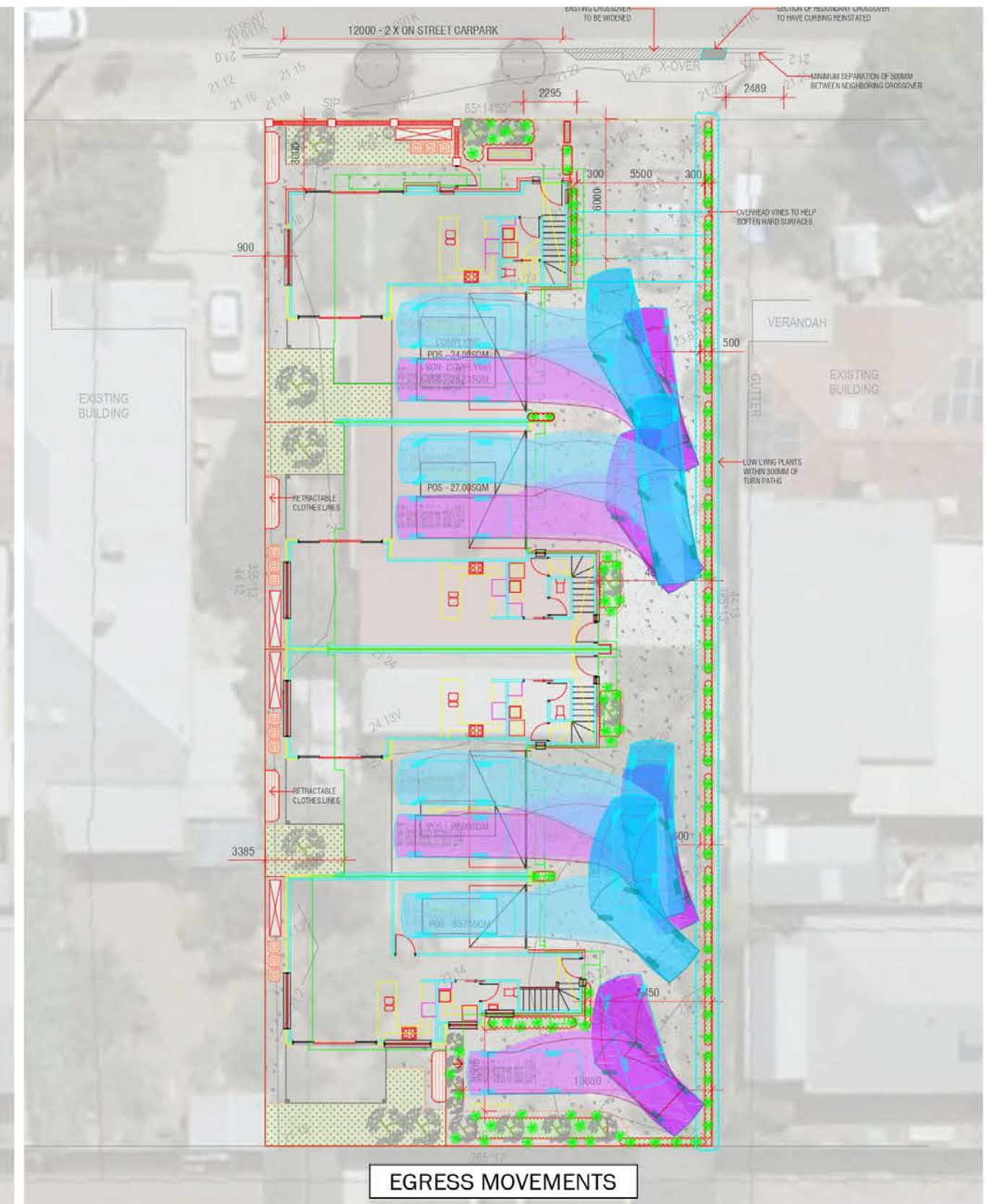
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ELEVATIONS  
SCALE 1:100









DRAWING AMENDMENTS				
VER	DATE	DESCRIPTION	DWN	CHK
A	07/09/2020	DESIGN REVIEW	JJB	TAW
B	07/09/2020	FOR SUBMISSION	JJB	TAW



## PROPOSED RESIDENTIAL DEVELOPMENT

12 BROUGHTON AVENUE, KURRALTA PARK  
TURN PATH ASSESSMENT

PROJECT # 20250 SHEET # 01\_SH01



3 pages inclusive

1/3

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

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

DEVELOPMENT No. 211/334/2020  
 PROPERTY ADDRESS: 12 Broughton Avenue, KURRALTA PARK SA 5037

YOUR FULL NAME	Andrew Young
YOUR ADDRESS	9 Broughton Ave Kurralta Park
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	Across Road <small>(eg. Adjoining resident, owner of land in the vicinity etc.)</small>
REASON/S FOR REPRESENTATION	<ul style="list-style-type: none"> <li>- Setback- less than 5.0m - Not interspersed</li> <li>- Private open space</li> <li>- Too much concrete. Overhead vines will not be maintained and die / will take many many years to grow.</li> <li>- Visitors car parking</li> <li>- Turning area into garages too small - single car use only</li> </ul>
MY REPRESENTATIONS WOULD BE OVERCOME BY <small>(state action sought)</small>	Limit to 2 units. This is fitting to street scape. This will reduce many factors

cont.  
 ↓

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

7/8/20 *Ag 4/8*

Responsible Officer: Jordan Leverington  
 Ends: Tuesday 11 August 2020

→ 'Box like' construction design not in keeping with existing street scape.

- with artificial grass in use - whole site is considered stormwater run off into street. Presuming 800m<sup>2</sup> is runoff every 1mm of rain is 800 litres of water into stormwater system.

NOTE - Stormwater systems are backing up now with extra discharges to street.



This fact sheet reflects changes to the Development Plan, 25 June 2015, as a result of the Housing Diversity Plan Amendment.



## Policy Area 19: Residential Zone - Medium Density

This zone includes mainly residential development with 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 varying densities to provide for a diversity of housing options. The range of allotment sizes will support the desired dwelling types envisaged in each policy area.

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

### Desired Character

In Residential Policy Area 19, allotments will be at medium density, accommodating a range of dwelling types including:

- semi-detached dwellings
- row and group dwellings
- detached dwellings on small allotments
- some residential flat buildings.

There will be a denser allotment pattern close to Centre Zones.

Buildings will generally be up to 2 storeys. Along Brooker Terrace, Marion Road, Henley Beach Road and overlooking the Westside Bikeway, buildings will be up to three 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 public and private spaces and to reduce heat loads in summer.



### Other Relevant Policy

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

Within 400 metres of a Centre Zone the site area and frontage shown in Table B applies.

**Table A - applies to development when located 400m or more from a Centre Zone.**

Dwelling type	Site area (m <sup>2</sup> )	Minimum frontage (m)
Detached	270 minimum	9
Semi-detached	270 minimum	9
Group dwelling	270 minimum	9
Residential flat building	270 average	15 (for complete building)
Row dwelling	270 minimum	9

**Table B - applies when located within 400m of an eligible Centre Zone (refer to map overleaf for locations).**

Dwelling type	Site area (m <sup>2</sup> )	Minimum frontage (m)
Detached	250 minimum	9
Semi-detached	200 minimum	9
Group dwelling	170 minimum	9
Residential flat building	150 average	15 (for complete building)
Row dwelling	150 minimum	5
Affordable housing*	130 - 250	Not stated

### All dwelling types

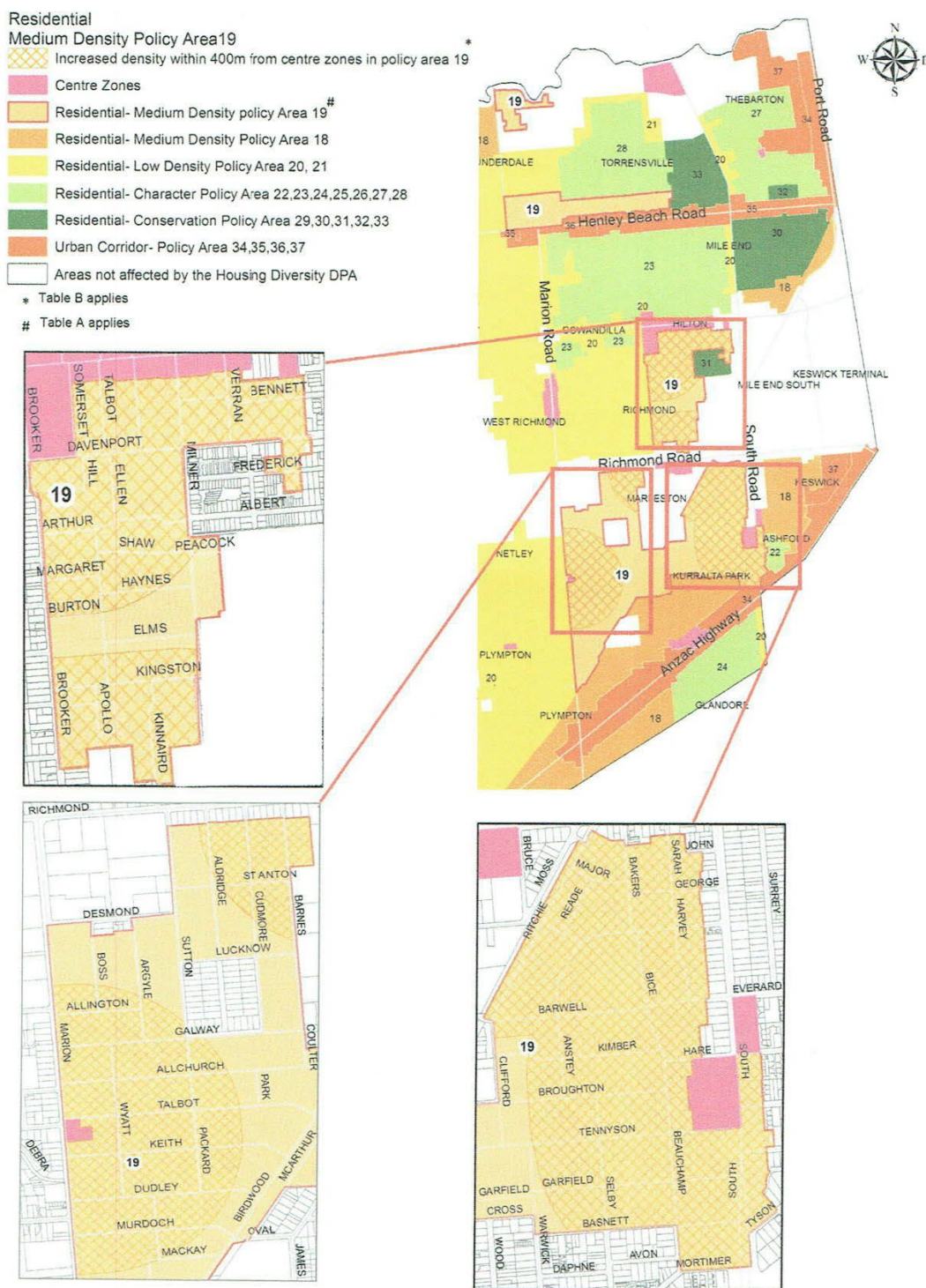
Minimum setback from front boundary	3 metres
Maximum site coverage	60 per cent

Applications for land division allotments < 270m<sup>2</sup> must be a combined application for land division and dwellings, or follows an approval for dwellings on the site.

\*Please note: affordable housing is defined by the South Australian Housing Trust Regulations 2010.



3/3



The above information is advisory and provided as a guide to give you a general understanding of the key issues that apply in the relevant policy area. For full details of policy that affects proposed development you should consult the Development Plan as the statutory document. This can be found via Council's website, or visit the Civic Centre during business hours.

#### Public notification

As a result of changes to the Development Plan neighbours will no longer be notified when an application for a dwelling up to two storeys in height is proposed in this policy area. The change in process was decided by the Minister for Planning.

#### Further information

If you have any queries regarding the information on this fact sheet, telephone 8416 6333.

City of West Torrens

12 AUG 2020

City Development

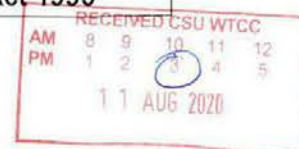
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11 AUG 2020

# STATEMENT OF REPRESENTATION

## Pursuant to Section 38 of the Development Act 1993

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



DEVELOPMENT No. 211/334/2020  
PROPERTY ADDRESS: 12 Broughton Avenue, KURRALTA PARK SA 5037

YOUR FULL NAME	JUDITH ALEATHEA VINCENT
YOUR ADDRESS	14 BROUGHTON AVENUE KURRALTA PARK SA 5037
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	(eg. Adjoining resident, owner of land in the vicinity etc.)
REASON/S FOR REPRESENTATION	<p>① I HAVE THE TORRENS TITLE HOME NEXT DOOR - ALL THE WINDOWS WILL FACE A THICK BRICK WALL</p> <p>② WILL LOSE SUNLIGHT &amp; SKY VIEW PARKING IS A PROBLEM EVEN NOW PLEASE RECONSIDER</p>
MY REPRESENTATIONS WOULD BE OVERCOME BY (state action sought)	<p>③ SINGLE STORY "HOUSES" SUCH AS AT NUMBER 10. TO KEEP OUR STREET DESIGN</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)

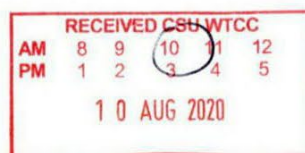
SIGNED  
DATE

*[Signature]*  
10/8/2020

Responsible Officer: Jordan Leverington  
Ends: Tuesday 11 August 2020

If space insufficient, please attach sheets



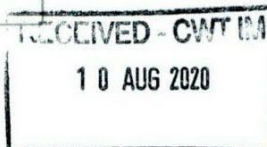


KS

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

TO

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



DEVELOPMENT No. 211/334/2020  
PROPERTY ADDRESS: 12 Broughton Avenue, KURRALTA PARK SA 5037

YOUR FULL NAME	LUCY TERESA MRSTICA
YOUR ADDRESS	4 BYRON AVE CLOVELLY PARK SA 5042
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	Property owner opposite @ 5 Broughton Ave (eg. Adjoining resident, owner of land in the vicinity etc.)
<b>REASON/S FOR REPRESENTATION</b> 1) Proposed dwelling will overlook front 2 bedrooms of my property. 2) Multiple dwellings with increase car congestion and traffic on Broughton Ave. 3) Most houses on the street are single storey and double storey buildings change the atmosphere of the street.	
<b>MY REPRESENTATIONS WOULD BE OVERCOME BY</b> (state action sought) 1) Single storey dwelling 2) Reduce number of properties to only 2.	

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

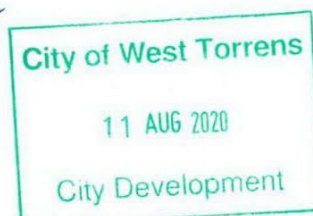
I DESIRE TO BE REPRESENTED BY \_\_\_\_\_

(PLEASE SPECIFY)

☒  
☐  
☐

SIGNED  
DATE

*L. Mrstica*  
8/8/2020



Responsible Officer: Jordan Leverington  
Ends: Tuesday 11 August 2020

If space insufficient, please attach sheets



31 August 2020

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

Dear Jordan,

**RE: 12 Broughton Avenue, Kurralta Park - 211/0334/2020**

Reference is made to the representations provided in relation to the proposed development at 12 Broughton Avenue, Kurralta Park. Council has provided a copy of the following representations;

1. Lucy Teresa Mrstica  
4 Byron Avenue, Clovelly Park
2. Judith Aleathea Vincent  
14 Broughton Avenue, Kurralta Park
3. Andrew Young  
9 Broughton Avenue, Kurralta Park

The concerns raised by the representors relate to overlooking, traffic and parking, two storey nature of proposal, built form, loss of natural light, front setback, private open space and site coverage.

A response to these concerns is provided below.

### **Overlooking**

Ms Mrstica has raised a concern relating to overlooking. Ms Mrstica is located in the dwelling opposite the subject land and is concerned of overlooking into the front rooms of her dwelling.

It is noted that the Development Plan seeks obscure glazing to upper level windows on dwellings of two or three storeys in height. It is generally only required and requested on side or rear elevations that are not street facing for the following reasons;

- There is often only opportunity to see into neighbouring properties rear yards from upper levels on the side or rear of the dwelling;
- The separation distance between the upper level of street facing dwellings and those on the other side of the street is often greater than 15 metres. As such the level of overlooking is not considered inappropriate due to the separation distance;
- Windows of any street facing dwelling can be viewed by passersby at street level; and
- It is desirable to have street facing windows clear to provide casual surveillance to the public realm.





In accordance with PDC 27 of the General Section, Residential Development the proposal provides upper level windows with fixed obscure glazing to a height of 1.7 metres from the upper floor level.

**Principle 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.**

Based on the above, the concern relating to overlooking is considered to be appropriately addressed.

### Traffic and parking

Concerns have been raised with increased traffic, car parking and maneuvering.

It is not anticipated that the number of dwellings proposed will have a significant increase in the number of vehicle movements within the street per day. The zoning allows for medium density development and during the rezoning of the area Council would have undertaken traffic studies and determined that the streets within the local area could accommodate an increase in the number of dwellings.

A traffic consultant has been engaged to ensure that adequate on site maneuvering is achieved. The swept paths are available demonstrating suitable clearance from structures and boundaries to achieve the required number of vehicle maneuvers for entering and existing the properties.

It is acknowledged that the proposed development has a shortfall of 1 designated vehicle car parking space on site. *Table WeTo/2 - Off street car parking requirements*, provides a table recommending that residential flat buildings provide 2 car parking spaces, 1 which is covered and an additional 0.25 visitor spaces per dwelling.

Form of development	Number of Required Car Parking Spaces
<b>Accommodation</b>	
Dwelling	For detached, semi detached, row dwelling and multiple dwellings to provide:
▪ detached	2 car parking spaces per dwelling, one of which is covered.
▪ semi-detached	
▪ row	
▪ multiple	For group dwelling and residential flat building to provide:
▪ group	2 car parking spaces per dwelling, one of which is covered
▪ within a residential flat building	+ an additional 0.25 car parking spaces per dwelling.

Residences 1-3 provide the required 2 car parks per dwelling whilst residence 4 only provides a single (covered) car parking space. The development provides the required 0.25 visitor spaces per dwelling but overall is one car parking space short.

Whilst the development does not strictly comply with Table WeTo/2, the shortfall in carparking is offset by the fact two on street car parking spaces directly in front of the subject land and further in accordance with PDC 7 of the General Section, Land Division does not create multiple access points to Broughton Road and does not result in the loss of any street trees.

**Principle 7**

**Allotments in the form of a battleaxe configuration should;...**

- (d) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape (for example through the loss of mature street trees, on-street parking or pedestrian safety).**

**Two Storey Development and Built Form**

Both Ms Mrstica and Ms Vincent have suggested a development containing single storey dwellings would be more appropriate with Ms Mrstica suggesting the two storey development will 'change the atmosphere of the street'. It is noted that, the subject land is sited within the City of West Torrens' Residential Zone, Medium Density Policy Area 19. The desired character of the Policy Area seeks a range of dwelling types including residential flat buildings at a medium density. The desired character also states that two storey dwellings are an appropriate form of development. In fact, the zone even contemplates 3 storey development in suitable locations. The following extract is from the desired character statement;

***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.***

It is considered that the proposed two storey nature of the built form is in accordance with the desired character of the zone.

Further to the above, the design of the dwellings has had consideration of the neighbouring properties. In particular the roof design is such that the roof rakes down to the lowest point being the elevation adjacent the western boundary (closest to the neighbours). The higher side of the skillion roof is adjacent the common driveway. By designing the roof in this manner provides the least impact on the neighbouring properties in terms of visual bulk and scale. The applicant has made some changes in relation to the roof form, particularly to residence 4. The removal of the parapet to the southern side of the dwelling will help to reduce the bulk and scale when viewed from the adjoining property to the south.

**Loss of Natural Light**

Ms Vincent has raised a concern in relation to loss of light and view to the sky. It is noted that Ms Vincents dwelling is sited approximately 3m from the common boundary between her property and the subject land. It should be noted that no buildings or structures from the proposed development are sited on the property boundary between the subject land and her property. Furthermore, the upper levels of residences 1, 2 & 3 are sited 3 metres from the property boundary whilst residence 4 is slightly closer with a setback of 2 metres.

The separation between the buildings will not result in an unreasonable level of loss of light nor overshadowing due to the orientation of the land. It is worth noting that a Complying two storey dwelling (where the combined lower and upper level wall heights did not exceed 6 metres) could have an upper level setback of 1.9 metres for a significant length of the property and be considered a Complying development pursuant to Schedule 4 of the Development Regulations 2008.

I am of the opinion that there is suitable separation between the proposed development and the neighbouring property at 14 Broughton Avenue.





### Front Setback

As highlighted earlier, the subject land is located in the Residential Zone, Medium Density Policy Area 19. PDC 3 of the Zone Section, Residential Zone, Medium Density Policy Area 19 provides a table that outlines relevant guidelines with respect to front, side and rear setback, site coverage and building height.

It is noted that within the table a minimum 3 metre setback is specified for the zone.

It is noted that a 3 metre setback is achieved at ground level for the most part with exception to the entrance which protrudes to 2.5 metres. The upper level portion directly above the entrance protrudes slightly further with setback of 2.1 metres from the front boundary. The portion of the upper level that extends beyond the windows of the upper level master bedroom and bathroom is limited to a boxed out frame that extends around these rooms to create added visual interest in the design.

It is considered that whilst PDC 3 of the Development Plan is not strictly met the varied setbacks of elements of dwelling 1 provide a visually interesting built form. Further, the deficiency in setback is sited central to the site and as such will not have a detrimental impact on the neighbouring properties.

### Private Open Space

Mr Young raised a concern with the extent of private open space provided for each dwelling. It is noted that each dwelling provides more than the minimum required private open space area as set out in PDC 19 of the General Section, Residential Development. Each dwelling provides for a minimum of 24 square metres exclusive of bin storage, clothes lines and rainwater tanks.

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

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

### Site Coverage

Mr Young has raised a concern regarding the extent of hard surfaces and the impact the proposal will have on the existing stormwater system. The plans have been updated so as to include real landscaped turf as opposed to artificial turf. Furthermore, increased landscaping has been introduced forward of residence 1 and in the rear of residences 2, 3 and 4.

PDC 3 of the Zone Section, Residential Zone, Medium Density Policy Area 19 seeks no more than 60% site coverage.

The site coverage is calculated to be approximately 50% and such complies with PDC 3 of the Development Plan.



### **Conclusion**

Overall, it is considered that the proposed Development satisfies the relevant sections of the Development Plan and warrants approval from Council. The proposal is consistent with the Desired Character of the Zone as well as other relevant qualitative and quantitative criteria of the Development Plan.

I trust that the above information will satisfy your request for a response to the representations and that application will be presented to the next available Council Assessment Panel meeting. Should you require any additional information, please contact me on 0431 155 785.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Falconer", is positioned above the printed name.

**Matthew Falconer**

Bachelor of Urban and Regional Planning

## Preliminary Traffic, Flooding & Stormwater Assessment

**Development Application No:** 211/334/2020

**Assessing Officer:** Jordan Leverington  
**Site Address:** 12 Broughton Avenue, KURRALTA PARK SA 5037  
**Certificate of Title:** CT-5175/153  
**Description of Development:** Construction of a two storey residential flat building containing 4 x dwellings and a front masonry fence

### 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 - Jordan Leverington**      **DATE**      **28 July, 2020**



## Memo

To Jordan Leverington  
From Richard Tan  
Date 28-Jul-2020  
Subject 211/334/2020, 12 Broughton Avenue, KURRALTA PARK SA 5037

Jordan Leverington,

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

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

- 1.1** Portions of the development are located within the 'up to 100mm' area of flood effect from Keswick and Brown Hill Creek flood plain mapping as nominated in Council's Development Plan.

In accordance with the provided 'Site and Drainage Plan' (JAC, Ref: 200270-C01-01/01-A, dated 04/2020) the FFLs of the proposed development (21.60 minimum) have been assessed as satisfying minimum requirements (21.55 minimum) in consideration of street and/or flood level information.

### **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. 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 desired 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 kerb line, except for driveway separation which will be measured from property boundary). An absolute minimum offset of 0.5m from new crossovers



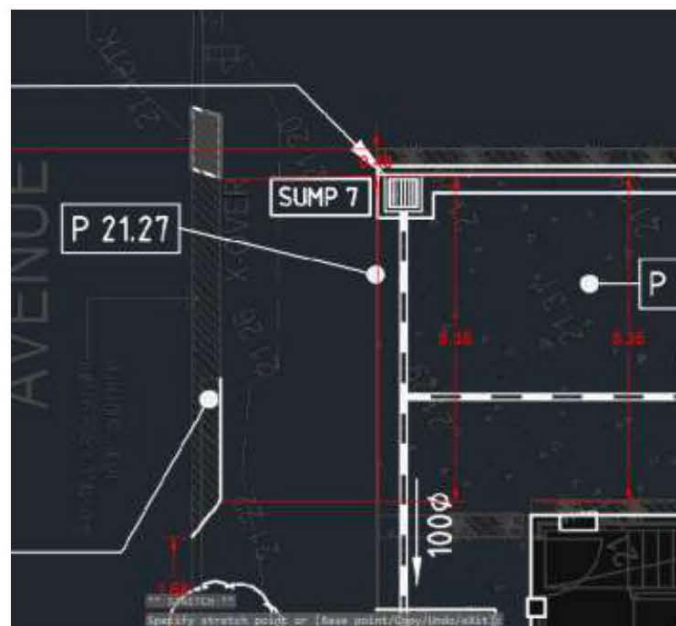


and stormwater connections to other existing road verge elements is acceptable in cases where space is limited.

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).

**2.1.1** Proposed stormwater connection has been assessed as satisfying minimum requirements.

**2.1.2** Proposed crossover is 0.45m offset from property boundary, which is less than the required offset requirements.



I noted that sump 7 is within the crossover/driveway area. It should be noted that this configuration will cause vehicle driving over the sump and it is unclear if the sump has been designed accordingly.

**It is recommended that revised plans indicating satisfaction to the above requirements should be provided to Council. It is also recommended that the applicant should confirm that the sump has been designed to withstand the extra loading from the traffic (ie: trafficable lid/pit)**



**2.1.3** No further assessment provided. Item still considered outstanding.

The offset distance between proposed crossover and existing street tree is less than 2.0m.

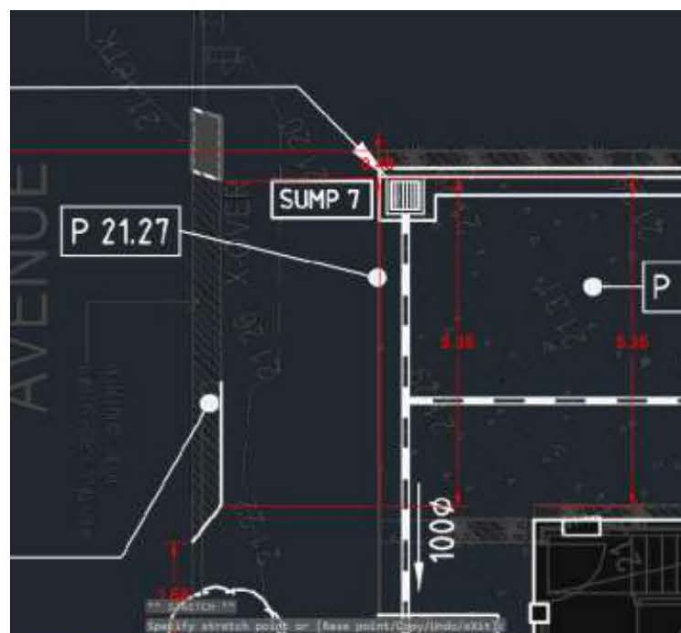
**It is recommended that further assessment from Council's Arboriculture team is required.**

**2.2** The redundant kerb has been indicated to be reinstated on revised plans.

**Note: There is an existing neighbouring stormwater connection at the property eastern boundary (where the kerb reinstatement occurs.) It should be noted that any damage to the stormwater connection should be at applicant's expenses.**

### **3.0 Traffic Requirements**

**3.1** The proposed driveway has been assessed as satisfying minimum requirements. It should be ensured that the plans submitted appropriately show the internal transition and recommend the planner condition or control in a manner to make this internal driveway shaping enforceable





- 3.2** It is also 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 metres or similar.

The meter boxes and letter boxes are outside the common driveway area

**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."**

- 3.3** The garage dimension for Residence 1 - 3 as indicated in 'Ground Floor Plan' (TSF, Ref: 19-11-023/PD02-D, dated 10/09/20 (Note: it is highly likely that the date is incorrect, however this is the date recorded on the plan)) have been assessed as satisfying minimum requirements.

- 3.4** No further assessment provided. Item still considered outstanding.

The internal length for Garage 4 is currently proposed as 5.71m. Although not specified in the relevant Australian Standards (AS/NZS 2890.1:2004), 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. In addition, the minimum internal width for a single and double garage system is 3.0m and 5.4m respectively.

**It is recommended that revised plans be submitted, showing garage internal dimensions are stated above.**

- 3.5** No further assessment provided. Item still considered outstanding.

Each dwelling must be provided with two parking spaces, at least one of which is covered and the other preferably openly accessible for visitor use. Dwelling 4 has only provided 1 covered car park space.

**It is recommended that revised plans satisfying the above requirement be provided to Council.**

- 3.6** Traffic manoeuvrability has been assessed as acceptable in accordance with the site layout shown in 'Proposed Site Plan' (TSF, Ref: 19-11-023/PD010C, dated 30/02/20)



#### **4.0 Waste Management**

- 4.1 The public kerbside space available for bin presentation has been assessed as satisfying minimum requirement.

#### **5.0 Stormwater**

- 5.1 Provided information, 'Site and Drainage Plan' (JAC, Ref: 200270-C01-01/01-A, dated 04/2020) would indicated that the applicant has chosen to adopt the 'Alternate' approach for desired stormwater management for this site.

This approach providing a good consideration of stormwater detention, stormwater volume reduction, stormwater quality improvement and stormwater re-use within each dwelling.

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

- **All stormwater management measures for a dwelling, including harvest tanks and supply mechanisms, must be installed and operation prior to occupancy of that dwelling.**
- **Rainwater tank plumbed to deliver recycled water to all toilets and laundry cold water outlet. (Can also be connected to Hot Water Service if desired).**
- **A minimum of 90 percent of the roof area of each dwelling must be plumbed to direct stormwater runoff to the rainwater tank for that dwelling.**

Regards  
Richard Tan  
Civil Engineer





## Waste Management Assessment

**Development Application No:** 211/334/2020

**Assessing Officer:** Jordan Leverington

**Site Address:** 12 Broughton Avenue, KURRALTA PARK SA 5037

**Certificate of Title:** CT-5175/153

**Description of Development** Construction of a residential flat building containing 4 x dwellings and a front fence

### TO TEAM LEADER WASTE MANAGEMENT - REGULATORY SERVICES

Please provide your comments in relation to:

- ☐ Any aspect that you feel needs further attention or detail

.....  
.....



## Memo

To Jordan Leverington  
From Nick Teoh  
Date 22-May-2020  
Subject 211/334/2020 12 Broughton Avenue, KURRALTA PARK SA 5037

Dear Jordan Leverington

The following Waste Management comments are provided with regards to the assessment of the above develop application:

### **Waste Management**

This development is considered suitable for a standard Council waste service.

Kind regards

**Nick Teoh**  
**Team Leader Waste Management**

## 6.2 7-21 Lipsett Terrace, BROOKLYN PARK

Application No 211/704/2020

### DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Installation of freestanding double sided pylon sign (Non-Complying)
APPLICANT	Haynes Signs Pty Ltd
APPLICATION NUMBER	211/704/2020
LODGEMENT DATE	11 August 2020
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Non-Complying
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> <li>Nil</li> </ul> External <ul style="list-style-type: none"> <li>Nil</li> </ul>
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
DELEGATION	<ul style="list-style-type: none"> <li>The relevant application proposes a non-complying form of development and the application is to be determined after a full merit assessment against the Development Plan, except <b>where</b> the relevant development application proposes a change of use to office in a Commercial Zone.</li> </ul>
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Brendan Fewster

### SUBJECT LAND AND LOCALITY

The subject land consists of 16 contiguous allotments commonly known as 7-21 Lipsett Terrace, Brooklyn Park. The subject land is formally described Allotment 120-126 and 140-147 in Deposited Plan 1127 in the area named Brooklyn Park, Hundred of Adelaide, Volume 5838 Folio 594.

The subject land is a regular shape with a combined frontage of approximately 150 metres to Lipsett Terrace and a total site area of approximately 18,800 square metres (m<sup>2</sup>).

It is noted that there are no easements, encumbrances or Land Management Agreements on the Certificate of Title.

The site is occupied by the St John Bosco School, which comprises several school and church buildings, a kindergarten, play spaces, grassed ovals and a car park. There are no Regulated Trees on the site, and while there appears to be a Regulated Tree on the property adjacent to the kindergarten to the west, this tree would not be affected by the proposed development.

The locality comprises an established residential area that surrounds the school grounds. Emmaus Christian College is only 50 metres to the west along Lipsett Terrace. Existing residential development includes detached dwellings with some group dwellings and residential flat buildings of up to two storeys in height. The original allotment pattern has been fragmented as a result of infill development.

The amenity of the locality is relatively high due to the quality of the surrounding housing stock and the spacious and well-kept school grounds and the tree plantings along the street verge.

The subject land and locality are shown on the aerial imagery below.



## RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/328/18	Construction of a verandah	Approved	10 May 2018
211/514/15	Refurbishment of existing school buildings and new verandahs	Approved	5 November 2015
211/1351/13	Change of use from kindergarten to community centre	Approved	7 February 2014
211/120/13	Remove one significant tree and one regulated tree	Approved	20 February 2013
211/923/12	Remove one regulated tree	Approved	11 December 2012
211/563/12	Construction of three classrooms and staff amenities	Approved	24 September 2012

## PROPOSAL

The application is seeking the installation of one freestanding double sided pylon sign adjacent to the main school entrance on Lipsett Terrace.

The proposed sign measures 2.6 metres in height and has an advertisement area of 3.12m<sup>2</sup> on each side. The sign comprises steel frame construction with no internal or external illumination. The sign will be setback at least one metre from the Lipsett Terrace boundary.

The sign will display the name, logo and contact details for the St John Bosco School.

The relevant plans and documents are contained in **Attachment 2**.

## NON-COMPLYING

The application is a non-complying form of development due to advertisements and advertising hoardings being listed as non-complying development in the Procedural Matters section of the Residential Zone in the Development Plan.

The applicant has not provided a Statement of Effect and is not required to do so pursuant to Regulation 17 clause (6) of the *Development Regulations 2008*. A brief statement of support is however included in Attachment 2.

Should the CAP resolve to approve the application, the concurrence of the State Commission Assessment Panel is not required. This is a result of recent legislative changes to the *Development Act 1993* that were administered in early May 2020 to assist in streamlining the processing of Development Applications during the Covid-19 pandemic. Alternatively, should the CAP refuse the application, it is important to note that no appeal rights are afforded to the applicant. As the Administration resolved under delegation to proceed with an assessment of the proposal, the application is now presented to the Panel for a decision.

## PUBLIC NOTIFICATION

The application has been assigned to Category 1 for public notification purposes pursuant to Section 38 of the *Development Act 1993* and Schedule 9, Part 1 (3)(b) of the *Development Regulations 2008*. The proposed sign is considered to be ancillary to an existing building and is of a minor nature for the following reasons:

- The proposed signage would be ancillary to and subordinate to the existing school;
- The size of the sign to be displayed is commensurate to the frontage of the site;
- The advertisement to be displayed relates to the activities that are carried out on the site;
- The size and appearance of the sign is such that it would not dominate the appearance of the site or the streetscape; and
- The sign will not be externally lit or illuminated.

As the proposal is Category 1, public notification was not required to be undertaken.

## RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, is within Low Density Policy Area 20 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

### 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.*

*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.*

### Low Density Policy Area 20 - Desired Character:

*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.*

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

## **QUANTITATIVE STANDARDS**

There are no quantitative provisions relevant to the proposal.

## **ASSESSMENT**

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

### **Form of Development**

The proposed sign will provide identification details for the St John Bosco School. The site has been used for education and worship activities for more than 50 years.

In accordance with PDC 4 of the General Section (Advertisements), the purpose of the sign and the advertisement to be displayed will be limited to information relating to the legitimate and lawful use of the land. As the proposed sign is of small-scale and would be ancillary to the existing school, the proposal does not entrench an inappropriate development within the Residential Zone or preclude the Objectives of the Zone from being attained.

Accordingly, the proposal is considered to be an orderly and appropriate form of development within the Residential Zone.

### **Design and Appearance**

The proposed sign is freestanding and of steel construction. No internal or external illumination of the sign is proposed. The design of the sign is of high quality and will be professionally prepared by a sign manufacturer. The size and appearance of the structure would sufficiently complement the form and appearance of the adjacent school building, as required by Objective 3 and PDC 1 of the General Section (Advertisements).

At a height of only 2.6 metres above ground level and with an advertisement area of 3.12m<sup>2</sup>, the proposed sign is considered to be of modest size and is proportionate to the width of the road frontage to which it is located. The siting of the sign approximately one metre from the road frontage and within an existing garden area near the main school entrance would further minimise the visual dominance of the sign when viewed from the public realm.

Having regard to the design, siting and modest size of the signage, the proposal would sufficiently maintain the prevailing streetscape character and the residential amenity of the locality.

### **Amenity / Interface**

The proposed freestanding sign is located near the entrance to the school and would be at least 20 metres from the front boundary of the nearest residential property on the southern side of Lipsett Terrace.

The separation to adjacent properties and the modest size and static display of the sign would ensure there are no significant amenity impacts.

The proposal would therefore satisfy Objective 1 and 2 and PDC 1 and 2 of the General Section (Interface between Land Uses).



## Traffic Safety

As the proposed signage is of a modest size, is sited away from the adjacent road frontage and would not comprise any internal or external illumination, the proposal would not distract motorists or endanger public safety, in accordance with PDC 2 and 14 of the General Section (Advertisements).

A condition of consent has been included to reinforce that the sign is not to be internally or externally illuminated.

## SUMMARY

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.

Although non-complying in nature, the proposed sign is ancillary to the existing lawful use of the land, is of an appropriate size and scale, and is of high quality construction and is appropriately sited so as not to cause distraction to motorists or endanger public safety.

On this basis, the proposal would not entrench an inappropriate development within the Residential Zone or preclude the Objectives of the zone from being attained.

On balance, the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 and warrants Development Plan Consent.

## 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. 211/704/2020 by Haynes Signs Pty Ltd for installation of freestanding double sided pylon sign (Non-Complying) at 7-21 Lipsett Terrace, Brooklyn Park (CT 5838/594) subject to the following conditions of consent:

### Development Plan Consent Conditions

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application except where varied by any condition(s) listed below:
2. The advertising sign shall not be internally or externally illuminated at any time without the prior approval of Council.

*Reason: To reduce unnecessary distraction to motorists and assist in preserving the amenity of the locality.*

3. The advertisement and the support structure shall be prepared and erected in a professional manner and maintained in good repair at all times.

*Reason: To maintain visual amenity and public safety in the locality.*

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## Attachments

1. Relevant Development Plan Provisions
2. Application Plans and Documents



<b>General Section</b>		
Advertisements	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 10, 11, 12, 14 & 16
Interface between Land Uses	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1 & 2
Orderly and Sustainable Development	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 3 & 7



**OBJECTIVE -**

FOR SCHOOL TO TASTEFULLY OBTAIN A ROAD PRESECENCE TO  
TRAFFIC IN BOTH DIRECTIONS FOR PARENTS, CARERS AND STUDENTS.  
IMPROVE THE SCHOOLS IDENTITY CENTRALLY IN THE WIDE, OPEN SPACED FRONTAGE.

CURRENTLY HAS VERY POOR EXPOSURE

REMOVE TRIP HAZARD 'A' FRAME IN WALKWAY

Existing sign is not legible from the road  
Too small and runs parallel

NOT ILLUMINATED



REMOVED

DISTANCE FROM BOUNDARY

NEW SIGN IN GARDEN BED











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**From:** Barry Haynes  
**Sent:** Wednesday, 2 September 2020 11:13 AM  
**To:** Brendan Fewster  
**Cc:** Kate Turner  
**Subject:** ST JOHN BOSCO SCHOOL - DA 211/704/2020  
**Attachments:** NEW SIGN.pdf

Gday Brendan

Please see attached with brief outline/statement of support and images showing the proposed St John Bosco School project.

We understand that this position is classed Residential but believe the proposal to have significant merit for approval.

Supporting reasons –

- New Sign proposed will be of a tasteful design
- Balanced size for the open space
- At right angle to the road, improving viewing distance from both directions
- **Non illuminated** so as not to affect others in close proximity (eg across road)
- Improve the Schools identity in a professional manner (currently dull and lifeless)
- Negates the existing Aframe and obvious trip hazard

**In closing, the suggested project will have positive benefits to Students, staff, parents and care givers alike without having any obvious negative effects on the surrounding community.**

We hope this common sense approach in design and suggested build method meets with a positive outcome.

Please call if you need any further information.

Regards Barry



Barry Haynes



<http://www.haynessigns.com.au>  
<http://www.mobiled.com.au>

12 Frost Road  
Salisbury SA 5108

**6.3 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK**

Application No 211/738/2017/A

**DEVELOPMENT APPLICATION DETAILS**

DESCRIPTION OF DEVELOPMENT	Variation to 211/738/2017 for construction of a childcare centre with associated car parking and landscaping - Increase capacity to 65 children
APPLICANT	Eastern Building Group
LODGEMENT DATE	24 August 2020
ZONE	Residential
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> <li>City Assets</li> <li>Waste Management</li> </ul>
DEVELOPMENT PLAN VERSION	21 May 2020
DELEGATION	<ul style="list-style-type: none"> <li>Is a merit application and is variation to, or is similar in nature to, a development application which was refused by the CAP or the former DAP within the past 5 years.</li> </ul>
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Jordan Leverington

**BACKGROUND**

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

- Is a merit application and is variation to, or is similar in nature to, a development application which was refused by the CAP or the former DAP within the past 5 years.

The previous application was presented to the Council Assessment Panel (CAP) with a recommendation of support in January 2018. Upon considering the application, representors and applicants response, CAP made the following resolution:

*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 for Application No. 211/738/2017 by Eastern Building Group Pty Ltd to undertake construction of a childcare centre with associated car parking and landscaping at 432 & 434 Sir Donald Bradman Drive (CT5694/228) for the following reasons:*

- The proposed development is contrary to:*
- General Section - Transport & Access - Objective 1(b)*
- General Section - Transport & Access - Objective 2(a)*
- General Section - Transport & Access - Principle of Development Control 8*
- General Section - Transport & Access - Principle of Development Control 6*
- General Section - Transport & Access - Principle of Development Control 7*



- *General Section - Waste - Objective 1*
- *General Section - Waste - Principle of Development Control 1*
- *General Section - Waste - Principle of Development Control 2*
- *General Section - Interface between land uses - Principle of Development Control 5*

The Applicant lodged an appeal of this decision based on the following grounds:

- The proposed development is an envisaged use in the Zone and Policy Area
- The development provides adequate car parking in accord with the relevant Development Plan provisions
- The development will not give rise to unreasonable or unsafe traffic conditions in adjoining roads
- The development will be undertaken in a way that will minimise its impact on neighbouring land uses
- Waste management has been adequately provided for and is consistent with waste management provided for in similar sized child care centres.

Some changes were made to the proposal during the appeal process. These changes were ultimately supported by representors and subsequently the CAP at its March 2018 meeting. This allowed the Environment Resources and Development Court (ERDC) to issue orders granting Development Plan Consent.

One of the changes made to the proposal was to resolve a quantitative deficiency in parking. The Development Plan calls for one carpark to be available for every four children. Whilst advice from Council's traffic engineer confirmed that a discount to the parking demand could be applied due to the sites proximity to a high frequency public transport route and bike racks being installed. This was not adopted by the CAP in their original decision. In response, the applicant reduced the number of children attending the site by eight (8), to have a maximum of 57 onsite at any one time.

This variation application seeks to increase the capacity back to the originally proposed 65 children.

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

<b>DA Number</b>	<b>Description of Development</b>	<b>Decision</b>	<b>Decision Date</b>
211/738/2017	Construct a childcare centre with associated car parking and landscaping	Development approval (Planning consent by ERDC)	21/06/2018

#### **SITE AND LOCALITY**

The site is comprised of two allotments, and contains a single storey child care facility and ancillary car parking and play areas.

The land is relatively level with only a gentle gradient from the north downwards to the Sir Donald Bradman Drive frontage. There is no vegetation or any other noteworthy features on the land.

There are no easements or other features of the land that would restrict its development.

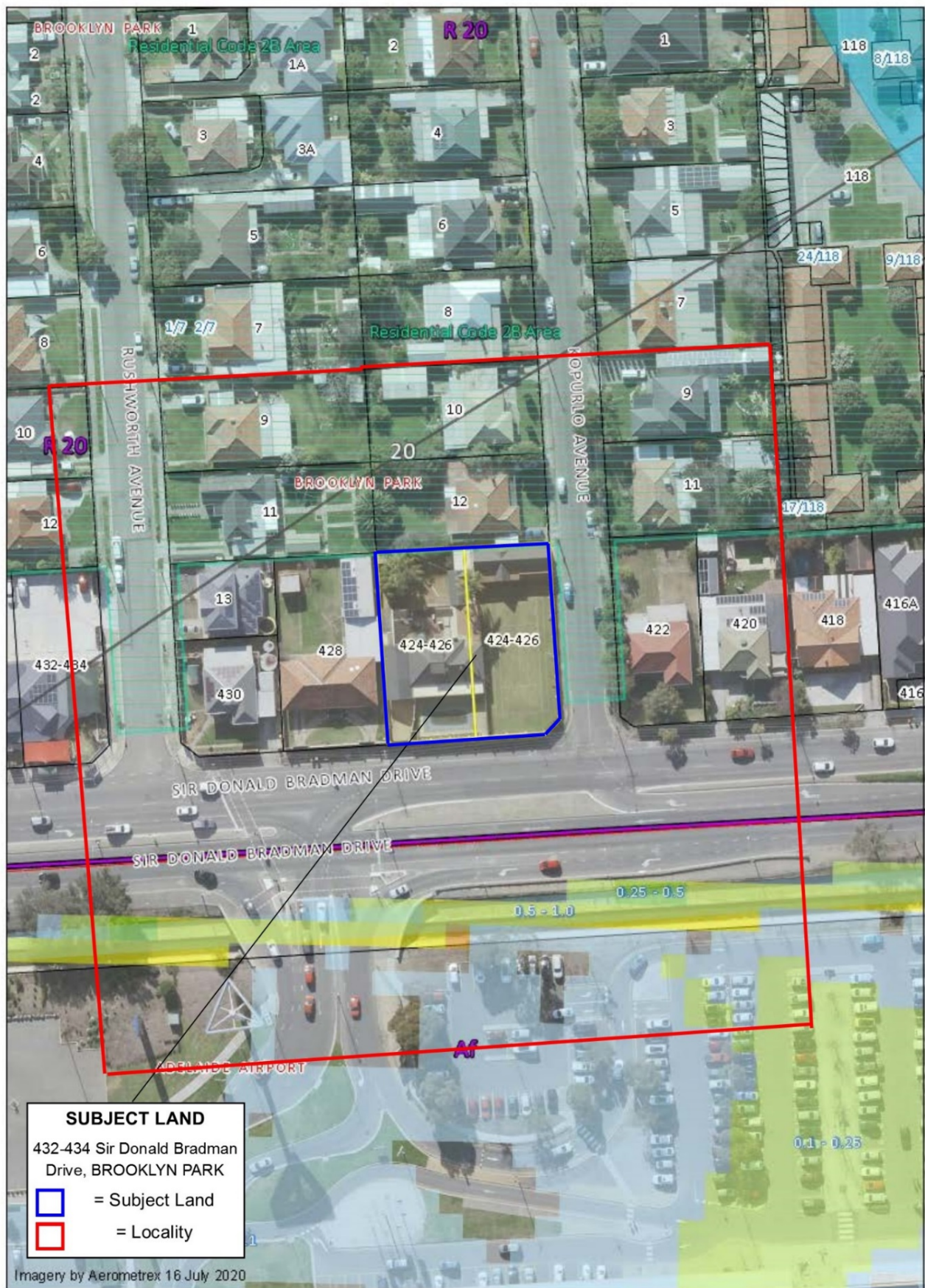
The locality on the northern side of Sir Donald Bradman Drive comprises a mix of one and two storey residential development at relatively low densities, although there are examples of some infill development having occurred.

Significant features of the locality include the entry to Adelaide Airport to the east of the subject land, on the southern side of Sir Donald Bradman Drive. The IKEA facility and other commercial development are located on the opposite of the subject land on that road.

Overall, the locality onto which the subject land is oriented is very active in nature with estimated 24 hour two way traffic flows of 28,300 vehicles. In addition there is the traffic in and out of the Adelaide Airport and the surrounding retail and commercial land uses.

To the north of the subject land the locality comprises residential development on straight streets on a grid pattern. Rushworth Avenue is an open streetscape with the high levels of activity along Sir Donald Bradman Drive being evident and which would produce relatively high ambient noise levels.

There is a bus stop located adjacent the frontage of the subject land which would provide ready access to public transport on Sir Donald Bradman Drive.



## PROPOSAL

This proposal seeks to vary a condition of consent and increase the capacity of children at the centre by eight, resulting in a maximum of 65 children at any one time. This total figure is made up of 16 children under 2 years old, 24 between 2-3 years old and 25 between 3-5 years old.

This will result in a minor impact to the staffing numbers to ensure they will continue to comply with the State Government standards as outlined in the Applicants cover letter. These standards attribute different staff to children ratios based on their age. The additional eight children will be evenly distributed between the 2-3 year old and 3-5 year old brackets resulting in one additional staff member being required.

A copy of the plans and documents are contained in **Attachment 2**.

A copy of the previous CAP reports is contained in **Attachment 3 and 4**. It is noted that the second CAP report was presented to the CAP 'in confidence' as the matter was before the ERDC at the time. The confidentiality order has since been lifted as the ERDC matter has been resolved.

## PUBLIC NOTIFICATION

The proposal is considered to be of a minor nature and therefore Category 1 for public notification purposes. It has been determined to be minor in nature and will not unreasonably impact on the owners or occupiers of land in the locality of the site for the following reasons:

Considered minor in nature because:

- An increase in 8 children equates to a 14% increase in total child numbers;
- This proposal will not change the approved land use; and
- No additional buildings or structures will be required and as such this change is unlikely to be perceptible outside of the site.

It is not considered to create any unreasonable impacts because:

- The application was originally presented to accommodate 65 children and was supported by Council's traffic engineer and planning staff;
- When preparing for an ERDC hearing, the Administration contacted a number of planning consultants and traffic engineers to find expert witnesses that could support the Panel's refusal. However a number of experienced traffic consultants approached could not support the Panel's refusal and were of the same opinion as Council's traffic engineer and the applicant's traffic engineer.
- The car park is currently observed to be underutilised as demonstrated by Council aerial image dated Thursday, 16 July 2020 showing 3 cars using the carpark and an image dated Tuesday, 10 March 2020 showing no vehicles in the carpark;
- No traffic congestion or parking provision complaints have been received by Council relating to the child care centre since it opened in late 2019.

## REFERRALS

### *Internal*

- City Assets

City Assets supported the original application with 65 children. It has also been noted that Council has not received any complaints/ feedback from the local community regarding parking or traffic issues that have arisen since the opening of the centre in late-2019.

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



## ASSESSMENT

The subject land is located within the Residential Zone and more particularly the Low Density Policy Area 20 as described in the West Torrens Council Development Plan consolidated on 21 May 2020. The main provisions of the Development Plan which relate to the proposed development are as follows:

<b>Zone: Residential</b>
<p><i>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.</p> <p>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</p> <p>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a <b>Historic Conservation Area</b>.</p> <p>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</p>

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

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
CARPARKING SPACES General Section, Transportation and Access PDC: 34	1 per 4 children car-parking spaces required  Demand = 16	14 provided  <b>Does Not Satisfy</b>

## QUALITATIVE ASSESSMENT

### Car parking Provisions

As per the Street Vehicle Parking Requirements of the Development Plan, a childcare facility would require 16 car parking spaces on the basis of 1 space per 4 children. The existing car park provides 14 spaces (including 1 disabled space) plus a 3 place bicycle rack. The Applicant's and Council's Traffic Consultant agree that with the adjacent bus stop, bicycle parking, and on-street spaces available on Rushworth Avenue whilst additionally taking into account the operational/functional requirements of other childcare centres, 14 spaces is adequate to meet the needs of the facility. It is noted that childcare centres produce traffic demands with less intense peaks than schools. Starting and pick-up times are not dictated by the facility, but by the differing starting times for the day of parents and guardians.

The increase in eight children will result in an increase of one more staff member. This is based on the State Governments ratio of children to staff. The additional 8 children will be split between the 2-3 year olds and 3-5 year olds. The 2-3 years old are required to have one staff member for every 5 children, whereas the 3-5 year olds require 1 staff member for every 10 children. Due to the difference in staff numbers required for each age group, a condition has been added to this approval to retain maximum number children in each age bracket.

It is accepted that the number of required onsite parking spaces outlined by Table WeTo/2 has not been achieved, however this is not considered fatal to the application. The 1 per 4 children requirement is a generic figure, whereas the advice provided by the qualified traffic engineers have a more in depth consideration of the site, its surroundings and how the business operates. There is also on street parking for four vehicles directly adjacent the site on Rushworth Avenue, which more than off sets the two deficient on site car parks. This is not expected to cause an issue to the adjoining residents as it is only for short periods of time whilst parents drop off or collect their children.

### Public Transport Access

The facility has good access to public transport with a bus stop on Sir Donald Bradman Drive immediately adjacent the site. Sir Donald Bradman Drive is a Go Zone from the city to the airport, meaning that a bus is available every 15 minutes.

The proximity to the airport also means that public transport options such as taxis are also frequently found in the area.

Given the wide variety and ease of access to public transport, it is expected that this will be a viable option taken up by families using the child care facility. This in turn will result in less cars attending the site and using the car park.



**Photo 1: View of the bus stop in front of the subject site**

**Source: Google street view**

## **Waste Management**

An internal referral was sent to Council's Waste Management team to consider the increase in children numbers and as a result additional waste. They were not concerned as the waste from this site as it is collected by a private contractor, as such they will be no further impact to Council.

The initial concerns by the appellants were around the location of the bins and their collection frequency. This was resolved during the previous application. Nothing about either of these aspects will be changed as part of this application.

## **SUMMARY**

The proposal seeks to increase the maximum capacity of children attending the centre by 8, to have a total of 65. This will result in an initial shortfall of 2 onsite parking spaces, however the proximity of the high frequency public transport, bicycle parks and high turnover rate mean that the parking provided for is considered suitable in its current form.

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.

## 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. 211/738/2017/A by Eastern Building Group Pty Ltd to undertake a variation to 211/738/2017 for construction of a childcare centre with associated car parking and landscaping at 432 & 434 Sir Donald Bradman Drive (CT5694/228) subject to the following conditions of consent:

### Council Conditions

1. The development shall be undertaken, completed and maintained in accordance with the plans and information detailed in correspondence from Access Planning dated 24 August 2020, except where varied by any conditions listed below:
  - a) Site Plan by John Perriam Architects, Drawing no. 08/17 -P1G, Dated Mar 2017.
  - b) Floor Plan by John Perriam Architects, Drawing no. 08/17 -P2B, Dated Mar 2017.

*Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.*
2. Except where varied by this approval, all other conditions, approved plans and details relating to Development Application number 211/738/2017 continue to apply to this amended application.

*Reason: To ensure all valid conditions are complied with.*
3. The total number of children in the facility at any time shall not exceed:  
  
16 = 0-2 year olds  
24 = 2-3 year olds  
25 = 3-5 year olds  

*Reason: To ensure that this development does not create unreasonable impacts to traffic movements and on street parking in the locality.*

---

### Attachments

1. Relevant Development Plan provisions
2. Plans and supporting documents
3. January 2018 CAP report
4. March 2018 CAP report
5. Internal referrals



<u>General Section</u>		
<i>Interface between Land Uses</i>	<i>Objectives</i>	<i>1, 2 &amp; 3</i>
	<i>Principles of Development Control</i>	<i>1 &amp; 2</i>
<i>Transportation and Access</i>	<i>Objective</i>	<i>2</i>
	<i>Principles of Development Control</i>	<i>5, 6, 8, 12, 20, 34, 35, 36 &amp; 37</i>



24<sup>th</sup> August 2020

Ref: 6881Covletter revised

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

Attention: Mr. Jordan Leverington

Dear Jordan,

**RE: PROPOSED VARIATION TO DEVELOPMENT AUTHORISATION 211/738/17 FOR A CHILD CARE CENTRE WITH ASSOCIATED CAR PARKING AND LANDSCAPING – 432 & 434 SIR DONALD BRADMAN DRIVE, BROOKLYN PARK**

On behalf of the owner of the above-mentioned child-care centre, Access Planning has been instructed to submit an application seeking a variation to the authorised development by increasing enrolment numbers from 57 places to 65 places.

Supporting documentation submitted with the variation application includes the original Traffic and Parking Assessment which also included a response to concerns expressed during the public notification of the original application.

Since the child-care centre commenced operation in late 2019 it is understood the design and use of the land have not resulted in safety issues or unreasonably impacted on the amenity of local residents, as the centre:

- *Conforms to the policy of the Department of Planning, Transport and Infrastructure (DPTI) to minimise direct access to and from the arterial road network;*
- *The access point accommodates simultaneous entry / exit movements of vehicles typically accessing the proposed development;*
- *Queuing of drivers turning left into / out of Rushworth Avenue has not been problematic given the appropriate separation between the access point and the intersection with Sir Donald Bradman Drive and retention of sightlines with the corner cut-offs maintained;*
- *The existing volumes of traffic entering and exiting Rushworth Avenue have been very low and that there has not been a capacity issue on this roadway as a result of the development.*
- *The proposed development provides on-site parking which satisfies, and generally exceeds, the demands for on-site parking associated with the approved land use*

The proposed variation will not cause a significant increase to staff numbers as the part time rostering of staff will ensure on-site parking continues to service the demands of the centre.

As per State Government standards for staff members per children, children under 2 years of age will have 4 dedicated staff, children between the age of 2 to 3 years of age will have 5 staff and children over 3 years will have 3 staff. These numbers are based on full enrolment capacity at 100 percent of the time, but in practical reality, this scenario is rarely achieved due to absences,



children being dropped off and collected at different times of the day and not every age cohort being at 100 percent enrolment capacity all the time.

This was evident during recent visits to the subject land at various points during a working week in which it was noted less than 30% of the on-site parking spaces were occupied and with an abundance of on-street parking spaces being available for local residents. As noted in the traffic report response to representations, peak parking demands of the child care development will be at different times to peak residential parking demands.

On this basis, I consider staff and clients will continue to park off-street but any on-street parking which does occur will only be brief and will have a negligible impact to the occupants of surrounding properties. As previously identified, the demand for on-street parking associated with the proposed development is minimised by the provision of on-site bicycle parking and convenient access to frequent public transport.

I am informed the concerns raised in the representations which related to traffic and parking have not been realised since the centre started operating, this is unlikely to be changed by the proposed variation to the original authorisation. My recent visits to the subject land confirmed the centre is not a generator of on-street parking which unreasonably diminishes access to on-street parking opportunities for residents.

In addition, the proposed increase is not expected to cause conflict for surrounding land use as the scale of the centre remains modest and the hours of operation remain unchanged, being limited to 6.30am to 6.30pm. There is no activity on site out of these hours other than general maintenance and cleaning and early morning activity on the site is generally limited because of low attendance prior to 7.30am and children being kept indoors until sufficient numbers are in attendance to enable supervised outdoor activity.

Stepping Stones (SA) have a strict Noise Management Policy, a copy of which is attached.

## **Conclusion**

I conclude the requested variation to the authorised land use will not give rise to adverse impacts on the amenity of nearby residents or cause traffic and parking congestion.

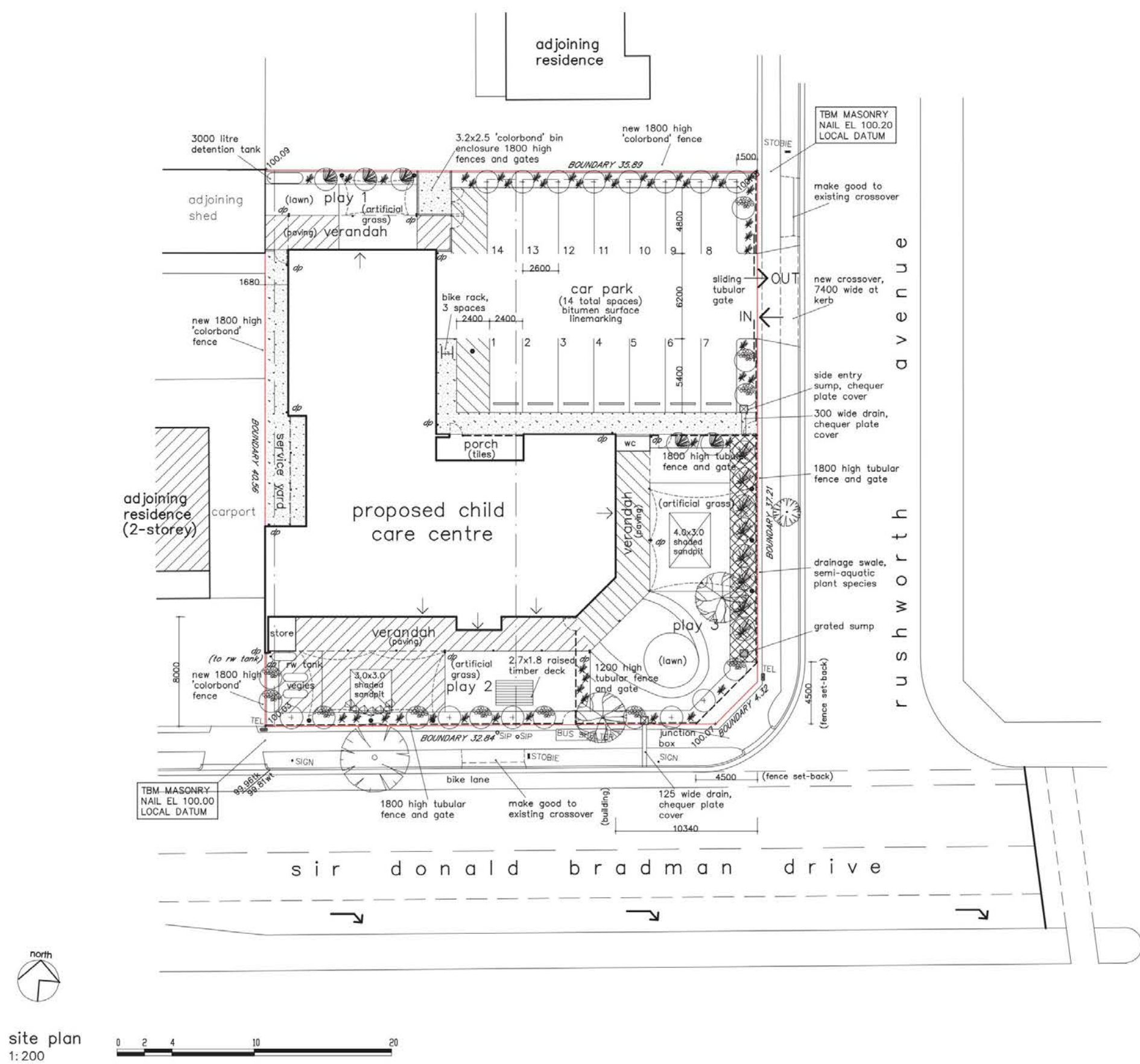
If you have any further questions, please feel free to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Adam Williams", with a stylized flourish at the end.

Adam Williams  
Access Planning (SA) Pty Ltd





**LANDSCAPE LEGEND**

existing trees

shade trees  
ulmes parvifoliato  
'todd' - chinese elm

screen shrubs  
pittosporum  
'screen master'

shrubs  
nandina domestica  
'nana' (0.8m)

cuphea hyssopifolia  
'bianca' (0.3m)

ground covers  
cordyline 'redstar'

swale species  
isolepis nodosa  
juncus pauciflorus  
carex bichenoviana

**STATISTICS**

council

West Torrens

site area

1442.0 m<sup>2</sup>

children

57

activity areas (3)

required-3.25 m<sup>2</sup>/child

185.25 m<sup>2</sup>

provided

215.80 m<sup>2</sup>

play areas

required-7.00 m<sup>2</sup>/child

399.0 m<sup>2</sup>

provided

457.2 m<sup>2</sup>

car parking (1:4)

14 (incl disabled)

enclosed building

458.9 m<sup>2</sup>

area

		amended play area statistics
G	07/02/18	deleted play 1 shed, increased bin enclosure size
F	17/01/18	reduced children numbers to 57 and amended statistics
		added semi-aquatic plants to landscape legend
		drainage swale indicated with sumps and drains across paths
		eastern garden bed play 3 widened to 2.0 metres
E	13/11/17	added note re crossover on sir donald bradman drive
D	29/09/17	adjusted play area figures
		reduced store shed sizes
		increased corner cut-off
		adjusted play area figures
		noted detention tank
C	29/08/17	reduced bin enclosure size
		deleted kerb ramp
		issue for planning approval
B	19/06/17	extended brick boundary wall
A	09/06/17	noted car park gate
		issue for comment
issue	date	detail

proposed CHILD CARE CENTRE

for EASTERN BUILDING GROUP

at 432-434 Sir Donald Bradman Dr

BROOKLYN PARK, SA

site plan

DATE mar 2017

SCALE 1:200@A2

DWG NO 08/17 - P1G

JOHN PERRIAM

ARCHITECTS

87 Fourth Ave JOSLIN SA 5070

Phone/Fax 08 362 1416

Scale discrepancies may result from reproduction tolerances. Do not scale from the drawing. Figured dimensions take preference. Verify all dimensions on site before setting out.



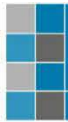


proposed CHILD CARE CENTRE  
for EASTERN BUILDING GROUP  
at 432-434 Sir Donald Bradman Dr  
BROOKLYN PARK, SA

floor plan

**JOHN PERRIAM  
ARCHITECTS**  
87 Fourth Ave JOSLIN SA 5070  
Phone/Fax 08 362 1416

Scale discrepancies may result from reproduction tolerances. Do not scale from the drawing. Figured dimensions take preference. Verify all dimensions on site before setting out.



PHIL WEAVER &amp; ASSOCIATES

**Consultant Traffic Engineers**

ABN 67 093 665 680

204 Young Street  
Unley SA 5061**P: 08 8271 5999****F: 08 8271 5666****E: mail@philweaver.com.au**

File: 152-17

1 November 2017

Mr George Skrembos  
Eastern Building Group  
142 Payneham Road  
STEPNEY SA 5069

Dear Skrembos,

**PROPOSED CHILD CARE CENTRE 432-434 SIR DONALD BRADMAN DRIVE, BROOKLYN PARK - TRAFFIC AND PARKING ASSESSMENT AND RESPONSE TO REPRESENTATIONS**

I refer to our recent discussions relating to the proposed development of a 65 place child care centre and associated car parking on the above site.

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

This assessment has also addressed the representations recently received by West Torrens Council in respect to the proposed development.

**EXISTING SITUATION**

The subject site is located on the north-western corner of the intersection of Sir Donald Bradman Drive with Rushworth Avenue, Brooklyn Park.

The subject site is currently undergoing demolition works. The development site accommodates:-

- An unoccupied residential dwelling and garage at 432 Sir Donald Bradman Drive, and
- An unoccupied residential dwelling at 434 Sir Donald Bradman Drive.

The subject site has frontages of approximately 33m to Sir Donald Bradman Drive and approximately 40m to Rushworth Avenue inclusive of a 3m by 3m corner cut-off.

Currently there are two access points associated with the subject site. These consist of:-

- A crossover associated with the existing residential use of 432 Sir Donald Bradman Drive. This access point is located approximately 15m from the western boundary of the site and provides a width of approximately 4m, and
- An access point off Rushworth Avenue, approximately 4.5m in width located adjacent to the northern boundary of the site. This crossover is associated with the existing residential use of 434 Sir Donald Bradman Drive.

Sir Donald Bradman Drive, adjacent to the subject site, provides two traffic lanes and a bicycle lane in each direction separated by a central median. The bicycle lanes operate between 7.30am and 9.00am Monday to Friday on the northern side of this roadway and between 4.30pm and 6.00pm Monday to Friday on the southern side of this road.

A right turn lane for traffic turning from Sir Donald Bradman Drive into the (Ikea access roadway) associated with the retail outlets located on the southern side of this roadway is located directly opposite the subject site.

The intersection of Sir Donald Bradman Drive with the access point into the commercial development on the southern side of this roadway, opposite the subject site is controlled by traffic signals. This intersection is located approximately 20m to the east of the subject site i.e. immediately to the east of Rushworth Avenue. The median within Sir Donald Bradman Drive extends across the intersection (T-junction) with Rushworth Avenue. Hence, traffic entering and exiting this side road is restricted to left turn in and left turn out movements only.

A bus zone is located directly in front of the subject site on the northern side of Sir Donald Bradman Drive, while the corresponding bus zone on the southern side of this roadway is slightly further to the west. Parking on the northern side of Sir Donald Bradman Drive to the west of the bus zone is prohibited by No Stopping Anytime restrictions.

Rushworth Avenue, adjacent to the subject site, has a kerb to kerb width of approximately 9m with verge widths of approximately 3m on each side of this roadway.

Details of traffic volumes on Sir Donald Bradman Drive have been obtained from the Department of Planning, Transport and Infrastructure, (DPTI). From a traffic count undertaken on Wednesday 4<sup>th</sup> May 2015 it is identified that the two-way Annual Average Daily Traffic (AADT) volume adjacent to the subject site is approximately 23,800 vpd on Sir Donald Bradman Drive.

The speed limit on Sir Donald Bradman Drive, adjacent to the subject site, is 60 km/h. The urban default speed limit of 50 km/h applies on Rushworth Avenue.

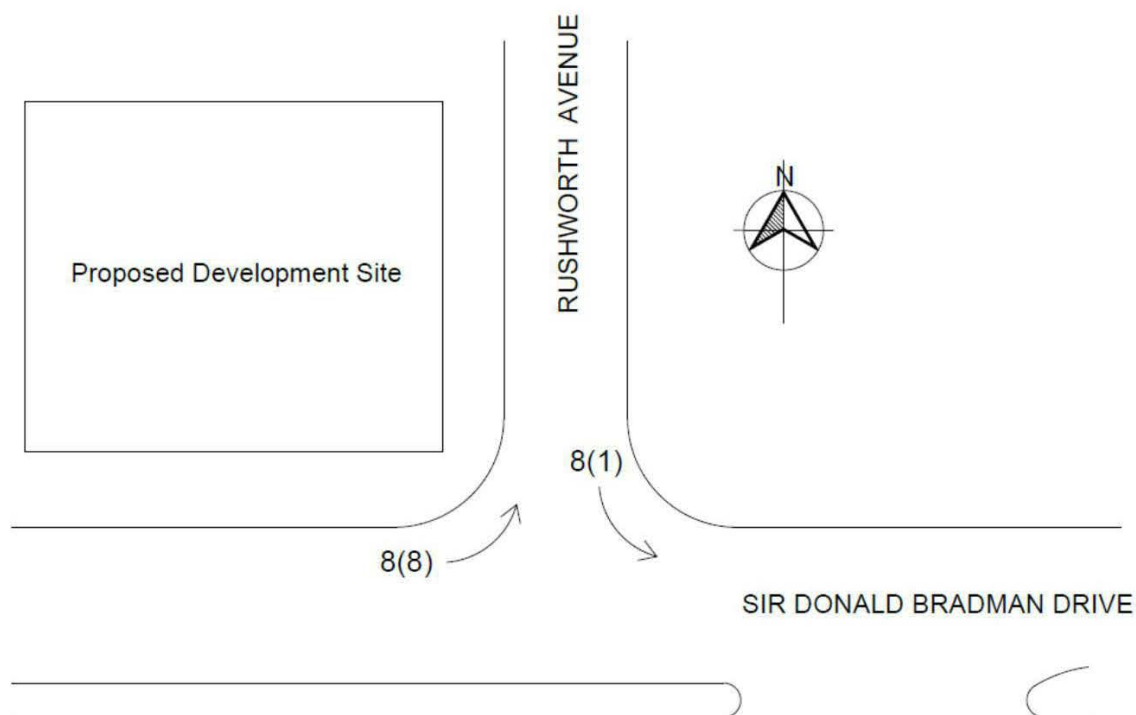
## **TRAFFIC SURVEYS**

In order to determine the current level of traffic using the intersection of Rushworth Avenue with Sir Donald Bradman Drive, surveys have been undertaken of vehicles entering and exiting Rushworth Avenue at this location.

The traffic surveys were conducted on Tuesday 31<sup>st</sup> October and Wednesday 1<sup>st</sup> November 2017 in 15 minute intervals over the periods from:-

- From 3.00 pm to 6.00 pm on Tuesday 31<sup>st</sup> October, and
- From 7.30 am to 9.30 am on Wednesday 1<sup>st</sup> November 2017.

The peak hour traffic volumes in the morning and afternoon periods were identified from the results of the above surveys as occurring between 8.00 am and 9.00 am and between 4.30 pm and 5.30 pm, respectively. The existing peak hour traffic entering and exiting Rushworth Avenue is identified in Figure 1 below.



**Figure 1: Existing am (pm) peak hour traffic volumes entering / exiting Rushworth Avenue, Brooklyn Park**

As identified above, all traffic turning into and out of Rushworth Avenue is restricted to left turn entry and left turn exit movements only.



The traffic surveys identified that:-

- 16 vehicles entered / exited Rushworth Avenue to and from Sir Donald Bradman Drive (8 in / 8 out) during the am peak hour period,
- 9 vehicles entered / exited Rushworth Avenue to and from Sir Donald Bradman Drive (8 in / 1 out) during the pm peak hour period, and
- At no time during either the morning or afternoon periods was there more than one car queued when drivers of vehicles were waiting to turn left out of Rushworth Avenue.

Based upon the peak hour traffic volumes in the am or pm peak hour periods typically being equivalent to approximately 10% of the of traffic on an a residential roadway, I estimate that the Average Weekday Traffic volume on this roadway would be of the order of 200 vpd. This indicates that there is no capacity issue within this section of roadway, particularly given that the residential amenity level within such a residential roadway is considered to be of the order of 1000 to 1500 vpd.

## **PROPOSED DEVELOPMENT**

The proposed development is identified on a series of plans prepared by John Perriam Architects including a Site Plan (Drawing No. 08/17-P1D).

I note that the proposed development will include:-

- Demolition of the existing buildings on the site,
- Construction of a single storey building with a floor area of 458.9m<sup>2</sup> to accommodate a 65 place child care centre,
- Construction of a car parking area on the north-eastern side of the building to provide 14 spaces including a disability space and adjacent shared area. This car parking area will also provide a turnaround area in the north-western corner of this car park,
- A bicycle parking area, providing 3 bicycle spaces to be located on the south-western corner of the car park,
- Provision of a new access point off Rushworth Avenue, to be located approximately 6m from the northern boundary of the site. This access point will be gated and provide a width of approximately 6.5m, and
- Closure of the existing access points on Rushworth Avenue and Sir Donald Bradman Drive.

I understand that the hours of operation of the proposed child care centre will be 6.30 am to 6.30 pm Monday to Friday with the centre closed on weekends and public holidays.

The design of the at-grade car parking area provides:-

- Car parking spaces of 2.6m in width,
- Car parking spaces of 5.4m in length and 4.8m in length where provision has been made for a 600mm overhang, and
- An aisle width of 6.2m.

As such, I consider that the design of the on-site car parking area would conform to the requirements of the relevant off-street car parking standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009).

While the proposed development will require provision for a new crossover on Rushworth Avenue, the existing crossover will be closed permitting the area to the immediate north of the crossover to be used for car parking.

## **PARKING ASSESSMENT**

**Table WeTo/2 – Off Street Vehicle Parking Requirements** within the West Torrens (City) Development Plan identifies car parking provisions relevant to a child care centre on the subject site, as follows:-

- One car parking space per 4 children, and
- One accessible (disability) space for a development with a total of 10 to 25 parking spaces.

Based on the subject child care centre accommodating 65 children, the proposed development would require 16.25 parking spaces.

The subject development will provide a total of 14 car parking spaces (including one disability space). Consequently, there would be a minor shortfall in the on-site car parking.

However, I note that a car parking rate of one space / 4.2 children has been identified as an appropriate car parking rate for such a development, based on findings within the report prepared by MFY Pty Ltd (**Child Care Centre Parking Rates Review - Parking Review**) on behalf of the **Australian Childcare Alliance**.

On the basis of the above parking review, the proposed development would require 16 spaces. Hence, it is calculated that there would be a shortfall of at most two spaces.

Given the proximity of the subject development to public transport on Sir Donald Bradman Drive, which would potentially result in a reduced level of car parking demand, I consider that the peak parking demand of the proposed development could be lower than required by either of the above standards.

In any event, I consider that there would be an opportunity to accommodate such a minor shortfall of on-site car parking within Rushworth Avenue.

## **PARKING REVIEWS**

In order to determine the current level of parking on-street in Rushworth Avenue, we have undertaken a number of parking reviews over the following periods:-

- Monday 30<sup>th</sup> October 2017 at 11.15am,
- Tuesday 31<sup>st</sup> October 2017 between 3.00pm and 6.00pm, and
- Wednesday 1<sup>st</sup> November 2017 between 7.30am and 9.30am.

The above reviews conducted in Rushworth Avenue identified the following:-

- There is a capacity to accommodate approximately 42 cars on-street within Rushworth Avenue,
- There were 6 cars parked on the Monday morning,
- During the Tuesday review there were 8 cars parked at 3.00pm, 11 cars parked at 4.45pm and 13 cars parked at 6.00pm, and
- During the Wednesday review there were 13 cars parked at 7.30am, 9 cars parked at 8.15am and 8 cars parked at 9.30am.

It was evident that there was a significant level of unused on-street car parking capacity remaining within Rushworth Avenue during the corresponding periods when the child care centre would be operational.

## **TRAFFIC ASSESSMENT**

The “**Guide to Traffic Generating Developments**” report produced by the former Roads and Traffic Authority of NSW (now Roads and Maritime Services) identifies peak hour traffic generation rates associated with a child care centre equivalent to:-

- A rate of 0.8 trips per child in the am peak period (7.00am to 9.00am),
- A rate of 0.3 trips per child in the period between 2.30pm and 4.00pm, and
- A rate of 0.7 trips per child in the pm period (4.00pm to 6.00pm).

On the above basis the number of peak hour trips associated with the child care centre would be:-

- 52 trips in the am peak hour period,
- 20 trips between 2.30pm and 4.00pm, and
- 46 trips in the pm peak hour period.

It is anticipated that the majority of the peak hour traffic movements accessing the proposed child care centre in the am peak periods would travel from the west to access the centre and exit to the east, with drivers undertaking left turn entry / left turn exit movements to and from Sir Donald Bradman Drive.

While there would be a small proportion of traffic that could potentially use adjoining sections of the local road network to access the proposed child care centre, the number of these movements would not have any significant impacts on the capacity of these roads or the amenity of the adjoining stakeholders, particularly given the relatively small size of the proposed development and the low volumes of traffic recorded on Rushworth Avenue.

Outside of peak hour periods on weekdays there will be minimal traffic generated by the subject child care centre.

There will be very infrequent deliveries to the proposed child care centre given the nature and size of this proposed facility. The majority of these deliveries would be made by small vans or similar sized vehicles with deliveries typically being undertaken in late morning / early afternoon periods i.e. outside of arrival and departure periods associated with children attending the centre.

The proposed development includes a bin storage area to accommodate waste and recycling. The level of waste and recycling would not be significantly different to that of the two residential properties previously occupied on the site.

Waste and refuse will be stored in wheelie bins and will be placed on the adjoining verge area on bin collection nights for servicing by Council's waste and recycling contractors.

## **CONSULTATION**

Discussions were undertaken with staff of the Safety and Service, Traffic Operations Section of the Department of Planning, Transport and Infrastructure (DPTI) in relation to the proposed development.

DPTI has previously provided Council with a Schedule 8 Referral Response in correspondence dated 16th of August 2017. I understand that this correspondence included the following comments/recommendations, namely that:-



- DPTI is comfortable with the proposed access arrangements but suggested that car parking be restricted at all times along the western side of Rushworth Avenue between Sir Donald Bradman Drive and the proposed access point,
- That parking bays 7 and 8 should be assigned for use by staff only, given the proximity of the spaces to the boundary of the site, and
- A 4.5m x 4.5m corner cut-off should be provided on the south-eastern corner of the subject site in lieu of the current 3.0m x 3.0m corner cut-off.

I note/consider that:-

- Given the very low volumes of traffic using Rushworth Avenue during periods when the child care centre would be in operation, I consider that it would not be necessary to restrict parking along the western boundary of the site,
- Parking bays 7 and 8 will be assigned for use by staff only, and
- The design has been modified to provide a corner cut-off of 4.5 m x 4.5 m on the south eastern corner of the subject land with the location of the boundary fence modified slightly from the plans previously submitted to Council.

## RESPONSE TO REPRESENTATIONS

I note that a total of six representations were received by Council in which matters relating to traffic, parking and vehicular access arrangements were raised. I have summarised the relevant aspects of this representation and have provided a response to the various issues identified within the relevant representation.

### Mr and Mrs Parisella - 2 Rushworth Avenue, Brooklyn Park

The above representation identified concerns in respect to:-

1. *"We have major concerns about the parking and impact on the traffic in our street and surrounding streets. As there is no parking on Sir Donald Bradman and Rushworth Avenue already has many vehicles attached to residences parked on the street. We have Lockleys Primary School closeby and parents already park in the surrounding streets to go there."*

In response to the above matters, it is noted that:-

- Reviews of the locality during weekday periods have not identified high levels of car parking demand on this roadway.

**Ms Linda Reid - 4 Rushworth Avenue, Brooklyn Park**

1. *"Traffic congestion - Sir Donald Bradman Drive / Rushworth Avenue. We already have a shortage of parking due to people using our street to leave their cars whilst on holidays not using airport facilities.*
2. *Dangerous frontage with bus stop right on corner of Sir Donald Bradman Drive and Rushworth Avenue.*
4. *Car parking for only 14 cars and 65 children seems totally unrealistic as parking for staff does not seem to have been considered and car parking is not allowed on Sir Donald Bradman Drive between the hours of 7am and 9am which is critical drop off time for child care centres.*

In response to these three issues, it is identified that:-

- The proposed development will not result in any significant impact to car parking demand currently occurring on Rushworth Avenue. More particularly, the proposed development will be open during weekday periods only and our reviews on site have identified only low levels of car parking demand during these periods. Furthermore, the proposed development will not be open during evening and weekend periods when residential parking demand would typically peak,
- A review of sight distance to the west along Sir Donald Bradman Drive has identified that required levels of sight distance along this roadway will continue to be met at this location. While sight distance would be interrupted by a bus standing at the bus stop to the west of Rushworth Avenue, this is not a result of the proposed development. Any delay that this causes to drivers exiting from Rushworth Avenue is minimal, and
- The adequacy of car parking associated with the proposed development has been considered in detail and has been measured against appropriate standards which contemplate both staff and parent / guardian parking demand. On this basis, there should be a potential requirement for at most two cars to park on street, within Rushworth Avenue. Car parking on Sir Donald Bradman Drive cannot legally occur due to the existing parking restrictions on this roadway.

**Mr Craig Alan Johnston and Mrs Andrea Dahl-Johnston - 12 Rushworth Avenue, Brooklyn Park**

5. *Adequate car parking for potentially 65 children cannot be provided with 14 spaces. Although there will be prime times for parking this will impact upon ourselves being the closest residence and in fact is likely to impact upon many residents in Rushworth Ave. Rushworth Ave has a large number of cars which belong to residents. Congestion as well as childcare staff and families taking resident parks will be an issue. Being a childcare centre will not be able to just drop children off (as per a school) but will need to park and take their children into the centre. The increased number of cars is a safety risk for small children.*

6. *Parking for staff does not appear to be a consideration. Typically staff to children ratios are either 1:5 in babies rooms and 1:10 for older children. Potentially there would be at least 10 staff who would be requiring parking (as there would also be administrative staff and cooking staff). Given the 14 parks it is not clear where these staff would park. Sir Donald Bradman is not a place to park and in fact has a bus stop outside of the proposed child care centre. Currently Rushworth Ave has a high number of cars attached to the residences.*

The above matters have been addressed in my previous responses.

**Mr David Reid and Mrs Linda Reid - 4 Rushworth Avenue, Brooklyn Park**

1. *This will substantially increase traffic congestion in street,*
2. *Street car parking is already a major issue - there is simply no capacity for extra parking,*
4. *The traffic congestion at intersection of May Terrace and Sir Donald Bradman Drive will undoubtedly increase. This is already a very dangerous intersection with no traffic lights.*

Items 1 and 2 within this representation have previously been addressed.

In respect to an anticipated increase in traffic congestion at the intersection of May Terrace and Sir Donald Bradman Drive, it is considered that the proposed development would result in a minimal increase in any traffic congestion at this intersection, particularly given:-

- The relatively small size of the proposed development compared to other child care centres within Metropolitan Adelaide, and
- The proportion of traffic accessing the proposed child care centre via the intersection of May Terrace with Sir Donald Bradman Drive would be minimal.

**Ms Maria Papageorgiou - 436 Sir Donald Bradman Drive, Brooklyn Park**

1. *Site of childcare centre is too small for 65 children, and*
2. *Parking will be a problem.*

I consider that these matters have been addressed above.

**Ms Karen Marie Smith - 3 Rushworth Avenue, Brooklyn Park**

1. *There is already a parking issue here in Rushworth Avenue. I have made a number of requests to council in relation to parking in this street over the past few years. I have requested resident only parking permits, as well as timed signs. Many people park here then go to the airport for their week long (or longer) holiday and do not wish to pay for parking, so park here in our small residential street causing congestion in the street. Even with resident's cars only, there is a considerable number of vehicle in the street every night.*

*I note that the proposed Child Care Centre has fourteen car parks. This does not seem like an adequate number of carparks to cover 65 children & staff at any time.*

*The nearby Childcare centre at the corner of Henley Beach Road and Rowells Road has twenty five (25) carparks.*

2. *There is no room for a new pedestrian crossing to be located on Sir Donald Bradman Drive, and even if one was placed there, the impact with the second set of lights at the IKEA entrance would cause traffic chaos in an already extremely busy stretch of road.*

*Sir Donald Bradman Drive would be a very dangerous road for numerous children to be crossing without any pedestrian lights installed.*

*Sir Donald Bradman Drive out the front of the proposed Childcare centre is a bus zone, therefore there can be no parking there at any time. There is also a bike lane and signs indicating no standing at any time. Therefore, all drop offs will have to be in Rushworth Avenue or other nearby residential streets.*

*The gates to the carpark are on Rushworth Avenue, this will cause massive congestion in an already congested street. The likelihood for collisions will also rise, as well as the inherent dangers associated with small children and cars. There could be a serious or fatal collision due to frustration caused by congestion and the inability to get a park.*

*Dropping small children off at a childcare centre would no doubt require the parents or carers of the children to actually physically enter the centre to sign the children in. It is not the same as a school drop off where children can just be let out of the car and walk in alone.*

*Rushworth Avenue does not have adequate space for the parents of sixty five (65) children to drive in and park. Fourteen carparks is a grossly inadequate number of carparks for this type of development.*

*Does this mean that new signs will be erected such as signs for drop offs, 15 minute time limits or such during drop off periods? This will really inconvenience the actual residents of the street if they can't park outside their own houses during business hours. Who will police this?*

In response to the various matters raised by the above representor, it is considered that:-

- The potential use (or otherwise) of car parking on-street associated with the proposed child care centre during weekday periods has been addressed above,
- The proposed child care centre will not operate at night or at weekends. Hence, on-street parking during these periods is not relevant to the proposed development,
- The existing child care centre on the corner of Rowells Road / Henley Beach Road is a larger centre and has a car parking ratio similar to that proposed by the subject development,



- There is no suggestion for an additional pedestrian crossing to be provided on Sir Donald Bradman Drive as a result of the proposed development. In any event, there is an existing (controlled) pedestrian crosswalk incorporated within the signalised intersection of Sir Donald Bradman Drive / IKEA access. This crosswalk is located to the immediate east of the intersection with Rushworth Avenue and provides safe pedestrian movements across Sir Donald Bradman Drive at this location,
- The concerns relating to the bus zone to the west of Rushworth Avenue have previously been addressed,
- The bicycle lane along Sir Donald Bradman Drive operates only between 7.30 am and 9.00 am on weekdays. It is considered that there will be no impact on the operation of this bicycle lane as a result of the proposed development,
- For the various reasons identified above, I do not consider that there would be any significant traffic impacts on the operation of Rushworth Avenue, particularly given that:-
  - The kerb to kerb width of this roadway is 9.2m,
  - Access into and out of this roadway to and from Sir Donald Bradman Drive is restricted to left in / left out movements only, and
  - The proposed access point into and out of the on-site car parking area will be located approximately 30m to the north of Sir Donald Bradman Drive,
  - As previously identified, children attending a child care centre are not 'dropped off' but must be escorted by parents/guardians and registered with this facility. Hence, it is contemplated that parents/guardians will park on site. Based on my experience with similar facilities, it is unlikely that parents/guardians would arrive at the same time to deliver/collect children,
  - No changes to parking is anticipated adjacent to the residential dwellings on Rushworth Avenue as a result of the proposed development.

## **SUMMARY AND CONCLUSIONS**

The above traffic and parking assessment relates to the proposed development of a child care centre accommodating 65 places.

The proposed development will provide a total of 14 on-site car parking spaces which would be slightly less than the required 16 spaces. However, given the location of the proposed development within close proximity of public transport, a bicycle lane on the adjoining arterial road network and the potential for limited parking to occur on Rushworth Avenue, I consider that such a minor shortfall in on-site site parking would be acceptable.

A review of the proposed traffic generated by the subject development would indicate that, at most, there should be:-

- Approximately 52 trips in the am peak hour period, and
- Approximately 46 trips in the pm peak hour period.

Surveys of existing traffic movements entering / exiting Rushworth Avenue to and from Sir Donald Bradman Drive have identified that existing weekly traffic volumes on this roadway are very low and that there is no significant delay/queueing to drivers of vehicles turning out onto Sir Donald Bradman Drive.

The forecast volumes of traffic anticipated to be generated by the proposed development will be readily accommodated by the adjoining road network.

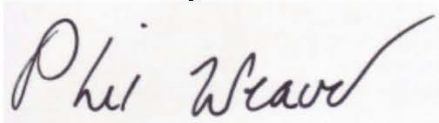
In my opinion there will be no detrimental traffic impacts on either capacity of amenity associated with the subject development.

The proposed on-site car parking area has been designed in accordance with the requirements of the relevant off-street car parking standard and would be suitable for use by the proposed development.

In summary, the proposed development will:-

- Provide a total of 14 car parking spaces including one space for use by the disabled and an adjacent shared area. While this level of parking would be slightly less than the number of spaces typically required for a facility accommodating 65 children on-site, there is an opportunity for this minor shortfall in car parking provision to be provided on-street,
- Not result in adverse traffic impacts on the adjacent road network, based upon the analysis of the forecast traffic generation of the subject development, provided within this report, and
- Provide a design standard which is appropriate and meets the requirement of the relevant Australian / New Zealand Standard for off-street car parking areas.

Yours sincerely



Phil Weaver  
Phil Weaver and Associates Pty Ltd

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

Application No 211/738/2017

Appearing before the Panel will be:

Representors: **David & Linda Reid** of 4 Rushworth Avenue, Brooklyn Park, wishes to appear in support of the representation.

**Maria Papageorgiou** of 436 Sir Donald Bradman Drive, Brooklyn Park, wishes to appear in support of the representation.

**Craig and Andrea Johnston** of 12 Rushworth Avenue, Brooklyn Park, wishes to appear in support of the representation.

**Karen Smith** of 3 Rushworth Avenue, Brooklyn Park, wishes to appear in support of the representation.

**Elizabeth White** of 430 Sir Donald Bradman Drive, Brooklyn Park, wishes to appear in support of the representation.

Applicant/s **David Hutchison** of Access Planning wishes to appear to respond to representations.

**DEVELOPMENT APPLICATION DETAILS**

DEVELOPMENT PROPOSAL	Construct a childcare centre with associated car parking and landscaping
APPLICANT	Eastern Building Group
APPLICATION NO	211/738/2017
LODGEMENT DATE	19 June 2017
ZONE	Residential
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 3
REFERRALS	Internal <ul style="list-style-type: none"> <li>▪ City Assets</li> </ul> External <ul style="list-style-type: none"> <li>▪ DPTI</li> </ul>
DEVELOPMENT PLAN VERSION	30 May 2017
MEETING DATE	9 January 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. 211/738/2017 by Eastern Building Group Pty Ltd to undertake construction of a childcare centre with associated car parking and landscaping at 432 & 434 Sir Donald Bradman Drive (CT5694/228) subject to the following reserved matters and conditions:

### Reserved Matter

1. Pursuant to Section 33 (3) of the Development Act, 1993, the applicant shall prepare a Waste Management Plan that satisfactorily manages the following aspects of waste storage and collection from the development to the satisfaction of 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. 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 attraction of insects and vermin or to create unpleasant odours.
  - c. 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 Rushworth Avenue 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 plans by John Perriam Architects amended plans marked Dwg Nos 08/17-P1D, 08/17-P2B, 08/17-P3B and Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B and information detailed in this application except where varied by any condition(s) listed below.
2. The access to Rushworth Avenue shall be constructed in general accordance with the John Perriam Site Plan, Drawing No. 08/17, Issue B, dated 19/06/2017 and the Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B.
3. The access point shall be suitably flared to Rushworth Avenue in accordance with the plans John Perriam Site Plan, Drawing No. 08/17, Issue B, dated 19/06/2017 and the Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B. to allow convenient ingress and egress movement in order to minimise disruption to the free flow of traffic.
4. The existing crossover on Sir Donald Bradman Drive shall be considered redundant and must be closed off to the satisfaction of Council. Any new or modified crossing places shall be constructed to Council's requirements. New vehicle crossing places must be located a minimum of 500mm from any existing or proposed verge features (i.e. crossing places, trees, stormwater connections, stobie poles).
5. The car park shall be arranged, managed and signed to allow and direct all vehicles to enter and exit the site in a forward direction at all times.



6. The hours of operation of the Childcare centre shall be limited to the hours between 6.30am and 6.30pm on any day.
7. The the total number of children accommodated in the facility at any one time shall be limited to 65.
8. The sliding gate at the Rushworth Avenue entry shall be kept open at all times when the facility is operating with children present, to allow vehicles to enter and exit the car park unhindered to prevent traffic queuing and obstructing vehicle movements on Rushworth Avenue.
9. Fencing adjacent to the south-western boundary shall ensure sightlines to/from 436 Sir Donald Bradman Drive can be achieved in accordance with AS/NZ2890.1:2004.
10. All stormwater generated by the proposal shall be appropriately collected and disposed of without jeopardising the safety of the adjacent arterial road.
11. Stormwater detention shall be installed prior to the occupation of the development and maintained thereafter in accordance with the stormwater calculations by Herriot Consulting dated 8/11/2017.
12. 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.
13. 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.
14. The bin enclosure shall be increased in size to accommodate more than two 240 litre mobile garbage bins such that all waste produced by the facility is able to be stored in enclosed receptacles at all times with the frequency of collection increased through the use of private contractors to avoid the creation of odours or other nuisance all to the reasonable satisfaction of Council.
15. Waste collection shall be undertaken in accordance with a Waste Mangement Plan that is to be prepared and approved prior to issuing of Development Approval.
16. General service vehicles for the subject development shall be restricted to an 'SRV' (in reference to AS 2890.2-2002), and servicing shall be restricted to outside of peak times.
17. The fence along the northern boundary shall be not less than 2.0m in height, extend to ground level without gaps in or below the fence and be double sheeted to provide adequate separation and noise attenuation between the facility and the adjoining premises.
18. Security lighting and lighting of the driveways, parking and manoeuvring areas and footpaths shall 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 should be dimmed to levels sufficient for secuity 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.

19. 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.
20. An automatic watering system shall be installed as part of the landscaping to ensure it is adequately watered at all times to enable it to establish and flourish.
21. 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 condition at all times.
22. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage of materials or goods such as waste products and refuse.

**Condition imposed at the direction and advice of DPTI**

23. The corner cut-off at Sir Donald Bradman Drive/Rushworth Avenue junction shall be increased to 4.5m x 4.5m in order to maximise driver sight lines and improve pedestrian circulation at Sir Donald Bradman Drive and Rushworth Avenue junction. All development (including landscaping and fencing) shall be kept clear of the above corner cut-off.

**Notes**

1. This approval does not include the erection of any signs. Further permission may be required from Council for the erection or display of any signs.
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. This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land (e.g. Strata/Community Corp or the Developer/ Encumbrancee).
4. Your attention is drawn to the *Disability Discrimination Act 1992* which may prescribe requirements for people with disabilities additional to those contained within the Building Code of Australia.
5. Any existing crossing places not providing vehicle access shall be considered redundant and must be closed off to the satisfaction of Council. Any new or modified crossing places shall be constructed to Council's requirements. New vehicle crossing places must be located a minimum of 500mm from any existing or proposed verge features (i.e. crossing places, trees, stormwater connections, Stobie poles).

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**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 APPLICATION(S)**

DA: 211/327/2016, Construction of two (2) single storey detached dwellings, a carport, masonry wall and demolition of existing outbuildings. The development has not been undertaken.

DA: 211/881/2016, Land division - Torrens Title; SPAC No. 211/D104/16 (Unique ID 54925); Creating two (2) additional allotments. The approval has not been implemented.

**SITE AND LOCALITY**

The site comprises two allotments, each of which contains a single storey detached dwelling several decades old which are intended to be demolished.

The land is relatively level with only a gentle gradient from the north downwards to the Sir Donald Bradman Drive frontage. There is no vegetation or any other noteworthy features on the land.

There are no easements or other features of the land that would restrict its development.

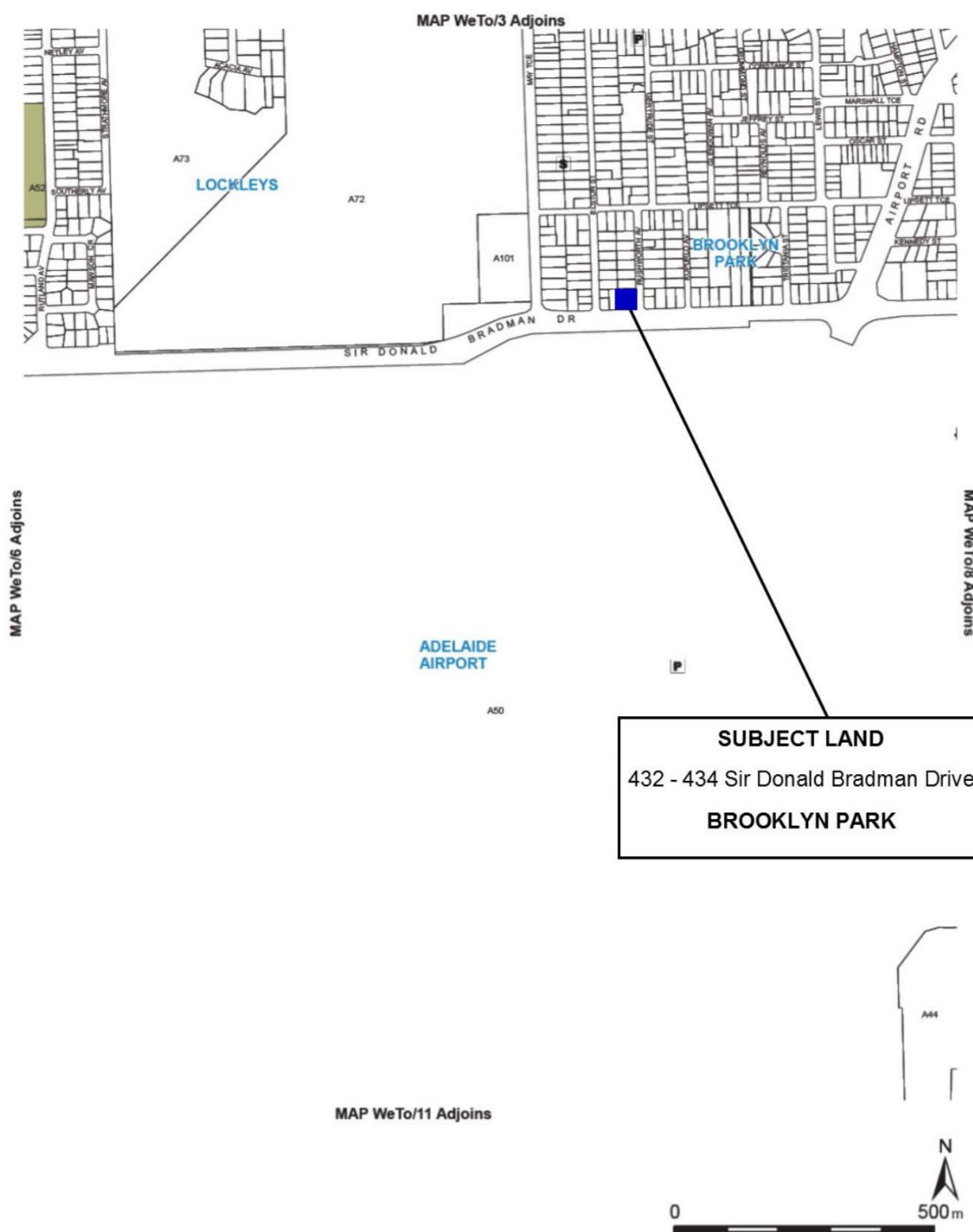
The locality on the northern side of Sir Donald Bradman Drive comprises a mix of one and two storey residential development at relatively low densities, although there are examples of some infill development having occurred.

Significant features of the locality include the entry to Adelaide Airport to the east of the subject land, on the southern side of Sir Donald Bradman Drive. The IKEA facility and other commercial development is located on the opposite of the subject land on that road.

Overall, the locality onto which the subject land is oriented is very active in nature with estimated 24 hour two way traffic flows of 28,300 vehicles. In addition there is the traffic in and out of the Adelaide Airport and the surrounding retail and commercial land uses.

To the north of the subject land the locality comprises residential development on straight streets on a grid pattern. Rushworth Avenue is an open streetscape with the high levels of activity along Sir Donald Bradman Drive being evident and which would produce relatively high ambient noise levels.

There is a bus stop located adjacent the frontage of the subject land which would provide ready access to public transport on Sir Donald Bradman Drive.

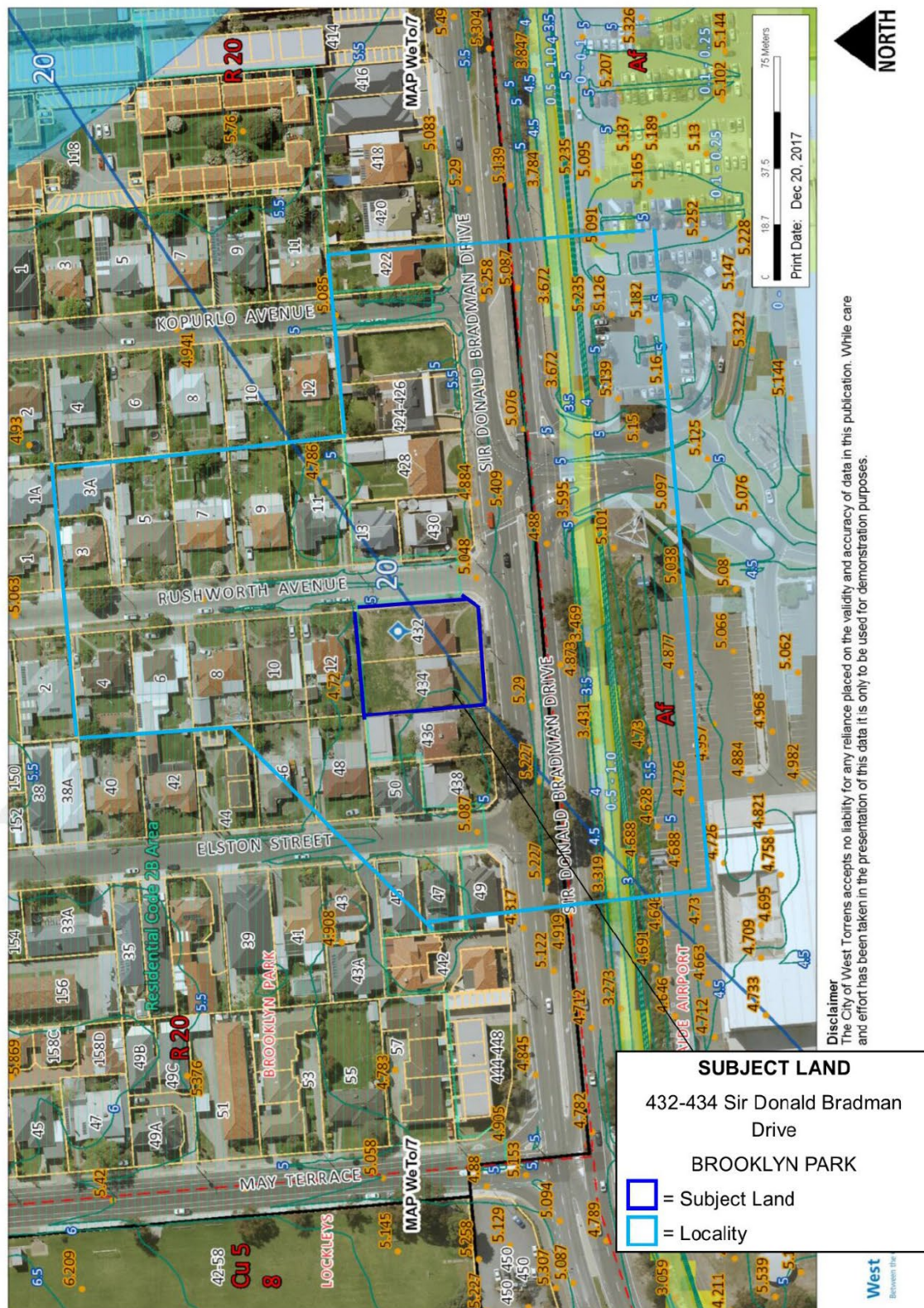


## Location Map WeTo/7



**WEST TORRENS COUNCIL**  
Consolidated - 30 May 2017





## PROPOSAL

The proposal comprises the demolition of the existing single storey detached dwellings and the construction of single storey, hipped roof residential style of building for use as a childcare centre as follows:

- The building is to contain 3 large rooms to accommodate children according to age groups, a sleep room for 16 cots, office, staffroom, store room and amenities.
- The facility will accommodate a maximum of 65 children. Based on Government standards staff members required are 1 per 4 children under 2 years of age, 1 per 5 children for 2 to 3 years of age and 1 per 10 children over 3 years of age. The number of staff required would depend on the age of the children enrolled in the centre but is expected to be in the order of 8 to 10 persons.
- The building wall height is 2.7m, roof ridge height of approximately 5.4m and a roof pitch of 30 degrees.
- The building floor area is 458.9m<sup>2</sup> excluding the verandahs.
- 3 outdoor play lawned and paved areas with shade sails over with ancillary decks.
- A 14 space sealed car park including 1 disabled space and a 3 space bicycle rack.
- A new double width access from Rushworth Avenue approximately 27m north of the junction with Sir Donald Bradman Drive.
- 1.8m high Colorbond fence along the western and northern boundaries.
- 1.8m high tubular fences and gates to the Sir Donald Bradman Drive and Rushworth Avenue frontages.
- A sliding tubular gate at the carpark entry on the Rushworth Avenue frontage.
- 2.5m x 2.0m Colorbond shed in Play Area 1 and a similar sized store at the western end of the verandah facing Sir Donald Bradman Drive.
- 1m wide landscaping strips along the road frontages and the northern car park edge except for a 1.5m wide strip along the Rushworth Avenue frontage of the car park.

A copy of the plans and documents are contained in **Attachments 1 to 7**.

## 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.

<b>Properties notified:</b>	Eight properties were notified during the public notification process together with a notice in the Advertiser newspaper.
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<b>Representations:</b>	<p>Six representations were received.</p> <p>A petition was also received by Council. The petition was presented to Council at its meeting of 21 November 2017 at which time it was resolved that:</p> <ol style="list-style-type: none"> <li>1. The petition be noted;</li> <li>2. Council supports the concerns of the residents; and</li> <li>3. Council writes to the Minister for Planning and Local MPs providing a copy of the petition noting Council's support for the residents.</li> </ol> <p>This petition is a separate matter and cannot be considered in the assessment of this application.</p>
<b>Persons wishing to be heard:</b>	<p>Five representors identified that they wish to address the Panel.</p> <ul style="list-style-type: none"> <li>• David and Linda Reid</li> <li>• Maria Papageorgiou</li> <li>• Craig and Andrea Johnston</li> <li>• Karen Smith</li> <li>• Elizabeth White</li> </ul>
<b>Summary of Representations:</b>	<p>Concerns were raised regarding the following matters:</p> <ul style="list-style-type: none"> <li>• Insufficient parking and related issues in Rushworth Avenue and surrounding streets. Parents from nearby Lockleys Primary School already park in that street;</li> <li>• No parking available on Sir Donald Bradman Drive between 7am to 9am;</li> <li>• Increased traffic in Rushworth Avenue and junction with Sir Donald Bradman Drive;</li> <li>• There are already two childcare centres less than a kilometre from the site;</li> <li>• 14 car parks are not enough to cater for the facility and would not even cater for staff;</li> <li>• Positioning on a main road where there is no parking is a problem that cannot be overcome;</li> <li>• Risks for children near a bus stop;</li> <li>• Traffic noise and accidents;</li> <li>• There is no room for a new pedestrian crossing on Sir Donald Bradman Drive and it would be a dangerous road for children to cross;</li> <li>• The car park entry on Rushworth Avenue will cause massive congestion;</li> <li>• Rushworth Avenue does not have adequate space for parents to drop off their children into the centre;</li> <li>• On street parking will really inconvenience actual residents;</li> <li>• Rubbish will be a health hazard;</li> <li>• Emptying commercial rubbish bins at night would cause disturbance;</li> <li>• A commercial development will devalue houses;</li> <li>• Commercial premises would have no concerns for residents and attract crime;</li> <li>• The site is too small;</li> <li>• Why have not all residents of Rushworth Avenue been notified?</li> </ul>



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

- The development falls marginally below Table WeTo/2 requirement of 1 space per 4 children accommodated in the centre. A report by Phil Weaver & Associates has been provided which refers to the MFY Child Care Centre Parking Rates Review undertaken for the Australian Childcare Alliance SA found that parking requirements at a number of such centres ranged between 4.2 and 6.7 spaces per child. Empirical data supports the proposed parking provision.
- Children's noise is occasional, brief and a pleasure to hear when playful and content and generally limited in early morning when numbers of children are low.
- Traffic noise from Sir Donald Bradman Drive will suppress some noise from the proposed development in an area where residential amenity is already diminished.
- Concerns about odour impacts. The waste area is suitably located and nappies will be double-sealed in biodegradable waste bags to prevent odour nuisance.
- There are many good reasons for dispersing child care centres including shorter trips for parents, convenience and accessibility and close proximity to schools with assimilation benefits for children and their parents.
- Location on an arterial road and in proximity to bus stops provides convenient access.
- Some other childcare centres in the general area service particular places or groups with little or no connection to local residents and are not indicative of how this centre would operate.
- Choice of centres is desirable.
- Feasibility of centres is not a planning issue.
- The ERD Court has said: the evidence is that a long day care pre-school is intended to be 'a home away from home' and to this end is more desirably located within a residential environment.
- Property is generally accepted as not a matter for consideration in a planning assessment.
- Movement activated lights will be provided over 'at risk' outdoor spaces for security. Child care centres are rarely the subject of anti-social activity.
- The proposal is considered consistent with relevant Development Plan criteria.

A copy of the representations and the applicant's response is contained in **Attachments 8 & 9**.

## REFERRALS

### *Internal*

- City Assets

Concerns were raised regarding the following matters:

- Stormwater quality
- Closing of redundant driveway crossovers
- Finished Floor Levels
- Waste collection will be limited to normal weekly pickup of a single waste bin. Any additional collection would be by private contractor and would need to be restricted to a medium rigid vehicle (MRV).

The concerns have been addressed and City Assets are accepting of the development subject to conditions dealing with the operative requirements of the centre.

A full copy of the relevant report is contained in **Attachment 10**.

### *External*

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



- DPTI

No in principle objections were raised subject to the following:

A directed condition that:

- The corner cut-off at Sir Donald Bradman Drive/Rushworth Avenue junction shall be increased to 4.5m x 4.5m in order to maximise driver sight lines and improve pedestrian circulation at Sir Donald Bradman Drive and Rushworth Avenue junction. All development (including landscaping and fencing) shall be kept clear of the above corner cut-off.

A number of further recommended conditions addressing:

- Construction of the access into the car park.
- Safe and convenient vehicle movements.
- Fencing of the corner cut-off at the road.
- All stormwater disposal so as not to jeopardise road safety on an arterial road.
- A note referencing the Metropolitan Road Widening Plan.

A full copy of the relevant report is contained in **Attachment 11**.

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly the Low Density Policy Area 20 as described in the West Torrens Council Development Plan consolidated on 30 May 2017. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Advertisements	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 & 22
Building near Airfields	Objectives	1
	Principles of Development Control	1, 2, 3 & 4
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 & 10
Design and Appearance	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22 & 23
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2 & 3
Hazards	Objectives	1, 2, 3, 4, 5, 6, 7, 8, 9 & 10
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15
Interface between Land Uses	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 5 & 7
Landscaping, Fences and Walls	Objectives	1 & 3
	Principles of Development Control	1, 2, 3, 4 & 6

<i>Natural Resources</i>	<i>Objectives</i>	1, 2, 4, 5, 6, 7 & 10
	<i>Principles of Development Control</i>	1, 2, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, & 38
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 3, 4, 5 & 6
<i>Residential Development</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5 & 6
<i>Transportation and Access</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 8, 9, 10, 11, 12, 14, 18, 20, 21, 22, 23, 24, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 & 42
<i>Waste</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 10 & 11

**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 & 4
<i>Principles of Development Control</i>	1, 3, 5, 8, 11, 12, 13 & 14

**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.

**Objectives**

1

**Principles of Development Control**

1 &amp; 2

**QUANTITATIVE ASSESSMENT**

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA	None	1442m <sup>2</sup> (existing & to be retained) <b>Satisfies</b>
SITE FRONTAGE	None	32.84m on Sir Donald Bradman Drive + 3m corner cut-off (existing & to be retained) 37.21m on Rushworth Avenue +3m corner cut-off (existing & to be retained) <b>Satisfies</b>
SITE DEPTH	None	40.56m (existing & to be retained) <b>Satisfies</b>

<b>STREET SETBACK</b> Residential Zone PDC 8.	8.25m approximately (average of buildings either side) on Sir Donald Bradman Drive  Rushworth Avenue 8m approximately	5.5m to verandah & 8m to wall from Sir Donald Bradman Drive boundary  <b>Does Not Satisfy</b>  7.8m to verandah and 10.2m to wall from Rushworth Avenue boundary  <b>Satisfies</b>
<b>SIDE/REAR SETBACKS</b> Residential Zone: PDC 12 & 13.	Side Minimise visual impact and overshadowing  Rear No standard for non- residential buildings	Limited wall on boundary with balance 1.68m & 2.7m high  <b>Satisfies</b>  2.7m setback to verandah & approximately 5.7m to wall  <b>Satisfies</b>
<b>LANDSCAPING</b> General Section: Landscaping, Fences & Walls PDC: 4	10%	Approximately 12.1% (175m <sup>2</sup> ) (along frontages and car park perimeter)  <b>Satisfies</b>
<b>CARPARKING SPACES</b> General Section, Transportation and Access PDC: 34	1 per 4 children car-parking spaces required	14 provided  <b>Does Not Satisfy</b>

## QUALITATIVE ASSESSMENT

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

### Land Use and Zoning

The development of a childcare centre is an envisaged use on the Low Density Policy Area 20 in PDC 1 as it is in PDC 1 of the Residential Zone. It is a form of small scale community facility that services the needs of the community and is therefore considered appropriate for the site in land use terms.



### **Surrounding Uses**

The uses that immediately surround the subject land are primarily single and two storey detached dwellings but with some examples of infill development. The proposed childcare centre has been designed in the form of a large residential style building with the play areas dispersed around the perimeter of the building in a manner that is sympathetic to the abutting residential premises. The fence height, which is a typical 1.8m in height, is a satisfactory separation from the residential premises adjacent the western boundary where at the rear the neighbour has a shed sited on the common boundary and there is only side access along this side of the building where children will not have access. Along the northern boundary it would be preferable to have a 2m high fence to provide what may be perceived as better separation for the adjoining residents and to ensure that the fence has noise attenuating properties. To this end, the northern fence should extend to ground level without gaps and be double sheeted to protect the adjacent residential premises from potential noise from within both the car park and children's Play Area 1. A recommended condition of consent will address this requirement.

The uses on the southern side of Sir Donald Bradman Drive are retail and commercial and create a non-residential character. These developments are relatively remote from the subject land and are not of a kind that would adversely impact on the proposed child care centre.

### **Bulk and Scale**

Although the building footprint is substantially larger than its residential neighbours, the form and appearance of the building is sympathetic and compatible with the built form of the dwellings in the locality and is appropriate for the Sir Donald Bradman Drive streetscape by way of design and materials.

### **Setbacks**

The proposed verandah, attached to the childcare centre, has a setback of approximately 7.8m from Rushworth Avenue. This is considered satisfactory as it is similar to the setback of the dwelling north of the subject land. From Sir Donald Bradman Drive the verandah has a front setback of approximately 5.5m which is 4m less than the adjacent dwelling to the west. The wall of the main building has a setback of 8m from Sir Donald Bradman Drive. The shortfall in the front setback for the proposed childcare centre is not considered to be fatal to the application. The dwelling located to the east of the subject land has a setback from Sir Donald Bradman Drive of approximately 6m. It is noted that within the locality the dwellings do not have a consistent front setback from Sir Donald Bradman Drive. Also the design of the childcare centre has provided a degree of visual permeability to the main façade of the building. Overall, the siting of the building is considered satisfactory.

### **Pedestrian, Cyclist and Vehicular Access**

The development will require parents and guardians of children to enter the car park, park and leave the car to sign their children into the centre and then depart. The car park will be fitted with a sliding gate at the entry. This will provide after-hours security but it is important that the gate is kept open when the centre is operating to maintain unhindered traffic movements at the junction of Rushworth Avenue and Sir Donald Bradman Drive.

Pedestrian access will be available from both street frontages with convenient paths of travel along footpaths, through secure gates with safety lock devices to prevent opening by children and along internal pathways.

There are three bicycle racks incorporated into the development. These can be satisfactorily accessed through the carpark from Rushworth Avenue.

**Car parking Provisions**

In accordance with Table WeTo/2 a childcare facility would require 16 car parking spaces on the basis of 1 space per 4 children accommodated in the centre. The proposed car park will provide 14 spaces (including 1 disabled space) plus a 3 place bicycle rack for 3. The applicants and Council's Traffic Consultants agree that with the adjacent bus stop, bicycle parking, a small number of on-street spaces available on Rushworth Avenue and taking into account the operational/functional requirements of other childcare centres, 14 spaces is adequate to meet the needs of the facility. It is noted that childcare centres produce traffic demands with less intense peaks than schools. Starting and pick-up times are not dictated by the facility, but by the differing starting times for the day of parents and guardians.

**Public Transport Access**

The facility has good access to public transport with a bus stop on Sir Donald Bradman Drive immediately adjacent the site. This or other traffic will not pose a risk to children as they will be enclosed by secure fencing with landscaping and gates that prevent opening by small children.

**Movement of People and Goods**

The flow and nature of vehicle movements has been assessed as satisfactory by Council's traffic engineers.

It is expected that the majority of the users of the facility would travel to it via Sir Donald Bradman Drive, enter the car park where they are able to turn and exit onto the back onto Sir Donald Bradman Drive rather than travel through the local residential streets. The predicted peaks for vehicle movements based on accepted standards are:

- 52 trips between 7am and 9am (equivalent to 1 trip per 2.3 minutes on average)
- 20 trips between 2.30pm and 4.00pm (equivalent to 1 trip per 4.5 minutes on average)
- 46 trips between 4.00pm and 6.00 pm (equivalent to 1 trip per 2.6 minutes on average)

The number and frequency of vehicles involved is expected to be well within the capacity of the road network with only small numbers associated with the childcare centre likely to travel through the residential area.

**Waste Storage and Collection**

The proposal plans indicate a small bin enclosure adjacent the carpark and near the northern boundary of the site with reliance on the standard once weekly Council waste collection service.

The enclosure would accommodate one waste bin and one recyclables bin. This is unlikely to accommodate all napkins, food and packaging waste for one week in a manner that would keep bin lids closed and to avoid odours during periods of high temperatures such as in summer. Accordingly, it is considered that whether or not the Council waste collection service is used, it is likely that more than one waste bin will be required. It would be possible to increase the size of the bin enclosure to accommodate at least 4 mobile garbage bins or another small enclosed receptacle as required. The addition of more bins would require collection by a private waste collection service.

It is noted that the information provided with the application indicates that napkins are to be double wrapped/bagged. There is however potential for odours to escape particularly after several days and warm temperatures and for flies etc. to be attracted to the bins. Collection at intervals not greater than every 48 hours is recommended.

Should the CAP be minded to approve the application, it is recommended that waste management be dealt with by way of a Reserved Matter, requiring submission of a waste management plan.

City Assets have advised that any private waste collection should be outside of opening hours using a Medium Rigid Vehicle (MRV).

### **Landscape Assessment**

General Section - Landscaping, Fences & Walls Module PDC 4 calls for a minimum of 10 per cent of a development site to be landscaped.

The proposal is for perimeter landscaping comprising two trees in proximity of the road junction (sufficiently setback for line of sight of road users) and rows of shrubs with ground covers and occupies approximately 12% of the site. This will be sufficient to enhance the amenity of both the facility internally and as viewed from the streetscape.

The installation of an automatic watering system is recommended.

### **Lighting and Security**

The proposal does not include detailed information on external lighting. Should CAP be minded to approve the application a condition is recommended with respect to such lighting to ensure that adequate lighting is provided for night time security purposes but in a manner and at a level that is commensurate with street lighting to avoid nuisance or distraction for neighbours or road users.

### **Aircraft Noise**

The property is located to the west of the flight path into Adelaide Airport and the building, except for a very small portion of its south-eastern corner, is located outside of the 20 ANEF line where no noise attenuation action is required. The facility is not expected to be adversely affected by aircraft noise.

### **SUMMARY**

The proposal is a community facility of a kind that serves the needs of the community through the provision of childcare. The proposal has the following characteristics:

- It is to be accommodated in a building that has a form that is compatible in terms of character and amenity of the locality.
- The development is of a form and scale that is envisaged by the Development Plan provisions for the Residential Zone and Low Density Policy Area 20.
- It is at the low end of the scale that is generally accepted as viable and does not impose excessive demands of the road network.
- The location adjacent an arterial road provides for convenient travel to and from the centre with minimal impact on the residential amenity.
- The layout of the facility minimises the impact of children's play on the adjoining residential premises by locating the small outdoor play area for under 2 year olds who will be less boisterous and less independent, adjacent the adjoining residential premises and the dwelling on the western side is shielded by the building itself.
- The ambient noise levels from Sir Donald Bradman Drive will tend to mask the activity associated with the proposed childcare centre.
- Such facilities do not operate into the evening or on weekends when residents of adjacent premises are enjoying leisure hours.
- The number of car parking spaces is 2 less than that set out in Table WeTo/2 but based on accepted standards for car parking provision, ready access to public transport and provision of bicycle parking the shortfall of 2 spaces is considered acceptable.

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.

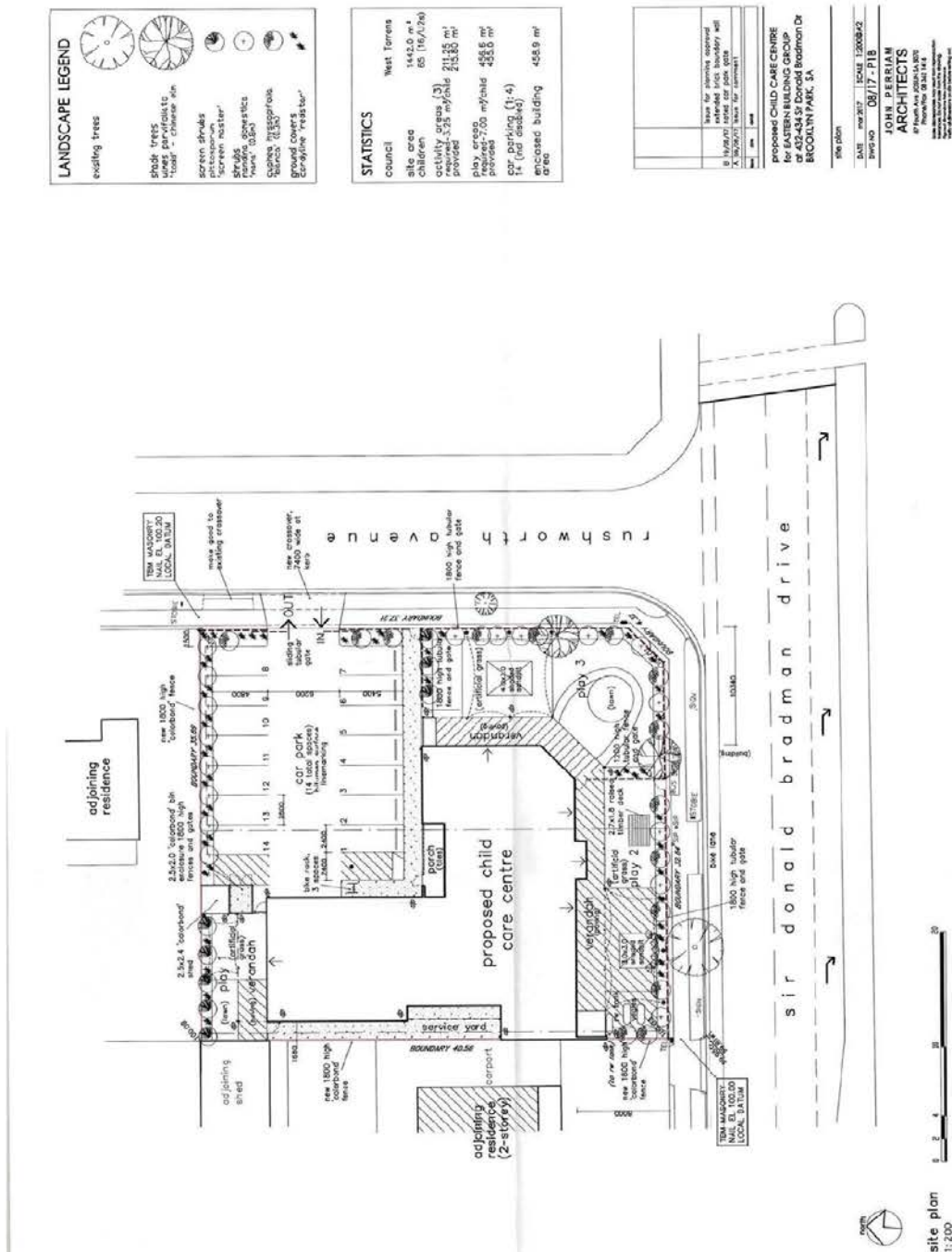
On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 30 May 2017 and warrants Development Plan Consent.

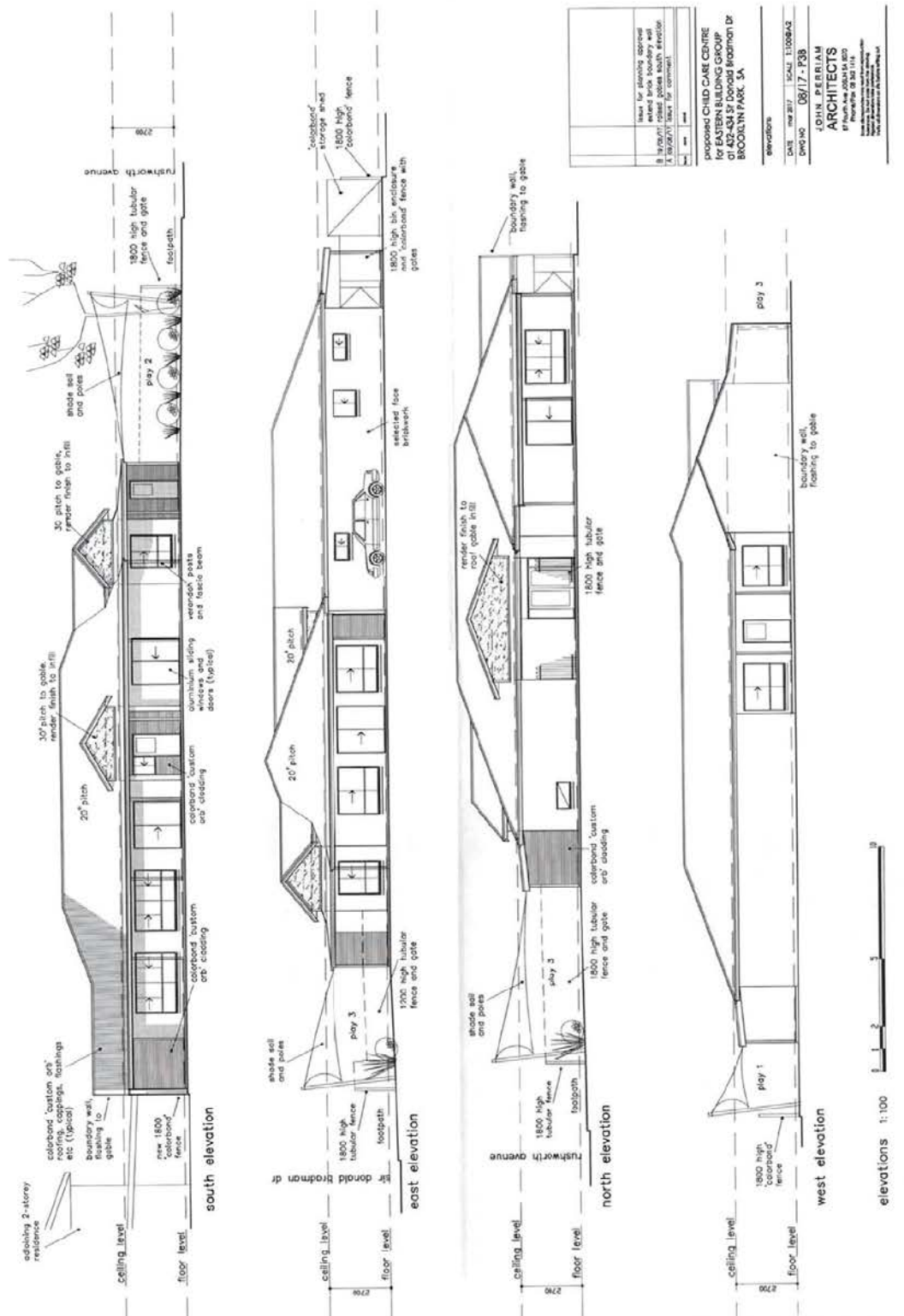
### **Attachments**

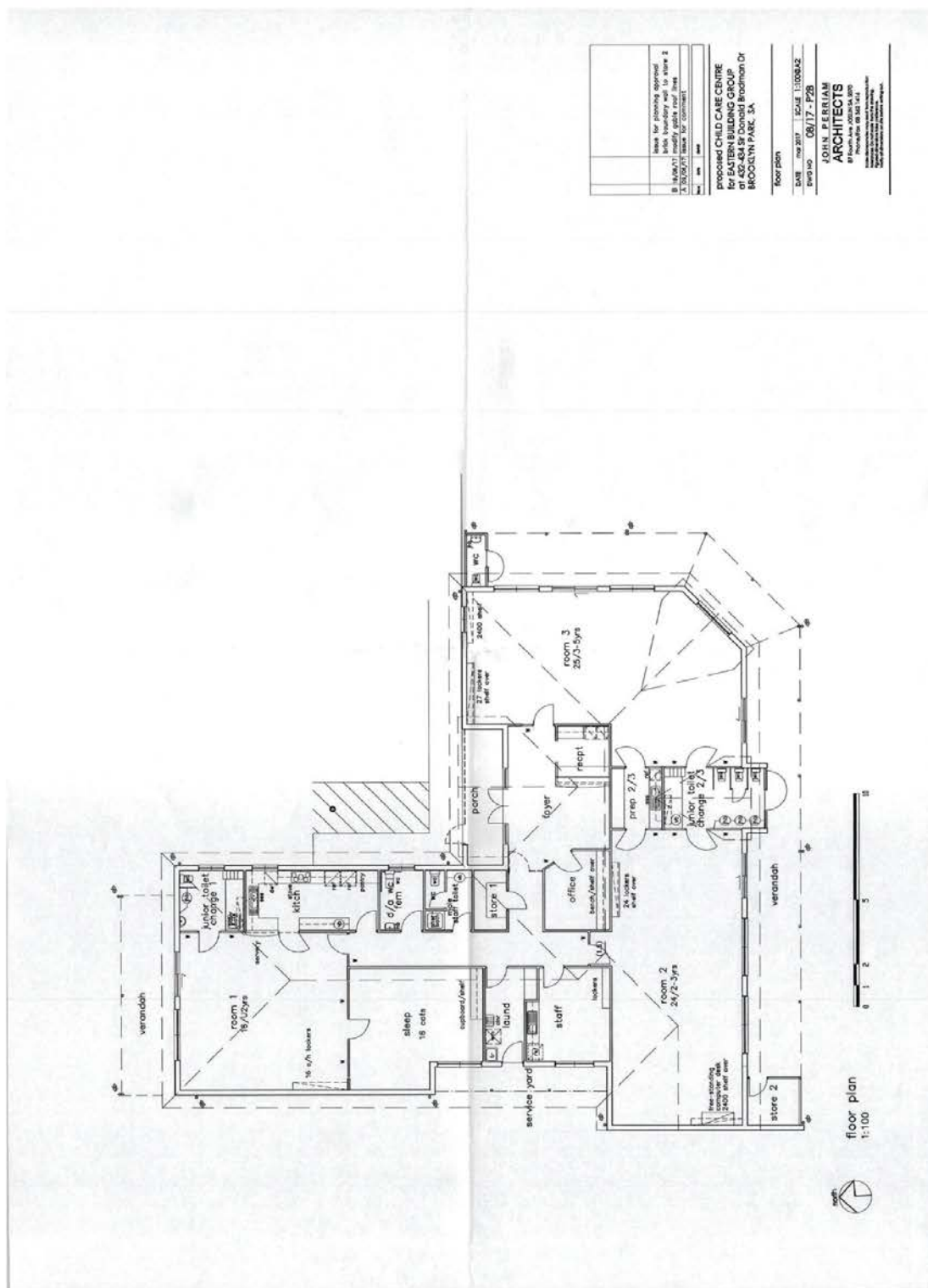
- 1. Set of plans**
- 2. Amended site plan**
- 3. Civil site plan**
- 4. Stormwater modelling**
- 5. Stormwater plan**
- 6. Locality drainage plan**
- 7. Swale plants**
- 8. Representations**
- 9. Traffic response to representations**
- 10. City Assets referral response**
- 11. DPTI referral response**



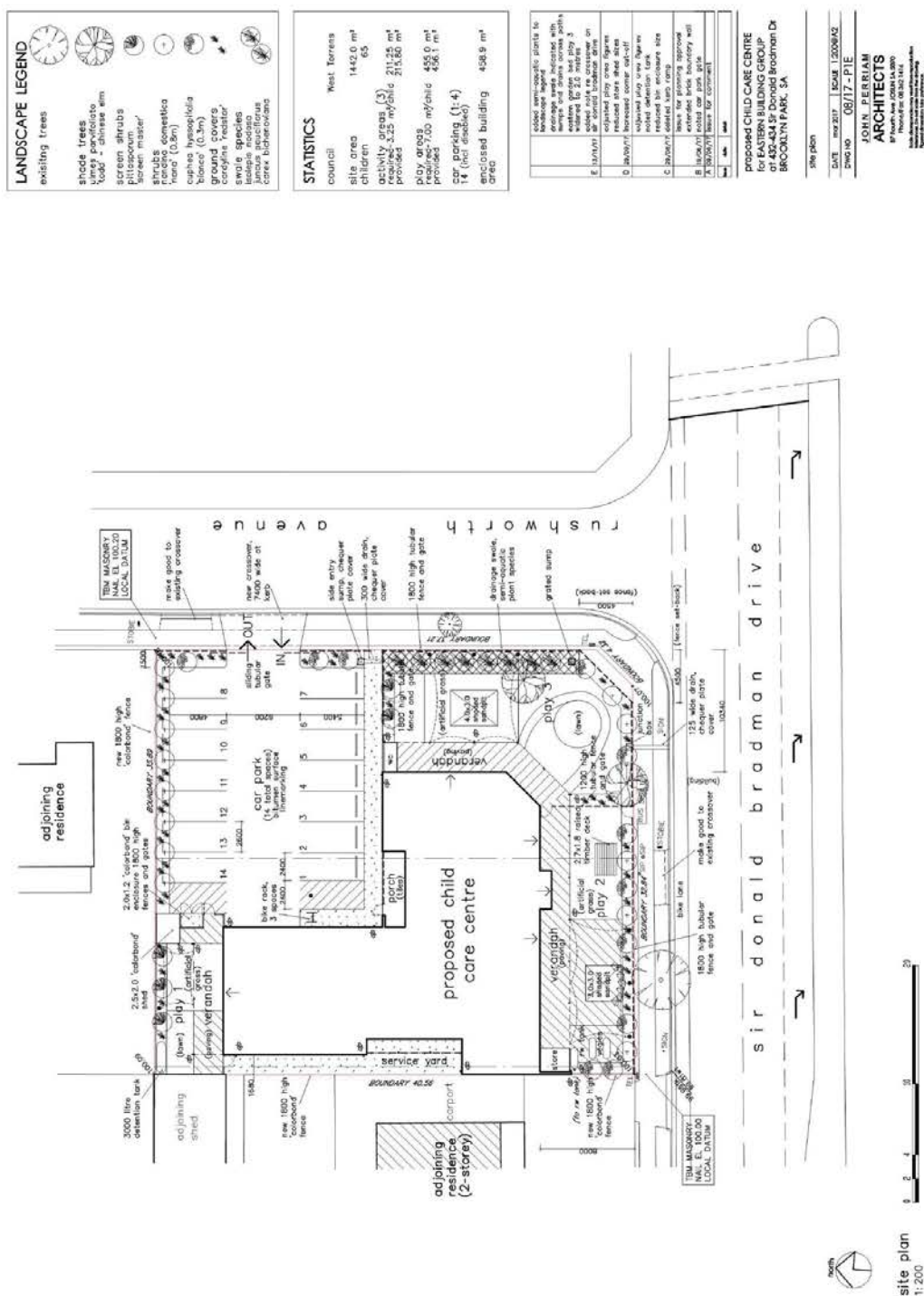


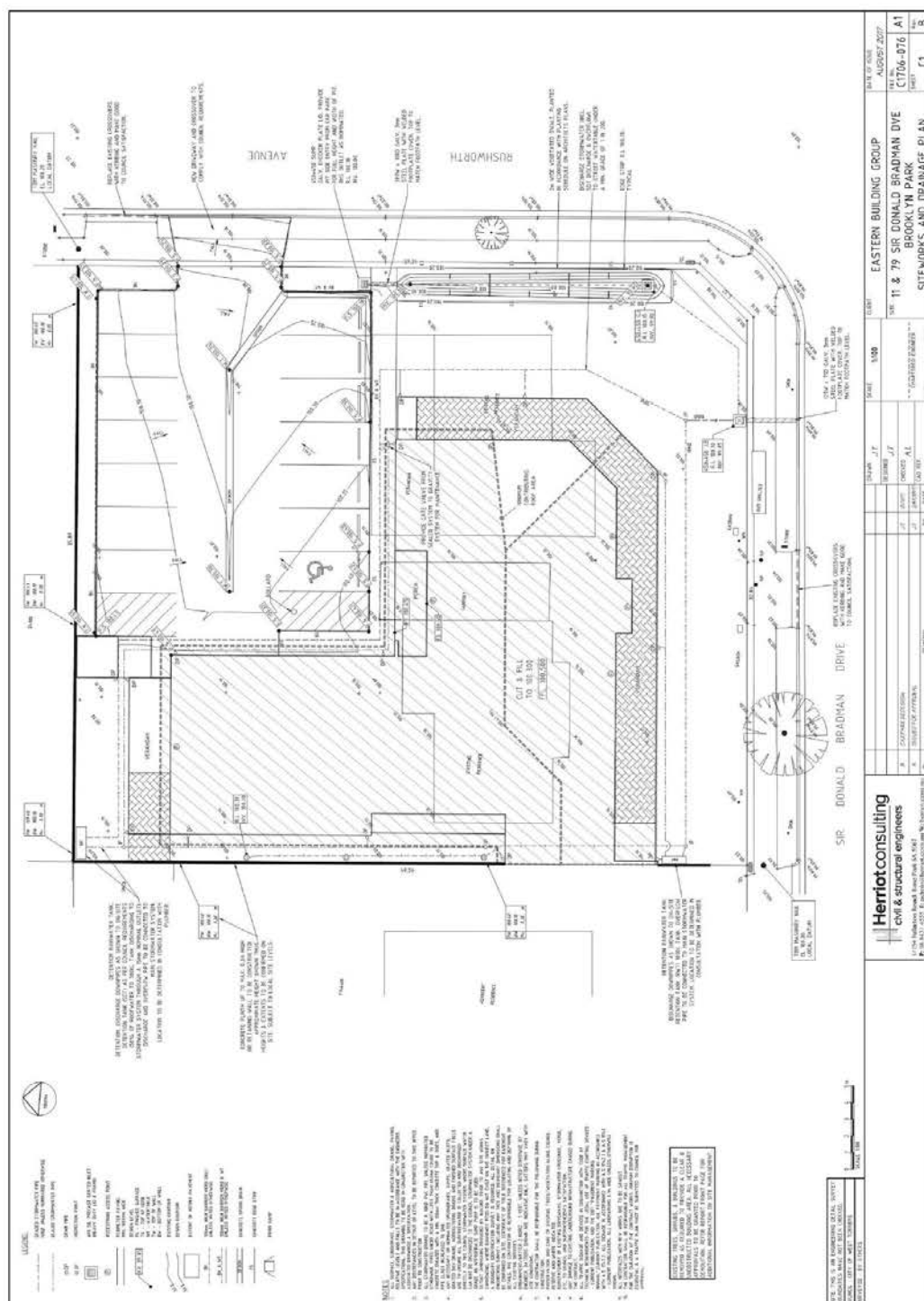


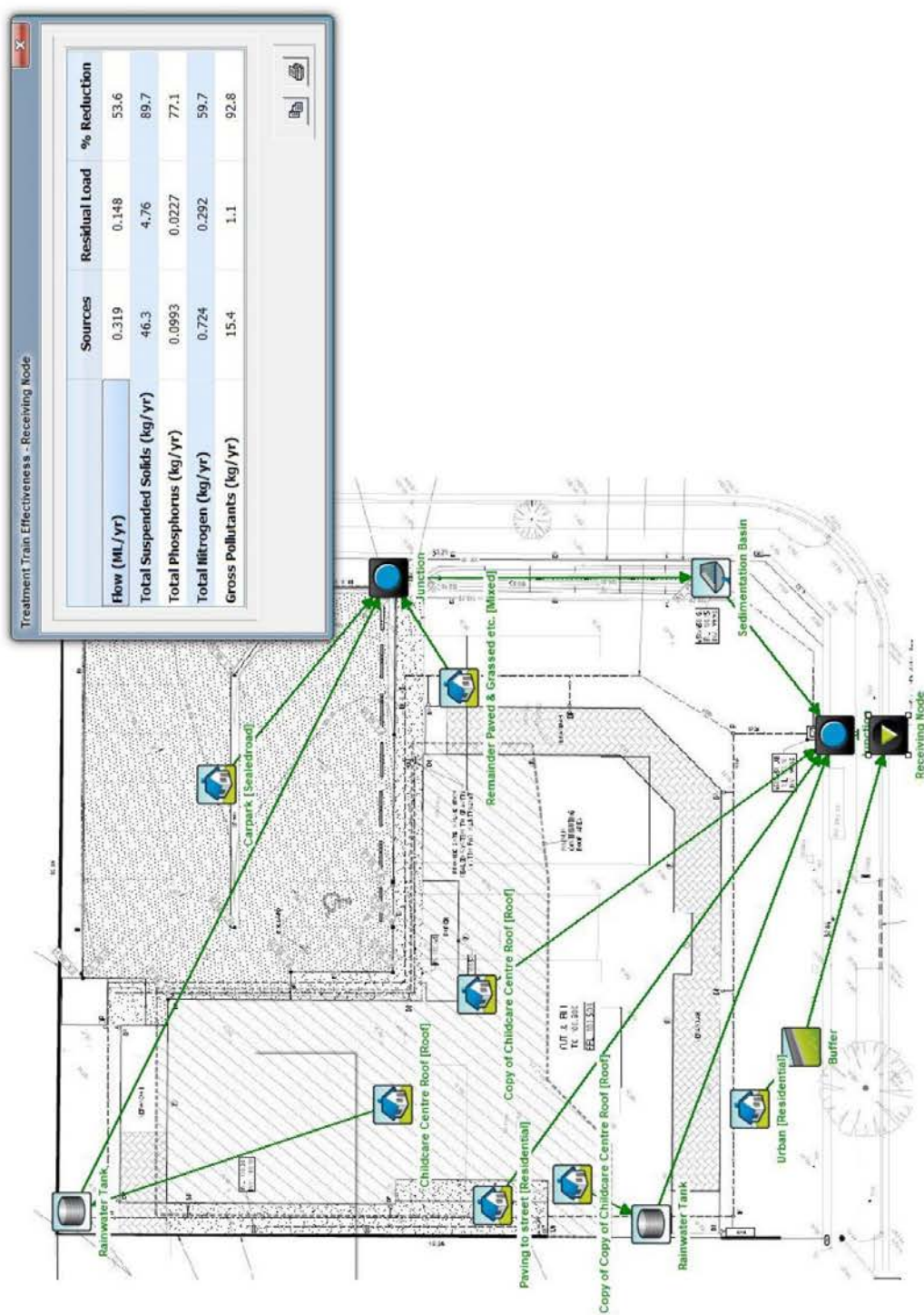














## STORMWATER CALCULATIONS

**CLIENT:** Eastern Building Group

**OWNER:** Eastern Building Group

**SITE ADDRESS:** 11 & 79 Sir Donald Bradman Drive, Brooklyn Pk

**JOB NO:** 1706-076

**COUNCIL:** CITY OF WEST TORRENS

**DESIGNER:** John Taglienti      **DATE:** 8/11/2017

1/154 Fullarton Road Rose Park SA 5067 **P:** 08 8431 4555 **E:** admin@herriot.com.au **W:** herriot.com.au

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## STORMWATER INVESTIGATION

COUNCIL CITY OF WEST TORRENS  
 JOB 1706-076  
 CLIENT Eastern Building Group  
 DATE 8/11/2017

STORMWATER CALCULATIONS FOR - 11 & 79 Sir Donald Bradman Drive, Brooklyn Pk

DESCRIPTION : Determine Peak discharge of a 20 Yr A.R.I critical storm event with discharge to council Stormwater system, to be restricted to 20L/s from the developed site.

## APPROACH - RATIONAL METHOD

$$Q_y = C \cdot I \cdot A / 360$$

Where -

- $Q_y$  = Is the design flow rate ( $m^3/s$ ) of A.R.I (y) years  
 $C$  = Is a dimensionless runoff Coefficient  
 $I$  = The rainfall intensity (mm/h) corresponding to a storm duration & A.R.I of (y) years  
 $A$  = Area of Catchment (ha)

Area Dimensions (m)	width	depth	total
	0	0	<b>A = 1445 <math>m^2</math></b>
(Total only if irregular dimensions)			<b>0.145 ha</b>

## A.R.I (average recurrence interval)

Current Aust. Practice 20 or 50yr For intensely developed business, commercial & industrial areas  
 10yr Other business, commercial, industrial areas & intensely developed residential areas  
 5yr Other residential areas and open spaces.  
 therefore **A.R.I = 20**

Time of Concentration : As adopted by A.R&R for flows for single dwellings a nominated time can be assumed of 5 min.

For more complex sites the kinematic wave equation should be adopted.

Kinematic wave equation (time of overland flow)

$$t = 6.94(L \cdot n^*)^{0.6} / I^{0.4} \cdot S^{0.3}$$

- $t$  = Overland flow time (min)  
 $L$  = Flow path length (m)  
 $n^*$  = Refer Table 1.0  
 $I$  = Rainfall intensity  
 $S$  = Slope

Table 1.0 Surface roughness coefficient

0.010-0.013	Concrete or Asphalt
0.010-0.016	Bare Sand
0.012-0.030	Graveled Surface
0.012-0.033	Bare clay-Loam soil
0.053-0.130	Sparse Vegetation
0.100-0.200	Shod grass prairie
0.170-0.480	lawns

## ALLOWABLE RUNOFF - 20YR

$$Q_{20} = 0.02000 \text{ m}^3/\text{s}$$

20.0 L/s	Allowable discharge
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Adopt 150Dia @ 0.5% to maintain outflow to 18L/s - AS/NZS 3500.3:2003, Figure 5.1





## STORMWATER INVESTIGATION

COUNCIL CITY OF WEST TORRENS

JOB 1706-076

CLIENT Eastern Building Group

DATE 8/11/2017

STORMWATER CALCULATIONS FOR -

11 &amp; 79 Sir Donald Bradman Drive, Brooklyn Pk

POST DEVELOPMENT RUNOFF - 20Yr

20yr Frequency =	<b>A.R.I =</b>	<b>20</b>	(Council Requirement)
	<b>F<sub>y</sub> =</b>	<b>1.05</b>	

Total A (m <sup>2</sup> / ha)	<b>1445</b>	<b>0.145</b>
Roof A (")	<b>620</b>	<b>0.062</b>
Paved/Grassed A (")	<b>825</b>	<b>0.083</b>

## Run-off Coefficients

C=(C<sub>a</sub>A<sub>a</sub>)+(C<sub>b</sub>A<sub>b</sub>)/A<sub>ab</sub>Percentage % Area (m<sup>2</sup>) % Area (ha) coefficient

(a) = pervious/grass 48% 400 0.040 0.1

(b) = impervious/paved 52% 425 0.043 0.9

Paved/Grassed C<sub>post</sub>= 0.51 x F<sub>y</sub>= 0.54C=(C<sub>r</sub>A<sub>r</sub>)/A<sub>r</sub> Percentage % Area (m<sup>2</sup>) % Area (ha) coefficient

(r) = impervious/Roof 100% 620 0.062 0.9

Roof C<sub>post</sub>= 0.90 x F<sub>y</sub>= 0.95

Quick approximate estimate of outflow peak

Q<sub>100</sub>=C.I.A/360

Where -	<b>C =</b>	<b>0.95</b>	<b>0.54</b>
	<b>I =</b>	<b>?</b> mm/hr	<b>?</b> mm/hr
	<b>A =</b>	<b>0.062</b> ha	<b>0.083</b> ha
therefore -	<b>Q<sub>20</sub>=</b>	<b>0.00016</b> xl ha	<b>0.00012</b> xl ha
	Total <sub>post</sub>	<b>0.00029</b> xl ha	

Q<sub>p</sub> = I<sub>p</sub>(1-S<sub>max</sub>/V<sub>i</sub>)

Where -

I<sub>p</sub> = peak discharge of inflow hydrographQ<sub>p</sub> = peak discharge of outflow hydrographV<sub>i</sub> = volume of inflow floodS<sub>max</sub> = Storage

Refer Appendix A

20.0 L/s allowable

Q<sub>p</sub> x t<sub>c</sub>

t <sub>c</sub> (Min.)	I (mm/hr)	I <sub>p</sub> (m <sup>3</sup> /s)	V <sub>i</sub> (m <sup>3</sup> )	S <sub>max</sub> (m <sup>3</sup> )
5	121	0.0346	10.38	4.38
10	89.2	0.0255	15.31	3.31
20	61.9	0.0177	21.24	-2.76
30	48.7	0.0139	25.07	-10.93
60	31.3	0.0090	32.22	-39.78
90	25.5	0.0073	39.38	-68.62
120	19.7	0.0056	40.56	-103.44

Estimated critical storm



## STORMWATER INVESTIGATION

COUNCIL CITY OF WEST TORRENS  
 JOB 1706-076  
 CLIENT Eastern Building Group  
 DATE 8/11/2017

STORMWATER CALCULATIONS FOR -  
 therefore  $I_p$ -

11 & 79 Sir Donald Bradman Drive, Brooklyn Pk

$$Q_{20} = C.I.A/360$$

Where -

	Roof	Paved/Grassed
C =	0.95	0.54
I =	121 mm/hr	121 mm/hr
A =	0.062 ha	0.083 ha
$Q_{20}$ =	0.0197 m <sup>3</sup> /s	0.0149 m <sup>3</sup> /s

therefore -

Total <sub>post</sub>	0.0346 m <sup>3</sup> /s
	34.6 L/s

## DETENTION REQUIREMENTS

## Minimum Tank Storage

$$Q_{\text{roof to detention}} = 50\% \text{ of Roof Flow}$$

$$Q_r = C.I.A/360 \times \% \text{ Inflow}$$

C =	0.95		
I =	121 mm/hr		
Ax% =	0.031 ha	Equivalent	310 m <sup>2</sup> per outlet
$Q_{100R}$ =	0.00985 m <sup>3</sup> /s		
Therefore Inflow =	9.8 L/s		

$$Q_{\text{orifice from detention}}$$

$$Q_o = C.A.\sqrt{2g.H}$$

where

C = coefficient of orifice

A = Area of orifice

g = gravity (m/s)

H = Height of water (head) meters

C =	0.65	orifice plate coefficient
A =	0.00018 m <sup>2</sup>	
g =	9.81 m/s	
H =	1.00 m	

Dia. (mm)	Area (m <sup>2</sup> )
15	0.00018
20	0.00031
30	0.00071

No. of Outlets

1

$$\text{therefore } - Q_o =$$

$$\times \text{No. of dwellings}$$

$$Q_{\text{roof to street}} =$$

50%

0.00051 m <sup>3</sup> /s	0.5 L/s
0.0005 m <sup>3</sup> /s	0.5 L/s
0.0098 m <sup>3</sup> /s	9.8 L/s

$$V_{\text{stored}} = Tc.60.(Q_r - Q_o) =$$

2801.28 L
2.80 m <sup>3</sup> overall
2.80 m <sup>3</sup> per outlet

$$Q_{\text{paving / grass to street}} =$$

0.01491 m <sup>3</sup> /s	14.9 L/s
---------------------------	----------

$$Q_{\text{Total to street}} =$$

0.02527 m <sup>3</sup> /s	25.3 L/s
---------------------------	----------

Post Development

$$\text{minus } Q_{20 \text{ ALLOW}} =$$

0.00527 m <sup>3</sup> /s	5.3 L/s
---------------------------	---------

## Additional Storage Req'd =

$$V_{\text{req'd}} = Tc.60.(Q_{20S} - Q_{20A}) / 1000 =$$

1.58 m <sup>3</sup>
---------------------

**STORMWATER INVESTIGATION**

**COUNCIL** CITY OF WEST TORRENS  
**JOB** 1706-076  
**CLIENT** Eastern Building Group  
**DATE** 8/11/2017

**STORMWATER CALCULATIONS FOR -****11 & 79 Sir Donald Bradman Drive, Brooklyn Pk****Additional Detention****Road Pipe Storage**

Length - Line 1	0.00	m	100 dia
Storage m <sup>2</sup> - Req.m <sup>2</sup>	0.008	m <sup>2</sup>	
Volume	0.00	m <sup>3</sup>	

**Pits**

0.05	m <sup>3</sup>
------	----------------

**Pond Storage**(1/3 ave depth x m<sup>2</sup>)

0.17	m
36	m <sup>2</sup>
2.04	m <sup>3</sup>

100.15 Outflow    Volume modelled  
 100.2 overflow

Total Volume 2.09 m<sup>3</sup> O.K

**SUMMARY**

Council requirements require post development flows from the site to be detained to a maximum 20L/s runoff for the 20yr ARI critical storm. This critical storm for this maximum flow = 34.6L/s therefore requires detention.

To reduce post development flow to the required outflow rate, 50% of roof stormwater or 310m<sup>2</sup> per tank is to be directed to a minimum 2800L tank discharging to the stormwater system via a 15mm orifice.

Roof stormwater and detention discharge and overflow is to be directed to the main stormwater system under gravity.

Post RWT detention, the critical storm volume required for detention is 1.58m<sup>3</sup>.

Driveway & Swale detention consist of ponded volume of 2.04m<sup>3</sup> up to R.L 100.15 prior to overflow, and pit & pipe detention.

This configuration detains maximum flow for the critical 20yr up to 20L/s.

In reply please quote 2017/01931/01, Process ID: 466492  
Enquiries to Reece Loughron  
Telephone (08) 8226 8386  
Facsimile (08) 8226 8330  
E-mail [dpti.luc@sa.gov.au](mailto:dpti.luc@sa.gov.au)



Government of South Australia

Department of Planning,  
Transport and Infrastructure

16/08/2017

RECEIVED - CWT IM

24 AUG 2017

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

Mr Jordan Leverington  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

Dear Jordan,

#### SCHEDULE 8 - REFERRAL RESPONSE

Development No.	211/738/17
Applicant	Eastern Building Group
Location	432-434 Sir Donald Bradman Drive (cnr Rushworth Avenue), Brooklyn Park
Proposal	Childcare centre (65 children) with associated car parking and landscaping

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 development involves the demolition of existing structures and the construction of a child care centre.

#### CONSIDERATION

The subject site abuts Sir Donald Bradman Drive and Rushworth Avenue. Sir Donald Bradman Drive is identified as a Major Traffic Route, Primary Freight Route, Public Transport Corridor and a Major Cycling Route in DPTI's 'A Functional Hierarchy for South Australia's Land Transport Network' and is gazetted for 26.0 metre B-Double vehicles. At this location Sir Donald Bradman Drive has an AADT of 26,900 vehicles per day (3.5% commercial vehicles) and a posted speed limit of 60 km/h.

#### Access and Road Safety

The subject site includes two existing residential allotments which have access to Sir Donald Bradman Drive and Rushworth Avenue. The John Perriam Architects Site Plan (refer Drawing No. 08/17 - P1B, Issue B, dated 19/06/17) indicates that the existing Sir Donald Bradman Drive access will be closed and the Rushworth Access will be relocated slightly south to enable the provision of a 14 space car parking. In-principle, no objection is raised to this access arrangement as it minimises access to arterial roads. The Sir Donald Bradman Drive crossover should be reinstated with kerb and gutter as part of the approval.

/DOCS AND FILES# 11813940

## 2

The relocated access will be 6.2 metres wide at the property boundary which is considered sufficient to cater for two-way vehicle movements. In order to ensure vehicles entering the site are not restricted by vehicles reversing from spaces 7 & 8 it is recommended that these be dedicated to staff use only.

With respect to on-street parking adjacent the site, DPTI strongly recommends that on-street parking on the western side of Rushworth Avenue is banned from the Sir Donald Bradman Drive / Rushworth Avenue junction to the proposed access in order to ensure the unrestricted two-way flow of vehicles (including waste collection) can occur without impacting the free flow of traffic on Sir Donald Bradman drive. All costs associated with line marking and sign installation should be borne by the applicant.

With respect to the proposed boundary fencing adjacent the access to 436 Sir Donald Bradman, it is recommended that this be modified to be of an open nature to ensure that pedestrian sightlines to/from the access can be achieved in accordance with AS/NZS2890.1:2004. In addition, the proposed fencing at the Sir Donald Bradman Drive/Rushworth Avenue must be designed so that sightlines at the Rushworth Avenue junction can be maximised. It is noted that the existing footpath is relatively narrow and a bus shelter is located downstream of the junction that could restrict sightlines. DPTI recommends that a larger cut-off be provided in the order of 4.5m x 4.5 metres as described below.

### Road Widening

The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a 4.5 metres x 4.5 metres corner cut-off at the junction of Sir Donald Bradman Drive and Rushworth Avenue. It is noted that CT 5704/545 shows that a 3.048 metres x 3.048 metres corner cut-off has already been provided. However, the corner cut off should be increased to 4.5 metres x 4.5 metres in order to maximise driver sightlines and improve pedestrian circulation at the Sir Donald Bradman Drive and Rushworth Avenue junction.

It should be noted that the consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0 metres of the corner cut-off requirement. It is noted that the built form is proposed more than 6.0 metres from the corner cut off and as such consent is not required in this instance.

### CONCLUSION

In-principle, no objection is raised to the proposed development subject to the following conditions.

### ADVICE

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

1. The corner cut-off at the Sir Donald Bradman Drive / Rushworth Avenue junction shall be increased to 4.5 meters x 4.5 metres in order to maximise driver sightlines and improve pedestrian circulation at the Sir Donald Bradman Drive and Rushworth Avenue junction. All development (including landscaping and fencing) shall be kept clear of the above corner cut-off.

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

2. The access to Rushworth Avenue shall be constructed in general accordance with the John Perriam Architects Site Plan, Drawing No. 08/17 – P1B, Issue B, dated 19/06/17.
3. The access point shall be suitably flared to Rushworth Avenue to allow convenient ingress and egress movements in order to minimise disruption to the free flow of traffic.

/DOCS AND FILES# 11813940



3

4. All vehicles shall enter and exit the site in a forward direction.
5. Fencing adjacent the south western boundary shall ensure sightlines to/from 436 Sir Donald Bradman Drive can be achieved in accordance with AS/NZS2890.1:2004.
6. All stormwater generated by the proposal shall be appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

The following notes provide important information for the benefit of the applicant and are required to be included in any approval:

- i. The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a 4.5 metres x 4.5 metres corner cut-off at the junction of Sir Donald Bradman Drive and Rushworth Avenue. The consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0 metres of the corner cut-off requirement. As all built form is proposed more than 6.0 metres from the corner cut-off, consent is not required in this instance.

Yours sincerely,

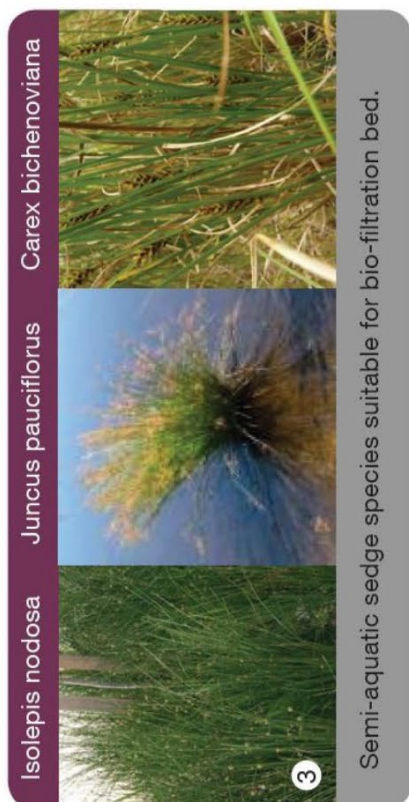
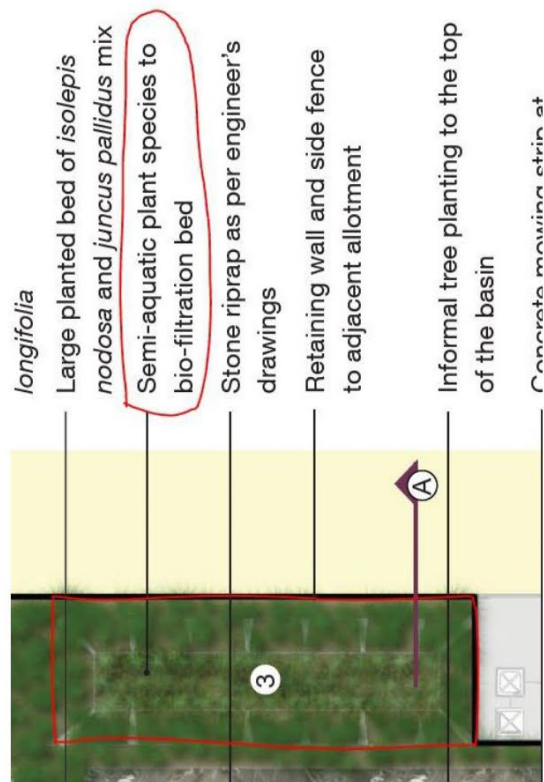


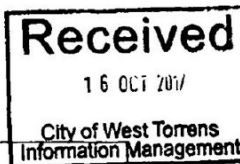
MANAGER, TRAFFIC OPERATIONS

For **COMMISSIONER OF HIGHWAYS**

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

/DOCS AND FILES# 11813940



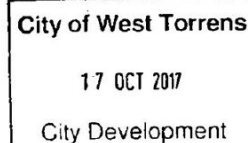


**STATEMENT OF REPRESENTATION**  
Pursuant to Section 38 of the Development Act, 1993

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

DEVELOPMENT No. 211/738/2017  
PROPERTY ADDRESS: 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK SA 5032

YOUR FULL NAME	CRAIG ALAN JOHNSTON + ANDREA DAHL - JOHNSTON
YOUR ADDRESS	12 RUSHWORTH AVENUE BROOKLYN PARK
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	Adjoining resident <small>(eg. Adjoining resident, owner of land in the vicinity etc.)</small>
REASON/S FOR REPRESENTATION	see attached note
MY REPRESENTATIONS WOULD BE OVERCOME BY (state action sought)	



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

I DO NOT WISH TO BE HEARD ☐

I DESIRE TO BE HEARD PERSONALLY ☒

I DESIRE TO BE REPRESENTED BY \_\_\_\_\_  
(PLEASE SPECIFY)

SIGNED

*C. Johnston*  
*A. Dahl*

DATE 9/10/17

Responsible Officer: Jordan Leverington  
Ends: Wednesday 18 October 2017

If space insufficient, please attach sheets

The following concerns regarding the proposed category 3 Development at 432 & 434 Sir Donald Bradman Drive – Development Number 211/738/2017:

1. Development of a commercial property next to a residential property will immediately devalue the residential property. We currently reside in a residential zone not a commercial zone.
2. There are several childcare centres in a 5 kms radius of the proposed development. In fact the same company has begun a development for Stepping Stones childcare 3 kms west further along on Sir Donald Bradman. This reinforces that this development is purely a commercial one which in no way considers the local community or the residents within the adjacent residential street.
3. We purchased our home in a residential area specifically not buying on the busy road but rather in a quieter residential area with distance between our property and those across the road (which is the other side of Sir Donald Bradman Drive) where there are commercial properties. We purchased this in December 2007 with the desire for accessibility but avoiding of commercial, school or apartment properties. Purchasing of properties should be made with knowledge of "the local area" and what you are buying in to. Clearly we had no desire for a property which was adjacent to a commercial property. If that was the case we would have bought a cheaper property within that demographic 10 years previously.
4. Our residential property has recently been upgraded with a council approved building which does not appear considered within the plan. Large bins, sheds and children's play areas do not back onto an open backyard area but rather onto the residence, meaning that the noise and smells are more likely to impact upon the residents within the adjacent building; our family.
5. The large bin for the childcare is almost on the boundary of our property. Given the type of waste that a childcare centre will generate it is anticipated that this will provide odour which will impact upon us as residents and this will potentially occur not just during the opening hours of the centre. As such the bins should be relocated in order to impact less on residents well away from the property boundaries. In addition the bins will require regular waste removal with large vehicles which again will impact upon us as residents both in terms of noise and traffic.
6. Adequate car parking for potentially 65 children cannot be provided with 14 spaces. Although there will be prime times for parking this will impact upon ourselves being the closest residence and in fact is likely to impact upon many residents in Rushworth Ave. Rushworth Ave has a large number of cars which belong to residents. Congestion as well as childcare staff and families taking resident parks will be an issue. Being a childcare centre will not be able to just drop children off (as per a school) but will need to park and take their children into the centre. The increased number of cars is a safety risk for small children.
7. Parking for staff does not appear to be a consideration. Typically staff to children ratios are either 1:5 in babies rooms and 1:10 for older children. Potentially there would be at least 10 staff who would be requiring parking (as there would also be administrative staff and cooking staff). Given the 14 parks it is not clear where these staff would park. Sir Donald Bradman is not a place to park and in fact has a bus stop outside of the proposed child care centre. Currently Rushworth Ave has a high number of cars attached to the residences.

8. There is also no parking on Sir Donald Bradman Drive between 7.00-9.00am. This is the drop off time for the childcare centre.
9. Security is likely to be a greater consideration when a "business" is so close as these can be targeted and as such the surrounding residences can also be targeted.
10. The actual building of this business appears to be large and will require construction over considerable time – noise and air pollution and the impact on surrounding areas need to be addressed. Review of the other childcare centre being built by this company (as referred to above) – porta loos, building equipment, bobcats etc. are all present on the site and have been for over 6 months.
11. The small play area adjoining our property is likely to pose a greater noise than would typically occur in a residential area. It is requested that number of children that can be accommodated in this area is provided and ways in which noise pollution due to numbers of children will be reduced to have minimal impact on residents occurs.
12. The height of the fence between our property and the proposed centre is too low in order to provide adequate privacy and consideration of noise as indicated above.

  
Andrea Dahl-Johnston and Craig Johnston

Owners of Residence: 12 Rushworth Ave, Brooklyn Park





PHIL WEAVER &amp; ASSOCIATES

Consultant Traffic Engineers  
ABN 67 093 665 680

204 Young Street  
Unley SA 5061

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

File: 152-17

1 November 2017

Mr George Skrembos  
Eastern Building Group  
142 Payneham Road  
STEPNEY SA 5069

Dear Skrembos,

**PROPOSED CHILD CARE CENTRE 432-434 SIR DONALD BRADMAN DRIVE, BROOKLYN PARK - TRAFFIC AND PARKING ASSESSMENT AND RESPONSE TO REPRESENTATIONS**

I refer to our recent discussions relating to the proposed development of a 65 place child care centre and associated car parking on the above site.

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

This assessment has also addressed the representations recently received by West Torrens Council in respect to the proposed development.

**EXISTING SITUATION**

The subject site is located on the north-western corner of the intersection of Sir Donald Bradman Drive with Rushworth Avenue, Brooklyn Park.

The subject site is currently undergoing demolition works. The development site accommodates:-

- An unoccupied residential dwelling and garage at 432 Sir Donald Bradman Drive, and
- An unoccupied residential dwelling at 434 Sir Donald Bradman Drive.

The subject site has frontages of approximately 33m to Sir Donald Bradman Drive and approximately 40m to Rushworth Avenue inclusive of a 3m by 3m corner cut-off.

Currently there are two access points associated with the subject site. These consist of:-

- A crossover associated with the existing residential use of 432 Sir Donald Bradman Drive. This access point is located approximately 15m from the western boundary of the site and provides a width of approximately 4m, and
- An access point off Rushworth Avenue, approximately 4.5m in width located adjacent to the northern boundary of the site. This crossover is associated with the existing residential use of 434 Sir Donald Bradman Drive.

Sir Donald Bradman Drive, adjacent to the subject site, provides two traffic lanes and a bicycle lane in each direction separated by a central median. The bicycle lanes operate between 7.30am and 9.00am Monday to Friday on the northern side of this roadway and between 4.30pm and 6.00pm Monday to Friday on the southern side of this road.

A right turn lane for traffic turning from Sir Donald Bradman Drive into the (Ikea access roadway) associated with the retail outlets located on the southern side of this roadway is located directly opposite the subject site.

The intersection of Sir Donald Bradman Drive with the access point into the commercial development on the southern side of this roadway, opposite the subject site is controlled by traffic signals. This intersection is located approximately 20m to the east of the subject site i.e. immediately to the east of Rushworth Avenue. The median within Sir Donald Bradman Drive extends across the intersection (T-junction) with Rushworth Avenue. Hence, traffic entering and exiting this side road is restricted to left turn in and left turn out movements only.

A bus zone is located directly in front of the subject site on the northern side of Sir Donald Bradman Drive, while the corresponding bus zone on the southern side of this roadway is slightly further to the west. Parking on the northern side of Sir Donald Bradman Drive to the west of the bus zone is prohibited by No Stopping Anytime restrictions.

Rushworth Avenue, adjacent to the subject site, has a kerb to kerb width of approximately 9m with verge widths of approximately 3m on each side of this roadway.

Details of traffic volumes on Sir Donald Bradman Drive have been obtained from the Department of Planning, Transport and Infrastructure, (DPTI). From a traffic count undertaken on Wednesday 4<sup>th</sup> May 2015 it is identified that the two-way Annual Average Daily Traffic (AADT) volume adjacent to the subject site is approximately 23,800 vpd on Sir Donald Bradman Drive.

The speed limit on Sir Donald Bradman Drive, adjacent to the subject site, is 60 km/h. The urban default speed limit of 50 km/h applies on Rushworth Avenue.

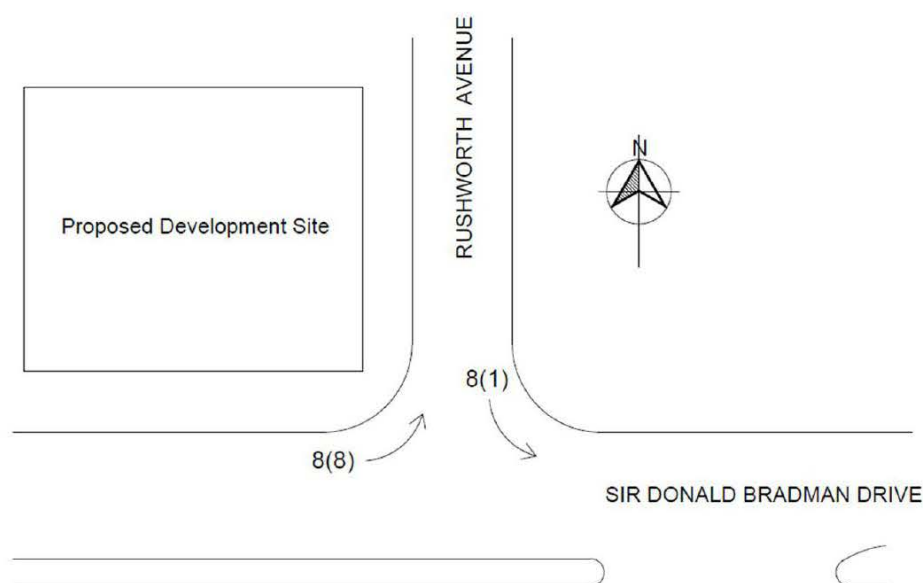
## **TRAFFIC SURVEYS**

In order to determine the current level of traffic using the intersection of Rushworth Avenue with Sir Donald Bradman Drive, surveys have been undertaken of vehicles entering and exiting Rushworth Avenue at this location.

The traffic surveys were conducted on Tuesday 31<sup>st</sup> October and Wednesday 1<sup>st</sup> November 2017 in 15 minute intervals over the periods from:-

- From 3.00 pm to 6.00 pm on Tuesday 31<sup>st</sup> October, and
- From 7.30 am to 9.30 am on Wednesday 1<sup>st</sup> November 2017.

The peak hour traffic volumes in the morning and afternoon periods were identified from the results of the above surveys as occurring between 8.00 am and 9.00 am and between 4.30 pm and 5.30 pm, respectively. The existing peak hour traffic entering and exiting Rushworth Avenue is identified in Figure 1 below.



**Figure 1: Existing am (pm) peak hour traffic volumes entering / exiting Rushworth Avenue, Brooklyn Park**

As identified above, all traffic turning into and out of Rushworth Avenue is restricted to left turn entry and left turn exit movements only.

The traffic surveys identified that:-

- 16 vehicles entered / exited Rushworth Avenue to and from Sir Donald Bradman Drive (8 in / 8 out) during the am peak hour period,
- 9 vehicles entered / exited Rushworth Avenue to and from Sir Donald Bradman Drive (8 in / 1 out) during the pm peak hour period, and
- At no time during either the morning or afternoon periods was there more than one car queued when drivers of vehicles were waiting to turn left out of Rushworth Avenue.

Based upon the peak hour traffic volumes in the am or pm peak hour periods typically being equivalent to approximately 10% of the of traffic on an a residential roadway, I estimate that the Average Weekday Traffic volume on this roadway would be of the order of 200 vpd. This indicates that there is no capacity issue within this section of roadway, particularly given that the residential amenity level within such a residential roadway is considered to be of the order of 1000 to 1500 vpd.

#### **PROPOSED DEVELOPMENT**

The proposed development is identified on a series of plans prepared by John Perriam Architects including a Site Plan (Drawing No. 08/17-P1D).

I note that the proposed development will include:-

- Demolition of the existing buildings on the site,
- Construction of a single storey building with a floor area of 458.9m<sup>2</sup> to accommodate a 65 place child care centre,
- Construction of a car parking area on the north-eastern side of the building to provide 14 spaces including a disability space and adjacent shared area. This car parking area will also provide a turnaround area in the north-western corner of this car park,
- A bicycle parking area, providing 3 bicycle spaces to be located on the south-western corner of the car park,
- Provision of a new access point off Rushworth Avenue, to be located approximately 6m from the northern boundary of the site. This access point will be gated and provide a width of approximately 6.5m, and
- Closure of the existing access points on Rushworth Avenue and Sir Donald Bradman Drive.

I understand that the hours of operation of the proposed child care centre will be 6.30 am to 6.30 pm Monday to Friday with the centre closed on weekends and public holidays.

The design of the at-grade car parking area provides:-

- Car parking spaces of 2.6m in width,
- Car parking spaces of 5.4m in length and 4.8m in length where provision has been made for a 600mm overhang, and
- An aisle width of 6.2m.

As such, I consider that the design of the on-site car parking area would conform to the requirements of the relevant off-street car parking standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009).

While the proposed development will require provision for a new crossover on Rushworth Avenue, the existing crossover will be closed permitting the area to the immediate north of the crossover to be used for car parking.

#### **PARKING ASSESSMENT**

**Table WeTo/2 – Off Street Vehicle Parking Requirements** within the West Torrens (City) Development Plan identifies car parking provisions relevant to a child care centre on the subject site, as follows:-

- One car parking space per 4 children, and
- One accessible (disability) space for a development with a total of 10 to 25 parking spaces.

Based on the subject child care centre accommodating 65 children, the proposed development would require 16.25 parking spaces.

The subject development will provide a total of 14 car parking spaces (including one disability space). Consequently, there would be a minor shortfall in the on-site car parking.

However, I note that a car parking rate of one space / 4.2 children has been identified as an appropriate car parking rate for such a development, based on findings within the report prepared by MFY Pty Ltd (**Child Care Centre Parking Rates Review - Parking Review**) on behalf of the **Australian Childcare Alliance**.

On the basis of the above parking review, the proposed development would require 16 spaces. Hence, it is calculated that there would be a shortfall of at most two spaces.

Given the proximity of the subject development to public transport on Sir Donald Bradman Drive, which would potentially result in a reduced level of car parking demand, I consider that the peak parking demand of the proposed development could be lower than required by either of the above standards.



In any event, I consider that there would be an opportunity to accommodate such a minor shortfall of on-site car parking within Rushworth Avenue.

### **PARKING REVIEWS**

In order to determine the current level of parking on-street in Rushworth Avenue, we have undertaken a number of parking reviews over the following periods:-

- Monday 30<sup>th</sup> October 2017 at 11.15am,
- Tuesday 31<sup>st</sup> October 2017 between 3.00pm and 6.00pm, and
- Wednesday 1<sup>st</sup> November 2017 between 7.30am and 9.30am.

The above reviews conducted in Rushworth Avenue identified the following:-

- There is a capacity to accommodate approximately 42 cars on-street within Rushworth Avenue,
- There were 6 cars parked on the Monday morning,
- During the Tuesday review there were 8 cars parked at 3.00pm, 11 cars parked at 4.45pm and 13 cars parked at 6.00pm, and
- During the Wednesday review there were 13 cars parked at 7.30am, 9 cars parked at 8.15am and 8 cars parked at 9.30am.

It was evident that there was a significant level of unused on-street car parking capacity remaining within Rushworth Avenue during the corresponding periods when the child care centre would be operational.

### **TRAFFIC ASSESSMENT**

The “**Guide to Traffic Generating Developments**” report produced by the former Roads and Traffic Authority of NSW (now Roads and Maritime Services) identifies peak hour traffic generation rates associated with a child care centre equivalent to:-

- A rate of 0.8 trips per child in the am peak period (7.00am to 9.00am),
- A rate of 0.3 trips per child in the period between 2.30pm and 4.00pm, and
- A rate of 0.7 trips per child in the pm period (4.00pm to 6.00pm).

On the above basis the number of peak hour trips associated with the child care centre would be:-

- 52 trips in the am peak hour period,
- 20 trips between 2.30pm and 4.00pm, and
- 46 trips in the pm peak hour period.

It is anticipated that the majority of the peak hour traffic movements accessing the proposed child care centre in the am peak periods would travel from the west to access the centre and exit to the east, with drivers undertaking left turn entry / left turn exit movements to and from Sir Donald Bradman Drive.

While there would be a small proportion of traffic that could potentially use adjoining sections of the local road network to access the proposed child care centre, the number of these movements would not have any significant impacts on the capacity of these roads or the amenity of the adjoining stakeholders, particularly given the relatively small size of the proposed development and the low volumes of traffic recorded on Rushworth Avenue.

Outside of peak hour periods on weekdays there will be minimal traffic generated by the subject child care centre.

There will be very infrequent deliveries to the proposed child care centre given the nature and size of this proposed facility. The majority of these deliveries would be made by small vans or similar sized vehicles with deliveries typically being undertaken in late morning / early afternoon periods i.e. outside of arrival and departure periods associated with children attending the centre.

The proposed development includes a bin storage area to accommodate waste and recycling. The level of waste and recycling would not be significantly different to that of the two residential properties previously occupied on the site.

Waste and refuse will be stored in wheelie bins and will be placed on the adjoining verge area on bin collection nights for servicing by Council's waste and recycling contractors.

## CONSULTATION

Discussions were undertaken with staff of the Safety and Service, Traffic Operations Section of the Department of Planning, Transport and Infrastructure (DPTI) in relation to the proposed development.

DPTI has previously provided Council with a Schedule 8 Referral Response in correspondence dated 16th of August 2017. I understand that this correspondence included the following comments/recommendations, namely that:-

- DPTI is comfortable with the proposed access arrangements but suggested that car parking be restricted at all times along the western side of Rushworth Avenue between Sir Donald Bradman Drive and the proposed access point,
- That parking bays 7 and 8 should be assigned for use by staff only, given the proximity of the spaces to the boundary of the site, and
- A 4.5m x 4.5m corner cut-off should be provided on the south-eastern corner of the subject site in lieu of the current 3.0m x 3.0m corner cut-off.

I note/consider that:-

- Given the very low volumes of traffic using Rushworth Avenue during periods when the child care centre would be in operation, I consider that it would not be necessary to restrict parking along the western boundary of the site,
- Parking bays 7 and 8 will be assigned for use by staff only, and
- The design has been modified to provide a corner cut-off of 4.5 m x 4.5 m on the south eastern corner of the subject land with the location of the boundary fence modified slightly from the plans previously submitted to Council.

## RESPONSE TO REPRESENTATIONS

I note that a total of six representations were received by Council in which matters relating to traffic, parking and vehicular access arrangements were raised. I have summarised the relevant aspects of this representation and have provided a response to the various issues identified within the relevant representation.

### Mr and Mrs Parisella - 2 Rushworth Avenue, Brooklyn Park

The above representation identified concerns in respect to:-

1. *"We have major concerns about the parking and impact on the traffic in our street and surrounding streets. As there is no parking on Sir Donald Bradman and Rushworth Avenue already has many vehicles attached to residences parked on the street. We have Lockleys Primary School closeby and parents already park in the surrounding streets to go there."*

In response to the above matters, it is noted that:-

- Reviews of the locality during weekday periods have not identified high levels of car parking demand on this roadway.

**Ms Linda Reid - 4 Rushworth Avenue, Brooklyn Park**

1. *"Traffic congestion - Sir Donald Bradman Drive / Rushworth Avenue. We already have a shortage of parking due to people using our street to leave their cars whilst on holidays not using airport facilities.*
2. *Dangerous frontage with bus stop right on corner of Sir Donald Bradman Drive and Rushworth Avenue.*
4. *Car parking for only 14 cars and 65 children seems totally unrealistic as parking for staff does not seem to have been considered and car parking is not allowed on Sir Donald Bradman Drive between the hours of 7am and 9am which is critical drop off time for child care centres.*

In response to these three issues, it is identified that:-

- The proposed development will not result in any significant impact to car parking demand currently occurring on Rushworth Avenue. More particularly, the proposed development will be open during weekday periods only and our reviews on site have identified only low levels of car parking demand during these periods. Furthermore, the proposed development will not be open during evening and weekend periods when residential parking demand would typically peak,
- A review of sight distance to the west along Sir Donald Bradman Drive has identified that required levels of sight distance along this roadway will continue to be met at this location. While sight distance would be interrupted by a bus standing at the bus stop to the west of Rushworth Avenue, this is not a result of the proposed development. Any delay that this causes to drivers exiting from Rushworth Avenue is minimal, and
- The adequacy of car parking associated with the proposed development has been considered in detail and has been measured against appropriate standards which contemplate both staff and parent / guardian parking demand. On this basis, there should be a potential requirement for at most two cars to park on street, within Rushworth Avenue. Car parking on Sir Donald Bradman Drive cannot legally occur due to the existing parking restrictions on this roadway.

**Mr Craig Alan Johnston and Mrs Andrea Dahl-Johnston - 12 Rushworth Avenue, Brooklyn Park**

5. *Adequate car parking for potentially 65 children cannot be provided with 14 spaces. Although there will be prime times for parking this will impact upon ourselves being the closest residence and in fact is likely to impact upon many residents in Rushworth Ave. Rushworth Ave has a large number of cars which belong to residents. Congestion as well as childcare staff and families taking resident parks will be an issue. Being a childcare centre will not be able to just drop children off (as per a school) but will need to park and take their children into the centre. The increased number of cars is a safety risk for small children.*

6. *Parking for staff does not appear to be a consideration. Typically staff to children ratios are either 1:5 in babies rooms and 1:10 for older children. Potentially there would be at least 10 staff who would be requiring parking (as there would also be administrative staff and cooking staff). Given the 14 parks it is not clear where these staff would park. Sir Donald Bradman is not a place to park and in fact has a bus stop outside of the proposed child care centre. Currently Rushworth Ave has a high number of cars attached to the residences.*

The above matters have been addressed in my previous responses.

**Mr David Reid and Mrs Linda Reid - 4 Rushworth Avenue, Brooklyn Park**

1. *This will substantially increase traffic congestion in street,*
2. *Street car parking is already a major issue - there is simply no capacity for extra parking,*
4. *The traffic congestion at intersection of May Terrace and Sir Donald Bradman Drive will undoubtedly increase. This is already a very dangerous intersection with no traffic lights.*

Items 1 and 2 within this representation have previously been addressed.

In respect to an anticipated increase in traffic congestion at the intersection of May Terrace and Sir Donald Bradman Drive, it is considered that the proposed development would result in a minimal increase in any traffic congestion at this intersection, particularly given:-

- The relatively small size of the proposed development compared to other child care centres within Metropolitan Adelaide, and
- The proportion of traffic accessing the proposed child care centre via the intersection of May Terrace with Sir Donald Bradman Drive would be minimal.

**Ms Maria Papageorgiou - 436 Sir Donald Bradman Drive, Brooklyn Park**

1. *Site of childcare centre is too small for 65 children, and*
2. *Parking will be a problem.*

I consider that these matters have been addressed above.

**Ms Karen Marie Smith - 3 Rushworth Avenue, Brooklyn Park**

1. *There is already a parking issue here in Rushworth Avenue. I have made a number of requests to council in relation to parking in this street over the past few years. I have requested resident only parking permits, as well as timed signs. Many people park here then go to the airport for their week long (or longer) holiday and do not wish to pay for parking, so park here in our small residential street causing congestion in the street. Even with resident's cars only, there is a considerable number of vehicle in the street every night.*



*I note that the proposed Child Care Centre has fourteen car parks. This does not seem like an adequate number of carparks to cover 65 children & staff at any time.*

*The nearby Childcare centre at the corner of Henley Beach Road and Rowells Road has twenty five (25) carparks.*

2. *There is no room for a new pedestrian crossing to be located on Sir Donald Bradman Drive, and even if one was placed there, the impact with the second set of lights at the IKEA entrance would cause traffic chaos in an already extremely busy stretch of road.*

*Sir Donald Bradman Drive would be a very dangerous road for numerous children to be crossing without any pedestrian lights installed.*

*Sir Donald Bradman Drive out the front of the proposed Childcare centre is a bus zone, therefore there can be no parking there at any time. There is also a bike lane and signs indicating no standing at any time. Therefore, all drop offs will have to be in Rushworth Avenue or other nearby residential streets.*

*The gates to the carpark are on Rushworth Avenue, this will cause massive congestion in an already congested street. The likelihood for collisions will also rise, as well as the inherent dangers associated with small children and cars. There could be a serious or fatal collision due to frustration caused by congestion and the inability to get a park.*

*Dropping small children off at a childcare centre would no doubt require the parents or carers of the children to actually physically enter the centre to sign the children in. It is not the same as a school drop off where children can just be let out of the car and walk in alone.*

*Rushworth Avenue does not have adequate space for the parents of sixty five (65) children to drive in and park. Fourteen carparks is a grossly inadequate number of carparks for this type of development.*

*Does this mean that new signs will be erected such as signs for drop offs, 15 minute time limits or such during drop off periods? This will really inconvenience the actual residents of the street if they can't park outside their own houses during business hours. Who will police this?*

In response to the various matters raised by the above representor, it is considered that:-

- The potential use (or otherwise) of car parking on-street associated with the proposed child care centre during weekday periods has been addressed above,
- The proposed child care centre will not operate at night or at weekends. Hence, on-street parking during these periods is not relevant to the proposed development,
- The existing child care centre on the corner of Rowells Road / Henley Beach Road is a larger centre and has a car parking ratio similar to that proposed by the subject development,

- There is no suggestion for an additional pedestrian crossing to be provided on Sir Donald Bradman Drive as a result of the proposed development. In any event, there is an existing (controlled) pedestrian crosswalk incorporated within the signalised intersection of Sir Donald Bradman Drive / IKEA access. This crosswalk is located to the immediate east of the intersection with Rushworth Avenue and provides safe pedestrian movements across Sir Donald Bradman Drive at this location,
- The concerns relating to the bus zone to the west of Rushworth Avenue have previously been addressed,
- The bicycle lane along Sir Donald Bradman Drive operates only between 7.30 am and 9.00 am on weekdays. It is considered that there will be no impact on the operation of this bicycle lane as a result of the proposed development,
- For the various reasons identified above, I do not consider that there would be any significant traffic impacts on the operation of Rushworth Avenue, particularly given that:-
  - The kerb to kerb width of this roadway is 9.2m,
  - Access into and out of this roadway to and from Sir Donald Bradman Drive is restricted to left in / left out movements only, and
  - The proposed access point into and out of the on-site car parking area will be located approximately 30m to the north of Sir Donald Bradman Drive,
  - As previously identified, children attending a child care centre are not 'dropped off' but must be escorted by parents/guardians and registered with this facility. Hence, it is contemplated that parents/guardians will park on site. Based on my experience with similar facilities, it is unlikely that parents/guardians would arrive at the same time to deliver/collect children,
  - No changes to parking is anticipated adjacent to the residential dwellings on Rushworth Avenue as a result of the proposed development.

## SUMMARY AND CONCLUSIONS

The above traffic and parking assessment relates to the proposed development of a child care centre accommodating 65 places.

The proposed development will provide a total of 14 on-site car parking spaces which would be slightly less than the required 16 spaces. However, given the location of the proposed development within close proximity of public transport, a bicycle lane on the adjoining arterial road network and the potential for limited parking to occur on Rushworth Avenue, I consider that such a minor shortfall in on-site site parking would be acceptable.

A review of the proposed traffic generated by the subject development would indicate that, at most, there should be:-

- Approximately 52 trips in the am peak hour period, and
- Approximately 46 trips in the pm peak hour period.

Surveys of existing traffic movements entering / exiting Rushworth Avenue to and from Sir Donald Bradman Drive have identified that existing weekly traffic volumes on this roadway are very low and that there is no significant delay/queuing to drivers of vehicles turning out onto Sir Donald Bradman Drive.

The forecast volumes of traffic anticipated to be generated by the proposed development will be readily accommodated by the adjoining road network.

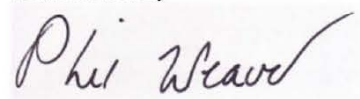
In my opinion there will be no detrimental traffic impacts on either capacity or amenity associated with the subject development.

The proposed on-site car parking area has been designed in accordance with the requirements of the relevant off-street car parking standard and would be suitable for use by the proposed development.

In summary, the proposed development will:-

- Provide a total of 14 car parking spaces including one space for use by the disabled and an adjacent shared area. While this level of parking would be slightly less than the number of spaces typically required for a facility accommodating 65 children on-site, there is an opportunity for this minor shortfall in car parking provision to be provided on-street,
- Not result in adverse traffic impacts on the adjacent road network, based upon the analysis of the forecast traffic generation of the subject development, provided within this report, and
- Provide a design standard which is appropriate and meets the requirement of the relevant Australian / New Zealand Standard for off-street car parking areas.

Yours sincerely



Phil Weaver  
Phil Weaver and Associates Pty Ltd

## Preliminary Traffic, Flooding & Stormwater Assessment

**Development Application No: 211/738/2017**

**Assessing Officer:** Jordan Leverington  
**Site Address:** 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK SA 5032  
**Certificate of Title:** CT-5704/545, CT-5694/228  
**Description of Development** Construct a childcare centre with associated car parking and landscaping

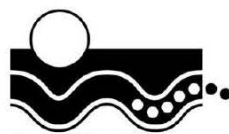
### TO THE TECHNICAL OFFICER - CITY ASSETS

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 - Jordan Leverington      DATE    27 October, 2017**

City of **West Torrens**

Between the City and the Sea

## Memo

To Jordan Leverington  
From Andrew King  
Date 27/10/2017  
Subject 211/738/2017, 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK SA 5032

Jordan Leverington,

The following City Assets Department comments are provided with regards to the assessment of the above development application. This referral shall be read in conjunction with the initial City Assets referral authored on 4/09/2017. Please refer Doc Set Id A2042911.

### 1.0 Traffic Comments

***The following comments are provided by Council traffic Consultant Frank Siow.***

I refer to the above development for a child care centre on the subject site. The subject site is located at the north-western corner of the junction of Sir Donald Bradman Drive/Rushworth Avenue. Fourteen (14) parking spaces are proposed on-site with the car park access from Rushworth Avenue. The child care centre is proposed to have a maximum capacity of 65 children.

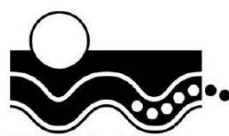
I have read the referral response letter from DPTI dated 16/8/17 and note that there is a Metropolitan Adelaide Road Widening Plan requirement for a 4.5m by 4.5m corner cut-off to be provided by the subject site. The proposal plan should be amended accordingly to include this requirement, alternatively this could be dealt with by a condition of approval.

The subject site is located opposite the Adelaide Airport. Only left in left out movements are permitted from Rushworth Avenue to Sir Donald Bradman Drive, due to the central median/traffic signals on the main road. There are bicycle lanes in Sir Donald Bradman Drive adjacent to the subject site. There is also an existing bus stop in the City-bound direction in front of the subject site.

The Council's Development Plan specifies a parking rate of 1 space per 4 children for a child care centre. Based on the maximum capacity of 65 children, the parking required would be 16 parking spaces (rounded down). For sites that are adjacent to public transport and bicycle lanes and if bicycle parking is also provided, it would not be uncommon to discount the parking

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City of **West Torrens**

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requirement. I note that 3 bicycle parking spaces are proposed within the car park.

Assuming that a 10% discount were to be applied, the parking required would be 14 spaces (rounded down). The provision of 14 parking spaces on-site would therefore be acceptable. I note that some on-street parking opportunity would also be available in Rushworth Avenue adjacent to the subject site.

The proposed parking spaces are shown with dimensions of 2.4m by 5.4m for the disabled and clear zone space, 2.6m by 4.8m (with overhang of 0.6m) or 2.6m by 5.4m for the general parking spaces and serviced by a 6.2m aisleway. These dimensions would comply with the parking standards. The proposed sliding tubular gate would enable the pedestrian sight line requirement of the parking standard to be satisfied.

While it would be preferable for the sliding gate to the car park to be set back from the boundary, in this instance, given that Rushworth Avenue is a local street, the proposed gate located at the boundary would be acceptable. I recommend that a condition be included to require the gate to be left open during the opening hours of the child care centre, so that parents and visitors are not delayed from entering the car park from Rushworth Avenue.

I note that there is a bin area located at the end of the proposed car park. If bin collection were to be undertaken after hours or before opening times of the child care centre, the standard MRV refuse truck would be able to access the subject site, turnaround without being obstructed by parked vehicles and leave the site in a forward direction. I recommend that a condition be included to require bin collection to occur before or after opening hours of the child care centre.

The infrequent general servicing of the child care centre could occur using the general parking spaces on-site. If the general servicing of the site were to occur after peak times (ie after drop off or before pick up times), then there would be some vacant car parking spaces that could be used by these infrequent service vehicles. I therefore recommend that a condition be included to require general servicing of the child care centre to occur during off-peak times and restricting these general service vehicles to passenger size vehicles only.

Finally, I am satisfied that the proposed development would not result in acceptable traffic impacts on the adjacent road network, given the relatively small scale of the child care centre development.

Based on the above assessment, I am of the opinion that the proposed development would be acceptable on traffic and parking grounds, subject to a number of conditions discussed above being included.

**ED Note 27/10/2017:**

The following items are still requiring addressing by the applicant.

- The referral response letter from DPTI dated 16/8/17 and note that there is a Metropolitan Adelaide Road Widening Plan requirement for a 4.5m by 4.5m corner cut-off to be provided by the subject site. The proposal plan should be amended accordingly to include this requirement, alternatively this could be dealt with by a condition of approval.

Items marked by traffic Consultant as planning conditions

- The gate to be left open during the opening hours of the child care centre, so that parents and visitors are not delayed from entering the car park from Rushworth Avenue.
- Bin collection to occur before or after opening hours of the child care centre.
- General servicing of the child care centre to occur during off-peak times and restricting these general service vehicles to passenger size vehicles only.

**2.0 Stormwater Detention (Commercial - Less than 4000m<sup>2</sup>)**

The total uncontrolled post development stormwater flow (site critical stormwater during the 20 year ARI event) of the proposed site has been calculated by Herriot Consulting in the stormwater calculation reports (Dated 23/08/2017) as 34.6 L/s. It has been proposed for the provision of stormwater detention tank of 3KL (15mm outlet orifice positioned at 1.0m of head and 50% roof area connected to tank) to restrict the maximum runoff of 20L/s at 20 Year ARI site critical storm event.

It is observed in the proposed architect's site plan (John Perriam Architects - Dwg No: 08/17-P1C, Dated- March 2017) that the outdoor play area abutting the southern and eastern boundary to predominantly consist of artificial grass areas. Runoff from an impervious areas such as arterial surfaces will generate greater runoff than that of the impervious areas such as natural grass. As such the coefficient runoff would be considered as 0.9 (mimicking impervious/paved areas) which in turn will increase the total uncontrolled post development flow, calculated by Council in excess of 41L/s. Additional storage will be required as opposed to the proposed 3KL detention system located at the North -West corner of the site. Alternatively, if the applicant can confirm that the artificial grass has the permeability/run-off characteristics to that of a pervious/grass, then the proposed detention would be sufficient in meeting the required detention requirements.

**It is recommended that above requirement /clarification be provided to Council.**



### **3.0 Stormwater Quality - Major concern**

Council has previously indicated the design requirements and expectations for stormwater consideration for this development through correspondence in the referral dated 4/09/2017.

These requirements are consistent with the requested from numerous developments of similar scale and commercial nature.

The achieving of these standards of stormwater quality improvement are also reinforced through the State Government's WSUD Policy document.

There are numerous demonstrations of recent development within our Council area which have achieved stormwater management measures in the order of that requested from this development site, the majority of which achieving this without the ability to connect to a underground Council drain within the adjacent street. The solution necessary may just be more challenging than that which would be achieved with a direct underground connection.

There are multiple methods to achieve acceptable water quality treatment, which is now become more accepted as standard engineering practice.

**Council's City Assets Department stands by the previously requested consideration for this development.**

### **4.0 Closing of Redundant Crossovers**

*Not addressed by the applicant.*

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

In accordance with the provided 'Siteworks and Drainage Plan' (Herriot Consulting – File No:C1706-076 – Date of issue August 2017) the FFL of the proposed development ( 100.50 minimum ) have been assessed as satisfying minimum requirements (100.40 minimum) in consideration of street and/or flood level information.

Should you require further information, please contact Andrew King on the following direct extension number 8416 633.

Regards

**Andrew King**  
**Coordinator City Assets**

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In reply please quote 2017/01931/01, Process ID: 466492  
 Enquiries to Reece Loughron  
 Telephone (08) 8226 8386  
 Facsimile (08) 8226 8330  
 E-mail dpti.luc@sa.gov.au



Government of South Australia

Department of Planning,  
 Transport and Infrastructure

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24 AUG 2017

16/08/2017

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

Mr Jordan Leverington  
 City of West Torrens  
 165 Sir Donald Bradman Drive  
 HILTON SA 5033

Dear Jordan,

#### SCHEDULE 8 - REFERRAL RESPONSE

<b>Development No.</b>	211/738/17
<b>Applicant</b>	Eastern Building Group
<b>Location</b>	432-434 Sir Donald Bradman Drive (cnr Rushworth Avenue), Brooklyn Park
<b>Proposal</b>	Childcare centre (65 children) with associated car parking and landscaping

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 development involves the demolition of existing structures and the construction of a child care centre.

#### CONSIDERATION

The subject site abuts Sir Donald Bradman Drive and Rushworth Avenue. Sir Donald Bradman Drive is identified as a Major Traffic Route, Primary Freight Route, Public Transport Corridor and a Major Cycling Route in DPTI's 'A Functional Hierarchy for South Australia's Land Transport Network' and is gazetted for 26.0 metre B-Double vehicles. At this location Sir Donald Bradman Drive has an AADT of 26,900 vehicles per day (3.5% commercial vehicles) and a posted speed limit of 60 km/h.

#### Access and Road Safety

The subject site includes two existing residential allotments which have access to Sir Donald Bradman Drive and Rushworth Avenue. The John Perriam Architects Site Plan (refer Drawing No. 08/17 - P1B, Issue B, dated 19/06/17) indicates that the existing Sir Donald Bradman Drive access will be closed and the Rushworth Access will be relocated slightly south to enable the provision of a 14 space car parking. In-principle, no objection is raised to this access arrangement as it minimises access to arterial roads. The Sir Donald Bradman Drive crossover should be reinstated with kerb and gutter as part of the approval.

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## 2

The relocated access will be 6.2 metres wide at the property boundary which is considered sufficient to cater for two-way vehicle movements. In order to ensure vehicles entering the site are not restricted by vehicles reversing from spaces 7 & 8 it is recommended that these be dedicated to staff use only.

With respect to on-street parking adjacent the site, DPTI strongly recommends that on-street parking on the western side of Rushworth Avenue is banned from the Sir Donald Bradman Drive / Rushworth Avenue junction to the proposed access in order to ensure the unrestricted two-way flow of vehicles (including waste collection) can occur without impacting the free flow of traffic on Sir Donald Bradman drive. All costs associated with line marking and sign installation should be borne by the applicant.

With respect to the proposed boundary fencing adjacent the access to 436 Sir Donald Bradman, it is recommended that this be modified to be of an open nature to ensure that pedestrian sightlines to/from the access can be achieved in accordance with AS/NZS2890.1:2004. In addition, the proposed fencing at the Sir Donald Bradman Drive/Rushworth Avenue must be designed so that sightlines at the Rushworth Avenue junction can be maximised. It is noted that the existing footpath is relatively narrow and a bus shelter is located downstream of the junction that could restrict sightlines. DPTI recommends that a larger cut-off be provided in the order of 4.5m x 4.5 metres as described below.

### Road Widening

The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a 4.5 metres x 4.5 metres corner cut-off at the junction of Sir Donald Bradman Drive and Rushworth Avenue. It is noted that CT 5704/545 shows that a 3.048 metres x 3.048 metres corner cut-off has already been provided. However, the corner cut off should be increased to 4.5 metres x 4.5 metres in order to maximise driver sightlines and improve pedestrian circulation at the Sir Donald Bradman Drive and Rushworth Avenue junction.

It should be noted that the consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0 metres of the corner cut-off requirement. It is noted that the built form is proposed more than 6.0 metres from the corner cut off and as such consent is not required in this instance.

### CONCLUSION

In-principle, no objection is raised to the proposed development subject to the following conditions.

### ADVICE

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

1. The corner cut-off at the Sir Donald Bradman Drive / Rushworth Avenue junction shall be increased to 4.5 meters x 4.5 metres in order to maximise driver sightlines and improve pedestrian circulation at the Sir Donald Bradman Drive and Rushworth Avenue junction. All development (including landscaping and fencing) shall be kept clear of the above corner cut-off.

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

2. The access to Rushworth Avenue shall be constructed in general accordance with the John Perriam Architects Site Plan, Drawing No. 08/17 – P1B, Issue B, dated 19/06/17.
3. The access point shall be suitably flared to Rushworth Avenue to allow convenient ingress and egress movements in order to minimise disruption to the free flow of traffic.

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4. All vehicles shall enter and exit the site in a forward direction.
5. Fencing adjacent the south western boundary shall ensure sightlines to/from 436 Sir Donald Bradman Drive can be achieved in accordance with AS/NZS2890.1:2004.
6. All stormwater generated by the proposal shall be appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

The following notes provide important information for the benefit of the applicant and are required to be included in any approval:

- i. The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a 4.5 metres x 4.5 metres corner cut-off at the junction of Sir Donald Bradman Drive and Rushworth Avenue. The consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0 metres of the corner cut-off requirement. As all built form is proposed more than 6.0 metres from the corner cut-off, consent is not required in this instance.

Yours sincerely,



**MANAGER, TRAFFIC OPERATIONS**

For **COMMISSIONER OF HIGHWAYS**

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

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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.

#### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construct a childcare centre with associated car parking and landscaping
APPLICANT	Eastern Building Group Pty Ltd
LODGEMENT DATE	19 June 2017
ZONE	Residential
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 3
REFERRALS	Internal <ul style="list-style-type: none"><li>▪ City Assets</li></ul>
DEVELOPMENT PLAN VERSION	30 May 2017

## RECOMMENDATION

The Council Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* (as amended) finds the proposal to be not seriously at variance with the Development Plan and resolves to advise the Environment Resources and Development Court that it does SUPPORT Development Plan Consent for Application No. 211/738/2017 by Eastern Building Group Pty Ltd to undertake the construction of a childcare centre with associated car parking and landscaping at 432 & 434 Sir Donald Bradman Drive, Brooklyn Park (CT 5704/545 & 5694/228) subject to the following conditions:

### Council Conditions

1. The development shall be undertaken and completed in accordance with the plans by John Perriam Architects amended plans marked Dwg Nos 08/17-P1F, 08/17-P2C, 08/17-P3B and Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B and information detailed in this application except where varied by any conditions listed below.
2. The access to Rushworth Avenue shall be constructed in general accordance with the John Perriam Site Plan, Drawing No. 08/17-P1F and the Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B.
3. The access point shall be suitably flared to Rushworth Avenue in accordance with the John Perriam Site Plan, Drawing No. 08/17-P1F and the Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B. to allow convenient ingress and egress movement in order to minimise disruption to the free flow of traffic.
4. The existing crossover on Sir Donald Bradman Drive shall be considered redundant and must be closed off to the satisfaction of Council. Any new or modified crossing places shall be constructed to Council's requirements. New vehicle crossing places must be located a minimum of 500mm from any existing or proposed verge features (i.e. crossing places, trees, stormwater connections, stobie poles).
5. The car park shall be arranged, managed and signed to allow and direct all vehicles to enter and exit the site in a forward direction at all times.
6. The hours of operation of the Childcare centre shall be limited to the hours between 6.30am and 6.30pm on any day.
7. The total number of children accommodated in the facility at any one time shall be limited to 57.
8. The sliding gate at the Rushworth Avenue entry shall be kept open during operating hours, to allow vehicles to enter and exit the car park unhindered to prevent traffic queuing and obstructing vehicle movements on Rushworth Avenue.
9. Fencing adjacent to the south-western boundary shall ensure that sightlines to/from 436 Sir Donald Bradman Drive can be achieved in accordance with AS/NZ2890.1:2004.
10. All stormwater generated by the proposal shall be appropriately collected and disposed of without jeopardising the safety of the adjacent arterial road.
11. Stormwater detention shall be installed prior to the occupation of the development and maintained thereafter in accordance with the stormwater calculations by Herriot Consulting dated 8/11/2017.

12. 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.
13. 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.
14. The bin enclosure shall be increased in size to accommodate more than two 240 litre mobile garbage bins such that all waste produced by the facility is able to be stored in enclosed receptacles at all times with the frequency of collection increased through the use of private contractors to avoid the creation of odours or other nuisance all to the reasonable satisfaction of Council.
15. General service vehicles for the subject development shall be restricted to an 'SRV' (in reference to AS 2890.2-2002), and servicing shall be restricted to outside of peak times.
16. 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 should be dimmed 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.
17. All landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Such landscaping shall be cultivated, tended, nurtured, and maintained and shall be promptly replaced if it becomes seriously diseased or dies, to the reasonable satisfaction of Council.
18. An automatic watering system shall be installed as part of the landscaping to ensure it is adequately watered at all times to enable it to establish and flourish.
19. 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 condition at all times.
20. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage of materials or goods such as waste products and refuse.
21. Waste shall be collected onsite from a private contractor after 6:30pm and before 8:30pm Monday to Friday.

Condition imposed at the direction and advice of DPTI:

22. The corner cut-off at Sir Donald Bradman Drive/Rushworth Avenue junction shall be increased to 4.5m x 4.5m in order to maximise driver sight lines and improve pedestrian circulation at Sir Donald Bradman Drive and Rushworth Avenue junction. All development (including landscaping and fencing) shall be kept clear of the above corner cut-off.

## Notes

1. This approval does not include the erection of any signs. Further permission may be required from Council for the erection or display of any signs.
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. This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land (e.g. Strata/Community Corp or the Developer/ Encumbrancee).
4. Your attention is drawn to the *Disability Discrimination Act 1992* which may prescribe requirements for people with disabilities additional to those contained within the Building Code of Australia.

## FURTHER

1. Pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, Item 7.1 - 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK, including the report, attachments and any discussions (excluding the decision), having been dealt with in confidence under regulation 13(2)(a)(vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017* and in accordance with regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, be kept confidential until a decision of the Environment, Resources and Development Court relevant to the item is made, on the basis that 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. The Council Assessment Panel gives authority to the Assessment Manager to review, but not extend, the confidential order on a monthly basis.

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## BACKGROUND

The application was presented to the Council Assessment Panel at the 9 January 2018 meeting. During this meeting, five representors appeared before the Panel to speak against the proposal. The Applicant's planning consultant responded to the concerns raised and a number of questions posed by the Panel. Ultimately the Panel resolved that the development did not have sufficient merit to gain a Development Plan Consent and refused the application. The reasons for refusal were as follows:

The proposed development is contrary to:

- General Section - Transport & Access - Objective 1 (b)  
Reason: The proposal is not considered to ensure a high level of safety.
- General Section - Transport & Access - Objective 2 (a)  
Reason: The proposal is not considered to provide safe and efficient movement for the anticipated transport modes.
- General Section - Transport & Access - Principle of Development Control 8  
Reason: The proposal is not considered to provide safe and convenient access for the anticipated transport modes.



- General Section - Transport & Access - Principle of Development Control 6  
Reason: The proposal is not considered to minimise the interference to exiting traffic.
- General Section - Transport & Access - Principle of Development Control 7  
Reason: The proposal is not considered to fulfil this provision.
- General Section - Waste - Objective 1  
Reason: The proposal is not considered to minimise, reuse, treat and dispose of waste in an environmentally friendly manner.
- General Section - Waste - Principle of Development Control 1  
Reason: The proposal is not considered to minimise, reuse, treat and dispose of waste in an environmentally friendly manner.
- General Section - Waste - Principle of Development Control 2  
Reason: The proposal is not considered to store, treat and dispose of waste without risk to health or impairment of the environment.
- General Section - Interface between land uses - Principle of Development Control 5  
Reason: The proposal is not considered to minimise negative impacts on lawfully existing developments.

The Applicant appealed this decision to the Environment Resources and Development Court (ERDC).

Five Joinder applications were also received by the ERDC. People who are not original parties to an appeal may apply to be joined as a party. Most commonly, applications to be joined (or 'for joinder') are made by people who have made a representation to the Council in relation to the proposed development which is the subject of the appeal.

The Commissioner decides who may or may not be joined as a party. A person will never be joined as a matter of course. Important factors the judge or commissioner may take into account include:

- the nature and strength of the person's interest in the outcome of the appeal, e.g. location to the proposed development;
- the contribution the person is likely to make to the resolution of the dispute;
- whether the person's interests are already being adequately dealt with by one of the existing parties;
- the potential of the proposed development to affect the person's interests;
- the person's prior involvement in the development application;
- the nature of the issues the person intends to raise;
- the potential for the person's involvement to prolong the appeal;
- the interests of the existing parties;
- the public interest;
- the impact of the person being joined on the court; and
- other issues relevant to the particular case.

Each of the five representors heard by the Panel sought to be joined. The Commissioner only allowed two parties. These were Karen Smith and Craig and Andrea Johnston.

In anticipation of a reaching a compromise, the Applicant has provided some amended plans and information that seeks to address the reasons for refusal. A copy of the amended plans are contained in **Attachment 1**.

It is worthwhile noting that, should the Panel consider that the amendments to the proposal have sufficiently allayed their concerns and wish to support the proposal, the appeal is still likely to proceed. This is because all parties to the appeal, including the Joinders would also need to support the proposal. Early signs indicate that the Joinders have a fundamental issue with the proposed land use and no matter what amendments are made they will not be supporting it.

In preparation for a hearing, the Administration has contacted numerous planning consultants and traffic engineers to find expert witnesses that can support the Panel's refusal.

Two traffic consultants, Paul Morris of GTA consultants and Ben Green of CIRQA Pty Ltd, could not support the refusal. They were of the same opinion as Council's traffic engineer, Frank Siow, and the Applicant's traffic engineer, Phil Weaver.

However, there is a traffic engineer that has indicated initial support of the refusal. It should be noted that they have limited experience as acting as an expert witness for the ERDC.

At this stage, the Administration has not been able to find a planning consultant that can support the Panel's refusal. The following consultants have been contacted:

- Ben Green of Ben Green and Associates;
- Jeff Smith from the Planning Chambers; and
- Garth Heynen of Heynen Planning Consultants.

Garth Heynen has provided some initial advice which is contained in **Attachment 2**.

A copy of the previous report to the Council Assessment Panel is contained in **Attachment 3**.

## AMENDMENTS

The Applicant has provided the following amended documentation and supplementary information:

- a reduction in the number of children from 65 to 57;
- an acoustic report;
- a noise management plan;
- confirmation that waste will be picked up by a private contractor;
- an amended site plan updating the bin storage location and
- a supplementary traffic report.

A copy of the Applicant's planning consultant response to the refusal is contained in **Attachment 4**.

Number of children

The original application provided 12 car parks which is a shortfall of two onsite car parking spaces when assessed against Table WeTo/2 of the Development Plan. This table states that there should be one on site car park space for every four children. This parking rate is reflected in the Planning SA Planning Bulletin, Parking Provisions for selected land uses (Suburban Metropolitan Adelaide) dated October 2001.

The reduction in the number of children has meant that this car parking rate has now been satisfied.

Acoustic report and noise management plan

An acoustic report has been provided by Sonus that has assessed the development against the relevant provisions of the Development Plan. It is noted that the noise from children is specifically excluded from the EPA's *Environment Protection (Noise) Policy 2007*. The World Health Organisation WHO has published *Guidelines for Community Noise* which states that to protect the majority of people from being seriously annoyed during the day (7am-10pm), noise should not exceed 55dB.

The Acoustic report states:

*"The noise from children within different age groups in outdoor areas has previously been measured at similar childcare facilities. Based on these measurements, noise from the proposed facility has been predicted, based on the centre operating at full capacity in all age groups, totalling 57 children.*

*With the current proposed "1.8m high Colorbond" boundary fences, the average noise level from children playing in outdoor areas at the proposed centre is predicted to be less than 50dB(A) at all residences. Therefore the noise criteria determined in accordance with the WHO Guidelines will be achieved."*

The City of West Torrens Development Plan does not outline acoustic quantitative measures that child care centres need to meet. However, it does encourage that noise attention measures be implemented where necessary.

The acoustic report supplied has identified that noise from children is an issue that frequently occurs from the establishment of child care centres and that the installation of a 1.8m high Colorbond fence is sufficient to mitigate it.

This information appears to allay the concerns that the proposal will be significantly detrimental to amenity of the locality.

A copy of the Acoustic Report is contained in **Attachment 5**.

The Applicant has also provided a noise management report that discusses how the facility will operate. In this plan it states:

***"Activity in the Outdoor play areas will be managed by:***

*Limiting outdoor play to one room group at a time;  
Keeping children in small, highly supervised groups;  
Not allowing rowdy, rough or noisy behaviour;  
Limiting outdoor activity in periods of hot or wet weather;  
Providing a diversity of play activities."*

A copy of the Noise Management Plan is contained in **Attachment 6**.

It is considered that the information contained within the acoustic report and noise management plan are sufficient to provide enough confidence that the proposed development will be operated in an appropriate manner.

Notwithstanding the above, it is important to note the circumstances of the locality. Specifically the subject site's proximity to Sir Donald Bradman Drive and the Adelaide International Airport. It is not considered that there will be a significant detrimental impact to the adjoining residential properties as a result of this development.

#### Private waste collection and bin storage enclosure

The application has been amended to include waste collection by a private collector. This will be undertaken outside of the operating hours. This resolves Council's City Assets Department's concerns, however, this may create an additional noise source that could affect the amenity of the adjoining residential properties.

Due to the operating hours of this facility, it is considered that there will be less of an impact if the waste is collected after 6:30pm, rather than before 6:30am. A condition has been added to the recommendation to this effect.

The bin enclosure has been moved in a north westerly direction and is now located on the northern property boundary. The enclosure has marginally increased in size from 2.0 x 2.5 metres, to 3.2 x 2.5 metres.

The enclosure is formed of 1.8m high Colorbond fence with gates opening onto the carpark.

#### Traffic report

The Applicant has provided a supplementary traffic report. In this report it states:

*"The proposed reduction in the capacity of the child care centre would also result in an approximately 14% reduction in forecast volumes of am and pm peak hour traffic, compared to that of the previously proposed capacity of 65 children.*

*In percentage terms such a reduction is significant, notwithstanding that I was of the opinion that the forecast volumes of traffic associated with a 65 place child care centre would not have resulted in either capacity issues or adverse impact on the amenity of the adjoining stakeholders."*

Council's traffic engineer considered the original proposal to be acceptable. No further comments were sought from Council's traffic engineer given the reduction in the capacity of the child care centre is considered to further reduce any potential traffic impacts in comparison to the original proposal.

As previously discussed, Administration contacted several Independent traffic engineers to seek whether or not they could support the Panel's refusal. Ben Wilson and Paul Morris indicated that they consider the proposal to be acceptable and could not support the refusal.

A copy of the applicants supplementary Traffic Report is contained in **Attachment 7**.

## LEGAL ADVICE

Administration has sought the services of Claire Ryan from Norman Waterhouse Lawyers to act on the behalf of Council. In anticipation of the appeal heading to a hearing, Administration requested an opinion on the likelihood of the initial refusal being upheld by the ERDC.

Peter Saltis from Norman Waterhouse Lawyers made the following comments:

*"...While I stress that this is only a superficial view, we are nevertheless pessimistic about the Council's prospects of defending the appeal on the basis that the overwhelming majority of experts who have been approached by the Council are unable to support the decision to refuse it.*

*As such, we recommend that serious consideration be given by the CAP to determining to support the proposed compromise subject to the imposition of appropriate conditions."*

## SUMMARY

The Applicant has responded to the Council Assessment Panel's concerns with a number of amendments and additional information. These include reducing the number of children attending the facility, including private waste collection, reviewing the size of the bin enclosure, an acoustic report and a noise management plan.

In respect of the traffic issues raised by the CAP, a traffic engineer has advised the Administration that he can support the refusal. However it is noted that the Administration is aware of four other traffic consultants that support the proposal in its amended and original form, including its own traffic engineer.

The main planning issues forming part of the refusal related to concerns regarding the detriment to the local amenity. The amendments have sought to diminish these issues by reducing the amount of children and therefore volumes of traffic attending the site as well as controlling when and how children use the outdoor areas.

The Administration are of the opinion that the proposal holds sufficient merit to be granted Development Plan Consent as it reasonably satisfies the majority of the relevant provisions of the West Torrens Council Development Plan.

## Attachments

1. **Amended Site Plan and Floor Plan**
2. **Garth Heynen's Initial Advice**
3. **Previous Report to Council Assessment Panel**
4. **Response to Council's refusal from Applicant's Planning Consultant**
5. **Acoustic Report**
6. **Noise Management Plan**
7. **Supplementary Traffic Report**



## 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.

#### Council Assessment Panel resolved 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.

**5.56pm** the meeting moved into Confidence and session commenced.

#### PRESENT:

##### Panel Members:

Dr D Ferretti (Independent Presiding Member)

Councillors: Mr G Nitschke

Independent Members: Ms C Dunn, Mr W Stokes, Ms J Strange

##### Officers:

Mr T Buss	(Chief Executive Officer)
Mr A Catinari	(General Manager Urban Services and Assessment Manager)
Ms H Bateman	(Manager City Development)
Ms R Knuckey	(Team Leader Planning)
Mr J Leverington	(Senior Development Officer - Planning)
Mr C Barone	(Senior Development Officer - Planning)
Ms E Cetinich	(Development Officer - Planning)
Ms E Morgan	(EA Urban Services - Minute Secretary)

## RECOMMENDATION

The Council Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* (as amended) finds the proposal to be not seriously at variance with the Development Plan and resolves to advise the Environment Resources and Development Court that it does SUPPORT Development Plan Consent for Application No. 211/738/2017 by Eastern Building Group Pty Ltd to undertake the construction of a childcare centre with associated car parking and landscaping at 432 & 434 Sir Donald Bradman Drive, Brooklyn Park (CT 5704/545 & 5694/228) subject to the following conditions:

### Council Conditions

1. The development shall be undertaken and completed in accordance with the plans by John Perriam Architects amended plans marked Dwg Nos 08/17-P1F, 08/17-P2C, 08/17-P3B and Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B and information detailed in this application except where varied by any conditions listed below.
2. The access to Rushworth Avenue shall be constructed in general accordance with the John Perriam Site Plan, Drawing No. 08/17-P1F and the Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B.
3. The access point shall be suitably flared to Rushworth Avenue in accordance with the John Perriam Site Plan, Drawing No. 08/17-P1F and the Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B. to allow convenient ingress and egress movement in order to minimise disruption to the free flow of traffic.
4. The existing crossover on Sir Donald Bradman Drive shall be considered redundant and must be closed off to the satisfaction of Council. Any new or modified crossing places shall be constructed to Council's requirements. New vehicle crossing places must be located a minimum of 500mm from any existing or proposed verge features (i.e. crossing places, trees, stormwater connections, stobie poles).
5. The car park shall be arranged, managed and signed to allow and direct all vehicles to enter and exit the site in a forward direction at all times.
6. The hours of operation of the Childcare centre shall be limited to the hours between 6.30am and 6.30pm on any day.
7. The total number of children accommodated in the facility at any one time shall be limited to 57.
8. The sliding gate at the Rushworth Avenue entry shall be kept open during operating hours, to allow vehicles to enter and exit the car park unhindered to prevent traffic queuing and obstructing vehicle movements on Rushworth Avenue.
9. Fencing adjacent to the south-western boundary shall ensure that sightlines to/from 436 Sir Donald Bradman Drive can be achieved in accordance with AS/NZ2890.1:2004.
10. All stormwater generated by the proposal shall be appropriately collected and disposed of without jeopardising the safety of the adjacent arterial road.
11. Stormwater detention shall be installed prior to the occupation of the development and maintained thereafter in accordance with the stormwater calculations by Herriot Consulting dated 8/11/2017.

12. 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.
13. 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.
14. The bin enclosure shall be increased in size to accommodate more than two 240 litre mobile garbage bins such that all waste produced by the facility is able to be stored in enclosed receptacles at all times with the frequency of collection increased through the use of private contractors to avoid the creation of odours or other nuisance all to the reasonable satisfaction of Council.
15. General service vehicles for the subject development shall be restricted to an 'SRV' (in reference to AS 2890.2-2002), and servicing shall be restricted to outside of peak times.
16. 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 should be dimmed 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.
17. All landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Such landscaping shall be cultivated, tended, nurtured, and maintained and shall be promptly replaced if it becomes seriously diseased or dies, to the reasonable satisfaction of Council.
18. An automatic watering system shall be installed as part of the landscaping to ensure it is adequately watered at all times to enable it to establish and flourish.
19. 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 condition at all times.
20. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage of materials or goods such as waste products and refuse.
21. Waste shall be collected onsite from a private contractor after 6:30pm and before 8:30pm Monday to Friday.

Condition imposed at the direction and advice of DPTI:

- 22 The corner cut-off at Sir Donald Bradman Drive/Rushworth Avenue junction shall be increased to 4.5m x 4.5m in order to maximise driver sight lines and improve pedestrian circulation at Sir Donald Bradman Drive and Rushworth Avenue junction. All development (including landscaping and fencing) shall be kept clear of the above corner cut-off.

## Notes

1. This approval does not include the erection of any signs. Further permission may be required from Council for the erection or display of any signs.
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. This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land (e.g. Strata/Community Corp or the Developer/ Encumbrancee).
4. Your attention is drawn to the *Disability Discrimination Act 1992* which may prescribe requirements for people with disabilities additional to those contained within the Building Code of Australia.

## COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

## FURTHER

1. Pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, Item 7.1 - 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK, including the report, attachments and any discussions (excluding the decision), having been dealt with in confidence under regulation 13(2)(a)(vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017* and in accordance with regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, be kept confidential until a decision of the Environment, Resources and Development Court relevant to the item is made, on the basis that 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. The Council Assessment Panel gives authority to the Assessment Manager to review, but not extend, the confidential order on a monthly basis.

## COUNCIL ASSESSMENT PANEL DECISION

That Panel resolved that the recommendation be adopted.

**6.00pm** the Confidential session closed and the meeting reopened to the public.

## Preliminary Traffic, Flooding & Stormwater Assessment

**Development Application No:** 211/738/2017/A

**Assessing Officer:** Jordan Leverington  
**Site Address:** 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK SA 5032  
**Certificate of Title:** CT-5704/545, CT-5694/228, CT-5694/228, CT-5704/545  
**Description of Development:** Construct a childcare centre with associated car parking and landscaping - variation to existing authorisation - increase enrolments numbers from 57 to 65

### 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 - Jordan Leverington**      **DATE**    **7 September, 2020**





## Memo

To Jordan Leverington  
From Richard Tan  
Date 07-Sep-2020  
Subject 211/738/2017/A, 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK  
SA 5032

Jordan Leverington,

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

### 1.0 Traffic Requirements

- 1.1 The variation lodged for this DA is regarding the increment of enrolment numbers from 57 to 65. There is no changes to existing approved building/car parking layout.

Previously, the parking requirements have been assessed by Council's Traffic Consultant, Mr Frank Siow based on the enrolment number of 65. Mr Frank Siow was satisfied that the number of parking proposed is suitable for the total enrolment number of 65. Refer to following excerpt:

*The Council's Development Plan specifies a parking rate of 1 space per 4 children for a child care centre. Based on the maximum capacity of 65 children, the parking required would be 16 parking spaces (rounded down). For sites that are adjacent to public transport and bicycle lanes and if bicycle parking is also provided, it would not be uncommon to discount the parking requirement. I note that 3 bicycle parking spaces are proposed within the car park.*

*Assuming that a 10% discount were to be applied, the parking required would be 14 spaces (rounded down). The provision of 14 parking spaces on-site would therefore be acceptable. I note that some on-street parking opportunity would also be available in Rushworth Avenue adjacent to the subject site.*

Further to the above, City Assets' Traffic Engineer, Mr Edward Chan has advised that there was no complaint/feedback from local community regarding parking or traffic issues arising since the opening of the centre (approximately mid 2019)

Based on the above, the proposal to increase enrolment numbers from 57 to 65 has been assessed as satisfying minimum requirements.

Regards  
Richard Tan  
Civil Engineer



## Waste Management Assessment

**Development Application No:** 211/738/2017/A

**Assessing Officer:** Jordan Leverington

**Site Address:** 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK SA 5032

**Certificate of Title:** CT-5704/545, CT-5694/228, CT-5694/228, CT-5704/545

**Description of Development** Construct a childcare centre with associated car parking and landscaping - variation to existing authorisation - increase enrolments numbers from 57 to 65

### TO TEAM LEADER WASTE MANAGEMENT - REGULATORY SERVICES

Please provide your comments in relation to:

☐ Any aspect that you feel needs further attention or detail

.....  
.....



## Memo

To Jordan Leverington  
From Nick Teoh  
Date 27-Aug-2020  
Subject 211/738/2017/A 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK  
SA 5032

Dear Jordan Leverington

The following Waste Management comments are provided with regards to the assessment of the above develop application:

### **Waste Management**

No further waste assessment is needed, an existing planning condition is in place where a commercial waste service is required.

Kind regards

**Nick Teoh**  
**Team Leader Waste Management**

## 6.4 Lot 22 James Congdon Drive, KESWICK TERMINAL

Application No 211/257/2020

### DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Construction of third party signage (LED screen)
APPLICANT	Australian Rail Track Corporation (ARTC)
LODGEMENT DATE	6 April 2020
ZONE	Urban Corridor Zone
POLICY AREA	Boulevard Policy Area 34
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> <li>• Nil</li> </ul> External <ul style="list-style-type: none"> <li>• Department of Planning, Transport and Infrastructure (DPTI)</li> </ul>
DEVELOPMENT PLAN VERSION	Consolidated 12 July 2018
DELEGATION	<ul style="list-style-type: none"> <li>• The relevant application proposes a merit form of development and, in the opinion of the delegate, should be refused, <b>except</b> where the application is to be refused for a failure to provide information pursuant to section 39 of the Act or where a referral agency direct that the application is refused pursuant to section 37 of the Act.</li> </ul>
RECOMMENDATION	Refuse
REPORT AUTHOR	Jordan Leverington

### BACKGROUND

This application was originally lodged with a freestanding advertising hoarding 14.2 metres in height, and an LED screen 12.66m wide and 3.35m tall, resulting in an advertisement area of 42.41m<sup>2</sup>. The Administration raised a number of concerns with the proposal (which are explored in detail later in the report) and advised that even if the signage was directly related to the land use on the subject site (i.e. not third party) that the Development Plan only supports it up to 16.4m<sup>2</sup> in area.

Whilst the Applicant has a difference of opinion with the Administration's assessment, they revised the size of the LED screen advertisement area down to 27m<sup>2</sup>. Its height, location and use as third party signage remains the same.

The applicant has recently received a planning consent for a similar sized sign at the other end of the land (northern end), adjacent Sir Donald Bradman Drive. The image below shows the separation between the green dot (approved sign) and the blue dot (proposed sign).



These are considered to be quite different localities with differing context, and support of the first sign does not create precedence for supporting the proposed sign.

### **SUBJECT LAND AND LOCALITY**

The subject land is formally described as Allotment 22 Deposited Plan 90434 in the areas named Mile End and Keswick Terminal Hundred of Adelaide, Volume 6148 Folio 334, more commonly known as Lot 22 James Congdon Drive, Keswick Terminal. The subject allotment is irregular in shape with the following attributes:

- a 134.16metre (m) frontage to Anzac Highway;
- a 39.59m frontage to Sir Donald Bradman;
- a 134.09 frontage to James Congdon Drive; and
- a site area of 5.15 Hectare (ha).

There are five easements and one right of way which affect this allotment, however the specific location of the proposed sign is not affected by any of them. It is noted that there are no encumbrances or Land Management Agreements on the Certificate of Title.

The allotment currently contains a service road and buildings associated with the railway. A significant portion appears to be used as outdoor storage of equipment, sleepers etc. The allotment is relatively flat. There are no Regulated Trees or other vegetation on the subject site or on adjoining land that would be affected by this development.



The subject site is considered to be the immediate vicinity of the proposed sign, rather than the entire allotment (refer to aerial map further below). The site is located on land which allows the railway to pass beneath the road network. It is located approximately 10m below the Richmond Road surface. The site is also located in a different zone (Urban Corridor Zone) compared to that of the remainder of the allotment (Industry Zone).

The locality consists of a variety of land uses, primarily commercial in nature, the railway and the Adelaide Parklands. The subject site is located in the north western corner of the Anzac Highway, and Richmond Road intersection. This intersection also forms the boundary between West Torrens City Council, Adelaide City Council and Unley City Council.

Within 100m of the location of the proposed sign, there are 5 different zones and 7 policy areas.

The locality is considered to have a medium level of amenity bolstered by the Adelaide Parklands and well vegetated verges. A significant impact to the amenity is the intersection of two arterial roads and to a lesser extent the railway corridor that extends below the road alignment.

There are three other large advertising hoardings in the locality (refer to photographs below), one in each of the council areas outlined above. They are all also in different zone/ policy areas. Of these three hoardings, two of them are on land owned by Australian Rail Track Corporation (ARTC).



**1-3 Anzac Highway (West Torrens City Council)**



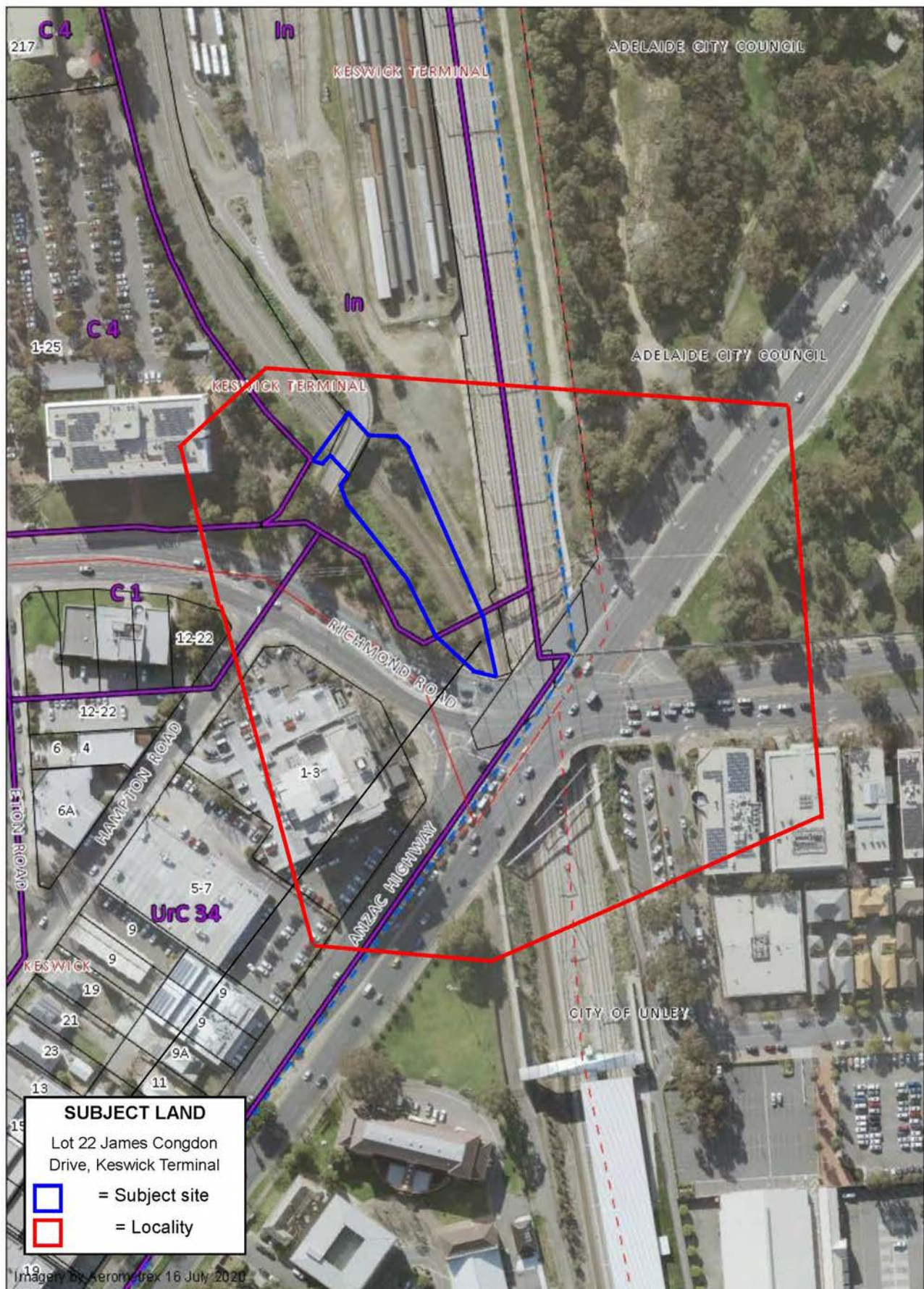
***Lot 8 Port Road (Adelaide City Council)***



***5 Cooke Tce, Wayville (Unley City Council)***



The subject land and locality are shown on the aerial imagery below.



## RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/61/2020	Construction of signage and associated hoarding	Planning Consent Granted	19 May 2020

The above mentioned application was approved at the other end of the allotment where it crosses Sir Donald Bradman Drive. This location is approximately 1.3km north of the subject site of this application.

## PROPOSAL

The proposal seeks to erect a third party advertising hoarding comprising a single sided LED screen at the southern end of Lot 22 James Congdon Drive, adjacent the Richmond Road and Anzac Highway intersection. It will be orientated in a north easterly direction, facing south bound traffic on Anzac Highway and west bound traffic on Richmond Road.

The sign will have an advertisement area of 3m by 9m (27m<sup>2</sup>), and the hoarding will have an area of 9.1m by 3.7m (33.6m<sup>2</sup>). The sign will be erected on a 10.7m high pole in Colorbond 'Monument' (Charcoal grey colour).

The relevant plans and documents are contained in **Attachment 2**. As some dimensions were not displayed on the submitted plans, a copy of the elevations has been created which show these dimensions.

## EXTERNAL REFERRALS

Department	Comments
DPTI	<ul style="list-style-type: none"> <li>The sign location does not appear to conflict with any signal lanterns or regulatory signs.</li> <li>The department is supportive of the proposed development provided it is undertaken in accordance with the plans stamped by the department.</li> <li>Should relevant authority choose to approve the development DPTI has a suite of conditions to include that relate to control of illuminance, changing of messaging and general operational requirements.</li> </ul>

A copy of the relevant referral response is contained in **Attachment 3**.

## RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Urban Corridor Zone and, more specifically, Boulevard Policy Area 34 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

### Urban Corridor Zone - Desired Character:

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.

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.

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

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

Where buildings are set back from main roads, landscaping will contribute to a pleasant pedestrian environment and provide an attractive transition between the public and private realm. Large scale development in the zone will facilitate the establishment of areas of communal and public open space, and create links with existing movement patterns and destinations in the zone. Front fencing in the zone will be kept low and/or visually permeable.

Some parts of the zone, including allotments in Thebarton and Keswick, are potentially contaminated because of previous and current industrial activities. In these circumstances, development is expected to occur on a precautionary basis if site contamination investigations identify potential site contamination, particularly where it involves sensitive uses such residential development.

The Thebarton brewery has potential to cause nuisance to future users and residents within this zone through noise and odour. To mitigate potential adverse impacts, residential development north of Smith Street that is likely to be sensitive to brewery operations should generally be avoided unless interface mitigation measures have been implemented (or will be implemented within an acceptable period) such that the anticipated impacts are within acceptable limits.



Noise and air amenity with the zone is not expected to be equivalent to that expected from living in a purely residential zone.

**Boulevard Policy Area 34 - Desired Character:**

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

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

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

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

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

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

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

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

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

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

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

## QUANTITATIVE STANDARDS

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
ADVERTISEMENTS PDC 17 Advertisement area	$2m^2 + 0.1m$ for every 1m of site frontage with a public road = $15.4m^2$	$27m^2$ <b>Does Not Satisfy</b>
ADVERTISEMENTS PDC 17 Maximum height	6m	13.5m (6.6m above Richmond Rd surface) <b>Does Not Satisfy</b>
ADVERTISEMENTS PDC 15 Safety	Not located within 80m of traffic signals, level crossing or other important traffic control devices	23m <b>Does Not Satisfy</b>

## ASSESSMENT

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

### Land Use

#### *Envisaged development*

The location of the proposed sign is within the Urban Corridor Zone. This zone lists a number of development types which are envisaged (PDC 1), they are as follows:

- affordable housing
- aged persons accommodation
- community centre
- consulting room
- dwelling
- educational establishment
- entertainment venue
- licensed premises
- office
- pre-school
- primary school
- residential flat building
- retirement village
- shop or group of shops
- supported accommodation
- tourist accommodation.

Whilst there is no doubt that many of these developments would require signage, it would be ancillary, associated and subordinate to the primary use of the land. There are also a number of provisions which seek to control the size and impact that these signs will have and two provisions (PDC 23 & 24 of the Advertisements module) specific to Mixed Use, Urban Core and Urban Corridor Zones which expect them to be erected onto a building. The proposed development will be subordinate to the railway use of the land, however it will not be ancillary or associated with it. It will be a land use in its own right operating completely independently displaying third party advertisements. This is not an envisaged type of development in the zone.

The Applicant's planning consultant has raised the point that this development is not non-complying and therefore not discouraged in the Zone. This is refuted as this is an arbitrary connection and not reflected elsewhere in the Development Plan. A good example of this is despite Battle-axe allotments specifically discouraged in the desired character of the Residential Zone Low Density policy areas, it is not a non-complying form of development. In order to understand whether or not a development is discouraged, a more holistic look at all the relevant provisions is necessary.

### *3rd Party Signage*

The proposed LED advertisement is to be used for the display of third party advertising. The Development Plan is clear with PDC's 3, 4 & 11 of the Advertisements module stating that signage should relate to the legitimate use of the associated land. For example, identifying the types of business and their product. The proposed sign will not do this as it will be used to advertise other companies not located on the site. It is considered that the inclusion of these PDC's in the Development Plan is seeking to reduce the proliferation of signage.

There is general expectation that a business needs to be identifiable and it is not unreasonable for them to also demonstrate what they do, sell or provide as often a business name will not do this. With this understanding, there are specific development considerations for the Urban Corridor Zone that seek signs to not exceed 25% of the ground floor wall area on the façade that the sign is placed, and to be no higher than the Finished Floor Level (FFL) of the second storey of the building to which it relates. Although these PDC's are not relevant to this application, they do provide context in terms of the signage expected and supported for this zone. The proposal is for a standalone pylon sign which is not associated with the primary use of the land.

Notwithstanding the above, several court cases have been determined where a general consensus was drawn that it is the physical attributes of the sign, rather than the messaging, which is of most concern. Of particular note is Commissioner Hutchings comments in *Keast v City of Marion* [1999] SAERDC 74 as follows:

*"In general, the message is not the issue. A message advertising a product or service available on the land on which a hoarding may be erected can be just as offensive in terms of its visual impact as one advertising a generic product or service. What is at issue is the size, height, shape etc of the hoarding."*

It is also noted that unless conditioned otherwise on an approval, Schedule 2 of the Development Regulations states that a sign for first party advertising can be reskinned to display third party advertising without the need for an approval.

Further guidance was provided in *Fadu Pty Ltd v Noarlunga CC* [1997] EDLR 520; (1997) 4 SAPED 118 where it was concluded that where a Development Plan contained a multiplicity of provisions which related to advertising and all, with one exception, were qualitative rather than quantitative; the quantitative should be given considerable weight to the extent that it may speak to the matter of the proposed development more directly.

Although not supported by the Development Plan, the exhibition of third party signage is not by itself considered to be fatal to the application. This should be considered in combination with other aspects of the proposal such as its height, size, impact to amenity and siting. These features are considered further below.

### Advertisement Area

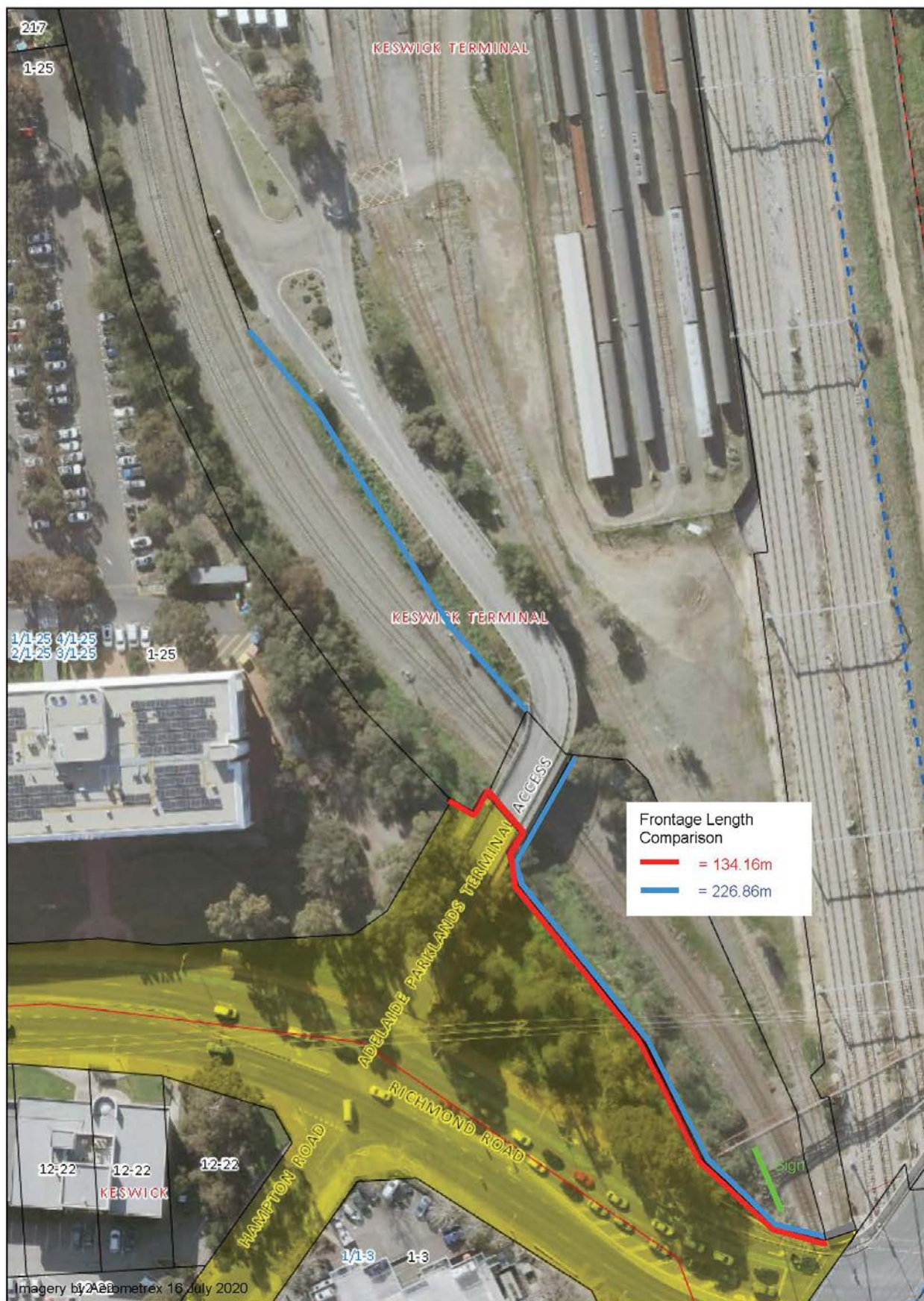
The Advertisements module of the Development Plan outlines some quantitative provisions around signage, particularly in terms of advertisement area and height. In order to be flexible enough to accommodate different sized sites, it sets a base area and then additional advertisement area based on the frontage width of the site. PDC 17 sets differences rates for different Zones and Policy areas, but for this application the *"Other non-residential zones"* section is relevant.

- 17 Except where otherwise specified in a particular zone, policy area or precinct, free standing advertisements should be designed within the following parameters:

Zone/Policy Area	Advertisement area (square metres)	Additional advertisement area per metre of site frontage with a public road or public thoroughfare (square metres)	Maximum height (metres)
District Centre Zone Neighbourhood Centre Zone	6	0.15	9
Arterial Roads Policy Area 1 Local Centre Zone	4	0.1	7
Other non-residential zones	2	0.1	6

The Applicant's planning consultant has offered a calculation of the frontage width of what they consider to be the 'site', however this is considered to be flawed as it includes land that does not have frontage to a public road.

The image below compares the frontage being relied upon for the Applicant's calculation (blue) and that of the assessing officer (red). There appears to be an anomaly between the frontage figure described in the planning consultant's report to that ascertained when compared against the Deposited Plan D90434. For the purpose of the Administration's assessment, the relevant frontage to a public road is measured as being 134.16m in length.



**Figure 1 - Comparison of frontages**



The main difference between these calculations appears to be a difference in opinion as to what is understood to be a *public road*.

A public road is defined under the Local Government Act 1999 as set out below:

**road** means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—

- (a) a bridge, viaduct or subway; or
- (b) an alley, laneway or walkway;

**public road** means—

- (a) any road or land that was, immediately before the commencement of this Act, a public street or road under the repealed Act; or
- (b) any road—
  - (i) that is vested in a council under this or another Act; or
  - (ii) that is placed under a council's care, control and management as a public road after the commencement of this Act, but not including an alley, laneway, walkway or other similar thoroughfare vested in a council; or
- (c) any road or land owned by a council, or transferred or surrendered to a council, and which, subject to this Act, is declared by the council to be a public road; or
- (d) any land shown as a street or road on a plan of division deposited in the Lands Titles Registration Office or the General Registry Office and which is declared by the council to be a public road; or
- (e) any land transferred or surrendered to the Crown for use as a public road that was, immediately before the transfer, held by a person in fee simple or under a lease granted by the Crown,

(and includes any such road that is within the boundaries of a public square);

For the purpose of this assessment it has been decided that whilst the Adelaide Parklands Terminal Access is considered to meet the definition of a road, the same can't be said for the definition of a public road.

The Adelaide Parklands Terminal Access was not a public road prior to 1999, and as such Part (a) of the public road definition does not apply.

The CT confirms that the land which accommodates the Adelaide Parklands Terminal Access, is owned by the Australian Rail Track Corporation Ltd. As such Part (b), (i) & (ii), (c), (d) & (e) has not been met.

The area highlighted in yellow in Figure 1 above, demonstrates the public road reserve as it relates to the subject site. PDC 17 of the Advertisements section specifically refers to a public road or public thoroughfare. The term thoroughfare has been captured in the definition of a public road and has not been separately defined in the Local Government Act 1999.

As set out in the quantitative table above, the Administration is of the opinion that this site (as defined) can accommodate a signage area of up to 15.4m<sup>2</sup>. As the proposal is almost double this, it is therefore not considered appropriate.

## Advertising height

The proposal has a total height of 13.5m, which is 7.5m higher than the maximum supported by PDC 17 of the Advertisements section. However consideration must be given to the fact that the base of the hoarding is located well below the surface of Anzac Highway so is not readily visible. From the plans provided, it appears that the top of the structure will be located 6.6m above the road surface and therefore still does not satisfy PDC 17.

Whilst first impression would be that 0.6m is relatively insignificant, when considering the width of the advertisement, this results in 5.4m<sup>2</sup> of advertisement area. As there is no extenuating circumstances as to why this advertisement does not comply with the 6m height, it is considered inappropriate.

## Amenity

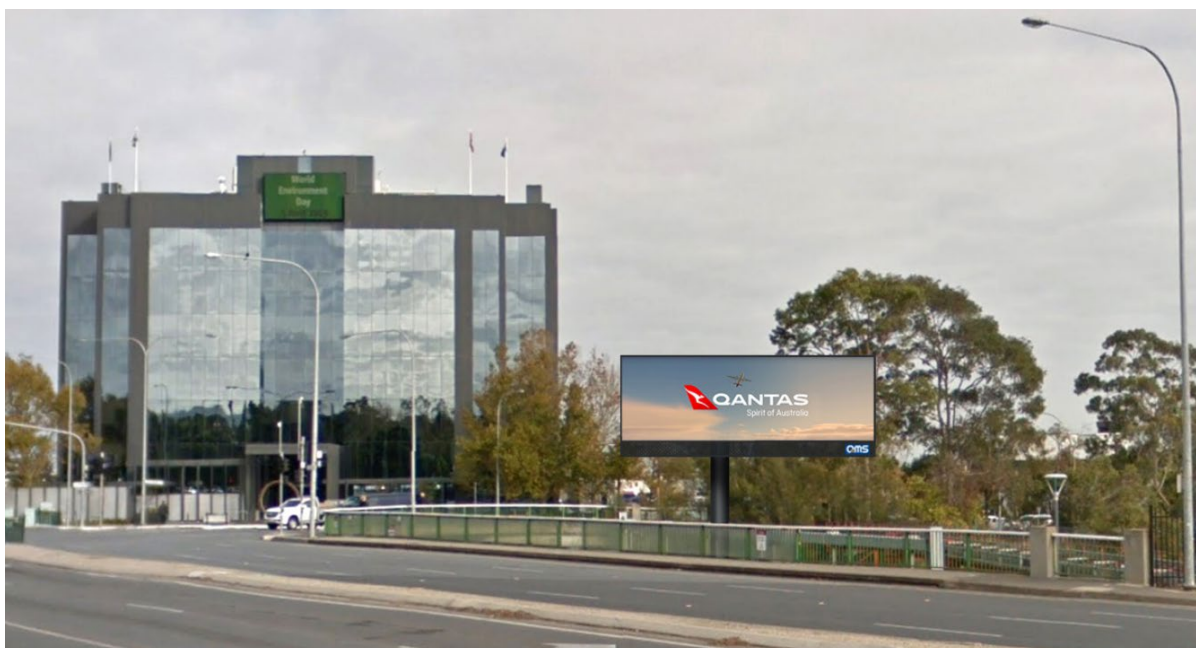
The impact this proposal will have on the amenity is an important consideration. Objective 1 & 3 of the Advertisements module of the Development Plan seeks signage that does not disfigure urban landscapes and should enhance the appearance of buildings and locality more broadly.

As highlighted in the Locality section of this report, although being adjacent a major intersection, there is a considerable amount of mature vegetation which is seen to greatly contribute to the amenity of the locality. Whilst none of the vegetation is being removed or pruned to accommodate the hoarding, the intrusion of this structure is considered to be detrimental to the visual amenity.

The primary purpose of advertising is to demand your attention however briefly, therefore by its very nature it is very unlikely to be able to enhance the visual amenity of the locality. This is because vivid colours and graphics are seen to be in stark contrast to the backdrop of mature trees and open spaces seen in the Adelaide Parklands, road reserve and within the rail corridor. This impact will drastically increase at night where it will be illuminated, further escalating its visually prominence.

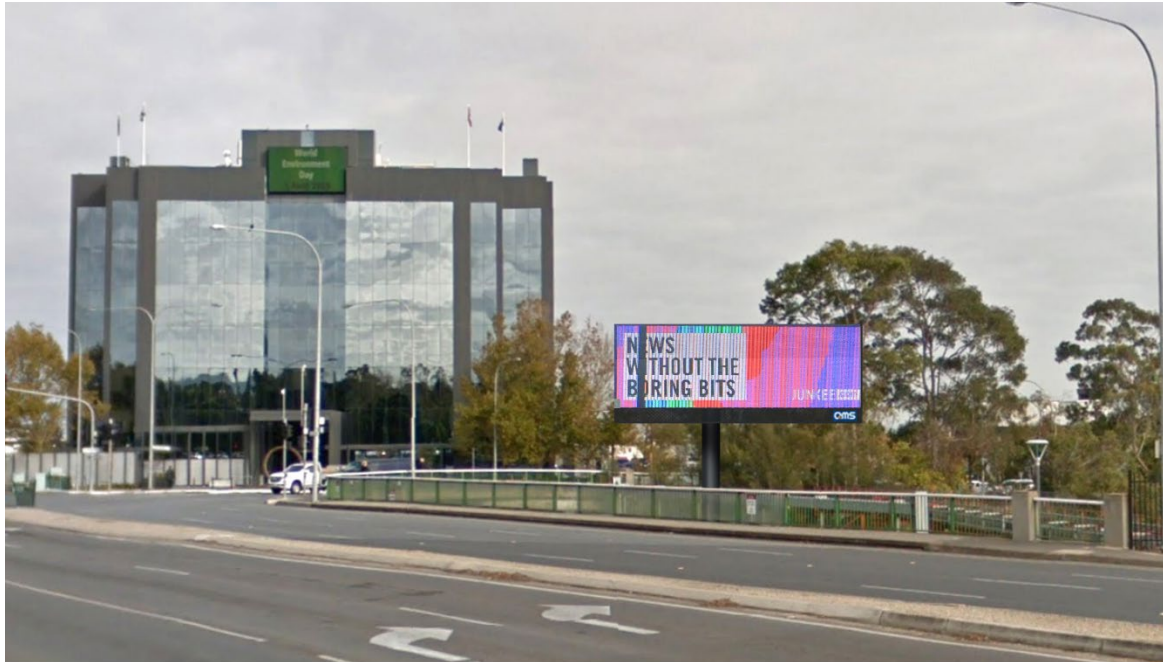
There is also considered to be cumulative negative impacts of an additional advertisement being added to this locality. If approved, this will be the forth such sign at this intersection.

The image below (Figure 2) is considered to be a best case outcome as it includes blue sky and minimal bright colours that tend to blend in with the environment, however this will not always going to be the case.



**Figure 2: Applicants artist impression**

Figure 3 shows what a more vivid advertisement would look like in the same perspective. This advert is a real example and was seen displayed on the other LED sign on the SE corner of the Anzac Highway and Richmond Road intersection.



**Figure 3: Proposed sign with a vivid colour advertisement**

It is considered that these impacts to the amenity will ultimately disfigure the urban landscape and therefore be at odds with Objective 1 of the Advertisements section of the Development Plan.

As this is a single sided sign, the back side of the hoarding could be viewed as unappealing with 33.6m<sup>2</sup> of elevated area broken up only by its supporting structure. This will be primarily viewed from traffic travelling east along Richmond Road, but will also be visible from traffic travelling along Anzac Highway. An example is provided below showing the back end of the existing hoarding on the South-Eastern corner of Anzac Hwy and Greenhill Rd/Richmond Rd intersection.



**Figure 4: View of the rear of a single sided sign**

The back face of the advertisement could not be considered to *"Enhance the appearance of the locality"*, and therefore the proposal does not satisfy Objective 3 of the Advertisements module. A structure such as an advertisement hoarding is considered a building. The Desired Character of the Urban Corridor Zone states that new buildings will be recognised for their design excellence. This particular building purely serves a functional purpose and no attempt has been made to incorporate design excellence. Whilst it could be argued that it would be difficult to provide a sign with design excellence, this reinforces the point that advertising should be integrated into a building and be of a much smaller scale such that it can be considered subordinate and ancillary to the use to which it is associated.

### **Safety**

The proposal has been considered by the Traffic Operations part of Department of Planning, Transport, Traffic and Infrastructure (DPTI). It was resolved that the hoarding did not pose a safety concern.

PDC 15 of the Advertisements module states that illuminated signage shouldn't be located within 80m of traffic signals, level crossings or other important traffic control devices. This provision is clearly not met. DPTI has not provided any reasoning as to why the proposed sign is appropriate, nonetheless their pre-lodgement agreement is supportive of the proposal with a number of suggested standard conditions recommended should the application be supported. These conditions hinge around operational requirements of the LED display, luminance, and message control.

Notwithstanding this advice it must be noted that safety and amenity are two different considerations. Although the location and size of the sign may be considered safe, this does not translate to meaning that it is an appropriate development in an appropriate location.

### **SUMMARY**

The proposal is considered to be at odds with the majority of relevant provisions that apply to this assessment. Although there are other examples of similar signs in the locality, this is not considered to warrant such a departure from the current Development Plan provisions nor is it considered to be appropriate to further proliferate this major intersection with third party advertisements. It is noted that two of the other signs are located in different council areas and as such were considered against different provisions.

The content, advertisement area, height and location of the hoarding are all specifically discouraged by the Development Plan. As a result it is considered to be detrimental to the amenity and not in keeping with the intent of the desired character of the area.

Although not considered to meet the criteria to be called seriously at variance with the Development Plan, it is significantly at variance with a number of critical provisions.

On balance the proposed development does not sufficiently accord with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 12 July 2018 and does not warrant Development Plan Consent.

## 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 for Application No. 211/257/2020 by ARTC to Construct third party signage (LED screen) at Lot 22 James Congdon Drive, Keswick Terminal (CT 6148/334) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 12 July 2020:

- General Section Advertisements Objective 1  
*Reason: The urban landscape will be disfigured by the proposed development.*
- General Section Advertisements Objective 3 & PDC 13 of the Design and Appearance  
*Reason: The proposed development will not enhance the appearance of the locality.*
- General Section Advertisements Principle of Development Control 1  
*Reason: The proposed development is not consistent with the predominant character of the urban landscape.*
- General Section Advertisements Principle of Development Control 4  
*Reason: The content of the proposed development is not related to the legitimate use of the associated land.*
- General Section Advertisements Principle of Development Control 5(c)  
*Reason: The proposed development will blocks vistas of high amenity value, specifically the Adelaide Parklands.*
- General Section Advertisements Principle of Development Control 10  
*Reason: The proposed development has not been designed to conceal its hoarding from view.*
- General Section Advertisements Principle of Development Control 11  
*Reason: The proposed development does not convey the owner/occupier and generic type of business of the associated land.*
- General Section Advertisements Principle of Development Control 15  
*Reason: The proposed development is not located a minimum of 80m from traffic signals and given its size and third party nature is considered to be a hazard for motorists.*
- General Section Advertisements Principle of Development Control 17  
*Reason: The proposed development exceeds the prescribed advertisement area and maximum height.*
- Urban Corridor Zone Objective 6  
*Reason: The proposal does not provide an appealing street environment for pedestrians and does not optimise views onto spaces of interest, in particular the Adelaide Parklands*
- Urban Corridor Zone Objective 7 and PDC 4  
*Reason: The proposal does not contribute to the desired character of the zone which seeks residential, community and employment land uses as well as new buildings recognised for their design excellence.*



- Boulevard Policy Area 34 Objective 4 and PDC 4

*Reason: The proposal does not contribute to the desired character of the policy area as it does not compliment envisaged land uses, nor extend the usage of the policy area beyond normal working hours to enhance vibrancy and safety.*

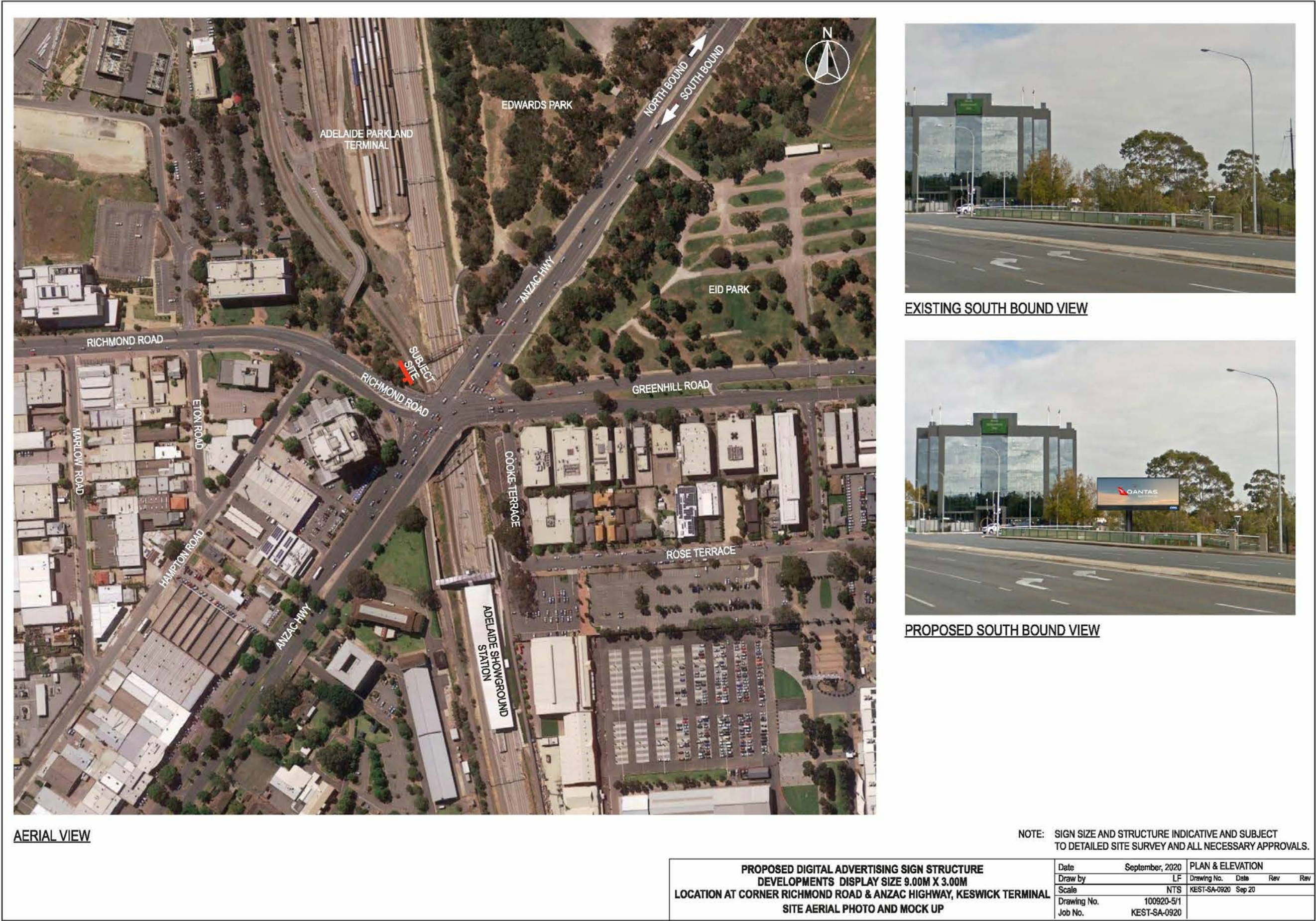
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### **Attachments**

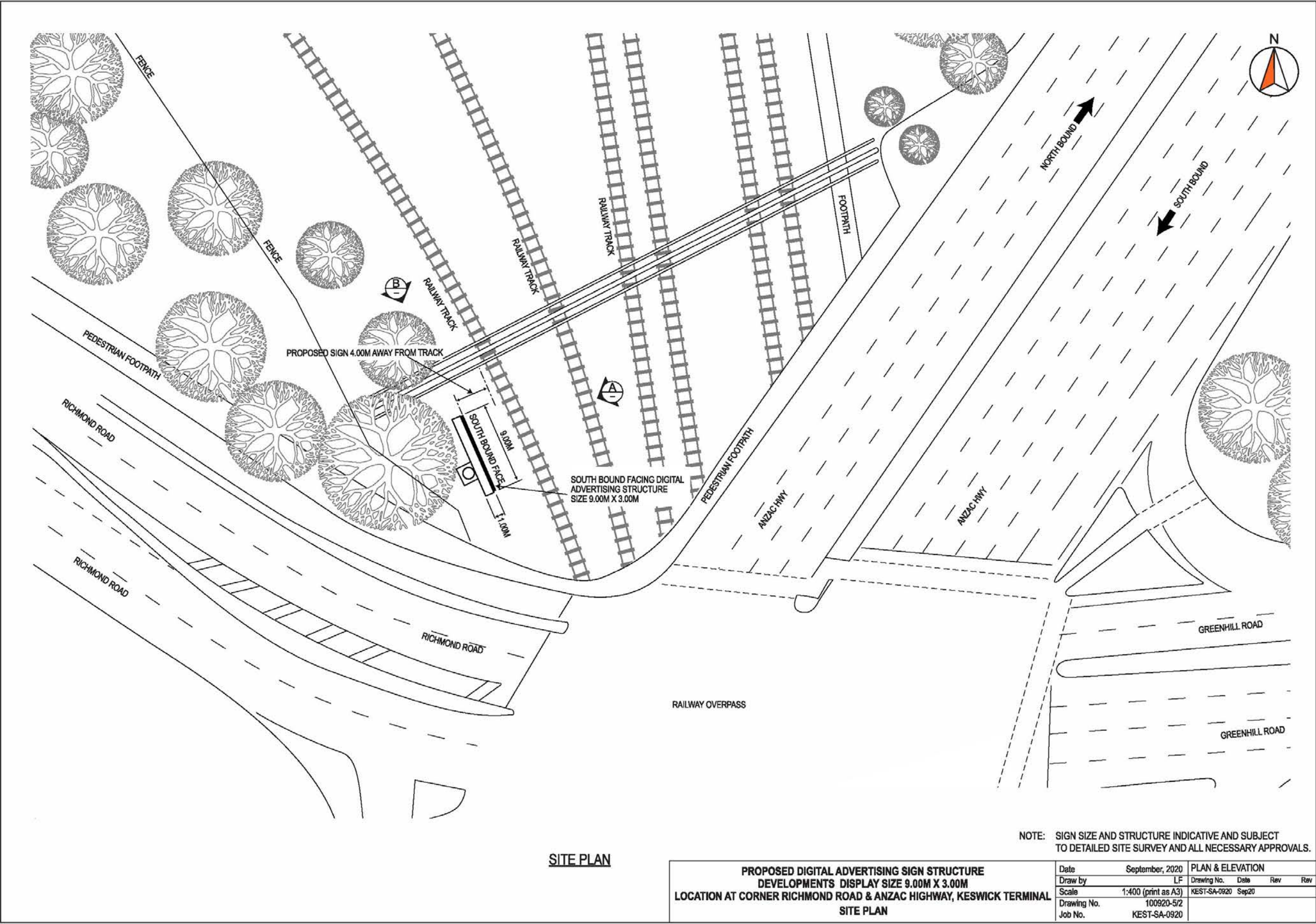
1. **Relevant Development Plan provisions**
2. **Relevant plans and documents**
3. **DPTI comments**

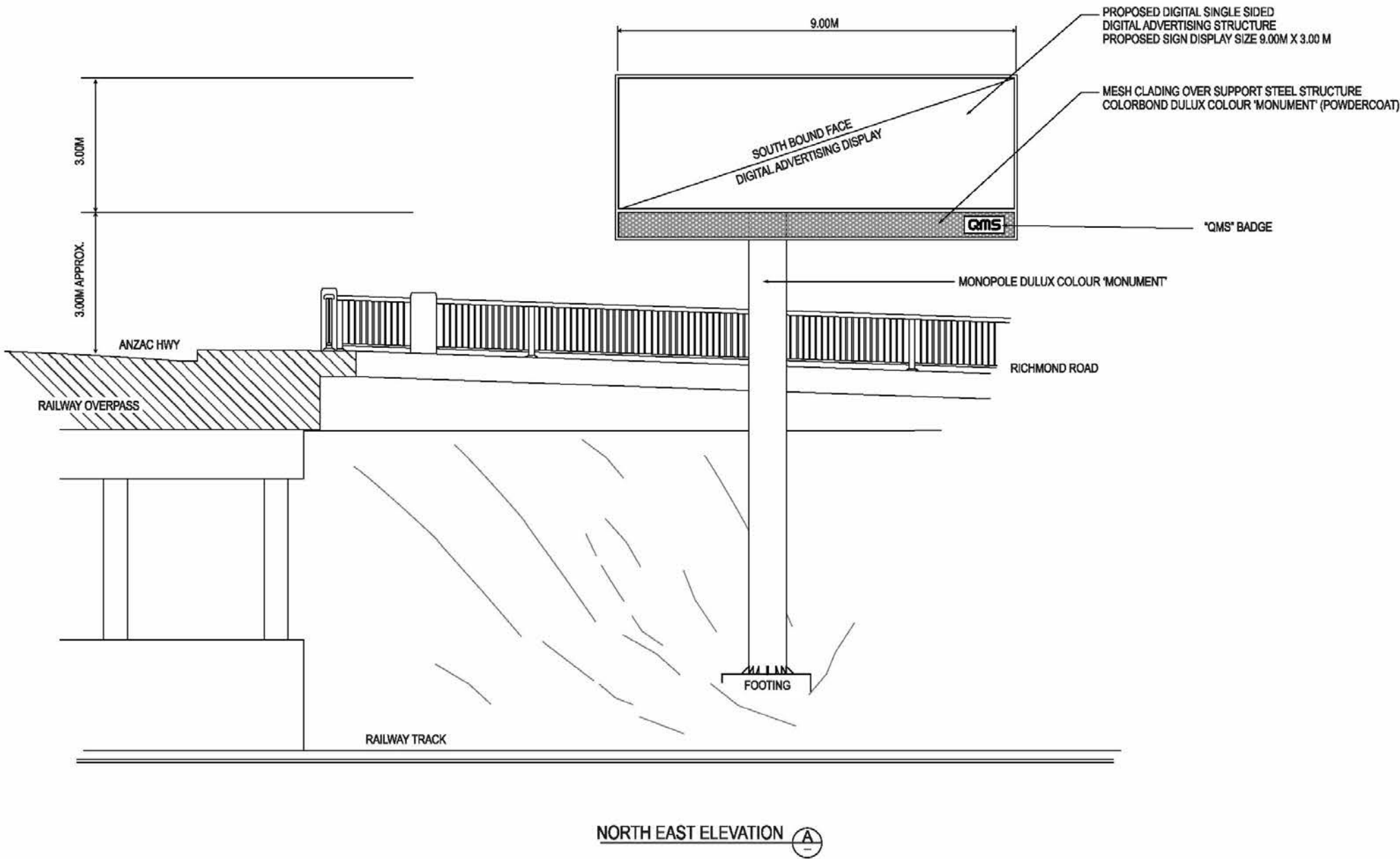
<u>General Section</u>		
<i>Advertisements</i>	<i>Objectives</i>	<i>1, 2 &amp; 3</i>
	<i>Principles of Development Control</i>	<i>1, 2, 4, 5, 6, 10, 11, 14, 15, 16, 17, 23, 24,</i>
<i>Design and Appearance</i>	<i>Objective</i>	<i>1</i>
	<i>Principle of Development Control</i>	<i>13</i>









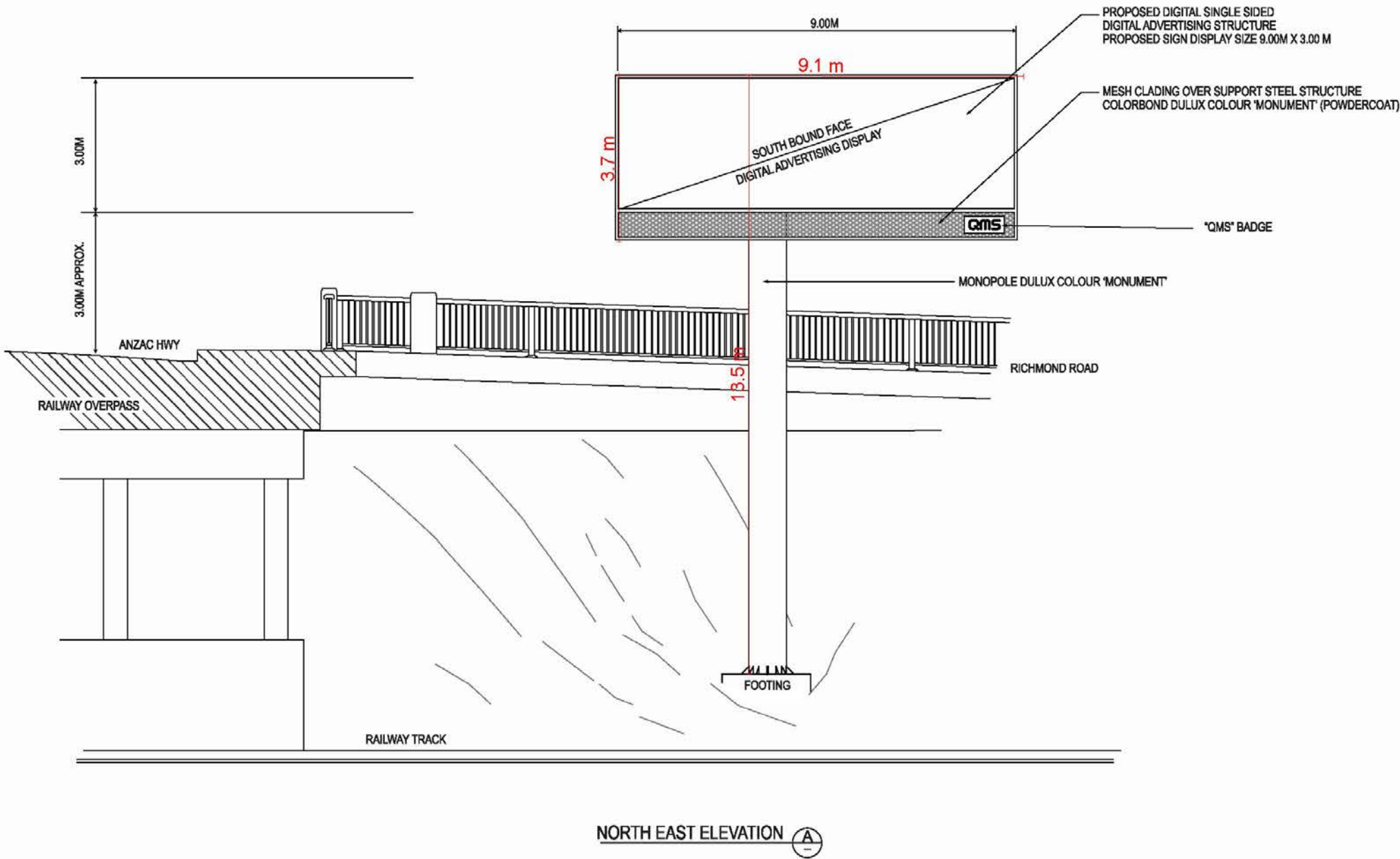


NORTH EAST ELEVATION A

NOTE: SIGN SIZE AND STRUCTURE INDICATIVE AND SUBJECT TO DETAILED SITE SURVEY AND ALL NECESSARY APPROVALS.

PROPOSED DIGITAL ADVERTISING SIGN STRUCTURE DEVELOPMENTS DISPLAY SIZE 9.00M X 3.00M LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL INDICATIVE DESIGN EXACT FINAL LOCATION TO BE DETERMINED	Date	September, 2020	PLAN & ELEVATION			
	Draw by	LF	Drawing No.	Date	Rev	Rev
	Scale	1:100 (print as A3)	KEST-SA-0920	Sep 20		
	Drawing No.	100920-5/3				
	Job No.	KEST-SA-0920				





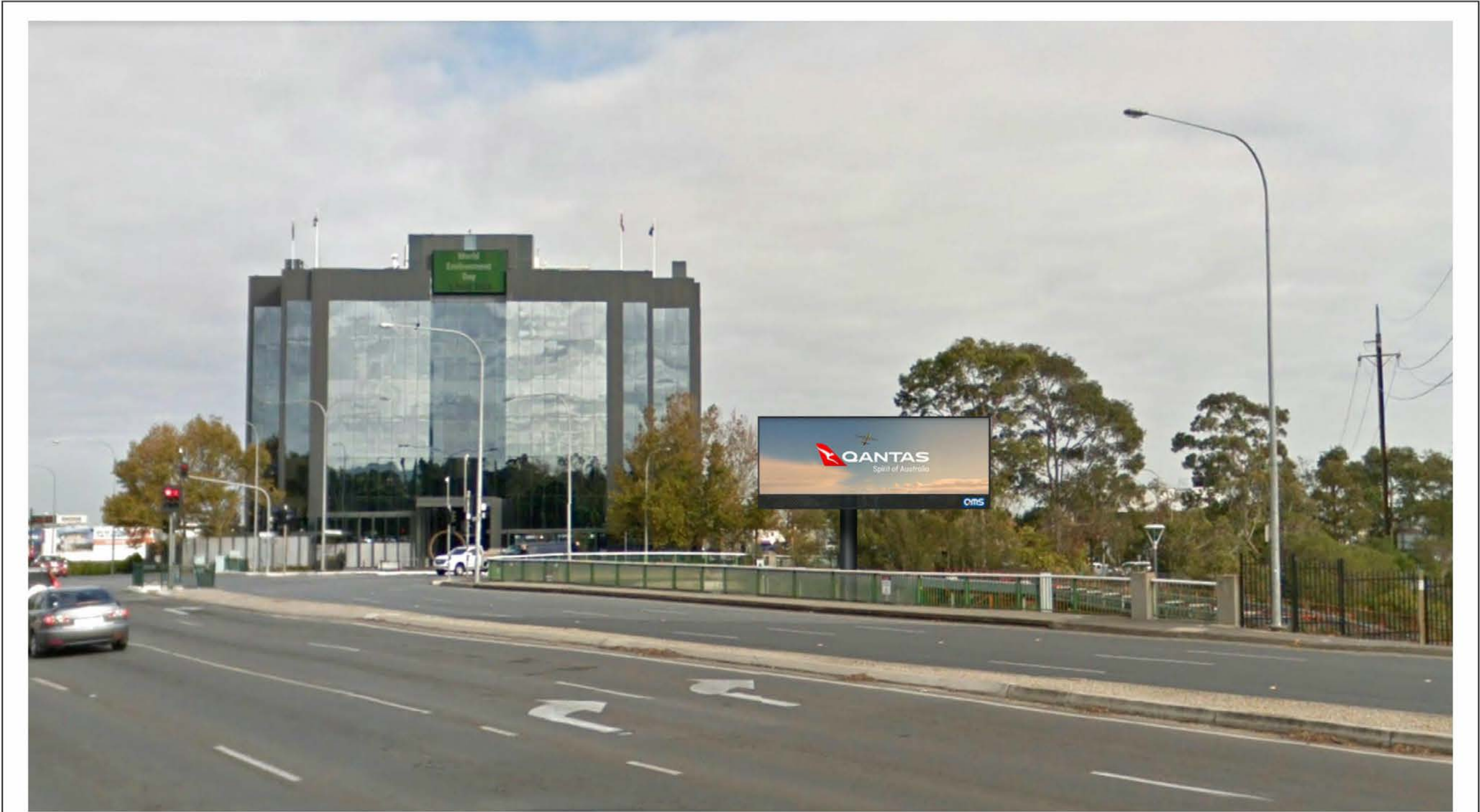
NOTE: SIGN SIZE AND STRUCTURE INDICATIVE AND SUBJECT TO DETAILED SITE SURVEY AND ALL NECESSARY APPROVALS.

PROPOSED DIGITAL ADVERTISING SIGN STRUCTURE DEVELOPMENTS DISPLAY SIZE 9.00M X 3.00M				PLAN & ELEVATION			
LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL				Date	September, 2020	Drawing No.	Date
INDICATIVE DESIGN EXACT FINAL LOCATION TO BE DETERMINED				Draw by	LF	Rev	Rev
				Scale	1:100 (print as A3)	KEST-SA-0920	Sep 20
				Drawing No.	100920-5/3		
				Job No.	KEST-SA-0920		



PROPOSED DIGITAL ADVERTISING SIGN STRUCTURE  
DEVELOPMENTS DISPLAY SIZE 9.00M X 3.00M  
LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL  
INDICATIVE DESIGN EXACT FINAL LOCATION TO BE DETERMINED

Date	September, 2020	PLAN & ELEVATION			
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Drawing No.	100920-5/4				
Job No.	KEST-SA-0920				

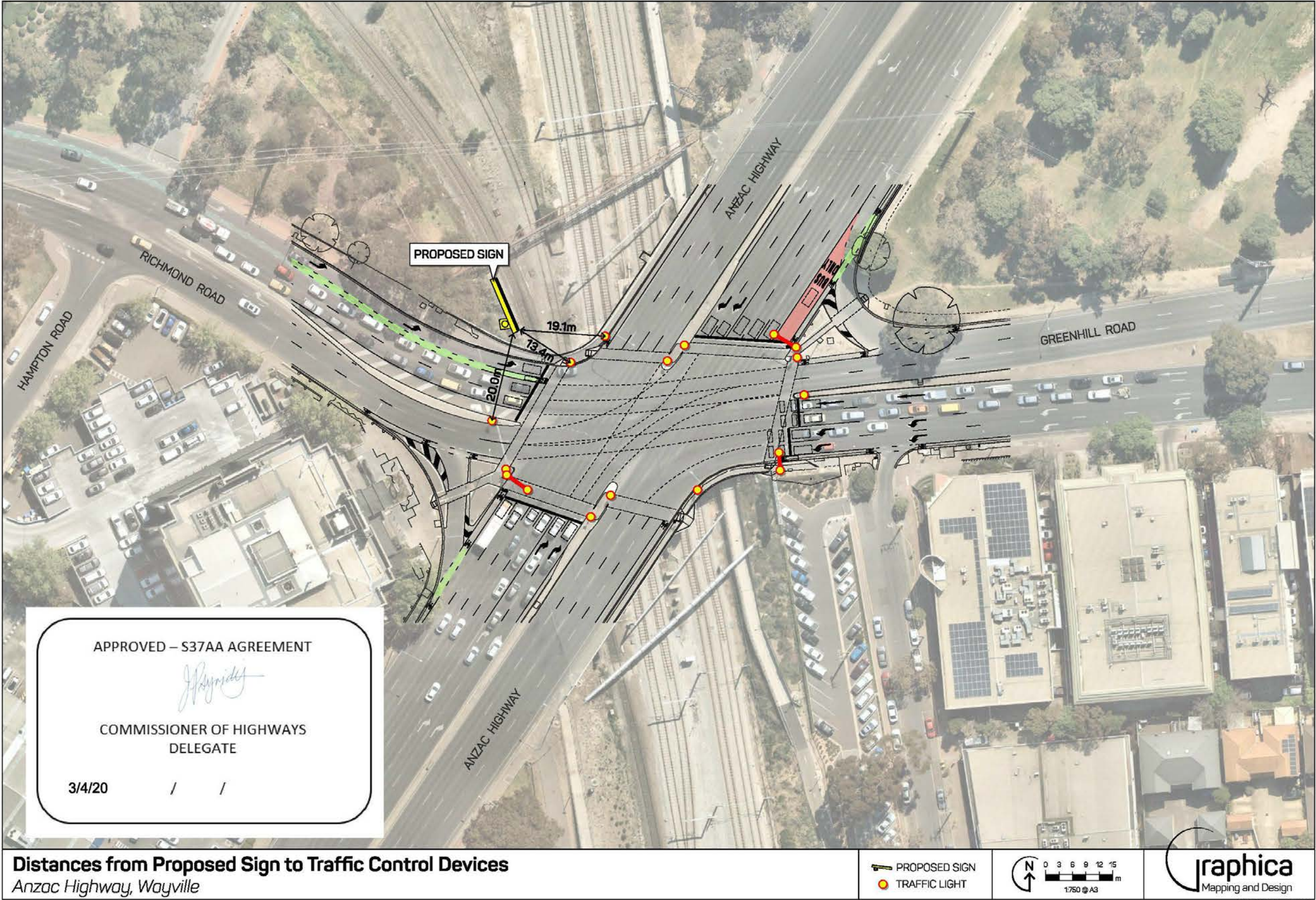


PROPOSED SOUTH BOUND VIEW

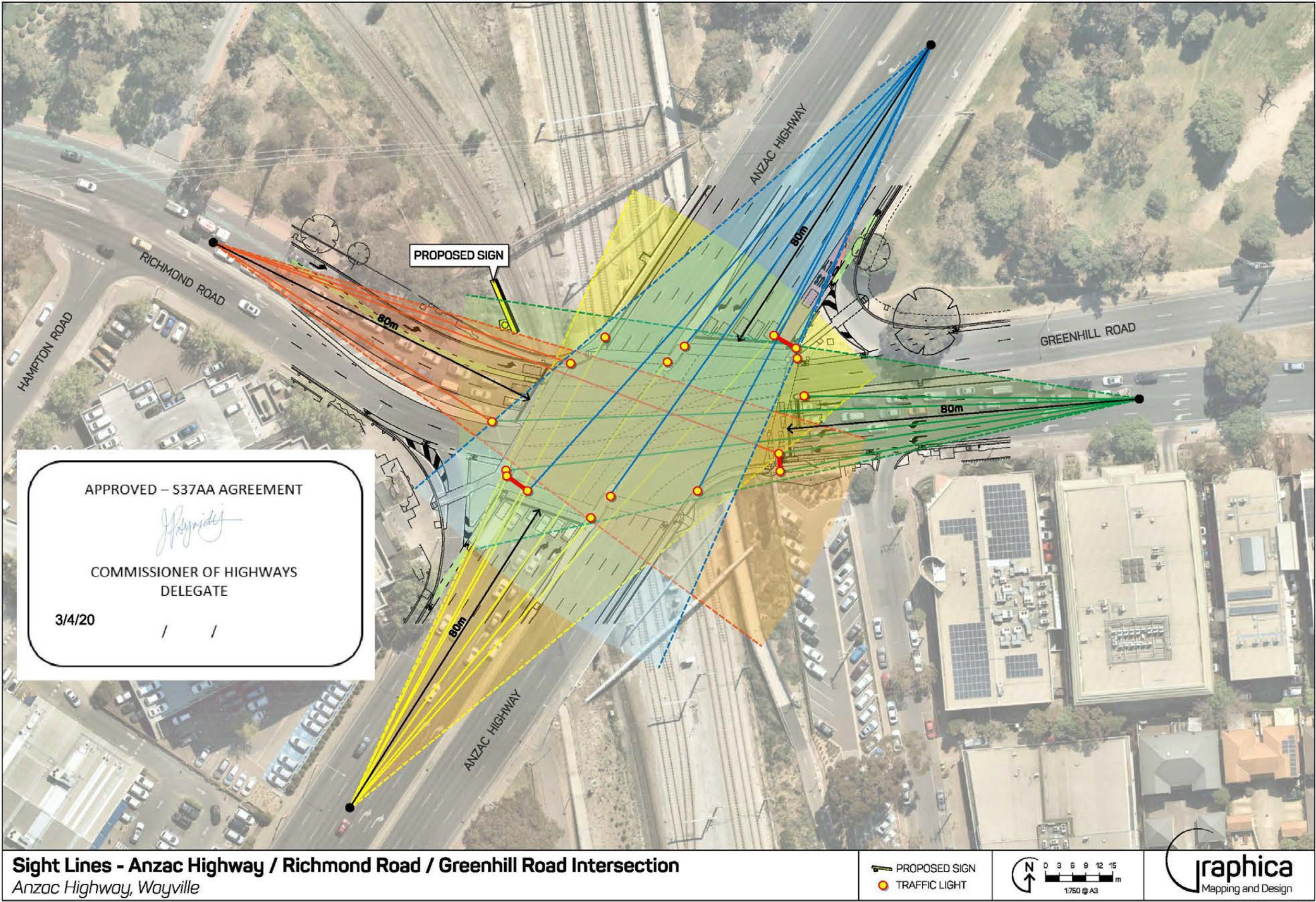
NOTE: SIGN SIZE AND STRUCTURE INDICATIVE AND SUBJECT TO DETAILED SITE SURVEY AND ALL NECESSARY APPROVALS.

<b>PROPOSED DIGITAL ADVERTISING SIGN STRUCTURE DEVELOPMENTS</b> <b>DISPLAY SIZE 9.00M X 3.00M</b> <b>LOCATION AT CORNER RICHMOND ROAD &amp; ANZAC HIGHWAY, KESWICK TERMINAL</b> <b>SITE MOCK UP</b>		Date	September, 2020	PLAN & ELEVATION		
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		Job No.	KEST-SA-0920			

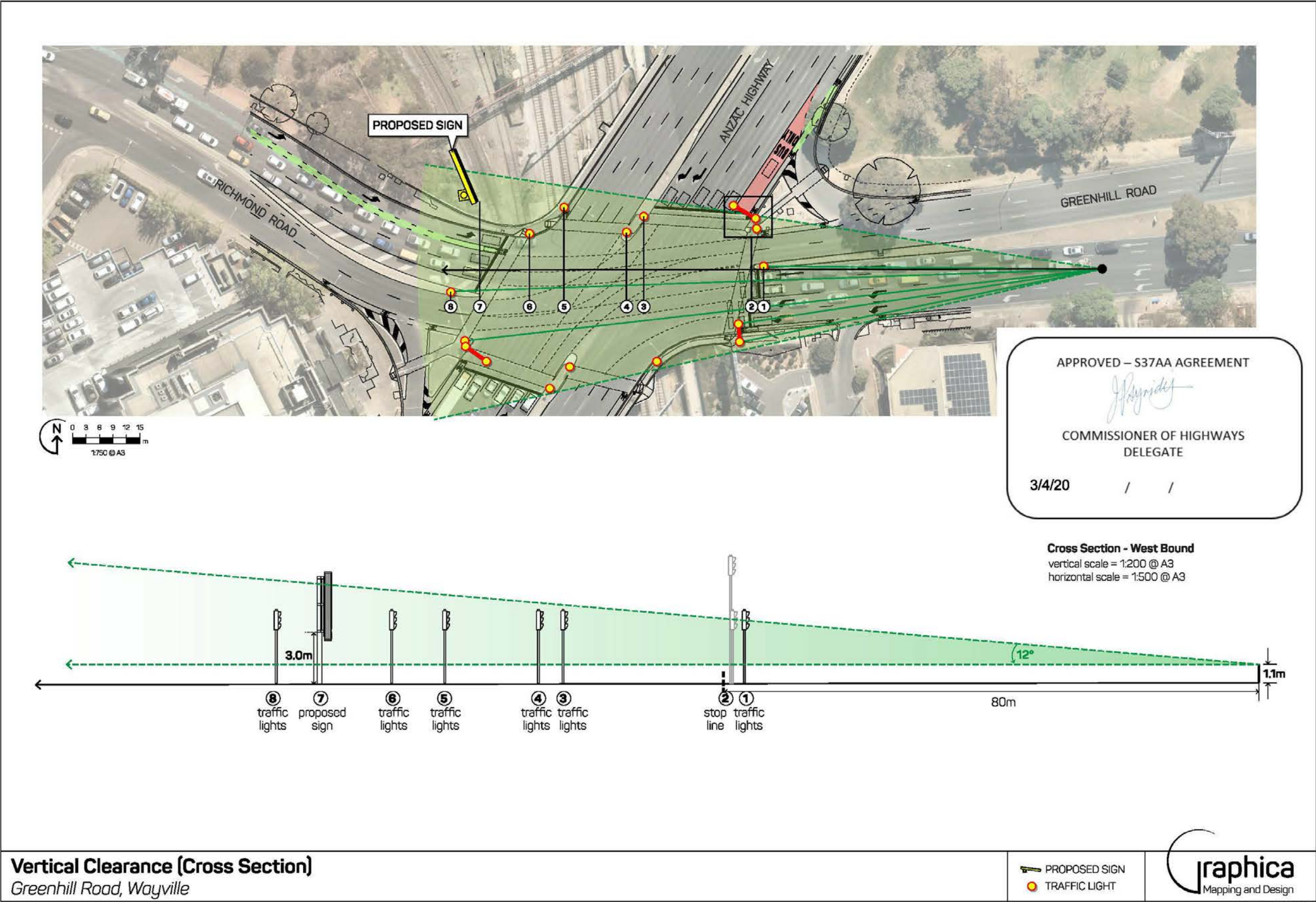












REF: 0781 – ARTC Signage

9 September 2020



Level 1, 74 Pirie Street  
GPO Box 2403  
Adelaide SA 5001  
PH: 08 8221 5511  
W: [www.futureurban.com.au](http://www.futureurban.com.au)  
E: [info@futureurban.com.au](mailto:info@futureurban.com.au)

Mr Jordan Leverington  
Senior Development Officer – Planning  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

Dear Jordan,

**RE: PROPOSED CONSTRUCTION OF LED SIGNAGE AT  
LOT 22, JAMES CONGDON DRIVE, KESWICK TERMINAL (DA 211/257/2020)**

We write on behalf of the Applicant for the abovementioned Development Application and refer to our previous email correspondence with the assessing officer.

Whilst the assessing officer has formed the opinion that there are some qualitative issues with the proposal, they have advised that these matters could be overcome through a reduction in the advertisement area of the proposed sign. Specifically, the assessing officer has outlined that they would be more supportive of the proposed sign if its advertisement area was reduced to around 16.4 square metres, as they believe this is the size envisaged by PDC 17 of the Advertisements Module.

We have extracted PDC 17 below for ease of reference.

*PDC 17 Except where otherwise specified in a particular zone, policy area or precinct, free standing advertisements should be designed within the following parameters:*

<b>Zone/Policy Area</b>	<b>Advertisement area (square metres)</b>	<b>Additional advertisement area per metre of site frontage with a public road or public thoroughfare (square metres)</b>	<b>Maximum height (metres)</b>
<b>District Centre Zone Neighbourhood Centre Zone</b>	6	0.15	9
<b>Arterial Roads Policy Area 1 Local Centre Zone</b>	4	0.1	7
<b>Other non-residential zones</b>	2	0.1	6

Firstly, we acknowledge that the overall height of the proposed sign and its associated hoarding exceeds the maximum envisaged however, it is important to recognise that a significant portion of this height will not be visible from the road. The height of the proposed sign which will be visible above the roadway equates to 6 metres, and therefore, we consider that the part of the provision relating to building height has been achieved.

REF 0781 | 9 September 2020







In relation to the advertisement area, we consider the “site” of the development to be that indicated in Figure 1 below. The relevant boundaries with frontage to public roads are also indicated in this Figure.

**Figure 1** Site and boundaries fronting public roads.



The site of the development has been determined having regard to the location of the sign and its curtilage which allows for access during construction and for ongoing maintenance.

Having regard to the applicable boundary lengths provided in the Certificate of Title, we calculate that the site of the development has a total frontage to public roads (Richmond Road and Keswick Terminal Access Road) of approximately 254.25 metres. On the basis of our calculation, PDC 17 allows an advertisement area of up to approximately 27.4 square metres. With an advertisement area of 27 square metres, the proposed sign satisfies this part of PDC 17.

We consider the advertisement area to be appropriate as:

- the proposed sign will not obscure any key vistas to areas of high scenic value or places of heritage significance;
- the proposed sign will not be an incongruous element in the locality, as third-party “billboard” signage already forms a part of the locality, and the proposed sign is commensurate with the siting, design, materials, size and shape of these existing LED signs, particularly that sign in the southern portion of the intersection which is 8.96 metres in width and 2.88 metres in height;
- the Commissioner of Highways has reviewed and subsequently endorsed the proposed sign and its advertisement area indicating that they do not consider the proposal likely to unreasonably impact the functionality or safety of the adjacent intersection; and



- the advertisement area of the screen is not a procedural trigger for non-complying development, unlike in other Zones in the Development Plan.

Accordingly, we see no valid reason as to why the proposed advertisement area should not be supported.

In relation to the third-party content proposed, we say that it will have the exact same impact as first-party content which relates to the legitimate use of the associated land. Specifically, the proposed third-party content will have no greater impact on:

- the locality, as the size, siting, materiality and design of the proposed sign and its hoarding would be the same for both types of content; and
- the safety or function of the intersection, as the operation, brightness and dwell time of the proposed sign would be same for both types of content.

It is also important to keep in mind that a change to the content of an advertisement in this location actually does not require planning consent in accordance with Schedule 2, Clause 8 to the *Development Regulations 2008*.

Notwithstanding the above, we note that PDC 4 of the Advertisements Module does not preclude third-party content. This provision advises that "*The content of advertisements should be limited to information relating to the legitimate use of the associated land*" (our emphasis). The use of the word "should" and not "will" quite clearly suggests that the Development Plan, in certain circumstances, allows for the establishment of third-party signage.

To this end, we consider that this particular locality presents a circumstance where advertisements of this nature can, and should, be accepted. The locality is characterised by third-party billboard signage, multiple lane Primary Arterial Roads, non-residential buildings of significant scale, and vegetation associated predominantly with the South Parklands. Whilst the vegetation contributes positively to the amenity of the area, it is clear that, generally speaking, the locality is not one of high amenity, therefore the overall impacts of the proposed sign on the locality are anticipated to be minimal.

Finally, we note that:

- advertisements, including third-party advertisements, are not a non-complying form of development in the Urban Corridor Zone (they are not, therefore, specifically discouraged);
- although advertisements are not listed as an envisaged form of development in PDC 1 of the Urban Corridor Zone, they are listed as a Category 1 form of development and therefore, are clearly contemplated in the Zone;
- the proposed sign will not result in the proliferation of signage, as only one wall-mounted sign will be visible in the same line of sight as the proposed development (i.e. the LED screen located on top of the SA Power Networks building at 1 Anzac Highway, displaying community messaging content);
- there are no other freestanding signs on the subject allotment within view of the proposed sign, therefore the intent of PDC 16 of the Advertisement Module is achieved;
- by virtue of the existing level of amenity in the locality, the proposal is likely to have a negligible impact and, importantly, will not inhibit opportunities for future development of the subject site or neighbouring properties. In accordance with relevant cases in the Courts (e.g. *Keast v City of Salisbury*), it is debatable as to whether signage could ever "enhance" or "improve" the amenity of a particular locality;



- the envisaged 80 metre separation between signage and traffic signals, level crossings or other important traffic control devices is derived from the Department of Planning Transport and Infrastructure's "Advertising Signs Assessment Guidelines for Road Safety" document and relates to a "device restriction area". This document states that advertisements in these areas *"will not necessarily be precluded from approval, but will be required to clearly demonstrate that they do not increase road and public safety risk"*. To do this, advertisements are *"required to abide by a 'stricter' set of rules to assist in alleviating potential safety concerns within these areas"*. Given that the Commissioner of Highways is supportive of the proposed sign and its advertisement area, the proposed sign clearly satisfies these guidelines; and
- PDC 12 of the Advertisements Module is not relevant to the proposed development, as it specifically relates to *"Advertisements which perform a secondary role in identifying the business, goods or services"*.

## CONCLUSION

We say that there is no significant benefit to be gained from reducing the proposed advertisement area, and that the proposal is acceptable and will not adversely impact the locality.

It would be appreciated if we could please be kept informed of the date of the relevant Council Assessment Panel Meeting. We understand that the Applicant has no legislated right to be heard at this meeting, however we would appreciate the opportunity to appear on their behalf in support of the Development Application and to respond to any questions from the Panel.

Should you wish to discuss the above matters further, do not hesitate to call our office on (08) 8221 5511.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Milly Nott', with a stylized flourish at the end.

**Milly Nott**  
Consultant



# DEVELOPMENT APPLICATION FORM

**AUTHORITY:** CITY OF WEST TORRENS

**APPLICANT:** ARTC

**Postal Address:** C / - FUTURE URBAN PTY LTD  
GPO BOX 2403, ADELAIDE, SOUTH AUSTRALIA, 5001

**OWNER:** ARTC

**Postal Address:** AS ABOVE

**BUILDER:** TO BE CONFIRMED

**Postal Address:**

**Licence No:**

**CONTACT PERSON FOR FURTHER INFORMATION:**

**Name:** MISS MILLY NOTT

**Telephone:** (08) 8221 5511

**Email:** MILLY@FUTUREURBAN.COM.AU

**Mobile:** 0450 965 858

**EXISTING USE:**

RAILWAY TRACK

**FOR OFFICE USE**

**Development No:**

**Previous Development No:**

**Assessment No:**

<input type="checkbox"/> Complying	Application forwarded to DA			
<input type="checkbox"/> Non-complying	Commission/Council on:			
<input type="checkbox"/> Notification Cat 2	/ /			
<input type="checkbox"/> Notification Cat 3	Decision:			
<input type="checkbox"/> Referrals/Concurrence	Type:			
<input type="checkbox"/> DA Commission	Date: / /			
	Decision	Fees	Receipt No	Date
Planning:	YES			
Building:				
Land Division:				
Additional:				
Dev Approval:				

**DESCRIPTION OF PROPOSED DEVELOPMENT:** CONSTRUCTION OF SIGNAGE (LED SCREEN)

**LOCATION OF PROPOSED DEVELOPMENT:**

**House No:** **Lot No:** 20 **Road:** RICHMOND ROAD **Town/Suburb:** KESWICK TERMINAL

**Section No (full/part):** **Hundred:** ADELAIDE **Volume:** 6148 **Folio:** 334

**LAND DIVISION:**

**Site Area (m²):** **Reserve Area (m²):** **No of Existing Allotments:**

**Number of Additional Allotments - (Excluding Road and Reserve):** **Lease:** YES: ☐ NO: ☐

**DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY?** YES: ☐ NO: ☒

**HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID?** YES: ☐ NO: ☒

**DEVELOPMENT COST** (Do not include any fit-out costs): \$640,000.00

I acknowledge that copies of this development application and any supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008.

**SIGNATURE:**



ON BEHALF OF ARTC

**Dated:** 3 APRIL 2020

**DEVELOPMENT REGULATIONS 2008****Form of Declaration  
(Schedule 5, Clause 2A)**

To: City of West Torrens

From: ARTC c/- Future Urban Pty Ltd

Date of Application: 3 April 2020

**Location of Proposed Development:**

House Number:	<u></u>	Lot Number:	<u>20</u>
Street:	<u>Richmond Road</u>	Town/Suburb:	<u>Keswick Terminal</u>
Section No (full/part):	<u></u>	Hundred:	<u>Adelaide</u>
Volume:	<u>6148</u>	Folio:	<u>334</u>

**Nature of Proposed Development:**

*Construction of signage (LED Screen).*

I, Milly Nott, in my capacity as a **representative of the Applicant**, declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the accompanying drawings, not be contrary to the regulations prescribed for the purposes of Section 86 of the *Electricity Act 1996*.

I make this declaration under Clause 2A(1) of Schedule 5 of the *Development Regulations 2008*.

3 April 2020

Date




Signed

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT CERTIFICATE

# CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886



**South Australia**



VOLUME 6148 FOLIO 334

Edition 1

Date Of Issue 24/11/2014

Authority TG 12149264

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

**REGISTRAR-GENERAL**

**REGISTERED PROPRIETOR IN FEE SIMPLE**

AUSTRALIAN RAIL TRACK CORPORATION LTD. OF OFF SIR DONALD BRADMAN DRIVE  
MILE END SA 5031

**DESCRIPTION OF LAND**

ALLOTMENT 22 DEPOSITED PLAN 90434  
IN THE AREAS NAMED MILE END AND KESWICK TERMINAL  
HUNDRED OF ADELAIDE

PORTIONS OF THE WITHIN LAND MARKED N.P AND R ARE LIMITED TO REDUCED  
LEVELS A.H.D. AS DESCRIBED ON DP 90434

**EASEMENTS**

SUBJECT TO THE EASEMENT OVER THE LAND MARKED K ON DP 90434 TO ENVESTRA  
(SA) LTD. (RTC 11518290)

SUBJECT TO THE EASEMENT OVER THE LAND MARKED X ON DP 90434 (RTC 11518290)

SUBJECT TO THE EASEMENT OVER THE LAND MARKED J ON DP 90434 TO TRANSMISSION  
LESSOR CORPORATION OF 1 UNDIVIDED 2ND PART (SUBJECT TO LEASE 9061500) AND  
ELECTRANET PTY. LTD. OF 1 UNDIVIDED 2ND PART (TG 12149264)

SUBJECT TO THE EASEMENT OVER THE LAND MARKED KK ON DP 90434 TO THE CITY OF  
WEST TORRENS (RTC 12121488)

TOGETHER WITH THE EASEMENT OVER THE LAND MARKED Y ON DP 90434 (RTC  
11518290)

TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED DD  
ON DP 90434 (RTC 11518290)

PAGE 1 OF 2

Cont.



VOLUME 6148 FOLIO 334

Edition 1  
Date Of Issue 24/11/2014  
Authority TG 12149264

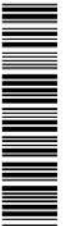
**SCHEDULE OF ENDORSEMENTS**


NIL

PAGE 2 OF 2


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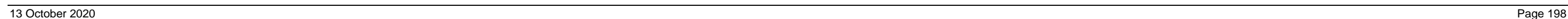
<b>PURPOSE:</b>	DIVISION, EASEMENT AND REDESIGNATION OF PARCELS	<b>AREA NAME:</b>	ADELAIDE, MILE END, KESWICK TERMINAL	<b>RE-APPROVED:</b> JOHN VERDUYN 14/08/2014	 <b>D90434</b> SHEET 1 OF 19 31707_text_01_v17_Version_17																																																																																																														
<b>MAP REF:</b>	6628/4 11M, 6628/41E, 6628/41N	<b>COUNCIL:</b>	CITY OF WEST TORRENS THE CORPORATION OF THE CITY OF ADELAIDE	<b>DEPOSITED:</b> DEAN WATSON 14/08/2014																																																																																																															
<b>LAST PLAN:</b>		<b>DEVELOPMENT NO:</b>																																																																																																																	
<b>AGENT DETAILS:</b>	<b>LESTER FRANKS</b> 1ST FLOOR 22 CHANCERY LANE ADELAIDE SA 5000 PH: 08 8223 5220 FAX: 08 8223 5226 <b>AGENT CODE:</b> LFSG <b>REFERENCE:</b> FAEP0003																																																																																																																		
<b>SURVEYORS CERTIFICATION:</b> I, TIMOTHY BLOK, a licensed surveyor do hereby certify: - 1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1982; 2) That the field work was completed on the 14th day of August 2012 12th day of August 2014 Timothy Blok Licensed Surveyor																																																																																																																			
<table border="1"> <thead> <tr> <th colspan="4">SUBJECT TITLE DETAILS:</th> <th>NUMBER</th> <th>PLAN</th> <th>NUMBER</th> <th>HUNDRED / IA / DIVISION</th> <th>TOWN</th> <th>REFERENCE NUMBER</th> </tr> <tr> <th>PREFIX</th> <th>VOLUME</th> <th>FOLIO</th> <th>OTHER</th> <th>NUMBER</th> <th>PLAN</th> <th>NUMBER</th> <th>HUNDRED / IA / DIVISION</th> <th>TOWN</th> <th>REFERENCE NUMBER</th> </tr> </thead> <tbody> <tr> <td>CT</td> <td>5999</td> <td>484</td> <td>PARCEL ALLOTMENT(S)</td> <td>58</td> <td>D</td> <td>56872</td> <td>ADELAIDE</td> <td></td> <td></td> </tr> <tr> <td>CT</td> <td>5999</td> <td>485</td> <td>ALLOTMENT(S)</td> <td>59</td> <td>D</td> <td>56872</td> <td>ADELAIDE</td> <td></td> <td></td> </tr> <tr> <td>CT</td> <td>5999</td> <td>493</td> <td>ALLOTMENT(S)</td> <td>20</td> <td>F</td> <td>14184</td> <td>ADELAIDE</td> <td></td> <td></td> </tr> <tr> <td>PT CT</td> <td>6077</td> <td>135</td> <td>ALLOTMENT(S)</td> <td>17</td> <td>F</td> <td>1485</td> <td>ADELAIDE</td> <td></td> <td></td> </tr> <tr> <td>CT</td> <td>6077</td> <td>136</td> <td>ALLOTMENT(S) ALLOTMENT(S)</td> <td>11 12</td> <td>D D</td> <td>83004 83004</td> <td>ADELAIDE ADELAIDE</td> <td></td> <td></td> </tr> <tr> <td>CT</td> <td>6077</td> <td>137</td> <td>ALLOTMENT(S)</td> <td>13</td> <td>D</td> <td>83004</td> <td>ADELAIDE</td> <td></td> <td></td> </tr> <tr> <td>CT</td> <td>6142</td> <td>614</td> <td>ALLOTMENT(S)</td> <td>19</td> <td>F</td> <td>14184</td> <td>ADELAIDE</td> <td></td> <td></td> </tr> <tr> <td>CT</td> <td>6142</td> <td>612</td> <td>ALLOTMENT(S)</td> <td>46</td> <td>F</td> <td>219610</td> <td>ADELAIDE</td> <td></td> <td></td> </tr> <tr> <td>CT</td> <td>6142</td> <td>613</td> <td>ALLOTMENT(S)</td> <td>47</td> <td>F</td> <td>219610</td> <td>ADELAIDE</td> <td></td> <td></td> </tr> </tbody> </table>						SUBJECT TITLE DETAILS:				NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER	PREFIX	VOLUME	FOLIO	OTHER	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER	CT	5999	484	PARCEL ALLOTMENT(S)	58	D	56872	ADELAIDE			CT	5999	485	ALLOTMENT(S)	59	D	56872	ADELAIDE			CT	5999	493	ALLOTMENT(S)	20	F	14184	ADELAIDE			PT CT	6077	135	ALLOTMENT(S)	17	F	1485	ADELAIDE			CT	6077	136	ALLOTMENT(S) ALLOTMENT(S)	11 12	D D	83004 83004	ADELAIDE ADELAIDE			CT	6077	137	ALLOTMENT(S)	13	D	83004	ADELAIDE			CT	6142	614	ALLOTMENT(S)	19	F	14184	ADELAIDE			CT	6142	612	ALLOTMENT(S)	46	F	219610	ADELAIDE			CT	6142	613	ALLOTMENT(S)	47	F	219610	ADELAIDE		
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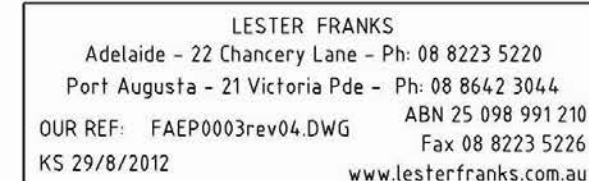
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EXISTING	21.23	LONG	EASEMENT(S)	E		DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	
EXISTING	22	LONG	EASEMENT(S)	K		ENVESTRA (SA) LTD.	
EXISTING	21	LONG	EASEMENT(S)	S		SOUTH AUSTRALIAN WATER CORPORATION	
EXISTING	23	LONG	EASEMENT(S)	M			
EXISTING	23	LONG	EASEMENT(S)	W		ENVESTRA (SA) LTD.	
EXISTING	22	LONG	EASEMENT(S)	X			
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VARY TO	21	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	CC		23	
VARY FROM	13 IN D83004 AND C T6115788	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	B IN D83004		11,12 IN D83004	
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VARY TO	26	LONG	EASEMENT(S)	G		SOUTH AUSTRALIAN WATER CORPORATION	
VARY FROM	13 IN D83004	LONG	EASEMENT(S)	U IN D83004		SOUTH AUSTRALIAN WATER CORPORATION	
VARY TO	23	LONG	EASEMENT(S)	F		SOUTH AUSTRALIAN WATER CORPORATION	
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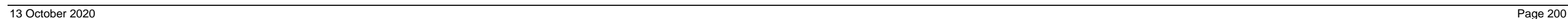


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<b>EASEMENT DETAILS:</b>					
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE
PROPOSED	23	LONG	RIGHT(S) OF WAY	C	22
<b>ANNOTATIONS:</b>					
NO OCCUPATION ON SUBJECT LAND UNLESS OTHERWISE SHOWN PORTION OF ALLOTMENT(S) 30 MARKED Z EXISTS BELOW A LEVEL OF 27 . 80 METRES AHD PORTION OF ALLOTMENT(S) 28 MARKED Z EXISTS BELOW A LEVEL OF 27 . 80 METRES AHD PORTION OF ALLOTMENT(S) 22 MARKED N EXISTS BELOW A LEVEL OF 30 . 05 METRES AHD PORTION OF ALLOTMENT(S) 23 MARKED N EXISTS BELOW A LEVEL OF 30 . 05 METRES AHD PORTION OF ALLOTMENT(S) 22 MARKED P EXISTS BELOW A LEVEL OF 29 . 50 METRES AHD PORTION OF ALLOTMENT(S) 23 MARKED Q EXISTS BELOW A LEVEL OF 31 . 10 METRES AHD PORTION OF ALLOTMENT(S) 23 MARKED R EXISTS ABOVE A LEVEL OF 30 . 05 METRES AHD PORTION OF ALLOTMENT(S) 22 MARKED R EXISTS BELOW A LEVEL OF 30 . 05 METRES AHD PORTION OF ALLOTMENT(S) 24 MARKED V EXISTS BELOW A LEVEL OF 31 . 10 METRES AHD PORTION OF ALLOTMENT 31 (SIR DONALD BRADMAN DRIVE) MARKED V EXISTS ABOVE A LEVEL OF 31.10 METRES AHD PORTION OF ALLOTMENT 26 MARKED EE EXISTS ABOVE A LEVEL DEFINED BY A PLANE WHOSE PERIMETER IS DEFINED BY POINTS 14 - RL=21.23 METRES AHD, 15 - RL=21.14 METRES AHD, 16 - RL=21.12 METRES AHD AND 17 - RL=21.21 METRES AHD PORTION OF ALLOTMENT 25 MARKED FF EXISTS ABOVE A LEVEL DEFINED BY A PLANE WHOSE PERIMETER IS DEFINED BY POINTS 16 - RL=21.12 METRES AHD, 17 - RL=21.21 METRES AHD AND 19 - RL=21.08 METRES AHD PORTION OF ALLOTMENT 28 (GLOVER AVENUE) MARKED EE EXISTS BELOW A LEVEL DEFINED BY A PLANE WHOSE PERIMETER IS DEFINED BY POINTS 14 - RL=21.23 METRES AHD, 15 - RL=21.14 METRES AHD, 16 - RL=21.12 METRES AHD AND 17 - RL=21.21 METRES AHD PORTION OF ALLOTMENT 28 (GLOVER AVENUE) MARKED FF EXISTS BELOW A LEVEL DEFINED BY A PLANE WHOSE PERIMETER IS DEFINED BY POINTS 16 - RL=21.12 METRES AHD, 17 - RL=21.21 METRES AHD AND 19 - RL=21.08 METRES AHD AUTHORITY FOR ELEVATIONS P, Q AND V IS PSM 6628/5356, RL=25.895 METRES AHD AUTHORITY FOR ELEVATIONS N AND R IS PSM 6628/21870, RL=31.096 METRES AHD AUTHORITY FOR ELEVATION Z IS PSM 6628/26172, RL=27.794 METRES AHD AUTHORITY FOR ELEVATIONS EE AND FF IS PSM 6628/51408, RL=20.647 METRES AHD ALLOTMENT 21 (PT CT6077/136) DOES NOT FORM PART OF THIS DIVISION DPTI REF: 20110533, DOCKET NO:2010/24556 FIELDWORK DATE SHOWN IN CERTIFICATION IS INCORRECT. ACTUAL FIELDWORK COMPLETED 11/11/2011. AMENDMENT TO EASEMENT DETAILS EASEMENT IDENTIFIER AND BACKGROUND INFORMATION VIDE DDP 12204/05 PRO RG 8, 10, 2014					

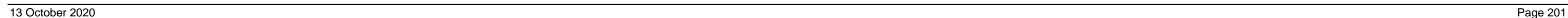




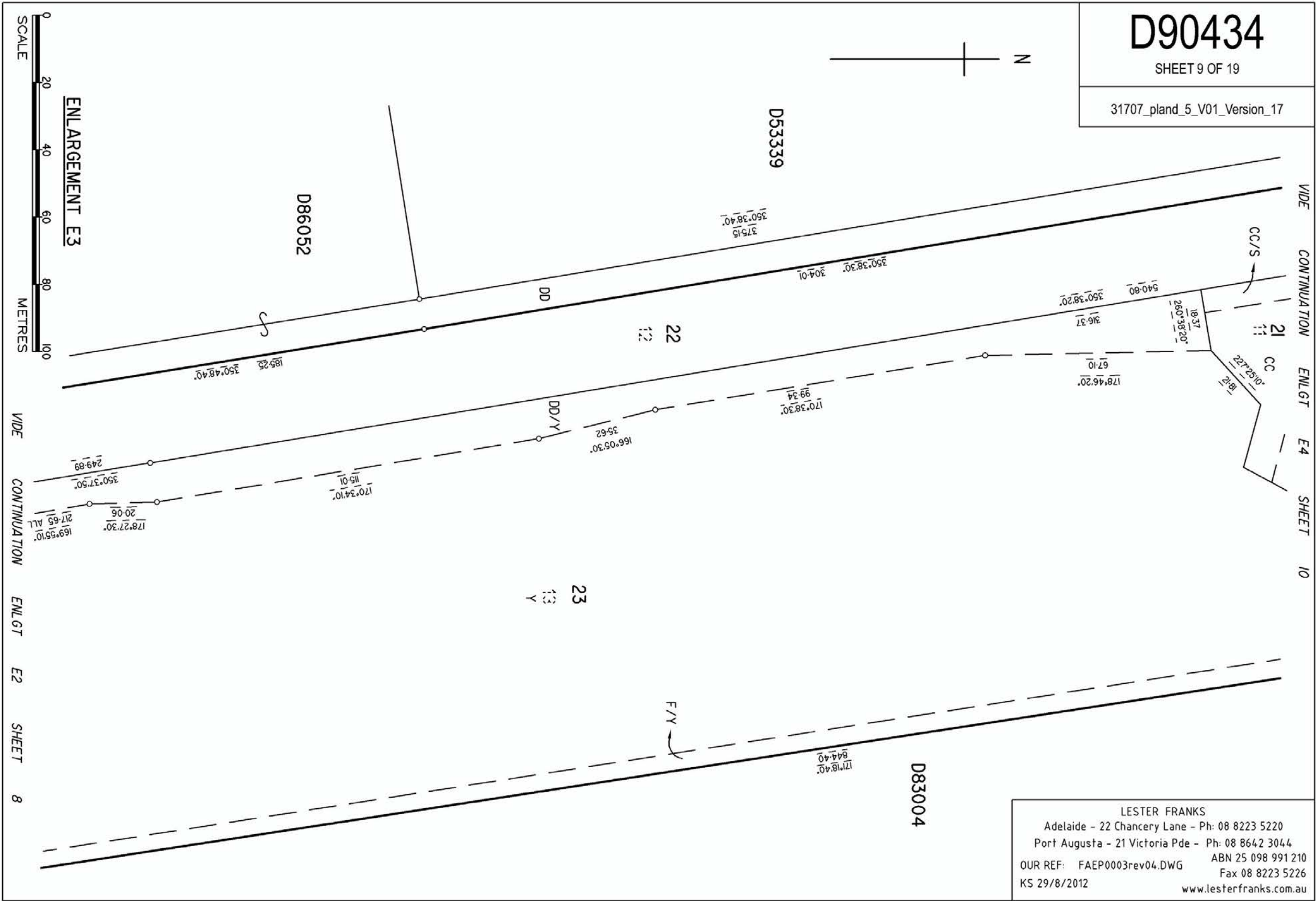


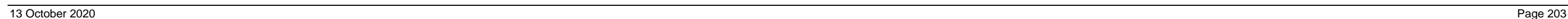


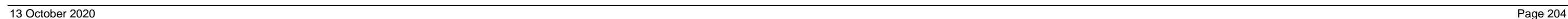




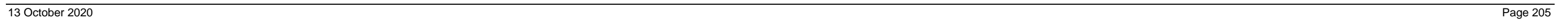




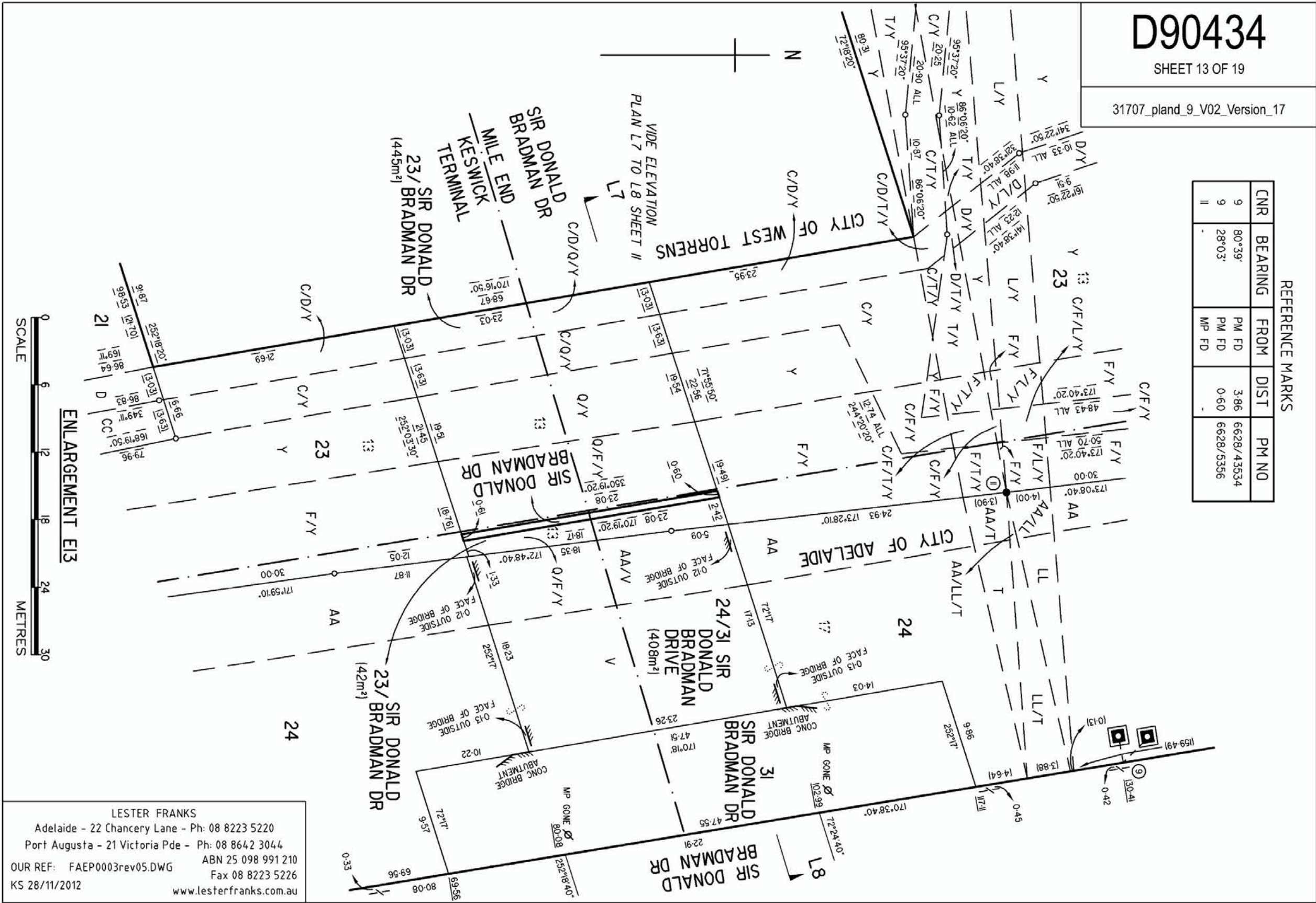


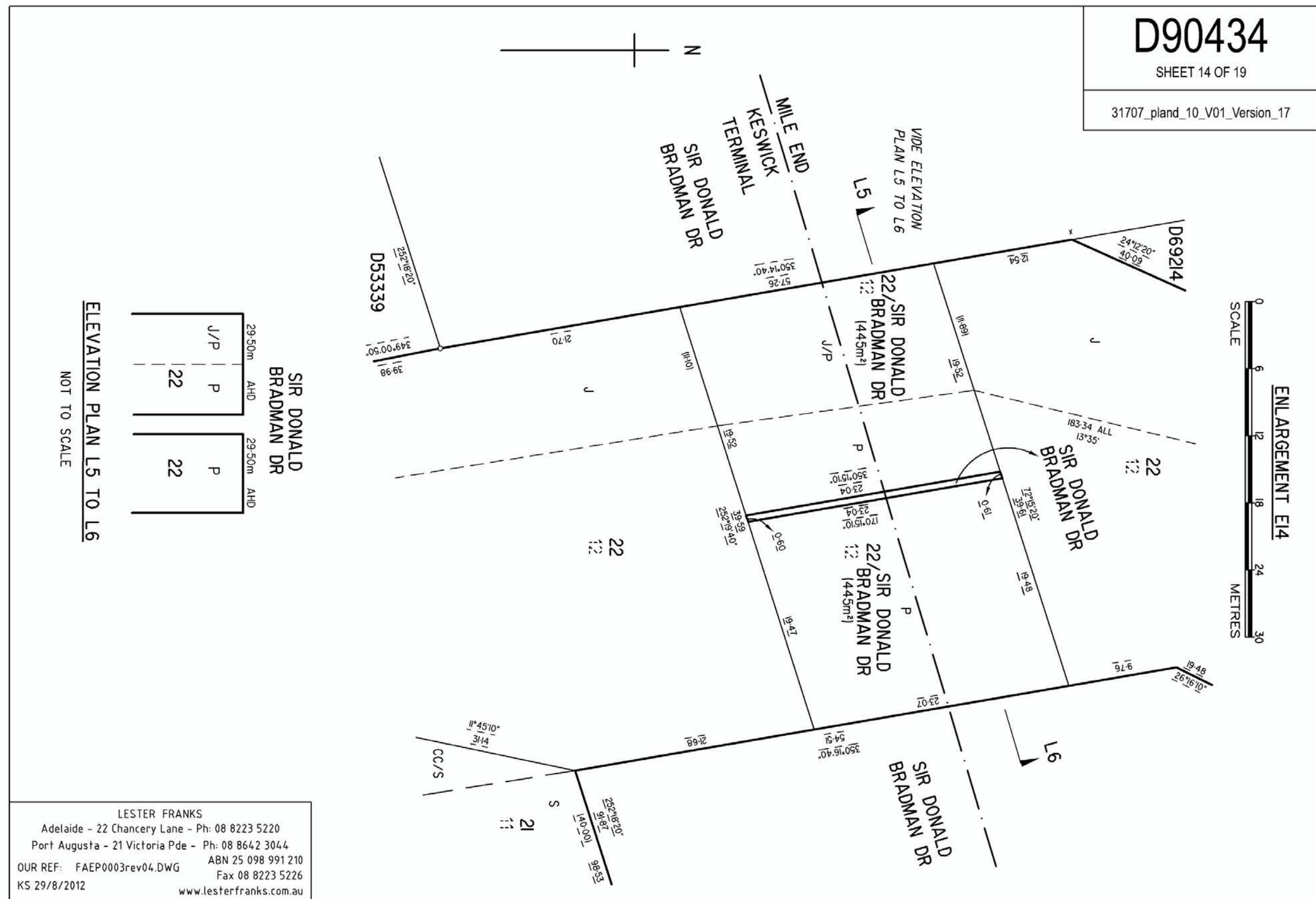




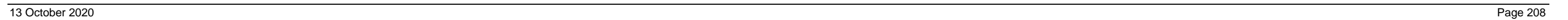


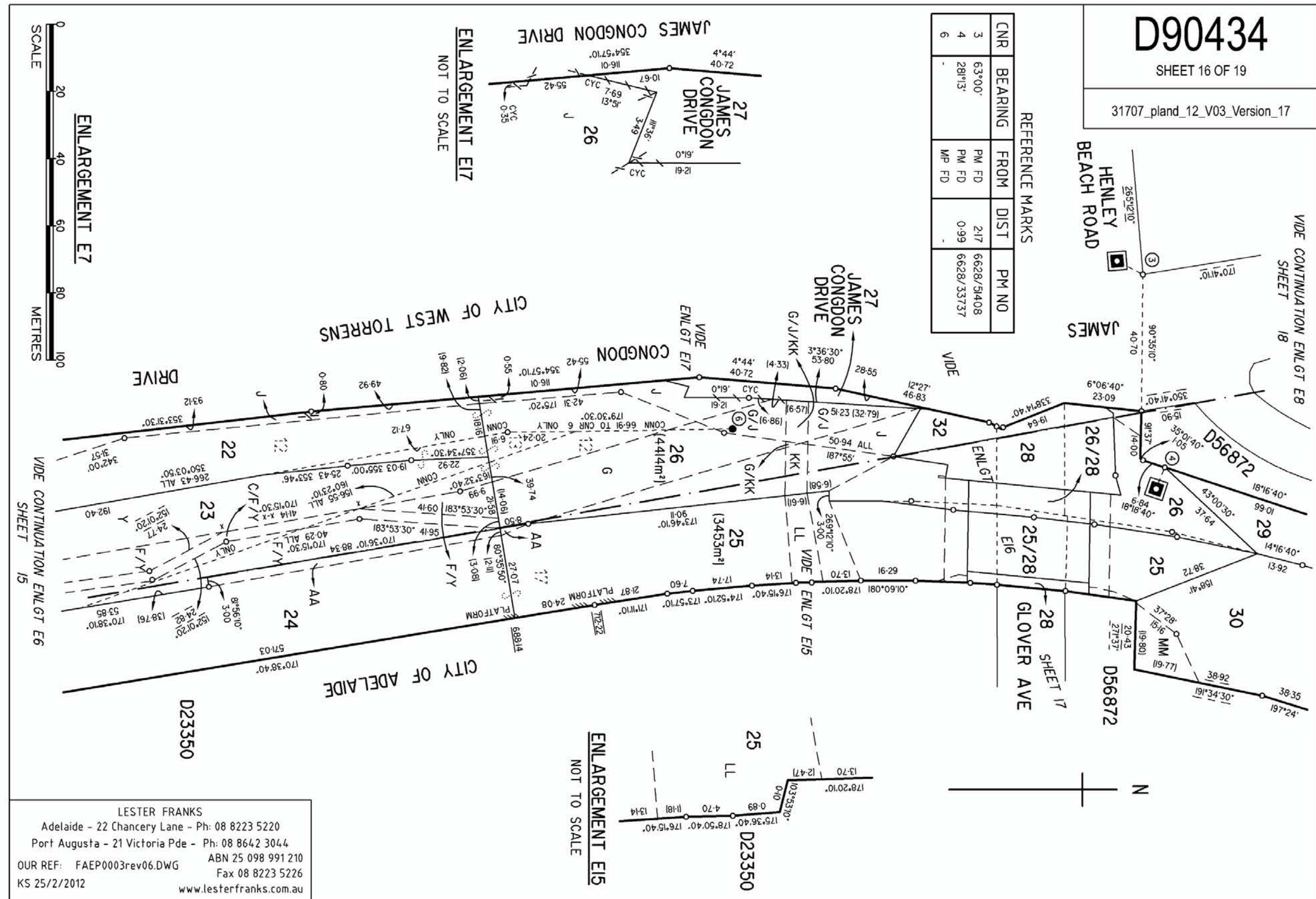




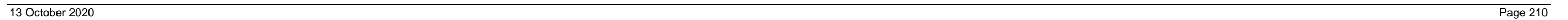


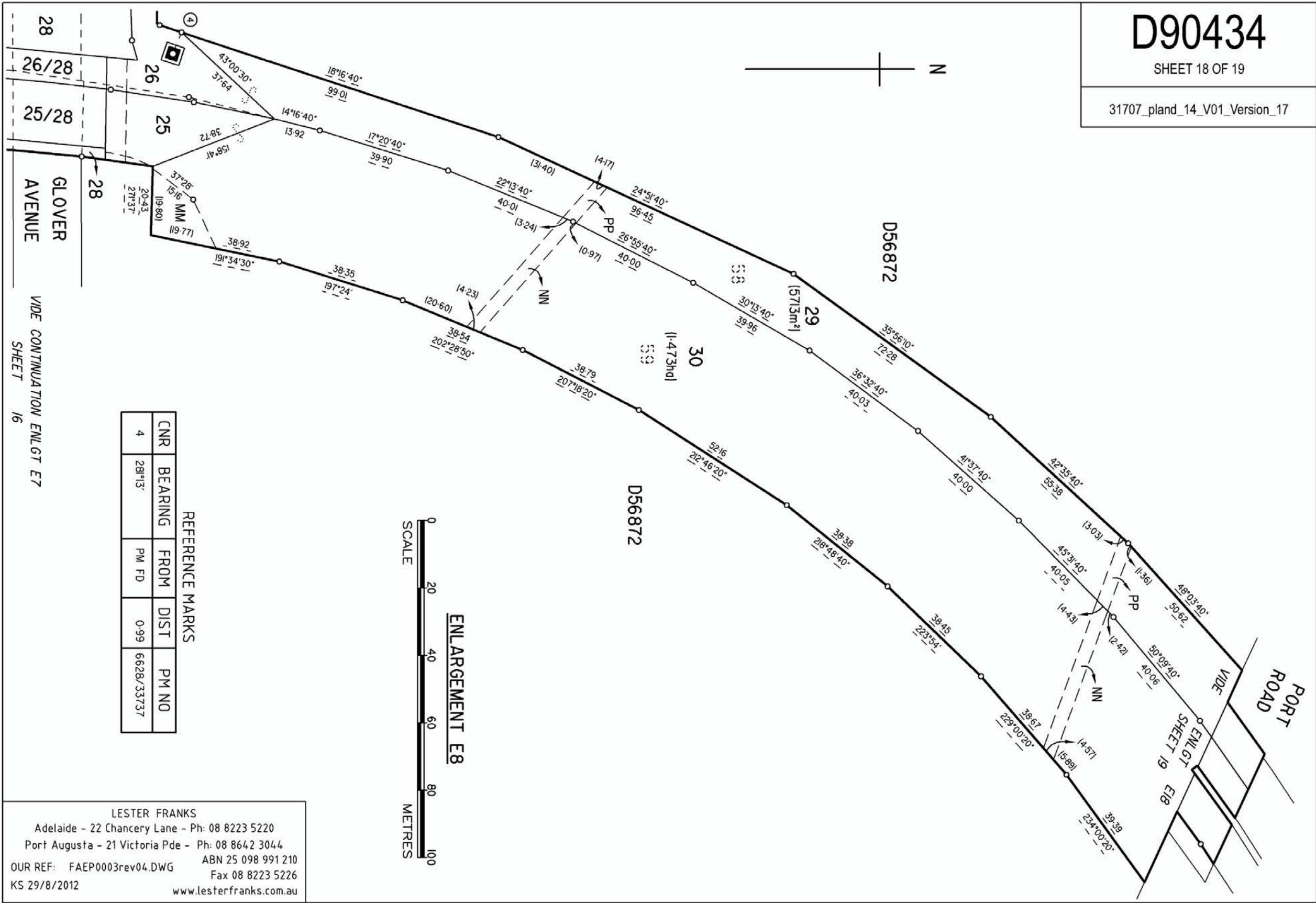




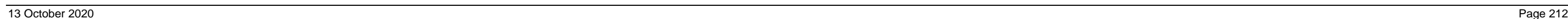












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**11/09/2020**



**PLANNING REPORT**  
**LOT 20, RICHMOND ROAD, KESWICK**  
**CONSTRUCTION OF SIGNAGE (LED SCREEN)**

Prepared for:  
**ARTC**

Date:  
**03.04.2020**



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**Document Control**

Revision	Description	Author	Date
V1	Draft	MN	02/04/2020
V2	Final	MN	03/04/2020

REF 0781 | 3 April 2020



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11/09/2020



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## APPENDICES

- APPENDIX 1. *Development Application Form*  
 APPENDIX 2. *Electricity Declaration Form*  
 APPENDIX 3. *Certificate of Title*  
 APPENDIX 4. *Plans, Elevations and Perspective Drawings*  
 APPENDIX 5. *Section 37AA Agreement with the Commissioner of Highways*

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11/09/2020



## **1. INTRODUCTION**

The proponent seeks Development Plan Consent to construct a one-sided sign on the land at Allotment 20 in Certificate of Title Volume 6148 Folio 334, presenting to Anzac Highway.

In undertaking inspections of the site and locality, reviewing plans, elevations and perspective drawings, and assessing the proposed development against what we consider to be the most relevant Development Plan provisions, we have formed the opinion that the proposal warrants Development Plan Consent.

The following supporting documents are submitted along with this Planning Report:

- Appendix 1 – Signed Development Application Form;
- Appendix 2 – Signed Electricity Declaration Form;
- Appendix 3 – Certificate of Title;
- Appendix 4 – Plans, elevations and perspective drawings; and
- Appendix 5 – Section 37AA Agreement with the Commissioner of Highways.

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## 2. PROPOSAL DESCRIPTION

The proponent seeks Development Plan Consent to construct signage.

The signage is proposed to be one-sided, facing north-east, and comprise a high-quality LED screen. The screen will have an advertisement area of 42.41 square metres, and will be 12.66 metres long, 3.35 metres high and 1 metre thick. It is proposed to display third-party content.

The sign will be positioned on a monopole of approximately 10 metres in height. The total height of the structure is proposed to be approximately 13 metres tall.

Mesh cladding (colour "Monument") will enclose the screen and the steel support structure. Signage branding is also proposed in the bottom right corner of the LED screen.

The screen will comprise high grade/quality LED and a professional graphics team will be used to generate and control the screen's content. This will ensure the screen (and its content) will always be of high graphic standard to give the impression of a poster rather than a pixelated, low quality screen. Maintaining this high quality is not only in the best interests of public safety, but also that of ARTC and the screen suppliers.

Only static images are proposed to be displayed on the screen (i.e. no animated or moving content). Images will have a minimum dwell time of 45 seconds and will change in no more than 0.1 seconds. The screen will only display one advertising message at any one time and will not provide sequential messages (i.e. messages that are displayed as part messages over two or more displays).

The operation and brightness of the LED screen will be tightly controlled and closely monitored.

The brightness of the screen will be automatically adjusted depending on climatic conditions and time of day. The brightness will be operated between 0 to 6,000 nits with daylight operation (in full sunlight) to function around 80 percent brightness. For operations on dull days and at night, the brightness will substantially drop to ensure a matte finish for the screen (as low as 2 percent brightness).

The screen will automatically adjust through the auto brightness controller. Two brightness controllers are installed to ensure that if one fails, the other can take over in the time that it takes for the other controller to be fixed. This will ensure a brightness consistency is always provided to the screen. In the unlikely event that both controllers fail, the screen will automatically dim to 2 percent brightness, so as to minimise any likely or perceived hazard to passing motorists/pedestrians.

The screen is protected by a closed-circuit system that is impervious to hacking or unauthorised modification. It is underpinned by an operational system that incorporates an automatic error detection which turns the display off to a blank, black screen in response to a malfunction. The screen will only be reactivated in the next available off-peak period.



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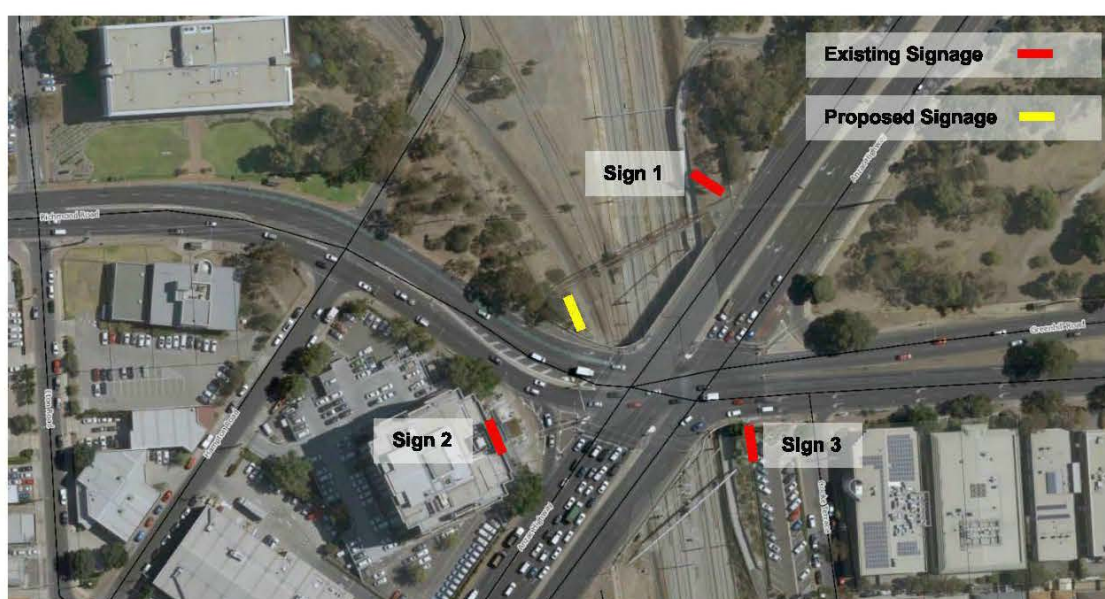


### 3. SITE AND LOCALITY

The site for the proposed development is in the north-western corner of the intersection of Richmond Road, Greenhill Road and Anzac Highway.

Legally, the site is described as Allotment 20 in Certificate of Title Volume 6148 Folio 334 and is privately owned by the Australian Rail Track Incorporation Ltd. A copy of the Certificate of Title is enclosed at Appendix 3.

**Figure 3.1** *Site of the proposed sign and its locality.*



The immediate locality is predominately characterised by the intersection of Richmond Road, Greenhill Road and Anzac Highway. These roads are all identified as Primary Arterial Roads within the West Torrens Council Development Plan. The Interstate Railway runs beneath the intersection and the Adelaide Parklands (Keswick) Terminal is approximately 700 metres to the north of the site.

The area also features non-residential buildings between two and eight storeys in height. The most notable and prominent of these is the SA Power Networks building at 1 Anzac Highway (the south-western corner of the intersection), which is eight storeys in height.

Another key feature of the locality is the number of existing signs which are of similar scale to that which is proposed. These signs are noted on Figure 3.1 above, and their details briefly described below:

- Sign 1: Single sided, south-west facing, static sign (rotating three images), third-party content.
- Sign 2: Single sided, north-east facing, LED display, mixture of first and third-party content.
- Sign 3: Single sided, west facing, LED display, third party content.

Mature trees also contribute to the character of the area, particularly those located in the Adelaide Parklands, within the north-eastern corner of the intersection, the two mature trees at 1 Anzac Highway and the mature trees in the north-western corner of the intersection.

There are no residential allotments within reasonable proximity of the area of the proposed sign.

REF 0781 | 3 April 2020

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## 4. PROCEDURAL MATTERS

### 4.1 THE RELEVANT AUTHORITY

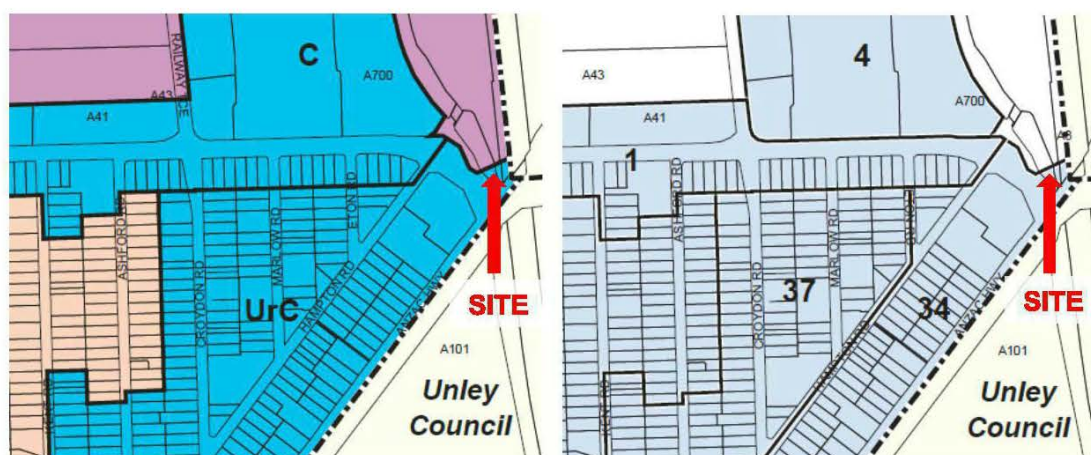
The nature of the proposed development does not fall within Schedule 10 to the *Development Regulations, 2008* (the "Regulations"), and as such, the City of West Torrens ("Council") is the relevant authority for the purposes of a planning assessment.

### 4.2 THE RELEVANT DEVELOPMENT PLAN

The relevant version of the West Torrens Council Development Plan for procedural and assessment purposes was gazetted and subsequently consolidated on 12 July 2018.

The site of the proposed development, under this version of the Development Plan, is located within Boulevard Policy Area 34 of the Urban Corridor Zone.

**Figure 4.1** Location of the proposed development and applicable Zoning.



### 4.3 KIND OF DEVELOPMENT

According to the Procedural Matters section of the Urban Corridor Zone, the proposal involves a kind of development which is not listed as complying or non-complying. As such, the proposal should be assessed and determined on its merits by Council in its capacity as the relevant authority.

### 4.4 CATEGORY OF DEVELOPMENT

The Procedural Matters Section of the Urban Corridor Zone lists "advertisement" as a category 1 form of development. As such, no public notification of this application is required.

### 4.5 REFERRALS

The Department of Planning, Transport and Infrastructure ("DPTI") – Traffic Operations Unit, acting under the delegation of the Commissioner of Highways, have entered into an agreement with the applicant, in accordance with Section 37AA of the *Development Act 1993*. A copy of this agreement is attached.

Given that this agreement is in place, no referral to the Commissioner of Highway is required under Section 37 of the *Development Act 1993*.

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## 5. DEVELOPMENT ASSESSMENT

We have had regard to the West Torrens Council Development Plan (consolidated version 12 July 2018), and consider that the key planning matters relevant to the proposed development are as follows:

- character of the locality;
- design and appearance; and
- traffic impacts.

### 5.1 CHARACTER OF THE LOCALITY

In the General Section, Objective 1 of the Advertisements Module is considered relevant and has been extracted below:

**Objective 1** *Urban and rural landscapes that are not disfigured by advertisements and/or advertising hoardings.*

We consider that the urban landscape in this locality currently has a generally low amenity. This is largely due to impacts from the intersection of three Primary Arterial roads, the railway infrastructure and tall and bulky non-residential buildings all of which contribute to and exacerbate this “hard-edged” character. Given this existing low amenity, we do not consider that the proposed LED screen will disfigure the urban landscape.

Importantly, we recognise that large scale signage is already a significant feature of this locality. There are three existing large-scale signs at this intersection and a maximum of two will be visible at the same time from any of the four vehicle approaches. Specifically, Sign 1 and Sign 3 (as identified in Figure 3.1) are both visible at the same time from the east-bound approach to the intersection from Richmond Road.

Similarly, the proposed sign will, for a period, be visible at the same time as Sign 2 for a driver travelling south-bound along Anzac Highway, however this is not an unreasonable or unprecedented situation in this locality, as outlined above. We also note that Sign 2 is located more than 50 metres behind the proposed sign and on top of an eight-storey building, therefore the two signs read differently and will not unreasonably distract drivers (as discussed further in Section 5.3).

Respecting the above, and with reference to PDC 2 of the Advertisements Module, we consider that the number of advertisements in the locality is acceptable, and will not result in unreasonable clutter, disorder, untidiness of buildings and their surrounds, or driver distractions.

We also consider that the proposal satisfies PDC 1 of the Advertisements module in the General Section as the location, siting, design, materials, size, and shape of LED screen will be:

- in keeping with the existing character of the locality; and
- will not impact the setting of any places or areas of heritage value.

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## 5.2 DESIGN AND APPEARANCE

The Urban Corridor Zone lists “advertisement” as a category 1 type of development in the Zone, and therefore, it is considered to be a contemplated form of development. Notwithstanding, neither the Zone nor the Policy Area provisions provide any specific guidance for the development of advertisements.

The proposed signage is intended to display third-party content, as such, it will not satisfy PDC 4 of the Advertisements Module, which encourages that *“The content of advertisements should be limited to information relating to the legitimate use of the associated land.”* (our emphasis).

In the circumstances applicable to this case, the potential impacts on the locality of first-party content (as envisaged) will have the exact same impact as third party-content. Further, it is important to note that changing the content of an advertisement in this location also would not require planning consent, in accordance with the *Development Regulations 2008*, Schedule 2, Clause 8.

We do not consider that any fatal impacts will result from the proposed sign displaying content which is not related to the legitimate use of the associated land, and therefore the intended content is considered acceptable in this instance.

It is acknowledged that the proposed development exceeds the maxima envisaged by PDC 17 of the Advertisements Module, however in considering the size of existing signage in the locality and the character of the area, the departure is considered acceptable.

Objective 3 of the Advertisements module encourages *“advertisements and/or advertising hoardings designed to enhance the appearance of the building and locality”*.

The extent to which an advertisement/advertisement hoarding could enhance the appearance of a building or locality is questionable.

The Courts have, on multiple occasions, considered whether advertisements and/or advertising hoardings could enhance a building or locality. For instance, in *Keast v City of Salisbury*, Commissioner Wallman stated:

*“It is difficult to envisage how advertising could enhance or improve the character and amenity of an area of the Industry Zone. Adverse visual impacts do not of course, necessarily follow from the display of advertising, but premises, such as those on which businesses are established, need to be identifiable and identification advertising, - indeed any advertising - needs to be clearly seen by those to whom it is directed and may not visually enhance or improve an area...”*

Notwithstanding, we note that the proposed development achieves the following:

- the signage will not incorporate or comprise any of the following (Zone PDC 12):
  - » flashing or animated signs
  - » bunting, streamers, flags, or wind vanes
  - » roof-mounted advertisements projected above the roof line
  - » parapet mounted advertisements projecting above the top of the parapet.
- having regard to PDC 5, 6 and 7 of the Advertisements module, the signage will be:
  - » completely contained within the boundaries of the subject allotment;
  - » sited to avoid damage to, or pruning or lopping of on-site landscaping or street trees;
  - » positioned so as to not obscure views to vistas or objects of high amenity value; and



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- » freestanding and erected on private land, and not:
  - on a public footpath or verandah post;
  - on a road, median strip or traffic island;
  - on a vehicle adapted and exhibited primarily as an advertisement;
  - near residential land; or
  - on a roof;
- the supporting hoarding for the screen along with the wires and cables will be neatly contained within a mesh exterior of the colour “monument” (Advertisements PDC 10); and
- the professional graphic design team will ensure that signage content is simple, clear and concise (Advertisements PDC 11).

### **5.3 TRAFFIC IMPACTS**

The applicant has undertaken preliminary discussions with DPTI's Traffic Operations Department regarding the proposed development.

Through these discussions, the proposal has been amended to its current design, which DPTI have endorsed through the issuing of a Section 37AA Agreement.

This support from DPTI Traffic Operations indicates that the sign is not anticipated to create undue driver distraction, or have an adverse impact upon the safety or function of the adjacent intersection. As such, the provisions of the Development Plan relating to driver distraction and traffic safety (particularly PDC 14 and PDC 15 of the Advertisements Module) have been satisfied.

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## 6. CONCLUSION

In consideration of the above, we believe that the proposal sufficiently accords with the relevant provisions of the West Torrens Council Development Plan, and therefore warrants Development Plan Consent.

Specifically, we note that the proposal:

- will not adversely impact the character of the locality;
- is an acceptable size given the context of the locality;
- will not result in unreasonable clutter or disorder;
- will not present a distraction to drivers or a traffic hazard, and is considered acceptable by DPTI Traffic Operations; and
- will maintain a high display standard and appropriate brightness at all times.

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11/09/2020



## **APPENDIX 1. DEVELOPMENT APPLICATION FORM**

REF 0781 | 3 April 2020

# DEVELOPMENT APPLICATION FORM

**AUTHORITY:** CITY OF WEST TORRENS

**APPLICANT:** ARTC

**Postal Address:** C / - FUTURE URBAN PTY LTD  
GPO BOX 2403, ADELAIDE, SOUTH AUSTRALIA, 5001

**OWNER:** ARTC

**Postal Address:** AS ABOVE

**BUILDER:** TO BE CONFIRMED

**Postal Address:** \_\_\_\_\_

**Licence No:** \_\_\_\_\_

**CONTACT PERSON FOR FURTHER INFORMATION:**

**Name:** MISS MILLY NOTT

**Telephone:** (08) 8221 5511

**Email:** MILLY@FUTUREURBAN.COM.AU

**Mobile:** 0450 965 858

**EXISTING USE:**

RAILWAY TRACK

**FOR OFFICE USE**

**Development No:** \_\_\_\_\_

**Previous Development No:** \_\_\_\_\_

**Assessment No:** \_\_\_\_\_

<input type="checkbox"/> Complying	Application forwarded to DA			
<input type="checkbox"/> Non-complying	Commission/Council on: _____			
<input type="checkbox"/> Notification Cat 2	/ /			
<input type="checkbox"/> Notification Cat 3	Decision: _____			
<input type="checkbox"/> Referrals/Concurrence	Type: _____			
<input type="checkbox"/> DA Commission	Date: / /			
	Decision	Fees	Receipt No	Date
Planning:	YES			
Building:				
Land Division:				
Additional:				
Dev Approval:				

**DESCRIPTION OF PROPOSED DEVELOPMENT:** CONSTRUCTION OF SIGNAGE (LED SCREEN)

**LOCATION OF PROPOSED DEVELOPMENT:**

**House No:** \_\_\_\_\_ **Lot No:** 20 **Road:** RICHMOND ROAD **Town/Suburb:** KESWICK TERMINAL

**Section No (full/part):** \_\_\_\_\_ **Hundred:** ADELAIDE **Volume:** 6148 **Folio:** 334

**LAND DIVISION:**

**Site Area (m²):** \_\_\_\_\_ **Reserve Area (m²):** \_\_\_\_\_ **No of Existing Allotments:** \_\_\_\_\_

**Number of Additional Allotments - (Excluding Road and Reserve):** \_\_\_\_\_ **Lease:** YES: ☐ NO: ☐

**DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY?** YES: ☐ NO: ☒

**HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID?** YES: ☐ NO: ☒

**DEVELOPMENT COST** (Do not include any fit-out costs): \$640,000.00

I acknowledge that copies of this development application and any supporting documentation may be provided to interested persons in accordance with the *Development Regulations 2008*.

**SIGNATURE:** \_\_\_\_\_

  
ON BEHALF OF ARTC

**Dated:** 3 APRIL 2020

**SUPERSEDED**

11/09/2020



**SUPERSEDED**

11/09/2020



## **APPENDIX 2. ELECTRICITY DECLARATION FORM**

REF 0781 | 3 April 2020

**SUPERSEDED****11/09/2020****DEVELOPMENT REGULATIONS 2008****Form of Declaration  
(Schedule 5, Clause 2A)**

To: City of West Torrens

From: ARTC c/- Future Urban Pty Ltd

Date of Application: 3 April 2020

**Location of Proposed Development:**

House Number:	<u></u>	Lot Number:	<u>20</u>
Street:	<u>Richmond Road</u>	Town/Suburb:	<u>Keswick Terminal</u>
Section No (full/part):	<u></u>	Hundred:	<u>Adelaide</u>
Volume:	<u>6148</u>	Folio:	<u>334</u>

**Nature of Proposed Development:**

*Construction of signage (LED Screen).*

I, Milly Nott, in my capacity as a **representative of the Applicant**, declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the accompanying drawings, not be contrary to the regulations prescribed for the purposes of Section 86 of the *Electricity Act 1996*.

I make this declaration under Clause 2A(1) of Schedule 5 of the *Development Regulations 2008*.

3 April 2020

Date



Signed

**SUPERSEDED**

**11/09/2020**



**APPENDIX 3. CERTIFICATE OF TITLE**

**REF 0781 | 3 April 2020**



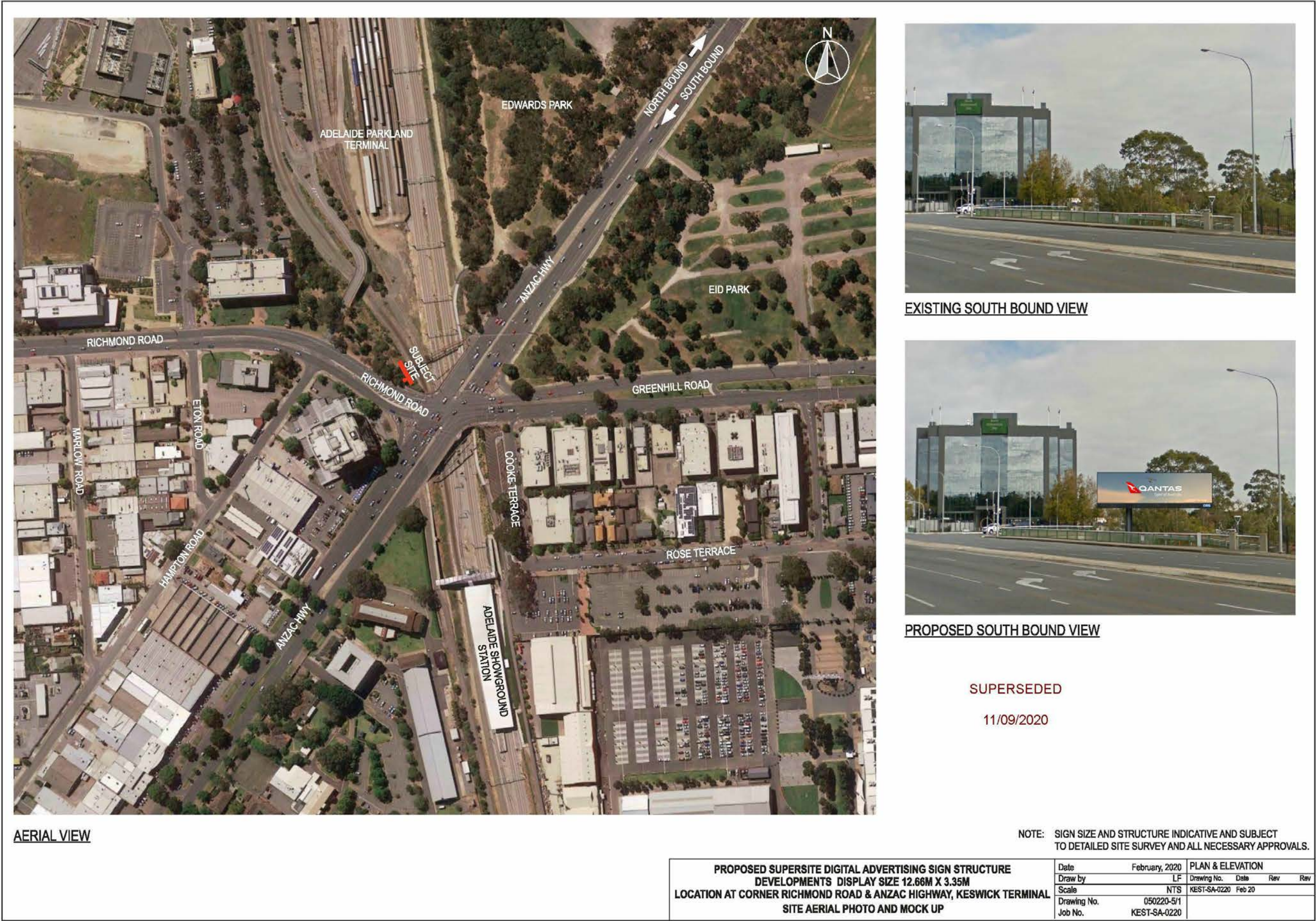
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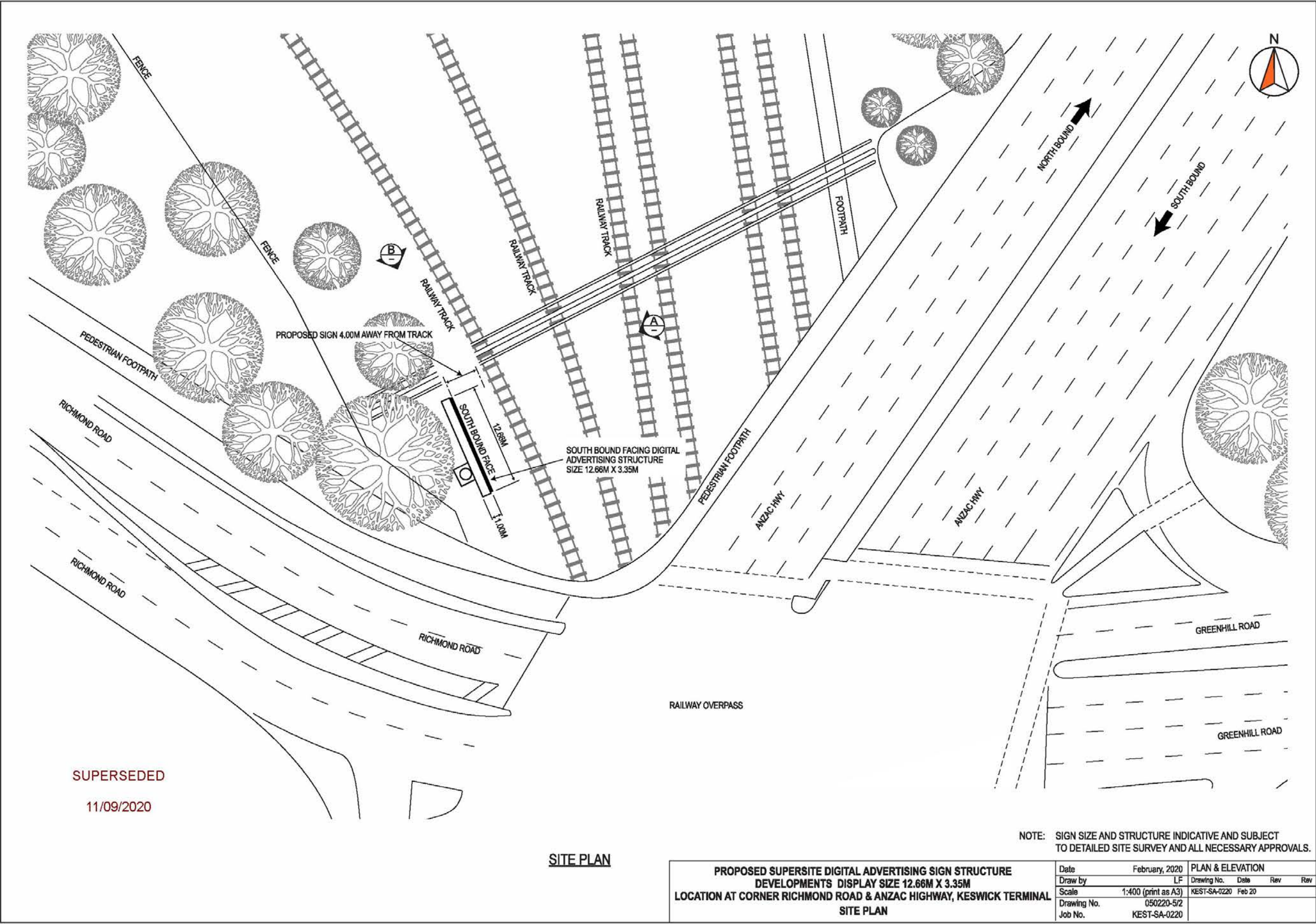
#### **APPENDIX 4. PLANS, ELEVATIONS AND PERSPECTIVE DRAWINGS**

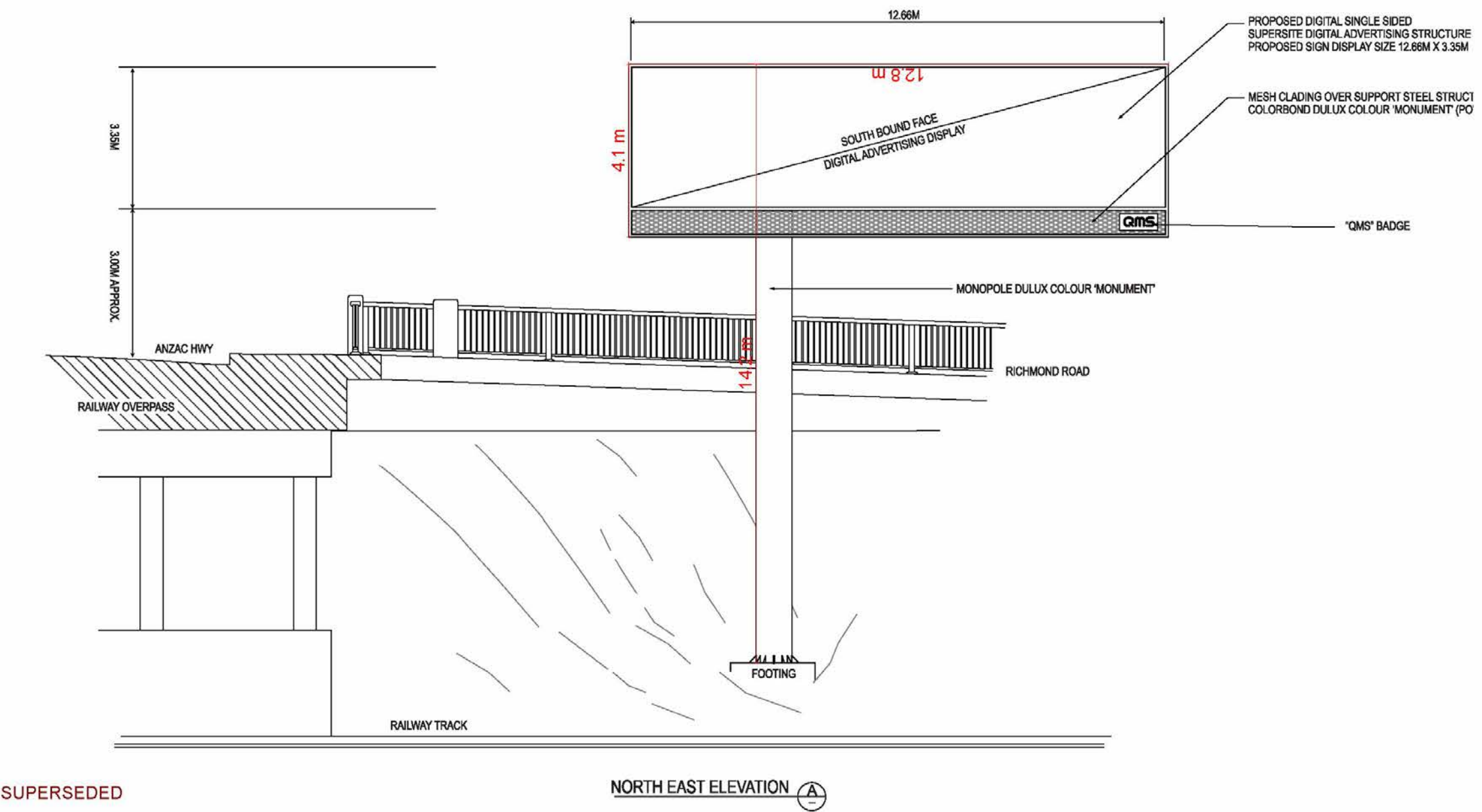
REF 0781 | 3 April 2020











NOTE: SIGN SIZE AND STRUCTURE INDICATIVE AND SUBJECT TO DETAILED SITE SURVEY AND ALL NECESSARY APPROVALS.

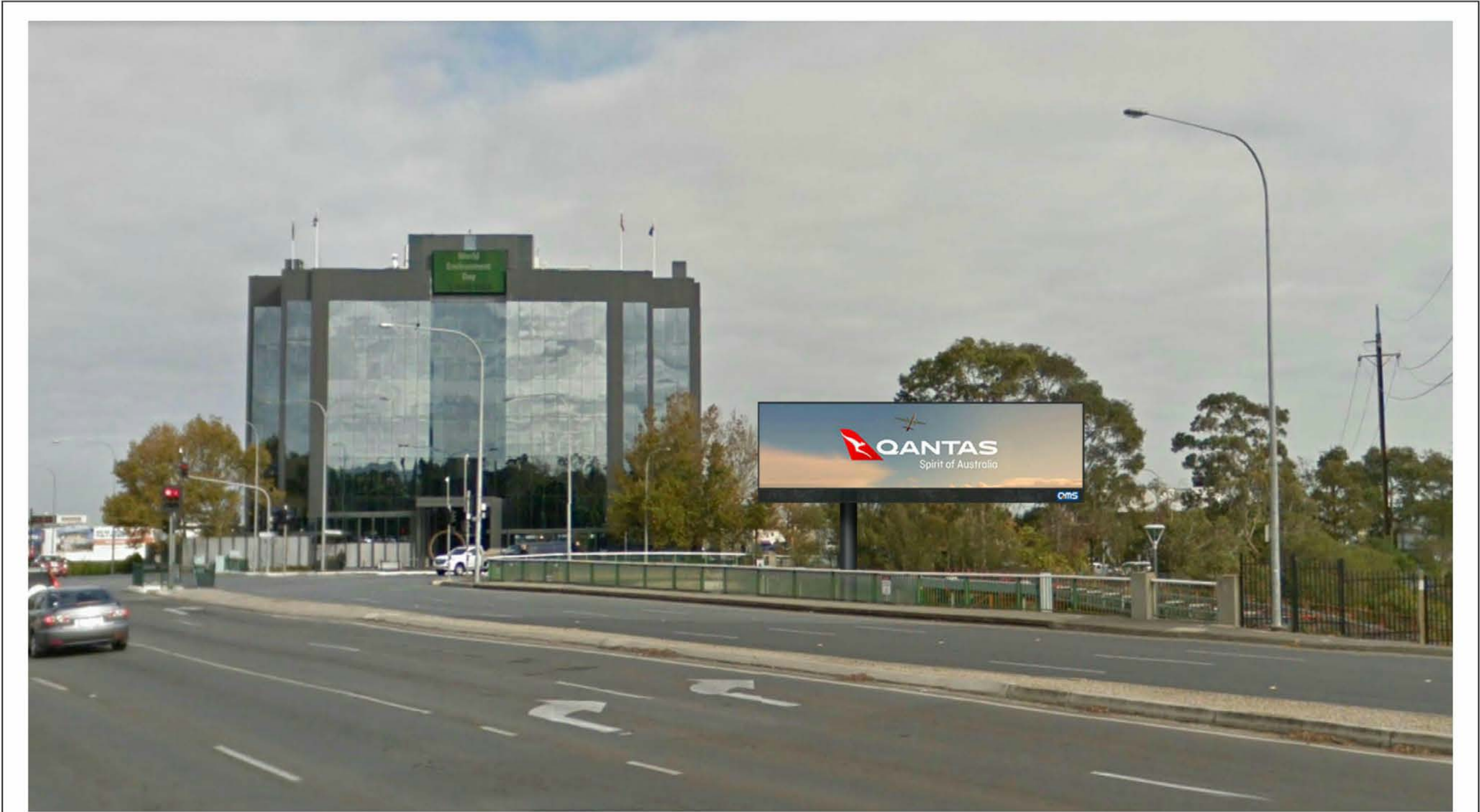
PROPOSED SUPERSITE DIGITAL ADVERTISING SIGN STRUCTURE DEVELOPMENTS DISPLAY SIZE 12.66M X 3.35M LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL INDICATIVE DESIGN EXACT FINAL LOCATION TO BE DETERMINED	Date	February, 2020	PLAN & ELEVATION			
	Draw by	LF	Drawing No.	Date	Rev	Rev
	Scale	1:100 (print as A3)	KEST-SA-0220	Feb 20		
	Drawing No.	050220-5/3				
	Job No.	KEST-SA-0220				



**PROPOSED SUPERSITE DIGITAL ADVERTISING SIGN STRUCTURE  
DEVELOPMENTS DISPLAY SIZE 12.66M X 3.35M  
LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL  
INDICATIVE DESIGN EXACT FINAL LOCATION TO BE DETERMINED**

Date	February, 2020	PLAN & ELEVATION			
Draw by	LF	Drawing No.	Date	Rev	Rev
Scale	1:100 (print as A3)	KEST-SA-0220	Feb 20		
Drawing No.	050220-5/4				
Job No.	KEST-SA-0220				





PROPOSED SOUTH BOUND VIEW

SUPERSEDED

11/09/2020

NOTE: SIGN SIZE AND STRUCTURE INDICATIVE AND SUBJECT TO DETAILED SITE SURVEY AND ALL NECESSARY APPROVALS.

PROPOSED SUPERSITE DIGITAL ADVERTISING SIGN STRUCTURE DEVELOPMENTS DISPLAY SIZE 12.66M X 3.35M LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL SITE MOCK UP		Date	February, 2020	PLAN & ELEVATION		
		Draw by	LF	Drawing No.	Date	Rev
		Scale	NTS	KEST-SA-0220	Feb 20	
		Drawing No.	050220-5/5			
		Job No.	KEST-SA-0220			



**APPENDIX 5. SECTION 37AA AGREEMENT WITH  
THE COMMISSIONER OF HIGHWAYS**

**SUPERSEDED**

**11/09/2020**

**REF 0781 | 3 April 2020**

In reply please quote #15163473  
Enquiries to Matthew Henderson  
E-mail [dpti.luc@sa.gov.au](mailto:dpti.luc@sa.gov.au)



Government of South Australia

Department of Planning,  
Transport and Infrastructure

**TRANSPORT PLANNING AND  
PROGRAM DEVELOPMENT**

**Transport Assessment**

GPO Box 1533  
Adelaide SA 5001

ABN 92 366 288 135

**SUPERSEDED**

3 April 2020

11/09/2020

Australian Rail Track Corp. C/- Future Urban Pty Ltd  
via email [milly@futureurbangroup.com](mailto:milly@futureurbangroup.com)

Dear Ms Nott

**PRE-LODGEEMENT AGREEMENT  
SECTION 37AA DEVELOPMENT ACT 1993**

<b>Applicant</b>	Australian Rail Track Corp. C/- Future Urban Pty Ltd
<b>Location</b>	Adjacent Richmond Road, Keswick Terminal
<b>Proposal</b>	LED billboard

I refer to the above proposal forwarded to the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37AA of the *Development Act 1993*. The proposal involves development adjacent a main road as described within Schedule 8 of the *Development Regulations 2008*.

The following response is provided in accordance with Section 37AA of the *Development Act 1993*.

**CONSIDERATION**

The proposed development is a LED billboard. It is understood that the proposed billboard would be single sided and carry third party advertising content. The sign would be located adjacent Richmond Road in close proximity to the Richmond Road / Anzac Highway / Greenhill Road signalised intersection. The sign would be viewable to traffic travelling south west along Anzac Highway and west along Greenhill Road. All of the adjacent roads are arterial roads under the care, control and management of DPTI.

DPTI has undertaken assessment of the proposal in accordance with the DPTI Advertising Signs: Assessment Guidelines for Road Safety. It is noted that the sign is within a device restriction area as defined in the Guide, and the sign location proposed does not appear to conflict with any signal lanterns or regulatory signs.

**ADVICE**

The department is supportive of the proposed development provided that it is undertaken in accordance with the stamped plans attached to this letter. It is recommended that the planning authority apply the following conditions in any approval to maximise safety on the adjacent arterial roads:

1. The sign shall be permitted to display one static, self-contained message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 second. The sign shall not flash, scroll, move or imitate a traffic control device.

#15301901



## 2

2. Illuminated signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED components of the sign shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m <sup>2</sup> ) Max
Sunny Day	40 000	6 300
Cloudy Day	4 000	1 100
Twilight	400	300
Dusk	40	200
Night	<4	150

3. The operational system for the sign shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

The following note provides important information for the benefit of the applicant and is required to be included in any approval:

- The Metropolitan Adelaide Road Widening Plan currently shows possible land requirements from this property for future upgrading of the Richmond Road/Greenhill Road/Anzac Highway intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirements.

Any modifications or alteration to the proposed development will cause this consent to become invalid.

This letter and the attached plan must be lodged with the relevant planning authority within 3 months of the date of this consent. A fresh consent will be required should lodgement not be carried out in the abovementioned timeframe or an extension of time granted.

Yours sincerely,

**SUPERSEDED**

11/09/2020



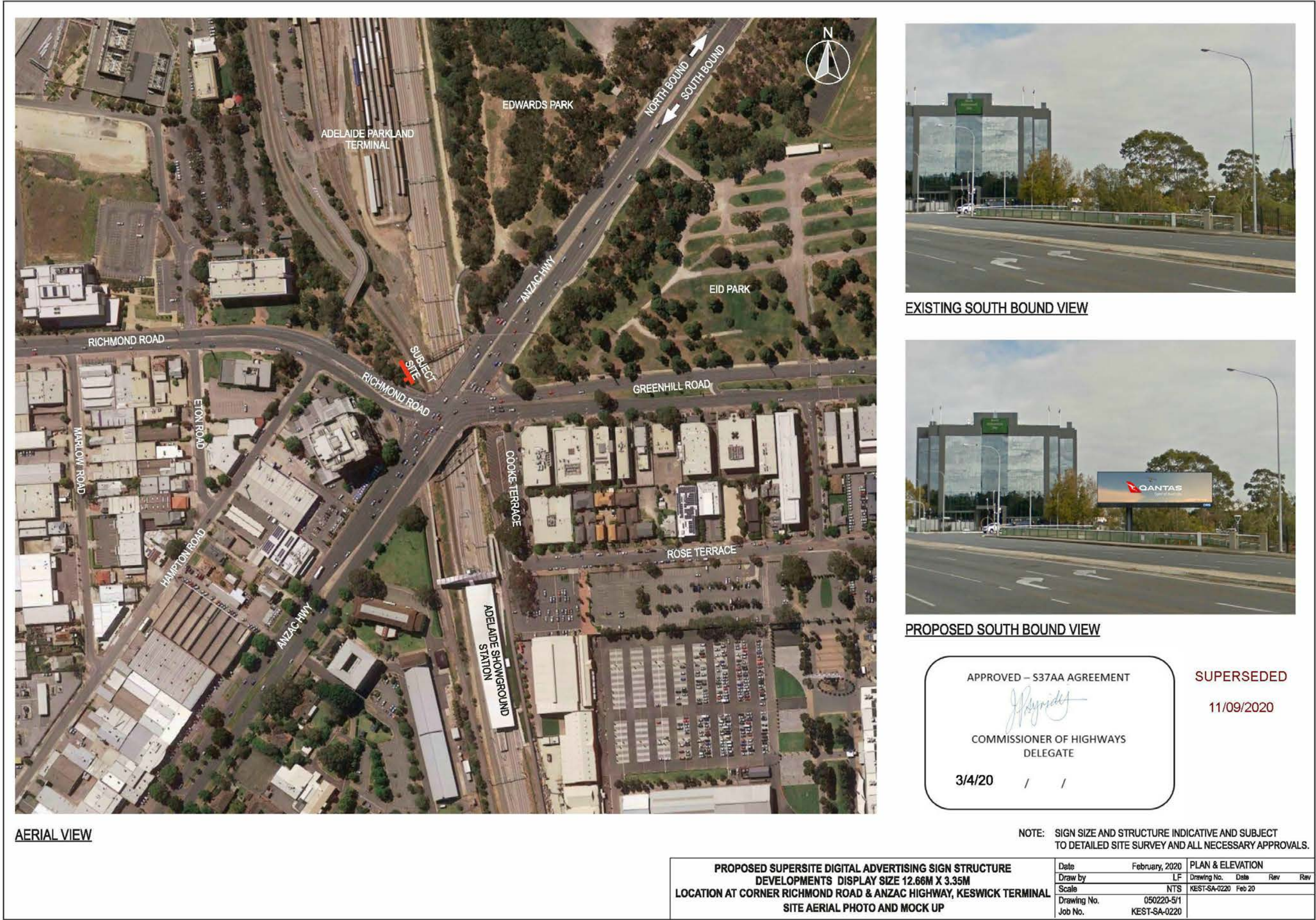
**A/MANAGER, TRANSPORT ASSESSMENT  
for COMMISSIONER OF HIGHWAYS**

**CC:** West Torrens City Council  
**ENCL:** Stamped plans (8 x A3 plans)

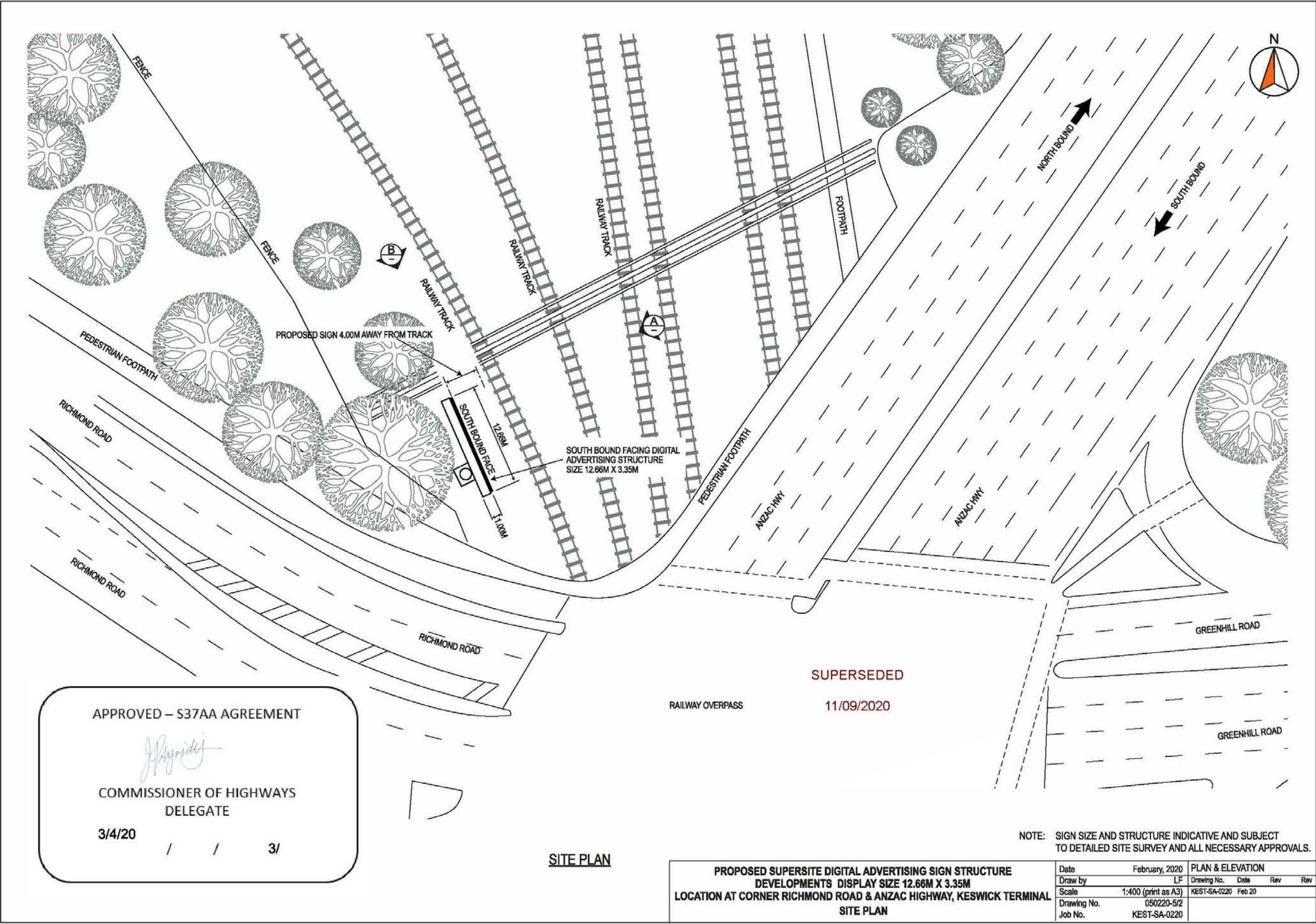
A copy of the decision notification form should be forwarded to [dpti.developmentapplications@sa.gov.au](mailto:dpti.developmentapplications@sa.gov.au)

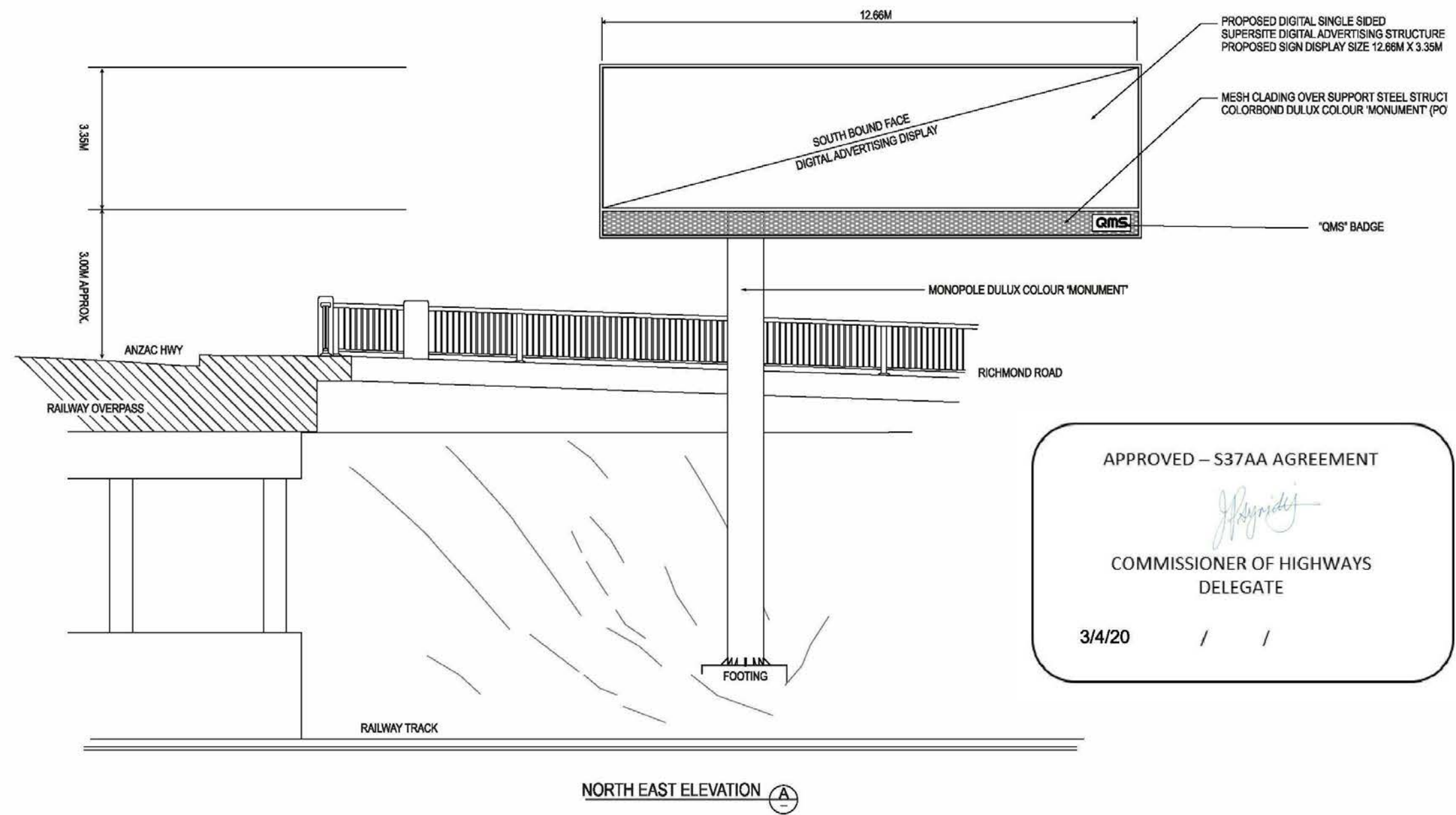
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APPROVED – S37AA AGREEMENT

*[Signature]*

COMMISSIONER OF HIGHWAYS  
DELEGATE

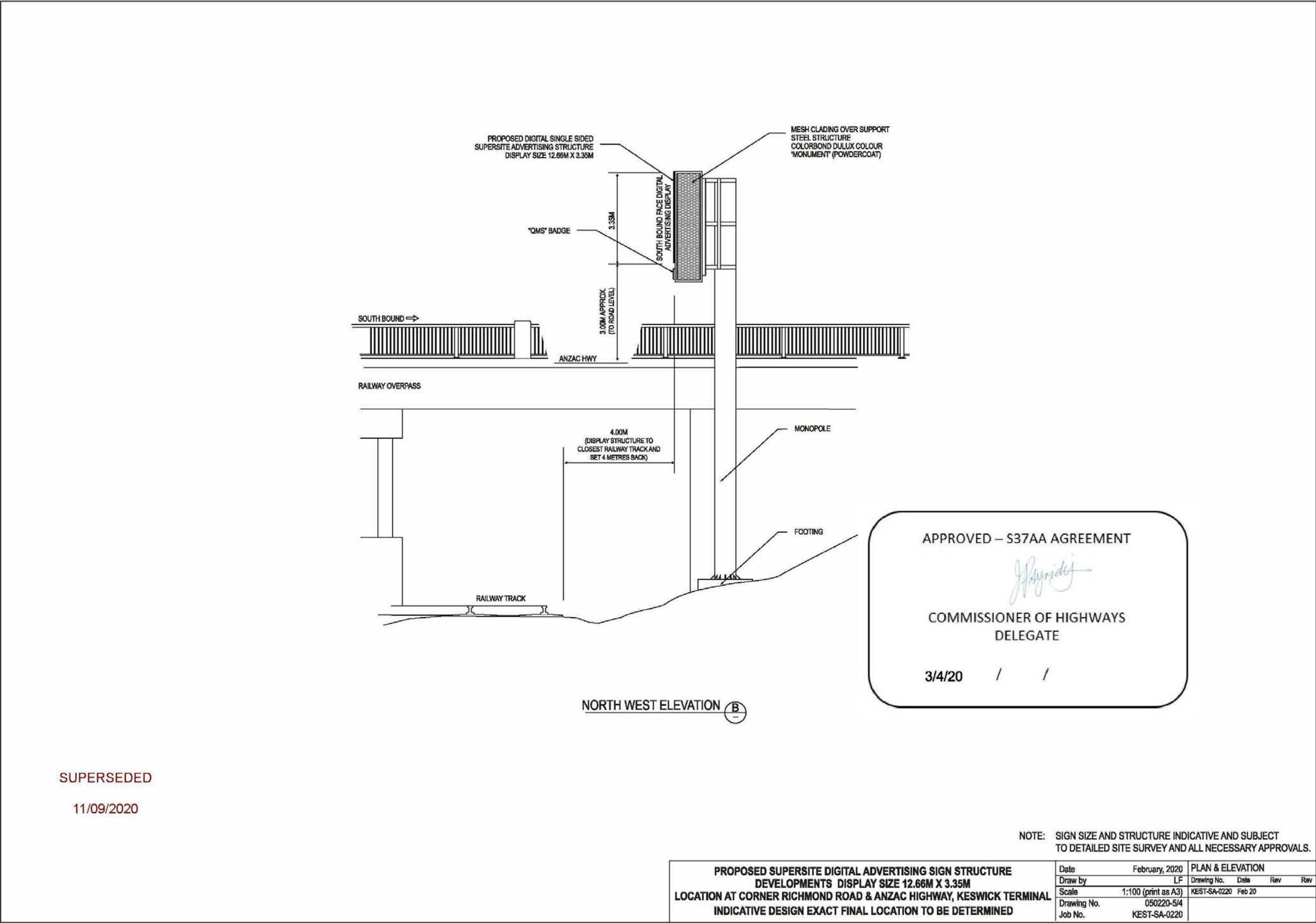
3/4/20     /     /

SUPERSEDED  
11/09/2020

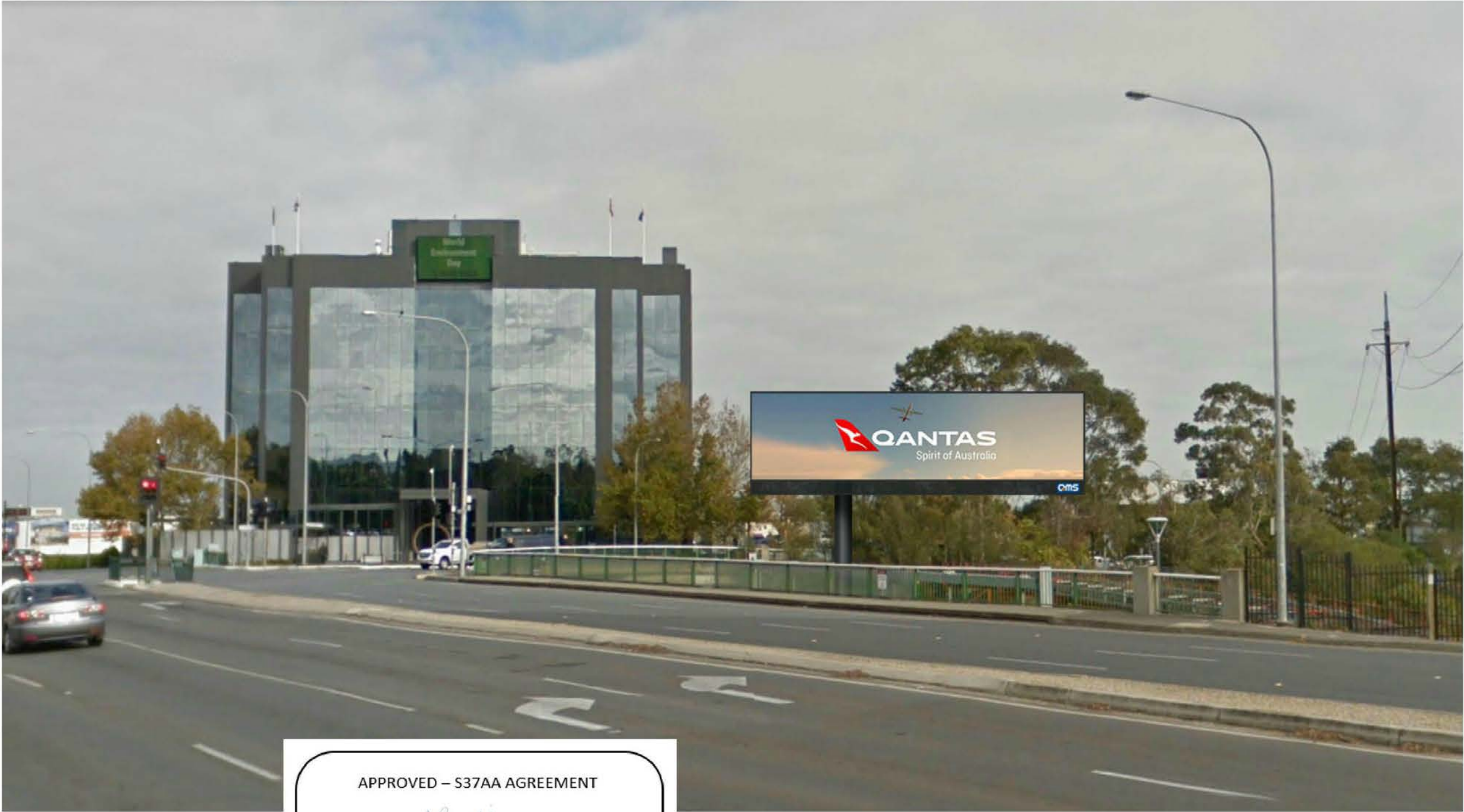
NOTE: SIGN SIZE AND STRUCTURE INDICATIVE AND SUBJECT TO DETAILED SITE SURVEY AND ALL NECESSARY APPROVALS.

PROPOSED SUPERSITE DIGITAL ADVERTISING SIGN STRUCTURE DEVELOPMENTS DISPLAY SIZE 12.66M X 3.35M LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL INDICATIVE DESIGN EXACT FINAL LOCATION TO BE DETERMINED		Date	February, 2020	PLAN & ELEVATION		
		Draw by	LF	Drawing No.	Date	Rev
		Scale	1:100 (print as A3)	KEST-SA-0220	Feb 20	
		Drawing No.	050220-5/3			
		Job No.	KEST-SA-0220			










**PROPOSED SOUTH BOUND VIEW**

**SUPERSEDED**

11/09/2020

APPROVED – S37AA AGREEMENT



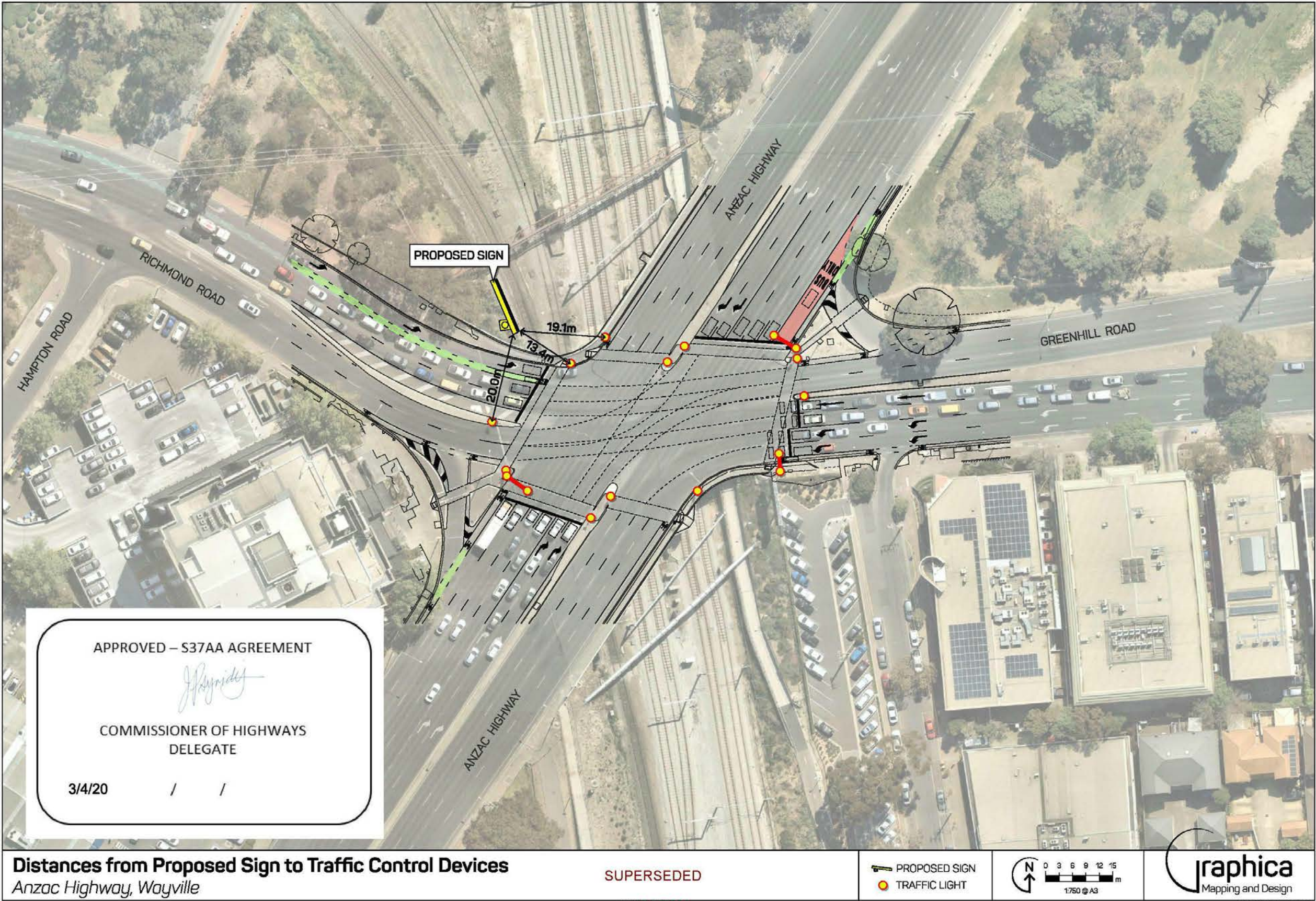
COMMISSIONER OF HIGHWAYS  
DELEGATE

3/4/20 / /

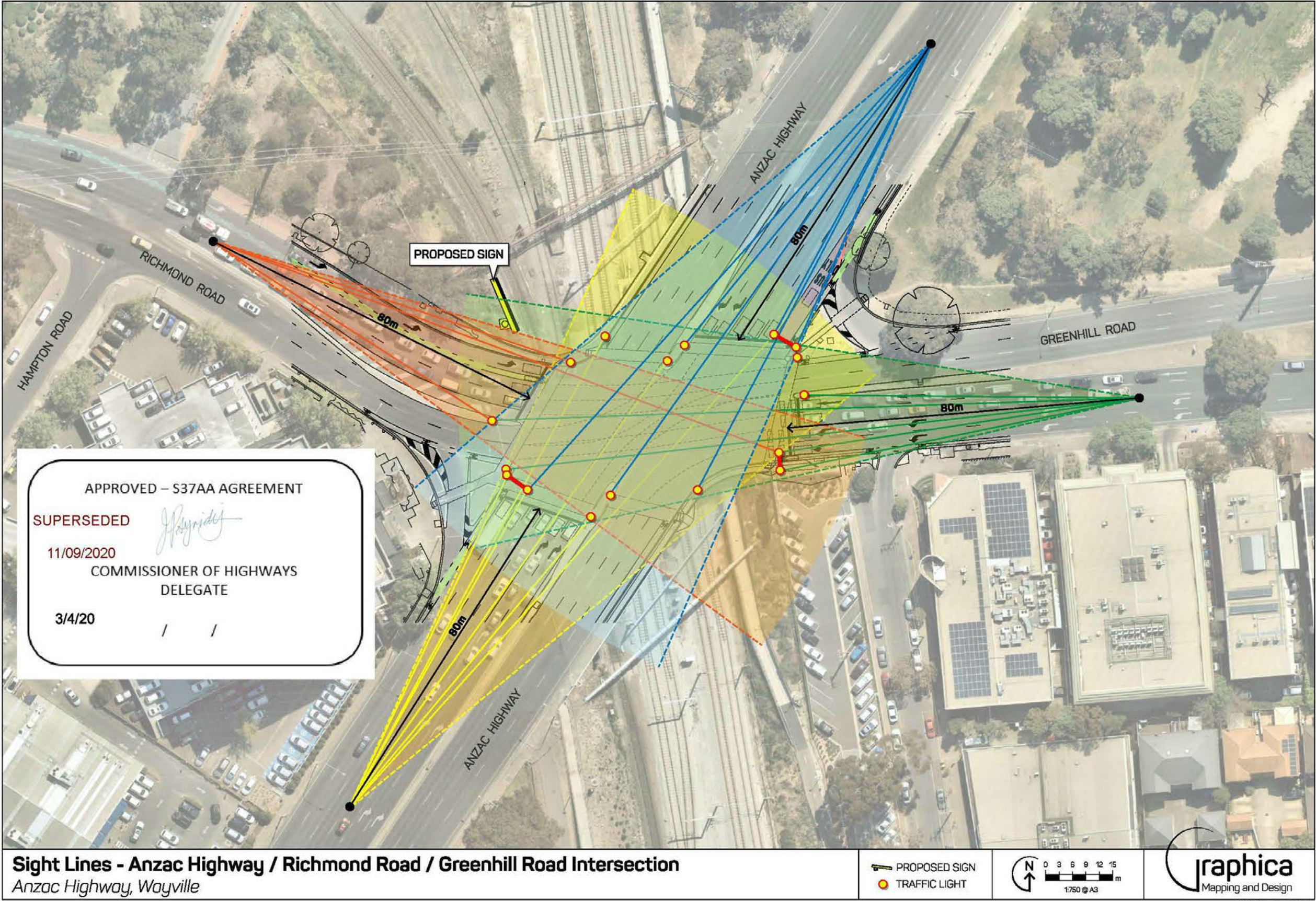
NOTE: SIGN SIZE AND STRUCTURE INDICATIVE AND SUBJECT TO DETAILED SITE SURVEY AND ALL NECESSARY APPROVALS.

PROPOSED SUPERSITE DIGITAL ADVERTISING SIGN STRUCTURE DEVELOPMENTS DISPLAY SIZE 12.66M X 3.35M LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL SITE MOCK UP		DateFebruary, 2020	PLAN & ELEVATION		
Draw by	LF	Drawing No.	Date	Rev	Rev
Scale	NTS	KEST-SA-0220	Feb 20		
Drawing No.	050220-5/5				
Job No.	KEST-SA-0220				

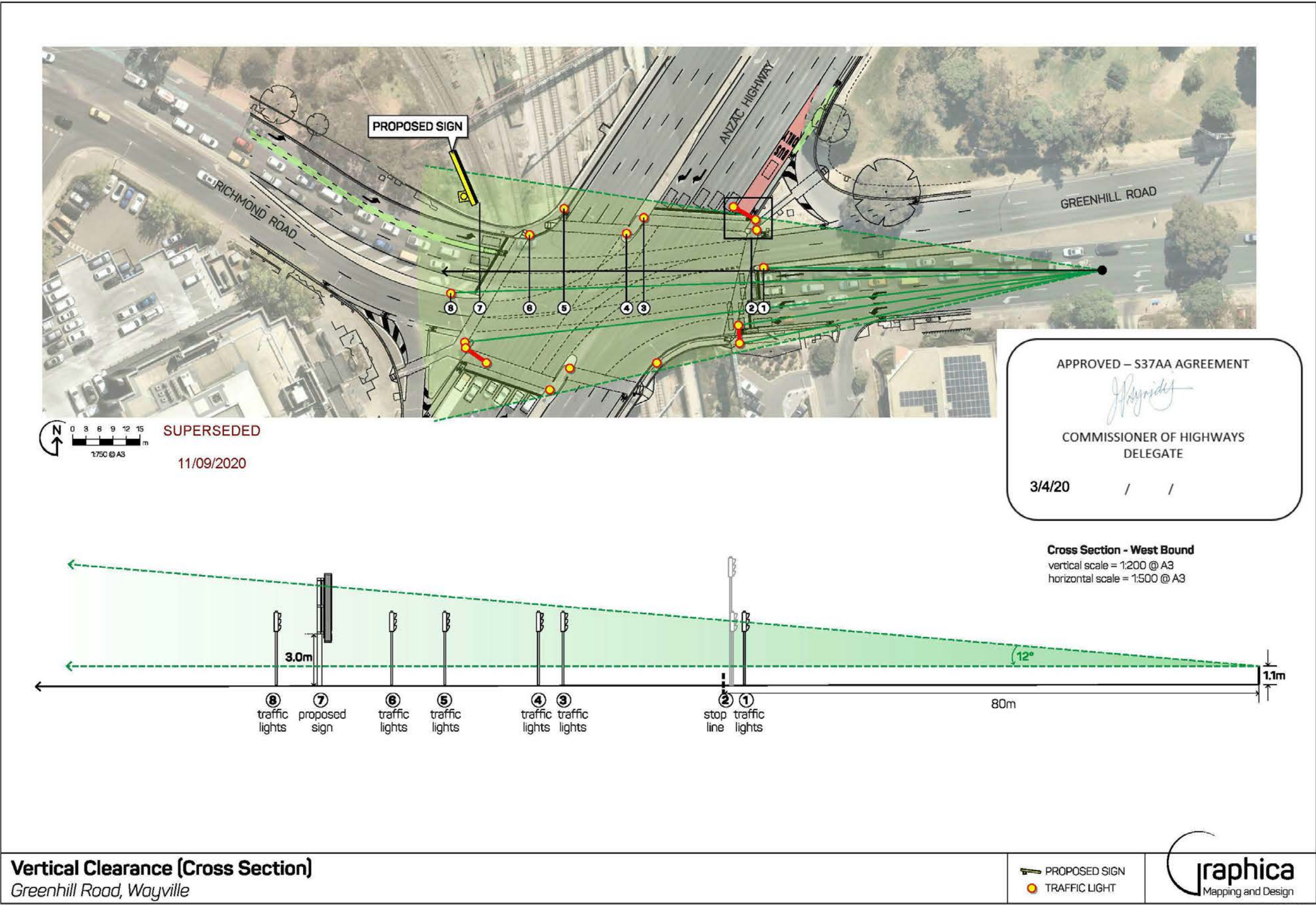














In reply please quote #15163473  
Enquiries to Marc Hryciuk  
E-mail [dpti.luc@sa.gov.au](mailto:dpti.luc@sa.gov.au)



**Government of South Australia**

Department of Planning,  
Transport and Infrastructure

**TRANSPORT PLANNING AND  
PROGRAM DEVELOPMENT**

**Transport Assessment**

GPO Box 1533  
Adelaide SA 5001

ABN 92 366 288 135

15 September 2020

Australian Rail Track Corp.  
C/- Future Urban Pty Ltd  
via email

C/o Level 1,  
74 Pirie St, Adelaide, 5000

Dear Ms Nott

**PRE-LODGEEMENT AGREEMENT  
SECTION 37AA DEVELOPMENT ACT 1993**

<b>Proposal No.</b>	004/2020
<b>Applicant</b>	Australian Rail Track Corp. C/- Future Urban Pty Ltd
<b>Location</b>	Adjacent Richmond Road, Keswick Terminal
<b>Proposal</b>	LED Billboard

I refer to the above proposal forwarded to the Department for Infrastructure and Transport in accordance with Section 37AA of the *Development Act 1993*. The proposal involves development adjacent a main road as described within Schedule 8 of the *Development Regulations 2008*.

The following response is provided in accordance with Section 37AA of the *Development Act 1993*.

**CONSIDERATION**

This agreement replaces the previous 37AA Agreement dated 3/4/2020 for a 12.66m x 3.35m billboard. The proposed development is a 9m x 3m LED billboard. The proposed billboard will be single sided and carry third party advertising content. The sign will be located adjacent Richmond Road in close proximity to the Richmond Road / Anzac Highway / Greenhill Road signalised intersection. The sign will be viewable to traffic travelling south west along Anzac Highway and west along Greenhill Road. All of the adjacent roads are arterial roads under the care, control and management of DIT.

DIT has assessed the proposal in line with the DPTI *Advertising Signs: Assessment Guidelines for Road Safety*. The sign is within a device restriction area as defined in the Guide, and the sign location proposed does not conflict with any signal lanterns or regulatory signs.

**ADVICE**

The department supports the proposed development provided that it is undertaken in accordance with the stamped plans attached to this letter. It is recommended that the planning authority apply the following conditions in any approval to maximise safety on the adjacent arterial roads:

#15301901

1. The sign shall be permitted to display one static, self-contained message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 second. The sign shall not flash, scroll, move or imitate a traffic control device.
2. Illuminated signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED components of the sign shall be limited to the following stepped luminance levels:

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3. The operational system for the sign shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

The following note provides important information for the benefit of the applicant and is required to be included in any approval:

- The Metropolitan Adelaide Road Widening Plan currently shows possible land requirements from this property for future upgrading of the Richmond Road/Greenhill Road/Anzac Highway intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirements.

Any modifications or alteration to the proposed development will cause this consent to become invalid.

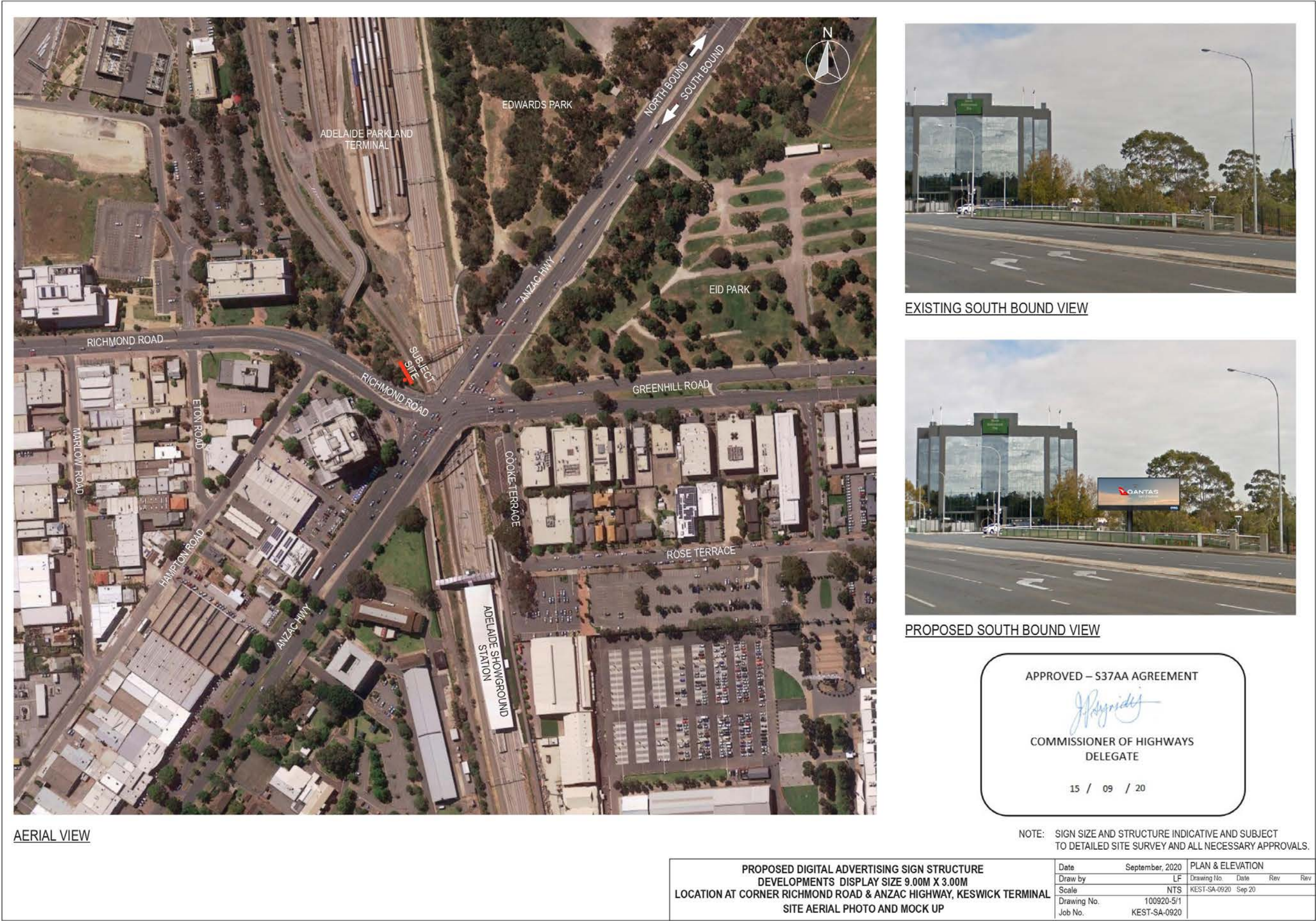
This letter and the attached plan must be lodged with the relevant planning authority within 3 months of the date of this consent. A fresh consent will be required should lodgement not be carried out in the abovementioned timeframe or an extension of time granted.

Yours sincerely,

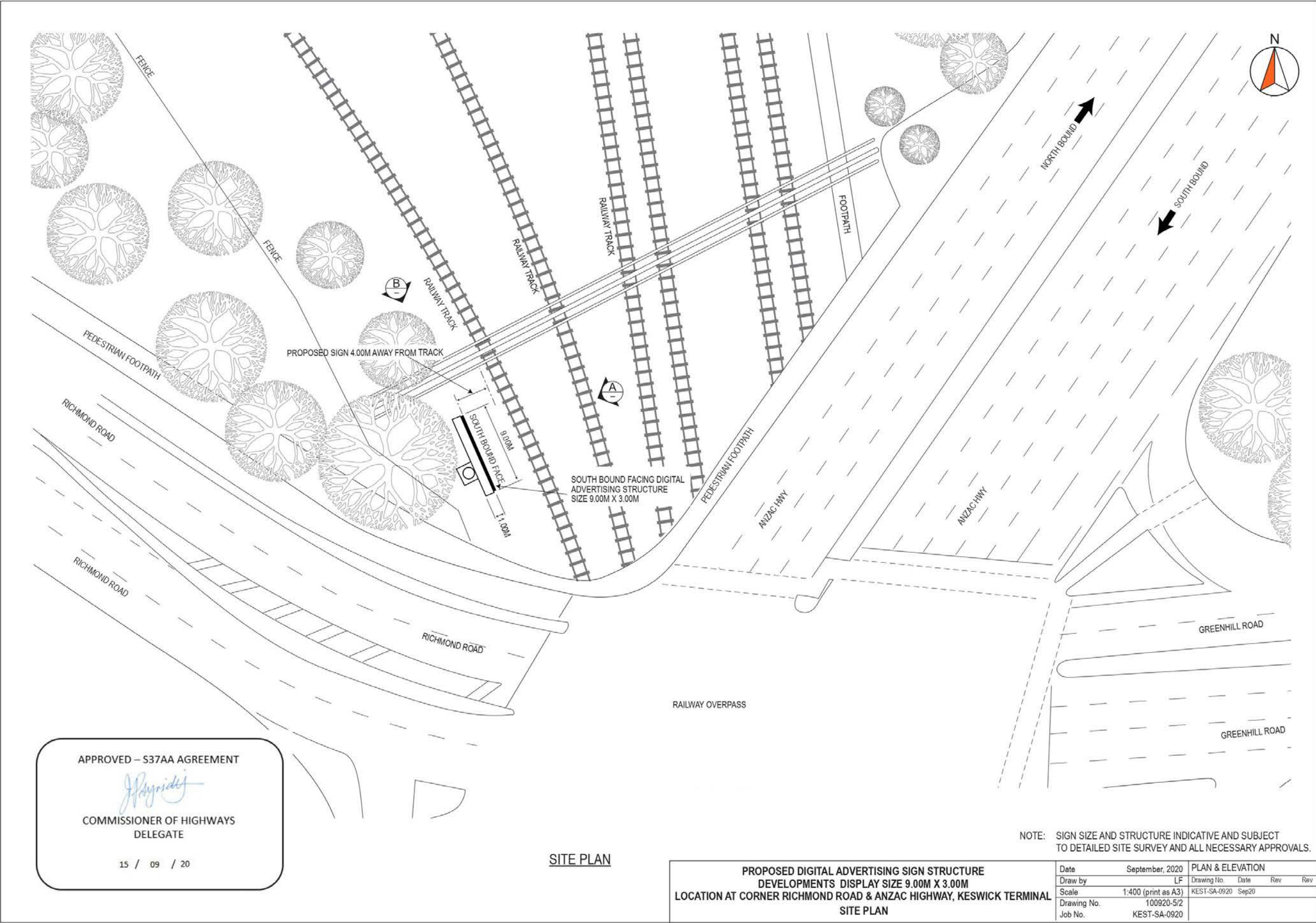


**A/MANAGER, TRANSPORT ASSESSMENT**  
for **COMMISSIONER OF HIGHWAYS**

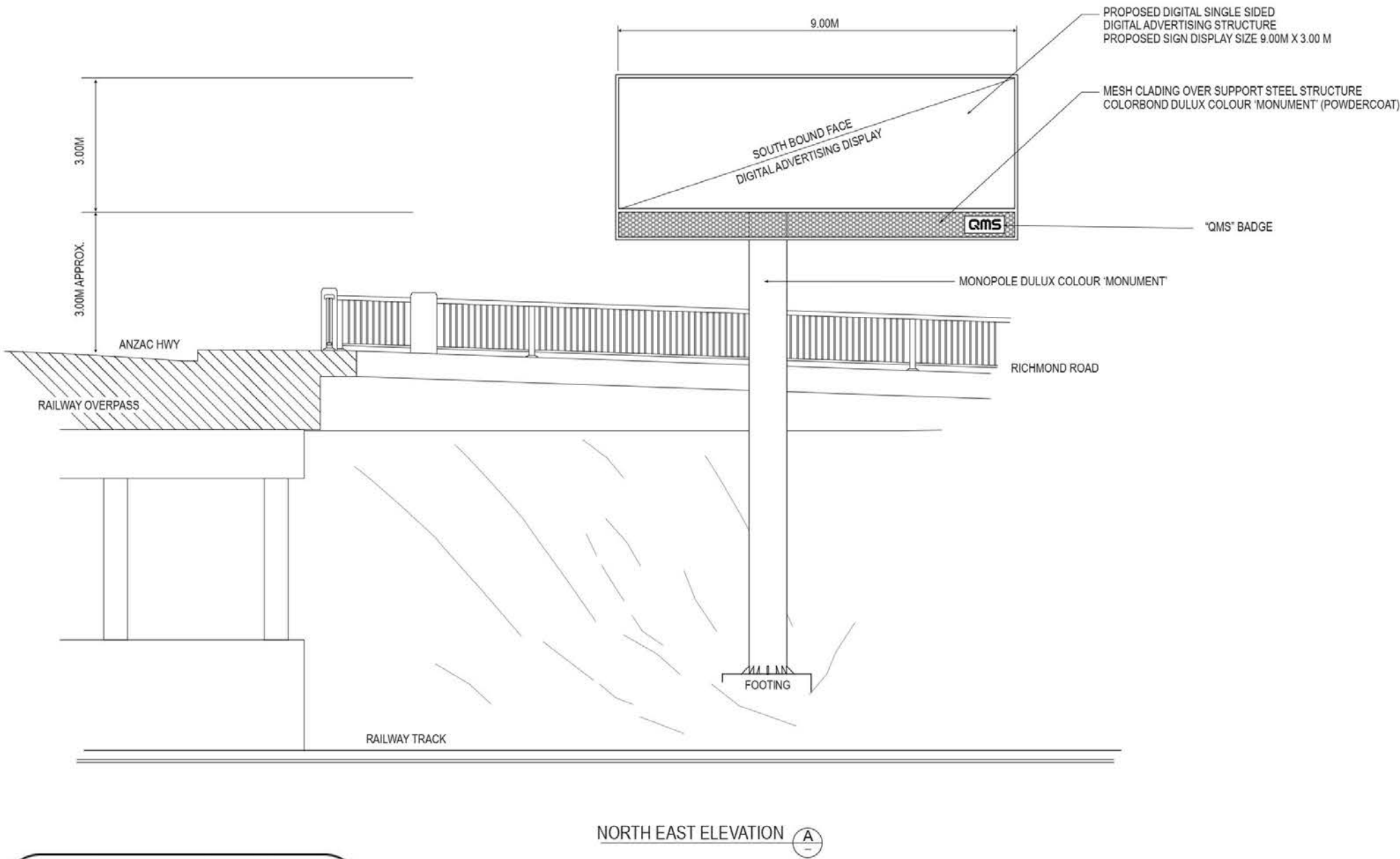












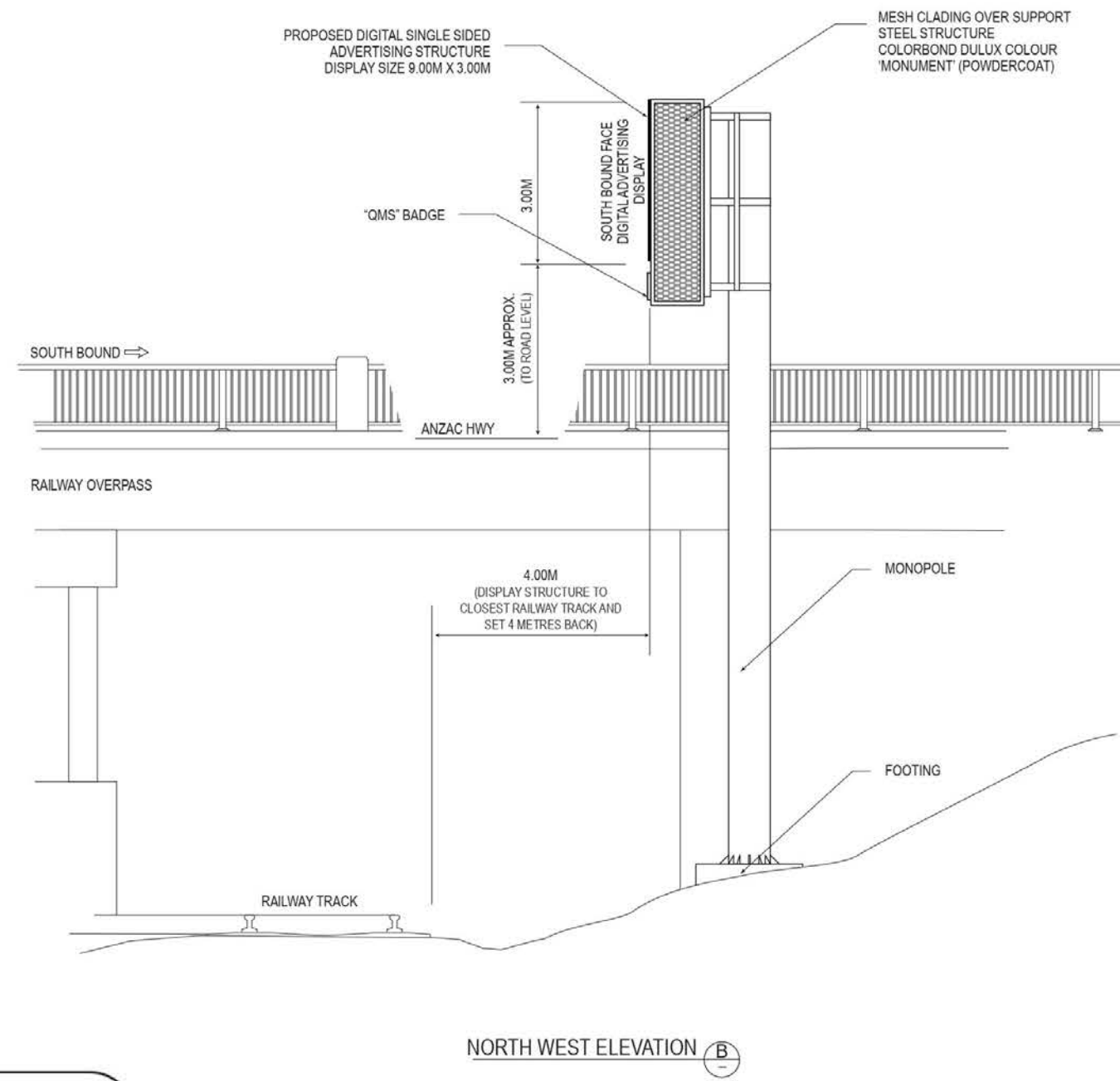
APPROVED – S37AA AGREEMENT

COMMISSIONER OF HIGHWAYS  
DELEGATE

15 / 09 / 20

NOTE: SIGN SIZE AND STRUCTURE INDICATIVE AND SUBJECT TO DETAILED SITE SURVEY AND ALL NECESSARY APPROVALS.

PROPOSED DIGITAL ADVERTISING SIGN STRUCTURE DEVELOPMENTS DISPLAY SIZE 9.00M X 3.00M		DateSeptember, 2020		PLAN & ELEVATION	
LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL		Draw byLF	Drawing No.	Date	Rev
INDICATIVE DESIGN EXACT FINAL LOCATION TO BE DETERMINED		Scale1:100 (print as A3)	KEST-SA-0920	Sep 20	
		Drawing No.100920-5/3			
		Job No.KEST-SA-0920			



APPROVED – S37AA AGREEMENT


*[Signature]*

COMMISSIONER OF HIGHWAYS  
DELEGATE

15 / 09 / 20


NOTE: SIGN SIZE AND STRUCTURE INDICATIVE AND SUBJECT TO DETAILED SITE SURVEY AND ALL NECESSARY APPROVALS.

PROPOSED DIGITAL ADVERTISING SIGN STRUCTURE DEVELOPMENTS DISPLAY SIZE 9.00M X 3.00M LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL INDICATIVE DESIGN EXACT FINAL LOCATION TO BE DETERMINED	Date	September, 2020	PLAN & ELEVATION		
	Draw by	LF	Drawing No.	Date	Rev
	Scale	1:100 (print as A3)	KEST-SA-0920	Sep 20	
	Drawing No.	100920-5/4			
	Job No.	KEST-SA-0920			



PROPOSED SOUTH BOUND VIEW

APPROVED – S37AA AGREEMENT



COMMISSIONER OF HIGHWAYS  
DELEGATE

15 / 09 / 20

NOTE: SIGN SIZE AND STRUCTURE INDICATIVE AND SUBJECT TO DETAILED SITE SURVEY AND ALL NECESSARY APPROVALS.

PROPOSED DIGITAL ADVERTISING SIGN STRUCTURE DEVELOPMENTS DISPLAY SIZE 9.00M X 3.00M		DateSeptember, 2020		PLAN & ELEVATION	
LOCATION AT CORNER RICHMOND ROAD & ANZAC HIGHWAY, KESWICK TERMINAL		Draw by	LF	Drawing No.	DateRevRev
SITE MOCK UP		Scale	NTS	KEST-SA-0920	Sep 20
		Drawing No.	100920-5/5		
		Job No.	KEST-SA-0920		

## 7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

## 8 SUMMARY OF COURT APPEALS

### 8.1 CAP Summary of SCAP and ERD Court Matters - October 2020

#### Brief

This report presents information in relation to:

1. any planning appeals before the Environment, Resources and Development (ERD) Court;
2. any matters being determined by the State Commission Assessment Panel (SCAP);
3. any matters determined by the Minister of Planning (Section 49);
4. any matters determined by the Governor of South Australia (Section 46); and
5. any deferred items previously considered by the Council Assessment Panel.

#### RECOMMENDATION

The Council Assessment Panel receive and note the information.

#### Development Application appeals before the ERD Court

Reason for referral	DA number	Address	Description of development	Status
SCAP	211/M015/19	1 Glenburnie Terrace, PLYMPTON	Six-storey residential flat building (32 dwellings) & associated car parking	Appeal lodged.

#### Matters pending determination by SCAP

Reason for referral	DA number	Address	Description of development
Schedule 10	211/M030/18	192 ANZAC Highway, GLANDORE	Eight-storey residential flat building (40 dwellings) & removal of regulated tree

#### Matters pending determination by the Minister of Planning

Reason for referral	DA number	Address	Description of development
Section 49	211/V040/20	240-246 Marion Road, NETLEY	Minor building additions and alterations: enclosure of existing undercover wash bay

#### Matters pending determination by the Governor of South Australia

Nil

#### Deferred CAP Items

Nil



**Conclusion**

This report is current as at 1 October 2020.

**Attachments**

Nil

**9 OTHER BUSINESS****10 MEETING CLOSE**