

CITY OF WEST TORRENS



## Notice of Panel Meeting

**NOTICE IS HEREBY GIVEN** in accordance with Section 56A(19) of the Development Act 1993, that a meeting of the

**DEVELOPMENT ASSESSMENT PANEL**

**of the**

**CITY OF WEST TORRENS**

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

on

**TUESDAY, 9 AUGUST 2016  
at 5.00 PM**

**Terry Buss  
Chief Executive Officer**

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

#### **Development Assessment Panel**

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

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

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**1. MEETING OPENED**

**1.1 Evacuation Procedure**

**2. PRESENT**

**3. APOLOGIES**

**4. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That the Minutes of the meeting of the Panel held on 12 July 2016 be confirmed as a true and correct record.

**5. DISCLOSURE STATEMENTS**

The following information should be considered by Development Assessment Panel Members prior to a meeting:

**Action to be taken prior to consideration of a matter**

Sections 2(4)(5) of the Minister's Code of Conduct - Section 21A of the Development Act 1993 requires that:

*"If you consider that you have, or might reasonably be perceived to have an interest in the matter before the panel, you must clearly state the nature of that interest in writing to the presiding member before the matter is considered.*

*If you consider that you have a personal interest which may be in conflict with your public duty to act impartially and in accordance with the principles of the Act, you must declare a conflict of interest as above."*

**Action to be taken after making a declaration of interest:**

Section 2(6) of the Minister's Code of Conduct - Section 21A of the Development Act 1993 requires that:

*"If you have an interest in a matter, you must not partake in any of the assessment processes involving the matter. You must leave the room at any time in which the matter is discussed by the panel including during the hearing of any representations or during any vote on the matter. You must not vote on the matter and you must not move or second any motion or participate in any discussion through the consensus process."*

If an interest has been declared by any member of the panel, the presiding member must record the nature of the interest in the minutes of meeting.

## 6. REPORTS OF THE CHIEF EXECUTIVE OFFICER

### 6.1 6 Surrey Road, KESWICK

Application No. 211/290/2016

Appearing before the Panel will be:

Representors: **Peter and Kate Stolz** of 1 Surrey Road, Keswick wish to appear in support of their representation.

**Jill Brooker** of 11 Surrey Road, Keswick wishes to appear in support of their representation.

**Priscilla Mulders** of 9 Surrey Road, Keswick wishes to appear in support of their representation.

**David Sanderson** of 13 Surrey Road, Keswick wishes to appear in support of their representation.

**Brett Sutherland and Gabrielle Aujard** of 3 Surrey Road, Keswick wish to appear in support of their representation.

Applicant: **Tom Hately of Access Planning** (on behalf of **Specific Prestige**) wishes to appear to respond to the representations.

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Change of use from office/warehouse to light industry (extension to crash repair business)
APPLICANT	Specific Prestige
APPLICATION NO	211/290/2016
LODGEMENT DATE	21 March 2016
ZONE	Commercial
PRECINCT	NA
POLICY AREA	Policy Area 1 - Arterial Roads
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 3
REFERRALS	Internal ▪ City Assets - Traffic Consultant External ▪ Nil
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

## BACKGROUND

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

- All Category 2 or 3 applications where a representor has requested to be heard shall be assessed and determined by the DAP.

## RELATED APPLICATIONS

DA 211/979/2010 (110-112 Richmond Road, Keswick)

*Construct two openings between two buildings under different occupation; install four (4) complete refinishing system units (spray booths) with ancillary flues and provide new opening for vehicle access from Surrey Road for the carrying out of an Industry use (motor vehicle crash repairs).*

Development Approval granted 3 February 2011.

DA 211/847/2015 (4 Surrey Road, Keswick)

*Construction of a workshop addition, alterations to existing workshop building, associated car parking area and demolition of existing outbuilding.*

Planning Consent granted 30 September 2015.

## SITE AND LOCALITY

The subject land is an allotment formally described as Allotment 19 filed plan 8229 in the area named Keswick, Hundred of Adelaide as contained in Certificate of Title Volume 5443 Folio 776.

The land is more commonly known as 6 Surrey Road, Keswick.

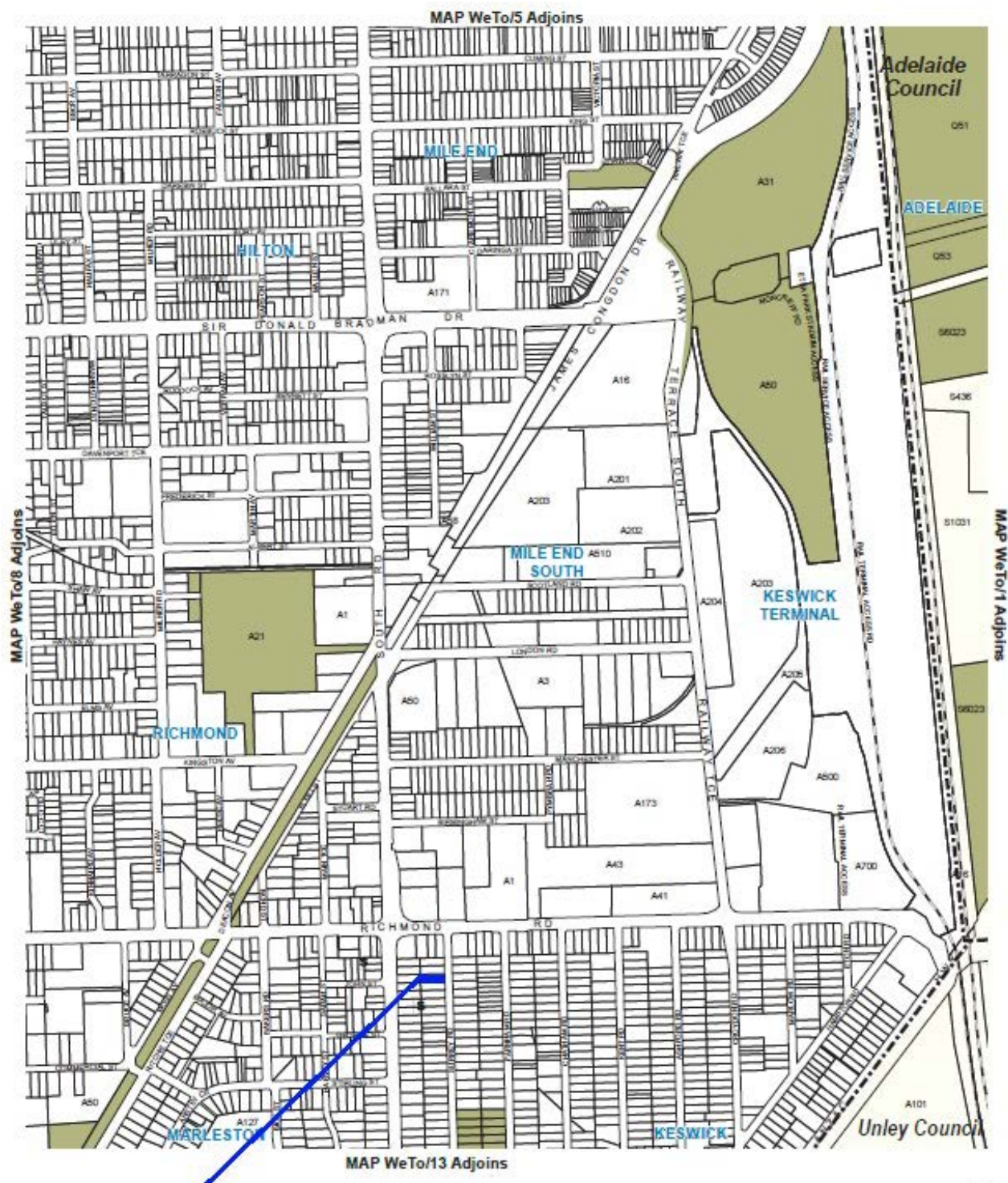
The subject land is a rectangular parcel of land, 696.77sqm in area with a frontage to the street of 15.24 metres. The land is relatively flat.

The subject land contains a large building which has a total floor area of 549 square metres. The building has existing use rights as a warehouse and ancillary offices.

Vehicle access exists from Surrey Road via a single crossover. The land has car parking in front of the building. A small area of landscaping is located at the front of the site.

The locality has a mix of commercial, residential and educational uses (Richmond Primary School), with a strong commercial emphasis on the southern side of Richmond Road extending to the intersection with South Road (warehousing, offices, shops, motor repair stations, and a petrol station). To the eastern side of the subject land (and generally to the eastern side of Surrey Road) are low density residential land uses in the form of single storey dwellings.

The locality and location of the subject land are shown on the following diagrams.

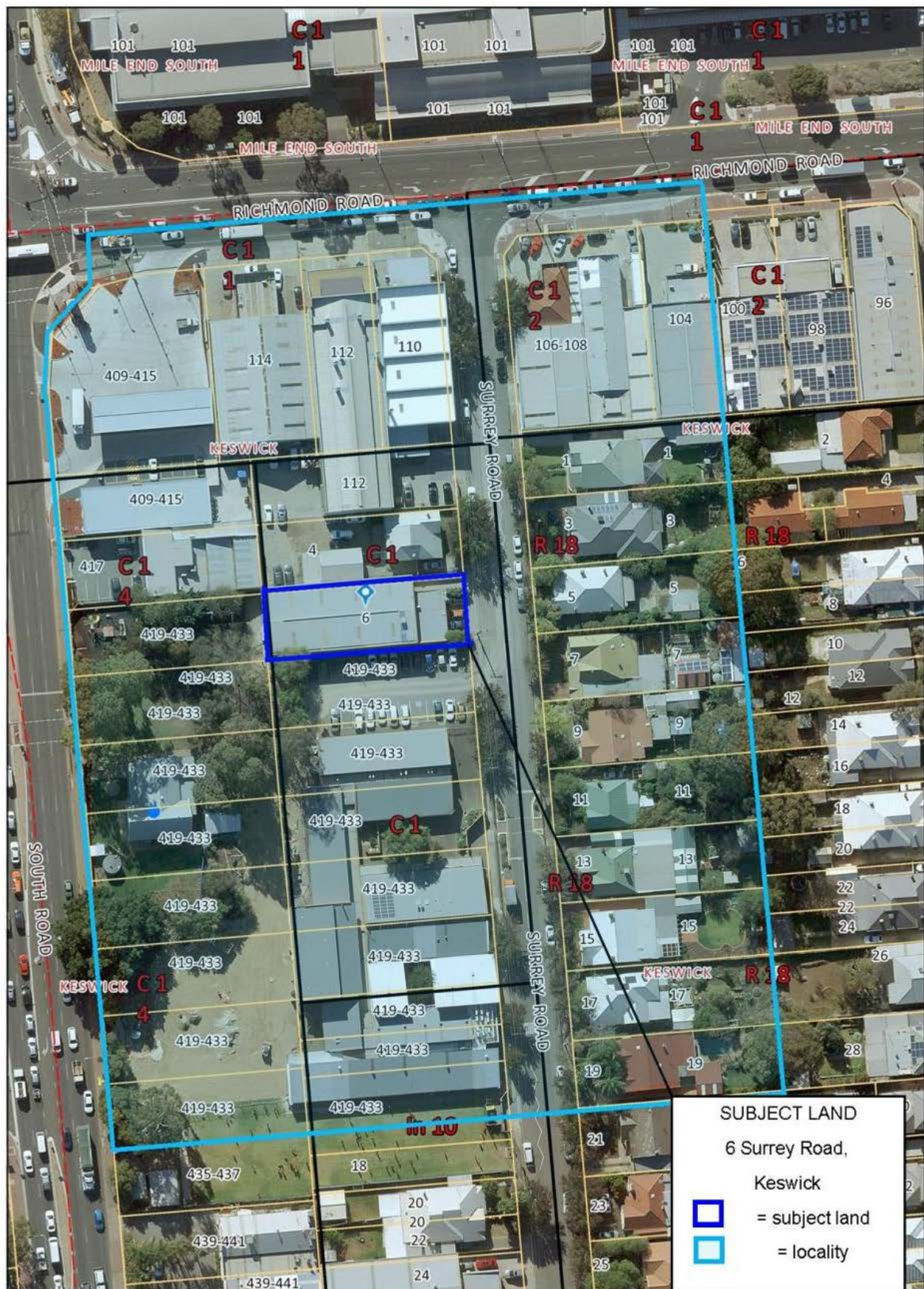


- [S] School
- Railways
- Local Reserves
- Development Plan Boundary

## Location Map WeTo/9

WEST TORRENS COUNCIL  
Consolidated - 5 November 2015





## PROPOSAL

The proposal is for a change in use of the land formerly used as an office and warehouse to light industry (motor vehicle crash repairs). See **Attachment 1** for a copy of the proposed plans and supporting documentation.

The proposal is to use the existing building for additional working space for the business, and specifically for the storage, fitting and removal of aluminium motor vehicle panels.

## PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations 1993 and the Procedural matters of the Commercial Zone.

<b>Properties notified:</b>	Twelve properties were notified during the public notification process.
<b>Representations:</b>	Five representations were received.
<b>Persons wishing to be heard:</b>	The following representors identified that they wish to address the Panel: <ul style="list-style-type: none"><li>• Peter and Kate Stolz</li><li>• Jill Brooker</li><li>• Priscilla Mulders</li><li>• David Sanderson</li><li>• Brett Sutherland and Gabrielle Aujard</li></ul>
<b>Summary of Representations:</b>	Concerns were raised regarding the following matters; <ul style="list-style-type: none"><li>• Land use</li><li>• Noise and air pollution</li><li>• Traffic</li></ul>

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

- Commercial Zone - Principle of Development Control 1 nominates 'light industry' and motor-related business (other than a wrecking yard) as envisaged uses in the zone.
- No alterations to the existing building are proposed.
- The chief purpose is for the storage of cars and aluminium parts. Repair work will be limited to the fitting and removal of panels.
- The applicant will restrict hours of operation to 8:00am to 5:30pm Monday to Friday. There will be no after-hours or weekend work.
- The existing roller door will be closed when work is occurring inside.
- No spray painting will be undertaken on this site.
- The proposal does not seek to increase the intensity of the current business, but rather to assist in providing a more efficient workflow. An additional three (3) parking spaces (likely for staff) will be provided through use of this site.
- Deliveries to this site are not anticipated. They will continue to occur at 110-112 Richmond Road.

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

## REFERRALS

Internal

### City Assets - Traffic Consultant

The application was referred to Council's Traffic Consultant to review and comment on traffic related matters associated with the proposed development. The consultant was initially concerned with car parking numbers and traffic movements; however these concerns may be overcome with certain conditions being placed on any approval granted. See **Attachment 3** for a copy of both original and additional advice.

## ASSESSMENT

The subject land is located within the Commercial Zone, and more particularly Arterial Roads Policy Area 1 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Advertisements	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 14, 15 & 16
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 5, 6, 8 & 10
Design and Appearance	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13
Interface between Land Uses	Objectives	1 & 2
	Principles of Development Control	1, 2, 4, 6, 7 & 8
Landscaping, Fences and Walls	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4, 5 & 6
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 5, 6, 7 & 8
Transportation and Access	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 8, 10, 11, 12, 13, 18, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40 & 41

Zone: Commercial	
Objectives	1 & 2
Principles of Development Control	1 & 2

Policy Area: Arterial Road (Policy Area 1)	
Desired Character Statement:	
<p><i>This policy area will accommodate a wide range of commercial and light industrial uses. It is envisaged that the appearance of commercial development within the policy area will be improved through the redevelopment and upgrading of existing development sites. Development site refers to the land which incorporates a development and all the features and facilities associated with that development, such as outbuildings, driveways, parking areas, landscaped areas, service yards and fences. Where a number of buildings or dwellings have shared use of such features and facilities, the development site incorporates all such buildings or dwellings and their shared features and facilities.</i></p>	
Objectives	1
Principles of Development Control	1, 2

## ASSESSMENT

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

### Interface between Land Uses

The subject land is located on the edge of a Commercial Zone, with a Residential Zone on the opposite side of the road. An Industry Zone is located south, with the zone boundary intersecting a portion of the existing school grounds.

It is evident that the locality contains a mix of land uses, including educational, commercial, light industrial, and residential. General Section - Interface between Land Uses talks about, *inter alia*, non-residential and residential uses and minimising negative impacts and potential conflict between land uses. The activities as described by the applicant's agent are considered not likely to detrimentally affect the amenity of the locality or cause unreasonable interference through noise, odour, vibration and the like.

### Vehicular Access

Following advice from Council's traffic consultant, the Administration is satisfied that traffic impacts will be minimised through imposing conditions of consent such as preventing service vehicles from accessing the site, and that all vehicles should access and leave the site in a forwards direction, should the DAP approve the proposal.

## SUMMARY

The Administration is satisfied that the proposal satisfies the majority of relevant Development Plan provisions particularly those contained in the Commercial Zone, and will not unreasonably impact the adjoining residential uses, notwithstanding some concerns of Council's traffic consultant.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan. On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2015 and warrants Development Plan Consent.

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/290/2015 by SPECIFIC PRESTIGE to undertake Change of use from office/warehouse to light industry (extension to crash repair business) at 6 Surrey Road, Keswick (CT 5443/776) subject to the following conditions of consent:

### Council Conditions

1. That the development shall be completed and operated in accordance with the plans and information detailed in this application except where varied by any conditions listed below.
2. That the hours of operation of the subject land shall be between 8:00am to 5:30pm Monday to Friday inclusively.
3. That service or delivery vehicles shall not directly access the site.
4. That vehicles shall enter and exit the site in a forward direction.



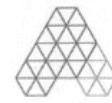
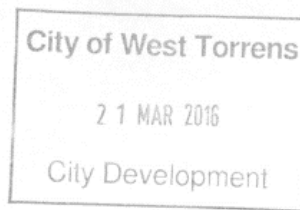
**ATTACHMENT 1**

18 March 2016

Ref: 6583

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

Attention: Planning Department



**ACCESS  
PLANNING**

Access Planning (SA) Pty Ltd  
ABN 57 089 702 241

235 Henley Beach Road  
Torrensville SA 5031

Telephone 08 8130 7222

Facsimile 08 8130 7299

admin@accessplanning.com.au

www.accessplanning.com.au

Dear Sir/Madam,

**RE: Change of use at 6 Surrey Road, Keswick**

Please find herewith the following documentation in respect to the abovementioned development:

- Development Application Form
- Electricity Declaration Form
- Certificate of Titles
- Proposal Plans

Upon receipt of the application it is requested that Council advise the required application and assessment fees.

**SUBJECT SITE AND LOCALITY**

The subject site consists of a regular shaped allotment comprising an area of approximately 696 square metres.

The land has a frontage of 15.24 metres to the Surrey Road to the east which provides access to the land.

The subject land contains an existing office and warehouse which comprises an area of approximately 549 square metres. Three parking spaces are provided in front of the office component and a driveway is located along the northern boundary of the site which provides access into the warehouse component.

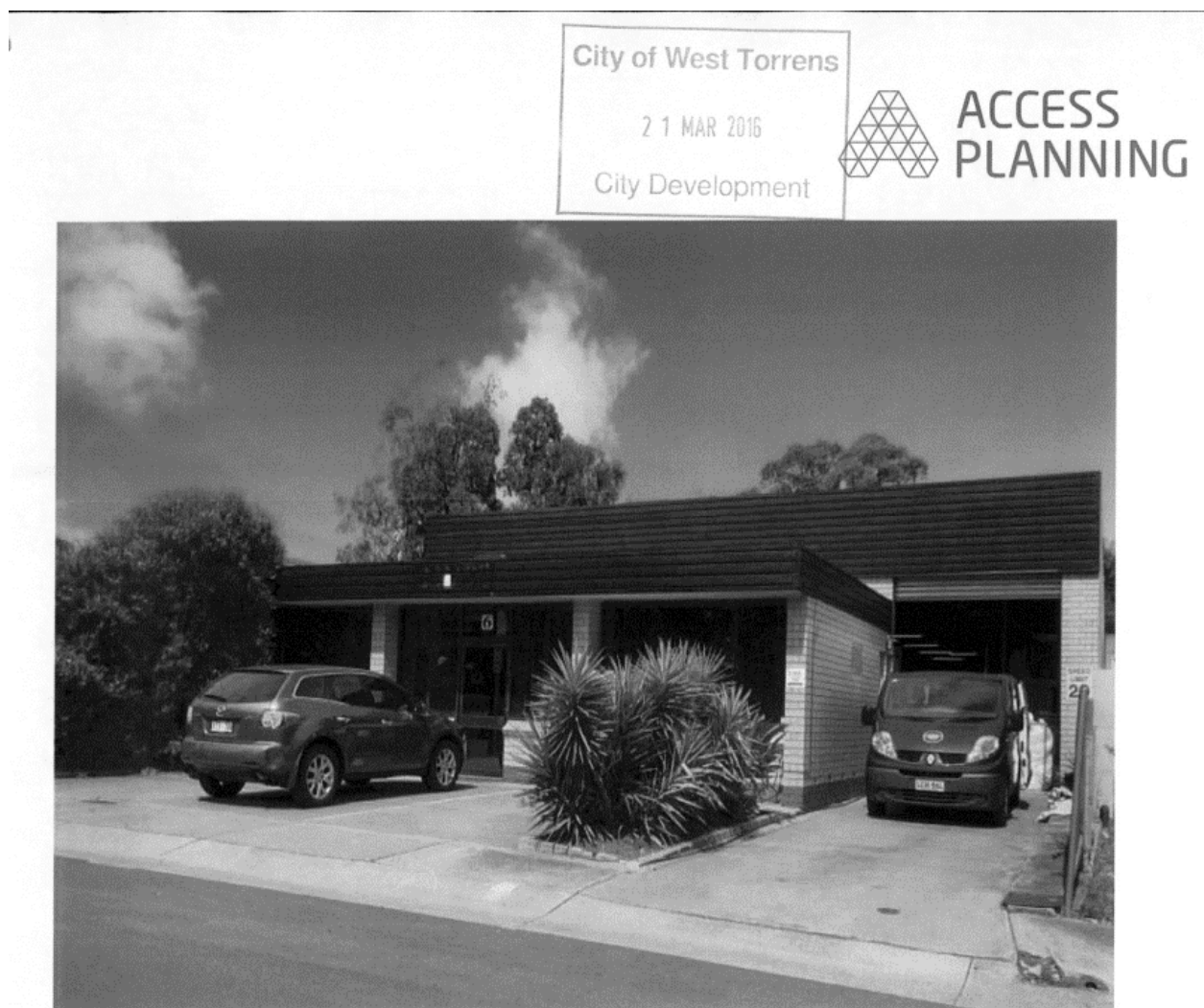
The land is adjoined by a crash repair business operated by the applicant (Specific Prestige) which is currently located on the four adjoining allotments to the north (two fronting Surrey Road and two fronting Richmond Road).

The locality consists of mixed character due to the range of land uses that exist, these include;

- dwellings to the east;
- automotive repair businesses, service station and office/warehouse to the north
- a school to the south and west.

The subject land and locality is more particularly depicted in figure 1 and 2 below.





**Figure 2:** Existing building – view from Surrey Road

## PROPOSAL

The applicant is seeking approval for the change of use of the existing office/warehouse to a crash repair business.

No changes are proposed either externally or internally to existing building. Also no changes are proposed to the existing car parking and access arrangements on site.

The existing building will be used primarily as additional storage and work space for the existing adjoining crash repair business. There will be no spray booths provided within the building.

The existing car repair business is the factory approved repairer for many prestige manufacturers including Aston Martin, Jaguar, Volvo, Land Rover, Honda, Audi and VW.

The key purpose of the proposal is to provide an additional and separated area which the above manufacturers require for aluminium panel work (i.e. minor panel beating, panel removal and fitting) and storage. The separate area is needed to prevent any contamination of the aluminium surfaces which can affect the finish of the cars.

For example, any contact with ferrous metals, (i.e. metal dust or shards from an angle grinder) will damage and corrode the aluminium panels.

No signage is proposed as part of this application.

City of West Torrens

21 MAR 2016

City Development



ACCESS  
PLANNING

## DEVELOPMENT ASSESSMENT

The subject land is located within the Commercial Zone and more particularly within Arterial Road Policy Area 1. I note that the land is not located within a precinct.

Zone Principle 1 nominates light industry and motor vehicle related business (other than a wrecking yard) as envisaged uses in the zone.

The proposal development seeks to extend the existing adjoining crash repair business which is a use envisaged in the zone.

The proposed change of use will result in no changes to the form of the existing development on the land and will allow Specific Prestige to operate in a more efficient manner and in accordance with car manufacturer's requirements with respect to storage and handling of aluminium products.

The land is provided with 3 carparks on the site. I note that a warehouse and industry (crash repairer) require the same parking requirements as outlined in Table WeTo/2. As a result, the proposed change of use will not change the level of carparking demand compared to the current/previous use of the site.

In summary, the proposed development represents a relatively minor change of use that will allow the existing crash repair business to operator in more efficient manner. In addition, the proposal will likely have minimal impact on the amenity of the locality, given the proposed development is an envisaged land use in the zone and no changes are proposed to the existing development on the land.

For all of the above reasons the proposed development is worthy of the support of Council.

If you have any questions in relation to the above or require any additional information please contact me on 8130 7222 or via email at [tom@accessplanning.com.au](mailto:tom@accessplanning.com.au)

Yours sincerely

Tom Hateley MP  
ACCESS PLANNING



**From:** Tom Hateley - Access Planning  
**Sent:** Wednesday, 27 July 2016 12:00:02 PM  
**To:** Josh Banks  
**CC:** Jeff Williams  
**Subject:** RE: Surrey Road - change of use

Josh,

All deliveries (parts, panels, supplies etc) will be received at the existing site where they are processed, parts will then be put on pallets and a forklift will be used to deliver thru the back yard of 4 Surrey Road and placed on the driveway at roller door entry of the subject land and thus deliveries can be handled internally. A hand truck will then be used to move them inside the building. There is currently a colorbond fence constructed along the northern side of the driveway of the subject land, however, it is proposed that portion of this will be removed to allow access for deliveries between the two sites.

The majority of vehicles stored on the subject land will be able to be driven to and from the subject land. However, if vehicles arrive that can't be driven it is anticipated that the vehicles will be delivered directly to the subject land. This will only be an occasional occurrence and worst case scenario, on average this would be one per fortnight. I note that there is sufficient room in the driveway to accommodate such a delivery. Once on the site the vehicles will be put on Go Jacks to move around.

With regard to the above, I note that the subject land was used as a warehouse which received regular and multiple daily deliveries to the site (as would be expected) including from trucks (as witnessed by the applicant/adjoining occupant). The proposal will be a significantly less intensive use of the property compared to the previous use of the site.

Give me a call if you have questions.

Regards

Tom

---

**From:** Josh Banks  
**Sent:** Tuesday, 26 July 2016 4:27 PM  
**To:** Tom Hateley - Access Planning  
**Subject:** RE: Surrey Road - change of use

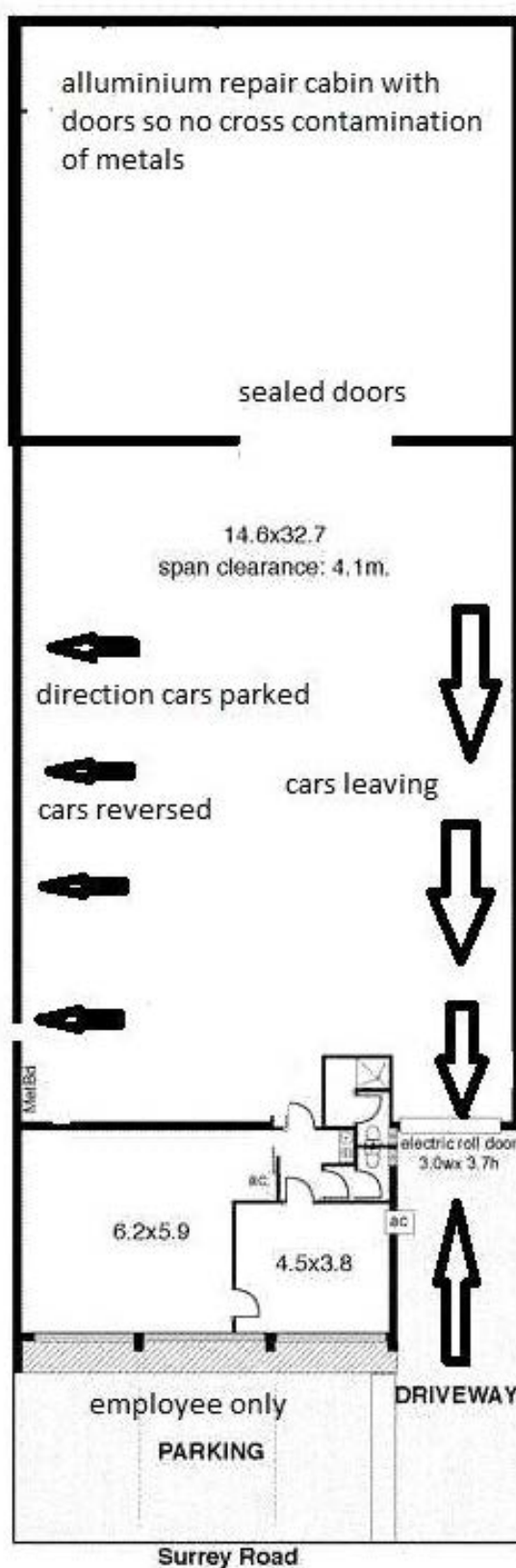
Correct.

Can I ask - in relation to your last conversation with Frank Siow, and the idea of restricting deliveries to the site (using the existing site to the north) - how will the panels be moved to and from the site?

Will all vehicles being repaired be able to drive in and out of this site, and not on flatbeds?

**Josh Banks**  
**Senior Development Officer**  
City of West Torrens

Ph: (08)8416 6333  
Fax: (08)8443 5709



### 6 Surrey Road, Keswick

#### ESTIMATED NETT AREAS

Warehouse*	477 sq. metres
Offices/Amenities	72 sq. metres
Total improvements	549 sq. metres
Site (approx.)	692 sq. metres

(includes warehouse offices)

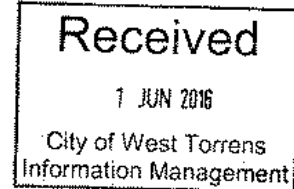
0 5  
(Scale in metres)

vehicles will enter forward when leaving will be reversed around within facility and move out forward

ATTACHMENT 2

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

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



DEVELOPMENT No. 211/290/2016  
PROPERTY ADDRESS: 6 Surrey Road, KESWICK SA 5035

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)  
Peter and Kate Stolz  
1 Surrey Rd, Keswick

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)  
Adjoining resident

REASONS FOR \*  
REPRESENTATION

See attached

City of West Torrens  
01 JUN 2016  
City Development

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

n/a

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

I DO NOT WISH TO BE HEARD ☒  
I DESIRE TO BE HEARD PERSONALLY ☐  
WILL BE REPRESENTED BY ☐

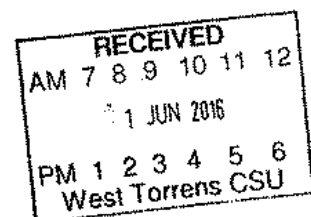
(PLEASE SPECIFY)

SIGNED

DATE

1/6/16

\* If space insufficient, please attach sheets



(FORM 3)  
Responsible Officer: Josh Banks  
Ends: Wednesday 1 June 2016

### **Reason for Representation**

We are long term residents on Surrey Road and are greatly concerned with the proposed change of use of 6 Surrey Rd.

Daytime noise from the crash repair business and other light industry businesses in the area is an issue for residents.

There is also a great inconvenience currently for residents in regards to traffic and parking on the street during business hours from existing business. There is rarely any on street parking available to residents, visitors to premises or school parents dropping off young children to the primary school on the northern end of Surrey Rd. Residents driveways are often blocked due to tow trucks, couriers and other vehicles parking in front of driveways. This poses a risk during an emergency to the local primary school, and residents on the northern end of Surrey Rd who are elderly or have children when access to a premises is blocked or the northern end of Surrey Rd is blocked by vehicles.

The majority of premises on Surrey Road are residential; premises that aren't residential appear to be used as office/warehouses. Premises for light industry appear to be on Richmond Rd and South Rd in this vicinity. We are concerned with the precedent that this change in use will have for the rest of the street and the resulting impact on the local community. We also have concern with the locality of the proposed crash repair business with the local primary school and of the environmental, noise and community impact it will have nor does the expansion of this crash repair business add in anyway to the amenity of the area.

We are concerned that since the expansion of the crash repair business to include 4 Surrey Road and that with this additional expansion to 6 Surrey Road it will further compound these issues.



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

RECEIVED  
11 2  
1 JUN 2016  
PM 1 2 3 4 5 6  
West Torrens CSU  
2.05

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

Received  
1 JUN 2016  
City of West Torrens  
Information Management

DEVELOPMENT No. 211/290/2016  
PROPERTY ADDRESS: 6 Surrey Road, KESWICK SA 5035

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

JILL BOOKER (nee SMITH)

11 SURREY RD KESWICK 5035

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

Owner & resident of land in vicinity

REASONS FOR \*  
REPRESENTATION

Refer to attachment

City of West Torrens

01 JUN 2016

City Development

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

Refer to attachment

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

I DO NOT WISH TO BE HEARD

☐

I DESIRE TO BE HEARD PERSONALLY

☐

WILL BE REPRESENTED BY A family member  
(PLEASE SPECIFY)

☒

SIGNED

J.B. Booker

DATE

1/6/16

\* If space insufficient, please attach sheets

(FORM 3)

Responsible Officer: Josh Banks  
Ends: Wednesday 1 June 2016

### **Reasons for Representation**

I note that the WTC Development Plan objectives for industrial development state that it should

- occur without adverse effects on the health and amenity of occupiers of land in adjoining zones.
- minimise significant adverse impact on adjoining uses due to hours of operation, traffic, noise, fumes, smell, dust, paint or other chemical over-spray ..... or other harmful or nuisance-creating impacts.

Also, if within 50 metres of a residential zone boundary should

- Not include road transport oriented uses likely to cause significant nuisance to residents due to traffic movement, on-street parking or noise.

Similarly the objectives of Interface between Land Uses aim to

- Minimise adverse impact and conflict between land uses.
- Protect community health and amenity from adverse impacts of development.

These objectives are designed to minimise potential impact and although this proposal for change of use appears to lie within the recommendations, the fact remains that there is potential for an increase in noise, air pollution and access.

To address these issues I make the following points.

### **Noise and Air Pollution**

An industry such as crash repairing inherently means that there will be noise generated. Any future increase or extension of the activity within the site would interfere with the amenity of neighbouring properties, both private residences and the adjacent school.

Similarly, any future increase in the use of spray paint would pose a serious risk to community health with harmful emissions affecting local residents and vulnerable school children.

### **Access**

This aspect of any development on this site is most problematic as there are existing hazards not only for residents but students and their parents using the street.

- Traffic in the street is already heavy, particularly in this area where parents are dropping off and picking up children.
- The approach to Richmond Rd on Surrey Rd is often partially blocked by heavy transport vehicles making deliveries to businesses on either side of the road.

- Parking in the street is similarly impacted with cars and commercial vehicles vying for parking spaces and regularly parking across driveways. Parking for residents or their visitors is virtually nonexistent.
- During the busiest times residents often have difficulty exiting their driveway.

Can the panel make an informed decision on the application without a comprehensive Traffic report? There is no mention of such a study in the assessment.

Would this development mean an increase in the number of employees and/or deliveries of materials and equipment? Intensification of the industry would cause an increase in traffic congestion.

Is there appropriate provision for unloading or loading materials?

For these reasons I don't believe that the proposal meets the objectives set out in the development plan for a "safe, convenient and pleasant environment in which to live" as stated in the Development Plan.

**My Representation would be overcome by**

- The carrying out of a thorough traffic report to illustrate that there will be no additional traffic impact on Surrey Rd.
- Provision of suitable delivery access which doesn't increase the congestion on Surrey Rd.
- Assurance that noise and air pollution would not increase with future intensification of the industry.

City of West Torrens

01 JUN 2016

City Development

**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

**Received**

1 JUN 2016

City of West Torrens  
Information Management

DEVELOPMENT No. 211/290/2016  
PROPERTY ADDRESS: 6 Surrey Road, KESWICK SA 5035

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

MRS PRISCILLA MULDER  
9 SURREY ROAD  
KESWICK 5035

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

OWNER of LAND IN VICINITY

REASONS FOR \*  
REPRESENTATION

\* CONCERN re TRAFFIC MOVEMENTS - STREET  
ALREADY BUSY  
See ATTACHED  
FOR DETAILS

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

NO DELIVERIES during school Drop off &  
PICKUPS (7-30-9-15AM & 2-30/3-30PM)  
TRAFFIC STUDY could be helpful.

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

I DO NOT WISH TO BE HEARD ☒  
I DESIRE TO BE HEARD PERSONALLY ☐  
WILL BE REPRESENTED BY ☐

(PLEASE SPECIFY)

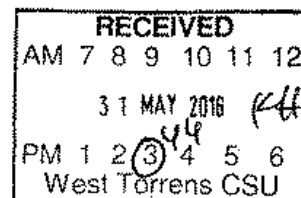
SIGNED

*P. Mulder*

DATE

30 MAY 2016

\* If space insufficient, please attach sheets



(FORM 3)  
Responsible Officer: Josh Banks  
Ends: Wednesday 1 June 2016

Reasons for representation:

*Specific Prestige  
9 SURREY RD, KESWICK  
SO3 5*

My concerns are:

1. Change of building of office/warehouse to light industry (panel beating)

- a) what guarantee can Specific Prestige give that there will be no noise pollution considering they state that there will be some "minor" panel beating? How do we know that once approval is given that they will not increase panel beating on this site. Naturally there will be noise and this could disrupt the children in the adjacent primary school plus nearby residents.
- b) Will there be any afterhours or weekend use of that building possibly causing disruption to nearby residences.
- c) Ambience of Surrey Road will change. Presently the Eastern side is all residential and parklands/playground. The Western side comprises some 6/7 private homes, a Primary School, several office/warehouse buildings, Lang homes (offices). Allowing a panel beating business to encroach does not seem a sensible move. Already Specific Prestige has considerable land to utilise.

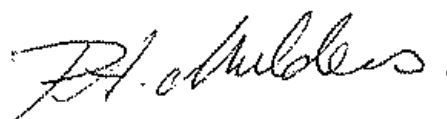
2. Traffic Hazards

- a) Already Surrey Road has numerous vehicle problems – parking (drop off and pickup) for parents bringing children to school and picking them up at the close of school. Many parents are arriving just after 2pm to get a park to pick up their kids. Then there is the school bus picking up children. As a resident living opposite the school I find cars having to park across my driveway illegally as there is such a shortage of available pickup points. This is a regular occurrence. This will exacerbate further with Specific Prestige moving into No. 6 especially if towtrucks arrive to drop off cars anytime between 8.20am – 9am and 2.30 to 3.00pm.
- b) With large heavy transport vehicles delivering cars to Prestige or to Porsche (also on the eastern corner of Surrey Road) it is practically impossible to get past these vehicles as they are forced to park in the middle of the road to take off the cars – only today I narrowly missed connecting with a transport double parked as I turned off Richmond Road into Surrey Road. This is not a one off but we residents have to contend with this often.
- c) There are also deliveries to the school – again parking for this is limited and they are obliged to park illegally as the School Carpark is full of teachers' cars.
- d) Add in the Garbage Truck which has seen fit to collect rubbish bins while parents are dropping off kids and you will get a picture of what traffic chaos Surrey Road experiences.

- d) Parking further down Surrey Road is practically impossible with all day parkers and all parking spaces in the Kesmond Reserve are full by 9am.

3. Wellbeing of young children

There does not seem to be any sense in considering yet more industrial development in Surrey Road. I would have thought that West Torrens Council would have more consideration for the students of Richmond Primary School – already they have much to contend with air pollution from cars on South Road without more possible noise and air pollution. Also many young children are excitable and do not look where they are going and it would be terrible were a child to be run over by any vehicle due to further road congestion.

A handwritten signature in black ink, appearing to read 'J. H. Mulder', is written on the right side of the page.

		<div>Received 1 JUN 2016 City of West Torrens Information Management</div>	
<div>STATEMENT OF REPRESENTATION Pursuant to Section 38 of the Development Act, 1993</div>			
		<div>City of West Torrens 01 JUN 2016 City Development</div>	<div>RECEIVED AM 7 8 9 10 11 12 31 MAY 2016 PM 1 2 3 4 5 6 West Torrens CSU</div>
TO	Chief Executive Officer City of West Torrens 165 Sir Donald Bradman Drive HILTON 5033		
DEVELOPMENT No.	211/290/2016		
PROPERTY ADDRESS:	6 Surrey Road, KESWICK SA 5035		
NAME & ADDRESS OF PERSON(S) MAKING REPRESENTATION (mandatory requirement *)	MIA SANDERSON 13 SURREY RD KESWICK SA 5035		
NATURE OF INTEREST * AFFECTED BY DEVELOPMENT (eg adjoining resident, owner of land in vicinity, or on behalf of an organization or company)	OWNER OF LAND IN VICINITY.		
REASONS FOR REPRESENTATION	REFER ATTACHMENTS		
MY REPRESENTATION WOULD BE OVERCOME BY (state action sought)	DECLINING THE APPLICATION.		

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

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

(PLEASE SPECIFY)

☒ I CAN BE HEARD IF NECESSARY

SIGNED

DATE

Mia Sanderson  
30/5/2016

\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Josh Banks  
Ends: Wednesday 1 June 2016

### Reasons for Representation

- Keswick, and Surrey Road specifically, is a considered a residential area; one kilometre from Adelaide Parklands and approx. two kilometres from the centre of the CBD.
- A change of use to allow a higher level of industrial activity in what is essentially a residential area is not in keeping with the "quiet enjoyment lifestyle" to which residents are entitled. The vehicle and machinery entry and exit poses a dangerous risk as does the noise associated with an upgrade to a higher level of industrial activity.
- Of additional concern is the safety risk posed to primary school aged students at the School on the boundary of the subject property. The concealed driveway (concealed by hedge and fence) is approx. 20 metres from the school entry and I consider it a risk not only to the young students using the footpath but also the Council should consider the liability it assumes to approve this application without due consideration for attended or unattended children in the immediate vicinity.
- Of concern also is the precedent that carries with this application; if Council receives a similar application for a property further along Surrey Road to the South, it can argue a precedent has been created and there would be little to stop that western side of Surrey Road to have amendments approved to existing use.
- It's fair to consider that Richmond Road has a higher category of industrial use but that thoroughfare is quite different to Surrey Road Keswick which is essentially a residential area in a street with a school and a playground.

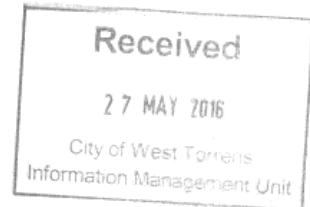
DAVID SANSON  
[Signature]

20/5/16



**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. 211/290/2016  
PROPERTY ADDRESS: 6 Surrey Road, KESWICK SA 5035

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

Brett Sutherland and  
Gabrielle Aujard  
3 Surrey Road  
KESWICK SA 5035

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

owner of Land across the  
road.

REASONS FOR \*  
REPRESENTATION

see attached

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

see attached

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

I DO NOT WISH TO BE HEARD

☐

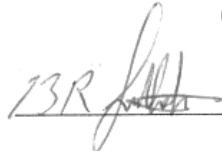
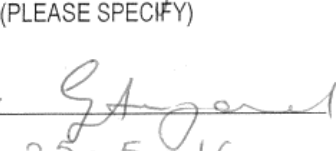
I DESIRE TO BE HEARD PERSONALLY

☐

WILL BE REPRESENTED BY Edward Aujard  
(PLEASE SPECIFY)

☒

SIGNED

DATE

25-5-16

\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Josh Banks  
Ends: Wednesday 1 June 2016

**Reason for Representation**

There are existing traffic hazards for residents, students and parents who are using the street from the current activities of Specific Prestige. The approach to Surrey Road from Richmond Road is often blocked by tow trucks and semi trailers from this business and the Porsche Business opposite.

Parking in the street is impacted with cars and commercial vehicles; these are regularly parking across drive ways, making exit and entry to residential addresses impossible or difficult.

The noise from the current business is already impacting quality of life of the residents; further expansion will make a further negative impact.

The application before council states the use of the warehouse is intended for storage of cars and aluminium, therefore no change of zoning to light industrial is necessary if this is the intended purpose.

**Representation would be overcome by:**

A traffic, parking and noise study by the council of Surrey Road, Keswick.

An environmental impact study, of having this light industry business adjoining a primary school and school playground.



20 June 2016

Ref: 0583resptoreps.let

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

ATTENTION: Josh Banks

Access Planning (SA) Pty Ltd.  
ABN 57 089 702 241

235 Henley Beach Road  
Torrensville SA 5031

Telephone 08 8130 7222  
Facsimile 08 8130 7299  
admin@accessplanning.com.au  
www.accessplanning.com.au

Dear Josh,

**RE: CHANGE OF USE OFFICE/WAREHOUSE TO LIGHT INDUSTRY – 6 SURREY ROAD,  
KESWICK - DA 211/290/2016**

Please find herewith a response to the representations that were received as a result of the public notification of the above development.

Five (5) representation was received during the consultation period from residents within the locality. Whilst five submissions were received, there were common concerns raised by the representors which related to:

- Land Use
- Noise and Air Pollution
- Traffic

Rather than address each individual submission separately, to avoid repetition each of the relevant planning issues identified above will be summarised and addressed in turn below:

#### **Land Use**

Concerns were raised that the proposed land use was inappropriate given the subject land's interface with residential development to the east and the primary school to the south

The subject land is located within the Commercial Zone and more particularly within Arterial Road Policy Area 1.

Zone Principle 1 nominates light industry and a motor vehicle related business (other than a wrecking yard) as envisaged uses in the zone. In addition, the subject land immediately adjoins an existing crash repair business and the land will be used in association with this business.

No alterations are proposed to the existing warehouse/office building on the property which will be used primarily as additional undercover storage and work space for the existing crash repair business.

With regard to the above, the proposed development is an entirely appropriate land use based on the zoning and considering the existing use and form of development on the subject land and adjoining properties within the zone.



## Noise and Air Pollution

Noise impacts was a common concern amongst the representors.

The subject land contains an existing warehouse and office and whilst the proposal seeks a change of use to a light industry, the proposed development will function akin to a warehouse as the chief purpose is for the storage of cars and aluminium parts. Some minor repairs work will be conducted within the building, however, this will be limited to the fitting and removing of car panels. The proposed development will therefore undertake the type of activities that would be expected to occur within a light industry development which is an envisaged use on the land as discussed previously.

To address any potential noise impacts the applicant will employ management practices to ensure any potential issues are minimised, such as:

- Restricting the hours of operation to 8.00am to 5.30pm Monday to Friday. (There will be no after hours or weekend work as queried by one of the representors).
- Closing the existing roller door at the entrance of the warehouse when work is occurring inside.

Notwithstanding the above, the applicant will be required to operate in accordance with the relevant Environment Protection (Noise) Policy requirements.

A number of representors also raised concern that spray painting undertaken on the site could create air pollution impacts. I confirm that there will be no spray booths provided within the building and therefore the proposal will have no potential to create any air pollution issues.

With regards to the above, the proposed activities are unlikely to result in any adverse noise impacts or any other environmental or amenity impacts outside of the subject land.

## Traffic

Traffic and parking impacts have been raised as a key issue by the representors.

It has been noted by representors that Surrey Road currently experiences traffic and parking issues largely as a consequence of the longstanding arrangement of the various land uses that front and take access from the Street and based on the comments received, it appears that traffic and parking issues peak during school drop off and pick up times.

As outlined in the application documents the existing car repair business is the factory approved repairer for many prestige manufacturers including Aston Martin, Jaguar, Volvo, Land Rover, Honda, Audi and VW. The key purpose of the proposal is to provide an additional and separated area which the above manufacturers require for aluminium panel work and storage. The separate area is needed to prevent any contamination of the aluminium surfaces which can affect the finish of the cars.

With regard to the above, the proposed development will not result in an increase in the intensity of the existing business, rather the new site will allow existing activities to operate in a more efficient manner and in accordance with car manufacturer's requirements with respect to storage and handling of aluminium products. As a result, the proposal will not increase the number of traffic movements or parking demand generated by the existing crash repair business, in fact the proposal will provide additional parking (3 spaces) for the existing business which will likely be utilised by existing staff.

It is noted that an application for an extension of the existing workshop on the current Specific Prestige site, in order to provide a separated aluminium work and storage area, was granted Development Plan Consent on 30 September 2015. However, this extension is unlikely go ahead





and the proposal provides a preferred option in lieu of the proposed extensions, as the subject land, which is located immediately adjacent to the Specific Prestige site, already contains an existing building with a larger floor area which better suits Specific Prestige's requirements.

Delivery vehicles which service the existing crash repair business are currently accommodated entirely onsite and deliveries do not occur from vehicles parked on the Road. It is noted that concerns were raised by a number of representors in relation to the impact of car delivery trucks currently parking on Surrey Road which appears to relate to another car repair business situated in the locality.

It is envisaged that deliveries will continue to be accommodated on the existing site rather than the subject land.

I note that the concerns were raised that the existing vehicle entry and exit arrangements on the subject land pose a dangerous risk, particularly to school children in the area. The proposed development will not alter the existing access arrangements and the proposed change of use will only generate a small number of movements as parking will be utilised by staff, whilst deliveries associated with the business will occur on the adjoining land to the north as per the current arrangement. On this basis the proposal will not create an unsafe access issue.

#### **Summary**

Notwithstanding the objections received, I consider the proposed development to be appropriate for the subject site as the proposal is largely consistent with the form of development envisaged within the zone and policy area and has been designed to minimise any adverse impacts to adjoining properties and wider locality.

The support of Council is therefore sought for the proposal.

I note that a number of the representors have requested to be heard in relation to this matter when it is considered by Council's Development Assessment Panel.

The applicant (or representative) will be present at the meeting and seeks also to be heard by the panel.

Please do not hesitate to contact the undersigned if you have any queries arising from the information provided above.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Tom Hateley".

Tom Hateley MP  
ACCESS PLANNING (SA) PTY LTD

## ATTACHMENT 3

**From:** Frank Siow  
**Sent:** Thursday, 14 July 2016 11:11:50 AM  
**To:** Baskar Kannappan; Josh Banks  
**CC:** Joseph Ielasi  
**Subject:** FW: 6 Surrey Road Keswick DA 211/290/2016

Hi Josh,

As discussed, I have returned Tom's call (from Access Planning) this morning.

Tom's opinion is that the proposal is defined as a "light industry" land use and not a "motor repair station" land use, as I have described it. My description of the land use was based on my reading of how the Applicant was going to use the building, notwithstanding how the land use may be legally defined.

If considered as a "light industry" land use, then the parking rates between the current authorised office/warehouse use would be the same as the proposed "light industry" land use. Assessed on this basis, the parking impact would not be any worse off between the existing and proposed land uses.

Tom advised that the use of the building would principally be for the storage of materials, although there may be some vehicles that would be "worked on" inside the building. If principally used for storage purposes, this type of land use would have low parking demands, even compared to the existing office/warehouse land use.

Tom advised that delivery vehicles can make use of the site to the north (which has an existing authorised use associated the car repair business) for deliveries. That is, there would not be a requirement for delivery vehicles to use the single roller door of the subject development site. If so, it would address one of my concerns regarding the ability of the single roller door to appropriately accommodate service vehicles. It would then follow that a condition restricting all service vehicles from using the existing roller door could be included, with the knowledge that servicing could occur using the adjoining property to the north, which I assume allows servicing to occur in the approval (I have not checked the approval conditions).

While the roller door may still be used by some cars being "worked on" within the building, if these cars are able to turn turnaround and leave the site in a forward direction, this would ameliorate some of the concerns regarding access to Surrey Road.

I mentioned your suggestion to Tom for a new doorway to be opened up between the building on the subject development site and the adjoining property to the north. There would be two benefits from having a vehicular connection between the two sites. Firstly, it would improve accessibility for deliveries to be made to the building, ie a truck delivering material to the adjoining site to the north can then transfer the materials directly into the subject building. Secondly, it would allow the occasional cars being "worked on" to say enter the single roller door from Surrey Road and then to exit via the adjoining car park to the north, which would be a more appropriate and preferable arrangement. Therefore, the traffic flow for the subject development site can be conditioned for entry only from Surrey Road and exit only to the adjoining car park to the north (a condition requiring appropriate signage to designate this one-way traffic flow arrangement would also be required).

**Frank Siow**  
**Traffic Services**  
City of West Torrens  
165 Sir Donald Bradman Drive  
Hilton SA 5033  
Phone: 8416 6385  
Fax: 8443 5709

---

**From:** Frank Siow  
**Sent:** Thursday, 7 July 2016 5:03 PM  
**To:** Baskar Kannappan  
**Cc:** Joseph Ielasi  
**Subject:** 6 Surry Road Keswick DA 211/290/2016

Hi Baskar,

I refer to the above development, which is described as a *change of use from office/warehouse to light industry (extension to crash repair business)*. I note that the Applicant operates the car repair business to the north of the subject site.

The Applicant's planning report describes how the subject site would be used by the car repair business. The key purpose of the proposal was stated as to "*provide an additional and separated area which the above manufacturers require for aluminium panel work.....The separate area is needed to prevent any contamination of the aluminium surfaces which can affect the finish of the cars*". I note from file records that in the previous development application for 4 Surrey Road/112 Richmond Road (DA 211/847/2015) (subject land to the north), the same purpose, ie for aluminium panel work and to prevent contamination, was also stated in that application. While I note that Development Plan consent was given by Council for 4 Surrey Road/112 Richmond Road on 30 September 2015, it is unclear from the file records if full Development Approval for that development has been achieved.

While the Applicant's planner has argued that there should be no difference, in terms of traffic and parking impacts, between the previous office/warehouse land use and the proposed light industry land use, in my opinion, based on the description of the use of the site, the proposed development would be akin to a "motor repair station" where a specific parking rate is listed in Table WeTo/2. Indeed, the application describes itself as an extension to a "*crash repair business*".

In my opinion, from a traffic and parking perspective, the proposed development is more likely to significantly intensify the traffic and parking demands, compared to the office/warehouse land use.

Not unlike typical service bays in motor repair stations, it would seem to me that the cars that are proposed to be repaired, by replacing aluminium panels or having finishing done to the car, would occupy space that would be akin to a service bay. In this regard, a parking rate of 4 spaces per service bay would be applicable for the assessment, as listed in Table WeTo/2. **The parking requirement for the proposed development would therefore not be similar to the existing office/warehouse land use.**

Given the layout of the building, it would seem to me that, while not indicated, there would be space for several cars (perhaps 4) that could be worked on at any one time. This would significantly increase the parking demand compared to the office/warehouse land use. In this scenario, the proposed development would make the parking situation much worse off than the current situation.

If Council were to approve the proposed development, I would recommend that Council require the Applicant to clearly delineate the layout of the work bays/storage areas and demonstrate how the cars inside the building are able to turnaround and travel out of the site in a forward direction based on turning path diagrams. The updated plan should be provided to City Assets for further checking.

It would seem to me that cars would likely be transported to the site by tow trucks or service trucks. It would also be likely that other service vehicles would regularly need to transport aluminium panels and other materials into the building. While the current office/warehouse land use would have required service vehicle access, in my opinion, the proposed development



would be likely to significantly increase the servicing requirement, compared to the current situation. The current driveway is single lane width only. This means that more reversing movements would occur to or from Surrey Road, if the proposed development were to be approved. Having regard to the current high parking demands in the street and the proximity of a school crossing nearby, these reversing manoeuvres would not be desirable.

If Council were to approve the proposed development, I would recommend that the Applicant be required to advise what types of service vehicles would be required for the business and to demonstrate that these service vehicles could turnaround inside the building, to address the concern about reversing manoeuvres to and from Surrey Road. The updated plan should be forwarded to City Assets for further checking. Appropriate conditions to restrict service vehicle size or servicing times would be required to manage the servicing issue.

Having regard to the above assessment, I am very concerned about the traffic and parking impacts of the proposed development. In my opinion, the proposed development would be likely to intensify the parking and servicing demands compared to the existing land use. Any worsening of the parking shortfall would create issues of overflow parking in a street where there is already high parking demands from the surrounding land uses. Any increase in servicing of the site would result in increased reversing manoeuvres to and from a street where there is extensive on-street parking on both sides of the street and where a school crossing is located in close proximity.

Based on the current information, I do not support the proposed development from a traffic and parking perspective.

**Frank Siow**  
**Traffic Services**  
City of West Torrens  
165 Sir Donald Bradman Drive  
Hilton SA 5033

Phone: 8416 6385  
Fax: 8443 5709



## 6.2 50 Davenport Tce, RICHMOND

Application No. 211/356/2016

Appearing before the Panel will be:

Representors: Mr & Mrs Martin wish to appear in support of the representation.

Applicant: A representative of Adelaide Workers Homes Inc. wishes to appear to respond to the representation.

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Combined application for Land Division Creating Fifteen (15) Community Titled Allotments; Demolition of existing buildings; and Construction of seven (7) two to four storey residential flat buildings comprising 240 dwellings and ancillary office, carparking, communal facilities, outbuildings, landscaping and access ways as a staged development over a period of 10 years
APPLICANT	Adelaide Workers Homes Inc.
APPLICATION NO	211/356/2016
LODGEMENT DATE	20 April 2016
ZONE	Residential
POLICY AREA	19 - Residential Medium Density
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Cat 3
REFERRALS	Internal <ul style="list-style-type: none"><li>▪ Civil</li></ul> External <ul style="list-style-type: none"><li>▪ Nil</li></ul>
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

- All Category 2 or 3 applications where a representor has requested to be heard shall be assessed and determined by the DAP.

### PREVIOUS or RELATED APPLICATION(S)

Nil

## **SITE AND LOCALITY**

The land is regular in shape and made up of 8 allotments. It is bounded on three sides by public roads, Davenport Terrace to the north, Ellen Street to the west and Milner Road to the east. The land as a whole has a frontage to Davenport Terrace of approximately 175m and a depth of 110m giving an overall area of approximately 19,145m<sup>2</sup>.

There are currently 26 residential flat buildings on the site containing 70 dwellings, all of which are single storey in height. They share a common architecture with minor colour variations between buildings. These buildings have been positioned around the internal road network that has a spoked wheel design. Vehicular access to the land is gained by way of an existing double width crossover on Davenport Terrace.

The allotment is flat and formally landscaped with grass and small shrubs and trees. There are no fences around or within the subject land providing for open and uninterrupted views.

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

The locality is primarily residential with exceptions being a café and hairdresser that can be found directly west of the subject site on the corner of Davenport Tce and Ellen Street and a warehouse south of the subject site on Ellen Street.

Residential development is of varying densities, forms and heights. This variety is expected when residential land is zoned to accommodate infill development and gentrification happens over a period of time. Whilst residential development is primarily single storey in nature, several newer properties have been developed with two storey dwellings.

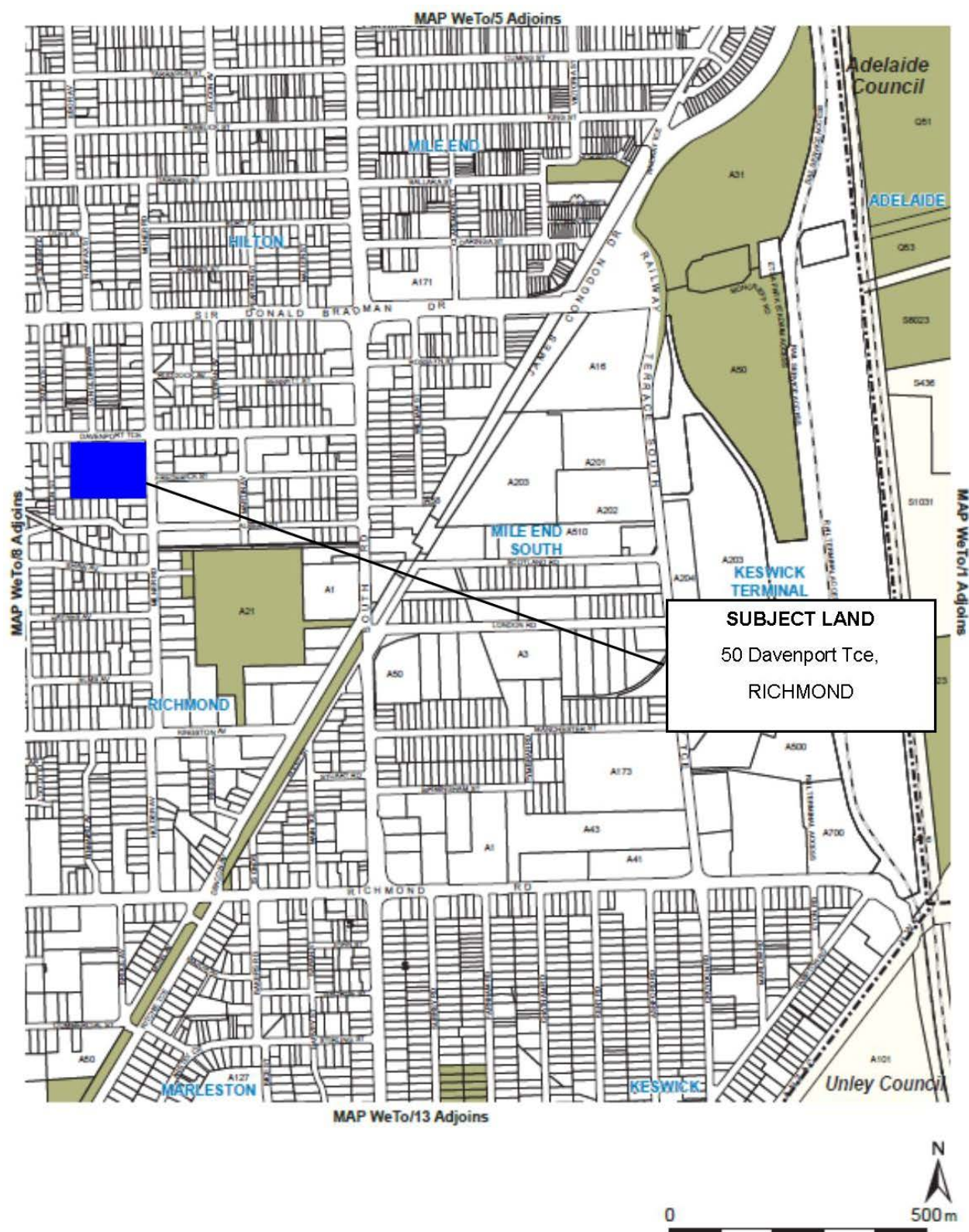
In addition to the subject land being within Medium Density Policy Area 19, it is also within 400m of a Centre Zone.

Keswick Creek is south of the site and takes the form of a man made flow path rather than a natural creek. The subject land and locality are situated within a flood zone shown to be inundated by 0.25 - 0.5m during a 1 in 100 year flood event.

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







## Location Map WeTo/9

## PROPOSAL

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

*"Combined application for Land Division Creating Fifteen (15) Community Titled Allotments; Demolition of existing buildings; and Construction of seven (7) two to four storey residential flat buildings comprising 240 dwellings and ancillary office, carparking, communal facilities, outbuildings, landscaping and access ways as a staged development over a period of 10 years."*

The 240 new dwellings will be made up of:

- 27 studio apartments;
- 73 one bedroom apartments;
- 120 two bedroom apartments;
- 5 three bedroom apartments; and
- 15 three bedroom townhouses.

The land and buildings are owned and operated by Adelaide Worker's Homes Inc. a corporation that provides workmen and workwomen with dwellings at reasonable rental rates.

In order to construct the new buildings, the existing buildings will need to be demolished. To minimise the impact on the current residents, this will be undertaken in stages. The first stage will include the removal of 35 existing dwellings and the construction of two (2) three storey residential flat buildings in their place. These two residential flat buildings include 72 new dwellings. This will provide enough accommodation for the existing residents whilst construction proceeds.

There are seven (7) residential flat buildings proposed with the highest (Group C - 4 storeys) being located centrally within the land. The next tallest buildings (Group A, B, D and E - 3 storeys) will be located north of the four (4) storey building towards Davenport Terrace. The buildings in closest proximity to the adjoining dwellings south of the subject site will be two storeys in height.

The three and four storey buildings will be serviced by lifts and stairs, whilst the two storey buildings will only have stairs.

Dwellings on the ground floor will have areas of Private Open Space (POS) enclosed with a 1.8m high fence, whilst dwellings above ground level will have balconies that face into the subject land. This is in addition to the considerable amount of communal open space that includes BBQ areas, gardens and playgrounds.

The development includes 263 carparks, 12 of which are for people with disabilities. In addition to this there will also be 27 motorbike parking spaces and bicycle storage in numerous locations around the property. All carparks are stated to comply with AS 2890.1.

Each of the buildings will be serviced by a screened waste storage area in close proximity to the building that it serves.

The buildings have been designed with a mixture of colours and materials including concrete, brick, glass, Colorbond and aluminium.

As previously described the development is proposed to be staged. At this stage the Applicant has suggested a 10 year time frame, however this will be subject to the uptake of the new dwellings.

Refer **Attachment 1** & accompanying report at **Attachment 4**.

## PUBLIC NOTIFICATION

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

<b>Properties notified:</b>	73 properties were notified during the public notification process.
<b>Representations:</b>	One representation was received.
<b>Persons wishing to be heard:</b>	One representor identified that they wish to address the Panel. <ul style="list-style-type: none"><li>• Mr Martin</li></ul>
<b>Summary of Representations:</b>	Concerns were raised regarding the following matters; <ul style="list-style-type: none"><li>• Impact on on-street car parking;</li><li>• Bulk and scale of the buildings;</li><li>• Traffic generation;</li><li>• Flooding issues;</li><li>• Energy efficiency.</li></ul>

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

- There is an oversupply of on-site parking and the minimal amount of crossovers (3), maximises the availability of on-street parking;
- The tallest buildings are set well back from property boundaries.
- Car ownership amongst tenants is less than 50%.
- Flooding issues have been mitigated through detailed stormwater design; and
- The proposed dwellings will achieve the required 6 star energy rating.

A copy of the representor's concern and the applicant's response is contained in **Attachments 2 & 3**.

## REFERRALS

Internal

### City Assets

Concerns were raised regarding the following matters:

- Flooding potential of the undercroft parking area;
- Lack of detailed design of the stormwater management system; and
- Lack of detailed design around the traffic and carpark layout.

No concerns remain outstanding due to the inclusion of a reserved matter and conditions in the staff recommendation.

## ASSESSMENT

The subject land is located within the Residential Zone, and more specifically Medium Density Policy Area 19 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8 & 10
Design and Appearance	Objectives	2
	Principles of Development Control	1, 2, 4, 5, 9, 10, 11, 12, 13, 14, 15, 17, 20, 21, 22 & 23
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2, 3 & 4
Hazards	Objectives	1, 2, 4 & 7
	Principles of Development Control	1, 2, 3, 4, 5, 6 & 7
Infrastructure	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 3, 4, 5, 6, 8, 9, 10, 11 & 12
Landscaping, Fences and Walls	Objectives	1
	Principles of Development Control	1, 2, 3 & 4
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 2, 3, 6 & 7
Residential Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31
Transportation and Access	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 44, 45, 46 & 47

### Zone: Residential Zone

#### Desired Character Statement:

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

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

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

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

Objectives	1, 2, 3 & 4
Principles of Development Control	1, 3, 5, 7, 9, 10, 11,

**Policy Area: Medium Density Policy Area 19**

**Desired Character Statement:**

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

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

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

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

**QUANTITATIVE ASSESSMENT**

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

Due to the size of the proposal, I have only mentioned the related minimum or maximum where it is relevant. For example, where there is a variety of rear setbacks I have only listed the minimum in this table.

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA <i>Medium Density Policy Area 19</i> PDC 4 or PDC 5 (within 400m of centre)	Within 400m of centre zone  Residential Flat Building 150m <sup>2</sup> (avg.) (19,145m <sup>2</sup> / 240)	80m <sup>2</sup> (avg.)  <b>Does Not Satisfy by 53%</b>
SITE FRONTAGE <i>Medium Density Policy Area 19</i> PDC 4 or PDC 5 (within 400m of centre)	Residential Flat Building 15m (complete building)	390m  <b>Satisfies</b>



SITE COVERAGE <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	60% (max.)	28%  <b>Satisfies</b>
PRIMARY STREET SETBACK <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	3m (min.)	5m  <b>Satisfies</b>
SECONDARY STREET SETBACK <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	2m (min.)	7m  <b>Satisfies</b>
SIDE/REAR SETBACKS <i>Residential Zone</i> <i>PDC 11</i>  <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	N/A   Rear 6m (min.)	See secondary street setback   4m <b>Does Not Satisfy</b>
BUILDING HEIGHT <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	2 storeys or 8.5m (all other locations)	4 storeys or 15m  <b>Does Not Satisfy</b>
INTERNAL FLOOR AREA <i>Residential Development</i> <i>PDC 9</i>	- Studio (where there is no separate bedroom), 37m <sup>2</sup> (min.) 1 Bedroom, 50m <sup>2</sup> (min.) 2 Bedroom, 75m <sup>2</sup> (min.) - 3+ Bedroom, 100m <sup>2</sup> (min.)	Studio = 45m <sup>2</sup> (Avg) 1 bed = 45m <sup>2</sup> (Avg) 2 bed = 65m <sup>2</sup> (Avg) 3bed = 80m <sup>2</sup> (Avg)  <b>Does Not Satisfy</b>
PRIVATE OPEN SPACE <i>Residential Development</i> <i>PDC 19</i>	<300m <sup>2</sup> - 24m <sup>2</sup> (min.), of which 8m <sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m. - Minimum dimension 3m (excl. balconies). - 16m <sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room.  Dwellings located above ground level Studio (where there is no separate bedroom), 0m <sup>2</sup> 1 Bedroom, 8m <sup>2</sup> (min.) 2 Bedroom, 11m <sup>2</sup> (min.) 3+ Bedroom, 16m <sup>2</sup> (min.)	14m <sup>2</sup> (total) Minimum 3m (min. dimension) 14m <sup>2</sup> (accessed from habitable room)  <b>Does Not Satisfy</b>  7m <sup>2</sup> (total) minimum 2m (min. dimension) 7m <sup>2</sup> (accessed from habitable room)  <b>Does Not Satisfy</b>

CARPARKING SPACES <i>Transportation and Access</i> <i>PDC 34</i>	Group dwellings and Residential Flat Buildings - 2 car-parking spaces required, 1 of which is covered + an additional 0.25 spaces per dwelling	263 spaces provided  <b>Satisfies</b>
------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------

## QUALITATIVE ASSESSMENT

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

### Site Area

The site area calculation described in the Quantitative Table above has been worked out by dividing the area of the subject land by the amount of dwellings proposed. Whilst this has provided an average site area figure per dwelling, it does not take into account the different types of dwellings that can be included within a residential flat building.

Studio's and single bedroom dwellings do not require the same amount of land as a three bedroom dwelling would. It should be noted that a three bedroom dwelling has the ability to accommodate the same number of occupants as three one bedroom dwellings, but would only need a site area of 150m<sup>2</sup> rather than 450m<sup>2</sup>. As previously mentioned the 240 new dwellings will be made up of:

- 27 studio apartments (one bedroom, but not separated from the living area);
- 73 one bedroom apartments;
- 120 two bedroom apartments;
- 5 three bedroom apartments; and
- 15 three bedroom townhouses.

The vast majority of proposed dwellings fit into the one and two bedroom dwelling categories, with only 20 out 240 dwellings having three bedrooms.

The 53% deficiency in site area sounds like a considerable amount, but considering the intended occupants and proposed shared facilities, it is not considered to be fatal to the application.

Due to the proposal involving consolidated multistorey development rather than spread out single storey development, site coverage has been kept to a minimum.

### Setbacks

The rear setback is the only setback that does not comply with what is prescribed in the Development Plan for this Zone and Policy Area. A minimum 6m setback requirement is described in Principle of Development Control (PDC) 3 of the Policy Area. The proposal seeks to have the dwellings closest to the rear (southern) boundary be set back a minimum 4m. This dimension has been taken from the verandah to the boundary. It should be noted that the wall of the dwelling will be setback 5.7m from the rear boundary. Had the verandah not been part of this application and applied for at a later date, there is no rear setback requirement for the verandah and could therefore potentially be built on the rear boundary.

There are seven (7) properties south of the subject site on Ellen Street which back onto the development. One of these properties is the warehouse development which has been built to three of its boundaries, including the boundary of the subject site. For this reason there will be no impact to this property.

The remaining six (6) properties are used for residential purposes and all contain a detached dwelling and associated outbuildings. These dwellings have all been positioned well away from the rear boundary with many containing mature screening vegetation along the shared boundary.

For the above reasons and as the residential flat buildings proposed closest to this shared boundary are only two storeys in height, the reduced setback is not considered fatal to the application.

### **Height, Bulk and Scale**

PDC 3 of the Medium Density Policy Area 19 states that the maximum building height from natural ground level should not exceed two (2) storeys or 8.5m in height. The proposal seeks to have four (4) three storey buildings and one (1) four storey building. Whilst considerably higher than what is stated in the Development Plan, they will also be setback a minimum of 30m from the closest adjoining dwelling.

An area of land the size of the subject property is unusual within a residential area, as the majority of allotments are considerably smaller and accommodate only one dwelling. It would not be possible to write a Development Plan with provisions that cover all circumstances. Generally speaking, a four storey dwelling on a standard residential allotment would cause a considerable impact on adjoining allotments through visual amenity as well as overshadowing. Given the proposed setbacks of the three and four storey buildings from adjoining properties, these factors are considered negligible or non-existent.

The proposed height of the buildings proposed is one of the concerns raised by the representor. They feel that as the majority of Dwellings along Ellen St are single storey, then so too should the proposed buildings.

Proposals for multiple story dwellings are often met with concerns about privacy and overlooking. The dwellings located closest to the southern boundary will all have obscured glazing to the sides and rear of the dwellings. Any balconies proposed will face towards the centre of the subject site or onto a public road to ensure that overlooking to adjoining properties is minimised or eliminated.

### **Private Open Space (POS)**

There is a wide range of POS provided to each dwelling within this proposal. As would be expected, the dwellings on the ground floor are provided with the largest proportion of POS. This is accommodated within fenced yards with direct access from a habitable room. The upper level dwellings are provided with balconies with access from a habitable room. The smallest of these balconies has an area of 7m<sup>2</sup>, which is 1m<sup>2</sup> below the minimum stated in the Development Plan for one bedroom dwellings.

PDC 24 in the Residential Development Section of the Development Plan States:

*Private open space may be substituted for the equivalent area of communal open space where:*

- (a) at least 50 per cent of the communal open space is visually screened from public areas of the development*
- (b) ground floor communal space is overlooked by habitable rooms to facilitate passive surveillance*
- (c) it contains landscaping and facilities that are functional, attractive and encourage recreational use.*

The proposal does contain a number of areas of communal open space such as:

- Private garden plots (734m<sup>2</sup>) and
- Playgrounds and recreation space (721m<sup>2</sup>)

This is a considerable amount of communal space and averages out to an additional 6m<sup>2</sup> per dwelling. By adding this to the existing (minimum) 7m<sup>2</sup> provided to each dwelling it is considered that on balance the proposal meets the minimum requirements for POS.

### Internal Floor Area

The Residential Section of the Development Plan states that buildings have minimum floor areas respective to the amount of bedrooms they contain. The table below lists the Development Plan requirement and what is proposed:

Number of bedrooms	DP requirement	Proposed
1 (no separate bedroom)	37m <sup>2</sup>	42m <sup>2</sup>
1	50m <sup>2</sup>	45m <sup>2</sup>
2	75m <sup>2</sup>	65m <sup>2</sup>
3+	100m <sup>2</sup>	85m <sup>2</sup>

Apart from the studio dwellings, the proposal falls short on the minimum floor areas for dwellings above the ground floor. Despite this quantitative deficiency each of the proposed dwellings are self-contained and provide all of the normal facilities found in a dwelling such as laundries, bathrooms, storage, bedrooms, dining and living rooms.

The rationale around minimum floor area figures provided in the Development Plan is unclear. So is commentary on how, by achieving these minimums, it will provide a high quality living environment. It is considered that a living environment is impacted by a number of factors such as facilities provided, access to natural light and air, POS and personal living choices.

Housing choice is an important factor and is recognised in the Development Plan. The Desired Character of the policy area states that in close proximity to centre zones that it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. The proposal seeks to increase the density near a centre zone that is located 250m away.

On Balance, the deficiency of floor area for the proposed dwellings is not considered fatal to the application due to the reasons discussed above.

### Staging

The Development Act 1993 allows for the staging of developments and also for the granting of extra time to complete developments. Due to the scale of this proposal the applicant has advised that they seek consent for staging of the development and extended time frames.

At this time only the first stage has been defined:

*It will involve the demolition of thirty five existing single storey dwellings and the erection in their stead of two x three storey residential flat buildings comprising 9 studio dwellings, 27 one bedroom dwellings, 33 two bedroom dwellings and 3 three bedroom dwellings for a total of 72 new dwellings. These dwellings are identified on the proposal plans as being within the Group D and E buildings, which are located at the western end of the subject land.*

A reserved matter has been listed requiring full detail of staging and timelines prior to the granting of Development Approval for Stage 1.

### SUMMARY

It is accepted that the proposal has a number of quantitative deficiencies to some of the relevant provisions of the Development Plan. However none of these deficiencies, individually or in combination, are considered to be fatal to the application. This is a unique site within a residential area and provides an opportunity for a unique development and considerable investment into the City of West Torrens.

Where there are deficiencies, it is considered that there are mitigating circumstances that overcome the perceived issue that the provision was written for. For example the maximum two storey building height would be unsuitable on a standard sized residential allotment, however on the subject site, the considerable setbacks from adjoining properties significantly reduces its visual impact, overlooking and overshadowing potential.

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

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

## **RECOMMENDATION**

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/356/2016 by Adelaide Workers homes INC to undertake the demolition of existing buildings and construction of seven (7) two to four storey residential flat buildings comprising 240 dwellings and ancillary office, car parking, communal facilities, outbuildings, landscaping and access ways as a staged development over a period of 10 years at 50 Davenport Tce, Richmond subject to the following reserved matters and conditions of consent;

### **Reserved Matters**

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. A detailed design, refined calculations and stormwater management provisions as based on the Wallbridge and Gilbert report WAD120880Rep001 rev B.
2. A site plan demonstrating the ability for a MRV sized vehicle, having either through movement and/or the ability to undertake a three point turn within the site, to service the nominated waste collection points.
3. Detailed staging plan and time line.

### **Council Conditions**

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That the finished floor level shall be a minimum of 350mm above the highest point of the watertable adjacent to the subject site.  
Reason: to prevent inundation during a flood event
3. All waste from the site shall be collected and disposed of by private contractors at the property owner's expense.
4. The under croft access ramp shall comply with the relevant Australian Standard/s.

5. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage shall not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
6. That all driveways, parking and manoeuvring areas shall be formed (surfaced with concrete, bitumen or paving) and properly drained, and shall be maintained in a reasonable condition at all times.
7. That all carparking spaces shall be linemarked, in accordance with the approved plans and in accordance with Australian Standard 2890.1, 2004 Parking Facilities, Part 1, Off Street Carparking, prior to the occupation of the proposed development. Linemarking and directional arrows shall be clearly visible at all times.
8. That any driveways, parking and manoeuvring areas and footpaths shall be lit in accordance with the Australian Standard 1158 during the hours of darkness that they are in use. Such lights shall be directed and screened so that overspill of light into nearby premises is avoided and minimal impact on passing motorists occurs.
9. That all landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.
10. That the upper level windows of the dwellings immediately adjacent the southern property boundary, shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained in a reasonable condition at all times.

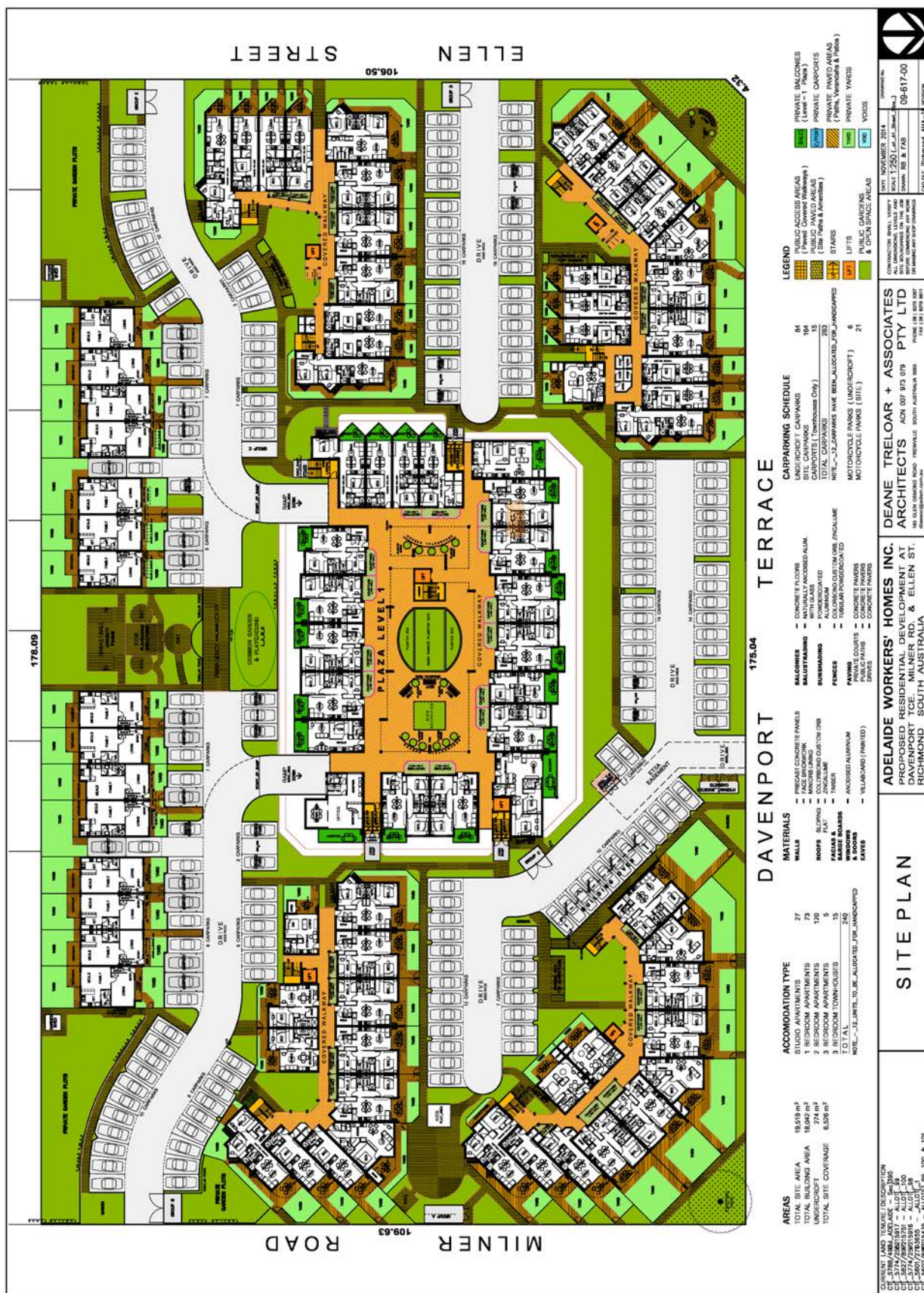


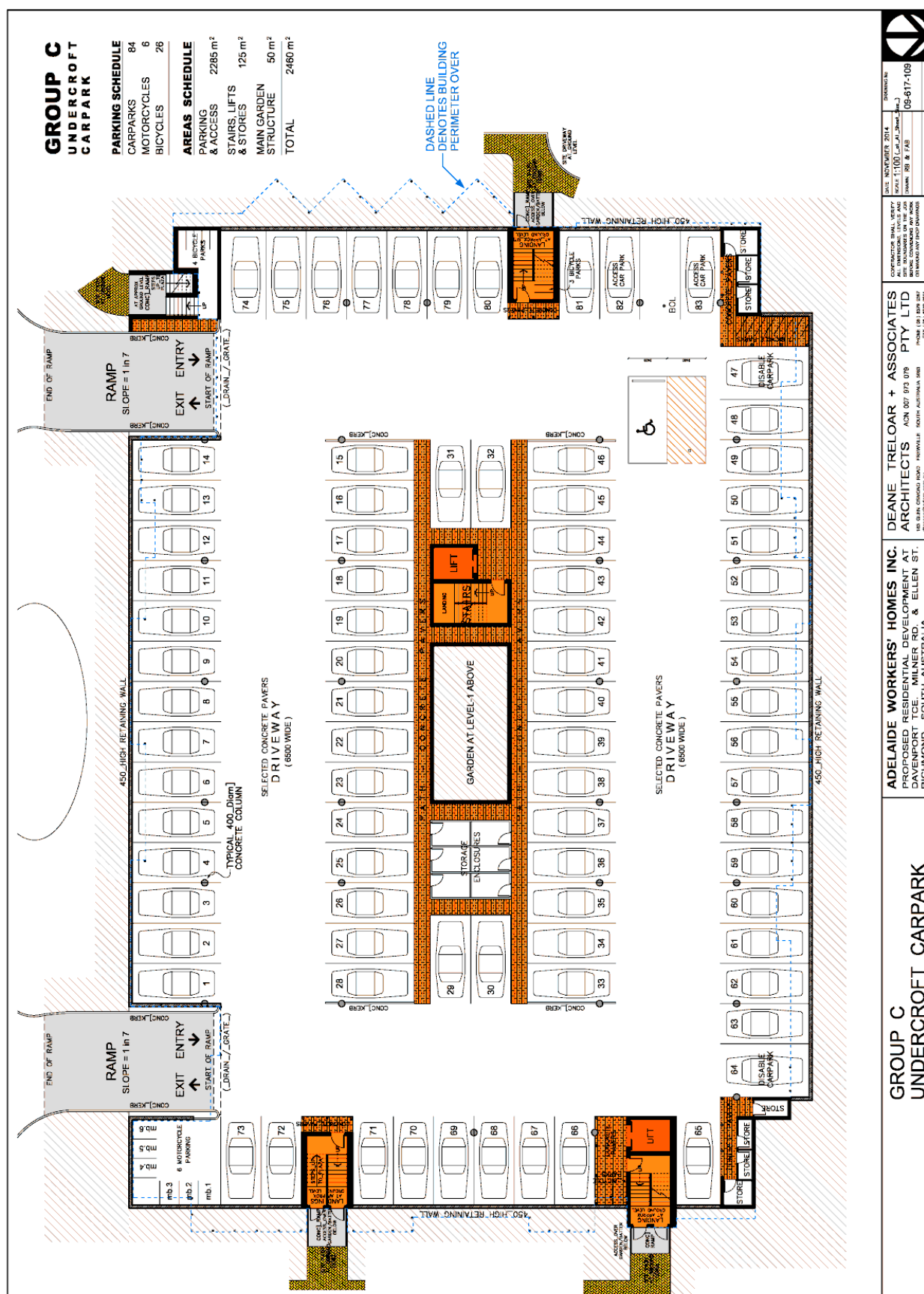
## ATTACHMENT 1











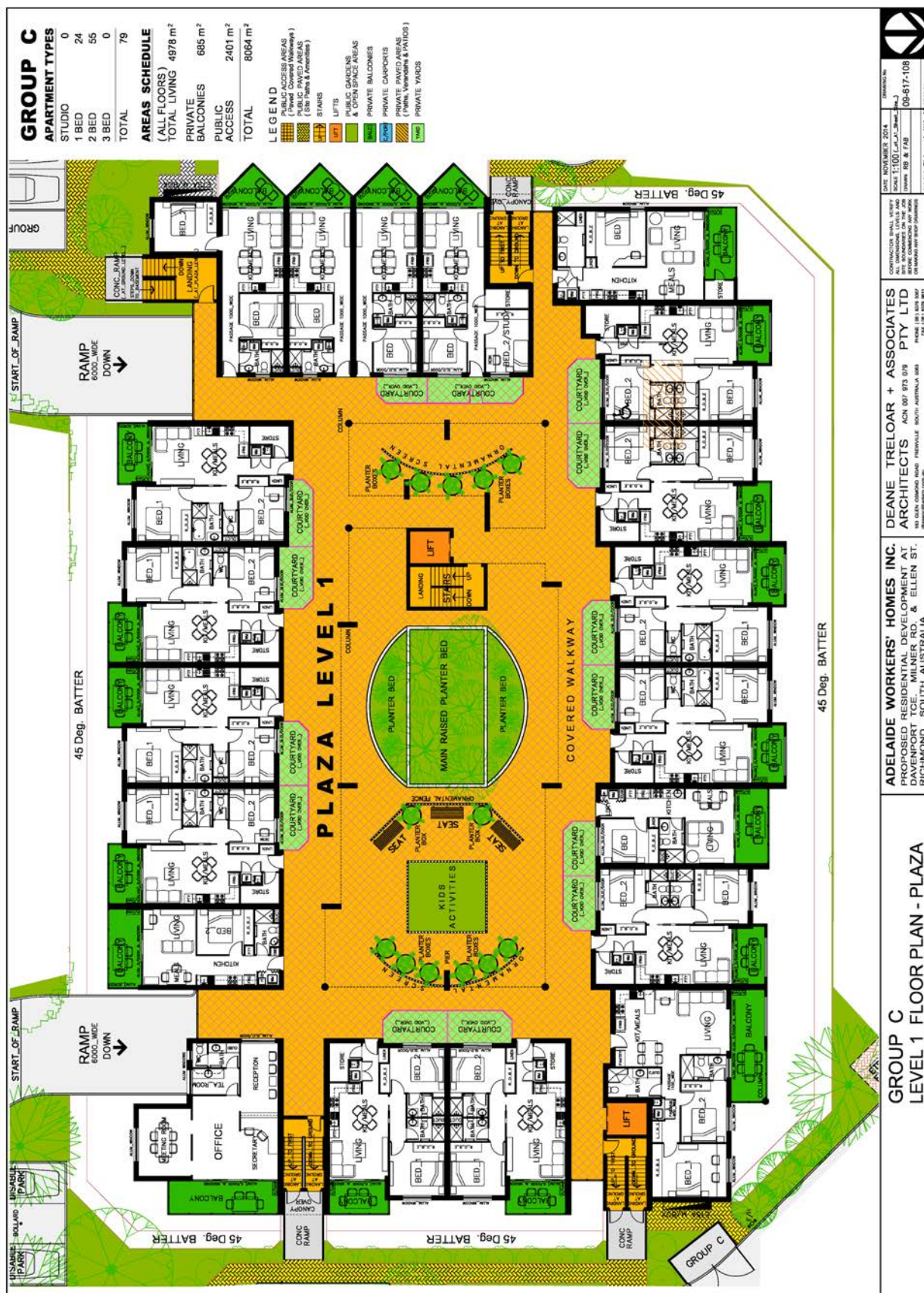










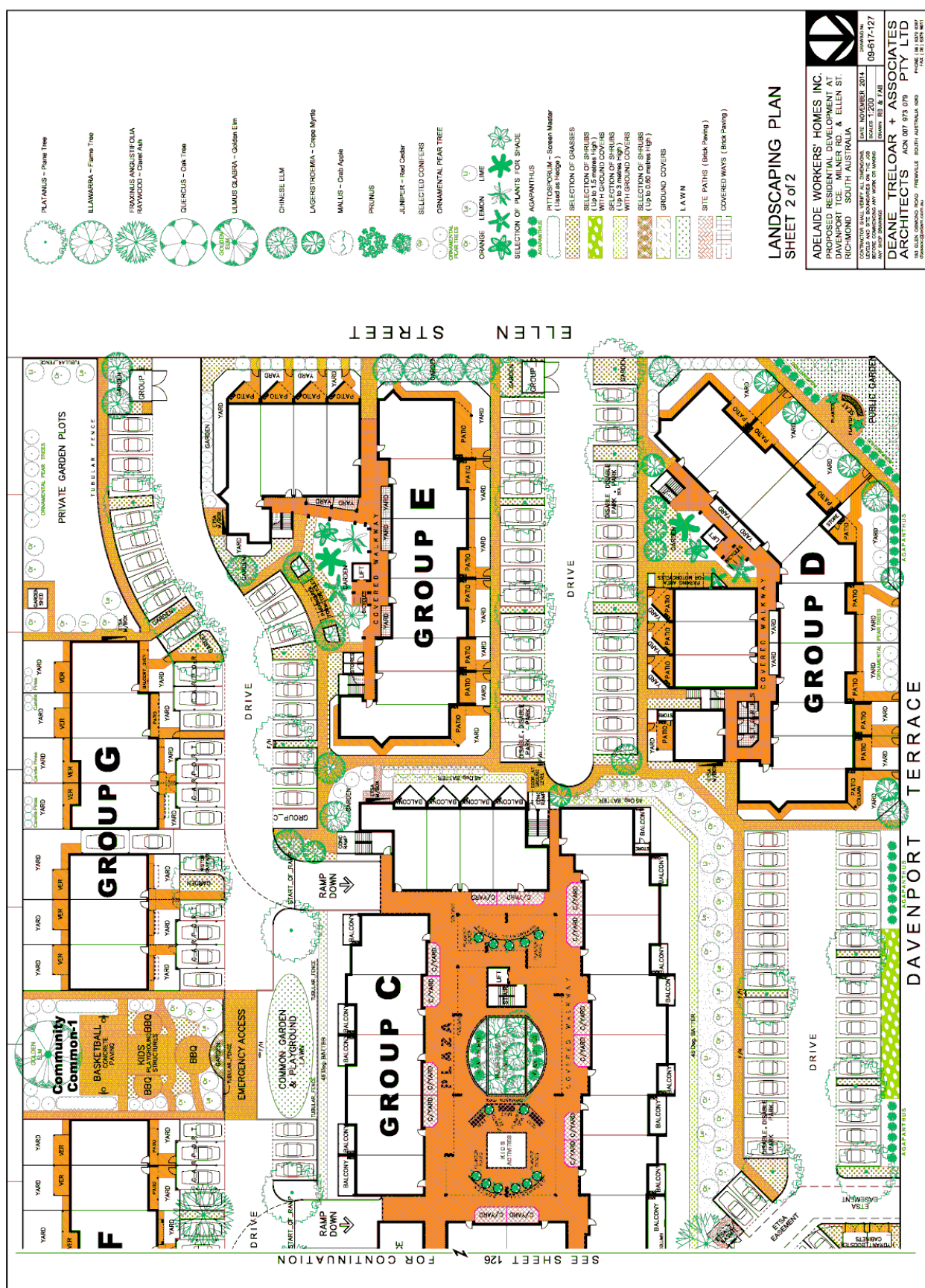




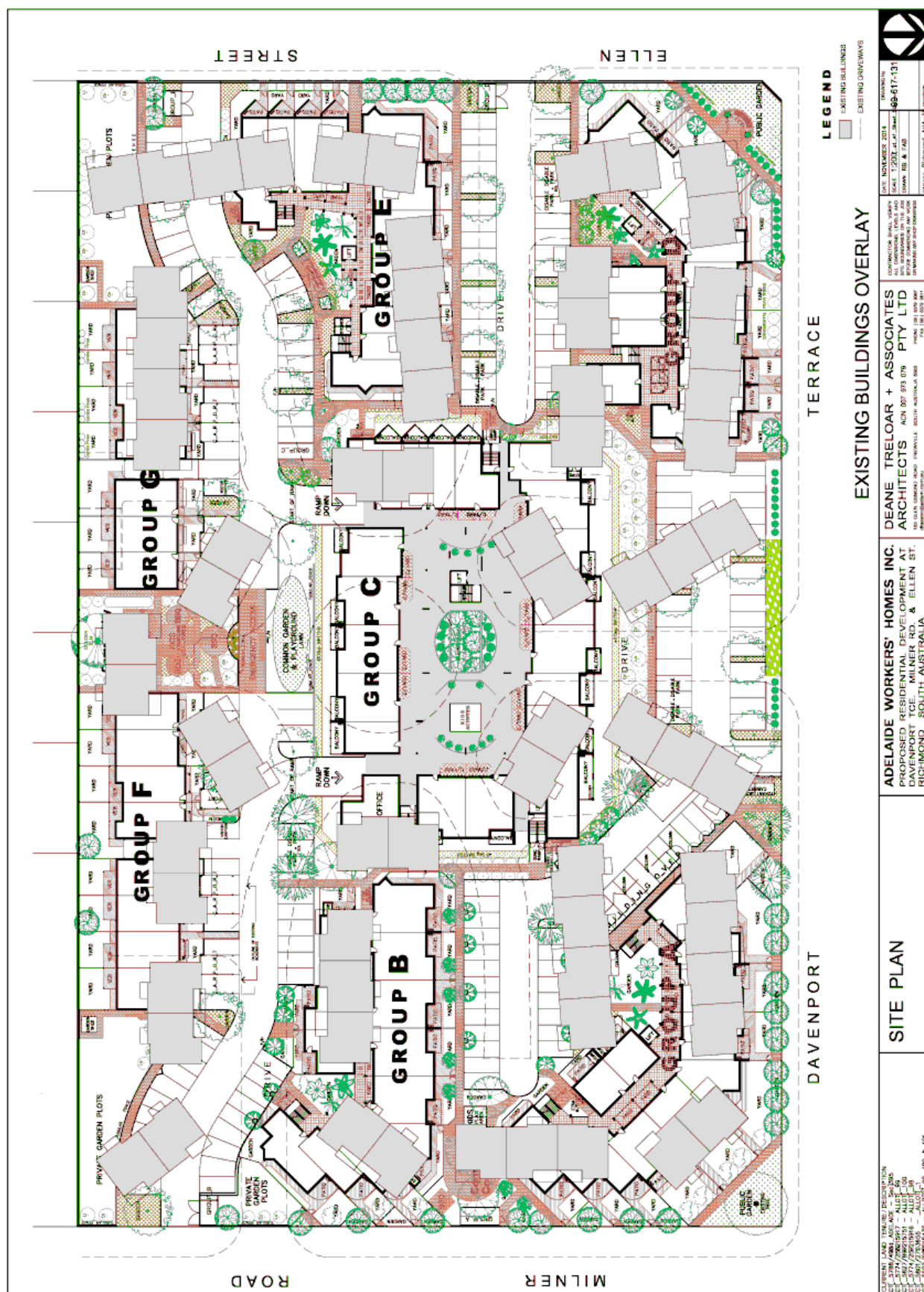


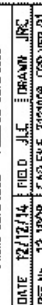




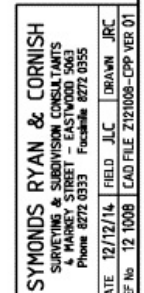


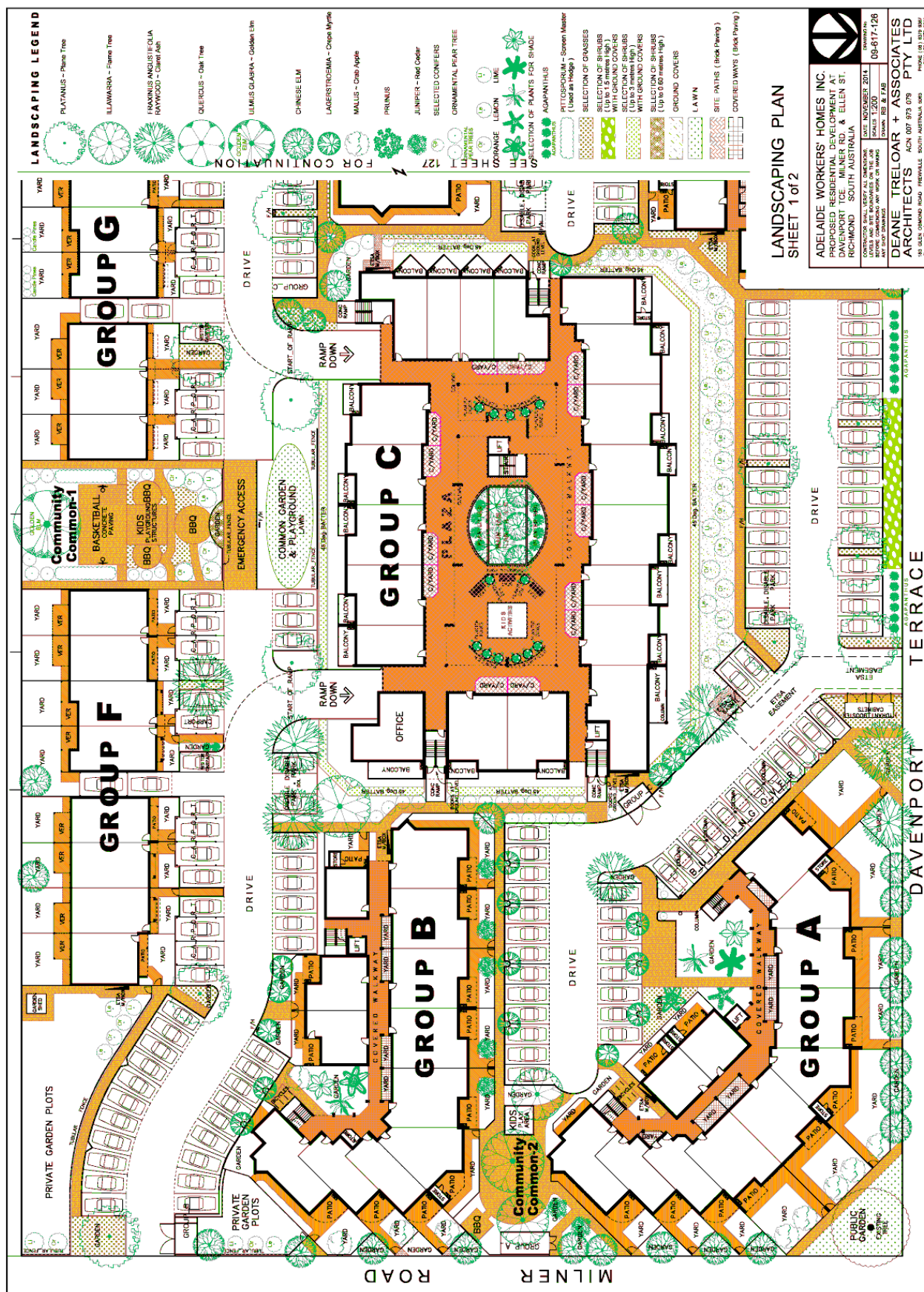


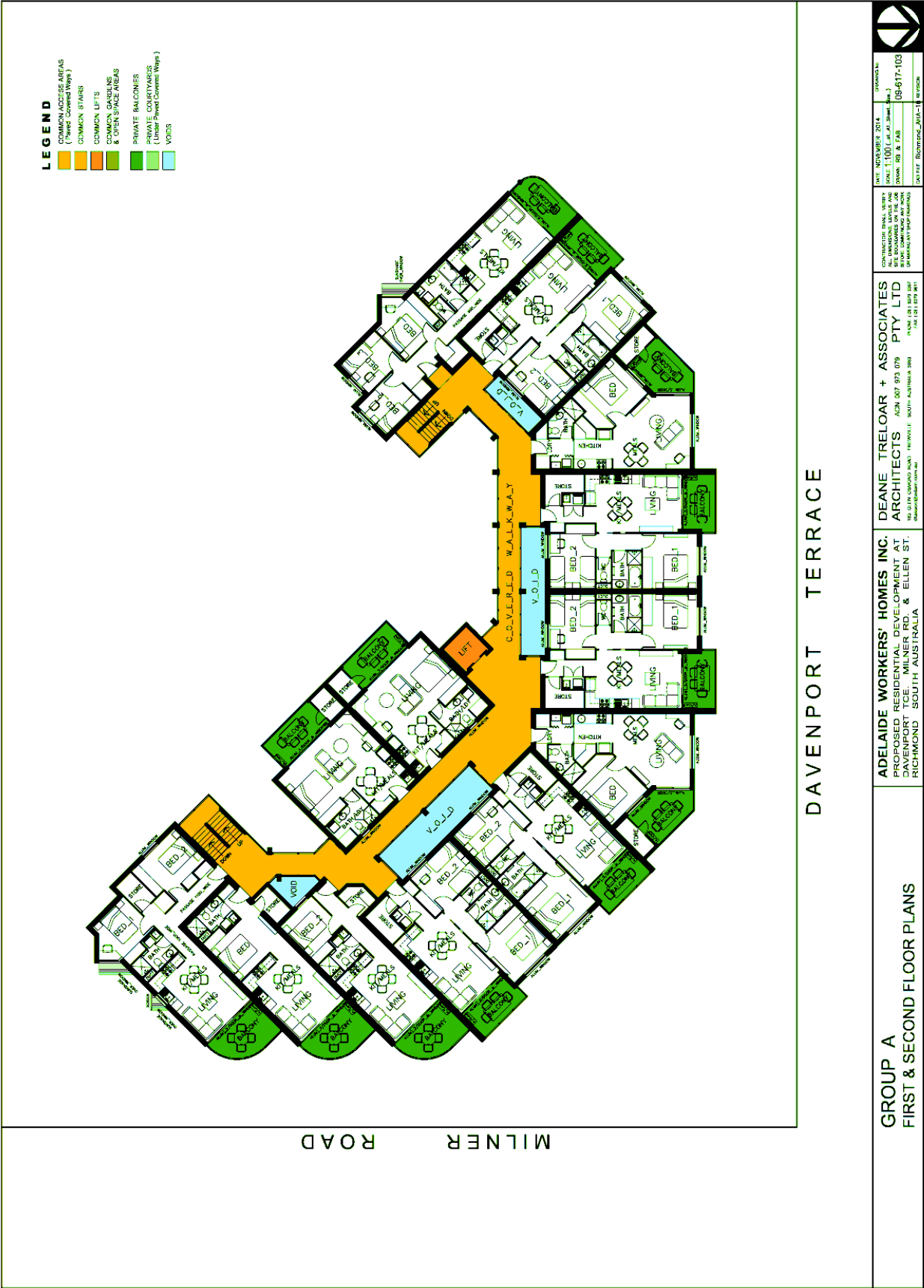


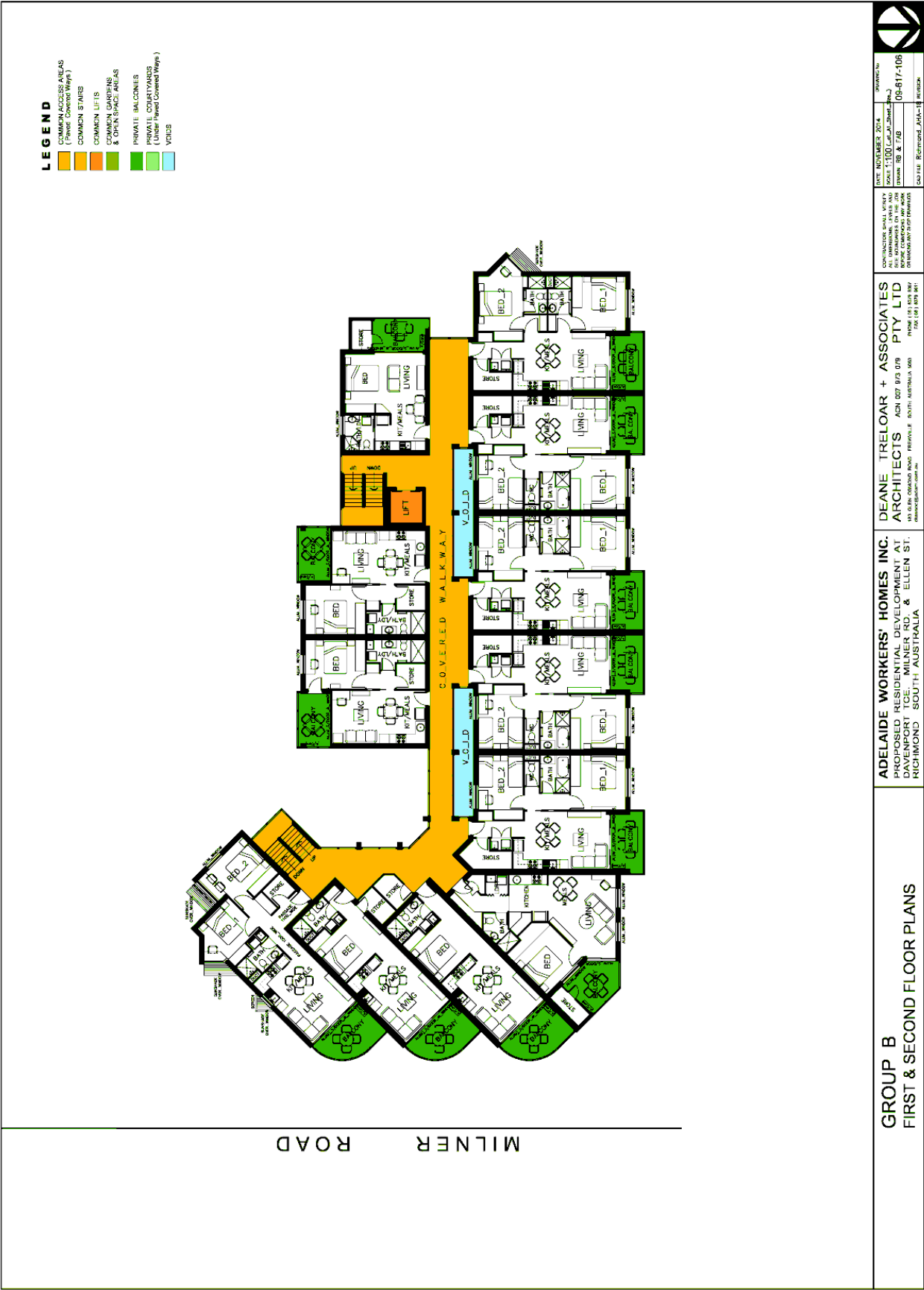




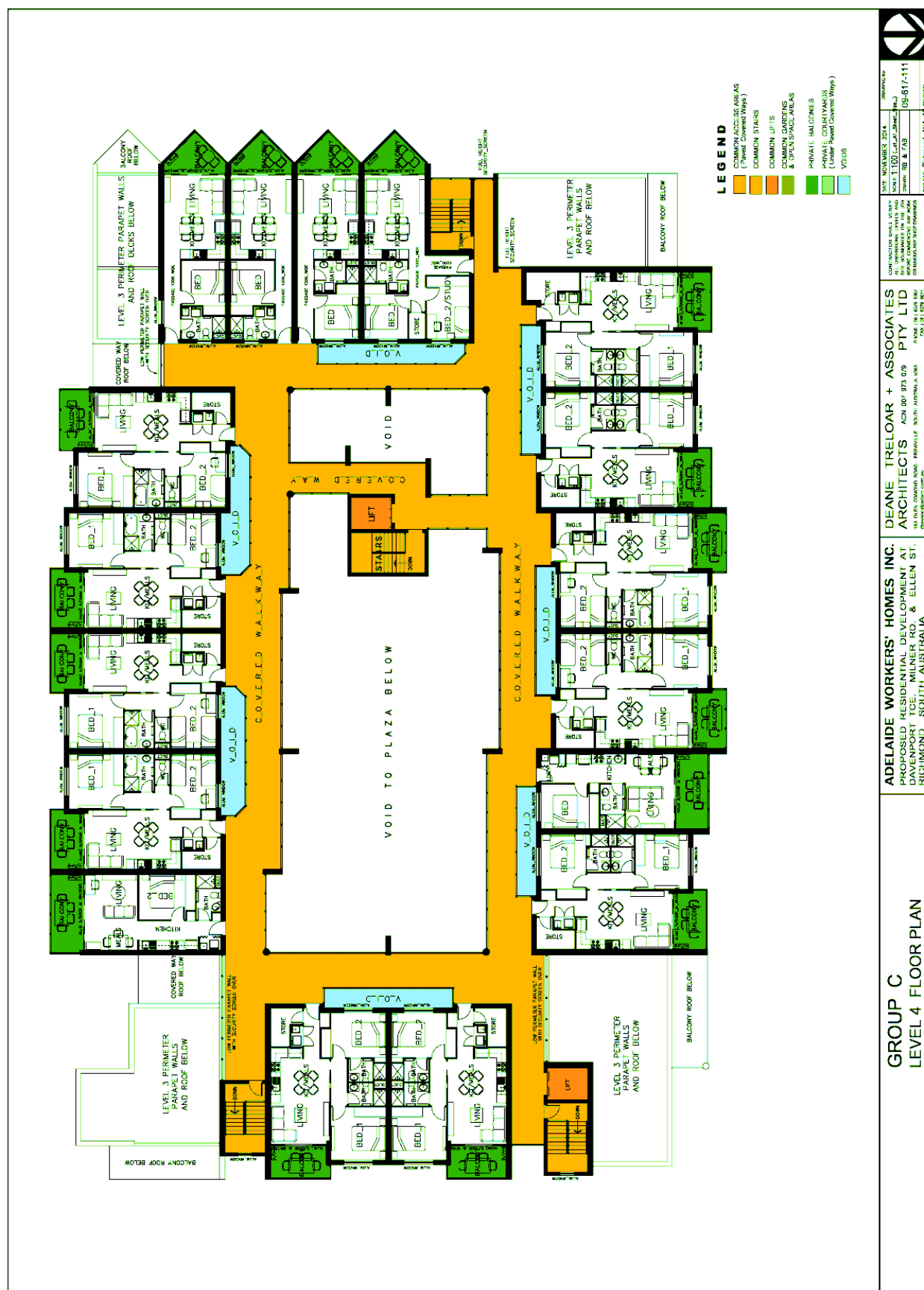










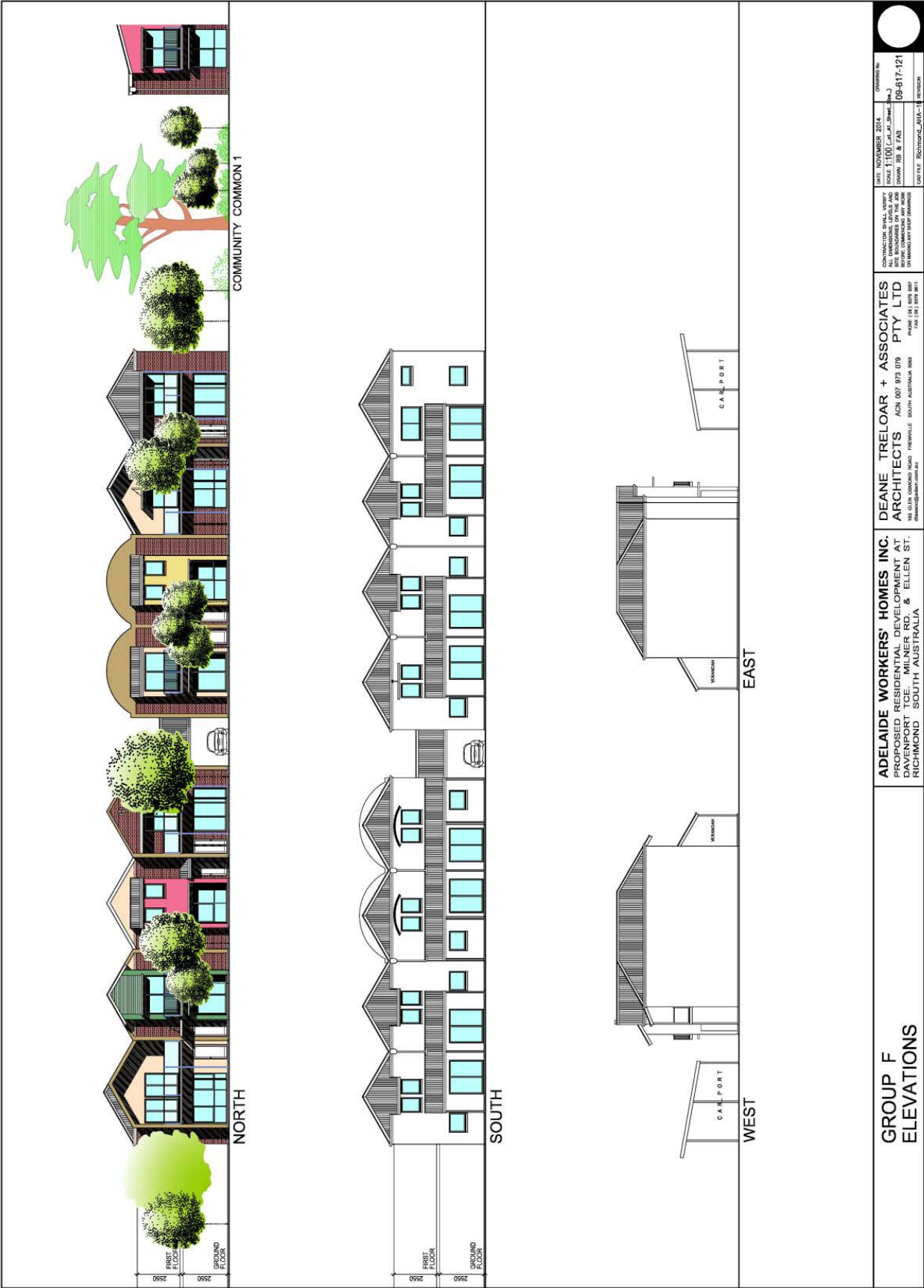








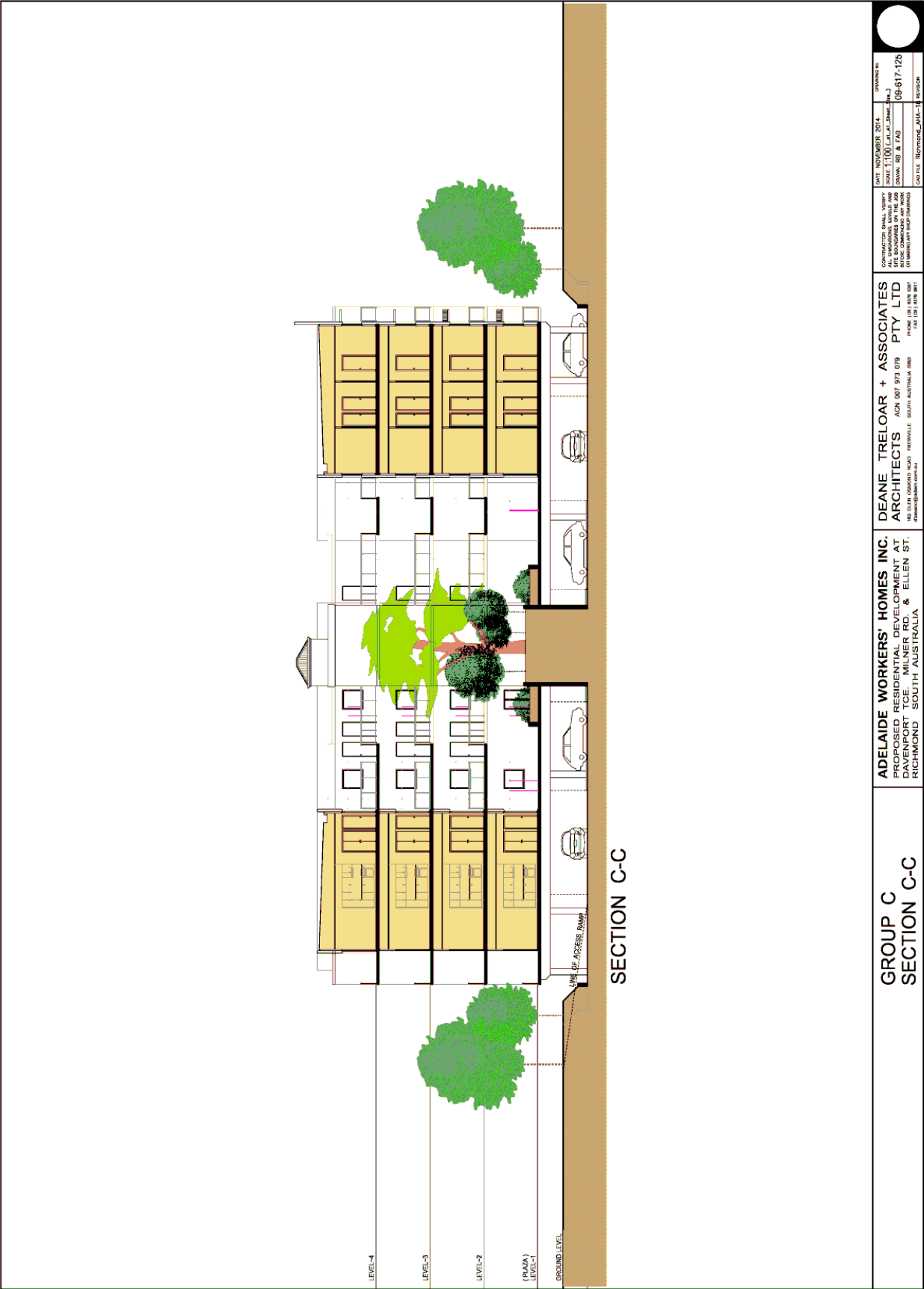




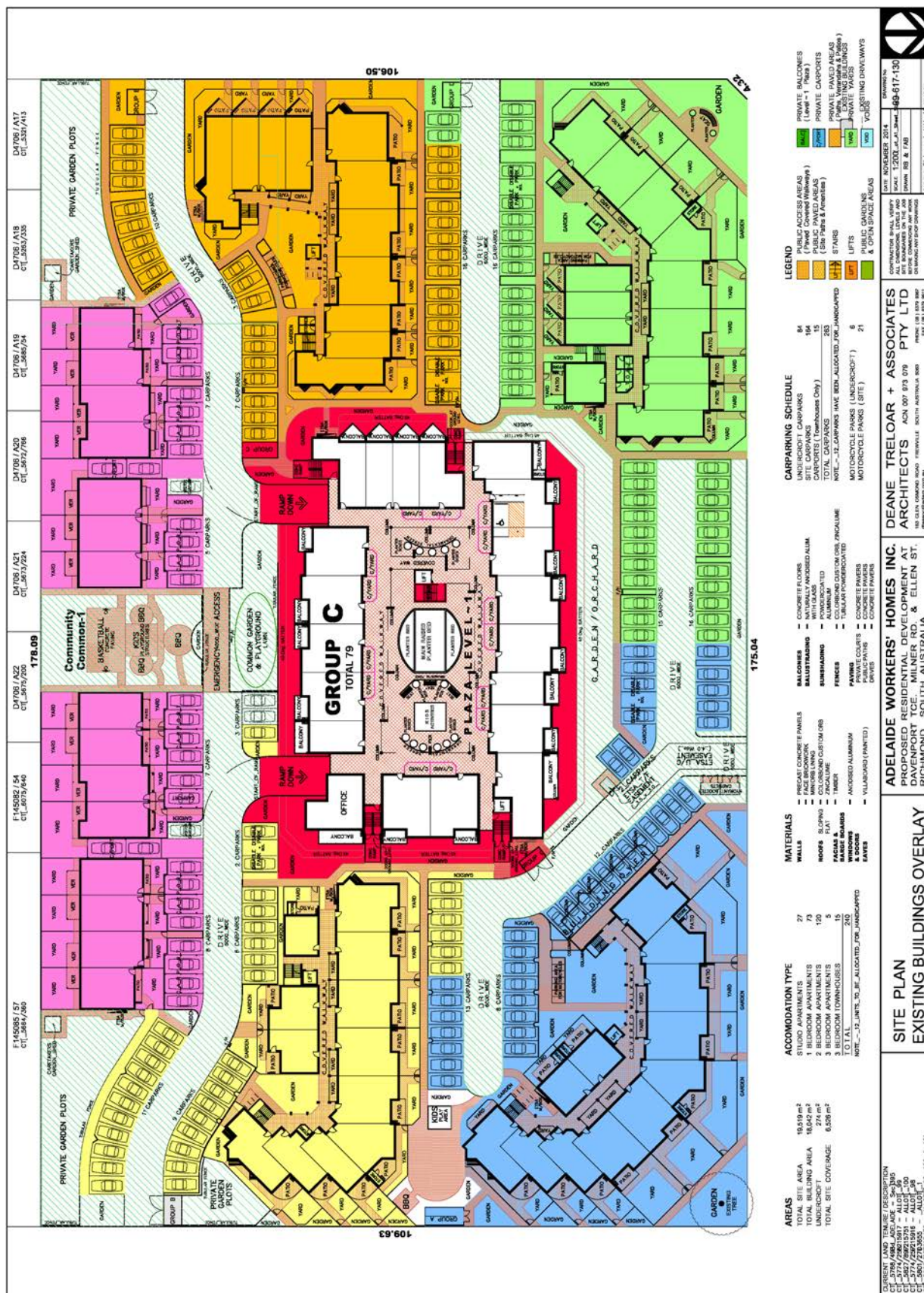




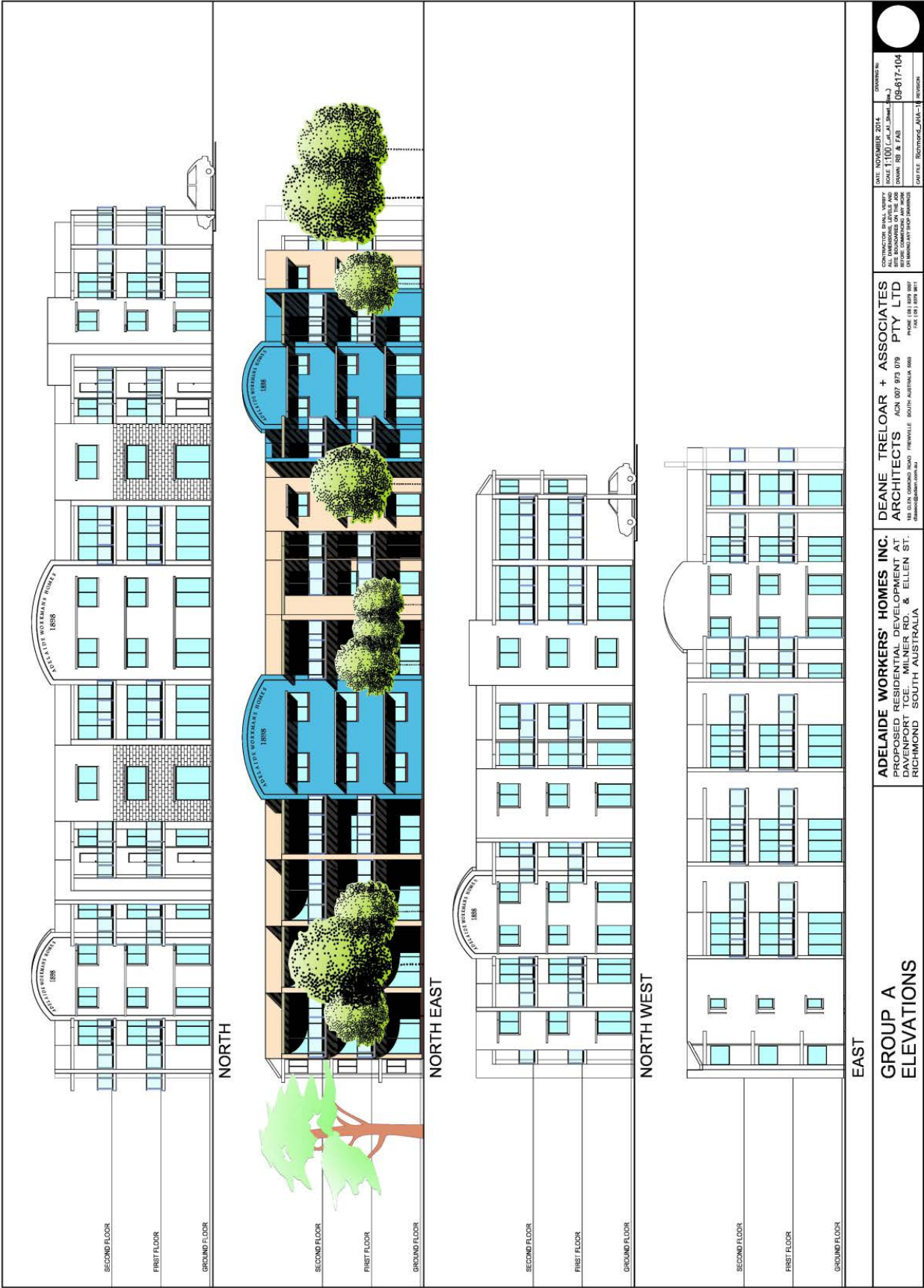


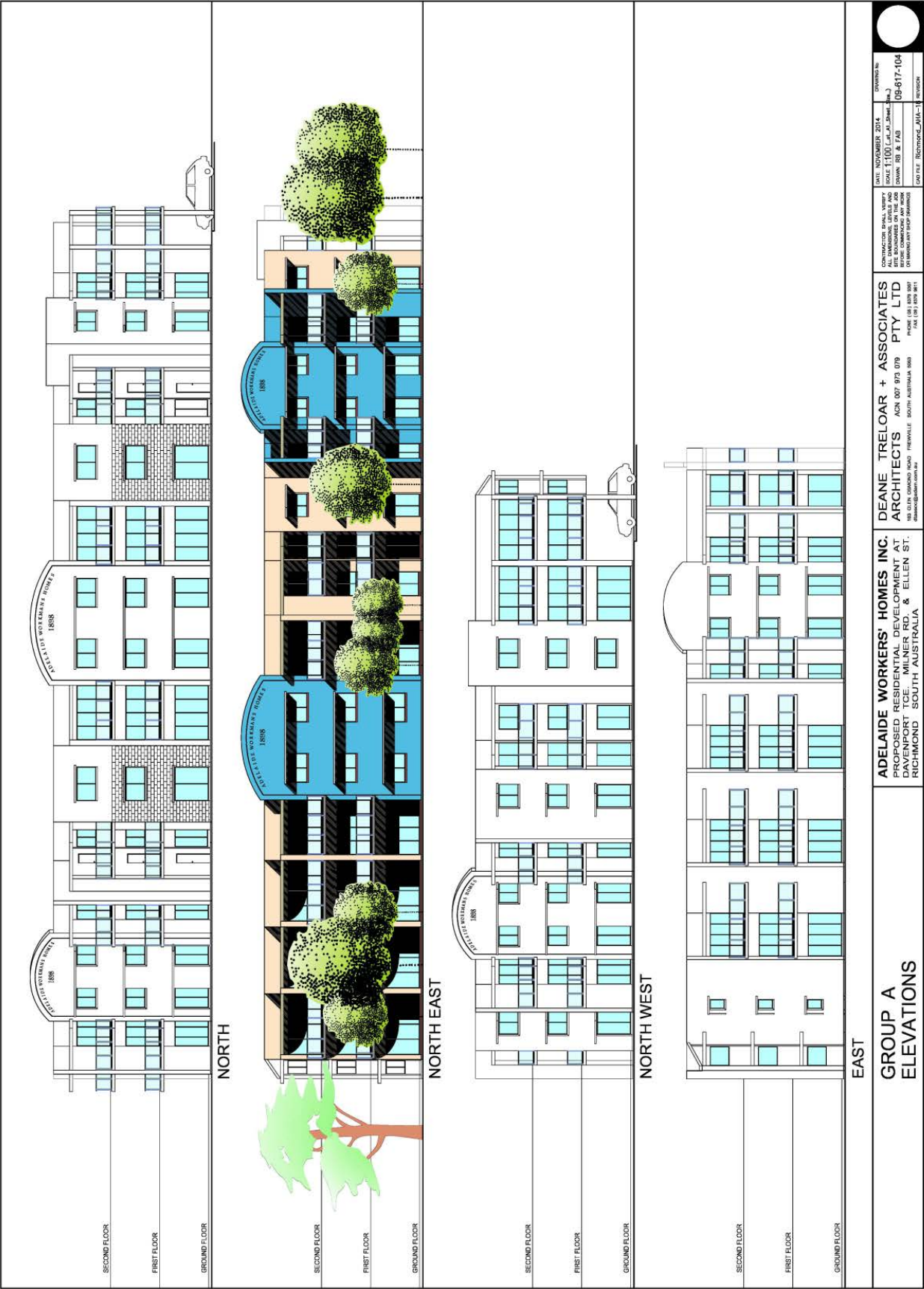


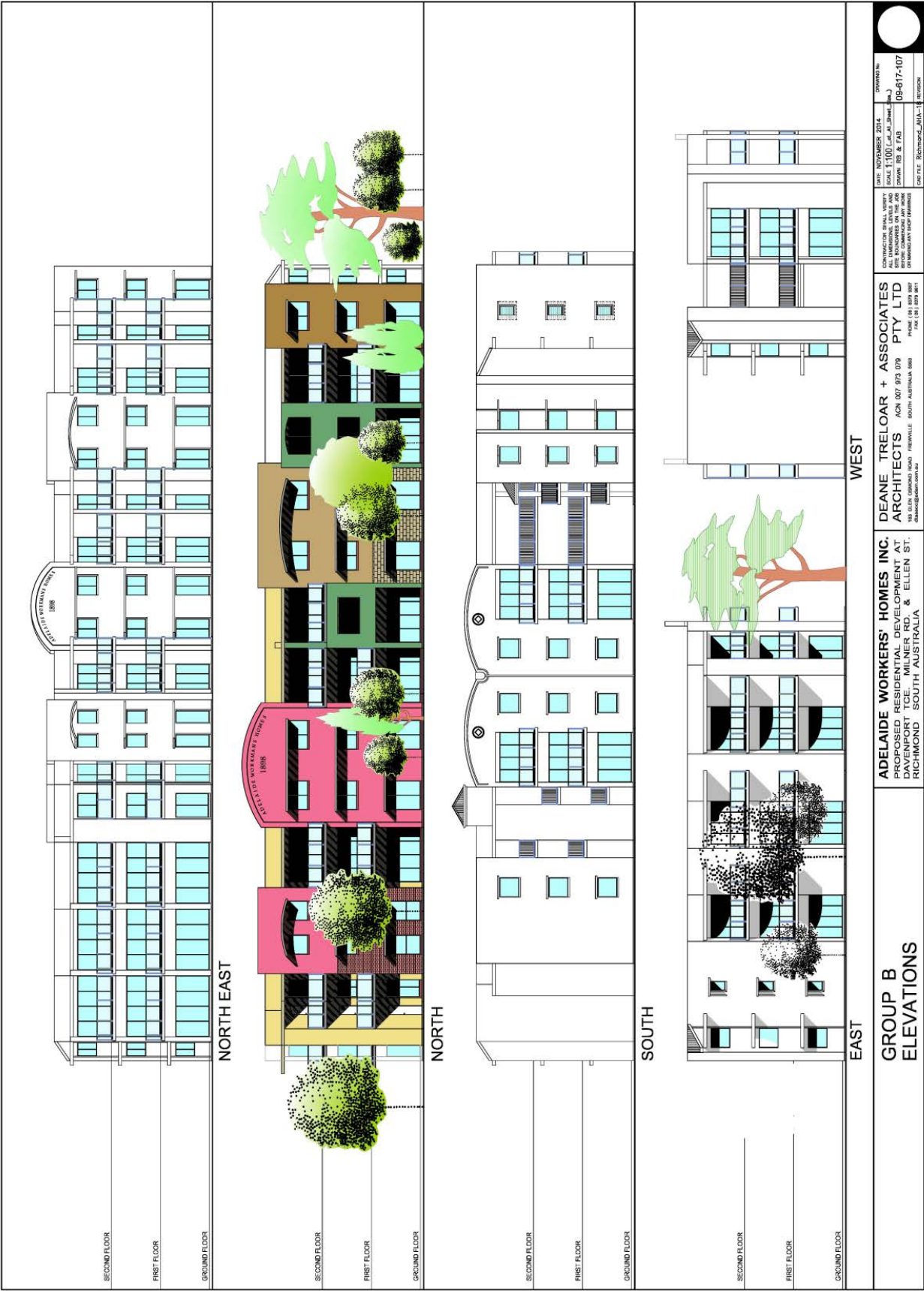








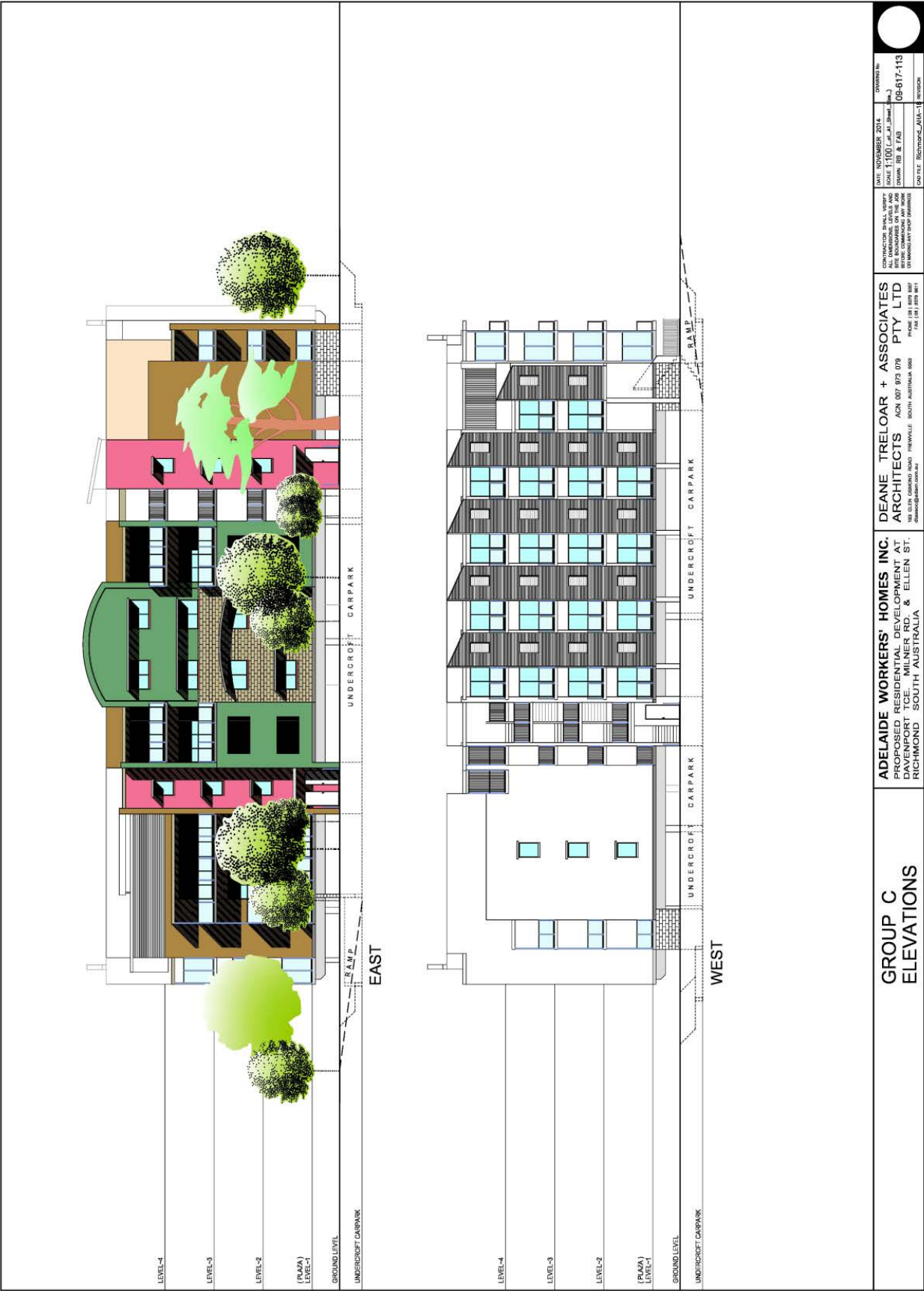




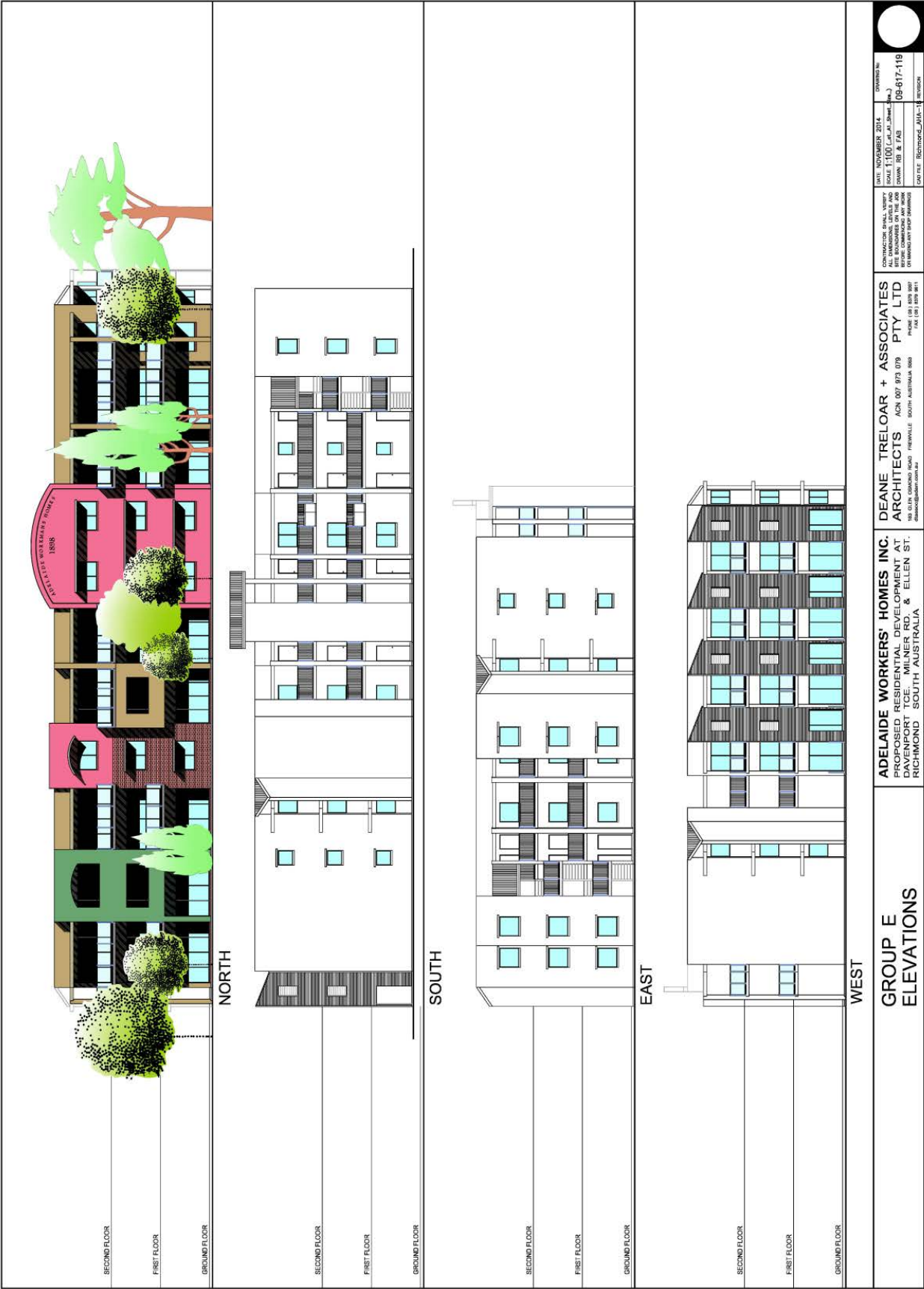




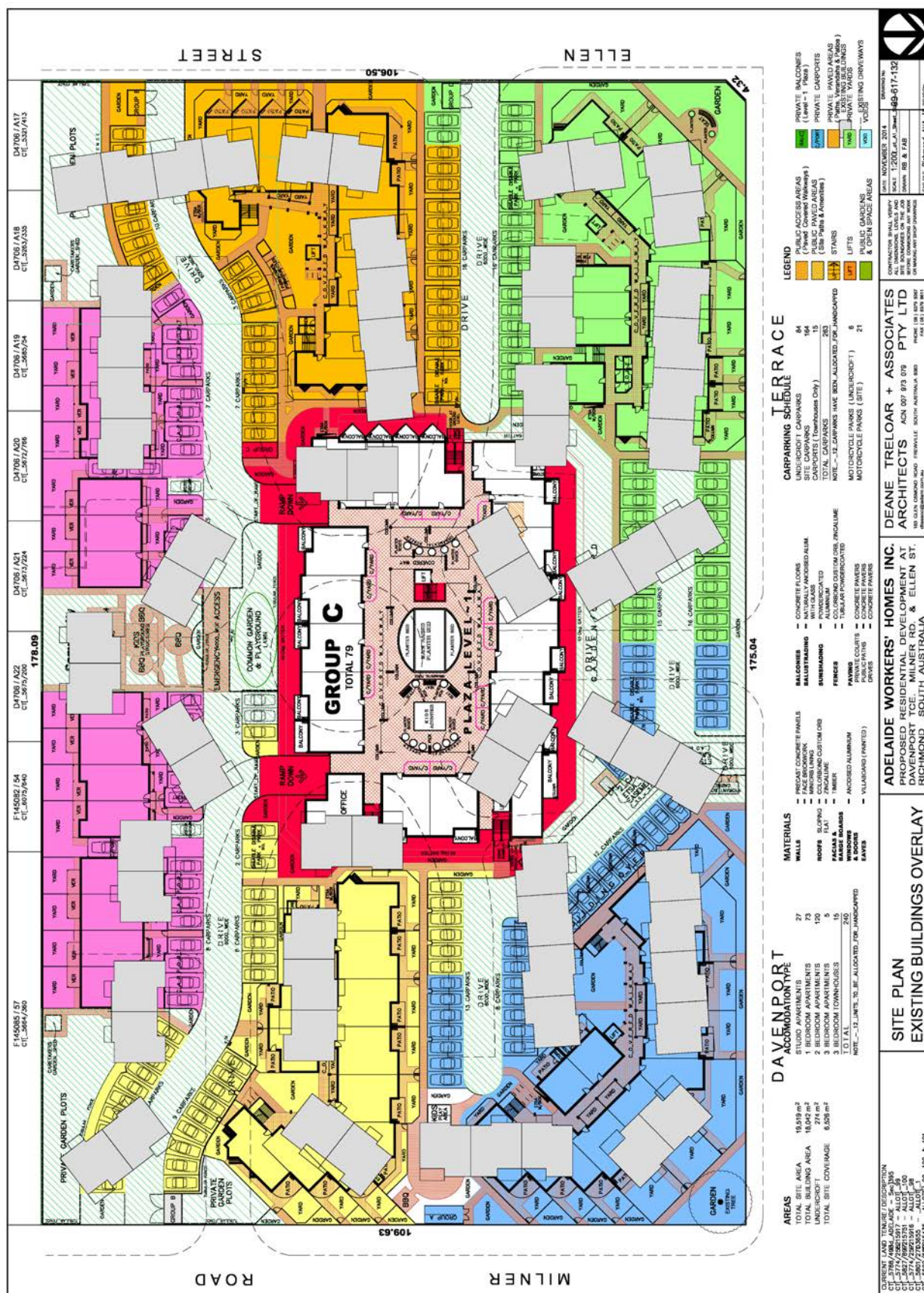










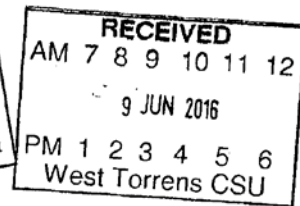
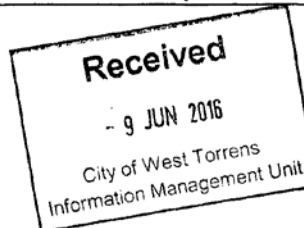




ATTACHMENT 2

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

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



DEVELOPMENT No. 211/356/2016  
PROPERTY ADDRESS: 50 Davenport Terrace, RICHMOND SA 5033

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

Ralph and Janet MARTIN  
19 Ellen Street Richmond SA 5033

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

REFER TO SUBMISSION  
LETTER  
(ATTACHED)

REASONS FOR \*  
REPRESENTATION

AS ABOVE

City of West Torrens

10 JUN 2016

City Development

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

AS ABOVE

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

I DO NOT WISH TO BE HEARD

\* I DESIRE TO BE HEARD PERSONALLY

WILL BE REPRESENTED BY

(PLEASE SPECIFY)

0  
✓ R MARTIN  
0

SIGNED

R Martin J L Martin

DATE

8.6.2016

\*

If space insufficient, please attach sheets

(FORM 3)

Responsible Officer: Tony Kelly  
Ends: Thursday 9 June 2016

Mr & Mrs R Martin  
Postal Address: PO Box 2111  
HILTON SA 5033

8th June 2016

Residence: 19 Ellen Street  
RICHMOND SA 5033

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

Dear Sir/Madam

I refer to your correspondence, received 27th May 2016:

**NOTICE OF APPLICATION FOR CATEGORY 3**

**DEVELOPMENT PURSUANT TO SECTION 38 (5)**

**OF THE DEVELOPMENT ACT, 1993**

**DEVELOPMENT No. :** 211/356/2016

**SUBJECT LAND :** 50 Davenport Terrace, Richmond SA 5033

**APPLICANT :** ADELAIDE WORKERS HOMES INC. (AWH Inc.)

As residents and a property owner in Ellen Street Richmond, adjacent to the proposed development a brief **STATEMENT OF PRESENTATION** (Pursuant to Section 38 of the Development Act, 1993) has been prepared, **with objections**, as a response to the Application lodged by Access Planning with the City of West Torrens.

A copy of the plans pertaining to Ellen Street along and the principal application document were purchased from the office of the City of West Torrens (WTC). These plans and the application document have been used as a basis for this submission.

At first observation the site plan (Drawing No. 09-617-00 dated November 20014) give the impression that the principal objective of the architects was to maximise the available space.

**It is considered that the proposed structure of three storeys facing Ellen Street would be a gross intrusion into the Streetscape along the north – south portion of Ellen Street.**

The western side of Ellen Street comprises single storey dwellings therefore to create a level of harmony with the character of the Streetscape **the proposed development fronting Ellen Street should also be single storey to avoid the visual impact.**

**It is also alleged, with respect to traffic flow and vehicle parking, due consideration to the real life day to day functions relating to the welfare and amenity of the intended occupants of the proposed development have been compromised.**

**The car parks for example, as presented on plan, resemble sardines in a can with little room to manoeuvre and the transport corridors onto Ellen Street will simply add more driver aggravation to an already congested section of public roadway, particularly where Ellen Street joins onto Davenport Terrace.**

With reference also to comments on Page 33 – Para’ 6 - **“Each access point to the adjoining public roads provides for two way vehicle movement with clear and separate pedestrian pathways and excellent driver sightlines, with adequate turn around areas and dimensions to allow all vehicles which may be reasonably expected on site to enter and leave the land in a forward direction.”**

Such may apply to Davenport Terrace and Milner Road. At times, however it is alleged that it would not always be so in Ellen Street at either of the proposed driveways.

**Davenport Terrace is nominally fourteen (14) metres wide.**

**Milner Road is nominally twelve point seven (12.7) metres wide.**

**Ellen Street, at the north - south end, is nominally seven point nine (7.9) metres wide.**

**Should the WTC decide to impose parking restrictions in the north – south corridor of Ellen Street to convenience the proposed development it will be to the detriment of existing residents and the Café.**

Of note is that the area of land now embracing No. 21 Ellen Street was for many years listed as being for off street car parking for the occupants, staff and patrons attending the then ‘Corner Convenience Store – Deli’. The Deli was at that time a live-in arrangement.

With the publication of the current Development Act the WTC decide to overlook the provision for off street/on-site car parking at the “Deli” and in so doing forced patrons and staff to park at the roadside.

With reference to comments at **Page 22: Para’ 3**

**“Car parking for residents and visitors will be provided at grade in separate areas separated by landscaped open space. They are accessed via two crossovers from Ellen Street and via one crossover each from Davenport Terrace and Milner Road.”**

The last sentence in the paragraph above is confusing. The definition of “crossover” intimates vehicle crossover, yet on reviewing the site plan (Drawing No. 09-617-00 dated November 20014) there exists only ‘one crossover’ from Ellen Street to Milner Road via the undercroft car parking area.

Of note also is that originally the existing AWH Inc. development had roadway ingress/egress to both Ellen Street and Milner Road. Such created a drive-through situation which afforded cyclists and motorists, including motor cyclist, the opportunity to hoon through the Estate, with ‘burn outs’ around the roundabout, and they did so on a frequent basis, generally at night in the small hours of the morning, causing nuisance and property damage. Closing off the access roads to Ellen Street and Milner Road stopped the practice.

**In consequence it is strongly recommended that the traffic flow within the proposed development be directed to Davenport Terrace and Milner Road, the major and wider roads.**

With reference to **Page 31: ‘Section 5.2.11 Transport and Access’**

**Clauses 24 – “Development should be provided with safe and convenient access which:  
24(a) avoids unreasonable interference with the flow of traffic on adjoining roads”**

**Clause 36 – “Vehicle parking areas should be sited and designed to:  
36(f) – minimise the number of vehicle access points onto public roads**

With reference comments at **Page 33 Para’ 3** - Reference: ‘On-site parking’:-

**“Add to this substantial kerbside parking with (sic) is available along the street frontage of the subject land and there is ample parking available for both tenants and visitors to the property.”**



The term “substantial kerbside parking” is a generalisation and is not always applicable to Ellen Street and certainly would not apply to Davenport Terrace or Milner Road when there are major events on at the nearby Richmond Oval. In addition to which it is not uncommon for the vehicles of patrons attending the theatres on nearby Sir Donald Drive to spill up onto Davenport Terrace from Talbot Street when events are conducted there.

**Page 10** (Clause 3.2) Para’s 3 and 4.

“Roads are generally wide,” – Such can be said of Davenport Terrace and Milner Road, but **not so of the northern end of Ellen Street which, when cars are parked along the north – south alignment of the Street, traffic is restricted to a single lane.**

**Davenport Terrace is nominally fourteen (14) metres wide.**

**Milner Road is nominally twelve point seven (12.7) metres wide.**

**Ellen Street, at the north - south end, is nominally seven point nine (7.9) metres wide.**

**“A small corner group of shops is located at the corner of Ellen and Davenport Streets (sic) and provides services to the local residents, and no doubt to the business community located along South Road.”**

**A gross over statement:** The “group of shops” comprise a Hair Dresser Salon and a Café, essentially a coffee shop wherein they also serve light meals. It is not a general provision type shop.

During the business hours of the Café the staff park their cars along the northern end of Ellen Street, generally it comprising five vehicles.

Tenants in the Flat at the rear of the Café also park their cars along Ellen Street due to their driveway being restricted for the intended purpose and the occupants of No. 21 regularly park their cars on Ellen Street for the same reasons.

In total nine vehicles may be deployed at the road side daily on an overlapping semi-permanent basis.

Service vehicles and patrons attending the Café through business hours also add to the existing daily traffic congestion at the northern end of Ellen Street.

Of note is that the business hours of the Café commence at 7 am and on occasions when special evening functions are conducted Ellen Street and the surrounding environs are congested with traffic.

Other points for discussion in the principal application document are presented herewith:

Page 2 Clause 2.0 Para' 1 - Line 2 – **“and adjoining residential development to the south.”**

There is no documentation presented which indicates that ‘the project in total comprises’ ‘adjoining residential development to the south.’

**Page 5 (Comments under Section 2.2) Para' 5 –**

**“The development is provided with two hundred and sixty three (263) car parks of which twelve (12) will be for people with disabilities. The undercroft provides a total of eighty three (83) car parks spaces, of which four (4) will be for disabled drivers. All spaces and aisles widths comply with the current Australian Standard for car parking AS 2890.1. All other car parking is at ground level. The car park spaces are distributed across the site to allow convenient access to each of the buildings.”**

The Planning Assessment Panel are reminded that Australian Standards are developed as the **absolute minimum requirements** as perceived by a committee and it is alleged that all too often the functionality of the Standard (AS 2890.1), in real life, i.e., in practice, may not meet the expectations of the end user.

In general terms there are many bigger vehicles on the roads today and likewise their occupants are much bigger too. Such being the case damage to adjoining parked cars during the boarding and exiting phases from vehicles is a common occurrence resulting in many disputes. (Take some time out and observe drive behaviour at any suburban shopping centre.)

Special attention should also be directed at the storm water disposal system around/from the undercroft. The foot of the step at the corner of the Café opposite the proposed development is the known flood level witnessed several times during the past forty (40) years when stormwater has backed up in the stormwater drainage system feeding into the Keswick Creek.

Local flooding from the Keswick Creek has only occurred twice during that time to our knowledge and the obstructions were caused by a railway sleeper, being washed into the drainage system and a large tree bough getting stuck under a bridge.

**Page 6 (Development Overview 2.2)**

**“MATERIALS/FINISH”**

**To avoid sun glare into adjoining properties all wall surfaces and window glazing should be non-reflective.**

It is to be noted that here in Adelaide, depending on the time of year all facets of building construction are exposed to the sun's rays.

**Page 22, under the script of Section "5.2.4 Energy Efficiency", the comments paragraph commences:-**

**"Energy efficiency has been adopted as an integral principal of the design process."**

And the leading sentence in the second paragraph:-

**"The building design uses other elements to achieve efficient energy use ....."**

Nowhere could we find mention of the **type of glazing** that is proposed in the development, apart from at Page 30 under Section 5.2.10 - Clause 27 - in the comments:-

**".... the Group F and G dwellings will have opaque windows to the upper level bedrooms which overlook the properties to the south."**

**What type of glazing will the structure of the window comprise in the redevelopment?**  
Double glazing? - Laminated? - Or a single section of plain glass?

**At Page 28** the first line of the last paragraph:-

**"The dwelling designs are meant to reflect the charter of AWH Inc. to provide affordable housing;"**

**Structurally, in principal, this may be achievable however the cost of actually living within the complex may well be exorbitant especially with a family.**

In addressing the comments **below section 26 on Page 30** it is noted:-

**"All dwellings will have within them clothes drying machines wall mounted over clothes washing machines and outside clothes drying facilities will not be necessary."**

For a family battling to pay utility bills such an impost could be financially crippling.

Even for a working couple it is alleged that such a forced arrangement will lead to problems.

It is alleged that the above is contrary to the ethos of the AWH Inc.

Representation to the Assessment Committee can be provided with adequate notice.

Yours faithfully,

Page 6 of 6

*J L Martin*  
*R Martin*

ATTACHMENT 3



20 June 2016

Ref: 6398restoreps

The Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 3031

Attention Mr. Tony Kelly

Access Planning (SA) Pty Ltd  
ABN 57 089 702 241

235 Henley Beach Road  
Torrensville SA 5031

Telephone 08 8130 7222  
Facsimile 08 8130 7299  
admin@accessplanning.com.au  
www.accessplanning.com.au

Dear Tony,

Re: **REDEVELOPMENT ADELAIDE WORKMENS HOMES - DAVENPORT TERRACE  
RICHMOND. DA11/356/16**

I refer to one representation received in response to public notification of the above development.

I have summarised the issues raised in the representation as follows;

- 1 The development of a 3 storey building facing Ellen Street will be a gross intrusion into the streetscape;
- 2 The car parking provides insufficient room to manoeuvre;
- 3 The development will add traffic congestion to Ellen Street, especially at the intersection with Davenport Terrace;
- 4 Questioning the vehicular access and driver sightlines associated with the driveways to Ellen Street, noting that Ellen Street is not as wide as Davenport Terrace or Milner Road;
- 5 Any future parking restriction imposed by Council as a consequence of the development will inconvenience existing residents and the local café. Reference is made to the use of land at 21 Ellen Street for parking for the local shops.
- 6 Questioning references in the planning report to '2 crossovers' on Ellen Street;
- 7 Traffic flow arising from the development should be directed via Davenport Terrace and Milner Terrace in preference to Ellen Street;
- 8 Notes that kerbside parking is not always available in the locality when events are on at the Richmond Oval or at venues along Sir Donald Bradman Drive;
- 9 The shops at the corner of Ellen Street and Davenport Terrace do not contain a delicatessen, rather they comprise a café, and hair dresser;
- 10 The café gives rise to on street parking and servicing issues that cause congestion at the corner of Ellen Street and Davenport Terrace;
- 11 Questioning the functionality of the Australian Standards for determining the design of the car park;
- 12 Identifying that the area is subject to local flooding;
- 13 No details of glazing have been provided to confirm the energy efficiency measured required;
- 14 The use of clothes dryers will add to the living cost of residents;





I respond as follows.

**The development of a 3 storey building facing Ellen Street will be a gross intrusion into the streetscape.**

The 3 story development proposed along Ellen Street is contained in two separate Residential Flat Buildings which are sited;

- 25 metres from the southern boundary of the land, the intervening space comprising gardens, driveway access and parking and landscaped open space;
- 25 metres from the adjoining Residential Flat Building with the intervening space given over to landscaping and car parking; and,
- 24 metres to the alignment of Davenport Terrace.

The buildings are setback 5.0m from Ellen Street with yards and landscaping along the Ellen Street frontage, and the building closest to Davenport Terrace has an angled frontage to Ellen Street with a setback from Ellen Street that varies from 3m to 10m.

The buildings are highly articulated in form and though of a height greater than provided for the relevant zone provisions, that seek to limit development to two stories, the actual density of the development and thus its streetscape impact is less than a development that might be undertaken at the levels envisaged by the Development Plan.

For example, the Development Plan provides for sites down to 9m wide (5m for a row dwelling), with street setbacks of only 3.0m.

The 106m frontage to Ellen Street could, on the basis of the above standards, be developed with a solid mass of 21 two storey row dwellings with a setback of only 3.0 metres and no or minimal spaces between the buildings.

The proposed development by contrast trades a linear form of development for one additional floor, but with significant spatial separation between the buildings that allows for site landscaping, varied street presentation, a highly articulated building form and relatively generous street setbacks.

Rather than being a gross intrusion into the streetscape, by comparison with what might be developed on the land, the proposed development provides for extensive spatial separation that allows the site to develop its own character without imposing on, or dominating the lower density nature of the development that it adjoins on the western side of Ellen Street, or to the south of the subject land. It also allows the development to address overshadowing and overlooking impacts that might otherwise be insurmountable on a site of smaller dimension and without the separation provided by the adjoining road reserves and more generous street and boundary setbacks provided.

**Car parking and traffic issues**

Many of the matters of concern to the representor relate to car parking and traffic issues so rather than respond to each matter individually I have collectively responded below.



The development is provided with two hundred and sixty three (263) car parks of which twelve (12) will be for people with disabilities. The undercroft provides a total of eighty three (83) car parks spaces, of which four (4) will be for disabled drivers. In addition there are 27 motor bike car parks and ample opportunity for bike parking/storage.

All spaces and aisles widths comply with the current Australian Standard for car parking AS 2890.1 and all car parking spaces will be line marked in accordance with accepted industry practice. Apart from the undercroft parking, all other car parking is at ground level.

The car park spaces are distributed across the site to allow convenient access to each of the buildings and to divide traffic between each of the three adjoining roads.

Table WeTo/2 requires that each dwelling have access to 2 car parking spaces (one of which is covered) plus an additional 0.25 spaces per dwelling (presumably for visitor car parking). This imposes a requirement for 520 car parking spaces.

Covered car parks, (other than as provided for in the undercroft area) have not been provided due to the low level of car ownership, cost of providing such facilities and the need to retain car parking spaces for shared use.

Car parking spaces are not allocated in the development but are shared between all occupiers and are thus able to be more efficiently used.

Car ownership amongst tenants is low and well under 50% of tenants do not own a motor vehicle of any kind.

The parking available to the development is more than 1 car park per dwelling (263 car parks / 240 dwellings), which together with the motor cycle parking and secure bike parking available for tenants will substantially exceed the demand for parking spaces based on car ownership.

References in my report to the availability of on street parking were not made in the expectation that such parking would be required for the development. Rather it was to note that in avoiding separate access driveways for what might otherwise be street fronting and accessible development sites, the development is able to maximise the amount of parking available on the street. To that end the development responds to those times when street parking is at a premium in the locality

In the numerous times that I have visited the subject land at all times of the day and evening, I have not seen the traffic congestion suggested by the representor; rather traffic movement and parking in the locality are all that would be expected of local roads, noting that Davenport Terrace does exhibit generally higher levels of traffic as it forms the role of a local collector road and is used by drivers to avoid traffic on the nearby arterial roads.

Parking on street similarly has not been identified as an issue, not that I have been in the locality when an event is on at the Richmond Oval.

Given that such events are irregular and parking at the oval is limited; it is to be expected that there will be a relatively high level of on street parking. That need not affect the subject





development, which, as indicated above, provides ample parking to meet both resident and visitor needs.

As to the use of AS 2890.1 as a reference document for car parking layouts, it is the standard reference document for this purpose and is specifically referenced as such in the Council Development Plan (see General Section, Transportation and Access, principle 35).

The proposed development complies with the standards set out in AS 2890.1 in relation to the dimension of car parks, aisle widths, ramp design etc. The car park does not meet the standard in relation to the length of the blind aisles, however as parking demands is likely to be well below the capacity of the car park, there will be ample opportunity for vehicles to manoeuvre on site and enter and exit the development in a forward direction.

In relation to traffic generation, and as indicated above, car ownership amongst tenants is less than 50%.

There are two car parks accessed directly from Ellen Street, one of 32 spaces and the other which provides access to 84 at grade spaces and 83 car parks in the undercroft.

The southern-most crossover is essentially to a drive through driveway that connects Ellen Street to Milner Road and as such allows for traffic to enter and exit from either of these roads.

Current traffic generation estimates prepared by the NSW Department of Transport suggest that daily vehicle trips generated by residential development are 10.7 trips per dwelling, with an weekday pm peak hour trip rate of 0.99 trips per dwelling and an am trip rate of 0.95 trips per dwelling.

Assuming a vehicle ownership of 50%, traffic generated from the car parking spaces accessible from Ellen Street (assuming a 50-50 split of vehicles exiting to each of Milner Road and Ellen Street) would be in the order of;

- 16 trips in the pm peak hour from the 32 space carpark;
- 15 trips in the am peak hour from the 32 space carpark;
- 45 trips in the pm peak hour from the southern-most driveway;
- 43 trips in the am peak hour from the southern-most driveway.

Total trips likely to be generated from the development on to Ellen Street will thus be in the order of 61 trips in the pm peak hour and 59 trips in the am peak hour or about 1 trip per minute.

Ellen Street has a 12.5m wide road reserve (or thereabouts) and a 7.5m wide road pavement which is typical of a lower order local road. No parking controls are in place other than in close proximity of the intersection of Ellen Street with Davenport Terrace.

As indicated above, traffic volumes are no so high on Davenport Terrace that traffic would build up at the intersection of Ellen Street to an unacceptable degree to a point where it would cause the congestion suggested by the representor, and as such there is no justification to limit traffic access to the site just to Milner Street and Davenport Terrace.



Similarly, driver sightlines from the crossovers on Ellen Street are satisfactory especially given that all vehicles are able to enter and exit the subject land in a forward direction.

The occasional servicing of the local shops is not uncommon for such groups of shops on local roads. Given the no parking restrictions at the corner of Ellen Street and Davenport Terrace, I do not envisage the parking of a small commercial vehicle from time to time on the street will pose any traffic safety issues.

### **Flooding Issues**

The matter of local flooding has been addressed in detail in the report prepared by Wallbridge & Gilbert, which provides design solutions to address the flooding hazard in accord with the relevant provisions of the Development Plan.

Consultation on this aspect of the development has already been undertaken with the Council engineer, and it is understood from those discussions that it was agreed the solutions proposed in the Wallbridge & Gilbert report are consistent with the above provisions and would not give rise to any unacceptable inundation impacts.

### **Energy Efficiency**

Under the requirements of the Building Code of Australia minimum energy efficiency requirements must be achieved for new buildings. An assessment of the development against the BCA will determine the nature of the final finishes to window glazing.

Whilst the use of clothes dryers is not the preferred means of drying washing it is a common approach to this issue in higher density development. All dwellings have access to open space, either in a yard area or on a balcony that will allow the use of clothes airers in lieu of mechanical drying if so desired by the resident.

### **Conclusion**

Having regard to the foregoing, I do not consider that the proposed development will give rise to unacceptable streetscape impacts or adverse impacts otherwise on the locality.

The development is provided with ample on site car parking without need to use the road reserve for this purpose, and the level of traffic generation is not predicted to be so high as to overwhelm the capacity of the local road network.

I advise that I would like to be attendance at the Panel meeting at which the application is to be considered so as respond to any additional issues that may be raised in verbal submissions and to answer any questions that the Panel members may have.

Yours sincerely

A handwritten signature in blue ink, which appears to read "D Hutchison".

David Hutchison BA CPP PIA  
ACCESS PLANNING (SA) PTY LTD



ATTACHMENT 4



7<sup>th</sup> April 2016

Ref:6398Development Report

The Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
Hilton SA 5031

Attention Mr. Tony Kelly

Dear Tony,

Access Planning (SA) Pty Ltd  
ABN 57 089 702 241

235 Henley Beach Road  
Torrensville SA 5031

Telephone 08 8130 7222  
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Re: **REDEVELOPMENT ADELAIDE WORKERS' HOMES INC - DAVENPORT TERRACE  
RICHMOND**

Please find herewith application documents pertaining to the redevelopment of the Adelaide Workers' Homes Incorporated (AWH Inc.) land at Davenport Terrace, Richmond.

The application represents a substantial long term investment by AWH Inc. in providing low cost worker housing in close proximity to services, public transport and employment opportunities.

The AWH Inc. investment in the redevelopment of the land is estimated at over \$60 million dollars at today's costs, and will be undertaken in stages over an approximate 10 year time frame; with development to commence as soon as the relevant approvals can be gained.

AWH Inc. has already invested significantly in the development of the land, including the engagement of Architects, Town Planners and Engineers to ensure that all relevant issues relating to the land and its proposed development are addressed in the detail necessary to obtain the relevant approvals.

Given the scale of the development, need to relocate residents already on site and projected development timeframes; this application seeks a 3 year period in which to make substantial commencement and a 10 year period for substantial completion.

The project team look forward to fruitful discussions with your office and to a positive outcome for the development.

## 1.0 INTRODUCTION

Adelaide Workmen's Homes Incorporated (now Adelaide Workers' Homes Incorporated) was established on 30 September, 1898. Under the terms of the will of the late Sir Thomas Elder, twenty five thousand pounds was bequeathed "to benefit workmen by providing them with suitable dwellings at a reasonable rental".

Responsibility for the actual setting up of AWH Inc. was left to the "absolute and uncontrolled discretion" of Sir Thomas's Executors, Mr. Robert Barr Smith and Mr. Alexander Martin, although it was requested that much regard be paid to "the Trust Deeds constituting what is known as the Peabody Donation Fund in England".

Interestingly, and with great foresight, the 1898 Trust Deed stated that the term workmen, whenever mentioned, shall include workwomen".



Since establishment, the Trust has grown substantially, and currently owns more than three hundred and thirty two properties throughout the Richmond, Mile End, Woodville North and Norwood.

#### **1.1 Adelaide Worker's Homes Inc. Objectives are: -**

*Under the umbrella of providing 'workmen' with dwellings at reasonable rental, the Trust Deed states activities may encompass: -*

- *The purchase of real estate not further in a straight line from the GPO at Adelaide than 100 miles*
- *Dwellings and other development which the Trustees consider will benefit the well-being of residents and their families*
- *Maintenance and improvements*
- *Rental and sale of property to achieve a net increment for the further extension of Trust benefits*

#### **1.2 Adelaide Worker's Homes Inc. Tenants**

In the original Trust Deed, housing was available to workmen (or workwomen) and their families. In 1966, it was amended to also apply to persons who "having been workmen or dependents of workmen are pensioners or on aged pensions".

This change reflects duration of tenure which is typical of AWH Inc. tenants and the goodwill that exists between the landlord and its tenants. The residents then, and now, are provided accommodation at subsidised rental rates similar to those traditionally offered by the former SA Housing Trust.

#### **1.3 Ongoing Housing Development**

AWH Inc. is slowly but continually turning over its housing stock as the capital value increases. It does this to retain a reasonable parity between the establishment capital value and the rent received.

The Board have the discretion to offer residents the opportunity to purchase their homes; otherwise they are sold on the open market. The funds generated provide capital for subsequent projects.

Additionally, where dwellings are at lower densities than now provided for by relevant Council's Development Plans, redevelopment is occurring to increase dwelling densities along with the considerable improvement to the curtilage of the dwellings by way of provision of private open space, improved communal open spaces and landscaping, provision of storage areas for individual dwellings and improved and safer pedestrian links.

### **2.0 THE PROPOSED DEVELOPMENT**

The project in total comprises the complete redevelopment of land bounded by Davenport Terrace, Milner Road, Ellen Street and adjoining residential development to the south.

The land has an area of some 19145m<sup>2</sup>.

The development is significant; involving two hundred and forty new dwellings in place of 70 existing, single storey dwellings. It will be undertaken in stages over approximately 10 years.

The whole project when complete will comprise seven buildings (residential flat buildings as defined) accommodating 240 new dwellings, made up of 27 studio apartments, 73 one bedroom dwellings, 120 two bedroom dwellings, 5 three bedroom dwellings and 15 three bedroom townhouses.



The subject land is shown in Figure 1 below.



Figure 1: The Subject land

## 2.1 Design Parameters

The overall development has been guided by a design brief which sought to: -

1. Supply Affordable Housing in accordance with the charter of AWH Inc.
2. Design the buildings to comply with the Local Council Zoning guidelines.
3. Integrate the Development to complement the AWH Inc. housing to the east by:-
  - Using traditional walling materials (matching brick) to articulate building form between the structural tilt up concrete walls; and
  - Continuing the use of colorbond corrugated iron roofs mini-orb external wall linings, tubular corrugated fencing, concrete and brick paving and the application of traditional and complimentary colours.
4. Deliver environmentally sustainable measures to both the buildings and the landscape, by:-
  - Solar powered public lighting;
  - Rainwater re-use in laundries and toilets;
  - Roofing and walling insulation;
  - Sun shading to windows facing north, east and west;
  - Arranging the siting and sizing of the groups to allow a cross flow of breezes and lessen visual impact;
  - Designing the dwellings to achieve cross ventilation;
  - Planting for shading;
  - Incorporating best construction practices to minimise sound transmission and temperature transfer;
  - Dwelling layout to achieve as much as possible a northerly orientation.



5. Achieve private outdoor living spaces by providing either court yards or balconies.
6. Provide a communal park setting designed for community enjoyment.
7. Provide a complete landscape of planting suitable to dry climates requiring minimal water consumption.
8. Reduce the visual impact of car parking from the street by containing the majority screened by landscape within the complex.
9. Provide communal garden spaces for residents.

## 2.2 Development Overview

The whole project when complete will comprise seven residential flat buildings disposed as follows: -

<b>Group A which contains:</b>	Studio dwelling	9	
	1 Bed dwelling	9	
	2 Bed dwelling	18	
	3 Bed dwelling	2	Total 38
<b>Group B which contains:</b>	Studio dwelling	9	
	1 Bed dwelling	9	
	2 Bed dwelling	18	Total 36
<b>Group C which contains:</b>	1 Bed dwelling	28	
	2 Bed dwelling	51	Total 79
<b>Group D which contains:</b>	Studio dwelling	3	
	1 Bed dwelling	18	
	2 Bed dwelling	18	Total 39
<b>Group E which contains:</b>	Studio dwelling	6	
	1 Bed dwelling	9	
	2 Bed dwelling	15	
	3 Bed dwelling	3	Total 33
<b>Group F which contains:</b>	3 Bed Townhouses	8	Total 8
<b>Group G which contains:</b>	3 Bed Townhouses	7	Total 7
<b>Total 240</b>			

Setting aside the two groups of townhouses (Groups F and G) located on the southern side of the subject land, there are of five separate buildings proposed.

The Group B building will front Milner Road. The Group A building will address the corner of Milner Road and Davenport Terrace. The Group D building will address the corner of Davenport Terrace and Ellen Street. The Group E building will front Ellen Street. Each of the Group A, B, D and E buildings are of 3 storeys.

In the centre of the land is the Group C building which is of four storeys plus an undercroft car park.

Each building will be served by lifts with the exception of the Groups G and F buildings. Additionally there will be two sets of stairs for each building; except for the Group C building with





four (4) sets of stairs and the Group G and F buildings, which will have their own internal stairs. Access to ground floor and upper floor dwellings is via a covered walkway.

To provide a measure of privacy to bedrooms along these walkways at ground floor level there will be a small courtyard fenced to 1.8 metres and 1.25 metres out from the wall/window alignment. At the upper levels, along the same alignment as the courtyards below, there will be a void with a balustrade 1.25 metres out from the wall/window alignment.

All ground floor dwellings in the Group A, B, C, D, and E buildings will have fenced private open space, while dwellings above ground level will have balconies to provide their private open space. All of the apartments in Groups G and F to the south of the subject land will have ground floor private open space and balconies at first floor level.

There are twelve (12) dwellings designed specifically for people with disabilities. There will be two (2) each in the Group A, B, D and E buildings and four (4) in the Group C building. All will be at ground floor level.

The development is provided with two hundred and sixty three (263) car parks of which twelve (12) will be for people with disabilities. The undercroft provides a total of eighty three (83) car parks spaces, of which four (4) will be for disabled drivers. All spaces and aisles widths comply with the current Australian Standard for car parking AS 2890.1. All other car parking is at ground level. The car park spaces are distributed across the site to allow convenient access to each of the buildings.

Storage or parking for bicycles will be available either within the storage room of each dwelling (or storage room adjacent to each dwelling (where it is not provided internally). Additional bicycle parking spaces will be provided in the undercroft park. Bicycle storage for visitors will be provided at ground floor level adjacent to each lift.

Motor bike parking is provided for a total of twenty seven (27) vehicles.

All of the dwellings in the Group A, B, C, D, and E buildings will have separate store rooms provided within the dwelling itself or external to, but immediately adjacent to them. These storage areas are provided in studio apartments Type A, one bedroom apartments Types A, B and C, two bedroom apartments Types A, C, D and E; and three bedroom apartment Type B.

There are thirteen (13) storage areas provided in the undercroft area for dwellings that do not have internal storage provided, with the exception of the townhouses; the owners of which will be able to establish their own storage facilities in the respective yard areas.

In addition to the general communal open space about the dwellings there is an area in the internal open space of the Group C building which is to be developed for more focused community use. It will incorporate paved areas, landscaping, seating, barbecues and a play area.

Additional community areas with barbecues and play areas are located adjacent to the south eastern ends of buildings A and B, and to the immediate south of building A. There is a community garden area to the immediate south of the Group C dwellings which will also include a playground for children. The community area between the townhouses will have a play area, barbecues and planted garden.

Community socialising and play areas with barbecues will be fenced.

At three separate locations on the subject land generous areas will be provided for community gardens.

One is located at the south eastern corner of the subject land another at the south western corner and one will include a caretakers shed while the other will include a tool shed. The other is on the



south side of Group B adjacent to the internal road which connects to Milner Road. These community vegetable gardens will be defined with open tubular fencing.

Each of the Group A, B, C, D and E buildings will have their own allocated screened and gated waste storage areas each in reasonable proximity to the building which they serve.

Internal pedestrian and cycle paths provide permeable links throughout the site. The pathways will have low level down lights which will be triggered when daylight levels get low. The lights are to illuminate the pathways for safety and security.

The materials, colours and finishes which will be used in the buildings for this application are represented in the colour elevation plans forming part of the application documents and the schedule of building material below.

Concrete panels will be used in conjunction with brickwork, windows will be powder coated aluminium, window and verandah shade screens will be formed metal and fixed in place. Balustrades will be clear glass where overlooking will not occur and 1.7 metres high obscure glass where overlooking is likely to occur.

The concrete panels will be finished in a variety of subtle toning shades, and brickwork will use contrast with complimentary colours. Sun hoods and screens will also have complimentary but varying hues.

Gate and door colours will assist to identify dwelling entry points.

An ETSA transformer will be provided on-site to serve the Group A, B and C buildings. It is located on the left hand side of the main ingress/egress crossover from Davenport Terrace to the project site. The Group D, E, F and G buildings will be provided with power from the network in Ellen Street. There will be ETSA meter boxes installed to all dwellings in the completed project.

A schedule of building material, colours and finishes is provided below.

ITEM	MATERIALS/FINISH	COLOUR
<b>WALLS</b>	Precast concrete Painted	Various colours from earthy range
	Face Brick Standard	Red Manganese
	Concrete Groups	Sandy Colour
<b>ROOFS</b>	Flat-Steel Sloping -Colour bond Steel	Zincalume Dune Bushland Paperbark
<b>WINDOWS</b>	Aluminium	Naturally Anodised Powder Coated Grey
<b>BALUSTRADING</b>	Aluminium + Glass	Clear Obscure Finish
<b>FASCIAS</b>	Blue Board - Painted	Range of Earthy Colours
<b>GUTTERS &amp; DOWN PIPES</b>	Steel	To match Roofs
<b>WALKWAYS &amp; BALCONIES</b>	Concrete	Natural
<b>PAVING</b>	Concrete Pavers	Buff Red Grey Beach Sand
<b>FENCES</b>		
Private Yards	Good Neighbour Fence -Custom Orb (Steel)	Colorbond to match roofs
Public	Steel - Post and Rail	Black
<b>CARPORTS</b>	Timber Framed Trusses and Posts	Painted to match Townhouses





Plans relevant to the application include the following;

Drawing: Nos	Title
09-617-00	Site Plan - Showing Internal Layout of all units
09-617-101	Site Plan
09-617-102	Group A - Ground Floor Plan - Scale 1:100
09-617-103	Group A-2" & 3" Floor Plan - Scale 1:100
09-617-104	Group A - Elevations - Scale 1:100
09-617-105	Group B - Ground Floor Plan - Scale 1:100
09-617-106	Group B-1" & 2" Floor Plan - Scale 1:100
09-617-107	Group B -Elevations - Scale 1:100
09-617-108	Group C- Plaza Level - Scale 1:100
09-617-109	Group C - Undercroft Carpark - Scale 1:100
09-617-110	Group C - Level 2 & 3 Floor Plan - Scale 1:100
09-617-111	Group C - Level 4 Floor Plan - Scale 1:100
09-617-112	Group C - Elevations - Scale 1:100
09-617-113	Group C - Elevations - Scale 1:100
09-617-114	Group D - Ground Floor Plan - Scale 1:100
09-617-115	Group D -1" & 2" Floor Plan - Scale 1:100
09-617-116	Group D -Elevations - Scale 1:100
09-617-117	Group E - Ground Floor Plan - Scale 1:100
09-617-118	Group E -1" & 2" Floor Plan - Scale 1:100
09-617-119	Group E - Elevations - Scale 1:100
09-617-120	Group F - Ground & First Floor Plan - Scale 1:100
09-617-121	Group F - Elevations - Scale 1:100
09-617-122	Group G - Ground & First Floor Plan - Scale 1:100
09-617-123	Group G - Elevations - Scale 1:100
09-617-124	Group C - Sections - Scale 1:100
09-617-125	Group C - Sections - Scale 1:100
09-617-126	Landscaping Plan - Sheet 1-Scale 1:100
09-617-127	Landscaping Plan - Sheet 2 - Scale 1:100
09-617-128	Shadow Diagram @ 21st June at 9:00am - Scale 1:400
09-617-129	Shadow Diagram @ 21" June at 3:00pm - Scale 1:400
09-617-130	Perspective 1
09-617-131	Perspective 2

Plans prepared by Symonds Ryan & Cornish include a Survey and Levels Plan No. 121228 dated 26 October 2012, proposed Community Division Plan No. Z121008-CPP dated 9 August 2012, which illustrates the seven areas to be developed over the next 10 years or so.

Wallbridge & Gilbert Consulting Engineers have prepared a Stormwater Management Plan for the project, being Job No. WAD120880Rep001 (Revision B dated 05/06/2013) which provides all pertinent details about stormwater management and other support information.

Secon Consulting Engineers have prepared an Hydraulic and Fire Services Report and an Electrical Services Report both Numbered 82089 and dated 22/05/2013 Revision A.

### 2.3 Staging

Staging of the development is yet to be defined and will depend on take up of the dwellings in each stage, funding limitations and relocation of existing residents.

Stage 1 of the development can be defined. It will involve the demolition of thirty five existing single storey dwellings and the erection in their stead of two x three storey residential flat buildings comprising 9 studio dwellings, 27 one bedroom dwellings, 33 two bedroom dwellings and 3 three bedroom dwellings for a total of 72 new dwellings. These dwellings are identified on the proposal



plans as being within the Group D and E buildings, which are located at the western end of the subject land.

As with other stages of the development, each ground floor dwelling will have its own fenced private open space while dwellings above ground level will have balconies to provide private open space.

In each of the buildings, other than the Townhouses in the Group F and G buildings, there will be at least two (2) ground floor dwellings designed specifically for people with disabilities with car parks adjacent.

Stage 1 will provide seventy two (72) ground level car parks, all which will be bitumen sealed, line marked and sited in landscaped grounds, of which four will be for disabled drivers. Fourteen (14) separate motor bike parks are provided and there is provision for secure bicycle parking on the ground floor of each building.

Separate storage areas are made available to all but five of the dwellings in the Group D building.

Where required external secure storage areas will be provided nearby for those dwellings without a designated storage area. Separate storage areas are provided in each dwelling for all but two dwellings in the Group E building. Where required external secure storage areas will be provided nearby for those dwellings without a designated storage area.

Each building will have lift and stair (x2) access.

All dwellings will have access to communal fenced and gated rubbish bin storage areas within reasonable proximity. One is located between the Group D and E dwellings at the west end of the car park while the other is to the southeast of the Group E adjacent to the street frontage.

Internal pedestrian and cycle paths will be provided. Lights will provide low level illumination to internal pathways at night and these will operate automatically when light levels get low.

An ETSA meter box will be located at the eastern end of the Group D building and another at the southern side of the Group E building.

Fire hydrants for this application will be provided as required by legislation and the MFS.

The landscaping is comprehensive and extensive with species selected to meet both appearance and functional requirements for screening, shade, scale, bordering, security, and to afford safety for pedestrians, cyclists and drivers.

Landscaping areas include a plot located in the south western corner of the site for the development of private garden plots.

The landscaping for this stage of the application will follow the theme devised for the whole project to ensure cohesion throughout the site.

To accommodate the proposed development existing dwellings on the subject land will be demolished. In addition existing dwellings located adjacent to the subject land will also be demolished to provide a buffer for safety and to minimise disturbance for the remaining residents.

Plans and information have been provided which show the development in its entirety.





### 3.0 SUBJECT LAND AND LOCALITY

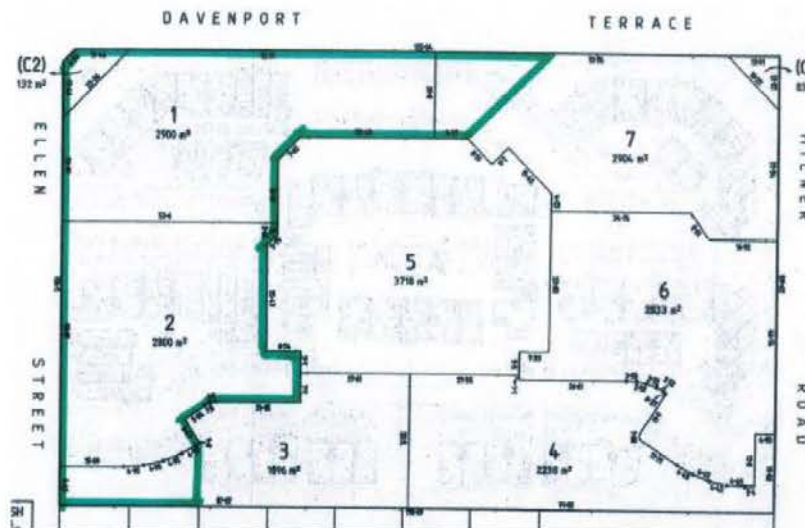
#### 3.1 The Subject Land

The subject land comprises all of the land identified as 50 Davenport Terrace, Richmond.

The land is bounded by Davenport Terrace to the north, Ellen Street to the west, Milner Road to the east and residential development to the south.

The land is rectangular shape with a frontage of 175.04 metres to Davenport Terrace, a southern boundary of 178.09 metres, a frontage to Milner Road of 109.63 metres and a frontage to Ellen Street of 106.50 metres. There is a corner cut-off of 4.32 metres at the junction of Davenport Terrace and Ellen Street.

The land has an area in the order of 19145m<sup>2</sup> of which some 6250m<sup>2</sup>, as bounded in green in the plan below, is to accommodate stage 1 of the development.



The land is relatively flat and accommodates 70 single storey dwellings associated driveways and open space.

Copies of the relevant Certificates of Title for the subject land are provided in **Attachment 1**. They are as follows: -

Volume 5602 Folio 680  
Volume 5774 Folio 255  
Volume 5774 Folio 257  
Volume 5788 Folio 493  
Volume 5801 Folio 271  
Volume 5827 Folio 897

#### 3.2 The Locality

The primary locality generally comprises that land in the immediate vicinity of the proposed development and includes most of the land within 100 metres of the property depicted in Figure 1 above.



The primary locality has been defined as that area in which the development will have its most significant visual and spatial impact.

Development in this locality is residential in character, comprising a wide range of dwelling types, styles and ages, including detached dwellings on large allotments and typical of the inter war and immediate post war years, contemporary single and double storey development at higher densities recently completed by AWH Inc; and a scattered infill of single and two storey walk up home unit complexes typical of the 1960s.

Roads are generally wide, with wide road pavements and narrow verges accommodating concrete footpaths and street trees. Road are typically arranged in a grid pattern resulting in regular 4 way intersections.

A small corner group of shops is located at the corner of Ellen and Davenport Streets and provides services to the local residents, and no doubt to the business community located along South Road.

Development throughout the locality is generally well maintained with mature landscaping, both on private property and within the road reserves contributing to an average level of amenity.

The wider locality extends some 300m from the subject land which includes portion of the Richmond Oval Precinct to the south east, housing to the south, and south west of the subject land, and part of the West Torrens Library and Civic area to the north west.

The Keswick Creek drain is located on the northern side of the Richmond Oval and south of the subject land. It is a significant feature of the locality notwithstanding its relatively modest size and visual impact because of its impacts on traffic movement.

Major shopping facilities are located within 250m of the subject land on Sir Donald Bradman Drive, with the small corner store at the intersection of Davenport and Ellen streets providing for day to day shopping needs. Bus services are available on both Sir Donald Bradman Drive and Main South Road, and City of West Torrens Community bus provides a home pick up service to the library, Central Market and major shopping centres.

#### **4.0 ASSESSMENT**

##### **4.1 Zone, Policy Area and Overlay Maps**

The subject land is located within the Residential Zone and Medium Density Policy Area 19 as identified in the West Torrens (City) Development Plan Zone and Policy Area Maps WeTo/9.

It is sited within Zone C pertaining to Aircraft Building heights, falls within a Flood Hazard Area, both as depicted on Overlay Map WeTo/9 Development Constraints, and is adjacent a Conservation Area (Richmond Conservation Area 31) as depicted on Overlay Map WeTo/9 Heritage.



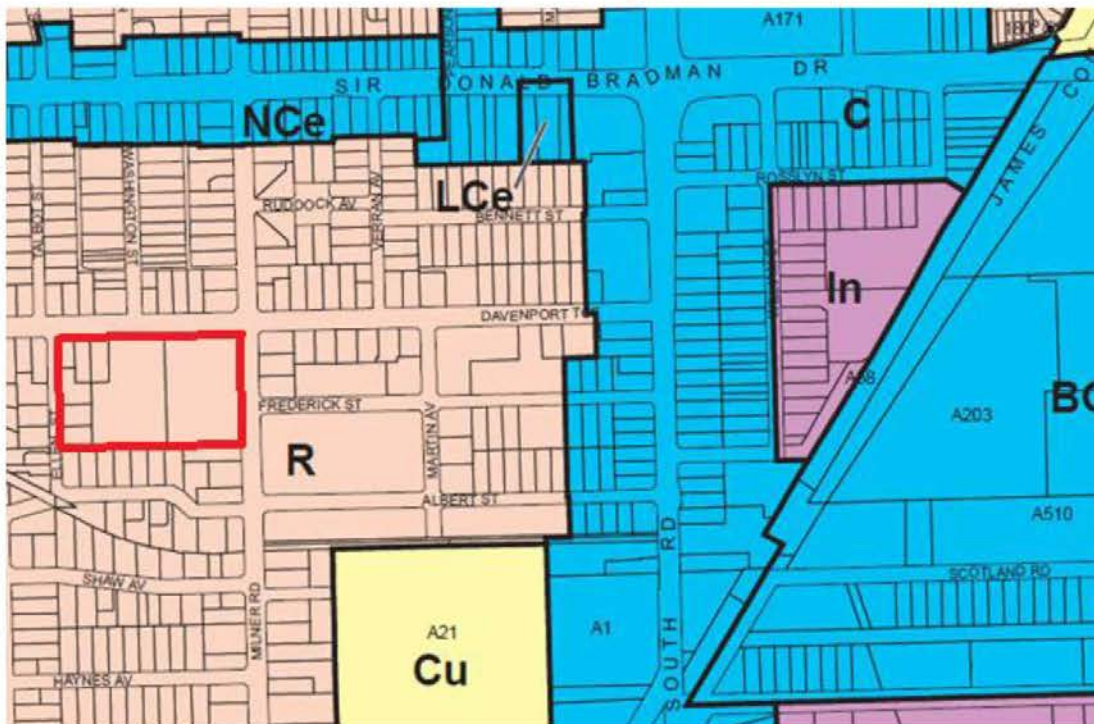


Figure 5 - Extract from Zone Map WeTo/9 of the West Torrens Development Plan



Figure 6 - Extract from Policy Area Map WeTo/9 of the West Torrens Development Plan

 Subject land



## **4.2 Categorisation of the Land Use**

The development is a Category 3 land use by virtue of the application of the public notification provisions in Schedule 9 of the Development Regulations 2008.

## **4.3 Development Plan Provisions**

The following provisions of the Development Plan are considered to be relevant in an assessment of this application.

Not all of the identified Development Plan have been reproduced or addressed in detail as set out below, only those which are considered to be most relevant to the assessment are specifically referenced.

### **Residential Zone and Policy Area 22**

#### **Residential Zone**

Objective 1 to 4

Desired Character

Principles 1, 3, 6, 7, 9, 10, 11, 14, 15, and 16

#### **Residential Policy Area 19**

Objective 1

Desired Character

Principles 1, 2, 3, 5, 6

### **General Section**

#### **Building near Airfields**

Objective 1

Principles 1 to 4

#### **Crime Prevention**

Objective 1

Principles 1 to 8 and 10

#### **Design and Appearance**

Objective 1 and 2

Principles 1 to 6, 9 to 16, 20, 21, 22 and 23

#### **Energy Efficiency**

Objectives 1 and 2

Principles 1 to 4

#### **Hazards**

Objective 1, 2 and 4

Principles 1 to 7

#### **Historic Conservation Areas**

Objectives 1 and 3

#### **Infrastructure**

Objectives 1 to 3





Principles 1 to 5 and 9

**Interface between Land Uses**

Objective 1 and 2

Principles 1, 2,

**Landscaping, Fences and Walls**

Objective 1 and 2

Principles 1 to 4 and 6

**Medium and High Rise Development (3 or more storeys)**

Objectives 1, 2 and 4

Principles 1 to 9, 11 to 14

**Natural Resources**

Objectives 2, 3, 5 to 7

Principles 1, 5, 7 to 11, 13, 14 and 16

**Orderly and Sustainable Development**

Objectives 1 to 5

Principles 1, 3, 5 to 7

**Residential Development**

Objectives 1 to 5

Principles 1, 3 to 6, 7 to 12, and 18, 19, 21 to 31

**Transportation and Access**

Objective 1, 2 and 4

Principles 1, 8, 10, 11, 14, 16, 20, 21, 23, 24, 30, 32 to 47

**Waste**

Objective 1 and 2

Principles 1 to 6, 7, 10,

**5.0 ASSESSMENT**

**5.1 Residential Zone**

**Objectives**

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

**Desired Character**

Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy



areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.

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

#### Principles

- 1 The following forms of development are envisaged in the zone:
  - affordable housing
  - domestic outbuilding in association with a dwelling
  - dwelling
  - dwelling addition
- 5 Development should not be undertaken unless it is consistent with the desired character for the zone.
- 7 Dwellings should be set back from allotment or site boundaries to:
  - (a) contribute to the desired character of the relevant policy area
  - (b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.
- 10 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building, (with the total wall height of the building being measured from the existing ground level at the boundary of the adjacent property as shown by Figure 1), increases to:
  - (a) minimise the visual impact of buildings from adjoining properties
  - (b) minimise the overshadowing of adjoining properties.
- 14 Development should ensure that sunlight to solar panels of existing buildings is maintained for a minimum of 2 consecutive hours between 9.00am and 3.00pm on 22 June.
- 15 Development should include a minimum 15 per cent of residential dwellings for affordable housing.
- 16 Affordable housing should be distributed throughout the zone to avoid over-concentration of similar types of housing in a particular area.

#### Policy Area 19

##### Objective

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

##### Desired Character

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

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

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



### Principles

- 1 The following forms of development are envisaged specifically in the policy area:
  - affordable housing
  - detached dwelling
  - domestic outbuilding in association with a dwelling
  - domestic structure
  - dwelling addition
  - group dwelling
  - residential flat building
  - row dwelling
  - semi detached dwelling
- 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.
- 3 Dwellings should be designed within the following parameters:

Parameter	Value
Minimum setback from primary road frontage	3 metres
Minimum setback from secondary road frontage	2 metres
Minimum setback from back boundary	6 metres
Maximum site coverage (the area of a site covered by the ground floor level of a building, including the dwelling, garage, carport and outbuilding, but excluding unroofed balconies, verandas and pergolas)	60 per cent
Maximum building height (from natural ground level)	Allotments fronting Brooker Terrace, Marion Road and Henley Beach Road, and overlooking the Westside Bikeway: three storeys or 12.5 metres All other locations: two storeys or 8.5 metres

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

Dwelling type	Site Area m <sup>2</sup>	Minimum Frontage (m)
Detached	250 minimum	9
Semi-detached	200 minimum	9
Group dwelling	170 minimum	9
Residential flat building	150 average	15 (for complete building)
Row dwelling	150 minimum	5

(See also General Section - Medium and High Rise Development (3 or More Storeys), Objective 1; Orderly and Sustainable Development, Objective 1 to 5; and Residential Development, Objectives 1 to 3 and principles 4, 5, 6,)

The proposed development is an envisaged form of development in both the zone and policy area, and accords with those provisions that seek to provide a greater range of housing choice, increase dwelling density and provide for affordable housing. Notably, the Development Plan provisions have recently changed from allowing buildings up to 3 storeys on the subject land to now being limited to not more than 2 storeys, although the Plan; at Residential Development, principle 3 encourages high density development "in areas close to activity centres, public and community transport and public open spaces"; attributes which the subject land readily exhibits.

As indicated above, the land is well placed in relation to accessing a range of shops and community services, with public transport available with 250m of the land, or by arrangement with the City of West Torrens community bus.





The development also meets those provisions that seek to make better use of underutilised land and provide a greater choice in housing types. It achieves the latter by progressively replacing 70, two bedroom independent living units with 240 dwellings in a range of one bedroom studio apartments, one, two and three bedroom dwellings, in a range of formats from ground floor units with ground floor open space, to upper level units with balcony space and access to communal and private landscaping/garden plots.

Although having greater average dwelling density (86m<sup>2</sup> per dwelling) than provided for in Policy Area 19 principle 5 (150m<sup>2</sup> per dwelling), a higher building form (between 11m and 15m) than is evident elsewhere in the locality, and which exceeds the recommended (vertical wall height) of 8.5m in Policy Area principle 19, I contend that the development is nonetheless supportable.

Large areas of residential land able to provide for redevelopment of the kind proposed are very rare indeed, especially in close proximity to the City and relevant services. The subject land has the added benefit of being bounded on three sides by wide road pavements that separate the development site from the finer grained residential development that otherwise surrounds the property.

Compatibility is able to be achieved because of this broad spatial separation that allows the site to develop its own character without imposing on or dominating the lower density, form and scale of the development that it adjoins. It also allows the development to address overshadowing and overlooking impacts that might otherwise be insurmountable on a site of smaller dimension and without the separation provided by the adjoining road reserves.

Apart from the significant spatial separation, the development provides for ample space around and between buildings, articulation to the building facades with variation in building form, style, construction materials and colour to add interest to the appearance of the development, variation in street setback and fencing, extensive landscaping using plantings that maintain a pedestrian scale at ground level but with trees of adequate height to act as a foil to the built form, and the use of lower scale development or open space adjoining the rear yards of development to the south, all of which contributes to the development establishing its own unique character, without the sense of enclose or visual dominance that might result from a similar development on a smaller site or in closer proximity to adjoining lower scale development.

It is noted that the land on the eastern side of Milner Road is located in a Historic Conservation area, although notably, this area does not contain any local of state heritage listed properties. The closest heritage listed property is a Local Heritage site at 17 to 21 Davenport Terrace, which is located some 100m to the north east of the subject land. As such the subject land is not 'adjacent' a heritage place.

That notwithstanding, much of the land in the Historic Conservation area has been recently redeveloped, including through the preservation and upgrading of some of the contributory items.

The redevelopment is such that whilst the land in the policy area retains some of its heritage character, I consider that it has been eroded to the extent that the land fronting Milner Street in particular, and which is located directly opposite the subject land, no longer has an obvious heritage character that should stand in the way of the proposed development proceeding. (See also **General Section - Historic Conservation Area Objectives 1 and 3**).

My comments in relation to the compatibility of the development with surrounding land uses apply equally to the density of the development. Clearly, affordability is a function of the efficiency of land development of which site density is a fundamental element.





In increasing the density of development the application is able to meet those goals of the Development Plan which seek the provision of affordable<sup>1</sup> housing, and does so in a way that provides variety in dwelling choice for those people who do not want to maintain or can afford a large allotment.

In this regard the higher density of the development is offset by the use of balconies to provide areas of private outdoor open space for passive outdoor recreation for non-ground level dwellings, with significant shared areas of open space, both for gardening and for passive and more active recreational pursuits in common areas.

Clearly the percentage of affordable housing on the development site and in the surrounding area is in excess of the 15% provided for in the above policies, but I note that the 15% is referred to as a **minimum**, not a maximum level of provision.

Whilst the Development Plan does seek that affordable housing be distributed throughout the zone, this is not always a goal able to be readily achieved and depends very much on the availability of land and will of the developer.

Most, if not all new development in the zone will be small scale redevelopment of existing allotments, more often at higher density than the development it replaces, and to this extent at least, private housing and the private supply of more affordable housing will continue throughout the zone. Moreover, the policies of AWH Inc. contemplate residents being able to purchase their dwelling or offering them for sale on the open market, which balances the ratio between private and institutional owners, whilst the high level of site and building maintenance instituted by AWH Inc. means that the dwellings are little discernible from the private development otherwise in the locality.

Site coverage of the development is in the order of 28%, well below the 60% provided for in Medium Density Policy Area 19 principle 3.

Specified street setback criteria established in Policy Area principle 3 provide for street setbacks of 3m and 2m respectively to primary and secondary streets. This principle relates to 2 storey development as the preferred building height in the Policy Area

Street setbacks are in the order of 5m to 7m for the main street fronting buildings, although when the development is completed in its entirety street setbacks across the development will vary from 29m to the Group C building to lesser dimensions referred to above.

As previously indicated; the wide road reserves, varied street setback, extensive landscaping and spaces between and around buildings, together with building articulation and substantial setback of the buildings from adjoining development to the south enables development on the subject land to establish its own street setback and streetscape character without overly dominating the established streetscape in the locality.

Given that the Development Plan contemplates multistorey buildings to within 2 and 3 metres of street (albeit at 2 storeys) and having regard to the separation provided by the road reserves, the extensive site landscaping and open spaces created by the landscaped car parking areas and common ground, the street setbacks exhibited by the proposed development are considered to be satisfactory.

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<sup>1</sup> Use of the term affordable housing in this report does not relate to the legal definition of affordable housing as contained in the SA Housing Trust Regulations, rather it refers more generically to subsidised housing as provided by AWH Inc.



## 5.2 General Section

### 5.2.1 Building Near Airfields

#### Objectives

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

#### Principles

- 1 The height and location of buildings and structures should not adversely affect the long-term operational, safety, commercial and military aviation requirements of airfields.
- 3 Development in the vicinity of airfields should not create a risk to public safety, in particular through any of the following:
  - (a) lighting glare
  - (b) smoke, dust and exhaust emissions
  - (c) air turbulence
  - (d) storage of flammable liquids
  - (e) attraction of birds
  - (f) reflective surfaces (eg roofs of buildings, large windows)
  - (g) materials that affect aircraft navigational aids.

The development does not exceed the 15m building height limit prescribed for area C.

In respect to principle 3, the development is no different to the multitude of development that pilots must fly over when landing or taking off from the airport and there are none of the attributes listed in parts (a) to (g) that could be applied to the development. Moreover, the land is not located below the flightpath to the airport so would not directly affect aircraft landing or taking off, or be affected by aircraft noise from these activities.

### 5.2.2 Crime Prevention

#### Objectives

- 1 A safe, secure, crime resistant environment where land uses are integrated and designed to facilitate community surveillance.

#### Principles

- 1 Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.
- 2 Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.
- 3 Development should provide a robust environment that is resistant to vandalism and graffiti.
- 4 Development should provide lighting in frequently used public spaces including those:
  - (a) along dedicated cyclist and pedestrian pathways, laneways and access routes
  - (b) around public facilities such as toilets, telephones, bus stops, seating, litter bins, automatic teller machines, taxi ranks and car parks.
- 5 Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.
- 6 Landscaping should be used to assist in discouraging crime by:
  - (a) screen planting areas susceptible to vandalism
  - (b) planting trees or ground covers, rather than shrubs, alongside footpaths
  - (c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.
- 7 Site planning, buildings, fences, landscaping and other features should clearly differentiate public, communal and private areas.





The buildings have been designed to overlook external streets, internal roads, car parking areas and communal open space to provide informal surveillance for security. The covered walkways in addition to being illuminated by movement sensitive lights at night time can be overviewed from rooms within most dwellings.

Where dwellings front public spaces, the fences are 1.8 metres high tubular steel fences which not only ensures some dwelling security but also the opportunity to overview some of the more public areas within the site and in the wider public realm.

The project has been designed and will be built using materials, finishes and furniture so as to provide a housing estate which is as resistant to vandalism and graffiti, noting that post occupancy maintenance is undertaken by AWH Inc. as an on-going responsibility.

Lighting is installed in all public spaces including dedicated cyclist and pedestrian pathways and access routes. Access points for vehicles, pedestrians and car park facilities will incorporate signage and lighting which indicate the entrances, roads and pathways in and around the site.

Landscaping for the visual enhancement of the whole environment will be designed to assist in discouraging crime by screen planting areas susceptible to vandalism; planting trees or ground covers, rather than shrubs, alongside footpaths and planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.

The site planning, buildings, fences, landscaping and other features have been designed to clearly differentiate public, communal and private areas.

The building design includes the use of wing walls, offsets and spaces to minimise and discourage access between adjoining dwellings, and promotes overlooking of common area where people would enter or exiting the facility by avoiding recessed and obscured entrances and dense shrubbery which would otherwise obstruct passive surveillance.

Similarly, pedestrian entrapment spots and movement routes and paths have been established which are predictable and offer little choice to pedestrians while providing permeability through the this and subsequent stages of the project.

### **5.2.3 Design and Appearance**

#### **Objectives**

- 1 Development of a high design standard that responds to and reinforces positive aspects of the local environment and built form.**
- 2 Roads, open spaces, buildings and land uses laid out and linked so that they are easy to understand and navigate.**

#### **Principles**

- 1 Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:**
  - (a) building height, mass and proportion**
  - (b) external materials, patterns, colours and decorative elements**
  - (c) roof form and pitch**
  - (d) façade articulation and detailing**
  - (e) verandas, eaves, parapets and window screens.**
- 2 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.**
- 5 Balconies should:**
  - (a) be integrated with the overall form and detail of the building**
  - (b) include balustrade detailing that enables line of sight to the street**



- (c) be recessed where wind would otherwise make the space unusable
  - (d) be self-draining and plumbed to minimise runoff.
- 9 The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:
- (a) windows of main internal living areas
  - (b) ground-level private open space
  - (c) upper-level private balconies that provide the primary open space area for a dwelling
  - (d) solar collectors (such as solar hot water systems and photovoltaic cells).
- 10 Development should minimise direct overlooking of the main internal living areas and private open spaces of dwellings through measures such as:
- (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct
  - (b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms
  - (c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.
- 11 Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.
- 12 Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.
- 13 Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.
- 14 Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.
- 15 Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.

(see also General Section - Residential development principles 12, 13 and 14)

As with previous projects undertaken by AWH Inc. in this area, the development has been designed to a very high and consistent architectural standard and with a view to adopting features of the lower scale development to the east.

That notwithstanding, the building design is unashamedly contemporary and exhibits a style which is sympathetic to the scale of development in the locality and in the context of its setting with regard to shape, size, materials and colour.

A common architectural theme has been adopted across the site but is acceptable in the circumstances of the subject land where there is broad spacing between the buildings interposed with landscaping and significant various in setback. Whilst the consistent building theme will be obvious from the street, which is the intention of the design approach adopted, it is offset to a significant degree by the attributes mentioned above, and is not such an impost on the streetscape as might occur were the building located much closer together and without the benefit of spatial separation and landscaped open space as might apply to a smaller site.

All aspects of the project design seek to use building articulation both on vertical and horizontal planes on all facades to avoid creating extensive areas of uninterrupted walling facing areas exposed to public and resident's views. Further articulation is achieved using colour and detailing and the design and placing of windows and balconies in facades to add visual interest to the development and to minimise the impact of building bulk and scale.





The positioning of buildings has been carefully considered to avoid the overshadowing of and visual intrusion into the rear yards of adjoining properties to the south. This is achieved by locating open space adjacent to the southern boundary and setting the multi storey buildings back 25 metres from this boundary. This setback is such as to allow adequate sun light to the neighbouring properties in winter time when the sun is low in the northern horizon; although notably in winter time, with an average of  $\frac{5}{7}$  cloud cover, light is diffuse and discernible shadow is rare.

Building design has been predicated on the outlook from each dwelling being toward fenced yard areas, the adjoining streets or across the central carpark/open spaces.

Where overlooking is a possibility, it has been managed by the use of wing walls to avoid direct overlooking from the living rooms and balconies, and these walls also go to providing some protection from direct overlooking from the living rooms and balconies on dwellings in opposite buildings.

The 27m setback between the two buildings and intervening landscaping, including trees in the car park also mitigate unreasonable overlooking opportunities within the development.

Materials, colours and finishes used for wall cladding and roofing will not be reflective or create glare so as to create a nuisance for neighbouring properties or drivers.

There are no structures on the roofs of buildings to house plant and equipment as they all form an integral part of the building design and thus are screened from public view at all levels.

Building entry points and pedestrian pathways have been designed having regard to the ultimate development of the land, and in this regard pedestrian entry points have been provided to ensure perceptible and direct access from public street frontages and from car parking areas.

Where appropriate, discreet signage will be used to direct visitors to public entry points.

Site access points similarly will be clearly recognisable as there will be signs, lights, thoroughfares and pathways which are clearly delineated, well sign posted and illuminated at night. This will all ensure high levels of pedestrian permeability and safety.

Landscaping, paving and signage will be co-ordinated to enhance the appearance and presentation of the development.

The main facades of the buildings have been designed with the express intent to make a significant and positive contribution to the streetscape. Building facades have been designed incorporating articulation on several planes; a variety of materials, finishes, colours and three dimensional forms and massing add interest when the buildings are viewed from the adjoining streets. Fencing, landscaping and other elements of the site development add a further element of scale and articulation to the development that will further enhance the streetscape presentation of the development.

The private outdoor living areas and balconies relate to the living areas of each dwelling and have been designed to integrate with the overall architectural form and detail of the buildings. Where possible they are sited to face predominantly north, north-west or west to provide solar access.

Each dwelling is provided with an area for the storage of personal items and equipment. In most cases these are provided within the dwelling. Where this is not possible storage areas are available on each floor level or elsewhere on site if not able to be provided in the respective building.

Fenced bin storage areas will house commercial sized bins for the development. Each of these facilities is screened and landscaped.



Mailboxes will be provided for each residence adjacent to the road alignment and in reasonable proximity to the dwelling they serve.

Outdoor lighting on the buildings, along pedestrian paths, in the gardens areas and communal spaces within the development has been selected and located to ensure there will be no light spillage that would affect adjacent properties.

Car parking for residents and visitors for this proposal will be provided at grade in separate areas separated by landscaped open space. They are accessed via two crossovers from Ellen Street and via one crossover each from Davenport Terrace and Milner Road.

Car parking areas will be screened from view by the intervening buildings and by landscaping along the road frontages. Shade trees will be a feature of the landscaping to the car parks.

#### 5.2.4 Energy Efficiency

##### Objectives

- 1 Development designed and sited to conserve energy.
- 2 Development that provides for on-site power generation including photovoltaic cells and wind power.

##### Principles

- 1 Development should provide for efficient solar access to buildings and open space all year around.
- 2 Buildings should be sited and designed:
  - (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings
  - (b) so that open spaces associated with the main activity areas face north for exposure to winter sun.
- 3 Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:
  - (a) taking into account overshadowing from neighbouring buildings
  - (b) designing roof orientation and pitches to maximise exposure to direct sunlight.

Energy efficiency has been adopted as an integral principal in the design process. This application comprises seventy two dwellings with thirty nine having a northern orientation, nine having a north west orientation, twelve dwellings have a western orientation and twelve have a southern orientation.

The building design uses other elements to achieve efficient energy use including balconies, shade screens over windows and upper level balconies, wing walls in some locations and deciduous landscaping to promote access to natural sources of light and air and provide protection from direct incident heat in summer and to allow it in winter time.

The project and this application will respond to the need for on-site energy generation with solar panels to be installed so they have full exposure to direct sunlight on the flat roofs.

As previously confirmed, the buildings will be setback from the southern boundary to minimise the extent to which overshadowing occurs in winter, and in this respect the ability for the adjoining houses to the south to utilise natural sources of power will not be compromised.

#### 5.2.5 Hazards

##### Objectives

- 1 Maintenance of the natural environment and systems by limiting development in areas susceptible to natural hazard risk.





- 2 Development located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards.

**Principles**

- 1 Development should be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of hazards.
- 2 Development located on land subject to hazards as shown on the Overlay Maps - Development Constraints should not occur unless it is sited, designed and undertaken with appropriate precautions being taken against the relevant hazards.
- 4 Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.
- 6 Development, including earthworks associated with development, should not do any of the following:
  - (a) impede the flow of floodwaters through the land or other surrounding land
  - (b) increase the potential hazard risk to public safety of persons during a flood event
  - (c) aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood
  - (d) cause any adverse effect on the floodway function
  - (e) increase the risk of flooding of other land
  - (f) obstruct a watercourse.
- 7 Ground floor levels of all development on land subject to a 1-in-100 year average return interval flood event as shown on Overlay Maps - Development Constraints should be located above a design flood level which:
  - (a) provides an acceptable level of risk to persons and property
  - (b) minimises the impact of floodwaters onto adjoining properties
  - (c) ensures development will not adversely affect the level of floodwaters on adjoining properties.

The subject land is located in a Flood Hazard Area as depicted in Overlay Map WeTo/9.

The Wallbridge & Gilbert report addresses flooding hazard issues and how the development will be designed to avoid the impact of flooding and comply with the relevant provisions of this section of the Development Plan.

Consultation on this aspect of the development has occurred with the Council engineer, and it is understood from those discussions that it was agreed the solutions proposed in the Wallbridge & Gilbert report are consistent with the above provisions.

This includes the setting of minimum finished floor levels for each of the buildings as referred in page 9 of the report.

#### **5.2.6 Landscaping, Fences and Walls**

**Objectives**

- 1 The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.
- 1 Development should incorporate open space and landscaping and minimise hard paved surfaces in order to:
  - (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)
  - (b) enhance the appearance of road frontages
  - (c) screen service yards, loading areas and outdoor storage areas
  - (d) minimise maintenance and watering requirements
  - (e) enhance and define outdoor spaces, including car parking areas
  - (f) maximise shade and shelter





- (g) assist in climate control within and around buildings
  - (h) minimise heat absorption and reflection
  - (i) maintain privacy
  - (j) maximise stormwater reuse
  - (k) complement existing vegetation, including native vegetation
  - (l) contribute to the viability of ecosystems and species
  - (m) promote water and biodiversity conservation.
- 2 Landscaping should:
- (a) include the planting of drought tolerant species, including locally indigenous species where appropriate
  - (b) be oriented towards the street frontage
  - (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.
- 3 Landscaping should not:
- (a) unreasonably restrict solar access to adjoining development
  - (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding
  - (c) introduce pest plants
  - (e) remove opportunities for passive surveillance
  - (f) increase leaf fall in watercourses
  - (g) increase the risk of weed invasion
  - (h) obscure driver sight lines
- 4 A minimum of 10 per cent of a development site should be landscaped. The development site refers to the land which incorporates a development and all the features and facilities associated with that development, such as outbuildings, driveways, parking areas, landscaped areas, service yards and fences. Where a number of buildings or dwellings have shared use of such features and facilities, the development site incorporates all such buildings or dwellings and their shared features and facilities.

(see also General Section - Water Sensitive Design principles 5, 7, 9, 10 and 13)

Landscaping has been designed and selected to minimise maintenance and watering requirements, maximise shade and shelter, assist in climate control within and around buildings; and minimise heat absorption and reflection while maximising stormwater reuse.

The overall project has been designed so as to provide in excess of ten percent (10%) of landscaped area across the whole site. This will allow for the future residents to access landscaped areas including their own private open space, community garden plots, landscaped private yards and the central plaza in the Group C complex when complete.

The present application provides small intimate landscaped areas in the interim together with a sizable area for private or communal garden plots.

Site maintenance is provided by AWH Inc. to ensure that the buildings and their surrounds are properly maintained.

Landscaping species have been selected having regard to the size of the landscape bed, the area to which it relates and the need to promote site security and safety.

A detailed Landscape Plan has been submitted with the application. The selection of species and their location is intended to provide;

- a soft edge to paved areas,
- visual screening of open spaces and fences,
- pedestrian security and safety as previously addressed,
- clear visibility at vehicle ingress/egress points,
- moderation of micro-climate,



- impact of roots on building footings,
- partial screening of buildings, both internally and as viewed from the surrounding streets.

Fencing throughout will comprise two different types. Where visual permeability is needed to provide openness and security, then black coated steel post and rail fencing will be used. Where privacy or screening is necessary good neighbour steel custom orb fencing is proposed which will be in a range of colours selected from dune, bushland, paperbark or zincalume.

These colours have been chosen to complement the other materials and colours included in the palette of finishes for the development.

Walls (as distinct from building walls) will use materials, finishes and colours which are compatible with others proposed for the project.

There are no regulated trees on the subject land. A Monterey Pine at the corner of Milner Road and Davenport Terrace is the only tree of note on the land and it is proposed that this tree be retained.

#### 5.2.7 Natural Resources

##### Objectives

- 2 Protection of the quality and quantity of South Australia's surface waters, including inland, marine and estuarine and underground waters.
- 3 The ecologically sustainable use of natural resources including water resources, including marine waters groundwater, surface water and watercourses.
- 6 Development sited and designed to:
  - (a) protect natural ecological systems
  - (b) achieve the sustainable use of water
  - (c) protect water quality, including receiving waters
  - (d) reduce runoff and peak flows and prevent the risk of downstream flooding
  - (e) minimise demand on reticulated water supplies
  - (f) maximise the harvest and use of stormwater
  - (g) protect stormwater from pollution sources.

An assessment of stormwater detention, retention and re-use is included in the Wallbridge and Gilbert report. It includes the provision for combined on site storage of 280m<sup>3</sup> comprising 200m<sup>3</sup> of retention storage in water tanks, the design and location of which will be established by detailed design once Development Plan Approval has been received. Roof runoff, because it is cleaner will be stored separately and will be plumbed in the dwellings for use such as flushing toilets. Runoff from paved areas will be limited by the use of pervious paving, with excess water directed to retention areas with a capacity of 80m<sup>3</sup>.

Stormwater disposed of from the land to the Council street system will be pre-treated to meet Councils best practice targets (refer page 4 of the Wallbridge & Gilbert report).

#### 5.2.8 Medium and High Rise Development (3 or More Storeys)

##### Objectives

- 1 Medium and high rise development that provides housing choice and employment opportunities.
- 2 Residential development that provides a high standard of amenity and adaptability for a variety of accommodation and living needs.





#### Principles

- 1 Buildings should:
  - (a) achieve a human scale at ground level through the use of elements such as canopies, verandas or building projections
  - (b) provide shelter over the footpath where no setbacks are desirable
  - (c) ensure walls on the boundary that are visible from public land include visually interesting treatments to break up large blank façades.
- 2 The ground floor level of buildings (including the foyer areas of residential buildings) should be designed to enable surveillance from public land to the inside of the building at night.
- 3 Entrances to multi-storey buildings should:
  - (a) be oriented towards the street
  - (b) be clearly identifiable
  - (c) provide shelter, a sense of personal address and transitional space around the entry
  - (d) provide separate access for residential and non-residential land uses.
- 4 The visual privacy of ground floor dwellings within multi-storey buildings should be protected while at the same time achieving an attractive public interface.
- 5 Residential buildings (or the residential floors of mixed use buildings) should:
  - (a) have adequate separation between habitable room windows and balconies from other buildings to provide visual and acoustic privacy for dwelling occupants and allow the infiltration of daylight into interior and outdoor spaces
  - (b) ensure living rooms have, at a minimum, an attractive short and/or long range visual outlook.
- 6 Buildings comprising more than 20 dwellings should provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling.
- 7 Dwellings with 3 or more bedrooms located on the ground floor of medium and high rise buildings should have the windows of habitable rooms overlooking internal courtyard space or other communal/public space.
- 8 Multi-storey buildings should include a variety of internal designs that will facilitate adaptive reuse.
- 9 Multi-storey buildings should:
  - (a) minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow
  - (b) incorporate roof designs that enable the provision of rain water tanks (where they are not provided elsewhere), photovoltaic cells and other features that enhance sustainability.
- 11 Development of 5 or more storeys or 21 metres or more in building height (above the natural ground level and excluding the rooftop location of mechanical plant and equipment), should be designed to minimise the risk of wind tunnelling effects on adjacent areas for outdoor activity such as footpaths, outdoor dining areas and open space by adopting one or more of the following:
  - (a) a podium at the base of a tall tower and aligned with the street to deflect wind away from the street
  - (b) substantial verandas around a building to deflect downward travelling wind flows over pedestrian areas
  - (c) the placement of buildings and use of setbacks to deflect the wind at ground level.
- 12 Dwellings should provide a covered storage area of not less than 8 cubic metres in one or more of the following areas:
  - (a) in the dwelling (but not including a habitable room)
  - (b) in a garage, carport or outbuilding
  - (c) within an on-site communal facility
- 13 Development should provide a dedicated area for the on-site collection and sorting of recyclable materials and refuse.





**14 Development with a gross floor area of 2000 square metres or more should provide for the communal storage and management of waste.**

Many of the above provisions have been addressed elsewhere in this report; nonetheless the development;

- will provide housing choice in a variety of floor plans and dwelling sizes and formats;
- will provide a very high level of residential amenity with;
  - adequate private outdoor open space,
  - on site storage for each dwelling,
  - substantial areas of communal open space incorporating a variety of outdoor activity areas, for passive recreation, gardening, entertaining and children's play spaces,
  - high levels of privacy, site safety and security, vehicle parking and site landscaping,
  - high levels of site maintenance provided by AWH Inc.,
  - ready access to community facilities, shops and public transport,
- achieves a level of site development that provides a high degree of energy efficiency and maximises the re-use of and infiltration of stormwater on site,
- provides a human scale of development at ground level through the use of fenced private outdoor areas at ground level, low level covered walkways, the siting of buildings to contain views to short distances, with intervening landscaping and terminating views to create intimate public spaces, together with the separation of car parking areas to minimise the extent to which paved areas dominate spaces.
- uses a variety of building materials, building articulation and both the horizontal and vertical plane, fencing and landscape treatments to break up building mass and form and to avoid blank walls,
- provides ground level entry from the street to ground level dwellings, with clear numbering and variation to fencing treatments to identify each dwelling,
- provides site security through a variety of techniques including casual surveillance, lighting, building and landscape design that avoids hiding places and entrapment areas,
- achieves a high level of on-site privacy through the use of screening and orientation of windows,
- achieves a high level of access to natural sources of light, with acoustic treatment in accord with the Building Code of Australia necessary to provide a reasonable level of acoustic privacy,
- located living rooms to look onto private area of outdoor open space and provide views (both short and long distance) to residents, while still achieving a high level of privacy for dwellings with and surrounding the development,
- locates 3 bedroom dwellings at ground level with reasonable areas of private outdoor open space,
- sites buildings with ample space between and off set from each other to avoid the worst effects of microclimate; and utilises the rising effect of scale to the same end by locating lower level buildings on the periphery of the site with the higher building (Group C building) in the middle of the property. Group C building has a substantial uncovered plaza and openings at ground level that assist in sun penetration, and deflecting and discouraging wind turbulence,
- provides each dwelling with onsite or readily available storage facilities,
- makes available screened waste storage a recycling facilities readily accessible to the dwellings they service;

**5.2.9 Orderly and Sustainable Development**

**Objectives**

- 1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.**
- 2 Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.**



- 3 Development that does not jeopardise the continuance of adjoining authorised land uses.
- 4 Development that does not prejudice the achievement of the provisions of the Development Plan.
- 5 Urban development located only in zones designated for such development.

**Principles**

- 1 Development should not prejudice the development of a zone for its intended purpose.
- 3 Urban development should form a compact extension to an existing built-up area.
- 5 Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.
- 7 Vacant or under utilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.

Infrastructure including water supply, sewerage, electricity, telecommunications services, gas, and storm water disposal are already available to the subject land. Where required, infrastructure will be upgraded at the cost of the developer, including the provision of electricity transformers, and firefighting hydrants which are specifically identified on the proposal plans.

Social infrastructure and community services and facilities exist in the area and are readily accessible to service the development, much of which is available via the West Torrens Community bus for those residents unable to drive.

As previously addressed, the land makes more efficient use of underutilised land, has regard to the overlooking and overshadowing impacts on adjoining development to the south, provides lower scale development or landscaped open space at the interface with residential development to the south and will not prejudice the existing use, or redevelopment of the adjoining land.

**5.2.10 Residential Development**

**Principles**

- 9 Residential development should provide a high quality living environment by ensuring the following minimum internal floor areas (including internal storage areas but not including balconies and car parking):
  - (a) studio (where there is no separate bedroom): 37 square metres
  - (b) 1 bedroom dwelling/apartment: 50 square metres
  - (c) 2 bedroom dwelling/apartment: 75 square metres
  - (d) 3+ bedroom dwelling/apartment: 100 square metres.

Floor areas in the development average 45m<sup>2</sup> for the one bedroom dwellings, 65m<sup>2</sup> for the 2 bedroom dwellings and from 70m<sup>2</sup> to 100m<sup>2</sup> for the 3 bedroom dwellings.

A high quality living environment is rarely a function of the floor area of the dwelling. Each dwelling is provided with bedrooms of generous proportion, bathrooms, combined dining and living areas, kitchen, modest laundry and storage facilities that are intended to provide low cost accommodation to a wide range of family types, predominantly comprising singles and couples, hence the favouring of one and two bedroom dwellings, and family units comprising one or two parents with children, who will be housed in the larger 3 bedroom dwellings.

The dwelling designs are meant to reflect the charter of AWH Inc to provide affordable housing; and to this end floor plans and floor areas are based upon the best return for investment and to providing housing best suited to the families intended to be housed in the development.





- 18 Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:
- (a) to be accessed directly from the internal living areas of the dwelling
  - (b) generally at ground level to the side or rear of a dwelling and screened for privacy
  - (c) to take advantage of but not adversely affect natural features of the site
  - (d) to minimise overlooking from adjacent buildings
  - (e) to achieve separation from bedroom windows on adjoining sites
  - (f) to have a northerly aspect to provide for comfortable year-round use
  - (g) to not be significantly shaded during winter by the associated dwelling or adjacent development
  - (h) to be shaded in summer.
  - (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality
  - (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.

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

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

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

- 21 Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non-permeable paved areas) to:
- (a) assist with ease of drainage
  - (b) allow for effective deep planting
  - (c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings.

- 22 Dwellings located above ground level should provide private open space in accordance with the following table:

Dwelling type	Minimum area of private open space
Studio (where there is no separate bedroom)	No minimum requirement
1 bedroom dwelling	8 square metres
2 bedroom dwelling	11 square metres
3+ bedroom dwelling	15 square metres

- 23 Private open space located above ground level should have a minimum dimension of 2 metres and be directly accessible from a habitable room.
- 24 Private open space may be substituted for the equivalent area of communal open space where:
- (a) at least 50 per cent of the communal open space is visually screened from public areas of the development
  - (b) ground floor communal space is overlooked by habitable rooms to facilitate passive surveillance
  - (c) it contains landscaping and facilities that are functional, attractive and encourage recreational use.
- 25 Communal open space should be shared by more than one dwelling, not be publicly accessible and exclude:





- (a) private open space
- (b) public rights of way
- (c) private streets
- (d) parking areas and driveways
- (e) service and storage areas
- (f) narrow or inaccessible strips of land.

- 26** Communal open space should only be located on elevated gardens or roof tops where the area and overall design is useful for the recreation and amenity needs of residents and where it is designed to:
- (a) address acoustic, safety, security and wind effects
  - (b) minimise overlooking into habitable room windows or onto the useable private open space of other dwellings
  - (c) facilitate landscaping and food production
  - (d) be integrated into the overall façade and composition of buildings.

Each dwelling has access to its own private open space (either at ground level or on a balcony) directly accessible from a living room.

Each ground floor dwelling is able to meet the minimum open space requirement established by principle 22 above.

The area of the private open space to upper floor dwellings varies; the smallest being 7m<sup>2</sup> on balconies 2m wide to a number of the upper floor dwellings. Only eight of the units will be able to supply the recommended 24m<sup>2</sup> of private outdoor open space.

Whilst the area of private outdoor open space to each dwelling is limited to providing passive recreation only, each dwelling also has access to substantial areas of common open space, including garden plots, and, eventually more substantial areas of common open space in the Community Common, which will include BBQ facilities, a playground and basketball rings. These areas are generally screened from public view but still offer a degree of passive surveillance from the surrounding common areas (driveways, paths, car parks, and to a lesser extent from adjoining units) to provide a degree of security and to limit the likelihood of anti-social behaviour.

All dwellings will have within them clothes drying machines wall mounted over clothes washing machines and outside clothes drying facilities will not be necessary.

- 27** Except for buildings of 3 or more storeys, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.7 metres or permanent screens having a height of 1.7 metres above finished floor level.

In accordance with the above provision, the Group F and G dwellings will have opaque windows to the upper level bedrooms which overlook the properties to the south.

#### 5.2.11 Transportation and Access

##### Objective

- 2** Development that:
- (a) provides safe and efficient movement for all transport modes
  - (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
  - (c) provides off-street parking
  - (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks
  - (e) provides convenient and safe access to public transport stops.



#### Principles

- 5 Land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.
- 8 Development should provide safe and convenient access for all anticipated modes of transport.
- 10 Driveway crossovers affecting pedestrian footpaths should maintain the level and surface colour of the footpath.
- 11 Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).
- 23 Development should have direct access from an all weather public road.
- 24 Development should be provided with safe and convenient access which:
  - (a) avoids unreasonable interference with the flow of traffic on adjoining roads
  - (b) provides appropriate separation distances from existing roads or level crossings
  - (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision
  - (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.
- 32 Development should be sited and designed to provide convenient access for people with a disability.
- 35 Development should be consistent with Australian Standard AS 2890 Parking facilities.
- 36 Vehicle parking areas should be sited and designed to:
  - (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development
  - (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network
  - (c) facilitate safe and convenient traffic circulation
  - (d) result in minimal conflict between customer and service vehicles
  - (e) avoid the necessity to use public roads when moving from one part of a parking area to another
  - (f) minimise the number of vehicle access points onto public roads
  - (g) avoid the need for vehicles to reverse onto public roads
  - (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for multiple access points
  - (i) not dominate the character and appearance of a site when viewed from public roads and spaces
  - (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas
  - (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.
- 37 Vehicle parking areas should be designed to reduce opportunities for crime by:
  - (a) maximising the potential for passive surveillance by ensuring they can be overlooked from nearby buildings and roads
  - (b) incorporating walls and landscaping that do not obscure vehicles or provide potential hiding places
  - (c) being appropriately lit
  - (d) having clearly visible walkways.
- 38 Where parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to customers.





- 39 Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.
- 40 Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.
- 41 To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.
- 42 Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.
- 43 On-site visitor parking spaces should be sited and designed to:
  - (a) not dominate internal site layout
  - (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling
  - (c) be accessible to visitors at all times.
- 44 On-site vehicle parking should be provided having regard to:
  - (a) the number, nature and size of proposed dwellings
  - (b) proximity to centre facilities, public and community transport within walking distance of the dwellings
  - (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons.
- 45 Vehicle parking areas servicing more than one dwelling should be of a size and location to:
  - (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely
  - (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area
  - (c) reinforce or contribute to attractive streetscapes

The development is provided with two hundred and sixty three (263) car parks of which twelve (12) will be for people with disabilities. The undercroft provides a total of eighty three (83) car parks spaces, of which four (4) will be for disabled drivers.

All spaces and aisles widths comply with the current Australian Standard for car parking AS 2890.1 and all car parking spaces will be line marked in accordance with accepted industry practice. Apart from the undercroft parking, all other car parking is at ground level.

The car park spaces are distributed across the site to allow convenient access to each of the buildings.

Storage or parking for bicycles will be available either within the storage room of each dwelling (or storage room adjacent to each dwelling (where it is not provided internally). Additional bicycle parking spaces will be provided in the undercroft park. Bicycle storage for visitors will be provided at ground floor level adjacent to each lift.

Motor bike parking is provided for a total of twenty seven (27) vehicles.

Table WeTo/2 requires that each dwelling have access to 2 car parking spaces (one of which is covered) plus an additional 0.25 spaces per dwelling (presumably for visitor car parking). This imposes a requirement for 520 car parking spaces.

Table WeTo/7 requires 1 bike park for every 4 dwellings and 1 park for every 10 dwellings for visitors, imposing a requirement for 84 bike parks.

Car ownership is generally low amongst tenants and well under 50% of tenants do not own a motor vehicle of any kind.





Covered car parks, (other than as provided for in the undercroft area) have not been provided due to the low level of car ownership, cost of providing such facilities and the need to retain car parking spaces for shared use.

Overall the parking available to the development is more than 1 car park per dwelling, which together with the motor cycle parking and secure bike parking available for tenants will substantially exceed the demand for parking spaces.

Add to this the substantial kerbside parking which is available along the street frontages of the subject land and there is ample parking available for both tenants and visitors to the property. The shared use of car parking on site enables the most efficient use of parking areas to be achieved and assists in reducing the total area of the site given over to hard pavement.

Given the very low level of vehicle ownership it is considered that the amount of car parking provided is adequate to meet expected demand and is consistent with principle 36(h) above. Moreover, the land is well serviced with public bus access and is within reasonable walking distance of shops and services, all of which diminish the need for residents to have to have a motor vehicle.

The location and size each parking area has been determined to keep paved areas discreet and thus avoid large areas of paving in one place and to locate car parks within reasonable proximity of the associated dwellings.

Each access point to the adjoining public roads provides for two way vehicle movement with clear and separate pedestrian pathways and excellent driver sightlines, with adequate turn around areas and dimensions to allow all vehicles which may be reasonably expected on site to enter and leave the land in a forward direction.

All car parking areas are well landscaped with shade trees forming a significant element of the landscaping of these spaces, whilst landscaping choice and lighting have been selected and placed to enable surveillance of the car parks, pathways and communal areas to maximise safety for pedestrian and to discourage anti-social behaviour.

- 46 Undercroft and below ground garaging of vehicles should only occur where envisaged in the relevant zone or policy area or precinct and ensure:**
- (a) the overall height and bulk of the undercroft structure does not adversely impact on streetscape character of the locality or the amenity of adjacent properties
  - (b) vehicles can safely enter and exit from the site without compromising pedestrian or cyclist safety or causing conflict with other vehicles
  - (c) driveway gradients provide for safe and functional entry and exit
  - (d) driveways and adjacent walls, fencing and landscaping are designed to provide adequate sightlines from vehicles to pedestrians using the adjacent footpath
  - (e) openings to undercroft areas are integrated with the main building so as to minimise visual impact
  - (f) landscaping, mounding and/or fencing is incorporated to improve its presentation to the street and to adjacent properties
  - (g) the overall streetscape character of the locality is not adversely impaired (e.g. visual impact, building bulk, front setbacks relative to adjacent development)
  - (h) the height of the car park ceiling does not exceed 1 metre above the finished ground level.

The Group C building which is of four storeys plus an undercroft car park. The undercroft projects 1.5m above ground level but is sited some 29m from Davenport Terrace with extensive areas of landscaping in 2 beds measuring some 10.5m in width separating the undercroft from the road.

In addition, and to comply with site level recommendations necessary to address flooding, there is a batter slope at the edge of the landscaping that raises the ground level around the edge of the undercroft car park which further goes to the screening of this element of the building.

The undercroft is not otherwise visible from outside of the subject land.



Access to the undercroft is in accord with the requirements of AS 2890.1 and the access ramps are separated from the pedestrian pathways so as to ensure appropriate sightlines are available for pedestrians moving in the locality of the ramps and similarly to allow adequate drive sightlines at entry points. These aspects of the ramp design similarly accord with SAS 2890.1.

The access ramps are located at the rear of the building and have been integrated in the design of the building to ensure that the access points are visible, noting that the undercroft access and in fact most pedestrian movement in and around them will be by people familiar with the site.

The extensive setback, landscaping, mounding and screening of the building by intervening structures is such that the undercroft will not be a feature of the site readily visible from nearby public spaces.

## 6.0 CONCLUSION

The application seeks Development Plan Consent to construct seven Residential Flat buildings with associated car parking and landscaping. The development is to be completed in stages over a 10 year period.

The foregoing assessment of the application shows that it accords to a high degree with the relevant provisions of the Development Plan.

In this regard it is noted that;

- The land is a unique holding,
- It is well placed in relation to existing community facilities and public transport,
- Its attributes allow it to be developed at higher density that might otherwise be acceptable with the general residential environment surrounding it,
- It will fulfil a significant role in providing affordable housing,
- The form, scale and siting of the development respects and complements the character of the adjoining land uses, albeit within buildings of greater scale than that otherwise evident within the locality,
- The development is able to accommodate the reasonable needs of its occupants in terms of open space, private storage, parking and more particularly housing,
- It provides variety in housing type and sought by tenants of AVH Inc.
- The development is designed to minimise any impacts it might have on adjoining residential development by way of overlooking and overshadowing,
- It has had regard to the development constraints applying to the land, most notably potential impacts from inundation,

Having regard to the above the proposal warrants the granting of Development Plan Consent.

A handwritten signature in blue ink, appearing to read 'D Hutchison'.

David Hutchison BA CPP PIA  
ACCESS PLANNING (SA) PTY LTD

### 6.3 22 Lindsay Street, CAMDEN PARK

Application No. 211/351/2016

Appearing before the Panel will be:

Representors: **Mrs June Phillips** wishes to appear in support of the representation. Mrs Phillips will also be representing Suzanne Parslow.

Applicant **Mr George Majda** wishes to appear to respond to representations.

#### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Combined Application Land division (DAC No. 211/C101/16 Unique ID 54820) to create two (2) additional allotments and construction of three (3) dwellings within a Residential Flat Building
APPLICANT	State Surveys & George Majda & Associates
APPLICATION NO	211/796/2016 (Combined Land Use & Land Division) 211/351/2016 (Original Land Use)
LODGEMENT DATE	23 June 2016 211/796/2016 (Combined Land Use & Land Division)
ZONE	Residential
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></ul> External <ul style="list-style-type: none"><li>Nil</li></ul>
DEVELOPMENT PLAN VERSION	05 May 2016
MEETING DATE	09 August 2016
RECOMMENDATION	<b>CONSENT</b>

#### BACKGROUND

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

- All Category 2 or 3 applications where a representor has requested to be heard shall be assessed and determined by the DAP.

#### PREVIOUS or RELATED APPLICATION(S)

Nil



## SITE AND LOCALITY

The subject site fronts Lindsay Street, Camden Park and backs onto the Adelaide to Glenelg Tramline. The site measures 15.95 metres by 50.98 metres with a site area of approximately 807m<sup>2</sup>. A 1.52 m width infrastructure easement exists in the south east corner of the land. The site contains an existing dwelling and outbuildings that will require demolition should the proposed development proceed. The site also contains a Regulated Tree that has been assessed as suitable for removal.

The subject site is shown in Figure 1.

**Figure 1 Subject Site**

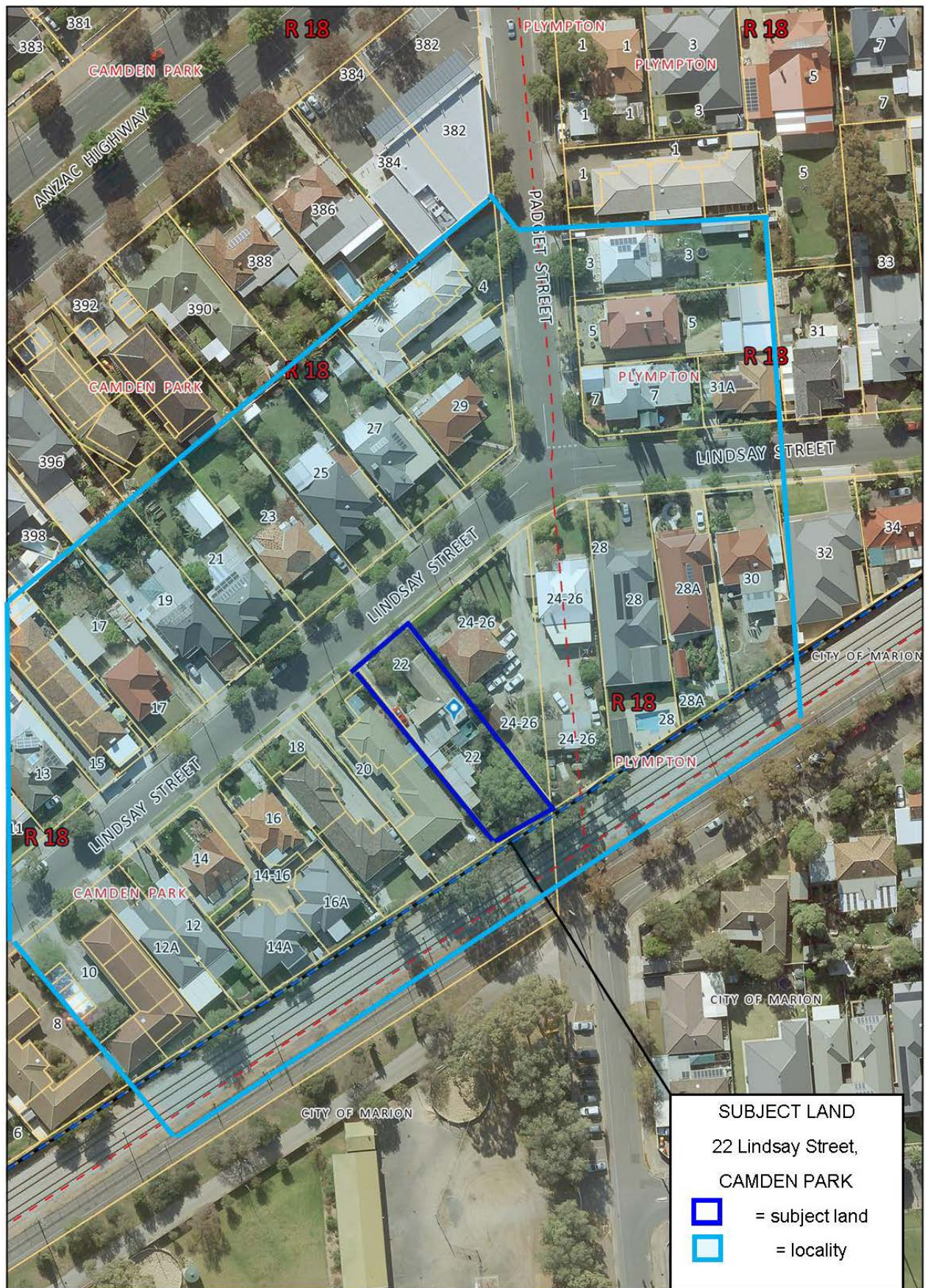


The immediate locality contains predominately single storey dwellings however it is noted that the Medium Density provisions that relate to the locality provide for a changed built form to emerge over time.

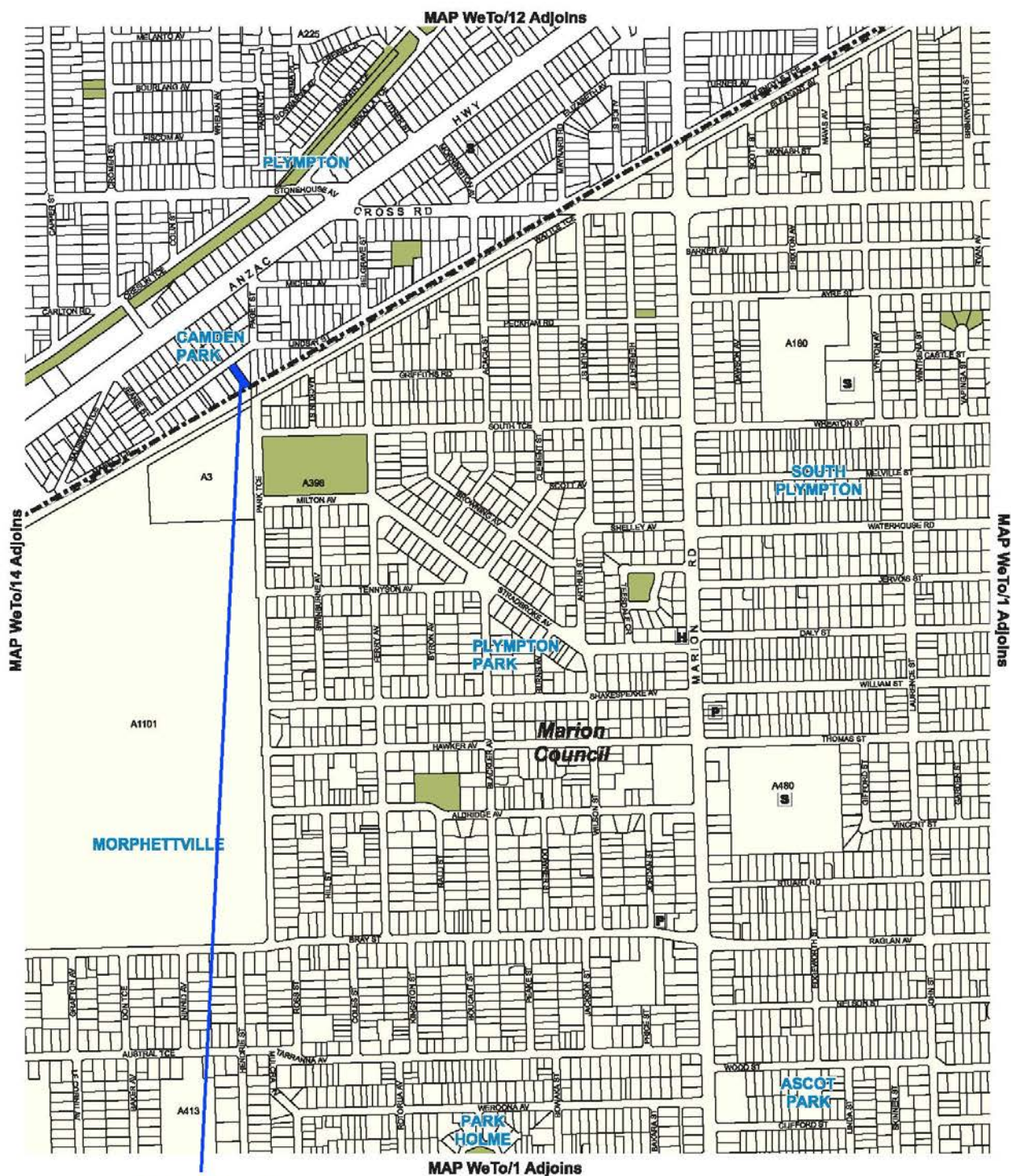
The wider locality contains Cross Road, Anzac Highway and open space areas with the built form being predominately residential. Other notable land uses in the locality include a tram stop on the Glenelg to Adelaide tramline.

The site and locality are shown in the following maps.









**Subject Land**  
**22 Lindsay Street**  
**Camden Park**



- School
- Post Office
- Other Health Services
- Railways
- Local Reserves
- Development Plan Boundary

## Location Map WeTo/15



## PROPOSAL

The proposed development involves a land division to create two (2) additional allotments and the construction of three (3) two storey dwellings within a Residential Flat Building.

The dwellings will contain three bedrooms and a study on the upper level with kitchen, family living and car parking located on the lower level. The dwellings are internally oriented on the subject site with bedrooms overlooking the common driveway.

Dwelling 1 will provide 188m<sup>2</sup> of living area, Dwelling 2 will provide 167m<sup>2</sup> of living area and Dwelling 3 will provide 196m<sup>2</sup> of living area. All dwellings will be provided with garage and alfresco areas.

The land division will create allotments of:

Allotment 701: 207m<sup>2</sup>

Allotment 702: 156m<sup>2</sup>

Allotment 703: 264m<sup>2</sup>

Common Property (driveway): 180m<sup>2</sup>

## PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and Residential Zone, Procedural Matters.

<b>Properties notified:</b>	5 properties were notified during the public notification process.
<b>Representations:</b>	Three (3) representations were received.
<b>Persons wishing to be heard:</b>	2 representors identified that they wish to address or be represented at the Panel. <ul style="list-style-type: none"><li>• <b>Mrs June Philips</b></li><li>• <b>Suzanne Parslow</b> (to be represented by Mrs Phillips)</li></ul>
<b>Summary of Representations:</b>	Concerns were raised regarding the following matters; <ul style="list-style-type: none"><li>• Out of character with existing development</li><li>• Overshadowing</li><li>• Overlooking</li><li>• Tree Removal</li></ul>

The Applicant provided a written response to the representation which is outlined below:

*In response to the representations received, we are pleased to advise the following;  
Representor – Mrs June Philips – 2/20 Lindsay Street Camden Park*

1. *Council's Development Policy promotes diversity in housing stock and as a result of infill development ultimately the character of the streetscape will change.*
2. *Boundary fence – A proposed new 1800mm high Colorbond fence will replace the garage wall / structures. Every endeavour will be undertaken to maintain security and privacy for the adjoining residents during the demolition process.*
3. *With the removal of the existing built structures along the western boundary and the proposed increased setback of the proposed new dwellings the status of the morning sunlight will be basically maintained.*

4. *Consideration has been given to the design of the proposed dwellings with the orientation of the allotment on a North East / South West axis together with the generous setback from the Western boundary.*
5. *The design does not include any Balconies.*

*Representor – Suzanne Parslow – 1/20 Lindsay Street Camden Park*

1. *Council's Development Policy promotes diversity in housing stock and as a result of infill development ultimately the character of the streetscape will change.*
2. *Every endeavour of safety precautions will be undertaken during Demolition and Construction, including temporary fencing to ensure privacy for the property owner.*
3. *Consideration has been given to the design of the proposed dwellings with the orientation of the allotment on a North East / South West axis together with the generous setback from the Western boundary.*
4. *The Privacy Screens will act to maintain privacy and actually assist the reduction of heat gain, together with the double glazing proposed in order to achieve an Industry Standard minimum of 6 Stars.*
5. *The design does not include any balconies. The rear unit incorporates a flat roofed section over the single storey area below. No impact on privacy.*
6. *All trees located on the allotment have reached maturity and do not add any benefit to both the owner and adjacent neighbours - but will simply eliminate the amount of debris currently disposed into their properties.*

*Representor – Nicholas Myriti – 24 Lindsay Street Camden Park*

1. *Council's Development Policy promotes diversity in housing stock and as a result of infill development ultimately the character of the streetscape will change.*
2. *The design will only reduce the late afternoon sunlight from the South West direction.*
3. *The North East elevation of the units ( Elevation 2) shows the Upper level windows at a sill height of 1700mm – a complying form of attained privacy in accordance with Council Policy*

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

## **REFERRALS**

### **Internal**

#### City Assets Department

Concerns were raised regarding the following matters:

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

Council seeks to ensure that the FFL of all new development is protected from inundation when considering a 350mm stormwater flow depth in the adjacent street watertable.

This is typically achieved through establishing the FFL of new development a minimum of 350mm above the highest adjacent street water table.

In association with the above proposed development, no site or road verge level information has been provided and as such it is impossible to determine if the proposal will satisfy the above consideration.

Simply conditioning that a development satisfy this consideration can have its complications with regards to the ultimately required level of the development in relation to neighbouring properties and the related planning considerations this brings about. It may also bring about the necessity for alterations to the design of the development which are outside of the expectations of the applicant (for example; requiring step(s) up from existing buildings to additions). It is recommended that appropriate site and adjacent road verge survey information be provided to correctly assess the required minimum FFL for this proposal.

### ***Verge Interaction (with street tree)***

In association with new development, driveways and stormwater connections through the road verge need to be located and shaped such that they appropriately interact with and accommodate existing verge features in front of the subject and adjacent properties.

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

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

It should also be nominated for the stormwater connection through the road verge area to be constructed of shape and material to satisfy Council's standard requirements

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

### ***Traffic Comments***

Traffic manoeuvrability has been assessed as acceptable for vehicles from all garages in accordance with the site layout shown in 'Site Plan' (George Majda Dwg D-524 received 08/04/16).

However, vehicle manoeuvrability for visitor vehicles appear to be unsatisfactory in consideration of the requirements of the relevant Australian Standard (AS/NZS 2890.1:2004). This visitor parking space either should be deleted or the applicant should clearly demonstrate the compliance of manoeuvrability for critical parking spaces and movements using suitable techniques as outlined within AS/NZS 2890.1:2004.

The plans currently before the DAP have been amended to satisfy the above requirements or alternatively conditions of consent are recommended.

### **Arboriculture Assessment**

*The subject tree appears free from major pests and diseases, however, a substantial amount of deadwood was noted within the canopy and foliage density is sparse- indicating tree health is not optimum. It is considered fully-grown in its current growing conditions and I believe it has reached the end of its useful life expectancy.*

*Visible delamination of the two main stems is evident as large cracks extend longitudinally to ground level on both sides of the main stem. Upon closer inspection it was determined that aggressive fungal decay has entered the heartwood and root plate of the subject tree, which has most likely jeopardized the structural integrity of the whole tree.*



*The visible separation of the two main stems represents a significant structural defect. It is considered likely that the failure of the two stems will ultimately occur as a result, causing significant property/ structural damage to the proposed dwellings.*

*Large internal branches within the canopy are rubbing/ crossing several limbs. This has the potential to lead to decay and create further potential failure points within the crown.*

*To remediate the obvious and visible defects identified throughout the tree would involve removing approximately 50% of live foliage. This will have a detrimental affect on tree health, damage its visual amenity and would not comply with Australian Standards for 'Pruning of Amenity Trees (AS 4373-2007)'. Therefore, these defects cannot be remediated via approved arboricultural methods or techniques.*

*Having given consideration to the plans provided, and issues associated with this tree I believe the applicant has provided supporting information that can be considered as satisfying the criteria required.*

*I concluded that the tree represents an unacceptable risk to site users. There is no alternative but to remove the *Allocasaurina cunninghamiana* as soon as is practicably possible.*

**External**  
Nil

## ASSESSMENT

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

The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9 & 10
Design and Appearance	Objectives	2
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2, 3 & 4
Hazards	Objectives	1, 2, 3, 4, 5, 6, 7, 8, 9 & 10
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15
Infrastructure	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12

<i>Land Division</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21
<i>Landscaping, Fences and Walls</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5 & 6
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7 & 8
<i>Regulated Trees</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2 & 3
<i>Residential Development</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 & 56
<i>Siting and Visibility</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7 & 8
<i>Transportation and Access</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 & 41

**Zone: Residential Zone**

*Desired Character Statement (extract);*

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

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

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

<p><i>Objectives</i></p>	<p><i>1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Dwellings of various types at very low, low and medium densities.</i></p> <p><i>3 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i></p> <p><i>4 Development that contributes to the desired character of the zone.</i></p>
<p><i>Principles of Development Control</i></p>	<p><i>1 The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>domestic outbuilding in association with a dwelling</i></li> <li>▪ <i>dwelling</i></li> <li>▪ <i>dwelling addition</i></li> <li>▪ <i>small scale non-residential use that serves the local community, for example:</i> <ul style="list-style-type: none"> <li>- <i>child care facility</i></li> <li>- <i>health and welfare service</i></li> <li>- <i>open space</i></li> <li>- <i>primary and secondary school</i></li> <li>- <i>recreation area</i></li> <li>- <i>shop measuring 250 square metres or less in gross leasable floor area</i></li> </ul> </li> <li>▪ <i>supported accommodation.</i></li> </ul> <p><i>5 Development should not be undertaken unless it is consistent with the desired character for the zone and policy area.</i></p> <p><i>7 Dwellings should be set back from allotment or site boundaries to:</i></p> <ul style="list-style-type: none"> <li>(a) <i>contribute to the desired character of the relevant policy area</i></li> <li>(b) <i>provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></li> </ul> <p><i>10 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building, (with the total wall height of the building being measured from the existing ground level at the boundary of the adjacent property as shown by Figure 1), increases to:</i></p> <ul style="list-style-type: none"> <li>(a) <i>minimise the visual impact of buildings from adjoining properties</i></li> <li>(b) <i>minimise the overshadowing of adjoining properties.</i></li> </ul>



	<p><i>12 Side boundary walls in residential areas should be limited in length and height to:</i></p> <p><i>(a) minimise their visual impact on adjoining properties</i></p> <p><i>(b) minimise the overshadowing of adjoining properties.</i></p> <p><i>13 Except where otherwise specified by a policy area, side boundary walls comply with the following:</i></p> <p><i>(a) side boundary walls should be located immediately abutting the wall of an existing or simultaneously constructed building on the adjoining site and constructed to the same or to a lesser length and height</i></p> <p><i>(b) side boundary walls:</i></p> <p><i>(i) should have a maximum vertical wall height of 3 metres</i></p> <p><i>(ii) should have a maximum length of 8 metres</i></p> <p><i>(iii) should be constructed along one side of the allotment only and no further than 14 metres from the front boundary</i></p> <p><i>(c) where there is an existing adjacent boundary wall which is setback greater than 1 metre from the front setback standard established for the rest of the street, side boundary walls should be located not more than 1 metre closer to the primary street frontage.</i></p>
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**Policy Area: Medium Density 18**

**DESIRED CHARACTER (extract)**

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

**Objectives**

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

- *affordable housing*
- *detached dwelling*
- *domestic outbuilding in association with a dwelling*
- *domestic structure*
- *dwelling addition*
- *group dwelling*
- *residential flat building*
- *row dwelling*
- *semi-detached dwelling*
- *small scale non-residential use that serves the local community, for example:*
  - *child care facility*
  - *open space*
  - *recreation area*
  - *shop, office or consulting room*
- *supported accommodation.*

<i>Principles of Development Control</i>	<p><i>1 Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p> <p><i>4 Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare, where net density can be calculated by dividing 10000 by the site area and multiplying that number by the number of proposed dwellings for the site) should be in the form of 2 to 4 storey buildings.</i></p>
------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA  PDC 6 Medium Density Policy Area	150m <sup>2</sup>	Allotment 701: 207m <sup>2</sup> Allotment 702: 156m <sup>2</sup> Allotment 703: 264m <sup>2</sup> Common Property: 180m <sup>2</sup>  <b>Satisfies</b>
SITE FRONTAGE  PDC 6 Medium Density Policy Area	15 m	15.93m (existing)  <b>Satisfies</b>
SITE COVERAGE  PDC 5 Medium Density Policy Area	70%	<b>Satisfies</b>
STREET SETBACK  PDC 5 Medium Density Policy Area  SIDE/REAR SETBACKS  PDC 11 Residential Zone  PDC 5 Medium Density Policy Area	3 metres    Side 1.0 m ground level (up to 3m wall height)  2.0m upper level (up to 6m wall height)	3m  <b>Satisfies</b>   Dwelling 1 1.0m (northern ground level boundary) 5.3m (southern ground level boundary) 1.0m (northern upper level boundary) 4.5m (southern upper level boundary)  <b>Partly Satisfies</b>

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
		<p>Dwelling 2 1.0m (northern ground level boundary) 5.0m (southern ground level boundary) 1.0m (northern upper level boundary) 4.4m (southern upper level boundary)</p> <p><b>Partly Satisfies</b></p> <p>Dwelling 3 0.0m (northern ground level boundary) 5.3m (southern ground level boundary) 2.0m (northern upper level boundary) 2.9m (southern upper level boundary)</p> <p><b>Partly Satisfies</b></p>
	Rear 4m	<p>1.0m (at closest point)</p> <p><b>Not Satisfied</b></p>
<p>PRIVATE OPEN SPACE</p> <p>Council Wide PDC 19 Council Wide PDC 20</p>	<p>24 m<sup>2</sup> Minimum dimension of 3 metres</p>	<b>Satisfies</b>
<p>CARPARKING SPACES</p> <p>Council Wide PDC 34 (Transportation &amp; Access) Table WeTo/2</p>	<p>2 car-parking spaces required per dwelling (1 covered) and 0.25 additional spaces per dwelling 7 spaces</p>	<p>7 spaces</p> <p><b>Satisfies</b></p>
<p>BUILDING HEIGHT</p> <p>PDC 5 Medium Density Policy Area</p>	<p>Three storey or 12.5 maximum</p>	<b>Satisfies</b>



## **QUALITATIVE ASSESSMENT**

In assessing the merits or otherwise of the application, the proposed development generally satisfies the relevant Development Plan provisions with the following comments provided:

### **Siting**

The proposed development is generally consistent with front and rear setbacks identified in the Development Plan; however it does include boundary development on the northern allotment boundary that is inconsistent with the Development Plan. This garage boundary wall is located towards the rear of the site away from the dwelling on the adjacent land and has a length of 8.6m at the ground level which is marginally above what the Development Plan considers. The rear setback also does not meet the Development Plan requirements however given this boundary is adjacent the Tramline this departure is not likely to result in negative impacts.

### **Bulk and Scale**

While the dwellings are oriented internally to the site, the primary façade to Lindsay Street has attempted to address the primary street frontage. The building design has attempted to break up wall areas fronting Lindsay Street through the use of different materials, finishes and articulation.

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

### **Overlooking and Overshadowing**

The proposed development includes window sill heights of 1.7 metres on the upper level northern elevation. The southern elevation windows which overlook the common driveway are proposed to have an aluminium privacy screen to a height of 1.5 metres. It is considered that the screens should be installed to a height of 1.7 metre to be consistent with the Development Plan provisions and a recommended condition of consent has been included to deal with this issue.

The subject site comprises an allotment that is oriented broadly north/south and the upper storey is setback 4.5 metres (southern boundary) and 2.0 metres (northern boundary). On this basis it is expected that adjoining land owners will maintain access to sunlight consistent with the provisions in the Development Plan that call for north-facing windows to habitable rooms of existing dwelling(s) on adjacent allotments, to receive at least three (3) hours of direct sunlight over a portion of their surface between 9.00 am and 5.00 pm on the 21 June.

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

The proposed development is oriented towards the common driveway and not its primary frontage of Lindsay Street.

As outlined above the building design has attempted to break up wall areas fronting Lindsay Street through the use of different materials, finishes and articulation. Landscaping is proposed on the Lindsay Street frontage as is a 1.8 metre colorbond fence for a portion of the Lindsay Street frontage. It is considered that the development would have a stronger relationship to the street if the landscaping on this frontage was increased and the length of colorbond fence was reduced in the order of 1.5 metres to be located to end in line with the adjacent wall. A condition of consent has been included to address this issue.

### **Regulated & Significant Trees**

The proposed development should it proceed will require the removal of an existing regulated tree. The tree has been inspected by Council's independent arborist and has been recommended for removal as it presents an unacceptable risk.

## Landscape Assessment

An indicative landscaping schedule has been provided as part of the development application and the areas of landscaping have been included in the site plan. Landscaping will be contained within the front setback area, adjacent the common driveway and adjacent the proposed visitor space. Each dwelling will also have its own private open space that can be landscaped.

## Land Division

Council Wide provisions that relate to Land Division include:

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

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

The proposed allotments will meet the recommended site area and are considered suitable for their intended use for residential development.

## SUMMARY

The proposed development involving a land division to create two (2) additional allotments and the construction of three (3) two storey dwellings within a Residential Flat Building within the Residential Zone and Policy Area 18 is considered an appropriate land use. In particular given the proximity to public transport, medium density development on this site is considered desirable.

The application underwent Category 2 notification with three representations being received. Issues raised were that the development was out of character with existing development in this locality, potential for overshadowing and overlooking and requirement of tree removal.

While it is acknowledged that the development is somewhat out of character with the existing built form (single storey dwellings) in this locality it is noted that the medium density policies in the Development Plan seek to change that character over time and the proposed development is consistent with the desired character.

Minimum levels of sunlight to adjoining land will be provided and the potential for overlooking is dealt with by the provision of privacy screens on the proposed development and a condition of consent to require the screens to a minimum height of 1.7 metres.

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

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens (City) Development Plan Consolidated 05 May 2016 and warrants the granting of Development Plan Consent & Land Division Consent.

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development and division of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent & Land Division Consent for Application No. 211/114/2016 by State Surveys to undertake a Community Title land division (DAC No. 211/C101/16 Unique ID 54820); creating two (2) additional allotments and construction of three (3) two storey dwellings within a Residential Flat Building at 22 Lindsay Street Camden Park (CT 5113/207) subject to the following conditions:

## **Council Conditions**

### **DEVELOPMENT PLAN CONSENT**

1. The development must be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. The construction of a drainage system and the position and manner of discharge of a stormwater drain must not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
3. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. They must be maintained to the reasonable satisfaction of Council thereafter.
4. All planting and landscaping must be completed within 3 months of the commencement of the use of this development and must be maintained to the reasonable satisfaction of Council. Any plants that become diseased or die must be replaced with suitable species.
5. The upper level windows of the dwelling must be provided with privacy screens 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 privacy screens are to be maintained at all times to the reasonable satisfaction of Council.
6. The finished floor level must be a minimum of 350mm above the highest point of the watertable adjacent to the property
7. The length of colorbond fence on the Lindsay Street boundary to be reduced in length by 1.5 metres to be located in line with the adjacent dwelling wall.

### **LAND DIVISION CONSENT**

1. The development must be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. Prior to the issue of clearance to this division approved herein, the existing outbuilding(s) from proposed lots must be removed.

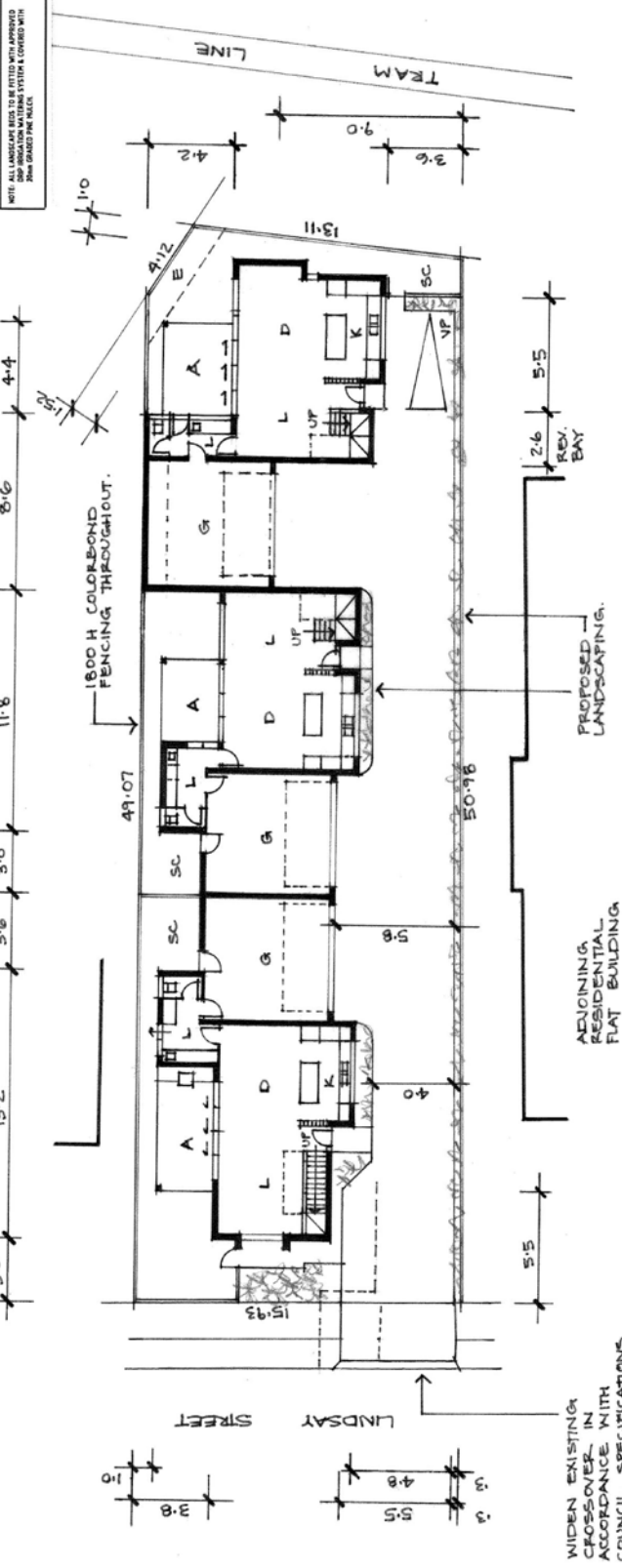
## **Agency Conditions**

1. Payment of \$12,976.00 into the Planning and Development Fund (2 allotment(s) @ \$6,488.00/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 (71097018), by cheque payable to the Development Assessment Commission marked "NOT NEGOTIABLE" and sent to GPO Box 1815, Adelaide, 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
2. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.



ATTACHMENT 1

LANDSCAPING SCHEDULE	
A	DAMELLA BEYCAULS
B	LEUCO DANT EVERGREEN WARDEN
C	KALAMANDRA PARS
D	COOPLYNE AUSTRALIS RED STAR
E	PURPLE FLAX
F	DAMELLA REVOLUTA
G	LOWLANDIA CONFERTIGIA LITTLE TUFFY



FLOOR - SITE PLAN  
1:200

**GEORGE MAJIDA & ASSOCIATES**  
BUILDING DESIGN CONSULTANTS  
72 Kermode Street,  
North Adelaide SA 5006  
Ph: +61 8 8237 1142  
Fax: +61 8 8237 1142  
enquiries@gmadesign.com.au  
www.gmadesign.com.au

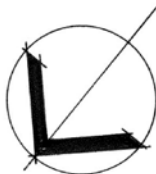
**RESIDENTIAL DEVELOPMENT**  
**22 LINDSAY STREET**  
**CAMDEN PARK**  
**FOR: G. MATTHEWS**

DATE : MARCH '16  
DWG : D-524  
AMENDED : 27 JULY '16

ISSUE : 2  
SHEET : 1

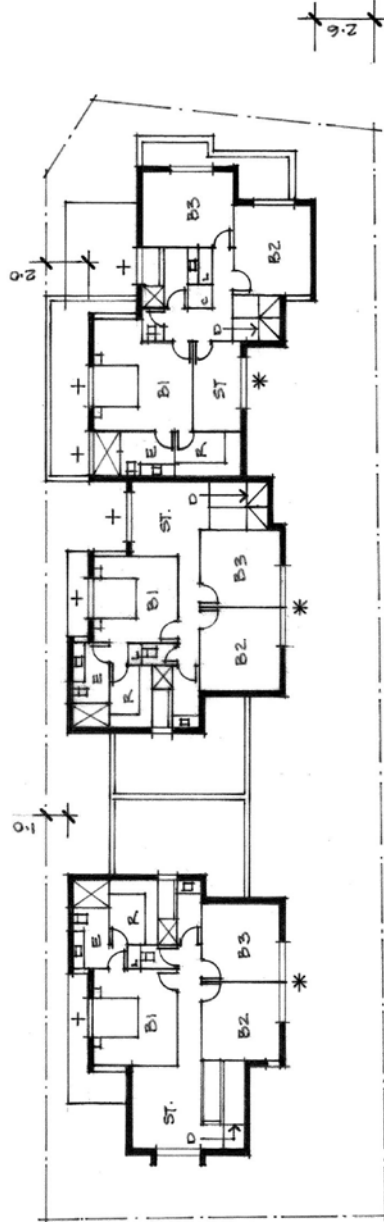


RES. 1. 109 M<sup>2</sup> RES. 2. 104 M<sup>2</sup> RES. 3. 114.5 M<sup>2</sup>  
LIVING LIVING LIVING



\* ALUMINIUM LOUVRED  
PRIVACY SCREEN.

+ HI LEVEL WINDOW AT 1700



FIRST FLOOR PLAN  
1:200



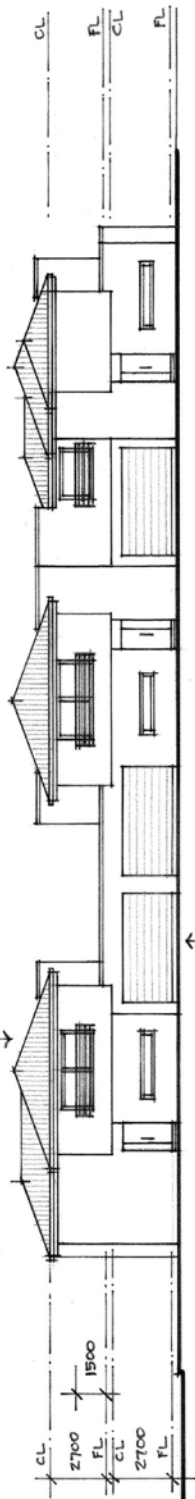
GEORGE MAJDA  
& ASSOCIATES

BUILDING DESIGN CONSULTANTS  
72 Kermode Street,  
North Adelaide SA 5006  
Ph. +61 8 8267 1142  
Fax. +61 8 8267 1142  
enquiries@gmadesign.com.au  
www.gmadesign.com.au

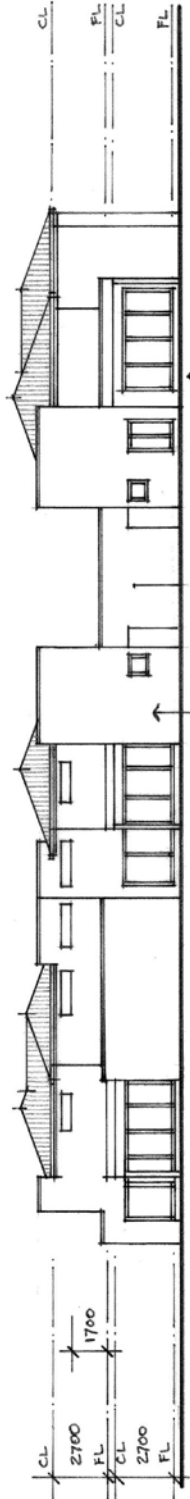
RESIDENTIAL DEVELOPMENT  
22 LINDSAY STREET  
CAMDEN PARK  
FOR: G. MATTHEWS

DATE: 1 MARCH '16  
DWG: D-524  
AMENDED: 27 JULY '16  
ISSUE: E  
SHEET: 12

COLORBOND ROOF @ 20° PITCH  
WOODLAND GREY.

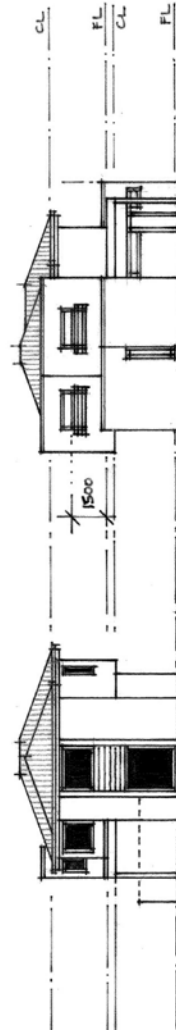


ELEVATION 1. COLORBOND AUTO LIFT  
PANEL DOORS TO GARAGES - PAPERBARK.



ELEVATION 2. RENDERED HEBEL WALL  
SOLVER BEIGE.

ALUMINIUM POWDER-COATED  
SLIDING DOORS / WINDOWS  
COLOUR - SILVER



ELEVATION 3

ELEVATION 4



GEORGE MAJDA  
& ASSOCIATES

BUILDING DESIGN CONSULTANTS  
72 Kermode Street,  
North Adelaide 5006  
Ph. +61 8 8237 1144  
Fax +61 8 8239 1142  
enquiries@gmadesign.com.au  
www.gmadesign.com.au

RESIDENTIAL DEVELOPMENT  
22 UNDSAY STREET  
CAMDEN PARK  
FOR: G. MATTHEWS

DATE : MARCH '16  
DWG : D-524  
AMENDED : 27 JULY '16  
ISSUE : E  
SHEET : 3



NORTH

Proposed Residential Development.  
For: Mr. G. Matthews.  
Lot 47, No. 22, Lindsay Street, Camd

note: this proposal is subject to site survey and development approval(s) from the relevant authority.  
this drawing shall not be copied or used without authorisation and is protected by copyright. ©

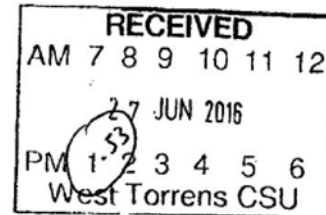
Sheet 01

D-524-16 July\_2016  
Issue E -27/07/16  
drawn by - SM

ATTACHMENT 2

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

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



DEVELOPMENT No. 211/351/2016  
PROPERTY ADDRESS: 22 Lindsay Street, CAMDEN PARK SA 5038

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

Suzanne Parslow  
1/20 Lindsay Street  
Camden Park SA 5038

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

Adjoining Resident

REASONS FOR \*  
REPRESENTATION

Refer attached

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

City of West Torrens

28 JUN 2016

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

WILL BE REPRESENTED BY June Phillips  
(PLEASE SPECIFY)

0  
0  
✓

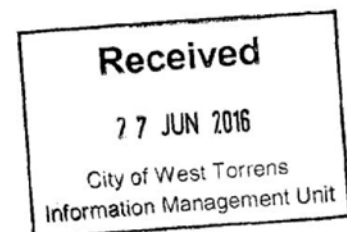
SIGNED

[Signature]

DATE

27/6/16

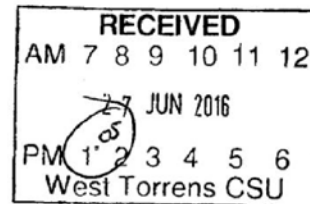
\* If space insufficient, please attach sheets



(FORM 3)  
Responsible Officer: Janine Lennon  
Ends: Tuesday 28 June 2016

**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. 211/351/2016  
PROPERTY ADDRESS: 22 Lindsay Street, CAMDEN PARK SA 5038

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

NICHOLAS MYRITI  
24 LINDSAY STREET  
CAMDEN PARK

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

ADJOINING RESIDENT

Received

27 JUN 2016

City of West Torrens  
Information Management Unit

REASONS FOR \*  
REPRESENTATION

2 STOREY DWELLINGS WOULD  
BLOCK OUT SUNLIGHT TO MY  
WHOLE YARD, CREATE OVERLOOKING  
ISSUES AND RUIN THE STREET  
APPEAL. I'M CONCERNED ABOUT  
MY PRIVACY AFTER LIVING HERE FOR 43 years.

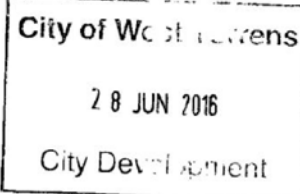
MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

I HAVE NO PROBLEMS WITH SINGLE  
STOREY DWELLINGS TO BE  
CONSTRUCTED.

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

I DO NOT WISH TO BE HEARD ☒  
I DESIRE TO BE HEARD PERSONALLY ☐  
WILL BE REPRESENTED BY ☐

(PLEASE SPECIFY)



SIGNED

*Nicholas Myrity*

DATE

27.6.2016

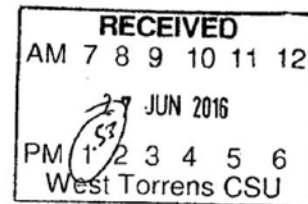
\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Janine Lennon  
Ends: Tuesday 28 June 2016



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

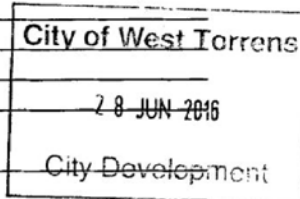
TO Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON 5033



DEVELOPMENT No. 211/351/2016  
PROPERTY ADDRESS: 22 Lindsay Street, CAMDEN PARK SA 5038

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

Mrs June Phillips  
2/20 Lindsay St  
Camden Park 5035



NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

Adjoining resident.

REASONS FOR \*  
REPRESENTATION

- 1- Out of character of area (single story dwellings)
- 2- Boundary "fence" is solid rendered wall
- 3- Blocks (nothing sun)
- 4- Overlooks property (balcony on rear unit?)  
diminishing privacy
- 5- Trees

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

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

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

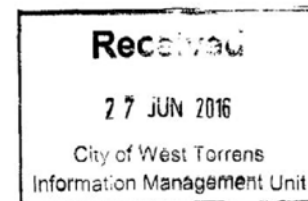
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✓  
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(PLEASE SPECIFY)

SIGNED

*J Phillips*  
27/6/16

DATE



\*

If space insufficient, please attach sheets

(FORM 3)

Responsible Officer: Janine Lennon  
Ends: Tuesday 28 June 2016

## June Phillips

Proposed Development at 22 Lindsay Street, Camden Park

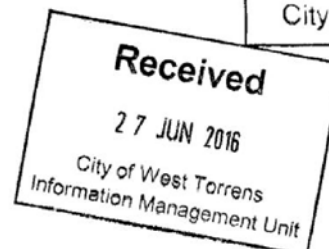
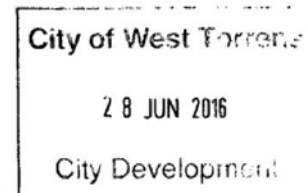
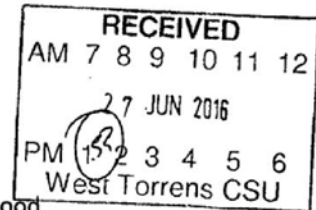
- 1 Two story structure is not in keeping with existing dwellings in neighbourhood
- 2 Boundary "fence" between unit 2, 20 Lindsay Street is a rendered wall (side of garage) approximately 4m high and 15 m long, plus a covered side of the carport that currently exists at the front of the current garage. I am concerned over potential damage to my property during demolition of this wall, plus the potential loss of privacy that the current wall offers. Unit 1 also has a boundary "fence" of approximately 6 metres from the same garage and shares the concerns regarding damage during demolition.
- 3 Both units will potentially lose most of the morning sun
- 4 Upper windows of units, despite louvered privacy screens, will overlook both properties but they face west and will be effected by summer heat. Rethinking the location of the windows would have merit, not only for our privacy but the comfort of the occupants. It appears the rear unit has a second story balcony overlooking the tram line, this would also impact on privacy of unit 2
- 5 Removal of trees, there are currently nine (possibly more) She oaks in a small area of the backyard and their removal is very welcome. The parent tree located on the side of the tram tracks should also be removed as it would be a threat to any development. There is a very large gum tree also located in the back yard and I would assume would require an arborist report as to its significance

Yours sincerely,

Mrs June Phillips



Owner/occupier  
2/20 Lindsay Street  
Camden Park 5038



#### 6.4 26A Taylors Lane, MILE END

Application No. 211/177/2016

Appearing before the Panel will be:

Representors: **R M Sbrogio** wishes to appear in support of the representation.

Applicant/s: **Phil Squeo** of Stannard Family Homes wishes to appear to respond to the representations.

#### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of a two-storey dwelling with garage under main roof
APPLICANT	Stannard Family Homes
APPLICATION NO	211/177/2015
LODGEMENT DATE	24 February 2016
ZONE	Residential
POLICY AREA	Thebarton Character Policy Area 27
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 2
REFERRALS	Internal ▪ City Assets External ▪ Nil
DEVELOPMENT PLAN VERSION	05 November 2015
MEETING DATE	09 August 2016
RECOMMENDATION	<b>CONSENT</b>

#### BACKGROUND

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

- All Category 2 or 3 applications where a representor has requested to be heard shall be assessed and determined by the DAP.

#### PREVIOUS or RELATED APPLICATION(S)

211/304/2009 (211/D021/2009) Torrens Title Land Division - approved



## SITE AND LOCALITY

The subject land is located on the northern side of Taylors Lane, Thebarton. The subject site has a frontage of 9.19m to Taylors Lane and a depth of 28.52m with a total site area of approximately 260m<sup>2</sup>. The land is currently vacant following a division of the land.

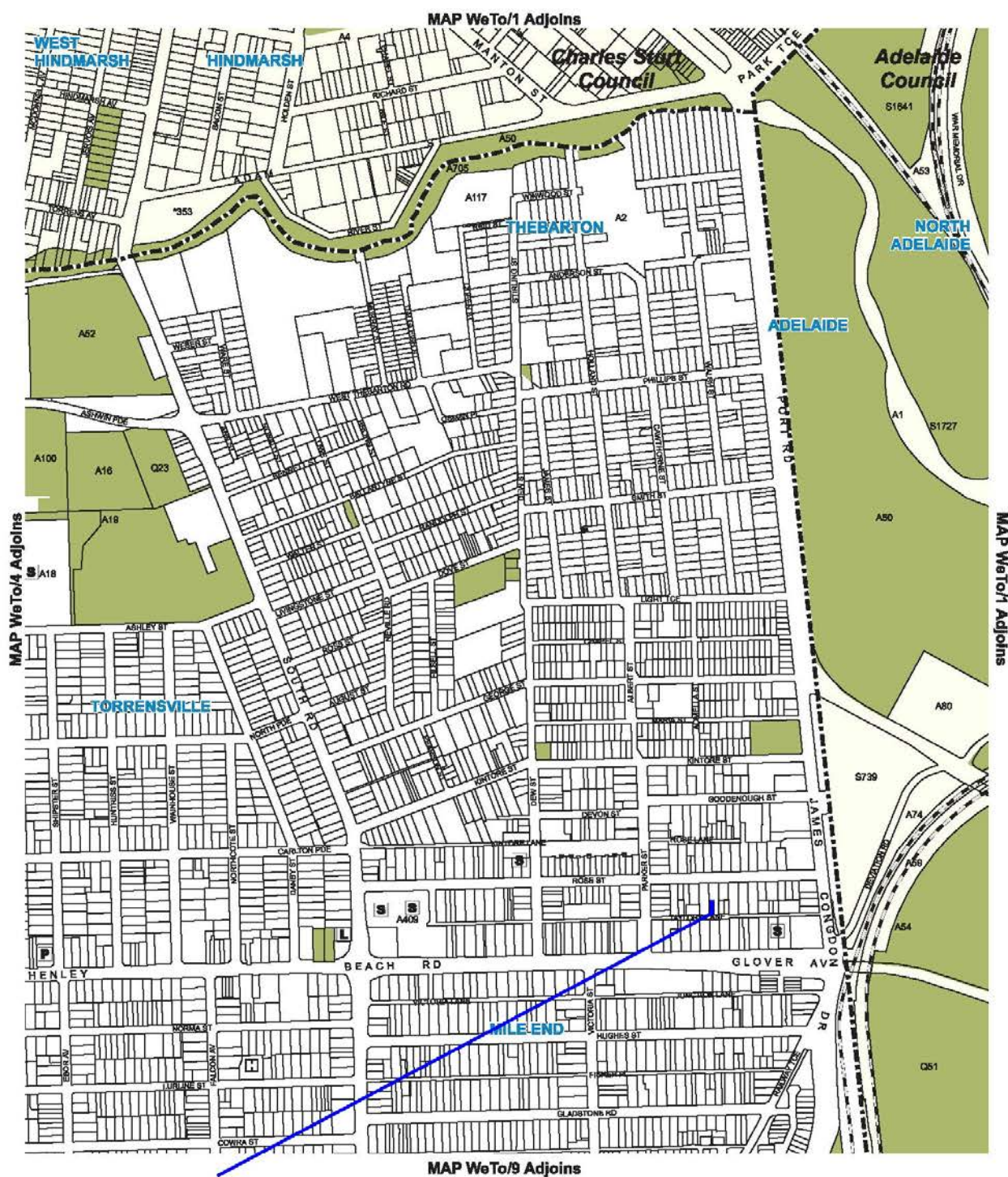
Taylors Lane is located between Rose Street and Henley Beach Road and fronts the rear of commercial development fronting Henley Beach Road (Urban Corridor Zone). The land uses fronting Henley Beach Road are commercial and generally have their car parking adjacent or accessed from Taylors Lane.

Taylors Lane currently contains a mix of residential and commercial activities and the locality is heavily influenced by the car parking areas associated with commercial development of the rear fencing/storage of these commercial activities. The subject site is located directly opposite a car park entrance/exit. Taylors Lane is a low speed traffic environment that is significantly narrower than surrounding public streets. The site and locality are shown on the following photos and maps.

**Figure 1: Subject site, Commercial Land Use to the south and existing outbuilding on neighbouring land to the west**



Figure 2: Locality map



**Subject Land**  
**26A Taylors Lane**  
**MILE END**



- School
- Public Library
- Post Office
- Hospital
- Railways
- Local Reserves
- Development Plan Boundary

## Location Map WeTo/5

**WEST TORRENS COUNCIL**  
Consolidated - 5 May 2016



**Figure 3: Subject Site**



## PROPOSAL

The proposed development consists of the construction of a two-storey dwelling with garage under main roof and associated site works including landscaping. Refer **Attachment 1**.

## PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and the Residential Zone and Thebarton Character Policy Area, Procedural Matters Section of the West Torrens Council Development Plan.

<b>Properties notified:</b>	6 properties were notified during the public notification process.
<b>Representations:</b>	1 representation was received.
<b>Persons wishing to be heard:</b>	<b>R M Sbrogio</b> identified a wish to address the Panel.
<b>Summary of Representations:</b>	Concerns were raised regarding the following matters; <ul style="list-style-type: none"><li>• Visual privacy</li><li>• Overshadowing</li><li>• Future development opportunities</li><li>• Tree damage</li><li>• Materials</li></ul>



While the Applicant did not respond directly to the representor's issues the proposed plans have been amended to address some of the issues raised. Amendments to the proposed plans have included increased setbacks for part of the upper storey, modifications to the dwelling frontage, provision of additional landscaping and changes to some of the materials of construction.

The applicant has provided information on the tree contained within the adjacent allotment following a request from Council as to whether it constituted a Regulated Tree. The applicant has provided a photo of a measurement of the tree with its circumference at 1.9 metres. Council staff contacted the adjoining site owner (Mr Sbrogio) who confirmed that this measurement occurred when he was present. The application is proceeding on the basis that the tree on the adjacent allotment is not a regulated tree.

Issues of overlooking, overshadowing and materials are addressed as part of the assessment of the application.

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

## **REFERRALS**

### *Internal*

#### **City Assets**

Concerns were raised regarding the following matters:

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

- Based on the survey information provided on the 'Site Plan', (Standard Family Homes drawing no. 26ATayL-PA received on 23/012/16), a minimum FFL of 100.30 would be required. It is recommended that revised plans indicating the required minimum FFL be provided to Council.

#### ***Garage Dimensions and Setback***

- The internal garage length is currently proposed as 5.40m. Although not specified in the relevant Australian Standards (AS/NZS 2890.1:2004), traffic engineering best practice recommends that the minimum internal length of an enclosed garage or enclosed carport space should be a minimum of 5.8m. It is recommended that revised plans be submitted, showing a garage with an internal length of 5.8m.

#### ***Verge Interaction***

- It should be noted that easements were established as part of the subdivision works for drainage to discharge into Rose Street. However in this instance, it is recommended that the new storm water connection can be established in Taylor's Lane.

Plans before the DAP have been amended to satisfy the above requirements..

#### ***Local Heritage Advisor***

While the development site does not contain a local heritage item and it is not located in a Heritage Zone or Policy Area, it is located in the Character Policy Area and given a key element of the proposed development was its two storey nature and representation to the street, the Council Heritage Advisor was requested to review the design of the dwelling and its impact on local character.

Mr Alexander indicted that:

*The Desired Character of Thebarton Character Policy Area 27 anticipates a predominant single storey character, with some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings. New development is expected to contribute to the Desired Character (Objective 1, PDC 1 and also objective 4 and PDC 5 of the Residential Zone). New development is foreseen as being complementary to the key character elements of Victorian era villas, cottages, and bungalow-style dwellings in the policy area, rather than dominating or detracting from them, particularly when viewed from the street, describing pitched roofs, verandahs and masonry.*

*Importantly the Desired Character discourages garages forward of the main dwelling and encourages side setbacks. PDC 6 invites two storey dwellings with a maximum wall height of six metres and PDC 7 encourages setbacks from side boundaries. PDC 10 encourages side and rear setbacks to be progressively increased and PDC 11 anticipates a Ground Floor side setback of 1000 and a first floor side setback of two metres. PDC 11 also anticipates rear setbacks of three metres at Ground level and eight metres for the upper level. PDC 13 suggests a maximum wall height of three metres on the boundary, with a maximum length of eight metres, no further than 14 metres from the front boundary. PDC 17 provides guidance on the incorporation or integration of upper floors within roof spaces. PDC 18 discusses fencing and limiting the number of crossovers.*

*PDC 20 provides guidance with respect to relating new buildings in height, scale and proportions and materials that complement and reinforce the character and design elements of existing buildings. PDC 21 limits the width of a street facing garage to being 3.66m.*

*While the development incorporates pitched roof forms of 25 degrees pitch, the proposed development falls short on several fronts:*

- *The garage and driveway is too wide and dominant;*
- *The upper storey is not sufficiently incorporated into the overall single storey built form;*
- *The side and rear setbacks of the upper storey are less than anticipated.*

*While the upper storey is set back from the lane frontage, it is only set back by virtue of the single storey double garage. The only hint that there might be a dwelling on the allotment is provided by a small porch.*

*While the proposal occurs in a laneway where the existing character is more diverse than in the main streets of the area, the proposal still fails to adequately address some of the basic design principles sought.*

Amended plans were prepared by the applicant which addressed the dominance of the garage presented to Taylors Lane, the side setbacks on part of the upper storey, entrance to the dwelling and representation to Taylors Lane, landscaping on site and design of the upper storey and these plans are presented to the DAP.

## **ASSESSMENT**

The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Design and Appearance	Objectives	1
	Principles of Development Control	1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 21, 22
Energy Efficiency	Objectives	1
	Principles of Development Control	1, 2,
Infrastructure	Objectives	1, 3
	Principles of Development Control	1
Interface between Land Uses	Objectives	1 & 2
	Principles of Development Control	1, 2
Landscaping, Fences and Walls	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4 & 6
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 7
Regulated Trees	Objectives	1 & 2
	Principles of Development Control	1, 2 & 3
Residential Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 27, 30, 31

Zone: Residential	
<p><i>Desired Character Statement(extract)</i></p> <p><i>This zone will contain predominantly residential development.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas.</i></p> <p><i>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>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	<p><i>1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Dwellings of various types at very low, low and medium densities.</i></p> <p><i>3 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i></p> <p><i>4 Development that contributes to the desired character of the zone.</i></p>



<p><i>Principles of Development Control</i></p>	<p><i>1 The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>domestic outbuilding in association with a dwelling</i></li> <li>▪ <i>dwelling</i></li> <li>▪ <i>dwelling addition</i></li> <li>▪ <i>small scale non-residential use that serves the local community, for example: - child care facility - health and welfare service - open space - primary and secondary school - recreation area</i></li> <li>- <i>shop measuring 250 square metres or less in gross leasable floor area</i></li> <li>▪ <i>supported accommodation.</i></li> </ul> <p><i>2 Development listed as non-complying is generally inappropriate.</i></p> <p><i>5 Development should not be undertaken unless it is consistent with the desired character for the zone and policy area.</i></p> <p><i>7 Dwellings should be set back from allotment or site boundaries to:</i></p> <ul style="list-style-type: none"> <li><i>(a) contribute to the desired character of the relevant policy area</i></li> <li><i>(b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></li> </ul> <p><i>10 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building, (with the total wall height of the building being measured from the existing ground level at the boundary of the adjacent property as shown by Figure 1), increases to: (a) minimise the visual impact of buildings from adjoining properties (b) minimise the overshadowing of adjoining properties.</i></p> <p><i>18 Development should preserve and enhance streetscapes by: (a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality (b) limiting the number of driveway crossovers.</i></p> <p><i>20 Where a new dwelling is constructed alongside or within a group of older style residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.</i></p>
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<p><b>Policy Area: Thebarton Character Policy Area 27</b></p> <p><b>Desired Character Statement:</b></p> <p><i>The policy area will contain detached, semi-detached and row dwellings.</i></p> <p><i>Allotments will vary in size considerably from medium to very low density. Some allotments have rear access vehicle parking via service laneways, reducing the number of garages and carports visible in the main streets. Due to the variance in allotment sizes, subdivision will reinforce the existing allotment pattern in the immediate locality.</i></p> <p><i>New development will be complementary to the key character elements of Victorian-era villas, cottages, and bungalow-style dwellings in the policy area, rather than dominating or detracting from them, particularly when viewed from the street. Key elements of this character include pitched roofs, verandas / porticos and masonry building materials. There will be predominantly one storey buildings, with some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings. Setbacks will be complementary to the setbacks of adjacent properties.</i></p> <p><i>There will be no garages / carports forward of the main facade of buildings. Fencing forward of dwellings will be low to provide views of built-form that define the character of the policy area.</i></p> <p><i>Any driveway crossovers will be carefully designed and located to ensure the preservation of street trees which have an important positive impact on the streetscape.</i></p>	
Objectives	<p><i>1 Development that contributes to the desired character of the policy area.</i></p>
Principles of Development Control	<p><i>1 The following forms of development are envisaged specifically in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ domestic outbuilding in association with a dwelling</li> <li>▪ domestic structure, such as a veranda, porch</li> <li>▪ detached dwelling</li> <li>▪ dwelling addition</li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> <li>- child care facility</li> <li>- health and welfare service</li> <li>- open space</li> <li>- primary and secondary school</li> <li>- recreation area</li> <li>- shop measuring 250 square metres or less in gross leasable floor area</li> <li>▪ supported accommodation.</li> </ul> </li> </ul> <p><i>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
STREET SETBACK Residential Zone PDC 8	Average setback of adjacent buildings	Adjacent allotment to east is vacant and allotment to the west contains an outbuilding on the property boundary  4.88m to portico & 5.5m to front wall of dwelling  <b>Satisfies</b>
SIDE/ REAR SETBACKS Residential Zone PDC 11	Side (wall less than 3m) 1 metre (wall less than 6m) 2 metres   Rear Single Storey - 3 metres Upper Storey - 8 metres	Side: Eastern boundary lower level 1.02m Western boundary lower level 0.98m Eastern boundary upper level 2m and 1.2 metres Western boundary upper level 0.98m and 1.8m (approx.)  <b>Partly Satisfied</b>  Rear: Single Storey - 1.91m Upper Storey - 1.91m  <b>Does Not Satisfy</b>
PRIVATE OPEN SPACE Residential Development PDC 19	24m <sup>2</sup> with minimum dimension of 3m	44.87m <sup>2</sup> (at rear of dwelling) with min dimension of 3m  <b>Satisfies</b>
LANDSCAPING Landscaping, Fences & Walls PDC 4	10%	<b>Satisfies</b>
CARPARKING SPACES Council Wide Transportation and Access PDC 33	2 car-parking spaces one covered	3 car-parking spaces  <b>Satisfies</b>



## **QUALITATIVE ASSESSMENT**

In assessing the merits or otherwise of the application, the proposed development generally satisfies the relevant Development Plan provisions with the following comments provided:

### **Land Use and Zoning**

The provisions of the Residential Zone outlines that a mix of dwelling types and styles will be developed in residential areas while development in the Thebarton Policy Area should consist of detached, semi-detached and row dwellings and predominately single storey new development to complement the existing character. While the subject site is located in the Thebarton Character Policy Area 27, the existing character of its immediate locality is heavily influenced by its location on a laneway, the adjacent commercial development and car parking and the rear of portion of dwellings and allotments that front Rose Street to the north. On that basis it is considered that the proposed development of a two storey dwelling in this locality and zone is an appropriate land use.

### **Surrounding Uses**

The proposed development of a two storey detached dwelling is consistent with the surrounding land uses which consist of a mix of dwelling forms and styles, commercial development and car parking for commercial development.

### **Bulk and Scale**

The proposed two storey detached dwelling is consistent with the specific character of this section of Taylors Lane and the broader existing built form.

### **Overlooking and Overshadowing**

The proposed second storey will contain windows with a sill height of 1.7 or marginally below this height. A condition of consent has been included requiring that second storey windows have a minimum sill height of 1.7 metres or obscure glass.

The subject site comprises an allotment that is oriented north/south. On that basis it is expected that adjoining land (allotment to the east is currently vacant and allotment to the west has its dwelling fronting Rose Street with rear yard adjacent the proposed dwelling) will maintain access to sunlight consistent with the provisions in the Development Plan.

### **Colours and Materials**

The proposed development includes a range of materials and finishes including stone portico and parapet, render to the garage, weatherboard, brickwork and colorbond roofing.

### **Visual Impact on Streetscape**

While the proposed development will present a two storey building to the street, the design of the dwelling has sought to present different forms and finishes to Taylors Lane and set the second storey back approximately 11 metres from Taylors Lane. Given the varied built form in this locality including significant commercial buildings located in the Urban Corridor Zone a two storey dwelling is considered appropriate for this locality.

### **Regulated Trees**

Based on the information provided by the applicant, regarding the tree contained within the adjacent allotment, the application has proceeded on the basis that the tree is not a regulated tree.

The issue of damage to the tree located on the adjacent land (but overhanging the subject site) was raised by the Category 2 representor. While Council has limited ability to control the pruning of trees that are not classified as regulated or significant, the applicant has indicated a willingness to work with the adjacent land owner to prune the tree in a reasonable manner and a note addressing this issue is proposed to be included on any consent granted.

## SUMMARY

The proposed development of a two storey detached dwelling is considered an appropriate land use in this locality and within the Residential Zone.

While the provisions of the Thebarton Policy Area call for new development to be predominantly single storey buildings, with some two storey buildings designed in a manner that is complementary to the single storey character of nearby buildings, this immediate locality has a differing character to the remainder of the policy area which is heavily influenced by the adjacent Urban Corridor Zone, commercial buildings both within the Residential Zone and within the Urban Corridor Zone and large areas of at grade car parking. The proposed dwelling has addressed some of the key design and character elements outlined in the Development Plan including pitched roofs and a variety of building materials.

The proposed development fails to meet the minimum rear setback in the Development Plan and part of the upper storey wall height also doesn't meet the minimum side setback requirements. This is in part due to the small allotment size (260m<sup>2</sup>) and the development seeking to maximise the dwelling floor area in this near city location.

The proposed development will introduce a two storey building element to the rear of the site, however it is noted that the applicant has sought to preserve the front setback to the front wall of the dwelling at 5.5 metres to present a less dominant built form to Taylors Lane (other dwellings and buildings in Taylors Lane have significantly lesser setbacks). The two storey component of the dwelling is set back approximately 11 metres from Taylors Lane.

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

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 05 November 2015 and warrants Development Plan Consent.

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/177/2016 by Stannard Family Homes to construct a two-storey dwelling with garage under main roof at 26A Taylors Lane, Thebarton (CT 6156/903) subject to the following conditions:

### Conditions

1. The development must be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. The construction of a drainage system and the position and manner of discharge of a stormwater drain must not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
3. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. They must be maintained to the reasonable satisfaction of Council thereafter.

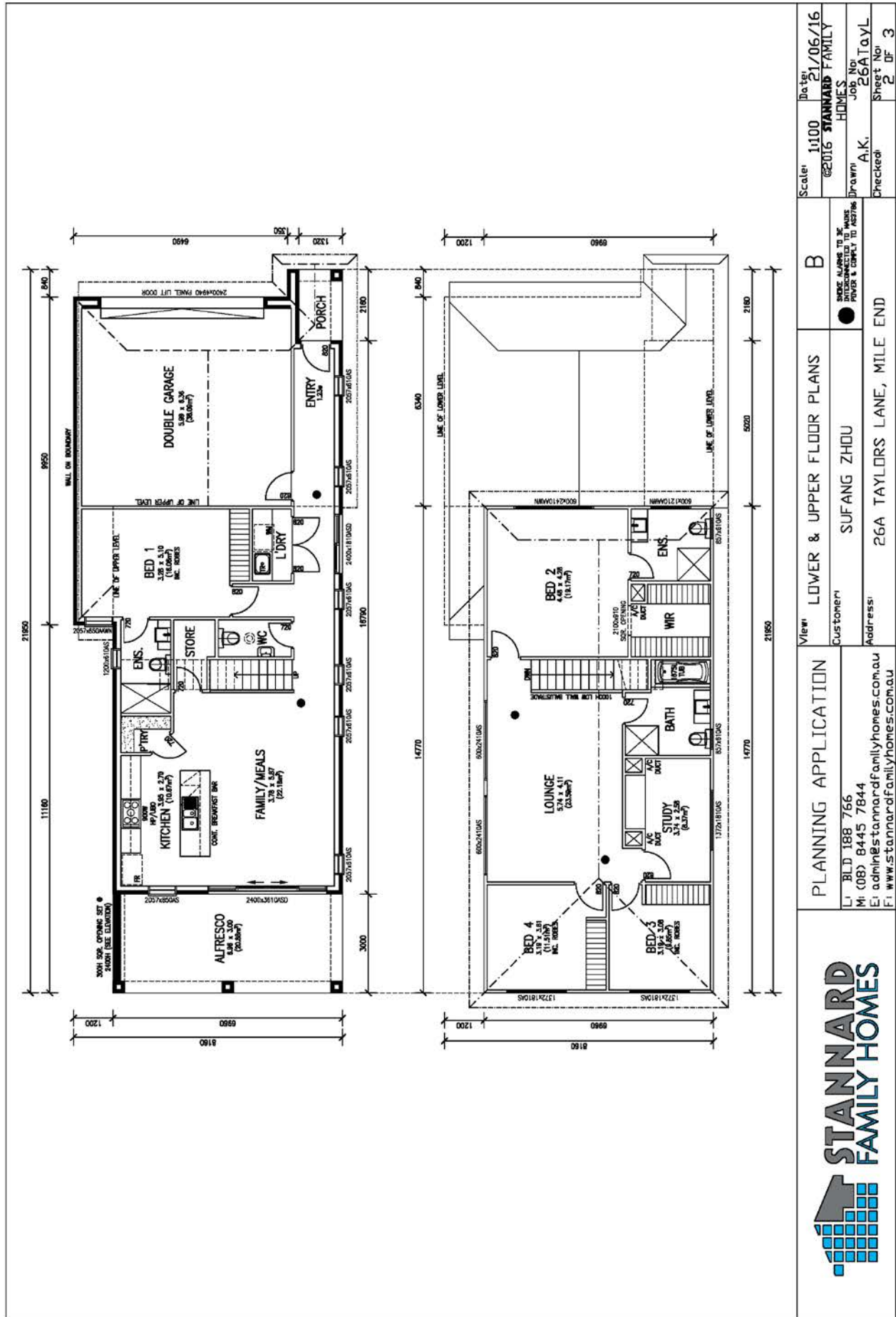
4. All planting and landscaping must be completed within 3 months of the commencement of the use of this development and must be maintained to the reasonable satisfaction of Council. Any plants that become diseased or die must be replaced with suitable species.
5. The upper level windows of the dwelling must have a sill height of a minimum of 1.7 metres above the upper floor level or be provided with obscure glass/glazing 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 glass or glazing in these windows is to be maintained at all times to the reasonable satisfaction of Council.
6. The finished floor level must be a minimum of 350mm above the highest point of the watertable adjacent to the property

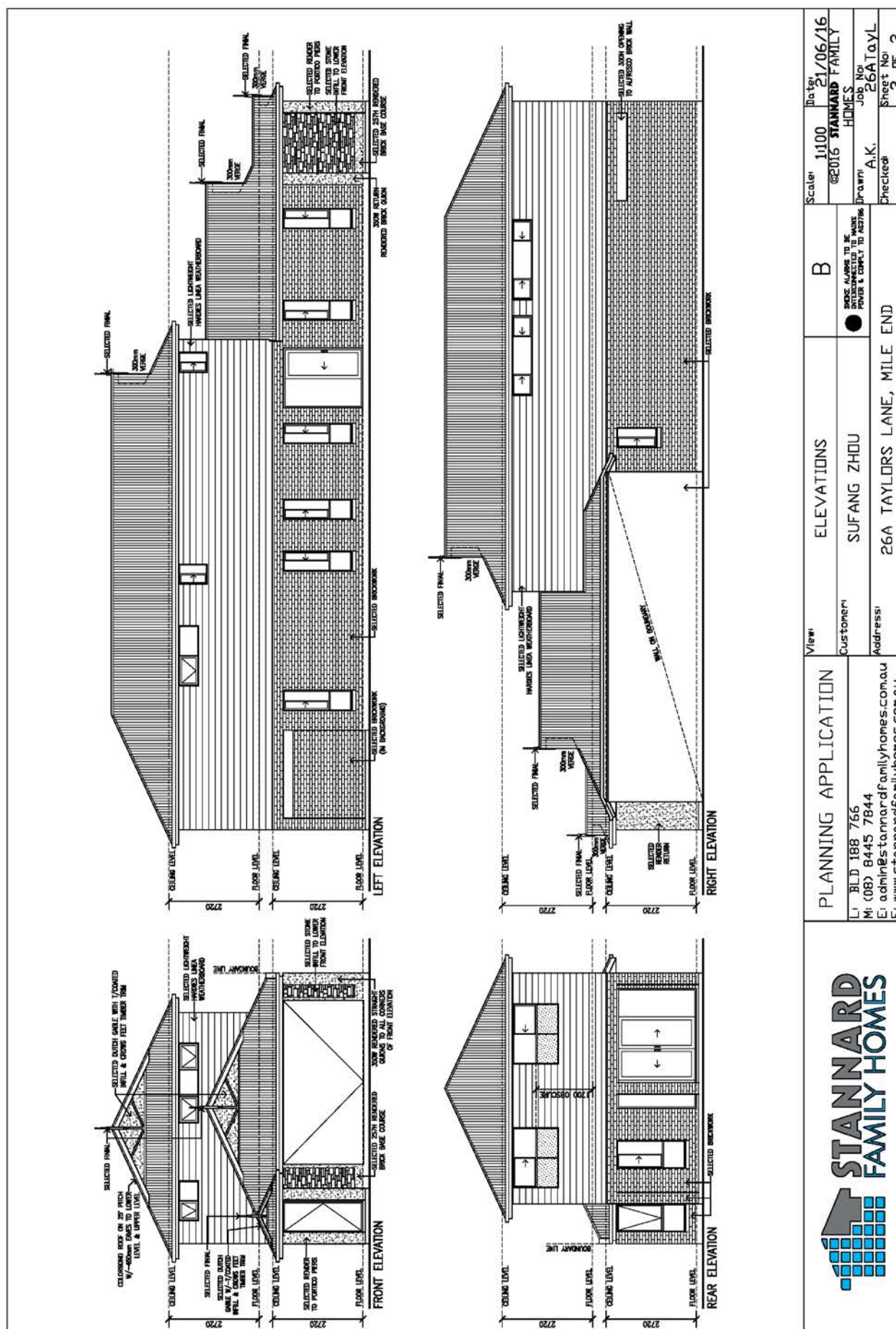
#### **Notes**

- a) Pruning of the existing tree located on the adjacent site and nominated on Site Plan 26ATayL dated 21/07/2016 should be undertaken in accordance with the Australian Standards for Pruning of Amenity Trees AS4373-2007 to minimise damage to the tree.

[illegible]







ATTACHMENT 2

**From:** Sbrogio, Robert  
**Sent:** Tuesday, 12 April 2016 10:48 AM  
**To:** Council Enquiries  
**Subject:** Statement of Representation Section 38 Development Act 1993

Dear Zoe Delmenico

Thank you for forwarding me the application for development  
Development No 211/177/2016  
Stannard Family Homes  
Two storey construction  
26A Taylors Lane Mile End 5031

Person:  
Representation and Interest as follows-  
Robert Michael Sbrogio'  
23 Rose St Mile End SA 5031

Nature of Interest:  
Adjoining property

Reasons for representation:  
Visual privacy  
Shadowing property being so close to boundary  
My future development opportunities (eg single or double storey blocking light )  
Large tree responsibilities/damage  
Colour of brick and roof line

I wish to be heard at state council if matter is not resolved

I look forward to a response and feedback to the above concerns.

Regards,  
*Robert Michael Sbrogio`*

## 6.5 12 Netherby Avenue, PLYMPTON

Application No. 211/1529/2015

Appearing before the Panel will be:

Representors: **Dr PJ O'Connor and N O'Connor** owners of 1D Urrbrae Terrace, Plympton wish to appear in support of the representation.

Applicant/s: **Alberto D'Andrea** of D'Aandrea & Associates wishes to appear to respond to representations.

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of a two storey residential flat building comprising four dwellings
APPLICANT	D'ANDREA & ASSOCIATES
APPLICATION NO	211/1529/2015
LODGEMENT DATE	24 December 2015
ZONE	Residential
POLICY AREA	Policy Area 18
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 2
REFERRALS	Internal ▪ City Assets External ▪ Nil
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

- All Category 2 or 3 applications where a representor has requested to be heard shall be assessed and determined by the DAP.

### PREVIOUS or RELATED APPLICATION(S)

Nil



## **SITE AND LOCALITY**

The subject land is described as Allotment 99 Deposited Plan 3290 in the area named Plympton in the Hundred of Adelaide, as contained in Certificate of Title Volume 5715 Folio 323. The land is more commonly known as 12 Netherby Avenue, Plympton.

There is a right-of way shown on the Title to Urrbrae Terrace.

The subject land is a rectangular shaped allotment of approximately 704 square metres, located on the north-west corner of Netherby Avenue and Urrbrae Terrace. The land has a frontage of 37.34 metres to Urrbrae Terrace and 14.48 metres to Netherby Avenue, and includes a 3 metre by 3 metre corner cut-off at the intersection of these two roads. The land contains a single storey detached dwelling and pergola.

Topographically the land is relatively flat.

Four established street trees are located directly in front of the site on the Urrbrae Terrace verge, one of which will be impacted as a result of the proposed development. One established street tree, located on the Netherby Avenue verge directly in front of the site, will be unaffected.

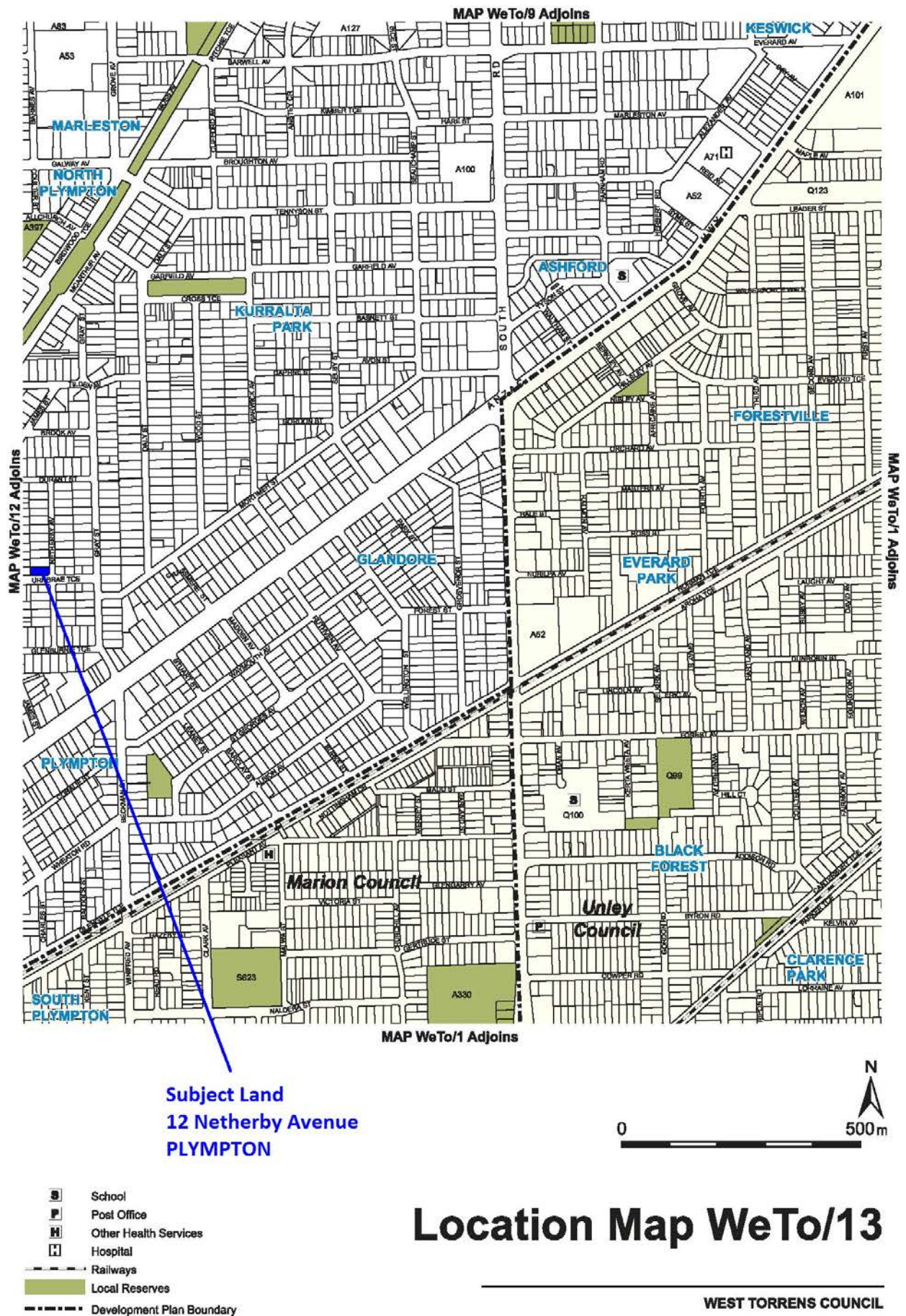
Vehicle access to the site is currently provided via an existing single width crossover located adjacent to the intersection of Netherby Avenue and Urrbrae Terrace.

The subject land is located within the Residential Zone, Medium Density Policy Area 18 within the Affordable Housing Designated Area. The land is located approximately 90 metres west of Gray Street (a Secondary Road), 320 metres north-west of Anzac Highway (a Primary Arterial Road) and 90 metres east of the Community Zone (Weigall Oval Reserve). The land is located within 200 metres of the Local Centre Zone, District Centre Zone and Urban Corridor Zone.

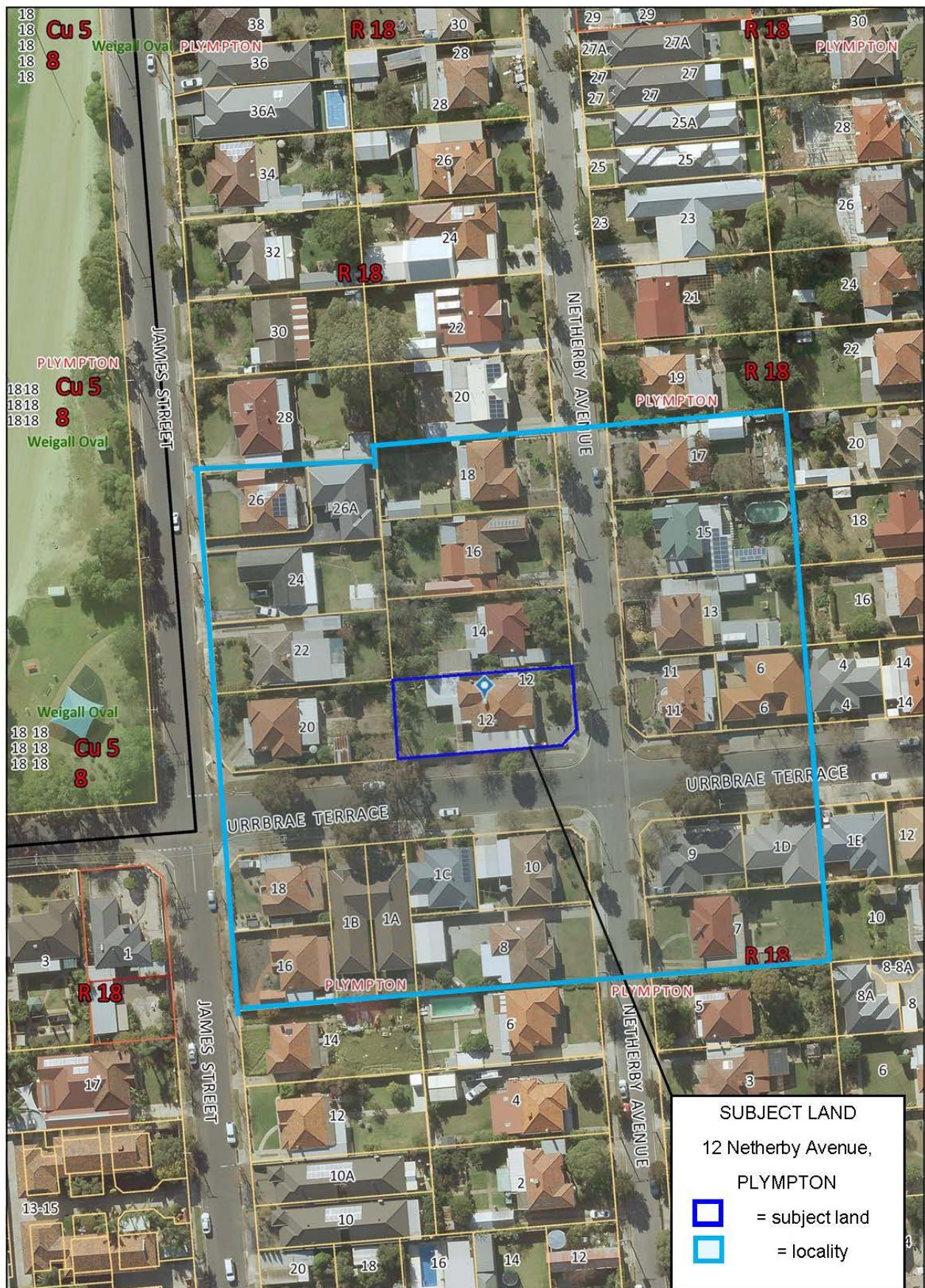
The existing neighbourhood consists primarily of single storey detached dwellings (circa 1950's) constructed of brick, stone or render with pitched and skillion roofs and some newer single storey infill development on Urrbrae Terrace.

All surrounding land uses are residential in nature, located on allotments generally rectangular in shape.

The site and locality are shown on the following maps.







## PROPOSAL

The applicant seeks consent for a residential flat building comprising four (4) two-storey dwellings on the land, with associated garages.

Amended plans were submitted by the applicant in response to the representations, and are described below.

Each dwelling comprises an open plan kitchen/dining/living area, laundry and WC at ground floor level, and three bedrooms, activity area and amenities at first floor level. Each dwelling is provided with two (2) car parking spaces located within double garages under the main roof.

Vehicle access to the garages is proposed via three 3.6 metre wide crossovers from Urrbrae Terrace (requiring removal of one street tree) and one 4.5 metre wide crossover from Netherby Avenue.

The dwellings are proposed to be constructed of 'off-white' rendered external walls, with a mix of brown or dark grey coloured face brickwork; shale grey Colorbond custom orb roof decking at 15 degrees; anodic powder coated aluminium window and door joinery; white render, stone coloured scyon matrix cladding or dark grey render finish to feature spandrels; and either timber batten or aluminium-framed acrylic infill garage doors.

Landscaping plans submitted indicate that landscaping will be provided within the front setback area and the rear private open space areas of each dwelling.

The proposed development application details are included in **Attachment 1**.

## PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and Residential Zone, Procedural Matters.

<b>Properties notified:</b>	Seventeen (17) properties were notified during the public notification process.
<b>Representations:</b>	4 representations were received.
<b>Persons wishing to be heard:</b>	One representor identified that they wish to address the Panel. <ul style="list-style-type: none"><li>• Dr PJ and N O'Connor (represented by Garry J Smith First National Real Estate)</li></ul>
<b>Summary of Representations:</b>	Concerns were raised regarding the following matters: <ul style="list-style-type: none"><li>• Overdevelopment</li><li>• Inconsistent with the local character</li><li>• Out of scale</li><li>• Loss of visual amenity</li><li>• Does not meet the Development Plan provisions for open space, storage, car parking, minimum setback to the rear boundary</li><li>• Additional vehicular traffic exacerbating existing congestion.</li></ul>



The Applicant did not provide a written response to the representations, but has provided amended plans (Refer **Attachment 1**).

A copy of the representors concerns is contained in **Attachment 2**.

## REFERRALS

Internal

### City Assets Department

The amended plans were referred to Council's City Assets Department, who provided the following comments:

- In accordance with the provided 'Site/Ground Floor Plan' (D'Andrea & Associates drawing received on 27/06/16), the FFL of the proposed dwelling 1 to dwelling 3 (16.90) has been assessed as satisfying minimum requirements (16.90) in consideration of street and/or flood level information.
- Based on the survey information provided on 'Site/Ground Floor Plan' (D'Andrea & Associates drawing received on 27/06/16), a minimum FFL of 16.95 would be required for dwelling 4.

The applicant provided amended plans to meet this requirement.

## ASSESSMENT

The subject land is located within the Residential Zone and, more particularly, Medium Density Policy Area 18 as described in the West Torrens Council Development Plan (consolidated 5 November 2015). The main provisions of the Development Plan which relate to the proposed development are as follows:

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

<b>Zone: Residential Zone</b>	
<p><i>Desired Character Statement:</i>  <i>"This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></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>	
<b>Objectives</b>	1, 2, 3 & 4
<b>Principles of Development Control</b>	1, 5, 6, 7, 10, 11, 12, 13, 14

<b>Policy Area: Medium Density Policy Area 18</b>	
<p><i>Desired Character Statement:</i>  <i>"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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer."</i></p>	
<b>Objectives</b>	1
<b>Principles of Development Control</b>	1, 4, 5, 6

## QUANTITATIVE ASSESSMENT

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA Medium Density Policy Area 18 PDC 6	Residential Flat Building 150m <sup>2</sup> (average)	176m <sup>2</sup> (average) <b>Satisfies</b>
SITE FRONTAGE Medium Density Policy Area 18 PDC 6	15m (for complete building)	37.34m to Urrbrae Terrace <b>Satisfies</b>
SITE COVERAGE Medium Density Policy Area 18 PDC 5	70% (maximum)	52% approximately <b>Satisfies</b>
PRIMARY STREET SETBACK Medium Density Policy Area 18 PDC 5	3m (minimum)	2.959m to Urrbrae Terrace <b>Almost satisfies</b>
SECONDARY STREET SETBACK Medium Density Policy Area 18 PDC 5	1m (minimum)	1.7m to Netherby Avenue <b>Satisfies</b>
SIDE/REAR SETBACKS Residential Zone PDC 11	Side 0/1m (Ground Floor) 2m (Upper Floor)	0m setback (Dwelling 1 and Dwelling 4 garages) 2m (Dwelling 1) <b>Satisfies</b>
Medium Density Policy Area 18 PDC 5	Rear 4m (minimum)	3.207m setback <b>Does Not Satisfy</b>
BUILDING HEIGHT Medium Density Policy Area 18 PDC 5	3 storeys or 12.5m	2 storeys (7.32m) <b>Satisfies</b>
INTERNAL FLOOR AREA Module: Residential Development PDC 9	3 bedroom - 100m <sup>2</sup> (minimum)	128m <sup>2</sup> (Dwelling 1) 147m <sup>2</sup> (Dwelling 2 & 3) 147.3 m <sup>2</sup> (Dwelling 4) (main living and upper floor) <b>Satisfies</b>

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
PRIVATE OPEN SPACE Medium Density Policy Area 18 PDC 7	24m <sup>2</sup> with a minimum dimension of 3m	Dwellings 1 – 3 34.65m <sup>2</sup> Dwelling 4 34.3m <sup>2</sup> (comprising two separate areas in front of the dwelling behind a 2m high rendered wall)  <b>Satisfies</b>
LANDSCAPING Module: Landscaping, Fences & Walls PDC: 4	A minimum of 10 per cent of a development site	10%  <b>Satisfies</b>
CARPARKING SPACES Module: Transportation and Access PDC 34	2 car parking spaces per dwelling, one of which is covered plus an additional 0.25 car parking spaces per dwelling.	2 car parking spaces per dwelling provided (double garages) plus visitor parking spaces provided to Dwelling 1 - 3  <b>Satisfies</b>

## QUALITATIVE ASSESSMENT

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

### Setbacks

The proposed dwellings will result in a minimum setback of 2.959m from the primary road frontage (Urrbrae Terrace); a minor shortfall of 0.041m from that sought by the Development Plan. Impacts on the existing streetscape character are considered to be suitably minimised by the fact that each dwelling has a staggered façade.

A portion of proposed Dwellings 1-3 will result in a minimum setback to the rear boundary of 3.207m; a shortfall of 0.793m from that sought by the Development Plan. Impacts on the adjoining property are considered suitably minimised by the staggered arrangement of the rear façade stepping back to 4.007m on the ground floor, and proposed landscaping to the rear boundary. The upper floor of Dwellings 1-3 are setback 4.007m.

### Streetscape

Representors expressed concerns in respect of the proposed development being inconsistent with the local character and out of scale, as well as the loss of visual amenity. It is noted that the proposed two storey dwellings would be the first example of two storey development in the immediate locality.



The Desired Character Statement for Medium Density Policy Area 18 supports new buildings up to three storeys, contributing to a highly varied streetscape, and providing a strong presence to streets. It is considered that the proposed development is consistent with the desired character, with its visual impact minimised by staggered and varied façades; the subject land having a primary frontage to a section of Urrbrae Terrace between Netherby Avenue and James Street which comprises only two allotments, and faces a medium density development (albeit single storey) on the southern side of Urrbrae Terrace.

The Desired Character Statement further supports maximising density within walking distance of centre zones, vehicle access occurring from side streets, and garages being located behind the front façade of buildings; all of which are satisfied by the proposed development.

#### **Private open space – Dwelling 4**

It is noted that the private open space to Dwelling 4 comprises two separate areas in front of the dwelling behind a 2m high rendered wall; one area facing Netherby Avenue (east), the other Urrbrae Terrace (south).

The design of Dwelling 4 is constrained by having two street frontages. While the configuration of the private open space is not ideal, it does satisfy the majority of Residential Zone PDC 18 provisions in that it can be accessed directly from the internal living areas of the dwelling, is screened for privacy, minimises overlooking from adjacent buildings, achieves separation from bedroom windows on adjoining sites, and has sufficient area and shape to be functional.

#### **SUMMARY**

The proposed development does present some inconsistencies with the Development Plan, most of which are marginal. Representors' concerns regarding setback to the rear boundary, scale, visual amenity and local character are addressed above.

The representors' concerns raised in respect of overdevelopment, open space, storage and car parking were based on an assessment of the plans originally lodged with the application, not the amended plans lodged post-notification. An assessment of the amended plans against the Development Plan provisions as detailed in the Quantitative Assessment section of this report, demonstrates the proposals compliance with the relevant provisions.

In respect of the representors' concern regarding additional vehicular traffic exacerbating existing congestion, it is noted that the amended plans were referred to Council's City Assets Department who raised no traffic issues associated with the proposed development.

Overall the development is considered an orderly and functional development that satisfies the Desired Character for the Medium Density Policy Area 18.

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

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

#### **RECOMMENDATION**

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/1529/2015 by D'Andrea and Associates (SA) Pty Ltd to undertake the construction of four two-storey dwellings each with garage under the main roof at 12 Netherby Avenue, Plympton (CT 5715/323) subject to the following conditions:

### Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans received 27 June 2016 as detailed in this application except where varied by any condition(s) listed below.
2. That the finished floor level shall be 16.90 for Dwellings 1-3 & 16.95 for Dwelling 4 in reference to the 'Site/Ground Floor Plan' provided by D'Andrea and Associates (Drawing received on 27 June 2016).
3. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
4. That any retaining walls will be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
5. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
6. That all landscaping will be planted in accordance with the approved plans prior to the occupancy of the development. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.
7. That the upper level windows of the dwellings will be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows will be maintained in reasonable condition at all times.
8. Council requires one business day's notice of the following stages of building work:
  - Commencement of building work on site
  - Commencement of placement of any structural concrete
  - Completion of wall and roof framing prior to the installation of linings
  - Completion of building work.

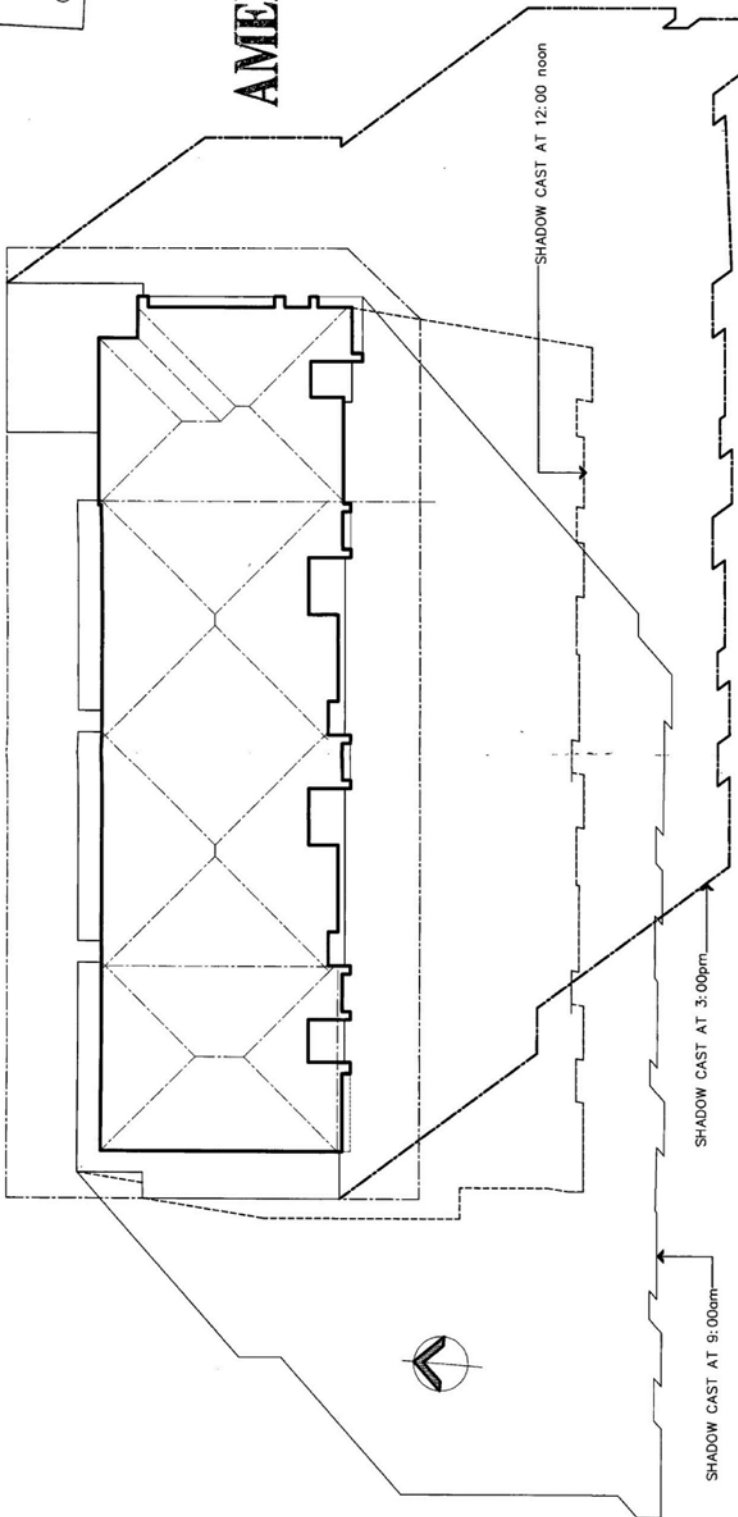






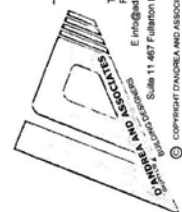
27 JUN 2016  
City Development

AMENDED



## shadow diagrams scale 1:200

winter solstice june 21st at 9:00am,  
12:00 noon, & 3:00pm



T 08 8272 6632  
F 08 8272 4465  
E info@plympton.co.nz  
Sula 11 487 Fullerton Road Highgate  
S4 5263

© COPYRIGHT D'AMORE AND ASSOCIATES (S.A.) PTY LTD

**PROPOSED: FOUR DWELLINGS**  
**AT: No. 12 NETHERBY AVE,**  
**PLYMPTON**  
**FOR: MR D. VISVARDIS**

ARCHITECTURAL DRAWINGS TO BE  
READ IN CONJUNCTION WITH  
ENGINEERS SOIL REPORT & MBA  
SPECIFICATION.  
ALL DIMENSIONS AND LEVELS TO BE  
CONFIRMED PRIOR TO THE WORK.  
ANY DISCREPANCY TO BE REPORTED TO  
THIS OFFICE IMMEDIATELY.

PRELIMINARY PLAN FOR CONFIRMATION	<input type="checkbox"/>
PLANNING APPLICATION	<input type="checkbox"/>
BUILDING APPLICATION	<input type="checkbox"/>
DRAWN:	SHEET:
DATE:	SCALE:

AMENDMENTS:	ISSUE DATE	REVISION	COMMENTS

ATTACHMENT 2

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

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

City of West Torrens

22 MAR 2016

City Development

DEVELOPMENT No. 211/1529/2015  
PROPERTY ADDRESS: 12 Netherby Avenue, PLYMPTON SA 5038

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

A. G. HOLLIS  
17 NETHERBY AVE  
PLYMPTON SA  
5038

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

OWNER OF LAND IN THE  
VICINITY

REASONS FOR \*  
REPRESENTATION

BY ALLOWING 4 TWO  
STOREY UNITS TO BE BUILT  
ON A 1/4 ACRE BLOCK DESTROYS  
THE IMAGE OF THE LOCALS IN  
THE VICINITY WHO HAVE THE  
AUSTRALIAN DREAM OF LIVING IN A  
SINGLE HOME ON A 1/4 ACRE BLOCK

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

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

I DO NOT WISH TO BE HEARD  
I DESIRE TO BE HEARD PERSONALLY  
WILL BE REPRESENTED BY

(PLEASE SPECIFY)

✓  
0  
0

SIGNED

DATE



20.3.16

1:40 DOT  
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21 MAR 2016  
PM 1 2 3 4 5 6  
West Torrens CSU

\* If space insufficient, please attach sheets

(FORM 3)  
Responsible Officer: Janine Lennon  
Ends: Monday 21 March 2016

Received  
21 MAR 2016  
City of West Torrens

**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

City of West Torrens

22 MAR 2016

City Development

DEVELOPMENT No. 211/1529/2015  
PROPERTY ADDRESS: 12 Netherby Avenue, PLYMPTON SA 5038

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

Stephane Eglinton-Warner + Ian Warner  
13 Netherby Av, Plympton SA 5038

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

Live on the street where construction is planned  
will be seeing effect of construction daily

REASONS FOR \*  
REPRESENTATION

Object to significant change to street scope - there are  
no other examples of multi storey, medium density housing  
4 dwellings in this concentrated space will make a  
significant to cars. with trend of increasing number  
2 dwellings per block this is already restricting  
ease of throughfare & will exacerbate this. on this sheet

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

Reduce number of dwellings on the property and  
only single storey dwellings

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

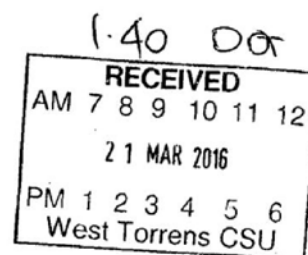
I DO **NOT** WISH TO BE HEARD ☒  
I DESIRE TO BE HEARD PERSONALLY ☐  
WILL BE REPRESENTED BY ☐

(PLEASE SPECIFY)

SIGNED

DATE

20.3.16



\* If space insufficient, please attach sheets

**Received**

21 MAR 2016

City of West Torrens  
Information Management

(FORM 3)  
Responsible Officer: Janine Lennon  
Ends: Monday 21 March 2016

**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

City of West Torrens  
22 MAR 2016  
City Development

DEVELOPMENT No. 211/1529/2015  
PROPERTY ADDRESS: 12 Netherby Avenue, PLYMPTON SA 5038

NAME & ADDRESS OF PERSON(S) MAKING REPRESENTATION (mandatory requirement \*)  
JIM & SARAH BATZAVAVUS  
15 NETHERBY AVE PLYMPTON S.A 5038

NATURE OF INTEREST \* AFFECTED BY DEVELOPMENT (eg adjoining resident, owner of land in vicinity, or on behalf of an organization or company)  
LIVE IN STREET WHERE UNITS ARE TO BE CONSTRUCTED, IN VIEW OF PROPOSED UNITS.

REASONS FOR REPRESENTATION \*  
The site is over developed, and will provide the area with poor visual impact.  
The proposed development is out of scale and character in terms of its appearance compared with existing development in the area.

MY REPRESENTATION \* WOULD BE OVERCOME BY (state action sought)  
REDUCE THE NO OF DWELLINGS ON PROPERTY.  
To blend in with existing development in the 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  
WILL BE REPRESENTED BY

(PLEASE SPECIFY)

SIGNED

DATE

*[Signature]*  
20/3/2016

\* If space insufficient, please attach sheets

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☐  
☐

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RECEIVED  
AM 7 8 9 10 11 12  
21 MAR 2016  
PM 1 2 3 4 5 6  
West Torrens CSU

Received  
21 MAR 2016  
City of West Torrens  
Information Management

(FORM 3)  
Responsible Officer: Janine Lennon  
Ends: Monday 21 March 2016



**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

City of West Torrens  
21 MAR 2016  
City Development

**Received**  
18 MAR 2016  
City of West Torrens  
Information Management Unit

DEVELOPMENT No. 211/1529/2015  
PROPERTY ADDRESS: 12 Netherby Avenue, PLYMPTON SA 5038

NAME & ADDRESS OF PERSON(S) MAKING REPRESENTATION (mandatory requirement \*)  
DR. P J O'CONNOR AND N O'CONNOR  
c/o GARRY J SMITH FIRST NATIONAL REAL ESTATE  
403 MARION ROAD  
PLYMPTON SA 5038

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)  
OWNER OF LAND IN VICINITY

REASONS FOR \*  
REPRESENTATION  
SEE ATTACHED : PAGE 1

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)  
SEE ATTACHED : PAGE 2

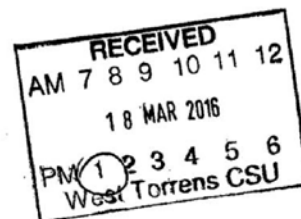
Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission: -

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

SIGNED [Signature]

DATE 18/3/2016

\* If space insufficient, please attach sheets



(FORM 3)  
Responsible Officer: Janine Lennon  
Ends: Monday 21 March 2016

PAGE 1

Response from Dr Peter O'Connor and Nina O'Connor pursuant to:

Development Number: 211/1529/2015

Property Address: 12 Netherby Avenue, Plympton SA 5038

Reasons for representation:

Having looked at the Development Plan for West Torrens Council and the plans for the proposed flats at 12 Netherby Avenue, Plympton SA 5038, my overall impression is that site is overdeveloped relative to the requirements of the development plan, having a negative impact on me as the owner of a nearby property.

From my house, I currently see a house fronting onto Netherby Avenue. With the proposed development I would see a fence facing Netherby Avenue and I would see 4-5 cars parked in the driveway of four flats. This is not visually appealing. The driveways for the cars are too wide and need to be reduced to a single car width to reduce the visual impact and narrow the driveway crossover width.

There are no other two story buildings along Urrbrae Terrace. There is only a single two story building on Netherby Avenue and that is set in to the roof space, having a minimal impact on the streetscape. There are no flats on either Terrace/Avenue. As such the proposed development is out of keeping with the neighbouring properties, all of which are detached single dwellings. The impact of the development needs to be reduced to fit better in with the local area.

From my calculations from the Plans, the development does not meet the requirement for private open space (see Page 80 of the Development Plan). As the Alfresco areas have a roof, they do not qualify as private open space. Insufficient open space is unhealthy living, having a negative impact on the residents and in turn me as a neighbour and on the local area as a whole.

Other than in the garages, I can see no place that could accommodate the minimum storage area of 8 cubic metres for goods and chattels, other than food and clothing (see Development Plan page 82, item 31). If it is accepted that part of the garage is used for that purpose, then the garage can only accommodate a single car. With a single car in the garage and a single car in the driveway in front of the garage, then the total number of off street parking spaces available for the 4 flats is 8 whereas the Development Plan Table WETO/2 requires 9 parking spaces (Development Plan page 264). By not having enough off street car parks, there will be more cars parked on the road which affects me as a nearby land owner, limiting amenity and increasing the traffic hazard on Urrbrae Terrace and Netherby Avenue. Unfortunately, to make matters worse, there is no on street parking possible between each driveway in front of the proposed flats. As such it will not be possible for visitors to the flats to park in front of the flats. Those visitors will therefore have to park in front of the adjoining houses, preventing visitors to the adjoining houses from parking in front of the adjoining houses.

The required minimum set back from the back boundary is 4 metres (Development Plan page 206), whereas for the proposed development the plans show 3.2 metres. This has a negative impact visually as the surrounding houses are all single story.

Building the westerly wall of the flats on the boundary detracts from the street appearance along Urrbrae Terrace coming from the west. Building a fence on the current frontage to Netherby Avenue also diminishes the appearance of the site coming from the east along Urrbrae Terrace and south along Netherby Avenue.

Site coverage may well fit the technical requirements of the Development Plan for flats, however it is substantially greater than all surrounding single story detached dwellings and, when also considering the change to two story, is a very substantial change for the site. Reducing site coverage would assist the development to sit better in the local area.

PAGE 2

My representation would be overcome by:

I can't see any way of overcoming my concerns about having the 4 flats built on the site.

The development proposal needs a re-think by the applicant (see my comments in the next paragraph). In addition, Council needs to come forward to improve the streetscape (new street trees) to assist the development to fit better into the locality (see the last paragraph below).

I would like to be further consulted about any proposed changes to the plans for the site, but consider that building 3 two story flats instead of 4 on the site would substantially improve the development and could potentially overcome my concerns as (1) it would be possible to reorientate the most easterly flat to face Netherby Avenue rather than Urrbrae Terrace, providing frontages for the flats to both Urrbrae Terrace and Netherby Avenue which is much more visually appealing, especially when viewed from my property (2) the requirements of the Development Plan for private open space would be achieved, which is positive healthy living for the vicinity (3) there would be room for 7 off street car parks as required by the Development Plan for 3 flats (4) the width of the crossover from the street to each flat would be narrowed to single car width, so that cars don't dominate the front of the properties, also enabling the spacing between each driveway to be increased such that a car could be parked on road in front of each flat, lessening the impact on surrounding properties like mine (5) the development would not need to be built on the western property boundary and would be set back a metre for the ground floor and 2 metres for the upper story, assisting in reducing the visual massiveness of the development on the site (6) the plans would be redone to enable a set back from the rear boundary to 4 metres in order to comply with the Development Plan (7) site coverage would be reduced which would help the development fit better on the site relative to surrounding properties.

Finally, I think the street trees in front of the proposed flats needs to consistent with the new trees planted along Urrbrae Terrace (see directly across from 1D Urrbrae Terrace) to provide a uniform look for the locality, helping the proposed development to fit into the streetscape. In that regard, Council should also reinstate the 3 new trees that were planted in front of 1D Urrbrae Terrace and the adjoining property to the west, that were destroyed and removed by vandals over the last couple of years, and Council should remove the existing 3 scrappy looking gum trees (just as they have elsewhere along the street) which make the streetscape look messy and lacking in uniformity and visual appeal.

## 6.6 39 Gladstone Road, MILE END

Application No. 211/483/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Alteration of an existing restaurant (new doorway), extension of operating hours and additional seating (additional 20 seats, resulting in 40 seats in total) in association with an existing restaurant - Non-Complying
APPLICANT	Martin Childs
APPLICATION NO	211/483/2016
LODGEMENT DATE	5/5/2016
ZONE	Residential
POLICY AREA	30 - Mile End Conservation Policy Area
APPLICATION TYPE	Non-Complying
PUBLIC NOTIFICATION	Cat 3
REFERRALS	Internal <ul style="list-style-type: none"><li>▪ City Assets</li><li>▪ Heritage</li></ul> External <ul style="list-style-type: none"><li>▪ Nil</li></ul>
DEVELOPMENT PLAN VERSION	5 May 2016
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT subject to the concurrence of DAC</b>

### BACKGROUND

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

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

### PREVIOUS or RELATED APPLICATION(S)

- 176/1977 - Shop alteration (internal) (Historic Application issued 5/02/1977)
- 13/1977 - Screen fence (Historic Application issued 29/06/1977)
- 29/1978 - Shop extension & verandah replacement (Historic Application issued 16/08/1978)
- 64/1980 - Extensions to shop (Historic Application issued 3/10/1980)
- 136/1981 - Verandah & laundry (Historic Application issued 3/02/1981)
- 210/1981 - Extension (Historic Application issued 22/06/1981)
- 133/1982 - Steel screen fence (Historic Application issued 15/02/1982)
- 211/844/2000 - Dwelling (Development Approval issued 17/10/2000)
- 211/917/2001 - Land Division (Torrens Title) (Torrens Title Approval issued 26/11/2001)
- 211/783/2005 - Rear pergola attached to dwelling (Development Approval issued 12/08/2005)
- 211/1427/2008 - Replace existing verandah lining with similar. Replace box gutters and roof iron and wall cladding (Development Approval issued 15/04/2009)
- 211/848/2013 - Change of use from shop to restaurant (Café) - (Development Approval issued 7/5/2014)



## **SITE AND LOCALITY**

The land is regular in shape located on the south-western corner of Gladstone Road and Victoria Street, Mile End. With a primary frontage to Gladstone Road of 15.13 metres and a secondary frontage to Victoria Street of 36.62 metres, it results in an overall site area of approximately 554m<sup>2</sup>.

The subject site has been improved with a single storey dwelling and restaurant. Vehicular access to the site is currently provided by a single width crossover located along the site's Victoria Street frontage. This access point provides access to a hardstand area which is used for informal car parking, loading area and bin storage. No on-site car parking is currently provided for patrons of the restaurant.

The subject site is devoid of vegetation with the exception of a palm tree and small shrubs in the north eastern corner of the site; the area in front of the dwelling portion of the building where the additional outdoor seating is proposed.

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

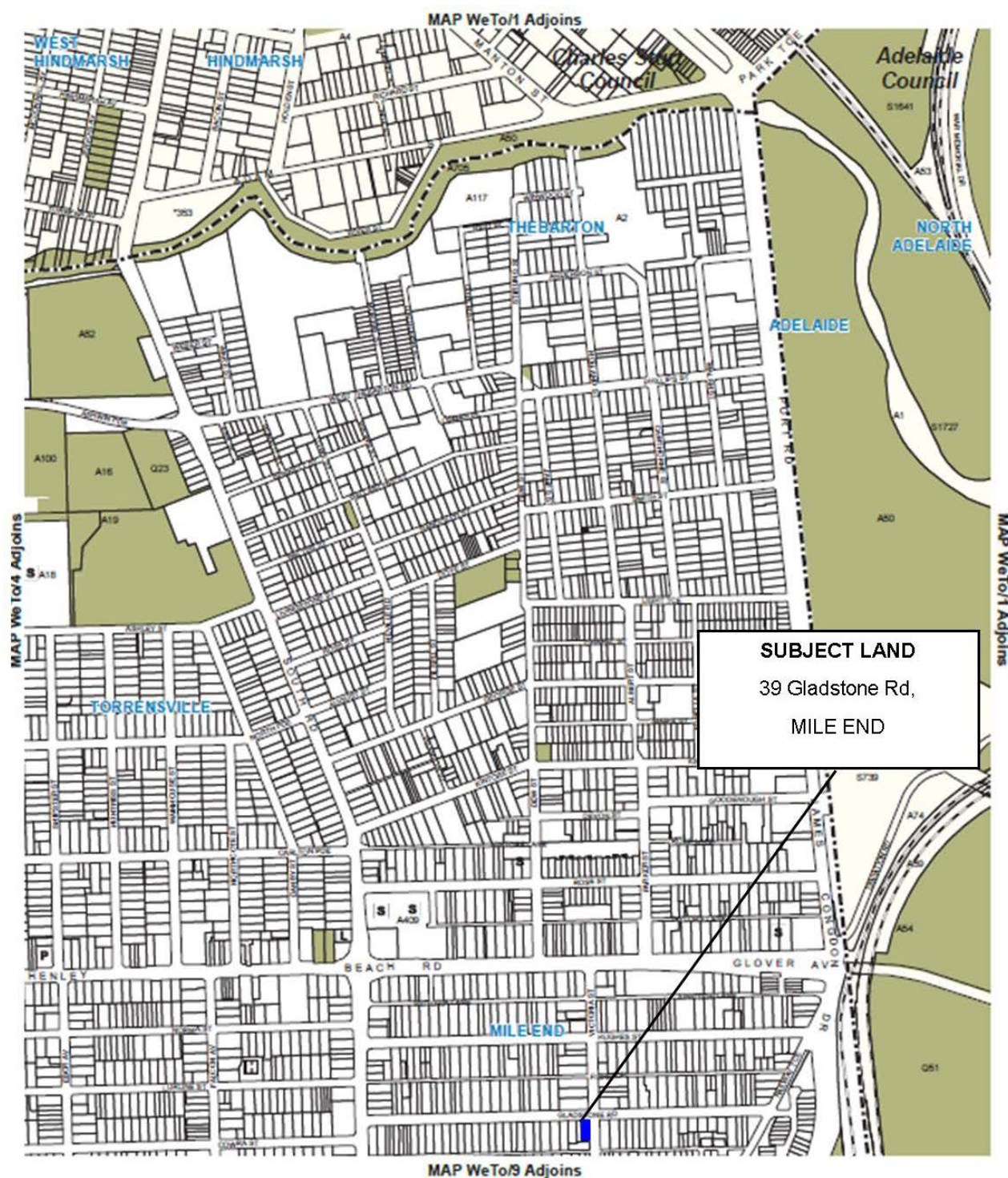
The locality contains low density residential development with dwellings constructed in the early 20<sup>th</sup> century. The majority of dwellings in the locality are contributory items. Typically, the buildings accommodate a generous setback from the road and side boundaries.

Fencing is common along both Gladstone Road and Victoria Street, albeit with different design heights and colours. Street trees are mature in size and are evenly distributed long the road reserve, which in addition to the prevailing character of the locality provides a high level of amenity for its residents.

The site and locality are shown on the following maps.







- S** School
- L** Public Library
- P** Post Office
- H** Hospital
- Railways
- Local Reserves
- Development Plan Boundary

## Location Map WeTo/5

## PROPOSAL

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

*"Alteration of an existing restaurant (new doorway), extension of operating hours and additional seating (additional 20 seats, resulting in 40 seats in total) in association with an existing restaurant"*

The proposed new doorway will lead from the internal dining area through to the paved area located in the north eastern corner of the allotment in front of the dwelling portion of the building. There is an existing palm tree which is to remain and provide coverage for the patrons sitting in this location.

The operating hours will be extending from:  
Wednesday to Monday - 7:30am - 4pm

To:  
Monday to Friday - 7am to 5pm  
Saturday and Sunday - 7:30am to 5pm

The seating is also proposed to increase from a maximum of 20 to a maximum of 40. These seats will be distributed inside and outside.

Refer **Attachment 1**, and traffic report **Attachment 3**.

## NON-COMPLYING

The application is a Non-Complying form of development, due to it involving the alteration to a restaurant which is listed in the Procedural Matters section of the Zone as a Non-Complying form of development. The applicant has provided a Statement of Effect pursuant to Regulation 17 of the *Development Regulations 2008*, refer **Attachment 2**. Should the Panel resolve to approve the application, the concurrence of the Development Assessment Commission is required. Alternatively, should the Panel refuse the application, no appeal rights are afforded to the Applicant.

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

## PUBLIC NOTIFICATION

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

<b>Properties notified:</b>	24 properties were notified during the public notification process.
<b>Representations:</b>	9 representations were received. - 1 against - 8 in support
<b>Persons wishing to be heard:</b>	No representors identified that they wish to address the Panel.
<b>Summary of Representations:</b>	Concerns were raised regarding the following matters; <ul style="list-style-type: none"><li>• Noise from setting up outdoor tables at 6am.</li><li>• The lack of on-site parking and the impact it has to on-street parking</li></ul>



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

- They are willing to delay setting up tables and chairs outside until 7am;
- There is sufficient on-street parking given that the majority of their patrons walk or ride to the café.

A copy of the representor's concerns and the applicant's response is contained in **Attachment 4**.

## REFERRALS

### City Assets (internal)

Concerns were raised regarding the following matters;

- During the previous application (211/848/2013), it was determined that up to 20 seats could be supportive by Council from a parking impact perspective;
- Based on the parking rate of 1 space per 3 seats required, the proposal is deficient of 13 off-street carparks.
- This additional pressure on the on-street parking in a Residential Zone would have adverse impacts on adjacent residential premises and as such cannot be supported by City Assets.

The following concerns remain outstanding;

- Lack of off-street parking.

A full copy of the relevant report is attached, refer **Attachment 5**.

### Flightpath - Heritage Consultant City Assets (internal)

- No concerns were raised from this proposal.

## ASSESSMENT

The subject land is located within the Residential Zone, and more specifically the Mile End Conservation Policy Area 30 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Historic Conservation Area	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2 & 3
Interface between Land Uses	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 4, 5, 6, 8 & 10
Orderly and Sustainable Development	Objectives	1, 3, 4 & 6
	Principles of Development Control	1 & 6
Transportation and Access	Objectives	2
	Principles of Development Control	34, 35 & 36

### Zone: Residential Zone

#### Desired Character Statement:

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

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

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

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

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

**Policy Area: Mile End Conservation Policy Area 30**

**Desired Character Statement:**

*The provisions of the Historic Conservation Area apply to this policy area.*

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

*Allotments are at low to very low density and are generally deep, with narrow frontages to wide main streets. In many cases, there is also rear access to service laneways. Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area. It is envisaged that the long and wide streets running east-west within the policy area will continue to provide pedestrian access to the main frontages of dwellings, and the laneways will be used for rear vehicular access. Streetscape character elements including continuous front fencing, landscaping space in front yards, regular street trees and on-street visitor car parking will be supported by having vehicle cross-overs in laneways.*

*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.*

*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.*

*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 form and materials, facilitating views into front yards and of building facades.*

Objectives	1
Principles of Development Control	1 & 2

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
CARPARKING SPACES <i>Transportation and Access</i> PDC 34 WeTo/2	Detached dwellings 2 car-parking spaces required, 1 of which is covered  Restaurant - 1 car park per 3 seats (15 required total)	4 spaces provided (uncovered)  <b>Does Not Satisfy</b>

## QUALITATIVE ASSESSMENT

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

### Land Use and Zoning

A restaurant land use is listed as a Non-Complying land use within the Policy Area. Although existing, the proposal seeks to double its seating capacity, extend its hours of operation and extend the outdoor seating area. PDC 2 of the Residential Zone States:

"PDC 2 Development listed as non-complying is generally inappropriate."

However, PDC 1 of the Zone states that a shop with a floor area less than 250m<sup>2</sup> is an envisaged land use. A shop is defined in Schedule 1 of the Development Regulations 2008 as being:

shop means—

- (a) premises used primarily for the sale by retail, rental or display of goods, foodstuffs, merchandise or materials; or
- (b) a restaurant;** or
- (c) a bulky goods outlet or a retail showroom; or
- (d) a personal service establishment,

As the floor area of the restaurant remains unchanged at 190m<sup>2</sup>, this is considered to fit within the envisaged use of PDC 1, notwithstanding that it is also a Non-Complying. This is an unfortunate quirk of the Development Plan where provisions within the same Policy Area are within direct conflict of one another. It is the Administration's position that, as the floor area is below the 250m<sup>2</sup> limit, the envisaged land use provision is most relevant when assessing this application.

### **Car parking Provisions**

Council's traffic engineer has provided comments stating that any increase in demand on on-street parking will have adverse impacts on the adjacent residential properties.

This view has been shared by one adjoining property owner, however there are also eight (8) other property owners that do not share this concern and have submitted representations in support of the proposed development.

The applicant has also provided a traffic report from Phil Weaver (Consultant Traffic Engineer) that supports the proposal as there will be a minimal change in parking demand from the additional seating. This conclusion was drawn from;

- Traffic surveys being taken at various trading periods in order to determine the parking demand within the roads surrounding the subject site;
- These surveys determined that there was capacity to accommodate 106 cars within the survey area;
- The peak parking demand was at 1-1:15pm on Friday where 63 cars were parked within the survey area, leaving 43 parks unused.

This is a finely balanced issue as it has the potential to cause considerable impact, however the numerous representations in support from adjoining neighbours as well as the composition of the clientele seem to mitigate the issue.

### **SUMMARY**

This is a successful business with a loyal customer base derived mainly from local residents. Many of these locals have provided support for the proposal during the public notification process. Despite this, it should be recognised that the proposal is lacking any off street parking for patrons of the restaurant. Council's traffic engineer disagrees with the opinion of the Applicant's traffic engineer and believes that there is only sufficient on-street parking for 20 patrons as is currently approved. Based on the information provided by the Applicant, the majority of its clients walk or ride to the site thereby eliminating their need to park a car.

Although the proposal is Non-Complying, it is also considered to be an envisaged use within the Residential Zone.

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

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 May 2016 and warrants Development Plan Consent.

### **RECOMMENDATION**

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/483/2016 by Rashed Kabir and Samima Akther to undertake the alteration of an existing restaurant (new doorway), extension of operating hours and additional seating (additional 20 seats, resulting in 40 seats in total) in association with an existing restaurant - Non-Complying at 39 Gladstone Rd, Mile End subject to the following conditions of consent:



### **Council Conditions**

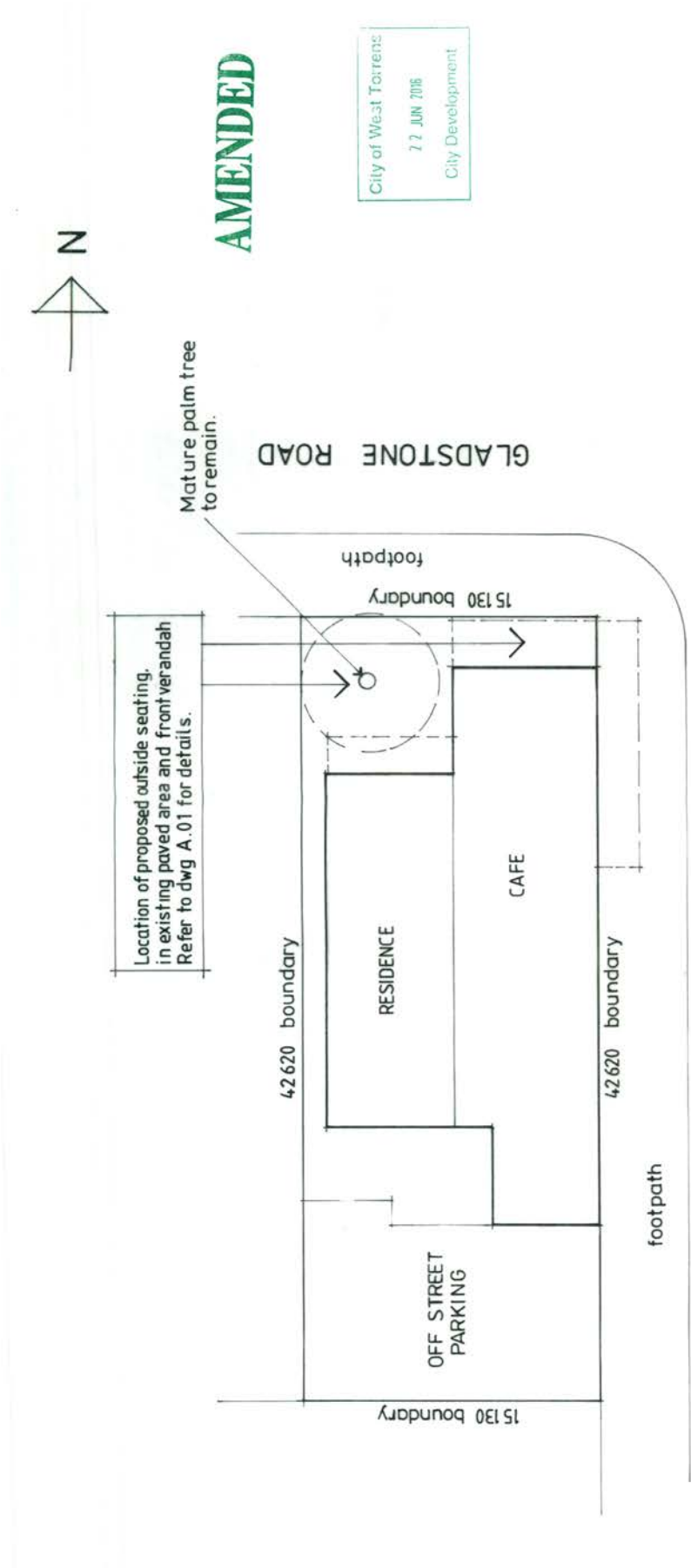
1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That all original planning conditions of Development Approval 211/848/2013, other than those altered by this application, shall remain applicable.
3. The hours of operation herein approved are as follows:  
Monday to Friday 7am - 5pm  
Saturday and Sunday 7:30am - 5pm

Any variation to these hours of operation will require a further consent.

Reason: To minimise the impact on adjoining properties.

4. The restaurant approved herein shall not provide more than a maximum of forty (40) seats.

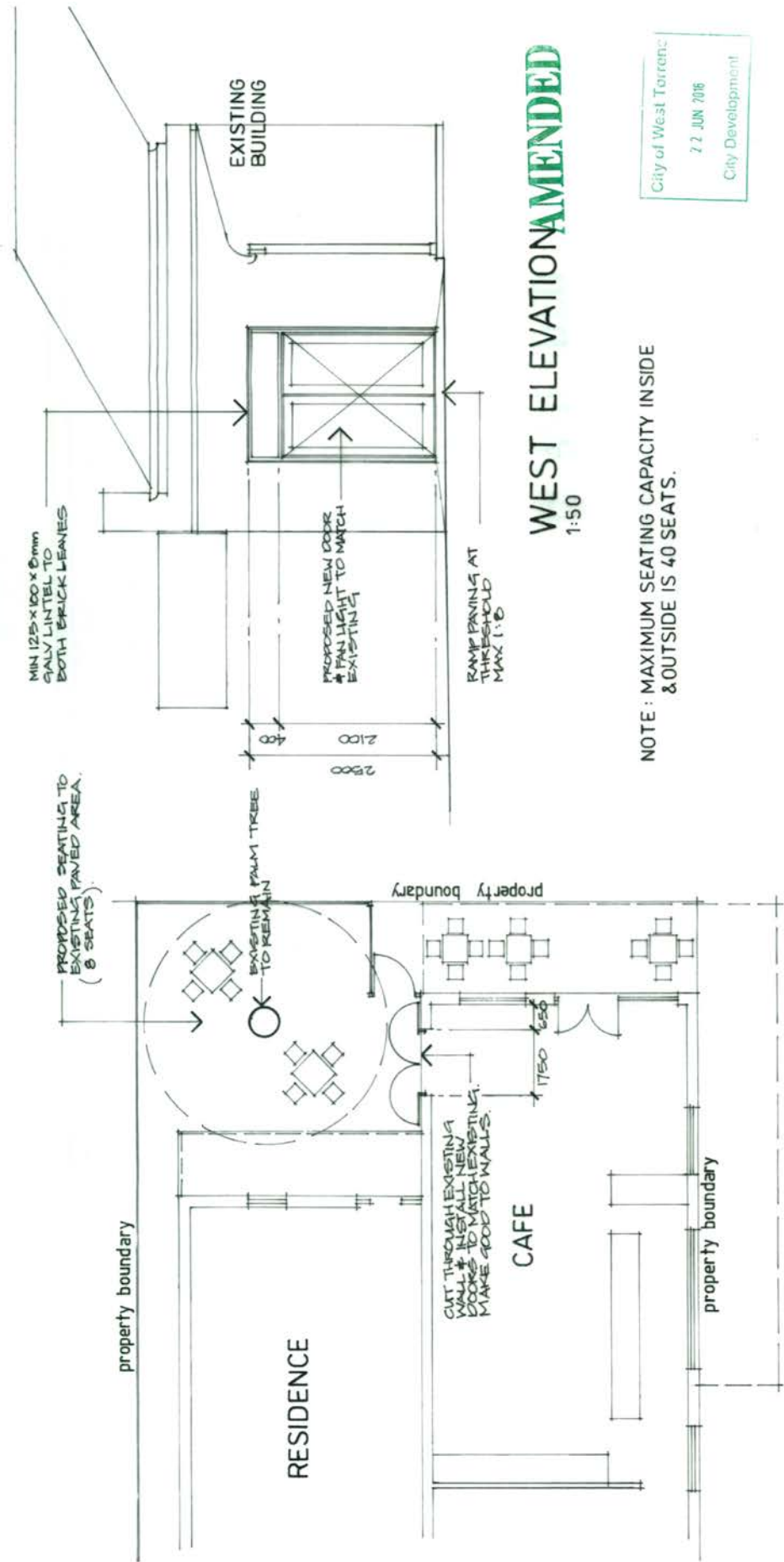
ATTACHMENT 1



SITE PLAN  
1:200

Dwg no : 02316 A.02  
Date : June 2016  
Scale : As shown at A3

<b>mcd+m</b> mar tin child's design+management 53 Bridge Street, Kensington SA 5068 m: 0407 825 551 email: martin@mcdm.com.au	<b>PROJECT:</b> PROPOSED NEW DOORWAY & SEATING <b>FOR:</b> RASHED KABIR & SAMIMA AKTHER <b>AT:</b> LOVEON CAFE 39 GLADSTONE ROAD, MILE END SA
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City of West Torrens  
22 JUN 2016  
City Development

NOTE : MAXIMUM SEATING CAPACITY INSIDE  
& OUTSIDE IS 40 SEATS.

FLOOR PLAN  
1: 100

Dwg no: 02316 A.01  
Date : June 2016  
Scale : As shown at A3

<b>mcd+m</b> martin childs design+management 53 Bridge Street, Kensington SA 5068 m 0407 825 551 email martin@mcdm.com.au		PROJECT : PROPOSED NEW DOORWAY & SEATING FOR : RASHED KABIR & SAMIMA AKTHER AT : LOVEON CAFE 39 GLADSTONE ROAD, MILE END SA
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ATTACHMENT 2



STATEMENT OF EFFECT – AS AMENDED

**Alterations to Existing Café and Additional Seating**

AT: 39 Gladstone Road, Mile End

FOR: Rashed Kabir

City of West Torrens

22 JUN 2016

City Development

**1.0 INTRODUCTION**

MasterPlan SA Pty Ltd has been engaged by Martin Childs Design and Management on behalf of Rashed Kabir, owner of the LoveOn Café, to assist with the development application for minor alterations to the building and additional seating capacity at 39 Gladstone Road, Mile End.

The site of the proposed development is located in the Residential Zone and more specifically Policy Area 30 - Mile End Conservation of the West Torrens Council Development Plan (consolidated 5 May 2016 and gazetted 21 April 2016). The subject property is a contributory item and also within a Historic Conservation Area. Within the Residential Zone, a restaurant is a non-complying form of development.

This Statement of Effect has been prepared on a 'without prejudice' basis, as the proposed development is not a change of land use and considered to be a reasonable expansion of an existing non-complying land. Only the "alterations" to the building are formally non-complying and these are considered to be minor in nature.

In preparing this Statement of Effect, MasterPlan has:

- undertaken a site and locality inspection;
- reviewed the relevant provisions of the Development Plan;
- reviewed the plans prepared by Martin Childs Design and Management; and
- conformed to the requirements set out in Regulation 17(5) of the *Development Regulations 2008*, for a Statement of Effect, namely:

"(5) The statement of effect must include—

- (a) a description of the nature of the development and the nature of its locality;
- (b) a statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development;





- (c) *an assessment of the extent to which the proposed development complies with the provisions of the Development Plan;*
- (d) *an assessment of the expected social, economic and environmental effects of the development on its locality; and*
- (e) *any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case), and may include such other information or material as the applicant thinks fit."*

## 2.0 BACKGROUND

Council in February 2014 granted consent for a change in use of a shop to a restaurant (Development Application No. 211/848/2013). The consent was granted subject to 7 conditions, including the following:

- "3. *That the hours of operation shall not exceed Wednesday to Monday 7.30am to 4.00pm.*
- 4. *That the restaurant approved herein shall not provide more than a maximum of twenty (20) seats.*
- 5. *That no more than a maximum of three (3) staff shall be on site at any one time."*

The premises have continuously operated as the 'LoveOn Café' since 2014 and is a popular café/restaurant within Mile End. Prior to operating as the LoveOn Café, the former deli contained indoor and outdoor seating. A reconfiguration of the building as part of the change of use application added additional internal seating.

Currently the café/restaurant has a physical seating capacity of approximately 32 seats, both inside and outside. This seating capacity exceeds the maximum of 20 seats stated in Condition 2 of DA 211/848/2013. Discussions with Mr Rashed Kabir and a review of the plans submitted with the original change of use application indicate that the previous shop had an established outdoor seating area of 4 tables (12 seats). It was the understanding of Mr Kabir that the "20 seat" capacity related to the indoor space. As a consequence, and without an intent to breach the condition of consent, the LoveOn Café has been operating with a physical seating capacity of 32 seats (20 indoor and 12 outdoor).



### 3.0 PROPOSED DEVELOPMENT

The proposed development seeks to expand the seating capacity by:

- retrospectively request consent for the existing seating capacity of up to 12 seats under the existing verandah area of the café;
- include 8 additional seats;
- incorporate a new/additional seating area in front of the dwelling as seating for the café; and
- a maximum seating capacity of the café be 40 in total, including inside and outside seating areas.

In addition, our client seeks to vary Development Application DA 211/848/2013 to:

- alter the hours of operation to include one additional hour at the end of the day, that is 7.30am to 5.00pm every day except Tuesday; and
- remove Condition 5 relating to staff numbers, as the number of employees varies significantly during the day, between days of the week and seasonally. The café currently operates with a mix of employees and family of Mr Kabir.

New doors would be installed to provide access to this new seating area. There will be some alteration of the internal seating arrangements of the café to facilitate the new café doors. The alterations proposed and the location of the seating is shown on the **attached** plans by Martin Childs Design and Management (June 2016).



#### 4.0 NATURE OF THE PROPOSED DEVELOPMENT

Within the Residential Zone, a “restaurant” is a non-complying form of development. Approval has previously been granted for the subject land to be utilised as a restaurant. In my opinion, the approved land use on the site is that of a café (restaurant and dwelling). This application does not alter this approved land use. It alters and expands the area utilised for seating of the café and as such it is understood that Council considers this is an intensification of the existing land use.

The “triggers” for a development to be dealt with as non-complying is stated in the non-complying procedural matter:

##### **Non-complying Development**

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

As we consider there is no substantive change of land use and there is no extensions and/or additions to existing buildings or structures, the only component of the development which is “non-complying” is the alteration of the building to include a new door.

Regulation 17 of the *Development Regulations 2008*, provides for particular types of non-complying development to be treated as minor and accordingly to not require the submission of a Statement of Effect, nor require public notification under Schedule 9.

*Applications for development approval—Part 4, 17—Non-complying development clause 6 (b) of the Development Regulations, 2008 which states:*

“(6) A statement of effect is not required if the proposed development consists (wholly or substantially) of—

(a) the alteration of a building; or

...

*and the relevant authority considers that the proposed development is of a minor nature.”*

Notwithstanding that the alteration of the building to incorporate a new door is non-complying, we are of the opinion that this alteration is unlikely to create any conditions that would adversely impact on the character and amenity of the area.





In our view the additional seating does not constitute a change of use when considered as a matter of fact and degree against the existing and lawful ongoing use of the property as a restaurant. The proposal does not fundamentally alter the primary or principal use or the character of that use of the subject land, and it will remain as a restaurant and dwelling.

However, should Council be of a view that the additional seating constitutes a change of land use by reason of intensification, then it is our view that that it is a reasonable expansion of the existing café for all of the reasons outlined in this report. A balanced assessment of relevant provisions of the Development Plan demonstrates sufficient merit to warrant Development Plan Consent be granted.

## **5.0 CUSTOMER SURVEY**

LoveOn Café is a destination for locals of the area. Recently the owner of the café has undertaken a small survey of customers to find out what percentage live in Mile End and surrounding suburbs. The results of the survey found:

- almost two thirds of patrons live in the suburb of Mile End (62% of patrons surveyed);
- other patrons travel from surrounding suburbs;
- 58% of patrons surveyed either walked, cycled or used other non-motorised forms of transport to visit the café
- 41% of patrons drove to the café;
- there is a high number of patrons that visit the café more than once a week, if not daily. These patrons equated to 48% of those surveyed; and
- a further 44% of patrons surveyed frequented the café on a weekly basis.

The survey (with 81 responses) provides an indication of the local nature of the café, illustrating that the majority of patrons are local and frequent the café on a very regular basis. A large number of the local patrons do not drive to the café.





## 6.0 SUBJECT LAND AND LOCALITY

The subject land is located at 39 Gladstone Avenue, Mile End and is formally described as Allotment 702 in Deposited Plan 61298 as contained in Certificate of Title Volume 5893 Folio 575. The subject land is a rectangular shaped allotment with a frontage of 15.13 metres to Gladstone Avenue and a depth of 36.62 metres, which equates to a total allotment size of 554.06 square metres.

The subject land contains an existing single storey building which was previously occupied by the Terrace Deli and Snack Bar and is approximately 97 square metres in size. The building is attached to a dwelling located to the west and also fronting Gladstone Road. There is an easement over the land adjacent the southern allotment boundary which provides access to the attached dwelling.



View of the subject property from the intersection of Gladstone Road and Victoria Street.



**View of the existing front seating area of the café and area of wall in which the new doors are proposed.**



**Front yard area of the dwelling in which the additional seating is proposed.**



The surrounding locality consists primarily of residential development, principally detached dwellings at low densities. There are some semi-detached and residential flat buildings within the locality. The area is dominated by its regular street pattern and laneways providing access to many of the dwellings. As described in the desired character statement for the policy area, the streetscape character elements include continuous front fencing, landscaping space in front yards, regular street trees and on-street visitor car parking. Within the locality, there is a significant amount of on street parking that occurs.

## 7.0 DEVELOPMENT PLAN ASSESSMENT

The subject land is located in the Residential Zone and more specifically Policy Area 30 - Mile End Conservation of the West Torrens Council Development Plan (not consolidated 21 April 2016). The subject property is a contributory item and also within a Historic Conservation Area.

The following section provides an assessment of the proposal against the most relevant provisions of the Development Plan.

### 7.1 Land Use and Form of Development

The Residential Zone anticipates some small scale non-residential land uses that serve the local community. A shop, which by definition includes a restaurant (café) is a form of development that is specifically envisaged by the Desired Character Statement and in PDC 1. A shop of up to 250 square metres is envisaged by PDC 1 and the proposed development is well below that threshold. The existing café area is approximately 100 square metres, whilst the proposed additional seating area is approximately 45 square metres.

#### **Residential Zone**

**Objective 4**      **Development that contributes to the desired character of the zone.**

#### **Desired Character**

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

**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.**

**PDC 1    The following forms of development are envisaged in the zone:**

- **affordable housing**
- **domestic outbuilding in association with a dwelling**
- **dwelling**





- dwelling addition
- small scale non-residential use that serves the local community, for example:
  - child care facility
  - health and welfare service
  - open space
  - primary and secondary school
  - recreation area
  - shop measuring 250 square metres or less in gross leasable floor area
  - supported accommodation.

The subject land has a long standing history as a non-residential land use, being a deli prior to the change of use to a café in 2014. The property has the appearance of a traditional corner store, with the non-residential component attached to the dwelling, which remains occupied for residential purposes.

Additional seating capacity is being sought by the owners of the café, as it has proved popular with the local community since its conversion to a modern café format a couple of years ago. As previously discussed almost two-thirds of the patronage of the café is from the local community, with 58 percent walking or cycling to the café. The nature and scale of the café is therefore considered to be consistent with PDC 3(a).

**PDC 3 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:**

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

This proposed addition of further external seating involves only a minor alteration to the building in the form of new doors. The Desired Character statements for the Residential Zone and Policy Area 30, along with the Objectives and PDC's of the Historic Conservation Area seek to protect the streetscape of the locality. Currently the front yard area of the dwelling is fenced with a timber picket fence and paved. The principle feature of the yard area is a palm tree. All of the features which currently present to Gladstone Road are to be retained by the proposed development. The inclusion of seating within this area during opening hours of the café is consistent and complementary with the current outdoor seating to the café. The new doors to the western wall of the café have been designed in proportion with the building. Given the function of the café, the new doors would be viewed from the street as a new functional addition to the café component of the property without being visually dominant or detracting from the existing character of the property. The proposed addition of a door and movable seating does not have a significant or adverse impact on the appearance of the property, which retains its traditional corner store appearance and is therefore consistent with the intent of the Zone, Policy Area and Historic Conservation Area policies.

**Policy Area 30-Mile End Conservation**

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





#### **Desired Character**

The provisions of the Historic Conservation Area apply to this policy area.

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.

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 form and materials, facilitating views into front yards and of building facades.

#### **Historic Conservation Area**

- Objective 1**      The conservation of areas of historical significance.
- Objective 2**      Development that promotes, conserves and enhances the cultural significance and historic character of identified places and areas.
- Objective 3**      Development that complements the historic significance of the area.
- Objective 4**      The retention and conservation of places such as land, buildings, structures and landscape elements that contribute positively to the historic character of the area.
- PDC 1**      Development should not be undertaken unless it is consistent with the desired character for the Historic Conservation Area.
- PDC 3**      Development of a contributory item should:
- (a)      not compromise its value to the historic significance of the area
  - (b)      retain its present integrity or restore its original design features
  - (c)      maintain or enhance the prominence of the original street facade
  - (d)      ensure additions are screened by, and/or located to the rear of the building
  - (e)      ensure original unpainted plaster, brickwork, stonework, or other masonry is preserved, unpainted.
- PDC 4**      New buildings should not be placed or erected between the front street boundary and the facade of contributory items.
- PDC 9**      Front fences and gates should:
- (a)      reflect and conserve the traditional period, style and form of the associated building
  - (b)      be no more than 1.2 metres in height.



## 7.2 Interface Between Land Uses

As the proposal is for expansion of the seating capacity of a non-residential land use that is largely surrounded by residential development, consideration must be given to appropriately manage any land use interface impacts that may occur. PDC 3(c) of the Residential Zone seeks to ensure that non-residential development does not detrimentally impact on the amenity of the nearby residents. Similarly, the general provisions of the Development Plan under the heading of *Interface Between Land Uses*, seeks to minimise unreasonable interference.

**PDC 1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:**

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
- (b) noise
- (c) vibration
- (d) electrical interference
- (e) light spill
- (f) glare
- (g) hours of operation
- (h) traffic impacts.

Given the proposed development is a small addition of seats to an already established land use in the form of a local café, it is not considered that the proposed development would unreasonably impact on the amenity of the locality.

The proposed operating hours of the café are unchanged and are only day time hours six days per week. Operating between the hours of 7:30am and 5:00pm mean there will be no adverse impact on the amenity of the locality after hours. Additional seating in an external environment has the potential to increase patron noise, however this is not considered unreasonable given the small number of seats provided in a confined area and the existence of outdoor dining currently.

Our client is aware that an adjoining owner (via the Category 3 notification of the application in June 2016) is concerned about noise when tables and chairs are set-up prior to trading. Trading of the café commences at 7.30am and tables and chairs are set-up prior to opening. Our client has not been aware of the concerns of the neighbour relating to set-up of chairs and tables and is willing to abide by a condition of consent which limits the set-up of tables until after 7.00am, to assist with minimises any perceived nuisance and disturbance to the neighbours.

Operation of the café during the day, mitigates the need for external lighting that may result in light spill or glare when viewed from nearby residential properties.

The proposal is not expected to create any significant additional traffic impacts. Being a local café, a large number of patrons are local residents that walk or cycle to the premises, therefore obviating the use of a vehicle. Vehicle impacts are expected to be at a similar level to the current use and previous use as a deli.



### 7.3 Access and Car Parking

Council-wide PDC 24 under the heading 'Transportation and Access' below outlines the guidelines for facilitating safe and convenient access to development sites.

**PDC 24 Development should be provided with safe and convenient access which:**

- (a) **avoids unreasonable interference with the flow of traffic on adjoining roads**
- (b) **provides appropriate separation distances from existing roads or level crossings**
- (c) **accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision**
- (d) **is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.**

The subject land has an existing hard surfaced area at the rear of site which provides an area for waste disposal units and car parking for the café. The car parking area is physically constrained and cannot be expanded to accommodate additional car parking spaces.

Table WeTo/2 of the West Torrens Council Development Plan outlines the off-street vehicle car parking requirements for designated land uses. A 'restaurant (traditional)' requires the greater of one per three seats or one off street car park per 15 square metres of floor area. An additional floor area of 45 square metres would therefore require 3 car parking spaces or an additional 7 car parks based on the maximum 40 seats (12 existing outdoor seats retrospectively applied for) and 8 seat additional capacity. As no additional on street car parking can be provided, any additional car parking demand must be met on street. Meeting car parking demand on street, whilst not preferred, is not considered fatal to this proposal, for the following reasons:

- the property is located in an area with ample on street car parking;
- residential properties within the locality are accustomed to having cars parked on the street, associated with the existing lawful land use of the café and residential properties within the locality;
- much of the on street parking available is located adjacent to side fencing of dwellings and is therefore considered to be unlikely to create traffic conditions within the surrounding road network that will have a negative impact on the amenity of the locality;
- the theoretical parking demand calculated is unlikely to be reflective of the actual demand given the local nature of the café;
- as shown in the customer survey, the café has a local community focus and is easily accessible by non-motorised transport. The survey indicates that some 58% of people walk to the café and do this on a regular basis (daily or multiple times per week);





- it is not unreasonable to assume that up to 60% of patrons would be locals that do not drive and subsequently the theoretical demand for 7 additional car parking spaces would not be the required practical outcome of the additional seating capacity;
- a large number of the theoretical demand for car parks are already being accommodated on the street, as the 12 outdoor seats are in operation and have operated since 2014. The additional seats not existing is limited to 8 as part of this application, or equating to 3 additional car parking spaces; and
- furthermore, the additional seating capacity does not necessarily correlate to additional patronage of the café, but rather provides additional capacity of the regular patrons, the majority of which are from the local community.

Given the local nature of the café, the longstanding history of the site as a deli prior to the café and the availability of on street car parking in the locality, the additional seating capacity is unlikely to result in traffic and parking conditions which cannot be accommodated or would create unreasonable conditions on the local street network. The restricted day time hours of the café would not create noise and disturbance from vehicle movements to adjoining residential properties during night time hours.

#### 7.4 Retail Development

The cafe, being a form of 'shop' is located outside of a zone that allows for this form of development and therefore must have regard to Council-wide PDC 11 under the heading 'Centres and Retail Development.'

**PDC 11 A shop or group of shops located outside of zones that allow for retail development should:**

- (a) **be of a size and type that will not hinder the development, function or viability of any centre zone**
- (b) **not demonstrably lead to the physical deterioration of any designated centre**
- (c) **be developed taking into consideration its effect on adjacent development.**

Being a small café serving the surrounding local community, the size, scale and location of the proposed development would not impact on the function or viability of any centre zone, nor would it lead to the physical deterioration of any designated centre. Moreover the ongoing use of the site formally as a shop and now as a café since 2014 has not resulted in a demonstrable impact on any designated centres within the broader locality of the site.

Furthermore, the proposal has been appropriately developed taking into consideration its effect on adjacent development in terms of external appearance, traffic impacts and hours of operation.





## **8.0 SUMMARY**

The proposal is expected to have a positive effect on the local community by providing them with additional seating capacity in a modern café environment, which has become a popular meeting point for locals.

The proposal will have a negligible economic effect on the surrounding locality and will not prejudice the function or viability of any nearby centre zone, noting that the café has a local community focus in terms of its size, scale and location.

## **9.0 ASSESSMENT OF EXPECTED SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS**

### **9.1 Social Effects**

The proposal is expected to have a positive effect on the local community by providing them with additional seating within the café. The café is serviced by an adequate supply of car parking for those patrons visiting by car, but is conveniently located for local residents to walk or cycle.

### **9.2 Economic Effects**

The proposal will have a negligible economic effect on the surrounding locality and will not prejudice the function or viability of any nearby centre zone, noting that the café has a local community focus in terms of its size, scale and location.

### **9.3 Environmental Effects**

The proposal will not have an adverse effect on the condition of the surrounding environment, noting that the proposal will be located on the existing site with only a minor alteration to the building that would not have an adverse environmental impact. The environmental impacts from this development are considered to be commensurate with the previous use of the land as a shop prior to the current café land use.

## **10.0 CONCLUSION**

We have concluded from the above assessment that the proposed development:

- the existing café is a form of non-residential development that is envisaged in the Residential Zone;
- an increase in seating capacity of the café is unlikely to create an unreasonable impact on the residential amenity of the locality, given the hours of operation are unchanged and the facility is well patronised by the local community who walk or cycle to the café;



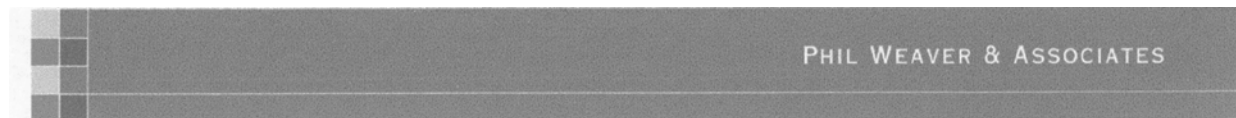
- the minor physical alterations to the building in the form of a new access door does not adversely impact on the character of the building or streetscape;
- all of the existing streetscape elements of the front yard of the dwelling which is to be used for the additional seating area, namely the palm tree, fencing and paving are to be retained. The only addition is movable furniture, which is complementary to the existing outdoor dining occurring in front of the café currently;
- any additional car parking demand that may occur with the increased seating capacity can be accommodated on street within the locality; and
- is expected to have a positive effect on the surrounding local community by providing them with additional capacity to meet in a conveniently located modern café.

For all of these reasons, we have concluded that the proposed development has substantial merit to warrant Development Plan Consent.

**Julie Jansen** MPA, CPP  
BA, BA (Hons), GDURP

20 June 2016

ATTACHMENT 3

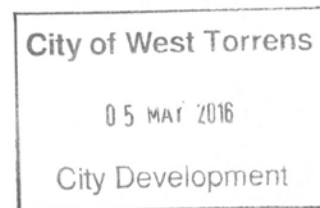


Consultant Traffic Engineers  
ABN 67 093 865 680  
204 Young Street  
Unley SA 5061  
P: 08 8271 5999  
F: 08 8271 5666  
E: mail@philweaver.com.au

File: 025-16

5 May 2016

Mr Martin Childs  
Martin Childs Design and Management  
53 Bridge Street  
KENSINGTON SA 5068



Dear Mr Childs,

**PROPOSED INCREASE IN SEATING CAPACITY - 39 GLADSTONE ROAD, MILE END -  
TRAFFIC AND PARKING ASSESSMENT**

I refer to our recent discussions relating to a proposed increase in seating capacity at the above café.

As requested I have undertaken the following review of the parking related aspects of the subject development. In undertaking the following assessment I have also have the opportunity to review the planning report (alterations to existing Café and additional seating) prepared by Masterplan Town & Country Planners on behalf of the applicants (Rashed Kabir and Samima Akther).

**Existing Situation**

The subject site is located on the south western corner of the intersection of Gladstone Road with Victoria Street, Mile End.

The subject site has frontages of approximately 17m to Gladstone Road and approximately 40m to Victoria Street.

The subject site currently accommodates an existing café (LoveOn Café and Deli) and limited informal parking at the rear of the building. I understand that the current seating capacity of the Café is equivalent to approximately 32 seats including 24 internal seats and 12 seats located external to the building.

There is a single vehicular access point off Victoria Street into the rear car parking area of the subject land. This access point is provided by means of an opening of approximately 8m in width adjacent to the southern boundary of the site, however the crossover associated with this access point is only approximately 3m in width.

The movement of traffic entering the intersection of Gladstone Road and Victoria Street is controlled by a roundabout.

Gladstone Road, within the general locality of the site, has a kerb to kerb width of approximately 12m. However, this roadway narrows to approximately 10m on the approaches to the intersection with Victoria Street given the location of kerb protuberances on the corners of this intersection.

Gladstone Road west of Victoria Street includes a series of slow points located at various intervals along this road up to the intersection with South Road.

No Stopping Anytime restrictions apply on the approaches to the roundabout within the intersection with Victoria Street. Further to the west parking is unrestricted on the southern side of this road and generally on the northern side of this road. The exception being provision of a Permit Zone on the northern side of this roadway. Parking is also unrestricted on both sides of Gladstone Road to the east of the roundabout.

Victoria Street generally has a kerb to kerb width of approximately 12m but also narrows slightly on the approaches to the roundabout along this roadway.

Parking is generally unrestricted on both sides of Victoria Street to the north and south of the intersection with Gladstone Road. Further to the south, there are protuberance located on either side of Victoria Street immediately to the south of the intersection with Flaherty Lane.

#### **Proposed Increase in Seating Capacity**

As part of this application, it is proposed to increase the seating capacity of the approved café by the provision of 16 external seats.

The proposed increase in seating capacity would require an additional 5 parking spaces based on a rate of 1 space per 3 seats.

The current approval includes an outdoor seating area; however, the applicant wishes to replace the existing front garden space as the additional seating area. The existing palm tree and paving will remain. I note that these proposed changes are reflected within the plans prepared by your office (**Drawing Nos. 02316 A.01 and A.02**).

There is no additional on-site parking proposed with this application, hence the additional car parking demand will need to be met on street.

The existing trading hours of the café are from 7.00 am to 5.00 pm on weekdays except Tuesday and from 7.30 am to 5.00 pm on weekends. These opening hours are not proposed to change as a result of the subject Development Application.

#### **Parking Surveys**

Surveys of car parking in the locality were conducted during various trading periods of the subject cafe in order to determine levels of parking demand within the roads surrounding the subject site.



A review of the subject locality was also undertaken on Wednesday 30th March 2016 at 2.00 pm. It was identified from this review that there is a current capacity to accommodate approximately 106 cars within the above survey area. At the time of this review there were 71 cars parked within a maximum walking distance of 150m from the subject site.

A parking survey corresponding with the lunchtime period was undertaken on Friday 8th April 2016. The survey included counts of the numbers of cars parked within the locality at the end of each 15 minute interval from 11.30 am to 2.30 pm.

The above survey was conducted in the following on-street areas:-

- Both sides of Gladstone Road between Victoria Street and Number 40 Gladstone Road,
- Both sides of Gladstone Road between Victoria Street and Number 19 Gladstone Road,
- Both sides of Victoria Street between Gladstone Road and Cuming Street,
- Both sides of Victoria Street between Gladstone Road and Hughes Street, and
- The on-site car park at the rear of the property.

It was identified that the peak parking demand during the survey undertaken on the above Friday was equivalent to 63 cars and occurred at both 1.00 pm and 1.15 pm.

A review of car parking demand was also undertaken during weekend periods including counts of cars parked within the above on street areas as follows:-

- At 1.15 pm and 1.45 pm on Saturday 16th of April 2016, when it was identified that there were 49 and 47 cars parked respectively on street within the subject locality, and
- At 10.30 am on Sunday 17th of April 2016 when it was identified that there were 59 cars parked within the locality at this time.

Consequently from the above reviews of parking demand it has been identified that the maximum number of cars parked within close proximity of the subject site on the adjoining road network was equivalent to 63 cars. Based on the capacity of 106 spaces within the above survey area, there were 43 spaces available for use by potential customers of the subject development.

A maximum of four cars were parked on site at any one time throughout the above survey periods.

### **Parking Assessment**

**Table WeTo/2 - Off Street Vehicle Parking Requirements** within the West Torrens (City) Development Plan identifies car parking provisions as follows:-

- |                            |                                                                                     |
|----------------------------|-------------------------------------------------------------------------------------|
| • Restaurant (traditional) | Greater of 1 space per 3 seats or 1 space per 15 m <sup>2</sup> of total floor area |
|----------------------------|-------------------------------------------------------------------------------------|

On the above basis, there would be a requirement for 5 additional car parking spaces associated with the proposed increase in the seating capacity of the subject café.

As identified above, the subject development will not be providing any additional on-site car parking. Therefore the additional parking associated with the increase in seating capacity will have to be accommodated on-street in the immediate locality.

Consequently, parking surveys were conducted within the surrounding on-street areas within 150m of the subject café. It was identified that the maximum number of vehicles parked on street during the various survey periods was 63 vehicles. Based on a capacity of 106 spaces within the survey area, there were 43 spaces available which could be used by customers of the subject café associated with the proposed increase in seating capacity of 16 seats.

I understand that the owner of the Café conducted a survey of the existing usage and travel pattern of patrons of the subject Café. The results of these surveys are included within the Masterplan report and it was identified that:-

- *“Almost two thirds of patrons live in the suburb of Mile End (62% of patrons surveyed),*
- *Other patrons travel from surrounding suburbs,*
- *58% of patrons survey either walked, cycled or use other non-motorised forms of transport to visit the Café,*
- *41% of patrons drove to the Café,*
- *there is a high number of patrons of visit the Café more than once, if not daily. These pages equated to 48% of those surveyed,*
- *A further 44% of patrons surveyed frequented the Café on a weekly basis.*

*The survey (with 81 responses) provides an indication of the local nature of the Café, illustrating that the majority of patients are local and frequent the Café on a very regular basis. A large number of the local patrons do not drive to the Café.”*

The above assessment of parking demand within the locality has identified that there is more than sufficient available on street car parking to support the increased car parking demand which would theoretically be generated by 16 additional seats, i.e. the equivalent of approximately 5 car parking spaces.

However, the results of the above usage and travel pattern survey would suggest that there would be an increase in the car parking demand for only two or three additional car parking spaces. This reflects current use of the café i.e. approximately two thirds of customers currently walk, cycle or use other non-motorised forms of transport to attend the Café. I consider that it is reasonable to assume that this trend would continue to occur with the additional capacity provided by a further 16 seats.

### Summary and Conclusions

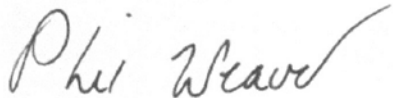
In summary it is identified that the current patronage of the existing Café has a strong local base and generates a car parking demand less than that typically associated with a cafe or restaurant use i.e. one car parking space for every three seats to be provided.

The questionnaire survey undertaken of existing patronage identifies that almost two thirds of patrons currently using the Café do not require car parking. On the basis that this pattern would continue with the proposed increased seating capacity there should be an increase in peak car parking demand equivalent to only approximately two car parking spaces.

However, it is apparent that even in a worst case scenario with an increase in car parking demand equivalent to 5 parking spaces (based upon the requirements of the Development Plan) such additional demand could be readily accommodated within the locality without a detrimental impact on parking availability or traffic movements within the locality.

Consequently, I consider that the subject development warrants favourable consideration given the minimal change to parking demand which would result from a proposed increase in 16 seats above the current capacity of the subject Café.

Yours sincerely



Phil Weaver  
Phil Weaver and Associates Pty Ltd

Enc

PARKING SURVEY - 39 GLADSTONE ROAD, MILE END - FRIDAY 8TH APRIL 2016													
TIME	GLADSTONE ROAD BETWEEN VICTORIA ST AND NO 40		GLADSTONE ROAD BETWEEN VICTORIA ST AND NO 19		VICTORIA ST BETWEEN HUGHES ST AND FISHER PLACE		VICTORIA ST BETWEEN PLACE AND GLADSTONE RD		VICTORIA ST BETWEEN GLADSTONE RD AND FLAHERTY LANE		VICTORIA ST BETWEEN FLAHERTY LANE AND CUMING ST		TOTAL
	N SIDE	S SIDE	N SIDE	S SIDE	W SIDE	E SIDE	W SIDE	E SIDE	W SIDE	E SIDE	W SIDE	E SIDE	
11.30am	8	9	10	10	2	3	4	4	4	4	2	2	62
11.45am	10	8	10	10	2	3	5	3	4	2	1	0	58
12.00pm	10	8	10	10	2	3	5	3	3	3	1	0	58
12.15pm	10	9	11	12	2	3	4	3	4	4	1	0	62
12.30pm	10	9	11	10	2	3	5	5	3	3	1	0	62
12.45pm	10	7	10	9	2	3	5	5	3	5	1	0	60
1.00pm	10	7	11	9	2	3	5	5	5	4	2	0	63
1.15pm	11	7	11	9	2	3	5	4	5	4	2	0	63
1.30pm	8	8	11	8	2	3	5	4	3	2	2	0	56
1.45pm	8	9	11	8	2	3	5	4	3	3	2	0	58
2.00pm	9	9	9	8	2	3	5	3	3	3	2	0	56
2.15pm	12	11	9	8	2	3	5	3	4	4	1	0	62
2.30pm	12	10	11	8	2	3	5	3	4	3	1	0	62

ON-SITE CAR PARK
3
3
3
3
3
3
3
3
2
2
3
3

PARKING SURVEY - 39 GLADSTONE ROAD, MILE END - SATURDAY 16TH APRIL 2016													
TIME	GLADSTONE ROAD BETWEEN VICTORIA ST AND NO 40		GLADSTONE ROAD BETWEEN VICTORIA ST AND NO 19		VICTORIA ST BETWEEN HUGHES ST AND FISHER PLACE		VICTORIA ST BETWEEN PLACE AND GLADSTONE RD		VICTORIA ST BETWEEN GLADSTONE RD AND FLAHERTY LANE		VICTORIA ST BETWEEN FLAHERTY LANE AND CUMING ST		TOTAL
	N SIDE	S SIDE	N SIDE	S SIDE	W SIDE	E SIDE	W SIDE	E SIDE	W SIDE	E SIDE	W SIDE	E SIDE	
1.15pm	10	6	5	5	1	2	5	4	3	3	3	2	49
1.45pm	8	8	4	3	1	2	5	4	4	4	2	2	47

ON-SITE CAR PARK
3
4

PARKING SURVEY - 39 GLADSTONE ROAD, MILE END - SUNDAY 17TH APRIL 2016													
TIME	GLADSTONE ROAD BETWEEN VICTORIA ST AND NO 40		GLADSTONE ROAD BETWEEN VICTORIA ST AND NO 19		VICTORIA ST BETWEEN HUGHES ST AND FISHER PLACE		VICTORIA ST BETWEEN PLACE AND GLADSTONE RD		VICTORIA ST BETWEEN GLADSTONE RD AND FLAHERTY LANE		VICTORIA ST BETWEEN FLAHERTY LANE AND CUMING ST		TOTAL
	N SIDE	S SIDE	N SIDE	S SIDE	W SIDE	E SIDE	W SIDE	E SIDE	W SIDE	E SIDE	W SIDE	E SIDE	
10.30am	11	11	6	6	2	3	4	5	4	5	2	0	59

ON-SITE CAR PARK
4



ATTACHMENT 4

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. 211/483/2016  
PROPERTY ADDRESS: 39 Gladstone Road, MILE END SA 5031

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

EMMA SULLABEY  
20 VICTORIA STREET  
MILE END 5031

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

OWNER OF DWELLING  
DIRECTLY OPPOSITE PROPOSED  
DEVELOPMENT

REASONS FOR \*  
REPRESENTATION

CONCERNS ABOUT PARKING  
AND NOISE - PLEASE SEE  
EMAIL SENT TO JORDAN  
EXPLAINING CONCERNS IN DETAIL.

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

I LIVE INTERSTATE AND REQUEST  
THAT MY EMAIL TO JORDAN  
ADVISE THIS.

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

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

SIGNED



DATE

30/6/16.

\* If space insufficient, please attach sheets

(FORM 3)

Responsible Officer: Jordan Leverington  
Ends: Wednesday 6 July 2016

**From:** Emma Skrabei  
**Sent:** Thursday, 30 June 2016 9:41:22 PM  
**To:** Jordan Leverington  
**CC:** Jess.Cronin  
**Subject:** Statement of Representation - Development Number 211/483/2016

Good Afternoon Jordan,

As per our discussion over the phone last week and today, I would like to document some concerns I have over the proposed development of 39 Gladstone Road, MILE END.

I would like to start by saying that my partner Jessica Cronin and I are full supportive of small business in the local area. Loveon Café is a wonderful business and the community patronage demonstrates its value within the local area.

Jessica and I do have concerns over the proposed development in regards to noise and on street parking.

1. Noise – Our dwelling (20 Victoria Street) is directly adjacent to Loveon Café. The café is open from 7am 6 days per week, around 6am each morning we are/were constantly woken up by the owner dragging tables and chairs from inside the café to the outdoor seating area. As you can appreciate metal chairs and tables scrapping along the concrete foot path each morning is not a pleasant sound to wake up to. We have refraining from complaining to the council about this noise as we didn't want impact on Loveon Café's business. But now that they are planning to increase the number of seats and tables outside we feel the need to raise this issue. Our fear is that if permission is granted by council for this development the noise will only increase. Jess and I would appreciate the council mandating some kind of noise control measure on this development application when setting up the outside area of the café, not sure what this could be BUT we will not support this development application if this is not addressed.
2. On street parking – As you can appreciate this is a suburban street and there is limited parking currently with the existing seating numbers at the café (inside and out). Weekends are crazy busy and the streets surrounding our dwelling and the café are always full of patron's cars coming to visit Loveon Café. This lack of parking caused Jess and I massive issues every weekend as patrons often parked across our driveway, on numerous occasions we had to go into the café and ask who's car it is so we can get out! Again, we have not complained to council about this but the parking situation seriously needs to be addressed with the proposed development. Jess and I also recently received building approval on the 20th June to subdivide our block, this means that the 5 - 7 car parks that use to be available will disappear as there will be 2 new driveway crossovers going in. Combine the current parking issues with our subdivision and then this proposed development application of increased seating - you have a major "lack of parking situation" that must be addressed. We will not support this development application until this is addressed.

Jess and I are currently living in Canberra, so can't appear in person to express our concerns. We have spoken to our current tenants and they also have concerns with the proposed development unless these issues are addressed.

As Jess and I live interstate, I request that the development plans be emailed through to us so we can view what is actually proposed. I know this is not normal practise BUT we are hoping that this adjustment can be made as we live interstate.

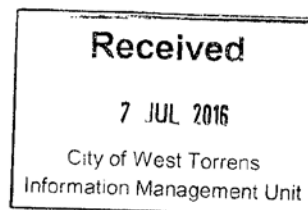
If you require further information, please contact me on this email address or on 0499 007 940.

Thanks for your time.

Emma.

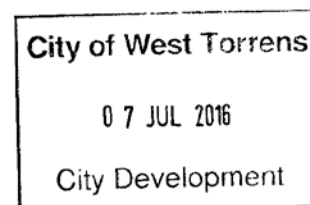
4 July 2016

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



Dear Chief Executive Officer,

Re: Development No. 211/483/2016  
Property Address - 39 Gladstone Road, MILE END SA 5031



I refer to the above development.

My wife and I live at 22 Victoria Street, Mile End. Our house is next to the Loveon Café, which is the subject of this development proposal.

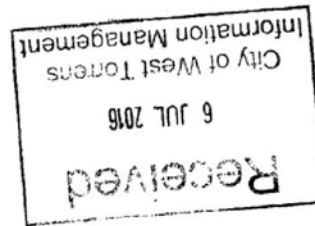
I am writing to advise Council that my wife and I have no objections to the development proposal, and that we are happy with the operations of the café.

Please contact me on 041 981 4874 should you have any questions

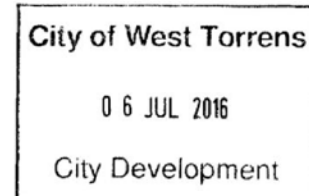
Yours faithfully,

A handwritten signature in black ink, appearing to read "Sanjay Gupta".

Mr Sanjay Gupta.



1<sup>st</sup> July 2016  
City Of West Torrens  
Att: Jordan Leverington  
Subject matter: Dev App 211/483/2016



Dear Sir,

We write in regards to the matter of the proposed extension of trading area under the above application.

As owners of 2 properties (21 Victoria St Mile End and 37 Gladstone Rd Mile End ) directly across the road from LOVE ON café we fully support their application.

We reside at 37 Gladstone Rd and rent out 21 Victoria St. The café has brought life and vibrancy to the area and is exciting to see such activity succeeding in this area. We need to encourage such proposals, for not only will it enable us to ensure we have somewhere to sit upon our frequent visits, but it is providing jobs and brings a cultural residential centre-piece to this area of Mile End.

We have not encountered any issues ( traffic/parking etc) thus far, in fact we would suggest a good deal of the customer base appears to be foot traffic such as our own. We applaud their initiative to grow and cater and hope the council does likewise.

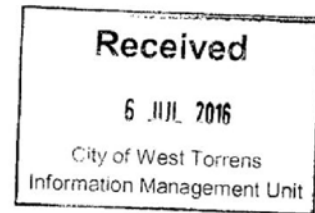
If you have any further queries please call me on 0417 828551.

Regards

Two handwritten signatures in black ink. The first signature is a stylized "J" followed by "Hall". The second signature is a cursive "J" followed by "Hall".

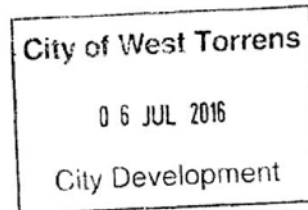
John Hall and Josephine Hall (for Chrisar Pty Ltd)





2<sup>nd</sup> July 2016

Att: Jordan Leverington  
City West Torrens



Dev App- 211/483/2016

Dear Sir,

My name is Sophie Hall and I live at and own 21A Victoria St Mile End directly across the road from the Love On Café.

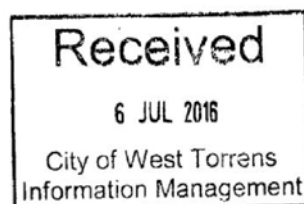
It has been brought to my attention that there has been an objection to the proposed expansion of the Love On café's outdoor area which surprises me as I feel the café has brought a tremendous improvement to the residential attractiveness of this area of Mile End. Any expansion can only continue to improve this area. The café helps bring us in line with many other inner city metro areas trying to attract people not to mention extra jobs.

I have never had any noise problems or parking problems and so hope that you support this development.

Yours Faithfully

Sophie Hall      0481831940

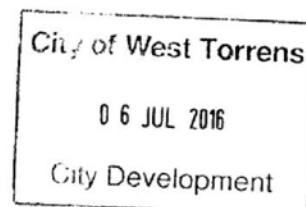
A handwritten signature in black ink, appearing to be "Sophie Hall".



30/06/2016

City West Torrens

Att : Jordan Leverington



Re Development Application – 211/483/2016

Dear Sirs,

Re: Love On Café

I am the owner and occupant of 21C Victoria St, Mile End directly across the road from the café.

I fully support the expansion of outdoor area they are seeking and commend them on their success.

I have never had any parking issues or noise complaints and indeed enjoy the idea of ensuring there will always be room for myself and friends/family when we go across the road.

I wish them luck and support their application and if you need to contact me I am available on 0415 748054.

Regards

Christopher Hall

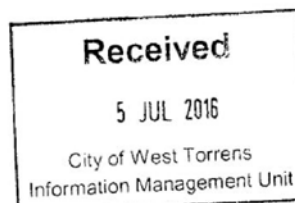
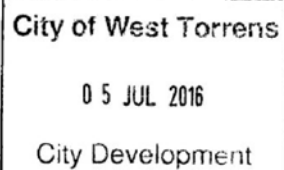
A handwritten signature in black ink, appearing to read "Hall".

30<sup>th</sup> June 2016

City Of West Torrens

Att: Jordan Leverington

Subject: **Development Application 2114832016**



Dear Sir,

Re: Loveon Café at Gladstone road, Mile end.

My name is Faith Porter and I am the sole resident of 43 Gladstone road, Mile end which is two houses down from the cafe. I have been living here more than 6 months.

I frequent LoveOn café regularly with my young disabled child. The café is an enjoyable place to visit during week and weekends. It is a place of happiness and inclusion for the entire community and a social and multicultural hub.

Although Gladstone street is a busy place, I have never had a problem getting a park. There is always plenty of parking on the street.

I have never been disturbed by any noise coming from the café at any hour of the day.

The staff at LoveOn café are friendly and welcoming and the business is an asset to the local community.

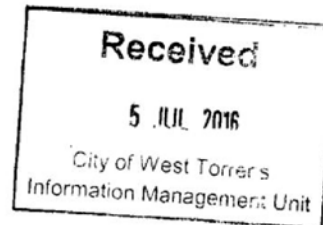
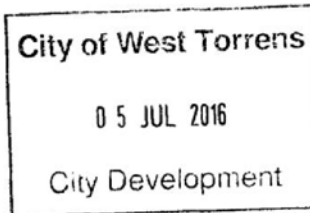
I wish great success for Loveon café and I support the application for development and expansion of Loveon café.

For any more information please call me on 0431 460560

A handwritten signature in black ink, appearing to read "Faith Porter".

Regards,

Faith



30/06/2016  
City West Torrens  
Jordan Leverington  
Dev application for Love On Café

Dear Sirs,

I am writing as a resident of Mile End, immediately opposite the above mentioned café on the corner of Victoria St and Galdstone Rd Mile End.

I live at 21 B Victoria St Mile End.

I would like to offer my full support to their application particularly after being shown what was intended, as it adds further appeal to what has become an attractive and blossoming part of this inner suburban area.

Many other inner suburban areas can boast such appealing cafes and so it is terrific to see the owners wanting to continue to thrive and improve. I believe it has done wonders to improve the cultural aspect of our area and would hate to see it disappear.

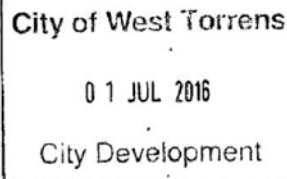
I have not had any difficulties with noise or parking and although no doubt people do drive and park to get there much of what I see, seems to be the many locals who wander down for a coffee and a bite to eat.

If you wish to contact me you can get me on 0433 630923.

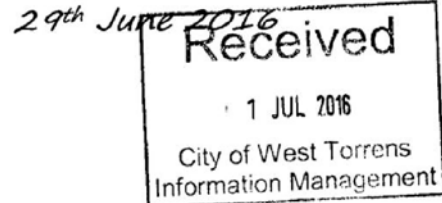
Thank You  
Sarah Hall

A handwritten signature in cursive script, appearing to read "Hall".





*City of West Torrens,  
Development office-Planning  
Attn. Jordan Leverington,*



*Dear Sir, Re. Development Application No. 211/483/2016*

*I am the sole occupant of the residential property 39a,  
Gladstone Road, Mile End which is directly adjacent to the  
Loveon Cafe.*

*The business is a huge asset to the community and is frequented  
by many locals and in no way infringes on noise or parking.*

*I am retired so I am often at home.*

*I completely support the application for some additional seating.*

*Yours Faithfully*

*Carole Jones*

*Ph 82348304 mob. 0408536602*

*Carole Jones*

**ATTACHMENT 5**

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## Memo

To Planning Officer  
From Baskar Kannappan  
Date 12 May 2016  
Subject 211/483/2016, 39 Gladstone Road, MILE END SA 5031

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

### **1.0 Traffic Comments**

The following comments have been provided by Council's Traffic Consultant.

I refer to the above development application to increase the number of café seats on the subject site by 16.

I have previously assessed the original change of use application from "shop" to a "café" on the subject site in 2013 (DA 211/848/2013). In that assessment, I had regard to the previous use of the building as a delicatessen, the parking that was available on-site and in the adjacent streets and the number of café seats proposed. I concluded that up to 20 café seats would be supportable from a parking impact perspective.

The current application seeks to increase the number of café seats by 16, ie total of 36 seats. Based on the parking rate of 1 space per 3 seats, the proposal for 16 additional seats would require an additional 5 parking spaces.

As the proposal would not provide any additional on-site parking, the parking impact can only be accommodated by the adjacent residential streets. The subject site is located in a Residential Zone. Any increase in on-street parking that would be generated by a further intensification of the existing use would have adverse impacts on the adjacent residential properties.

On the basis of the above assessment, I am of the opinion that the proposal would not be supportable from parking perspective.

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

Regards

**Baskar Kannappan**  
**Civil Engineer**

## 6.7 4 Arcoona Avenue, LOCKLEYS

Application No. 211/993/2014/A

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of a two storey semi-detached dwelling (Variation to Development Application 211/993/2014A), associated garage and verandah (alfresco)
APPLICANT	Format Homes Pty Ltd
APPLICATION NO	211/993/2014A
LODGEMENT DATE	17 February 2016
ZONE	Category 1
POLICY AREA	Internal ▪ Nil  External ▪ Nil
APPLICATION TYPE	Residential Zone
PUBLIC NOTIFICATION	Residential Policy Area 21
REFERRALS	Merit
DEVELOPMENT PLAN VERSION	05 November 2015
MEETING DATE	09 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

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

The proposed development involves a variation to the consent granted for Development Application 211/993/2014 in the form of the inclusion of an upper storey addition to one of the single storey semi-detached dwellings.

The consent was granted by the ERD Court following the refusal of the development application by DAP.

### PREVIOUS or RELATED APPLICATION(S)

- DA 211/1098/2013 - Torrens Title land division (2 allotments) - Refused by the DAP 11 February, 2014
- DA 211/1339/2013 - The construction of two (2) single-storey, semi-detached dwellings including garages and alfrescos under the main roof - Refused by the DAP 11 February, 2014
- DA 211/993/2014 Land Division - Torrens title DAC No- 211/D118/14 - Create One (1) additional allotment, demolition of existing buildings, and the construction of two (2) single storey dwellings, associated garages and verandahs (alfrescos) - Refused by DAP 11 November 2014 - Approved by ERD Court 21 October 2015.

## **SITE AND LOCALITY**

The subject site is rectangular in shape and is located on the southern side of Arcoona Avenue Lockleys. It has a frontage width of 20.27 metres to Arcoona Avenue and a maximum depth of 40.34 metres with a site area of approximately 818m<sup>2</sup>.

The site is currently occupied by a single storey detached dwelling, ancillary outbuildings and established vegetation.

Vehicle access to the site is currently provided by way of a single width crossover located at the western end of the site's Arcoona Avenue frontage.

The subject site is located approximately 370 metres from the nearest Centre Zone with the River Torrens Linear Park and Reserve to the west.

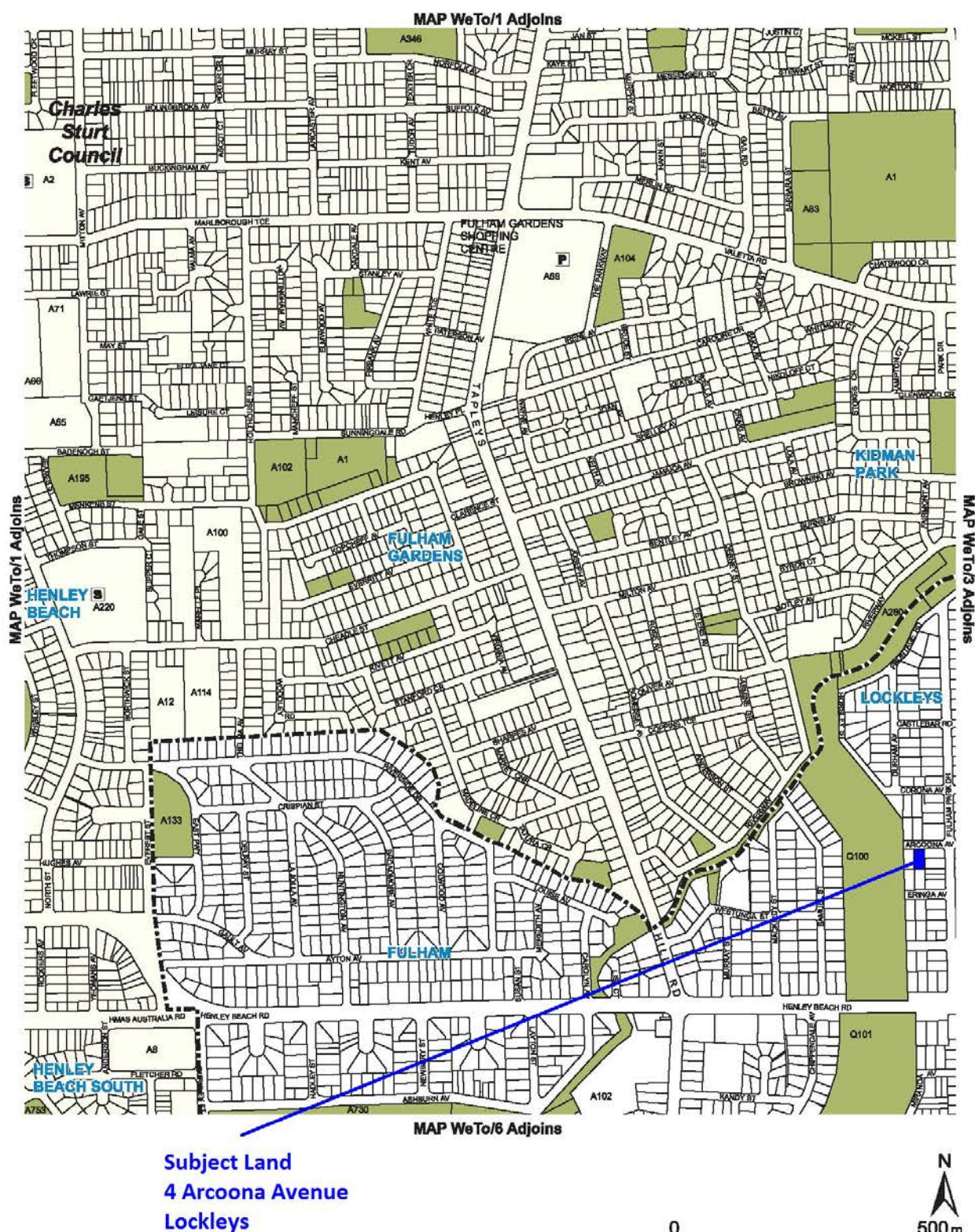
The existing immediate locality predominantly comprises single and two-storey detached dwellings with pitched roofs which are generally constructed of brick and/or render and provided with wide, open frontages.

Recent development and approvals in the immediate locality include the division of 3 Arcoona Avenue and construction of two (2) semi-detached dwellings and the division adjacent land at 20 Fulham Park Drive (Corner of Arcoona Avenue)

The site and locality are shown on the following maps and site photos.



Figure 1: Subject Site & locality

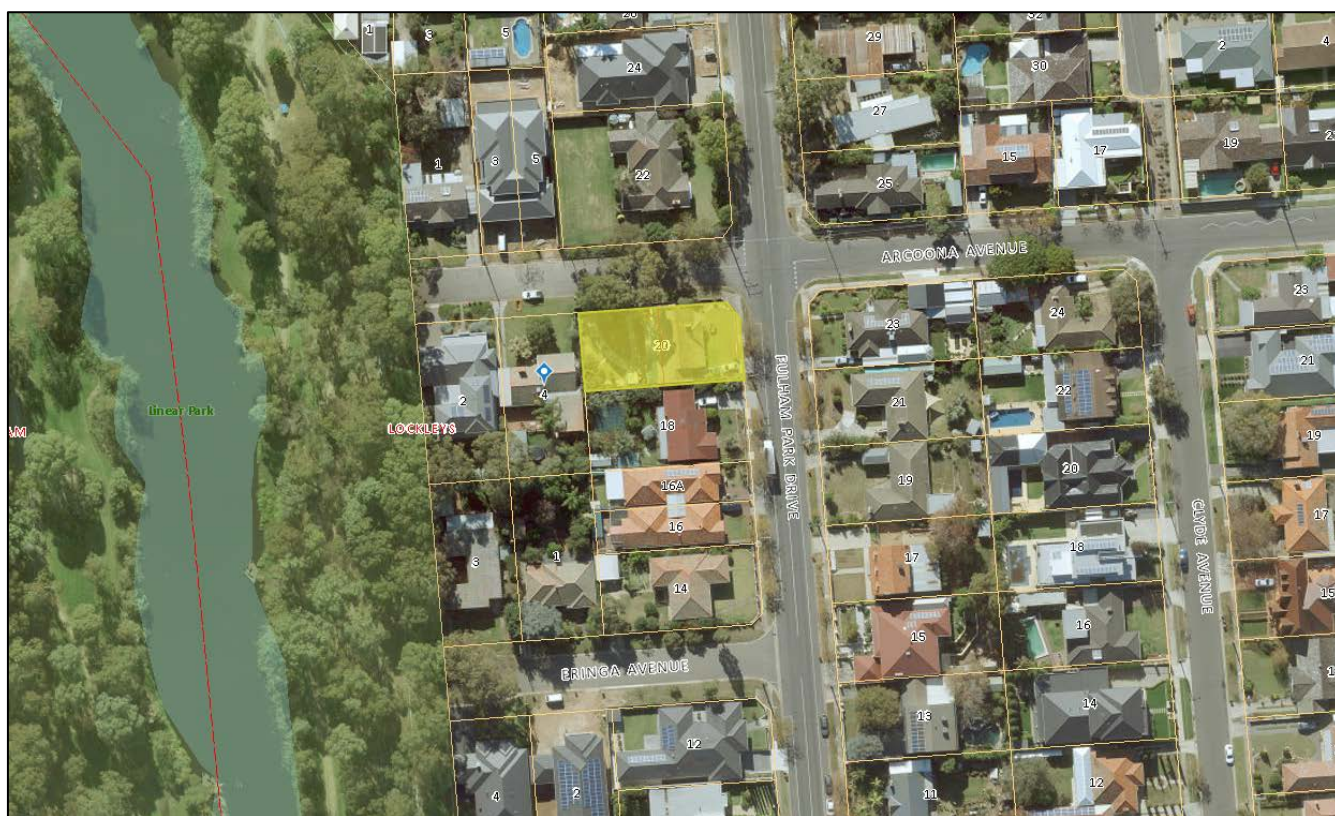


## Location Map WeTo/2

- School
- Post Office
- Local Reserves
- Development Plan Boundary



**Figure 2: Locality map**



**Figure 3 Subject Site**



## PROPOSAL

It is proposed to amend the approved development (DA 211/993/2014 - construct two, single-storey attached dwellings) by adding a second storey to Dwelling A. Dwelling A previously contained two bedrooms and a separate lounge which could be used as a third bedroom, open plan kitchen / family / meals area and associated amenities. The amended plans include two bedrooms, home theatre room, open plan kitchen/meals/family area and laundry on the ground level and two bedrooms, living area and bathroom facilities on the upper level.

Dwelling A will retain a tandem garage accommodating two vehicles within the dwelling's roofline and dwelling facade. The garage is set back a sufficient distance to allow for an additional vehicle parking space within the front setback area.

The dwelling is still of complementary building styles, and generally constructed of rendered blueboard and brickwork, with colorbond pitched roofs and incorporating other architectural features such as lacework, quoining and gable infill features.

Only the proposed variation is being assessed by Council with the reminder of the development having been granted consent by the ERD Court. The proposed land division will not be altered as part of this variation application.

The proposed development is detailed in **Attachment 1**.

## PUBLIC NOTIFICATION

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

## REFERRALS

### Internal

Nil, the original application was referred to the City Assets Department for comment (DA 211/993/2014). However as access and egress has not been amended the variation application has not been referred.

### External

Nil

## ASSESSMENT

The subject land is located within the Residential Zone and more specifically within the Low Density Policy Area 21 as described in the West Torrens Council Development Plan.

The primary provisions of the Development Plan which relate to the proposed development are outlined below:

<u>General Section</u>		
Design and Appearance	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 9, 10, 11, 12 13, 14, 15
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 5 & 6
Residential Development	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 3, 4 5,6,7,8, 9, 10, 11,12,13, 27
Zone: Residential Zone		
<p><i>Desired Character Statement (extract)</i></p> <p><i>This zone will contain predominantly residential development.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas.</i></p> <p><i>Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p>		
Objectives		<p><i>1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Dwellings of various types at very low, low and medium densities.</i></p> <p><i>3 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i></p> <p><i>4 Development that contributes to the desired character of the zone.</i></p>
Principles of Development Control		<p><i>1 The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>domestic outbuilding in association with a dwelling</i></li> <li>▪ <i>dwelling</i></li> <li>▪ <i>dwelling addition</i></li> <li>▪ <i>small scale non-residential use that serves the local community, for example:</i> <ul style="list-style-type: none"> <li>- <i>child care facility</i></li> <li>- <i>health and welfare service</i></li> <li>- <i>open space</i></li> <li>- <i>primary and secondary school - recreation area</i></li> <li>- <i>shop measuring 250 square metres or less in gross leasable floor area</i></li> </ul> </li> <li>▪ <i>supported accommodation.</i></li> </ul>



	<p><i>2 Development listed as non-complying is generally inappropriate.</i></p> <p><i>5 Development should not be undertaken unless it is consistent with the desired character for the zone and policy area.</i></p> <p><i>7 Dwellings should be set back from allotment or site boundaries to:</i>  <i>(a) contribute to the desired character of the relevant policy area</i>  <i>(b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>10 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building, (with the total wall height of the building being measured from the existing ground level at the boundary of the adjacent property as shown by Figure 1), increases to:</i>  <i>(a) minimise the visual impact of buildings from adjoining properties</i>  <i>(b) minimise the overshadowing of adjoining properties.</i></p> <p><i>18 Development should preserve and enhance streetscapes by:</i>  <i>(a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality</i>  <i>(b) limiting the number of driveway crossovers.</i></p> <p><i>20 Where a new dwelling is constructed alongside or within a group of older style residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.</i></p>
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**Policy Area: Low Density Policy Area 21**

**Desired Character Statement (extract)**

*This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).*

*There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones.*

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

*Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.*

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

*Low and open-style front fencing will contribute to a sense of space between buildings.*

<i>Objectives</i>	<i>1 Development that contributes to the desired character of the policy area.</i>
<i>Principles of Development Control</i>	<p><i>1 The following forms of development are envisaged specifically in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>domestic outbuilding in association with a dwelling</i></li> <li>▪ <i>domestic structure, such as a veranda, porch</i></li> <li>▪ <i>detached dwelling</i></li> <li>▪ <i>dwelling addition</i></li> <li>▪ <i>row dwelling within 400 metres of an existing centre zone</i></li> <li>▪ <i>semi detached dwelling within 400 metres of an existing centre zone</i></li> <li>▪ <i>small scale non-residential use that serves the local community, for example:</i> <ul style="list-style-type: none"> <li>- <i>child care facility</i></li> <li>- <i>health and welfare service</i></li> <li>- <i>open space</i></li> <li>- <i>primary and secondary school</i></li> <li>- <i>recreation area</i></li> <li>- <i>shop measuring 250 square metres or less in gross leasable floor area</i></li> </ul> </li> <li>▪ <i>supported accommodation.</i></li> </ul> <p><i>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>

## QUANTITATIVE ASSESSMENT

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

Note only the proposed variation consisting of the addition of a second level to one of the semi-detached dwellings is assessed. All other elements were previously considered by DAP and the ERD Court:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SIDE/ REAR SETBACKS Residential Zone PDC 11	Side 2m wall height up to 6m from ground level	Upper Level 2.0m (eastern Boundary)  Upper Level 1.5m (western Boundary)  <b>Partly Satisfied</b>
	Rear 8m for two storey component of dwelling	Upper Storey - 8.9m  <b>Satisfied</b>

## QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development satisfies the relevant Development Plan provisions with the following comments provided:

### Land Use and Zoning

The desired character for the Low Density Policy Area 21 outlines that development will be at low density focused around predominantly replacement of detached dwellings with the same (or buildings in the form of detached dwellings) with denser development in proximity to centres. Buildings will be up to 2 storey in height. The proposed development is for the addition of a second storey to one of the two (2) semi-detached dwellings which is consistent the provisions of Development Plan.

### Surrounding Uses

The Arcoona Avenue locality has a mix of dwelling styles including 2 storey detached dwellings, 2 storey semi-detached and single storey detached dwellings. The proposed development of a two storey semi-detached dwelling is consistent with the surrounding land uses.

### Bulk and Scale

The proposed second storey addition to one of the semi-detached dwellings is consistent with the changing character of this locality with recent approvals and construction including two storey dwellings.

### Overlooking

The proposed second storey addition will contain windows with a sill height of 1.6 or 1.65 metres which is marginally below the requirements of the Development Plan (Residential Development PDC 27) of 1.7 metres. A condition of consent has been included requiring that second storey windows have a minimum sill height of 1.7 metres or obscure glass.

### Visual Impact on Streetscape

While the proposed development will present a somewhat lopsided building (second storey on only one of the semi-detached dwellings) to the street the design of the dwellings has sought to present different forms and finishes to Arcoona Avenue. Given the changing nature of this section of Arcoona Avenue with more two storey development the proposed variation is considered appropriate.

## SUMMARY

The proposed addition of a second storey to one of the approved semi-detached dwellings is considered an appropriate development in this location and zone. The development of two storey dwellings is envisaged in both the Residential Zone and Policy Area 21 Low Density. The existing two storey dwellings in this locality reflect this policy.

The setbacks for the upper storey are mostly consistent with the provisions of the Development Plan.

As noted only the proposed variation has been assessed as part of this variation application.

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

On balance the proposed variation sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 05 November 2015 and warrants the granting of Development Plan Consent.

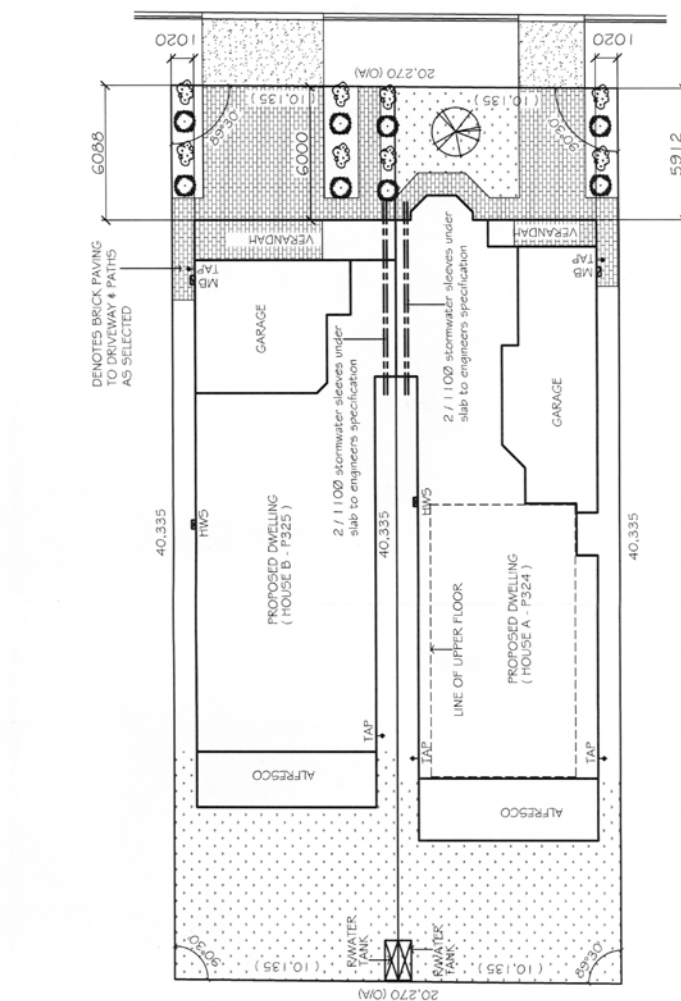
## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT CONSENT to Development Application No. 211/993/2014A by Format Homes Pty Ltd consisting of the addition of a second storey to one of the semi-detached dwellings (Dwelling A) approved in Development Application No. 211/993/2014 subject to conditions

### Conditions

1. The development must be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. The upper level windows of the dwelling must have a sill height of a minimum of 1.7 metres above the upper floor level or be provided with fixed obscure glass/glazing 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 glass or glazing in these windows is to be maintained at all times to the reasonable satisfaction of Council.
3. That all original planning conditions of Development Plan Consent 211/993/2014 dated 21 October 2015, where relevant, shall remain applicable.





REFER TO ENGINEERING/COUNCIL FOR CROSSOVER DETAILS,  
COUNCIL CROSSOVER, INVERT, AND REINSTATEMENT OF GUTTER/NERB  
(IF REQUIRED) BY OWNER UNLESS NOTED OTHERWISE

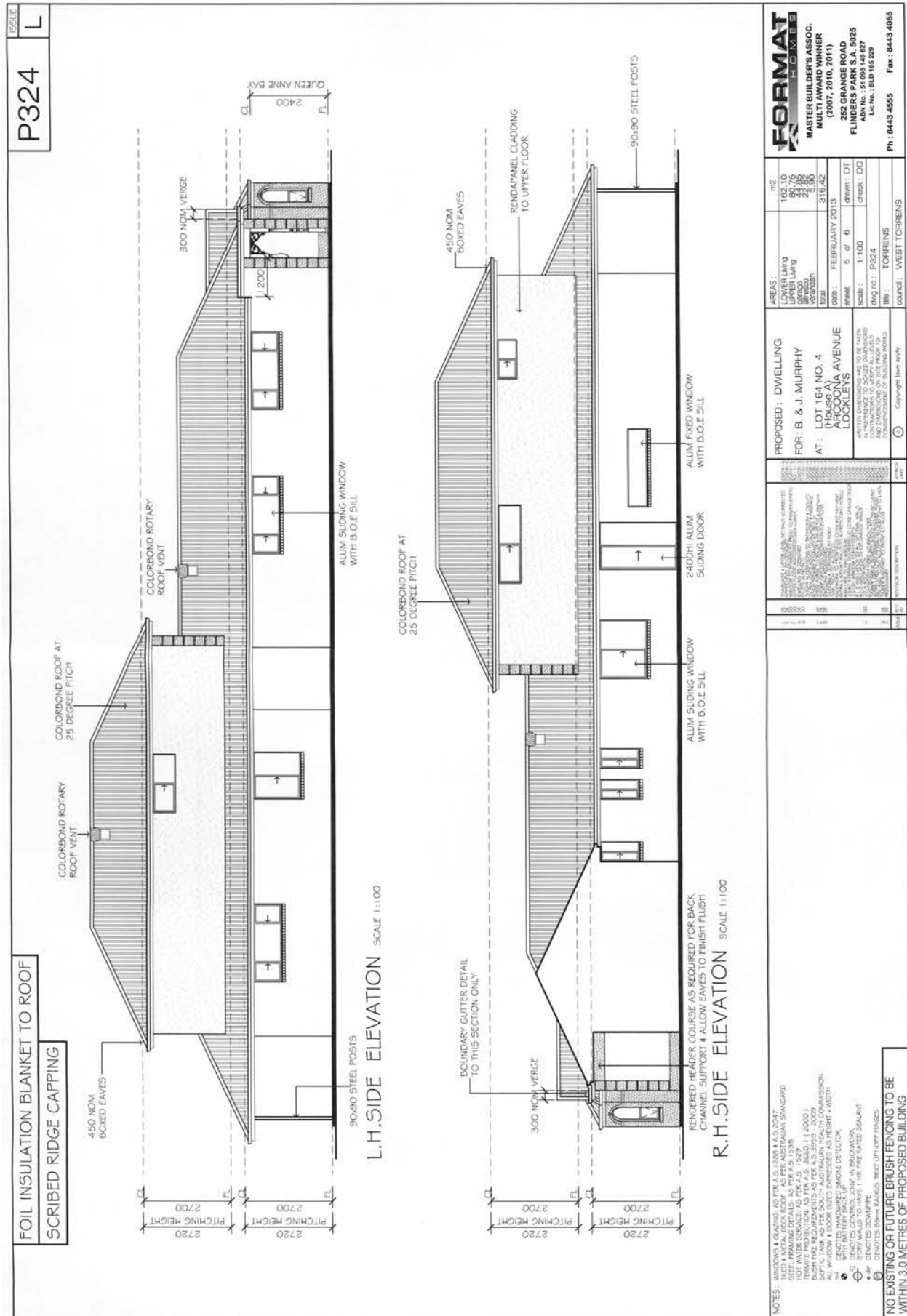
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**FORMAT HOMES**  
MASTER BUILDER'S ASSOC.  
MULTI AWARD WINNER  
(2007, 2010, 2011)  
252 ORANGE ROAD  
FLINDERS PARKS S.A. 5025  
ABN No.: 51 093 438 627  
Lic No.: BLD 165 229  
Ph: 8443 4555 Fax: 8443 4055

**FORMAT HOMES**

**FORMAT HOMES**  
MASTER BUILDER'S ASSOC.  
MULTI AWARD WINNER  
(2007, 2010, 2011)  
2632 GRANGE ROAD  
FLINDERS PARK S.A. 5025  
ABN No.: 61 003 148 927  
Lic No.: BLD 165 225  
Ph: 8443 4555 Fax: 8443 4055





## 6.8 20 Fulham Park Drive, LOCKLEYS

Application No. 211/643/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of a two-storey dwelling with garage and alfresco under the main roof
APPLICANT	F & L Aloï
APPLICATION NO	211/643/2016
LODGEMENT DATE	7 June 2016
ZONE	Residential
POLICY AREA	Residential Policy Area 21
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> <li>▪ Amenity Officer</li> </ul> External <ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
DEVELOPMENT PLAN VERSION	5 May 2016
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

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

### PREVIOUS or RELATED APPLICATIONS

211/1358/2014, Land division - torrens title, DAC No- 211/D169/14, Create one (1) additional allotment	<i>Approved</i>
211/1388/2014, Construction of two (2), two-storey dwellings with garages and terrace under the main roof, and boundary fencing; construction of an in-ground swimming pool associated with Dwelling 1; and demolition of existing dwelling and associated structures	<i>Refused</i>
211/954/2015, Construction of a two storey detached dwelling with garage & terrace under main roof & construction of a swimming pool	<i>Withdrawn</i>
211/1399/2015, Demolition of existing dwelling and associated structures plus the construction of two x two-storey dwellings	<i>On Hold</i>
211/1358/2014/A, Land division - torrens title, DAC No- 211/D169/14, Create one (1) additional allotment - Boundary Re-alignment	<i>Refused</i>

## **SITE AND LOCALITY**

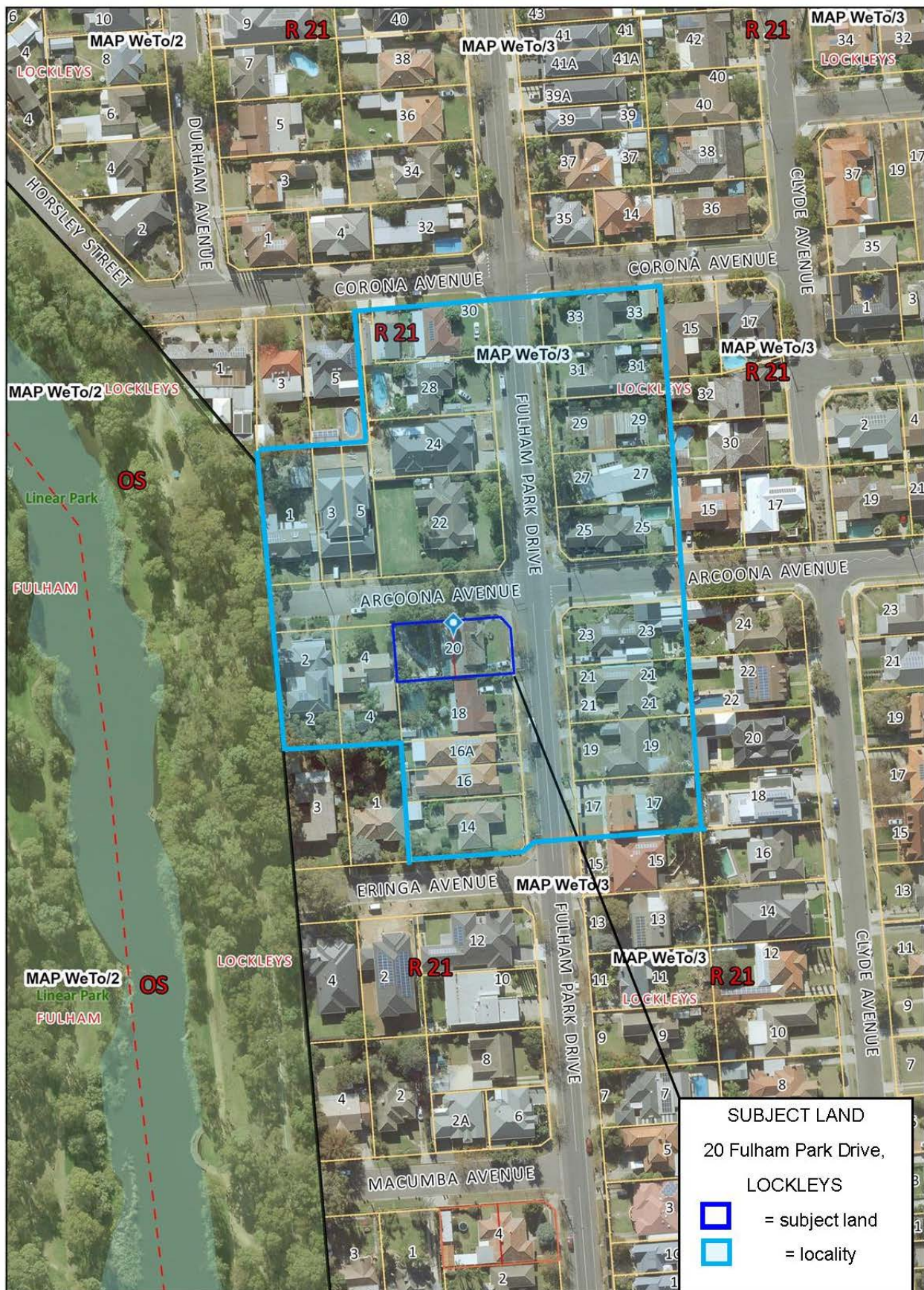
The subject site is described as Allotment 163 Deposited Plan 4749 in the area named Lockleys as contained in Certificate of Title Volume 5854 Folio 939. The land is more commonly known as 20 Fulham Park Drive, Lockleys.

The subject site is half of a corner allotment with a frontage of 19.66 metres to Arcoona Avenue and an area of 396sqm. The entire allotment currently accommodates a 1960's conventional yellow brick, hipped roof dwelling.

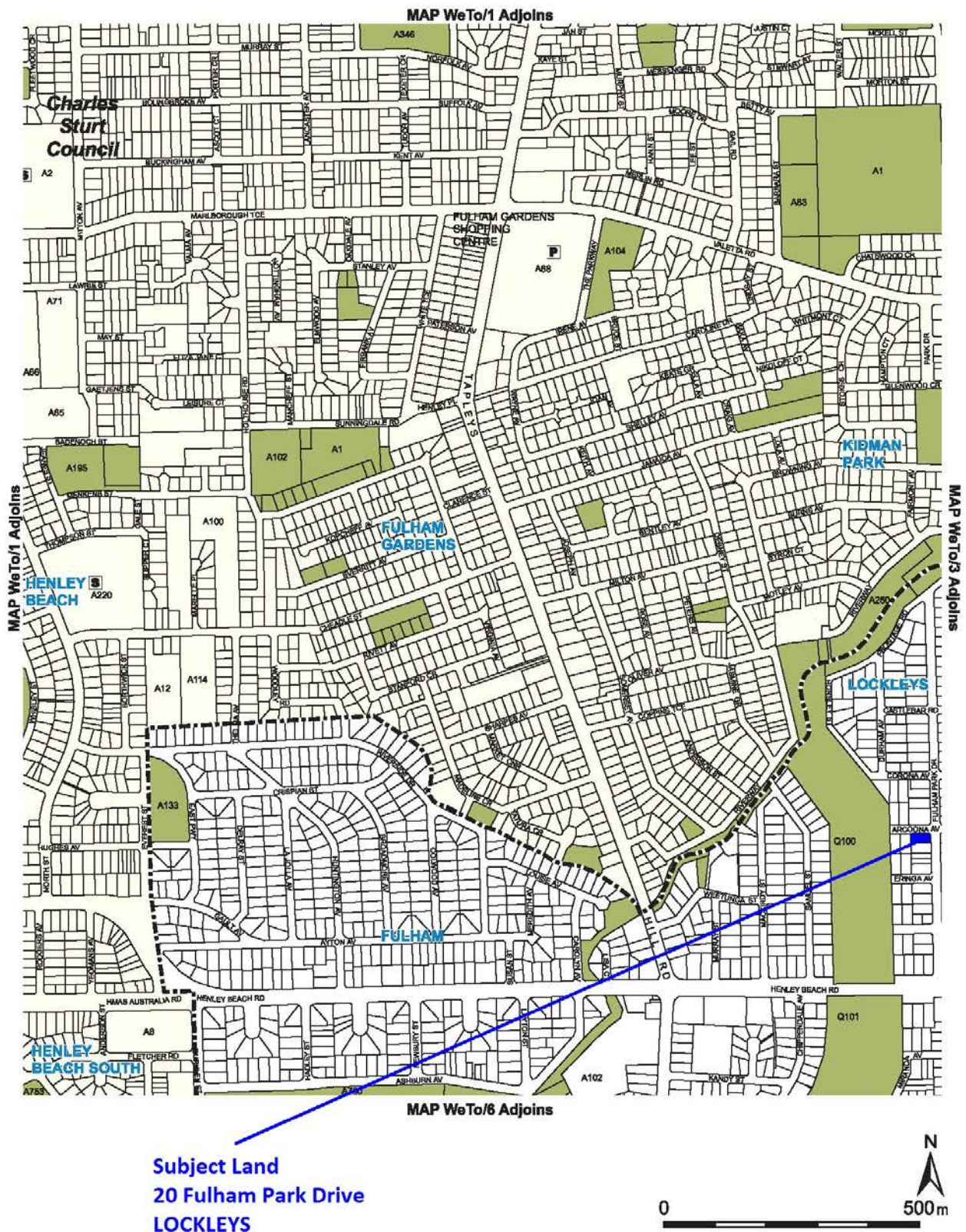
The subject site is located within the Residential Zone and more particularly Residential Policy Area 21. It is located approximately 40m east of the Linear Park which is within the Open Space Zone.

The locality is predominately characterised by detached dwellings constructed in the 1950s on relatively large, rectilinear allotments with wide frontages.









## Location Map WeTo/2

## PROPOSAL

The development application seeks consent for the construction of a two-storey detached dwelling with a double garage and alfresco built under the main roof. The application also includes landscaping and a front fence to be associated with the dwelling. The site will utilise and modify an existing crossover to provide vehicle access.

A copy of the documentation provided with the application is contained in **Attachment 1**.

## PUBLIC NOTIFICATION

The application is not listed in the Procedural Matters Table of the Residential Zone of the West Torrens Development Plan (Consolidated 5 November 2015) as being either a Category 1 or Category 2 development. Pursuant to Section 38 of the *Development Act 1993* and Schedule 9 (2) (f) of the *Development Regulations 2008* the proposed development is a Category 1 development.

## REFERRALS

Internal

### Amenity Officer

Concerns were raised regarding the following matters;

- The site plan indicates that paving will be carried out within the TPZ's of both trees and a new driveway will be constructed to the west of the Cinnamomum camphora which will traverse the TPZ and SRZ. Therefore, alternative construction methods must be implemented to ensure minimal adverse effects on tree health. The proposed paving area should be constructed with pervious pavers laid on a profile specifically designed for use around trees. This profile allows the movement of air and moisture into the organic soil beneath assisting in the preservation of the root environment.

The applicant has provided additional information to address this concern.

## ASSESSMENT

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

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9 & 10
Design and Appearance	Objectives	2
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2, 3 & 4
Landscaping, Fences and Walls	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4, 5 & 6
Residential Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 & 56

<b>Zone: Residential Zone</b>	
<i>Desired Character Statement:</i>	
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a <b>Historic Conservation Area</b>.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
<b>Objectives</b>	1, 2, 3, 4
<b>Principles of Development Control</b>	1, 5, 6, 7, 8, 10, 11, 12, 13, 14

<b>Policy Area: Low Density Policy Area 21</b>	
<i>Desired Character Statement:</i>	
<p><i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern. Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p>	
<b>Objectives</b>	1
<b>Principles of Development Control</b>	1, 2

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

[illegible]



	Lower level  3m  Upper level  8m	4m  <b>Satisfies</b>  8m  <b>Satisfies</b>
PRIVATE OPEN SPACE  <i>Residential Development PDC 19</i>	16m <sup>2</sup>	93m <sup>2</sup>  <b>Satisfies</b>
LANDSCAPING  <i>Landscaping, Fences &amp; Walls PDC 4</i>	10%	20% approximately  <b>Satisfies</b>
CARPARKING SPACES  <i>Transport and Access PDC 33</i>	2 car-parking spaces, 1 of which is covered	4 provided (2 covered)  <b>Satisfies</b>

## QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development satisfies the relevant Development Plan provisions:

### Bulk and Scale

The proposed style of two-storey dwelling is not one that already occurs in Arcoona Avenue. The existing two-storey dwellings have the second storey component set back further from the street than the first storey. Whilst this dwelling will be visually quite different in this street, it does meet the Desired Character Statement for the Policy Area, therefore the appearance is supportable.

## SUMMARY

The proposal meets the majority of relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the West Torrens Council Development Plan Consolidated 5 May 2016 and warrants Development Plan Consent.

## RECOMMENDATION

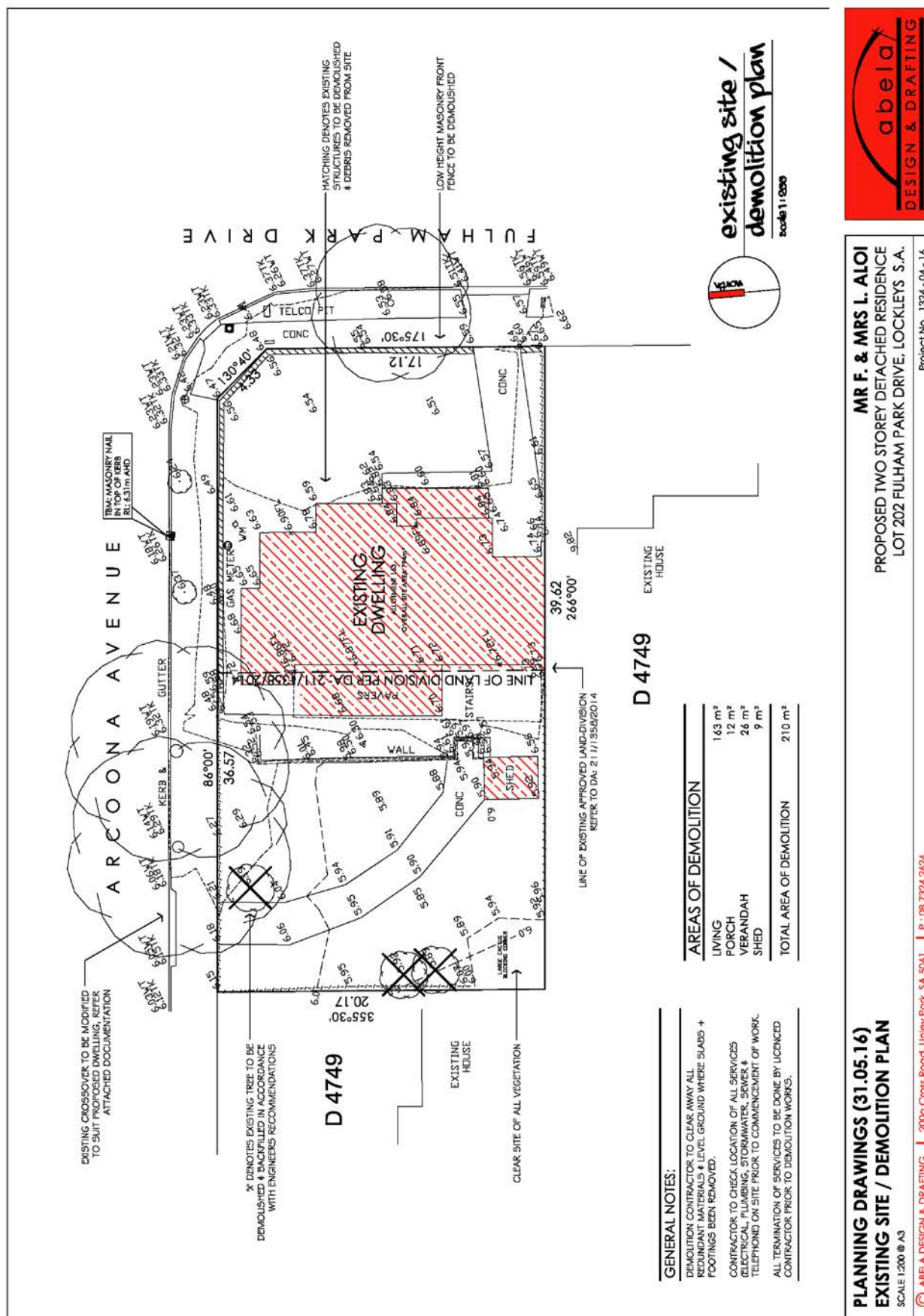
The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/643/2016 by F & L Aloj to construct a two-storey dwelling with garage and alfresco under the main roof at 20 Fulham Park Drive, Lockleys (CT 5854/939) subject to the following conditions of consent:

## Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That the finished floor level shall be 6.60 in reference to the plan provided by Abela Design & Drafting (Job Number 1324-04-16 dated 28 July 2016).
3. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
4. That any retaining walls will be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
5. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
6. That all planting and landscaping will be completed within three (3) months of the commencement of the use of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.
7. When excavations are carried out in the vicinity of the Street Tree:
  - a) The Contractor shall use hand excavation to locate any tree roots; and
  - b) Small roots of 50mm in diameter or less may be pruned, but pruning shall occur using a sharp pruning tool such as secateurs or a hand saw. The use of an axe to cut roots is not permitted. Roots which need to be removed shall be removed before commencing machine excavation; and
  - c) Larger roots shall be inspected by Council to determine their contribution to the trees stability and any potential nutrient storage values; and
  - d) Any damage to the upper portion of the trees through heat exposure, high pressure tool exposure or drift from caustic or corrosive chemicals (eg. cement/mortar dust) shall be avoided.
8. That the permeable pavers shall be in accordance with Australian Standard 4970-2009, "Protection of Trees on Development Sites" and the manufacturer's recommendations with consideration to the following:
  - a) Paver based material selection and placement requirements;
  - b) Assessment for requirement of geofabric placement below base material and associated selection and installation of such material;
  - c) Assessment for requirement of base material drainage and installation of such; and
  - d) Engineering design assessment is required to ensure that infiltration to permeable pavers will not have shrinkage or expansion effects on materials (soils) located on adjacent allotments or located within directly adjacent dwellings within this development.

9. That the upper level east, west and south facing windows of the dwelling will be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows will be maintained in reasonable condition at all times.
10. Council requires one business day's notice of the following stages of building work:
  - Commencement of building work on site
  - Commencement of placement of any structural concrete
  - Completion of wall and roof framing prior to the installation of linings
  - Completion of building work

## ATTACHMENT 1







**MR F. & MRS L. ALOI**  
PROPOSED TWO STOREY DETACHED RESIDENCE  
LOT 202 FULHAM PARK DRIVE, LOCKLEYS S.A.

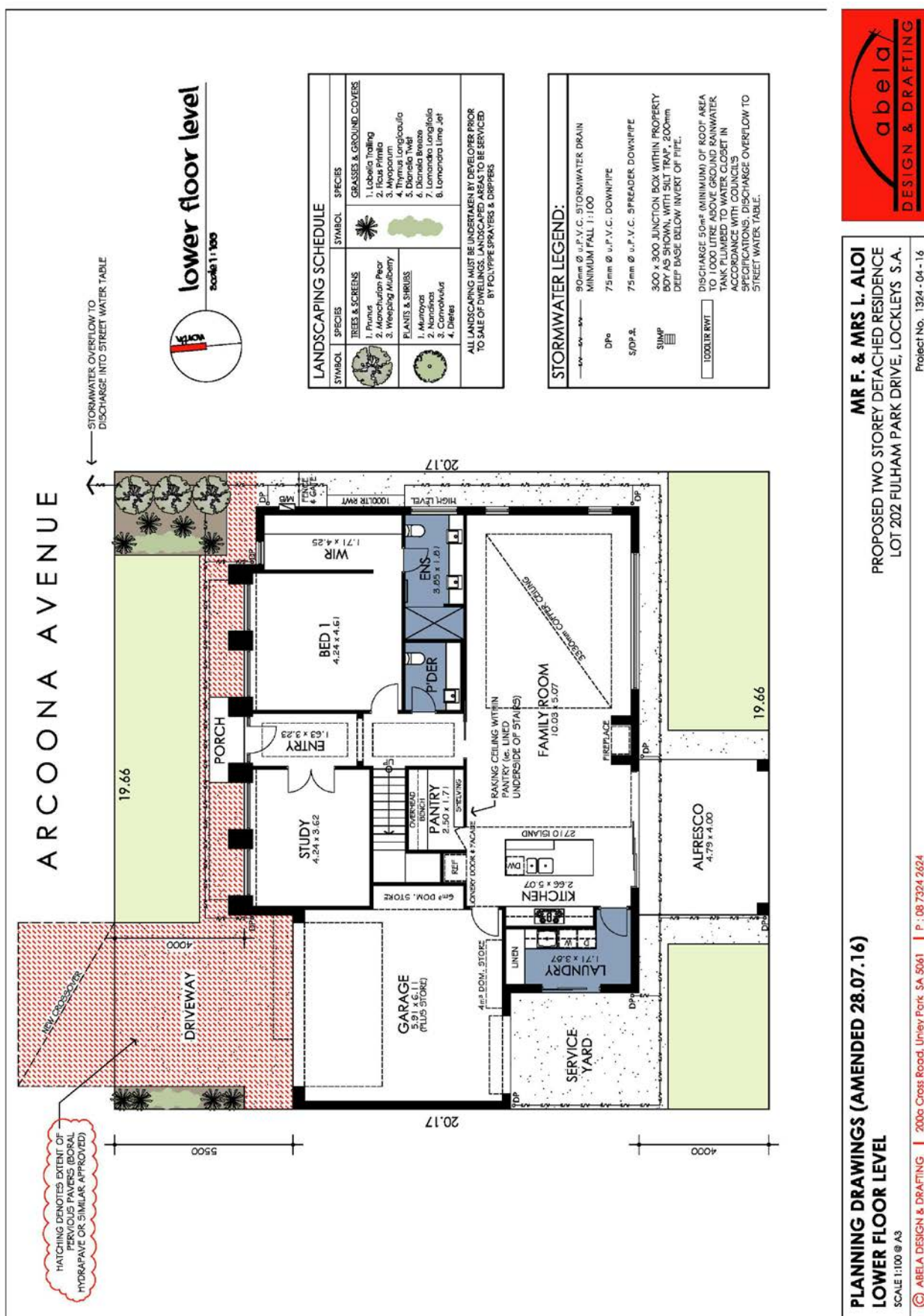
Project No. 1324 - 04 - 16

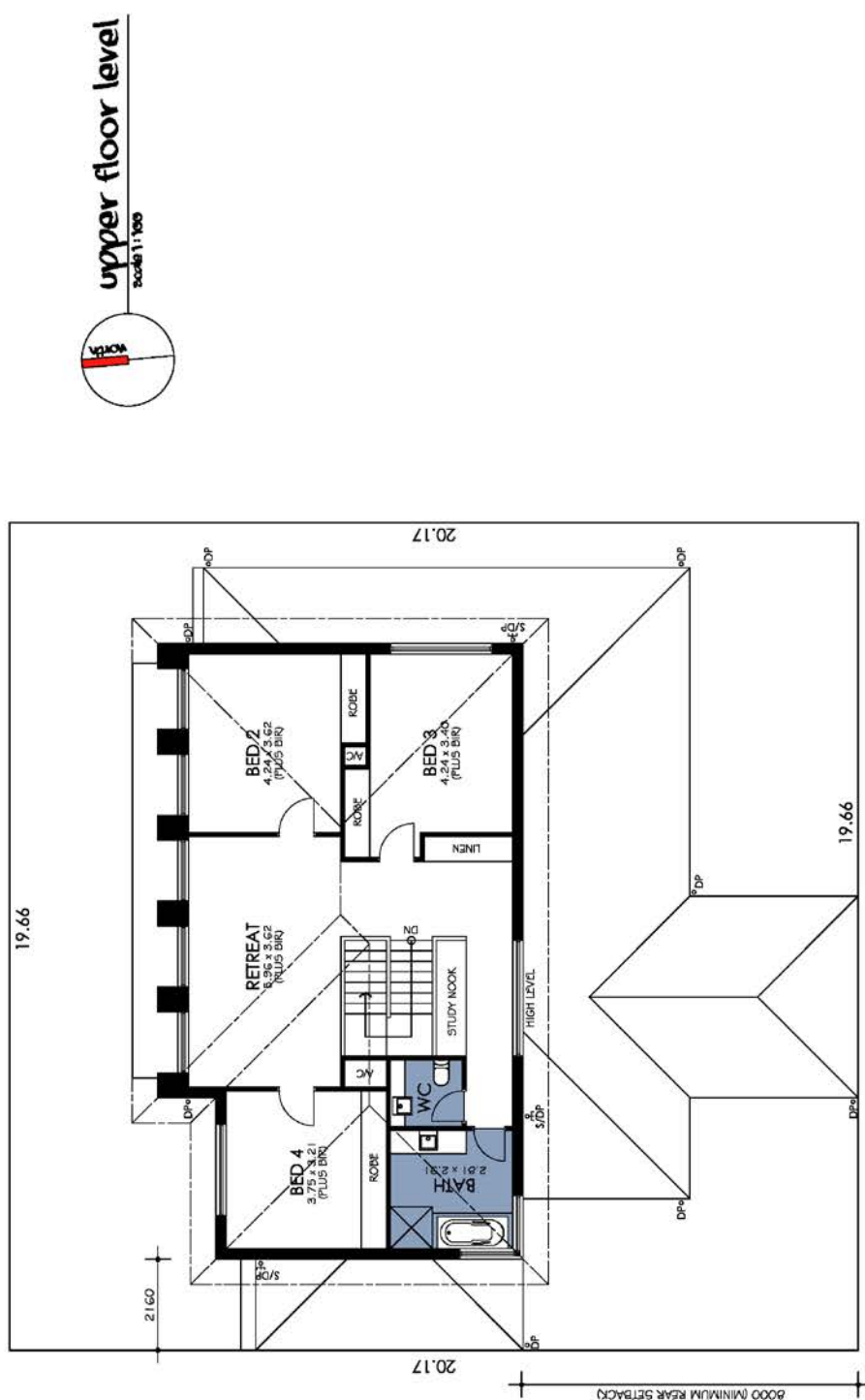
**PLANNING DRAWINGS (31.05.16)**  
**EXISTING SITE / DEMOLITION PLAN**  
SCALE 1:200 @ A3

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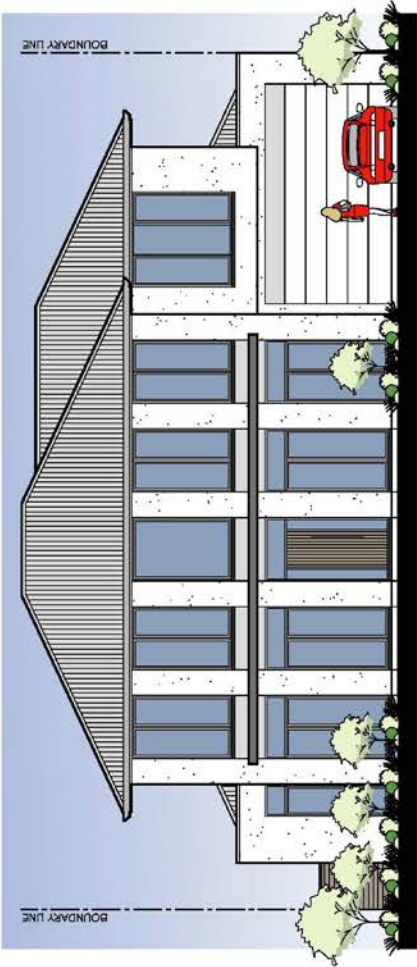


**PLANNING DRAWINGS (31.05.16)**  
**UPPER FLOOR LEVEL**

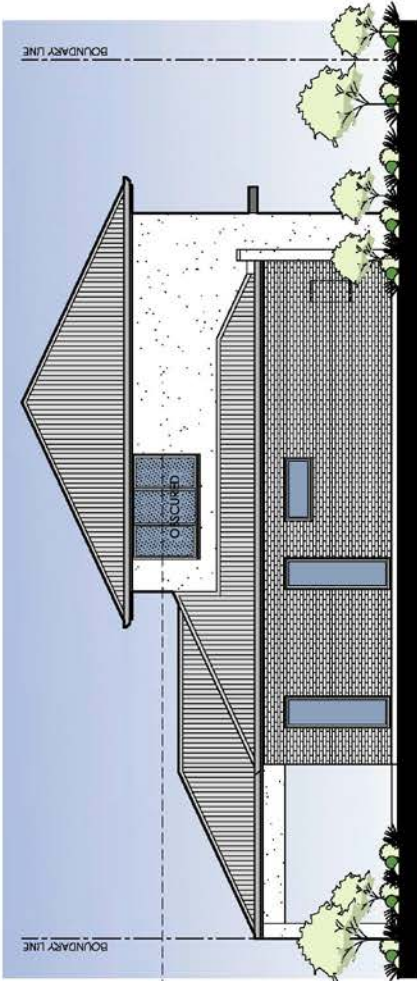
**MR F. & MRS L. ALOI**  
PROPOSED TWO STOREY DETACHED RESIDENCE  
LOT 202 FULHAM PARK DRIVE, LOCKLEYS S.A.

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arcoona avenue elevation - north



side elevation - east

SCHEDULE OF COLOURS & MATERIALS

FLOORS:  
LOWER - CONCRETE RAFT FOOTING SYSTEM ON GROUND  
UPPER - TIMBER FLOOR FRAME WITH HEBEL SOUND FLOOR

WALLS:  
LOWER - BRICK/VENEER WALL CONSTRUCTION  
COMPRISING OF TIMBER STUD FRAME CAVITY &  
BRICK/VENEER EXTERIOR FINISH TO FRONT  
ELEVATION (COLOUR: AUSTRALIAN BRICKWORK  
TO SIDE & REAR ELEVATIONS (AUSTRALIAN SCAT GREY  
UPPER - RENDER PANEL VENEER WALL CONSTRUCTION  
COMPRISING OF TIMBER STUD FRAME CAVITY & RENDER  
PANEL, TEXTURE RENDER FINISH TO ALL ELEVATIONS  
(COLOUR: SURFMASTER)  
FEATURE STEEL FRAMED CANTILEVERED CANOPY WITH  
CEDAR SOFFIT LINING TO FRONT ELEVATION AS SHOWN.

ROOF:  
TIMBER TRUSS ROOF FRAME AT 25° PITCH & 600mm WIDE  
EAVES OVERHANG TO UPPER LEVEL ROOF ONLY CLAD  
WITH COLORBOND CORRUGATED ROOF SHEETING.  
(COLOUR: WOODLAND GREY)  
COLORBOND HOUSMAN GUTTERS & FASCIAS (COLOUR:  
MONUMENT)

WINDOWS & DOORS:  
ANODISED ALUMINIUM WINDOW FRAMES TO ALL  
ELEVATIONS.  
UPPER LEVEL SIDE & REAR FACING WINDOWS SHALL HAVE  
OBSCURED GLAZING TO 1700mm ABOVE FLOOR LEVEL -  
FIXED OR 1200mm AWNING OPENING.

PLEASE NOTE: ALL COLOURS & MATERIALS ARE TO BE  
CONSIDERED INDICATIVE ONLY & SHALL BE CONFIRMED  
BY OWNER PRIOR TO CONSTRUCTION.

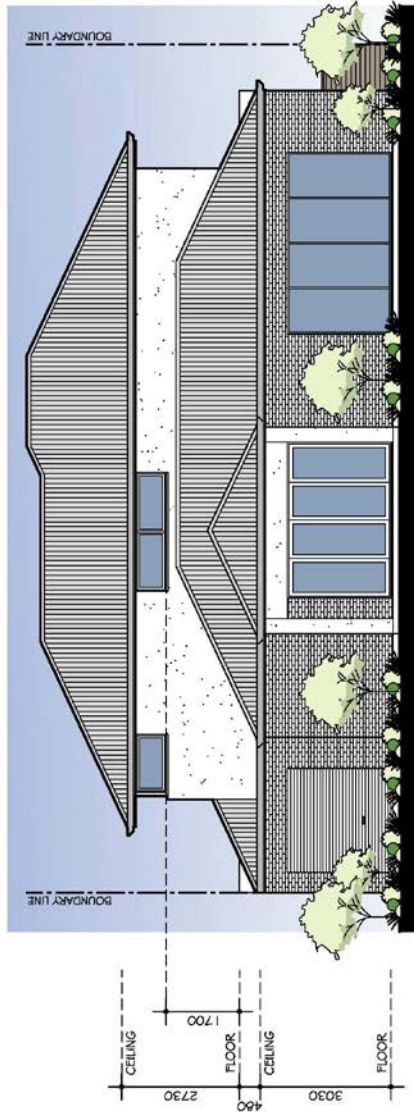
PLANNING DRAWINGS (31.05.16)  
ELEVATIONS - NORTH & EAST  
SCALE 1:100 @ A3

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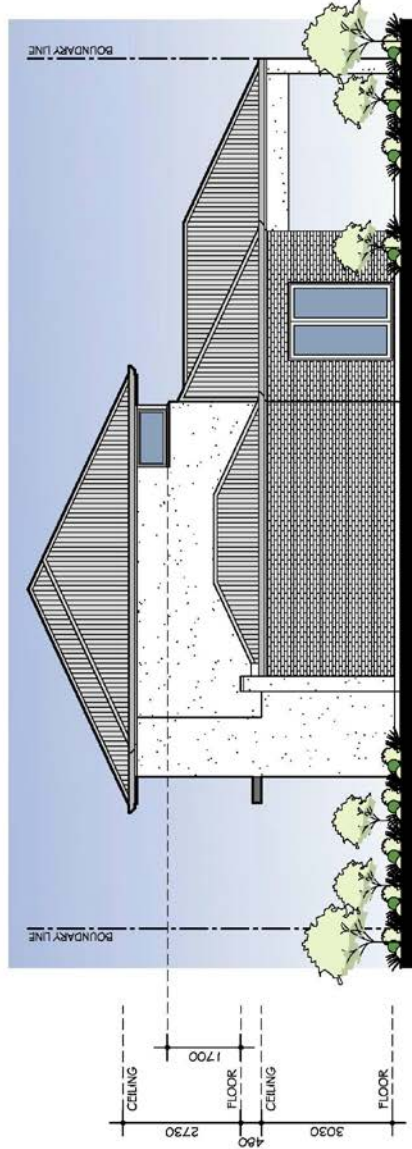
MR F. & MRS L. ALOI  
PROPOSED TWO STOREY DETACHED RESIDENCE  
LOT 202 FULHAM PARK DRIVE, LOCKLEYS S.A.

Project No. 1324-04-16





rear elevation - south



side elevation - west

PLANNING DRAWINGS (31.05.16)  
ELEVATIONS - NORTH & EAST  
SCALE 1:100 @ A3

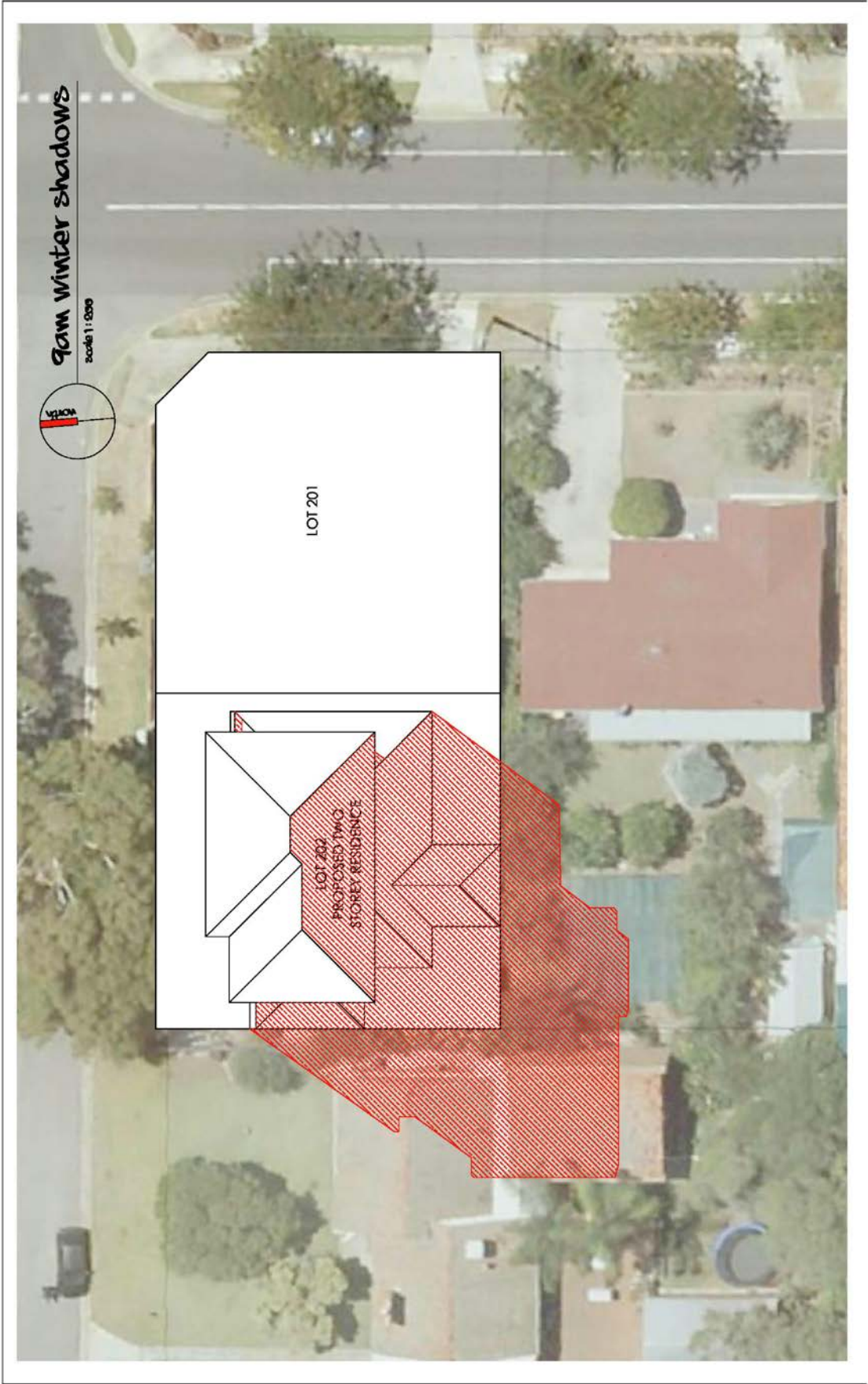
MR F. & MRS L. ALOI  
PROPOSED TWO STOREY DETACHED RESIDENCE  
LOT 202 FULHAM PARK DRIVE, LOCKLEYS S.A.

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Project No. 1324 - 04 - 16

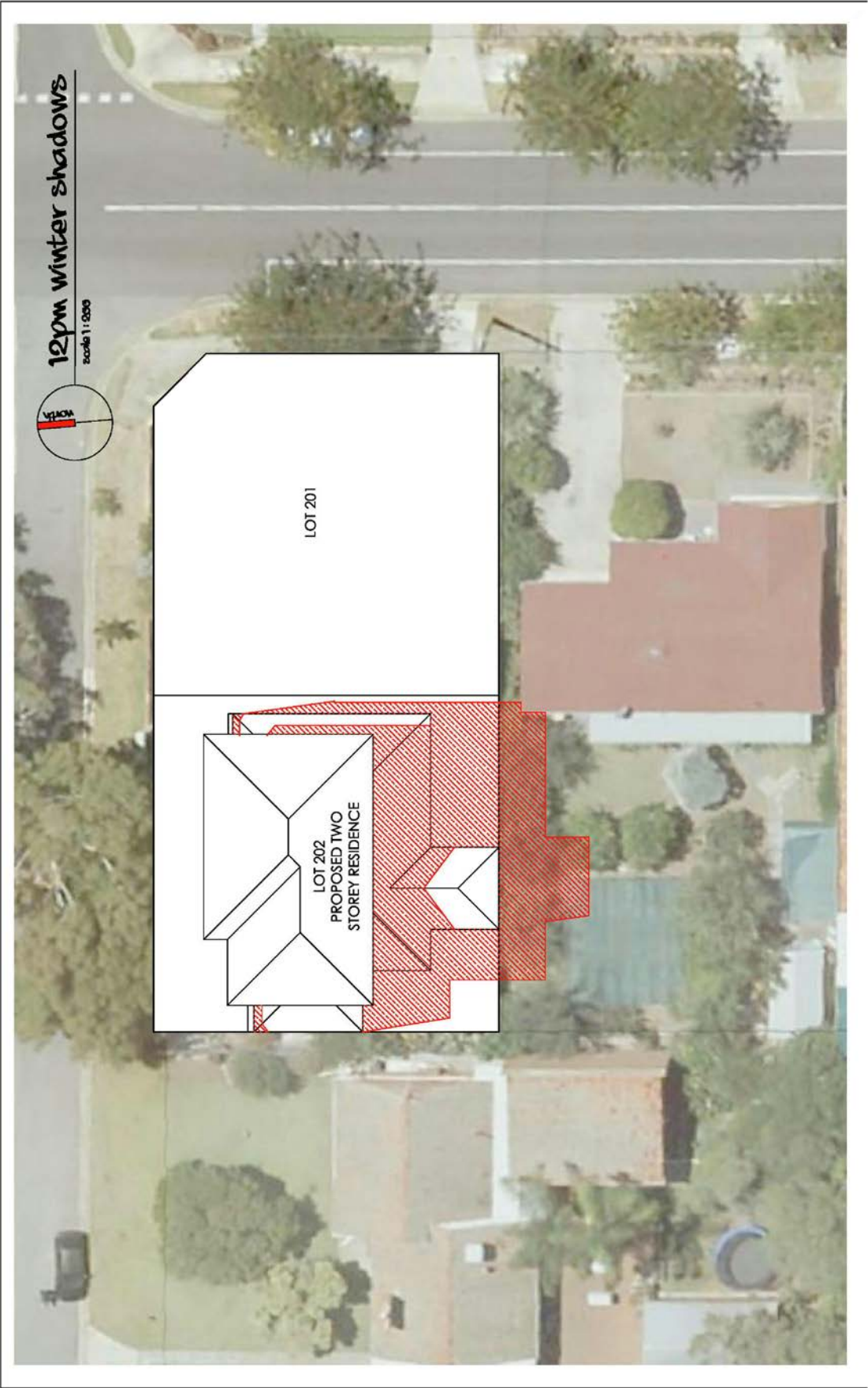






**MR F. & MRS L. ALOI**  
PROPOSED TWO STOREY DETACHED RESIDENCE  
LOT 202 FULHAM PARK DRIVE, LOCKLEYS S.A.  
Project No. 1324 - 04 - 16

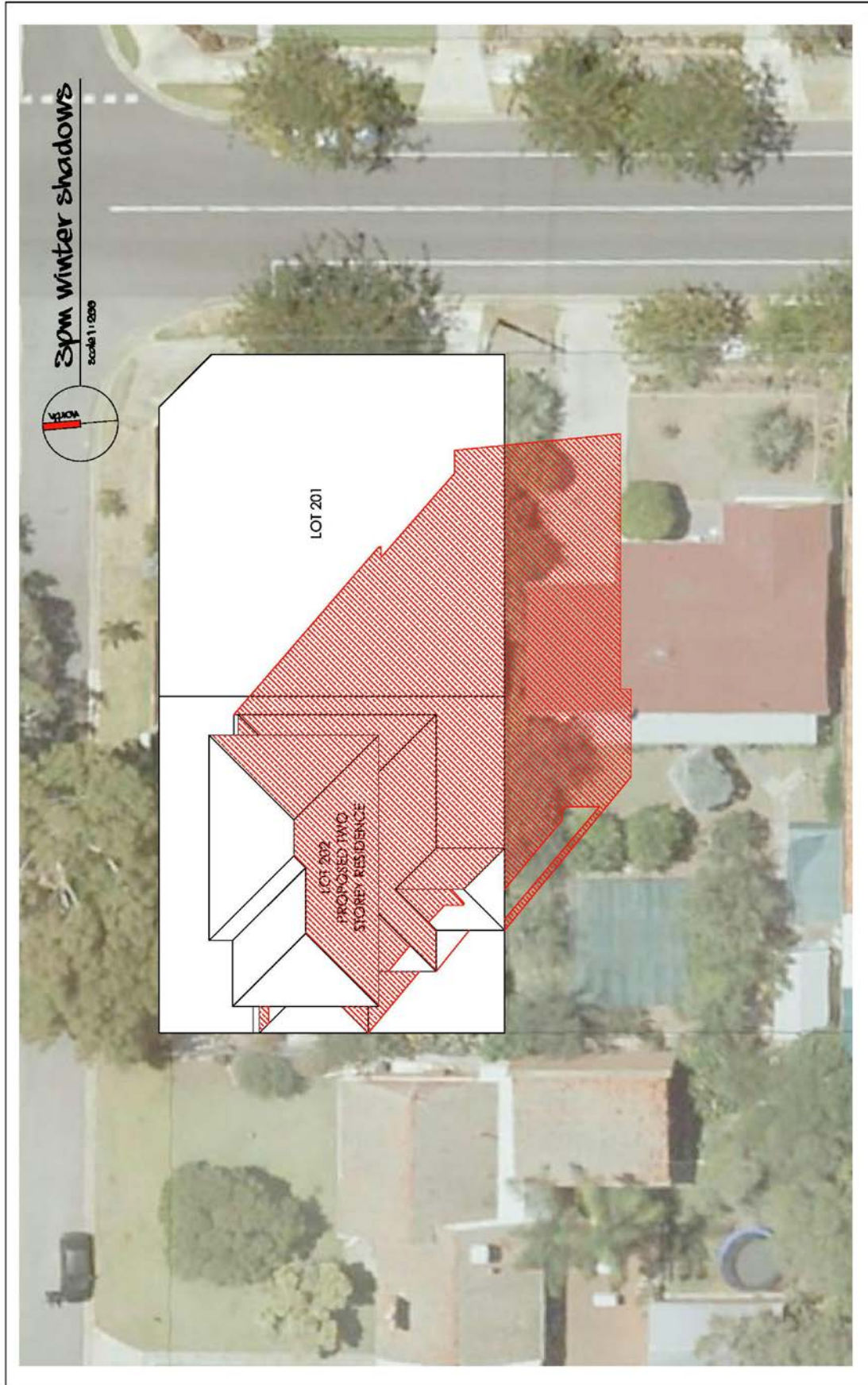
**PLANNING DRAWINGS (31.05.16)**  
**WINTER SHADOW - 9am 21st JUNE**  
SCALE 1:200 @ A3  
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**MR F. & MRS L. ALOI**  
PROPOSED TWO STOREY DETACHED RESIDENCE  
LOT 202 FULHAM PARK DRIVE, LOCKLEYS S.A.  
Project No. 1324 - 04 - 16

**PLANNING DRAWINGS (31.05.16)**  
**WINTER SHADOW - 12pm 21st JUNE**  
SCALE 1:200 @ A3  
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**PLANNING DRAWINGS (31.05.16)**  
**WINTER SHADOW - 3pm 21st JUNE**  
SCALE 1:200 @ A3

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**MR F. & MRS L. ALOI**  
PROPOSED TWO STOREY DETACHED RESIDENCE  
LOT 202 FULHAM PARK DRIVE, LOCKLEYS S.A.

Project No. 1324 - 04 - 16



## 6.9 28 Selby Street, KURRALTA PARK

Application No. 211/1512/2015

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of a two storey residential flat building comprising four (4) dwellings and associated driveway, fencing and landscaping
APPLICANT	InProperty Design
LODGEMENT DATE	21 December 2015
ZONE	Residential Zone
POLICY AREA	Policy Area 18
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 2
REFERRALS	Internal ▪ City Assets External ▪ Nil
ASSESSING OFFICER	Adam Williams
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan,

### PREVIOUS or RELATED APPLICATIONS

Nil

## SITE AND LOCALITY

The subject land is described as Allotment 43 Filed Plan 7199 in the area named Kurralta Park Hundred of Adelaide as contained in Certificate of Title Volume 57788, Folio 205. The land is more commonly known as 28 Selby Street, Kurralta Park.

The subject land is rectangular in shape, 802 square metres in size and has a frontage to Selby Street of 18.31 metres and a depth of 43.85 metres. The land is relatively flat but does have a slight fall towards the rear of the allotment.

Development of the land includes a double fronted, brick construction, single storey detached dwelling. The dwelling was built in the 1950's and has a carport attached to its southern wall, front and rear verandahs and a free-standing ancillary outbuilding in the south-west corner of the property.

The site has a modest coverage of vegetation including medium sized trees around the perimeter of the site and grassed front and back yards. No regulated trees are located on the site or adjoining the site and vehicle access to the land is available via a single width crossover to Selby Street.

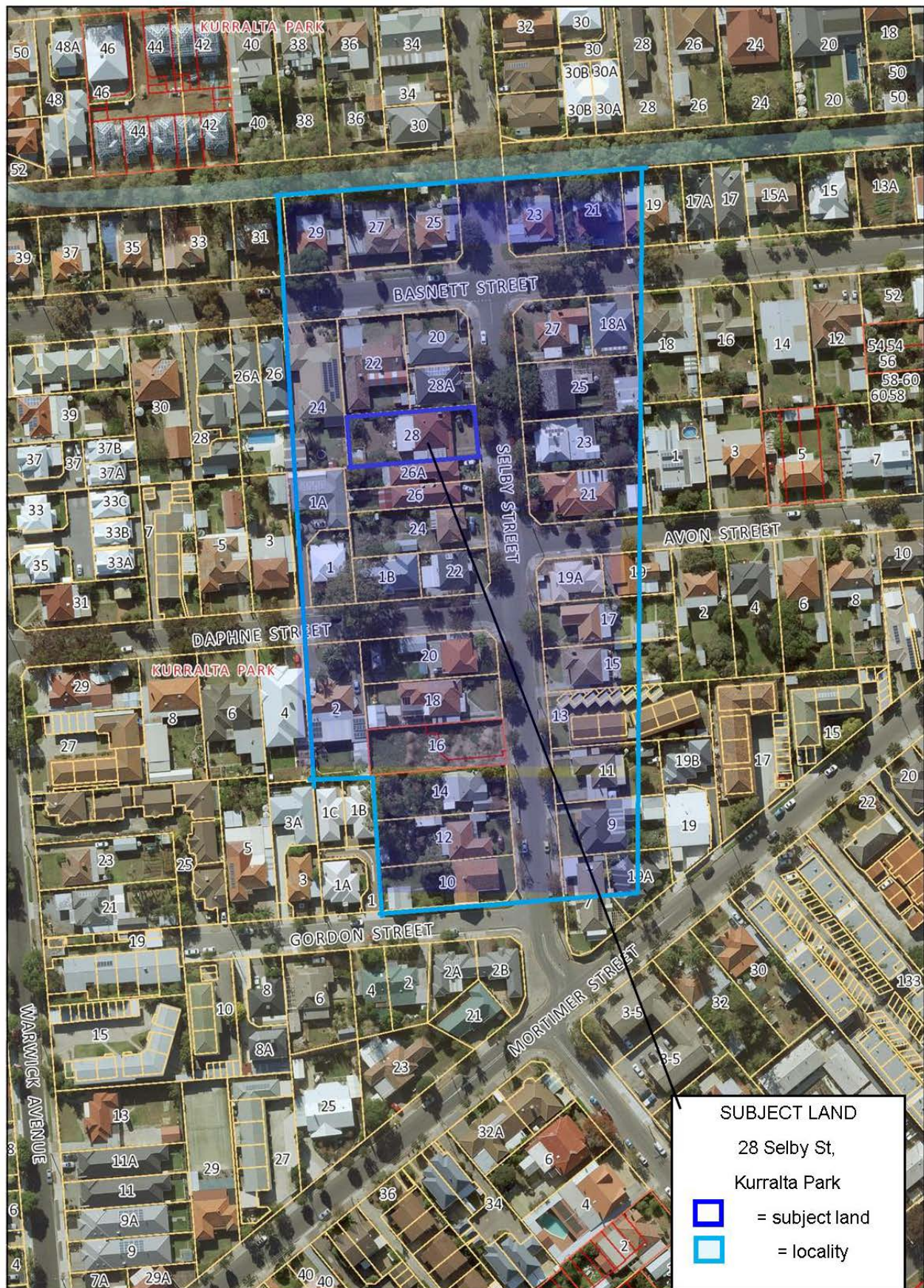
The locality contains primarily single storey, detached dwellings constructed during the 1950's and 1960's however it is apparent the original housing stock of the locality is being replaced by a newer and more diverse range of dwelling types. Most buildings are single storey but two storey buildings are interspersed across the locality. There is also greater proliferation of 2-4 storey residential flat buildings to the south of the subject land with 13 Selby Street in particular containing two, two storey residential flat buildings.

Allotments within the street are primarily rectangular in shape and range from 306 square metres to 800 square metres. Frontage widths range from 8 to 20 metres. The Selby Street road verge has a number of street trees that line its edge. The trees are of various ages and size with one (1) street tree located directly in front of the site.

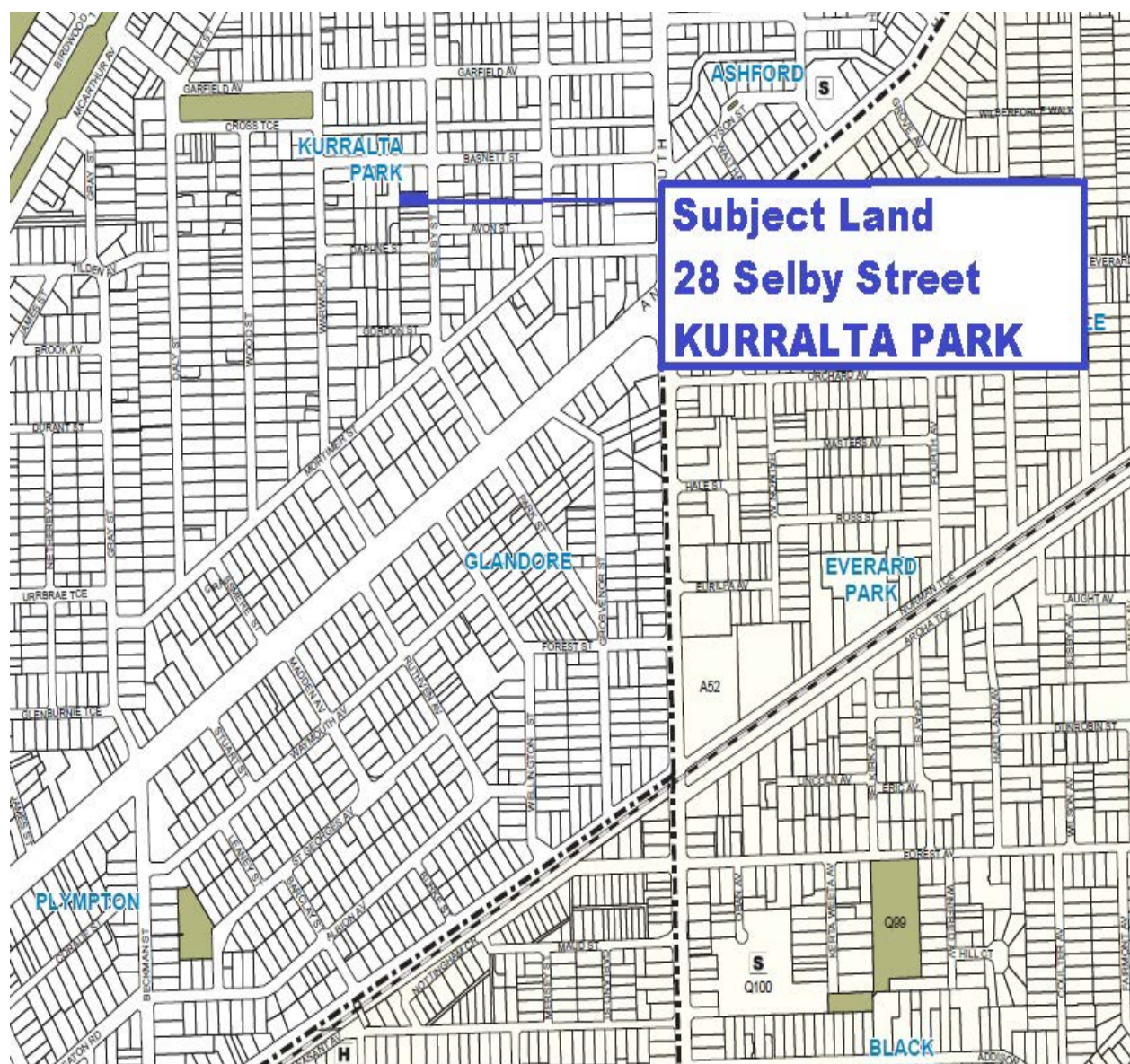
Other notable features of the locality include Brownhill Creek, approximately 100 metres to the north of the subject land, Kurralta Park shopping centre, approximately 400 metres to the south-west of the subject land and the Gallipoli underpass, approximately 350 metres to the south-east.

The site and locality are shown on the following maps









- S** School
- P** Post Office
- H** Other Health Services
- H** Hospital
- Railways
- Local Reserves
- - - - -** Development Plan Boundary

## Location Map WeTo/13

WEST TORRENS COUNCIL

## PROPOSAL

The Applicant seeks development plan consent for the construction of a two storey residential flat building. The building will contain four (4) dwellings side by side with the front dwelling facing Selby Street. The other dwellings will face the southern boundary of the subject land and the common driveway. The dwellings contain:

### Ground floor

- Open plan living, kitchen and meals area;
- Laundry and water closet;
- Alfresco area;
- Double carport for residences 1 and 4 and single carport for residences 2 & 3; and
- Storage sheds; bin storage areas and rainwater tanks.

### Upper floor

- Three (3) bedrooms;
- Ensuites (for bedroom 1 only);
- Retreat area;
- Bathroom; and
- Balcony (accessible from the retreat area).

Each dwelling is provided with exclusive private open spaces. The spaces are provided in two sections; ground floor space is primarily between the building and the northern property boundary while upper floor space is provided by balconies. Residence 1 will have a section of private open space in front of the building line but obscured from public views by a 1.8 metre high fence. All balconies will be provided with screening to a height of 1.7 metres above the upper finished floor level.

Each dwelling is provided with exclusive car park spaces; Residence 1 and 4 will have four spaces each (two under carports, two in front of their respective carports) while Residences 2 and 3 will have two spaces each (one under a carport and another in front of their respective carports). An additional "shared" on-site visitor car park space and bicycle rack (four bike capacity) will be sited adjacent the eastern property boundary.

The dwellings will be serviced by a common driveway that runs between the residential flat building and the southern property boundary. The driveway will be 4.1 metres wide at the narrowest point and six (6) metres at the widest points. A 300mm landscape strip will separate the driveway from the southern property boundary while strips of landscaping will be located between the driveway and the southern walls of Residences 1-4.

A 2.1 metre high fence will be erected around the southern, western and northern property boundaries.

A copy of the drawings submitted for the proposed development is contained in **Attachment 1**.

## PUBLIC NOTIFICATION

The land use application involves a building of two (2) storeys comprising dwellings on a single site. The development is not listed as either a Category 1 or Category 2 form of development in the Procedural Matters Section of the Residential Zone of the West Torrens Council Development Plan (as consolidated 5 November 2015). The proposed development was processed as a Category 2 form of development in accordance with Section 38 of the *Development Act 1993* and Schedule 9 (18) (a) of the *Development Regulations 2008*.

<b>Properties notified:</b>	A total of six (6) notification letters were sent to owners and/or occupiers of adjoining properties during the public notification process.
<b>Representations:</b>	One response was received with privacy being raised as the concern. The applicant made amendments to the proposed development and the representor has informed Council that the concern has been adequately addressed.

A copy of the representation, the response from the Applicant's planning consultant and the confirmation email from the representor that his concerns had been resolved are contained in **Attachment 2**.

## REFERRALS

Internal

### City Assets

The application was referred to Council's City Assets Department for advice on finished floor level, stormwater management, driveway access design, verge interaction, and traffic manoeuvrability within the development.

Traffic manoeuvrability and driveway design is considered acceptable. Stormwater connection should be located 1.0 metres from existing or proposed driveways, other stormwater connections and stobie poles. The stormwater connection and driveway crossovers should also be located no less than two (2) metres from street trees.

The Applicant provided no finished floor level information. A condition of consent can require the appropriate information be provided to Council for consideration prior to full development approval being issued.

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly Medium Density Policy Area 18 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
<i>Crime Prevention</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 7 & 8
<i>Design and Appearance</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 9, 10, 12, 13, 14, 15, 21 & 22
<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, 12, 16
<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

Residential Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33
Transportation and Access	Objectives	2
	Principles of Development Control	1, 2, 8, 9, 10, 11, 23, 24, 30, 34, 35, 36, 37 & 44

<b>Zone: Residential Zone</b>	
<p><i>Desired Character Statement:</i>  <i>"This zone will contain predominantly residential development. There may also be some small scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer".</i></p>	
Objectives	1, 2, 3 & 4
Principles of Development Control	1, 5, 6, 7, 10, 11, 12 & 13

<b>Policy Area: Medium Density Policy Area 18</b>	
<p><i>Desired Character Statement:</i>  <i>'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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	



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

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

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	GUIDELINES	PROPOSED
SITE AREA <i>Medium Density Policy Area 18</i> <i>PDC 6</i>	Residential Flat Building 150m <sup>2</sup> (average)	135m <sup>2</sup> average <b>Not Satisfied by 10%</b>
SITE FRONTAGE <i>Medium Density Policy Area 18</i> <i>PDC 6</i>	Residential Flat Building 15 m (for complete building)	18.23 m <b>Satisfies</b>
SITE COVERAGE <i>Medium Density Policy Area 18</i> <i>PDC 5</i>	70% (max.)	Approx. 66% <b>Satisfies</b>
PRIMARY STREET SETBACK <i>Medium Density Policy Area 18</i> <i>PDC 5</i>	3m (min.)	2.4m to part of upper front wall, 3m to ground floor front wall <b>Not Satisfied</b>
SIDE/REAR SETBACKS <i>Residential Zone</i> <i>PDC 11</i>  <i>Medium Density Policy Area 18</i> <i>PDC 5</i>	Side 0/1m (Ground Floor) 2m (Upper Floor)  Rear 4m (min.)	Side  3.46m at the closest point for both ground and upper floor (applicable to Residence 4 only) <b>Satisfies</b>  Rear  2.4m <b>Not Satisfied</b>
BUILDING HEIGHT <i>Medium Density Policy Area 18</i> <i>PDC 5</i>	3 storeys or 12.5m	2 storeys <b>Satisfies</b>

INTERNAL FLOOR AREA <i>Residential Development</i> PDC 9	3 Bedroom - 100m <sup>2</sup> (min.)	All dwellings no less than 100m <sup>2</sup>  <b>Satisfies</b>
LANDSCAPING Module: Landscaping, Fences & Walls PDC: 4	10%	12%  <b>Satisfies</b>
PRIVATE OPEN SPACE <i>Medium Density Policy Area 18</i> PDC 7	- 24m <sup>2</sup> (min.), of which 8m <sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m. -Minimum dimension 3m (excl. balconies).	Dwelling 1 - Ground floor: 16m <sup>2</sup> Balcony: 8m <sup>2</sup> Dwelling 2 - Ground floor 17m <sup>2</sup> Balcony: 8 m <sup>2</sup> Dwelling 3 - Ground floor 17m <sup>2</sup> Balcony: 8m <sup>2</sup> Dwelling 4 - Ground floor 42m <sup>2</sup> Balcony: 8m <sup>2</sup>  <b>Satisfies</b>  Minimum dimension of 2.5 metres at ground level Balcony minimum dimensions: 2m  <b>Not Satisfied</b>
CARPARKING SPACES <i>Transportation and Access</i> PDC 34	2 spaces per dwelling (1 covered) plus  0.25 independent visitor space per dwelling residential flat building	Dwellings 1 and 4 have 4 car parking spaces Dwellings 2 & 3 have 2 car parking spaces  <b>Satisfies</b>  1 shared visitor car parking space provided  <b>Satisfies</b>

## QUALITATIVE ASSESSMENT

The proposed development has been assessed against the relevant qualitative guidelines of the Development Plan, as discussed under the following sub headings:

### Design and Appearance

The proposed development will sit primarily amongst single storey detached dwellings with open front gardens and direct frontages to public streets. There are also a number of two storey residential flat buildings to the south of the immediate locality. The locality has a diverse range of dwelling stock in the form of single and two storey buildings.

The main façade of the building will face the Selby Street frontage. The façade features a variety of materials and avoids extensive areas of uninterrupted walling. The front yard will support low and medium scale plantings to soften the building's presence. The shallow primary setback is not a product of over development but a reflection on recent changes to setback policies within this locality.

The façade incorporates windows to both the ground and upper floors that facilitate passive surveillance of the adjacent public space. The dwelling entry points are perceptible and accessible from public street frontages and vehicle parking areas.

The southern and northern elevations of the building have an element of repetitiveness however this will not be overly apparent from the street. The walls are also recessed at certain points to break up the building's mass and proportions.

The proposed building incorporates a contemporary design that is compatible with existing buildings particularly:

- building height;
- roof form and pitch;
- façade articulation and detailing; and
- presentation of windows and front door to Selby Street.

In terms of dwelling design, the internal living rooms have external outlooks to private space, ample access to sunlight supply and internal floor areas that provide quality living environments. The staggered and varied building lines will also ensure the building has minimal impact on adjoining dwellings, particularly in terms of overshadowing and visual presence.

The design and appearance of the proposed development satisfies a number of design and appearance guidelines within Council's Development Plan.

### **Private Open Space**

The appropriateness of each dwelling's private open spaces is not determined by their overall area and dimensions alone. The value of the spaces has also been considered against the following provision of the Residential Development Module:

*PDC 18 Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:*

- (a) to be accessed directly from the internal living areas of the dwelling*
- (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy*
- (c) to take advantage of, but not adversely affect, natural features of the site*
- (d) to minimise overlooking from adjacent buildings*
- (e) to achieve separation from bedroom windows on adjoining sites*
- (f) to have a northerly aspect to provide for comfortable year round use*
- (g) not to be significantly shaded during winter by the associated dwelling or adjacent development*
- (h) to be partly shaded in summer*
- (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality*
- (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.*

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

*PDC 21 Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non-permeable paved areas) to:*

- (a) assist with ease of drainage*
- (b) allow for effective deep planting*
- (c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings.*

All ground level private open space has a northern orientation and is directly accessible from the main living areas of each dwelling. The spaces have dimensions of at least three (3) metres but separation between the northern property boundary and northern most ground floor wall is 2.5 metres. Nevertheless the spaces include plantings along the northern boundary to provide shade in summer, lawn, alfrescos and small outbuildings (the floor areas of the outbuildings were not included in the open space area calculations listed in the quantitative assessment table). Direct sunlight will be available to the spaces from mid-morning through to mid-afternoon periods during winter.

Residence 4 is provided with the largest area of private space while Residence 1 intends to utilise space located forward of the proposed building (and screened by 1.8 metre-high fencing). The spaces for Residences 2 & 3 are rather limited in comparison to Residences 1 & 4.

Balconies will also be provided at the upper level of each dwelling. The balconies are directly accessible from the retreat areas on the upper floor and have dimensions of at least 2.7 metres. The balconies offer additional external amenity for occupants of the dwellings and have screens to a height of 1.7 metres above the upper floor level for privacy.

The private open spaces are considered to have sufficient area, orientation and shape to provide functionality that satisfies the private open space guidelines of the Development Plan.

### **Dwelling density and local character**

*“Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings” – Desired Character Statement, Policy Area 18*

*“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”. – Desired Character Statement, Residential Zone*

*“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”. – Desired Character Statement, Policy Area 18*

*“the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area” – Desired Character Statement, Residential Zone*

The Desired Character Statement (DCS) for the Residential Zone envisages residential flat buildings being common near centres and in policy areas where the desired density is higher. The proposed development has an average dwelling site area of 135 square metres; falling just shy of the minimum site area provision for a residential flat building in Policy Area 18. The subject land is also approximately 400 metres from the Kurralt Park District Centre Zone which places it within a locality identified in the Development Plan as being appropriate for medium density development involving residential flat buildings.

The shortfall in average site area is not considered detrimental to the building's relationship to adjoining properties, on-site parking and vehicle manoeuvrability or enjoyment of the land.



## Car parking and safety

*“Development should provide safe and convenient access for all anticipated modes of transport.”  
– Principle of Development Control 8, Transportation and Access*

*“Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).” – Principle of Development Control 11, Transportation and Access*

*“Development should be provided with safe and convenient access which:  
(a) avoids unreasonable interference with the flow of traffic on adjoining roads  
(b) provides appropriate separation distances from existing roads or level crossings  
(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision  
(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties” – Principle of Development Control 24, Transportation and Access*

*“Driveways, access tracks and parking areas should be designed and constructed to:  
(a) follow the natural contours of the land  
(b) minimise excavation and/or fill  
(c) minimise the potential for erosion from runoff  
(d) avoid the removal of existing vegetation  
(e) be consistent with Australian Standard AS 2890 Parking facilities” – Principle of Development Control 30, Transportation and Access*

*“On-site vehicle parking should be provided having regard to:  
(a) the number, nature and size of proposed dwellings  
(b) proximity to centre facilities, public and community transport within walking distance of the dwellings  
(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons” – Principle of Development Control 44, Transportation and Access*

*“Vehicle parking areas servicing more than one dwelling should be of a size and location to:  
(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely  
(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area  
(c) reinforce or contribute to attractive streetscapes” – Principle of Development Control 45, Transportation and Access*

The common driveway will facilitate all vehicle access to and from Selby Street and will ensure all vehicles can enter and exit the subject land in a forward direction. The common driveway can also provide accessibility in the event emergency service vehicles need to enter the land.

A common service box abuts the common driveway at the front of the subject land however its location is unlikely to prevent sightlines being hindered while low plantings on the northern side enable vehicles to have unobstructed views to the Selby Street footpath.

Landscaping will be provided to either side of the driveway and there is scope within the common property to increase vegetation coverage through the inclusion of landscaped “pinch points”. This additional design work has the potential to slow down vehicle movements within the site and provide greater safety for pedestrians and is recommended as a condition of consent.

The driveway design is consistent with the *Australian/New Zealand Standard AS/NZ 2890.1 2004- Parking facilities* and therefore believed to be an efficient design to provide a balance between function, safety and aesthetics.

## Overshadowing

*“Development should ensure that sunlight to solar panels of existing buildings is maintained for a minimum of 2 consecutive hours between 9.00am and 3.00pm on 22 June” – Principle of Development Control 14, Residential Zone*

*“The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to:*

- (a) windows of habitable rooms, particularly living areas*
- (b) ground -level private open space*
- (c) upper - level private balconies that provide the primary open space area for any dwelling*
- (d) access to solar energy.” – Principle of Development Control 10, Residential Development*

*“Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:*

- (a) half of the existing ground-level open space*
- (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres).” – Principle of Development Control 12, Residential Development*

The adjoining property at 26a Selby Street will experience some shadow from the proposed development. Shadow analysis conducted by Council staff determined that shadow cast over the adjoining property will have minimal impact to the overall amenity of the adjoining land. The movement of the shadow over the adjoining property will ensure that no particular part of the dwelling or its surrounding curtilage is covered by shadow for unreasonable lengths of time. The impact and extent of shadow satisfies the specific overshadowing guidelines of the Development Plan.

## Privacy

*“Except for buildings of 3 or more storeys, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.7metres or permanent screens having a height of 1.7 metres above finished floor level.” - Principle of Development Control 27, Residential Development*

The proposed development has upper level windows to all four of its elevations. The windows have sill heights at varying levels ranging from sills that are in line with the upper floor to 1.7 metres above the upper floor. Some will have fixed glazing, others with openings (either slide or wind out). Further design measures will need to be applied to the windows to ensure the visual privacy of adjoining properties is maintained and a condition requiring a re-design of the windows is included in the recommendations.

The balconies are located on the southern side of the building and accessible from sliding glass doors. The balconies include fixed aluminium slat screening and a solid hebel balustrade with a stainless steel handrail. These features will combine to create a screen to a height of 1.7 metres above the upper floor level and is considered adequate to satisfy privacy guidelines within the Development Plan.

## Storage

*“Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:*

- (a) mail box facilities sited close to the major pedestrian entrance to the site*
- (b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)*
- (c) household waste and recyclable material storage areas away from dwellings.” - Principle of Development Control 30, Residential Development*

*“A dwelling should incorporate a minimum storage area of 8 cubic metres for goods and chattels, other than food and clothing, within at least one of the following:*

*(a) a non-habitable room of the dwelling*

*(b) a garage, carport or outbuilding*

*(c) an on-site communal facility” - Principle of Development Control 31, Residential Development*

Each dwelling is provided with a dedicated external storage shed of approximately three (3) cubic metres and internal under-stair storage of two (2) cubic metres. There is scope for larger outbuildings to be provided but to do so will result in a reduction of private open space.

Additional storage could be provided within the carports of Residences 1 and 4 however the same opportunity would not be available to Residence 2 and 3. The proposal could accommodate another small communal shed next to the proposed bicycle racks. This potential outbuilding could offset any storage shortfalls experienced by the occupants of Residences 2 and 3 if necessary.

A communal mailbox will be located at the front of the subject land and each dwelling has capacity to accommodate household waste and recyclable materials next to their respective water tanks.

## SUMMARY

The proposed development exhibits some minor inconsistencies with some general guidelines of the Development Plan but on balance the proposal meets the overall objectives of the Residential Zone and Medium Density Policy Area 18.

The proposed development is considered appropriate for the site as:

- The design and siting of the proposed development is considered to be compatible with the relevant policies for the locality;
- The proposal is unlikely to have a detrimental impact on surrounding properties and should provide for a reasonable level of amenity for future residents; and
- The proposal generally satisfies the qualitative and quantitative provisions of the West Torrens Council Development Plan.

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

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan. Subject to the inclusion of suitable conditions, it is considered that the proposed development generally accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2015 and warrants Development Plan Consent and Land Division Consent.

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/1512/2015 by InProperty Design to undertake the construction of a two storey residential flat building comprising four (4) dwellings and associated driveway, fencing and landscaping at 28 Selby Street, Kurralt Park (CT 5788/205) subject to the following conditions of consent:

1. That the development shall be undertaken and maintained in accordance with the plans and information detailed in this application except where varied by any conditions listed below.
2. A site works and drainage plan shall be submitted to Council, and endorsed by Council's City Development staff prior to Development Approval being issued. The plan shall include finished floor levels that are no less than 350mm above the adjacent Selby Street stormwater table.
3. That all stormwater design and construction must 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 must not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
4. That any retaining walls must be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
5. That all driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving prior to occupation of the dwelling, and be properly drained, and maintained in a reasonable condition at all times.
6. Prior to occupation of the dwellings, all planting and landscaping must be completed and be maintained in reasonable condition at all times. Any plants that become diseased or die must be replaced with a suitable species.
7. The ground floor stair windows and all upper level windows of the dwellings, with the exception of those on the front elevation, shall have a sill height of a minimum of 1.7 metres above the upper floor level or be provided with fixed obscure glass/glazing 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 glass or glazing in these windows is to be maintained at all times to the reasonable satisfaction of Council
8. The gaps between the balustrade, handrails and each aluminum slats of all south facing balconies shall be no more than 10 millimeters.
9. Landscaped protrubances shall be added to the landscaping strip abutting the southern boundary to create "pinch points of no less than three metres wide" within the common driveway. The protrubances should be sited in a manner that does not compromise reversing movements of vehicles parked on the subject land.
10. The shared visitor car park shall be marked as such by a small sign post in the adjacent landscaped verge.
11. The height of the colorbond fence along the southern property boundary shall be no more than 1.8 metres high (when measured from the lowest point) unless the owners of 26a Selby Street agree for the fence to go higher to 2.1 metres.
12. Only low plantings to a maximum growth height of one (1) metre shall be established along the northern side of the common driveway's first 3 metres.



## ATTACHMENT 1

## SITE NOTES

BUILDER TO CHECK AND CONFIRM ALL LEVELS AND DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION

ANY DISCREPANCIES IN DOCUMENTATION AND / OR ON SITE ARE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED

ALL WRITTEN DIMENSIONS TO TAKE PREFERENCE OVER SCALED DIMENSIONS.

ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT LOCAL AUTHORITY REQUIREMENTS

FOUNDATIONS, EXCAVATIONS, REINFORCEMENT PLACEMENT, ETC. TO BE INSPECTED AND APPROVED BY ENGINEER OR BUILDING SURVEYOR PRIOR TO ANY CONCRETE PLACEMENT

GROUND LEVELS AND FINISHED FLOOR LEVELS INDICATED ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE

NO VARIATION MAY BE MADE TO THIS DRAWING WITHOUT PRIOR APPROVAL OF THE PROPRIETOR OR DESIGNERS

REFER TO ENGINEERS DESIGN, DOCUMENTATION, CALCULATION AND SPECIFICATION FOR STRUCTURAL, ELECTRICAL, MECHANICAL, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE)

STORMWATER TO BE DISCHARGED TO STREET WATERTABLE OR RAINWATER TANK IN ACCORDANCE WITH COUNCIL REQUIREMENTS AND/OR DIRECTION

SURFACE WATER RUN-OFF FROM NOT LESS THAN 500mm<sup>2</sup> OF ROOF CATCHMENT AREA TO BE STORED IN 1000L RAIN WATER TANK AND, PLUMBED TO EITHER A TOILET, WATER HEATER OR LAUNDRY COLD WATER AND, INLET/OVERFLOW ON RAIN WATER TANK MUST BE FITTED WITH INSPECT PROOF AND NON DEGRADABLE SCREENS

The site plan shows four residential units (RES 1, RES 2, RES 3, RES 4) arranged in a row. The plan includes dimensions, setbacks, and a common driveway. A north arrow is located in the top left corner.

SITE PLAN - LOWER  
SCALE 1:200

TOTAL SITE AREA: 902m<sup>2</sup>

RES 1  
SITE AREA: 169m<sup>2</sup> (18.7% SITE COVERAGE)  
POS: 169m<sup>2</sup> (18.7% SITE COVERAGE)  
SITE COVERAGE: 71m<sup>2</sup> (41%)

RES 2  
SITE AREA: 169m<sup>2</sup> (18.7% SITE COVERAGE)  
POS: 169m<sup>2</sup> (18.7% SITE COVERAGE)  
SITE COVERAGE: 71m<sup>2</sup> (41%)

RES 4  
SITE AREA: 169m<sup>2</sup> (18.7% SITE COVERAGE)  
POS: 169m<sup>2</sup> (18.7% SITE COVERAGE)  
SITE COVERAGE: 71m<sup>2</sup> (41%)

RES 3  
SITE AREA: 169m<sup>2</sup> (18.7% SITE COVERAGE)  
POS: 169m<sup>2</sup> (18.7% SITE COVERAGE)  
SITE COVERAGE: 71m<sup>2</sup> (41%)

Client: APS Homes

Address: 28 Selby street Kurralta Park

01 of 10  
scale at A3

Property Design

289  
JOB #

PROPOSED COMMUNITY TITLE DEVELOPMENT

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## SITE NOTES

- BUILDER TO CHECK AND CONFIRM ALL LEVELS AND DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION
- ANY DISCREPANCIES IN DOCUMENTATION, AND/OR ON SITE ARE TO BE REPORTED TO THE DESIGNER BEFORE ANY WORK IS COMMENCED
- ALL WRITTEN DIMENSIONS TO TAKE PREFERENCE OVER SCALED DIMENSIONS.
- ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT LOCAL AUTHORITY REQUIREMENTS
- FOUNDATIONS, EXCAVATIONS, REINFORCEMENT PLACEMENT, ETC. TO BE INSPECTED AND APPROVED BY ENGINEER OR BUILDING SURVEYOR PRIOR TO ANY CONCRETE PLACEMENT
- GROUND LEVELS AND FINISHED FLOOR LEVELS INDICATED ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE
- NO VARIATION MAY BE MADE TO THIS PLAN WITHOUT THE WRITTEN CONSENT OF THE PROPRIETOR OR DESIGNERS
- REFER TO ENGINEERS DESIGN, DOCUMENTATION, CALCULATION AND SPECIFICATION FOR STRUCTURAL, MECHANICAL, ELECTRICAL, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE)
- STORMWATER TO BE DISCHARGED TO STREET WATERTABLE OR RAINWATER TANK IN ACCORDANCE WITH COUNCIL REQUIREMENTS AND/OR DIRECTION
- SURFACE WATER RUN-OFF FROM NOT LESS THAN 50sqm OF ROOF CATCHMENT AREA TO BE STORED IN 1000L RAIN WATER TANK AND PLUMBED TO EITHER A TOILET, WATER HEATER OR DISCHARGED TO STREET WATER INLET OR PERMITTED TO RUN TO STREET WATER TANK. MUST BE FITTED WITH INSPECT PROOF AND NON DEGRADABLE SCREENS

## SITE PLAN - UPPER

SCALE 1:200

TOTAL SITE AREA: 862m<sup>2</sup>

RES 1	162m <sup>2</sup> (36m <sup>2</sup> AVEILED)	RES 4	162m <sup>2</sup> (36m <sup>2</sup> AVEILED)
SITE AREA:	162m <sup>2</sup> (36m <sup>2</sup> AVEILED)	SITE AREA:	162m <sup>2</sup> (36m <sup>2</sup> AVEILED)
POS. (MILITARY)	25m <sup>2</sup> (55%)	POS. (MILITARY)	25m <sup>2</sup> (55%)
SITE COVERAGE:	25m <sup>2</sup> (55%)	SITE COVERAGE:	25m <sup>2</sup> (55%)
RES 2	162m <sup>2</sup> (36m <sup>2</sup> AVEILED)	RES 4	162m <sup>2</sup> (36m <sup>2</sup> AVEILED)
SITE AREA:	162m <sup>2</sup> (36m <sup>2</sup> AVEILED)	SITE AREA:	162m <sup>2</sup> (36m <sup>2</sup> AVEILED)
POS. (MILITARY)	25m <sup>2</sup> (55%)	POS. (MILITARY)	25m <sup>2</sup> (55%)
SITE COVERAGE:	25m <sup>2</sup> (55%)	SITE COVERAGE:	25m <sup>2</sup> (55%)

Client: APS Homes  
Address: 28 Selby street Kurralta Park

Scale of 10  
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Job # 289  
REVISION

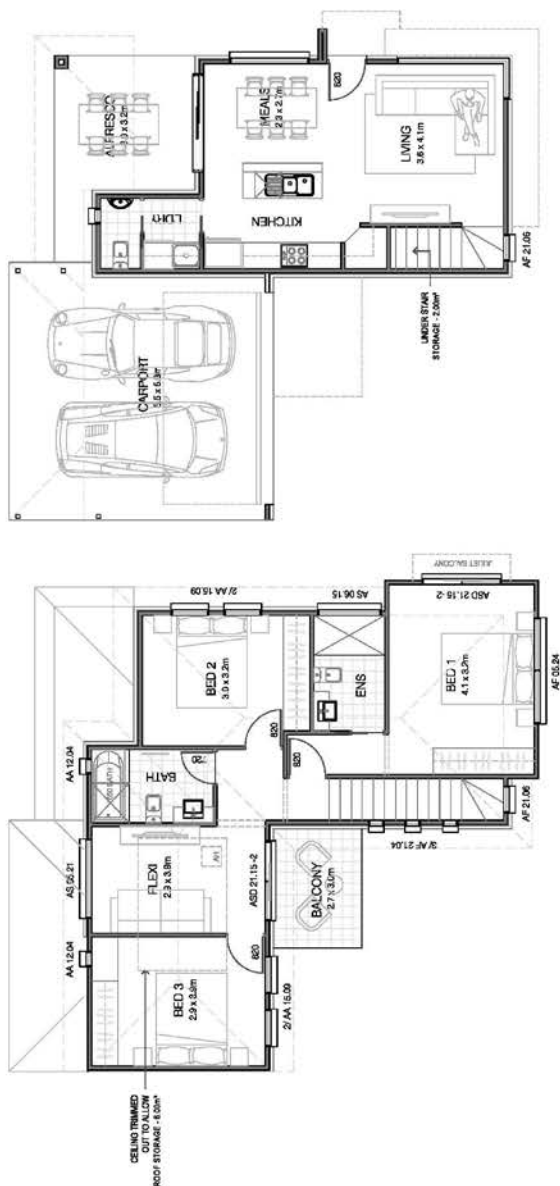
PROPOSED COMMUNITY TITLE DEVELOPMENT



1. ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT LOCAL AUTHORITY REQUIREMENTS.  
 2. FOUNDATIONS, EXCAVATIONS, REINFORCEMENT PLACEMENT, ETC. TO BE INSPECTED AND APPROVED BY ENGINEER OR BUILDING SURVEYOR PRIOR TO ANY CONCRETE PLACEMENT.  
 3. ALL WRITTEN DIMENSIONS TO TAKE PREFERENCE OVER SCALED DIMENSIONS.  
 4. NO VARIATION MAY BE MADE TO THIS DRAWING WITHOUT PRIOR APPROVAL OF THE PROJECT OWNER OR DESIGNER.  
 5. REFER TO ENGINEERS DESIGN, DOCUMENTATION FOR STRUCTURAL SPECIFICATION FOR STATUTORY, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE).  
 6. STORAGE TO BE DISCHARGED TO SEWER IN ACCORDANCE WITH COUNCIL REQUIREMENTS AND/OFF DIRECTION.  
 7. SURFACE WATER RUN-OFF FROM NOT LESS THAN 500m<sup>2</sup> TO BE STORED IN 1000L CATCHMENT AREA TO BE STORED IN 1000L RAIN WATER TANK AND ALLOWED TO ENTER A TOILET WATER INLET OVERFLOW ON RAIN WATER TANK.  
 8. MUST BE FITTED WITH INSPECTION HOOD AND NON DEGRADABLE SCREENS.



PROPOSED RESIDENCE	
LWR LIVING	40.72m <sup>2</sup>
CARPORT:	32.94m <sup>2</sup>
ALFRESCO:	11.38m <sup>2</sup>
UPR LIVING:	73.49m <sup>2</sup>
BALCONY:	5.40m <sup>2</sup>
<b>TOTAL:</b>	<b>163.93m<sup>2</sup></b>



FLOOR PLAN - RES 1  
SCALE 1:100

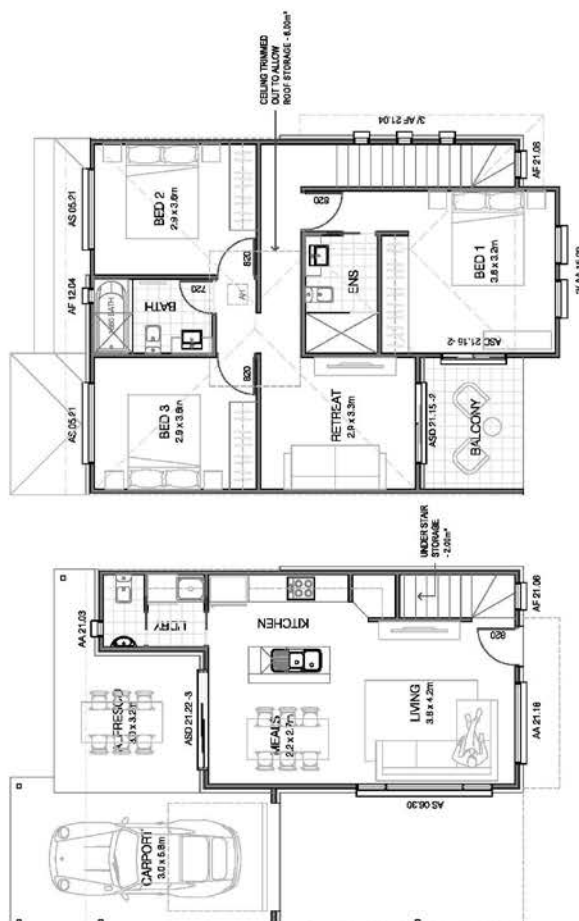




1. ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT LOCAL AUTHORITY REQUIREMENTS  
 2. FOUNDATIONS, EXCAVATIONS, REINFORCEMENT PLACEMENT, ETC. TO BE INSPECTED AND APPROVED BY ENGINEER OR BUILDING SURVEYOR PRIOR TO ANY CONCRETE PLACEMENT  
 3. GROUND LEVELS AND FINISHED FLOOR LEVELS INDICATED ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE  
 4. NO VARIATION MAY BE MADE TO THIS DRAWING WITHOUT PRIOR APPROVAL OF THE PROPRIETOR OR DESIGNERS  
 5. REFER TO ENGINEERS DESIGN, DOCUMENTATION FOR CALCULATION AND SPECIFICATION FOR STRUCTURAL, HYDRAULIC AND CIVIL DETAILS (IF APPLICABLE)  
 6. STORMWATER TO BE DISCHARGED TO STREET DRAINAGE OR TO WATER TANK  
 7. REQUIREMENTS AND/OR DIRECTION  
 8. SURFACE WATER RUN-OFF FROM NOT LESS THAN 50% OF ROOF CATCHMENT AREA TO BE STORED IN 1000L RAIN WATER TANK AND PLUMBED TO EITHER A TOILET WATER CISTERN OR TO A RAIN WATER TANK, MUST BE CERTIFIED ON RAIN WATER TANK MUST BE FITTED WITH INSPECT PROOF AND NON DEGRADABLE SCREENS.



PROPOSED RESIDENCE	
LWR LIVING	40.11m <sup>2</sup>
CARPOT	17.67m <sup>2</sup>
ALFRESCO	11.57m <sup>2</sup>
UPR LIVING	73.49m <sup>2</sup>
BALCONY	6.75m <sup>2</sup>
TOTAL:	149.59m <sup>2</sup>



FLOOR PLAN - RES 2 / 3  
SCALE 1:100











ATTACHMENT 2

City of West Torrens

02 JUN 2016

City Development

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

Received

2 JUN 2016

City of West Torrens  
Information Management

DEVELOPMENT No. 211/1512/2015  
PROPERTY ADDRESS: 28 Selby Street, KURRALTA PARK SA 5037

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

CHEW DIEU 22 BASNETT ST KURRALTA  
PARK 5037 SA

0466 626 198

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

Adjoining resident with entire private rear  
yard affected by development.

REASONS FOR \*  
REPRESENTATION

PRIVACY - The new townhouses with FL of  
200mm above top of kerb will look over and  
down onto my private backyard.

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

1. New screening fence to be tall enough ie at least 2100mm  
tall to achieve residual height of 1800 relative from the  
new FL to top of fence.
2. The first floor windows facing my rear yard to have  
window sill at 1700 above FL of first storey.

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

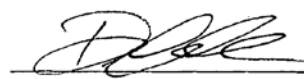
I DO NOT WISH TO BE HEARD  
I DESIRE TO BE HEARD PERSONALLY  
WILL BE REPRESENTED BY

0  
10  
0

(PLEASE SPECIFY)

SIGNED

DATE

  
1/6/16

\* If space insufficient, please attach sheets

A. 44 DOT

RECEIVED

8 9 10 11 12

1 JUN 2016

PM 1 2 3 4 5 6  
City of West Torrens CSU

(FORM 3)  
Responsible Officer: Adam Williams  
Ends: Monday 6 June 2016



28 June 2016

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

Dear Mr Williams,

**RE: 28 Selby Street, KURRALTA PARK – 211/1512/2016**

Reference is made to the representations provided in relation to the proposed development at 28 Selby Street, Kurralta Park. Council has provided a copy of the following representation;

1. Chew Dieli  
22 Basnett Street, Kurralta Park

I have prepared a response to the representation provided by the resident at 22 Basnett Street, Kurralta Park. The concerns raised by the representor relate privacy. As a response to the concern, the applicant has made amendments to the plans that not only address the privacy related issues the neighbor has raised but also reduced the density by removing one of the dwellings.

To address the concern of the neighbour to the rear, a 2.1 metre high fence is proposed on the external property boundaries. Furthermore all the upper level windows have been amended with fixed obscure glazing where the sill height is below 1.7 metres. These amendments are in line with the representors suggestions.

As mentioned above, the density of the development has been reduced. The original design contained five, two-storey dwellings each with a single garage and designated visitor space. The average site area per dwelling measured approximately 108 square metres. With the reduction of one dwelling the average site area has increased to 135 square metres.

In addition to the above, further amendments are outlined below;

- The driveway includes a 5.5 metre wide entrance for a depth of 5 metres;
- All dwellings achieve a minimum 24 square metres of private open space;
- Each dwelling provides designated storage areas in excess of 8 cubic metres;
- Bicycle racks have been incorporated into the design.





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

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

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Falconer".

**Matthew Falconer**

Bachelor of Urban and Regional Planning

**From:** Dieu, Chew  
**Sent:** Tuesday, 28 June 2016 4:28:08 PM  
**To:** Development  
**CC:**  
**Subject:** FW: 211/151/2105 - 28 Selby Street, Kurralta Park  
Attention William

Development: 211/151/2105 - 28 Selby Street, Kurralta Park

I wish to advise that my privacy concerns have been allayed by the design intents on the attached drawings for the following subjects:

2100mm tall fencing  
Rear vertically aligned narrow windows (2No) facing my rear yard (of 22 Basnett St, Kurralta Park) have translucent glass  
Rear horizontally aligned narrow windows (1No) facing my rear yard (of 22 Basnett St, Kurralta Park) has window sill at 2100mm above FL of the first storey, and translucent type glass.

Regards  
Chew Dieu

**From:** Dieu, Chew  
**Sent:** 28 June 2016 4:03 PM  
**To:** mfalconer  
**Cc:** 'Lydia Dieu'  
**Subject:** FW: 211/151/2105 - 28 Selby Street, Kurralta Park

Matt

Thank you for your revised drawing for the above development.

Further to my 2 comments made on the 24 June 2016 (in email below), I wish to advise that your revision to the two rear vertically aligned narrow windows from an "open-able" type to a "non open-able" type is satisfactory to me. Please ensure that the glazing type for all the three rear windows is translucent glass.

Regards  
Chew Dieu

## 6.10 365A Marion Road, PLYMPTON

Application No. 211/1430/2015

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Construction of a two Storey Residential Flat Building comprising ten (10) dwellings and detached carport (25.1m x 5.6m x 3.3m max height) and associated landscaping
APPLICANT	Rivergum Homes
APPLICATION NO	211/1430/2015
LODGEMENT DATE	1 December 2015
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 – stormwater and traffic</li></ul> External <ul style="list-style-type: none"><li>Commissioner of Highways</li></ul>
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan,

The minimum site area and road frontage for Residential Flat Buildings within the Residential Zone is 100m<sup>2</sup> and 15m respectively.

The proposal is presented with an (average) site area per dwelling of 95.2m<sup>2</sup> (battle axe handle excluded as per General Section, Land Division Module PDC 7(a)) and is presented with a frontage of 5.96 metres to Marion Road.

Whilst the site area represents a minor departure from the 5% threshold when using a simplistic calculation of site area, road frontage (by virtue of being an existing battle axe allotment) achieves only 40% of the desired frontage. It is deemed appropriate that the Development Assessment Panel determine the application.

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

DA 211/905/2004 - Division of Land, create two (2) Torrens Title Allotments from one (1) existing allotment. - Development Approval Granted 21 February 2005.

## **SITE AND LOCALITY**

The subject land is identified as Allotment 2 in Deposited Plan 79933 and is held in Certificate of Title Volume: 6029; Folio: 37. The land is known as 365A Marion Road, Plympton. The land forms a battle axe allotment of 1,121m<sup>2</sup>. Excluding the battle axe handle, the land is a regular shaped allotment of 952m<sup>2</sup> in area. The land is identified on map series WeTo/12.

A small portion of the handle is subject to an easement (marked 'A') in favour of the land to the north, accounting for overhanging gutters of an existing outbuilding. The land does not contain any regulated or significant trees, and is not identified within the Development Plan as being subjected to flood hazard. The land is not heritage listed. The land is sited within the 'Affordable Housing' designated area.

The land is situated on the eastern side of Marion Road, between Long Street to the north and Keily Street to the south. Sited adjacent the Plympton Primary School oval, the land is approximately 360 metres north of the Anzac Highway / Marion Road intersection.

The locality is dominated by a secondary arterial road, Marion Road, and a mix of residential and commercial development. To the east of Marion Road, single and two-storey residential development is prevalent. There is a variety of group, detached and semi-detached dwellings that vary in age and architectural style. Dwellings are generally well maintained, with front fencing and well established landscaping. The land adjoins the oval of the Plympton Primary School, with other school buildings located on Owen Street.

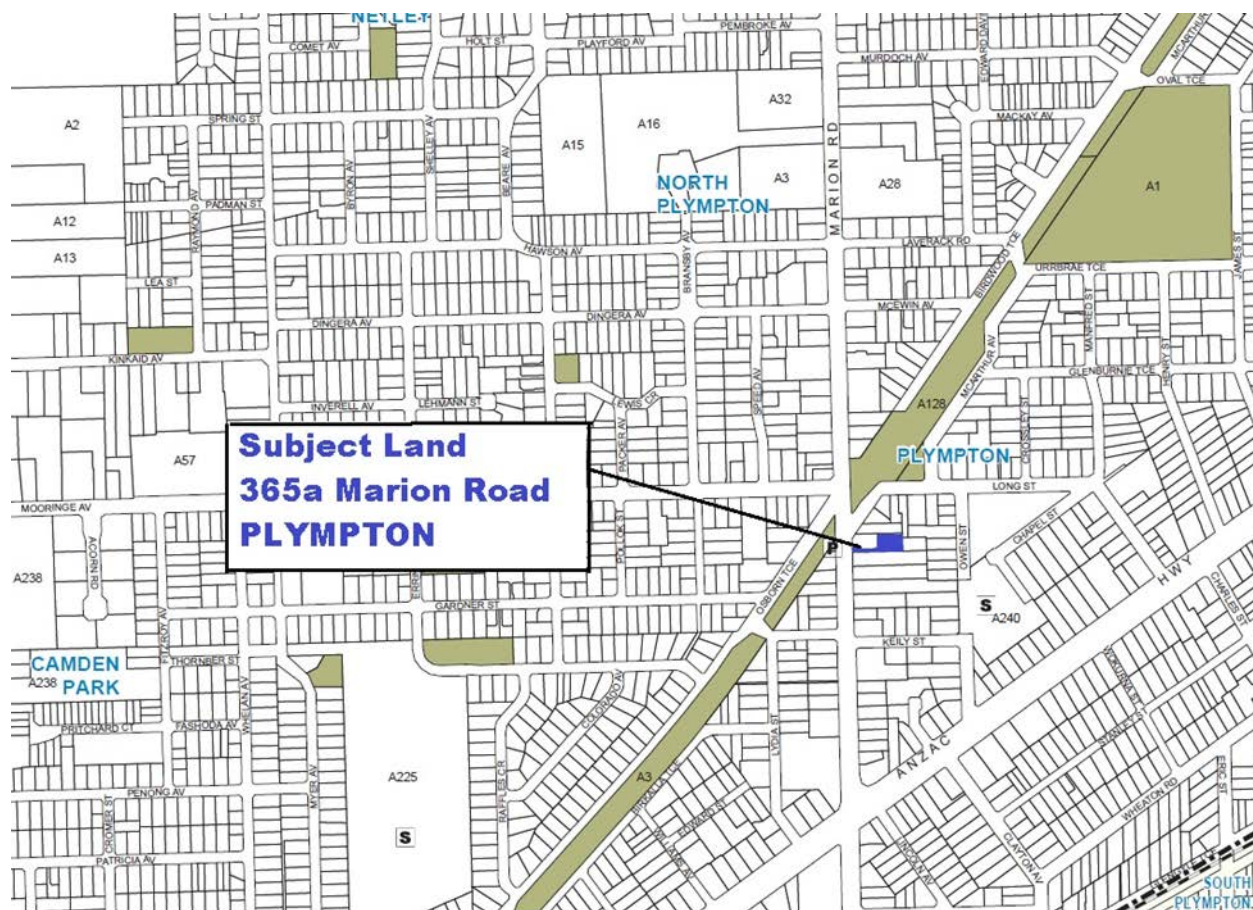
On the western side of Marion Road, to the north of Anzac Highway, a large site within the Urban Corridor Zone contains a mix of retail and commercial development. Numerous residential flat buildings, up to three storeys in height, are contained within the locality.

The subject land and locality are identified on the following maps:









MAP WeTo/15 Adjoins



- S School
- P Post Office
- Railways
- Local Reserves
- Development Plan Boundary

## Location Map WeTo/12

WEST TORRENS COUNCIL

## PROPOSAL

The proposal is seeking Development Plan Consent for the construction of a two storey Residential Flat Building comprising ten (10) two bedroom dwellings. A detached 10 bay carport of 140m<sup>2</sup> is located on the southern boundary of the land, adjoining a public school oval. The total combined area of built form proposed will occupy 518m<sup>2</sup> of the land. The proposed buildings will occupy 54% of the site (handle excluded), or 46% of the whole of the land.

The proposal has been submitted by Rivergum Homes as an 'Affordable Housing' proposal, and has written support from Renewal SA. As part of the proposal, the Applicant has agreed to enter into an affordable housing agreement with Renewal SA. This will constitute a legal obligation for the developer to commit to the provision of affordable housing as defined by the *South Australian Housing Trust Regulations 2010*.

The average site area per dwelling (excluding the battle-axe handle) is 95.2m<sup>2</sup>. Dwellings are provided with a floor area of 59m<sup>2</sup> and 72m<sup>2</sup> respectively. Upper level dwellings are provided with a (front) balcony of 12.3m<sup>2</sup>. Private open space provision to ground floor dwellings varies between 15m<sup>2</sup> – 39.7m<sup>2</sup>. Two water storage tanks (10,000m<sup>2</sup>) will be located within the waste refuse (common) area, and clothes drying facilities will be wall mounted at the rear of ground floor dwellings. Landscaping will be provided to common areas and the rear yards of ground floor dwellings.

The proposed dwellings will utilise a 3.3 metre wide common driveway, which is splayed at the entrance to facilitate two way vehicle movements, minimising conflict and avoiding queuing or reversing onto Marion Road. Letterboxes will be wall mounted on the northern side of the driveway. A common refuse area is provided at the eastern end of the proposed building, with a private contractor (max truck length 7.4m) to collect waste weekly. Two visitor carparks may be provided at the end of the carport, but use will be restricted on waste collection days.

Each dwelling will come equipped with a wall mounted device that will allow for one bicycle to be stored in a secure and convenient manner. Refer **Attachment 1**.

## PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Section 38 and Schedule 9(18)(a) of the Development Act and Regulations, and the Procedural Matters section of the Residential Zone of the West Torrens Council Development Plan.

<b>Properties notified:</b>	13 notification letters were sent to owners or occupants of adjacent properties during the public notification period.
<b>Representations:</b>	<p>One (1) representation was received from the adjoining property owner:</p> <ul style="list-style-type: none"><li>• <b>Qing Xu of 365 Marion Road, Plympton</b></li></ul> <p>The Representor does <b><u>not</u></b> wish to be heard</p>
<b>Summary of Representations:</b>	<p>Concerns were raised regarding the following matters;</p> <ul style="list-style-type: none"><li>• Visual impact arising from construction of two storey building;</li><li>• Overshadowing impact to dwelling and rear yard;</li><li>• Overlooking and impacts on privacy in rear year;</li><li>• Increased density resulting in concerns for personal safety.</li></ul>

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

- Building Height - Policy Area 18 (PDC 5) contemplates buildings of up to three (3) storeys, or 12.5 metres, in height. The proposal is two storeys, with a maximum height of 7.4 metres;
- Overlooking – the western façade of the proposed building has no windows. All upper level windows on northern side will include obscure glazing to 1.7m above floor level. Much of the rear yard of the representor is covered by structures. Southern balconies on the proposed building sit forward of the uncovered portion of the representor's land.
- Overshadowing – overshadowing diagrams have been prepared (see **Attachment 1**). The representor's open space will continue to receive access to at least three (3) hours of sunlight between 12 noon and 3pm on the winter solstice.
- Personal safety – dwelling density is acceptable within the Policy Area. Further, the orientation, design and vertical profile will provide increased opportunities for passive surveillance over the battle axe handle of the land, school oval and Marion Road.

A copy of the representation is contained in **Attachment 2** and the applicant's response is contained in **Attachment 3**.

## REFERRALS

### Internal

#### **City Assets Department**

Concerns were raised regarding the following matters:

- Traffic manoeuvrability and carparking
- Finished Floor Level requirements
- Verge interaction
- Refuse collection
- Letterbox location
- Stormwater management

All matters have been addressed to the satisfaction of the City Assets department.

### External

Pursuant to Section 37(4)(b) and Schedule 8 of the *Development Act and Regulations*, the application was referred to Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI).

#### **DPTI**

Concerns were raised regarding the following matters:

- The provision of a suitable area of land at the entrance (desired minimum dimension 6.0m x 5.5m);
- Need to relocate all obstructions from within the first 6 metres of the driveway (incl letterboxes, service infrastructure (meters) and carparking);
- Vehicle manoeuvrability and carparking; and
- Waste collection and potential impact on the arterial road.

The Applicant has amended the proposal sufficiently to address all of the concerns raised by DPTI.



DPTI has advised that, in principle, no objection is raised to the proposed development subject to the imposition of a number of conditions of consent relating to waste collection arrangements, the construction and maintenance of the access onto Marion Road, replacement of a portion of fencing with an open mesh style material to ensure adequate sight distances, maintenance of landscaping and stormwater management.

A copy of the report is attached, refer **Attachment 4**.

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly Medium Density Policy Area 18 as described in the West Torrens Council Development Plan, consolidated 5 November 2015. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
<i>Design and Appearance</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 5, 9, 10, 13, 14, & 15
<i>Energy Efficiency</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	2 & 3
<i>Infrastructure</i>	<i>Objectives</i>	3
	<i>Principles of Development Control</i>	1, 3, 4, 5, 6, & 8
<i>Landscaping, Fences and Walls</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 4 & 6
<i>Natural Resources</i>	<i>Objectives</i>	1, 2, 6 & 7
	<i>Principles of Development Control</i>	5, 7, 8, 9, 10, 11 & 13
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	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>	2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 20, 23, 27, 30, 31, 32, & 33
<i>Transportation and Access</i>	<i>Objectives</i>	2
	<i>Principles of Development Control</i>	23, 24, 27, 28, 34, 35, 44 & 45
<i>Waste</i>	<i>Objectives</i>	2
	<i>Principles of Development Control</i>	2 & 5
<i>Overlay – Affordable Housing</i>	<i>Objectives</i>	1 & 2

<b>Zone: Residential Zone</b>	
<p><i>Desired Character Statement:</i>  <i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i>  <i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i>  <i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i>  <i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	1, 2, 3 and 4
Principles of Development Control	1, 2, 4, 5, 6, 7, 11, 12, 13, 15, and 16

<b>Policy Area: Medium Density Policy Area 18</b>	
<p><i>Desired Character Statement:</i>  <i>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.</i>  <i>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 <b>Residential Character Ashford Policy Area 22</b>) 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.</i>  <i>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.</i>  <i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	1
Principles of Development Control	1, 1 (duplicate numbering), 5 & 7

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA Medium Density Policy Area 18 PDC 7 (Average site area per dwelling)	100m <sup>2</sup> (average site area per dwelling – affordable housing)	95.2m <sup>2</sup> (average) This calculation is based on a site area of 952m <sup>2</sup> (excluding handle) divided by ten dwellings to result in an average site area per dwelling. The proposal exhibits a minor departure (shortfall of 5.2%) from the required 'average' site area per dwelling for row dwellings within an affordable housing residential flat building development.  <b>Does not Satisfy by 5.2%</b>
ALLOTMENT AREA	Existing	1,121m <sup>2</sup> (whole) 952m <sup>2</sup> (excl handle)
SITE FRONTAGE Medium Density Policy Area 18 PDC 6	15m for complete building	5.96m (existing)
SITE DEPTH	Existing	73.48m (whole) 36.8m (excl handle)
SITE COVERAGE Medium Density Policy Area 18 PDC 5	70%	54% (whole) 46% (excl handle)  <b>Satisfies</b>
STREET SETBACK Medium Density Policy Area 18 PDC 5	3m	37.5m  <b>Satisfies</b>

<p>REAR SETBACKS Medium Density Policy Area 18 PDC 5</p>	<p>Rear: 4m</p>	<p>North (side): 2 – 2.9m South (side): 0m (open carports – adjoining public open space) East (rear): 4.042m</p> <p><b>Satisfies</b></p>
<p>BUILDING HEIGHT Medium Density Policy Area 18 PDC 5</p>	<p>3 storeys or 12.5m</p>	<p>Two storeys 7.4m</p> <p><b>Satisfies</b></p>
<p>PRIVATE OPEN SPACE Medium Density Policy Area 18 PDC 7</p>	<p>Row Dwellings in affordable housing development:</p> <p>Ground level: 24m<sup>2</sup> with minimum dimension of 3m</p> <p>Above ground level balcony: 8m<sup>2</sup> with minimum dimension of 2m</p>	<p><u>Ground Level</u> Dwelling 1: 39.72m<sup>2</sup> Dwelling 5: 36.33m<sup>2</sup> <b>Satisfies</b> Dwelling 2: 15.0m<sup>2</sup> Dwelling 3: 15.0m<sup>2</sup> Dwelling 4: 15.0m<sup>2</sup> <b>Does Not Satisfy</b> <u>Upper Level</u> Dwelling 6: 12.3m<sup>2</sup> Dwelling 7: 12.3m<sup>2</sup> Dwelling 8: 12.3m<sup>2</sup> Dwelling 9: 12.3m<sup>2</sup> Dwelling 10: 12.3m<sup>2</sup> <b>Satisfies</b></p>
<p>LANDSCAPING Module: Landscaping, Fences &amp; Walls PDC: 4</p>	<p>10%</p>	<p>6.3% (common areas) 12.7% in total (approx.)</p> <p><b>Satisfies</b></p>
<p>DWELLING FLOOR AREA Module: Residential Development PDC 9</p>	<p>One bedroom: 50m<sup>2</sup> Two bedroom: 75m<sup>2</sup></p>	<p>Ground Floor Dwellings: 59.35m<sup>2</sup></p> <p>Upper Floor Dwellings: 72.03m<sup>2</sup></p> <p><b>Does Not Satisfy</b></p>
<p>CARPARKING SPACES Medium Density Policy Area 18 PDC 5</p>	<p>1 car-parking space / dwelling required</p>	<p>1 space per dwelling provided, plus two visitor spaces</p> <p><b>Satisfies</b></p>



## QUALITATIVE ASSESSMENT

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

### Dwelling Density and Average Site Area per Dwelling

Principle of Development Control 7 of Medium Density Policy Area 18 considers the quantitative parameters that apply to developments that are to be considered as 'affordable housing' in relation to site area, amongst other things.

**PDC 7** Dwellings constituting affordable housing (as defined by the *South Australian Housing Trust Regulations* as amended) should be designed within the following parameters and have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) not less than that shown in the following table (extract only):

Parameter	Residential Flat Building
Site Area (square metres)	100 average

The subject land is presented as an existing battle axe allotment of some 1,121m<sup>2</sup>. In determining the calculation of average site area per dwelling, it is appropriate to exclude the area of land contained within the battle-axe handle (as per General Section, Land Division Module PDC 7(a)). While it is acknowledged that the handle provides exclusive access to and from the site, it forms common property and cannot be considered available for individual dwellings. The calculation of site area per dwelling has undertaken to exclude the handle, notwithstanding a submission by the Applicant that the common driveway should be included.

The resultant average site area per dwelling proposed is 95.2m<sup>2</sup>. This represents a departure (5.2%) from the 100m<sup>2</sup> per dwelling average envisaged by PDC 7, above. However, the 5% variation to the criteria is not considered highly detrimental to the proposal given there is sufficient land area to enable the proposed dwellings to conform with the desired character of the Zone and Policy Area in relation to building height, setbacks, vehicle manoeuvring and parking, and bulk and scale criteria. The shortfall in site area will have no impact on streetscape character.

### Site Frontage

PDC 6 of the Medium Density Policy Area 18 requires a minimum frontage of 15 metres (for complete building) for a Residential Flat Building. The subject land is an existing battle axe allotment with an existing frontage of 5.96 metres. The frontage requirements cannot be met. The site would not be able to meet the frontage requirements for detached, semi-detached or group dwellings either. The shape of the allotment makes it difficult for the land to be developed for the purpose intended by the Zone, in a manner that would comply with the provision.

**PDC 6** A dwelling should have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) and a frontage to a public road not less than that shown in the following table (extract only):

Dwelling Type	Minimum Frontage (metres)
Residential Flat Building	15 (for complete building)

*Note: Minimum site area prescribed within PDC 6 is not relevant to the proposal – PDC 7 is the authority for affordable housing proposals in regard to site area*

A report has been received from DPTI which provides an assessment of the access in relation to ensuring safe and convenient movements of traffic to and from, and within, the site. Numerous reports have also been received from GTA Consultants (traffic specialists) via the Applicant. DPTI is satisfied that sufficient manoeuvring area is provided to ensure that vehicles can enter and exit the site in a forward direction.

A minor alteration to the southern boundary fence will be made to ensure adequate driver sightlines.

It is considered that traffic considerations in regard to site frontage have been sufficiently addressed.

In regard to streetscape considerations, it must be noted that the allotment is existing. Development undertaken at the rear of the site will be sited some 37.5 metres from the front property boundary. Development undertaken at the rear of the site will not be readily visible from the front property boundary. Given the dimensions of the land cannot be altered, and the ability for the proposal to satisfy vehicle access requirements, it is not considered that the failure to meet site frontage requirements is detrimental to the proposal.

### Private Open Space

The most significant consideration of the proposal is its failure to provide sufficient private open space to three (3) of the ground floor dwellings, as prescribed by PDC 7 of the Medium Density 18 Policy Area.

Dwellings 1 and 5 are provided with 39.72m<sup>2</sup> and 36.33m<sup>2</sup> respectively, while upper level dwellings (Dwellings 6 – 10) are allocated 12.3m<sup>2</sup> via a balcony that is directly accessible from the living area.

Dwellings 2 – 5, on the ground floor, are provided with a north facing rear yard of 15.0m<sup>2</sup>. This represents a shortfall of 9m<sup>2</sup>, or 37.5%. The departure is significant.

**PDC 7: Dwellings constituting affordable housing (as defined by the South Australian Housing Trust Regulations as amended) should be designed within the following parameters and have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) not less than that shown in the following table (extract only):**

Parameter	Residential flat building
Minimum area of private open space for ground level dwellings (square metres)	24 with a minimum dimension of 3 metres
Minimum area of private open space in the form of a balcony for dwellings above ground level (square metres)	8 with a minimum dimension of 2 metres

When considering the provision of private open space, PDCs 18, 20 and 23 of the Residential Development Module are relevant considerations.

- PDC 18** Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:
- (a) to be accessed directly from the internal living areas of the dwelling
  - (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy
  - (c) to take advantage of, but not adversely affect, natural features of the site
  - (d) to minimise overlooking from adjacent buildings
  - (e) to achieve separation from bedroom windows on adjoining sites
  - (f) to have a northerly aspect to provide for comfortable year round use
  - (g) not to be significantly shaded during winter by the associated dwelling or adjacent development
  - (h) to be partly shaded in summer
  - (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality
  - (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.
- PDC 20** Private open space should not include driveways, effluent drainage areas, rubbish bin storage areas, sites for rainwater tanks and other utility areas, sites for outbuildings, and common areas such as parking areas and communal open space.
- PDC 23** Private open space located above ground level should have a minimum dimension of 2 metres and be directly accessible from a habitable room.

In this regard, all private open space is directly accessible from habitable rooms within the dwellings, being the main living room in each case. Ground floor dwellings are provided with private open space that is regular shaped, provides a minimum dimension of not less than three (3) metres, and is north facing. An expanse of the rear yards will be lawn and incorporate plantings. At the ground floor, rear yards are free from obstructions and include perimeter landscaping, providing opportunities for shade during summer months and access to sunlight during winter. Dwelling 1 is provided with a larger than required allocation by virtue of a 'side' yard, whilst Dwelling 5 has the benefit of a paved area to the rear of the bin storage area at the eastern end of the building.

While the shortfall of private open space to Dwellings 2 – 5 is noted, it is considered that the shape, orientation and accessibility of the space provides sufficient compensation for the shortfall.

In addition, the availability of a large area of public open space adjoining the land to the south, and the close proximity of an open reserve corridor to the north (accessible from Long Street) provides additional scope for residents to access open space and recreation opportunities.

The amount of private open space provided is therefore considered sufficient in the context of the overall development and its location.

### **Minimum Dwelling Floor Area**

Dwellings will have a floor area of 59.35m<sup>2</sup> (ground floor) and 72.03m<sup>2</sup> (upper floor) respectively. All dwellings are provided with two bedrooms, an open plan kitchen and living room and associated wet areas, including an internal laundry. The dwellings are modest in size and layout.



PDC 9 of the Residential Module provides guidance in relation to the desired size of dwellings forming part of a residential flat building.

**PDC 9 Residential development should provide a high quality living environment by ensuring the following minimum internal floor areas (including internal storage areas but not including balconies and car parking):**

- (a) studio (where there is no separate bedroom): 37 square metres**
- (b) 1 bedroom dwelling/apartment: 50 square metres**
- (c) 2 bedroom dwelling/apartment: 75 square metres**
- (d) 3+ bedroom dwelling/apartment: 100 square metres**

The proposal fails to provide a minimum of 75m<sup>2</sup> of floor space required for a two bedroom dwelling.

Notwithstanding, there are a number of other relevant considerations, and positive aspects of the development that outweigh the shortfall in floor area.

- The development responds to the State Government mandate expressed via the 30 Year Plan for Greater Adelaide to increase the availability of affordable housing within the metropolitan area.
- Upper floor dwellings represent a short fall of only 3m<sup>2</sup> per dwelling. This is insignificant.
- Ground floor dwellings are provided with private north facing rear yards, which will effectively form an extension to the living space of dwellings; and
- The site is adjacent to a large public school oval and other public reserves.

It is understood that the affordable housing 'apartment' market attracts predominantly young couples or single persons. In this case, it is likely, though not enforceable, that one of the bedrooms would be used as a study or hobby room. A one bedroom dwelling would be required to provide 50m<sup>2</sup> of floor area.

In considering the proposal as an 'affordable housing' development, it is not unreasonable to give weight to the economic considerations of delivering an appropriately priced product.

If the Council is committed to facilitating the delivery of affordable housing, the site presents an excellent opportunity to do so, given the location of the site adjoining large areas of public open space, the availability of public transport on both Marion Road and Anzac Highway and the close proximity to a retail/commercial centre including a supermarket, newsagent, pharmacy, bank and food outlets. The Applicant has submitted that if the proposed dwellings were to be increased in size, thus reducing the overall yield, construction costs would escalate, meaning that the development would no longer meet the affordable housing criteria.

Having considered the proposal in the context of an affordable housing development, and the opportunity to directly access private open space at the ground level, and a balcony at the upper level, from living rooms, it is considered that the shortfall in floor area is acceptable.

### **Landscape Assessment**

Principle of Development Control 4 of the Landscape, Fences and Walls Modules stipulates that 10% of a development site should be landscaped.

**PDC 4 A minimum of 10 per cent of a development site should be landscaped. The development site refers to the land which incorporates a development and all the features and facilities associated with that development, such as outbuildings, driveways, parking areas, landscaped areas, service yards and fences. Where a number of buildings or dwellings have shared use of such features and facilities, the development site incorporates all such buildings or dwellings and their shared features and facilities.**



Landscaping is provided to each dwelling occupying the ground floor and within common areas.

Landscaping provided within the common areas accounts for 6.3% of the site. An additional 54m<sup>2</sup> is provided within the private yards of dwellings 1 – 5. If included within the provision, landscaping would account for 12.7% (approx.) of the site.

Whilst it is understood that a more detailed landscape plan may be provided if requested, a shortfall in landscaping within and around the driveway and common areas in preference to the provision of private open space is considered more acceptable.

While landscaping within the common areas is slightly less than PDC 4 anticipates, it is considered acceptable given the need to ensure that traffic manoeuvring areas must be kept free of obstructions and driver sight lines must be maintained.

On balance, it is considered that the appearance of the site, including the placement of landscaping along the common driveway, within the common areas, at the front of ground floor dwellings and within private yards, will be enhanced significantly. This will ensure an increased level of amenity for the occupants of the development.

## SUMMARY

The proposed development seeks consent to construct a two storey residential flat building comprising ten (10) two bedroom dwellings. The proposal will include a ten bay carport to be used by residents, and provides opportunity for the provision of an additional two visitor carparks.

The proposed residential flat building will be constructed on an existing battle axe allotment within the Residential Zone, in a Policy Area that anticipates medium density development of up to three (3) storeys in height. The land is located within the Affordable Housing designated area, with good access to public transport on both Marion Road and Anzac Highway. It is within 360 metres of a shopping centre providing a range of retail and commercial services.

The development has been presented as an Affordable Housing proposal and has the benefit of the support from Renewal SA, with the developer indicating willingness to enter into an affordable housing agreement with the State Government.

The proposal is finely balanced and represents a minor departure from satisfying the full extent of quantitative requirements in relation to site area, dwelling size and private open space in relation to a small number of dwellings. While these matters are an indicator of dwelling density and, in some cases, can assist in determining the level of amenity enjoyed by the occupants and/or adjoining property owners, they are not considered to be detrimental to this proposal.

There are numerous positive attributes of the proposal that, on balance, outweigh the shortfalls identified. The resultant development is an acceptable form of development within the Zone, and will contribute to the provision of medium density residential accommodation.

It is considered that the construction of the proposed residential flat building will satisfy the general intent of the Residential Zone, and more particularly the Medium Density 18 Policy Area for the following reasons. In particular, the proposal;

- Provides a residential land use within a type built form that is anticipated within the Zone and Policy Area;
- Is a land use that is consistent with the established character of the locality;
- Significantly improves the appearance of the land through high quality and contemporary architectural design;

- Increases landscaping and overall presentation of the site;
- Does not unduly impact upon the level of amenity enjoyed by occupants of adjoining properties to the west, north or east;
- Will not result in an unreasonable degree of overshadowing or overlooking, therefore ensuring adjoining properties have adequate access to winter sunlight and privacy;
- Provide increased opportunities for passive surveillance of the adjoining public school oval, potentially increasing security within the area;
- Complies with the setbacks, building heights, and site coverage requirements;
- Provides for a density of development that is acceptable within the locality;
- Ensures that each dwelling is provided with access to private open space that is directly accessible from living areas within the dwelling. Upper level balconies are provided with obscure glazing to maximise the level of privacy enjoyed by residents, whilst minimising views into the dwelling from the common areas within the development, and the adjoining public school oval. Where there is a shortfall of private open space to three (3) ground floor dwellings, this is off-set by the north facing orientation and unobstructed regular shaped nature of the space, increasing the desirability and useability of the open space provided;
- Demonstrates only a minor (5%) departure from the desired average site area per dwelling when a calculation is undertaken excluding the battle axe handle of the site which will be utilised as a sole access to the site;
- Adequately addresses stormwater management;
- Provides a sufficient level of carparking for residents within a detached carport, with an opportunity to provide an additional two visitor carparks;
- Ensures that waste (refuse) will be managed effectively through provision of a common bin storage area and the provision of a weekly on-site collection by a private contractor;
- Ensures that vehicles can enter and exit the site in a forward direction, ensuring the free flow of traffic on the adjoining arterial road;
- Provides an open plan floor layout that will enable flexibility by the user, whilst endeavouring to deliver a low cost product that responds to the 'affordable housing' criteria established by the State Government; and
- Provides an opportunity to increase the supply of affordable housing within the City of West Torrens, as contemplated by the Development Plan, the South Australian Strategic Plan and the 30 Year Plan for Greater Adelaide.

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

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2016 and warrants Development Plan Consent.

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/1430/2015 by Rivergum Homes to undertake the construction of a Two Storey Residential Flat Building comprising ten (10) dwellings and detached carport (25.1m x 5.6m x 3.3m max height) and associated landscaping at 365A Marion Road, Plympton (CT 6029/37) subject to the following conditions/for the following reasons (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

### Reserved Matters:

- A. The Applicant, Rivergum Homes, shall enter into an Affordable Housing Land Management Agreement with Renewal SA to ensure that the criteria established within the Gazette Notice issued under the *South Australian Housing Trust Regulations 2010* in relation to 'affordable housing' is met. The Affordable Housing Land Management Agreement must be prepared and executed, with a copy provided to the Council, prior to the issue of Development Approval.

### Council Conditions

1. Except where minor amendments may be required by other relevant acts, or by conditions imposed by this application, the development is to be established in strict accordance with the endorsed stamped details and plans submitted in Development Application 211/1430/2015. All works shall be completed to the reasonable satisfaction of Council prior to the occupation and/or use of the development.
2. That the carport approved herein shall not be enclosed and shall be kept as an open structure at all times. For this purpose, any works to enclose the sides, rear or front (including a roller/panel-lift door) shall require a separate application to Council.
3. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage shall not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.

Stormwater detention, re-use and/or water quality measures shall be implemented in accordance with engineering calculations and design drawing(s) provided by Intrax Consulting Engineers Pty Ltd (Job Number 73829 dated 9 November 2015).

4. That all driveways, parking and manoeuvring areas shall be formed (surfaced with concrete, bitumen or paving) and properly drained, and shall be maintained in a reasonable condition at all times.
5. Vehicle access ways and carparking spaces shall be kept free of obstructions at all times.
6. That directional signs not exceeding 0.2 square metres shall be erected at the eastern end of the herein approved carport to indicate the location of visitor parking. The sign shall advise that parking is prohibited on (nominated) waste collection days.

7. That driveways, carparking spaces, manoeuvring areas and landscaping areas shall not be used for storage or display of materials or goods including waste products and refuse.
8. A 2.5m (min) length of the existing corrugated iron fence located at the western end of the southern boundary shall be removed and replaced with open chain mesh fencing. Works undertaken shall be consistent with the recommendations contained within the GTA Consultants report dated 16 May 2016 (ref: GTA 15A1291000).
9. All waste collection shall be undertaken completely on private property by a private contractor. Refuse collection vehicles shall not exceed a length of 7.4 metres.
10. That the approved waste disposal facilities and waste enclosure shall be installed and be made operative prior to occupation of the development.
11. That all landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.
12. That the upper level windows of the dwellings will be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows will be maintained in reasonable condition at all times.

### **Commissioner of Highways Conditions**

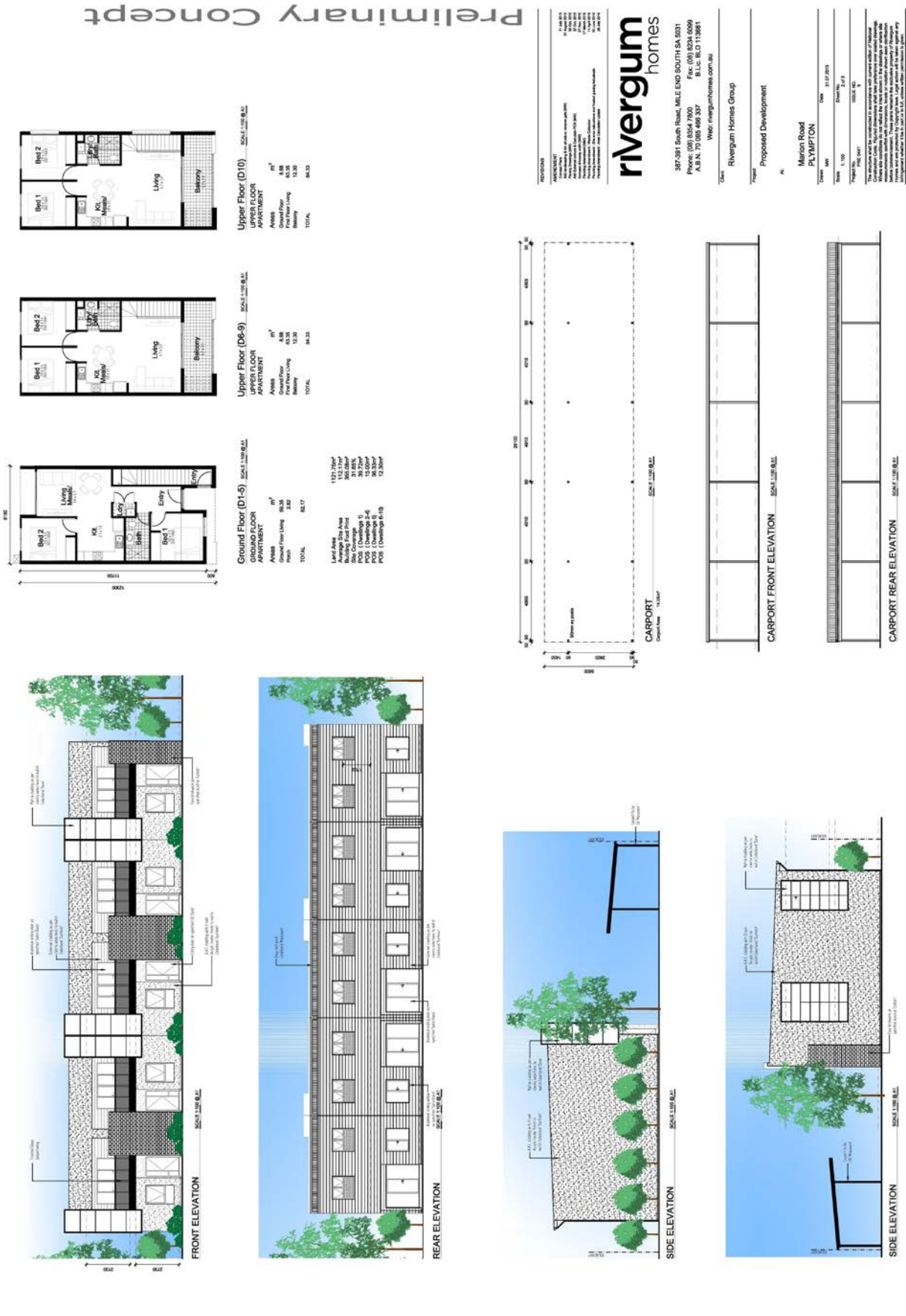
*The following conditions are imposed at the request of the Commissioner of Highways (ref: 2016/00229/01, dated 22/04/2016)*

1. Access to Marion Road shall be constructed in accordance with Rivergum Homes, Preliminary Concept Plan, Sheet 1, Issue 5, dated 31/7/15.
2. The access point shall be suitably flared to Marion Road to allow convenient ingress and egress movements in order to minimise disruption to the free flow of traffic.
3. All waste collection shall be undertaken completely on private property. Sufficient area shall be provided to ensure commercial vehicles can achieve forward entry and exit movements.
4. Pedestrian sightlines at the access shall be in accordance with AS/NZS2890.1:2004.
5. All landscaping located along the shared driveway shall be low growing and shall be trimmed on an as needs basis so as not to restrict driver sightlines along the driveway to/from the access point.
6. The shared access and internal manoeuvring areas shall be clear of all obstructions including meters, letterboxes, landscaping and visitor parking.
7. All vehicles shall enter and exit the site in a forward direction.
8. All stormwater generated by the development shall be appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network



## ATTACHMENT 1









## Preliminary Concept

[illegible]rivergum  
homes

387-391 South Road, MILE END SOUTH SA 5031  
 Phone: (08) 8354 7800 Fax: (08) 8234 6069  
 A.B.N. 70 065 466 337 B.L.O. B.L.O. 113061  
 Web: [livingathomes.com.au](http://livingathomes.com.au)

Rivergum Homes Group

Proposed Development

AL  
Marion Road  
PLYMPTON

Report	Date	By
		July
		July

[illegible]

The structure shall be constructed in accordance with current edition of National Construction Code. Paving/leveling shall take preference over existing drainage. Where site conditions do not reflect the layout shown in the drawings or where alternative elements conflict with dimensions, levels or location thereof, seek clarification from the architect. These plans remain the exclusive property of the architect and are protected by Copyright laws. Legal action will be taken against any



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## PLANNING REPORT

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### Two Storey Residential Flat Building

AT: 365A Marion Road, Plympton

FOR: The Rivergum Homes Group

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#### 1.0 INTRODUCTION

This planning report has been prepared to accompany a development application by The Rivergum Homes Group for Development Plan Consent to construct a two storey residential flat building containing ten dwellings at 365A Marion Road, Plympton.

This planning report contains, amongst other things, our description of the land in question, its surrounds and the proposal, as well as our assessment of the proposal against the relevant provisions of the West Torrens Council Development Plan.

#### 2.0 THE LAND

The subject land, referred to herein as 'the land', is situated on the eastern side of Marion Road, between Long Street to the north and Keily Street to the south.

The land consists of one allotment which is more formally known as Allotment 2 in Deposited Plan 79933, Hundred of Adelaide and is the whole of the land described in Certificate of Title Volume 6029 Folio 37.

A copy of the Certificate of Title Register Search is attached at **Appendix A**.

A copy of the Deposited Plan is attached at **Appendix B**.

The Certificate of Title Register Search indicates that there is an easement for eaves and gutters along a portion of the driveway in favour of the property to the north. Furthermore, it would appear that there are no regulated or significant trees located on, or immediately adjacent, the land for our client to contend with.

The land takes on the shape of a 'battle axe'. It has a frontage 5.96 metres to Marion Road courtesy of the 'handle' which then opens up to create an overall area of approximately 1,121.7 square metres.

The land presently accommodates a handful of temporary structures which appear to have been abandoned. They are in a dilapidated state, and surrounded by unkempt vegetation and weeds.





### 3.0 THE LOCALITY

Whilst inspecting the land and its locality, we noted, amongst other things, that:

- the adjoining parcel of land to the north is presently anchored by three single storey group dwellings;
- the eastern and southern boundaries of the land are flanked by a multi-purpose oval which belongs to the Plympton Primary School;
- the adjoining parcel of land to the west is presently anchored by a single storey detached dwelling;
- there is a two storey residential flat building containing eight dwellings on the north-eastern corner of the T – junction between Keily Street and Marion Road;
- there is a two storey residential flat building containing eight dwellings on the south-eastern corner of the T – junction between Keily Street and Marion Road;
- there is a three storey residential flat building containing 12 dwellings on the south-western corner of the T – junction between Lydia Street and Marion Road;
- there are three, two storey detached dwellings and a two storey group dwelling on the western side of Owen Street;
- there is a public reserve on the north-western side of the T – junction between Long Street and McArthur Avenue which is bisected by the 'west side bikeway'; and
- there is a bus stop approximately 30 metres to the south of the land (the bus stop to which we refer is situated on the same side of Marion Road).

The land, and its surrounds, is shown on the locality plan attached at **Appendix C**.

Amenity in the locality is impacted by the arterial nature of Marion Road, particularly in respect of the noise caused by vehicle movements. The form and character of dwellings in the locality is mixed, with no predominant form and character which defines the area. The level of the amenity would best be described as moderate, enhanced by the open nature of the school grounds but detracted from by the presence of Marion Road.



#### 4.0 THE PROPOSAL

Our client seeks Development Plan Consent from the City of West Torrens ('the Council') to construct a two storey residential flat building containing ten dwellings on the land. The dwellings are proposed to constitute 'affordable' housing, as defined, and to this end, our client will enter into agreement with RenewalSA as is required to facilitate the offer of the dwellings to registered purchasers via the program administered by that agency.

The particulars of their proposal are detailed in the following sub-sections. They are also shown across the plans, elevations and diagrams attached at **Appendix D**.

#### 4.1 Land Use

The proposal is properly defined in land use terms as a 'residential flat building'.

According to Schedule 1 of the *Development Regulations 2008*, a 'residential flat building' means "*a single building in which there are two or more dwellings, but does not include a semi-detached dwelling, a row dwelling or a group dwelling.*"

#### 4.2 Density

The gross density of this development equates to 89.20 dwellings per hectare, and the average site area per dwelling equates to 112.17 square metres (the entire area of the land (1,121.7 square metres) divided by the total number of dwellings (10)).

#### 4.3 Dwelling Mix

All of the dwellings will contain two rooms capable of being used as bedrooms. The prospective occupants will therefore have the choice of using both rooms as bedrooms or one room as a bedroom and the other room as a study.

#### 4.4 Dwelling Size

The dwellings on the ground and first floor levels of the building will have an overall floor area of 59.4 square metres and 84.3 square metres respectively.

#### 4.5 Affordable Housing

Our client has spoken to Renewal SA regarding the provision of 'affordable housing' on this site. It is clear from the correspondence at **Appendix E** that both parties are prepared to enter into a Land Management Agreement post receipt of Development Plan Consent which would ensure that all of the dwellings fall within the 'affordable housing' price point.



#### **4.6 Site Coverage**

The building, which has an area of 378 square metres, and the car port, which has an area of 140 square metres, will combine to occupy 518 square metres or 46 percent of the overall area of the subject land.

If the handle of the land, which has an area of 169 square metres, is taken out of this equation, leaving a balance of the subject site of 952 square metres, the building and carport will combine to occupy 54 percent of the balance of the land.

#### **4.7 Setbacks**

The building will be set-back between 2.0 and 2.9 metres from the northern boundary, 4.0 metres from the eastern boundary, 11.5 metres from the southern boundary and 2.0 metres from the western boundary (adjacent the building itself).

The building will also be set-back more than 37.5 metres from Marion Road due the shape of the land and the length of the 'handle'.

The car port, which is an open structure, will be located on the southern boundary of the subject land.

#### **4.8 Building Height**

The building will contain two floor levels and stand 7.4 metres tall if it is measured from the top of the matrix cladding to the top of the pavers proposed to be located directly below.

#### **4.9 External Materials**

The palette of materials selected by our client includes, but is not limited to:

- exposed and texture-coated bricks;
- cement composite sheets;
- painted weatherboard;
- painted timber;
- powder-coated aluminium and steel;
- stainless steel; and
- clear and frosted glass.



#### 4.10 Private Open Space

Dwelling1 will have access to approximately 39.72 square metres of private open space, Dwellings 2, 3 and 4 will have access to approximately 15.0 square metres of private open space, Dwelling 5 will have access to approximately 36.33 square metres of private open space, and Dwellings 6, 7, 8, 9 and 10 (the upper level dwellings) will have access to approximately 12.3 square metres of private open space.

#### 4.11 Car Parking

A traffic and access report prepared by GTA Consultants is attached as **Appendix F**.

A sealed, line-marked and partially covered car park capable of accommodating 10 cars will be created along that portion of the southern boundary which sits adjacent to the building.

The report prepared by GTA consultants indicates that the car parking complies with the relevant requirements set out in AS2890.1:2004.

Except for the period each week when the rubbish bins are being emptied, additional spaces for two vehicles will be located in the south-western corner of the subject land.

#### 4.12 Bicycle Parking

Each dwelling will come equipped with a wall-mounted device that allows for one bicycle to be stored in a secure and convenient manner.

#### 4.13 Access

The car parking area will be accessible via the existing driveway crossover to Marion Road. This crossover will not be altered in any way, shape or form, as it is relatively new.

The easement over a portion of the driveway in favour of the allotment to the north will not impede the proposal, as the area subject to the easement is proposed to be landscaping as showing in the proposal plans.

The report prepared by GTA Consultants indicates that the splayed entrance is appropriate for the nature of the proposed development and that the probability of conflict in the area where the driveway will only fit a single car is negligible.

The splayed entrance will enable a car that is entering the land to pull over to the left whenever there is a car exiting the land at the same time. This arrangement should minimise any need for cars to queue on Marion Road.





#### 4.14 Stormwater

The Site Layout Plan and Civil Details Plan, prepared by Intrax and attached at **Appendix G** indicates, amongst other things, that:

- stormwater will be collected from both roofs and directed to combination retention/detention tanks located adjacent the eastern end of the building;
- overflow from the tanks and stormwater from paved areas will be directed to a kerb and gutter along the southern boundary of the site; and
- water will run towards the western boundary of the site where it will enter a pit and discharge to the street watertable via a galvanised box culvert.

#### 4.15 Waste

All waste generated on-site by the prospective occupants and their respective guests will be separated and subsequently deposited into communal bins. The bins will be kept within an unobtrusive enclosure located at the eastern end of the proposed residential flat building.

As outlined in the report and subsequent correspondence, prepared by GTA consultants, the bins will be collected on a weekly basis by a private collection service. The collection of the bins will occur wholly within the boundaries of the subject site, and not on Marion Road.

#### 4.16 Landscaping

The common property and each community title allotment occupied by a ground floor dwelling will be neatly landscaped with a suitable selection of trees, shrubs and grasses. There will also be enough room on the upper level balconies for an assortment of potted plants.

Whilst the extent of landscaped area proposed is clearly shown on the site plan, our client would be accepting of a condition on any Development Plan Consent which requires a more detailed landscaping plan to be prepared and submitted prior to the issue of Development Approval.

### 5.0 THE DEVELOPMENT PLAN

#### 5.1 Relevant Version

The relevant version of the West Torrens Council Development Plan for procedural and assessment purposes was gazetted and subsequently consolidated on 5 November 2015.



## **5.2 Policy Area and Zone**

The land is situated in Medium Density Policy Area 18 of the Residential Zone. It also falls within the ambit of an area designated for 'affordable housing'.

## **5.3 Kind of Development**

The proposal involves a kind of development that is neither complying nor non-complying. It must therefore be assessed, considered and determined on its merits by the Council in its capacity as the relevant authority.

## **5.4 Category of Development**

The proposal involves a kind of development which falls within the ambit of Category 2 for the purposes of public notification pursuant to Clause 18(a) of Part 2 of Schedule 9 of the *Development Regulations 2008*.

## **6.0 DEVELOPMENT PLAN ASSESSMENT**

In order for the Council to grant Development Plan Consent, it must be satisfied that:

- the intended use of the land is appropriate;
- the density of this development is acceptable, having regard to the proposal being for affordable housing;
- the dwelling mix is acceptable;
- the dwelling sizes are acceptable;
- the siting, height and external appearance of the building is acceptable;
- the amount of private open space afforded to the prospective occupants of each dwelling will be sufficient;
- the level of amenity presently experienced by the occupants of the neighbouring residences to the north and to the west will not be affected, to an unreasonable degree, by overlooking or overshadowing;
- enough car and bicycle parking will be provided;
- stormwater and waste will be managed in an effective and environmentally sound manner; and



- the building will be suitably energy efficient.

Our assessment will therefore focus on these key considerations.

**6.1 Land Use**

The Desired Character Statement for Medium Density Policy Area 18 lists those dwelling types that are envisaged in this part of the Residential Zone. For clarity, it advises, in part, that:

*“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.”*

When one couples this extract with the fact that a residential flat building, such as that proposed, is listed as an envisaged form of development under Principle 1 of Medium Density Policy Area 18, it becomes clear that the intended use of the land is appropriate and specifically envisaged by the Development Plan.

**6.2 Dwelling Density**

Principle 7 of Medium Density Policy Area 18 provides guidance with respect to the density of ‘affordable housing’ in this part of the Residential Zone.

It recommends that:

**PDC 7** Dwellings constituting affordable housing (as defined by the South Australian Housing Trust Regulations as amended) should be designed within the following parameters and have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) not less than that shown in the following table:

Parameter	Residential Flat Building
Average site area per dwelling	100 square metres

In accordance with Principle 7, the average site area per dwelling equates to 112.17 square metres.

The average site area per dwelling has been determined, in this instance, by dividing the area of the land (1,121.7 square metres) by the number of dwellings proposed (10). The common driveway has been included in this calculation, as it will provide the only means of pedestrian and vehicular access to the all of the dwellings proposed in the development. It will also provide infrastructure services and the opportunity for landscaping. It is therefore of critical importance to the overall scheme and reasonable to include in the density calculation.





We note an alternative position that the 'handle' should be excluded for the purpose of calculating the site area. We have calculated that using this alternative technique, and the removal of the area apportioned to the 'handle' leaves a site area of 952 square metres. Dividing this area by the number of dwellings proposed (10) gives an area of 95.2 square metres per dwelling. Whilst this is less than 100 square metres, the variance is less than 5 percent and when considered with the site coverage proposed being significantly less than the maximum sought indicates that the density of the proposal should be assessed on holistically on the basis of the entire proposal.

### 6.3 Dwelling Size

Principle 9 of the 'Residential Development' Module provides guidance with respect to the size of dwellings which form part of a residential flat building.

It recommends that:

**PDC 9 Residential development should provide a high quality living environment by ensuring the following minimum internal floor areas (including internal storage areas but not including balconies and car parking):**

- (a) studio (where there is no separate bedroom): 37 square metres
- (b) 1 bedroom dwelling/apartment: 50 square metres
- (c) 2 bedroom dwelling/apartment: 75 square metres
- (d) 3+ bedroom dwelling/apartment: 100 square metres

If none of the balconies are taken into account, as suggested by Principle 9, the dwellings on the ground and first floor levels of the building will have an overall floor area of 59.4 square metres and 72.0 square metres respectively.

Although the floor area assigned to these dwellings falls short of the minimum quantitative guideline provided for two bedroom dwellings by 15.6 square metres and 3.0 square metres respectively, we do not consider this discrepancy to be insurmountable on the basis that:

- Principle 9 is more so directed towards apartments in medium to high rise buildings where balconies constitute the only form of private open space;
- the dwellings on the ground floor level of the building will come equipped with at least 15.0 square metres of private open space which means that when the ground floor stackers are opened, the useable living space will increase to 74.4 square metres;
- if any of these dwellings were to be increased in size, the construction costs would be such that they would no longer fall within the 'affordable housing' threshold;
- the predominantly open floor plans and northern aspect of the dwellings will allow for plenty of natural light to filter through and give the impression that each dwelling is rather spacious;





- the prospective occupants will have the option to use one of the rooms as a bedroom and the other room as a study (if this were to be the case, then all of the dwellings would comfortably satisfy the minimum quantitative guideline provided under Clause (a));
- it is highly likely, based on recent sales feedback received by the Rivergum Homes Group, that most of the dwellings will be purchased by young individuals or couples who do not require two bedrooms; and
- if our client removed the stud wall and door to those bedrooms closest to the main entrance of each dwelling, the floor area of each dwelling would comfortably exceed the minimum quantitative guideline prescribed under Clause (b) of PDC 9.

Our clients position is that rather than manipulate the design of the dwellings to meet the floor area requirements by providing only a single bedroom, their preference is to present the dwellings in a manner which maximises the flexibility of the internal space of the dwellings for occupants. Sales data for similar developments indicates that a high proportion of purchasers will only utilise one of the available rooms as a bedroom.

The focus of the dwellings is for the development to be able to meet the \$304,000.00 base price point for affordable housing. Meeting this price point is extremely difficult, and can only be achieved by achieving a combination of density and dwelling floor area. In the opinion of our client, having regard to the price of land and construction, it is simply not possible to meet every provision in the plan and achieve the base price point.

Our client seeks to utilise good design techniques to provide high levels of amenity for future occupants, notwithstanding that the dwellings are not large. Such design techniques include the provision of open space immediately adjacent living areas, the provision of ground level open space on the northern side of the site, the provision of built-in storage and laundries internal to the dwellings.

The ground floor dwellings are 59 percent larger than the minimum size for a studio and 18 percent larger than the minimum size for a one-bedroom dwelling. Given that traditionally these dwelling configurations would have provided for one or two occupants, as are the proposed dwellings, the size of the dwellings is considered to be reasonable and appropriate.

#### **6.4 Affordable Housing**

Principle 1 of the 'Affordable Housing' Overlay and Principle 32 of the 'Residential Development' Module provide guidance with respect to this particular form of housing.



Together, they recommend that:

**PDC 1** Development comprising 20 or more dwellings should include a minimum of 15 per cent affordable housing (as defined by the South Australian Housing Trust Regulations as amended).

**PDC 32** Affordable housing should be well integrated and complementary in design and appearance to other dwellings within the development.

The proposal, if approved, will culminate in the construction of ten dwellings in the one building. All ten of these dwellings will need to fall within the 'affordable housing' threshold, as per the terms of the LMA. By doing so, the proposal comfortably exceeds the expectations of the Principle 1 of the 'Affordable Housing' Overlay.

The applicant has advised that they would be accepting of a condition requiring that a LMA to be entered in to prior to the issue of Development Approval should Development Plan Consent be granted.

## 6.5 Site Coverage

Principle 5 pertaining to Medium Density Policy Area 18 provides guidance with respect to the footprint of buildings in this part of the Residential Zone.

It recommends that:

**PDC 5** Dwellings should be designed within the following parameters:

Parameter	Value
Maximum site coverage	70 percent

In accordance with Principle 5, the building and car port will combine to occupy 518 square metres or 46 percent of the overall area of the land.

If the handle of the land, which has an area of 169 square metres, is taken out of this equation, the building and carport will combine to occupy 54 percent of the balance of the land.

The proposal therefore comfortably satisfies this maximum quantitative guideline.

## 6.6 Setbacks

Principle 5 of Medium Density Policy Area 18 provides guidance with respect to front and rear boundary setbacks.



It recommends that:

**PDC 5** Dwellings should be designed within the following parameters:

Parameter	Value
Minimum distance from front boundary	3.0 metres
Minimum distance from rear boundary	4.0 metres

In accordance with Principle 5, the building will be set-back more than 37.5 metres from Marion Road and 4.0 metres from the eastern (rear) boundary.

Principle 11 of the Residential Zone then provides guidance with respect to side boundary setbacks.

It recommends that:

**PDC 11** Except where otherwise specified by a policy area, and for party walls, dwellings and buildings containing dwellings should be set back from the side and rear boundaries in accordance with the following table:

Parameter	Maximum Value
Where the side wall is 3.0 metres or less in height	1.0 metre
Where the side wall is between 3.0 metres and 6.0 metres in height	2.0 metres
Where the side wall is greater than 6.0 metres in height	2.0 metres plus an additional setback which is equal to the increase in wall height above 6.0 metres

The northern wall of the building will be 6.6 metres tall and the southern wall of the building will be 7.4 metres tall. Accordingly, the building should be set-back 2.6 metres from the northern boundary and 3.4 metres from the southern boundary.

In accordance with Principle 11, the building will be set-back between 2.0 metres and 2.9 metres from the northern boundary and 11.5 metres from the southern boundary. More importantly, due to the orientation of the building, it will not overshadow any of the neighbouring habitable room windows or private open spaces to the north.



The carport will be located adjacent the southern boundary, however, this is an open structure and this boundary is shared with the adjacent school oval. Any impact of the proximity of the carport to this land is considered to be negligible.

Where the setback from the northern boundary is less than required, it is not considered that this will result in unreasonable impacts in the form of overlooking or overshadowing. Having regard to the design of the building, its height, and the use of the land adjacent the subject land to the north, it is not considered that the proposal will unreasonably impact due to its bulk, scale or massing.

The setbacks are considered to reasonably accord with Development Plan requirements. On this basis, the setbacks of the building and the carport structure are considered appropriate.

## 6.7 Building Height

Principle 5 of Medium Density Policy Area 18 provides guidance with respect to the height of buildings in this part of the Residential Zone.

It recommends that:

**PDC 5 Dwellings should be designed within the following parameters:**

Parameter	Value
Maximum building height	Three storeys or 12.5 metres

In the proposal is in accordance with Principle 5, as the building will not exceed two storeys or 7.4 metres in height.

## 6.8 External Design and Appearance

Principles 1, 2, 5 and 14 of the 'Design and Appearance' Module provide guidance with respect to the external design and appearance of residential buildings.

Together, they recommend that:

**PDC 1 Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:**

- (a) building height, mass and proportion
- (b) external materials, patterns, colours and decorative elements
- (c) roof form and pitch
- (d) façade articulation and detailing
- (e) verandas, eaves, parapets and window screens.





**PDC 2** The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.

**PDC 5** Balconies should:

- (a) be integrated with the overall form and detail of the building
- (b) include balustrade detailing that enables line of sight to the street
- (c) be recessed where wind would otherwise make the space unusable (d) be self-draining and plumbed to minimise runoff.

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

The building has been cleverly designed so that all four of its façades are expressive but not overly dominant despite the fact that they will be virtually imperceptible from Marion Road.

The stepped nature of each façade, the provision of integrated balconies, the use of contemporary and robust materials, and the application of complementary colour tones will greatly assist in this regard.

None of the façades will feature large, monotonous or highly reflective surfaces. Instead, they will be broken down into discrete elements to create an appropriate sense of visual relief.

The use of small vertical and horizontal components will also serve to articulate and break up the width of the building whilst reducing its apparent height.

The orientation, design and vertical profile of the building will also provide opportunities for passive surveillance over the common driveway and adjacent carport.

## **6.9 Private Open Space**

Principle 7 of Medium Density Policy Area 18 provides guidance with respect to the provision of private open space.

It recommends that:

**PDC 7** Dwellings constituting affordable housing (as defined by the South Australian Housing Trust Regulations as amended) should be designed within the following parameters and have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) not less than that shown in the following table:



Parameter	Residential Flat Building
Minimum private open space for ground level dwellings	24 square metres with a minimum dimension of 3.0 metres
Minimum private open space for above ground level dwellings	8.0 square metres with a minimum dimension of 2.0 metres

In accordance with Principle 7, all five of the dwellings on the first floor level of the building will come equipped with a balcony which has a minimum dimension of 2.0 metres and an overall area of 12.3 square metres.

Dwelling 1 will come equipped with 39.72 square metres of private open space due to the landscaped buffer that is proposed between the building and the neighbouring dwelling to the west. Dwelling 5 will have 36.33 square metres of private open space.

Dwellings 2 through to 4 will come equipped with 15.0 square metres of private open space. Whilst these private open spaces do not quite meet the aforementioned guideline, it is important to keep in mind that the provision of private open space has, in this instance, had regard to the nature of the proposal as a medium density residential development, where the expectations of future occupiers as to the quantum of private open space provided is much lower.

The requirement for ground level open space to be larger than open space provided above ground level is also interesting in the context of the proposal. It recognises the limitations in providing open space via balconies, however, in the case of buildings such as that proposed doesn't recognise the utility in the provision of open space at ground level, such as direct access to clothes drying and the ability to have a small area of lawn.

It is also important to keep in mind that these private open spaces have been carefully considered to maximise functionality in respect of their location, relationship to the internal living areas and access to sunlight. They will all be suitably landscaped, shielded from Marion Road, and supplemented by the adjoining multi-purpose oval to the south which is accessible to the public outside of school hours via Owen Street. There are also open space areas located to the north of the subject site within an easy walking distance.



When considered in totality, seven of the ten dwellings proposed meet the areas of private open space required by the Development Plan. The three dwellings that do not meet the quantitative requirement still provide almost double the amount of open space that would be required if the dwellings were located above ground level. The open space areas will have a northern aspect, will be regular in their dimension, flat and will be devoid of structures and fittings which reduce the functional area such as fixed clothes lines, water tanks and air conditioning units. The open space is directly accessible from the open plan living areas of the dwellings.

The compact nature of these dwellings and their open space will be reflected in the price at which these dwellings are offered to the market. Ultimately, this will enable more prospective purchasers to afford the dwellings and enter into the ownership of property. Ultimately, the design of the dwellings more than compensates for their compact nature and enables a level of affordability to be achieved that could not be achieved if the quantitative open space requirements are to be met for all ten dwellings.

#### 6.10 Overlooking

Principle 27 of the 'Residential Development' Module provides guidance with respect to overlooking.

It recommends that:

**PDC 27 Except for buildings of 3 or more storeys, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.7 metres or permanent screens having a height of 1.7 metres above finished floor level.**

In accordance with Principle 27, all of the upper level window frames on the northern side of the building will be fitted with obscure glazing to height of 1.7 metres above the finished floor level, and both of the windows sills on the eastern side of the building will be positioned 1.7 metres above the finished floor level.

The balconies on the southern side of the building will have views to the common areas of the subject land and the adjacent school oval below. Having regard to the proposed configuration of the subject land and the use of the adjacent school, this overlooking is not considered to be unreasonable.

#### 6.11 Overshadowing

Principles 11 and 12 of the 'Residential Development' Module provide guidance with respect to overshadowing.

Together, they recommend that:

**PDC 11 Development should ensure that north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of**





direct sunlight over a portion of their surface between 9.00 am and 5.00 pm on the 21 June.

**PDC 12** Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:

- (a) half of the existing ground-level open space
- (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres).

The extent of shadow that is likely to be cast by the building between the hours of 9:00 am and 3:00 pm on the winter solstice is captured across the sun shadow diagrams at **Appendix D**.

It is clear from these diagrams that:

- the building will not cast a single shadow over the neighbouring habitable room windows or private open spaces of allotments located to the north of the subject land at any stage during the winter solstice; and
- what remains of the private open space on the allotment located to the west will continue to receive access to three consecutive hours of direct sunlight between 12:00 pm and 3:00 pm on the winter solstice.

Whilst the proposal satisfies both of the aforementioned Principles, it is important to remember that these diagrams depict the worst-case scenario, as the winter solstice marks the shortest day of the year and is when the sun is at its lowest point in the sky. The overshadowing impact on every other day of the year will be less.

## 6.12 Car Parking

Principle of Development Control 7 of the Medium Density Policy Area 18 of the Residential Zone sets out the car parking requirement applicable to the development and states that the requirement for dwellings comprising affordable housing is for one car parking space per dwelling. This Policy Area specific provision which relates explicitly to affordable housing takes precedence over other quantitative car parking requirements expressed elsewhere in the Development Plan.

The report prepared by GTA Consultants has considered the statutory car parking requirement set out in the Development Plan and have assessed that the proposal is consistent with this requirement. Specifically, they advise that the proposal does not require further visitor or disabled parking. Notwithstanding that there is no requirement for visitor parking, two spaces will be available to the east of the proposed car port structure at all times other than the brief period each week when the bins are being emptied.





On this basis the proposal is considered to be consistent with the car parking requirement set out in the Development Plan.

### 6.13 Bicycle Parking

Clause (b) pertaining to Principle 30 of the 'Residential Development' Module provides guidance with respect to the provision of bicycle parking.

It recommends that:

**PDC 30 Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:**

- (b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings).**

Each dwelling will come equipped with a wall-mounted device that allows for one bicycle to be stored in a secure and convenient manner.

Whilst the Development Plan does not provide any specific quantitative guidance, it is perhaps worth noting that:

- if this development were to take place within the confines of the Urban Corridor Zone, it would only generate a theoretical demand for four spaces;
- the prospective occupant/s of each dwelling will also have access to one on-site car parking space; and
- there is a bus stop approximately 30 metres to the south of the land.

### 6.14 Access

The report prepared by GTA Consultants has considered the access to and from the land and also the manoeuvring of vehicles on the subject site.

They consider that access arrangements to and from the subject land to be appropriate, subject to some minor modifications to the fencing on the southern boundary adjacent Marion Road to improve sight distances. The applicant has confirmed that they will make these amendments to the fencing at their cost.

GTA Consultants have advised that the parking spaces, aisle and turnaround area can comply with the requirements set out in AS2890.1:2004.

On this basis, access and manoeuvring arrangements associated with the proposal are considered to be appropriate and accord with Development Plan requirements.



Suitable access, egress and manoeuvring arrangements have also been demonstrated for the waste collection vehicle which is anticipated to access to the site.

### 6.15 Stormwater

Principles 5, 8, 9, 10 and 11 of the 'Natural Resources' Module provide guidance with respect to the management of stormwater.

Together, they recommend that:

- PDC 5** Development should be designed to maximise conservation, minimise consumption and encourage reuse of water resources
- PDC 8** Water discharged from a development site should: (a) be of a physical, chemical and biological condition equivalent to or better than its pre-developed state (b) not exceed the rate of discharge from the site as it existed in pre-development conditions.
- PDC 9** Development should have adequate provision to control any stormwater over-flow runoff from the site and should be sited and designed to improve the quality of stormwater and minimise pollutant transfer to receiving waters.
- PDC 10** Development should include stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.
- PDC 11** Development should include stormwater management systems to minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system.

The proposal provides for tanks which provide a combination of retention and detention relevant to mitigate flows during rainfall events and allow for reuse of retained water within dwellings and on the landscaped areas as appropriate.

On this basis, the proposal is considered to adequately accord with these provisions.

### 6.16 Waste

Clause (c) pertaining to Principle 30 of the 'Residential Development' Module provides guidance with respect to the management of waste.

It recommends that:

- PDC 30** Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:
  - (c) household waste and recyclable material storage areas away from dwellings.



All waste generated on-site by the prospective occupants and their respective guests will be separated and subsequently deposited into communal bins. The bins will be kept within an unobtrusive enclosure in the eastern end of the proposed building. The enclosure has also been sized to accommodate the requisite number of bins, as recommended by Principle 5 of the 'Waste' Module.

As outlined in the report and subsequent correspondence, prepared by GTA consultants, the bins will be collected on a weekly basis by a private collection service. The collection of the bins will occur wholly within the boundaries of the subject site, and not on Marion Road.

### 6.17 Energy Efficiency

Principle 3 of the 'Energy Efficiency' Module provides guidance with respect to this particular facet of the overall design.

It recommends that:

**PDC 3 Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:**

- (a) taking into account overshadowing from neighbouring buildings;**
- (b) designing roof orientation and pitches to maximise exposure to direct sunlight.**

The roof atop the building has been designed with a 2.0 degree fall from the south to the north so that it has the capacity accommodate an efficient bank of solar panels.

Whilst such solar panels will be concealed from the public realm by the parapet walls, they will still be able to capture sunlight from early in the morning until late in the evening, as none of the neighbouring residences are close or tall enough to pose a problem as far as overshadowing is concerned.

## 7.0 CONCLUSIONS

The proposed development has been carefully designed to meet the intent of Principle of Development Control 7 of Medium Density Policy Area 18 of the Residential Zone through the provision of affordable housing.

The proposal is consistent with the majority of the relevant quantitative provisions, and where there is an inconsistency, the impacts on the locality are not considered material. To the extent that inconsistencies exist, they are the product of managing the provision of product that remains affordable whilst meeting relevant requirements.



As with many developments, an overly rigid interpretation of quantitative criteria will ultimately limit the ability to provide affordable product. The proposed development has been carefully designed to ensure that it will provide an adequate level of amenity for future occupiers whilst allowing for the relevant price points to be met when the development is offered for sale.

We have concluded from our assessment that having regard to the proposal, the nature of the subject site and locality and relevant provisions of the Development Plan that the proposal is an appropriate development of the subject site.

In support of our conclusion, we take this opportunity to reiterate that:

- the intended use of the land is appropriate and specifically envisaged by the development plan;
- the density of this development is acceptable and, even if the handle is excluded from the density calculation, is not materially less than the quantitative requirement of the Development Plan;
- the dwelling mix is appropriate and will enable for dwellings within the development to be offered at slightly different price points;
- the dwelling sizes whilst smaller than the quantitative requirement for two bedroom dwellings are acceptable on the basis of appropriate floor plans and the high likelihood that both rooms within the dwellings will not be utilised as bedrooms;
- the siting, height and external appearance of the building is acceptable;
- the amount of private open space afforded to the prospective occupants of each dwelling will be sufficient, with seven of the ten dwellings meeting quantitative requirements, and, the other three having well-proportioned private open space located immediately adjacent living areas of the dwelling and with a northern aspect;
- the level of amenity presently experienced by the occupants of the neighbouring residences to the north and to the west will not be affected, to a material degree, by overlooking or overshadowing;
- sufficient car and bicycle parking will be provided on-site;
- stormwater and waste will be managed in an effective and environmentally sound manner; and
- the building will be appropriately energy efficient.





The proposal seeks to provide affordable housing in an efficient manner that provides an appropriate level of amenity to prospective occupants. Doing so, and meeting the required price points is particularly challenging for developers and requires a careful balance of the density and construction cost. Our client has an extensive track record in the provision of affordable housing which meets the desires of the market and enables many people, who would otherwise not be able, to enter into home ownership. Whilst meeting all quantitative requirements in the Development Plan is one way of ensuring amenity, it is not the only way of doing so. Compact dwellings can provide high levels of amenity if they are well designed and configured.

In the case of the proposal, the majority of the proposed dwellings meet the majority of the relevant provisions of the Development Plan. If all of the dwellings were required to meet all of the provisions, particularly in respect of dwelling size and private open space, it is unlikely that it would be possible to develop the site economically for affordable housing and the opportunity to provide affordable housing in this location would, most likely, be lost.

We consider that the proposal accords, to a sufficient degree, with the relevant provisions of the Development Plan and, as a consequence, warrants Development Plan Consent being granted.

A handwritten signature in black ink, appearing to read 'Michael Richardson'.

**Michael Richardson**

Bachelor of Urban and Regional Planning (Hons)

28 July 2015



Assessing Officer  
Development Applications  
City of West Torrens  
165 Sir Donald Bradman Dve  
Hilton SA 5033

14/06/16

Urban Renewal Authority  
trading as Renewal SA  
Level 9 (West) Riverside Centre  
North Terrace, Adelaide SA 5000  
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W [www.renewalsa.sa.gov.au](http://www.renewalsa.sa.gov.au)

To the Officer assessing Development Applications:

**Affordable housing - proposed Development Application for 365A Marion Road Plympton**

I write in support of affordable housing to be considered when addressing the Development Application for the above project.

The State Government has an affordable housing policy framework to encourage the supply of affordable housing to meet the targets proposed in both South Australia's Strategic Plan and the 30-Year Plan for Greater Adelaide.

The State Government's 15 percent affordable housing policy is aimed at ensuring a supply of new dwellings is affordable to low-to-medium income households. This is based on our policies of inclusionary zoning and focuses on long term viability and diversity of communities throughout Adelaide.

**Affordable housing supply and demand in West Torrens Council area**

Since 18 August 2011 when the Council's "Better Development Plan (BDP) and General DPA" came into effect, the 15 percent affordable housing policy has applied to the Residential Zone and Policy Area 18 in which this project is located.

The 2011 Census showed that West Torrens Council area has a higher proportion of low and moderate income households (36.2%) when compared to the greater Adelaide statistical area (33.1%).

However, since the inception of the State Government's 15 percent Affordable Housing Policy in 2007, there has been very few developments delivering affordable housing under the Affordable Housing Policy in the West Torrens Council area.

Over the past three years, West Torrens Council statistics show:

- No new build dwellings have sold for less than \$304,000 (excludes all non-market transactions). This figure is the current gazetted maximum Affordable Housing Policy price point;
- Only 7.4 percent of new dwellings sold for less than \$400,000;
- The proportion of new dwelling sales over \$500,000 more than doubled from 25 percent in 2012, up to 66 percent in 2014.

Page 2

Renewal SA considers it important that diversity in dwelling types and price-points are supported in the West Torrens Council area allowing for housing outcomes that address the spectrum of requirements of the local population.

### **The proposed affordable housing development**

Rivergum Homes proposes to develop the above identified site into 10 apartments. The State Government asks that developers address the need for affordable housing when submitting their Planning Application. The developer has indicated a willingness to enter into an affordable housing agreement with Renewal SA, which will constitute a legal commitment by the developer to commit 15% of the new dwellings in this development to affordable housing as defined.

In order for Renewal SA to consider a development as constituting “affordable housing”, the following criteria must be met in accordance with the Gazette Notice issued under the South Australian Housing Trust Regulations 2010:

- The dwelling must be sold to an eligible buyer;
- The dwelling sale price must be below the gazetted price point (currently up to \$304,000, and able to be increased on approval by Renewal SA to \$349,600);
- The developer must be subject to a legally binding agreement with Renewal SA.

Renewal SA has prepared an Affordable Housing Land Management Agreement for signature by the developer to ensure their commitment to supplying affordable housing on this site.

Rivergum Homes has indicated that the proposed apartments will be within the gazetted price point, and will advertise home ownership opportunities to eligible buyers through the State Government’s Affordable Homes Program.

We encourage the West Torrens Council to take advantage of this opportunity to increase the supply of affordable housing, as is contemplated in the Council’s Development Plan, the State Strategic Plan and 30 Year Plan for Greater Adelaide.

For further information about assessing affordable housing, please contact me on the number provided below at Affordable Housing - Renewal SA.

Yours sincerely

**Jodi Davy**  
**Affordable Housing Planning Leader**  
**Tel. 08 8207 0223**



ATTACHMENT 2

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

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

City of West Torrens

23 FEB 2016

City Development

DEVELOPMENT No. 211/1430/2015  
PROPERTY ADDRESS: 365A Marion Road, PLYMPTON SA 5038

NAME & ADDRESS OF  
PERSON(S) MAKING  
REPRESENTATION (mandatory  
requirement \*)

QING XU

365 marion Road. Plympton SA 5038

NATURE OF INTEREST \*  
AFFECTED BY DEVELOPMENT  
(eg adjoining resident, owner  
of land in vicinity, or on behalf  
of an organization or company)

Adjoining resident, owner of  
land in vicinity.

REASONS FOR \*  
REPRESENTATION

see addition pages

MY REPRESENTATION \*  
WOULD BE OVERCOME BY  
(state action sought)

I disagree

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

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

(PLEASE SPECIFY)

o wish to be notified  
o of what happens.  
o

SIGNED

[Signature]

DATE

21 / 2 / 2016

\* If space insufficient, please attach sheets

(FORM 3)

Responsible Officer: Adam Williams  
Ends: Thursday 25 February 2016



## REASONS FOR REPRESENTATION

- ① Sorry, I'm disagree with this plan.  
One of my reasons of why I bought 365 Marion Rd. is because there are no other double floor houses around me and I don't like my views and houses are blocked and surrounded by other houses.
- ② Sunshine is very important to me and my families. My house is facing west. My backyard and rooms only can get sunshine from east side. If they built double floor, my rooms and backyard will be very dark. It makes my family oppressive.
- ③ Another reason is. I have a big backyard and my families always stay there. I don't want other people including my neighbour to be able to see my personal life and privacy. I assume that people living on a double floor house are able to see my backyard and I can't accept that.
- ④ The last reason is about personal safety. Because there are 3 flats next to us. If 365A built 10 rooms double units. It means there will be more than 20 people living in this small area. It makes my family feel unsafety.

We're happy with single floor houses located on 365A but not double floor.

I hope the owner of 365A can consider my opinion and understand our request.

Thank you and all the best with the new house.

ATTACHMENT 3



2 March 2016

Mr Adam Williams  
Senior Development Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033



Dear Adam

Re: Development Application 211/1430/2015

We have been asked by our client, the Rivergum Homes Group, to review and subsequently respond to the relevant concerns raised by the owner of the adjoining property to the west.

Our response is set out below.

### Height

According to the representor, the height of the proposed building is inappropriate.

We do not agree with the representor because:

- Principle 5 of Medium Density Policy Area 18 contemplates buildings of up to three storeys or 12.5 metres in height;
- the proposed building will contain two floor levels only; and
- when measured from the top of the matrix cladding to the finished ground level directly below, the proposed building will only stand 7.4 metres tall.

Accordingly, we consider the height of the proposed building to be appropriate.

### Overlooking

The representor is concerned that the prospective occupants of the proposed building may be able to see into the rear yard of his property, most of which appears to be covered by roofed structures that span from boundary to boundary.

<b>SOUTH AUSTRALIA</b> 33 Carrington Street Adelaide, 5000 P (08) 8193 5600 masterplan.com.au	<b>NORTHERN TERRITORY</b> Unit 33, 16 Charlton Court Woolner, 0820 P (08) 8942 2600 ISO 9001:2008 Certified
-----------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------

ABN 30 007 755 277  
14752LET02



We believe that the representor, whose property is circled in blue on the **attached** locality plan, should not be concerned about this because:

- the western façade of the proposed building (the only façade which faces his property) is devoid of any window openings or balconies;
- all of the upper level window frames on the northern side of the proposed building will be fitted with obscure glazing to a height of 1.7 metres above the finished floor level; and
- the south-facing balconies on the first floor level of the proposed building sit forward of the uncovered section of the representor's private open space.

Accordingly, we consider the proposal to be appropriate in respect of its impact on privacy.

### **Overshadowing**

The representor is concerned that the proposed building will cast an unacceptable amount of shadow over what remains of his private open space.

The extent of shadow that is likely to be cast by the proposed building between the hours of 9:00 am and 3:00 pm on the winter solstice is captured across the **attached** diagrams.

It is clear from these diagrams that the private open space in question will continue to receive access to three consecutive hours of sunlight between 12:00 pm and 3:00 pm on the winter solstice.

Whilst the proposal therefore comfortably satisfies the minimum quantitative guideline prescribed under Principle 12 of the 'Residential Development' Module, it is important to remember that these diagrams depict the worst-case scenario, as the winter solstice marks the shortest day of the year and is when the sun is at its lowest point in the sky.

### **Personal Safety**

The representor has asserted that he fears for his personal safety due to the number of occupants the proposed building is intended to accommodate.

Firstly, the average site area per dwelling complies with the minimum quantitative guideline set out under Principle 7 of Medium Density Policy Area 18. This means that the proposed density is completely acceptable.

Secondly, the orientation, design and vertical profile of the proposed building will provide opportunities, which presently do not exist, for passive surveillance over the handle of this 'battle axe' allotment, the Primary School Oval to the south and Marion Road to the west.



### Summary

Whilst the representor has indicated that he does not want to be heard by the Council's Development Assessment Panel, please note that our client and their representatives will be in attendance at the relevant meeting in order to answer any questions that may arise.

Please advise of the timing and location of the relevant meeting.

Yours sincerely

**Michael Richardson**  
MasterPlan SA Pty Ltd

enc: Locality Plan.  
Sun Shadow Diagrams.

cc: The Rivergum Homes Group, Attention: Mr Tony Scott.



ATTACHMENT 4

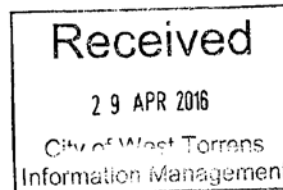
In reply please quote 2016/00229/01, Process ID: 385794  
Enquiries to Reece Loughron  
Telephone (08) 8226 8386  
Facsimile (08) 8226 8330  
E-mail dpti.luc@sa.gov.au



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

22/04/2016

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

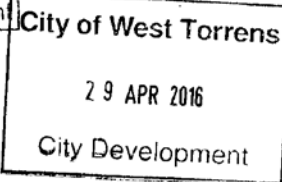


SAFETY AND SERVICE –  
Traffic Operations

GPO Box 1533  
Adelaide SA 5001

Telephone: 61 8 8226 8222  
Facsimile: 61 8 8226 8330

ABN 92 366 288 135



Dear Adam,

**SCHEDULE 8 - REFERRAL RESPONSE**

Development No.	211/1430/15
Applicant	Rivergum Homes Group CV- MasterPlan SA Pty Ltd
Location	365A Marion Road, Plympton
Proposal	Construction of a two storey residential flat building containing 10 dwellings and a freestanding carport structure

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

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

**THE PROPOSAL**

The development involves the construction of a two-storey residential flat building comprising 10 dwellings.

**CONSIDERATION**

The subject site abuts Marion Road, an arterial road which is identified as a Major Traffic Route, a Primary Freight Route, a Priority Public Transport Corridor and a Major Cycling Route under DPTI's A Functional Hierarchy for South Australia's Land Transport Network. At this location Marion Road has an AADT of 30,700 vehicles per day (4.5% commercial vehicles) and a posted speed limit of 60 km/h.

**Access & Road Safety**

DPTI has reviewed the proposed design and the GTA Traffic Report (dated 10 December 2015) as well as subsequent additional information in letter dated 8 March 2016.

DPTI acknowledges the constraints in regards to the subject site frontage to Marion Road, given that it is a previously approved allotment which has remained undeveloped for approximately 10 years. Notwithstanding this, the amendment to relocate the letterboxes further into the site is supported and the enlarged Figure 5

/DOCS AND FILES# 10245068

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confirms that a B85 and a B99 vehicle can achieve simultaneous two-way movements, albeit with limited on-site storage and limited internal sightlines along the proposed driveway. Figure 5 shows that a driver's sightline upon entering the site is restricted by (indicative) landscaping along the full length of the driveway on its northern boundary. Subsequently, it is strongly recommended that this landscaping is low growing only and should be included in the landscaping maintenance schedule to ensure ongoing pruning to maintain clear sightlines.

DPTI is satisfied that sufficient manoeuvring area is provided for all vehicles to enter and exit the site in a forward direction. Whilst DPTI appreciates that this type of housing does not require visitor parking, as on-street parking at this location is likely to impact on the safe and efficient operation of Marion Road, on-site car parking should be maximised to limit demand for on-street parking on Marion Road. Furthermore, it should be noted that DPTI cannot not guarantee the ongoing presence of any on-street parking in vicinity of the subject site.

In regards to driver sightlines, DPTI supports the proposed alterations to the fencing to the south of the access. The access should be designed in accordance with AS/NZS2890.1:2004.

#### **Waste Collection**

DPTI has reviewed the additional information provided by GTA in letter dated 8/3/16 and email 18/3/16, and reiterates concerns regarding the proposed private waste contractor collections from the kerb. DPTI does not consider that the kerbside collection of larger waste bins overcomes the road safety issues compared with a full on-site service. The proposed kerbside collection will result in slow moving vehicles making multiple stops and has the potential to disrupt the free flow of traffic on the abutting arterial road.

Subsequently, DPTI strongly recommends that all waste collection services occur completely on private property. Sufficient turnaround areas must be provided.

#### **CONCLUSION**

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

#### **ADVICE**

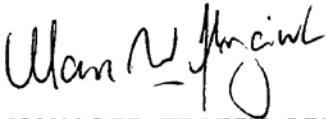
The planning authority is advised to attach the following conditions to any approval:

1. Access to Marion Road shall be constructed in accordance with Rivergum Homes, Preliminary Concept Plan, Sheet 1, Issue 5, dated 31/7/15.
2. The access point shall be suitably flared to Marion Road to allow convenient ingress and egress movements in order to minimise disruption to the free flow of traffic.
3. All waste collection shall be undertaken completely on private property. Sufficient area shall be provided to ensure commercial vehicles can achieve forward entry and exit movements.
4. Pedestrian sightlines at the access shall be in accordance with AS/NZS2890.1:2004.

3

5. All landscaping located along the shared driveway shall be low growing and shall be trimmed on an as needs basis so as not to restrict driver sightlines along the driveway to/from the access point.
6. The shared access and internal manoeuvring areas shall be clear of all obstructions including meters, letterboxes, landscaping and visitor parking.
7. All vehicles shall enter and exit the site in a forward direction.
8. All stormwater generated by the development shall be appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

Yours sincerely,



**MANAGER, TRAFFIC OPERATIONS**

For **COMMISSIONER OF HIGHWAYS**

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

## 6.11 588-592 Henley Beach Road, FULHAM

Application No. 211/527/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Division of land to create four (4) Torrens Title allotments from one (1) existing Torrens Title allotment
APPLICANT	Grantley Leith
LODGEMENT DATE	13 May 2016
ZONE	Residential
POLICY AREA	Policy Area 21
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal ▪ Nil External ▪ Development Assessment Commission ▪ SA Water ▪ Commissioner of Highways ▪ Environment Protection Authority
DEVELOPMENT PLAN VERSION	5 May 2016
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan,

The application was previously before the Council's Development Assessment Panel (DAP) in November 2011. On that occasion the DAP determined to support the recommendation that Development Plan Consent be issued to the proposed development.

The Development Plan Consent has lapsed since that decision and a new application has been submitted. The proposed plan of division is very similar to the previous approved proposal, the difference being all four allotments are now of equal size and dimensions whereas with the previous approval the outside allotments were larger than the two inside allotments. The Development Plan has also changed since the previous application.



## **PREVIOUS or RELATED APPLICATIONS**

211/504/1997 - Change of use to motor repair station - Granted Development Approval 19 March 1998.

211/160/1999 - Change of use to nursery - Granted Development Plan Consent 14 July 1999.

211/569/2010 - Change of use from nursery to store and placement of two shipping containers on site for storage purposes - Granted Development Plan Consent by the Development Assessment Panel 11 October 2011.

211/771/2011 - Construction of four (4) two storey dwellings - Granted Development Plan Consent by the Development Assessment Panel 11 October 2011.

211/882/2011 - Division of Land to create four allotments from one existing allotment - Granted Development Approval by the Development Assessment Panel 8 November 2011.

## **SITE AND LOCALITY**

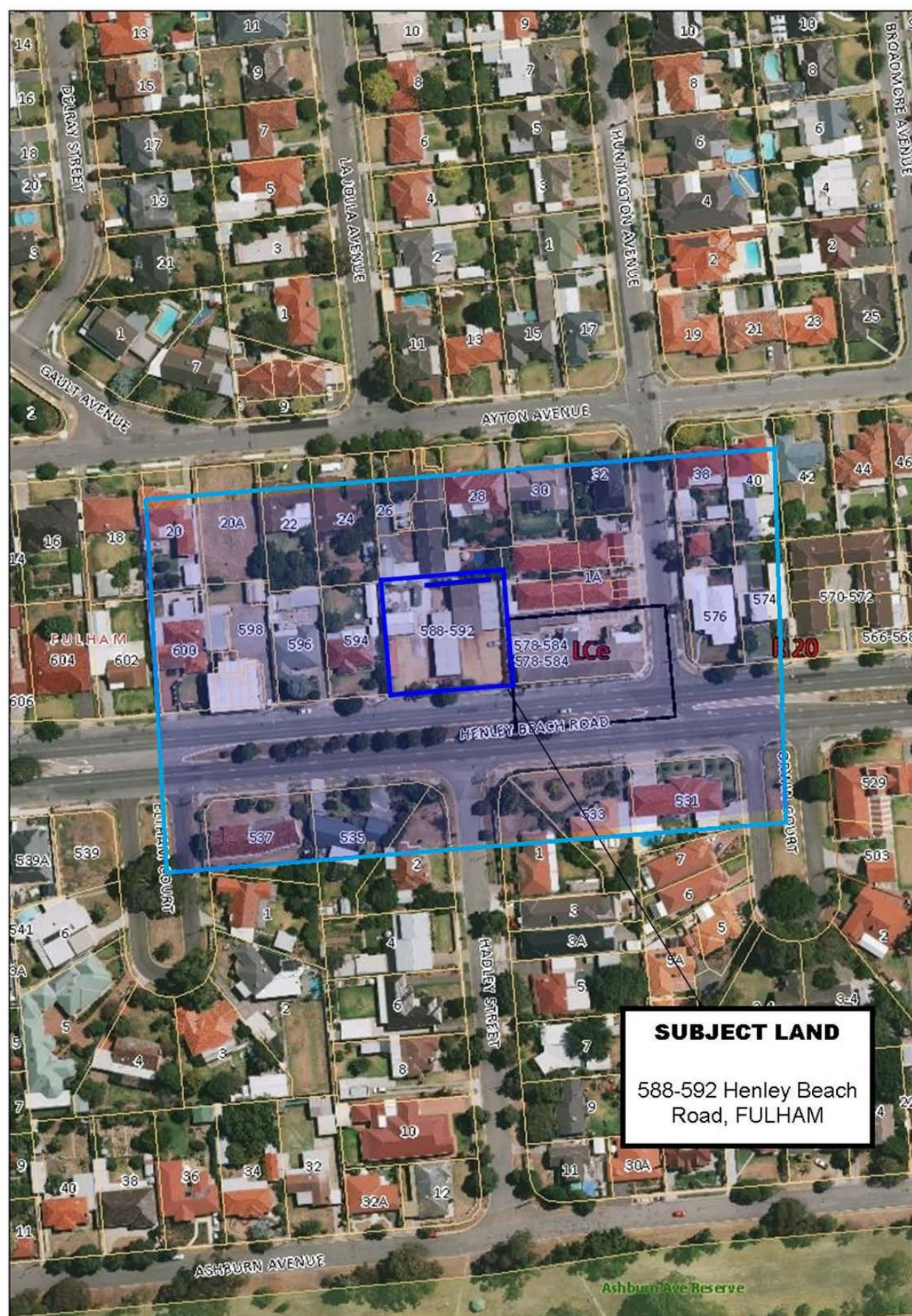
The subject land is described as Allotment 36 Filed Plan 119254 in the area named Fulham Hundred of Adelaide as contained in Certificate of Title Volume 5584 Folio 849. The land is more commonly known as 588-592 Henley Beach Road, Fulham.

The subject site is a rectangular allotment located on the northern side of Henley Beach Road between Ayton Avenue and Huntington Avenue. The site has a width of 41.14 metres and depth of 30.40 metres resulting in an overall site area of 1,573.7 square metres.

The subject site was previously occupied by a number of uses: a Motor Repair Station, a nursery and a store. The buildings on the land have been demolished and the site has remained vacant. Site rehabilitation works have been conducted on the site to ensure the land is fit for residential purposes.

Abutting the subject site's east side boundary is a two storey building that consists of shops on the lower level and dwellings on the upper level. To the west and south of the subject site, the locality is characterised primarily by single storey detached dwellings.

The site and locality are shown on the following maps.







## Location Map WeTo/2

**WEST TORRENS COUNCIL**

-  School  
 Post Office  
 Local Reserves  
 Development Plan Boundary

## PROPOSAL

The Applicant is seeking development approval for the division of land to create four (4) Torrens Title allotments from one (1) existing Torrens Title allotment.

The four allotments will all be rectangular in shape and have frontages to Henley Beach Road of 10.29 metres and depths of 38.41 metres. An eight (8) metre deep Right of Way will run across the front of all four allotments to facilitate one way traffic flow across the subject land.

The proposed Plan of Division is contained in **Attachment 1** while a copy of the DAP report for the previous approval is contained in **Attachment 2**.

## PUBLIC NOTIFICATION

The application is not listed in the Procedural Matters Table of the Residential Zone of the West Torrens Development Plan (Consolidated 5 May 2016) as being either a Category 1 or Category 2 development. Pursuant to Section 38 of the *Development Act 1993* and Schedule 9 (2) (f) of the *Development Regulations 2008* the proposed development is a Category 1 development.

## REFERRALS

External

### Development Assessment Commission (DAC) and SA Water

Pursuant to Section 33 and Schedule 29(1) of the Development Act and Regulations, the application was referred to SA Water by the Development Assessment Commission.

Neither DAC nor SA Water had any objections to the proposal subject to several conditions being added to any consent notice.

### Commissioner of Highways

The Commissioner of Highways does not object in-principle to the proposal and has advised to attach several conditions to any approval granted.

### Environment Protection Authority (EPA)

The subject land has previously been the subject of a Site Contamination Audit Report. The auditor found the site is suitable for unrestricted uses with no conditions on the use of land and water.

The EPA considers the proposed development to be acceptable with regard to potential site contamination and no further investigations are required. The EPA has advised that a note be attached to any approval granted.

Full copies of the relevant reports are contained in **Attachment 3**.

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly Low Density Policy Area 21 as described in the West Torrens Council Development Plan (Consolidated 5 May 2016). The main provisions of the Development Plan which relate to the proposed development are as follows:



<u>General Section</u>		
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1
Infrastructure	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 4, 5, 6, 8, 9 & 16
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 5, 6, 7, 8 and 12,
Orderly and Sustainable Development	Objectives	1, 2, 3 & 5
	Principles of Development Control	1, 3, 5 & 7
Residential Development	Objectives	1, 2, 3 & 5
	Principles of Development Control	1, 2, 3, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23 & 24,
Transportation and Access	Objectives	2
	Principles of Development Control	2, 8, 10, 11, 18, 23, 24, 30, 32, 34, 35, 36, 37, 40, 41, 43, 44 & 45

<u>Zone: Residential</u>	
<i>Desired Character Statement:</i>	
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	1, 2, 3 & 4
Principles of Development Control	1, 2, 5 & 17

<b>Policy Area: Policy Area 21</b>	
<b>Desired Character Statement:</b>	
<p><i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p>	
<b>Objectives</b>	1
<b>Principles of Development Control</b>	1, 2, 4 & 6

## QUANTITATIVE ASSESSMENT

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

<b>DEVELOPMENT PLAN PROVISIONS</b>	<b>Guidelines</b>	<b>Proposal</b>
AREA and FRONTAGE <i>Low Density Policy Area 21</i> <i>PDC 6</i>	Area: 420sqm  Frontage: 12 metres	Site Area  All allotments: 395sqm  <b>Not Satisfied by 6%</b>  Frontage  All allotments 10.29m  <b>Not Satisfied by 14%</b>
SITE AREA FOR DWELLING <i>Low Density Policy Area 21</i> <i>PDC 4</i>	350m <sup>2</sup> (min.)	All allotments: 395sqm  <b>Satisfies</b>

SITE FRONTAGE FOR DWELLING <i>Low Density Policy Area 21</i> <i>PDC 4</i>	9m (min.)	All allotments 10.29m  <b>Satisfies</b>
---------------------------------------------------------------------------------	-----------	-----------------------------------------------

## QUALITATIVE ASSESSMENT

The proposed development has been assessed against the relevant Development Plan provisions, as discussed under the following sub headings:

### Density and Character

The subject land is located within 400 metres of an existing centre zone and within a policy area where detached or semi-detached dwellings should have minimum allotment areas of 350 square metres and minimum street frontages of 9 metres. The proposed development is for a division of land only but had the matter involved a combined application, i.e. both a division of land and construction of dwellings together in one application the proposed development would satisfy the minimum site areas and frontages.

The desired character statement for Policy Area 21 seeks to preserve a pattern of rectangular allotments developed with detached and semi-detached buildings that have a direct street frontage. The proposed division will maintain the desired allotment pattern albeit with smaller allotments and accommodate either detached or semi-dwellings with direct street frontages.

Given the subject land's proximity to a centre zone the proposed allotments are consistent with the desired character and allotment dimensions for the policy area.

### Vehicle Access and Movement

The Development Plan includes guidelines that seek vehicle movement between arterial roads and abutting land to occur in a forward direction and by way of minimal access and egress points. The proposed division of land includes a Right of Way that will facilitate both these outcomes. Sufficient on-site area is available for vehicles to manoeuvre in an acceptable manner.

## SUMMARY

The proposed division of the land into four allotments satisfies the relevant policies of the Development Plan.

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

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 May 2016 and warrants Development Plan Consent.

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/527/2016 by Grantley Leith to undertake division of land to create four (4) Torrens Title allotments from one (1) existing Torrens Title allotment at 588-592 Henley Beach Road, Fulham (CT 5584/849) subject to the following conditions of consent:

**COUNCIL CONDITIONS:**

1. Development is to take place in accordance with the plans prepared by Estate Services (SA) relating to Development Application No. 211/527/2016 (DAC 211/D051/16).

**DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:**

Nil

**LAND DIVISION CONSENT**

**COUNCIL CONDITIONS:**

Nil

**DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:**

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services (SA Water H0045629).

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections/s to the development will be costed as standard or non standard

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

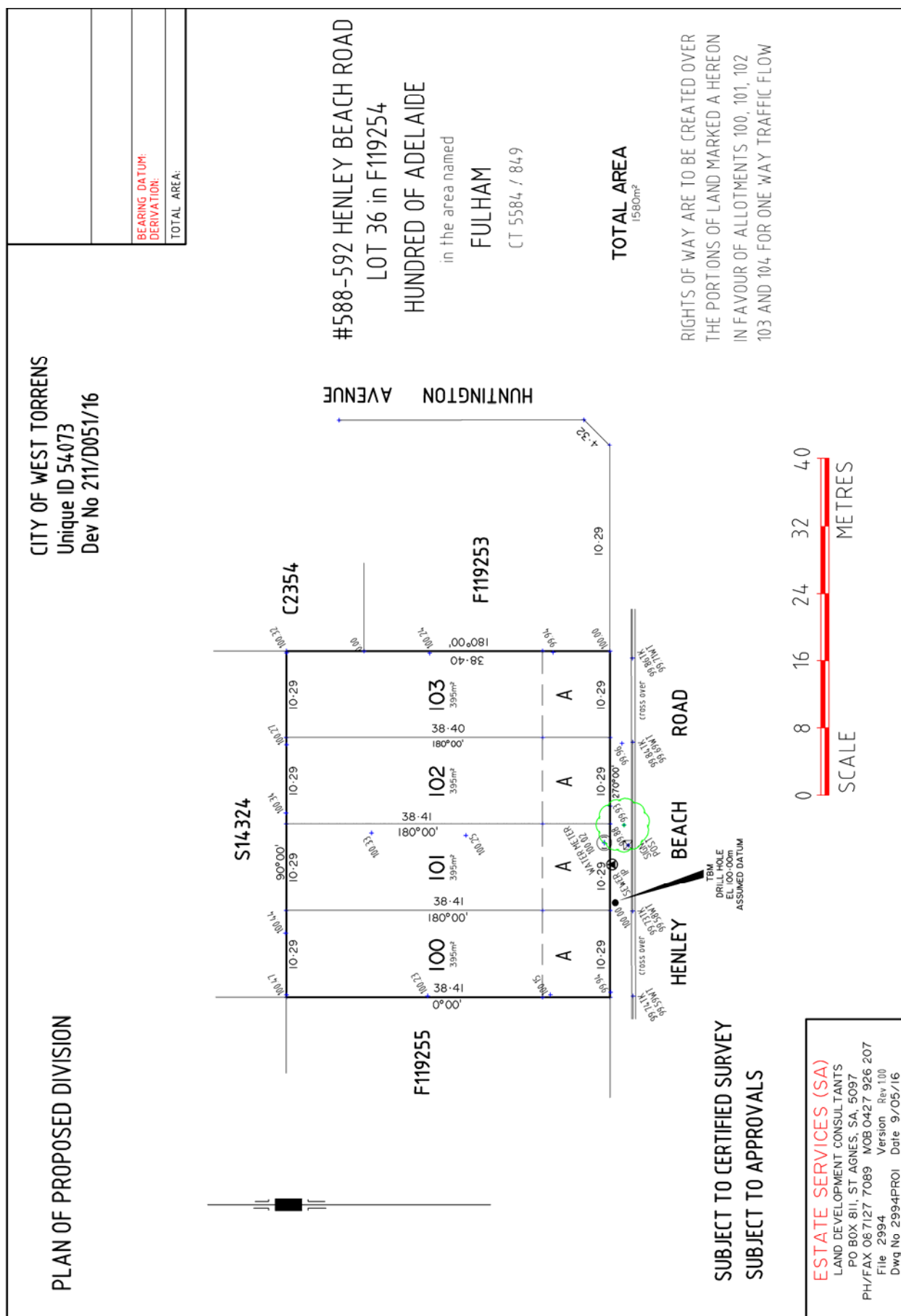
2. Payment of \$19,464.00 into the Planning and Development Fund (3 allotment(s) @ \$6,488.00/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate Purposes.

**COMMISSIONER OF HIGHWAY CONDITIONS:**

4. The Henley Beach Road access points shall be a maximum of 4.5 metres in width at the property boundary and angled at 70 degrees to the road. Directional signage/line marking shall be provided to reinforce the desired one-way operation
5. All obsolete crossovers, or parts thereof, on Henley Beach Road shall be reinstated to Council standard kerb and gutter at the applicant's cost prior to operation of the development
6. The shared access and vehicle manoeuvring areas shall be clear of all obstructions including meters, letterboxes, vegetation and visitor car parking.
7. All vehicles shall enter and exit the site in a forward direction
8. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Henley Beach Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.



## ATTACHMENT 1



## ATTACHMENT 2

DEVELOPMENT ASSESSMENT PANEL  
8 November 2011

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### 6.8 588-592 Henley Beach Road, FULHAM

Application No. 211/882/2011

#### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land Division - Torrens Title, DAC No. 211/D091/11, Create Three (3) Additional Allotments
APPLICANT	Rob Fox
APPLICATION NO	211/882/2011
LODGEMENT DATE	6 September 2011
ZONE	Residential
POLICY AREA	20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"><li>▪ Nil</li></ul> External <ul style="list-style-type: none"><li>▪ Development Assessment Commission</li><li>▪ SA Water</li></ul>
ASSESSING OFFICER	R Kuehn
DEVELOPMENT PLAN VERSION	18 August 2011
MEETING DATE	8 November 2011
RECOMMENDATION	<b>CONSENT</b>

#### PREVIOUS or RELATED APPLICATION(S)

DA211/771/2011 Construction of four (4) two storey dwellings - Granted Development Plan Consent by the Development Assessment Panel 11 October 2011.

#### SITE AND LOCALITY

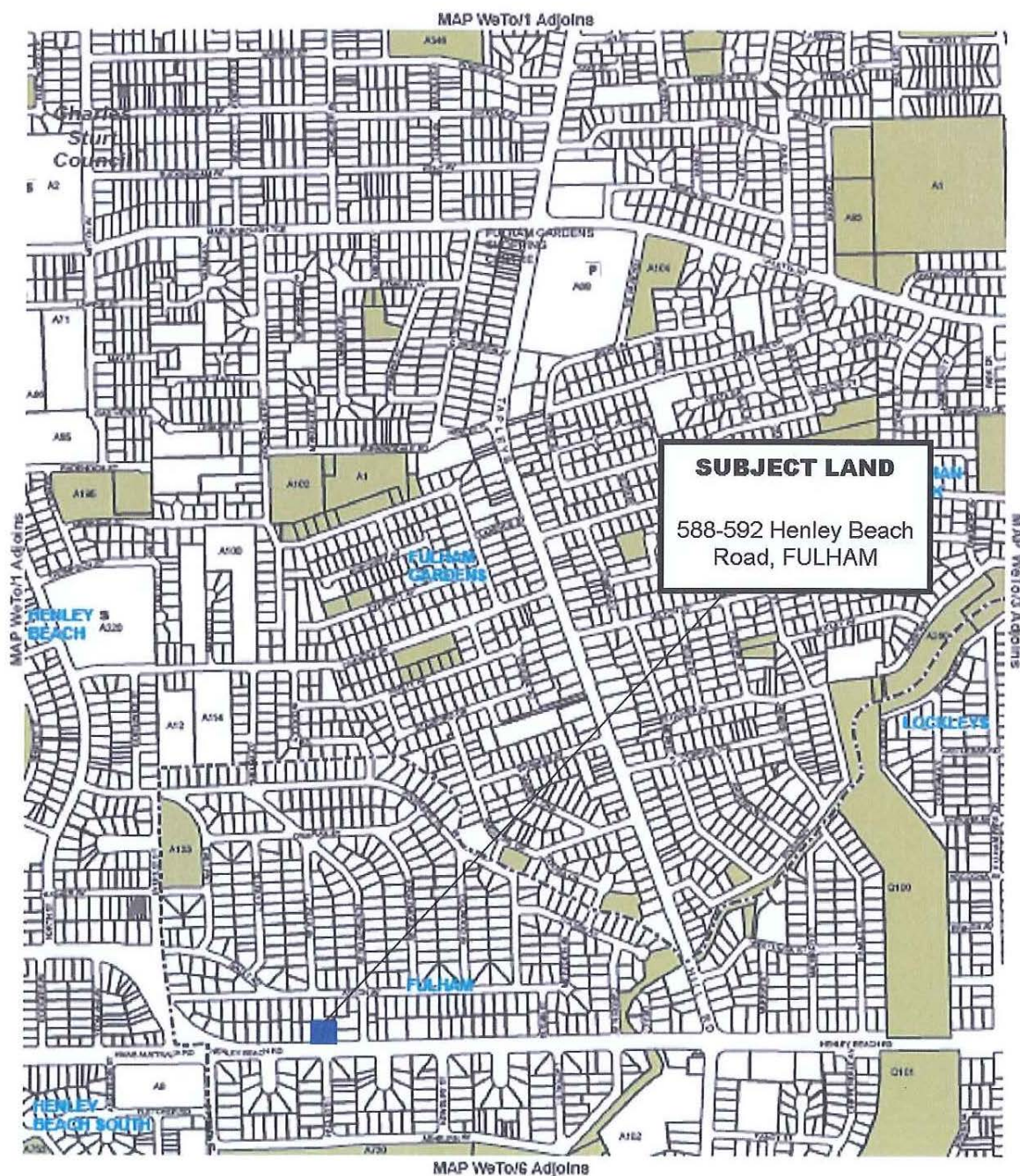
The subject site is a rectangular allotment located on the northern side of Henley Beach Road between Ayton Avenue and Huntington Avenue. The site has a width of 41.14 metres and depth of 30.40 metres resulting in an overall site area of 1573.7 square metres.

The subject site is currently occupied by a Motor Repair Station and store including two shipping containers.

Abutting the subject sites east side boundary is a two storey building that consists of shops on the lower level and dwellings on the upper level. To the west and south of the subject site, the locality is characterised primarily by single storey detached dwellings.

The subject site is located in the Residential Zone, Policy Area 20.

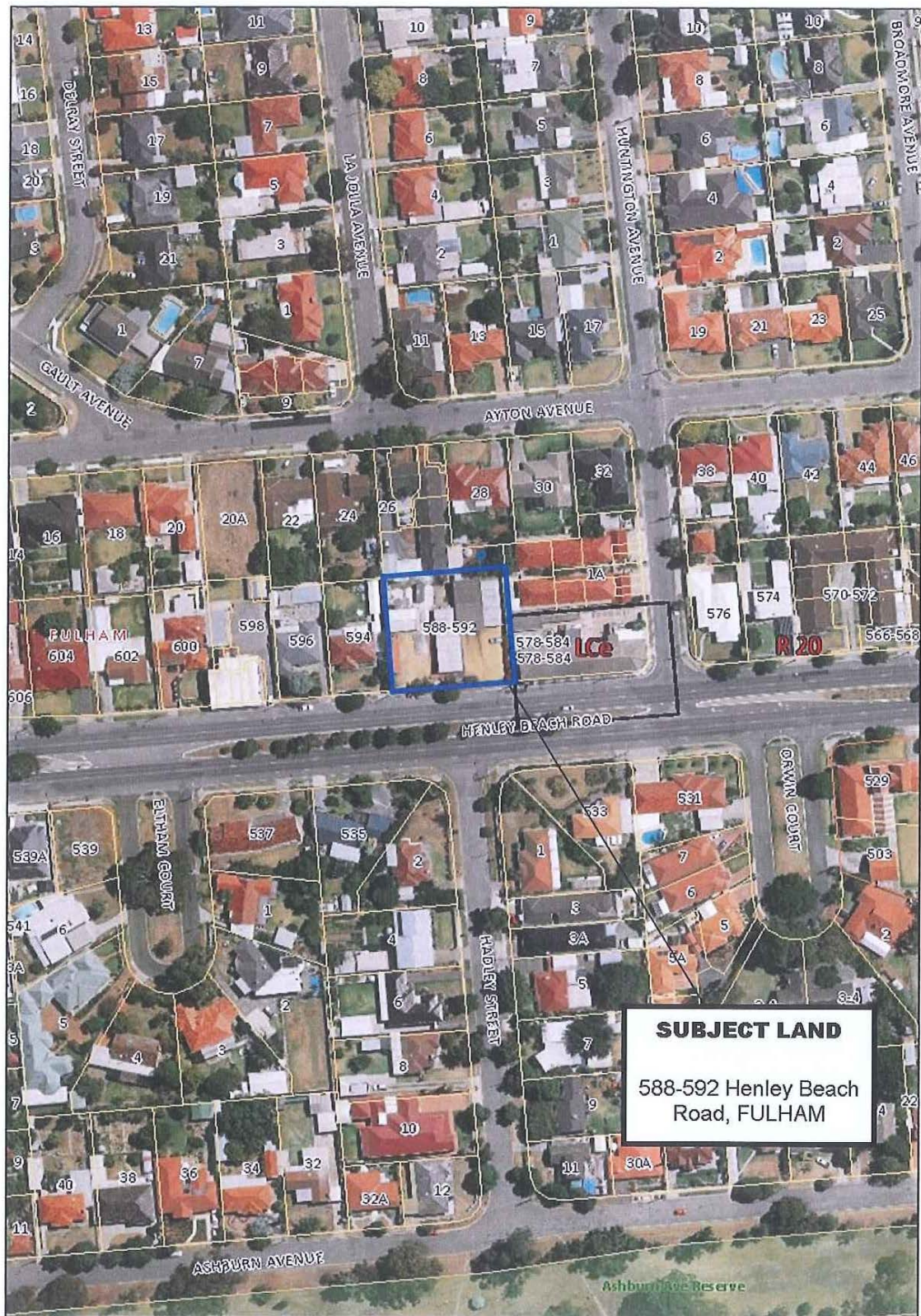
The site and locality are shown on the following maps.



## Location Map WeTo/2

- School
- Post Office
- Local Reserves
- Development Plan Boundary







## **PUBLIC NOTIFICATION**

The application is a Category 1 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and Residential Zone, Principle of Development Control 19.

## **ASSESSMENT**

The Development Application is being presented to the Development Assessment Panel for a decision as it will result in the creation of more than one additional allotment.

The dimensions of the proposed allotments are consistent with the land use application (DA211/771/2011) granted Development Plan Consent by the Development Assessment Panel on 11 October 2011.

### **Site Contamination**

Given the previous use of the site and the proposed change of use to a more sensitive use consideration of site contamination is required.

The Applicant has provided a Stage 1 Environmental Site History Report and Stage 2 Environmental Site Assessment (not attached due to size) which identified that the site has potential site contamination.

As these reports were not undertaken by an independent Environmental Auditor (Contaminated Land) appointed by the Environment Protection Authority (EPA) under the Environment Protection Act 1993 as required by the EPA, Council's Team Leader – Environment has advised that Council is unable to accept the recommendations contained within these reports.

The Applicant has confirmed that they are willing to engage an independent Environmental Auditor (Contaminated Land) and requested that this be listed a condition to be satisfied prior to Section 51 Clearance being issued.

## **SUMMARY**

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

On balance the proposed development accords with the relevant provisions contained within the West Torrens (City) Development Plan Consolidated 18 August 2011 and warrants Development Plan Consent.

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Development Application 211/882/2011 by Rob Fox to undertake Land Division - Torrens Title, DAC No. 211/D091/11, Create Three (3) Additional Allotments at 588-592 Henley Beach Road, Fulham (CT 5584/849) subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the *Development Act*):

### Reserved Matters:

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. An independent review of the work undertaken by the environmental consultant (including the Stage 2 and Stage 3 Environmental Site Assessment Reports) and expert opinion on the suitability of the site for its intended use is to be undertaken by an Environmental Auditor (Contaminated Land) appointed by the EPA under the Environment Protection Act 1993.
2. Details of an Environmental Management Plan (EMP) which includes methodology for remediation of the site to the standard that demonstrates that the subject land is "Suitable for the proposed use" may subsequently be required by Council.
3. Upon completion of the Council approved remediation program an audit report is required certifying that the land is suitable for the proposed use. An audit of contaminated land (accredited by the Environment Protection Authority) shall be prepared and provided to the Council.

**Note:** Pursuant to Section 33 (1) of the *Development Act 1993*, the Council reserved 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 requested above.

## DEVELOPMENT PLAN CONSENT

### COUNCIL CONDITIONS:

1. Development is to take place in accordance with the plans prepared by Frontline Developments relating to Development Application No. 211/882/2011 (DAC 211/D091/11).

### DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

Nil

## LAND DIVISION CONSENT

### COUNCIL CONDITIONS:

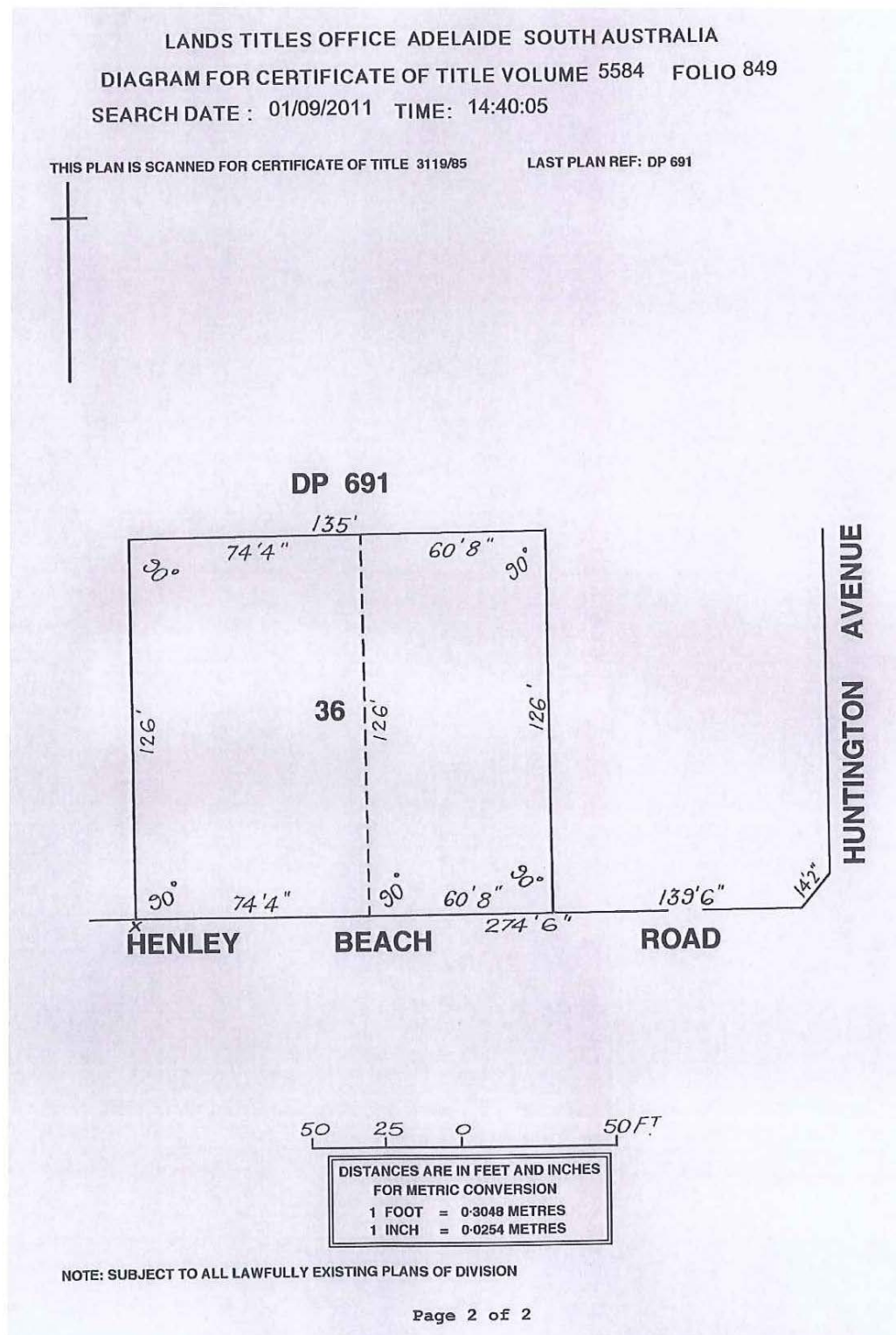
1. Prior to the issue of Section 51 Clearance to this division approved herein, the existing buildings shall be removed from the proposed allotments.

### DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water 07003/11).

2. The alteration of internal drains to the satisfaction of SA Water is required.
3. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
4. 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.
5. Payment of \$18450.00 into the Planning and Development Fund (3 allotment(s) @ \$6150.00/allotment). Cheques shall be made payable and marked "Not Negotiable" to the Development Assessment Commission and payment made on the 5<sup>th</sup> Floor, Roma Mitchell House, 136 North Terrace, Adelaide, or sent to GPO Box 1815, Adelaide, or via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au).
6. A copy of a certified survey plan shall be lodged for Certificate purposes.

ATTACHMENT 1





**BUILDING NOTES**

NO DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH SOUTH AUSTRALIAN HOUSING CODE ATTACHMENT C1.

THIS HOUSE IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE HOUSING CODE SOUTH AUSTRALIA WINDOW SEALS HEIGHT & WIDTH ALL WINDOWS SET TO BRUSHWOOD WEATHER SEALS TO ALL EXTERNAL EXTERIOR COVERS.

THIS PLAN IS SUBJECT TO STAR ENERGY REQUIREMENTS EXHAUST FANS & RANGEHOOD TO CONTAIN DAMPER SEALS DOWNLIGHTS TO BE SEALED AND CONTAIN HEAT COVERS

HARD WOOD SMOKE ALARM WITH BATTERY BACK-UP

note : 1800mm high colorbond fence to perimeter & between dwellings

SERVICE AREAS TO BE SCREENED OFF FROM MAIN YARD WITH 1800MM HIGH SPECIAL FENCING.

CLOTHES LINE

1000 LITRE RETENTION & 1000 LITRE DETENTION TANKS DWELLING 1

A/C COMPRESSOR

RUBBISH BIN STORAGE

VICTORIA CARPARK

NEW CROSSOVER TO CORNER AND DTD REQUIREMENTS CROSSOVER TO BE ANGLED AT 30° TO THE ROAD LINE AND BE CLEARLY SIGNPOSTED EXTERNALLY AND INTERNALLY TO ENCOURAGE THE DESIRED TRAFFIC MOVEMENT

IN ONLY

IN ONLY SIGN

COMMUNITY LETTERBOXES WITH WATER METERS BEHIND

EXIT ONLY

NEW CROSSOVER TO CORNER AND DTD REQUIREMENTS CROSSOVER TO BE ANGLED AT 30° TO THE ROAD LINE AND BE CLEARLY SIGNPOSTED EXTERNALLY AND INTERNALLY TO ENCOURAGE THE DESIRED TRAFFIC MOVEMENT

EXIT ONLY SIGN

**HENLEY BEACH ROAD**

**SITE PLAN**  
SCALE 1 : 200

**Planting Schedule**

GROUND COVERS & CLIMBERS		SHRUBS		TREES	
1	Juncus Conferta "Blue Rug"	10	Asplenium X Gracillaria	42	Amorpha fruticosa
2	Gazania Rigens Variegata	11	Acacia Neochrysalis	43	Betula Pendula
3	Mycopodium Parvifolium	12	Hebe x Grevilleana (arche)	44	Eucalyptus Tormentosa
4	Dalmanella Symphyandra	13	Agave Americanum	45	Eucalyptus viminalis
5	Ceratophyllum demersum	14	Arctostaphylos uva-ursi		
6	Erigeron Karwinskianus	15	Callistemon "Daxer Hybrid"		
7	Brachyotum Multiflorum	16	Chrysanthemum Frutescens		
8	Coronilla Maritima	17	Coronilla Alba		
9	Vicia Hederaea	18	Coronilla Belgica		
		19	Eurostylis japonicus "Aurea"		
		20	Fuchsia Americana		
		21	Lonicera Japonica		
		22	Osmanthus Fragrans		
		23	Paeonia Moutan		
		24	Philadelphus		
		25	Prunella		
26	Lavandula Spica				
27	Medicago lupulina				
28	Medicago lupulina				
29	Medicago lupulina				
30	Metrosideros Tormentosa (variegata)				
31	Nerium Oleander				
32	Nerium Oleander				
33	Pandanus Foliatus				
34	Pimenta Zosterifolia				
35	Pittosporum Toboac				
36	Rapanea Reticulata				
37	Rapanea Reticulata				
38	Rapanea Reticulata				
39	Rapanea Reticulata				
40	Rapanea Reticulata				
41	Rapanea Reticulata				

**DWELLING 1**

LOWER LIVING	80.40
UPPER LIVING	113.06
GARAGE	39.15
ALFRESCO	16.50
PORCH	10.39
BALCONY	10.39
TOTAL	269.87sq.m.
total land size	434.00sq.m.
(site area includes 90.43sq.m. of common land)	
total P.O.S.	130.61sq.m.

**DWELLING 2**

LOWER LIVING	80.40
UPPER LIVING	113.06
GARAGE	39.15
ALFRESCO	16.50
PORCH	10.39
BALCONY	10.39
TOTAL	269.87sq.m.
total land size	433.17sq.m.
(site area includes 90.13sq.m. of common land)	
total P.O.S.	130.55sq.m.

**DWELLING 3**

LOWER LIVING	80.40
UPPER LIVING	113.06
GARAGE	39.15
ALFRESCO	16.50
PORCH	10.39
BALCONY	10.39
TOTAL	269.87sq.m.
total land size	433.17sq.m.
(site area includes 90.13sq.m. of common land)	
total P.O.S.	130.55sq.m.

**DWELLING 4**

LOWER LIVING	80.40
UPPER LIVING	113.06
GARAGE	39.15
ALFRESCO	16.50
PORCH	10.39
BALCONY	10.39
TOTAL	269.87sq.m.
total land size	433.17sq.m.
(site area includes 90.13sq.m. of common land)	
total P.O.S.	130.55sq.m.

**CITY OF WEST TORRENSES**  
**11 OCT 2011**  
**DEVELOPMENT PLAN CONSIST**  
**Granted Subject to Conditions**

total land size : 1522.75sq.m.  
total site coverages : 37%

total P.O.S. : 471.44sq.m.  
P.O.S. compared to total size : 30%  
total area of common land : 327.30sq.m.

R1.5 INSULATION TO BOTH INTERNAL WALLS & EXTERNAL WALLS  
R4.0 INSULATION TO ALL CEILINGS BOTH UPPER & LOWER  
ALL FRONT ELEVATION WINDOWS TO BE COMFORT TONE / DOUBLE GLAZED  
ALL OTHER DOORS & WINDOWS TO BE GLAZED WITH COMFORT TONE GLASS

**DWG NO. HEN-LT36-11.dwg**

**PROPOSED NEW DEVELOPMENT**

For : Mr R Fox  
At : 588-592 (Lot 36) Henley Beach Road,  
FULHAM

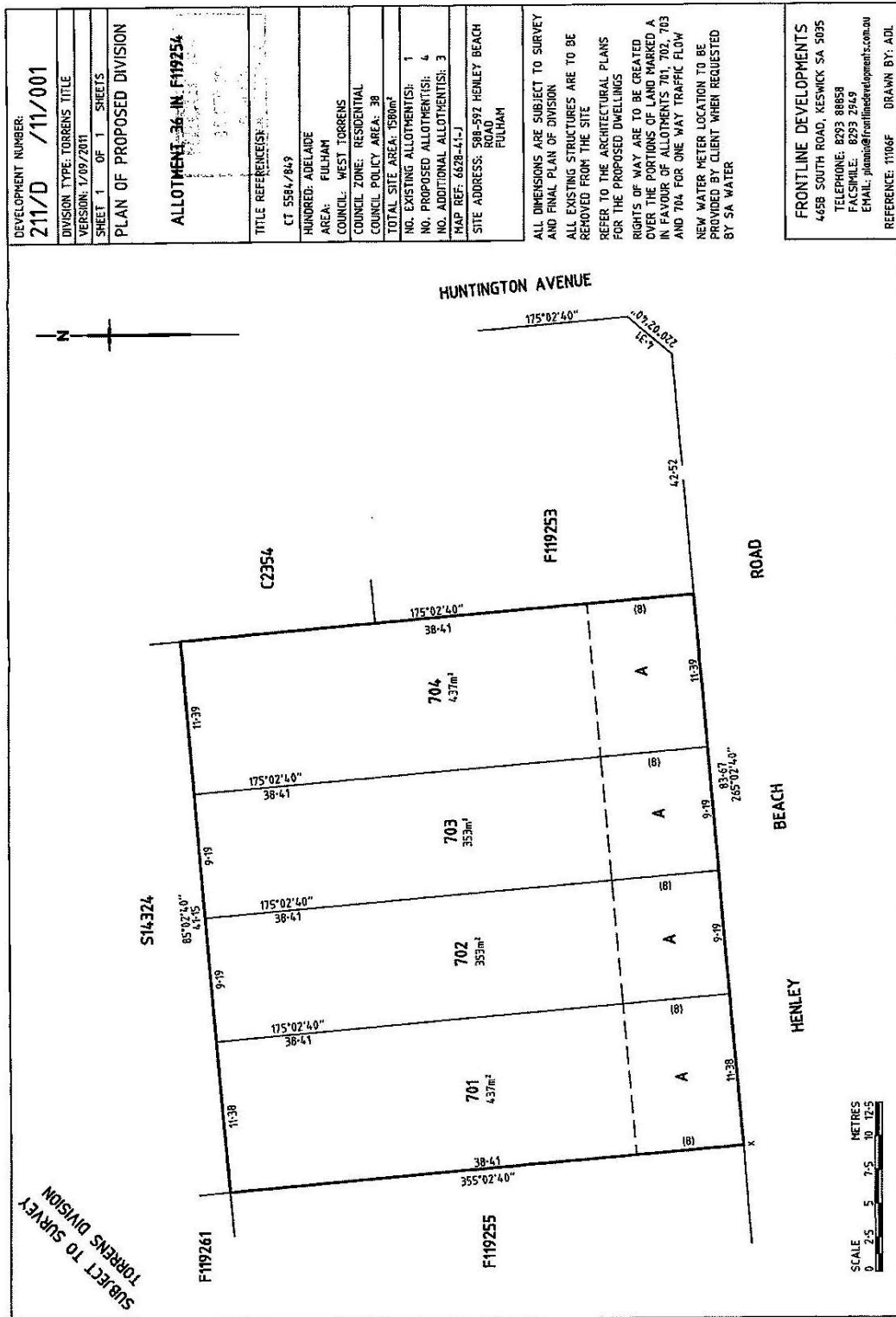
AMENDED 27.09.11  
AMENDED 23.09.11  
AMENDED 13.09.11  
AMENDED 01.09.11

**DJC**  
DESIGNS  
BUILDING DESIGNERS WHO  
ARE WITH YOU ALL THE WAY  
N.B. - NO WORK DONE  
UNTIL LATES SA ISSUED  
THE LAST WEEK

**AREA**  
DRAWN  
DATE  
SCALE  
SHEET 1 OF 2

19.04.11  
1 : 200

ATTACHMENT 3



ATTACHMENT 4

Contact  
Telephone 8303 0601  
Facsimile 8303 0604

Planning Services  
8303 0601  
8303 0604



19 September 2011

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

Dear Sir

**Re Proposed Development Application No 211/D091/11 (ID 39233)  
by R Fox**

Further to my letter dated 5 September 2011 and to assist the Council in reaching a decision on this application, copies of the reports received by the Commission from agencies that it has consulted have been uploaded for your consideration

**IT IS REQUESTED PURSUANT TO SECTION 33 (1) (c) OF THE DEVELOPMENT ACT, 1993 THAT THE COUNCIL INCLUDE IN ITS DEVELOPMENT APPROVAL THE FOLLOWING REQUIREMENTS OF THE COMMISSION**

- 1 The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services (S A Water 07003/11)  
  
The internal drains shall be altered to the satisfaction of the S A Water Corporation
- 2 Payment of \$18450 shall be made into the Planning and Development Fund (3 allotments @ \$6150/allotment) Cheques shall be made payable and marked "Not Negotiable" to the Development Assessment Commission and payment made on the 5<sup>th</sup> Floor, Roma Mitchell House, 136 North Terrace, Adelaide, or sent to GPO Box 1815, Adelaide, or via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au)
- 3 A copy of a certified survey plan shall be lodged for Certificate purposes

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

**Please upload the Decision Notification Form (via EDALA) following Council's Decision**

Yours faithfully.

A handwritten signature in black ink, appearing to read "Steve Gale".

Steve Gale  
Land Division Supervisor, Planning Services Branch  
As delegate of the  
**DEVELOPMENT ASSESSMENT COMMISSION**  
C:\PLANNING\SERVICES\TEMPLATES\STATEMENTS\ELECTRONIC\TFF2R.ecala

**ATTACHMENT 5**



SA Water  
Level 6, 250 Victoria Square  
ADELAIDE SA 5000  
Ph (08) 7424 1119  
Inquiries KYLIE CLEERE  
Telephone 74241119

13 September 2011

Our Ref: 11/07003

The Chairman  
Development Assessment Commission  
136 North Terrace  
ADELAIDE SA 5000

Dear Sir/Madam

**PROPOSED LAND DIVISION APPLICATION NO: 211/D091/11 AT FULHAM**

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

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

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

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

Yours faithfully

KYLIE CLEERE  
for **MANAGER LAND DEVELOPMENT & CONNECTIONS**



ATTACHMENT 6

*In reply please quote F2011/00234 D5777004  
Enquires to Mr Zhimin Ma  
Telephone (08) 8343 2069*

19 September 2011

The Presiding Member  
Development Assessment Commission  
GPO Box 1815  
ADELAIDE SA 5001

Dear Sir,

**PROPOSED DEVELOPMENT APPLICATION - DIVISION OF LAND  
DEVELOPMENT NO 211/D091/11, HENLEY BEACH ROAD, FULHAM**

I refer to your EDALA Application (Unique Id 39233 referred on 05 September 2011), concerning the above development application. The Transport Services Division of the Department for Transport, Energy and Infrastructure (DTEI) offers the following comments:

- The subject land division relates to DA 211/771/11 for four two storey row dwellings. The right of way marked "A" will accommodate a one-way driveway with separate ingress and egress points from Henley Beach Road and to serve the dwellings. DTEI is supportive of this arrangement. Accordingly, DTEI raises no objection to the proposed land division subject to the following conditions:
  - 1 All ingress to the site shall be via Allotment 701 and all egress shall be via Allotment 704. Signage should be erected within the development to reinforce this.
  - 2 The access points shall be no more than 4.5 metres wide.
  - 3 The access points shall meet the road at an angle of 70 degrees.
  - 4 Any obsolete crossovers onto Henley Beach Road shall be reinstated to Council standard kerb and gutter.
  - 5 No stormwater from this development is permitted to discharge on-surface to Henley Beach Road. In addition, any existing drainage of the road shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.

Yours sincerely,

**MANAGER, TRAFFIC AND ACCESS STANDARDS  
for COMMISSIONER OF HIGHWAYS**

[https://www.edala.sa.gov.au/Content/596639/596818/211D09111\\_acc.doc](https://www.edala.sa.gov.au/Content/596639/596818/211D09111_acc.doc)



Transport Services  
ABN 41 659 119 911  
77 Grenfell Street  
Adelaide SA 5000

Telephone 8343 2222  
Facsimile 8343 2725  
GPO Box 1533  
Adelaide SA 5001

## 6.12 5 Lowry Street, FULHAM

Application No. 211/576/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Division of land to create two (2) Torrens Title allotments from one existing Torrens Title allotment
APPLICANT	Nando Disotto and Romi Dimasi
LODGEMENT DATE	3 May 2016
ZONE	Residential
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal ▪ Nil External ▪ Development Assessment Commission and SA Water
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

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

### PREVIOUS or RELATED APPLICATIONS

Nil

## **SITE AND LOCALITY**

The subject land is described as Allotment 471 Deposited Plan 6148 in the area named Fulham Hundred of Adelaide as contained in Certificate of Title Volume 5656 Folio 203. The land is more commonly known as 5 Lowry Street, Fulham.

The subject land is a rectangular shaped allotment of approximately 714.7 square metres with a frontage of 17.37 metres to Lowry Street and a site depth of 41.15 metres.

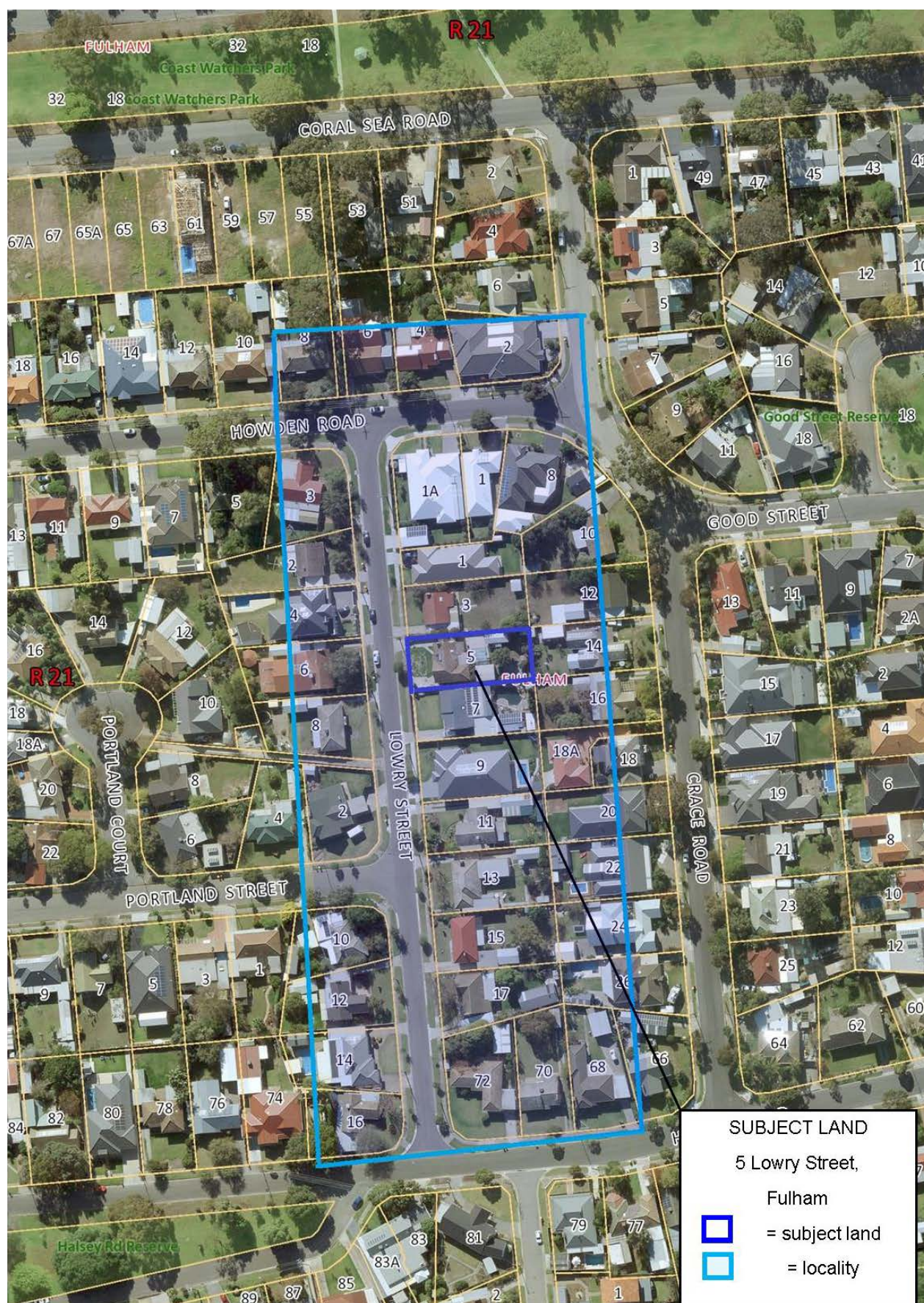
The site is relatively flat and contains a single storey, detached dwelling constructed circa 1950. Ancillary structures include three (3) free standing rear outbuildings, a pergola, and a carport and verandah which are attached to the dwelling. Vegetation of various sizes is scattered mostly around the rear of the property and a brush fence runs across the front of the site. A single street tree is centrally located on the road verge immediately in front of the subject land and a stobie pole is just north of the subject land's northern property boundary.

The locality consists mostly of low density, single storey detached dwelling development constructed between the 1950's and 70's. There are also some examples of new residential developments that has recently replaced the original dwellings previously on the land. There are few examples of subdivision within the locality.

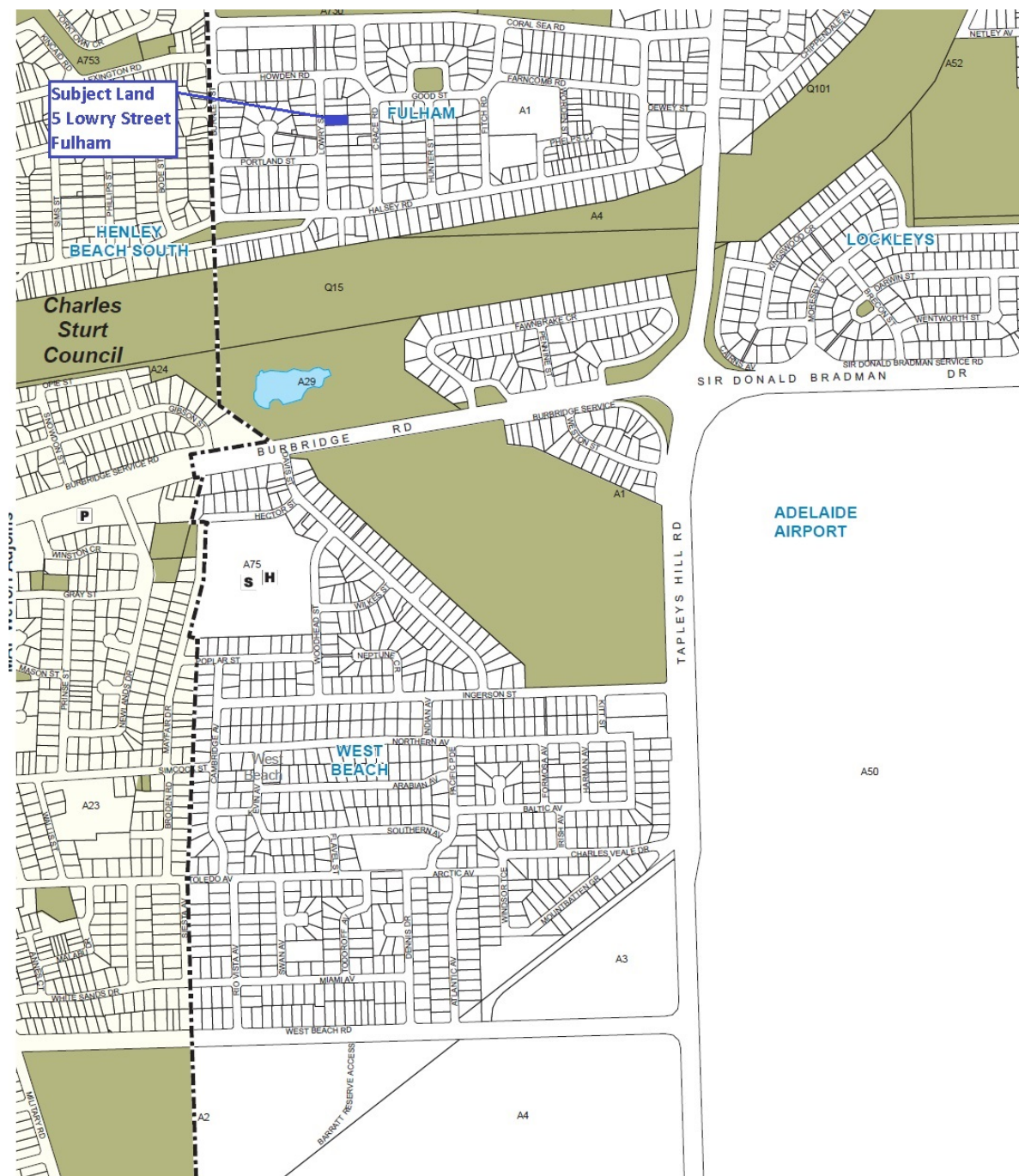
A Local Centre Zone containing a group of shops is approximately 390 metres north of the subject land and located on the corner of Henley Beach Road and Huntington Avenue while Coast Watchers Park, an area of public open space wedged between Ashburn Avenue and Coral Sea Drive is approximately 200 metres to the north.

The site and locality are shown on the following maps.









MAP WeTo/10 Adjoins



- S** School
- P** Post Office
- H** Other Health Services
- Local Reserves
- Waterbodies
- Development Plan Boundary

## Location Map WeTo/6

WEST TORRENS COUNCIL

## PROPOSAL

The applicant is seeking Development Approval for a Torrens Title land division to create two (2) allotments from one (1) existing Torrens Title allotment.

Allotment 1 will be 8.68 metres wide and Allotment 2 will be 8.69 metres wide. Both allotments will be 41.15 metres deep. Allotment 1 will have an area of 357 square metres and Allotment 2 will have an area of 358 square metres. An easement for sewerage purposes will run along the rear of the allotments.

The Applicant has provided indicative dwelling floor plans and a planning report in support of the proposal. The indicative floor plans do not form part of this assessment and must be the subject of a separate application.

The proposed Plan of Division and supporting documents are contained in **Attachment 1**.

## PUBLIC NOTIFICATION

The application is not listed in the Procedural Matters Table of the Residential Zone of the West Torrens Development Plan (Consolidated 5 November 2015) as being either a Category 1 or Category 2 development. Pursuant to Section 38 of the *Development Act 1993* and Schedule 9 (2) (f) of the *Development Regulations 2008* the proposed development is a Category 1 development.

## REFERRALS

*External*

### **Development Assessment Commission (DAC) and SA Water**

Pursuant to Section 33 and Schedule 29(1) of the Development Act and Regulations, the application was referred to SA Water by the Development Assessment Commission.

Neither DAC nor SA Water had any objections to the proposal subject to several conditions being added to any consent notice.

Full copies of the relevant reports are contained in **Attachment 2**.

## ASSESSMENT

The subject land is located within the Residential Zone and more particularly Low Density Policy Area 21 as described in the West Torrens Council Development Plan (Consolidated 5 Nov 2015). The main provisions of the Development Plan which relate to the proposed development are as follows:

General Section		
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1
Infrastructure	Objectives	1, 2 & 3
	Principles of Development Control	1, 2, 4, 5, 6, 8, 9 & 16
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 5, 6, 7, 8 and 12,
Orderly and Sustainable Development	Objectives	1, 2, 3 & 5
	Principles of Development Control	1, 3, 5 & 7
Residential Development	Objectives	1, 2, 3 & 5
	Principles of Development Control	1, 2, 3, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23 & 24,
Transportation and Access	Objectives	2
	Principles of Development Control	2, 8, 10, 11, 18, 23, 24, 30, 32, 34, 35, 36, 37, 40, 41, 43, 44 & 45

Zone: Residential	
<p><i>Desired Character Statement:</i></p> <p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	1, 2, 3 & 4
Principles of Development Control	1, 2, 5 & 17

<b>Policy Area: Policy Area 21</b>	
<b>Desired Character Statement:</b>	
<p><i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p>	
<b>Objectives</b>	1
<b>Principles of Development Control</b>	1, 2, 4 & 6

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	Guidelines	Proposal	
		Lot 1	Lot 2
AREA and FRONTAGE <i>Low Density Policy Area 21</i> <i>PDC 6</i>	Area: 420 sqm  Frontage: 12 metres	Area: 357 sqm  <b>Not Satisfied by 15%</b>  Frontage: 8.68 m  <b>Not Satisfied by 28%</b>	Area: 358 sqm  <b>Not Satisfied by 15%</b>  Frontage: 8.69 m  <b>Not Satisfied by 28%</b>
SITE AREA FOR DWELLING <i>Low Density Policy Area 21</i> <i>PDC 4</i>	350m <sup>2</sup> (min.)	373m <sup>2</sup>  <b>Satisfies</b>	373m <sup>2</sup>  <b>Satisfies</b>



SITE FRONTAGE FOR DWELLING <i>Low Density Policy Area 21</i> <i>PDC 4</i>	9m (min.)	8.68m  <b>Does Not Satisfied by 4%</b>	8.69m  <b>Not Satisfied by 4%</b>
------------------------------------------------------------------------------------	-----------	--------------------------------------------------	---------------------------------------------

## QUALITATIVE ASSESSMENT

The proposed development has been assessed against the relevant Development Plan provisions, as discussed under the following sub headings:

### Density and Character

The subject land is located within 400 metres of an existing centre zone and within a policy area where detached or semi-detached dwellings should have minimum allotment areas of 350 square metres and minimum street frontages of 9 metres. The proposed development is for a division of land only but had the matter involved a combined application, i.e. both a division of land and construction of dwellings together in one application, only the frontages would fall below the guidelines. The proposed frontages are no less than 8.68 metres, a shortfall considered relatively moderate and will not be readily discernible to the person on the street once dwellings are constructed.

The desired character statement for Policy Area 21 seeks to preserve a pattern of rectangular allotments developed with detached and semi-detached buildings that have a direct street frontage. The proposed division will maintain the desired allotment pattern albeit with smaller allotments and accommodate either detached or semi-dwellings with direct street frontages.

Given the subject land's proximity to a centre zone the proposed allotments are consistent with the desired character for the policy area.

## SUMMARY

The proposed allotments are situated in a locality with a relatively consistent allotment pattern and although comprising frontage widths below the prescribed guidelines the development will nevertheless provide allotments that satisfy the envisaged densities and the desired character of the Policy Area.

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

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

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/576/2016 by Mr. Nando Disotto and Mrs. Romi Dimasi to undertake Division of land to create two (2) Torrens Title allotments from one existing Torrens Title allotment at 5 Lowry Street, Fulham (CT 5656/203) subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

## **DEVELOPMENT PLAN CONSENT**

### **COUNCIL CONDITIONS:**

1. Development is to take place in accordance with the plans prepared by Cavallo Forrest & Associates relating to Development Application No. 211/576/2016 (DAC 211/D063/16).

### **DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:**

Nil

## **LAND DIVISION CONSENT**

### **COUNCIL CONDITIONS:**

1. That prior to the issue of section 51 clearance to this division approved herein, the existing dwelling and all ancillary structures shall be removed from proposed allotment(s) 1 and 2. For this purpose a separate development application to Council is required.

### **DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:**

2. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.  
The alteration of internal drains to the satisfaction of SA Water is required.

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

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

3. Payment of \$6,488.00 into the Planning and Development Fund (1 allotment(s) @ \$6,488.00/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate Purposes.

## PLAN OF PROPOSED DIVISION

DAC DEVELOPMENT NUMBER

10 / 16

CITY OF WEST TORRENS  
COUNCIL

ZONE.....

POLICY AREA.....

SUBJECT LAND DETAIL

ALLOTMENT 478 IN DP 6148  
HUNDRED OF ADELAIDE  
IN THE AREA NAMED  
**FULHAM**

5 Lowry Street  
Fulham SA

## TITLE REFERENCES

C.T. Vol. 5656 Fol. 203

MAP REFERENCE: 6528/41/j

TORRENS DIVISION

TOTAL SITE AREA: 715m<sup>2</sup>  
NO. OF EXISTING ALLOTMENTS: 1  
NO. OF PROPOSED ALLOTMENTS: 2  
NO. OF ADDITIONAL ALLOTMENTS: 1

ANNOTATIONS / EASEMENTS

Existing Dwelling & Structures to be demolished.  
All dimensions in metres. Do not scale drawing.

**Existing Easements**  
Subject to Service Easement(s) over the land marked A for sewerage purposes to South Australian Water Corporation (223LG RPA).

ALL DATA IS APPROX ONLY

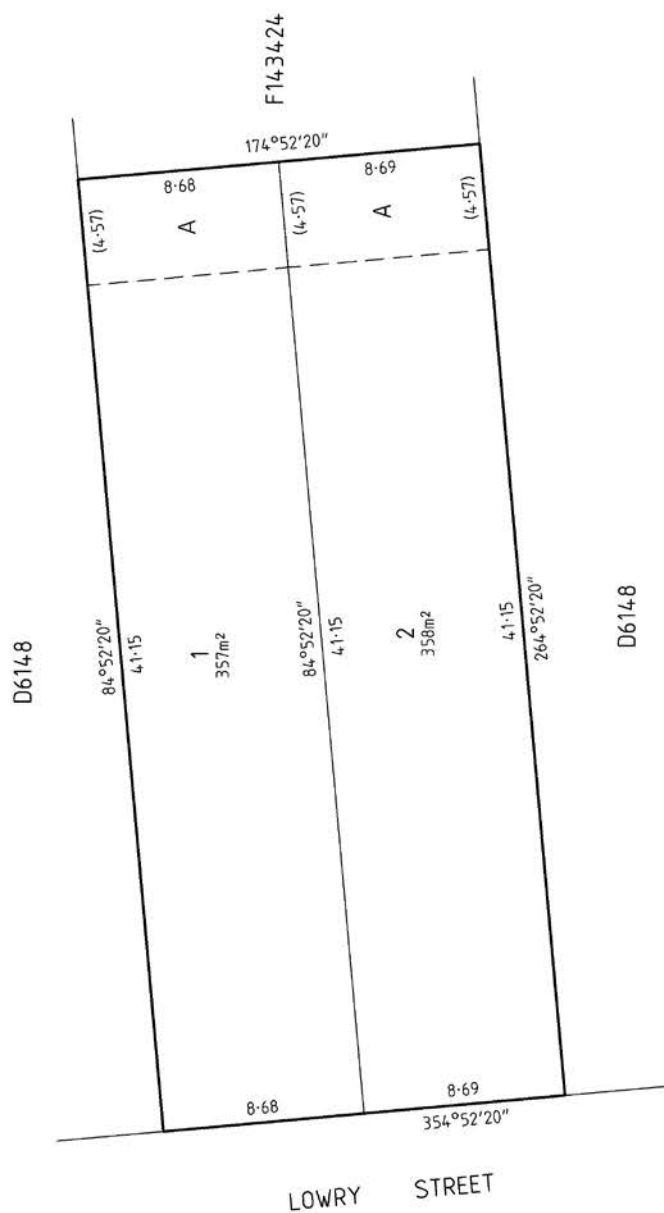
SUBJECT TO SURVEY AND FINAL PLAN



Surveying & Land Division Consultants  
77 East Avenue, Clarence Park SA 5034  
Ph: (08) 8351 5295 Email: [surveying@cavalloforest.com.au](mailto:surveying@cavalloforest.com.au)

DATE	FIELD	NO. OF	IF
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DATE 29/04/16	FIELD --	DRAWN JC
REF No 16-118	CHK RC	REV 01



A vertical scale bar is shown on the right side of the page. It is labeled 'SCALE' and 'METRES'. The scale has markings at 0, 5, 10, 15, and 20 metres.



**SUPPORTING PLANNING STATEMENT**  
**LAND DIVISION – ONE ALLOTMENT INTO TWO**  
**5 LOWRY STREET, FULHAM GARDENS**

**Prepared For** Nando Disotto

**Report prepared by** Adelaide Planning and Development Solutions

**Address:** 35 Pinnacle Crescent Flagstaff Hill SA 5159

**Contact** Mark Kwiatkowski

**Telephone** 0499933311

**Email** mark@adelaideplanning.com.au

**Date** May 2016





Mr Adam Williams  
Senior Development Officer - Planning  
City of West Torrens Council  
165 Sir Donald Bradman Drive  
Hilton SA 5033

Dear Adam,

**RE: Land Division application for one into two allotments at 5 Lowry Street, Fulham Gardens**

#### **1.0 Introduction and kind of development**

This planning statement has been prepared by Adelaide Planning and Development Solutions (APDS) on behalf Nando Disotto for the division of the existing allotment from one to two allotments at 5 Lowry Street, Fulham Gardens.

The subject land as a whole is contained within the Residential Zone and more specifically is contained within the Low Density Policy Area 21 as contained in Maps WeTo/6.

The proposal constitutes a 'consent on merit' form of development in the Residential Zone.

The application should be assessed as a Category 1 form of development, as outlined in the Schedule 9 Part 1 (2) f) of the *Development Regulations 2008* which states:

*Except where the development is classified as non-complying under the relevant Development Plan, any development which comprises— (f) the division of land which creates not more than 4 additional allotments;*

In preparing this statement, I can confirm that I have reviewed the plans prepared by Cavallo Forest and Associates along with the most pertinent provisions of the West Torrens Council Development Plan (Consolidated 2<sup>nd</sup> November 2015).

I have also inspected the subject land and locality.



## 2.0 Background

Prior to lodgement, it was determined by Council that the subject land is located within 400 metres of the centre zone along Henley Beach Road. It was deemed that the lesser site area could be applied in this instance for this development meeting the intent of the principle of development control 4 of the Low Density Policy Area 21.

## 3.0 Subject Land and Locality

The subject land is identified in Certificate of Title 5656 Folio 203 in the Hundred of Adelaide with a street address of 5 Lowry Street, Fulham Gardens.

The subject land has an area of approximately 689 square metres with a frontage of approximately 17.3 metres.

The subject land currently contains an existing single storey detached dwelling with open carport to the site and ancillary outbuildings to the rear of the dwelling. The land has a front solid brush fence with open front yard as well as large rear yard with scattered vegetation.

There is an existing easement to the rear of the site for drainage purposes. There are no other encumbrances or Land Management Agreements on the subject land and there are no significant or regulated trees on the site.



Figure 1 – The subject land identified in red





Images 1 and 2 – The subject land and dwelling when viewed from the street

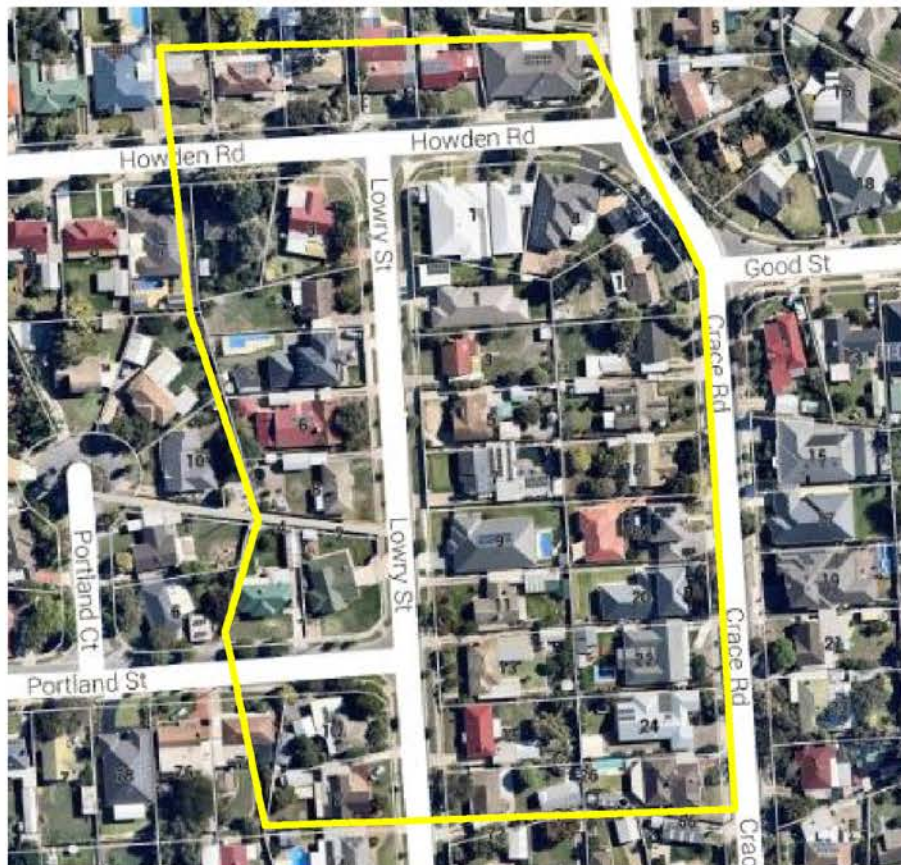


Figure 2– The subject land identified in yellow

The locality consists of a range of dwelling types including single and two storey detached dwellings on medium sized allotments.



There are recent developments to the west and north of the subject land along Lowry Street and Howden Road which have resulted in the construction of both single storey and two storey detached dwellings on smaller allotments.

Our experience indicates that the aging properties will be progressively redeveloped as the value of the land dramatically outstrips the value of the older housing stock developed on them. Therefore the future character will continue to emerge through redevelopment as owner's lever off of the increasing land value.



**Images 3 to 8 – Development along Lowry Street and examples of infill development in the immediate locality**





#### 4.0 Analysis of the Proposed Development against the Development Plan.

The subject land is contained within the Residential Zone and more specifically is contained within the Low Density Policy Area 21 in the West Torrens Council Development Plan (Consolidated 2<sup>nd</sup> November 2015) as contained in Maps WeTo/6.

#### 4.1 Nature of Development

The proposed development is best described as the division of land from one allotment into two. The division results in allotments with the following characteristics:

	Allotment 1	Allotment 2	Development Plan	Compliance
Site Area	357 m2	358 m2	350 m2	Yes
Frontage	8.68 metres	8.69 metres	9 metres	Slight variance
Depth	41.5 metres	41.5 metres	N/A	N/A

The proposed land division is outlined in the plans prepared by Cavallo Forest and Associates reference 16-118 Rev 1

#### 4.2 Development Plan Assessment

##### 4.2.1 Residential Zone

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

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

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

*Objective 4 Development that contributes to the desired character of the zone.*

##### DESIRED CHARACTER

*This zone will contain predominantly residential development.*



*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.*

With regard to the above Objectives and Desired Character statement of the Residential Zone, it is considered that the proposal satisfies the intent of the Development Plan in that:

- The proposal will result in the division of the existing larger residential allotment which will allow for the creation of two well sized allotments permitting a range of future detached dwellings to be constructed.
- The proposal will result in allotments with site areas considered to be in the range of low to medium density at 358 square metres and 357 square metres.
- The subject land is located in close proximity to the local centre to the north east and is within walking distance from Public Transport networks along Henley Beach Road.
- The proposal is consistent with other recent infill development in the immediate and wider locality.

*Principle of Development Control 1 the following forms of development are envisaged in the zone: dwelling*

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

As aforementioned, the proposal will result in the division of the existing larger residential allotment which will allow for the creation of two well sized allotments permitting a range of future detached dwellings to be constructed. Therefore the intent of the above Principles of Development Control is satisfied.

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



The proposal is consistent with other recent infill development in the immediate and wider locality and will provide allotments with a size and form which will facilitate the future development of the land for residential purposes in keeping with the intent of the above Principle of Development Control.

#### **4.2.2 Low Density Policy Area 21**

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

*This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).*

*There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.*

*Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.*

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

With regard to the Desired Character of the Low Density Policy Area 21, the proposal will result in the division of the existing larger residential allotment creating two well sized allotments permitting a range of future detached dwellings types to be constructed. The Objectives of the Residential Zone and Residential Policy Area 21 encourage denser





allotment patterns and some alternative dwelling types close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. The subject land is in close proximity (within 400 metres) to a local centre and therefore the proposal satisfies the intent of this Policy Area.

The proposed allotments with areas of 357 square metres and 358 square metres are consistent with other recent infill development in the immediate and wider locality and will provide low density allotments with a size and form which will facilitate the future development of the land for residential purposes.

Whilst the allotment width is slightly less than what is envisaged in the Policy Area, the proposed land division is considered to meet with the most pertinent provisions of the Development Plan relating to the Low Density Policy Area 21 in that the proposal will retain the low density development requirement for single dwellings on individual allotments.

Whilst an indicative plan has not been provided, it is considered that given the width and depth, dwellings will be able to be constructed on the allotments which satisfy the quantitative and qualitative provisions of the Development Plan. On this basis it is considered that the proposal satisfies the intent of the Desired Character of the Low Density Policy Area 21.

#### *Land Use*

*Principle of Development Control 1 The following forms of development are envisaged specifically in the policy area: detached dwelling*

The proposal will result in the creation of two well sized allotments permitting a range of detached dwellings to be constructed on the allotments in accordance with the intent of the above Principle of Development Control.

*Principle of Development Control 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.*

As aforementioned the proposal is in keeping with the desired character of the policy area.

*Principle of Development Control 4 When a dwelling is located within 400 metres of a centre zone, it should have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) and a frontage to a public road not less than that shown in the following table:*





Dwelling type	Site area (square metres)	Minimum frontage (metres)
Detached	350 minimum	9
Semi-detached	350 minimum	9
Row dwelling	350 average	9

The subject land is located within 400 metres of the Local Centre Zone which is positioned to the north east along Henley Beach Road. Therefore allotments with a site area of 350 square metres and a frontage of 9 metres are envisaged within the Policy Area.

The above Principle of Development Control that allotments should achieve the above site area and frontage figures; however this should be read in conjunction with the Objectives and Principles of Development Control of the Residential Zone and Low Density Policy Area 21.

In the Environment Resources and Development Court, the notion of **should** has been explored within numerous cases (see cases referenced below). Case Law has held that the word "should" is not indicative of a mandatory obligation, rather it is directory only. This is so even if a principle is applicable to the relevant site, and is specific in its terms. The Courts have adopted the assessment approach that some flexibility of approach is implicit in the use of the word "should".

*(Cases that referenced should - Town of Gawler v Impact Investment Corporation Pty Ltd [2007] SASC 356 at [38], Adelaide Produce Markets Ltd v Salisbury CC [2002] SAERDC 18. SA Housing Trust v Development Assessment Commission (1994) 63 SASR 35; Collins v City of Mitcham [2008] SAERDC 35 at [25])*

Whilst the proposal does not satisfy the site frontage widths envisaged by the Policy Area, the Objectives of the Residential Zone and Residential Policy Area 21 encourage denser allotment patterns and some alternative dwelling types close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. The subject land is in close proximity to a local centre and therefore the proposal satisfies the intent of this Policy Area.

Whilst the proposed allotments have a width slightly less than the widths envisaged by the above Principle of Development Control due to the irregular shape of the allotment, the



proposed allotments will allow for suitably designed dwellings to be constructed on the sites allowing appropriate access from Lowry Street, appropriate setbacks from front side and rear boundaries and a future built form which will complement the character of the immediate and wider locality.

*Principle of Development Control 6 Land division should create allotments with an area of greater than 420 square metres and a minimum frontage width of 12 metres, other than where the land division is combined with an application for dwellings or follows an approval for dwellings on the site.*

As aforementioned, whilst a land use application has not been lodged concurrently with the land division application, the proposed division will result in the division of the existing larger residential allotment resulting in the creation of two well sized allotments permitting future detached dwellings to be constructed satisfying the quantitative and qualitative provisions of the Development Plan.

#### **4.2.3 Land Division**

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

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

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

*Objective 4 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.*

With regard to the above Objectives, the proposed land division will utilise the existing infrastructure connected to the subject land and will result in an additional residential allotment at a low to medium density in keeping with the intent of the Residential Zone and the Low Density Policy Area 21 requirements. Further, the proposal will result in an orientation of the allotments which will provide optimal for energy efficient building orientation.



*Principle of Development Control 1 When land is divided:*

- (a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner*
- (b) a sufficient water supply should be made available for each allotment*
- (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health*
- (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.*

It is considered that any future development of the allotments will accommodate a suitable stormwater management proposal which will ensure that there will be a minimal impact on landform and drainage systems will not result in any flooding or lead to or result in the exploitation or pollution of a water resource. The land is suitable has connection to the existing SA Water effluent disposal system as well as connection to a supply of water. Access to the site is from the existing road network. The suitability of the stormwater and access to infrastructure will be considered in more detail at the land use application stage.

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

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





*(h) the allotments unreasonably restrict access to publicly owned land such as recreation areas.*

The proposed land in this instance provides allotments with a size and shape which are suitable for their intended residential land use. The proposal has an access to an existing road, will not result in excessive cut and or fill and will be connected to the existing infrastructure that services the subject land.

#### *Design and Layout*

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

The proposal is consistent with other recent infill development in the immediate and wider locality and will provide allotments with a size and form which will facilitate the future development of the land for residential purposes in keeping with the intent of the above Principle of Development Control.

*Principle of Development Control 6 Land division should facilitate optimum solar access for energy efficiency.*

The proposal will result in an appropriate orientation of the allotments which will provide optimal for energy efficient building orientation in accordance with the intent of the above Principle of Development Control.

*Principle of Development Control 8 Allotments should have an orientation, size and configuration to encourage development that:*

- (a) minimises the need for earthworks and retaining walls*
- (b) maintains natural drainage systems*
- (c) faces abutting streets and open spaces*
- (d) does not require the removal of native vegetation to facilitate that development*
- (e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.*

The proposed allotments will have an orientation, size and configuration which will result in the future residential development of the land which will not require significant earthworks or retaining walls; will not require the removal of native vegetation; and will not overshadow,





dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality in accordance with the intent of the above Principle of Development Control.

#### **4.2.4 Residential Development**

Whilst the proposal is for a land division, regard should be given to ensure the land is suitable for its intended use. Whilst proposed building envelopes have not been shown for both allotments, the proposed dwellings will satisfy the residential requirements of the Development Plan in that it will:

- will provide two dwellings which will sit comfortably on the subject land,
- provide sufficient setbacks from front, side and rear boundaries.
- will provide suitable access from Lowry Street,
- will provide sufficient private open space,
- the proposed dwelling can be connected to public utility services such as drainage, telecommunications, water supply and sewerage, and
- provision will be made for additional landscaping on the site to the front and rear of the site.

It is considered that a high standard of amenity will be maintained on the site with any future development through its scale and appearance will be in keeping with that established character in the locality. A more detailed assessment of any dwellings on the subject land will be undertaken at a later stage; however for the reasons outlined above it is considered that the land is suitable for its intended residential land use.

#### **5.0 Conclusion**

Following assessment of the proposed development against all of the relevant provisions of the West Torrens Council Development Plan (Consolidated 2<sup>nd</sup> November 2015), the proposal is not considered to be seriously at variance with the intent of the Residential Zone and more specifically the Low Density Policy Area 21.

The proposed division of the existing larger residential allotment resulting in the creation of two well sized allotments permitting a range of future detached dwellings to be constructed. The Objectives of the Residential Zone and Residential Policy Area 21 encourage denser allotment patterns and some alternative dwelling types close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on



centre zones. The subject land is in close proximity to a local centre and therefore the proposal satisfies the intent of this Policy Area.

Whilst the allotment width is slightly less than what is envisaged in the Policy Area, the proposed land division is considered to meet with the most pertinent provisions of the Development Plan relating to the the Low Density Policy Area 21 in that the proposal will retain the low density development requirement for single dwellings on individual allotments.

The proposed allotments are also consistent with other recent infill development in the immediate and wider locality and will provide additional low density allotments with a size and form which will facilitate the future development of the land for residential purposes.

The proposed land division will utilise the existing infrastructure connected to the subject land and will result in an additional residential allotment at a low to medium density in keeping with the intent of the Residential Zone and the Low Density Policy Area 21 requirements. Further, the proposal will result in an appropriate north/south orientation which will provide optimal for energy efficient building orientation.

It is therefore submitted that the proposed development is a proposal that exhibits significant merit to warrant planning consent.

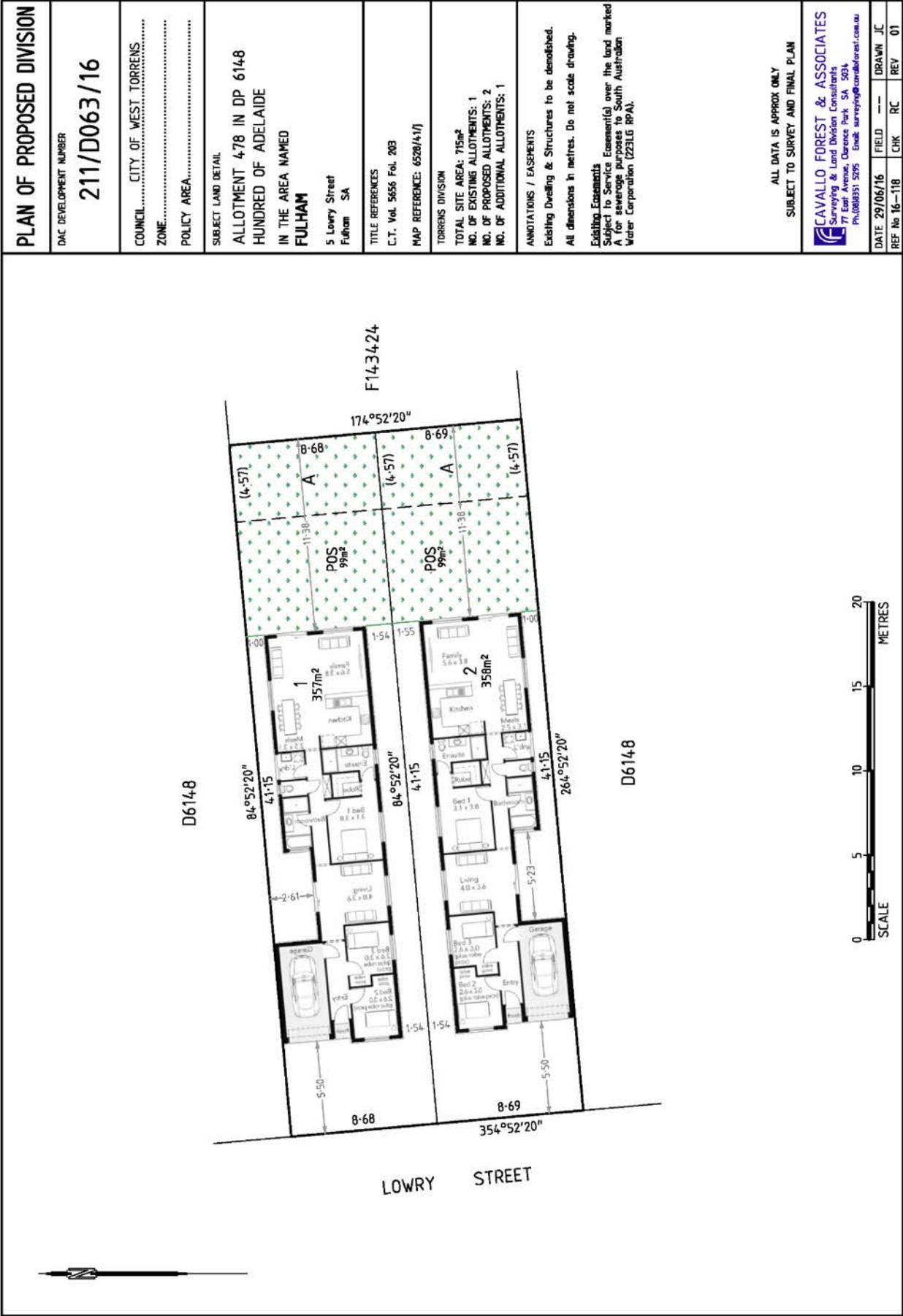
If you have any further questions regarding this application or require additional information please contact me on 0499 933 311.

Yours Sincerely,

**Mark Kwiatkowski MPIA CPP**

Director/ Urban and Regional Planner

**Adelaide Planning & Development Solutions - Town Planning Specialists | Plan - Design - Build**





ATTACHMENT 2

Contact LandsTitlesOffice  
Telephone 7109 7016



17 May 2016

The Chief Executive Officer  
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/D063/16 (ID 54267)**  
**for Land Division by Mr Nando Disotto & Mrs Romi Dimasi**

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 11 May 2016, I advise that the Development Assessment Commission has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

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

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.  
The alteration of internal drains to the satisfaction of SA Water is required.  
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.  
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
2. Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment).  
Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

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

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

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

Phil Hodgson  
**Unit Manager**  
**Lands Titles Office**



### 6.13 25 Kingswood Crescent, LOCKLEYS

Application No. 211/510/2016

#### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Combined application for Land Division and Land use-Torrens Title; DAC NO. 211/D088/16 (Unique ID 54613); Create one (1) additional Torrens Title Allotment and the construction of a detached two-storey dwelling with garage and alfresco under the main roof
APPLICANT	Katnich Building Design & R L Bell
APPLICATION NO	211/510/2016
LODGEMENT DATE	2 June 2016
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"><li>▪ City Works (Amenity Officer)</li><li>▪ City Assets (Civil Engineer)</li></ul> External <ul style="list-style-type: none"><li>▪ Development Assessment Commission (DAC)</li><li>▪ SA Water</li></ul>
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

#### BACKGROUND

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

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan.

#### PREVIOUS or RELATED APPLICATION(S)

Nil

## **SITE AND LOCALITY**

The subject land is described as Allotment 31 Deposited Plan 7594 in the area named Lockleys Hundred of Adelaide as contained in Certificate of Title Volume 5196 Folio 972. The land is more commonly known as 25 Kingswood Crescent, Lockleys.

The subject land is located on the northern side of Kingswood Crescent. The site is a square shaped allotment but is oriented to follow the angle of the road, and is approximately 877.7 square metres with a frontage of 26.2 metres to Kingswood Crescent and a site depth of 33.5 metres. The site currently contains a single storey 1966 colonial style house, with a verandah to the rear.

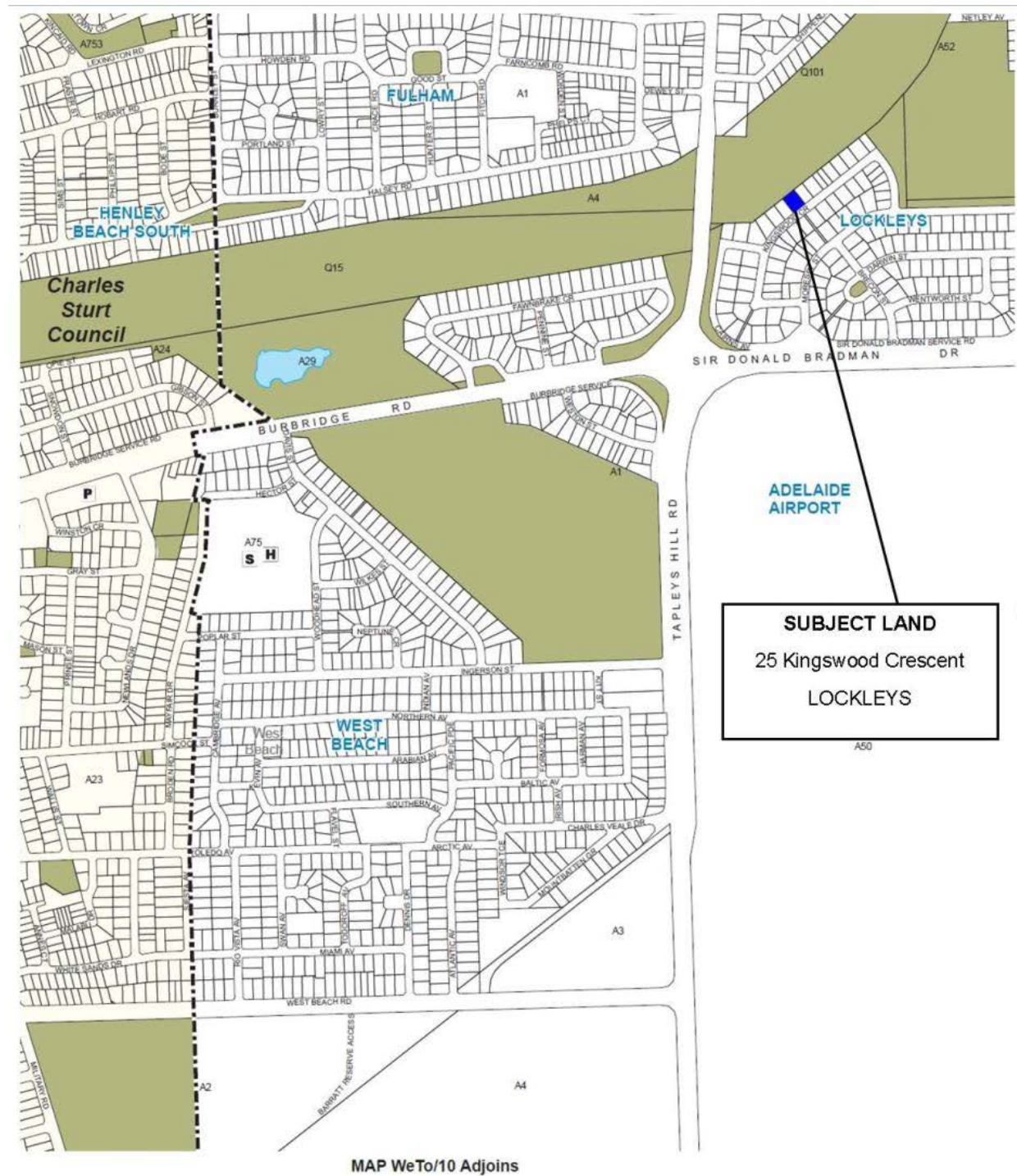
The rear boundary of the subject land abuts the Open Space Zone containing Linear Park. The subject land is located approximately 160 metres south-east of the Lockleys Oval and 137 metres west of Tapleys Hill Road.

Whilst the locality is predominately characterised by dwellings constructed in the 1960s there are several examples of land divisions, and associated new dwellings, undertaken post 2000.

The site and locality are shown on the following maps.







MAP WeTo/10 Adjoins

- S** School
- P** Post Office
- H** Other Health Services
- Local Reserves
- Waterbodies
- Development Plan Boundary

## Location Map WeTo/6

WEST TORRENS COUNCIL



## PROPOSAL

The proposal includes both land division and the construction of double storey dwelling on proposed Allotment 1.

The Applicant seeks approval for a Torrens Title Land Division creating one additional allotment. Proposed Allotment 1 will have a frontage to the public road measuring 14.81 metres, a depth of 33.53 metres and a total area of 497 square metres. Proposed Allotment 2 will have a frontage of 11.40 metres to the public road, a depth of 33.53 metres and total area of 382 square metres. The allotment boundaries are consistent with those shown in the land use plans and drawings.

The Applicant also seeks approval for a double storey dwelling with garage and alfresco under the main roof.

The proposed land division and land use plans and supporting information are included in **Attachment 1**.

## PUBLIC NOTIFICATION

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

## REFERRALS

### City Works (Amenity Officer)

Division of the land will result in one (1) additional driveway and crossover to be established to enable vehicle access for a future dwelling on Lot 2. A crossover can be established without requiring the removal of any street trees and City Works will support the proposal in this instance. The orientation and floor layout of any future dwelling applications on Lot 2 should take the location of the street trees into consideration and maintain the minimum offsets.

### City Assets (Civil Engineer)

Council's Civil Engineer, part of the City Assets Department, has no objections to the proposal with regard to finished floor level, stormwater disposal, driveway and crossovers and verge interaction.

### External

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

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

## ASSESSMENT

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

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2, 3, 7 & 8
Design and Appearance	Objectives	1
	Principles of Development Control	1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 25 & 26
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1, 2 & 3
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 4, 5, 6, 8, 10, 11, 12 & 16
Landscaping, Fences and Walls	Objectives	1
	Principles of Development Control	1, 2, 3 & 4
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 4 & 8
Residential Development	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 & 27
Transportation and Access	Objectives	2
	Principles of Development Control	1, 2, 10, 11, 23, 24, 30, 34, 35 & 44

Zone: Residential Zone	
<i>Desired Character Statement:</i>	
<p>"This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</p> <p>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</p> <p>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in an Historic Conservation Area.</p> <p>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer".</p>	
Objectives	1, 2, 3 & 4
Principles of Development Control	1, 5, 6, 7, 8, 10, 11, 12 & 13

<b>Policy Area: Low Density Policy Area 21</b>	
<b>Desired Character Statement:</b>	
<p><i>"This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings".</i></p>	
<b>Objectives</b>	1
<b>Principles of Development Control</b>	1, 2, 4 & 6

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT	
		Lot 1	Lot 2
<b>SITE AREA</b> <i>Low Density Policy Area 21</i> <b>PDC 4 (within 400m of centre)</b>	Detached Dwelling 350m <sup>2</sup> (min.) Semi-detached Dwelling 350m <sup>2</sup> (min.) Row Dwelling 350m <sup>2</sup> (avg.)	497m <sup>2</sup>  <b>Satisfies</b>	382m <sup>2</sup>  <b>Satisfies</b>
<b>SITE FRONTAGE</b> <i>Low Density Policy Area 21</i> <b>PDC 4 (within 400m of centre)</b>	Detached Dwelling 9m Semi-detached Dwelling 9m Row Dwelling 9m	14.81m  <b>Satisfies</b>	11.40m  <b>Satisfies</b>
<b>SITE AREA</b> <i>Low Density Policy Area 21</i> <b>PDC 6</b>	420m <sup>2</sup>	497m <sup>2</sup>  <b>Satisfies</b>	382m <sup>2</sup>  <b>Does not satisfy by 9.047%</b>

SITE FRONTAGE <i>Low Density Policy Area 21</i> <i>PDC 6</i>	12m	14.81m <b>Satisfies</b>	11.4m <b>Does not satisfy by 5%</b>
<b>Dwelling on Lot 1</b>			
PRIMARY STREET SETBACK <i>Residential Zone</i> <i>PDC 8</i>	Avg. of adjoining buildings (Min 4.75m)	4.7m <b>Does Not Satisfy by 0.05m or 1%</b>	
SIDE/REAR SETBACKS <i>Residential Zone</i> <i>PDC 11</i>	Side 0/1m (min.)(lower floor) 2m (min.)(upper floor)  Rear 3m (min.)(lower floor) 8m (min.)(upper floor)	North East - 1.66m (lower) 1.66m (upper)  <b>Upper level does Not Satisfy by 0.34m or 17%</b>  South West - on boundary (lower) 3.8m (upper) <b>Satisfies</b>  9.45m (lower) 12.405m (upper)  <b>Satisfies</b>	
BUILDING HEIGHT <i>Residential Zone</i> <i>PDC 6</i>	2 storeys or 6m	2 storeys <b>Satisfies</b>	
INTERNAL FLOOR AREA <i>Residential Development</i> <i>PDC 9</i>	3+ Bedroom, 100m <sup>2</sup> (min.)	274m <sup>2</sup> <b>Satisfies</b>	
PRIVATE OPEN SPACE <i>Residential Development</i> <i>PDC 19</i>	300-500m <sup>2</sup> - 60m <sup>2</sup> (min.), of which 10m <sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m. - Minimum dimension 4m. - 16m <sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room.	198.425m <sup>2</sup> (total) 9.45m at ground and 2.795m balcony (min. dimension) 198.425m <sup>2</sup> (accessed from habitable room)  <b>Satisfies</b>	
CARPARKING SPACES <i>Transportation and Access</i> <i>PDC 34</i>	- 2 car-parking spaces required, 1 of which is covered	3 spaces provided (1 covered)  <b>Satisfies</b>	



## QUALITATIVE ASSESSMENT

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

### Site Area and Frontage

Within the Low Density Policy Area 21 there is a certain tension with the policy regarding minimum site areas and frontage widths.

Low Density Policy Area 21, Land Division Principle of Development Control (PDC) 6 is as follows,

*Land division should create allotments with an area of greater than 420 square metres and a minimum frontage width of 12 metres, other than where the land division is combined with an application for dwellings or follows an approval for dwellings on the site.*

Low Density Policy Area 21, Form and Character PDC 4 is as follows,

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

Dwelling type	Site area (square metres)	Minimum frontage (metres)
Detached	350 minimum	9
Semi-detached	350 minimum	9
Row dwelling	350 average	9

The Development Plan allows for a lesser site area and frontage width than specified in Low Density Policy Area 21, PDC 6, where the land is located within 400 metres of a centre zone. A land use has been proposed for Allotment 1 but given that each envisaged dwelling type requires the same site area and frontage width, and the subject land is located within 400 metres of a centre zone, the proposed site area and frontage width of Allotment 2 are considered to be adequate for the following reasons:

- The proposed development results in an allotment size that is not greater than 10% deficient of the site area specification;
- The frontage width is only 5% deficient of the minimum specification;
- The site area and frontage width deficiency are not considered to be a major departure from the Development Plan policy as the reduced site area will not be readily discernible when viewing the allotments from the street and the deficiency;
- A denser allotment pattern is encouraged closer to centre zone facilities; and
- The proposed allotment is of a size that could sufficiently accommodate any envisaged dwelling type.

## Setbacks

### *Front Setback*

The proposed dwelling is set back 4.7 metres from the front boundary, which is 0.05 metres less than the average setback of the building on the adjoining allotments. This is considered to be a minor variation from the development plan policy and the proposed setback is considered to be adequate as:

- The building has a staggered façade and only a small portion of the façade is setback at 4.7m, with the remainder having a larger setback than the minimum;
- The building is not situated further forward than the building with the lesser front setback;
- The deficiency will not be readily discernible when viewing the dwelling from the street.

### *Side Setback*

The setback of the upper floor level from the north-eastern boundary is less than the minimum distance as specified within Residential Zone PDC 11. Due to the orientation of the land the reduced side setback to the upper level will not result in any unreasonable overshadowing of 27 Kingswood Crescent.

### *Side boundary Walls*

When determining the appropriateness of side boundary walls the Development Plan describes that;

*Side boundary walls in residential areas should be limited in length and height to:*

- (a) minimise their visual impact on adjoining properties*
- (b) minimise the overshadowing of adjoining properties.*

(General Section, Residential Zone PDC 12)

The garage and laundry wall of the proposed dwelling is located on the south-western boundary of the subject land. The visual impact of the proposed dwelling will be amplified from the perspective of 23 Kingswood Crescent as currently the dwelling maintains a 1.8 metre setback from the side boundary. The proposal will result in a different outlook from 23 Kingswood Crescent but it is not considered to be unreasonable for the following reasons:

- The wall is not adjacent to a space considered to be highly useable by the occupants, for example, it is adjacent to the side walkway only and not the boundary adjacent the private open space;
- This side boundary wall is the only structure located along a boundary on this site and a clear passage from the front to the rear of the site is still adequately maintained along other side boundary;
- The wall will not disrupt any scenic views of adjoining properties to Linear Park;
- The wall amount to 28% of the length of the boundary, which is not considered to be excessive; and
- The wall will not result in any unreasonable overshadowing (explanation preceding)

With regards to overshadowing, it is noted that currently the existing dwelling maintains a 1.8 metre setback from this boundary, and therefore the proposed wall of 2.7m in height, extending for 9.5 metres, will have a different impact on the adjoining property 23 Kingswood Crescent. Given that a wall is now located on the boundary the amount of time the north facing window is overshadowed is increased, for example currently the window will be in shadow until approximately 11:30am but now the window will be in shadow until approximately 2pm. Although the amount of sunlight to the north facing window will be reduced the proposed development is not considered to result in any unreasonable overshadowing as it will still allow for three (3) hours of direct sunlight over a portion of its surface, from 2pm to 5pm (General Section, Residential Development PDC 11).

## SUMMARY

The proposed development results in marginal deficiencies with regard to the site area and frontage of one of the two proposed allotments. Overall, the proposed development contributes to the achievement of the desired character and will result in a built form that conforms with the majority of the relevant provisions that relate to residential development.

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

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

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/510/2016 by Katnich Building Design & R L Bell to create one (1) additional Torrens Title Allotment and the construction of a detached two-storey dwelling with garage and alfresco under the main roof at 25 Kingswood Crescent Lockleys (CT 5196/972) subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

### **DEVELOPMENT PLAN CONSENT COUNCIL CONDITIONS:**

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 09 August 2016 as detailed in this application except where varied by any condition(s) listed below.
2. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
3. That any retaining walls will be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
4. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
5. That all planting and landscaping will be completed within three (3) months of the commencement of the use of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.

6. Council requires one business day's notice of the following stages of building work:
  - Commencement of building work on site
  - Commencement of placement of any structural concrete
  - Completion of wall and roof framing prior to the installation of linings
  - Completion of building work

**Note:**

When a building-owner gives notice for the commencement of building work, they shall advise Council of the relevant person, (name, address and telephone number) who will provide the Statement of Compliance required under regulation 83AB.

The relevant person must be:

- The licensed building contractor who performed the work, or
- A registered building work supervisor, private certifier or registered architect.

## **LAND DIVISION CONSENT**

### **COUNCIL CONDITIONS:**

1. Development is to take place in accordance with the plans prepared by Cavallo Forest & Associates, relating to Development Application No. 211/510/2016 (211/D088/16).
2. Prior to the issue of Section 51 Clearance to this division approved herein:
  - all existing buildings must be removed (note that the removal shall be subject to a separate development approval).

### **DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:**

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

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

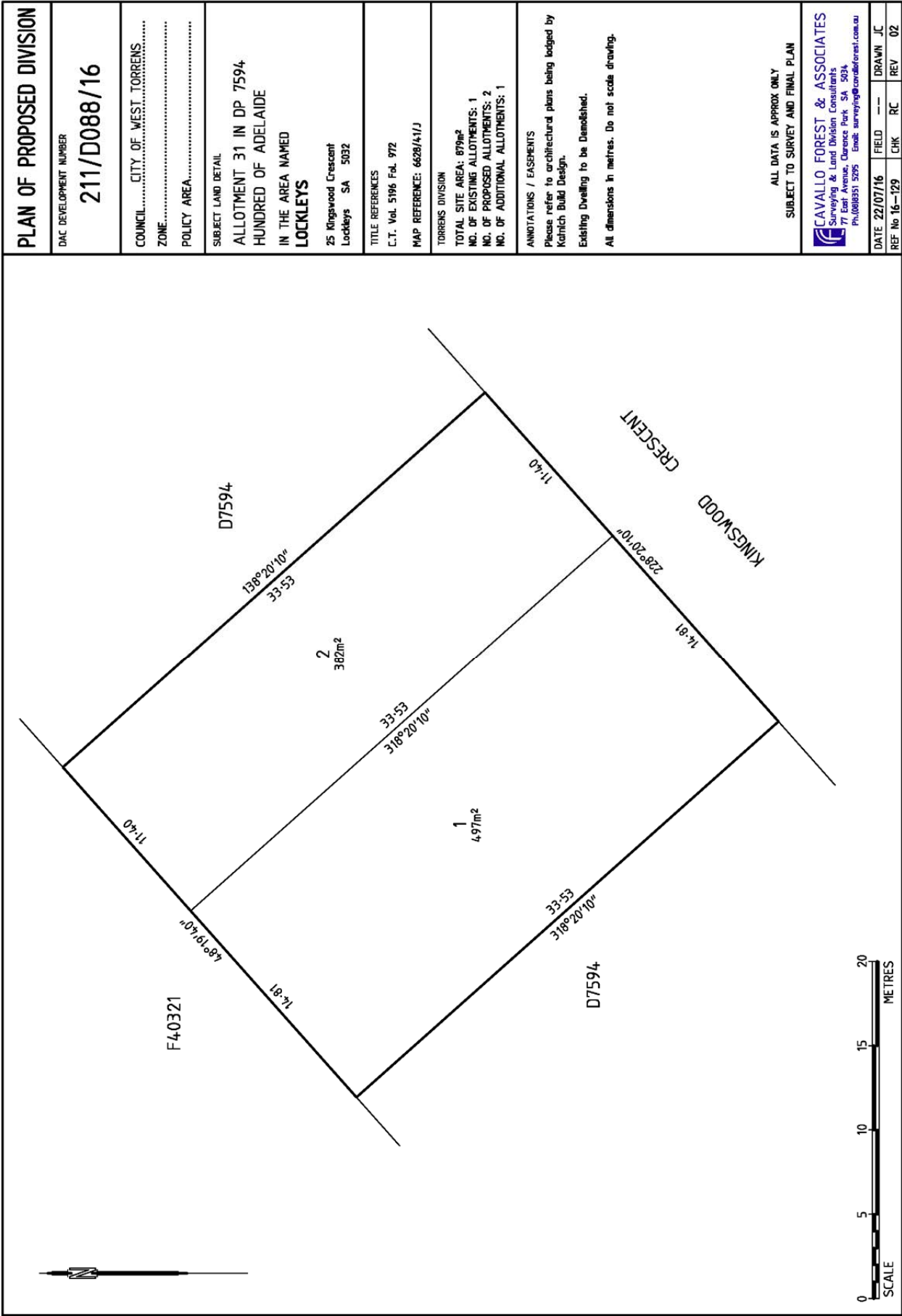
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non -standard fees.

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

4. Payment of \$6,488 into the Planning and Development Fund (1 allotments @ \$6,488/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate Purposes.

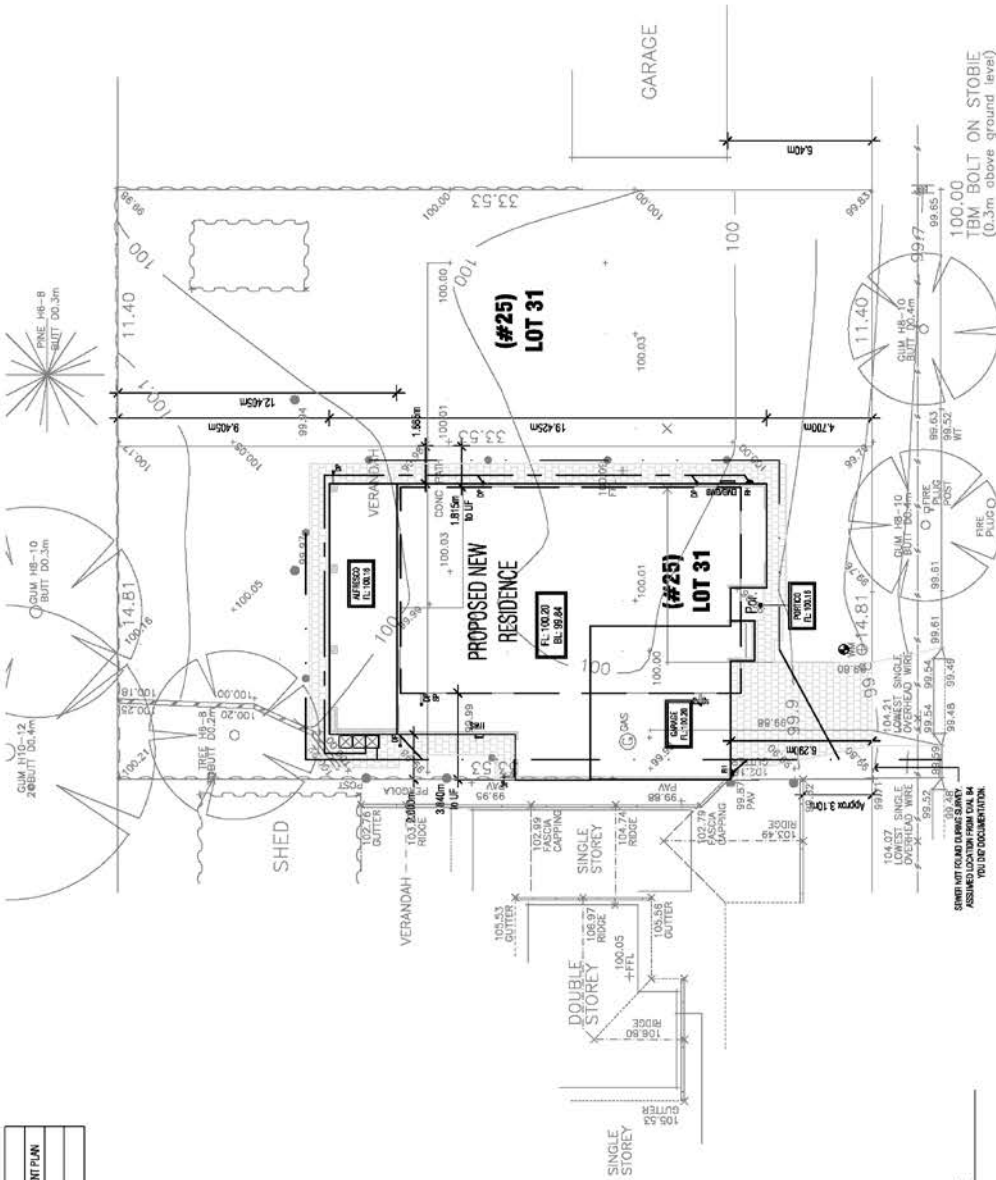


ATTACHMENT 1



DRAWING REGISTER

Draw #	Plan Description
C101	SITE & STORM WATER MANAGEMENT PLAN
A101	FLOOR PLANS
A201	ELEVATIONS



KINGSWOOD CRESCENT

GENERAL NOTES:

- Stormwater to be constructed in accordance with AS3600.3.2 or AS3600.3.3
- All trees falling within 3m of the proposed dwelling will be removed prior to construction.

AREAS

Total ground floor	238.40 m <sup>2</sup>
Site area	502.02 m <sup>2</sup>
Private open space	199.00 m <sup>2</sup>
Private open space	40 %

LEGEND

- UNL.D. UNLESS NOTED OTHERWISE
- TK TOP OF KERB
  - TBM TEMPORARY BENCH MARK
  - GN GALVANISED RIM NAIL
  - BL BENCH LEVEL
  - FL FLOOR LEVEL
  - FRL FINISHED FLOOR LEVEL
  - EM/GAS ELECTRICAL & GAS METER BOXES
  - APPROXIMATE
  - RWT RAIN WATER TANK
  - 1" DOWNPIPE
  - RH RAINHEAD
  - SP SPREADER
  - SURFACE GRATE
  - 200 mm PVC STORMWATER PIT
  - STORMWATER PIPE (SALID SYSTEM) - 200 PVC (U.N.D.)
  - STORMWATER PIPES UNDER GRAVITY FLOW USED TO CONNECT RAINWATER TANK OVERLAP PPE SURFACE STORMWATER DRAINS TO THE STREET WATER TABLE
  - SELECTED PAVING MATERIAL
  - WATER METER
  - SEWER INSPECTION POINT
  - 100% RAIN WATER TANK PLUMBED TO W.C. IN ACCORDANCE TO LEGISLATION

**KATNICH**  
BUILD DESIGN

Q. Kelly Street, Gungahlin, South Australia 5022

P 080 055 6445

F 080 055 6771

E kate@katnich.com.au

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Client: W. & R. BELL

Project Name: BELL - LOCKLEYS

Project Address: LOT 31 (#25) KINGSWOOD CRES, LOCKLEYS

Drawing Title: SITE PLAN

North

Scale(s) (A3): 1:200

Drawn: RW

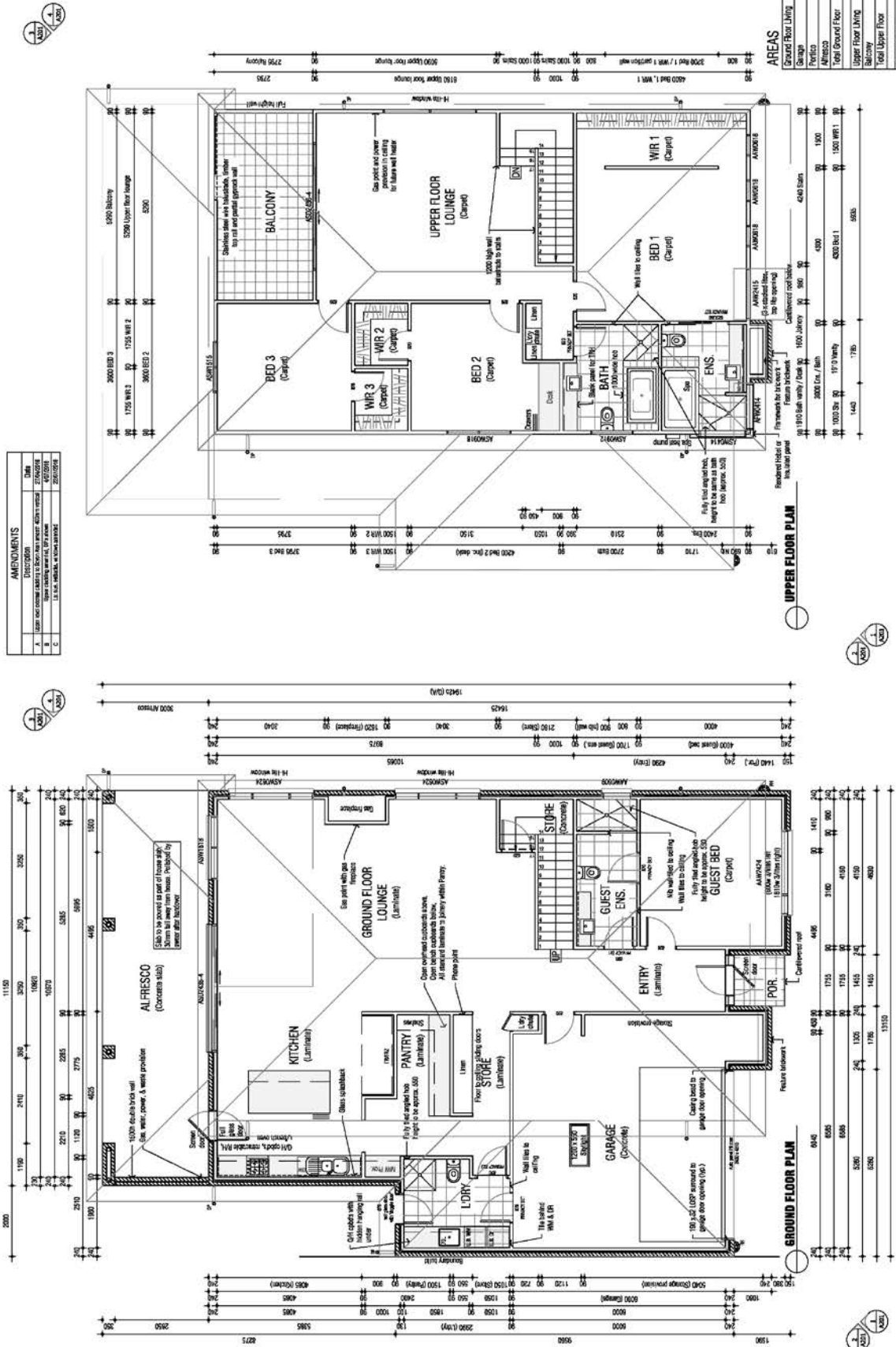
Job No: 14416

DWG No: C101

Date: 22.07.2016

Rev: C

Checked: MK



PRELIMINARY  
DRAWINGS

**KATNICH**  
BUILD DESIGN

3 Jolly Street, George, South Australia 5022  
P 080 855 6445  
F 080 855 6271  
E info@katnichi.com.au  
W www.katnichi.com.au

Lot 31 (#25) Kingswood Cres, Lookleys

Client: **W. & R. BELL**  
Project Name: **BELL - LOCKLEYS**  
Project Address: **LOT 31 (#25) KINGSWOOD CRES, LOOKLEYS**

Drawing Title: **GROUND FLOOR PLAN & UPPER FLOOR PLAN**

Scale(s) (A3): **1:100**  
North:

Drawn: **RW**  
Checked: **MK**  
Job No.: **14416**  
DWG No.: **A101**  
Date: **22.07.2016**  
Rev.: **C**







ATTACHMENT 2

Contact Lands Titles Office  
Telephone 7109 7016



07 July 2016

The Chief Executive Officer  
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/D088/16 (ID 54613)**  
**for Land Division by Ms Rachel Lynn Bell**

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 15 June 2016, I advise that the Development Assessment Commission has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

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

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.  
The alteration of internal drains to the satisfaction of SA Water is required.  
Sewer Extension Required. Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non -standard fees.  
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
2. Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment).  
Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

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

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



Phil Hodgson  
Unit Manager  
Lands Titles Office



07 July 2016

Our Ref: H0047094

The Chairman  
Development Assessment Commission  
136 North Terrace  
ADELAIDE SA 5000

Dear Sir/Madam

**PROPOSED LAND DIVISION APPLICATION NO: 211/D088/16 AT LOCKLEYS**

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

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

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

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

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

Yours faithfully

CAROL CARY  
for **MANAGER LAND DEVELOPMENT & CONNECTIONS**

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

## 6.14 7 Ramsey Street, NETLEY

Application No. 211/491/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Removal of one regulated tree - <i>Eucalyptus leucoxylon</i> x <i>sideroxylon</i> (hybrid SA Blue gum, Red Ironbark cross)
APPLICANT	Build Tec Group
APPLICATION NO	211/491/2016
LODGEMENT DATE	6 May 2016
ZONE	Residential
POLICY AREA	Policy Area 20
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	External <ul style="list-style-type: none"><li>▪ Consultant Arborist</li></ul>
DEVELOPMENT PLAN VERSION	5 May 2016
MEETING DATE	9 August 2016
RECOMMENDATION	<b>REFUSAL</b>

### BACKGROUND

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

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

### PREVIOUS or RELATED APPLICATION(S)

211/355/2008 - Demolition of Existing detached dwelling and Construction of one (1) single-storey semi-detached dwelling and one (1) two-storey semi-detached dwelling, included retention of the tree - Consent granted, subsequently lapsed.

211/990/2013 - Construction of two (2) single storey semi-detached dwellings each with single garage under main roof, included retention of the tree - Consent granted, subsequently lapsed.

## SITE AND LOCALITY

The subject land is located on the northern side of Ramsey Street between Pam Street and Lilac Place, has a frontage of 7.84m metres to Ramsey Street, a depth of 38.1 metres, and an area of 349 square metres. With the exception of the regulated tree, the site is vacant.

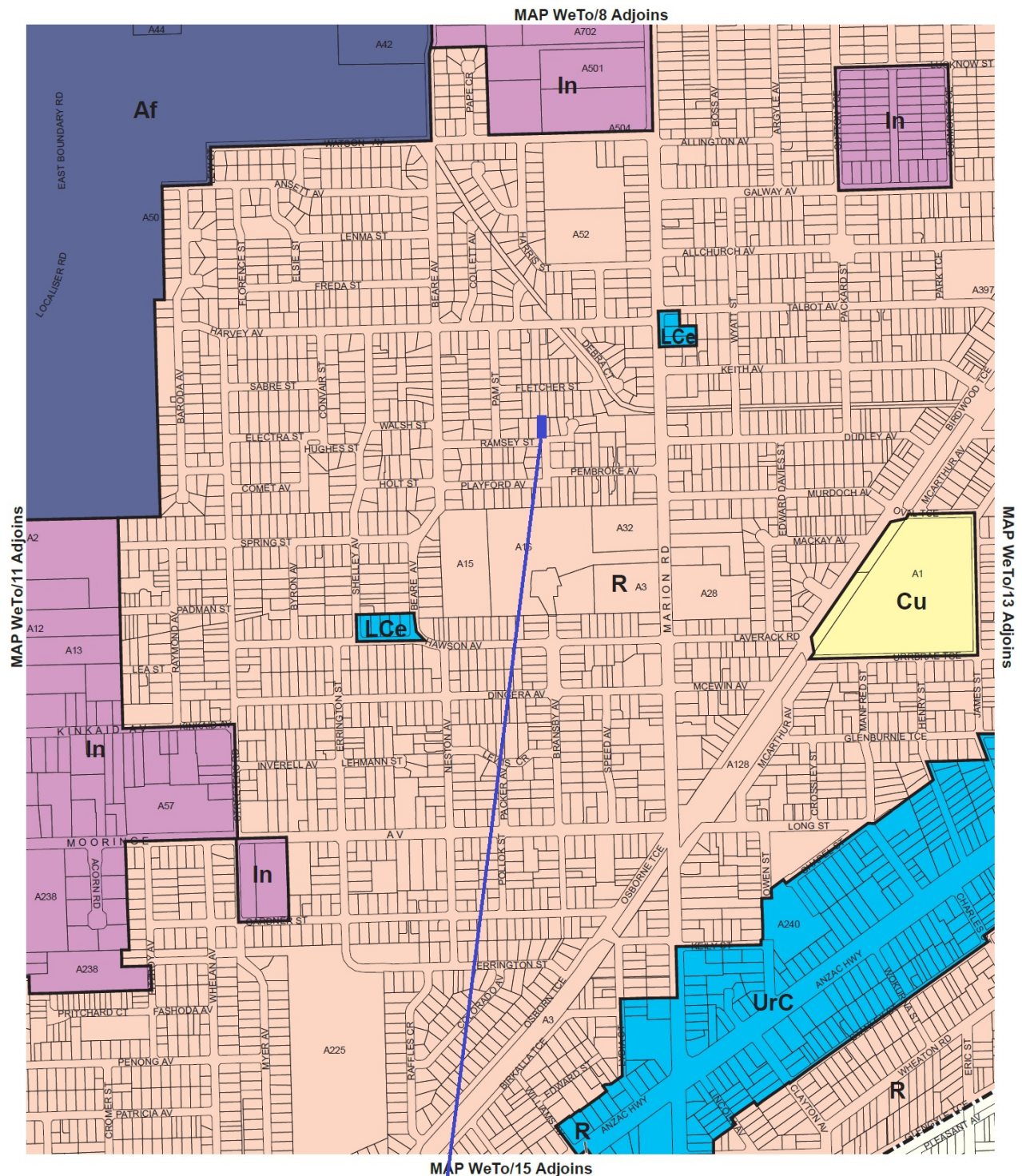
The locality is characterised by single storey dwellings on medium allotments with some occurrences of infill development.

The subject site is located in the Residential Zone, Policy Area 20.

The site and locality are shown on the following maps:







Lamberts Conformal Conic Projection, GDA94

**Zones**

- Af** Airfield
- Cu** Community
- In** Industry
- LCe** Local Centre
- R** Residential
- Urc** Urban Corridor
- Zone Boundary**
- Development Plan Boundary**

## PROPOSAL

Proposed is removal of a regulated tree, *Eucalyptus leucoxylon* x *sideroxylon* (hybrid SA Blue gum, Red Ironbark cross), on a vacant allotment. Refer **Attachment 1**.



## PUBLIC NOTIFICATION

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

## REFERRALS

Internal

### Council's Consultant Arborist

Calypso Tree Co:

The tree is sound, healthy and not preventing development - recommended retention.

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

## ASSESSMENT

The subject land is located within the Residential Zone and more particular Policy Area 20 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<i>General; Section - Regulated Trees</i>	
<i>Objectives</i>	1, 2
<i>Principles of Development Control</i>	1, 2, 3

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



## Regulated Trees

General Section, Regulated Trees, Objectives state:

- 1 *The conservation of regulated trees that provide important aesthetic and/or environmental benefit.*
- 2 *Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:*
  - (a) *significantly contributes to the character or visual amenity of the locality*
  - (b) *indigenous to the locality*
  - (c) *a rare or endangered species*
  - (d) *an important habitat for native fauna.*

The tree significantly contributes to the visual character and amenity of the area, as whilst there are few backyard trees in the area, the low rise nature of the local built form means that trees like this one are readily seen from a considerable distance and add significantly to the leafy character of the locality. The tree is not indigenous, nor is it a rare or endangered species. There is no evidence of the tree being used by birds for nesting therefore whilst providing habitat for native fauna, it may be deduced that it is not providing "important" habitat for native fauna.

General Section, Regulated Trees, Principle of Development Control 2 states:

- 2 *A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:*
  - (a) *the tree is diseased and its life expectancy is short*
  - (b) *the tree represents a material risk to public or private safety*
  - (c) *the tree is causing damage to a building*
  - (d) *development that is reasonable and expected would not otherwise be possible*
  - (e) *the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.*

Consultant	Calypso	Calyptra
Is the tree diseased and its life expectancy is short?	Yes/No	Yes/No
Does the tree represent a material risk of safety?	Yes/No	Yes/No
Is the tree causing damage to a building?	Yes/No	Yes/No
Would development that is reasonable and expected not otherwise be possible?	Yes/No	Yes/No

The primary point of contention between the two arborists consulted regarding this tree is the matter of the scarring at the primary trunk bifurcation.

Calypso -

*Due to the thick build-up of deeply furrowed bark, the central union and the south face of the main stem (opposite to the location of the 'callused split') was completely obscured from ground level. Therefore, accurate assumptions or recommendations regarding the structural integrity of this primary bifurcation was not possible without first conducting an aerial assessment.*

*The 'callused crack' mentioned in the tree assessment provided does not indicate partial structural failure in the past, or represent a major structural defect. This shallow cambial split is often caused by rapid incremental growth of sapwood which can cause longitudinal cracks in the outer layer. It is an indication that the tree is still growing, and is extremely common in various Eucalyptus species.*

*During an aerial assessment undertaken at the time of inspection, removal of some loose bark revealed minor cambial dieback within the main union. It is considered likely that this dieback is a result from a fungal pathogen which took advantage of the open wound caused by Cockatoos at the time. Visible formation of wound wood is occurring around the margins of this decay and the tree appears to be responding well, with no visible indication of the decayed patches expanding. The remaining sections of this union were completely sound, therefore, it was demonstrated that the site identified is not at an increased risk of failure, and does not represent an unacceptable level of risk to property or site users.*

#### Calyptra -

*Primary trunk bifurcation has been subject to partial structural failure sometime in the past, with a callused crack extending from the crotch downwards for about two metres on the north side of the tree. This primary bifurcation represents a major structural defect in the tree, and the complete structure failure of the tree at this point is considered very high, and increasing over time.*

Due to the potential impacts of this differing opinion, further research was undertaken and questions asked:

- Calypso undertook an aerial assessment of the area of concern
- Calyptra undertook a ground level assessment
- An applicant's arborist report on the tree undertaken in 2008 noted the bifurcation and advised that it appeared sound

The balance of information leans towards the Calypso opinion, over the Calyptra opinion.

### SUMMARY

Given the current circumstances (vacant site with no valid dwelling approvals) there is insufficient evidence to warrant the removal of the tree at this time. A future development application may include the removal of the tree and may be more supportable than the current proposal.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan. On balance the proposed development does not sufficiently accord with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 May 2016 and does not warrant Development Plan Consent.

### RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to REFUSE Development Plan Consent for Application No. 211/491/2016 by Build Tec Group to undertake Removal of one regulated tree - *Eucalyptus leucoxylon x sideroxylon* (hybrid SA Blue gum, Red Ironbark cross) at 7 Ramsey Street, Netley (CT 6041/37) for the following reasons:

1. The proposed development is contrary to General Section, Regulated Trees, Objectives:
  - 1 The conservation of regulated trees that provide important aesthetic and/or environmental benefit.
  - 2 Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:
    - (a) significantly contributes to the character or visual amenity of the locality

General Section, Regulated Trees, Principle of Development Control:

- 2 A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:
  - (a) the tree is diseased and its life expectancy is short
  - (b) the tree represents a material risk to public or private safety
  - (c) the tree is causing damage to a building
  - (d) development that is reasonable and expected would not otherwise be possible
  - (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.



ATTACHMENT 1

**Calyptra Pty Ltd**  
trading as

**Dean Nicolle**

Ph.D.; B.Sc.(Hons.) Botany; B.App.Sc. (Natural Resource Management)

PO Box 808 Melrose Park, SA 5039

Phone: 0413 214 303

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Web: www.dn.com.au

Arboriculture - Botany - Ecology - Eucalypt Research

## **Tree Report – 7 Ramsey Street, Netley**

### **Arboricultural assessment of a regulated *Eucalyptus leucoxylon* x *sideroxylon* tree in relation to a proposed development**

**Development Application No.** : -  
**Proposed Development** : Residential development  
**Location of Proposed Development** : 7 Ramsey Street, NETLEY, SA, 5037  
**Property Identification** : -

Arboricultural assessment and report requested by Ben Green of *Ben Green & Associates*, on the 1<sup>st</sup> of April 2016.

Arboricultural report prepared by Dean Nicolle following a site visit and tree inspection on the 7<sup>th</sup> of April 2016.

**Report dated the 7<sup>th</sup> of April 2016.**

*D.Nicolle, 7<sup>th</sup> April 2016, 7 Ramsey St Netley, Euca.hybr*

RECEIVED 1



*Figure 1. The subject tree; looking approximately north from near the front of the subject site.*

## GENERIC SPECIES INFORMATION

The tree appears to be a **hybrid between *Eucalyptus leucoxylon* and *Eucalyptus sideroxylon***. The tree exhibits features that are intermediate between these two parental species. These two species are commonly planted in the Adelaide area, including in Netley area.

*Eucalyptus leucoxylon* (South Australian blue gum) is an evergreen forest and woodland tree native to many parts of South Australia (see Nicolle 2013, pp. 198–205). Five subspecies are recognised. *Eucalyptus leucoxylon* subsp. *leucoxylon* is the only subspecies indigenous to the City of West Torrens area.

As well as being indigenous to the Netley area, the species has been, and continues to be, planted in low- to medium-rainfall regions across southern and eastern Australia, including in the greater Adelaide area. The species is grown as an ornamental specimen and shade trees in private gardens, parks and roadsides in the Netley area, where it has generally proved successful.

*Eucalyptus sideroxylon* (red ironbark) is an evergreen forest and woodland tree native to inland eastern Australia from the Chiltern ironbark forests in northern Victoria northwards through central New South Wales to southern Queensland. The species is not indigenous to South Australia.

The species has been, and continues to be, planted in low- to medium-rainfall regions across southern and eastern Australia, including in the greater Adelaide area. The species is grown as an ornamental specimen and shade trees in private gardens, parks and roadsides in the Netley area, where it has generally proved successful.

The size that the species will attain depends on the environmental conditions in which it is situated. In the greater Adelaide area, a planted tree of the species in the Adelaide Botanical Gardens has been laser-measured at 32 metres tall and 3.5 metres in trunk circumference.

*Eucalyptus sideroxylon* is also closely related to the similar but less commonly planted *E. tricarpa* (also known as red ironbark), differing most notably by the seven-flowered, rather than three-flowered, buds and fruits.

## TREE LOCATION and DESCRIPTION

### Location:

The tree occurs on a vacant, moderate-sized residential allotment at 7 Ramsey Street in Netley.

The centre of the tree is located approximately:

1. About 2.0 metres from the western side boundary fence at 7 Ramsey Street (to the west), with at least five metres of crown overhang; and
2. About 8.5 metres from a neighbouring residential dwelling (to the south-west), with the crown extending to about level with the dwelling.

### Legal status:

A **regulated** tree as defined by the *Development Act 1993* in conjunction with the *Development (Regulated Trees) Variation Regulations 2011*.

- Species:	<i>Eucalyptus leucoxylon</i> x <i>sideroxylon</i> .
- Trunk circumference at one metre:	2.88 metres.
- Distance to dwelling or pool:	About 8.5 metres from nearest dwelling/pool.
- Bushfire Risk:	Excluded area from bushfire planning provisions.
- Living/dead status:	Alive.
- Exemptions:	No generic exemptions.

### Age:

The tree is reproductively mature and is estimated to be between 25 and 45 years old. The hybrid combination is not indigenous to the region, and has certainly been purposely planted following residential development in the locality.

### Description:

The tree is approximately 20 metres tall by an average of about 13 metres spread, with a single trunk up to about five metres above ground level, where the trunk unevenly bifurcates. The tree has irregularly-spaced, small-sized to heavy branches of moderate length, with an initially erect to horizontal, tending to pendulous, habit. The crown of the tree is upright oval in shape, moderate to slightly dense in density, and generally evenly weighted (Figure 1).

### Previous pruning:

No past significant pruning of the tree is evident.

### Future size:

The tree is fully-grown to near fully-grown under the existing environmental conditions and considering the age and structure of the tree. The tree may increase somewhat in height and spread over time, to an eventual size of about 24 metres tall by 15 metres wide.



## TREE HEALTH and LONGEVITY

### General health:

The tree is currently in an average and a stable state of health. The tree currently has moderate vigour.

### Pest, diseases and other problems:

The tree has evidence of moderately extensive but apparently non-damaging longicorn borer activity in the trunk.

Although there is no visible evidence of termite activity and fungal wood decay in the tree, both are likely to be present in the primary bifurcation at five metres above ground level, especially considering the past partial failure of this junction.

No other major pests or diseases were noted in the tree.

### Dead material:

There is a small amount of small-sized (up to 80 mm in diameter) dead material evident in the crown of the tree, typical of healthy, rapidly growing individuals of the species.

### Environmental conditions:

The tree occurs on a vacant, moderate-sized residential allotment, with some variously-sealed surfaces and residential structures to the west of the tree.

The environmental and site conditions surrounding the tree appear to be conducive to the health of the tree remaining sound over the long-term.

### Actual life expectancy:

The *actual* life expectancy indicates how much longer the tree will be alive under existing conditions (compare with *useful* life expectancy).

The tree is expected to live for another 20+ years under the existing environmental and site conditions.

### Useful Life Expectancy (ULE):

The *Useful* Life Expectancy (ULE) indicates how much longer the tree can usefully fulfill its function within the settings in which it is situated, under the existing conditions and with normal management of the tree.

The ULE of the tree is another 0 (zero) years under the existing environmental and site conditions (compare with *actual* life expectancy). The ULE is zero primarily due to a major structural deficiency in the tree, resulting in its very high likelihood of major structural failure (see *RISKS ASSOCIATED WITH THE TREE*).

## RISKS ASSOCIATED WITH THE TREE

### Whole-of-tree structural failure:

The base of the tree is well buttressed, healthy, and appears sound. The primary trunk bifurcation is poorly structured and appears to have been subject to partial structure failure some time in the past, with a callused crack extending from the crotch downwards for about two metres on the north side of the tree (see Figures 2, 3 and 4). This primary bifurcation represents a major structural defect in the tree, and the complete structure failure of the tree at this point is considered **very high, and increasing over time**.

### Branch failure:

The branch structure of the tree is generally sound, although branches are gradually increasing in length and end-weight over time. Other than the apparent past structural failure of the primary trunk bifurcation, there is no evidence of any past significant branch failure events. The likelihood of branch failure in this individual is currently considered to be **low**.

### Risk to personal safety:

The overall risk to personal safety represented by the tree is currently considered to be **moderate to high and unacceptable**.

Most of the risk represented by the tree is associated with the very high and increasing likelihood of complete structural failure of the primary trunk bifurcation.

### Damage:

The tree has not caused any substantial and visible damage to substantial structures of value.

### Risk minimization:

Risk mitigation techniques other than tree removal, such as pruning, branch cabling, land-use modification, and engineered protective structures, are not considered appropriate in this case due to partial structural failure of the primary trunk bifurcation and the very high and increasing likelihood of complete structural failure of the tree at that point (see Figures 2, 3 and 4).



*Figure 2. The primary structure of the tree; looking south-west from the subject site. The superimposed yellow ring indicates where the primary trunk bifurcation has been subject to partial structure failure some time in the past, with a callused crack extending from the crotch downwards for about two metres on the north side of the tree. This primary bifurcation represents a major structural defect in the tree, and the complete structure failure of the tree at this point is considered very high, and increasing over time.*



*Figure 3. The primary trunk bifurcation; looking south from the subject site. The superimposed yellow ring indicates where the bifurcation has been subject to partial structure failure some time in the past, with a callused crack extending from the crotch downwards for about two metres. This primary bifurcation represents a major structural defect in the tree, and the complete structure failure of the tree at this point is considered very high, and increasing over time.*





*Figure 4. Close-up of the callused crack extending from the crotch downwards for about two metres. This primary bifurcation represents a major structural defect in the tree, and the complete structure failure of the tree at this point is considered very high, and increasing over time.*

**ADDRESSING THE DEVELOPMENT PLAN**  
**West Torrens Council, consolidated 5 November 2015**

**REGULATED TREES**  
**OBJECTIVES**

***Objective 1: The conservation of regulated trees that provide important aesthetic and/or environmental benefit.***

The tree provides a moderate but not important aesthetic benefit to the local area. The tree is a reproductively mature specimen of a locally exotic hybrid species and no faunal hollow are evident - therefore, the tree does not is not of important environmental benefit.

***Objective 2: Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:***

***(a) significantly contributes to the character or visual amenity of the locality***

The tree is currently conspicuous on the site, due to its cleared nature. The tree is well setback from the streetscape (see Figure 5). Nevertheless, the tree currently significantly contributes to the character or visual amenity of the immediate locality.

***(b) indigenous to the local area***

The tree is hybrid between a locally indigenous species and a locally exotic species. The hybrid is therefore not indigenous to the local area.

***(c) a rare or endangered species***

The tree is a common hybrid of garden origin, and is not listed as rare or endangered.

***(d) an important habitat for native fauna.***

The tree is a reproductively mature specimen of a locally exotic hybrid species. No faunal hollow are evident. Therefore, the tree does not provide an important habitat for native fauna.

## PRINCIPLES OF DEVELOPMENT CONTROL

- 1     *Development should have minimum adverse effects on regulated trees.***  
Considering the major structural defect in the trunk, the tree is not considered worthy of enforcing any development constraints on the site.
- 2     *A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:***

  - (a)   *the tree is diseased and its life expectancy is short***  
The tree is has moderately extensive longicorn borer activity. The Useful Life Expectancy of the tree has already passed, due to the partial structural failure of the primary trunk bifurcation.
  - (b)   *the tree represents a material risk to public or private safety***  
The tree currently represents a moderate to high and unacceptable risk to safety.
  - (c)   *The tree is causing damage to a building***  
The tree is not currently causing or threatening to cause *substantial* damage to a substantial building or structure of value.
  - (d)   *development that is reasonable and expected would not otherwise be possible***  
Considering the major structural defect in the trunk, the tree is not considered worthy of enforcing any development constraints on the site.
  - (e)   *the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.***  
Not applicable (no work is proposed on the tree).
- 3     *Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.***  
Not applicable (no tree damaging activity is proposed).



*Figure 5. The subject tree, looking north from Ramsey Street. Note The although the tree is well setback from the street, it is quite conspicuous due to the cleared nature of the site.*



## RECOMMENDATIONS

I am supportive of tree removal in the case of any site development.

This recommendation is made on the basis of:

1. The partially structurally-failed primary trunk bifurcation in the tree between 3.5 and 5.5 metres above ground level;
2. The very high and increasing likelihood of complete structural failure of the primary trunk bifurcation in the tree between 3.5 and 5.5 metres above ground level;
3. The moderate to high and unacceptable risk to personal safety represented by the tree;
4. The exotic and planted origin of the tree; and
5. The lack of any bird hollows or other important faunal habitats in the tree.

Council development approval is required prior to the removal of the subject tree, due to its regulated status as defined by the *Development Act 1993*.

I thank you for the opportunity to provide this report and trust it meets your requirements. If you require further information or clarification please contact me for assistance.

Dean Nicolle  
Ph.D.; B.Sc.(Hons.) Botany; B.App.Sc. (Natural Resource Management).

ATTACHMENT 2

## Arboricultural Assessment of Regulated Trees

Development Application No: **211/491/2016**

**Referral Due Date:**

Assessing Officer: **Jessica Grima**  
Site Address: **7 RAMSEY STREET, NETLEY SA 5037**  
Certificate of Title: **CT-6041/37**  
Description of Development **Removal of a Regulated Eucalyptus tree**

To be completed by: **CONSULTANT ARBORIST**

**SPECIES & COMMON NAME:** **SA Blue Gum 'hybrid' (*Eucalyptus leucoxylon* x *sideroxylon*)**

**TOTAL CIRCUMFERENCE:** **2930mm**

**MULTI-TRUNK:** **No**

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

**OBJECTIVE 1:**

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

**OBJECTIVE 2:**

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

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

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

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

- |                                                                            |           |
|----------------------------------------------------------------------------|-----------|
| (a) <i>The tree is diseased and its life expectancy is short</i>           | <b>No</b> |
| (b) <i>The tree represents a material risk to public or private safety</i> | <b>No</b> |
| (c) <i>The tree is causing damage to a building</i>                        | <b>No</b> |

- (d) *Development that is reasonable and expected would not otherwise be possible* **No**  
(e) *The work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree* **No**

PDC 3:

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

#### ADDITIONAL COMMENTS:

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As requested, a site inspection was carried out on May 24<sup>th</sup> 2016 on the large SA Blue Gum 'hybrid' located at the above-mentioned address. Plans assessed include a tree assessment carried out by Dean Nicolle on April 7<sup>th</sup> 2016. I provide comments as follow:

This tree is an excellent representative of its species due to its visual amenity, excellent overall health/ structure and long safe life expectancy. *Eucalyptus leucoxylon* are indigenous to the local area however, the *Eucalyptus sideroxylon* which it has hybridized with occur naturally in New South Wales, although being regularly planted throughout South Australia. Both species represent an important part of the local habitat for the foraging/ shelter of native fauna.

Despite no evidence of pruning work, only a small amount of deadwood is located throughout the canopy and there is no evidence of major limb failure. There were no visible signs of fungal fruiting bodies or active pests and diseases noted. Foliage colour is good and foliage density is excellent. If site conditions remain conducive to tree health, its useful life expectancy is estimated to be in excess of 50 years.

Concerns have been raised by Dean Nicolle, in relation to a structural defect within the central canopy of the tree and the possible risks it represents: *"Primary trunk bifurcation has been subject to partial structural failure sometime in the past, with a callused crack extending from the crotch downwards for about two metres on the north side of the tree. This primary bifurcation represents a major structural defect in the tree, and the complete structure failure of the tree at this point is considered very high, and increasing over time."*

Due to the thick build-up of deeply furrowed bark, the central union and the south face of the main stem (opposite to the location of the 'callused split') was completely obscured from ground level. Therefore, accurate assumptions or recommendations regarding the structural integrity of this primary bifurcation was not possible without first conducting an aerial assessment.

The 'callused crack' mentioned in the tree assessment provided does not indicate partial structural failure in the past, or represent a major structural defect. This shallow cambial split is often caused by rapid incremental growth of sapwood which can cause longitudinal cracks in the outer layer. It is an indication that the tree is still growing, and are extremely common in various *Eucalyptus* species.

During an aerial assessment undertaken at the time of inspection, removal of some loose bark revealed minor cambial dieback within the main union. It is considered likely that this dieback is a result from a fungal pathogen which took advantage of the open wound caused

by Cockatoos at the time. Visible formation of wound wood is occurring around the margins of this decay and the tree appears to be responding well, with no visible indication of the decayed patches expanding. The remaining sections of this union were completely sound, therefore, it was demonstrated that the site identified is not at an increased risk of failure, and does not represent an unacceptable level of risk to property or site users.

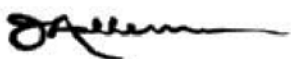
Having given consideration to the plans provided, and observations made of the tree, I conclude that the desired outcome of 'tree removal' is unjustified, as the applicant has not provided sufficient evidence that can be considered as satisfying the criteria required.

Due to the location of this tree, by utilising qualified arborists and appropriate design/ construction techniques, this site can still be developed while retaining the regulated tree. I believe medium to long- term management is sustainable and therefore, retention is warranted and recommended.

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**RECOMMENDATION:**

**RETAIN**



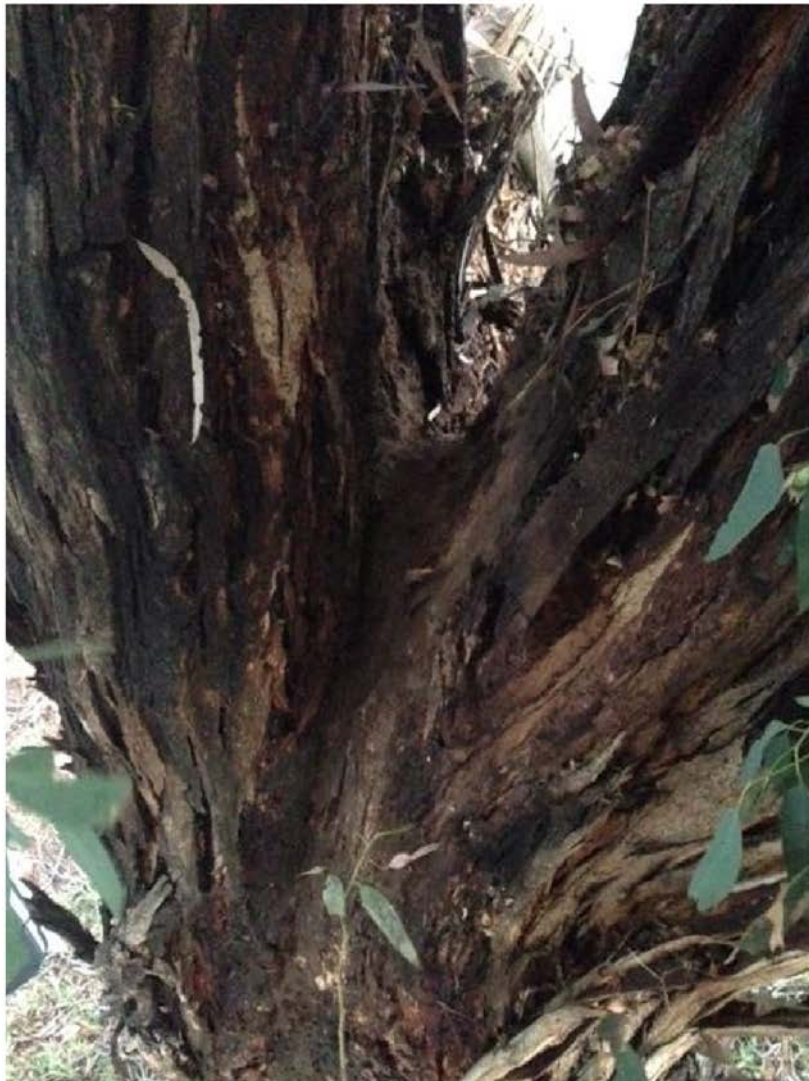
JARRAD ALLEN- Consulting Arborist

CALYPSO TREE CO

DATE: 28/05/16



**PHOTO's ATTACHED:**



**Figure 1 (above): a close up of the main stem union revealing a sound attachment**

## 6.15 69 Gray Street, PLYMPTON

Application No. 211/581/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land Division - Community Title; DAC No. 211/C071/16 (Unique ID 54314); Create one (1) additional allotment
APPLICANT	Ms Amanda Ford
APPLICATION NO	211/581/2016 - DAC 211/C071/16
LODGEMENT DATE	27 May 2016
ZONE	Residential
POLICY AREA	19 - Residential Medium Density
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Cat 1
REFERRALS	Internal <ul style="list-style-type: none"><li>▪ City Assets</li></ul> External <ul style="list-style-type: none"><li>▪ DAC</li><li>▪ SA Water</li></ul>
DEVELOPMENT PLAN VERSION	5 May 2016
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan,

### PREVIOUS or RELATED APPLICATION(S)

- 211/375/2016, Construction of a carport and verandah - Approved.
- 211/394/2016, Construction of a single storey dwelling with garage under the main roof - undergoing assessment.
- 211/432/2016, Demolition of a garage, shed and carport - Approved.

## **SITE AND LOCALITY**

The land is regular in shape and located on the eastern side of Gray St in the suburb of Plympton. With a frontage of 16.15m, a depth of 60.96m the overall land size is 982m<sup>2</sup>.

There is currently a single storey detached dwelling on the land, exhibiting a conventional design. In addition to the dwelling there are a number of ancillary structures such as carports, verandahs and garages. These ancillary structures have been approved for demolition, which will leave only the main dwelling structure. A carport and verandah have been approved under a separate application to provide undercover parking facilities for the existing dwelling.

The allotment is predominantly flat, informally landscaped and backs onto Brownhill Creek. This creek harbours many large mature trees.

No easements are registered on the Certificate of Title, but a fence line has been constructed approximately 5m from the rear boundary separating the creek from the subject land.

The local area contains low density residential development with several examples of battle-axed shaped allotments. Typically, the dwellings are setback at least 6m from the front boundary providing large front gardens.

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

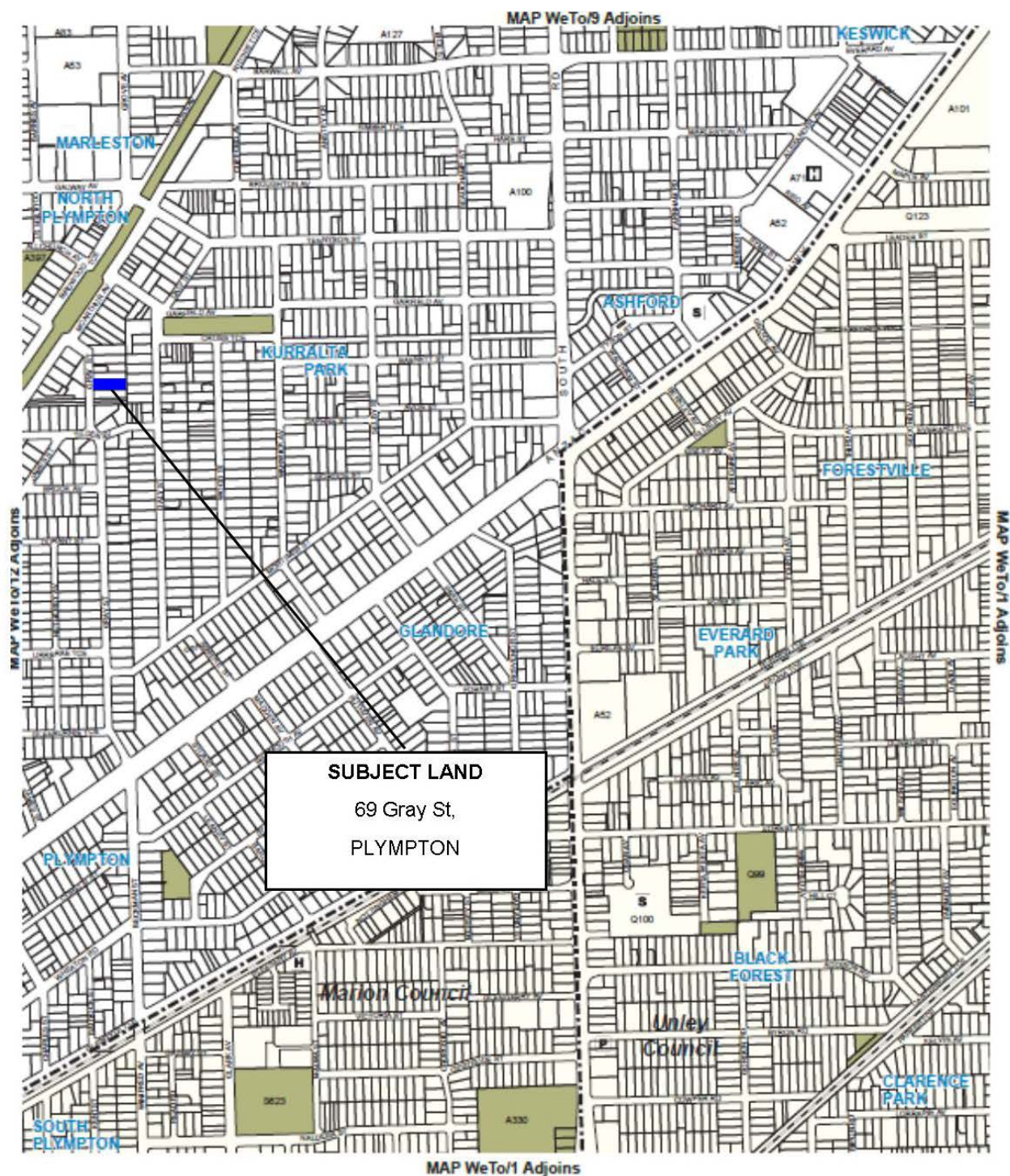
In most cases these have been sited to the side or rear of the dwelling, although there are a couple of examples of verandahs being constructed across the façade of the dwelling.

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









- School
- Post Office
- Other Health Services
- Hospital
- Railways
- Local Reserves
- Development Plan Boundary

## Location Map WeTo/13

WEST TORRENS COUNCIL  
Consolidated - 5 May 2016

## PROPOSAL

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

*"Land Division - Community Title; DAC No. 211/C071/16 (Unique ID 54314); Create one (1) additional allotment"*

The land division will create a new allotment behind the existing dwelling in the form of a battle-axe. This allotment will have an area of 626m<sup>2</sup> (including the driveway). Community land can be found in the south western corner of the allotment and will be used for letterboxes and water meters.

The allotment created for the existing dwelling will have an area of 356m<sup>2</sup>. The southern wall of the dwelling will make up the boundary line and border the driveway to the rear allotment.

Refer **Attachment 1**.

## PUBLIC NOTIFICATION

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

## REFERRALS

Internal referral to the City Assets Department and Councils Amenity officer were not required as they made their assessment during 211/375/2016 & 211/394/2016.

External

Pursuant to Section 33 and Regulation 29 of the Development Act and Regulations, the application was referred to:

## DAC

No concerns were raised and only the standard conditions requested.

## SA Water

No concerns were raised

Refer **Attachment 2**.

## ASSESSMENT

The subject land is located within the Residential Zone, and more specifically Medium Density Policy Area 19 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 5, 6, 7, 8, 9, 10 & 12
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3, 5 & 7
Residential Development	Objectives	1 & 4
	Principles of Development Control	1, 3, 18 19, 20 & 21
Transportation and Access	Objectives	2
	Principles of Development Control	23, 24, 29, 30, 31, 34, 35, 44 & 45

Zone: Residential Zone	
<p><i>Desired Character Statement:</i></p> <p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a <b>Historic Conservation Area</b>.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	3 & 4
Principles of Development Control	1, 2, 5 & 22

Policy Area: Medium Density Policy Area 19	
<p><i>Desired Character Statement:</i></p> <p><i>Allotments in this policy area will be at medium density, accommodating a range of dwelling types including semi-detached, row and group dwellings, as well as some residential flat buildings and some detached dwellings on small allotments. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones.</i></p>	

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

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

Objectives	1
Principles of Development Control	1, 2, 3, 5 & 7

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA <i>Medium Density Policy Area 19</i> <i>PDC 4 or</i> <i>PDC 5 (within 400m of centre)</i>	Detached Dwelling 270m <sup>2</sup> (min.)	356m <sup>2</sup> (Lot 61) 626m <sup>2</sup> (Lot 62) <b>Satisfies</b>
SITE FRONTAGE <i>Medium Density Policy Area 19</i> <i>PDC 4 or</i> <i>PDC 5 (within 400m of centre)</i>	Detached Dwelling 9m	10.10m (Lot 61) 5.05m (Lot 62) <b>Lot 62 Does Not Satisfy by 56%</b>
SITE COVERAGE <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	60% (max.)	49% (Lot 61) <b>Satisfies</b>
PRIMARY STREET SETBACK <i>Medium Density Policy Area 19</i> <i>PDC 3</i>		No change
SIDE/REAR SETBACKS <i>Residential Zone</i> <i>PDC 11</i>  <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	Side 0/1m  Rear 6m (min.)	0m <b>Satisfies</b>  8m (4m to verandah) <b>Satisfies</b>



PRIVATE OPEN SPACE <i>Residential Development</i> PDC 19	300-500m <sup>2</sup> - 60m <sup>2</sup> (min.), of which 10m <sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m. - Minimum dimension 4m. - 16m <sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room.	78m <sup>2</sup> (total) 4.5m (min. dimension) 78m <sup>2</sup> (accessed from habitable room)  <b>Satisfies</b>
CARPARKING SPACES <i>Transportation and Access</i> PDC 34	Detached, semi-detached, row and multiple dwellings - 2 car-parking spaces required, 1 of which is covered	4 spaces provided (2 undercover)  <b>Satisfies</b>

## QUALITATIVE ASSESSMENT

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

### Site Area and Frontage

The proposed battle-axe allotment does not comply with the minimum frontage requirement for a detached dwelling. This is common for battle-axe shaped allotments as it is only the driveway portion of the allotment that has street frontage.

This frontage deficiency is not considered fatal to the application as battle-axe allotments are allowed in the medium density areas and it would not be practical for them to have 9m wide frontages to a public road.

There are several other examples of battle-axe shaped allotments within the locality such as:

- 65a Gray Street;
- 65b Gray Street; and
- 73a Gray Street.

## SUMMARY

This is a reasonable development within the Medium Density Policy Area 19. There isn't a prevailing allotment pattern due to there being a mixture of standard and battle-axed shaped allotments.

This proposal will not be detrimental to the existing or desired character of the locality.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan. On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 05 May 2016 and warrants Development Plan Consent.

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/581/2016 by Ms Amanda Ford to undertake Land Division - Community Title; DAC No. 211/C071/16 (Unique ID 54314); Create one (1) additional allotment at 69 Gray Street (CT 5670/725) subject to the following conditions of consent;

### Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.

### Land Division Consent Conditions:

2. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.  
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.
3. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant
4. Payment of \$6,488 into the Planning and Development Fund (1 allotment(s) @ \$6,488/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

**PROPOSED COMMUNITY DIVISION**

PLAN OF COMMUNITY DIVISION  
ALLOTMENT 160 IN D2478  
69 GRAY STREET

## STATEMENTS CONCERNING EASEMENTS ANNOTATIONS AND AMENDMENTS

- THE COMMON PROPERTY IS DESIGNATED (C1) FOR LAND INFORMATION PURPOSES AND DOES NOT PROVIDE A LEGAL IDENTIFIER FOR THE COMMON PROPERTY.
- TBM NAIL IN STANDUP KERB RL 100.00
- CONTOUR INTERVAL 0.10m
- EXISTING DWELLING ON ALLOTMENT 61 IS TO REMAIN.
- EXISTING STRUCTURES ON ALLOTMENT 62 ARE TO BE REMOVED.

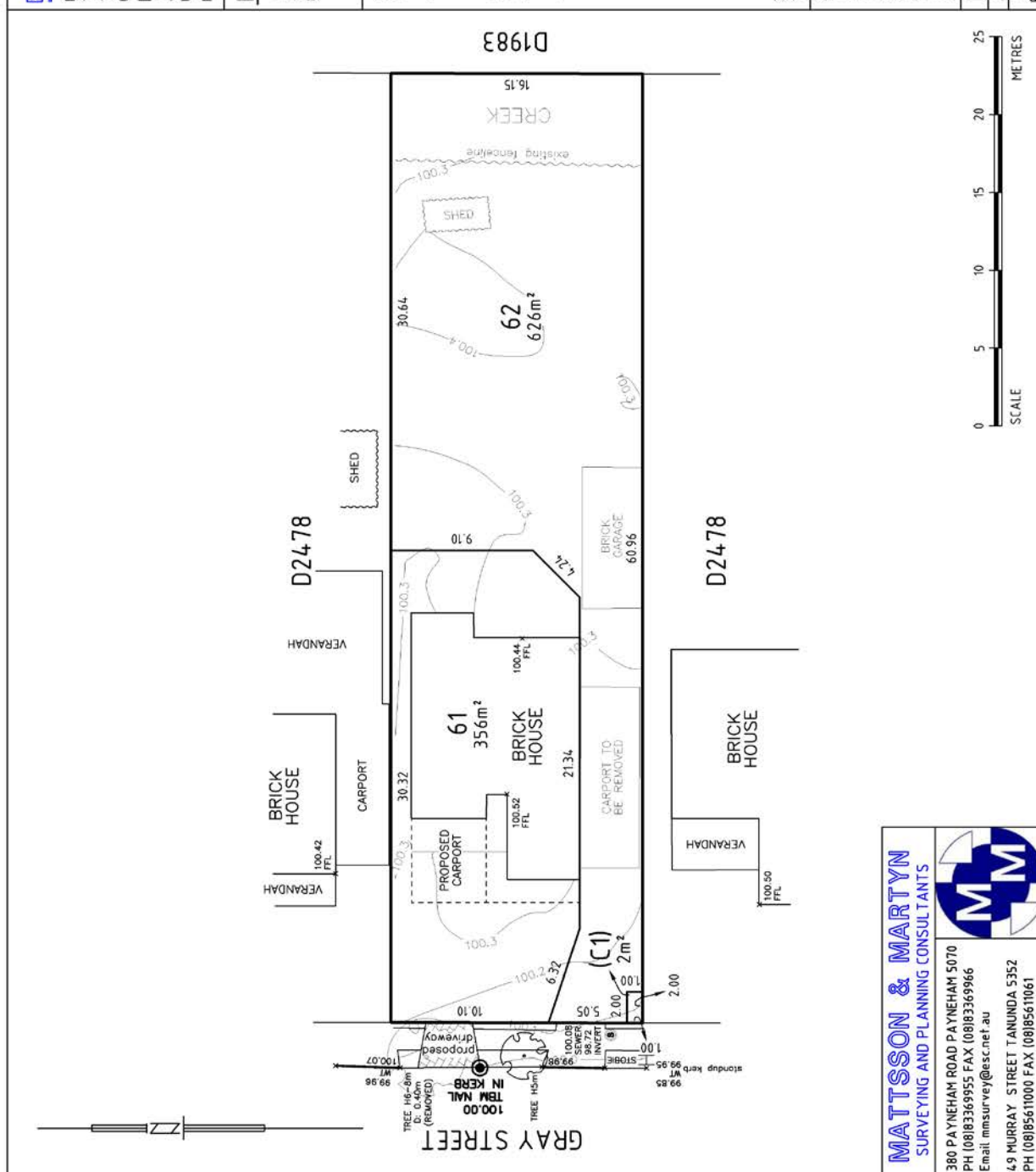
30/06/16 - PROPOSED DRIVEWAY/CARPORT ADDED  
12/05/16 - APPLICATION CHANGED TO COMMUNITY

### IMPORTANT NOTE

**IMPORTANT NOTE**  
THIS PLAN WAS PREPARED AS A PROPOSED SUBDIVISION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS SHOWN HEREON ARE SUBJECT TO SURVEY AND THE REQUIREMENTS OF COUNCIL AND OTHER RELEVANT AUTHORITIES.  
NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THIS LAND AND THIS NOTE IS AN INTEGRAL PART OF THE PLAN.

## DATA SUBJECT TO SURVEY

REFERENCE	DRAWN	DATE DRAWN
P13521/12/15	BP	10/02/16



ATTACHMENT 2

Contact Lands Titles Office  
Telephone 7109 7016



24 May 2016

The Chief Executive Officer  
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/C071/16 (ID 54314)  
for Land Division  
(Community Title Plan) by Ms Amanda Ford**

In accordance with Section 33 of the Development Act 1993 and Regulation 29 (1) of the Development Regulations 2008, and further to my advice dated 20 May 2016, I advise that the Development Assessment Commission has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

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

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.  
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.  
The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
2. Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment).  
Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

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

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

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

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

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

Yours faithfully

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

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





24 May 2016

Our Ref: H0046173

The Chairman  
Development Assessment Commission  
136 North Terrace  
ADELAIDE SA 5000

Dear Sir/Madam

**PROPOSED LAND DIVISION APPLICATION NO: 211/C071/16 AT PLYMPTON**

In response to the abovementioned proposal, I advise that pursuant to Section 33 of the Development Act it is necessary for the developer to satisfy this Corporation's requirements, which are listed below. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

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

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

Yours faithfully

TONY PANNUNZIO

**for MANAGER LAND DEVELOPMENT & CONNECTIONS**

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

## 6.16 3 Hill Place, RICHMOND

Application No. 211/1408/2016/D

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL (Combined Application)	Land division - Torrens title DAC No- 211/D163/15 Create One (1) additional allotment and the construction of a residential flat building containing two (2) x two-storey dwellings and associated garages to the front of an existing group dwelling
APPLICANT	Mr Hafez Zamani
APPLICATION NO	211/1408/2015D (DAC 211/D163/15)
LODGEMENT DATE	11 November 2015
ZONE	Residential Zone
POLICY AREA	19 - Residential Medium Density
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Cat 2
REFERRALS	Internal <ul style="list-style-type: none"><li>City Assets</li></ul> External <ul style="list-style-type: none"><li>DAC</li><li>SA Water</li></ul>
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan,

### PREVIOUS or RELATED APPLICATION(S)

DA 211/1046/2010 - Land division (211/D098/10) - Approved  
DA 211/839/2015 - Demolition of existing dwelling - Approved  
DA 211/1300/2015 - Construction of a residential flat building containing two (2) two storey dwellings and associated garages to the front of an existing group dwelling - Withdrawn

## **SITE AND LOCALITY**

The subject site is irregular in shape and located at the end of Hill Place. There is an existing two storey dwelling built in the south eastern corner of the allotment. This is a recently constructed building featuring a conventional and contemporary design. The remainder of the site has been cleared of structures in preparation for development.

The allotment is flat and no easements are registered on the Certificate of Title.

The locality is residential in nature comprised of a variety of dwelling types such as detached dwellings, group dwellings and residential flat buildings. This reflects the beginning of infill development due to the zoning being changed to encourage medium density developments.

The southern end of Hill Place is dominated by single storey detached dwellings on large allotments. Frontage widths vary due to the allotment pattern at the end of cul-de-sacs. Dwellings are generally set back from all boundaries with ancillary development such as carports being built to one side boundary. There are a variety of fencing styles, but the majority are low enough not to screen views of the dwellings.

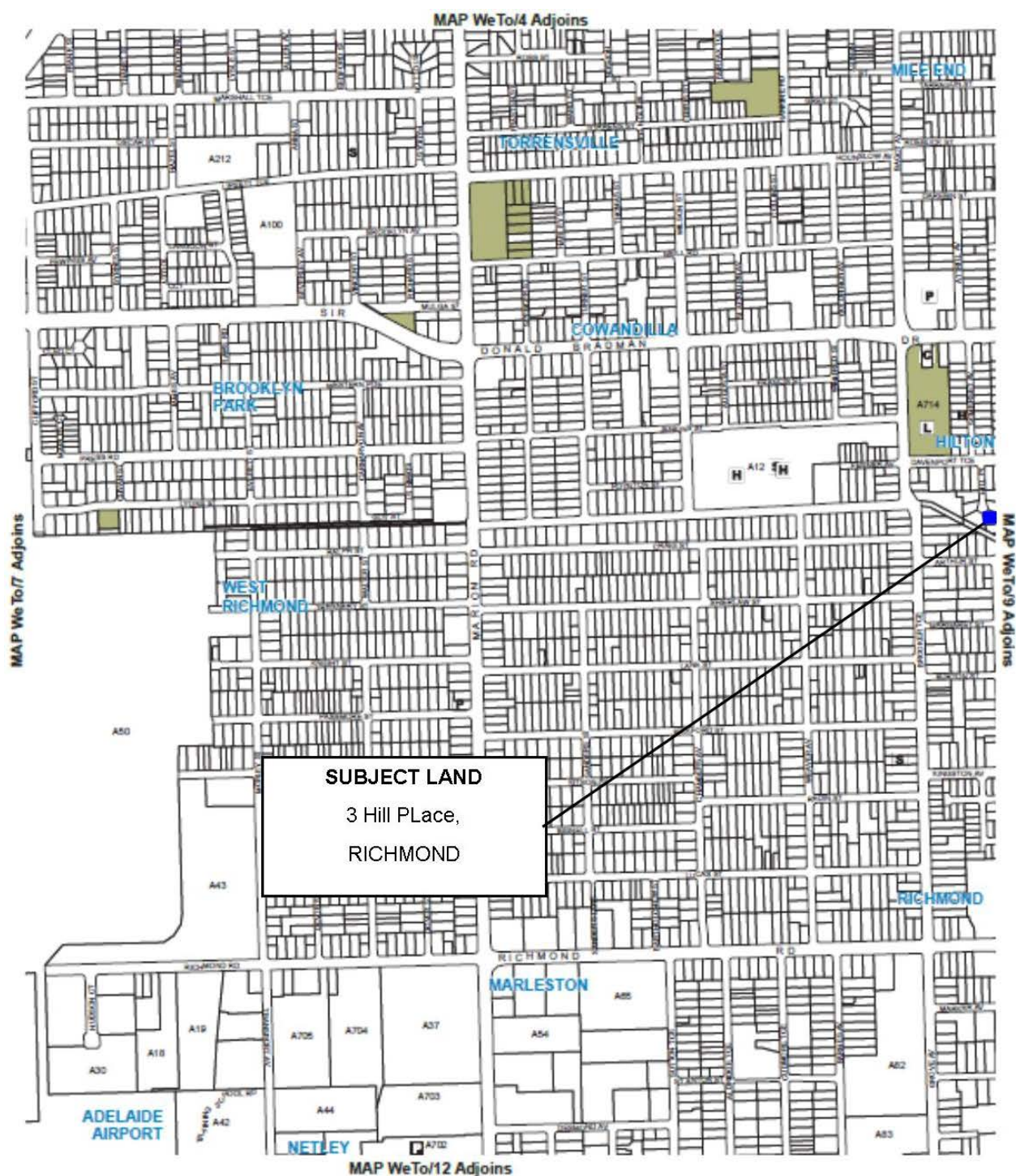
The locality is located within a flood prone area of 0.25-0.5m, but outside of the airport noise area. It is also within the 400m Centre Zone Buffer Area, allowing smaller allotment sizes and frontage widths.

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









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

## Location Map WeTo/8

WEST TORRENS COUNCIL  
Consolidated - 5 May 2016

## PROPOSAL

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

*"A combined application, involving a Land division - Torrens title DAC No- 211/D163/15  
Creating one (1) additional allotment and the construction of a residential flat building  
containing two (2) x two-storey dwellings and associated garages to the front of an existing  
group dwelling"*

All three dwellings will share an existing crossover with unrestricted rights of way placed over the shared driveway to facilitate vehicular movements.

There will also be reciprocal party wall rights over allotments 100 & 101 for a party wall. Lot 100 and 101 will have site areas of 200m<sup>2</sup> and 227m<sup>2</sup> respectively. Lot 100 will be the only dwelling to have a frontage to Hill Place.

The residential flat building proposed is to be two storeys in height and each dwelling will have a total floor area (ground and upper floor) of 151.2m<sup>2</sup>.

Refer **Attachments 1 & 2**.

## PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations.

<b>Properties notified:</b>	11 properties were notified during the public notification process.
<b>Representations:</b>	0 representations were received.

## REFERRALS

### Internal

#### **City Assets**

- Amended plans were submitted that resolved the concerns.

#### **Amenity Officer**

- No concerns were raised as the proposal seeks to utilise the existing crossover.

### External

Pursuant to Section 33(1)(c) and Regulation 29 of the Development Act and Regulations, the application was referred to:

#### **Development Assessment Commission (DAC)**

No concerns were raised and the standard conditions provided.

#### **SA Water**

No concerns were raised.

## ASSESSMENT

The subject land is located within the Residential Zone, and more specifically the Medium Density Policy Area 19 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Design and Appearance	Objectives	1
	Principles of Development Control	1, 2, 3, 5, 9, 10, 11, 13, 15, 21, 22 & 23
Hazards	Objectives	1, 2 & 4
	Principles of Development Control	1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 & 15
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 3, 4, 5, 6, 8, 11 & 16
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3 & 7
Residential Development	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 27, 30 & 31
Transportation and Access	Objectives	2
	Principles of Development Control	10, 11, 23, 24, 30, 34, 35, 36, 40 & 44

Zone: Residential Zone	
<p><i>Desired Character Statement:</i></p> <p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a <b>Historic Conservation Area</b>.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	1, 2, 3 & 4
Principles of Development Control	1, 5, 6, 7, 10, 11, 12 & 14

<b>Policy Area: Medium Density Policy Area 19</b>	
<b>Desired Character Statement:</b>	
<p><i>Allotments in this policy area will be at medium density, accommodating a range of dwelling types including semi-detached, row and group dwellings, as well as some residential flat buildings and some detached dwellings on small allotments. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones.</i></p> <p><i>New buildings will contribute to a highly varied streetscape. Buildings will be up to 2 storeys, except for allotments fronting Brooker Terrace, Marion Road and Henley Beach Road, and overlooking the Westside Bikeway, where buildings will be up to 3 storeys in height and provide a strong presence to streets. Garages and carports will be located behind the front facade of buildings.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
<b>Objectives</b>	<b>1</b>
<b>Principles of Development Control</b>	<b>1, 2, 3 &amp; 5</b>

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
<b>SITE AREA</b> <i>Medium Density Policy Area 19</i> <i>PDC 5 (within 400m of centre)</i>	Within 400m of centre zone Detached Dwelling 250m <sup>2</sup> (min.) Semi-detached Dwelling 200m <sup>2</sup> (min.) Group Dwelling 170m <sup>2</sup> (min.) Residential Flat Building 150m <sup>2</sup> (avg.) Row Dwelling 150m <sup>2</sup> (min.)	200m <sup>2</sup> (Lot 100) 227m <sup>2</sup> (Lot 101)  <b>Satisfies</b>
<b>SITE FRONTAGE</b> <i>Medium Density Policy Area 19</i> <i>PDC 5 (within 400m of centre)</i>	Residential Flat Building 15m (complete building)	13.11m  <b>Does Not Satisfy by 13%</b>
<b>SITE COVERAGE</b> <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	60% (max.)	41%  <b>Satisfies</b>
<b>PRIMARY STREET SETBACK</b> <i>Medium Density Policy Area 19</i> <i>PDC 3</i>	3m (min.)	4.7m  <b>Satisfies</b>



<p><b>SIDE/REAR SETBACKS</b> <i>Residential Zone</i> <i>PDC 11</i></p> <p><i>Medium Density Policy Area 19</i> <i>PDC 3</i></p>	<p>Side 0/1m</p> <p>Rear 6m (min.)</p>	<p>1m</p> <p><b>Satisfies</b></p> <p>3.1m (Lot 100) 6m (Lot 100) 3.9m (Lot 101) 6m (Lot 101)</p> <p><b>Does Not Satisfy</b></p>
<p><b>BUILDING HEIGHT</b> <i>Medium Density Policy Area 19</i> <i>PDC 3</i></p>	<p>2 storeys or 8.5m</p>	<p>2 storeys</p> <p><b>Satisfies</b></p>
<p><b>INTERNAL FLOOR AREA</b> <i>Residential Development</i> <i>PDC 9</i></p>	<p>- 3+ Bedroom, 100m<sup>2</sup> (min.)</p>	<p>125m<sup>2</sup> each</p> <p><b>Satisfies</b></p>
<p><b>PRIVATE OPEN SPACE</b> <i>Residential Development</i> <i>PDC 19</i></p>	<p>&lt;300m<sup>2</sup></p> <p>- 24m<sup>2</sup> (min.), of which 8m<sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m.</p> <p>- Minimum dimension 3m (excl. balconies).</p> <p>- 16m<sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room.</p>	<p>29.1m<sup>2</sup> (total) 3m (min. dimension) 29.1m<sup>2</sup> (accessed from habitable room)</p> <p>28.7m<sup>2</sup> (total) 3.1m (min. dimension) 28.7m<sup>2</sup> (accessed from habitable room)</p> <p><b>Satisfies</b></p>
<p><b>CARPARKING SPACES</b> <i>Transportation and Access</i> <i>PDC 34</i></p>	<p>Group dwellings and Residential Flat Buildings</p> <p>- 2 car-parking spaces required, 1 of which is covered</p> <p>+ an additional 0.25 spaces per dwelling</p>	<p>2 spaces provided (one covered (Each))</p> <p><b>Satisfies</b></p>

## QUALITATIVE ASSESSMENT

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

### Setbacks

The Development Plan States that dwellings within Medium Density Policy Area 19 should have a minimum rear setback of 6m. Whilst the upper level of the proposed dwellings meets this provision, the ground floor doesn't. This isn't considered fatal to the application, as many of the surrounding dwellings also have rear setbacks well under the 6m minimum. As there is an existing character of lesser rear setbacks, it is not considered that this development will have a detrimental impact on it or the dwellings immediately adjoining the rear boundary.

### Frontage

The minimum frontage requirement for a residential flat building within the Policy Area is 15m. The subject land only has a frontage of 13.11m. This 1.89m deficiency is not considered fatal to the application as the land widens to 27m within 8m of the front boundary.

The shape of the allotment also necessitates that the dwellings not directly face the public road but rather be on an angle. This allows deeper views into the property from the public realm and also allows both front doors, of the proposed residential flat building, to be viewed from the road. This improves visual amenity as most residential flat building designs mean that you can only see the front dwelling from the road.

## SUMMARY

This is a reasonable development within the Medium Density Policy Area 19. It is acknowledged that there are deficiencies in frontage width and ground floor rear setbacks, but due to the site characteristics and adjoining development, it is not considered fatal to the application. Residential flat buildings are envisaged development within this zone and Policy Area.

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

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 5 November 2016 and warrants Development Plan Consent.

## RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/1408/2015D by Hafez Zamani to undertake Land division - Torrens title DAC No- 211/D163/15 Create One (1) additional allotment and the construction of a residential flat building containing two (2) x two-storey dwellings and associated garages to the front of an existing group dwelling at 3 Hill Place, Richmond (CT 5321/190) subject to the following conditions of consent

### Development Plan Consent Conditions:

1. Development is to take place in accordance with the plans relating to Development Application No. 211/1408/15D (DAC 211/D163/15).

2. That the upper level windows of the dwellings shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to the occupation of the building. The glazing in these windows will be maintained in a reasonable condition at all times.
3. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage shall not at any time:-
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
4. That all driveways, parking and manoeuvring areas shall be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.

**Land division Consent Conditions:**

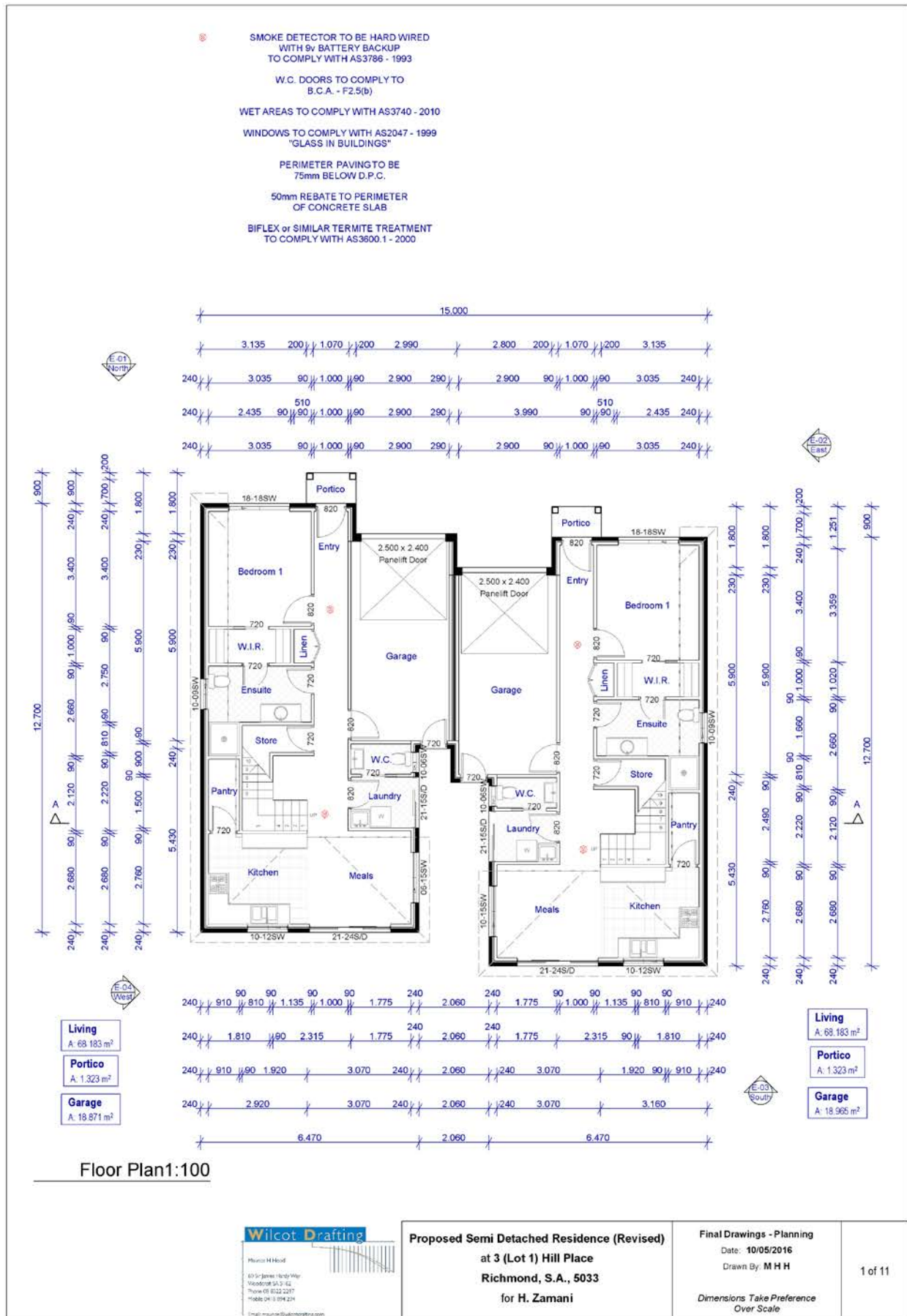
5. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0039862).

The internal drains shall be altered to the satisfaction of the SA Water Corporation.

6. Payment of \$6,488 into the Planning and Development fund (1 allotment @ \$6,488/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
7. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

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

ATTACHMENT 1





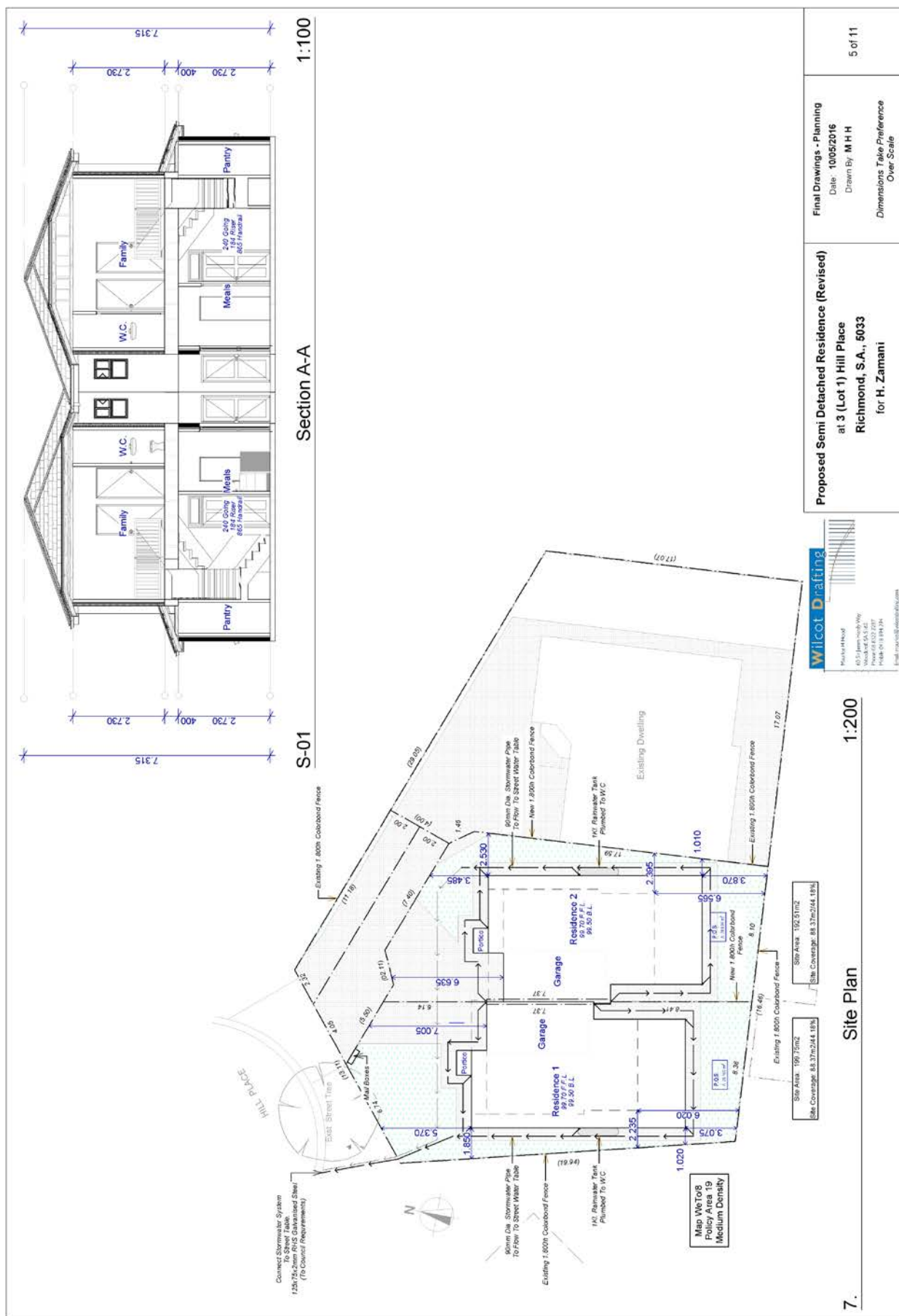




Final Drawings - Planning  
Date: 10/05/2016  
Drawn By: M H H  
Dimensions Take Preference  
Over Scale

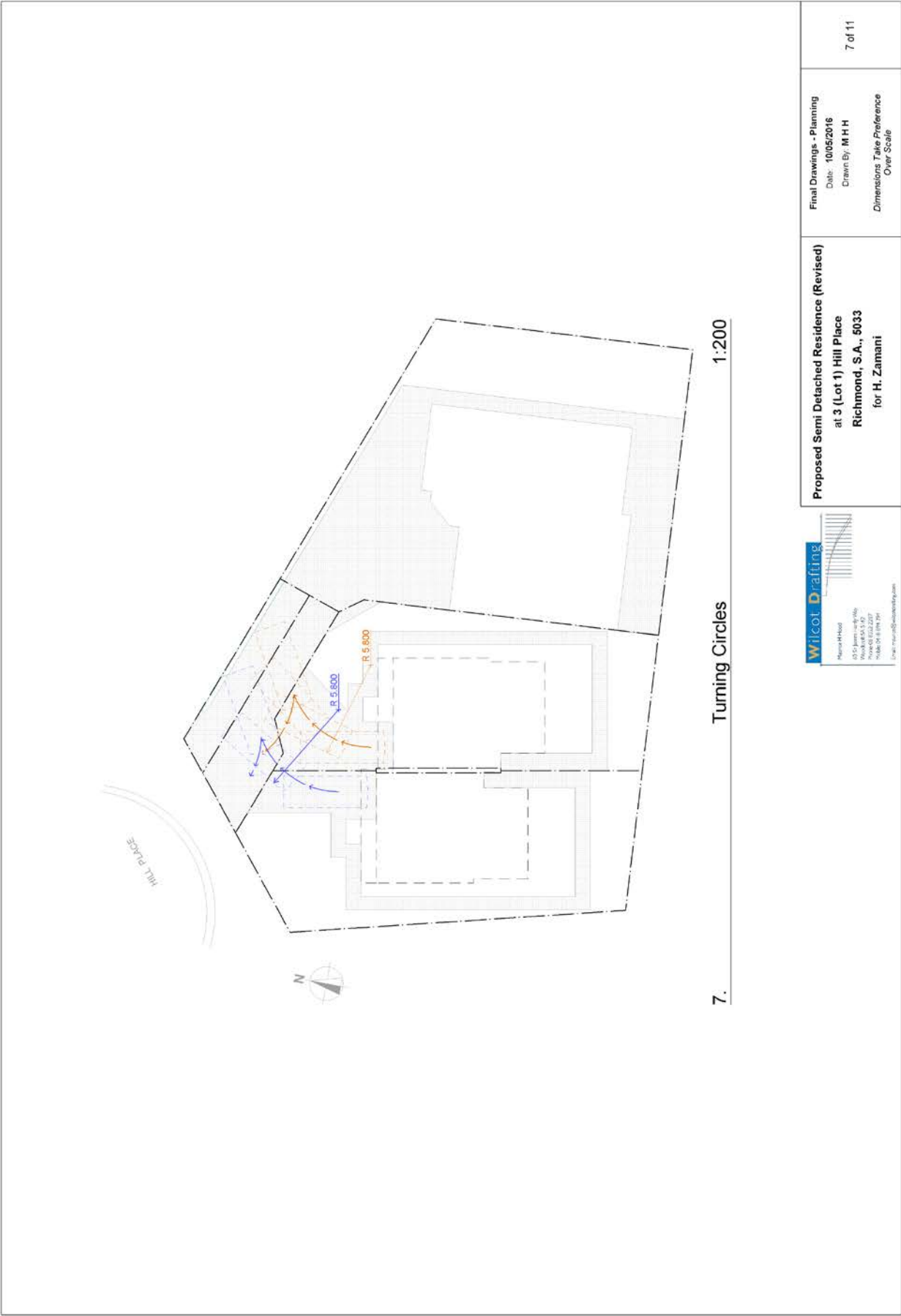


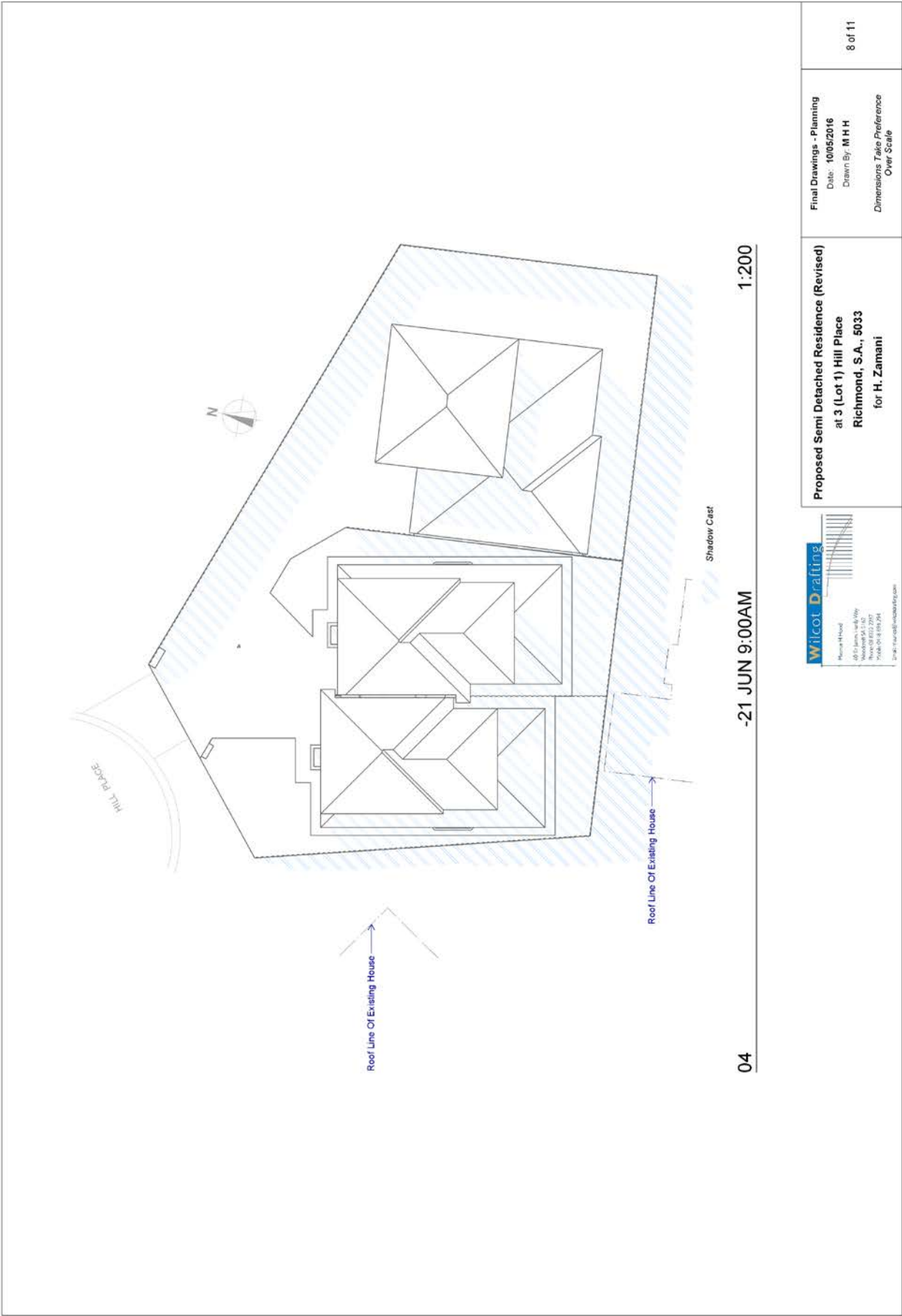
Building Schedule	
<b>Roof</b>	
Scaffolding :	Cement Tied
Colour :	Slate Grey
Pitch :	25 Degree
Eaves Overhang :	300mm
<b>Walls - Floor</b>	
Construction :	Brick Veneer
Finish :	Brick And Render
Colour :	PGH "Sandstone"
	Dulux "Tranquil Retreat"
<b>Walls - Upper Floor</b>	
Construction :	Veneer
Finish :	Composite
Colour :	Dulux "Tranquil Retreat"
<b>Windows</b>	
Type :	Aluminium
Colour :	Slate Grey
<b>Trim Colours</b>	
Facia :	Slate Grey
Gutters :	Slate Grey
Downpipes :	Slate Grey

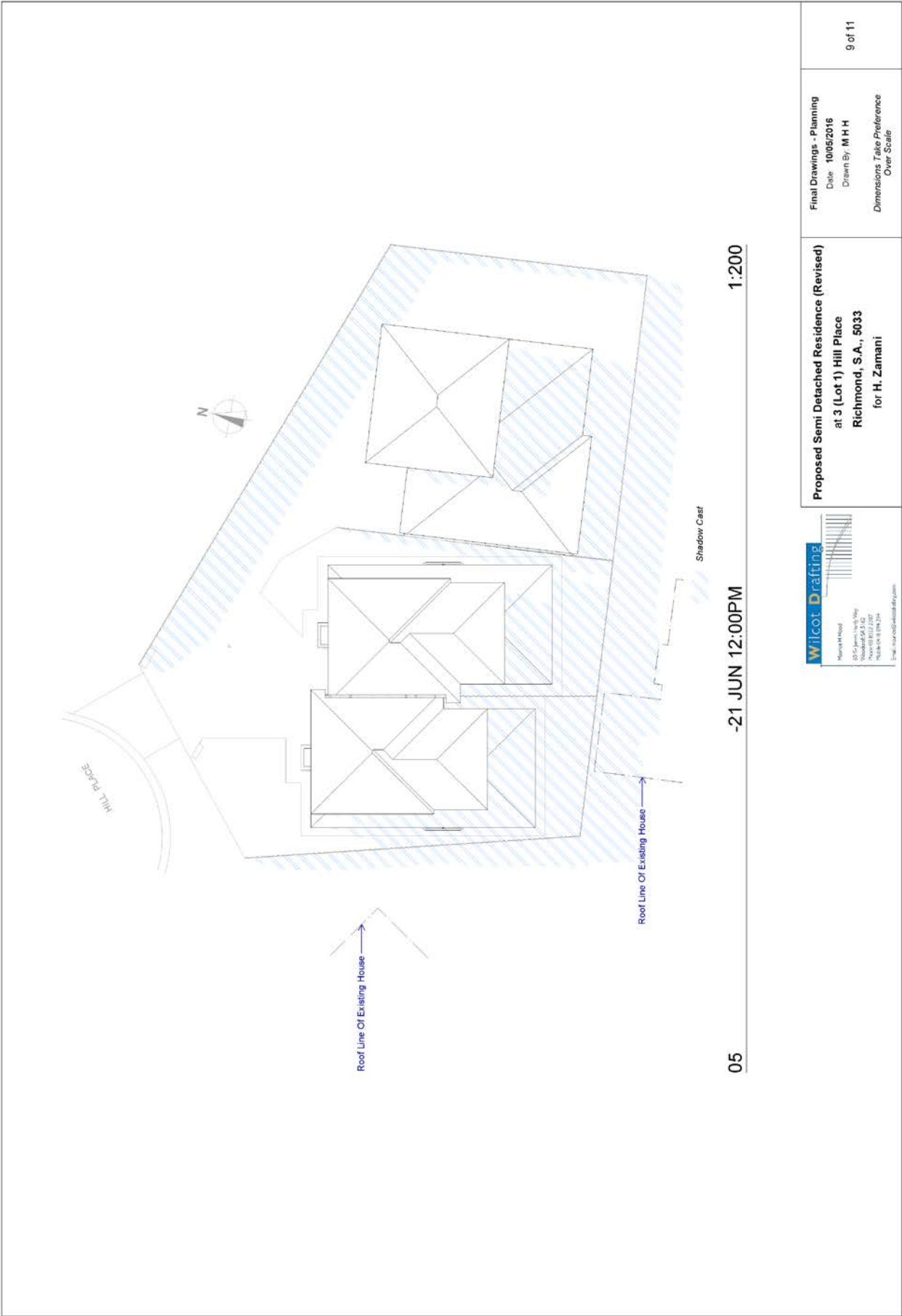




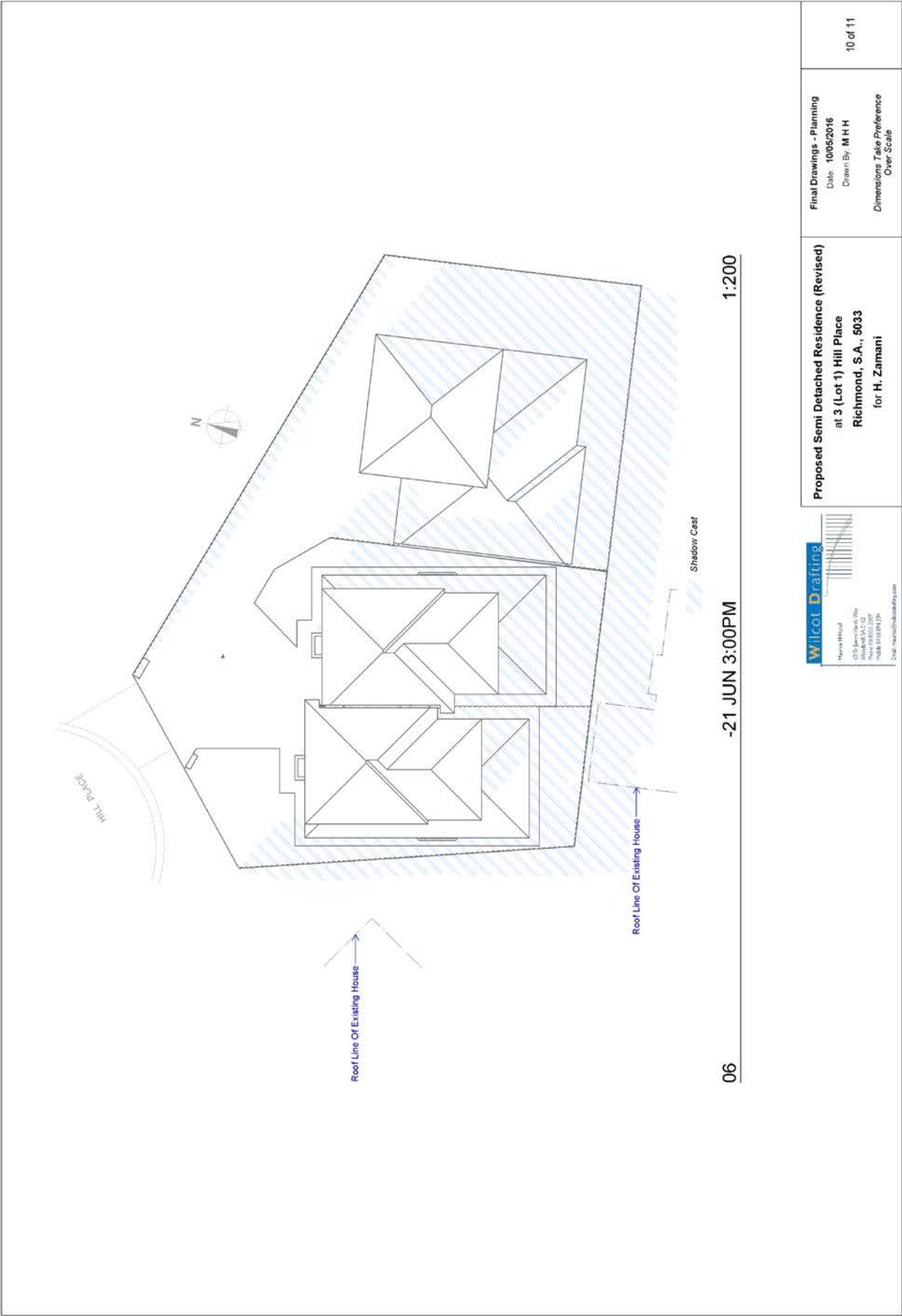


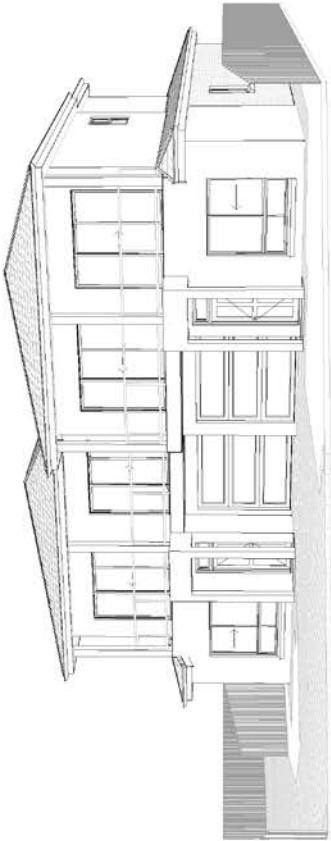












North Western Perspective

**Wilcot Drafting**

Wilcot Drafting

1000 Wilcot Road, Suite 100  
Richmond, BC V6X 1A1  
Phone: 604.272.7272  
Fax: 604.272.7273  
www.wilcotdrafting.com

**Proposed Semi Detached Residence (Revised)**  
at 3 (Lot 1) Hill Place  
Richmond, S.A., 5033  
for H. Zamani

**Final Drawings - Planning**  
Date: 10/05/2016  
Drawn By: M.H.  
Dimensions: Take Reference  
Over Scale

[illegible]

## 6.17 5 & 7 Louise Avenue, FULHAM

Application No. 211/507/2016

### DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land Division - Torrens Title; DAC No. 211/D047/16 (Unique ID 54016); Create two (2) additional allotments Stage 1 - Create Lots 1 & 2 Stage 2 - Create Lots 3 & 4
APPLICANT	Michael Gregory Roe
APPLICATION NO	211/507/2016
LODGEMENT DATE	7 April 2016
ZONE	Residential
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"><li>City Works - Street tree removal</li></ul> External <ul style="list-style-type: none"><li>Development Assessment Commission (DAC)</li><li>SA Water</li></ul>
DEVELOPMENT PLAN VERSION	5 November 2015
MEETING DATE	9 August 2016
RECOMMENDATION	<b>CONSENT</b>

### BACKGROUND

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

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan,

### PREVIOUS or RELATED APPLICATION(S)

Nil



## **SITE AND LOCALITY**

The subject land is comprised of two parcels namely, Allotment 40 Deposited Plan 7593 in the area named Fulham Hundred of Adelaide, Certificate of Title Volume 5592 Folio 587, and Allotment 41 Deposited Plan 7593 in the area named Fulham Hundred of Adelaide, Certificate of Title Volume 5592 Folio 976. The lands are more commonly known as 5 & 7 Louise Avenue, Fulham.

The subject land is an irregular shape, due to the back boundary being angled inwards toward the shared boundary of 5 and 7 Louise Avenue. The total site area of the subject land is approximately 1,371 square metres and the total frontage width to Louise Avenue is 36.576 metres. Currently contained on 5 Louise Avenue is a 1968 conventional hipped roof dwelling, a small verandah and an outbuilding and on 7 Louise Avenue is a 1967 conventional hipped roof dwelling, a large verandah, outbuilding and in-ground swimming pool.

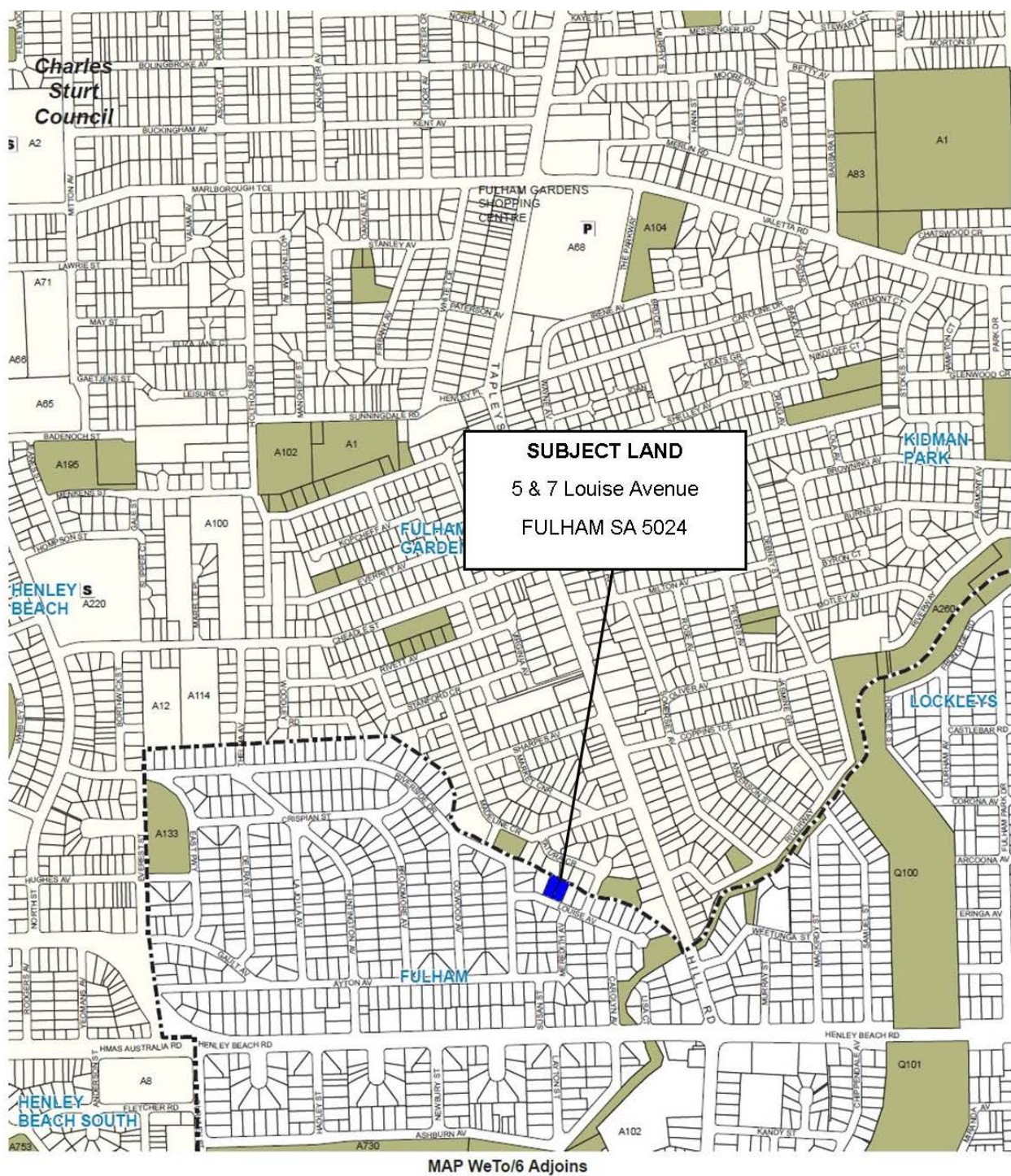
The subject land is located on the northern side of Louise Avenue within the Residential Zone and more particularly Low Density Policy Area 21. The rear boundary of the subject land abuts four (4) residential properties located within the City of Charles Sturt.

The locality consists of low to medium density residential development up to two storeys in height that was mainly constructed circa 1950's, 60's and 70's. The subject land is located within 400 metres of the Local Centre Zone located at the intersection of Henley Beach Road and Tapleys Hill Road.

The site and locality are shown on the following maps.







MAP WeTo/6 Adjoins



## Location Map WeTo/2

- S** School
- P** Post Office
- Local Reserves
- Development Plan Boundary

## PROPOSAL

The proposed land division is for a Torrens Title Land Division creating two additional allotments. The proposal is for a side by side land division which will result in all allotments having a direct frontage to a public street. Proposed Allotment 1 and 2 will each have a 9.145 metre frontage width, and a maximum depth of 37.12 metres. The total area of Allotment 1 is 338.92 square metres and the total area of Allotment 2 is 339.97 square metres. Proposed Allotment 3 and 4 will each have a 9.165 metre frontage width. The total area of Allotment 3 is 343.33 square metres and the total area of Allotment 4 is 349 square metres.

The Plan of Division is contained within **Attachment 1**.

## PUBLIC NOTIFICATION

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

## REFERRALS

### Internal

The application was referred to Council's City Works Department for comment on the potential of street tree removal for the location of future crossovers. The Amenity Officer advised that the street tree in front of 7 Louise Avenue should not be removed, but with that said, there is adequate room to accommodate a single width crossover in front Lot 2 whilst maintaining the minimum offset requirements and there is already an existing crossover in front of Lot 1. To accommodate crossovers to allow vehicle access to proposed Allotment 3 and 4, City Works will support the removal of the street tree situated adjacent to 5 Louise Avenue.

### External

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

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

## ASSESSMENT

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

<u>General Section</u>		
Infrastructure	Objectives	3
	Principles of Development Control	1, 6, 8 & 16
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 5, 6 & 8
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 3 & 8
Residential Development	Objectives	1, 2, 3 & 4
	Principles of Development Control	1 & 2
Transportation and Access	Objectives	2
	Principles of Development Control	1, 2, 23, 24 & 25



<b>Zone: Residential Zone</b>	
<i>Desired Character Statement:</i>	
<p><i>"This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <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>	
<i>Objectives</i>	1-4
<i>Principles of Development Control</i>	1 & 5

<b>Policy Area: Low Density Policy Area 21</b>	
<i>Desired Character Statement:</i>	
<p><i>"This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings".</i></p>	
<i>Objectives</i>	1
<i>Principles of Development Control</i>	1, 2, 4 & 6

## QUANTITATIVE ASSESSMENT

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT			
		Allotment 1	Allotment 2	Allotment 3	Allotment 4
SITE AREA Low Density Policy Area 21 PDC 4	350m <sup>2</sup>  (For either detached, semi-detached or row dwellings)	339m <sup>2</sup>  <b>Does not satisfy by 3.14%</b>	340m <sup>2</sup>  <b>Does not satisfy by 2.8%</b>	343m <sup>2</sup>  <b>Does not satisfy by 2%</b>	349m <sup>2</sup>  <b>Does not satisfy by 0.28%</b>
ALLOTMENT AREA Low Density Policy Area 21 PDC 6	420m <sup>2</sup>  (This allotment area is only required if the application is not combined with a land use proposal)	339m <sup>2</sup>  <b>Does not satisfy by 19.2%</b>	340m <sup>2</sup>  <b>Does not satisfy by 19%</b>	343m <sup>2</sup>  <b>Does not satisfy by 18.3%</b>	349m <sup>2</sup>  <b>Does not satisfy by 16.9%</b>
SITE FRONTAGE Low Density Policy Area 21 PDC 4	9m (For either detached, semi-detached or row dwellings)	9.144m  <b>Satisfies</b>	9.144m  <b>Satisfies</b>	9.144m  <b>Satisfies</b>	9.144m  <b>Satisfies</b>
ALLOTMENT FRONTAGE Low Density Policy Area 21 PDC 6	12m (This allotment frontage width is only required if the application is not combined with a land use proposal)	9.144m  <b>Does not satisfy by 23.8%</b>	9.144m  <b>Does not satisfy by 23.8%</b>	9.144m  <b>Does not satisfy by 23.8%</b>	9.144m  <b>Does not satisfy by 23.8%</b>

## QUALITATIVE ASSESSMENT

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

### Allotment Frontage and Area

Within the Low Density Policy Area 21 there is a certain tension with the policy regarding minimum site areas and frontage widths.

Low Density Policy Area 21, Land Division Principle of Development Control (PDC) 6 is as follows,

*Land division should create allotments with an area of greater than 420 square metres and a minimum frontage width of 12 metres, other than where the land division is combined with an application for dwellings or follows an approval for dwellings on the site.*

Low Density Policy Area 21, Form and Character PDC 4 is as follows,

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

Dwelling type	Site area (square metres)	Minimum frontage (metres)
Detached	350 minimum	9
Semi-detached	350 minimum	9
Row dwelling	350 average	9

The Development Plan allows for a lesser site area and frontage width than specified in Low Density Policy Area 21, PDC 6, where the land is located within 400 metres of a centre zone. Although the proposed division is not combined with an application for dwellings, given that each envisaged dwelling type requires the same site area and frontage width and the subject lands are located within 400 metres of a centre zone the proposed site areas and frontage widths are considered to be adequate for the following reasons:

- The proposed development results in allotments that are no greater than 3.15% deficient of the site area specification;
- The site area deficiency is not considered to be a major departure from the Development Plan policy as the reduced site area will not be readily discernible when viewing the allotments from the street and the deficiency;
- The frontage width of each allotment is greater than 9 metres;
- A denser allotment pattern is encouraged closer to centre zone facilities; and
- The proposed allotments are of a size that could sufficiently accommodate any envisaged dwelling type.

## SUMMARY

The proposal will result in allotments with frontages that do not satisfy the minimum for land division, however, regardless of the dwelling type (given that the requirement is the same for all envisaged dwelling types within Low Density Policy Area 21) the proposed allotments will have a site area marginally smaller than 350 square metres and a satisfactory frontage width for residential development that is located within 400 metres of a Centre Zone.

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

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

## **RECOMMENDATION**

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/507/2016 by Michael Gregory Roe to undertake Land Division - Torrens Title; DAC No. 211/D047/16 (Unique ID 54016); Create two (2) additional allotments at Draft Development Assessment Panel Agenda 9 August 2016 (CT 5592/976 CT 5592/987) subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

### **DEVELOPMENT PLAN CONSENT**

#### **COUNCIL CONDITIONS:**

1. Development is to take place in accordance with the plan titled Proposed Land Division (Site Plan), relating to Development Application No. 211/507/2016 (DAC 211/D047/16).

### **LAND DIVISION CONSENT**

#### **COUNCIL CONDITIONS:**

1. Prior to the issue of Section 51 Clearance to this division approved herein:
  - all existing buildings must be removed (note that the removal shall be subject to a separate development approval).

#### **DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:**

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

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

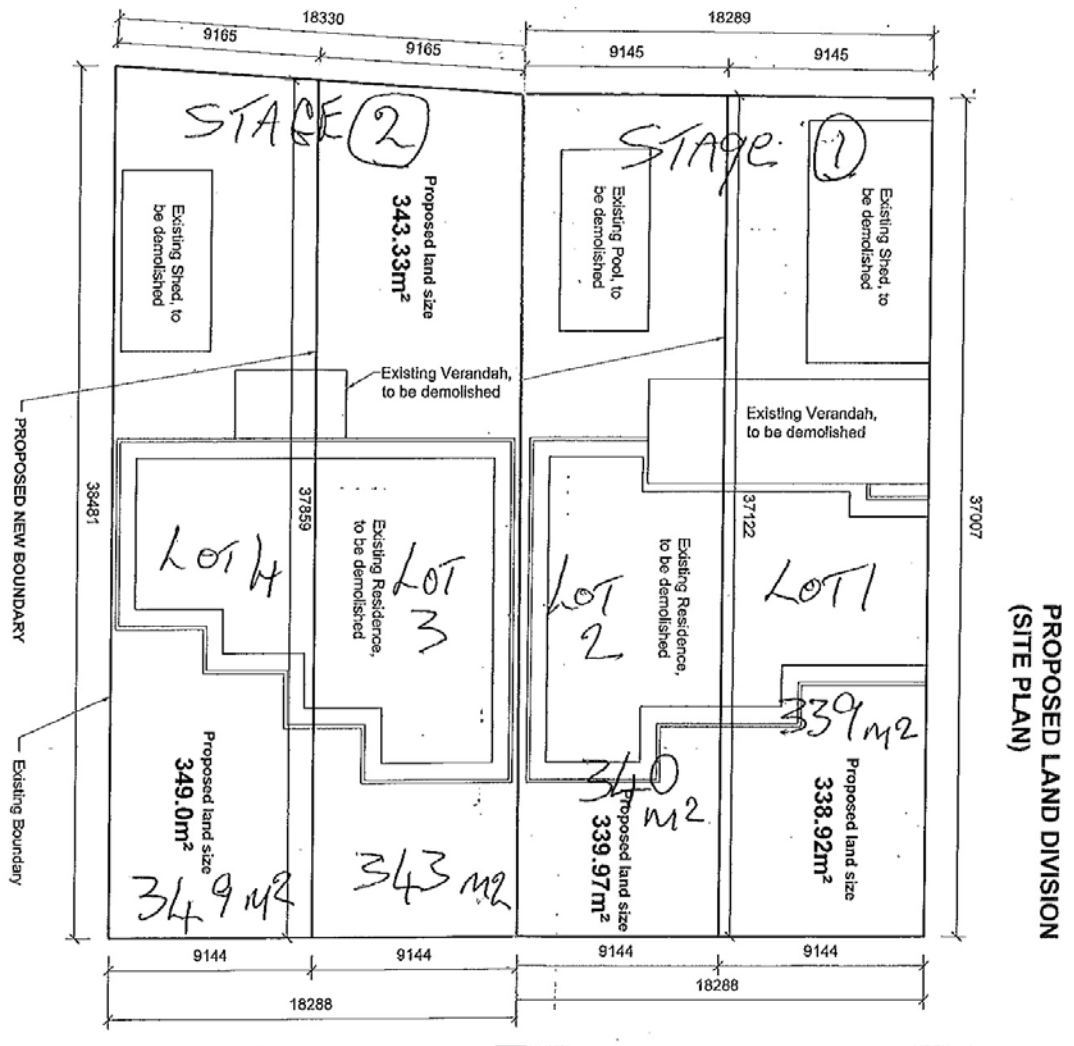
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard.

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

3. Payment of \$12,976 into the Planning and Development Fund (2 allotments @ \$6,488/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate Purposes.



ATTACHMENT 1



5 Louise Avenue

7 Louise Avenue

Scale 1:200  
21/3/18  
Proposed Land Division  
for  
Mike Roe  
of  
5 Louise Avenue  
Fulham

CT 5592-987  
DP 7593

DP 7593  
CT 5592-987

ATTACHMENT 2

Contact Lands Titles Office  
Telephone 7109 7016



27 April 2016

The Chief Executive Officer  
City of West Torrens

Dear Sir/Madam

**Re: Proposed Application No. 211/D047/16 (ID 54016)**  
**for Land Division by Mr Michael Roe**

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 15 April 2016, I advise that the Development Assessment Commission has consulted with SA Water Corporation (only) regarding this land division application. A copy of their response has been uploaded in EDALA for your consideration. The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

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

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.  
The alteration of internal drains to the satisfaction of SA Water is required.  
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard.  
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
2. Payment of \$12976 into the Planning and Development Fund (2 allotment(s) @ \$6488/allotment).  
Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

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

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

A handwritten signature in black ink, appearing to read "P. Hodgson", written over a horizontal line.

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



27 April 2016

Our Ref: H0044779

The Chairman  
Development Assessment Commission  
136 North Terrace  
ADELAIDE SA 5000

Dear Sir/Madam

SA Water  
Level 6, 250 Victoria Square  
ADELAIDE SA 5000  
Ph (08) 7424 1119  
Inquiries Kirsty Jennings  
Telephone 74241119

**PROPOSED LAND DIVISION APPLICATION NO: 211/D047/16 AT FULHAM 5024**

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

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

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

An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard.

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

Yours faithfully

Kirsty Jennings

**for MANAGER LAND DEVELOPMENT & CONNECTIONS**

## 7. CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER

Nil

## 8. SUMMARY OF COURT APPEALS

### 8.1 Summary of Court Appeals

#### BACKGROUND

Monthly statistics are provided for the information of the Panel in relation to:

1. any matters being referred to the Development Assessment Commission (DAC); and
2. any planning appeals before the Environment, Resources and Development Court (ERDC) and their status.

The current status is listed as follows:

#### Matters pending determination by DAC

Reason for referral	DA number	Address	Description of development
Section 49	211/722/2016	Lot 2 West Beach Road, WEST BEACH	Change of use to function room
Concurrence	211/262/2016	437 Henley Beach Road, BROOKLYN PARK	Alterations and additions to existing restaurant
Schedule 10	211/136/2015	134-136 Anzac Highway, GLANDORE	On The Run redevelopment
Section 49	211/1155/2012/A	Lot 2 West Beach Road, WEST BEACH	Amendment to condition regarding lighting

#### Development Application appeals before the ERDC

DA Number	Address	Reason for Appeal	Description of Development	Status
211/173/2016	6 Darebin Street, MILE END	Applicant appealed condition	Two-storey dwelling addition	Preliminary Conference 8 August 2016
211/1311/2015 & 211/1427/2015	51 Watson Avenue, NETLEY	Applicant appealed Nature & DAP refusal	construction of two dwellings & create one additional allotment	Pending outcome of Hearing regarding nature of development & Conciliation Conference for land division



211/864/2015	247-247A South Road, MILE END	Applicant appealed DAP refusal	Change of use	Preliminary Conference 8 August 2016
211/875/2015	23 Wood Street, KURRALTA PARK	Appeal by third party against decision	Construct a residential flat building containing five dwellings	Directions Hearing 16 August 2016
211/391/2016	3 Castlebar Road, LOCKLEYS	Applicant appealed DAP refusal	Carport forward of dwelling	Preliminary Conference 23 August 2016

## SUMMARY

The information requested by the Panel has been provided for information purposes.

## RECOMMENDATION

The Development Assessment Panel receive and note the information.

## 9. MEETING CLOSE