

CITY OF WEST TORRENS



# Notice of Special Panel Meeting

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

will be held by electronic platform only

on

**WEDNESDAY, 16 DECEMBER 2020  
at 5.00pm**

Panel members, representors and applicants eligible to be heard will be provided with log-in details prior to the meeting.

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 Special 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.**

Please note that the above meeting will be recorded and live streamed on the internet. It is assumed that consent has been given by any person in attendance to broadcast their image.

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**1 MEETING OPENED****1.1 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 December 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 40 Daly Street, KURRALTA PARK

Application No 211/666/2019

Appearing before the Panel will be:

Representor: **Linda Cunningham** of 55 Gray Street, Plympton wishes to appear in support of the representation.

Applicant: **Mick Lamarca** of Rise Property Group wishes to appear in response to the representation.

#### DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Combined Application: Land division - Community Title; SCAP No. 211/C071/19; Create four (4) additional allotments and common property; and construction of one (1) two-storey residential flat building containing five (5) dwellings, freestanding carports and landscaping - Affordable Housing Development
APPLICANT	M F Lamarca
APPLICATION NUMBER	211/666/2019
LODGEMENT DATE	12 July 2019
ZONE	Residential Zone
POLICY AREA	Medium Density Policy Area 18
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 2
REFERRALS	Internal <ul style="list-style-type: none"> <li>• City Assets</li> <li>• Arboriculture Advisor</li> <li>• Waste Management</li> </ul> External <ul style="list-style-type: none"> <li>• SA Housing Authority (Affordable Housing)</li> <li>• State Commission Assessment Panel (SCAP)</li> <li>• South Australian Water Corporation (SA Water)</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 Reserved Matters and Conditions
AUTHOR	Brendan Fewster



### SUBJECT LAND AND LOCALITY

The subject land comprises one allotment commonly known as 40 Daly Street, Kurralta Park. The subject land is formally described as Allotment 5 in Filed Plan 8599 in the area named Kurralta Park Hundred of Adelaide, Volume 5441 Folio 223.

The subject site is rectangular in shape with a frontage of 15.24 metres to Daly Street, a depth of 49.15 metres and a total site area of 749.0 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 dwelling and a carport that extends forward of the front dwelling façade. The land is relatively flat with a fall of approximately 200mm from the front of the site toward the rear. Whilst the site currently has a moderate amount of existing mature vegetation, there are no Regulated trees on the site or on adjoining land.

The locality comprises an established residential area with a mixed built form character. Development includes detached and semi-detached dwellings, group dwellings and residential flat buildings of up to two storeys in height and at low to medium densities. There is a relatively diverse allotment pattern, with several battle-axe developments and narrow fronted dwellings within the locality.

The amenity of the locality is only moderate due to the diverse pattern of development and limited streetscape enhancements such as established street trees and landscaped verges.

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



## RELEVANT APPLICATIONS

Nil

## PROPOSAL

The application is for a 'combined' land division and dwelling proposal.

The proposed division of land is in the form of a Community Title land division to create five additional allotments (1 allotment into 5) which includes the common property. The proposed allotments range in size between 91.27m<sup>2</sup> and 116.68m<sup>2</sup>, with an average site area of 150m<sup>2</sup> (including common property).

The application includes the construction of one two-storey residential flat building containing five dwellings along with a common driveway access. The applicant has entered into an Affordable Housing Land Management Agreement with the Minister for Planning. All dwellings within the development are therefore to be assessed for the purposes of affordable housing.

The proposed residential flat building is of a modern design with a common architectural style and form. The building facades include a feature front wall and fenestration, contrasting materials and pitched roofs behind parapet walls. External materials and finishes include rendered Hebel and vertical Axon cladding, aluminium frame windows and doors and colorbond © metal roof sheeting.

The main front wall of the Dwelling 1 is setback 4.3 metres from the road boundary. All of the proposed dwellings will be accessed via a new common driveway that is located on the southern side of the site.

A freestanding carport is to be located on the rear boundary for a length of 13.25 metres. The carport is designed with a flat roof on steel posts that are approximately 2.4 metres in height. The structure will provide covered parking for five vehicles (one for each dwelling).

A bin enclosure will be provided adjacent to the carport in the north-western corner of the site.

A small amount of landscaping is to be provided along the southern side of the driveway.

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

## PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Section 38 of the *Development Act 1993* and Schedule 9, Part 2, 18(a) of the *Development Regulations 2008*.

<b>Properties notified</b>	23 properties were notified during the public notification process.
<b>Representations</b>	Four (4) representations were received.
<b>Persons wishing to be heard</b>	One (1) representor has indicated they wish to be heard: <ul style="list-style-type: none"> <li>Linda Cunningham of 55 Gray Street, Plympton</li> </ul>

<b>Summary of representations</b>	<p>Concerns were raised regarding the following matters:</p> <ul style="list-style-type: none"> <li>• Visual impact</li> <li>• Overshadowing</li> <li>• Traffic congestion</li> <li>• Loss of vegetation</li> <li>• Loss of privacy</li> <li>• Noise</li> <li>• Impact on infrastructure</li> </ul>
<b>Applicant's response to representations</b>	<p>Summary of applicant's response:</p> <ul style="list-style-type: none"> <li>• The site is close to public transport</li> <li>• There is sufficient on-site parking</li> <li>• There is no evidence of impacts on existing infrastructure</li> <li>• The density is consistent with Council's Development Plan</li> <li>• Landscaped areas are to be provided with a mix of plantings</li> <li>• The roof design and overall building scale would ensure that overshadowing impacts are minimal</li> <li>• No loss of privacy as upper storey windows will be treated with obscure glass and raised sills</li> <li>• There is a bin storage area and sufficient waste storage for the development</li> <li>• The proposed carport has a low profile</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>• The FFLs of the proposed development (100.24 minimum) have been assessed as satisfying minimum requirements (100.24) in consideration of street and/or flood level information.</li> <li>• It is recommended that further assessment from Council's Arboriculture team is required - this has since been undertaken and separate advice provided.</li> <li>• It is recommended that any approval associated with this development included a condition of similar wording to the following; <i>"No aboveground structure(s) such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area."</i></li> <li>• One parking spaces has been proposed to be located directly off of the 5.5m by 5.0m passing entry within the property. Although often supported by City Development, City Assets does not support this arrangement and considers this to be potentially dangerous due to vehicles accessing these spaces having to enter and exit the property from the wrong side of the common driveway (i.e. driving of the right side of the carriageway rather than the typical left.).</li> <li>• Council's Waste Management Team has supported shared bin services for this development. The common bin area is approximately 4.83m in length by 1.99m wide. This common bin area would seem a little bit small to accommodate 8 bins and no further comment regarding this has been provided. Separate advice has been attained from Council's Waste Officer.</li> </ul>

	<ul style="list-style-type: none"> <li>The provided stormwater calculation, in principle is acceptable. A hand sketch civil plan indicating the concept of stormwater management has also been provided. It would not be unreasonable for the remaining information of the stormwater management plan (i.e. levels) to be addressed as Reserved Matter as following:</li> </ul> <p>A detailed Stormwater Management Plan shall be provided to the reasonable satisfaction of Council prior to the issuing of Development Approval addressing (at minimum) the following:</p> <ol style="list-style-type: none"> <li>Design level information demonstrating that the stormwater system proposed is able to discharge runoff to the street water table.</li> <li>An updated civil plan, if necessary reflecting required changes.</li> </ol> <p>Initial concerns raised by City Assets have been resolved by way of amendments and imposition of appropriate conditions and reserved matters.</p>
<p><b>Arboriculture Advisor</b></p>	<ul style="list-style-type: none"> <li>A site investigation together with the information provided has revealed that there is an existing Acer buergerianum (Trident Maple) located 5.8m from the Northern property boundary. This is in direct conflict with the proposed crossover location. In this instance City Operations will support the removal of this street tree.</li> <li>There is a second existing Acer buergerianum (Trident Maple) street tree located 11.1m from the northern property boundary. City Operations will require a 2.0m offset from the proposed stormwater location for this proposal to be supported.</li> <li>City Operations will support the removal of either one of the existing street trees only to accommodate this development, the removal of both existing street trees will not be supported.</li> </ul>
<p><b>Waste Management</b></p>	<p>The waste management plan provided is considered appropriate and is suitable for a shared kerbside collection service provided through Council. The Waste Management Team are prepared to provide:</p> <ul style="list-style-type: none"> <li>3 x 140L general waste - weekly service</li> <li>3 x 240L comingled recycle - fortnightly service</li> <li>2 x 240L organics - fortnightly service</li> </ul> <p>It is anticipated that at peak, 6 bins will be presented for collection with an estimated 5.145m of kerbside required for presentation.</p>

## EXTERNAL REFERRALS

Department	Comments
<b>SA Housing Authority</b>	There is a Land Management Agreement (AG 13175332) over the subject land which requires the Applicant to deliver all dwellings within the relative Development Application to be for affordable housing (5 community title residential flats). The development should be assessed on the basis that it is providing affordable housing.
<b>SCAP</b>	SCAP raised no concerns with the proposal. Standard conditions of consent have been included in the recommendation.
<b>SA Water</b>	SA Water raised no concerns with the proposal. The developer will be required to meet the requirements of SA Water for the provision of water and sewerage services. Standard conditions of consent have been included in the recommendation.

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

## RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, within Medium Density Policy Area 18 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

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

**Medium Density Policy Area 18 - Desired Character:**

*Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments. Allotment amalgamation to create larger development sites will occur to maximise the density of development while also achieving integrated design outcomes, particularly within a comfortable walking distance of centre zones. Vehicle access will occur from side streets and new rear public and private laneways wherever possible, also supporting the retention of existing street trees.*

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

*Buildings on the edge of the policy area which adjoin residential policy areas at lower densities will pay particular attention to managing the interface with adjoining dwellings, especially in terms of the appearance of building height and bulk, and overshadowing.*

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

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:

<b>DEVELOPMENT PLAN PROVISIONS</b>	<b>STANDARD</b>	<b>ASSESSMENT</b>
SITE AREA <i>Medium Density Policy Area 18 PDC 7</i>	100m <sup>2</sup> average - residential flat building (affordable housing)	150m <sup>2</sup> average <b>Satisfies</b>
SITE FRONTAGE <i>Medium Density Policy Area 18 PDC 7</i>	No standard	15.24m <b>Satisfies</b>
SITE COVERAGE <i>Medium Density Policy Area 18 PDC 5</i>	70% (max.)	40% <b>Satisfies</b>



PRIMARY STREET SETBACK <i>Medium Density Policy Area 18</i> PDC 5	3m (min.)	4.3m <b>Satisfies</b>
SIDE SETBACKS <i>Residential Zone</i> PDC 11	Side 1m minimum - vertical side wall is 3 metres or less  2m minimum - vertical side wall is between 3 and 6 metres	2.5m min ground & upper floor <b>Satisfies</b>
REAR SETBACK <i>Medium Density Policy Area 18</i> PDC 5	4m (min.)	11.6m ground & upper floor <b>Satisfies</b>
BUILDING HEIGHT <i>Medium Density Policy Area 18</i> PDC 5	3 storeys or 12.5m (max.)	2 storeys (6.4m) <b>Satisfies</b>
PRIVATE OPEN SPACE <i>Medium Density Policy Area 18</i> PDC 7	24m <sup>2</sup> with a minimum dimension of 3m	25m <sup>2</sup> min <b>Satisfies</b>
LANDSCAPING <i>Landscaping, Fences &amp; Walls</i> PDC 4	A minimum of 10 per cent of a development site	<10% <b>Does Not Satisfy</b>
CARPARKING SPACES <i>Medium Density Policy Area 18</i> PDC 7	1 covered space per dwelling No visitor parking required	1 covered space per dwelling (No visitor parking) <b>Satisfies</b>
DOMESTIC STORAGE <i>Site Facilities and Storage</i> PDC 31	Minimum storage area of 8m <sup>3</sup> within non-habitable rooms	Approx. 8m <sup>3</sup> within WIR and cupboards <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 Division

The proposed Community Title land division will create five dwelling allotments and one common property allotment. The new dwelling allotments correspond to the layout of the proposed residential flat building. The common property allotment comprises a common driveway access and a designated car park and bin storage area at the rear of the site.

For land division proposals, PDC 8 of Medium Density Policy Area 18 prescribes a minimum site area of 250m<sup>2</sup>, unless where combined with an application for dwellings. Therefore, when the land division is assessed in isolation the size of proposed allotments would be significantly less than this recommended standard.

PDC 7 of the Policy Area is seeking a minimum 'average' site area of 100m<sup>2</sup> for dwellings within a residential flat building that constitutes affordable housing. The applicant has entered into an Affordable Housing Land Management Agreement with the Minister for Planning. The density of the proposed development achieves an average site area per dwelling of 150m<sup>2</sup>, and given that the proposed dwellings constitute affordable housing, the proposed site areas are well within the desired dwelling density.

Furthermore, it has been demonstrated by the built form proposal that the allotments are large enough for the proposed dwellings to satisfy the relevant quantitative requirements relating to building height and scale, private open space, site coverage, vehicle access and manoeuvrability.

### **Affordable Housing**

As already highlighted, the applicant has entered into an Affordable Housing Land Management Agreement (LMA) with the Minister for Planning and therefore all dwellings within the development are to be assessed for affordable housing. The application has also been referred to the SA Housing Authority (Affordable Housing) as required by Section 37 of the *Development Act 1993*. The SA Housing Authority has confirmed that the LMA requires the applicant to deliver all dwellings within the proposed development as affordable housing and that the application should be assessed as such.

PDC 7 of Medium Density Policy Area 18 prescribes dwelling density and private open space parameters for affordable housing. These parameters are supported by PDC 32 and 33 of the General Section (Residential Development), which encourage further increases in density in locations that "*optimise access to shops, social services and facilities, or public transport*". The subject land is considered suitable for affordable housing as it is located a short distance from the Westside Bikeway to the west and similarly is only 300 metres from the Kurralta Park Shopping Centre to the south on Anzac Highway.

### **Dwelling Density and Desired Character**

The Desired Character for Medium Density Policy Area 18 envisages medium density development that includes "*a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments*".

As already highlighted, the proposed development has an overall dwelling density that is within the envisaged density range for affordable housing. The subject land is also located in close proximity to the Kurralta Park Shopping Centre, which has local shopping facilities and high frequency public transport (bus) routes.

As considered in more detail below, the proposed site areas would not compromise the spatial and functional characteristics of the development in terms of the built form relationship with the street and adjoining properties, on-site car parking and vehicle manoeuvrability or the internal amenity for future occupants.

From a streetscape perspective, the proposed residential flat building would not appear cramped or visually overbearing due to the modest building height and the separation from side and rear boundaries. It is considered however that additional landscaping should be provided between Dwelling 1 and the street frontage to enhance the street appearance of the development. Therefore, it is recommended that the visitor car park be removed and replaced with landscaping. The car parking implications of this are considered in more detail below.

The overall dwelling density and allotment layout of the proposal is considered compatible with the existing and desired built form characteristics of the locality.



## **Design and Appearance**

The proposed building is designed with an integrated form and common architectural style. The dwellings are modern, with a feature front wall and fenestration, contrasting materials and a pitched roofs behind parapet walls. External materials and finishes include rendered Hebel and vertical Axon cladding, aluminium frame windows and doors and colorbond © metal roof sheeting.

The representors have expressed some concern with the appearance of the development, and while the internal elevation is not of the highest architectural standard, it does include tall staircase windows that provide some verticality and subtle projections and wall recesses that would break up the building mass. The use of different materials would also add some degree of visual interest. The street elevation is satisfactory in the context of the existing and desired streetscape character.

The Desired Character and PDC 5 of the Medium Density Policy Area 18 envisage building heights up to three storeys or 12.5 metres above ground level. The proposed building is two storey with a maximum height of 6.4 metres. The proposed building height is therefore appropriate.

While the proposed carport would extend along the rear boundary for a length of 13.25 metres, the visual impacts would not be significant as the structure has a low post height of 2.4 metres and will not be enclosed on the sides. The structure would therefore be only marginally taller than the boundary fence.

Overall, the design and appearance of the proposed development would adequately address the relevant provisions of the Development Plan, and in particular, Objective 1 and PDC 1, 2 and 5 of the General Section (Design and Appearance) would be satisfied.

## **Boundary Setbacks**

### ***Front and rear setbacks***

The front setback for dwellings in Medium Density Policy Area 18 should be a minimum of 3 metres as recommended by PDC 5. The nearest front wall of the proposed building is setback 4.3 metres, which is acceptable. The rear setback of 11.6 metres is significant greater than the recommended setback of 4 metres.

### ***Side setbacks***

The ground and upper levels will be setback a minimum of 2.5 metres from side boundaries. The side setbacks are well within the parameters of PDC 11 of the Residential Zone, which seeks setbacks of 1 and 2 metres.

## **Overlooking**

The proposed dwellings have been designed with all upper storey window openings having either raised sills or fixed obscure glazing to a height of 1.7 metres above the floor level, except for the windows on the street-facing elevation of Dwelling 1.

The proposed privacy measures are considered adequate in preventing 'direct' views from the upper storey windows into the habitable room windows and yard areas of adjoining properties. The proposal therefore satisfies PDC 27 of the General Section (Residential Development).

## **Overshadowing**

Given the two storey scale of the proposed building and the east to west orientation of the subject land, it is reasonable to expect that some shadow would be cast over the adjoining properties to the south, particularly during winter months.

The applicant has provided a series of shadow diagrams for the winter solstice. While the neighbouring property immediately to the south at 38 Daly Street would be most affected, the shadow diagrams confirm that the rear yard and main front and rear habitable room windows of this adjoining property would receive at least two hours of natural light during the day in winter, as required under PDC 11 of the General Section (Residential Development).

The proposal is considered to satisfy PDC 10, 11 and 12 of the General Section (Residential Development).

### **Retaining and Fencing**

As the land is relatively flat with a fall of approximately 200mm from the front of the site toward the rear, only low concrete plinths will be required. The combined height of retaining and fencing would not exceed 2.1 metres and thus would not require approval.

### **Vehicle Access and Car Parking**

A common driveway onto Daly Street will provide vehicular access to the dwellings within the residential flat building. There would be adequate lines of sight in both directions. In terms of street obstructions, Council's Horticultural Department supports the removal of one street tree. The removal of the southern-most tree and retention of the northern tree is therefore supported.

The current proposal includes the provision of a visitor space between the front dwelling and the street boundary. Council's City Assets has raised concerns with the safety of vehicles entering and egressing this visitor space. Given these concerns and the limited landscaping to be provided adjacent to the street frontage, a Reserved Matter requiring the replacement of the visitor space with landscaping has been recommended. The resulting access arrangements will be safe and convenient in accordance with PDC 24 of the General Section (Transportation and Access).

All of the proposed dwellings are provided with a single covered parking space within a common carport at the rear of the site. The provision of one parking space per dwelling satisfies PDC 7 of Medium Density Policy Area 18. It is noted that some concerns have been raised by the representors regarding the lack of on-site parking and the potential for on-street congestion. Vehicle ownership is typically lower for affordable housing than for private developments, which is why the Development Plan does not seek on-site visitor car parking for affordable housing developments.

Given the Development Plan guidance for affordable housing, there is considered to be sufficient on-site car parking to meet the anticipated demand generated by the proposed development. Accordingly, the proposal satisfies PDC 7 of Medium Density Policy Area 18 and PDC 34 of the General Section (Transportation and Access).

### **Private Open Space**

The proposed dwellings will be provided with at least 25m<sup>2</sup> of private open space. The amount of the private open space for each dwelling would satisfy PDC 7 of Medium Density Policy Area 18.

The rear yards of all dwellings would achieve the minimum dimension guidelines and are therefore considered acceptable. Suitable private open space for entertaining, clothes drying and other domestic functions is therefore provided for occupants of the dwellings.

### **Landscaping**

While a landscaping plan has been provided that includes some landscaping along the southern boundary, the overall amount of landscaping is considered inadequate for the softening of the built form and paved areas and in minimising heat loads. These concerns were also raised by some of the representors.

It is considered appropriate in this instance to include the following Reserved Matter:

*A detailed landscaping plan that includes a suitable mix of plant species along the street frontage, common driveway, private open space areas and around the curtilage of the building to soften the built form and paved areas and to minimize heat loads.*

## **Stormwater and Flood Management**

A stormwater management concept has been provided, which indicates that stormwater runoff from roofs of the dwellings will be directed to individual retention/detention tanks with a capacity of 2000L. The tanks will be plumbed to the respective dwellings. Finished floor levels have also been considered appropriate reviewing the proposed levels against the existing site survey plan.

Council's City Assets Department has endorsed the stormwater management approach however it has been requested that detailed design levels be provided. This can be addressed through the imposition of a Reserved Matter in this instance.

There is considered to be sufficient capacity within the existing stormwater system to accommodate the proposed development.

The subject land is not situated within a flood prone area.

## **Waste Storage & Collection**

A common bin enclosure will be provided immediately adjacent to the rear boundary with bins to be collected from the road verge via Council's standard kerbside service.

Council's Waste Department considers the bin storage area to be large enough to accommodate the following:

- 3 x 140L general waste - weekly service
- 3 x 240L comingled recycle - fortnightly service
- 2 x 240L organics - fortnightly service

A private waste contractor is therefore not required. The proposal is consistent with Objective 2 of the General Section (Waste).

## **SUMMARY**

When balanced against the existing site and locality characteristics and the Desired Character for Medium Density Policy Area 18, the proposed division of land and associated residential development is considered to be an orderly and desirable form of development.

The dwelling density and allotment layout of the proposal sufficiently accord with the Desired Character for the Zone and Policy Area, and in particular Affordable Housing outcomes. The development is compatible with the existing and desired built form characteristics of the locality.

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

On balance, the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 12 July 2018 and warrants Development Plan Consent and Land Division Consent subject to reserved matters and conditions.

## RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Land Division Consent for Application No. 211/666/2019 by M F Lamarca to undertake a Combined Application: Land division - Community Title; SCAP No. 211/C071/19; Create four (4) additional allotments and common property; and construction of one (1) two-storey residential flat building containing five (5) dwellings, freestanding carports and landscaping - Affordable Housing Development at 40 Daly Street, KURRALTA PARK (CT5441/223) subject to the following reserved matters and conditions of consent:

The following information shall be submitted for further assessment and approval by the City of West Torrens as reserved matters under Section 33(3) of the *Development Act 1993*:

1. Amended plans showing the removal of the visitor car parking space between Dwelling 1 and the street boundary to allow for the provision of additional landscaping to enhance the street appearance of the development.
2. A detailed landscaping plan that includes a suitable mix of plant species along the street frontage, common driveway, private open space areas and around the curtilage of the building to soften the built form and paved areas and to assist in minimizing heat loads.
3. A final stormwater management plan and associated computations for the development. The stormwater management system shall include:
  - a. Detailed design levels demonstrating that the stormwater system is able to discharge runoff to the street water table; and
  - b. A final civil plan prepared by a suitably qualified engineer that appropriately shows finished design levels.

Pursuant to Section 42(1) of the *Development Act 1993*, the Council reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matters outlined above.

### Development Plan Consent Conditions:

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application except where varied by any conditions listed below:
  - Plan of Division prepared for Rise Property Group, Drawing No. 1 of 15, Rev. PD-I dated 12 October 2020
  - Proposed Lower Site Plan prepared for Rise Property Group, Drawing No. 2 of 15, Rev. PD-I
  - Proposed Lower Site Plan prepared for Rise Property Group, Drawing No. 2A of 15, Rev. PD-I
  - Proposed Upper Site Plan prepared for Rise Property Group, Drawing No. 3 of 15, Rev. PD-I
  - Landscape Plan prepared for Rise Property Group, Drawing No. 4 of 15, Rev. PD-I
  - Proposed Floor Plan - Lot 1 prepared for Rise Property Group, Drawing No. 5 of 15, Rev. PD-I
  - Proposed Elevations - Lot 1 prepared for Rise Property Group, Drawing No. 6 of 15, Rev. PD-I
  - Proposed Floor Plan - Lot 2 & 4 prepared for Rise Property Group, Drawing No. 7 of 15, Rev. PD-I

- Proposed Elevations - Lot 2 & 4 prepared for Rise Property Group, Drawing No. 8 of 15, Rev. PD-I
  - Proposed Floor Plan - Lot 3 prepared for Rise Property Group, Drawing No. 9 of 15, Rev. PD-I
  - Proposed Elevations - Lot 3 prepared for Rise Property Group, Drawing No. 10 of 15, Rev. PD-I
  - Proposed Floor Plan - Lot 5 prepared for Rise Property Group, Drawing No. 11 of 15, Rev. PD-I
  - Proposed Elevations - Lot 5 prepared for Rise Property Group, Drawing No. 12 of 15, Rev. PD-I
  - Proposed Carport prepared for Rise Property Group, Drawing No. 13 of 15, Rev. PD-I
  - Streetscape Elevations prepared for Rise Property Group, Drawing No. 14 of 15, Rev. PD-I
  - Side Elevations prepared for Rise Property Group, Drawing No. 15 of 15, Rev. PD-I
  - Stormwater Management Plan (mark-up) prepared for Rise Property Group
  - 9.00am Shadow Diagram prepared for Rise Property Group
  - 12.00pm Shadow Diagram prepared for Rise Property Group
  - 3.00pm Shadow Diagram prepared for Rise Property Group
  - Survey Plan prepared by RCI Consulting Engineers, Sheet 1 of 1 dated 26 July 2019
2. 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; or
  - e) Flow across footpaths or public ways.

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

3. All driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to occupation, and shall be maintained in reasonable condition at all times to the satisfaction of Council.

*Reason: To ensure safe and convenient vehicle access and to suppress dust*

4. All landscaping shall be planted in accordance with the approved plans within three (3) months of the occupancy of the development or the next available planting season. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.

*Reason: To enhance the amenity of the site and locality and to mitigate against heat loading*

5. The front and rear upper storey windows of all dwellings (except for the east-facing windows of Dwelling 1) shall be fitted with fixed obscure glass or raised sills to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained to the satisfaction of Council at all times.

*Reason: To maintain the privacy of neighbouring residents*

6. No aboveground structures, such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area.

*Reason: To ensure safe and convenient vehicle access*

7. The bin storage enclosure shall be kept clean and tidy at all times with bins cleaned regularly to minimise odour.

*Reason: To minimise odour and to maintain the amenity of neighbouring properties*

## **Land Division Consent Conditions**

### **SCAP Requirements**

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

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

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

9. Payment of \$29 012.00 into the Planning and Development fund (4 Allotments @ \$7253.00/lot). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders Street, Adelaide.
10. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

### **Notes**

The existing *Acer buergerianum* (Trident Maple) street tree has been assessed and considered acceptable to be removed by Council's Arborist. A fee for the removal of the street tree will be determined based on Council's standard schedule of fees and charges once a formal application has been submitted to Council. The removal of the other street tree is not supported.

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### **Attachments**

1. **Relevant Development Plan Provisions**
2. **Proposal Plans & Supporting Documents**
3. **Copy of representations and applicant's response**
4. **Internal & External Referral Responses**

## Relevant Development Plan Provisions

<b>General Section</b>		
<i>Crime Prevention</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 6, 7 & 8
<i>Design and Appearance</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 9, 10, 12, 13, 14, 15, 16, 21, 22 & 23
<i>Energy Efficiency</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2 & 3
<i>Land Division</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 4, 5, 6 & 8
<i>Landscaping, Fences and Walls</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 6
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1 & 3
<i>Residential Development</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 22, 28, 30, 31, 32 & 33
<i>Transportation and Access</i>	<i>Objectives</i>	2
	<i>Principles of Development Control</i>	1, 2, 8, 9, 11, 23, 24, 30, 34, 35, 36, 37 & 44

### PLANNING DRAWINGS

PROJECT ADDRESS: 40 DALY STREET, KURRALTA PARK

PROJECT SCOPE: 5 x DOUBLE STOREY DWELLING

CLIENT NAME: RISE PROPERTY GROUP

#### PAGE TITLE

PAGE	TITLE
1.	LAND DIVISION PLAN
2.	SITE PLAN - LOWER FLOOR
2A.	SITE PLAN - LOWER FLOOR
3.	SITE PLAN - UPPER FLOOR
4.	LANDSCAPE PLAN
5.	FLOOR PLAN - LOT - 01
6.	ELEVATIONS - LOT - 01
7.	FLOOR PLAN - LOT - 02 & 04
8.	ELEVATIONS - LOT - 02 & 04
9.	FLOOR PLAN - LOT - 03
10.	ELEVATIONS - LOT - 03
11.	FLOOR PLAN - LOT - 05
12.	ELEVATIONS - LOT - 05
13.	CARPORT ELEVATIONS
14.	FRONT STREETSCAPE ELEVATION
15.	NORTHERN & SOUTHERN STREETSCAPE ELEVATION

scale at A3

Client: MICK LAMARCA (RISE PROPERTY GROUP)  
 Address: 40 DALY STREET, KURRALTA PARK

REVISION  
PD-1

JOB# 012

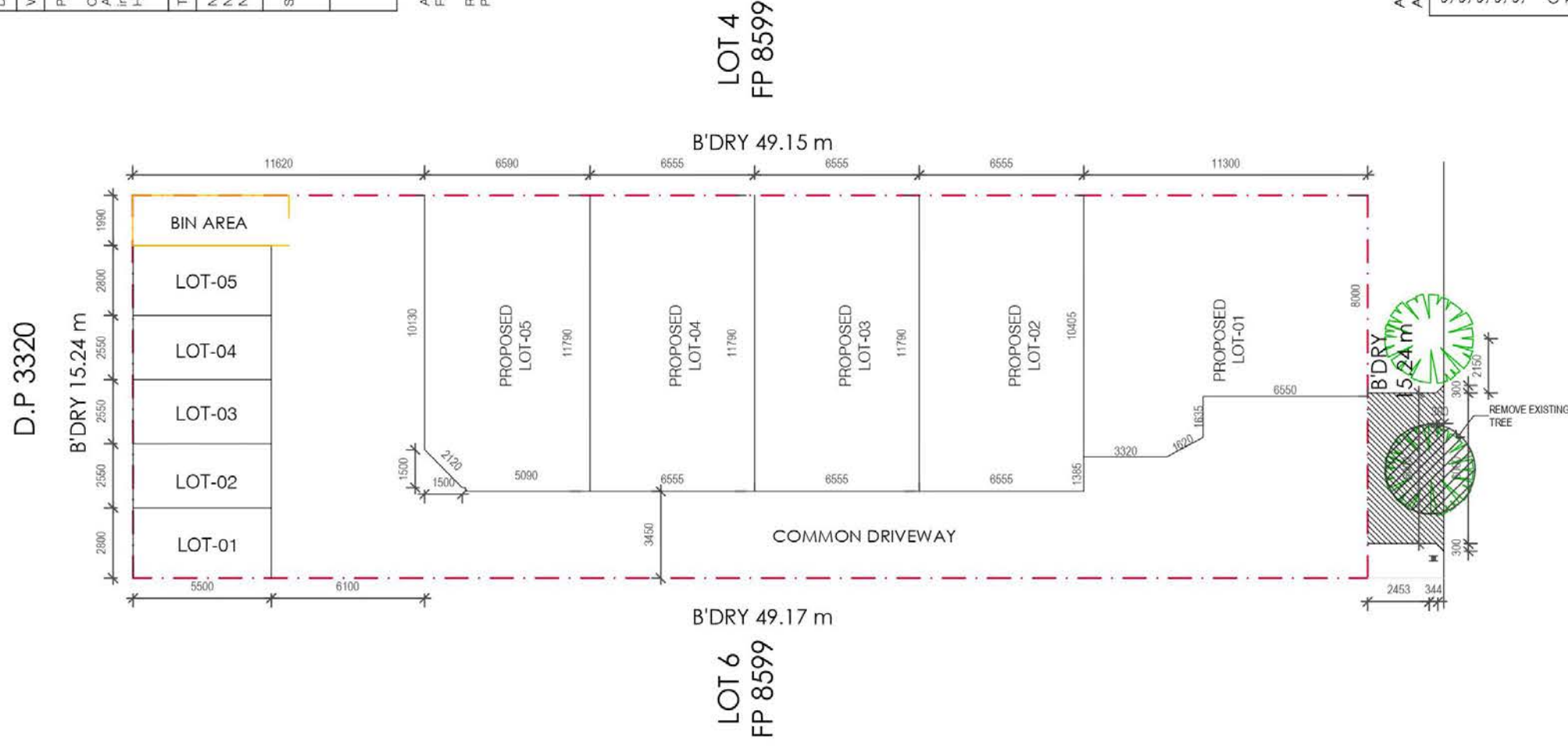
ar.man0015@gmail.com | 0406 334 344 | 0406 203 344



PROPOSED COMMUNITY DIVISION -  
SUBJECT TO SURVEY

DEVELOPMENT ID :	<b>65500</b>
DIVISION TYPE :	COMMUNITY TITLE
VERSION :	12/10/2020
PLAN OF PROPOSE DIVISION	
CT Volume 5441 Folio 223 Allotment 5 Filed Plan 8599 in the area named Kurralta Park Hundred of Adelaide	
TOTAL SITE AREA :	749 m2
NO EXISTING ALLOTMENT(S) :	1
NO PROPOSED ALLOTMENT(S) :	5
NO ADDITIONAL ALLOTMENT(S) :	4
SITE ADDRESS :	40 DALY STREET, KURRALTA PARK

ALL DIMENSIONS ARE SUBJECT TO SURVEY AND  
FINAL PLAN OF DIVISION.  
REFER TO THE ARCHITECTURAL PLANS FOR THE  
PROPOSED DWELLINGS.



AREA STATEMENT OF PROPOSED ALLOTMENT (INCLUDING CARPORTS)	
SITE AREA RES-01	116.68 m <sup>2</sup>
SITE AREA RES-02	91.27 m <sup>2</sup>
SITE AREA RES-03	91.27 m <sup>2</sup>
SITE AREA RES-04	91.27 m <sup>2</sup>
SITE AREA RES-05	91.70 m <sup>2</sup>
COMMON DRIVEWAY	266.80m <sup>2</sup>
TOTAL SITE AREA	749.20 m <sup>2</sup>

PROPOSED  
LAND DIVISION PLAN

D A L Y S T R E E T

SCALE 1:200 A3

REVISION  
PD-1

JOB# 012

Client: MICK LAMARCA (RISE PROPERTY GROUP)  
Address: 40 DALY STREET, KURRALTA PARK

01 OF 15  
scale at A3

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PROPOSED LOT-01

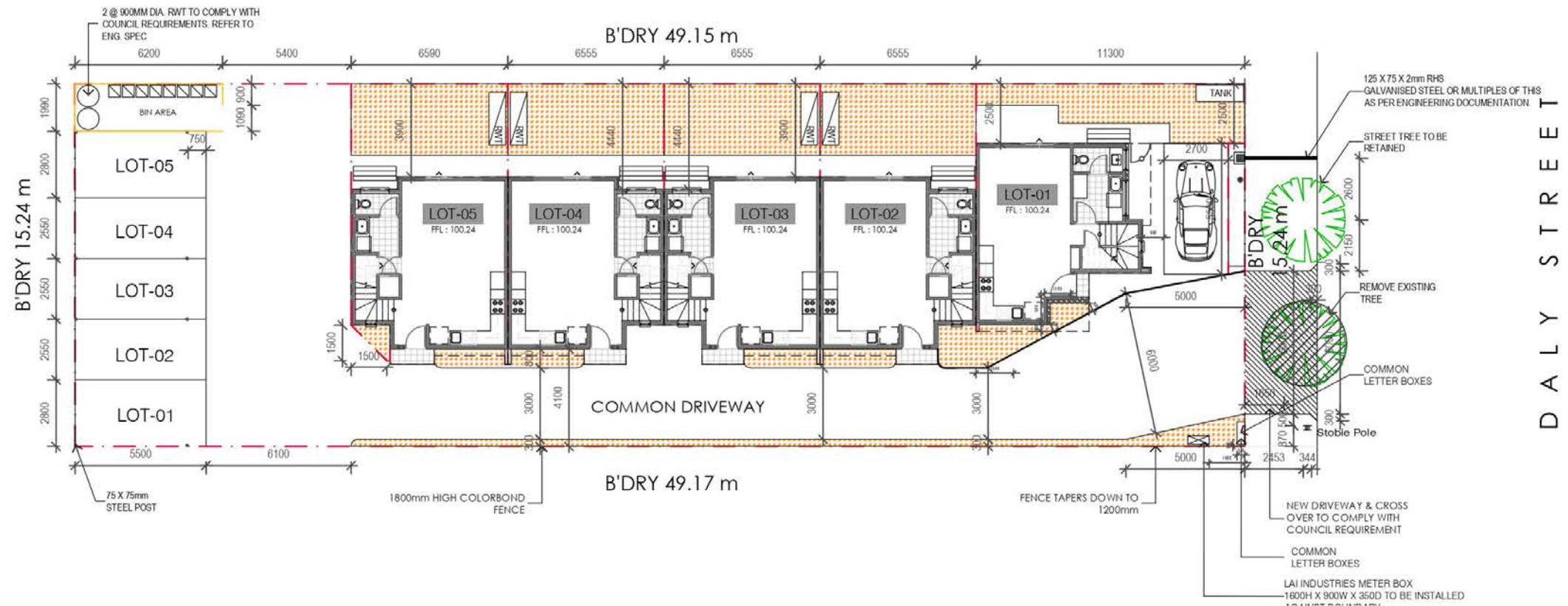
SITE AREA	116.68m <sup>2</sup>
SITE COVERAGE	45.15m <sup>2</sup> : 38.70%
P.O.S	41.70 m <sup>2</sup> : 37%

PROPOSED LOT - 02, 03 & 04

SITE AREA	91.27 m <sup>2</sup>
SITE COVERAGE	45.96m <sup>2</sup> : 50.35%
P.O.S	25.55 m <sup>2</sup> : 28%

PROPOSED LOT - 05

SITE AREA	91.70 m <sup>2</sup>
SITE COVERAGE	46.2m <sup>2</sup> : 50.38%
P.O.S	25.70m <sup>2</sup> : 28%



**PROPOSED LOWER SITE PLAN**  
SCALE 1:200

02 of 15  
scale at A3

Client: MICK LAMARCA (RISE PROPERTY GROUP)  
Address: 40 DALY STREET, KURRALTA PARK

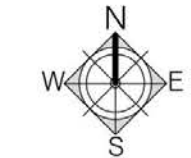
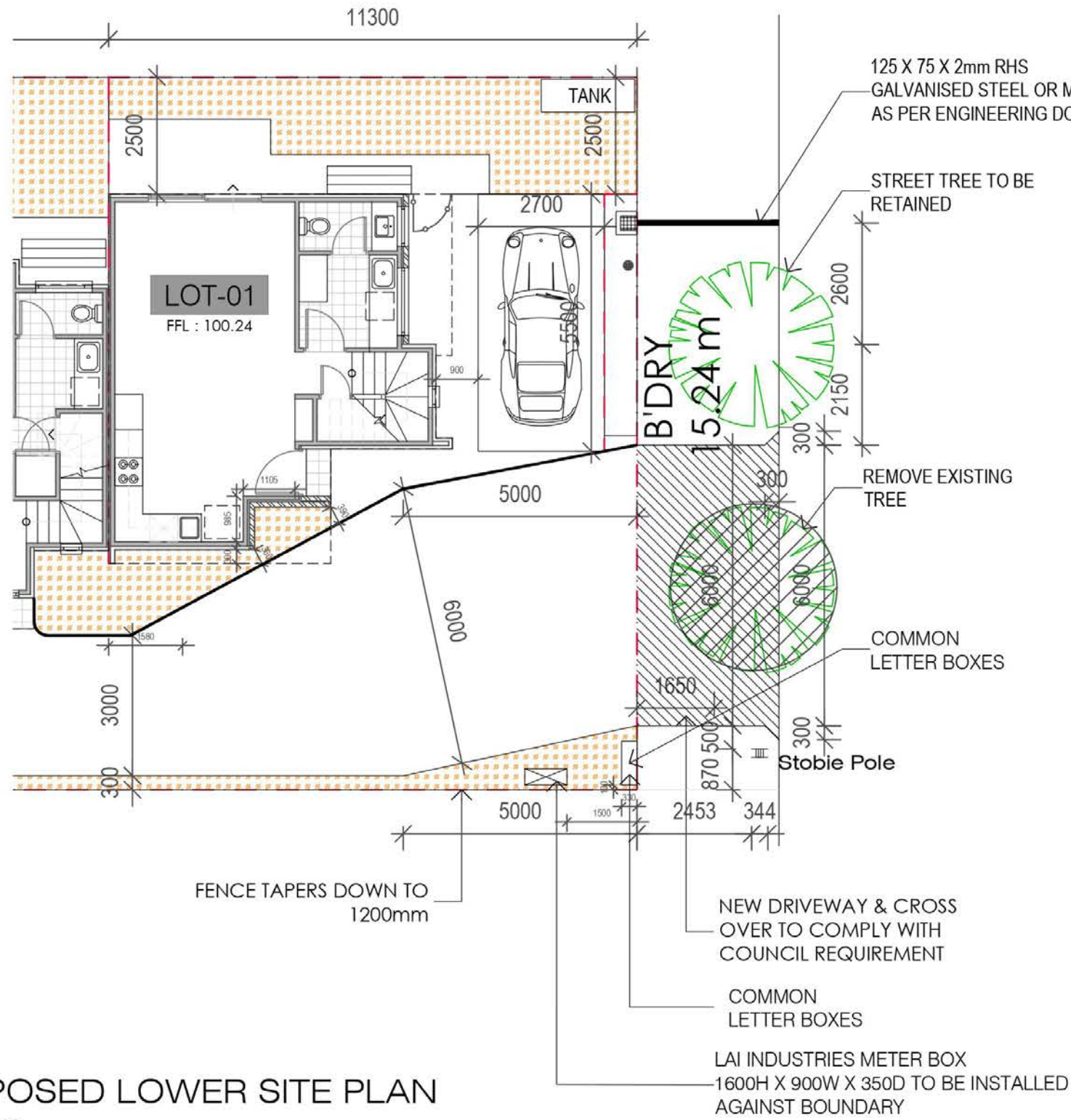
HEWISON  
PD-1  
JOB# 012

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# PROPOSED LOWER SITE PLAN

SCALE 1:100



D A L Y S T R E E T

HEVISION PD-1  
 Client: MICK LAMARCA (RISE PROPERTY GROUP)  
 Address: 40 DALY STREET, KURRALTA PARK  
 JOB# 012  
 2A of 15  
 scale at A3  
 ar.man0015@gmail.com | 0406 334 344 | 0406 203 344

PROPOSED LOT-01

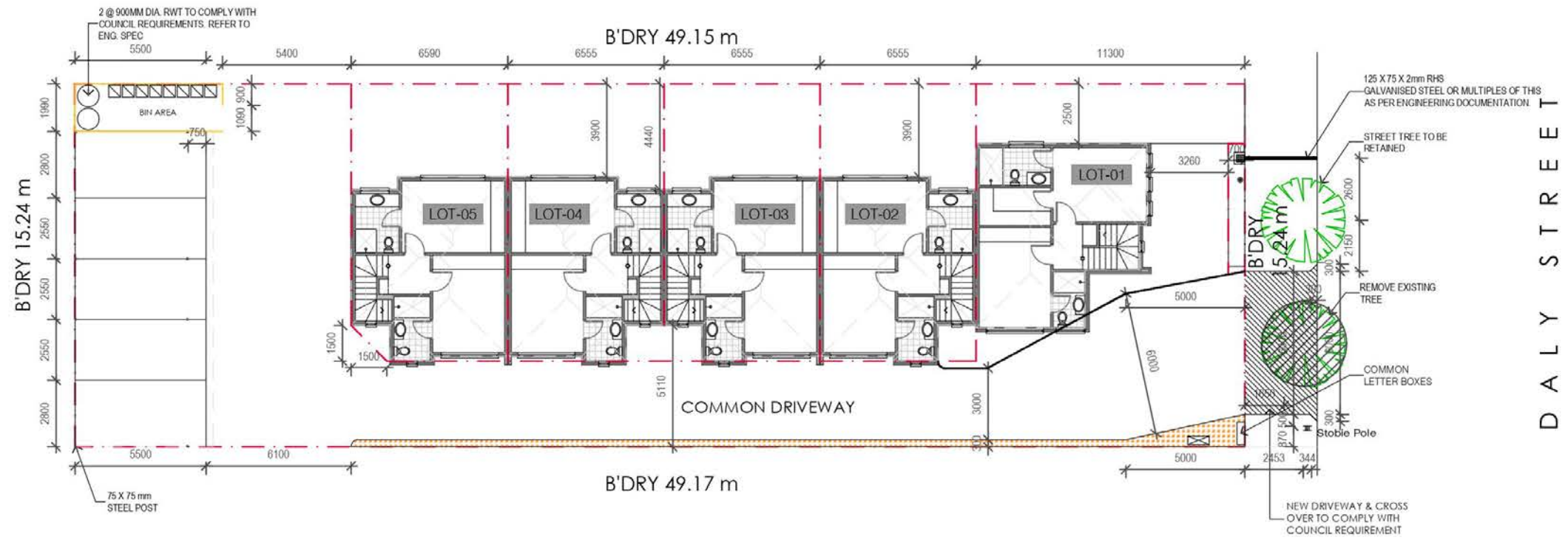
SITE AREA	116.68m <sup>2</sup>
SITE COVERAGE	45.15m <sup>2</sup> : 38.70%
P.O.S	41.70 m <sup>2</sup> : 37%

PROPOSED LOT - 02, 03 & 04

SITE AREA	91.27 m <sup>2</sup>
SITE COVERAGE	45.96m <sup>2</sup> : 50.35%
P.O.S	25.55 m <sup>2</sup> : 28%

PROPOSED LOT - 05

SITE AREA	91.70 m <sup>2</sup>
SITE COVERAGE	46.2m <sup>2</sup> : 50.38%
P.O.S	25.70m <sup>2</sup> : 28%



D A L Y S T R E E T

PROPOSED UPPER SITE PLAN  
SCALE 1:250

03 of 15  
scale at A3

Client: MICK LAMARCA (RISE PROPERTY GROUP)  
Address: 40 DALY STREET, KURRALTA PARK

REVISION  
PD-1

JOB# 012





ar.marco15@gmail.com | 0406 334 344 | 0406 203 344



LANSCAPING SCHEDULE

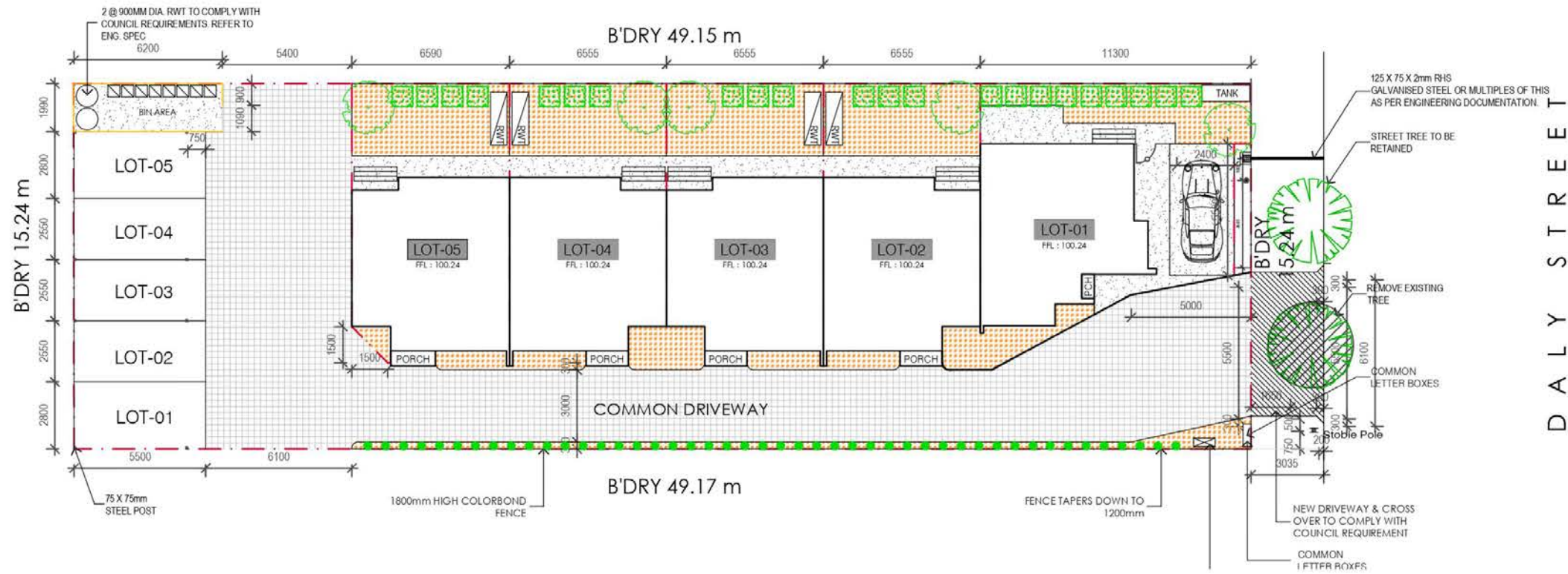
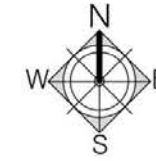
\* PLANTING SCHEDULE SUBJECT TO CHANGE

-  PYRUS CAPITAL ORNAMENTAL PEAR
-  HYMENOSPORUM NATIVE FRAGIPANI
-  LAGERSTROEMIA 'LIPAN'
-  GRASSES LEMANDRA CAREX
-  HEDGING MURRAYA 'LILLY PILLY'

-  MULCH GARDEN BED
-  IMPERIOUS PAVERS OR PAVING REFER TO SPECIFICATIONS FOR DETAIL
-  TYPICAL PAVING REFER TO SPECIFICATIONS FOR DETAIL
-  TYPICAL FENCING COLOURBOND GOOD NEIGHBOUR REFER TO SPECIFICATION FOR DETAIL

LEGEND

- TAP+FG: TAP ON A STAKE WITH FLOOD GULLY UNDERNEATH RAINWATER TANK (SEE ENGINEERS DWG FOR SIZE & DETAIL)
- RWT: RAINWATER TANK (SEE ENGINEERS DWG FOR SIZE & DETAIL)
- A/C: AIR CONDITIONER (SEE DETAIL FROM AC CONTRACTOR)
- HWS: HOT WATER SYSTEM (SEE SPECIFICATION FOR DETAIL)
- M.B: METER BOX
- W.M: WATERMETER
- LB: LETTERBOX



LANDSCAPE PLAN  
SCALE 1:200

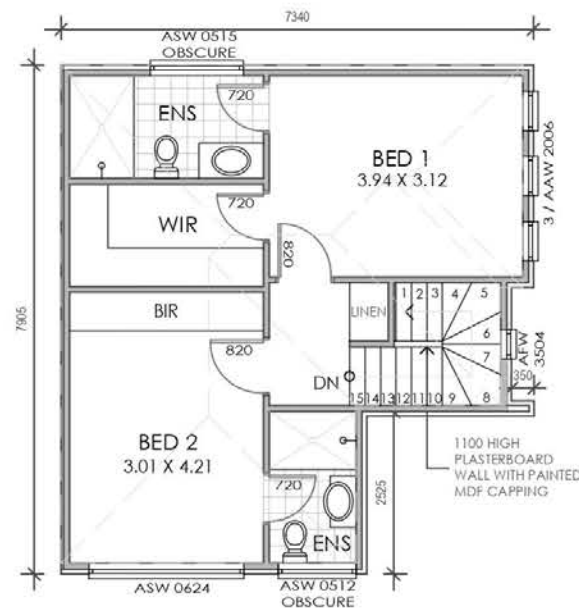
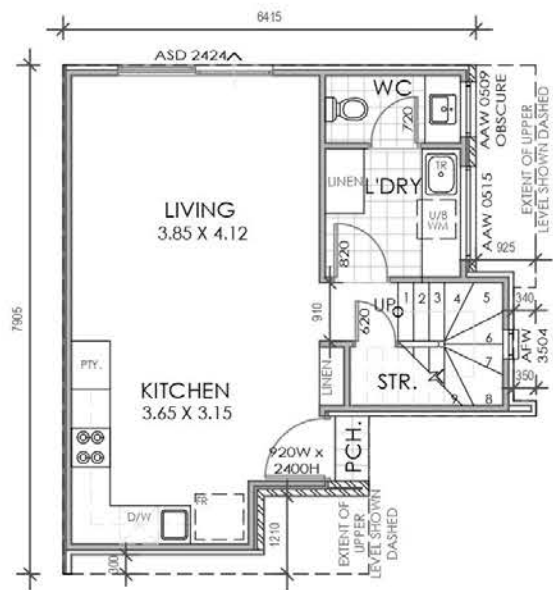
4 OF 15  
scale at A3

Client: MICK LAMARCA (RISE PROPERTY GROUP)  
Address: 40 DALY STREET, KURRALTA PARK

D A L Y S T R E E T

REVISION  
PD-1  
JOB# 012

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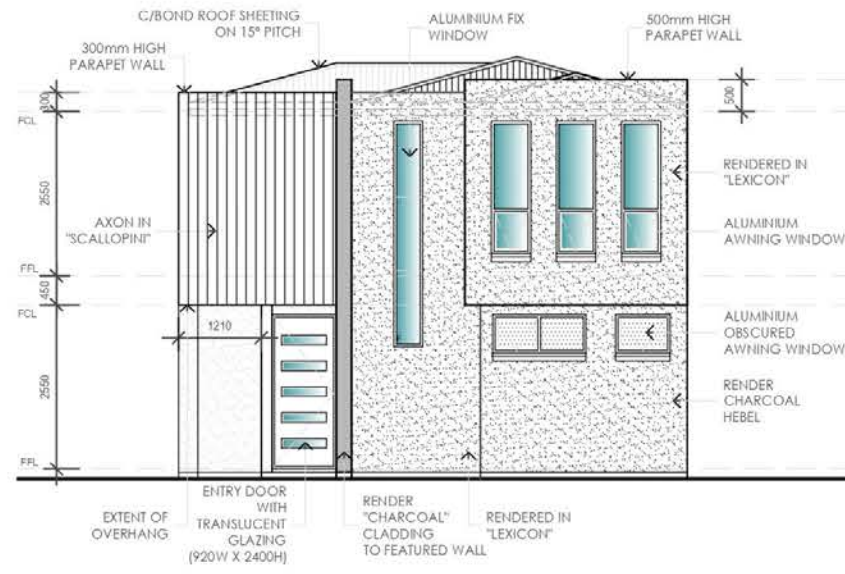


PROP. LOT - 01

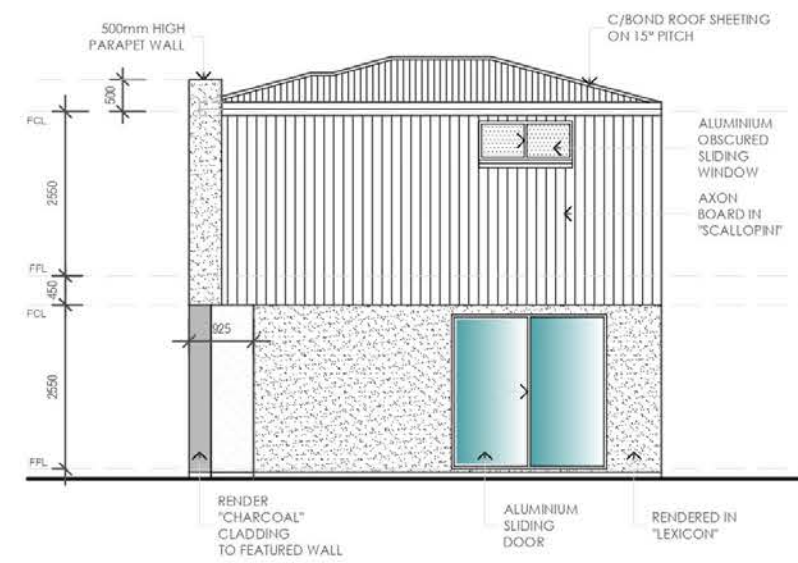
AREAS	m <sup>2</sup>
Lower Living	44.63
Upper Living	51.00
Porch	0.52
Alfresco	0.00
<b>TOTAL</b>	<b>96.15</b>

NOTE : "CSR 100 PARTI WALL"

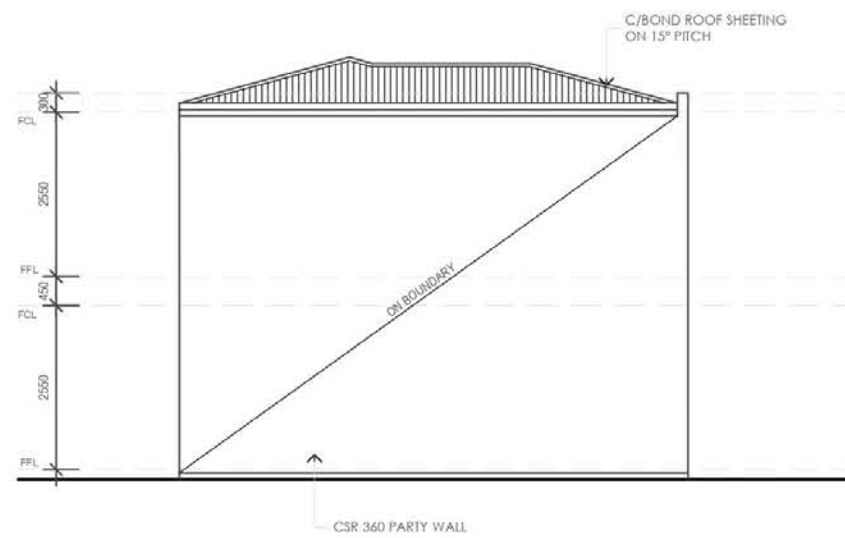
PROPOSED FLOOR PLAN - LOT 01  
SCALE 1:100



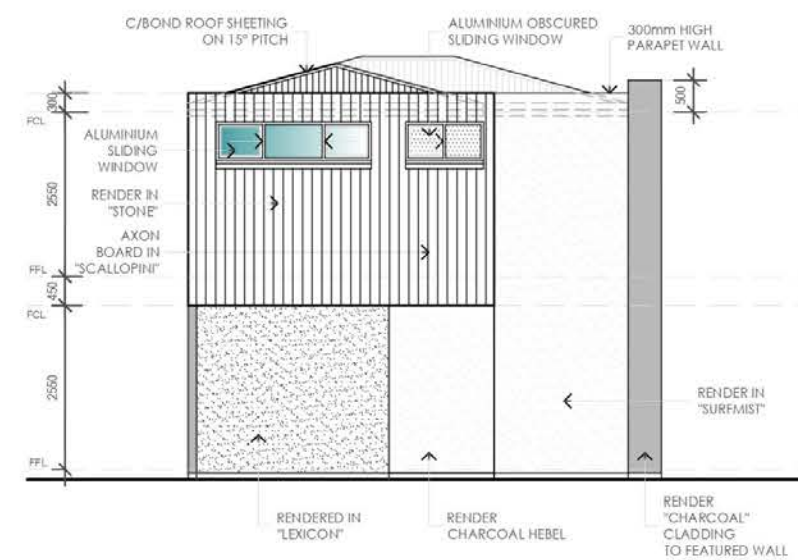
FRONT ELEVATION -  
LOT - 01  
SCALE 1:100



SIDE ELEVATION -  
LOT - 01  
SCALE 1:100



REAR ELEVATION -  
LOT - 01  
SCALE 1:100



SIDE ELEVATION -  
LOT - 01  
SCALE 1:100

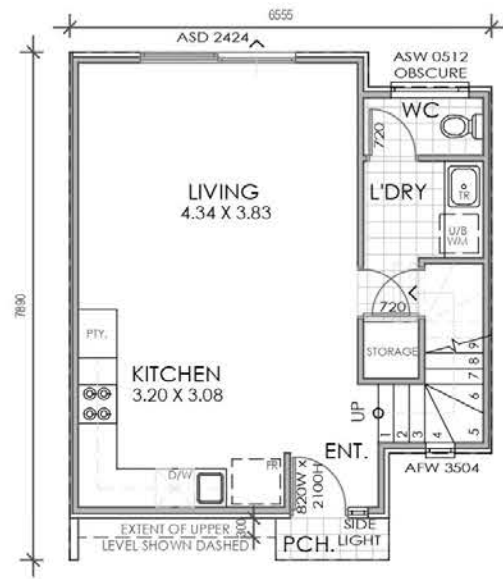
06 of 15  
scale at A3

Client: MICK LAMARCA (RISE PROPERTY GROUP)  
Address: 40 DALY STREET, KURRALTA PARK

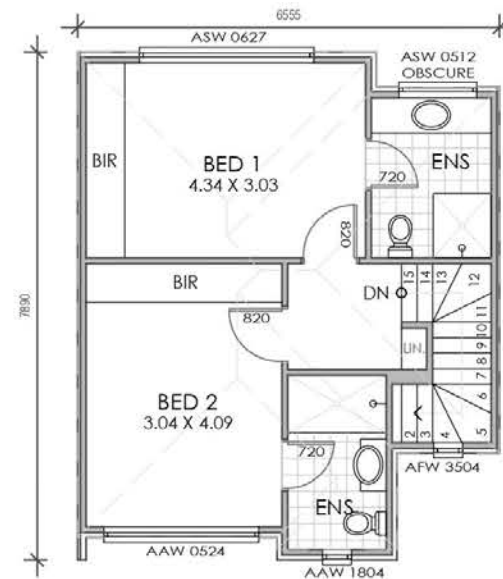
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PD-1  
JOB# 012

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LOWER FLOOR PLAN



UPPER FLOOR PLAN

PROP. LOT - 02,  
04 (LOT-03 MIRROR)

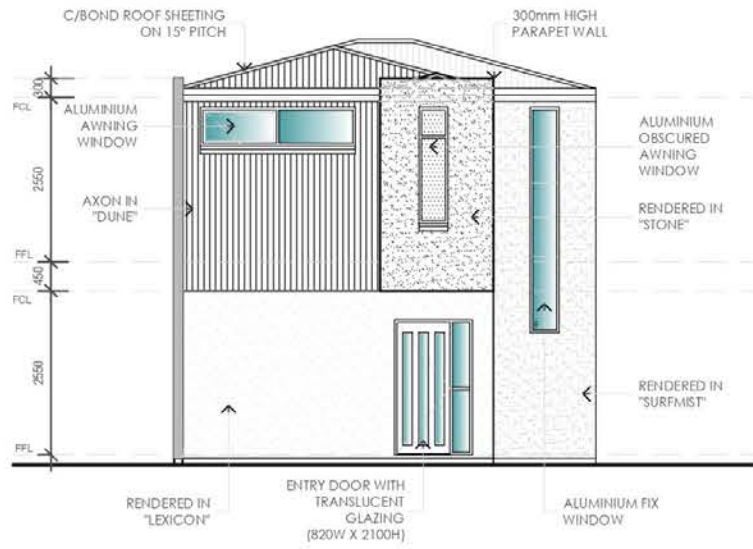
AREAS	m <sup>2</sup>
Lower Living	44.82
Upper Living	47.00
Porch	1.14
Alfresco	0.00
<b>TOTAL</b>	<b>92.96</b>

NOTE: "CSR 100 PARTI WALL"

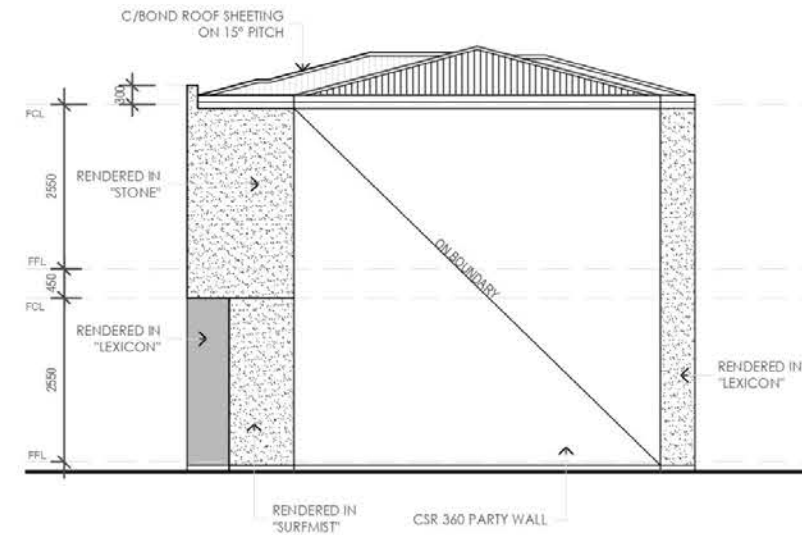
PROPOSED FLOOR PLAN - LOT 02-04 (LOT-03 - MIRROR)

SCALE 1:100

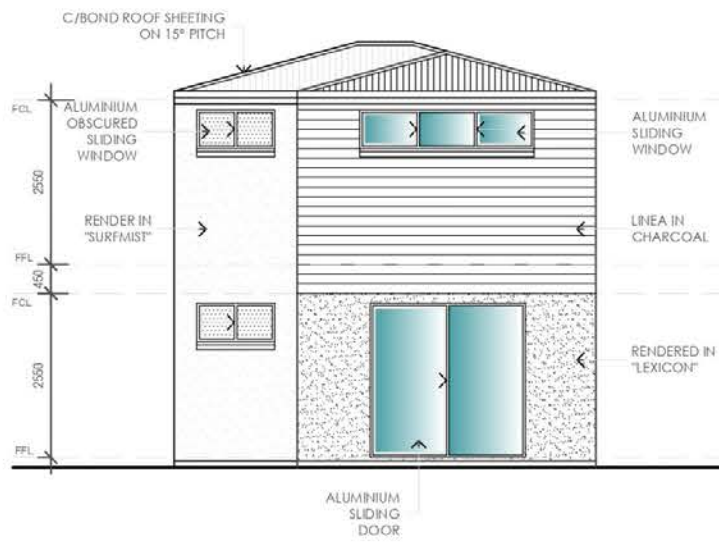




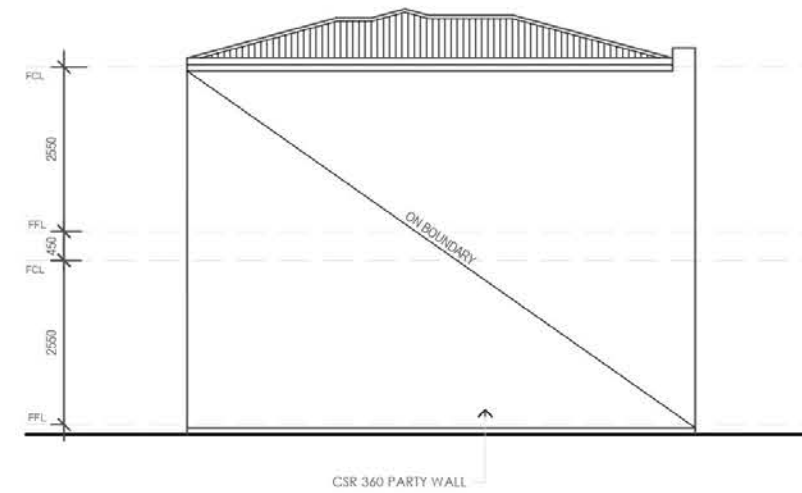
FRONT ELEVATION -  
LOT - 02 & LOT -04  
SCALE 1:100



SIDE ELEVATION -  
LOT - 02 & LOT -04  
SCALE 1:100



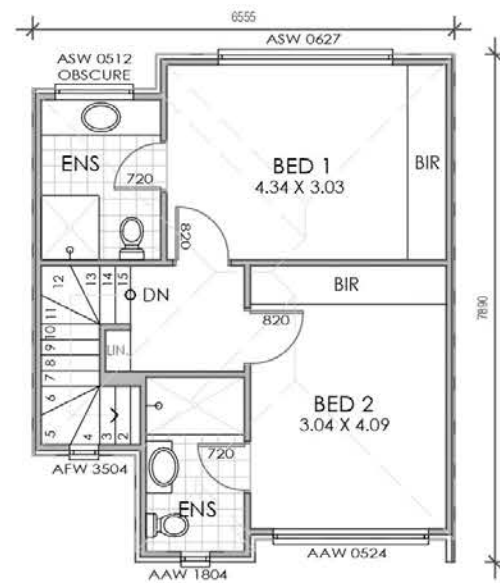
REAR ELEVATION -  
LOT - 02 & LOT -04  
SCALE 1:100



SIDE ELEVATION -  
LOT - 02 & LOT -04  
SCALE 1:100



LOWER FLOOR PLAN



UPPER FLOOR PLAN

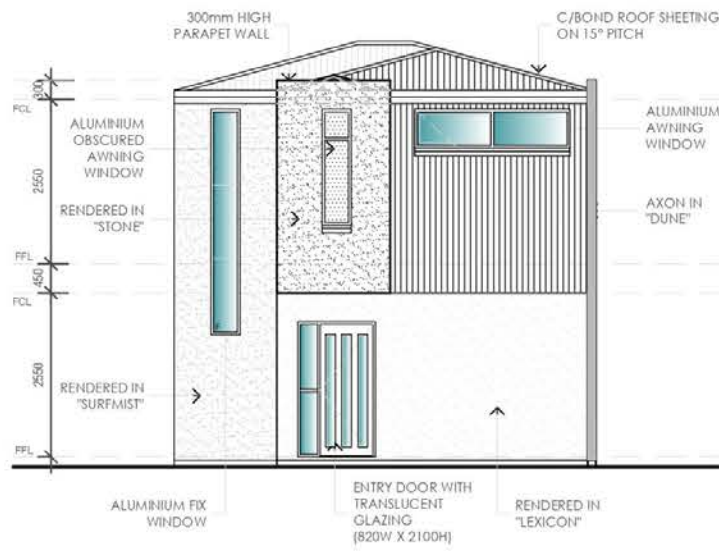
PROP. LOT - 03

AREAS	m <sup>2</sup>
Lower Living	44.82
Upper Living	47.00
Porch	1.14
Alfresco	0.00
<b>TOTAL</b>	<b>92.96</b>

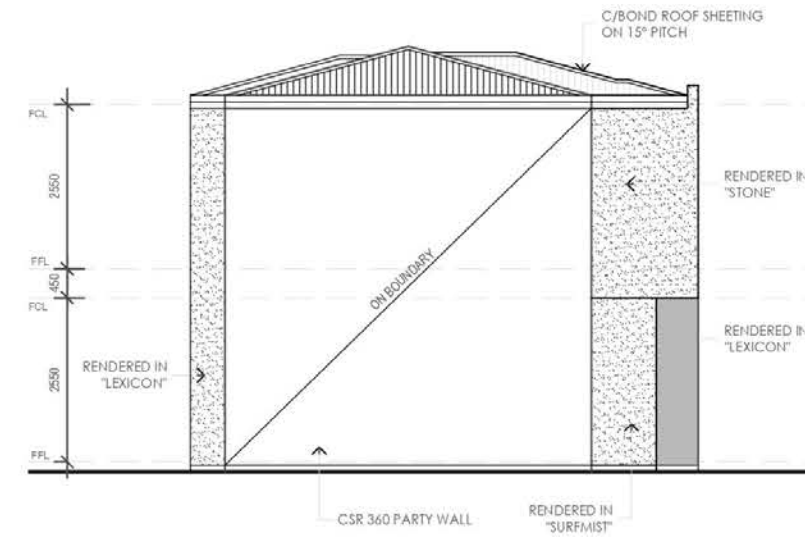
NOTE: "CSR 100 PARTI WALL"

PROPOSED FLOOR PLAN - LOT 03

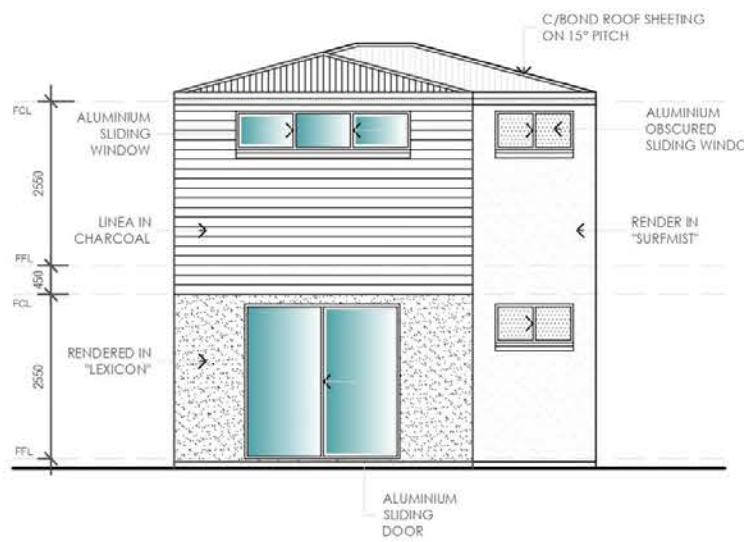
SCALE 1:100



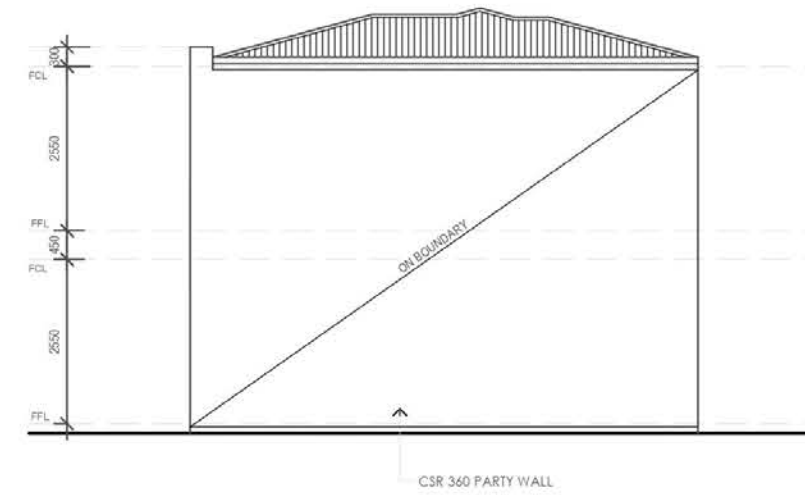
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LOT - 03  
SCALE 1:100



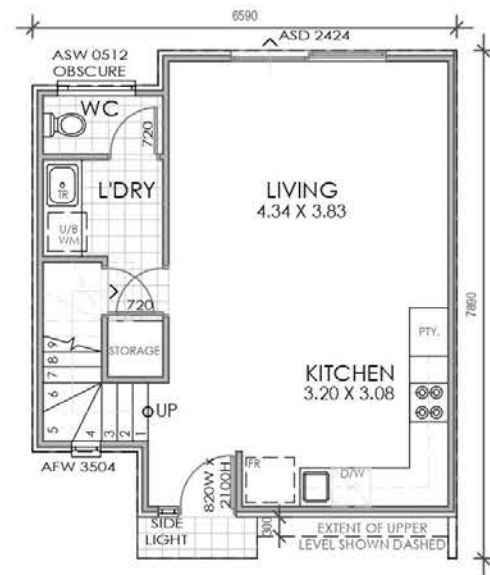
SIDE ELEVATION -  
LOT - 03  
SCALE 1:100



REAR ELEVATION -  
LOT - 03  
SCALE 1:100



SIDE ELEVATION -  
LOT - 03  
SCALE 1:100



LOWER FLOOR PLAN



UPPER FLOOR PLAN

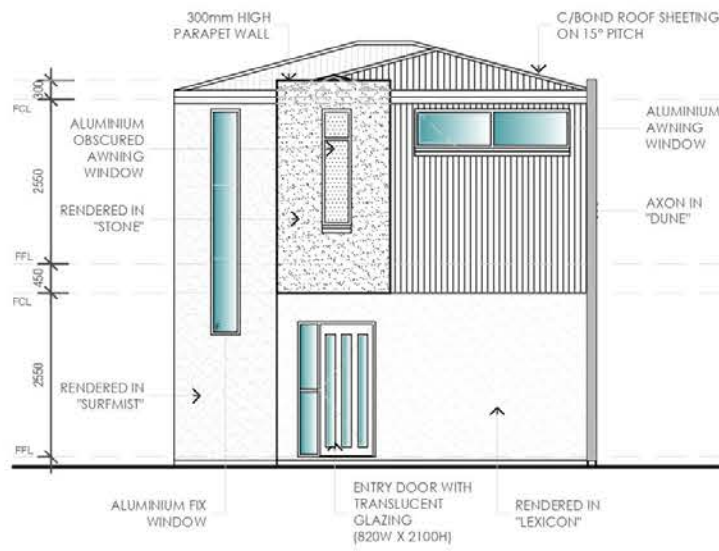
PROP. LOT - 05

AREAS	m <sup>2</sup>
Lower Living	45.00
Upper Living	47.15
Porch	1.20
Alfresco	0.00
<b>TOTAL</b>	<b>93.35</b>

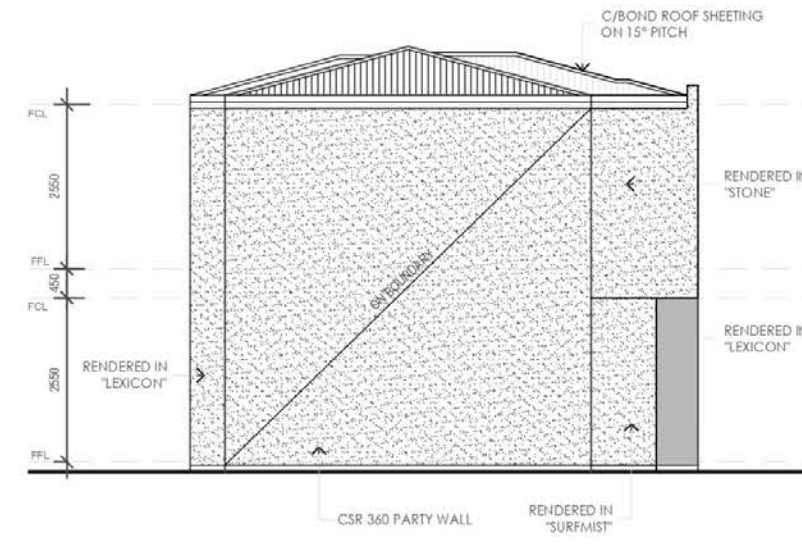
NOTE : "CSR 100 PARTI WALL"

PROPOSED FLOOR PLAN - LOT 05  
SCALE 1:100

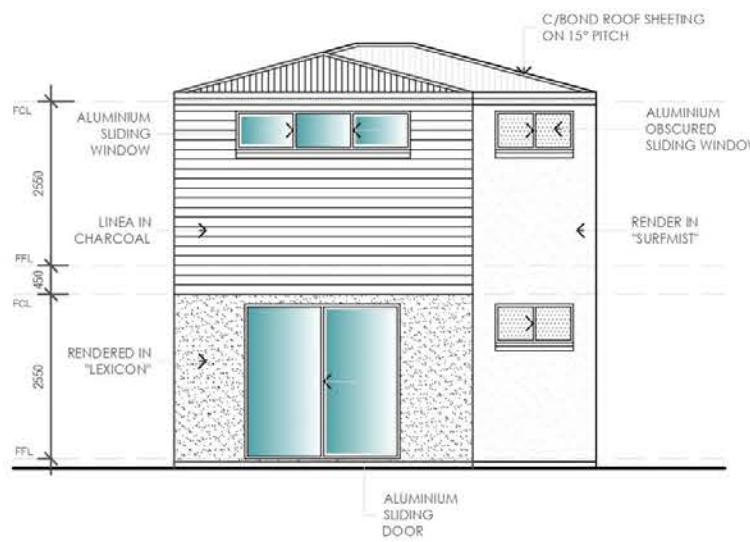




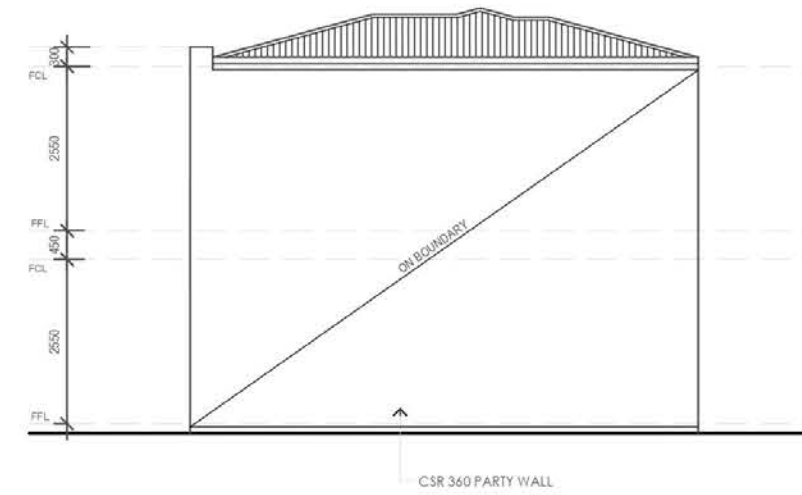
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LOT - 05  
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SIDE ELEVATION -  
LOT - 05  
SCALE 1:100



REAR ELEVATION -  
LOT - 05  
SCALE 1:100



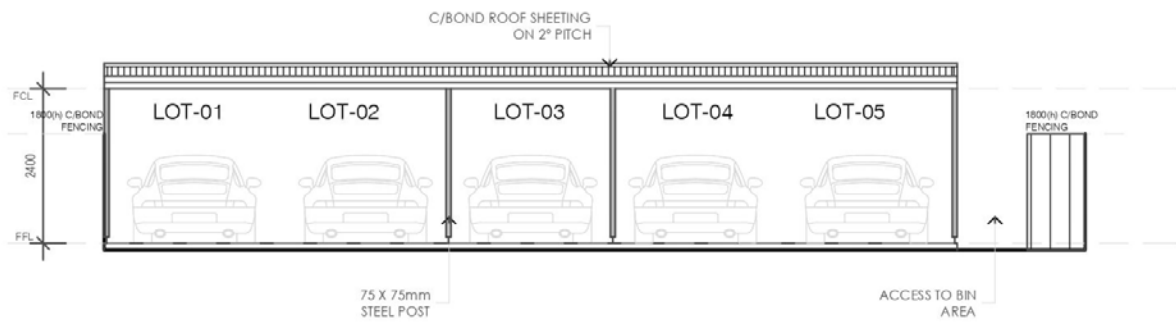
SIDE ELEVATION -  
LOT - 05  
SCALE 1:100

12 OF 15  
scale at A3

Client: MICK LAMARCA (RISE PROPERTY GROUP)  
Address: 40 DALY STREET, KURRALTA PARK

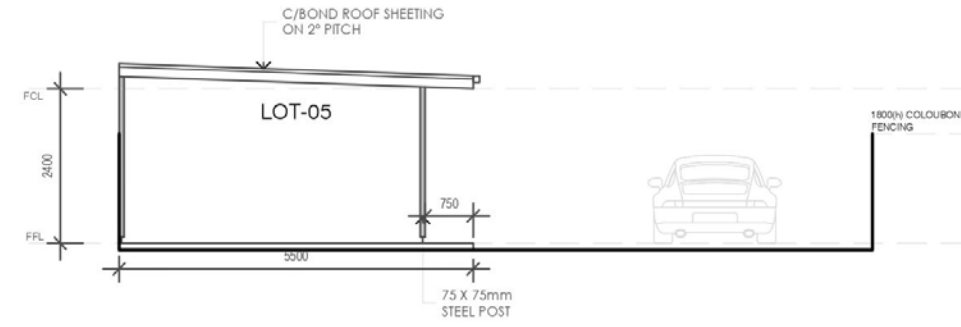
REVISION  
PD-1  
JOB# 012

ar:marco15@gmail.com | 0406 334 344 | 0406 203 344



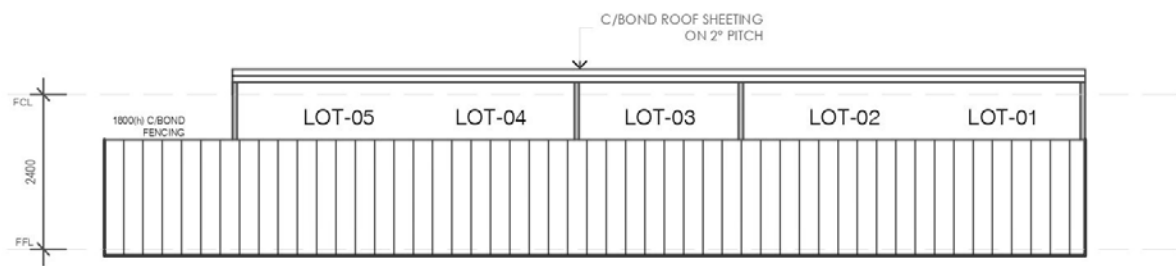
CARPORT FRONT ELEVATION

SCALE 1:100



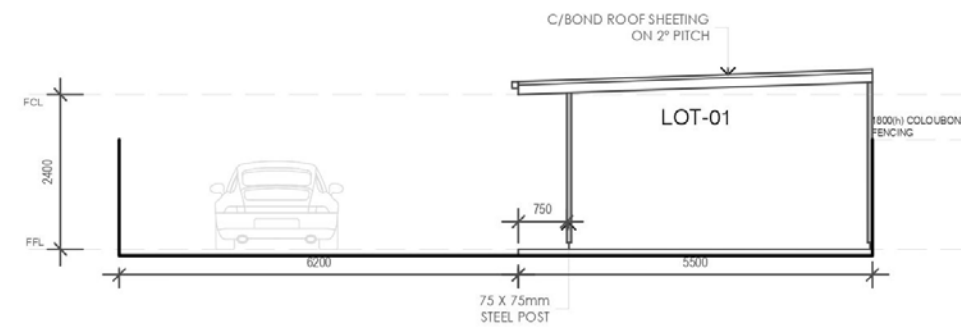
CARPORT SIDE ELEVATION

SCALE 1:100



CARPORT REAR ELEVATION

SCALE 1:100



CARPORT SIDE ELEVATION

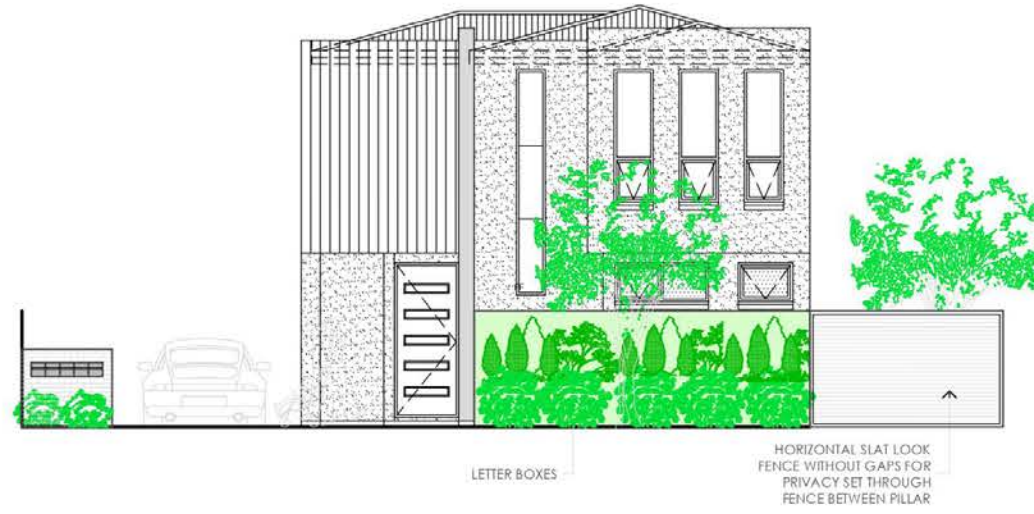
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13 OF 15  
scale at A3

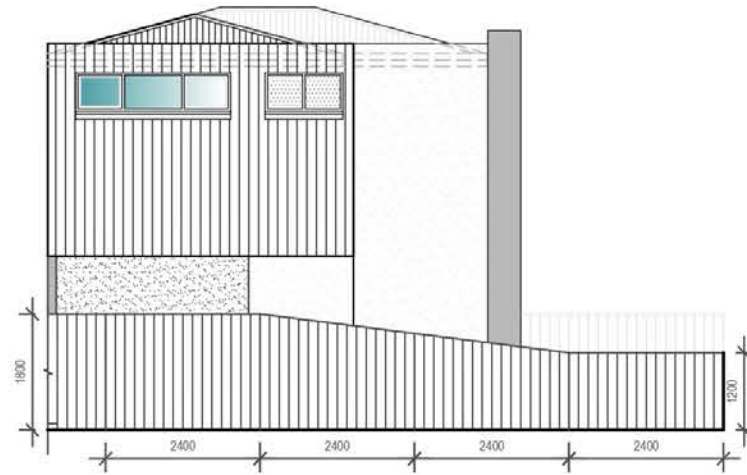
Client: MICK LAMARCA (RISE PROPERTY GROUP)  
Address: 40 DALY STREET, KURRALTA PARK

REVISION  
PD-1  
JOB# 012

ar.man015@gmail.com | 0406 334 344 | 0406 203 344



FRONT STREETSCAPE - DALY STREET  
SCALE 1:200



SIDE STREETSCAPE FENCING ELEVATION  
SCALE 1:200



### NORTHERN ELEVATION - COMMON DRIVEWAY

SCALE : NTS



### SOUTHERN ELEVATION

SCALE : NTS

15 of 15  
scale at A3

Client: MICK LAMARCA (RISE PROPERTY GROUP)  
Address: 40 DALY STREET, KURRALTA PARK

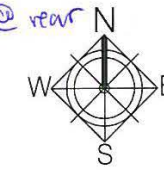
REVISION  
PD-1  
JOB# 012

ar.marco15@gmail.com | 0406 334 344 | 0406 203 344



40 Daly St Indicative Storm Water Layout.

Notes: 100% of roof to RWT'S  
100% of carports to RWT'S @ rear



PROPOSED LOT-01

SITE AREA	116.68m <sup>2</sup>
SITE COVERAGE	45.15m <sup>2</sup> : 38.70%
P.O.S	41.70 m <sup>2</sup> : 37%

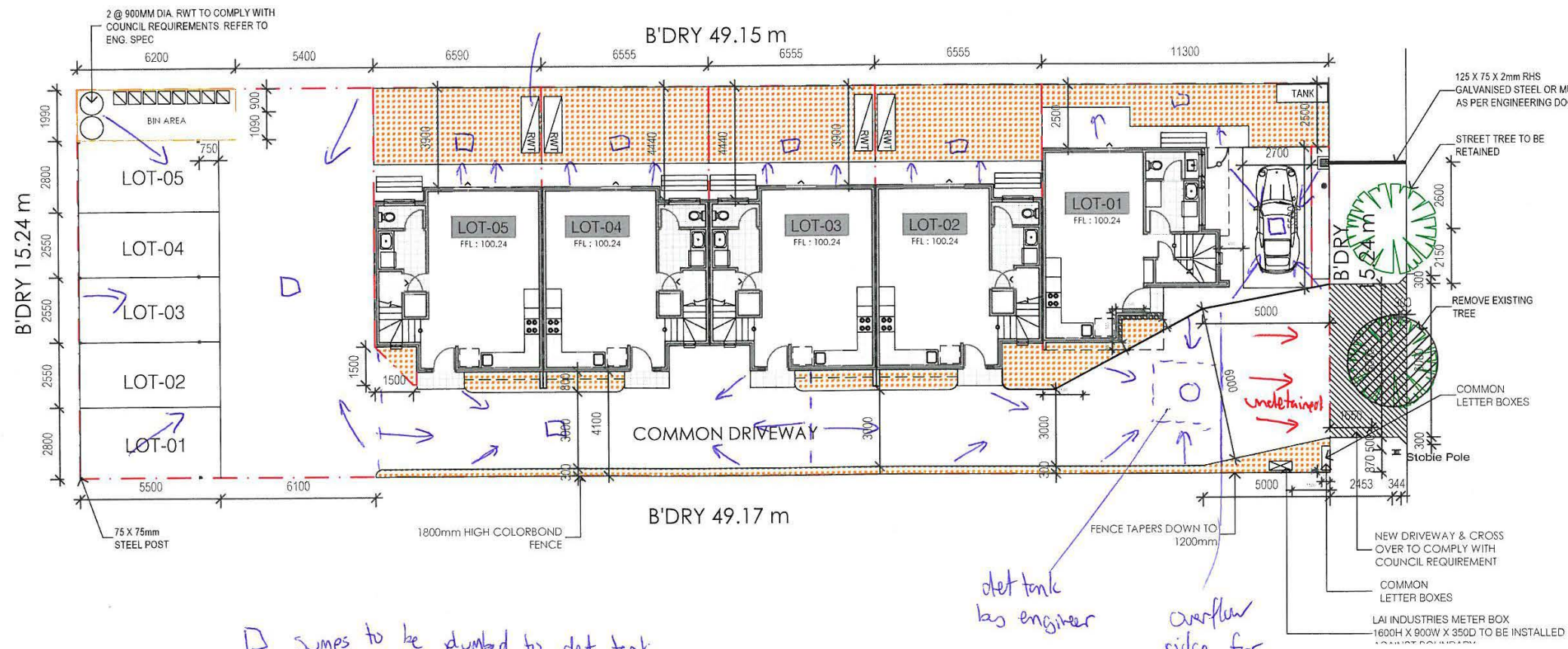
PROPOSED LOT - 02, 03 & 04

SITE AREA	91.27 m <sup>2</sup>
SITE COVERAGE	45.96m <sup>2</sup> : 50.35%
P.O.S	25.55 m <sup>2</sup> : 28%

PROPOSED LOT - 05

SITE AREA	91.70 m <sup>2</sup>
SITE COVERAGE	46.2m <sup>2</sup> : 50.38%
P.O.S	25.70m <sup>2</sup> : 28%

RWT'S to be 100L net 1000L det (2kl total)



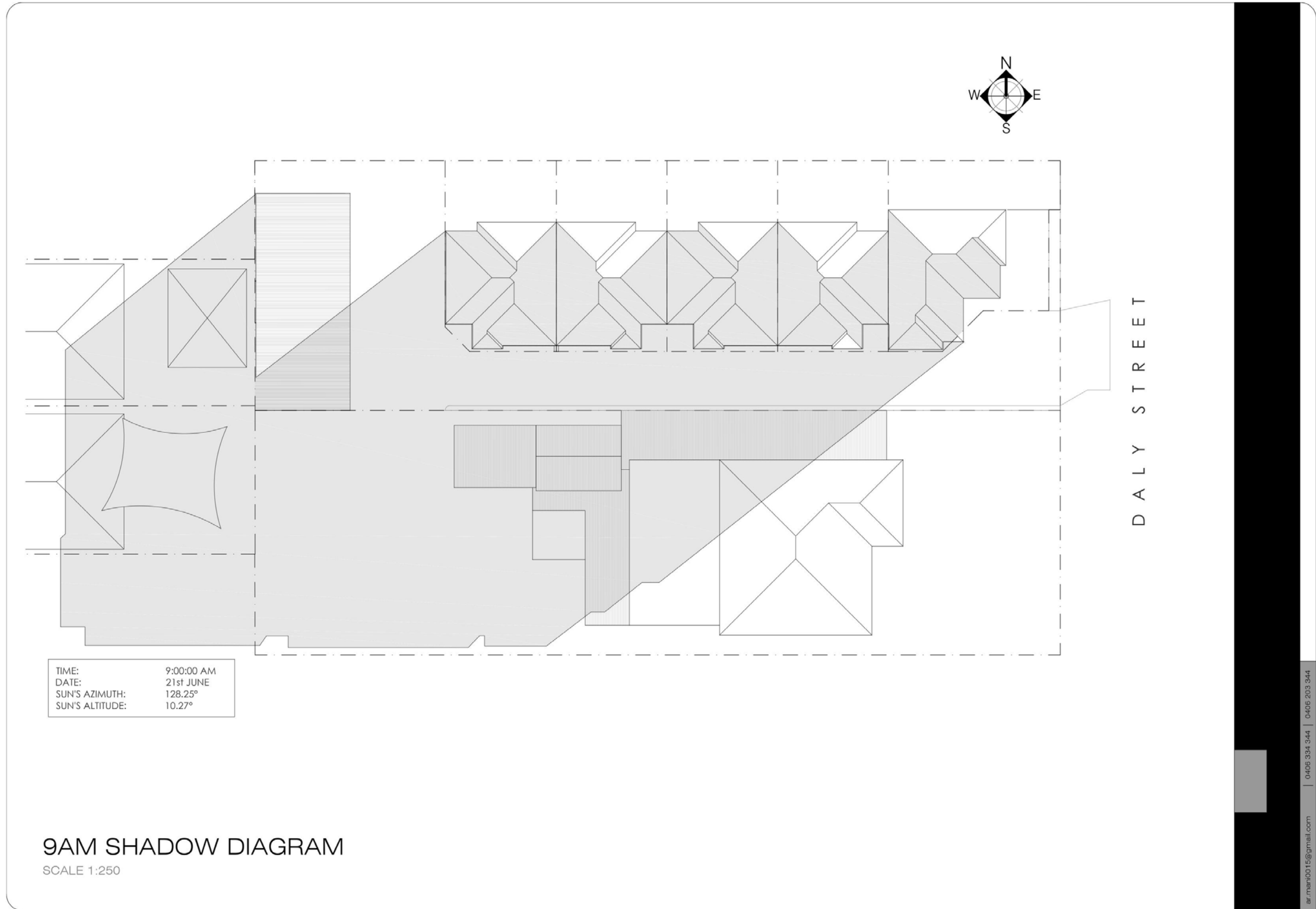
D A L Y S T R E E T

02 OF 15  
scale at A3

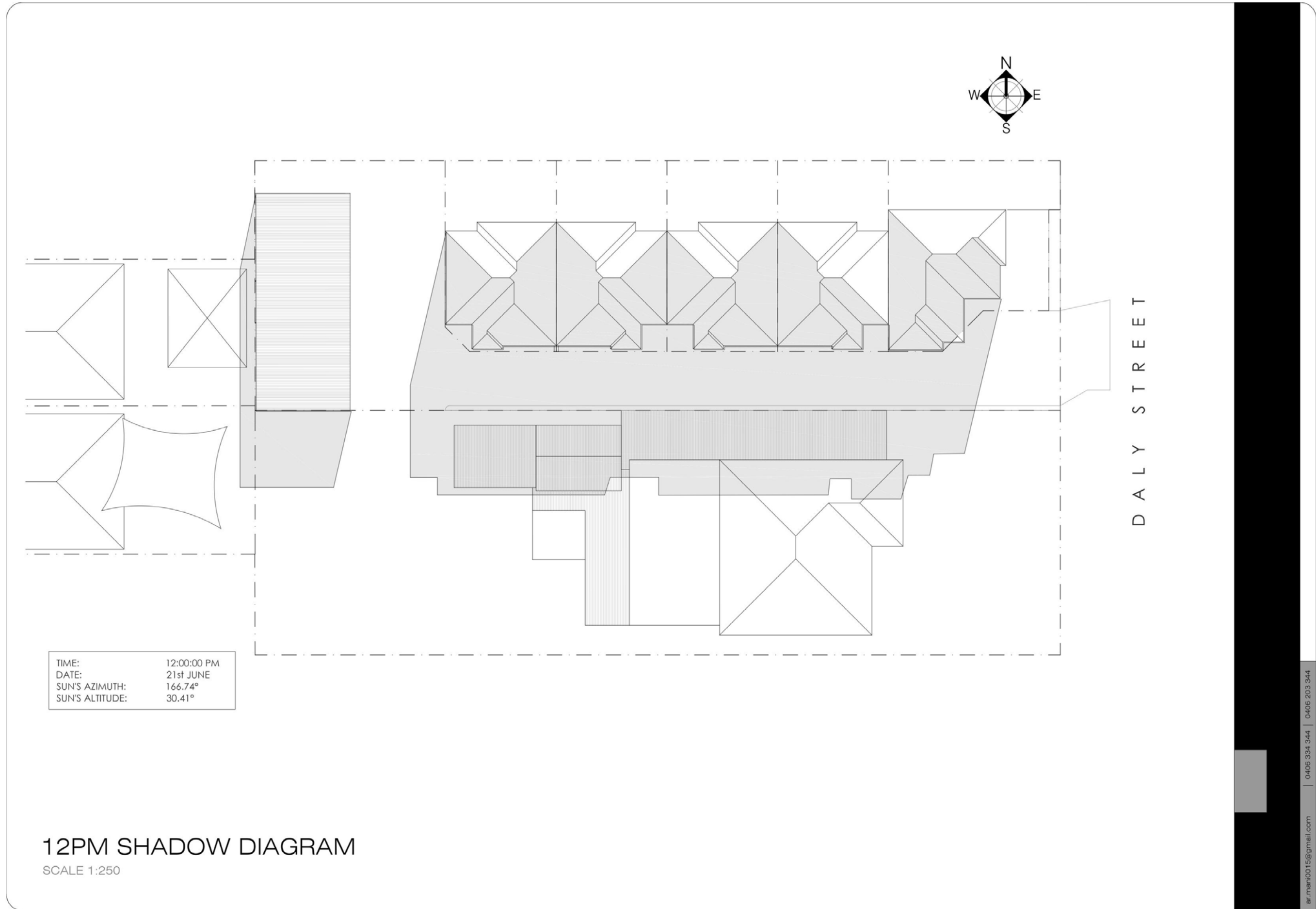
Client: MICK LAMARCA (RISE PROPERTY GROUP)  
Address: 40 DALY STREET, KURRALTA PARK

REVISION PD-1  
JOB# 012  
arman012@gmail.com | 0406 334 344 | 0406 205 344

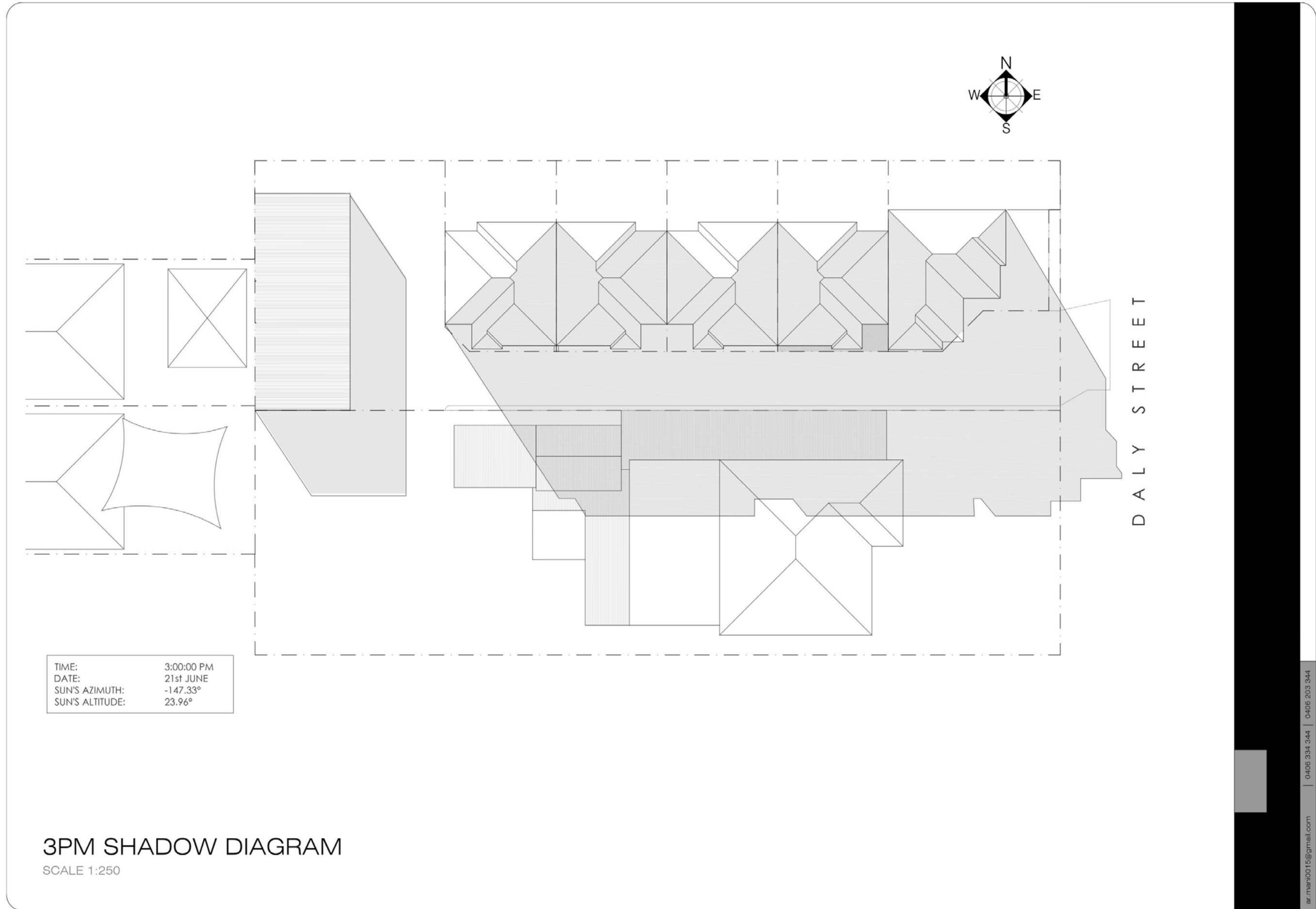
PROPOSED LOWER SITE PLAN  
SCALE 1:200



armani0015@gmail.com | 0406 334 344 | 0406 203 344



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armani0015@gmail.com | 0406 334 344 | 0406 203 344

**TITLE:** CONTOUR SURVEY  
**ADDRESS:** No. 40 DALY STREET  
 KURRALTA PARK

**CLIENT:** RISE PROPERTY GROUP

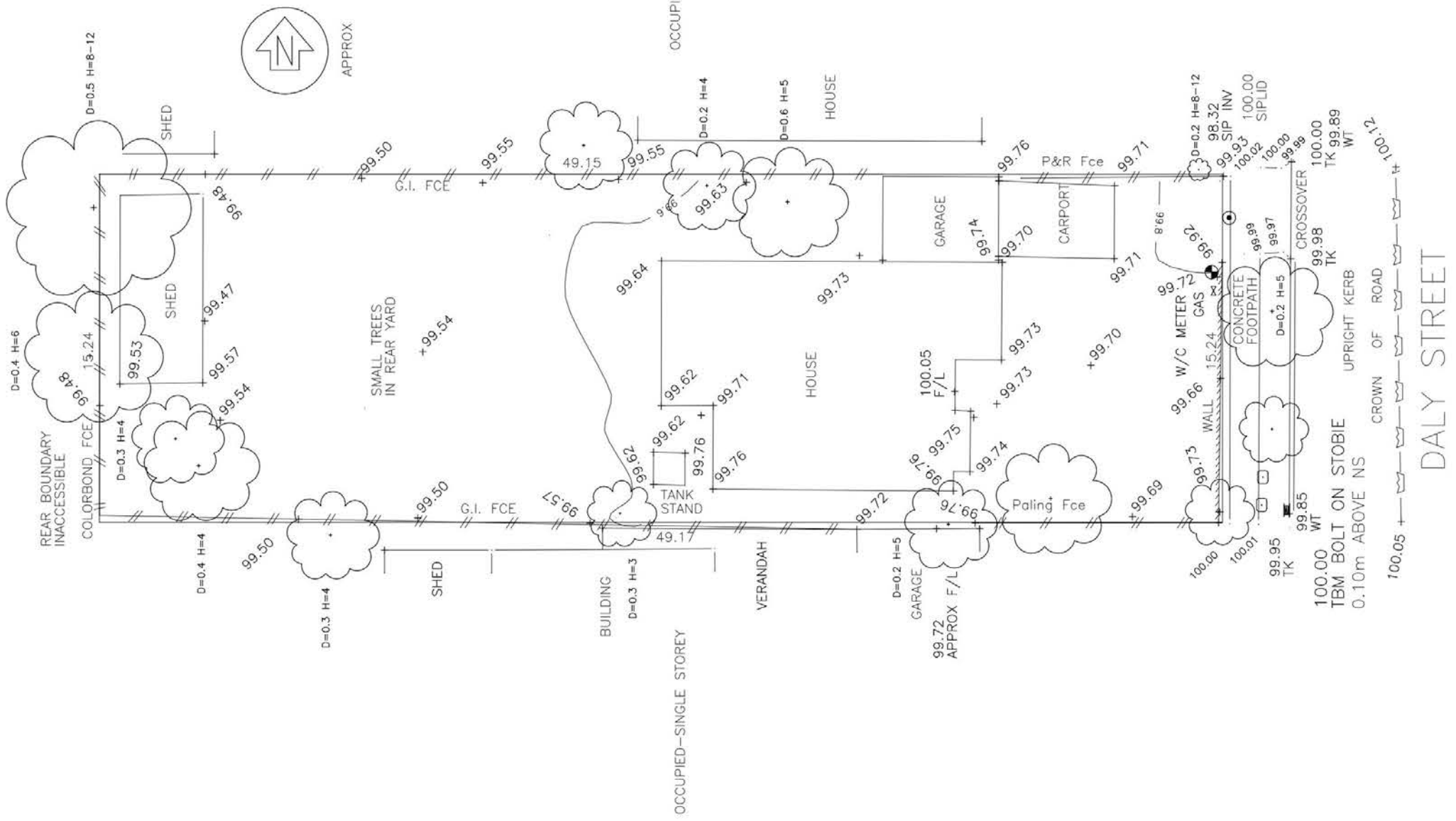
**Residential Commercial Industrial Consulting Engineers**  
 1 Howke Street  
 ALBERT PARK, SA 5014  
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 admin@rciconsulting.com.au  
 www.rciconsulting.com.au

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**JOB No. P27694** SHEET No. 1 of 1 ISSUE No. —  
 DRAWN: C.S. DESIGN: D.A. DATE: 26-Jul-19

SCALE 1:200 METRES

No.	REVISION	BY	DATE



**SURVEY LEGEND**

- E.T.S.A.
- SEWER I.P.
- TELECOM
- ⊕ LIGHT POLE
- ⊞ STOBIE POLE
- PEG
- WATER CONNECTION
- STORMWATER I.P.

THIS IS A LAND SURVEY ONLY, THEREFORE THE CORRELATION BETWEEN DRAWING AND THE PLOTTED BOUNDARY IS FOR INDICATION PURPOSES. THE MEASUREMENTS GIVEN SHOULD BE USED AS A GUIDE ONLY. FOR POSSIBLE EASEMENT DETAILS, REFER TO CERTIFICATE OF TITLE. PLOTTED POSITION OF BOUNDARY IS APPROXIMATE ONLY. SITE DIMENSIONS SHALL BE CONFIRMED BY OWNER.

A3

FORM 12 (V. 1.0) 1/18  
 CUDATA Orig: SA  
**AG 13175332**  
  
 11:25 16-Sep-2019  
 1 of 1

LANDS TITLES REGISTRATION OFFICE  
 SOUTH AUSTRALIA

FORM APPROVED BY THE REGISTRAR-GENERAL

PRIORITY NOTICE ID	
--------------------	--

**BELOW THIS LINE FOR OFFICE &  
 STAMP DUTY PURPOSES ONLY**

SERIES NO	PREFIX
1	AG

AGENT CODE


LODGED BY: SAHT

CORRECTION TO:

SOUTH AUSTRALIAN HOUSING TRUST SAHT

SUPPORTING DOCUMENTATION LODGED WITH INSTRUMENT  
 (COPIES ONLY)

- 1
- 2
- 3
- 4
- 5

CORRECTION	PASSED <i>MM</i>
REGISTERED 3/10/19	
<i>Mark McPike</i>  REGISTRAR-GENERAL	



# TYPE OF DOCUMENT

## APPLICATION TO NOTE LAND MANAGEMENT AGREEMENT

**PRIVACY COLLECTION STATEMENT:** The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements.

(Pursuant to s 57(5) of the Development Act 1993)

To the Registrar-General:

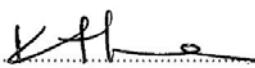
1. The **MINISTER FOR PLANNING** a body corporate constituted by a proclamation made pursuant to s 7(1) of the *Administrative Arrangements Act 1994* ("the Minister" ) of 12th Floor 136 North Terrace Adelaide South Australia 5000 has entered into the attached Land Management Agreement dated the 9<sup>th</sup> day of September 2019 ("the Agreement" ) with **MICHAEL FRANK LAMARCA** of 2 Moss Avenue Marleston South Australia 5033 pursuant to Section 57(1) of the *Development Act 1993* ("the Act" ).
2. The Agreement relates to the whole of the land comprised in Certificates of Title Volume 5441 Folios 223 ("the Land" ).

**NOW THEREFORE** the Minister applies pursuant to s 57(5) of the Act to note the Agreement against the Land.

Dated 9<sup>th</sup> day of SEPTEMBER 2019

**SIGNED** by Chief Executive South Australian )  
 Housing Trust by authority of the **MINISTER** )  
**FOR PLANNING** pursuant to Section 20 of )  
 the *Development Act 1993* in the presence of: )

  
 Michael Buehan, Chief Executive South Australian Housing Trust  
 Deborah Dickson, Acting Chief Executive South Australian Housing Trust

  
Signature of Witness

KRISTY HASSAM  
Full Name of Witness

C/- South Australian Housing Authority  
Level 5, Riverside Centre  
North Terrace Adelaide SA 5000

Phone: 82071311

# **Affordable Housing Land Management Agreement**

*dated the date specified in Item 1 of the Schedule*

## *Parties*

---

**Minister for Planning** a body corporate pursuant to the *Administrative Arrangements Act 1994 (SA)* of 12<sup>th</sup> Floor, 136 North Terrace, Adelaide SA 5000 ("**Minister**")

**and**

**The entity named in Item 2 of the Schedule**, of the address specified in Item 2 of the Schedule ("**Owner**")



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# Background

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## BACKGROUND

- A. *The Owner is the registered proprietor of the Land.*
- B. *The Owner acknowledges that the South Australian Government, via the South Australian Planning Strategy is committed to increasing both affordable home purchase and rental opportunities, and high need housing opportunities for South Australians, and that the planning strategy establishes a target of at least fifteen percent (15%) affordable housing in all significant new developments.*
- C. *The Minister and the Owner wish to manage the Land and to control development of the Land to ensure that the Government's affordable housing targets as set out in Background B above, are met.*
- D. *Pursuant to the provisions of Section 57(1) of the Act the Owner has agreed with the Minister to enter into this Agreement relating to any proposed development of the Land subject to the terms and conditions set out in this Agreement.*
- E. *The parties acknowledge that the matters recited in the Background and Schedule to this Agreement are true and accurate and agree that they form part of this Agreement.*
- F. *The Owner acknowledges that they must adhere to the obligation set out within this Land Management Agreement as it is their intention to utilise development concessions associated with the development of affordable housing to assist the assessment (by the relevant authority) of application(s) for development on the Land.*

# Agreed Terms

---

## 1. DEFINITIONS AND INTERPRETATIONS

*In this Agreement:*

- 1.1 **Act** means the Development Act 1993 (SA), and its replacement the Planning Development and Infrastructure Act 2016 (SA);
- 1.2 **Affordable Homes Program** is the marketing brand and activity used by the State Government to target affordable housing exclusively to eligible home buyers;
- 1.3 **Affordable Housing Apartment** means an apartment constructed, or to be constructed, on the Land that meets the criteria for affordable housing specified in the Notice;
- 1.4 **Affordable Housing Facilitation Agreement** means a legal agreement made between the South Australian Government and a provider of housing which recognises, records and secures the policy and the respective financial interests agreed between the parties in respect to the provision of affordable housing;
- 1.5 **Affordable Housing Property** means a property created on the Land by the Plan of Division, and may be either a completed or partially completed:
  - (a) Affordable Housing House and Land Package;
  - (b) Affordable Housing Dwelling;
  - (c) Affordable Housing Apartment;
  - (d) Land Only Affordable Housing Allotment
- 1.6 **Affordable Housing Plan** means the plan developed by the Owner and approved by the Manager in accordance with clause 2.2 of this Agreement;
- 1.7 **Community Housing Provider** is a community housing provider under the Community Housing Providers (National Law) (South Australia) Act 2013 (SA) or a party which is a transitioning housing association or transitioning housing co-operative under that Act.
- 1.8 **Development Approval** means a development authorisation from the relevant authority under the Development Act 1993 but does not include building rules consent;
- 1.9 **Eligible Home Buyer (at the time of this Agreement and in any event as specified in the Notice)** means either:-
  - (a) a prospective homeowner listed on the SA Home Purchase Eligibility Register maintained by the SA Housing Authority; or
  - (b) a registered Community Housing Provider; or
  - (c) South Australian Housing Trust; or
  - (d) a housing provider that is subject to an affordable housing facilitation agreement with any Minister, instrumentality or agency of the Crown in the right of the State of South Australia; or
  - (e) a Person approved to provide affordable rental under the NRAS; or
  - (f) such other Person as the Minister may from time to time nominate to the Owner in writing;
- 1.10 **Exclusive Listing Period** is the period by which a property is offered for affordable home ownership opportunities, such as through the Affordable Homes Program.
- 1.11 **GST** means the tax imposed by the GST Law;

- 1.12 **GST Law** has the meaning attributed in the A New Tax System (Goods and Services Tax) Act 1999 (Cth);
- 1.13 **House and Land Package** means a package deal that includes both a new home and the land on which it is built. The buyer selects the block of land of their choice, then chooses from a number of standard or customised home designs.
- 1.14 **Land** means the whole of the land comprised in the Certificates of Title specified in Item 3 of the Schedule and includes any part or parts of the Land;
- 1.15 **Land Only Affordable Housing Allotment** means an Affordable Housing Property that is not a completed or partially completed a House and Land Package, apartment or dwelling, and which comprises only the land to be offered for sale in accordance with clause 13.11.3;
- 1.16 **Manager** means the Manager, Industry Partnerships within SA Housing Authority;
- 1.17 **Maximum Price** refers to properties being advertised and sold to prospective eligible home buyers and is the maximum sale price for the Affordable Housing Property specified in the Notice, and is inclusive of GST payable by an Eligible Home Buyer but excludes stamp duty and registration fees payable by an Eligible Home Buyer;
- 1.18 **Mortgage** means the mortgage specified in Item 6 of the Schedule;
- 1.19 **Mortgagee** means the finance institution specified in Item 6 of the Schedule;
- 1.20 **Notice** means a notice published in the South Australian Government Gazette pursuant to Regulation 4 of the South Australian Housing Trust (General) Regulations 2010 (SA) as amended from time to time;
- 1.21 **NRAS** means the former National Rental Affordability Scheme established by the Australian Government;
- 1.22 **Outcomes** has the meaning as set out in clause 2.1;
- 1.23 **Person** will include a corporate body or other entity;
- 1.24 **Planning Strategy** means the strategy formulated under the Act.
- 1.25 **Practical Completion** means when an Affordable Housing Apartment is complete except for minor omissions and defects;
- 1.26 **Sales Report** has the meaning as set out in clause 7 (b);
- 1.27 **Schedule** means the schedule to this Agreement;
- 1.28 **SA Housing Authority** means a statutory corporation under the South Australian Housing Trust Act (1995).
- 1.29 **SA Housing Trust** means the statutory authority pursuant to the South Australian Housing Trust Act (1995);
- 1.30 **Standard Turn Key Home** means a dwelling other than an Affordable Housing Apartment which satisfies both the definition of "Turn Key Home" and includes the 'mandatory inclusions' as specified in the Government of South Australia Affordable Homes Program, Turn Key Home definition provided by the SA Housing Authority at the time the Affordable Housing Property is listed for sale.
- 1.31 **Torrens Title Allotments** means a single certificate of title for an allotment of land, on which all transactions such as transfers of ownership are registered on the certificate of title. It is not a community lot, a development lot or common property as defined in and created in accordance with the Community Titles Act 1996.
- 1.32 **Website** means the part of the website [www.affordablehomes.sa.gov.au](http://www.affordablehomes.sa.gov.au) that is used and maintained by the SA Housing Authority for the purposes of promoting the Affordable Homes Program, eligibility criteria and listings for affordable properties.

- 1.33 *Words and phrases used in this Agreement which are defined in the Act or in the Regulations made under the Act will have the meanings ascribed to them by the Act or the Regulations as the case may be;*
- 1.34 *References to any statute or subordinate legislation will include all statutes and subordinate legislation amending, consolidating or replacing the statute or subordinate legislation referred to;*
- (a) *any term which is defined in the statement of the names and descriptions of the parties or in the Background will have the meaning there defined;*
  - (b) *a reference to a party includes that party's administrators, successors and permitted assigns;*
  - (c) *words importing the singular number or plural number will be deemed to include the plural number and the singular number respectively;*
  - (d) *words importing any gender will include every gender;*
  - (e) *clause headings are provided for reference purposes only and will not be resorted to in the interpretation of this Agreement.*
- 1.35 *The requirements of this Agreement are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.*

## **2. DEVELOPMENT OF AFFORDABLE HOUSING**

### **2.1 Obligation to Create Affordable Housing**

*The Owner must commit to, develop and either:*

- (a) *offer for sale as Affordable Housing Properties to Eligible Home Buyers; or*
- (b) *offer for sale to a person approved to provide affordable rental; or*
- (c) *offer for affordable lease or rent, provided always that the Owner is a person as set out in the Notice and in accordance with clause 3.2*

*all dwellings indicated to be for affordable housing within the relative Development Application that has been granted Development Approval, and is being acted upon to carry out development of the Land (the 'Outcomes').*

*For this purpose, the Owner must submit a copy of the Decision Notification Form and the plans and details stamped Development Approval of the Development Application which includes the Outcomes to the SA Housing Authority, within 30 days of the date Development Approval is granted.*

### **2.2 Affordable Housing Plan**

2.2.1 *The Owner must prepare an initial Affordable Housing Plan, and in doing so consult with and obtain approval from the Manager of the Affordable Housing Plan by no later than the date specified in Item 4 of the Schedule.*

2.2.2 *The Affordable Housing Plan must:*

- (a) *Reflect the Owner's proposal;*
- (b) *specify development of the Land on a stage by stage basis;*
- (c) *specify the approximate number, type and location of Affordable Housing Properties which are to be offered for sale in each sub-stage;*
- (d) *control a balanced delivery across a project that may support sub-stage approval with increased or decreased Affordable Housing Properties, providing that the Outcomes are delivered;*

- (e) *in the case of Affordable Housing Apartments, specify the number, type and floor level within the building or buildings that the apartments are to be offered for sale.*
- 2.2.3 *An Affordable Housing Plan can be amended from time to time by the Owner, provided that:*
  - (a) *the Outcomes are delivered in the amended Affordable Housing Plan; and*
  - (b) *the amended Affordable Housing Plan is approved by the Manager within fourteen (14) days of the amendment being made.*
- 2.2.4 *If requested by the Manager, the Owner must meet and consult with the Manager in good faith in relation to any concerns that the Manager may have with the Affordable Housing Plan or any amendments to the Affordable Housing Plan.*
- 2.2.5 *The Owner acknowledges that the factors to be taken into account by the Manager in considering the Affordable Housing Plan submitted by the Owner include:*
  - (a) *the distribution of the Affordable Housing Properties through the stages;*
  - (b) *the style and specifications of the Affordable Housing Properties which the Owner proposes to construct or approve for construction on the Land;*
  - (c) *the attributes of the Land such as slope, location of water courses, trees and vegetation;*
  - (d) *the home ownership and rental mix;*
  - (e) *the mix of built form.*
- 2.2.6 *The Owner must ensure that all Affordable Housing Properties are constructed, marketed and offered for sale in accordance with the approved Affordable Housing Plan (subject to any amendments agreed pursuant to clause 2.2.3) and in accordance with any development authorisation received in respect of the application for the development of the Land.*

### **2.3 Construction of Affordable Housing**

*The Owner must ensure that:*

- 2.3.1 *Affordable Housing Properties are well integrated and complementary in design and appearance to other dwellings within the development;*
- 2.3.2 *In the event that the Owner is to develop the Land in stages, then the staging of the development must provide for the development of Affordable Housing Properties with the development of other land and dwellings;*
- 2.3.3 *Affordable Housing Properties are equivalent to other dwellings in the development in their energy efficiency, insulation, water conservation mechanisms, and solar access rating;*
- 2.3.4 *the exterior appearance of Affordable Housing Properties are reasonably similar to other dwellings built on the Land in the nature and quality of exterior building materials and finishes.*

## **3. MARKETING, OFFER FOR SALE OR LEASE OF AFFORDABLE HOUSING**

### **3.1 Sale for the purpose of Affordable Home Ownership**

*The Owner must ensure that any Affordable Housing Property is marketed, offer for sale or lease to Eligible Home Buyers in accordance with the requirements set out in Annexure 1.*

### **3.2 Sale or Retention for the purpose of Affordable Rental**

*The Owner must, in offering Affordable Housing Properties for lease or rental in accordance with clause 2.1(b, c) ensure that such affordable rental is provided;*

- a) *Through a Community Housing Provider; or*
- b) *Under NRAS; or*
- c) *At a rental being 80% of market rent at the commencement of the relevant tenancy; or*
- d) *Some other scheme as approved by the Minister responsible for the Notice in the Government Gazette.*

*Where the property is to provide for affordable rental, there is no need for the value of the property to be below the Maximum Price. The affordable outcome is delivered through the affordable rental to the tenant.*

#### **4. NOTING OF THIS AGREEMENT**

##### **4.1 Noting of Agreement**

*The Minister and the Owner will do all things and execute all such documents that may be necessary to ensure that as soon as is possible, after the execution of this Agreement by all necessary parties, this Agreement is noted and a memorial thereof is entered on the Certificate of Title for the Land pursuant to the provisions of Section 57 of the Act in priority to any other interest in the Land save and except for:*

- 4.1.1 *the estate and interest of the Mortgagee as mortgagee of the Land pursuant to the Mortgage listed in Item 6 of the Schedule.*
- 4.1.2 *It is acknowledged and agreed that if the Mortgagee exercises its power of sale under the Mortgage identified in Item 6 in the Schedule pursuant to Section 133 of the Real Property Act 1886 that, notwithstanding Section 136(1)(a) of the Real Property Act 1886, any transfer of the Land or portion of the Land by the Mortgagee shall be made subject to this Agreement in accordance with the practice of the Registrar General of the Lands Titles Office to the effect that this Agreement will be binding on the purchaser of the Land or portion of the Land (as the case may be) as is contemplated by Section 57(7) of the Act.*
- 4.1.3 *The terms and conditions of this clause 4 are binding on the Mortgagee (and its successors assigns and transferees) as evidenced by the provision of the Mortgagee's consent to this Agreement.*

##### **4.2 Noting of Rescission**

- 4.2.1 *The Owner and the Minister agree that the Minister shall rescind (as that term is used in the Act) this Agreement and procure the noting by the Registrar General of such rescission of this Agreement over such relevant portions of the Land following:*
  - (a) *the approval of the Affordable Housing Plan by the Manager; and*
  - (b) *the grant of Development Approval for the development of the Affordable Housing Properties by the Relevant Authority; and*
  - (c) *the deposit of any plans at the Lands Titles Office (if required, given the nature of the Owner's development on the Land); and*
  - (d) *where homes are being made available for home ownership, the expiration of the Exclusive Listing Period; and*
  - (e) *the Owner requesting the Minister to rescind the Agreement and specifying the particular allotment numbers in the relevant plan of division that will be used to deliver Affordable Housing Properties on that portion of the Land in accordance with the Affordable Housing Plan; and*
  - (f) *the fulfilment of the Agreement up to the stage number of the development the rescission is for or forms part of, to the reasonable satisfaction of the Manager.*



4.2.2 *The Owner and the Minister agree that:*

- (a) *any rescission of this Agreement and noting of such rescission under this clause 4.2 shall not release the Owner from its obligations under this Agreement to deliver the Outcomes contemplated by the Affordable Housing Plan; and*
- (b) *the obligation on the Owner to deliver the Outcomes pursuant to this Agreement shall remain in full force and effect and is hereby confirmed.*

4.2.3 *Both the Owner and the Minister agree to undertake best endeavours to expedite the signing of any documents appropriate to rescind this Agreement from the relevant properties to meet the Owner's timing required to complete the sale of the relevant apartments in the development.*

## 5. OWNER TO OBTAIN CONSENTS

*The Owner must:*

- 5.1 *obtain any consent(s) required to satisfy the requirements of Section 57 of the Act; and*
- 5.2 *provide a copy of the consent(s) to the Minister.*

## 6. COSTS

- 6.1 *The Owner agrees to pay the costs incurred in the stamping and noting of this Agreement against the relevant certificates of title for the Land.*
- 6.2 *The Owner shall pay the Minister's costs of and incidental to the rescission or partial rescission of this Agreement and the noting of such rescission or partial rescission against the relevant portions of the Land.*

## 7. REPORTING

*The Owner must provide to the Manager information reasonably requested by the Manager (in the form of the Affordable Housing Plan, Sales Report and other documents as requested) to demonstrate compliance with the requirements of this Agreement on a six-monthly basis, including (without limitation) the following details:*

- (a) *Evidence of marketing the affordable housing properties exclusively to the target audience over a minimum 30 day period (unless sold within that day 30 period)*
- (b) *Property details delivered as affordable housing outcomes, including:*
  - (i) *stage number*
  - (ii) *street address*
  - (iii) *number of bedrooms*
  - (iv) *type of dwelling (apartment/flat/unit, mews, detached house, attached house, townhouse)*
  - (v) *sale price (or valuation at completion if being retained for rental)*
  - (vi) *settlement date (or Certificate of Occupancy if being retained for rental)*
  - (vii) *buyer type (home buyer, open market, rental provider)*
  - (viii) *variance*
  - (ix) *new Certificate of Title*
- (c) *Where applicable, statutory declaration as evidence of sale to an eligible home buyer.*



*Every Affordable Housing Outcome must be reported as outlined in clause 7 to be counted towards the Owner's obligation to deliver the Outcomes in line with the requirements of this Agreement.*

## 8. INDEMNITY

*In the event of a breach or non-performance of its obligations under this Agreement, the Owner hereby indemnifies the Minister and agrees to keep the Minister forever indemnified in respect of the whole of the Minister's costs and expenses (including without limitation legal costs and expenses) of and incidental to the enforcement of the Owner's obligations under this Agreement.*

## 9. NOTICES

9.1 *Without prejudice to any other means of giving notice any notice required to be served under this Agreement shall be sufficiently served or given:*

9.1.1 *by personal service on that party (or if it is a body corporate on a director, secretary or other officer of the party);*

9.1.2 *if to the Owner, by post to the address of the Owner set out in Item 7 of the Schedule such other address as the Owner may notify the Minister from time to time as being the Owner's address for service of notices; and*

9.1.3 *if to the Minister, by post to the address of the Minister set out in Item 7 of the Schedule or such other address as the Minister may notify each other party from time to time as being the Minister's address for service of notices.*

9.2 *Any notice may be signed on that party's behalf by its attorney, director, secretary or other officer or solicitor.*

9.3 *A notice by post shall be deemed to be served or given at the time when it ought to be delivered in the due course of post.*

## 10. DISPUTE RESOLUTION

10.1 *Except in a case of genuine urgency, where a party seeks immediate interlocutory relief or other interim remedy (including in any instance where the South Australian Housing Trust's interests or the public interest may be prejudiced if the South Australian Housing Trust did not take immediate action), no party may take legal proceedings in respect of any dispute in relation to this Agreement without attempting resolution in accordance with this clause.*

10.2 *The party initiating the dispute resolution process must issue the other parties with a "Dispute Notice" setting out the details of the dispute.*

10.3 *Each party must submit the Dispute Notice to one of its officers or representatives ("Negotiators"). (The parties receiving the Dispute Notice must submit the notice to its Negotiators within five Business Days of receipt of the Dispute Notice).*

10.4 *The Negotiators must meet as soon as practicable to resolve the dispute.*

10.5 *If the Negotiators cannot resolve the dispute within ten Business Days of its reference to them, each Negotiator must prepare a written summary of his or her attempts to resolve the dispute and immediately refer that summary to that party's relevant executive officer ("Executive Negotiators").*

10.6 *The Executive Negotiators must meet as soon as practicable to resolve the dispute, but in any case, within ten Business Days of its reference to them. Each party must authorise and inform its Executive Negotiator sufficiently so that he or she can undertake that meeting without detailed reference to another person.*

10.7 *A party may change its Executive Negotiator at any time during the Term by written notice to the other party.*

10.8 *Notwithstanding the existence of a dispute each party must continue to perform its obligations under this Agreement.*

## 11. MINISTER MAY DELEGATE

*The Minister may delegate any of its powers under this Agreement to any person.*

## 12. GENERAL

### 12.1 Good Faith

*The Owner and the Minister must deal with one another in good faith in relation to their respective obligations under this Agreement.*

### 12.2 Joint and Several Liability

*When two or more persons are parties to this Agreement the covenants obligations and agreements on their part contained in this Agreement shall bind them jointly and each of them severally.*

### 12.3 Restrictions on dealing with Land

12.3.1 *The Owner must not assign, encumber or attempt to novate any of its rights or obligations in relation to this Agreement without the prior written consent of the Minister.*

12.3.2 *Unless this Agreement has been rescinded from the Land (or portion of the Land) pursuant to the provisions of this Agreement the Owner must not sell, assign, convey, transfer, create a trust in respect of, or otherwise dispose of the legal or any beneficial estate or interest in or to the Land or any portion of the Land other than in accordance with this Agreement, at any time during the term of this Agreement without the prior written consent of the Minister.*

12.3.3 *The Owner must not grant any lease, licence, or any other right which may enable any person any right to breach an obligation imposed on the Owner under this Agreement, unless such grant is made in writing and with the prior written consent of the Minister.*

### 12.4 Entire Agreement

12.4.1 *This Agreement incorporates the attached Schedule.*

12.4.2 *This Agreement contains the entire agreement between the parties with respect to its subject matter.*

12.4.3 *This Agreement supersedes any prior agreement, understanding or representation of the parties on the subject matter.*

### 12.5 Modification

*Any modification of this Agreement must be in writing and signed by each party.*

### 12.6 Waiver

*The Minister may waive compliance by the Owner with the whole or any part of the Owner's obligations provided that no such waiver will be effective unless expressed in writing and signed by the Minister.*

### 12.7 Severance

12.7.1 *Each word, phrase, sentence, paragraph and clause of this Agreement is severable.*

12.7.2 *If a court determines that a part of this Agreement is unenforceable, invalid, illegal or void that court may sever that part.*

12.7.3 *Severance of a part of this Agreement will not affect any other part of this Agreement.*

## **12.8 Relationship between the Parties**

*Nothing in this Agreement will constitute either party as the partner, agent, employee or officer of, or as a joint venturer with, the other party, and neither party has any authority to bind the other party in any manner without the prior written consent of the other party.*

## **12.9 Governing Law**

*12.9.1 This Agreement is governed and construed in all respects in accordance with the law of the State of South Australia and the Commonwealth of Australia.*

*12.9.2 The parties submit to the jurisdiction of the Courts of the State of South Australia and the Commonwealth of Australia in respect of all matters arising under or relating to this Agreement, provided that any proceedings issued in the Courts of the Commonwealth of Australia are issued in the Adelaide Registry of any such Court.*

## **12.10 Construction of Agreement**

*In the interpretation of this Agreement no rules of construction shall apply to the disadvantage of one party on the basis that that party put forward the Agreement or any part thereof.*

# Schedule

---

**ITEM 1 - Date of Agreement**

9 September 2019

**ITEM 2 – Owner**

Owner's Name: *Michael Frank Lamarca as Trustee for Daly Trust*

Owner's Address: *2 Moss Avenue Marleston*

A.B.N.: *12 764 818 786*

**ITEM 3 – Land (Clause 1.14)**

*The whole of the land comprised in Certificate of Title Volume 5441 Folio 223*

**Address of development**
**ITEM 4 - Provision of Affordable Housing Plan (Clause 2.2.1)**

**Due Date:** *within 30 days of obtaining Development Plan consent.*

**ITEM 5 - Current Maximum Price (Clause 13.1.2)**

*Dwelling or House and Land*      \$354,000.00

*If price variance is approved*      \$407,100.00

*Land Only*      \$159,300.00

**ITEM 6 – Mortgage**

N/A

**ITEM 7 Addresses for Notices (Clause 9)**
**Minister**

Contact Officer: **Jodi Davy**

Phone Number: **08 8207 0223**

E-mail address: [jodi.davy@sa.gov.au](mailto:jodi.davy@sa.gov.au)

Postal Address: **South Australian Housing Trust**

**Attention: Jodi Davy, Team Leader Affordable Housing**

**Courier: Level 5, Riverside Centre, North Terrace, Adelaide SA 5000**

**Post: GPO Box 1669, Adelaide SA 5001**

**Owner:**

Contact Person: *Mick Lamarca*

Phone Number: *0410 681 035*

E-mail address: *mick@risepropertygroup.com.au*

Postal Address: *2 Moss Avenue, Marleston SA 5033*


# Signing page

EXECUTED as a Land Management Agreement

By the **CHIEF EXECUTIVE, SOUTH AUSTRALIAN HOUSING TRUST** as delegate for **THE MINISTER FOR PLANNING** pursuant to an instrument of delegation dated 25 July 2018, pursuant to s20 of the Development Act 1993:

  
..... Deborah Dickson, Acting Chief Executive  
South Australian Housing Trust.

in the presence of

Witness   
.....

Print Name: KRISTY HASSAM  
.....

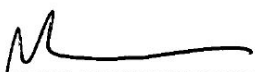
Position Held: BRIEFINGS OFFICER  
.....

Address: W13 RIVERSIDE CENTRE  
.....

Contact Phone: 8413 8064  
.....

Date 9/9/2019  
.....

Executed by **Michael Frank Lamarca** as Trustee for Daly Trust (A.B.N. 12 764 818 786) in accordance with Section 127 of the Corporations Act 2001

  
.....  
Signature

Michael Frank Lamarca  
.....  
Full Name (print)

Trustee  
.....  
Office Held

15/8/19  
.....  
Date

.....  
Signature

.....  
Full Name (print)

.....  
Office Held

.....  
Date

If only one person has signed, that person warrants that he/she is the sole director and the sole secretary of the company.

(Please affix the common seal if the company has a common seal)



# ANNEXURE 1

---

## 13. AFFORDABLE HOUSING MARKETING AND SELLING OBLIGATIONS TO ELIGIBLE HOME BUYERS

*The State Government Affordable Homes Program (Website) provides targeting and eligibility frameworks to enable the marketing and sale of properties to Eligible Home Buyers.*

### 13.1 Marketing and Sale of Affordable Housing Properties to Eligible Home Buyers

13.1.1 *The Owner must ensure that:*

- (a) *any Affordable Housing Property is marketed, offer for sale or to Eligible Home Buyers in accordance with the requirements set out this Annexure 1.*
- (b) *Affordable Housing Properties being offered for sale to Eligible Home Buyers are listed at a price under the Maximum Price which at the date of this Agreement is specified in Item 5 of the Schedule.*

13.1.2 *The parties acknowledge and agree that the Maximum Price may vary by publication of a fresh Notice. On publication of a fresh Notice the Maximum Price will vary accordingly provided that the Maximum Price for the purposes of this Agreement will not be less than the price specified in Item 5 of the Schedule at the execution of this Agreement.*

13.1.3 *The Owner, in marketing or offering to sell any Affordable Housing Property, must:*

- (a) *not commence marketing to Eligible Home Buyers earlier than 30 days after Development Approval has been granted;*
- (b) *market exclusively to Eligible Home Buyers for a minimum period of 30 days after Development Approval has been granted;*
- (c) *list each Affordable Housing Property for a fixed price under the Maximum Price;*
- (d) *sell the Affordable Housing Property on a first-in-line basis;*
- (e) *ensure that any Land Only Affordable Housing Allotment is sold as a Torrens Title Allotment;*
- (f) *follow any direction by the Manager, who may require at least 14 days of further listing after the plan of division creating the relevant Affordable Housing Property has been accepted for deposit by the Registrar-General of the Office of the Registrar-General.*

13.1.4 *An eligible home buyer is one that meets the following criteria as set out for the Affordable Homes Program, and signs a statutory declaration to this effect:*

- (a) *Are 18 years of age or older*
- (b) *Does not currently own a property*
- (c) *Meets the income and asset limits of the Affordable Homes Program*
- (d) *Is a resident of South Australia*
- (e) *Intends to live in the property for a minimum of 12 months, commencing within 12 months of purchasing the property*

13.1.5 *Sale or Rent of Affordable Housing Properties after the exclusive listing period*

---

*In the event that no Eligible Home Buyer makes an offer which complies with clause 3.1, then the Owner may sell the Affordable Housing Property to any person provided that the Affordable Housing Property is sold at a price not higher than the Maximum Price. This sale if reported as set out in clause 7 will be counted as a sale of Affordable Housing Property towards the Owner's obligation to deliver the Outcomes.*

*Alternatively, the owner may choose to retain the Affordable Housing Property to provide as a rental outcome in line with clause 3.2 of this Agreement.*

### **13.2 Price Variance**

*The Owner may apply to the Minister in accordance with the Affordable Housing Gazette notice (Determination of Criteria for the Purposes of the Concept of Affordable Housing, Regulation 4 of Development Act 1993) for a variance to the Maximum Price of up to 15% where certain criteria are met in relation to environmental inclusions, unique finance options, and location to public transport.*

*The Owner may sell Affordable Housing Properties at a price higher than the Maximum Price if a Price Variance is approved pursuant to Clause 2(3) of the Notice.*

### **13.3 Selling above the Maximum Price Point**

*For affordable housing house and land packages, the property may be sold above the Maximum Price point when the Eligible Home Buyer has requested inclusion of items in excess of the Standard Turn Key Home.*



Product  
Date/Time  
Customer Reference  
Order ID

**Annexure A**  
Register Search (CT 5441/223)  
26/04/2019 09:33AM  
20190426001379

REAL PROPERTY ACT, 1986



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



## Certificate of Title - Volume 5441 Folio 223

Parent Title(s) CT 1815/175  
 Creating Dealing(s) CONVERTED TITLE  
 Title Issued 08/08/1997 Edition 2 Edition Issued 12/09/1997

### Estate Type

FEE SIMPLE

### Registered Proprietor

KATHLEEN PEARL WEBSTER  
OF 40 DALY STREET KURRALTA PARK SA 5037

### Description of Land

ALLOTMENT 5 FILED PLAN 8599  
IN THE AREA NAMED KURRALTA PARK  
HUNDRED OF ADELAIDE

### Easements

NIL

### Schedule of Dealings

NIL

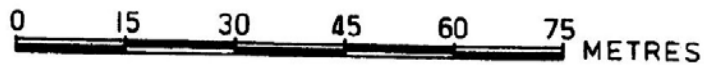
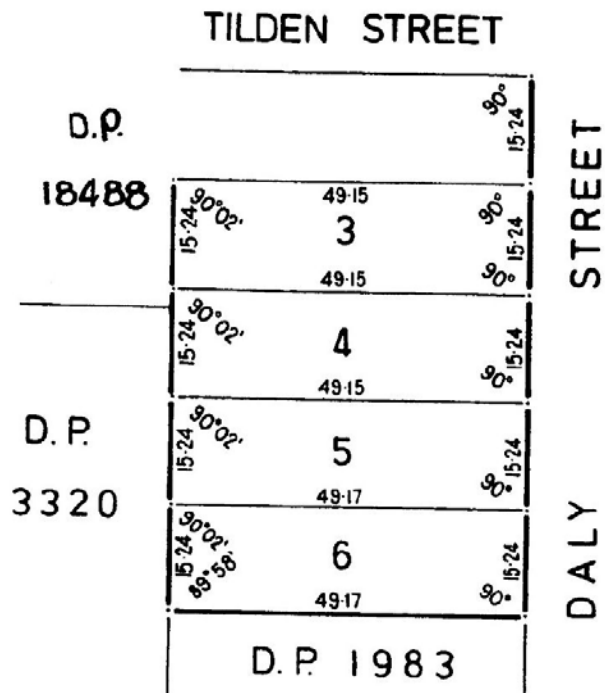
### Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Product  
Date/Time  
Customer Reference  
Order ID

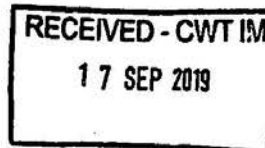
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26/04/2019 09:33AM  
20190426001379





**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. 211/666/2019  
PROPERTY ADDRESS: 40 Daly Street, KURRALTA PARK SA 5037

YOUR FULL NAME	Judith Holland
YOUR ADDRESS	57 Gray St, Plympton
YOUR PHONE No	
YOUR EMAIL	Nil
NATURE OF INTEREST	Adjoining resident at rear of the proposed development at 40 Daly St <i>(eg. Adjoining resident, owner of land in the vicinity etc.)</i>

City of West Torrens  
18 SEP 2019  
City Development

REASON/S FOR REPRESENTATION: if the proposed development is approved by Council, the consequences for me as an adjoining resident will be asked follows:

- **visual disamenity:** my eastern backyard fence will abut the rear of the proposed concrete parking structure that will be built for residents at f 40 Daly Street
- **overshadowing:** the proposed five 2-storey townhouses will reduce access to solar energy for residents on Daly St adjoining the proposed development
- **parking and traffic congestion:** serious parking and traffic congestion issues on Daly Street will result from the proposed development.

I have direct and daily experience of all of above issues from the three 2-storey townhouses that abut the northern fence of my backyard; the negative impacts of the proposed Daly development *will be much more severe* than that caused by the development at the corner of Tilden and Gray streets.

**MY REPRESENTATIONS WOULD BE OVERCOME BY**

The proposed development on 40 Daly Street should be replaced with one consisting of 1 set semi-detached units (2 dwellings in total). There should be no further single or two storey townhouses allowed to be built in the Plympton-Kurralta Park area.

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 J. Holland  
DATE 17 Sept 2019

Responsible Officer: Jordan Leverington  
Ends: Tuesday 17 September 2019

**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

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 17 SEP 2019

RECEIVED - CWT IM  
 17 SEP 2019

DEVELOPMENT No. 211/666/2019  
 PROPERTY ADDRESS: 40 Daly Street, KURRALTA PARK SA 5037

YOUR FULL NAME	LINDA CUNNINGHAM
YOUR ADDRESS	P-O Box 376 MARLESTON 5033 (55 Gray St Plympton)
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	Adjoining resident (eg. Adjoining resident, owner of land in the vicinity etc.)
REASON/S FOR REPRESENTATION	A series of poor design outcomes have occurred during Adelaide's shift towards higher density in fill housings. Although legal the process is one of contention between the developer and resident. The community is concerned with local traffic congestion, loss of vegetation and tree canopy, overshadowing and loss of privacy. This is all contributing to climate change.
MY REPRESENTATIONS WOULD BE OVERCOME BY (state action sought)	Single buildings of regular height, no 2 storey dwellings that cause my life to be significantly impacted.

City of West Torrens  
 18 SEP 2019  
 City Development

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 \_\_\_\_\_

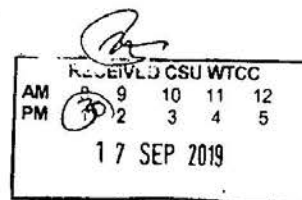
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SIGNED \_\_\_\_\_  
 DATE 16.9.19

Responsible Officer: Jordan Leverington  
 Ends: Tuesday 17 September 2019

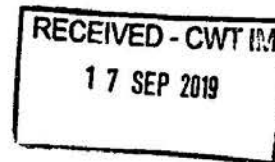
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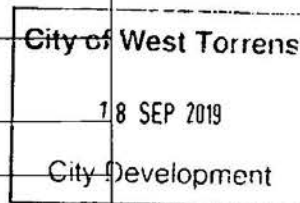
**STATEMENT OF REPRESENTATION  
Pursuant to Section 38 of the Development Act 1993**

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



DEVELOPMENT No. 211/666/2019  
PROPERTY ADDRESS: 40 Daly Street, KURRALTA PARK SA 5037

YOUR FULL NAME	Sam E Amamoo
YOUR ADDRESS	55 Gray St, Plympton
YOUR PHONE No	
YOUR EMAIL	Nil
NATURE OF INTEREST	Adjoining resident at rear of the proposed development at 40 Daly St <i>(eg. Adjoining resident, owner of land in the vicinity etc.)</i>



**REASON/S FOR REPRESENTATION:** If the proposed development is approved by Council, the consequences for me as an adjoining resident will be asked follows:

- **visual disamenity:** the proposed concrete parking structure that will be built for residents at f 40 Daly Street will be clearly visible from my backyard.
- **overshadowing:** the proposed *five 2-storey townhouses* will reduce access to solar energy for residents on Daly St adjoining the proposed development
- **parking and traffic congestion:** serious parking and traffic congestion issues on Daly Street will result from the proposed development.

I have had direct experience of above parking, traffic and congestion issues from the three 2-storey townhouses built at the corner of Tilden and Gray streets.; negative impacts of the proposed Daly development *will be much more severe* than that caused by the development at the corner of Tilden and Gray streets.

**MY REPRESENTATIONS WOULD BE OVERCOME BY**  
Replacing the proposed development at 40 Daly St with one consisting of 1 set semi-detached units (2 dwellings in total) or a maximum of 2 sets of semi-detached units (four dwelling units in total). There should be no more *1-storey or 2-storey townhouses* allowed to be built in the Plympton -Kurralta Park area.

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 Sam Amamoo  
DATE 17 Sept 2019

Responsible Officer: Jordan Leverington  
Ends: Tuesday 17 September 2019

### Statement of Representation – Development 40 Daly Street Kurralta Park

**OVER SHADOWING** – The recent addition height of land to be developed onto due to flooding plus the height of the 2 Storey development would put my home and back living area in deep shadowing till after midday when sun would be above said development. At the moment I enjoy the sun entering my home in the early hours of the morning and this prospect of impending darkness would be quite debilitating to my living.

“ Avoid development that DOES NOT INTEGRATE WITH SURROUNDING AREA “. An area that was once filled with one family home on a single block is now desecrated with the infill allowed. The quest for money by the developer far outweighs the quality and development standard now being forced upon the community. Although there are some solid “flats” structures within the area similar structures are able to be labelled townhouses as living is vertical in contrast to horizontal. The aesthetic impact cannot be underestimated without any style or substance of the building.

**LACK OF PARKING.** This is evident already with current development. Cars belonging to people living in Tilden street are continually parked in Gray St. The parking of cars both sides of the road now causes stress when navigating a drive to the end of the road. The public transport system is often under stress waiting for the increased traffic flow and manoeuvring of the bus around the area with parked cars both sides of the road. This issue is enhanced all year with the tradies cars parked in the street often with their large tool boxes opening from the back of their utes into the street causing a dangerous obstruction.

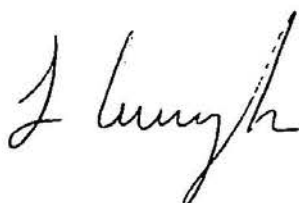
**NOISE – ROAD CLOSURES** continually disrupt and disturb the lives of people already living in the area. The new buildings have been constant in the area and there is little regard to the current rules re such buildings. Builders tend to work on weekends , start before the allowed time and have radios so loud it can be heard in the next street.

**STRESS of INFRASTRUCTURE** to support continual buildings of high density living changes the character of the area and the quality of living. There are so many people trying to enjoy the same amenities in the area it has changed the integrity of the suburb.

**RUBBISH** at my back fence would be an lure to the local rat population and the smell would affect my enjoyment in my backyard. When there would possibly be tenants living in this development history indicates rubbish bins would rarely be put out and the area would be a hazard.

**CAR PARKING** again on my back fence will cause lights shining into my back yard and house with comings and goings possibly at all times of the night. Noise of car doors and talking can only be another concern to my life.

**GREEN SPACE** is not green and the reduction of the suburban canopy continues with this development. There is no dirt or garden area continuing the concrete blocks of development. So much is spoken about the reduction of trees with development but the people with the power to stop this can only be seen to allow more canopy reduction. At present the birds and trees are a constant in my life and a pleasant view out my windows. This will be completely removed if this development is allowed. A bird singing and trees outside your window I take as normal but is becoming a rarity in this area.



RECEIVED - CWT IM  
17 SEP 2019

**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. 211/666/2019  
PROPERTY ADDRESS: 40 Daly Street, KURRALTA PARK SA 5037

City of West Torrens  
18 SEP 2019  
City Development

YOUR FULL NAME	Tara Cooper
YOUR ADDRESS	33B Daly Street Kurralta Park SA 5037
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	Owner & Resident of residence across street <small>(eg. Adjoining resident, owner of land in the vicinity etc.)</small>

REASON/S FOR REPRESENTATION ~~(and the streets around it)~~  
Daly Street already has many blocks with current or in progress subdivisions. This is leading to significant congestion of traffic & reduced space for parking.  
There is also concern about the impact on infrastructure (eg storm water, waste, electricity & internet bandwidth) from the amount of new residences. Adding 5 residences in the space of 2 is excessive and not sustainable.

MY REPRESENTATIONS WOULD BE OVERCOME BY  
(state action sought)  
Reduction of residences to be constructed to 3 or less on the site.  
Provisions for at least 2 car parks per residence  
Confirmation of Councils planning for improved infrastructure to support the number of residences on the street & surrounding streets

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

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

(PLEASE SPECIFY)

SIGNED \_\_\_\_\_  
DATE 16/9/19

Responsible Officer: Jordan Leverington  
Ends: Tuesday 17 September 2019

If space insufficient, please attach sheets

**Response to Representations:**

Representor: Tara Cooper (33B Daly Street, Kurralta Park)

Tara,

You have highlighted some concerns in your representation and I have summarised them below so that I can address them systematically:

1. Traffic Congestion
2. Reduced parking
3. Impact on Infrastructure

You state your concerns will be overcome by a reduction in density to 3 dwellings, each providing 2 carparks.

**Summary of the proposed development:**

The proposed development at 40 Daly Street Kurralta Park is for 5 x Affordable Homes. There is a Land Management Agreement registered on the certificate of title between the land owner and the Minister for Planning to provide much needed affordable housing outcomes on this site.

The State Government has a detailed housing strategy outlined in *"Our Housing Future 2020 -2030"* that aims to support well-functioning communities, with a focus on improving the customer journey and housing pathways. This strategy aims to break down the barriers that see people stuck in homelessness, falling through the cracks, or in housing that is not appropriate for their needs.

A key part of this strategy is to reduce housing stress through 20,000 affordable housing solutions. Strategy 2, Action 2.5 is: *"Delivering 5,000 Affordable Housing outcomes through inclusionary, design and incentive provisions in the planning system, including the 15% Affordable Housing Policy."*

The West Torrens Council Development Plan has some concessions for affordable housing in specifically located strategic areas. The subject site is located in an Affordable Housing Designated Area.

This land was specifically and strategically purchased with the intention of providing Affordable Housing outcomes and was highlighted as an appropriate site due to its proximity to public transport, local shops and public open space areas.

**Responses to specific highlighted concerns:**

1. Traffic Congestion

The intended use of the homes and proximity of public transport will reduce the need for car transport. I understand Daly Street does have congestion issues, but do not believe the congestion is related to the residences of Daly Street.

## 2. Reduced Parking

The proposed development does not result in a loss of any on street parking. The old driveway crossover will be reinstated to kerb and the number of on street parks will not change. The proposed development has sufficient on site parks for the occupiers of the dwellings and this is compliant with the parking requirements in the development plan

## 3. Stress on Infrastructure

There is no evidence to suggest that this development will cause problems with existing infrastructure

### **Suggested measures to overcome concerns:**

You have suggested reducing the number of dwellings and an increase in the number of carparks per dwelling.

Unfortunately, to meet the desired outcomes of this development there is no choice to change the configuration of the development. The overall goal to assist in the provision of affordable housing outcomes does not leave any room to change the proposal in a way that would meet your suggestion of a reduced density.

The proposed number of carparks is sufficient for the proposed dwellings as outlined in the development plans and any attempt to increase the number of carparks would prohibit the ability to provide affordable housing outcomes.

Kind regards,



Michael Lamarca

Response to Representations:

Representor: Linda Cunningham (55 Gray Street Kurralta Park)

Linda,

You have highlighted some concerns in your representation and I have summarised them below so that I can address them systematically:

1. A shift towards higher density infill housing
2. The community being concerned with local traffic congestion
3. The community being concerned with loss of vegetation and tree canopy
4. Overshadowing
5. The community being concerned with loss of privacy
6. Climate change
7. Lack of parking
8. Noise and road closures
9. Stress on infrastructure
10. Rubbish at your back fence
11. Location of carparking / car lights and noise of car doors and people talking
12. Green space not being green

You state your concerns will be overcome by single buildings of regular height and no 2 storey buildings.

Your representation makes it very clear you oppose infill development in the area and believe that infill development is desecrating the area.

**Summary of the proposed development:**

The proposed development at 40 Daly Street Kurralta Park is for 5 x Affordable Homes. There is a Land Management Agreement registered on the certificate of title between the land owner and the Minister for Planning to provide much needed affordable housing outcomes on this site.

The State Government has a detailed housing strategy outlined in *"Our Housing Future 2020 -2030"* that aims to support well-functioning communities, with a focus on improving the customer journey and housing pathways. This strategy aims to break down the barriers that see people stuck in homelessness, falling through the cracks, or in housing that is not appropriate for their needs.

A key part of this strategy is to reduce housing stress through 20,000 affordable housing solutions. Strategy 2, Action 2.5 is: *"Delivering 5,000 Affordable Housing outcomes through inclusionary, design and incentive provisions in the planning system, including the 15% Affordable Housing Policy."*

The West Torrens Council Development Plan has some concessions for affordable housing in specifically located strategic areas. The subject site is located in an Affordable Housing Designated Area.



This land was specifically and strategically purchased with the intention of providing Affordable Housing outcomes and was highlighted as an appropriate site due to its proximity to public transport, local shops and public open space areas.

**Responses to specific highlighted concerns:**

1. A shift towards higher density infill housing

This shift is consistent with the Council development plan and the State Government plan for housing in South Australia.

2. The community being concerned with local traffic congestion

The intended use of the homes and proximity of public transport will reduce the need for cars and the density of housing and car parking is consistent with the development plan.

3. The community being concerned with loss of vegetation and tree canopy

The amended plans show landscaped areas with mixed plantings to provide a balanced level of vegetation including areas capable of deep planting.

4. Overshadowing

The location of the building on the allotment with its 11.8m setback to the rear fence minimises overshadowing. In addition to this, the ceiling height and roof design has been carefully designed to reduce the overall bulk of the building and its resulting shadow impacts. Your property is located directly to the west of the proposed development and will have minimal impact. Your back yard has significant shadowing from your own improvements.

5. The community being concerned with loss of privacy

There is no loss of privacy with the proposed development. Upper storey windows are both either opaque and un-openable or have sill heights above 1700mm and comply with the development plan for overlooking

6. Climate change

The proposal is consistent with the Council development plan and the State Government plan for housing in South Australia. I am unable to comment further on climate change or if the proposal has an effect on climate.

7. Lack of parking

The number of onsite car parks provided is consistent with the development plan for affordable housing and there is no reduction of on street car parking.

8. Noise and road closures

All construction will be undertaken in strict accordance with EPA and council rules regarding noise and working hours. Temporary road closures at times are unavoidable for installation of services, but these are only temporary in nature and performed with strict adherence to any relevant requirements.

9. Stress on Infrastructure

There is no evidence to suggest that this development will cause problems with existing infrastructure

10. Rubbish at your back fence

The rubbish area has been moved to the alternate side of the development and no longer abuts your property. That said, the rubbish is stored in bins and there is a detailed waste management plan confirming the rubbish and recycling area is of sufficient capacity for the proposed development.

11. Location of carparking / car lights and noise of car doors and people talking

There is a rear fence 1800mm high (min) so that car lights are not a nuisance. A traditional 1:2 style of development like your own house would have a back yard abutting your fence which would be used for entertaining etc. The proposed development would not have people congregating near your back fence and has less impact than the type of development you would prefer.

12. Green space not being green

The proposed development has a detailed landscape plan which includes green areas.

**Suggested measures to overcome concerns:**

You have suggested "single buildings of regular height" as the only suggestion to overcome your concerns.

Unfortunately, I am unable to provide affordable housing while keeping the buildings single storey. Given your strong desire for single storey buildings in an area where three storey buildings are specifically envisaged, I believe there already exists a reasonable compromise on building scale and bulk with the proposed development.

Kind Regards,



Michael Lamarca

Response to Representations:

Representor: Judith Holland

Judith,

You have highlighted some concerns in your representation and I have summarised them below so that I can address them systematically:

1. Visual disamenity of the parking structure
2. Overshadowing
3. Parking and Traffic congestion

Your state your concerns will be overcome by reducing the proposed development to 2 or 4 dwellings and disallowing future townhouses (both 1 and 2 storey).

#### **Summary of the proposed development:**

The proposed development at 40 Daly Street Kurralta Park is for 5 x Affordable Homes. There is a Land Management Agreement registered on the certificate of title between the land owner and the Minister for Planning to provide much needed affordable housing outcomes on this site.

The State Government has a detailed housing strategy outlined in "Our Housing Future 2020 -2030" that aims to support well-functioning communities, with a focus on improving the customer journey and housing pathways. This strategy aims to break down the barriers that see people stuck in homelessness, falling through the cracks, or in housing that is not appropriate for their needs.

A key part of this strategy is to reduce housing stress through 20,000 affordable housing solutions. Strategy 2, Action 2.5 is: *"Delivering 5,000 Affordable Housing outcomes through inclusionary, design and incentive provisions in the planning system, including the 15% Affordable Housing Policy."*

The West Torrens Council Development Plan has some concessions for affordable housing in specifically located strategic areas. The subject site is located in an Affordable Housing Designated Area (Overlay Map WeTo/13).

This land was specifically and strategically purchased with the intention of providing Affordable Housing outcomes and was highlighted as an appropriate site due to its proximity to public transport, local shops and public open space areas.

#### **Responses to specific highlighted concerns:**

1. Visual disamenity  
The proposed carport structure is low in height and open on all sides with a skillion roof. The only part to be seen above the fence line from your property is the thickness of the roof structure which would not exceed 250mm.

This structure will be a significant improvement over the run down and boarded up shed and overgrown vegetation at the property.

## 2. Overshadowing

The plans for the development have been mirrored to reduce overshadowing and the main area to be overshadowed is the developments own driveway. The location of the building on the allotment with its 11.8m setback to the rear fence minimises overshadowing to neighbouring allotments. In addition to this, the proposed ceiling height and roof design has been carefully considered to reduce the overall bulk of the building and its resulting shadow impacts.

Your property is located on the western side of the development and is already shaded from your own installed shade structure and will not be further impacted from the proposed development.

## 3. Parking and traffic congestion

The number of onsite car parks provided is consistent with the development plan for affordable housing and there is no reduction of on street car parking.

The nature of the proposed development and its proximity to public transport and local shops minimises the need for vehicle use. I also note that you live on Gray Street which will not be impacted in any way.

### **Suggested measures to overcome concerns:**

You have suggested reducing the number of dwellings and a change of the development plan to overcome your concerns.

Unfortunately, to meet the desired outcomes of this development there is no choice to change the configuration of the development. The overall goal to assist in the provision of affordable housing outcomes does not leave any room to change the proposal in a way that would meet your suggestion of a reduced density.

As for disallowing future townhouses, I note that the proposed development is a "residential flat building" and a proposed change to the development plan is beyond the scope of this response. The current development plan specifically highlights this area for affordable housing and envisages developments up to 3 storeys including residential flat buildings and affordable housing.

Kind Regards,



Michael Lamarca

**Response to Representations:**

Representor: Sam Amamoo

Sam,

You have highlighted some concerns in your representation and I have summarised them below so that I can address them systematically:

1. Visual disamenity of the parking structure
2. Overshadowing
3. Parking and traffic congestion

You state your concerns will be overcome by reducing the proposed development to 2 or 4 dwellings and disallowing future townhouses (both 1 and 2 storey).

**Summary of the proposed development:**

The proposed development at 40 Daly Street Kurralta Park is for 5 x Affordable Homes. There is a Land Management Agreement registered on the certificate of title between the land owner and the Minister for Planning to provide much needed affordable housing outcomes on this site.

The State Government has a detailed housing strategy outlined in "*Our Housing Future 2020 -2030*" that aims to support well-functioning communities, with a focus on improving the customer journey and housing pathways. This strategy aims to break down the barriers that see people stuck in homelessness, falling through the cracks or in housing that is not appropriate for their needs.

A key part of this strategy is to reduce housing stress through 20,000 affordable housing solutions. Strategy 2, Action 2.5 is: "*Delivering 5,000 Affordable Housing outcomes through inclusionary, design and incentive provisions in the planning system, including the 15% Affordable Housing Policy.*"

The West Torrens Council Development Plan has some concessions for affordable housing in specifically located strategic areas. The subject site is located in an Affordable Housing Designated Area (Overlay Map WeTo/13).

This land was specifically and strategically purchased with the intention of providing Affordable Housing outcomes and was highlighted as an appropriate site due to its proximity to public transport, local shops and public open space areas.

**Responses to specific highlighted concerns:**

1. Visual disamenity  
The proposed carport structure is low in height and open on all sides with a skillion roof. The only part to be seen above the fence line from your property is the thickness of the roof structure which would not exceed 250mm.

This structure will be a significant improvement over the current run down and boarded up shed and overgrown vegetation at the property.

## 2. Overshadowing

The plans for the development have been mirrored to reduce overshadowing and the main area to be overshadowed is the developments own driveway. The location of the building on the allotment with its 11.8m setback to the rear fence minimises overshadowing to neighbouring allotments. In addition to this, the proposed ceiling height and roof design has been carefully considered to reduce the overall bulk of the building and its resulting shadow impacts.

Your property is located on the western side of the development and is already shaded from your own installed shade structure and will not be further impacted from the proposed development.

## 3. Parking and traffic congestion

The number of onsite car parks provided is consistent with the development plan for affordable housing and there is no reduction of on street car parking.

The nature of the proposed development and its proximity to public transport and local shops minimises the need for vehicle use. I also note that you live on Gray Street which will not be impacted in any way.

### **Suggested measures to overcome concerns:**

You have suggested reducing the number of dwellings and a change of the development plan to overcome your concerns.

Unfortunately, to meet the desired outcomes of this development there is no choice to change the configuration of the development. The overall goal to assist in the provision of affordable housing outcomes does not leave any room to change the proposal in a way that would meet your suggestion of a reduced density.

As for disallowing future townhouses, I note that the proposed development is a "residential flat building" and a proposed change to the development plan is beyond the scope of this response. The current development plan specifically highlights this area for affordable housing and envisages developments up to 3 storeys including residential flat buildings and affordable housing.

Kind Regards,



Michael Lamarca



# Preliminary Traffic, Flooding & Stormwater Assessment

**Development Application No: 211/666/2019**

**Assessing Officer:** Jordan Leverington  
**Site Address:** 40 Daly Street, KURRALTA PARK SA 5037  
**Certificate of Title:** CT-5441/223  
**Description of Development:** Land division - Community Title; SCAP No. 211/C071/19; Create four (4) additional allotments and common property; and construction of residential flat building containing five (5) two storey dwellings

## 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      24 September, 2020**



## Memo

To Jordan Leverington  
From Richard Tan  
Date 24-Sep-2020  
Subject 211/666/2019, 40 Daly Street, KURRALTA PARK SA 5037

Jordan Leverington,

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

Note: A drafted civil plan has previously been provided, but since then the layout of the proposed development has changed. A new civil plan has not been provided.

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

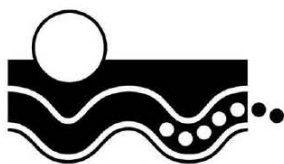
- 1.1 In accordance with the provided 'Contour Survey' (RCI, Ref: P27694-1/1, dated 26/07/2019), the FFLs of the proposed development (100.24 minimum) have been assessed as satisfying minimum requirements (100.24) in consideration of street and/or flood level information.

**Note that the proposed FFL has been mentioned in the email from the applicant (Objective ID: A2343691, email received 29/07/2019) however the proposed FFL has not been indicated on the plans received. It should also be noted that since the layout changed, the proposed FFL has not been indicated on any of the plans.**

### 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 front property



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Between the City and the Sea

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** Previously City Operation has supported the removal of existing northern street tree which is in direct conflict with proposed crossover. However, due to the change in proposed plan, the proposed crossover now is in conflict with existing southern street tree.

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

**2.1.2** Civil plan should be provided with all existing and proposed verge features comply with requirements.

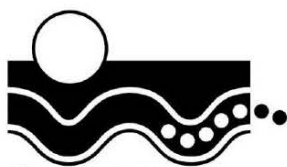
**It is recommended that revised plans indicating satisfaction to the above requirements should be provided to Council.**

### **3.0 Traffic Requirements**

**3.1** Current proposed driveway and passing area does not meet Council's standard requirements. However, internal manoeuvre analysis has indicated that manoeuvre will work for a two-way traffic movement. Furthermore, as the proposed development is an affordable housing, hence the amount of traffic generated is lesser than normal development. Under such context, the driveway and crossover has been assessed as satisfying minimum requirements.

**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.

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



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**"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** This has been previously accepted in City Asset's assessment dated 31/07/2019

**3.4** One parking spaces has been proposed to be located directly off of the 5.5m by 5.0m passing entry within the property.

Although often supported by City Development, City Assets does not support this arrangement and considers this to be potentially dangerous due to vehicles accessing these spaces having to enter and exit the property from the wrong side of the common driveway (ie driving of the right side of the carriageway rather than the typical left.)

**Further determination of the requirement for further consideration of this design element is left to the discretion of the planning officer.**

**3.5** A signed copy of LMA has been provided which indicated that 4 of the proposed dwelling will be affordable housing. However, I noticed that the provided LMA is incomplete (page 15 of signing page, witness part). I leave this to the planner's to decide whether this requires further follow up. Previous comments has been attached:

The proposed waste management plan has indicated that 4 of the dwelling will be designated as affordable housing. There is no further supporting documentation that this proposal has been approved.

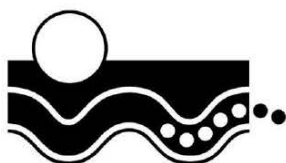
**If 4 of the dwelling is affordable housing, then the proposed car park space for this development is acceptable. Else, there will be significant shortfall.**

#### **4.0 Waste Management**

**4.1** Council's Waste Management Team has supported shared bin services for this development. I noticed that the common bin area is approximately 4.83m in length by 1.99m wide. This common bin area would seems a little bit small to accommodate 8 bins and no further comment regarding this has been provided. I leave this to the planner's to decide whether this requires further follow up.

#### **5.0 Stormwater**





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- 5.1** Previously the concept of stormwater management for the site has been approved with detailing to be addressed as Reserved Matter. However, with the site layout changed, I leave this to the planner's decision on whether the applicant should provide a civil plan with at least the concept of stormwater management indicated for further assessment.

Previous comments for stormwater management has been attached in the following for information:

The provided stormwater calculation, in principle is acceptable. A hand sketch civil plan indicating the concept of stormwater management has also been provided.

It would not be unreasonable for the remaining information of the stormwater management plan (ie levels) to be addressed as Reserved Matter as following:

A detailed Stormwater Management Plan shall be provided to the reasonable satisfaction of Council prior to the issuing of Development Approval addressing (at minimum) the following:

- a) Design level information demonstrating that the stormwater system proposed is able to discharge runoff to the street water table.
- b) An updated civil plan, if necessary reflecting required changes.

Regards  
Richard Tan  
Civil Engineer

**Memo**

To Cathryn Jones  
From Nick Teoh  
Date 19 July 2019  
Subject 211/666/2019, 40 Daly Street, Kurralta Park SA 5037

Dear Cathryn,

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

The provided waste management plan is considered appropriate and is suitable for a shared kerbside collection service provided through Council. The Waste Management Team are prepared to provide:

- 3 x 140L general waste - weekly service
- 3 x 240L comingled recycle - fortnightly service
- 2 x 240L organics - fortnightly service

It is anticipated that at peak, 6 bins will be presented for collection with an estimated 5.145m of kerbside required for presentation.

Regards,  
Nick Teoh  
Team Leader Waste Management



## Arboricultural Assessment of Street Trees

Development Application No: **211/666/2019**

**REFERRAL DUE DATE: 30 July 2019**

Assessing Officer: **Default System User**  
 Site Address: **40 Daly Street, KURRALTA PARK SA 5037**  
 Certificate of Title: **CT-5441/223**  
 Description of Development **Land division - Community Title; SCAP No. 211/C071/19; Create four (4) additional allotments and common property; and construction of residential flat building containing five (5) two storey dwellings**

### TO THE TECHNICAL OFFICER – CITY ASSETS

Please provide your comments in relation to:

- The removal of or impact upon the Street Tree**
- Species of Tree:**
- Your advice is also sought on other aspects of the proposal as follows:**

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PLANNING OFFICER - Default System User

DATE 15 July 2019

FROM THE TECHNICAL OFFICER

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

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

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

Verge interaction must consider all services that cross council land including stormwater outlets (and other) which will need to be maintained a minimum of 2.0m from any existing street tree (unless existing or otherwise negotiated). All services must be indicated /documented on appropriate plans for Council assessment and approval.

**A site investigation together with the information provided has revealed that there is an existing Acer buergerianum (Trident Maple) located 5.8m from the Northern property boundary. This is in direct conflict with the proposed crossover location.**

**In this instance City Operations will support the removal of this street tree.**

**There is a second existing Acer buergerianum (Trident Maple) street tree located 11.1m from the northern property boundary. City Operations will require a 2.0m offset from the proposed stormwater location for this proposal to be supported.**

With reference to the City of West Torrens, Fees and Charges Document 2019-2020 "Tree removal for driveway construction", once Council has assessed all circumstances and considered it acceptable that a street tree can be removed, a fee is calculated based on Council's standard schedule of fees and charges.

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

**As a result of the proposed crossover location on Daly Street, City Operations has considered the health, structure, form, useful life expectancy and age of the street tree and will support the removal, in this particular situation.**

**A fee of \$690.00 will be required prior to the commencement of any work.**

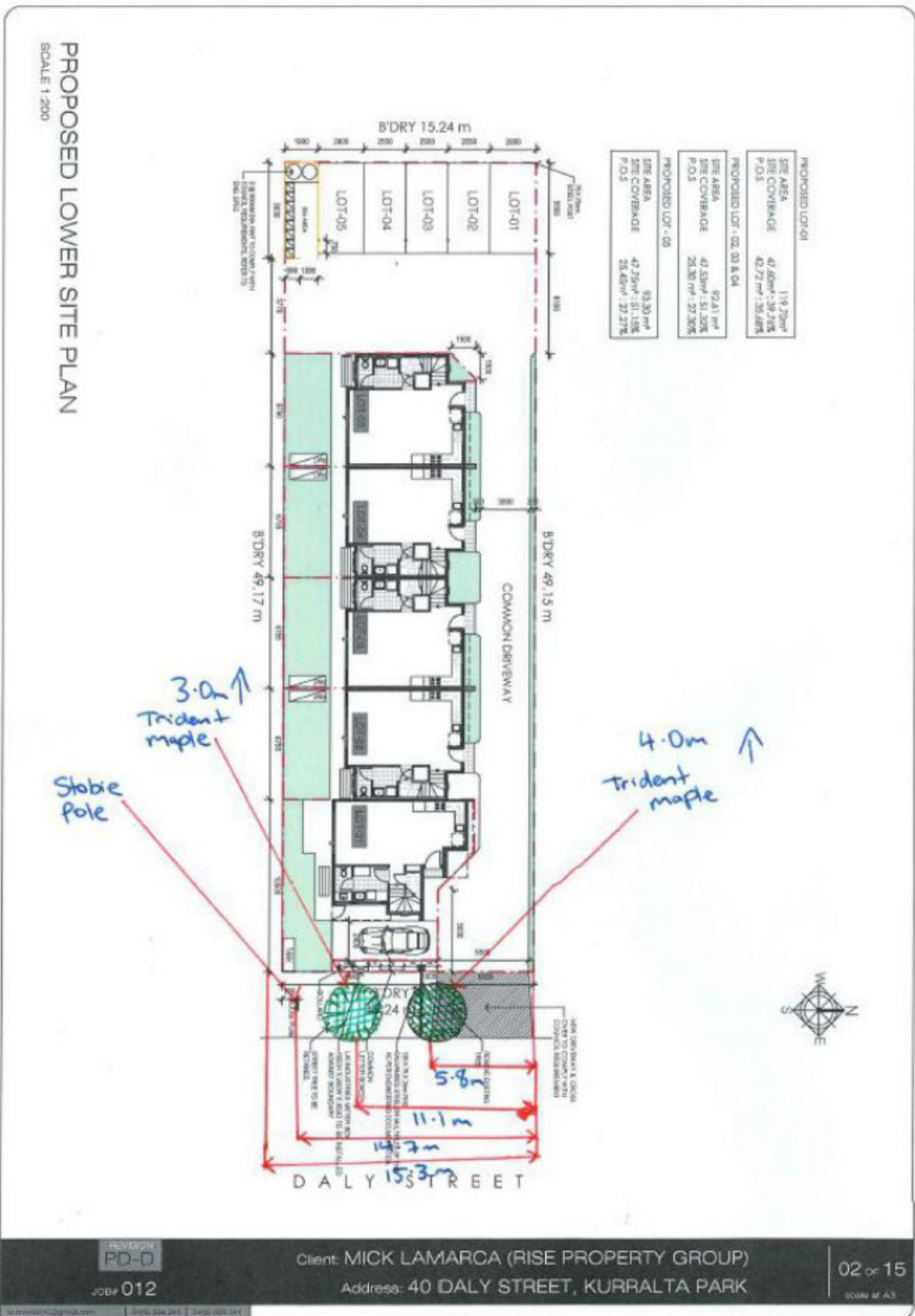
Please note, under no circumstances is any individuals other than council staff permitted to interfere with a street tree. If pruning etc. is required, council must be notified via the appropriate customer request, and council staff will perform all works associated with the community asset.

Final crossover locations will be confirmed once appropriate documentation has been received from the applicant and they have submitted "an application to construct a vehicle crossing place(s) across council land".

**Sam Harvey  
Technical Support Officer Arboriculture (Acting)  
165 Sir Donald Bradman Drive  
Hilton SA 5033**

**Telephone: 8416 6333**

**DATE: 16/07/2019**



<p>REVISION <b>PD-D</b></p> <p>JOB# 012</p> <p>www.riseproperty.com.au   08 9324 2444   08 9324 2444</p>	<p>Client: MICK LAMARCA (RISE PROPERTY GROUP)</p> <p>Address: 40 DALY STREET, KURRALTA PARK</p>	<p>02 of 15</p> <p>SCALE: 1:200</p>
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Contact Planning Services  
 Telephone 7109 7016  
 Email [dldptipdclearanceletters@sa.gov.au](mailto:dldptipdclearanceletters@sa.gov.au)



23 July 2019

The Chief Executive Officer  
 City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/C071/19 (ID 65500)  
 for Land Division  
 (Community Title Plan) by Mr Mick Lamarca**

In accordance with Section 33 of the Development Act 1993 and Regulation 29 (1) of the Development Regulations 2008, and further to my advice dated 05 July 2019, I advise that the State Commission Assessment Panel (SCAP) has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

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

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.  
 On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.  
 The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
2. Payment of \$29012 into the Planning and Development Fund (4 allotment(s) @ \$7253/allotment).  
 Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel (SCAP) for Land Division Certificate purposes.

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

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

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

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

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

Yours faithfully

Biljana Prokic  
 Land Division Coordinator - Planning Services  
 as delegate of  
 STATE COMMISSION ASSESSMENT PANEL



23 July 2019

Our Ref: H0087559

The Chairman  
State Commission Assessment Panel  
50 Flinders St  
ADELAIDE SA 5000

Dear Sir/Madam

**PROPOSED LAND DIVISION APPLICATION NO: 211/C071/19 AT KURRALTA PARK**

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

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

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

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

Yours faithfully

TONY PANNUNZIO

for **MANAGER LAND DEVELOPMENT & CONNECTIONS**

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



Government of South Australia  
SA Housing Authority

Date: 27/11/2020

Brendan Fewster  
Development Officer – Planning  
City Development  
City of West Torrens  
165 Sir Donald Bradman Drive  
Hilton, SA 5033

SA Housing Authority

GPO Box 1669  
ADELAIDE SA 5001  
DX 550

Tel: 131 299  
ABN: 17 545 435 789

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

Dear Mr Fewster,

**Referral Response to Application for Provisional Development Plan Consent with Land Division Consent**

<b>Application Number</b>	211/666/2019
<b>Applicant</b>	M F Lamarca
<b>Subject Land</b>	40 Daly Street, KURRALTA PARK, SA 5037
<b>Proposal</b>	Combined Application: Land division - Community Title; SCAP No. 211/C071/19; Create four (4) additional allotments and common property; and construction of one (1) two-storey residential flat building containing five (5) dwellings, freestanding carports and landscaping - Affordable Housing Development

1. The subject land is located within the City of West Torrens Council. The City of West Torrens Development Plan (consolidated – 21 May 2020) identifies the subject land as being within an affordable housing designated area.

The subject land is located within the Affordable Housing Overlay. Objectives 1 and 2 look collectively for affordable housing that is integrated into residential and mixed use development that comprises a range of affordable dwelling types.

The subject land is also located within Residential Zone, Policy Area 18 – Medium Density. Principle of Development Control 1 for Policy Area 18 defines affordable housing as an envisaged land use, while Principle of Development Control 7 provides planning incentives for development of affordable housing, such as reduced site area, reduced minimum private open space area and reduced minimum number of onsite car parking.

2. There is a Land Management Agreement (AG 13175332) over the subject land which requires the Applicant to deliver all dwellings within the relative Development Application to be for affordable housing (5 community title residential flats). The development should be assessed on the basis that it is providing affordable housing.

3. Should the Applicant have further questions on how to meet their obligation on delivering affordable housing outcomes as a part of their proposal, they can contact Maria Klimenchuk at SA Housing Authority at 0429 946 503.

Yours sincerely,



**Maria Klimenchuk**  
**AFFORDABLE HOUSING PLANNING OFFICER**  
STRATEGY AND GOVERNANCE  
SA HOUSING AUTHORITY

**7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER**

Nil

**8 SUMMARY OF COURT APPEALS**

Nil

**9 OTHER BUSINESS**

**10 MEETING CLOSE**