

CITY OF WEST TORRENS



Confidential Report Items 7.1

of the

COUNCIL ASSESSMENT PANEL

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

on

TUESDAY, 13 FEBRUARY 2018
at 5.00pm

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

Angelo Catinari
Assessment Manager

City of West Torrens Disclaimer

Council Assessment Panel

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

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

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Released

7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

7.1 26 Kingston Ave, RICHMOND

Application No 211/412/2017

Reason for Confidentiality

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

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

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

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

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

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land division - Community Title; DAC No. 211/C050/17 (Unique ID 57514); Create one (1) additional allotment
APPLICANT	Mr Ken Lao
LODGEMENT DATE	7 April 2017
ZONE	Residential Zone
POLICY AREA	Medium Density Policy Area 19
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> ▪ City Assets
DEVELOPMENT PLAN VERSION	30 May 2017

RECOMMENDATION

The Council Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* finds the proposal to be not seriously at variance with the Development Plan and resolves to advise the Environmental Resources and Development Court that it does NOT SUPPORT Development Plan Consent for Application No. 211/412/2017 (211/C050/17) by Kim Lao to undertake a 1 into 2 Community title subdivision at 26 Kingston Ave, Richmond (CT 5558/607) for the following reasons:

The proposed development is contrary to:

- Council Wide Objectives 1
Reason: It fails to reinforce the positive aspects of the local environment and built form.
- Council Wide Land Division Principle of Development Control 7
Reason: It does not provide for an access onto a public road with the driveway 'handle' being not less than 4 metres in width.
- Council Wide Residential Zone Principle of Development Control 11
Reason: The land division would result in a dwelling with a side boundary setback that is less than 1 metre.
- Council Wide Residential Zone Principle of Development Control 8
Reason: The front door is not visible from the street.
- Council Wide Transportation and Access Principle of Development Control 35
Reason: The development is inconsistent with Australian Standard 2890 - Parking facilities.
- Council Wide Transportation and Access Principle of Development Control 45
Reason: The driveway has insufficient width to allow for emergency service vehicles.
- Medium Density Policy Area 19 Objective 1
Reason: The land division is contrary to the desired character of Policy Area.
- Medium Density Policy Area 19 Zone Principle of Development Control 2
Reason: The land division is contrary to the desired character of Policy Area.

FURTHER

1. Pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, Item 7.1 - 26 Kingston Ave, RICHMOND, including the report, attachments and any discussions (excluding the decision), having been dealt with in confidence under regulation 13(2)(a)(vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017* and in accordance with regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, be kept confidential until a decision of the Environment, Resources and Development Court relevant to the item is made, on the basis that it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
2. The Council Assessment Panel gives authority to the Assessment Manager to review, but not extend, the confidential order on a monthly basis.

BACKGROUND

The applicant originally lodged application 211/1553/2016 which sought to create a Community Title land division producing 3 additional allotments along with the construction of 4, two storey group dwellings. During the assessment process the Applicant was informed of a series of issues and advised it was unlikely that the proposal would gain approval in its current form.

The applicant accepted this, indicating it was unlikely that the development would be realised due to financial constraints. This application was put on hold and the current application was subsequently lodged. This sought to create a Community Title land division creating 1 additional allotment and common property. The additional allotment was to be created behind the existing dwelling with a common driveway providing access for both allotments. This application was presented to the Development Assessment Panel at its meeting on 8 August 2017, it was refused in accordance with the Administration's recommendation.

The applicant has appealed the decision and there have been two conferences held at the Environmental Resources and Development Court in an attempt to reach a compromise in this matter. Initial discussions saw the consideration of a 1 into 3 land division with three corresponding dwellings. This was generally consistent with the Development Plan requirements. Upon further investigation the applicant came to the conclusion that developing the land in this manner was not financially viable.

The matter has been set down for a directions hearing on 23rd of February.

A copy of the previous report and related decision is contained in **Attachment 2**.

AMENDMENTS

In an attempt to address the reasons of refusal, the applicant has made the following amendments:

- Addition of a sliding door to the front elevation of the existing dwelling to allow access to the front yard;
- Changing the bedroom window from being located adjacent the common driveway to the rear elevation; and
- Three options have been provided for visitor car parking for the existing dwelling:
 1. Stacking two cars behind the existing dwelling;
 2. One car parked behind the existing dwelling and the other parked in the front yard parallel to Kingston Ave; and
 3. One car parked behind the existing dwelling and on parked in the front yard perpendicular to Kingston Ave.

The amended floor plan is contained in **Attachment 3** and the three options are contained in **Attachment 4, 5 & 6**.

In these options the common driveway has been shown to be 3.55m in width, however the Applicant has also provided a survey plan (**Attachment 2**) that demonstrates that the distance between the wall and the existing fence is 3.38m.

These changes were undertaken to provide direct access to the front yard and to reduce noise transmission to the bedroom from the common driveway.

These changes have not resolved the issues previously raised by the Administration and the subsequent resolution of the Development Assessment Panel. It is not considered that the proposal has sufficient merit as the follow matters are still outstanding and at variance to PDC 7 of the Land Division section of the Development Plan:

Common driveway

The existing dwelling is setback 3.52m from the side boundary, however the existing fence is located 0.23m inside of the subject property. This leaves a driveway width of 3.29m. This is significantly less than the 4m minimum stated by the Development Plan.

Whilst the fence could be moved to be positioned on the boundary, the driveway would still not be wide enough and the survey shows that the neighbouring dwelling encroaches the subject allotment by up to 0.23m.

Although the driveway does widen out in front of and behind the existing dwelling, this pinch point is not considered acceptable due to it restricting emergency service vehicle access as well as vehicles like removalist trucks.

This is reinforced by PDC 45 of the Transportation and Access section that states (underline added):

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 Plan calls for a minimum driveway width for battle axe allotments to be 4m. This distance allows for the provision of landscaping as well as the driveway itself. A 4m width allows an ambulance or fire truck to enter the driveway and then the personnel to open the doors of their vehicles and access any equipment that they might need. It is considered that safe and convenient access is not appropriately achieved.

Private Open Space

The application still seeks to have the Private Open Space (POS) in front of the dwelling. It will be created by erecting a 1.8m high Colorbond fence. Access will now be available from a living area via a sliding door. The Development Plan does not generally support POS located at the front of dwellings, and excludes it from being calculated as forming the minimum amount of POS. When assessing this proposal against PDC 19 of the General Section Residential Development, the existing dwelling has no POS.

Furthermore, the Desired Character of Medium Density Policy Area 19 states:

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.

The proposed fence will effectively obscure the dwelling and therefore the proposed development will not be able to achieve the above.

As the subject site is located within a flood zone, the fence itself is captured as being development. Solid types of fencing, that can inhibit the flow of flood waters, are not generally supported by Councils City Assets Department. The erection of an open style fence will satisfy the City Assets department, however it will remove any privacy of the front yard.

The proposed fence will also screen the front door from view and therefore be in contradiction to PDC 8 of the General Section Residential Development:

Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings.

Off Street Parking

There are three options to consider for the off-street parking of the existing dwelling.

1. Option 1 seeks to have both carparks at the rear of the site, stacked one behind the other. This option will not provide enough space to allow vehicles to manoeuvre onsite. It is important to have a sufficient vehicle manoeuvring area so that vehicles can enter and exit in a forward direction. The second car parked behind the existing dwelling will prevent a vehicle, leaving the proposed dwelling or entering the site, from being able to turn around. This would result in vehicles reversing 23m onto a public road.
2. Option 2 has one car parked at the rear of the existing dwelling and positions the visitor park in the front yard. Whilst it is not uncommon for a vehicle to be parked in front of a dwelling, it is not usually the focal point. Due to the proposed fence and formalised parking area of this proposal, the dwelling will be predominantly hidden and therefore the visitor car park will become the focal point of this property. This is considered to be a poor visual amenity outcome and contrary to the intent of the Desired Character of the Zone and Policy Area
3. Option 3 has the same issues as Option 2 but will also mean that the additional driveway will be in conflict with a street sign and Nation Broadband Network Access pit.

It is not considered that any of these options satisfactorily resolve the concerns raised.

Density

The proposed 1 into 2 land division will create a density of 28 dwellings per hectare, this falls with definition of low density (17-33 dw/h). As the subject site is located within Medium Density Policy Area 19, the Desired Character is seeking a denser allotment pattern. The first line of the Desired Character statement states that "Allotments in this policy area will be at medium density". Medium density is defined as being 34-67 dwellings per hectare. This could be achieved by dividing the allotment into 3 rather than 2. However the allotment could not be divided in to three whilst also retaining the existing dwelling. Should the existing dwelling be removed, the development outcome for the site would be vastly improved.

Side Setback

Due to the constrained width of driveway, there is a large extent of wall that comprises habitable rooms that form the boundary of the common driveway. As highlighted in the original report, dwellings should have a minimum side setback of 1m from the common driveway. This helps reduce noise and vibration impacts on the habitable rooms. As this is a common driveway it is particularly important to ensure that the amenity of these habitable rooms is protected. This is because the driveway services the rear allotment as well as the existing dwelling. The first objective of the Residential Development section states:

Safe, convenient, pleasant and healthy-living environments that meet the full range of needs and preferences of the community.

As the occupants of the existing dwelling will have no control over the times and frequency of their neighbours vehicle movements, it is considered that this would have the potential to erode their amenity.

REFERRALS

Internal

The amended documentation was not referred back to City Assets as the changes made did not impact upon their initial comments on the proposal.

SUMMARY

It is considered that the amendments to the proposal are insufficient to reach a compromise in this matter. There are fundamental issues that have not been appropriately resolved such as the driveway width, setbacks, POS and density.

Medium Density Policy Area 19 has a clear Desired Character and its intention is supported by the relevant provisions of the Development Plan. There are a number of development opportunities that could be undertaken on this property, however the retention of the existing dwelling presents a number of challenges and constraints.

It is the Administration's recommendation that the amended proposal should not be supported and the Environmental Resources and Development Court be advised accordingly.

Attachments

1. Previous report and CAP minutes
2. Survey plan
3. Proposed floor plan
4. Carparking Option 1
5. Carparking Option 2
6. Carparking Option 3

6.3 26 Kingston Avenue, RICHMOND

Application No 211/412/2017

DEVELOPMENT APPLICATION DETAILS

DEVELOPMENT PROPOSAL	Land division - Community Title; DAC No. 211/C050/17 (Unique ID 57514); Create one (1) additional allotment
APPLICANT	Mr Kim Lao
LODGEMENT DATE	22 March 2017
ZONE	Residential Zone
POLICY AREA	Medium Density Policy Area 19
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none">City Assets - Engineering External <ul style="list-style-type: none">Development Assessment CommissionSouth Australian Water Corporation
DEVELOPMENT PLAN VERSION	05 May 2016
MEETING DATE	08 August 2017

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 Approval for Application No. 211/412/2017 by Mr Kim Lao to undertake land division at 26 (lot 34) Kingston Avenue, Richmond (CT 5558/607) for the following reasons:

1. The land division is contrary to the desired character of Medium Density Policy Area 19, the land division would not enhance the appearance of buildings when viewed from the street.
2. The land division is contrary to General Section, Land Division Principle 7 in that it does not provide for an access onto a public road with the driveway 'handle' being not less than 4 metres in width.
3. The land division would result in a dwelling with a side boundary setback that is less than 1 metre, contrary to Residential Zone, Principle 11.
4. The development is inconsistent with Australian Standard AS 2890 - Parking Facilities and therefore contrary to General Section, Transportation and Access Principle 35.
5. The proposal is contrary to General Section, Design and Appearance Objective 1 in that it fails to reinforce the positive aspects of the local environment and built form.

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

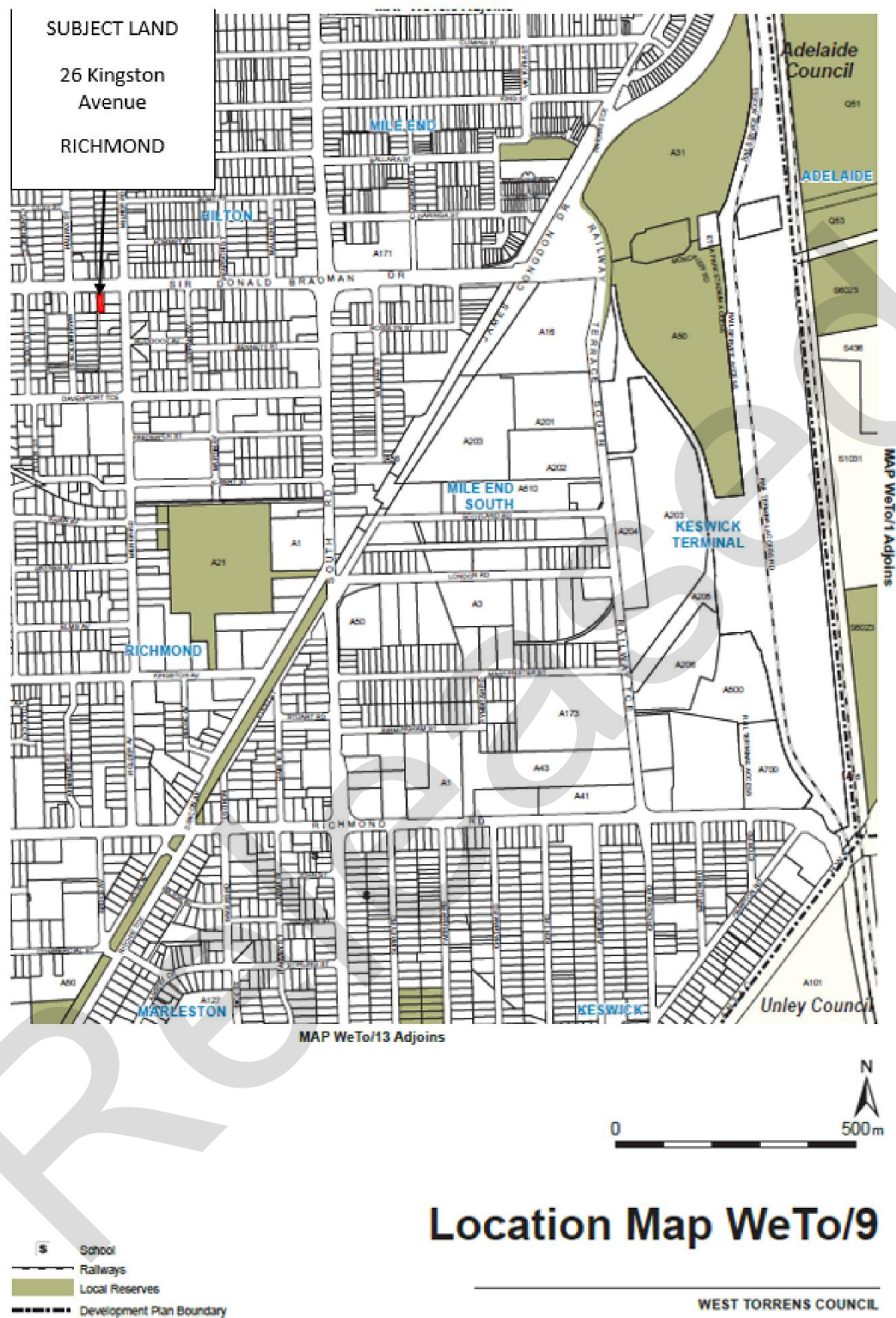
PREVIOUS OR RELATED APPLICATIONS

Development Number	Proposal	Status
211/1553/2016	Combined Application: Land division - Community Title; DAC No. 211/C217/16 (Unique ID 56594), Create three (3) additional allotments; and construction of four (4) two storey group dwellings	On Hold - Pending decision of 211/412/2017
211/307/2017	Construct a two- storey dwelling with double carport and verandah under main roof to rear of existing dwelling	Withdrawn

SITE AND LOCALITY

The site is rectangular with a frontage of 18.29 metres to Kingston Avenue and a total site area of 836 square metres. The site currently contains a detached dwelling with associated outbuildings. The site is void of easements and partly subject to 100 millimetres of flooding during a 1 in 100 year rainfall event. The site is located within 400 metres of a centre zone located at Richmond Road to the south.

The locality is predominantly characterised by low-density residential development, however, the Industry Zone comprising warehouse type buildings is situated to the east beyond the Holder Avenue intersection.





PROPOSAL

The proposal includes land division to create one additional allotment to the rear of the existing dwelling. Both the existing dwelling and the proposed allotment would be serviced by a shared driveway, designated as 'common property'.

A full copy of the relevant plans and details are attached, refer **Attachment 1**.

REFERRALS

Internal

- City Assets - Engineering

External

- Development Assessment Commission
- South Australian Water Corporation

A full copy of the relevant reports are attached, 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>		
Design and Appearance	Objectives	1 and 2
	Principles of Development Control	3, 12, 13, 14, 15, 16, 21, 22 and 23
Hazards	Objectives	1, 2 and 4
	Principles of Development Control	1, 2, 3, 4, 5, 6 and 7
Infrastructure	Objectives	1, 2 and 3
	Principles of Development Control	1, 3, 4, 5, 6, 8, 9, 10, 11 and 12
Land Division	Objectives	1, 2, 3 & 4
	Principles of Development Control	1, 2, 3, 4, 5, 6, 7 and 8
Landscaping, Fences and Walls	Objectives	1 & 2
	Principles of Development Control	1, 2, 3, 4 and 6
Residential Development	Objectives	1, 2, 3 and 4
	Principles of Development Control	1, 3, 8, 14, 15, 16, 17, 18, 19, 20, 21 and 31

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 and 4
Principles of Development Control	1, 5, 18 and 22

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 and 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
ALLOTMENT AREA Module: Medium Density Policy Area 19 PDC 7	270m ²	Lot 801 = 428m ² Lot 802 = 272m ² Satisfies
SITE FRONTAGE Module: Medium Density Policy	9m	Lot 801 = 12.79m Lot 802 = 0m

Development Assessment Panel Agenda

08 August 2017

Area 19 PDC 7		Lot 802 Does Not Satisfy
SIDE SETBACK (EXISTING DWELLING) Module: Residential Zone PDC 11	1m	Approximately 0.3m Does Not Satisfy
REAR SETBACK (EXISTING DWELLING) Module: Medium Density Policy Area 19 PDC 3	6m	5.6m Does Not Satisfy
SITE COVERAGE (EXISTING DWELLING) Module: Medium Density Policy Area 19 PDC 3	60%	Approximately 41% Satisfies
PRIVATE OPEN SPACE (EXISTING DWELLING) Module: Residential Development PDC 18	60m ² , minimum dimension 4 metres	80m ² POS would be located forward of existing dwelling and surrounded by 1.8m colorbond fence Satisfies
CAR PARKING (EXISTING DWELLING) Module: Transportation and Access PDC 34	2 car parking spaces, 1 of which is covered.	2, 1 covered. 1 car parking space forward of dwelling and the other behind. Satisfies

QUALITATIVE ASSESSMENT

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

Land Division

Both proposed allotments achieve the minimum allotment area.

Proposed allotment 801 achieves the minimum frontage width.

Technically, proposed allotment 802 would not have frontage to a public road as it would be accessed via common property that extends to the allotment from Kingston Avenue. Both

proposed allotments would use the common property for vehicle access purposes, thus preventing the need for another driveway.

The 'Desired Character' of 'Medium Density Policy Area 19' states *"allotments... will be at medium density accommodating a range of dwelling types including ...group dwellings"*.

Medium density housing has been defined by 'The 30-Year Plan for Greater Adelaide' as a net residential site density of 35 to 70 dwellings per hectare. The proposed division would result in a net residential site density of 23.9 dwellings per hectare (10,000/836) x 2). The resulting density would therefore be considered "low" rather than "medium".

Although not common in the locality, "battle-axe" subdivision, as proposed, is considered to be acceptable in the policy area. This has been concluded because "group dwellings" as defined by the Development Regulations do not have frontage to a public road and are envisaged in Medium Density Policy Area 19. In addition, it has not been stated that "battle-axe" subdivision "will not occur" as per other residential policy areas in the Development Plan.

General Section, Land Division principle 7 states *"allotments in the form of a battle-axe configuration should... provide for an access onto a public road, with the driveway 'handle' being not less than 4 metres in width to facilitate landscape planting along the driveway"*.

The proposed "driveway handle" would vary in width from 5.5 metres down to 3.2 metres. Portion of the proposed driveway handle therefore fails to achieve the recommended minimum by 0.8 metres. The existing driveway travels parallel with the eastern property boundary beside the host dwelling. The proposed common property would overlay the existing driveway. Therefore the minimum width of the driveway would not change from that of the existing driveway. In addition, the width of the "driveway handle" could not increase without significant alteration to the existing dwelling.

In this instance, the reduced driveway width alone, is not considered to warrant the applications refusal.

Setbacks

Where the vertical side wall of a dwelling has a height that is 3 metres or less, the dwelling should have a minimum 1 metre setback from the side boundary. The existing dwelling would be retained and therefore the proposed land division would place the eastern side boundary of proposed allotment 801 approximately 300 millimetres from the side wall of the existing dwelling. The intent of the side setback provision is to minimise visual impact and overshadowing upon a neighbouring dwelling and to enhance the appearance of buildings when viewed from the streetscape. The reduced setback presents a congested appearance when viewed from Kingston Avenue, however, the reduced setback would not impose overshadowing or an unreasonable visual impact upon a neighbouring dwelling.

A dwelling's minimum setback from the rear boundary should be 6 metres. The proposed division would result in a 5.6 metre rear setback for the existing dwelling. The rear section of proposed allotment 801 would provide an undercover car park and a small landscaped area that could also be used as a discrete clothes drying area. The reduced rear setback would not impose overshadowing or an unreasonable visual impact. The reduced rear setback alone is not considered to warrant the application's refusal.

Vehicle Access

Development should be consistent with Australian Standard AS 2890 - Parking Facilities. In accordance with Australian Standards, the common driveway would normally require a minimum 3 metre pavement width with a 300 millimetre off-set either side from fences, walls and boundaries. With an approximate minimum width of 3.2 metres, the proposal fails to achieve the minimum driveway width. Notwithstanding this, vehicle movements within as proposed achieve Australian Standards.

It is acknowledged that vehicles are commonly parked in front of dwellings and that front gardens can be paved and converted to domestic car parking areas without the need for development approval. Notwithstanding this, the proposed car park in the front garden of the existing dwelling is awkwardly placed and may, on occasion, generate inconvenient vehicle movements when another vehicle is entering or exiting the site at the same time. The proposed car parking location is therefore undesirable.

Private Open Space

To enable an undercover car parking space that is not situated forward of the existing dwelling on allotment 801, the existing dwelling requires the re-location of its private open space. The applicant therefore proposes to surround the front garden with a 1.8 metre high colorbond fence so it can be used as private open space.

Generally, private open space should be accessed directly from internal living areas and be to the side or rear of a dwelling. Fences should enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance.

The re-located private open space achieves the minimum 60 square metre requirement, however, the resulting fence would diminish the appearance of the site when viewed within the streetscape. It is acknowledged that a colorbond fence no greater than 2.1 metres in height does not typically require development approval.

SUMMARY

The desire of the applicant to retain the existing dwelling presents various issues that individually have limited consequence, however, cumulatively produce a development that is somewhat awkward and disorderly.

The eastern boundary of proposed allotment 801 would be located close to the eastern wall of the existing dwelling. The applicant is yet to confirm whether the eaves/gutters of the existing dwelling would encroach over the eastern boundary of allotment 801 or whether they require any form of modification. Components of the proposed common property fail to achieve relevant Australian Standards with regard to driveway width. The need for a colorbond fence to ensure a private front garden to the existing dwelling would diminish the appearance of the site when viewed from Kingston Avenue.

The proposed development has not adequately addressed the resulting issues to ensure the development reinforces the positive aspects of the local environment and built form. Regardless, the applicant has requested the application be presented to the Development Assessment Panel.

Having considered all the relevant Objectives and Principles, the proposal is considered to be sufficiently at variance with the Development Plan Consolidated 05 May 2016 and warrants refusal.

Attachments

1. **Proposal Plans**
2. **Referral Reports**

RECOMMENDATION

It is recommended to Development Assessment Panel that:

1. On the basis that this matter is before the Environment Resources and Development Court so any disclosure would prejudice the position of Council, the Development Assessment Panel orders pursuant to Section 56A(12)(a) of the *Development Act 1993*, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams, City Development staff in attendance at the meeting, and meeting secretariat staff, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Chief Executive Officer.
2. At the completion of the confidential session the meeting be re-opened to the public.

DEVELOPMENT ASSESSMENT PANEL DECISION

Moved: C Dunn
Seconded: J Strange

That the recommendations be adopted.

CARRIED

6.11pm the meeting moved into Confidence and session commenced.

6.25pm the Confidential session closed and the meeting reopened to the public.

Note: The Confidential minutes are kept separate from this document.

8 SUMMARY OF COURT APPEALS**8.1 Summary of Court Appeals**

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.

RECOMMENDATION

The Development Assessment Panel receive and note the information.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

9 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.32pm.

CITY OF WEST TORRENS



MINUTES
of the
DEVELOPMENT ASSESSMENT PANEL

of the

CITY OF WEST TORRENS

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

on

TUESDAY, 8 AUGUST 2017
at 5.00pm

Terry Buss
Chief Executive Officer

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8.1	Summary of Court Appeals	19
9	Meeting Close	19

1 MEETING OPENED

The Presiding Member declared the meeting open at 5.00pm.

1.1 Evacuation Procedure

The evacuation procedures were read out to the gallery by the Presiding Member.

2 PRESENT

Panel Members:

Dr D Ferretti (Independent Presiding Member)

Councillors: Mr T Polito, Mr G Nitschke, Mr G Demetriou

Independent Members: Ms C Dunn, Mr W Stokes, Ms J Strange

Officers:

Mr T Buss	(Chief Executive Officer and DAP Public Officer)
Mr A Catinari	(General Manager Urban Services)
Ms J Lennon	(Manager City Development)
Ms J Grima	(Development Officer)
Mr J Leverington	(Development Officer)
Ms E Morgan	(EA Urban Services - Minute Secretary)

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Development Assessment Panel held on 11 July 2017 be confirmed as a true and correct record.

DEVELOPMENT ASSESSMENT PANEL DECISION

Moved: G Demetriou

Seconded: T Polito

That the recommendation be adopted.

CARRIED

5 DISCLOSURE STATEMENTS

The following disclosures of interest were made:

Item	Type of Conflict	Panel Member
DAP Item 6.10 - 189-195 Holbrooks Road, Underdale	Perceived	Dr Donna Ferretti

6.3 26 Kingston Avenue, RICHMOND

Application No 211/412/2017

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 Approval for Application No. 211/412/2017 by Mr Kim Lao to undertake land division at 26 (lot 34) Kingston Avenue, Richmond (CT 5558/607) for the following reasons:

1. The land division is contrary to the desired character of Medium Density Policy Area 19, the land division would not enhance the appearance of buildings when viewed from the street.
2. The land division is contrary to General Section, Land Division Principle 7 in that it does not provide for an access onto a public road with the driveway 'handle' being not less than 4 metres in width.
3. The land division would result in a dwelling with a side boundary setback that is less than 1 metre, contrary to Residential Zone, Principle 11.
4. The development is inconsistent with Australian Standard AS 2890 - Parking Facilities and therefore contrary to General Section, Transportation and Access Principle 35.
5. The proposal is contrary to General Section, Design and Appearance Objective 1 in that it fails to reinforce the positive aspects of the local environment and built form.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.4 23a, 23b, 25a and 25b Leicester Street, WEST RICHMOND

Application No 211/391/2017 and 211/414/2017

RECOMMENDATION 1

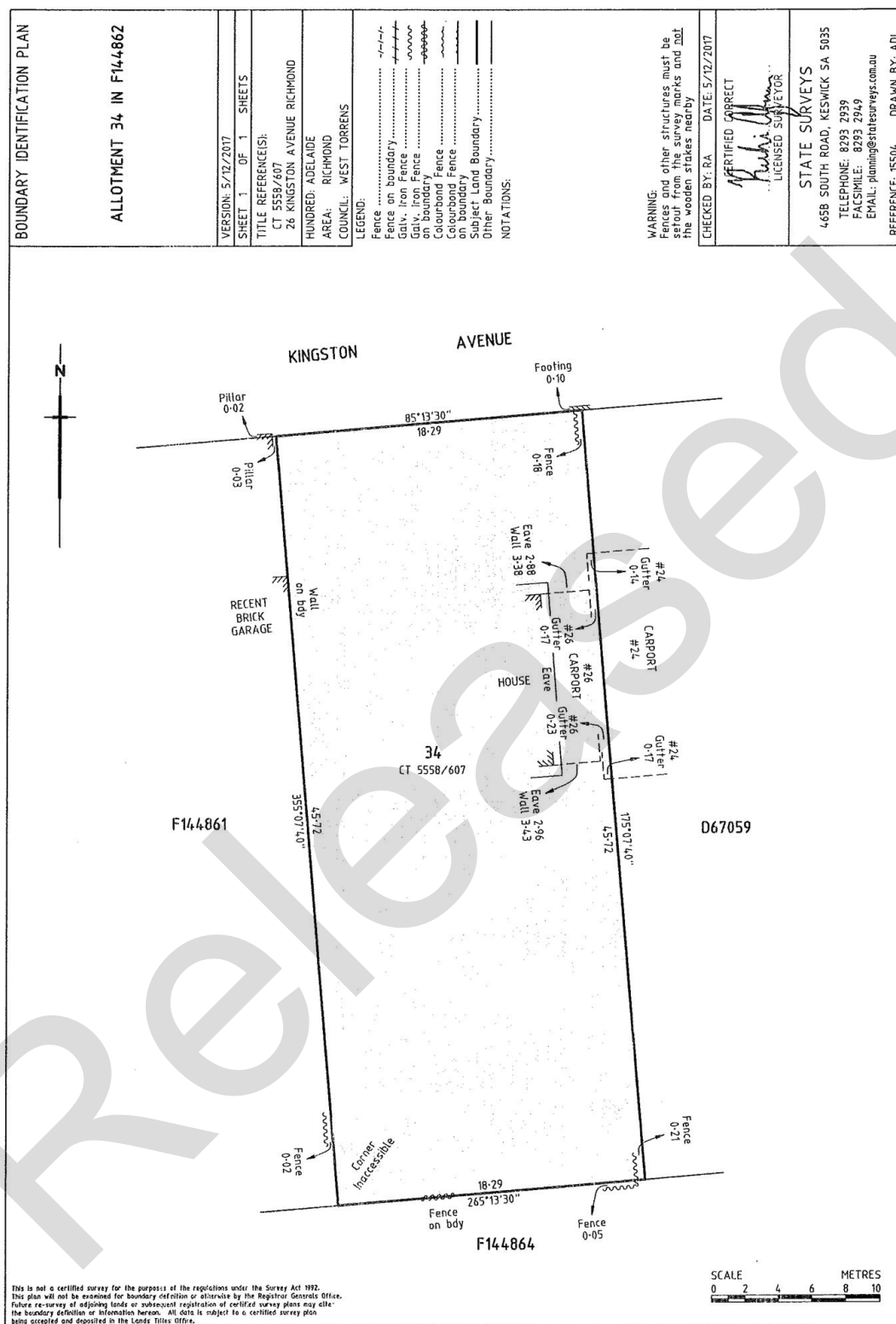
The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Land Division Consent for Application No. 211/414/2017 - (211/D053/17) by Mr Harpeet Singh to undertake land division at 23a, 23b, 25a and 25b (Allotment 150) Leicester Street (CT 6038/278) subject to the following conditions of consent:

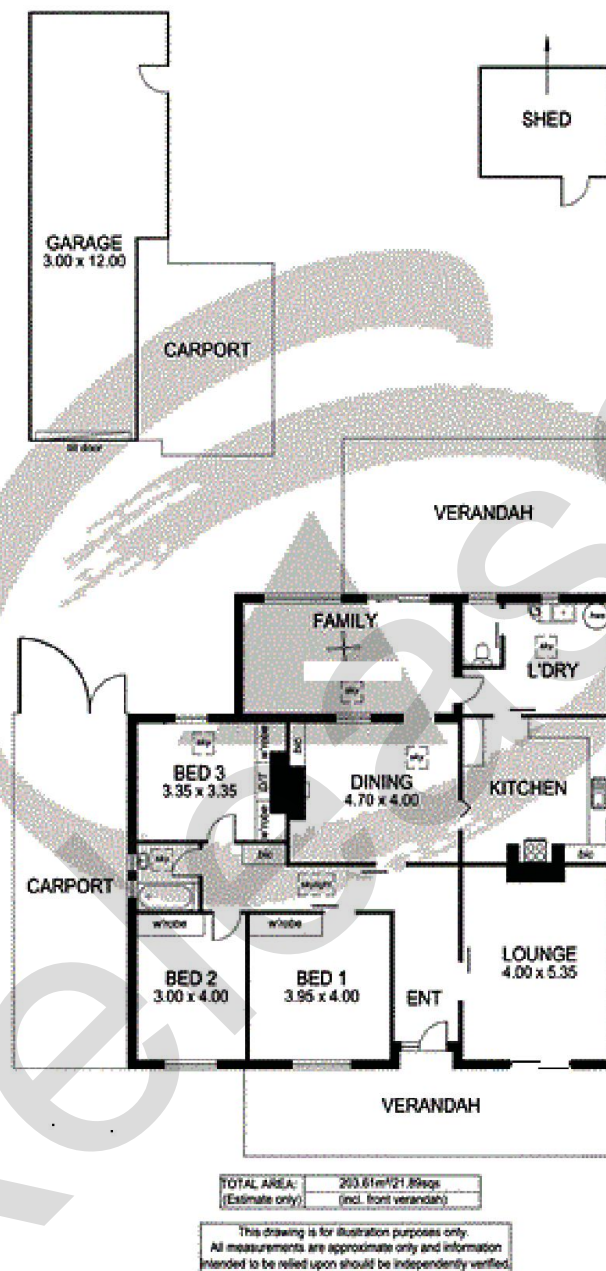
DEVELOPMENT PLAN CONSENT**Council Conditions**

1. The development shall be undertaken in accordance with the plans and information details in this application except where varied by any condition(s) listed below.

LAND DIVISION CONSENT**Council Conditions**

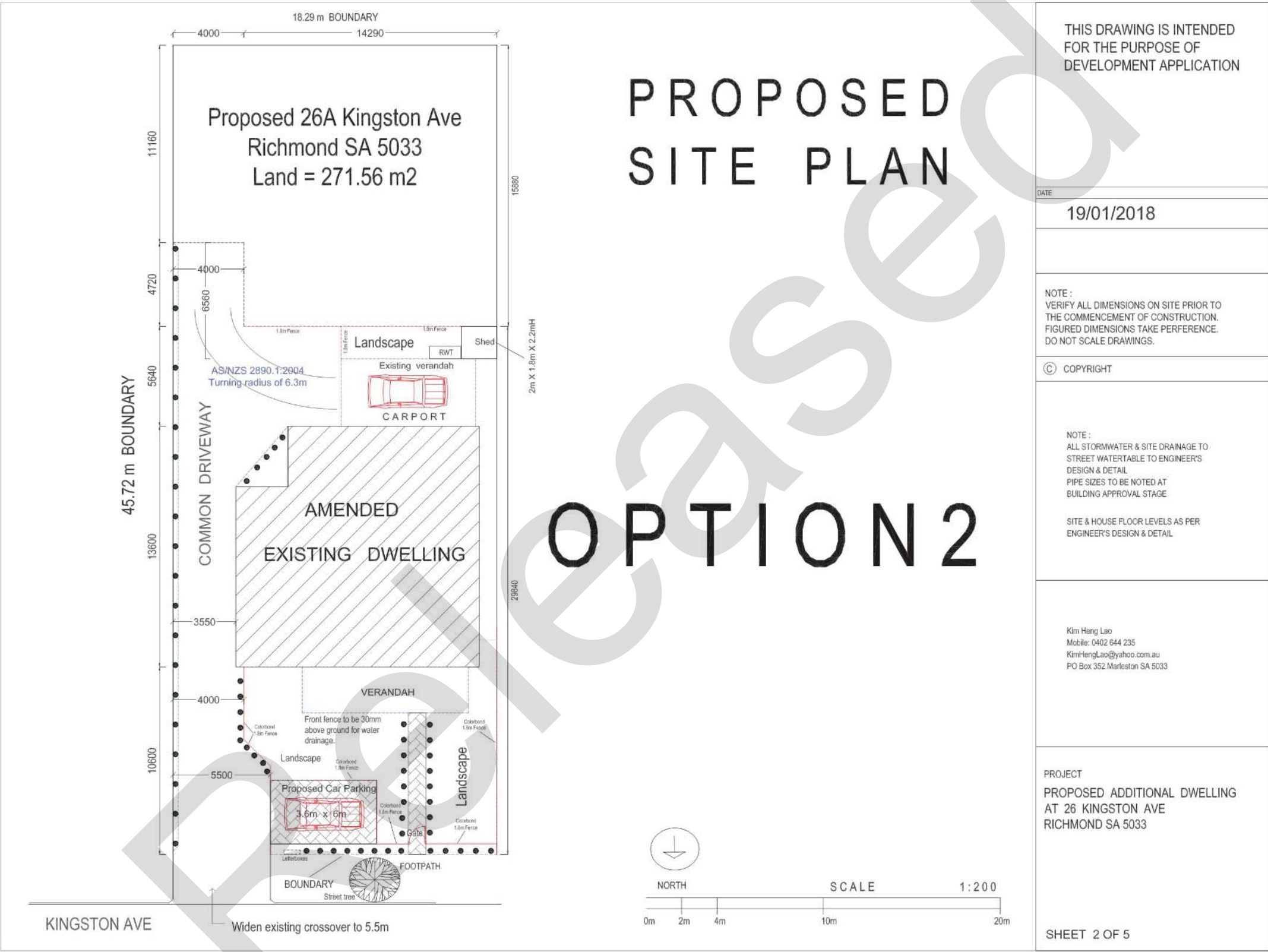
1. Prior to the issue of section 51 clearance to this division all existing structures must be removed from the allotment.







Released



Released

