

CITY OF WEST TORRENS



## Confidential Report Items 7.1

of the

### COUNCIL ASSESSMENT PANEL

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

on

**TUESDAY, 10 SEPTEMBER 2019**  
**at 5.00pm**

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Pursuant to section 236(2) of the *Planning, Development and Infrastructure Act 2016* and clauses 16 & 17 of the *Assessment Panel Members – Code of Conduct*, it is an offence to disclose the information provided in confidence within this agenda except with prior approval of the Assessment Manager.

**Donna Ferretti**  
**Assessment Manager**

#### City of West Torrens Disclaimer

#### **Council Assessment Panel**

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

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

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Released

## 7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

### 7.1 5 Wainhouse Street, TORRENSVILLE

Application No 211/1349/2018

#### Reason for Confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with regulation 13(2)(a) (vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*, which permits the meeting to be closed to the public for business relating to the following:

- (vii) matters that must be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (viii) legal advice.

as this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

#### RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. On the basis that this matter is before the Environment Resources and Development Court so any disclosure would prejudice the position of Council, the Council Assessment Panel orders pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams, Assessment Manager, City Development staff in attendance at the meeting, and meeting secretariat staff, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager on the basis that this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
2. At the completion of the confidential session the meeting be re-opened to the public.

#### DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Demolition of existing dwelling and associated ancillary domestic structures and construction of one single storey detached dwelling and a two-storey residential flat building comprising two dwellings
APPLICANT	E Politis
LODGEMENT DATE	19 December 2018
ZONE	Residential
POLICY AREA	Torrensville East Conservation Policy Area 33
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 2

REFERRALS	Internal <ul style="list-style-type: none"> <li>Heritage Advisor</li> </ul> External <ul style="list-style-type: none"> <li>Nil</li> </ul>
DEVELOPMENT PLAN VERSION	Consolidated 12 July 2018
RECOMMENDATION	Support with conditions
AUTHOR	Josh Banks

## BACKGROUND

The application was presented to the Council Assessment Panel (CAP) at its meeting held on 11 June 2019 with a recommendation to support the proposal.

The CAP made the determination to refuse the application for the following reasons:

- General Section, Residential Development Principle of Development Control 4B  
*Reason: The proposed development is not compatible with the desired character of the relevant policy area in terms of building mass and proportion.*
- General Section, Residential Development Principle of Development Control 9  
*Reason: The proposed development does not contribute to the character of the locality.*
- General Section, Residential Development Principle of Development Control 19  
*Reason: The proposed development does not provide sufficient private open space.*
- General Section, Transportation and Access Principle of Development Control 34  
*Reason: The proposed development does not provide off-street vehicle parking for visitors.*
- Residential Zone Principle of Development Control 5  
*Reason: The proposed development is not consistent with the desired character for the policy area.*
- Residential Zone Principle of Development Control 11  
*Reason: The proposed development does not provide sufficient side boundary setbacks.*
- Torrensville East Conservation Policy Area 33 Objective 1  
*Reason: The proposed development does not contribute to the desired character of the policy area.*
- Torrensville East Conservation Policy Area 33 Principle of Development Control 1  
*Reason: The proposed residential flat building is contrary to the forms of development envisaged in the policy area.*
- Torrensville East Conservation Policy Area 33 Principle of Development Control 2  
*Reason: The proposed development is not consistent with the desired character for the policy area.*
- Torrensville East Conservation Policy Area 33 Principle of Development Control 4  
*Reason: The proposed building setback from the street boundary does not align with buildings on adjacent allotments.*

A copy of the 11 June 2019 report, original plans and related decision can be found on Council's website (Item Number 6.1).

Subsequently, the applicant appealed this decision and a compulsory conference was held at the Environment Resources and Development Court (the Court) on 12 August 2019. The applicant has since amended the proposal for the consideration of the CAP.

## AMENDMENTS

The original proposal was amended to address the concerns of the CAP. A summary of the amendments are listed below.

### Dwelling 1 (front dwelling)

- Rear setback increased to 500mm (from 0m)
- Front setback to portico increased to 4.7m (from 3.4m)
- Private open space increased to 50m<sup>2</sup> (from 46m<sup>2</sup>)
- Addition of bicycle parks adjacent to the common property
- Addition of low timber picket front fence.

### Dwellings 2 and 3 (rear dwellings)

- Ground floor rear setback increased from 3m to 4.3m
- Upper floor rear setback increased from 5m to 5.5m
- Total building height reduced from 6.8m to 6.5m
- Upper level staircases along the side boundaries reduced from 6.4m to 5.2m
- Change to the rear elevation and roof form - upper level wall height reduced
- Private open space increased from 40.5m<sup>2</sup> to 49m<sup>2</sup> and 50m<sup>2</sup>
- Addition of screening landscaping to rear boundary.

The applicant has provided north and south section elevations of the proposed dwellings and neighbouring dwellings at 6 and 8 Huntriss Street (to the rear) for contextual purposes.

A copy of the amended plans is contained in **Attachment 1**.

## REFERRALS

The amended plans were referred to Council's heritage advisor, Douglas Alexander, for revised comment. His overall view remains positive and the suggestions offered have been adopted by the applicant in the plans now presented.

A copy of the relevant referral response is attached in **Attachment 2**.

## DISCUSSION

This section focusses on the amended components of the application and the CAP's reasons for refusal.

### **Desired Character**

The Torrensville East Conservation Policy Area 33 (herein referred to as the Policy Area) and the Historic Conservation Area module seek similar built form outcomes. The Desired Character statement for the Policy Area has been broken down and discussed as follows.

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

The proposal includes a detached dwelling to the front of the site, and two dwellings in the form of a residential flat building to the rear. Residential flat buildings are not mentioned as an envisaged form of development within the policy area, however, it is worth noting that the building has a similar form and footprint to that of a detached dwelling situated on a single allotment. Given the limited footprint and height of the rear dwellings, the thoughtful and complementary design and the generous landscaping, the proposed development is considered a positive outcome for the locality.

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

The proposal achieves a low density of 33 dwellings per hectare, and retains a 14m frontage to the street. The allotment pattern within the immediate locality is not homogenous and features a variety of allotment sizes, shapes, configurations and frontage widths. As discussed in the previous report to the CAP, the proposal will not be an unusual addition to the locality and is unlikely to detrimentally impact the streetscape character of Wainhouse Street. The rear dwellings will not be readily visible from the street as they will predominantly be obstructed by the front dwelling.

*Streetscape character elements including low front fencing, landscaping space in front yards, regular street trees and on-street visitor car parking will be supported by limiting vehicle cross-overs.*

The applicant has amended the proposal to include a front picket fence and appropriate landscaping in the front yard of Dwelling 1. Low front picket fences are a traditional fence type within a Historic Conservation Area which is a positive improvement. It is worth noting that the proposal also retains the mature street tree and maintains on-street car parking in front of the subject site.

*There will be a unity of built-form, where all new development is complementary to historic buildings rather than dominating or detracting from them. There will be predominantly one storey buildings, with some two storey buildings where the upper level is contained within the roof space in a manner that is complementary to the single storey character of nearby buildings. New dwellings will incorporate building elements common to older structures such as pitched roofs, verandas and simple detailing, as well as building materials such as stone, bricks, limited rendered masonry and corrugated iron/steel.*

The built form is discussed in greater detail below. The built form is considered to be complementary to surrounding historic buildings through a careful choice of building elements, details, materials and a building height not dissimilar to surrounding existing buildings. The amendments to setbacks and building height have resulted in a positive improvement which has been endorsed by Council's heritage advisor.

*Alterations and additions will be primarily located at the rear of existing dwellings so that they have minimal impact on the streetscape. Setbacks will be complementary to the boundary setbacks of existing buildings in the policy area.*

Setbacks are discussed in greater detail below. The applicant has made amendments to the setbacks which has resulted in greater consistency with the existing buildings in the Policy Area. From undertaking a desktop analysis and site inspection, it is evident that the front setback of Dwelling 1 is approximately the average of the two neighbouring buildings. The side and rear setbacks are similar to those within the policy area.

*There will be no garaging/carports forward of the main facade of buildings.*

The proposed dwellings do not have garages or carports that are forward of the building façade of Dwelling 1.

*Historic front fencing, such as post and rail with woven wire and timber picket fences, will be preserved and new front fencing will be complementary in forms and materials, facilitating views into front yards and of building facades.*

The proposal includes a low picket front fence, which is of a traditional form and appearance.

Taking into consideration the above, it is considered that on balance, the proposal satisfies the intent of the Desired Character statement for the Policy Area.

### **Built Form, Mass and Proportion**

The height of Dwellings 2 and 3 (rear dwellings) has been lowered by 300mm to achieve a total building height of 6.5m. As demonstrated by section plans provided, the height of dwellings 2 and 3 is only marginally greater than the surrounding dwellings and will not be notable from the public realm due to their positioning behind existing buildings and proposed Dwelling 1. The revised upper level and roof pitching point and the introduction of dormer-styled windows to the rear elevation will result in an improved design outcome. The design improvements are considered to better address Principle of Development Control (PDC) 20 of the Residential Zone, the Desired Character of the Policy Area and PDC 8 of the Historic Conservation Area.

The introduction of evergreen trees along the rear boundary will assist in softening the appearance of the rear dwellings and reduce their impact on adjoining residential properties. The trees will also provide for increased visual privacy once mature.

The external appearance and form of Dwelling 1 remains sympathetic to the character and design elements of existing Contributory Items within the immediate locality. The removal of a portion of the front verandah and simplified front facade together with a low front picket fence is a direct and favourable response to Historic Conservation Area PDC 9 and the Desired Character of the Policy Area.

### **Private Open Space**

Private open space for Dwelling 1 has gained a modest addition and now totals approximately 52m<sup>2</sup>. An area of approximately 7m<sup>2</sup> has been excluded from the total amount as it does not feature a minimum dimension of 4m. As such, the proposal technically remains short of the desired minimum of 60m<sup>2</sup> outlined in Residential Development PDC 19. The shortfall is not considered to be fatal to the proposal as the total amount and configuration of the private open space is entirely appropriate and usable and is commensurate to the size of the dwelling.

### **Car Parking**

The applicant has not provided an off-street visitor car parking space on the subject site, but has incorporated bicycle parking spaces within the common property area. Given the proximity of the site to high frequency public transport routes and a range of retail and community facilities within short walking distances, this departure is considered acceptable in this instance.

### **Setbacks**

The front setback of Dwelling 1 has increased by 1.3m to 4.7m to the porch, whilst the façade remains at 6m. This is viewed as a positive outcome and addresses the original deficiency by more closely achieving the average of the two adjoining buildings (approximately 5m), which is considered to satisfy PDC 4 of the Torrensville East Conservation Policy Area 33.

The side setbacks of Dwellings 2 and 3 have not been altered, however the extent of the upper levels along the northern and southern side boundaries has decreased by nearly 20% from 6.4m to 5.2m. It is highlighted that PDC 13(a) of the Residential Zone is directly satisfied as the side boundary walls are proposed immediately abutting adjoining buildings on the side boundaries.

The rear setbacks of Dwellings 2 and 3 have been increased to reduce the extent of visual and overshadowing impacts. The new section plan provided by the appellant effectively shows the separation of the proposed dwellings from the neighbouring dwellings to the rear of the site, which remains reasonable and supportable in the context of the site and surrounding built form.

## SUMMARY

The revised proposal has addressed the reasons for refusal through a number of quantitative and qualitative changes, without fundamentally altering the nature of the development. These changes are all favourable and greater align the proposal to the relevant Development Plan provisions, notwithstanding some departures remain outstanding. The proposal again has the support of Council's heritage advisor from a heritage perspective, which provides confidence that the character attributes of the proposed development are worthy of support.

Accordingly, the Administration remains of the opinion that this development is acceptable in the unique context of the site and the locality, and should be supported as a result.

## RECOMMENDATION

The Council Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* (as amended) finds the proposal to be not seriously at variance with the Development Plan and resolves to advise the Environment Resources and Development Court that it does SUPPORT Development Plan Consent for Application No. 211/1349/2018 by E Politis to undertake demolition of existing dwelling and associated ancillary domestic structures and construction of one single storey detached dwelling and a two-storey residential flat building comprising two dwellings at 5 Wainhouse Street, Torrensville (CTs 6084/926 & 6084/927) subject to the following conditions:

### Council Conditions

1. The development shall be undertaken, completed and maintained in accordance with the plans and information detailed in this application except where varied by any conditions listed below.  
*Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.*
2. Prior to the occupation or use of the development, all stormwater design and construction shall be to the satisfaction of Council to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage shall not at any time:
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create insanitary 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 external materials, surface finishes and colours shall be consistent with the information detailed in this application and shall be maintained in a good condition at all times to the reasonable satisfaction of Council.  
*Reason: To ensure a high standard of materials and finishes are used in the final presentation of the building.*
4. Prior to the occupation or use of the development, all driveways, parking and vehicle manoeuvring areas shall be constructed and surfaced with concrete, bitumen or paving, and shall be drained and maintained in a good condition at all times to the reasonable satisfaction of Council.  
*Reason: To provide safe and convenient parking and manoeuvring areas for users of the development.*



5. The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.  
*Reason: To provide amenity for the occupants of the development and those of adjacent properties.*
  
6. Prior to the occupation or use of the development, the upper storey windows on the rear (western) elevations of Dwellings 2 and 3 shall be fitted with fixed obscure glass (not film coated) or raised sills to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties. The glazing in these windows shall be maintained in good condition at all times to the reasonable satisfaction of Council.  
*Reason: To minimise the impact on privacy to residents of adjoining dwellings.*

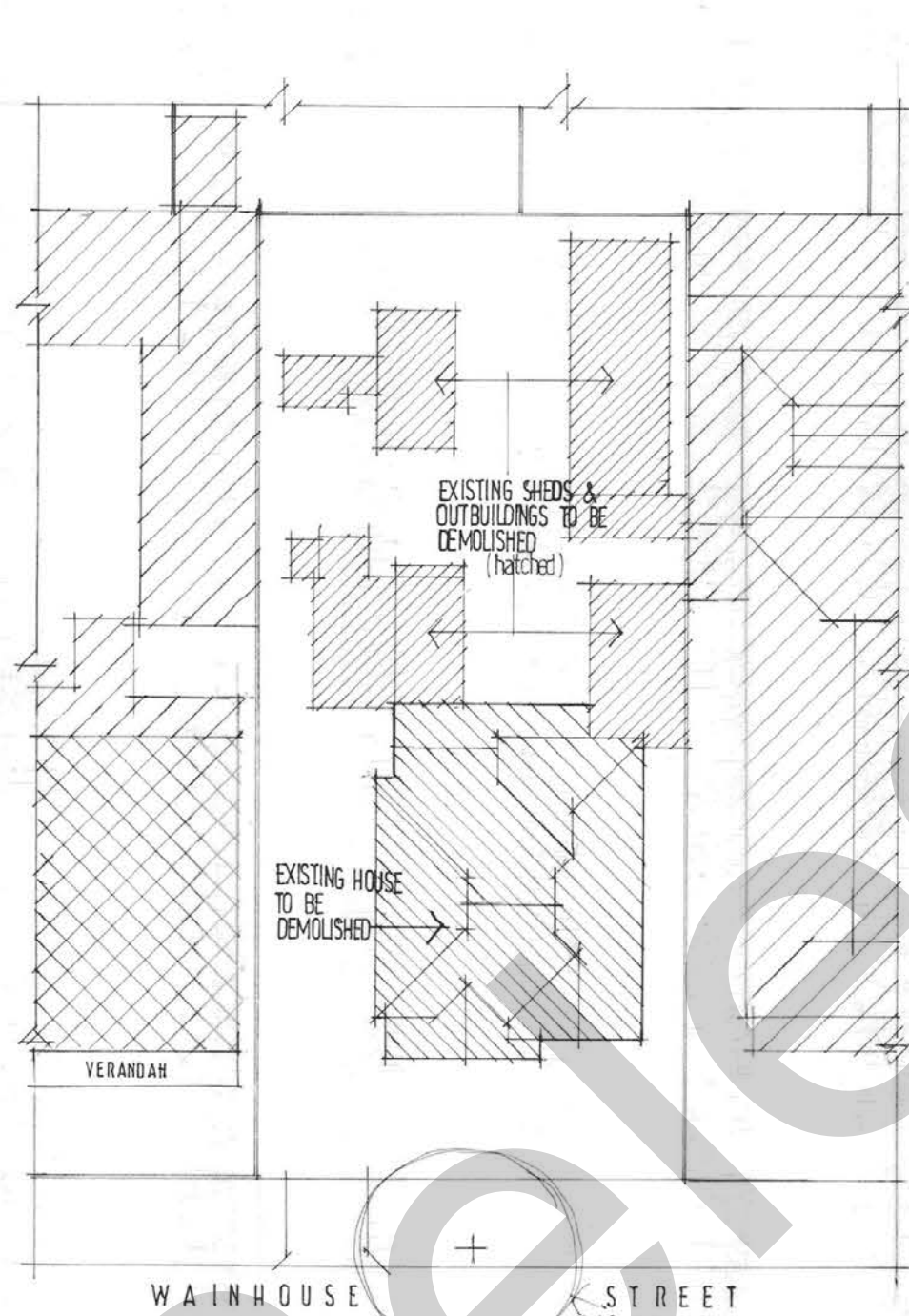
## **FURTHER**

1. Pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, Item 7.1 - 5 Wainhouse Street, TORRENSVILLE, including the report, attachments and any discussions (excluding the decision), having been dealt with in confidence under regulation 13(2)(a)(vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017* and in accordance with regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, be kept confidential until a decision of the Environment, Resources and Development Court relevant to the item is made, on the basis that it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
  
2. The Council Assessment Panel gives authority to the Assessment Manager to review, but not extend, the confidential order on a monthly basis.

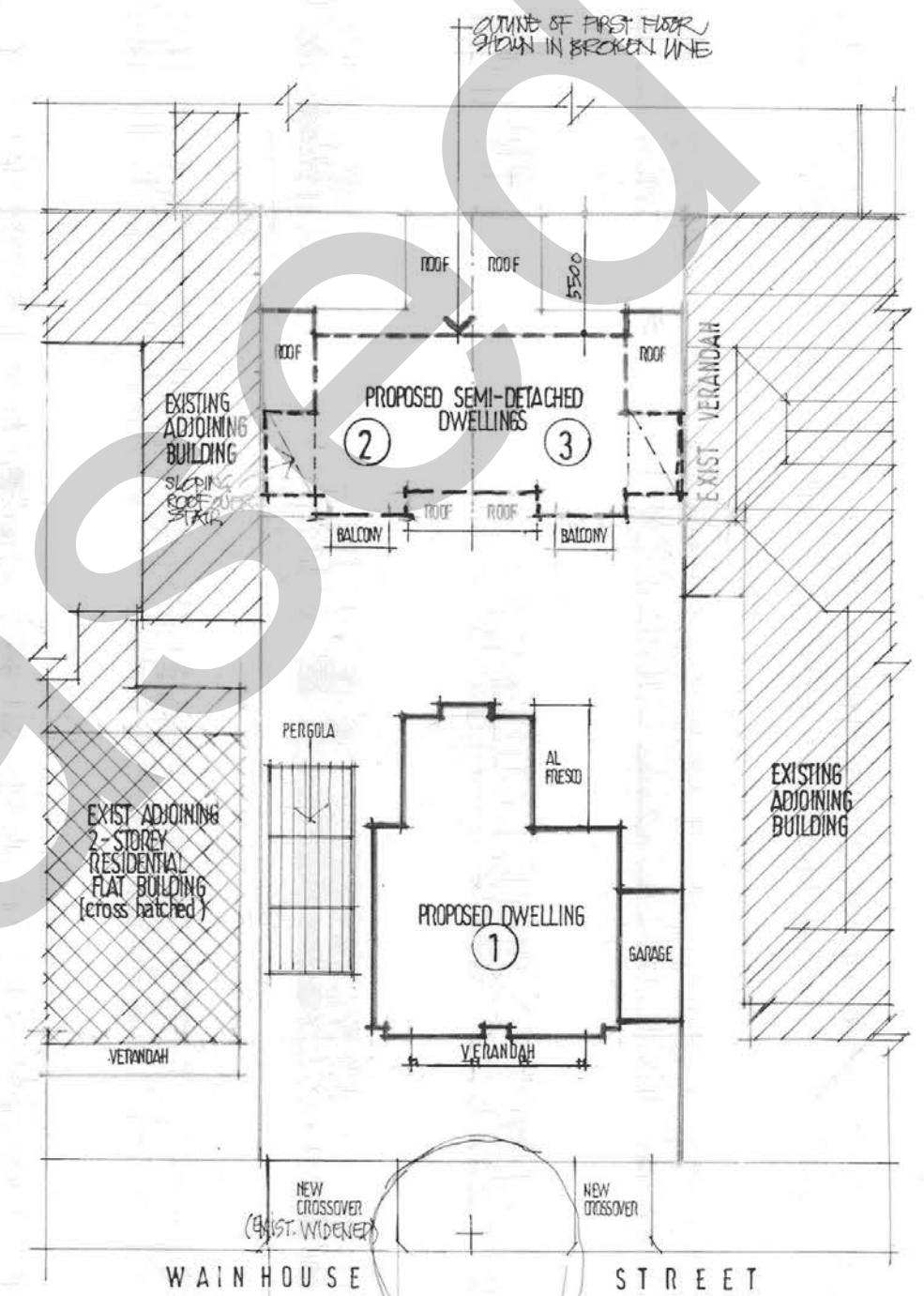
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## **Attachments**

1. **Amended plan set**
2. **Heritage Advisor comments**

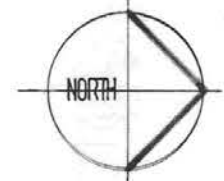


**SITE PLAN AS EXISTING**  
(SHOWING ADJOINING BUILDINGS & DEMOLITION)



**SITE PLAN AS PROPOSED**

AMENDMENT: A AUGUST 2010  
AMENDMENT: B 20.8.10

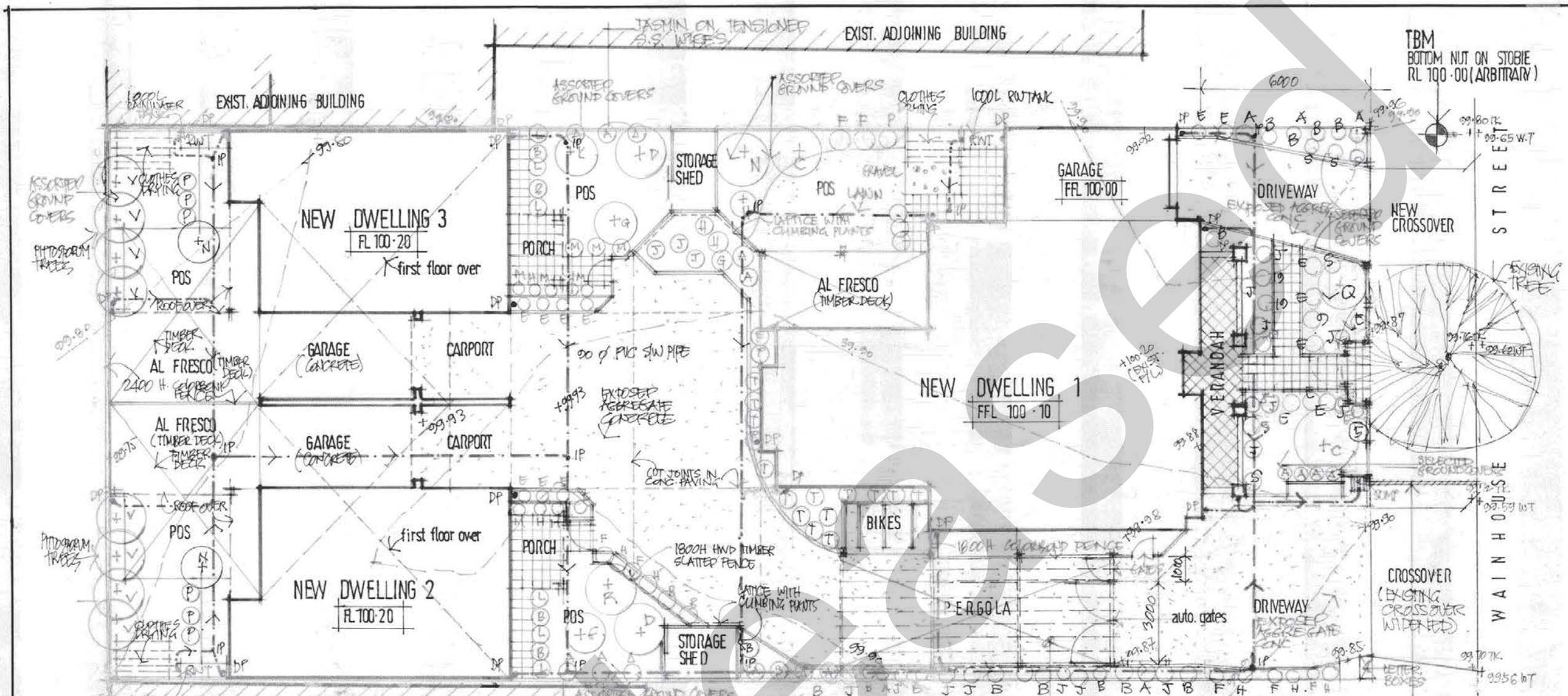


PROPOSED RESIDENTIAL DEVELOPMENT  
5 WAINHOUSE STREET TORRENSVILLE S.A  
FOR MR MOS POLITIS

JOHN LEITAKIS BUILDING DESIGN CAD0820144  
36 DEWETTEVILLE TCE KENT TOWN SA 5067

DATE DEC 2018  
SCALE 1:200 @ A3  
DRAWN JG  
DRAWING NO: PR-42018-SK 8.B





**SITE PLAN (SHOWING LEVELS, LANDSCAPING & S.W. DRAINAGE)**  
1:100 @ A3

**LANDSCAPING SCHEDULE**

PLANT TYPE	DESCRIPTION	PLANT TYPE	DESCRIPTION
A	VIBERNUM ODORATISSIMUM (CRICK FENCE)	L	LILIOPE EVERGREEN GIANT.
B	PURPLE FOUNTAIN GRASS (PENNISETUM ADEUNA)	M	SOCIETY SARIC (TULBAGHIA VIOLACEA)
C	DWARF WASHINGTON NAVAL	N	DWARF LEMON (DUEKA)
D	ORNAMENTAL PEAR (PYRUS CALLERYANA)	O	SAGE
E	LOMANDRA (LIMETURE)	P	ROSEMARY
F	PHOENIUM (BRONZE BABY)	Q	DWARF MANDARIN (IMPERIAD)
G	MAGNOVA GRANDIFLORA (LITTLE GEM)	R	WASHINGTON NAVAL ORANGE
H	LOMANDRA (FINE N DANDY)	S	NANDINA (MOON BABY)
J	MYLA (LOMANDRA LONGIFOLIA)	T	AGAPANTHUS (PINK FEWES & WHITE)
K	DWARF TAHITIAN LIME	U	THYME
		V	PLTOSORUM TREES

**NOTES**

- AREAS SHOWN TO HAVE SELECTED GROUND COVERS SHALL INCLUDE OREGANO, THYME & SAGE & SMALL ROSEMARY BUSHES.
- ALL LANDSCAPED AREAS SHALL BE PROPERLY PREPARED & PLANTED & SHALL BE PROVIDED WITH AUTOMATIC WATERING SYSTEM.
- ALL LANDSCAPED/PLANTED AREAS TO BE ADEQUATELY MULCHED.

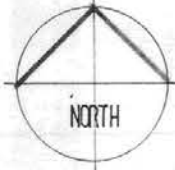
AMENDMENT 'A' MARCH 2019  
DRAWING AMENDED TO REFLECT AMENDMENTS MADE TO DRAWING PR-42018-SK4'X

**LEGEND**

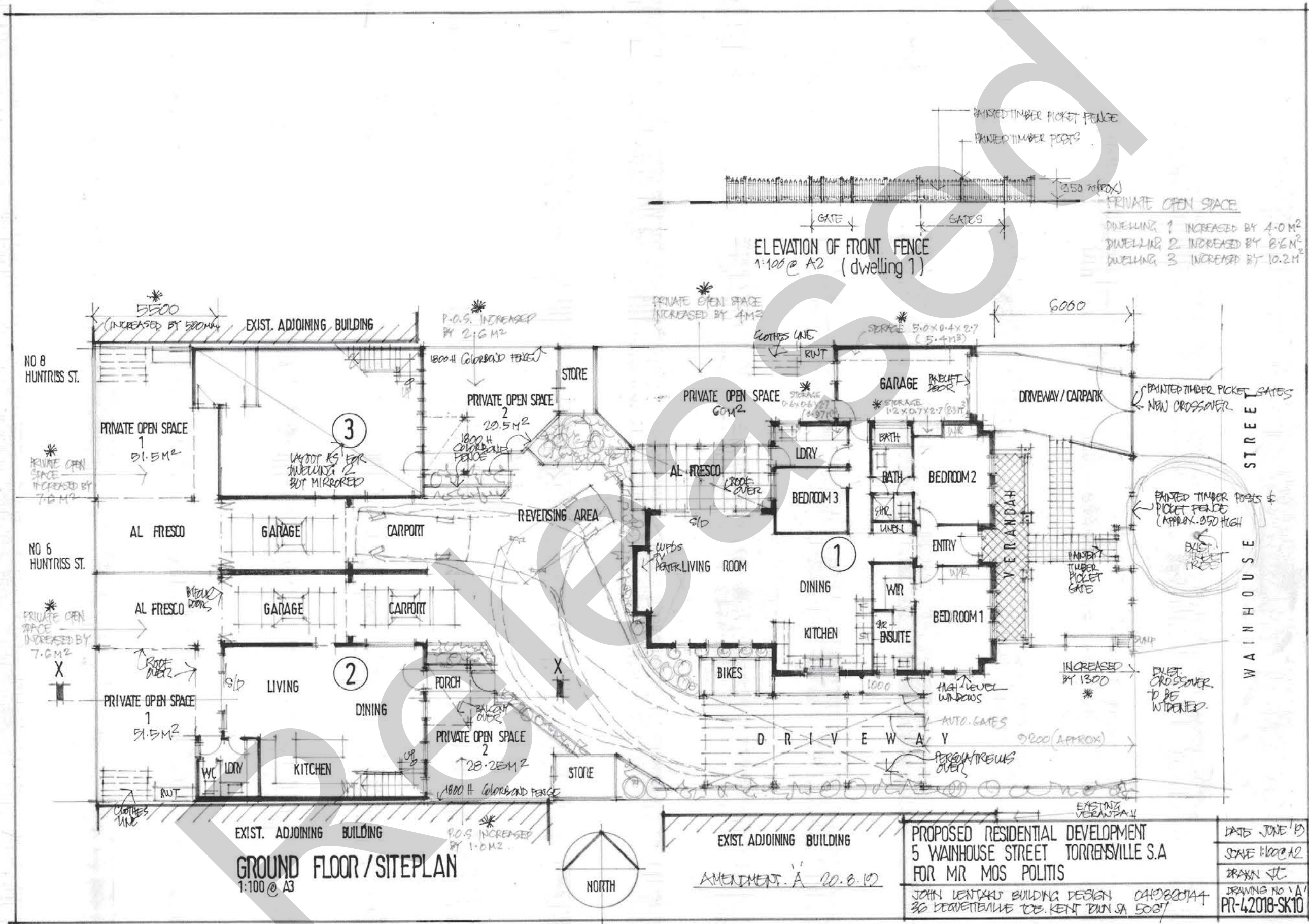
- 99.8 EXISTING CONTOURS
- +99.93 EXISTING LEVELS
- 90 Ø PVC STORM WATER PIPE
- DP DOWNPIPE

AMENDMENT 'B' AUGUST 2019  
AMENDMENT 'C' 20.8.2019

<b>PROPOSED RESIDENTIAL DEVELOPMENT</b> 5 WAINEHOUSE STREET TORRENSVILLE S.A FOR MR MOS POLITIS JOHN VERTAKIS BUILDINGS PEBLEN 0410820744 300 DEARBORNVILLE TCE, KENT TOWN SA 5007	DATE DEC. 2018
	SCALE 1:100 @ A2
	DRAWN: [Signature]
	DRAWING NO PR-42018-SK7C



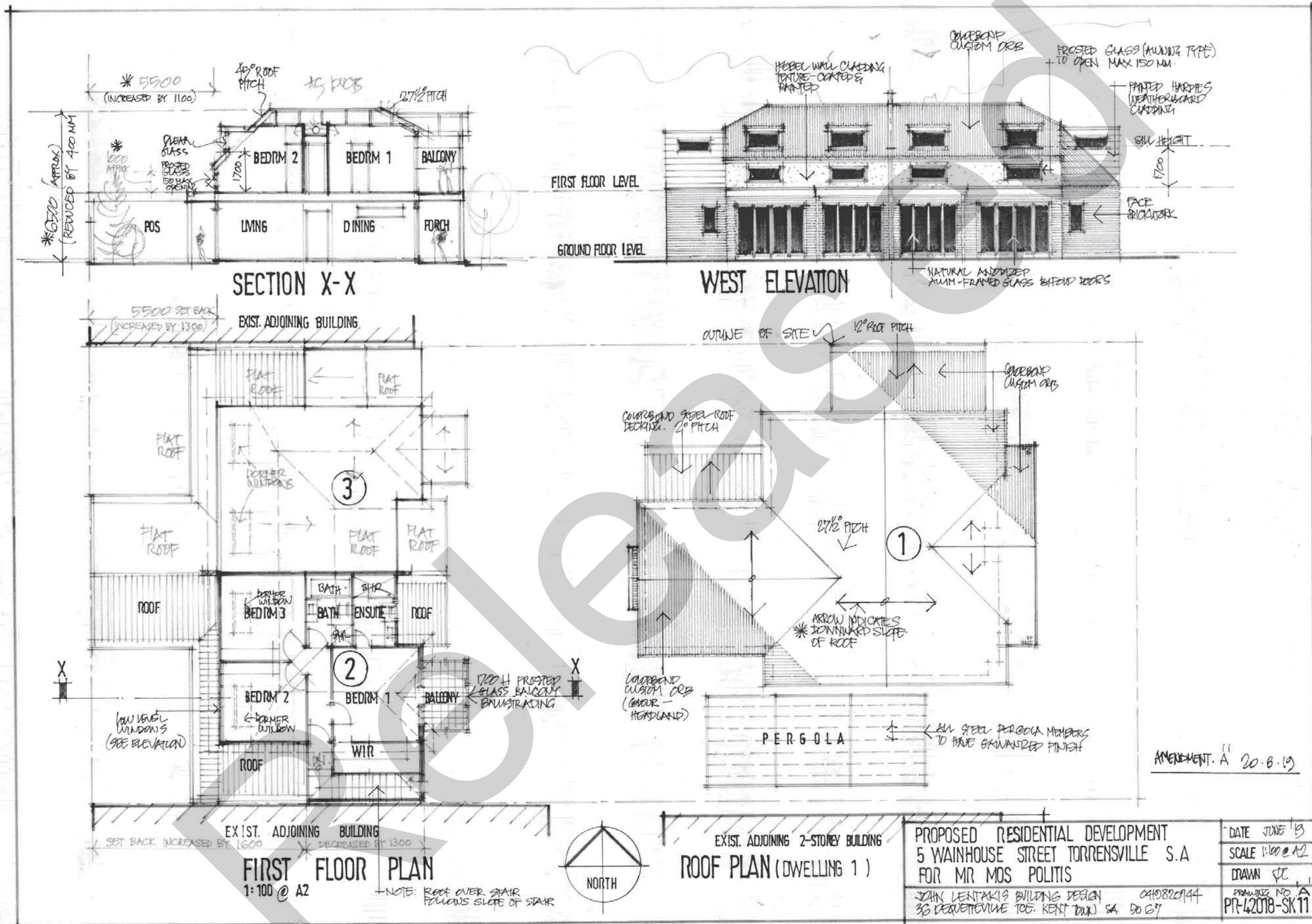




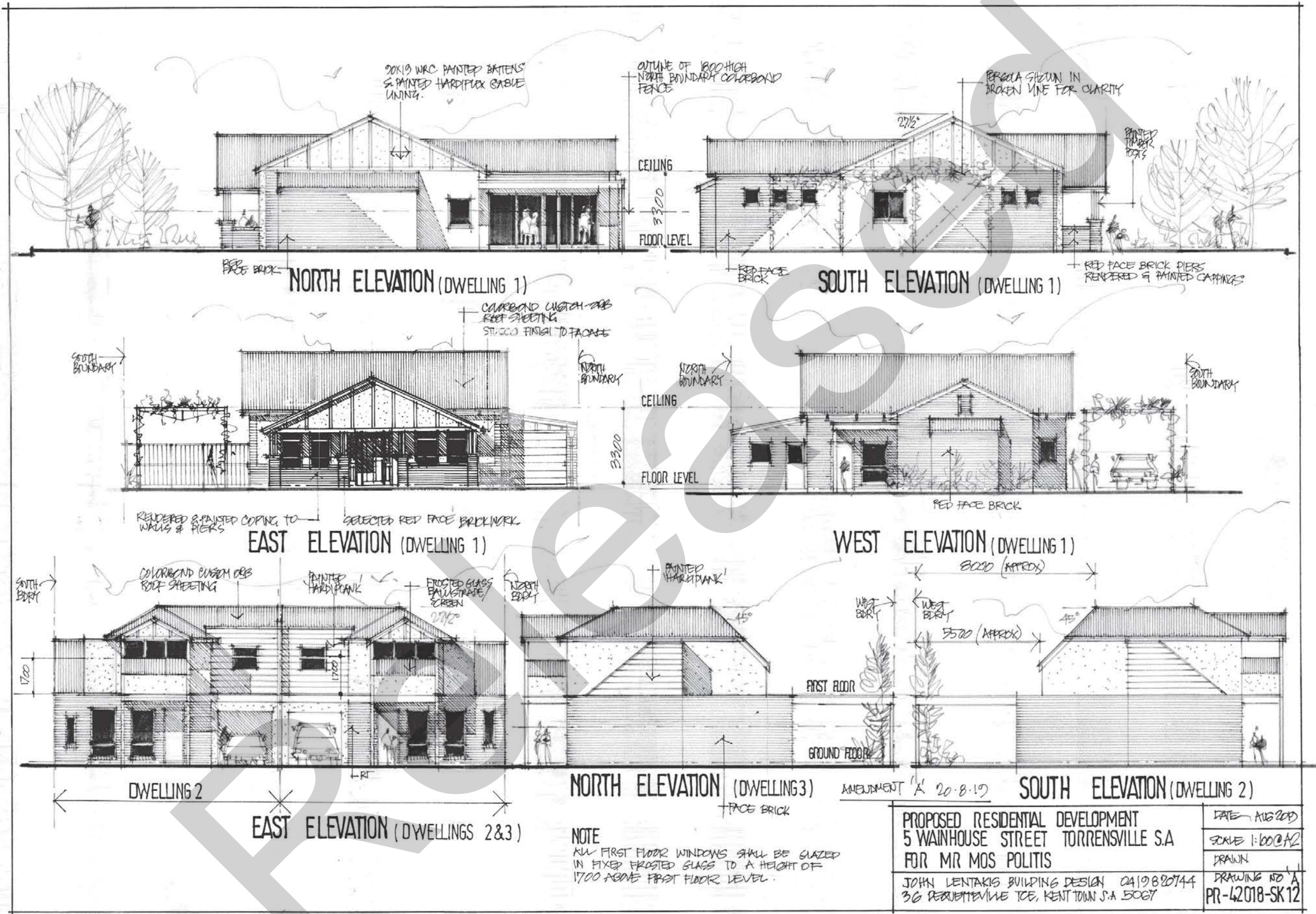




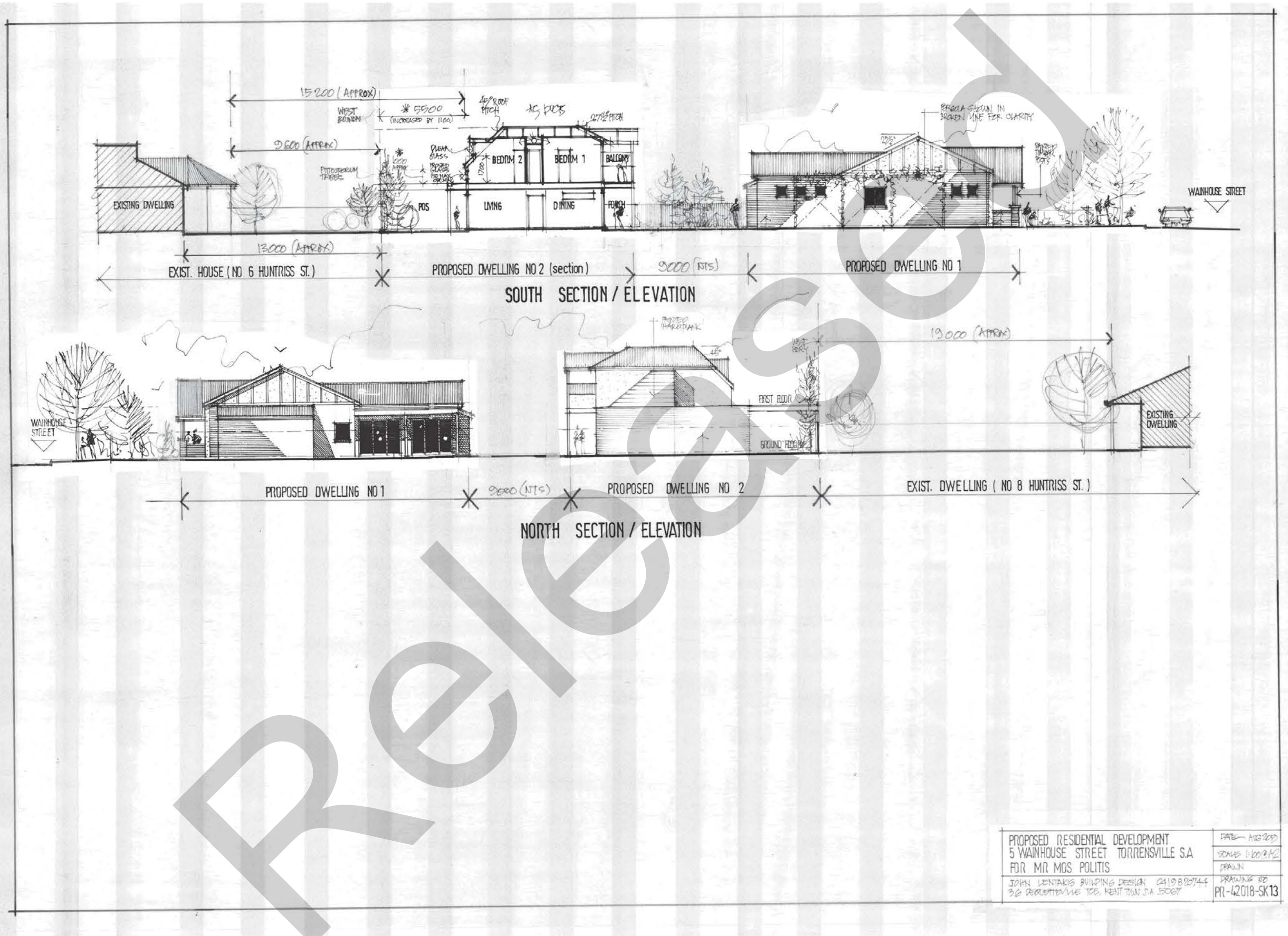












PROPOSED RESIDENTIAL DEVELOPMENT	DATE: AUG 2019
5 WAINHOUSE STREET TORRENSVILLE S.A	SCALE: 1:100 @ A2
FOR MR MOS POLITIS	DRAWN
JOHN LENTAKIS BUILDING DESIGN 0419 820744	DRAWING NO
3/6 DEBOUTENNEUVE TERR. KEAT TOWN S.A 5007	PR-42018-SK13



## City of West Torrens Heritage Advisor Comment

**Planning Application No.:** 211/1349/2018 ERDC  
**Location:** 5 Wainhouse Street, Torrensville  
**Zone:** Residential  
**Policy Area:** Torrensville East Conservation Policy Area 33  
**Heritage Status:** Contributory  
**Proposal:** Demolition of existing dwelling and associated ancillary domestic structures and construction of one single storey detached dwelling and a two-storey residential flat building comprising two dwellings  
**To:** Brendan Fewster  
**Date:** 19/08/19



I have considered the following Development Plan Provisions:

### **Torrensville East Conservation Policy Area 33**

#### **OBJECTIVES: 1**

#### **DESIRED CHARACTER**

#### **PRINCIPLES OF DEVELOPMENT CONTROL: 1,2,3,4,5**

#### **Historic Conservation Area**

#### **OBJECTIVES: 1,2,3,4**

#### **PRINCIPLES OF DEVELOPMENT CONTROL: 1,2,3,4, 5,6, 7, 8, 9,10, 13**

## City of West Torrens Heritage Advisor Comment

### Residential Zone

**OBJECTIVES: 1,2,3,4**

**DESIRED CHARACTER**

**PRINCIPLES OF DEVELOPMENT CONTROL: 1,5,6,7,8,10,12,13**

### Heritage Advisor Suggestions to assist with Reasons for Refusal:

General PDC 4B,9 Residential Zone PDC 5 PA 33 Objective 1, PDC 2	Desired Character	Simplify verandah treatment of Dwelling 1 to better resemble the bungalow verandah being replaced
	Context	Section XX through Residential Flat Building should include the dwelling to the west and also the proposed Dwelling 1
	Context	The North and South Elevations of the Residential Flat building should be drawn with the North and South Elevations of the proposed Dwelling 1

### Heritage Advisor Comments on Compromise:

Dwelling 1	Floor Area reduction "Set back of verandah from front boundary reduced by 300mm" This is taken to mean the setback is increased by 300mm as stated on the drawings	Consider amending verandah by removing projecting porch and forming bungalow style verandah
	Front fence added	Positive response to PDC 9 of the HCA: suggest reducing to 1200 high and also bungalow picket
	POS increased	
	Storage shed deleted	
Dwellings 2 and 3	Layouts amended slightly	
	Set back from rear boundary increased	Supported; could be shown on section as suggested above
	West part of roof modified	Supported: this provides greater emphasis on the Ground Floor and potential single storey appearance
	Low level windows	Not fully supported: detracts from single storey appearance
	Dormer Window added	Supported
	Private Open Space increased	
	Overall height reduced	Supported but suggest a cross section that demonstrates context and improvements
	Landscape Plan: trees added to west boundary	Supported but suggest a cross section that demonstrates context and improvements