

AGENDA ITEM: 5.1

To: Development Assessment Panel (DAP) on 14 September 2015

From: Susan Giles, Development Officer, Planning

Proposal: Eight Row Dwellings and associated retaining walls and landscaping (DA 050/108/2015)

Address: 151 Prospect Road, Prospect (CT 5348/565)

SUMMARY:

Applicant: Wealth in Property Pty Ltd

Owner: Mr Gavin Pinksteboer

Planning Authority: Council

Mandatory Referrals: Department of Planning, Transport and Infrastructure

Independent Advice: Lumen Studio
Council's Assets and Infrastructure Department

Public Notification: Category 2

Representations/Submissions: Three
Ms L Cook, 4 Cane Street (to be heard)
Mrs A and Mr O Neate, 2 Cane Street (to be heard)
Mr T McGovern, 2A Cane Street

Respondent: Mr G Pinksterboer

Development Plan Version: Consolidated 12 February 2015

Zone and Policy Area: Urban Corridor Zone (Transit Living Policy Area)

Key Considerations: Design and Appearance, Overshadowing, Car parking, Vehicular Access

Recommendation: **Refusal**

ATTACHMENTS:

Attachment 1 Development Application Form

Attachments 2-3 Certificate of Title

Attachments 4-5 Locality plans

Attachment 6 Photos of site

Attachments 7-9 Proposal plans

Attachment 10 Landscaping plan

Attachment 11 Preliminary civil plan

Attachments 12-14 3D perspectives

Attachments 15-18 Report prepared by Town Planner

Attachment 19 Comments from Lumen Studio (Design Review)

Attachments 20-22 Response from Department of Planning, Transport and Infrastructure

<u>Attachments 23-27</u>	Representations/Submissions
<u>Attachments 28-32</u>	Response to Representations from Town Planner
<u>Attachments 33-34</u>	Superseded plans

1. EXECUTIVE SUMMARY

- 1.1 The proposal is for the construction of eight row dwellings, of which seven would be three-storey and one would be two storeys in height. The development is proposed on one allotment within the Transit Living Policy Area.
- 1.2 The proposal was referred to the Department of Planning, Transport and Infrastructure as the site fronts an arterial road. Category 2 public notification was undertaken to adjoining land owners and three representations were received against the proposal. The application was also referred to the Design Review Panel and Council's Assets and Infrastructure for comment.
- 1.3 The key considerations of the application are with regard to the height of the building and locality to which it relates, design and appearance, setbacks, providing private open space, site levels, vehicular access and car parking for occupants and visitors.
- 1.4 The proposal achieves the minimum housing density, private open space, front, side and rear setbacks and minimises the potential of overlooking to the adjoining properties. The design and amenity is of sufficient quality to be in keeping with the variety of buildings anticipated in the Urban Corridor Zone. For the most part the car parking arrangements would satisfy the Development Plan requirements.
- 1.5 However the provision of safe and convenient off-street parking that would enable the movement of vehicles is not considered satisfactory. This is considered a critical shortfall and as such it is recommended that the proposal is refused.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

- 2.1.1 The locality comprises a mix of residential and commercial land uses. To the east of Prospect Road are residential land uses and the Prospect Catholic Church, while to the west are a variety of offices, small retail shops and personal services establishments.
- 2.1.2 There are a variety of dwelling types along Prospect Road and Cane Street. Within Cane Street the built form is predominantly bungalows and tudors which are single-storey in height. The subject land together with the properties directly north, south and west are located in the Urban Corridor Zone. The properties directly east and north-east of the subject land are located within the Residential Zone, Policy Area A450.
- 2.1.3 There are 3 street trees and a side entry pit located on Cane Street, directly adjacent the subject land. Cane Street is a narrow street and the northern side of the road is a no-standing zone with no vehicular parking permitted. A bus stop is located on Prospect Road, on the opposite corner to the subject land.
- 2.1.4 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan, as well as the location of the adjoining property owners who lodged representations, is described in **Attachment 4**.

2.2 Subject Land

- 2.2.1 The subject land is located on the south-east corner of Prospect Road and Cane Street. The land comprises one allotment with a total area of approximately 937m², with a frontage of 18m to Prospect Road and a frontage of 41m to Cane Street. The subject land slopes down from east to west. There are no regulated or significant trees on or near the subject land.
- 2.2.2 Existing site improvements include a detached dwelling and associated garaging. The site is not heritage listed. A single vehicular crossover is located in the north-east corner of the site, adjacent Cane Street.
- 2.2.3 The subject land is illustrated on **Attachment 5**. Photographs of the subject land are also included (refer **Attachment 6**).

3. **PROPOSAL**

- 3.1 The proposal is for eight row dwellings, with seven three storeys in height and one that would be two storeys in height. The building is proposed to reduce to two storeys to the rear (east) of the site to provide a transition in building heights to the adjacent the Residential Zone.
- 3.2 Each dwelling would be self-contained and face Cane Street. Dwelling 8 would have 2 bedrooms and dwellings 1-7 would have 3 bedrooms. Each dwelling would have a single car garage and a ground floor court yard where a designated clothes drying area and a rainwater tank would be located.
- 3.3 Four double width crossovers are proposed to Cane Street, with the dwellings grouped in pairs to share a crossover. Retaining walls and landscaping are proposed to the perimeter of the allotment.
- 3.4 No other works are proposed. The proposal plans are attached (refer **Attachments 7-11**). 3D perspective plans have also been provided (refer **Attachments 12-14**). The elevations illustrate the proposed development for 149 Prospect Road, Prospect, however this application is under separate assessment and not being considered within this report. Supporting documentation from a town planner engaged by the applicant is attached (refer **Attachment 15-18**).

4. **REFERRALS**

4.1 Internal (Advisory) Referrals

- 4.1.1 The application was referred to Lumen Studio to review the proposal as per Council's Design Review Procedure. The design review process is to promote good design and to give independent design advice on applications.
- 4.1.2 The comments provided (refer **Attachment 19**) were supportive of the development, and are as follows:
- The building's scale is reasonably well broken down and provides visual interest to the streetscape.
 - The south and east facing facades are largely simplistic and not as well articulated as the north and west elevations.
 - There is some ability to make use of cross breezes.
 - There would be a reasonable ability to incorporate strategies to minimise water and energy consumption on site.
 - Space available for landscaping.
 - Increased passive surveillance to the street is desirable.

- Vehicle access from the side street has been achieved, although one driveway could be problematic for future residents.
 - The proposal sets a reasonable precedent for future developments.
- 4.1.3 The application was referred to Council's Assets and Infrastructure Department for comment regarding the proposed vehicle crossovers. The response received was that a crossover must be a minimum of 6m from the tangent point, otherwise it would not be supported.
- 4.1.4 The applicant advises that the crossover would be located 6m from the tangent point of the Cane Street and Prospect Road intersection (refer **Attachment 29**), which is reflected in the amended plans.

4.2 External (Legislated) Referrals

- 4.2.1 The proposal was referred to the Commissioner of Highways as required by Schedule 8 of the Development Regulations 2008.
- 4.2.2 The Department of Planning, Transport and Infrastructure (DPTI) advised that Prospect Road is identified as a Public Transport Corridor, a Major Cycling Route and a Priority Pedestrian Area under DPTI's *A Functional Hierarchy for South Australia's Land Transport Network*. At this location Prospect Road has an AADT of 16,100 vehicles per day, of which 5% are commercial vehicles. The speed limit is 50km/h.
- 4.2.3 DPTI note that the Metropolitan Adelaide Road Widening Plan (MARWP) shows a 4.5m by 4.5m corner cut-off adjacent Prospect Road and Cane Street may be required for possible future road purposes. While DPTI supports the 3m x 3m corner cut-off proposed, the consent of the Commissioner of Highways would be required for all building works on or within 6m of the possible MARWP requirement.
- 4.2.4 DPTI has no objection to the proposed access points, subject to conditions, given that the development would gain all access via Cane Street. However, the Department note that the layout would require dwellings 1 and 2 to share a driveway, which would require the portion of land to be designated as a right of way to ensure there is free and unrestricted access for both dwellings.
- 4.2.5 Additionally DPTI comment that the layout would most likely restrict the vehicle movement and visitor parking to either dwelling. Accordingly, DPTI recommended that the building is moved towards the east to enable the access to proposed dwelling 1 to be located so that it achieves the 6m separation from the tangent point, and meets the road at 90 degrees. This would also provide each dwelling with a separate driveway and ensure that the potential vehicular conflict between the dwellings would be minimised.
- 4.2.6 The comments and conditions that DPTI recommend are attached (refer **Attachments 20-22**).
- 4.2.7 In response to the feedback from DPTI, the applicant advised that moving the dwellings would result in greater impacts to the adjoining property to the east. Therefore an amended site plan was provided which illustrates the driveway for dwelling 1 would be widened to allow a sufficient area for a vehicle to be parked wholly within each driveway and access and egress could occur without being impeded by a vehicle parked at dwelling 2 (**refer Attachment 29**).
- 4.2.8 The applicant's response along with the amended plan was provided to DPTI for further comment. DPTI responded:

“In relation to the access design shown in the amended plan, it is not very good as it still requires vehicles accessing dwelling 1 to use the driveway of dwelling 2. This arrangement is likely to result in conflict as discussed in our letter. Normally, the location of the access should be about 12m from the continuation of the kerb line on the through road and the access point designed to be at 90 degrees to the road. If approved in its current form, it is likely that Council will receive complaints about the access to dwelling 1 which in turn is likely to result in a request being made for a separate access closer to the tangent point. It should be noted that DPTI would not be supportive of the access being moved any closer than currently being proposed.”

4.2.9 No other consultation with agencies was required.

5. **PUBLIC NOTIFICATION**

5.1 The application is a Category 2 form of development pursuant to Section 38 of the *Development Act 1993* and Urban Corridor Zone Principle of Development Control 22.

5.2 A dwelling is a Category 1 development unless it is located on land adjacent to the Residential Zone or Historic (Conservation) Zone and if it would be three or more storeys, or 11.5 metres or more in height, and in excess of the ‘Building Envelope - Interface Height Provisions’ (UCZ PDC 22). The subject land is adjacent land within the Residential Zone, while the building would be three storeys in height and exceeding the building envelope. Accordingly, the application has been assessed as a Category 2 form of development.

5.3 The public notification period ended with three representations received against the proposal, of which two representors have stated they wish to be heard by the Panel in support of their representation.

5.4 The representors raised the following concerns (refer **Attachments 23-27**):

- The design of the building not consistent with the locality.
- The proposal would de-value the area.
- There would be an increase in traffic and car parking congestion.
- The proposal would see the removal of 4 kerb side car parks, yet increase the number of dwellings.
- The building will tower over neighbouring properties.
- The building would overlook the adjoining properties.
- The driveways would be close to the intersection which has potential to cause accidents with cars reversing out of driveways.
- Cane Street is extremely narrow and inadequate to support the number of dwellings.
- The proposal would increase the strain on the current street infrastructure.

5.5 The representations were forwarded to the applicant for consideration. The applicant has provided a response with regard to the parking and traffic, access, character of the area and privacy measures. Specifically, the applicant provides the following comments (refer **Attachment 28-32**):

- The proposed development would provide 2 on-site car parking spaces which satisfies the parking requirement outlined in Council’s Development Plan.
- The development would not rely on any on-street parking to service the development.
- The locality is well supplied with on-street parking despite the restricted sections along Cane Street.

- The zone envisages development at a much higher density that currently exists.
- The preference for vehicular access is to be taken from the side roads, rather than the arterial roads.
- Some increase in traffic on residential streets is to be expected however the projected traffic volumes to be generate would be unlikely to adversely impact the locality.
- Traffic generation study (based on a house in the metropolitan areas within Sydney) suggests that the proposed development would generate a total of 85.6 traffic movements per day on Cane Street. This translates to one vehicle movement on average every 7.5 minutes in peak periods, which is not considered excessive.
- The driveway to dwelling 1 would be located 6m from the tangent point of the intersection which accords with the relevant Australian Standards.
- The proposed building would not be consistent with the existing locality, however the dwellings incorporate well-articulated design features.
- The building would step down to two-storey adjacent the eastern boundary to provide a transition between the adjoining Residential Zone.
- The development would not create any adverse overlooking or privacy impacts.
- Direct views into the private open space of the adjoining dwellings is unlikely given the separation distance is some 30m and the views are obstructed by the existing garage, fencing and vegetation.

6. PLANNING COMMENTARY

- 6.1 The application involves building work and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 20 and 21 of the Urban Corridor Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 6.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

7. PLANNING ASSESSMENT

7.1 Land Use

- 7.1.1 The Desired Character Statement for the Urban Corridor Zone states that development within the Zone would enable high quality mixed use urban environment that contributes to economic vitality by increasing the density of housing, as well as the number and the diversity of businesses and other services offered to residents and the wider community.
- 7.1.2 The subject land is located within the Transit Living Policy Area. The Objectives of the Transit Living Policy Area outline that new development should comprise medium density residential land uses supported by local shops, offices and community land uses. It is anticipated that this would occur through a highly varied built streetscape, allowing multiple design responses that support innovative housing and mixed use development.

7.1.3 Dwellings or a combination of dwellings are a type of development that is envisaged within the Urban Corridor, as outlined in Principle of Development Control 1 of the Urban Corridor Zone. Therefore the proposal is considered to be an appropriate type of development from a land use perspective.

7.2 Site area

7.2.1 The Transit Living Policy Area anticipates medium and high density housing. In order to achieve this, a minimum desired residential site density would be 45 dwellings per hectare net, unless varied by the Concept Plan (UCZ PDC 5).

7.2.2 The subject site has an area of approximately 937m² and is not identified within the Concept Plan. Therefore the minimum net residential site density would be achieved through the provision of 4 dwellings. The proposal is for 8 row dwellings, thus comfortably satisfying the above Development Plan provision.

7.3 Vehicular access

7.3.1 It is anticipated that new developments minimise the number of access points onto arterial roads by providing vehicle access from side streets, rear access ways, via rights of way or common vehicle parking areas (UCZ PDC 11). Vehicle access points on side streets and rear access ways should be located and designed to minimise the impacts of headlight glare and noise on nearby residents and avoid excessive traffic flows into residential streets (UCZ PDC 12).

7.3.2 Vehicular access to the site would be from Cane Street via four double crossovers. Each dwelling would have a single car garage and a visitor car park, provided in a stacked formation. A stobie pole is currently in the process of being relocated 1m east to make room for one of the crossovers. The crossovers would be adjacent the side boundary fence of the property to the north and therefore no impact of headlight glare is anticipated to the adjacent property.

7.3.3 Council Wide Principle of Development Control (PDC) 15 outlines that residential allotments should have the appropriate area, configuration and dimensions for the siting of a dwelling and convenient vehicle access and parking.

7.3.4 Car parking areas servicing more than one dwelling should be located and dimensioned to:

- a) efficiently, conveniently and safely serve users (pedestrians, cyclists and motorists);
- b) provide adequate space for vehicles to manoeuvre between the street and the parking area;
- c) provide ingress and egress from streets having the capacity to accommodate projected vehicle movements; and
- d) reinforce or contribute to attractive streetscapes (Council-wide PDC 63).

7.3.5 A vehicular crossover must be a minimum of 6m the tangent point of the intersection, to satisfy the relevant Australian Standard. As a result, vehicular access to dwelling 1 is proposed to be achieved via a crossover that would also service dwelling 2. The removal of a street tree would be required to facilitate this outcome, while concerns are identified about the functionality of this solution. Based on these concerns, which related particularly to the convenience of access for users, the proposed access to dwellings 1 and 2 is not supported. This is representative of an overdevelopment of the site, as safe and convenient vehicular access is unable to be achieved for all proposed dwellings.

- 7.3.6 It is desired that development is designed to enable provision for adequate off-street parking and for vehicles to enter and exit the site in a safe manner. This is considered to be critical design criteria that should be achieved for all new development. This is reinforced by comments of the Environment, Resources and Development Court, in the matter of *GIC Australia Pty Ltd ACN 123 994 829 v City of Holdfast Bay [2014] SAERDC 52*. In this matter, in relation to the proposed access arrangements, the Commissioner stated:

“Even if the risk of conflict is low....it is a risk the Development Plan seeks to avoid....”

“As the proposal stands at present....the access arrangement for the proposed dwelling is unsatisfactory and at sufficient odds with Council Wide Principle[s]..”

“I am satisfied that both land uses proposed are appropriate on the subject land I am not satisfied that the reversing manoeuvre required to exit the proposed dwelling adequately satisfies the safe and convenient access provisions of the Development Plan one of which comprises a principle directed to new residential development”.

- 7.3.7 Accordingly, vehicular access is a critical issue and the design for dwellings 1 and 2 is not considered to provide safe and convenient movement to and from the subject site, which may be considered as a fatal flaw to the application.

7.4 Design and Appearance

- 7.4.1 The proposed development is for eight row dwellings comprising a total of three storeys and a total height of 11m. It is expected that the height of new development be a minimum of 1 storey, with a maximum height of 3 storeys and up to 11.5m (UCZ PDC 13), therefore the proposal achieves the desired height within the Transit Living Policy Area.
- 7.4.2 It is anticipated that development within the Urban Corridor Zone would achieve a high standard of architectural design through careful articulation and fenestration to all visible sides. The design of building facades should contribute positively to the street by articulating the built form and accentuating the building's functions, and providing vertical elements that create a strong vertical rhythm (UCZ Desired Character Statement).
- 7.4.3 Additionally, buildings on allotments that have a frontage greater than 10m should be well articulated through variations in forms, materials, openings and colours (UCZ PDC 8). The above is reiterated by Council-wide provisions that suggest:
- Buildings should be designed so that the main façade faces the primary street frontage of the land on which they are situated (Council-wide PDC 140).
 - Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view (Council-wide PDC 142); and
 - The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists (Council-wide PDC 133).
- 7.4.4 With regard to the above provisions, the design proposes a rectangular shape building with repetitive elements to tie the building together. There would be a combination of both horizontal and vertical decorative elements to create a cohesive building form. The external materials and finishes would consist of render, timber look cladding, matrix feature cladding and glass balustrades to the

balconies. The southern elevation of dwellings 1-7 would be finished with render and dwelling 8 would comprise render and timber look cladding to the south and eastern elevations. While visual interest would be achieved to the north and west, it would be lacking on the southern elevation. It is noted that the applicant has lodged a development application to develop the allotment to the south, which would be directly adjoining the subject land and may therefore mean that any articulation would be redundant.

- 7.4.5 Overall, the built form would achieve the above principles by way of the fenestration and location of balconies, use of materials, external colour scheme and the decreased scale of building height adjacent the adjoining allotment.
- 7.4.6 To maintain sight lines between buildings and the street, and to improve safety through passive surveillance, solid fencing should not be constructed between the front building line and the primary or secondary street (UCZ PDC 10). Furthermore, where possible, balconies should be integrated with the overall form and detail of the building, include balustrade detailing that enables line of sight to the street, be recessed where wind would otherwise make the space unusable, and be self-draining and plumbed to minimise runoff (Council-wide PDC 135).
- 7.4.7 The proposed balconies would face north, have glass balustrades and provide surveillance to Cane Street. No solid fencing is proposed between the dwellings and Cane Street or Prospect Road. Independent architectural advice has confirmed that the design and appearance of the development would be of an appropriate standard.

7.5 Setbacks

- 7.5.1 Within the Transit Living Policy Area, the minimum setback from the primary road is 3m (UCZ PDC 16). The minimum setback from a rear boundary should be 3m (UCZ PDC 18). The proposed balconies would be setback 3.5m from Cane Street and the main face of the building would be setback 5.5m from Cane Street. The building would be setback 3m from the rear boundary.
- 7.5.2 The minimum setback from a secondary road within the Transit Living Policy Area is 2m (UCZ PDC 17). The proposed building would have a 2.8m setback from the western boundary which fronts Prospect Road, which is relatively consistent with the desired 3m setback for development fronting Prospect Road.
- 7.5.3 For allotments with a frontage width greater than 20 metres, the building should have a minimum setback of 2m from a side boundary when adjoining another allotment (UCZ PDC 18). The wall of the dwelling adjacent the eastern boundary would be setback 2.2m, and the balcony would be setback 1m.
- 7.5.4 Notwithstanding the balcony, the building has been designed to satisfy the front, rear and side setback criteria. The balcony would be adjacent the neighbouring allotment's driveway, and would not overshadowing or create an overlooking impact to the site.
- 7.5.5 To minimise the building massing at the interface with the residential zone, it is anticipated that buildings be constructed within a building envelope provided by a 45 degree plane, measured from a height of 3m above natural ground level at the zone boundary (UCZ PDC 14). While the building closest to the Residential Zone would be two storeys in height, it would slightly encroach the building envelope (refer **Attachment 5**). The encroachment is considered to be minor in nature and would not have an unreasonable impact on the adjoining property.

7.5.6 Accordingly, the setbacks are considered to satisfy the setback requirements within Council's Development Plan.

7.6 Overshadowing

7.6.1 It is generally anticipated that new buildings allow for access of adequate winter sunlight to ground level private open space of existing adjacent dwellings (Council-wide PDC 78). The subject site, along with the adjoining properties to north and south are located within the Urban Corridor Zone, and therefore the sites are also identified to be developed at a greater intensity.

7.6.2 The subject land is located on the south-eastern corner of an intersection. As a result of the orientation of the subject land and adjoining allotments, together with the location of the proposed and existing buildings, the proposed building would not restrict direct winter sunlight into the windows of the adjacent dwelling or its private open space (Council-wide PDC 138).

7.7 Privacy

7.7.1 Except for buildings of 3 or more storeys in the Urban Corridor Zone, the location of any windows and balconies shall be such as to prevent overlooking to adjacent useable private open spaces or adjoining windows. Any window that directly overlooks the private open space or adjoining windows of any adjoining property is to be screened to a height of 1.7m above the floor level (Council-wide PDC 90).

7.7.2 The design proposes the east and south facing windows would have obscured glass to 1.7m above finished floor level along with a high level window facing east. Accordingly, privacy to adjoining allotments would be minimised. The balconies face north onto Cane Street and would not enable views into the private open space of the adjoining dwellings within the Residential Zone.

7.8 Noise Attenuation

7.8.1 Residential development on sites abutting roads with traffic volumes exceeding 3000 vehicles per day should be sited and designed to reduce the impact of traffic noise on occupants (Council-wide PDC 111). Additionally the subject land is identified with Map Pr/1 (Overlay 5) for the purpose of noise and air emissions. PDC 1 of the Noise and Air Emissions Overlay outlines that noise and air quality sensitive development located adjacent to high noise and/or air pollution sources should:

- (a) shield sensitive uses and areas through one or more of the following measures:
 - (i) placing buildings containing less sensitive uses between the emission source and sensitive land uses and areas
 - (ii) within individual buildings, place rooms more sensitive to air quality and noise impacts (e.g. bedrooms) further away from the emission source
 - (iii) erecting noise attenuation barriers provided the requirements for safety, urban design and access can be met
- (b) use building design elements such as varying building heights, widths, articulation, setbacks and shapes to increase wind turbulence and the dispersion of air pollutants provided wind impacts on pedestrian amenity are acceptable
- (c) locate ground level private open space, communal open space away from the emission source.

7.8.2 The dwelling closest to Prospect Road would have the main living areas and a bedroom facing Cane Street, with a balcony on both levels that would provide a buffer between the rooms and the front of the allotment. One window is proposed to face Prospect Road that would be located above the desk on the second storey.

7.8.3 The construction of any building is required to be undertaken in accordance with the Ministers Specification SA78B – Construction requirements for the control of external sound. Compliance with the Minister's Specification would be required as part of the Building Code of Australia (BCA). It is considered that BCA requirements would provide an appropriate level of occupier comfort for all apartments.

7.9 Affordable housing

7.9.1 Development within the Urban Corridor Zone which proposes 20 or more dwellings should have a minimum of 15% affordable housing (Affordable Housing Overlay PDC 1). The proposal is for 8 dwellings therefore the affordable housing provision does not apply.

7.10 Private open space provision

7.10.1 Private open space should be provided in accordance with Council Wide PDC 148, which outlines that the area should be designed to enable domestic functions for each dwelling, and should:

- a) be accessed directly from the internal living areas of the dwelling;
- b) be screened for privacy;
- c) minimise overlooking from adjacent buildings;
- d) achieve separation from bedroom windows on adjoining sites;
- e) have a northerly aspect to provide for comfortable year round use;
- f) minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality; and
- g) have sufficient area and shape to be functional, including the provision for external clothes drying areas .

7.10.2 Private open space areas for dwellings at ground level which have a site area less than 300m² should have a minimum of 24m², of which 8m² may comprise of balconies providing they have a minimum dimension of 2m. A minimum area of 16m² should be provided at the rear or side of the dwelling which has a minimum dimension of 3m and which is directly accessible from a habitable room (Council-wide PDC 149).

7.10.3 All eight dwellings would be provided with a total of 24m² of private open space. At ground level, dwelling 1 would have 22m², dwellings 2-7 would have 14.5m² and dwelling 8 would have 21m². The area would have a dimension of 3m and located directly to the rear of the dwellings, which would be south facing. With the exception of dwelling 8, the area would be directly adjacent a bedroom and provide a designated drying area for the occupiers.

7.10.4 The balconies would provide an additional area of 9.6m² of private open space which would have a width of 2m. The balconies would be north facing and directly accessible from the living areas.

7.10.5 While the ground floor private open space would be slightly less than desired for dwellings 2-7, it is acknowledged that the dwellings would overall be provided with the minimum amount of private open space desired, and which would have sufficient area and shape to be functional. Accordingly the proposed private open space for the dwellings is considered to satisfy the relevant provisions.

7.11 Energy Conservation Measures

7.11.1 It is desired that all dwellings provide adequate thermal comfort for occupants through passive design features such as orientation of windows, living areas and private open space, and cross-ventilation (Council-wide PDC 79).

7.11.2 The location of windows and doors would enable adequate levels of natural light and permit natural cross ventilation. Each dwelling would have north facing windows and balconies, with seven of the dwellings having north facing windows into their main living areas. The main living area for dwelling 8 would be south facing. The balconies would be covered to minimise the summer sunlight.

7.11.3 The location of heating and cooling systems has not been identified, however it is noted that heating and cooling systems could be located to the rear of each dwelling, and which would be screened from view by boundary fences (Council-wide PDC 134).

7.11.4 Accordingly, the building design incorporates features to provide adequate thermal comfort to occupants, while minimising reliance on active heating and cooling.

7.12 Car and Bicycle Parking

7.12.1 Each dwelling would have provision for two vehicles to be parked on site in the form of a single width garage and visitor park. The visitor park would be directly in front of the garage, therefore car parking would be in a stacked formation.

7.12.2 One car park should be provided for a row dwelling with 1 or 2 bedrooms and two car parking spaces should be provided for 3 or more bedrooms. Therefore, the anticipated car parking rate for the 8 dwellings would be 15 car parking spaces. No additional parking on-site is required for visitors.

7.12.3 The proposed development would accommodate 16 cars, therefore providing sufficient car parks. However, it is acknowledged that the provision of accessing the driveway for dwelling 1 could be compromised if a car was parked in the driveway of dwelling 2. It is further noted that DPTI have directed the imposture of a condition preventing parking in front of dwellings 1 and 2.

7.12.4 Table Pr/6 of Council's Development Plan suggests that one bicycle park should be provided for every four dwellings, and one bicycle park per visitor for every ten dwellings. Accordingly, three bicycle parks should be provided. The proposal would provide an area within the garage of each dwelling to cater for a bicycle park, therefore comfortably satisfying the Development Plan provision.

7.13 Site Preparation

7.13.1 Residential allotments should have an orientation, size and dimensions that will facilitate the siting of dwellings to protect natural or cultural features and minimise the need for earthworks and retaining walls (Council-wide PDC 18). The subject site slopes from east to west. Site levels range between 100.40 in the north-east corner, 101.6 in the south-east corner, 98.95 in the north-west corner and 99.48 in the south-west corner. Therefore there is a 1.45m-2.12m fall from east to west.

- 7.13.2 The finished floor levels (FFL) of the dwellings has been designed in accordance with the slope of the land, with 300mm difference between every 2 dwellings, and approximately 400-600mm above the highest point of the water table adjacent each pair of dwellings. The proposed FFL of the dwellings would be:
- 99.30 for dwellings 1 and 2 (western end of the site);
 - 99.60 for dwellings 3 and 4;
 - 99.90 for dwellings 5 and 6; and
 - 100.20 for dwellings 7 and 8 (eastern end of the site).
- 7.13.3 It is noted that the dwelling located directly east of the subject land has a FFL of 101.64 and the current dwelling on the subject land has a FFL of 100.61. As such, the proposed FFLs would be lower than that of the existing dwelling.
- 7.13.4 The existing retaining walls are proposed to be replaced with new retaining walls at the property boundaries. The retaining walls would range between 950mm-1.3m along the southern boundary and 1.05m along the eastern boundary (refer **Attachment 10**), and would be required to retain soil following excavation of the site.
- 7.13.5 The proposed site levels are considered appropriate and unlikely to result in an unreasonable impact to the adjacent properties.

7.14 Landscaping

- 7.14.1 The siting, scale and design of landscaping on prominent corner sites along arterial roads should create attractive landmarks that enhance the character of such roads yet do not impair the amenity of lower scale development in their locality (Council-wide PDC 302).
- 7.14.2 A landscaping plan has been provided which nominates low-level shrubs and plantings to the north, east and west of the site. Small trees are proposed in front of the building adjacent Cane Street and Prospect Road. The trees are proposed to have clean trunks to ensure that there would be no impact to the line of sight for motorists or pedestrians (refer **Attachment 9**). The landscaping is proposed to provide visual softening of the built form and neighbouring properties, and provide a buffer between every driveway (Council-wide PDC 141).
- 7.14.3 Where development is located adjacent to an intersection, it should not create an obstruction or impair the visibility of road users. Similarly, fences and walls abutting streets should ensure traffic visibility at intersections (Council-wide PDC 53 and 211).
- 7.14.4 Motorists can turn either north or south onto Prospect Road at the Cane Street intersection. The setback of the proposed development and location of plantings should not unreasonably restrict the sight lines for any motorists entering or exiting from the intersection. Similarly, the visibility of a motorist when exiting from the adjoining property in a forward direction should not be unreasonably affected. Notwithstanding this, should the application be approved, a condition would be recommended which requires all landscaping to be maintained to Council's satisfaction, which would include the maintenance of appropriate sight lines.

7.15 Stormwater Management

- 7.15.1 The provisions of Council's Development Plan suggest that site drainage should be designed to safely direct surplus flows to a public street without causing harm to adjoining properties (Council-wide PDC 97) and that all proposed

developments should be designed to retain as much stormwater as possible, minimising the overflow to the kerb and water table (Council-wide PDC 98).

7.15.2 Rainwater tanks have been illustrated on the site plan, however a stormwater management plan is yet to be finalised. Given that the proposal will result in a notable increase in stormwater run-off from the subject land, it is fundamental that Council receive and assess a detailed plan.

7.15.3 It is therefore recommended that the consideration of the stormwater design be reserved for further assessment and approval by Council. It is anticipated that this design would not result in substantial changes to the layout or appearance of the building.

7.16 Waste Management

7.16.1 Council's Development Plan outlines that new development should incorporate opportunities for minimising waste and enable waste management options that provide adequate storage while screening these areas from public view (Council-wide PDC 147).

7.16.2 Council has a 3-bin system to separate waste streams, with two of the bins placed out for collection each week. Therefore, a total of 24 bins would require storage and the potential for 16 bins would be kerbside for collection each week.

7.16.3 On-street parking is restricted to Cane Street as it is a no standing zone and parking not permitted; therefore the placement of 16 bins on the kerbside for collection would not restrict the use of on-street car parking. The bins could be located adjacent the proposed crossovers, which would be approximately 10m from the intersection of Prospect Road. Accordingly, the placement and collection of the bins could be accommodated without impacting upon traffic movement (Council-wide PDC 169).

8. CONCLUSION AND RECOMMENDATION

8.1 The proposal seeks to construct a medium-high density residential land use on the subject land. For the most part the building would be three storeys in height, and two-storeys adjacent the Residential Zone. Overall the building would stand at 11m above natural ground level which is within the height limit anticipated within the Transit Living Policy Area.

8.2 The proposed building would provide fenestration and articulation to both the primary and secondary streets, and maximise the northern aspect. Overall the floor plans proposed would provide functional and usable living spaces, and privacy and noise impacts would be moderated through noise attenuation techniques. The proposal would achieve the required setbacks, have adequate private open space, storage facilities, waste collection and thermal comforts in accordance with the development plan provisions. The design has also been supported by Lumen Studio.

8.3 Vehicular access would be provided from a side street, satisfying DPTI requirements. For the most part the proposed layout would provide adequate car parking in accordance with the requirements of Council's Development Plan. However the driveway area for dwelling 1 would be significantly compromised due to the required distance of a crossover from the tangent point of the intersection. As a result, the vehicular access to dwellings 1 and 2 is not considered to provide safe and convenient movement to and from the subject site. As noted in the comments from DPTI, remedying this issue would require that no parking occurs within the driveway area (which is unlikely given the dimension of that space) or the crossover would need to be widened (which would conflict with a side entry pit and be at odds with the relevant Australian Standards).

8.4 The proposal would therefore fail to provide safe and convenient vehicle access and parking to dwelling 1 and as such the proposal is not considered to warrant the support of the DAP.

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/108/2015 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be refused to DA 050/108/2015 from Wealth in Property Pty Ltd for eight Row Dwellings and associated retaining walls and landscaping at 151 Prospect Road, Prospect (CT 5348/565), subject to the following conditions and notes:

- Fail to provide an appropriate configuration for convenient vehicle access and parking.

As such, the proposed development would be at variance with the relevant provisions of the Prospect (City) Development Plan and in particular:

- Metropolitan Adelaide Objective 14;
- Council Wide Principles of Development Control 15, 58, 63;

Advisory Notes:

- (1) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).



Susan Giles
Development Officer, Planning



SCANNED

Attachment 1

16 MAR 2015

CITY OF PROSPECT

CITY OF PROSPECT Development Services

128 Prospect Road, Prospect SA 5082

Telephone (08) 8269 5355 Facsimile (08) 8269 5834

Development Application Form

Application no.: 050 / / (Office Use Only)

1. Application Type (select one)

- Development Plan Consent only, Building Rules Consent only, Full Development Approval

2. Location of Proposed Development

Unit #: House #: 151 Street: PROSPECT ROAD Suburb: PROSPECT Postcode: 5082 CT Volume & Folio: 5348/565

3. Details of Parties

Applicant

Name: WEALTH IN PROPERTY P/L Address: 141 HENLEY BEACH ROAD MILE END 5031 Contact No.: ATF PROSPECT DEVELOPMENT UNIT TRUST Email:

Owner as applicant

Name: Address: Contact No.: Email:

Builder owner builder as applicant to be advised other

Name: Address: Contact No.: Email:

Builders Licence Number:

4. Proposal Details

Description of proposal: 8x TORRENS TITLE TOWNHOUSES

Existing use of property: RESIDENTIAL HOUSE

Estimated cost of development: \$ 2,000,000

5. Declarations

- Building Rules Classification sought: Present Class: Proposed number of employees... Proposed number of persons... Proposed number of occupants... Does Schedule 21 or Schedule 22... Has the Construction Industry Training Board (CITB) levy been paid?

I acknowledge that Council may make copies of this application and documentation in accordance with the Development Regulations 2008 and Development Act 1993.

If published, I request that Council obscures my telephone number and email address. yes no

I have sought permission from the architect/engineer to allow reproduction of the application documents for provision to third parties. yes no

Name: GAVIN PINKSTERBOER Signature: Date: 13.3.15

Applicant Owner Builder

* LAND DIVISION 050/0027/14



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5348 FOLIO 565 *

COST : \$26.50 (GST exempt)	PARENT TITLE : CT 3789/9
REGION : EMAIL	AUTHORITY : CONVERTED TITLE
AGENT : AALB BOX NO : 188	DATE OF ISSUE : 26/06/1996
SEARCHED ON : 25/11/2014 AT : 16:05:48	EDITION : 5
CLIENT REF BIANCA	

REGISTERED PROPRIETORS IN FEE SIMPLE

ANTONIO ARMANDO DA SILVA PEREIRA AND ELIZABETH PEREIRA BOTH OF 23 MARRAL STREET THE GAP QLD 4061 AS JOINT TENANTS

DESCRIPTION OF LAND

ALLOTMENT 57 FILED PLAN 109822
IN THE AREA NAMED PROSPECT
HUNDRED OF YATALA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

11325956 MORTGAGE TO PERPETUAL TRUSTEES VICTORIA LTD.

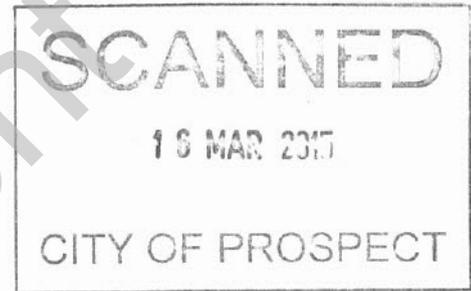
NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

NIL



Attachment

END OF TEXT.

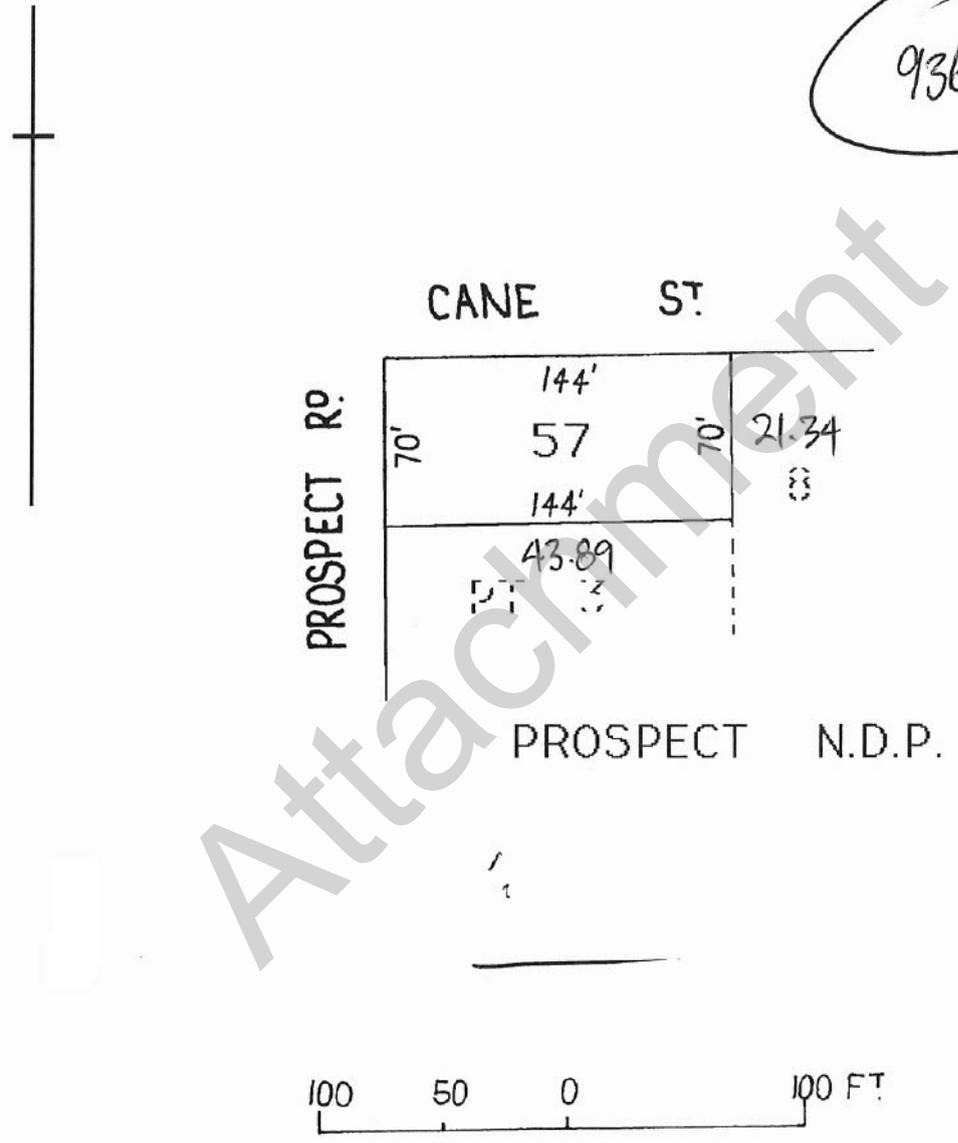
LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5348 FOLIO 565

SEARCH DATE : 25/11/2014 TIME: 16:05:48

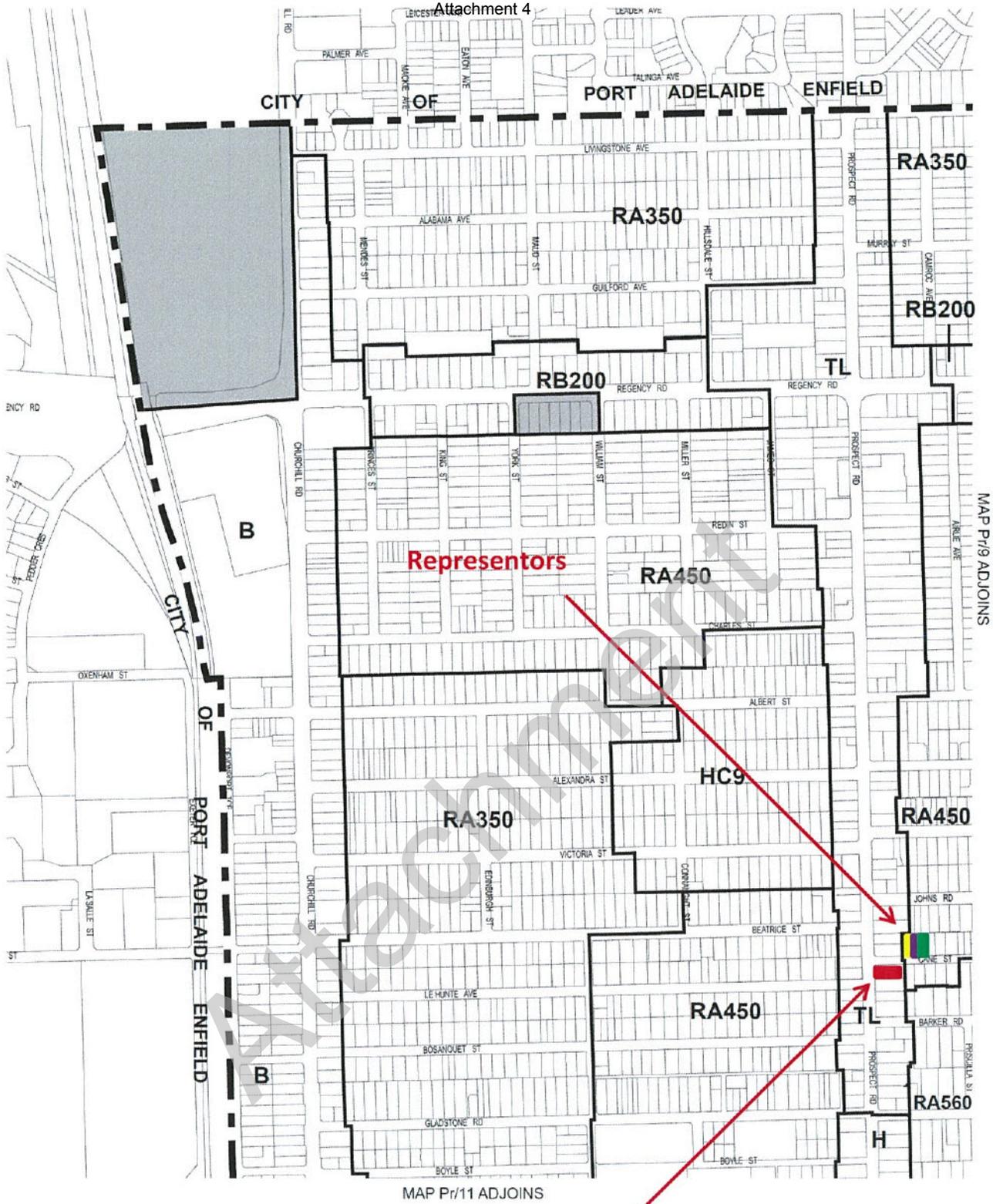
THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3789/9

936m²



DISTANCES ARE IN FEET AND INCHES
 FOR METRIC CONVERSION
 1 FOOT = 0.3048 METRES
 1 INCH = 0.0254 METRES

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



MAP Pr/11 ADJOINS

MAP Pr/9 ADJOINS

Subject Land

Scale 1:8000



- RA560 Residential Policy Area A650
 - RA450 Residential Policy Area A450
 - RA350 Residential Policy Area A350
 - RB200 Residential Policy Area B200
 - TL Transit Living Policy Area
 - B Boulevard Policy Area
 - H High Street Policy Area
 - HC9 Historic Conservation Area 9 Policy Area
-
- Policy Area Boundary
 - Development Plan Boundary
 - Area not covered by Policy

PROSPECT COUNCIL POLICY AREAS MAP Pr/8



Civic Centre
 128 Prospect Road
 Prospect SA 5082 AUSTRALIA
 Telephone: 08 8269 5355
 Email: admin@prospect.sa.gov.au



Notes	Disclaimer
	<p>This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.</p>



Prospect Road Elevation



North-east corner of site (Cane Street)

AMENDED PLAN

STREET

CANE

PROSPECT ROAD



SITE PLAN

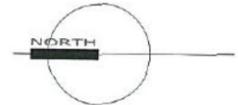
SCALE 1:100 @ A1

VERANDAH

HOUSE
101.07FFL
APPROX

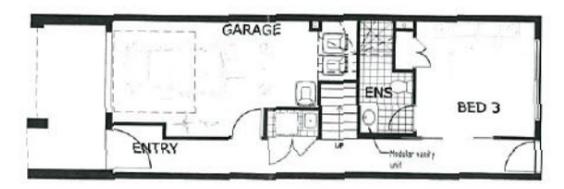
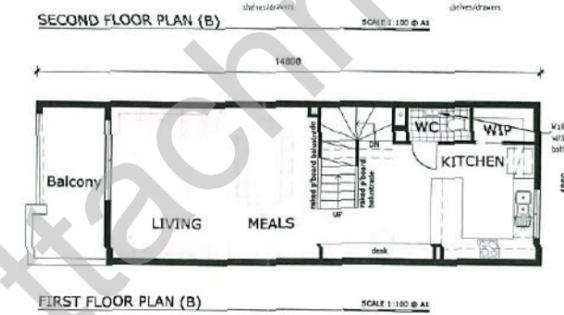
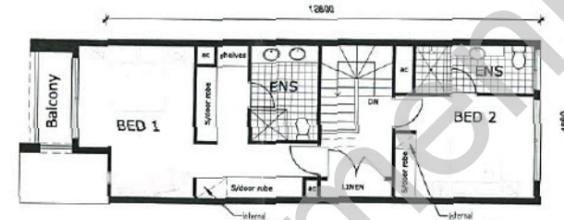
VEGETATION

STOBIE

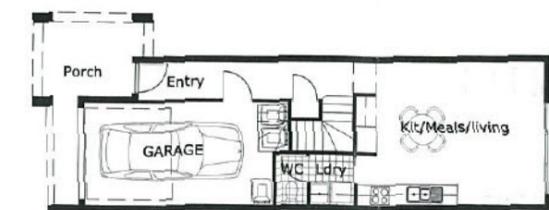
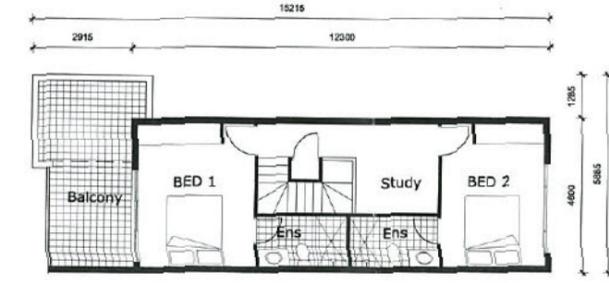


DWELLING 1	DWELLING 2	DWELLING 3	DWELLING 4
Site Area 163m ²	Site Area 104m ²	Site Area 104m ²	Site Area 104m ²
Private Open Space 31.38m ²	Private Open Space 28.99m ²	Private Open Space 28.99m ²	Private Open Space 28.99m ²
Building Foot Print 73.21m ²	Building Foot Print 72.00m ²	Building Foot Print 72.00m ²	Building Foot Print 72.00m ²
Site Plot Ratio 44.9%	Site Plot Ratio 69%	Site Plot Ratio 65%	Site Plot Ratio 69%

DWELLING 5	DWELLING 6	DWELLING 7	DWELLING 8
Site Area 104m ²	Site Area 104m ²	Site Area 104m ²	Site Area 146m ²
Private Open Space 28.99m ²	Private Open Space 28.99m ²	Private Open Space 28.99m ²	Private Open Space 37.81m ²
Building Foot Print 72.00m ²	Building Foot Print 72.00m ²	Building Foot Print 72.00m ²	Building Foot Print 73.21m ²
Site Plot Ratio 69%	Site Plot Ratio 69%	Site Plot Ratio 69%	Site Plot Ratio 50.14%



GROUND FLOOR PLAN (B)	
Ground Floor	42.31m ²
First Floor	62.21m ²
Second Floor	65.63m ²
Garage	21.13m ²
Porch	9.36m ²
Balcony 1	9.79m ²
Balcony 2	4.02m ²
Total Area	213.65m²



GROUND FLOOR PLAN (A)	
Ground Floor	42.69m ²
First Floor	56.58m ²
Garage	19.31m ²
Porch	11.21m ²
Balcony 1	16.63m ²
Total Area	146.42m²

REVISIONS	
AMENDMENT	9 Dec 2014
Concept Issue	26 Jan 2015
Design Amendment	13 March 2015
Design Amendment	11 March 2015
Design Amendment	15 April 2015
Design Amendment	16 April 2015

rivergum homes

387-391 South Road, MILE END SOUTH SA 5031
 Phone: (08) 8354 7800 Fax: (08) 8234 6099
 A.B.N. 70 065 466 337 B.Lic. BLD 113681
 Web: rivergumhomes.com.au

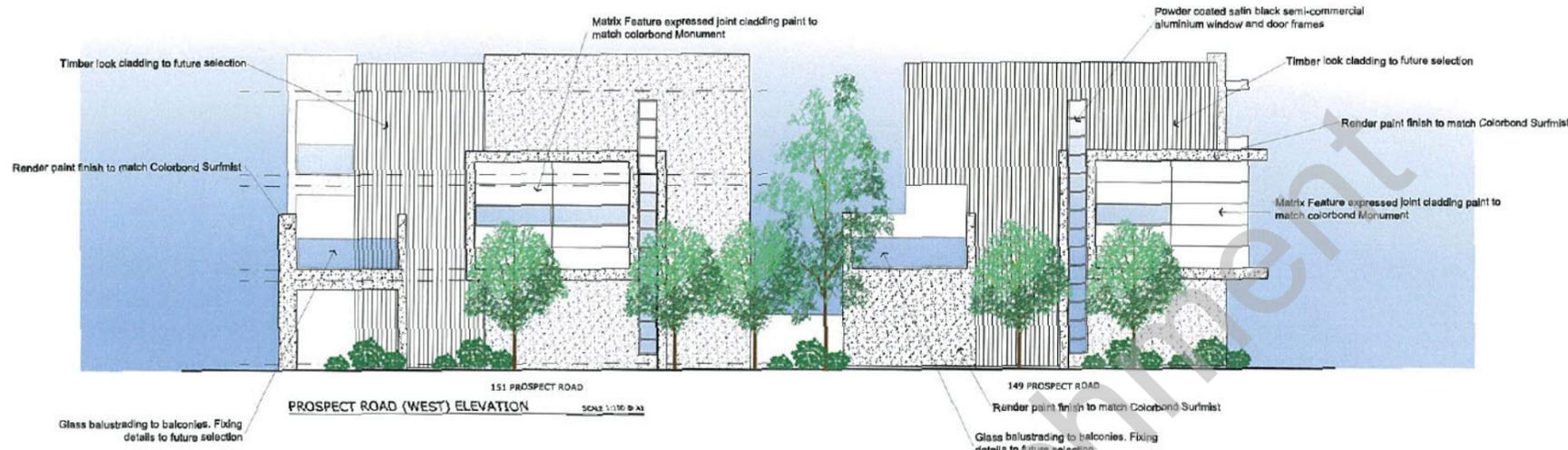
Client	G. Pinksterboer
Project	Propose Development
At	151 Prospect Road PROSPECT
Drawn	HF
Date	4 Jan 2015
Scale	1:100 (UNO)
Sheet No.	1 of 2
Project No.	ISSUE NO. 6

The structure shall be constructed in accordance with current edition of National Construction Code. Figure dimensions shall take preference over scaled drawings. Where site conditions do not reflect the intent shown in the drawings or where site measurements conflict with dimensions, levels or notation shown seek clarification before commencement. These plans remain the exclusive property of Rivergum Homes and are protected by Copyright laws. Legal action will be taken against any infringement whether it be in part or in full, unless written permission is given.

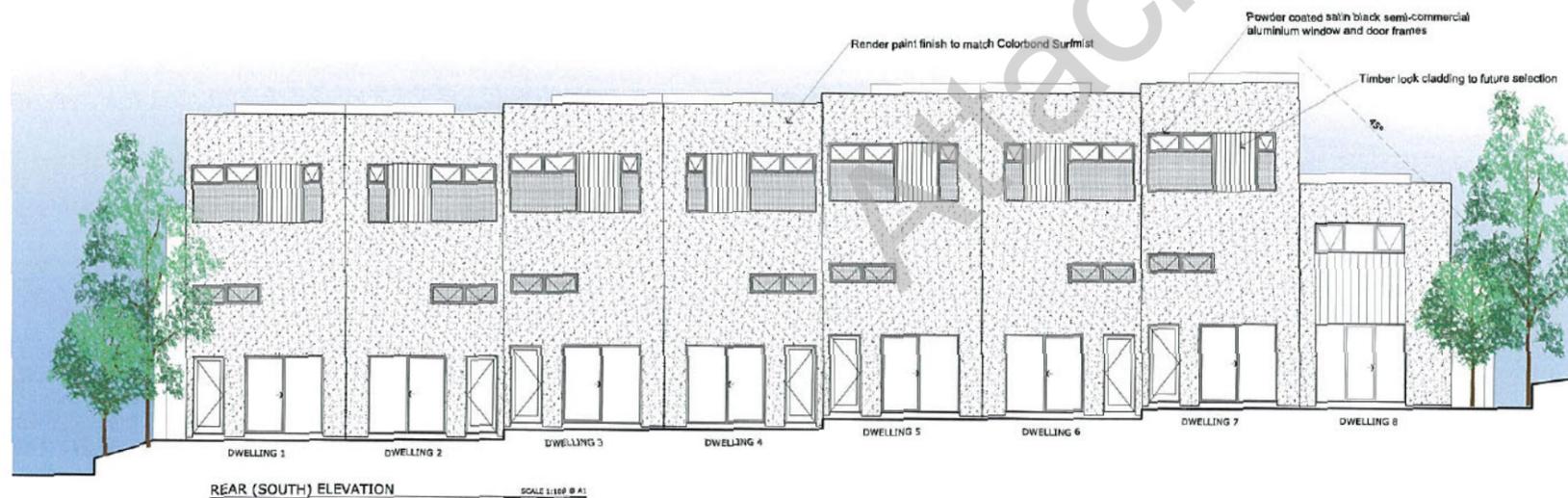
Preliminary Concept



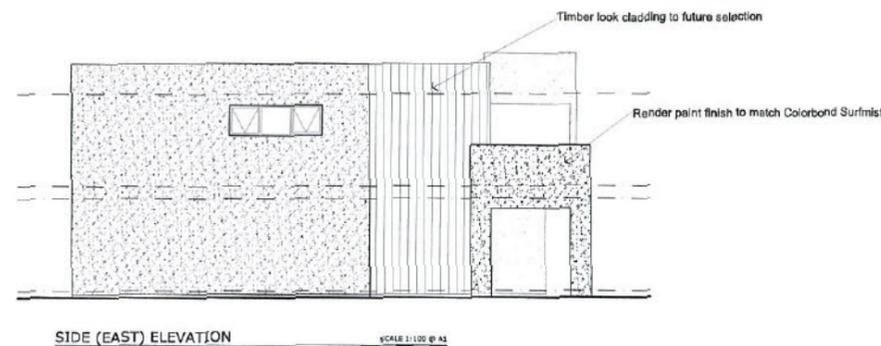
CANE STREET (NORTH) ELEVATION SCALE 1:100 @ A1



PROSPECT ROAD (WEST) ELEVATION SCALE 1:100 @ A1



REAR (SOUTH) ELEVATION SCALE 1:100 @ A1



SIDE (EAST) ELEVATION SCALE 1:100 @ A1

REVISIONS	
AMENDMENT	9 Dec 2014
Concept Issue	20 Jan 2015
Design Amendments	5 March 2015
Design Amendments	11 March 2015
Design Amendments due to Pujari Engineering	19 April 2015
Dwelling 1 Driveway amendment according to DPTI	15 April 2015
Dwelling 8 setbacks, recess update throughout to match neighbouring application	26 June 2015

rivergum
homes

387-391 South Road, MILE END SOUTH SA 5031
 Phone: (08) 8354 7800 Fax: (08) 8234 6099
 A.B.N. 70 065 466 337 B.Lic. BLD 113681
 Web: rivergumhomes.com.au

Client: **G. Pinksterboer**

Project: **Propose Development**

AC
**Cnr Prospect Road & Cane Street
 PROSPECT**

Drawn: **HF** Date: **4 Jan 2015**
 Scale: **1:100 (UNC)** Sheet No: **2 of 2**
 Project No: **ISSUE NO. 8**

The structure shall be constructed in accordance with current edition of National Construction Code. Figured dimensions shall take preference over scaled drawings. Where site conditions do not reflect the intent shown in the drawings or where site measurements conflict with dimensions, levels or notation shown seek clarification before commencement. These plans remain the exclusive property of Rivergum Homes and are protected by Copyright laws. Legal action will be taken against any infringement whether it be in part or in full, unless written permission is given.

PROPOSED SCREENING SHRUBS TO FENCE LINE THEY WILL PROVIDE FOLIAGE AND COLOUR TO THE TIMBER SLEEPER RETAINING WALL

REINSTATE DOLOMITE VERGE TO COUNCIL SPECIFICATIONS

EXISTING LOPHOSTEMON CONFERTUS TO BE REPLACED

PROPOSED SCREENING SHRUBS TO GIVE PRIVACY TO EACH RESIDENT'S DRIVEWAY AND GIVE THEM MORE USEABLE SPACE IN THE FRONT YARD.

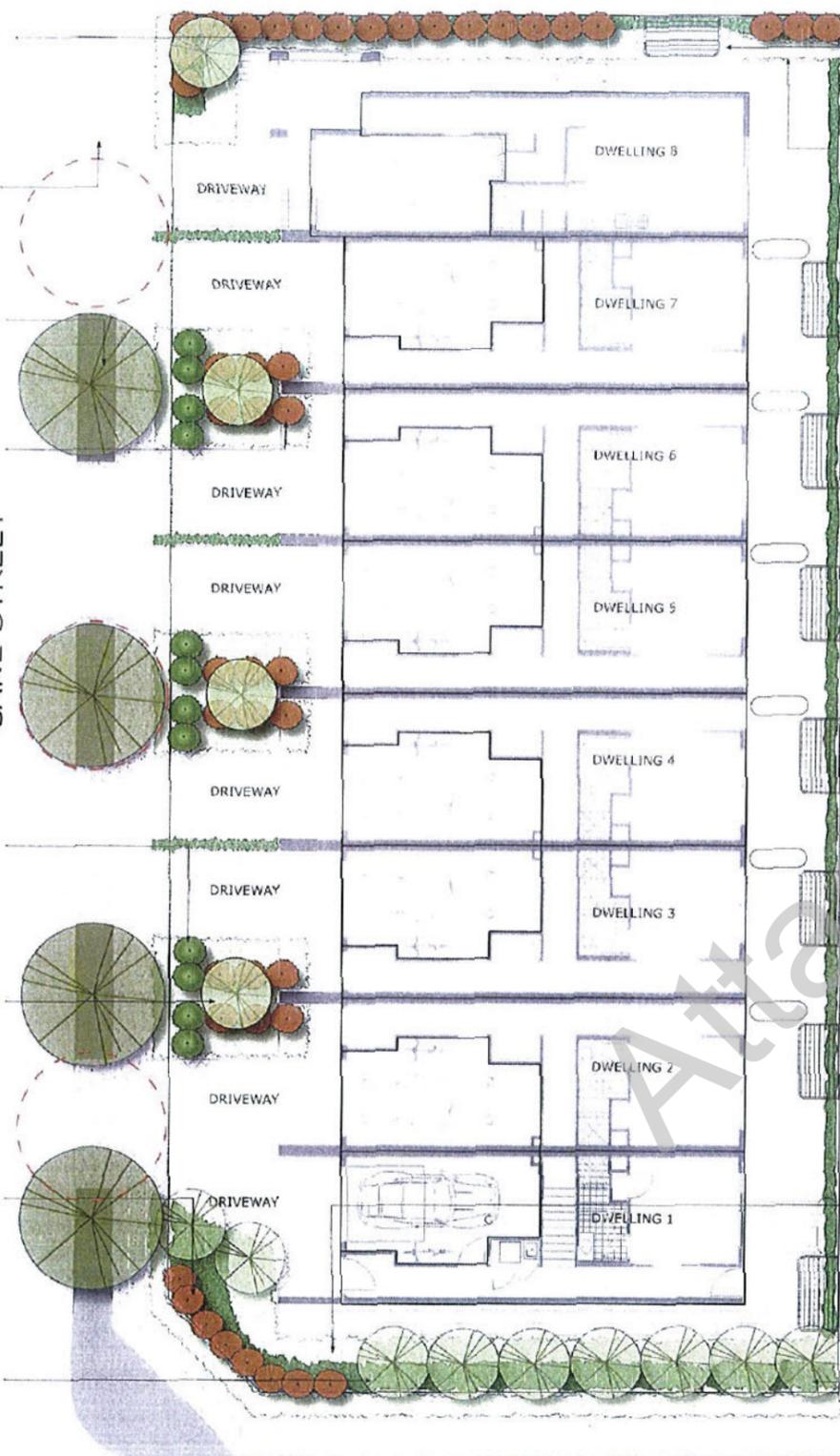
CANE STREET

PROPOSED FEATURE PLANTINGS TO GIVE IMMEDIATE IMPRESSION TO CLIENTS AND THE DEVELOPMENT

PROPOSED TREES WILL BE CLEAN TRUNKED SPECIES THAT PROVIDE VISUAL ACCESS LINES WHILE PROVIDING SHADE.

PROPOSED SCREENING SHRUBS TO SCREEN FENCE LINE AND PROVIDE FOLIAGE AND COLOUR

PROPOSED TREES WILL BE CLEAN TRUNKED SPECIES THAT WILL OPEN THE SIDE FOOTPATH TO EXTEND VISUAL AREA



PROPOSED NEW PAVING UNDERNEATH CLOSE LINE FOR EASE OF ACCESS.

PROPOSED HARDY GROUNDCOVERS TO BE PLANTED UNDERNEATH SCREENING SHRUBS TO ALLOW FOR MORE USEABLE SPACE FOR THE CLIENT

PROPOSED LOW SHRUBS AND TUSOCK PLANTINGS TO ALLOW FOR ACCESS TO CLOSE LINE

PROPOSED HARDY GROUNDCOVERS TO BE PLANTED NEXT TO FOOTPATH THIS WILL EXTEND FOOT TRAFFIC AREA

PROPOSED LOW SHRUBS AND TUSOCK PLANTINGS UNDERNEATH TREES NEAR FENCE LINE TO BE SHADE TOLERANT SPECIES

PROSPECT STREET

PLANT PALETTE EXAMPLE



PLANTING PALETTE

Botanical Name	Common Name
SMALL TREES	
<i>Lagerstroemia indica</i>	Crepe Myrtle
<i>Acer platanoides 'Crimson Sentry'</i>	Purple Norway Maple
<i>Pyrus calleryana 'Capital'</i>	Capital Pear
SCREEN PLANTING	
<i>Viburnum odoratissimum</i>	Dense Fence
<i>Raphioloys delacourii</i>	Indian Hawthorn
<i>Rosmarinus officinalis</i>	Fuscian Blue
<i>Pittosporum 'Ivory sheen'</i>	Pittosporum
TUSOCKS & SMALL SHRUBS	
<i>Liriope 'Muscarli'</i>	Isabella
<i>Dianella tasmanica</i>	Tasale Red
<i>Dianella revoluta 'little rev'</i>	Dwarf Flax Lily
<i>Diets bicolor</i>	Spanish Iris
<i>Ficinia nodosa</i>	Knobby Clubmoss
<i>Lomandra longifolia</i>	Long Leaved Mat Rush
<i>Leucophyta brownii</i>	Custom Bush
<i>Correa pulchella 'Pink Mist'</i>	Correa
GROUNDCOVERS	
<i>Myoporum parvifolium</i>	Creeping Brooballa
<i>Chrysocephalum apiculatum 'Silver sunburst'</i>	Common Everlasting
<i>Correa pulchella 'Autumn Blaze'</i>	Correa
<i>Eremophila globra 'Kalbarri carpet'</i>	Emu Bush
<i>Brachyscome multifida</i>	Cut Leaf Daisy
<i>Hardenbergia violacea</i>	Happy Wanderer
FEATURE PLANTING	
<i>Anigozanthos sp.</i>	Kangaroo Paw
<i>Cycas revoluta</i>	Sago Palm
<i>Kniphofia Uvaria</i>	Red Hot Poker
<i>Banksia spinulosa 'Honey Pots'</i>	Banksia

DESIGN STATEMENT

THE PROPOSED LANDSCAPE DESIGN SEEKS TO COMPLEMENT THE RIVERGUM HOMES DEVELOPMENT BOTH IN STYLE AND CHARACTER. THE PLANTING PALETTE HAS A RANGE OF HARDY, LOW MAINTENANCE, NATIVE AND EXOTIC SPECIES.

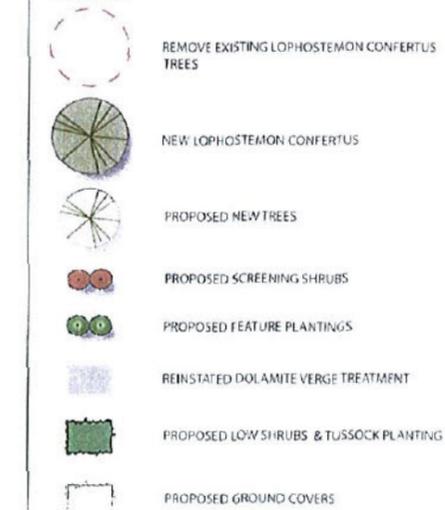
THE APPROACH FROM CANE STREET WILL CONSIST OF FEATURE PLANTING THAT IMMEDIATELY CATCHES THE RESIDENTS EYE AND EVOKES EXCITEMENT WHEN THEY ARRIVE HOME. THE SCREENING SHRUBS IN THE DRIVEWAY PROVIDE PRIVACY AND BY PUSHING THE FENCE AGAINST THE BOUNDARY LINE ALLOWS FOR MORE USEABLE SPACE.

SCREENING SHRUB SPECIES HAVE BEEN CHOSEN TO BE USED NEAR FENCE LINES TO GIVE MORE COLOUR AND FOLIAGE TO THE DEVELOPMENT. THE PROPOSED LANDSCAPING UNDERNEATH THE TREES IS TO BE COMPOSED OF SHADE TOLERANT, ATTRACTIVE PLANTING, GROUNDCOVERS AND STRAP LEAVED SPECIES.

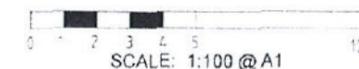
UNDERNEATH THE CLOSE LINE HARDY, LOW GROWING SHRUBS AND STRAP LEAF SPECIES HAVE BEEN CHOSEN TO PROVIDE COLOUR AND TEXTURE ALL YEAR ROUND.

HARDY GROUNDCOVERS HAVE BEEN SELECTED THROUGHOUT THE CONCEPT DESIGN TO ALLOW FOR DIFFERENT TEXTURES AND FLOWERING TIMES. THEY HAVE ALSO BEEN CHOSEN FOR HAVING THE ABILITY TO WITHSTAND PEOPLE WALKING ON THEM.

LEGEND



PROJECT 151 PROSPECT ROAD, PROSPECT SA
 CLIENT RIVERGUM HOMES
 DRAWING PROPOSED LANDSCAPE CONCEPT PLAN



DATE: 21/08/15
 DWG NO.: OS496_CP02

DRAWN BY: SG
 APPROVED BY: DS

- 'H1-D' SITE, 'P' DUE TO TREES EXISTING HOUSE
- FLEXIBLE CONNECTIONS ARE REQUIRED
- DISCHARGE ROOF & SURFACE STORMWATER TO STREET W.T VIA GRAVITY FLOW
- LOCATE AND CONNECT SEWER TO EXISTING OR FUTURE SEWER IP (PENDING TORRENS OR COMMUNITY TITLE)

BENCH:
ENSURE BENCH IS GRADED FROM HOUSE.
SLOPE OF 1 IN 28 FOR PAVED AREAS.
SLOPE OF 1 IN 100 FOR GRASSED AREAS.

SEWER LAYOUT:
THE SEWER LAYOUT IS INDICATIVE ONLY, THE INVERTS SHOWN HAVE BEEN CALCULATED TO DETERMINE WHETHER ADDITIONAL FOOTING PIERS MAY BE REQUIRED. IT IS NOT NECESSARILY A FINAL SEWER DESIGN. IF SEWER IS TO BE LAID DEEPER THAN INVERT POINTS SHOWN THEN A REVIEW OF FOOTING DESIGN IS REQUIRED BY THIS OFFICE. MAXIMUM LEVEL OF PATH AT FLOOD GULLY TO BE 165mm BELOW F.F.L.

STORMWATER:
PROVIDE ADEQUATE PROTECTION OR COVER TO STORMWATER PIPES (300mm COVER WHERE PIPE IS LIKELY TO BE SUBJECT TO VEHICULAR LOADING AND 100mm MINIMUM COVER OTHERWISE). WHEN A SEALED STORMWATER SYSTEM IS USED REFER TO DETAIL SHEET. 1 IN 250 MIN FALL ON STORMWATER DRAINS EXCEPT IN SEALED SYSTEMS.

FLEXIBLE CONNECTIONS:
FLEXIBLE CONNECTIONS TO STORMWATER AND WASTE DRAINS ARE NECESSARY ON THIS SITE. REFER TO SHEET 001, DETAIL 4.

SITE:
LEVELS SHOWN ARE APPROXIMATE ONLY AND ARE TO AN ASSUMED DATUM AS INDICATED ON SITE PLAN. SITE DIMENSIONS SHOWN IN BRACKETS () AND BOUNDARIES ARE ASSUMED ACCORDING TO INFORMATION AVAILABLE OR FOUND ON SITE, AND SHALL BE CONFIRMED BY THE OWNER.

OWNER PLEASE NOTE

STORMWATER DISPOSAL INCLUDING SURFACE DRAINAGE, AS PER PLAN AND TO COUNCIL REQUIREMENTS ALL TO BE CONSTRUCTED BY OWNER, INCLUDING RETAINING WALLS, UNLESS STATED OTHERWISE IN THE CONTRACT. ANY EXCAVATIONS ADJACENT TO FOOTINGS SHALL COMPLY WITH THE REQUIREMENTS OF CLAUSE 4 IN APPENDIX B OF FOOTING REPORT. WRITTEN DIMENSIONS SHALL TAKE PRIORITY OVER SCALED DIMENSIONS. ANY DISCREPANCY BETWEEN THE FOOTING PLAN/REPORT AND THE CIVIL PLAN SHALL BE REPORTED TO FMG ENGINEERING IMMEDIATELY. FLOOR LEVELS MAY BE INCREASED TO ACCOMMODATE SEWER GRADE REQUIREMENTS. OWNER AND/OR BUILDER ARE TO CHECK SEWER INVERTS PRIOR TO SITWORKS COMMENCING.

REV	DESCRIPTION	DATE	INT	APP
PCB	AMENDED LEVELS PER RIVERGUM	10/04/15	BL	
PCA	AMENDED LEVELS	10/04/15	BL	
PC	PRELIMINARY ISSUE	07/04/15	BL	

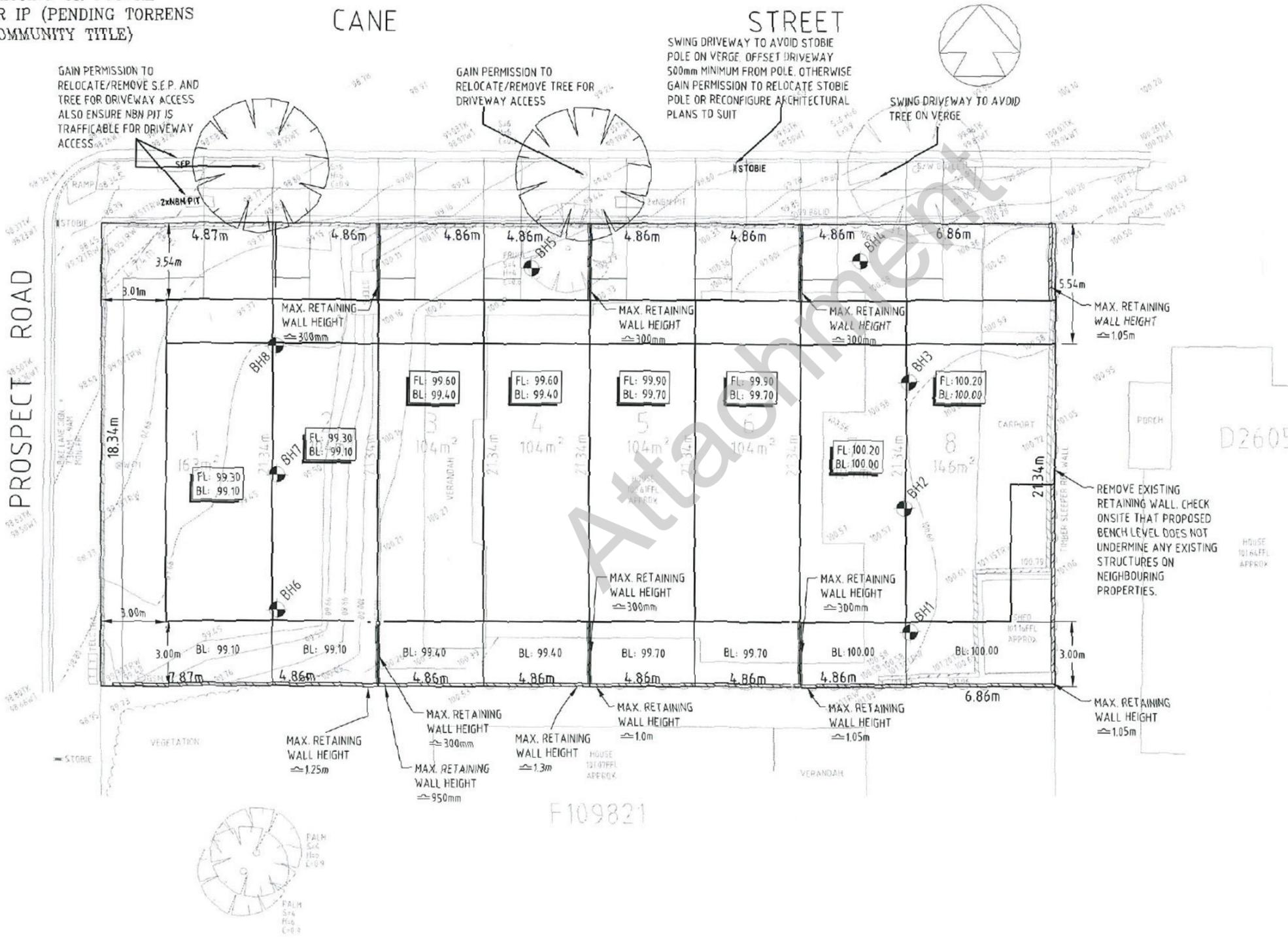
fmg ENGINEERING
incorporating BURNS HAMILTON

PO Box 707
Kent Town SA 5071
42 Fullarton Rd
Norwood SA 5067
P 08 8363 0222
F 08 8363 1555
ABN 58 083 071 185
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SIGNATURE		DATE STARTED	
CLIENT Rivergum Homes Pty Ltd (Pinksterboer)		10/04/15	
PROJECT TITLE PROPOSED RESIDENCES			
SITE ADDRESS Corner Prospect Road & Cane Street, PROSPECT, SA			
DRAWING TITLE PRELIMINARY CIVIL PLAN			
NO. OF SHEETS	SCALE	DATE STARTED	
1 OF 1	1:200 @ A3	10/04/15	
DRAWN	SITE ID & JOB No	REV	
BL	S23430 / 233301		
DESIGNED	DRAWING No		
BL			
CHECKED			
	PC01	B	



REV	DESCRIPTION	DATE	INT	APP
PCB	AMENDED LEVELS PER RIVERGUM	10/04/15	BL	
PCA	AMENDED LEVELS	10/04/15	BL	
PC	PRELIMINARY ISSUE	07/04/15	BL	

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SIGNATURE		DATE STARTED	
CLIENT Rivergum Homes Pty Ltd (Pinksterboer)		10/04/15	
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BL	S23430 / 233301		
DESIGNED	DRAWING No		
BL			
CHECKED			
	PC01	B	









30 June 2015

Ref: 6425response151

The Chief Executive Officer
City of Prospect
PO Box 171
PROSPECT SA 5082

Attention: Susan Giles

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

235 Henley Beach Road
Torrensville SA 5031

Telephone 08 81 30 7222

Facsimile 08 81 30 7299

admin@accessplanning.com.au

www.accessplanning.com.au

Dear Susan,

RE: Residential development 151 Prospect Road, Prospect

Please find herewith amended plans in response to your letter dated 8 May 2015 requesting additional information and amendments in relation to the above development.

In addition to the amended plans, each of the issues raised in your letter is addressed in turn under the relevant heading below:

Built form

I note that concerns were raised in regards to the level of articulation incorporated into the design of the proposed development.

As illustrated on the amended plans, the dwellings incorporate a well articulated design with the use of variety of external building materials and colours, variations in window placement and forms and the addition of balconies within the first and second floors. This articulated design is emphasised within both the northern and western elevations resulting in the development appropriately addressing and providing an attractive form to both Cane Street and Prospect Road.

In addition to the use of the above design features, the development varies in building heights and setbacks to property boundaries which will also assist to reduce the overall bulk and scale of the development.

It is noted that a similar development application has recently been lodged with Council by the applicant on the adjoining allotment to the south (149 Prospect Road).

As illustrated on the western elevation, the two developments complement one another as they comprise a similar well articulated architectural style utilising common external materials and colours. The benefit of developing the two allotments in this manner is that it will assist to provide a high quality coordinated streetscape, particularly to Prospect Road.

With regard to the above, the proposed design is considered to adequately address the relevant Development Plan requirements with respect to development providing well articulated designs.



Setbacks and Bulk

I note that the subject land is located within the Transit Living Policy Area and not the Boulevard Policy Area as stated in your letter. However, I also note that the setback requirements are the same within both Policy Areas.

The plans have been amended to increase the setback of the single storey component of dwelling 8 to 2.2 metres from the side (eastern) boundary of the site. The proposal therefore complies with the minimum 2 metre setback requirement outlined in Zone Principle 18.

As identified on the amended northern elevation, dwelling 8 now marginally encroaches into the 45 degree plane recommended in Zone Principle 14. This encroachment affects a small portion of the first floor, however, given the building meets the minimum side setback and building height requirements, this minor design variance with respect to Principle 14, is not likely to result in any adverse impacts to the adjoining properties to the east.

Vehicular crossover

The Development Plan prefers access to be taken from local roads as proposed by this development. However, it is noted that access points on side streets should be located and designed to:

- (a) minimise the impacts of headlights glare and noise on nearby residents
- (b) avoid excessive traffic flows into residential street

With respect glare and noise I note that land to north on the opposite side of Cane Street contains solid fencing along the entire length of the street frontage which will minimise any potential glare impacts and the anticipated noise to be produced by the development is unlikely to create undue impacts to residents in the locality, particularly compared to the noise likely to be experienced by residents from traffic on nearby Prospect Road.

I note that zone policy seeks to avoid excessive traffic on residential streets. However, it is also noted that the zone policy envisages development at a much higher density than currently exists in the zone and together with the preference for access to be taken from local roads (rather than arterial roads); some increases in traffic on residential streets have to be expected.

Notwithstanding the above, the projected traffic volumes are unlikely to adversely impact the locality.

Traffic generation rates identified by the NSW Transport Roads and Maritime Services Department (traditional figures used by Traffic Engineers) show that a house in a metropolitan area (Sydney) generates 10.7 vehicle movements per day.

The study also identified the weekday average evening peak hour vehicle trips = 0.99 per dwelling, whilst the weekday average morning peak hour vehicle trips = 0.95 per dwelling.

The bottom line is that the proposed development would generate a total of 85.6 traffic movements per day on Cane Street and approximately 8 vehicle movements in each of the morning and afternoon peak hours. This translates to one vehicle movement on average every 7.5 minutes in peak periods, which is certainly not excessive.



I note that the above figures are likely to be reduced given the development is provided with access to regular public transport services on Prospect Road.

With regard to the above, the projected generation figures will not exceed the capacity of the adjoining road network or result in excessive traffic flows into residential streets.

I note that concerns were raised in regards to the development's compliance with Council wide Principle 64, which requires that not more than half the space around multiple dwellings and residential flat buildings should be used for car parking and driveways.

Viewing the site as a whole and taking into consideration the land to the rear and side of the development and the areas between the proposed driveways, significantly less than half of the space around the dwellings will be used for carparking and driveways in accordance with Principle 64.

As stated in your letter, a vehicle crossover should be a minimum of 6 metres from any tangent point. I note that proposed driveway 1 is located 6 metres from the tangent point of the Cane Street/Prospect Road intersection.

Council's concerns are noted in regards to the provision of on-street visitor parking being conveniently located to the proposed dwellings. Whilst the proposal will result in the loss of some on-street parking adjacent the site, there is ample street parking within close proximity to the subject land. However, more importantly, the proposed development satisfies the relevant parking requirements outlined in Table Pr/5 – Off-street Vehicles Parking Requirements for the Urban Corridor Zone and thus the development does not rely on the on street parking to service the development.

With regard to the amended plans, the proposal will result in the loss of two street trees and not three as previously noted, as there appears to be sufficient area to retain the existing tree between the driveways of dwellings 4 and 5. In addition, the proposed design allows the two trees to be replaced with four new street trees (i.e. west of driveway 1, in between driveway 2 & 3, in between driveway 6 & 7 and east of driveway 8).

Waste management

Concerns were raised in regard to the functionality of having 16 bins each week being located outside the property and the potential impact to visitor parking to the front of the site.

The above concern is in part a consequence associated with Development Plan policy allowing a significant increase in dwelling densities in the locality and will likely be an issue with other similar development throughout the zone. However, this is considered to be a relatively minor issue with regard to the overall merits of the proposed development.

The bins will only be located in front of the property for one day a week and predominately during working hours when visitor parking is less likely to be required, also the land has a frontage of some 40 metres to Cane Street which is easily capable of accommodating 16 bins in a convenient manner.

In addition, whilst the bins may result in temporary restriction to visitor on street parking in front of the site, as previously discussed, the proposed development satisfies the relevant parking requirements outlined in Table Pr/5 – Off-street Vehicles Parking Requirements for the Urban Corridor Zone and thus the development does not rely on the on street parking to service the development.



Energy Conservations Measures

It is considered that the proposed design adequately addresses energy conservation and efficiency requirements with respect to the Development Plan, as:

- The proposed balconies and living areas are orientated to the north,
- the design provides for cross ventilation within the main living areas, particularly on the first and second floor
- The design avoids the use of large windows on the southern and western elevations.

I note that the location of the mechanical heating and cooling systems and hot water systems were requested as part of your letter.

The location of these features have not been finalised and are not likely to be known until the more detailed structural and engineering plans are prepared. However, I note that there is sufficient area to the side, rear or on the roof of the dwellings to accommodate these features in addition to solar panels and rainwater tanks.

I trust that the amended plans and the above comments address all the issues raised in your letter, nevertheless, if you have any further questions in relation to the developmen please contact me on 8130 7222 or via email at tom@accessplanning.com.au

Yours sincerely

A handwritten signature in cursive script that reads "Tom Hateley".

Tom Hateley MPIA
ACCESS PLANNING

LUMENSTUDIO**Julian Rutt**

B.Arch (hons), AIA

jrutt@adam.com.au

0422 305 099

30 July 2015

By email: susan.giles@prospect.sa.gov.au

City of Prospect

Development Services

128 Prospect Road

Prospect SA 5082

Attention: Susan Giles**PRIVATE AND CONFIDENTIAL**

Dear Susan

DESIGN REVIEW: 151 PROSPECT ROAD, PROSPECT

Regarding the information provided on Rivergum Homes drawings 1-2 for the proposed multi-residential dwelling at 151 Prospect Road, Prospect, and in the framework of providing design review advice, I offer the following comments;

At three storeys the proposal largely meets the desire to increase density along major thoroughfares, being lower than the maximum four storeys and greater than the minimum two, though as noted is (currently) at odds with local precedent though close to the desired density of 1 dwelling per 100m².

The building's scale is reasonably well broken down and provides visual interest to the streetscape.

The format of row dwellings makes partial use of ideal solar orientation for access to northern light and passive solar design to main living areas in all units and there is some ability to make use of cross breezes.

Consideration of sustainable design ideals has not been highlighted though there would be a reasonable ability to incorporate some strategies to minimise water and energy consumption on site.

Landscaping has been only partly detailed though there is space available for treatment and consideration. Increased passive surveillance to the street and adjoining reserve from this proposal is desirable. Aesthetically, the building form goes partly beyond the minimum or purely functional response to create an acceptable precedent for future developments.

Yours sincerely

**Julian Rutt**

Architect, AIA

In reply please quote 2015/00161/01, Process ID: 351500
 Enquiries to Marc Hryciuk
 Telephone (08) 8226 8395
 Facsimile (08) 8226 8330
 E-mail dpti.luc@sa.gov.au



Government of South Australia
 Department of Planning,
 Transport and Infrastructure

28/07/2015

Ms Susan Giles
 City of Prospect
 PO Box 171
 PROSPECT SA 5082

**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 Ms Giles,

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	050/108/15
Applicant	Wealth In Property Pty Ltd
Location	Lot 57 in FP 109822, 151 Prospect Road, Prospect
Proposal	8 x Row dwellings (7 three storey and 1 two storey)

I refer to the above development application forwarded to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

THE PROPOSAL

The development involves the demolition and construction of 8 row dwellings with all vehicular access gained via Cane Street.

CONSIDERATION

The subject site abuts Prospect Road and Cane Street. Prospect Road is identified as a Public Transport Corridor, a Major Cycling Route and a Priority Pedestrian Area under DPTI's A Functional Hierarchy for South Australia's Land Transport Network. At this location Prospect Road has an AADT of 16,100 vehicles per day (5% commercial vehicles) and a posted speed limit of 50 km/h.

Road Safety

It is this department's policy to minimise access points onto arterial roads and to utilise local roads (when available), in the interest of road safety. As the subject development will gain all access via Cane Street, this arrangement is supported. Whilst it is noted that the crossover for proposed dwelling 1 is located 6.0 metres from the tangent point of the Prospect Road / Cane Street junction, it is noted that this will require proposed Dwelling 1 and 2 will share a portion of the proposed driveway (located on private property). It is understood that this area will need to be

2

designated as a right of way (or common property) to ensure free and unrestricted access is available for Dwelling 1 to access the garage across Dwelling 2 driveway.

However, DPTI notes that it is likely that visitors associated with proposed dwelling 2 will park within the driveway and thus block movements associated with proposed dwelling 1. Furthermore, it is likely that entry movements into the driveway associated with proposed dwelling 1 will be awkward as a result of the angled layout, particularly given that most of the movements will arrive via the Prospect Road / Cane Street junction. Consequently, it is recommended that the dwellings be moved slightly to the east in order to enable the access to proposed dwelling 1 to be located so that it achieves the 6.0 metres separation from the tangent point of the Prospect Road / Cane Street junction, meets the road at 90 degrees and does not require vehicles accessing proposed dwelling 1 to utilise the driveway of proposed dwelling 2. This will ensure that the potential for vehicular conflict within the development and adjacent to the Prospect Road / Cane Street junction is minimised.

Road Widening

The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a 4.5 x 4.5 metres cut-off at the Prospect Road / Cane Street corner of this site for future road purposes. Whilst DPTI supports the 3.0 x 3.0 metres corner cut-off shown on this site plan, the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act will be required to all building works on or within 6.0 metres of the possible MARWP requirement. Accordingly, the attached consent form should be completed by the applicant and provided to DPTI for review.

DPTI has identified Prospect Road for future upgrading and possible widening. However, the nature and timing of potential improvements to the section of Prospect Road in the vicinity of the subject property have yet to be determined and any possible future land requirements are unknown.

CONCLUSION

In-principle, no objection is raised to the proposed development. However, it is recommended that the development is slightly modified to ensure that access to proposed dwelling 1 achieves the 6.0 metres separation from the tangent point of the Prospect Road / Cane Street junction, meets the road at 90 degrees and does not require vehicles accessing proposed dwelling 1 to utilise the driveway of proposed dwelling 2. In the event that Council does not support this recommendation DPTI recommends the following conditions.

ADVICE

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

1. The access points to Cane Street shall be constructed in accordance with Rivergum Homes, Site Plan, Issue No. 6, dated 9 June 2015.
2. No vehicles shall be permitted to park within the portion of the driveways of Dwellings 1 and 2 that is forward of the dwellings.
3. The access points shall be suitably flared to allow convenient ingress and egress movements.

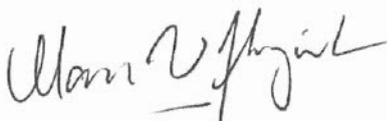
3

4. The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

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

- i. The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a 4.5 x 4.5 metres cut-off at the Prospect Road / Cane Street corner of this site for future road purposes. Whilst DPTI supports the 3.0 x 3.0 metres cut-off shown on this plan of division, the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act will be required to all building works on or within 6.0 metres of the possible MARWP requirement. Accordingly, the attached consent form should be completed by the applicant and forwarded to DPTI with three copies of the approved plans.

Yours sincerely,



A/GENERAL MANAGER, OPERATIONAL SERVICES

For **COMMISSIONER OF HIGHWAYS**

Encl: Copy of the MARWP consent form

A copy of the decision notification form should be forwarded to dpti.developmentapplications@sa.gov.au

AMENDED PLAN

STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act 1993
Ref. 050/108/2015

TO: City of Prospect
128 Prospect Road
PROSPECT SA 5082

NAME OF REPRESENTOR(S): LENKA COOK

RESIDENTIAL/BUSINESS ADDRESS: 4 CANE STREET PROSPECT

POSTAL ADDRESS: " " " "

MY REPRESENTATION IS IN REGARD TO THE PROPOSED DEVELOPMENT AT:

151 Prospect Road PROSPECT

THIS REPRESENTATION IS (please tick one of the following):

- checkbox In favour of the application
checkbox [checked] Against the application
checkbox Neither for nor against the application

MY COMMENTS ARE AS FOLLOWS (if space is insufficient, attach additional pages):

I have just recieved this notifications and have a number of questions and concerns regarding the type of proposed development; firstly has this already been approved? what type of consultation has happened; While I am not totally againt development; the type of development I have seen proposed for prospect raises many concerns. I feel that the styles do not fit in to the area and 3 storey apartment type dwellings will devalue our area; had I been aware of the proposed development that council was approving I would have reconsidered buying in the area. I strongly oposed the 3 storey apartment style developments that council has been approving and wish to make an appointment to discuss this matter further. Also now many residence have been given the opportunity to comment, and are their concerns taken into Account.

Please indicate below whether or not you wish to be heard by the Development Assessment Panel in support of your submission:

- checkbox I do not wish to be heard
checkbox [checked] I wish to be heard personally
checkbox I will be represented by

SIGNED: [Signature] DATED: 21/7/15

For a representation to be valid, It must:

- Be submitted before the end of the notification period;
• Include your name and address;
• Set out the reasons for your representation;
• Indicate whether or not you wish to be heard by Council's Development Assessment Panel; and
• If being made by 2 or more persons, nominate a person who will be taken to be making the representation.

Susan Giles

From: Lenka Cook
Sent: Tuesday, 21 July 2015 2:48 PM
To: Susan Giles
Subject: TRIM: FW: Re 151 Prospect road development
Attachments: 20150721132956695.pdf

HP TRIM Record Number: CR15/41833

Hi Susan

Another issue that I would like to raise regarding this development on Cane street is the car parking issue.

Council should be well aware that this is a very really problem in this street as it has been raise with council on numerous occasions. The street is very narrow and cars are continuously blocking access in the street. 8 additional property facing Cane street will only add to the congestion. These town houses only have provision for 1 car so that could potentially mean up to16 additional cars being parked on Cane street . This should make it interesting for people who will need to get out of their driveways.

Has this issue been considered?

Regards

Lenka Cook

From: Lenka Cook
Sent: Tuesday, 21 July 2015 1:47 PM
To: Susan Giles
Subject: RE: Re 151 Prospect road development

Hi Susan

Thank you for sending the plans through. I have also reattached the amended statement of representation form stating that I wish to be heard .

Now that I have had a look at the proposed planes for 151 prospect road. My first question would have to be how can you state that this is a development on Prospect road, when this development is clearly on Cane street. The only link this development has with Prospect road is the previous house had this address and actually faced Prospect Road. What will the address of these town houses be? Prospect Road?

To state that this development is on the arterial route of Prospect road (encouraged by the governments changed legislation) is bending the truth.

I do not support this development, firstly it is not on the main road as you would have people believe , and probably more importantly the style of this development does not reflect the character of the street, Cane street has mainly character homes how are concrete blocks considered character?

You said in our conversation earlier that the council tries to encourage architecture that suits the area . Well this is far from that.

How many blocks /houses are being demolished for this development.

Waiting top hear from you

Regards

Lenka Cook

STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act 1993

Ref. 050/108/2015

SCANNED

27 JUL 2015

CITY OF PROSPECT

TO: City of Prospect
128 Prospect Road
PROSPECT SA 5082

NAME OF REPRESENTOR(S): Andrea Neatz and Oliver Neatz - Andrea is making representation

RESIDENTIAL/BUSINESS ADDRESS: 2 Cane Street Prospect SA 5082

POSTAL ADDRESS: As Above

MY REPRESENTATION IS IN REGARD TO THE PROPOSED DEVELOPMENT AT:

151 Prospect Road PROSPECT

THIS REPRESENTATION IS (please tick one of the following):

- In favour of the application
 Against the application
 Neither for nor against the application

MY COMMENTS ARE AS FOLLOWS (if space is insufficient, attach additional pages):

- 1) Parking - There are already parking issues in Cane Street as shown by the recent proposal by Council to restrict parking to one side. An 8 dwelling development will remove 4 kerbside parks whilst drastically increasing the number of visitors to the street. The development will significantly increase the number of dwellings in this narrow street and is likely to cause excessive traffic flows.
- 2) Character - ~~The~~ The three storey design is strongly opposed as it is not in keeping with the desired character of the area. The building will tower over neighbouring properties.
- 3) Privacy - The first and second floor balconies will overlook our front and side yards reducing privacy.
- 3) Access - The driveways in particular to townhouses 1 and 2 are extremely close to the corner of Prospect Road and Cane Street. This has potential to cause accidents with cars backing out of driveways and cars turning in to Cane Street from Prospect Road.

Please indicate below whether or not you wish to be heard by the Development Assessment Panel in support of your submission:

- I do not wish to be heard
 I wish to be heard personally
 I will be represented by

SIGNED: Slute DATED: 29/7/15

For a representation to be valid, it must:

- Be submitted before the end of the notification period;
- Include your name and address;
- Set out the reasons for your representation;
- Indicate whether or not you wish to be heard by Council's Development Assessment Panel; and
- If being made by 2 or more persons, nominate a person who will be taken to be making the representation.

Whilst new development is inevitable, we ask that you please consider the vast long-term impact on existing residents. We feel a two-level development of 3 townhouses would result in fewer issues regarding parking, access and privacy, minimise impact on the existing streetscape whilst still increasing density as so desired in the new zoning on Prospect Road.

Thank you

Andrea + Oliver Neate

Susan Giles

From: Tom McGovern
Sent: Sunday, 26 July 2015 10:10 PM
Subject: Reference 050/108/2015 Re. Development at 151 Prospect Rd

Good Evening Susan Giles,

I wish to make a representation regarding the development at 151 Prospect Rd.

I am disappointed that the council considers requests for representations from the community as little more than a formality, considering that there is a sign on the property saying two of the 'proposed' units have already been sold...

Regardless. My concern is with the inadequacy of the street to support the number of dwellings proposed. Cane st is extremely narrow, there is limited parking, and additional cars associated with the new dwellings will make the situation worse. My first impression is that trying to cram 8 houses where there is currently one is putting too much strain on the current street infrastructure. The minimum council requirements seem to suggest that one on street parking space is required per two dwellings, and as there is no parking on prospect road this burden falls on Cane st. I would like to have explained to me how the proposed dwellings will make provision for all new residents and visitor parking.

I do not wish to be heard by the Development Assessment Panel but wish to be contacted with an answer.

Regards,

Thomas McGovern

2A Cane St, Prospect, SA 5082



5 August 2015

Ref: 6425 Res2reps_151

The Chief Executive Officer
City of Prospect
PO Box 171
PROSPECT SA 5082

Attention: Susan Giles

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 Susan,

RE: Development No: 050/108/2015
Applicant: Wealth In Property Pty Ltd
Subject Land: 151 Prospect Road, PROSPECT
Proposal: 8 x Three Storey Row Dwellings

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

Three (3) representations were received during the consultation period from residents within the locality.

Issues raised by the representors related to the following:

- Parking and Traffic
- Access
- Character
- Privacy

The above issues will be addressed in turn below:

Parking

The loss of on street parking and increased demand for visitor parking on the street were raised as concerns by the representors.

The proposed development provides two onsite parking spaces per dwelling which satisfies the relevant parking requirements outlined in Table Pr/5 – Off-street Vehicles Parking Requirements for the Urban Corridor Zone and thus the development does not rely on any on street parking to service the development.

In addition, whilst parking is restricted along sections of Cane Street, the locality is still well supplied with on street parking.

I note excessive traffic generated by the development on Cane Street was raised an issue.

Zone policy envisages development at a much higher density than currently exists in the zone and together with the preference for access to be taken from local roads (rather than arterial roads); some increases in traffic on residential streets have to be expected.



Notwithstanding the above, the projected traffic volumes to be generated by the proposed development are unlikely to adversely impact the locality.

Traffic generation rates identified by the NSW Transport Roads and Maritime Services Department (traditional figures used by Traffic Engineers) show that a house in a metropolitan area (Sydney) generates 10.7 vehicle movements per day.

The study also identified the weekday average evening peak hour vehicle trips = 0.99 per dwelling, whilst the weekday average morning peak hour vehicle trips = 0.95 per dwelling.

The bottom line is that the proposed development would generate a total of 85.6 traffic movements per day on Cane Street and approximately 8 vehicle movements in each of the morning and afternoon peak hours. This translates to one vehicle movement on average every 7.5 minutes in peak periods, which is certainly not excessive.

I note that the above figures are likely to be reduced given the development is provided with access to regular public transport services on Prospect Road.

With regard to the above, the projected generation figures will not exceed the capacity of the adjoining road network or result in excessive traffic flows along Cane Street.

Access

Concerns were raised that the location of driveways 1 and 2 from the Prospect Road/Cane Street intersection would create potential safety issues.

The proposed driveways are setback a minimum of 6 metres from the tangent point of the intersection which accords with the relevant Australian Standard. In addition, I note that DPTI raised no objection to the proposed development from a traffic and access perspective.

The Department did however, recommend amendments to design of driveway 1 and 2 in order to minimise potential conflicts associated with vehicles parked in driveway 2 blocking movements to/from driveway 1.

To address the above, the site plan has been amended by widening driveway 1 onsite. This amendment will allow sufficient area for a vehicle to be parked wholly within each driveway and will provide additional manoeuvring area onsite for a vehicle to conveniently access and egress driveway 1 without being impeded by a vehicle parked in driveway 2.

In addition, the proposed amendment will allow the crossover to be retained in its original position and avoid the need for the development (as a whole) to be moved further to the east as suggested by DPTI, which would result in greater impacts to the adjoining property to the east.

Character

Both representors raised concerns in relation to the proposal being inconsistent with the existing character of development within Cane Street which is predominately single storey detached dwellings.

Whilst the above is acknowledged, unlike the properties to the east fronting Cane Street which are zoned residential, the subject land is located within the Urban Corridor zone and Transit Living Policy Area.

Policy within both the Zone and Policy Area envisage medium density housing on the subject land. The desirability of this form of development is more particularly reinforced within the desired character of the Transit living Policy Area, as detailed below:



Residential development will take place at medium to high densities, requiring the replacement of existing detached dwellings with apartment and terrace style dwellings and mixed use buildings, desirably two to three storeys in height.

The proposal seeks to replace the existing detached dwelling on the land with medium density residential development in the form of terrace style dwellings to a height of two to three storeys, which is entirely consistent with the form of development desired in the Policy Area.

With respect to minimising impacts to the streetscape, the dwellings incorporate a well articulated design with the use of variety of external building materials and colours, variations in window placement and forms and the addition of balconies within the first and second floors. This articulated design is emphasised within both the northern and western elevations resulting in the development appropriately addressing and providing an attractive form to both Cane Street and Prospect Road.

Also the development steps down to a two storey dwelling adjacent the eastern property boundary which assists to provide a transition between development on the subject land and development within adjoining Residential zone. I note that the property immediately adjacent to the east (likely to be most affected) has not raised any concerns with the proposed development.

I understand the proposal will also be subject to an assessment from Council's Design Review Panel.

Privacy

The resresenter residing at 2 Cane Street which is the property located adjacent to the north east of the subject land on the opposite side of Cane Street (refer to figure 1 below), raised concerns that the proposal would create privacy impacts.

It was considered that privacy impacts would arise as a consequence of overlooking from first and second level balconies into the front and side yards of the representors property.

I note that the privacy impacts to front yard of the dwelling are not relevant as this area is not defined as private open space and is clearly open to the street.

With regard to the private open space area on the western side of the existing dwelling I note that there are unlikely to be any adverse impacts.

The two properties are separated by the road and considering the location of the proposed balconies and the private open space area of 2 Cane Street, these spaces will be separated by a minimum distance of some 30 metres. I note that this separation distance increases as the proposed development moves towards Prospect Road (i.e. from dwellings 8 to 1). Furthermore, views into the private open space area will be screened by the existing single garage attached to the western side of the representor's dwelling, whilst fencing and vegetation along the southern and eastern boundary of the adjoining property to the west will also obstruct views.

Whilst impacts are not anticipated, it is noted that the upper level balconies, which would cause the greatest impact due to their height, are attached to a bedroom rather than a living area which further minimise potential impacts.

With regards to the above, residents within the proposed units will likely achieve views over the dwelling at 2 Cane Street, however, views directly into the private open space area will unlikely be attained. As a result the proposal development will not create any adverse overlooking or privacy impacts.



Figure 1: Subject land

Source: Google Earth 2015

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.

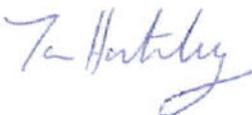
The support of Council is therefore sought for the proposal.

I note that both 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.

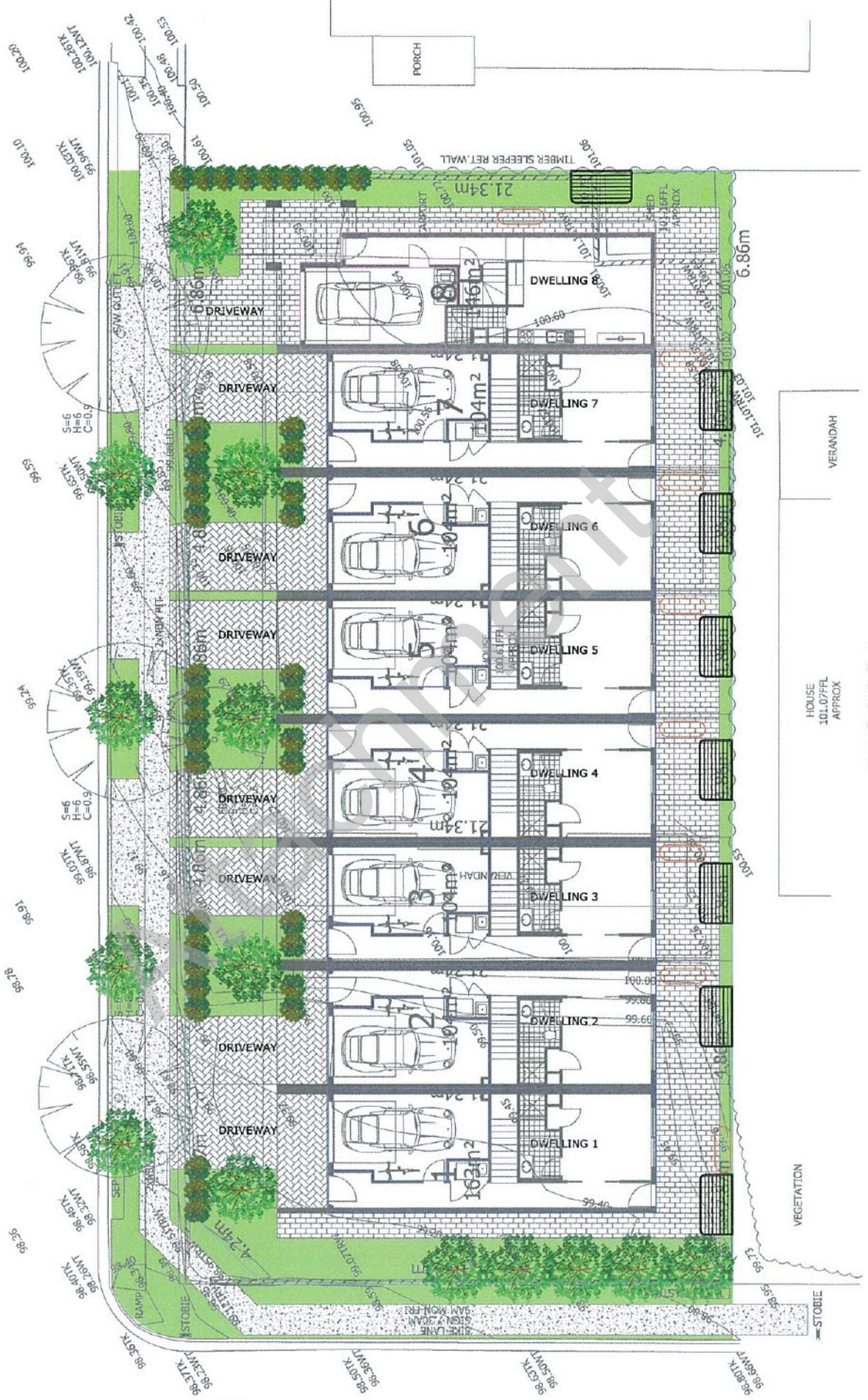
Yours sincerely,



Tom Hateley MPIA
ACCESS PLANNING (SA) PTY LTD

STREET

CANE



AMENDED PLAN

PROSPECT ROAD

SITE PLAN

SCALE 1:100 @ A1

Preliminary Concept



ARTIST IMPRESSION

PROSPECT ROAD ELEVATION

CANE STREET ELEVATION

rivergum homes

387-391 South Road, MILE END SOUTH SA 5031
 Phone: (08) 8354 7900 Fax: (08) 8324 0099
 A.B.N. 70 305 495 337 B.L.C. BLD 11081
 Web: rivergumhomes.com.au

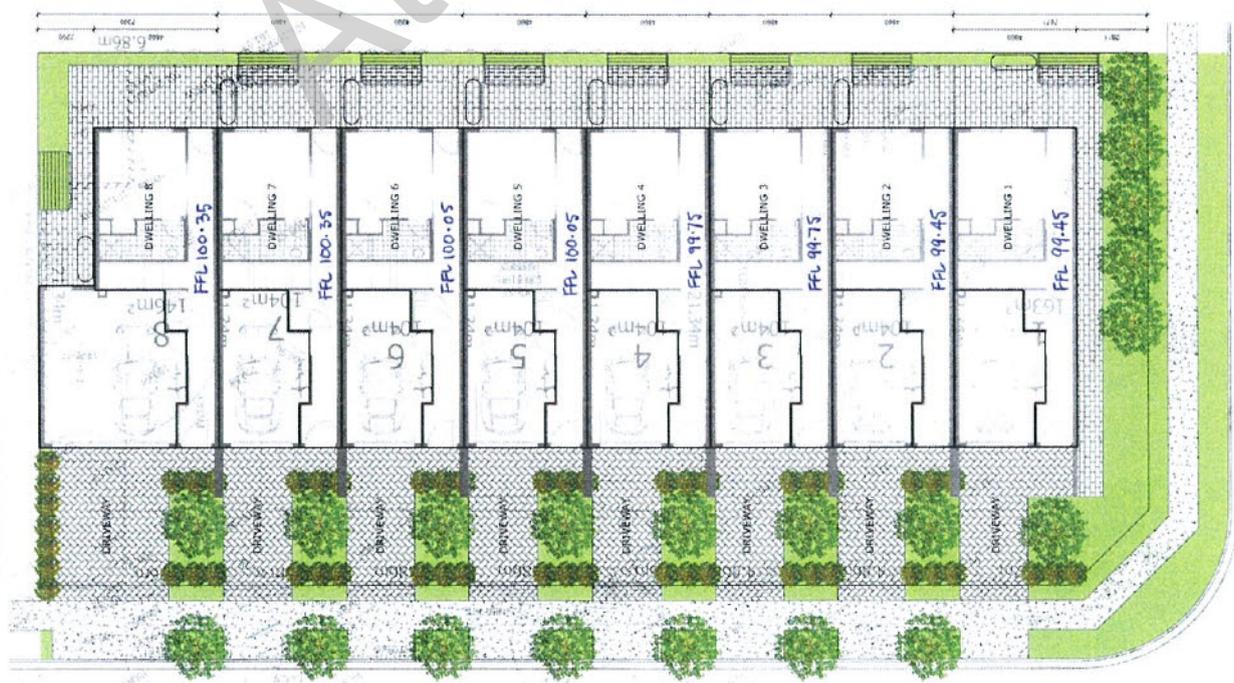
Client: G. Pinksterboer

Project Name: Prospect

Site: 1178-1218 SA 5031
 Date: 8 Jan 2011

This document is a preliminary concept and is not to be used for construction purposes. It is subject to change without notice. All dimensions are approximate and subject to change. All dimensions are in millimeters unless otherwise stated. All dimensions are to the face of the work unless otherwise stated. All dimensions are to the center of the work unless otherwise stated. All dimensions are to the center of the work unless otherwise stated. All dimensions are to the center of the work unless otherwise stated.

SUPERSEDED



PROSPECT ROAD

SITE PLAN

AGENDA ITEM: 5.2

To: Development Assessment Panel (DAP) on 14 September 2015

From: Scott McLuskey, Senior Development Officer, Planning

Proposal: Compromise Proposal: Two, Two Storey Residential Flat Buildings comprising Seven Dwellings with associated Carports, Driveway and Landscaping (DA 050/323/2014)

Address: 32 Hampstead Road Broadview (CT 5314/328)

SUMMARY:

Applicant: Willalo Holdings

Owner: Willalo Holdings

Planning Authority: Council

Mandatory Referrals: Nil

Independent Advice: Nil

Public Notification: Not applicable

Development Plan Version: Consolidated 31 October 2013

Zone and Policy Area: Residential Zone (Policy Area B200)

Key Considerations: Occupant amenity, Energy efficiency, Size and configuration of allotments

Recommendation: **That the DAP advises the Environment, Resources and Development Court that the compromise proposal is accepted**

ATTACHMENTS:

Attachments 1-8 Proposal Plans

Attachments 9-17 Previous Proposal Plans

Attachments 18-34 Previous Report

Attachments 35-41 Applicant's Submission

1. EXECUTIVE SUMMARY

- 1.1 The Development Assessment Panel (DAP) has previously considered the subject proposal for the construction of two, two storey residential flat buildings comprising seven dwellings with associated carports, driveway and landscaping at 32 Hampstead Road Broadview, at its meetings of 12 January 2015 and 2 March 2015.
- 1.2 Briefly, the DAP refused the original proposal and rejected the later compromise proposal as it was considered that the proposal would provide unsatisfactory levels of occupant amenity, insufficiently address natural energy efficiency and thermal comfort, establish a pattern of allotments at odds with the prevailing character of the locality, and result in site areas of insufficient size and width, particularly in relation to the dwellings proposed at the rear of the land.
- 1.3 The applicant has subsequently provided a further compromise proposal and a supplementary submission responding to the refusal matters outlined above. While the configuration of the dwellings would remain the same, the submission and remaining building amendments are considered to satisfactorily address the relevant provisions of the Development Plan. The compromise proposal therefore warrants support.

2. BACKGROUND

- 2.1 The DAP considered a proposal for the construction of two, two storey residential flat buildings comprising seven dwellings with associated carports, driveway and landscaping at 32 Hampstead Road Broadview at its meeting of 12 January 2015. The application was refused as it was considered that the proposal would:
 1. Provide unsatisfactory levels of occupant amenity,
 2. Insufficiently address natural energy efficiency and thermal comfort,
 3. Establish a pattern of allotments at odds with the prevailing character of the locality, and
 4. Result in site areas of insufficient size and width, particularly in relation to the dwellings proposed to the rear of the land.
- 2.2 The applicant lodged an appeal against the decision with the Environment, Resources and Development (ERD) Court. The applicant then provided Council with a revised proposal for the site in an attempt to address the concerns of Council without proceeding to a hearing on the appeal. The DAP considered the proposal at its meeting of 2 March 2015, with the following alterations noted:
 - *The configuration and quantity of bedrooms associated with the rear residential flat building would vary. Townhouses 5 and 6 would now incorporate two bedrooms, Townhouses 4 and 7 would incorporate the originally proposed three bedrooms. Each of these bedrooms, and the study of Townhouses 5 and 6, would achieve direct natural light and ventilation through west facing windows.*
 - *Common areas would vary by way of an altered car parking configuration associated with Townhouses 1-3 that would provide visitor access to Townhouse 3 and improve vehicular manoeuvring associated with the adjacent carport. Bin storage for Townhouses 5 and 6 would be located to the side of Townhouses 4 and 7.*

- 2.3 The compromise proposal was rejected as it was considered that the proposal would:
1. Provide unsatisfactory levels of occupant amenity,
 2. Insufficiently address natural energy efficiency and thermal comfort,
 3. Establish a pattern of allotments at odds with the prevailing character of the locality, and
 4. Result in site areas of insufficient size and width, particularly in relation to the dwellings proposed to the rear of the land.
- 2.4 While the matter has now been listed for a hearing by the ERD Court on 19 and 20 October, the applicant has provided Council with a further and more substantially revised proposal in an attempt to address the concerns of the DAP. Thus, if the DAP is supportive of the revised proposal, the matter would not proceed to be heard by the Court.

3. PROPOSAL

- 3.1 While the proposal would retain essentially the same overall site configuration, the appearance of both residential flat buildings, and the layout and configuration of the front building differ notably from the previous proposal plans.
- 3.2 Most notably, Townhouses 1-3 would now comprise three attached and self-contained, two storey dwellings each containing three bedrooms. The footprint of this building would remain essentially unchanged, with occupant and visitor parking provided in common areas located centrally upon the site. As a result of the altered building configuration, the external staircase previously servicing Townhouse 3 would not be required.
- 3.3 The form and appearance of the residential flat buildings would now comprise lower pitched skillion roof profiles, with a broader material palette incorporating face brick, hebel and rendered finishes of varying colour and texture now proposed.
- 3.4 Townhouses 4-7 would comprise four, three bedroom dwellings and use an internal void and 'hi-lite' windows to provide natural light access through the centre of each dwelling. In the case of Townhouses 5 and 6, this void would provide natural light to central bed and bath rooms.
- 3.5 Details of the compromise proposal are attached, including a supporting submission from Tom Crompton of Botten Levinson Lawyers (refer **Attachments 35-41**) and proposal plans (refer **Attachments 1-8**).
- 3.6 Briefly, Mr Crompton considers that the amended proposal is a substantial improvement to the original proposal and satisfactorily responds to all relevant planning matters, particular in relation to height, density, setbacks, car parking, private open space, energy efficiency, amenity and appearance, and therefore concludes that there is compelling merit for the amended proposal to be supported by the DAP.

4. PLANNING COMMENTARY

- 4.1 The compromise proposal has been submitted in an attempt to address the concerns previously raised by the DAP in refusing the application. If supported by the DAP, then the appeal potentially proceeds no further, assuming that the appellant agrees to any conditions recommended by the DAP.

- 4.2 Alternatively, if the compromise proposal is not supported, then the matter will be heard by the ERD Court on October 19 and 20. It is noted that the Court would consider the current, revised proposal with limited reference to the original scheme during the hearing.
- 4.3 Preliminary consideration has been given by the ERD Court, as well as the legal practitioners involved in the matter, as to whether the revisions now proposed are so departed from the original scheme as to require a fresh application or public notification process. Following submissions, the Court expressed its satisfaction that the proposal was not so substantially altered such that a further application or notification process was required.
- 4.4 The report originally considered by the DAP is included in its entirety for reference purposes (refer **Attachments 18-34**), as are copies of the original proposal plans (refer **Attachments 9-17**).
- 4.5 It is noted that the applicant has also provided revised land division proposal plans for consideration by the DAP. Consideration of the revised proposal with respect to those reasons for refusal relating to the size and configuration of allotments has therefore occurred within the report provided in **Agenda Item 5.3**. For this reason, the following assessment focuses on the extent of change in occupant amenity, while also revisiting matters addressed in the previous reports that are affected by the changes to the proposal.

5. **REFERRALS**

No independent consultant's advice or further consultation with external agencies was required.

6. **PUBLIC NOTIFICATION**

- 6.1 The original application was a Category 2 form of development and notified accordingly. The public notification period ended with two representations and one submission received.
- 6.2 As noted in paragraph 3.3, no further notification is able to be undertaken by Council. Representors have however been notified that a compromise proposal is being considered by the DAP and would be again notified if the compromise proposal is accepted.

7. **ASSESSMENT (REFUSAL MATTERS)**

7.1 **Refusal Matter 1: Occupant Amenity**

7.1.1 Development within the B200 policy area should be of medium density and residential in nature. Development should be of a good architectural quality, with the use of openings and design features to be carefully balanced against noise attenuation requirements. Development should primarily address issues of access, car parking, noise attenuation, the protection of neighbouring amenity and the creation of attractive living environments, while increasing densities in areas adjacent to arterial roads with a diverse mix of dwelling styles (RPA B200 DCS).

- 7.1.2 The revised proposal would result in generally improved quantities of private open space (varying from 27sqm to 47sqm, with a minimum 4 metre dimension), improved access arrangements from Townhouses 1-3 to communal parking areas, and would provide access and waste storage to each dwelling individually. Each dwelling would continue to be provided with two parking spaces that can safely and conveniently access the adjacent arterial road.
- 7.1.3 Living areas to Townhouses 1-3 would be larger than previously proposed, while internal storage quantities would be improved for all seven dwellings. Bedrooms are configured such that they would not abut adjoining living areas, while living areas and private open space is appropriately separated from the Hampstead Road frontage of the site.
- 7.1.4 The applicant acknowledges in their submission the importance of appropriate acoustic treatment with respect to occupant amenity, identifying that compliance with the relevant Development Plan provisions is best demonstrated in the detailed working drawings. If the variation proposal is supported, it is recommended that a reserved matter be imposed in relation to noise attenuation design to ensure the quality of the outcome.
- 7.1.5 Within the B200 policy area, it is anticipated that some measures of occupant amenity may vary depending on the style of the particular development. Access arrangements to each site and dwelling, landscaping, storage, and protection from the noise generated by traffic on Hampstead Road are the key occupant amenity issues expressed within the desired character statement.
- 7.1.6 It is the view of staff that, subject to resolution of the recommended reserved matter during the preparation of detailed working drawings, the proposal would satisfactorily provide occupant amenity anticipated within the policy area.

7.2 Refusal Matter 2: Energy Efficiency and Thermal Comfort

- 7.2.1 The proposal now comprises seven, three-bedroom dwellings. Townhouses 1-3 have been reconfigured such that each is a distinct two storey dwelling, featuring a main east-facing bedroom and two smaller west-facing bedrooms. Townhouses 4-7 would retain their original upper storey layout.
- 7.2.2 Additional window openings are provided to the northern facade of Townhouse 7 to provide improved light and ventilation access. Townhouses 4-7 would each feature a central vented skylight, with high sill level and sliding windows to adjacent bedrooms and bathrooms. The skylight would be accessed for ventilation purposes via the upper storey landing. Townhouses 4-6 would also now incorporate a skylight to each Bed 1 ensuite bathroom.
- 7.2.3 Both residential flat buildings would now incorporate central roof-top solar panel systems, though it is noted that bank of panels atop Townhouse 5 will require the use of a tilt-frame. It is noted that such a system would require development approval, and hence the applicant should be encouraged to resolve this matter promptly if the Panel were to advise the Court of its support.
- 7.2.4 Nevertheless, the east-west dwelling configuration provides a good opportunity for solar energy collection, which will assist in off-setting a greater than ideal reliance upon mechanical heating and cooling. Aerial photography suggests that none of the existing dwellings within the locality facing Hampstead Road have made use of solar panel systems, though many feature west-facing habitable rooms while preventing northern light access through carport or garage structures.

7.2.5 It is noted that the addition of verandahs will provide effective shading to the ground level sliding doors of the living area that are also west facing. It is recommended that a condition be imposed with respect to the shading of west facing windows as alluded to in the applicant's submission.

7.3 Refusal Matters 3 & 4: Size and configuration of allotments

7.3.1 The proposal would result in the establishment of an allotment configuration effectively unchanged from that previously considered by the DAP. In the context of the desired future character of the area and the form of the compromise proposal, this is not considered (in isolation) to be fatal to the application.

8. ASSESSMENT (FURTHER MATTERS)

8.1 Design and Appearance

8.1.1 The amended proposal would retain similar setback distances to the previous proposal, but would substantially alter the form, roof profile, materials and finishes of each building. The solid to void ratio to the eastern facade of Townhouses 1-3 would be substantially altered, while a mixture of brick, timber look cement cladding and rendered finishes would result in a more modern dwelling appearance.

8.1.2 The proposed forms and finishes would be unique within the locality, which typically features original dwellings of low scale and density. It is noted that the replacement of these dwellings with buildings of greater vertical and horizontal proportions, and of a higher density, is sought within the policy area. To this end it is noted that the proposed buildings feature design elements, materials and finishes similar to those employed by infill development adjacent Regency Road; the only other area to which the B200 policy regime applies.

8.1.3 Thus while it is anticipated that new development will be complementary to the scale, materials and design elements characteristic of the present locality, it is desirable nonetheless that the character of the locality be revitalised through more modern in-fill development. The proposal is considered to appropriately balance these competing character concerns, resulting in buildings that would provide a medium density housing outcome but at a lower scale distinct from the Urban Corridor Zone.

9. CONCLUSION AND RECOMMENDATION

9.1 The compromise proposal seeks to establish a medium density residential land use of a form and scale anticipated within the relevant policy area. Amendments to the original proposal improve access to natural light and ventilation for habitable rooms and improve the efficiency and functionality of first floor living areas within Townhouses 4-7. The amendments would modernise the appearance of the dwellings, while providing solar energy collection and improved pedestrian and vehicle access points.

Thus it is recommended:

That the Environment, Resources and Development Court be advised that Council is supportive of the compromise proposal for Two, Two Storey Residential Flat Buildings comprising Seven Dwellings with associated Carports, Driveway and Landscaping (DA 050/323/2014) at 32 Hampstead Road Broadview(CT 5314/328), and recommends the following reserved matters and conditions:

Reserved Matters:

1. A detailed design of the stormwater management system by a suitably qualified civil engineer be provided to Council for assessment, including appropriate provisions for rainwater capture and reuse.
2. An acoustic report from a qualified acoustic engineer shall be submitted to Council detailing any acoustic measures required to demonstrate that the proposal meets the requirements of the Development Plan with respect to Council Wide Principle of Development Control 111 and Residential Zone Policy Area B200 Principle of Development Control 2.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/323/2014, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. The surfacing of the driveway and drainage shall be maintained to the reasonable satisfaction of Council thereafter.
3. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:
 - a) Flow or discharge onto adjoining properties;
 - b) Flow across the surface of footpaths or public ways;
 - c) Affect the stability of any building; or
 - d) Create unhealthy or dangerous conditions on the site or within any building.
4. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited to adequately screen the units from view to the reasonable satisfaction of Council.
5. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse.
6. The screening located on the 'Terrace' of Townhouse 3 shall be a minimum of 1.8m in height above the finished floor level of the balcony.
7. The east-facing balconies of Townhouses 4-7 shall be provided with screening to an effective minimum height of 1.8m above the finished floor level of the balcony, which prevents views into neighbouring properties to the reasonable satisfaction of Council. The materials and finishes used on the screens shall complement those of the building. All screening devices shall be constructed prior to occupation of the dwellings and maintained at all times thereafter to the reasonable satisfaction of Council.
8. The timber slat screening proposed to the stairway of Townhouse 3 shall be constructed to a minimum height of 1.7m above the level of each adjacent stair in accordance with the approved plan. The spacing between slats shall be no more than 5mm. All screening devices shall be constructed prior to occupation of the dwellings and maintained at all times thereafter to the reasonable satisfaction of Council.

9. The west-facing upper storey windows of Townhouses 3, 4, 5, 6 and 7 shall have:
- a) Minimum window sill heights of 1.7m above finished floor level; or
 - b) Fixed and obscured glass to a minimum height of 1.7m above floor level; or
 - c) An awning window with obscured glass to a minimum height of 1.7m above floor level, with an opening restricted to no more than 100mm; or
 - d) Permanently fixed external screens that provide an effective screening height of 1.7m above the upper floor level and complement the external appearance of the dwelling.

The screening solution(s) shall be established prior to occupation of the dwellings and maintained to the reasonable satisfaction of Council at all times thereafter.

10. To maximise the efficiency of waste recycling:
- a) Provision shall be made for the separation of recyclable materials for collection and recycling, including paper, cardboard, glass and plastic containers, tins, and any other plastic that 'holds its shape';
 - b) Separate provision shall be made for the collection of food waste (food organics) and food-contaminated cardboard, paper or paper products, which are to be collected for composting; and
 - c) Paper attached to plastic, wax paper or chemically-treated/gloss cardboard will not be included with the materials collected for composting.
11. West facing windows shall be provided with external awnings (or similar to the satisfaction of Council) to provide shade to those windows from afternoon sun.
12. All car parking spaces must be line-marked in accordance with the approved plans and to comply with the Australian/New Zealand Standard for Parking Facilities (Part 1: Off-street Car Parking (AS/NZS 2890.1:2004) prior to occupation.
13. Manoeuvring areas shall be clearly marked 'No Parking' via line-marking or signage consistent with that described in Clause 4.4 of AS/NZS 2890.1:2004. Such marking shall occur prior to occupation.
14. The surfacing of the car park, line marking, directional arrows and/or signage, as relevant, shall be maintained to the reasonable satisfaction of Council at all times.
15. That any lighting to common areas shall be designed and located in such a way that adjacent properties are not unreasonably inconvenienced by the glare or the overspill of light.
16. Landscaping shall be provided in the areas described by the herein endorsed Landscape Plan. Landscaping shall include low-lying shrubs and medium height trees (growing to minimum 4-6m height).
17. All landscaping areas shall be established and maintained at all times to the reasonable satisfaction of Council. The applicant or the persons for the time being making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.
18. During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:

- a) A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - b) Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
 - c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - d) The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
 - e) All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
19. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.

20. To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities shall only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.

The following conditions are applied at the recommendation of DPTI:

- 21. The access shall be a minimum of 6.0 metres in width at the property boundary and appropriately flared to the road to facilitate unimpeded ingress/egress and minimise disruption to the free flow of traffic on the arterial road.
- 22. The access shall have a clear area of a minimum of 6.0 metres by 6.0 metres inbound into the property to allow vehicles to store off-street while waiting for another vehicle to enter or exit the property.
- 23. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.



Scott McLuskey
Senior Development Officer, Planning

building designers
 phone 8365 0300
 fax 8365 0415
 90 glynburn road
 hectorville sa 5073
 ACN 008 082 853

© Copyright
 client: Integral
 proposed: proposed townhouses
 site: lot 78
 hampstead road
 broadview
 date: may 2015
 drawn: jr
 scale: as shown

amendments:
 28.07.2015 jr
 03.08.2015 jr
 10.08.2015 jr
 25.08.2015 jr

job no: 837015

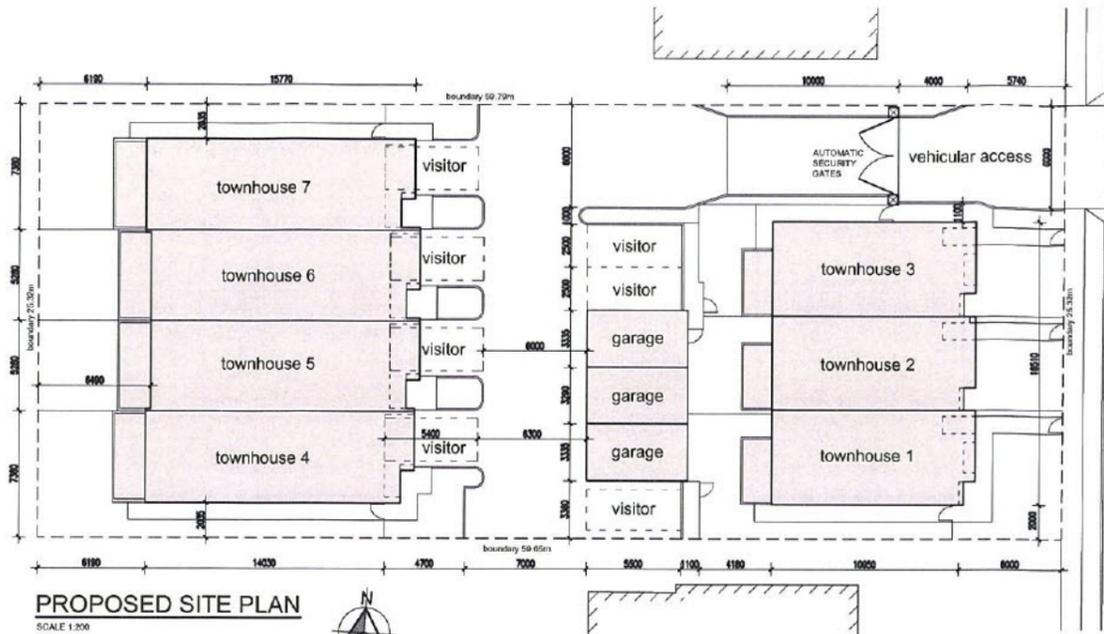
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townhouses 1 & 3	
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porch	2.65
patio	7.06
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townhouse 2	
living	59.95
living	61.32
garage	19.35
porch	2.85
patio	7.06
total:	160.33

areas	sqm
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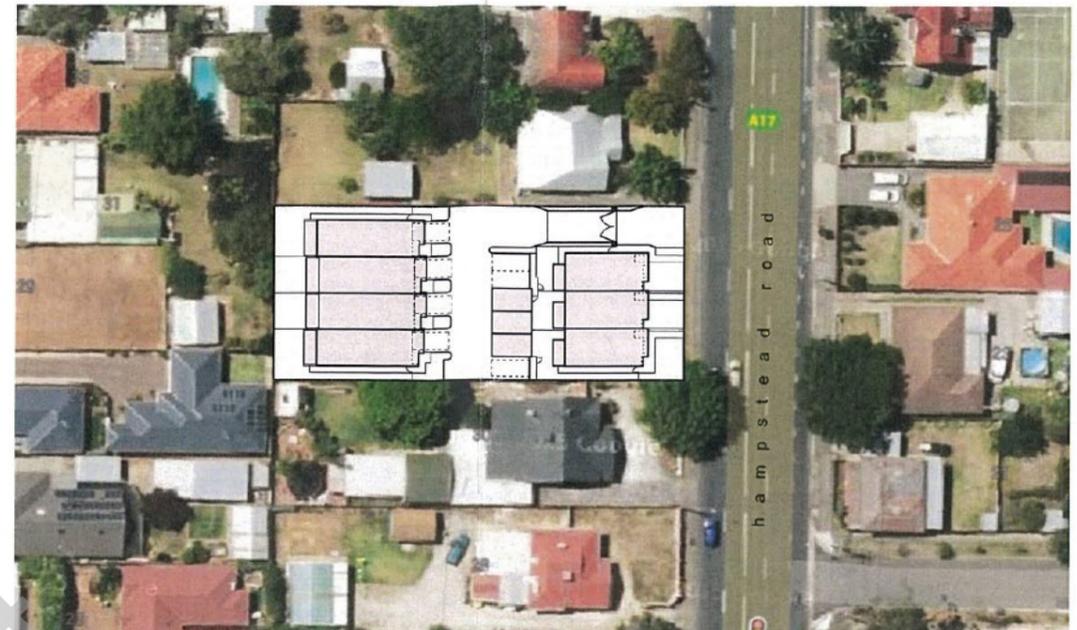
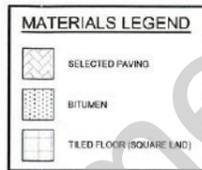
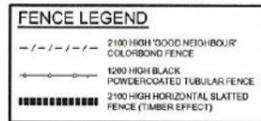
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patio	10.03
total:	168.02

FOR PLANNING APPROVAL ONLY

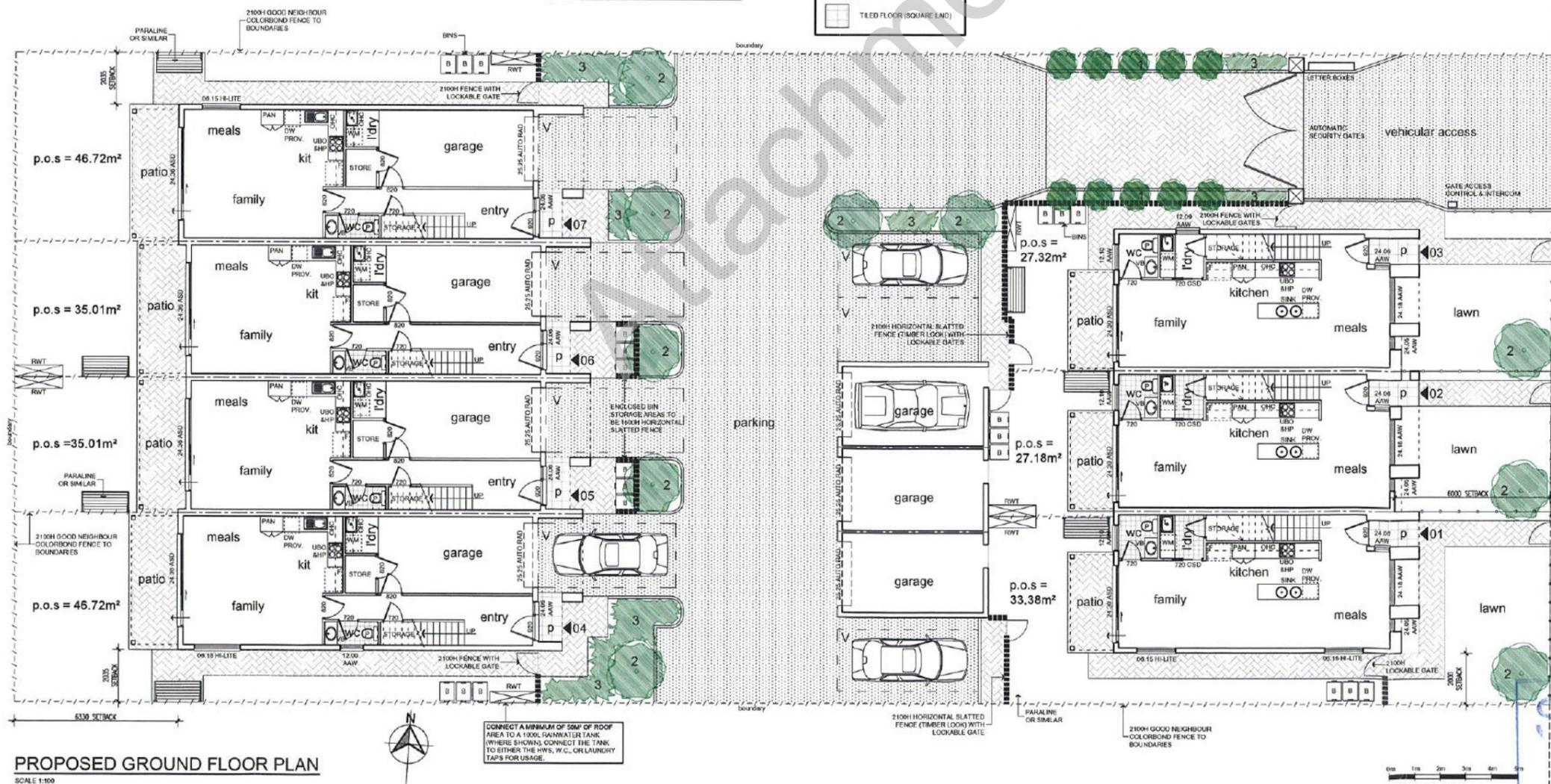


PROPOSED SITE PLAN
 SCALE 1:200

SCALE 1:200



PROPOSED LOCATION PLAN
 SCALE 1:500



PROPOSED GROUND FLOOR PLAN
 SCALE 1:100

SCALE 1:100

- LANDSCAPING LEGEND:
- 1 CUPRESSUS SEMPERVIRENS (GLAUCA) 'PENCIL PINE'
 - 2 PYRUS CALLERYANA (CAPITAL) 'CAPITAL PEAR'
 - 3 LIRIOPE MASCARI 'LILY TURF'



hampstead road

SCANNED
 28 AUG 2015
 CITY OF PROSPECT

building designers
 phone 8365 0300
 fax 8365 0415
 90 glynburn road
 hectorville sa 5073
 ACN 008 082 853

© Copyright
 client: integral
 proposed: proposed townhouses
 site: lot 78
 hampstead road
 broadview
 date: may 2015
 drawn: jr
 scale: as shown

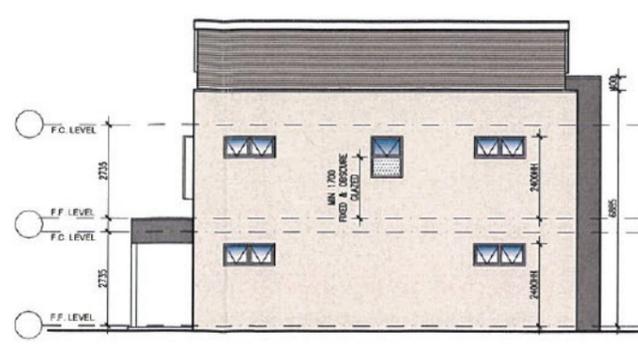
amendments:
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 03.08.2015 jr
 07.08.2015 jr
 10.08.2015 jr
 25.09.2015 jr

job no: 837015

FOR PLANNING APPROVAL ONLY



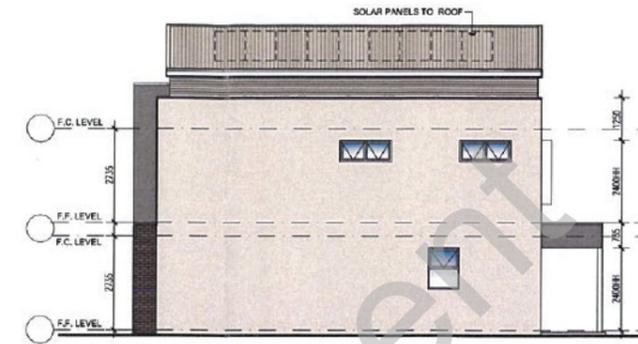
EAST ELEVATION (TOWNHOUSES 1-3)
 SCALE 1:100



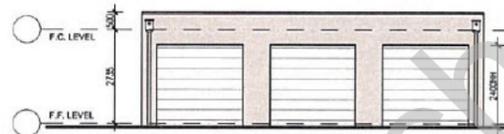
SOUTH ELEVATION (TOWNHOUSES 1-3)
 SCALE 1:100



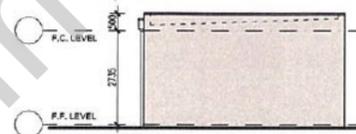
WEST ELEVATION (TOWNHOUSES 1-3)
 SCALE 1:100



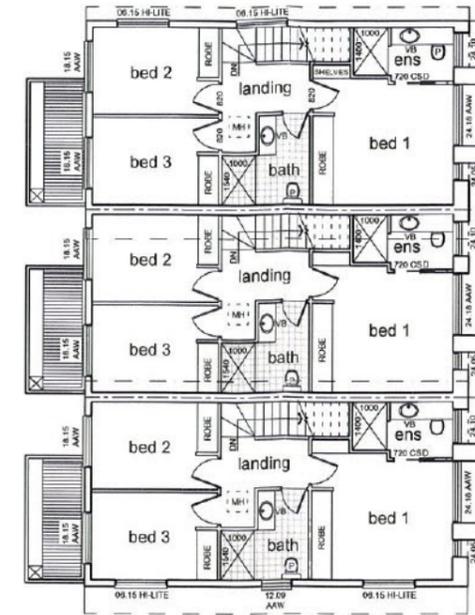
NORTH ELEVATION (TOWNHOUSES 1-3)
 SCALE 1:100



FRONT ELEVATION (GARAGES 1-3)
 SCALE 1:100



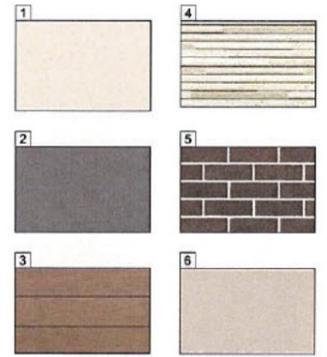
TYPICAL SIDE ELEVATION (GARAGES 1-3)
 SCALE 1:100



PROPOSED FIRST FLOOR PLAN (UNITS 1-3)
 SCALE 1:100

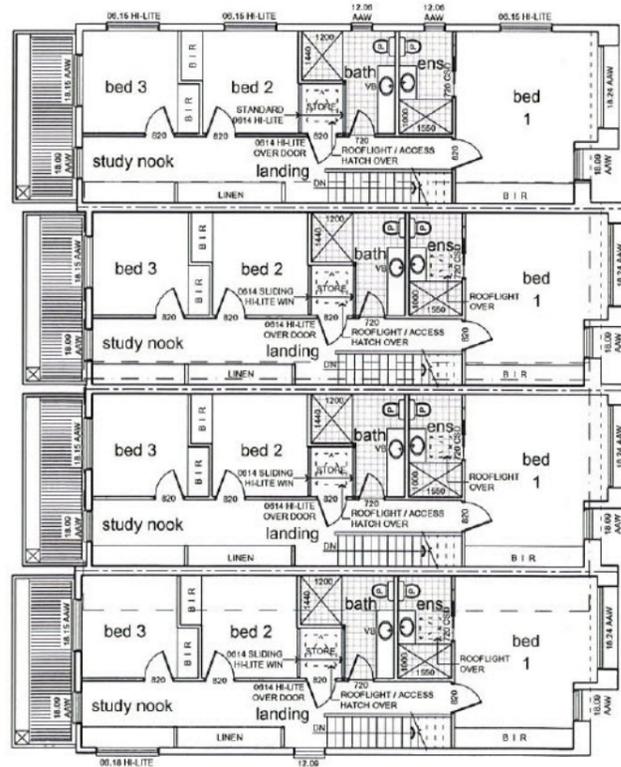
SWATCHES LEGEND:

- CREAM RENDER - SOLVER 'ALABASTER'
- DARK RENDER - SOLVER 'CHARCOAL GREY'
- CSR DESIGNER SERIES TEXTURED ALPINE CEMENTEL CLADDING
- CSR DESIGNER SERIES 'WOODGRAIN TEAK' CEMENTEL CLADDING
- FACING BRICKWORK 'PGH - BELGENNY BROWN'
- COLORBOND CLADDING 'EVENING HAZE'



LEGEND

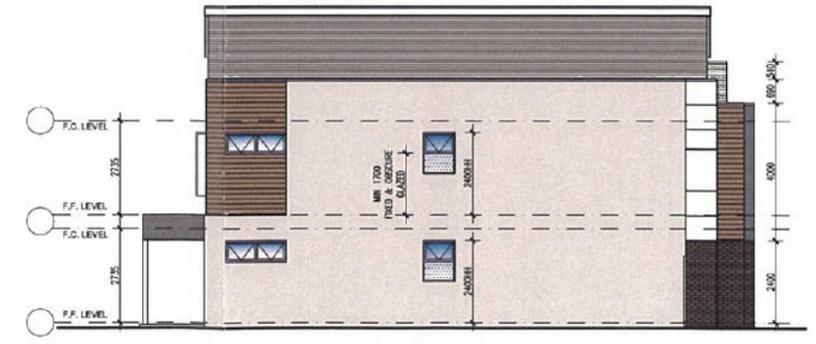
CSR DESIGNER SERIES 'TEXTURED ALPINE' CEMENTEL CLADDING	FACE BRICKWORK (PGH - BELGENNY BROWN)	GLASS PANE
CSR DESIGNER SERIES 'WOODGRAIN TEAK' CEMENTEL CLADDING	AERATED CONCRETE PANEL CLADDING WITH APPROVED ACRYLIC RENDER COATING SYSTEM OR SIMILAR (TYPICAL)	GLASS PANE (OBSCURE GLAZED)
EXPRESSED JOINT SHEETING MATRIX (WHITE)		



PROPOSED FIRST FLOOR PLAN (UNITS 4-7)
 SCALE 1:100



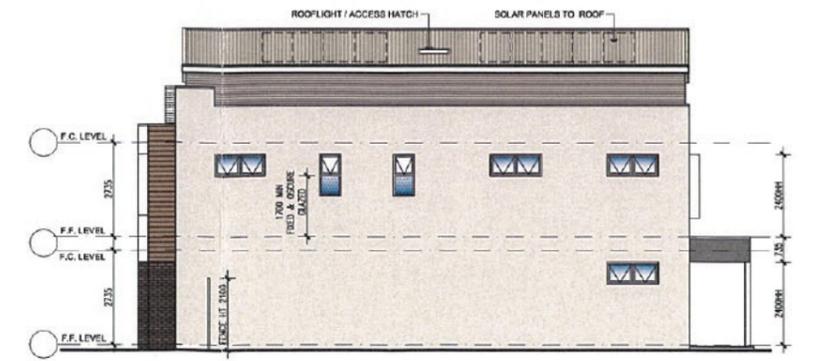
EAST ELEVATION (TOWNHOUSES 4-7)
 SCALE 1:100



SOUTH ELEVATION (TOWNHOUSES 4-7)
 SCALE 1:100



WEST ELEVATION (TOWNHOUSES 4-7)
 SCALE 1:100



NORTH ELEVATION (TOWNHOUSES 4-7)
 SCALE 1:100









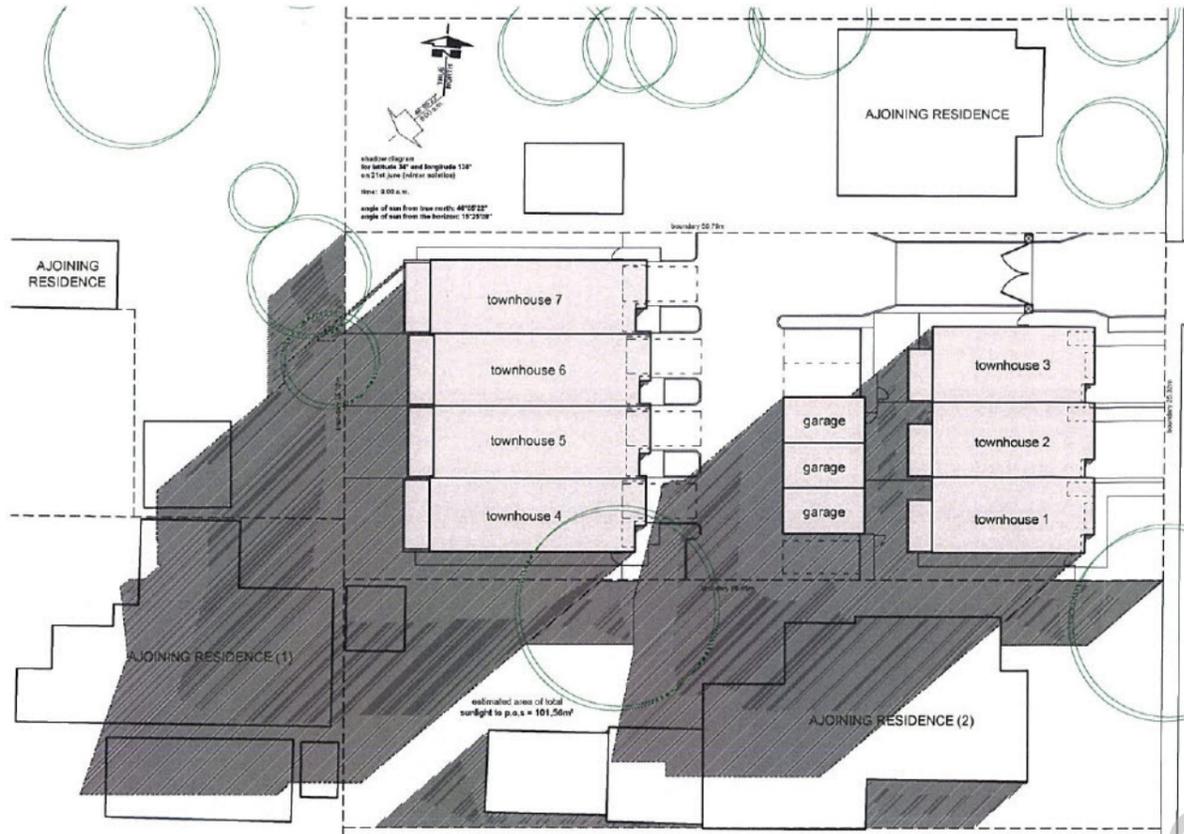
building designers
 phone 8365 0300
 fax 8365 0415
 90 glyburn road
 hectorville sa 5073
 ACN 008 082 853

© Copyright
 client: integral
 proposed: proposed townhouses
 site: lot 78
 hampstead road
 broadview
 date: may 2015
 drawn: jr
 scale: 1:250 @ A1

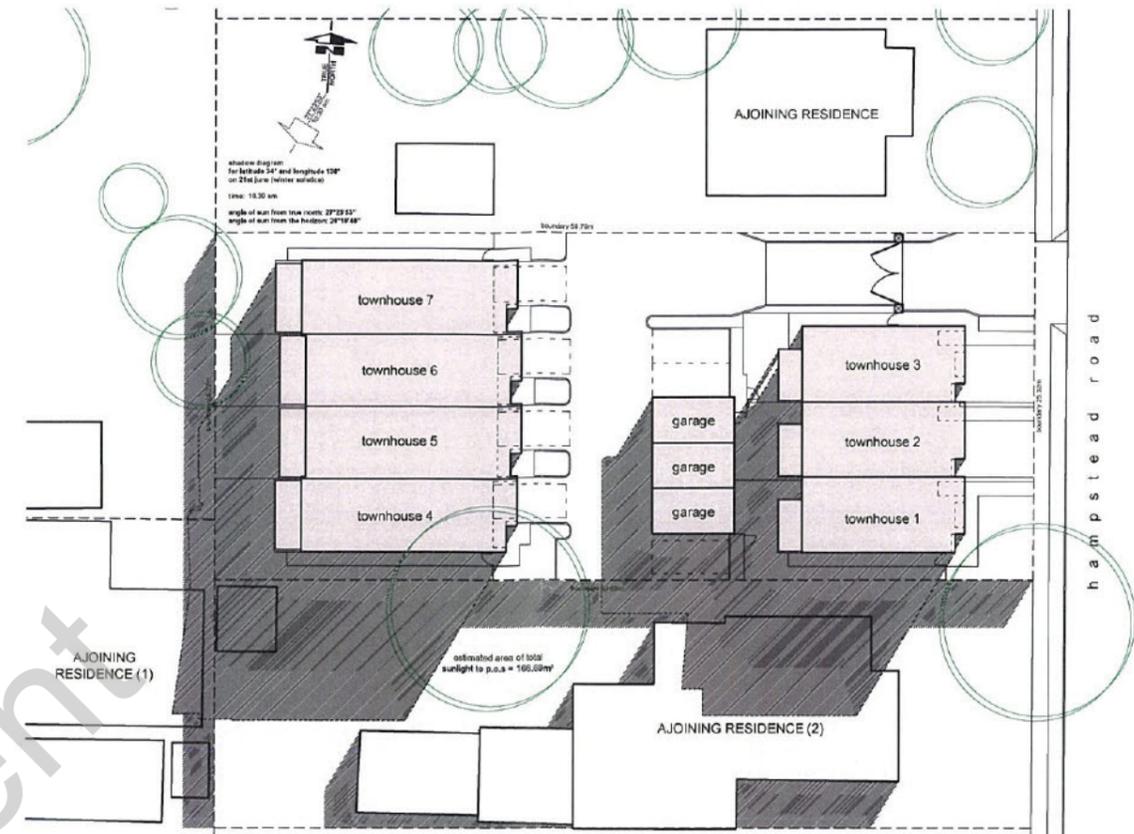
amendments:
 04.08.2015 jr
 11.08.2015 jr

job no: 837015

FOR PLANNING APPROVAL ONLY



SUNSHADING DIAGRAM - WINTER SOLSTICE 9AM
 SCALE 1:200



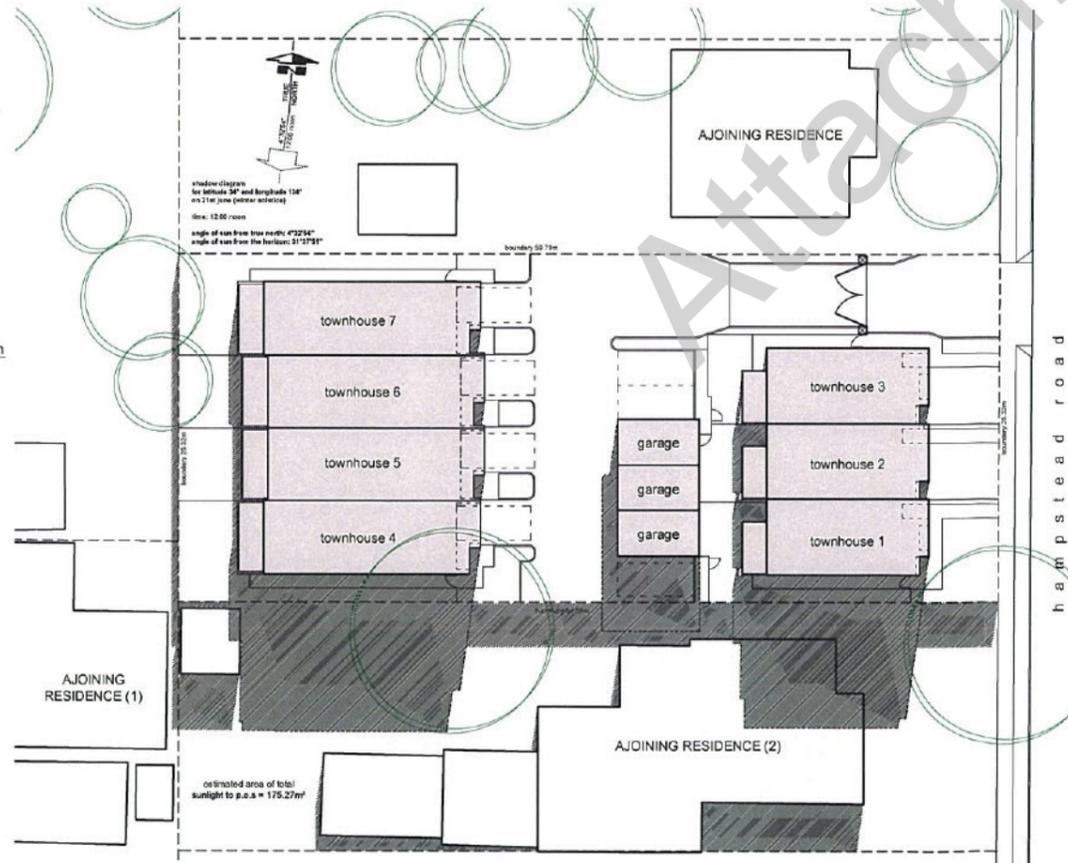
SUNSHADING DIAGRAM - WINTER SOLSTICE 10.30AM
 SCALE 1:200

adjoining residence 1

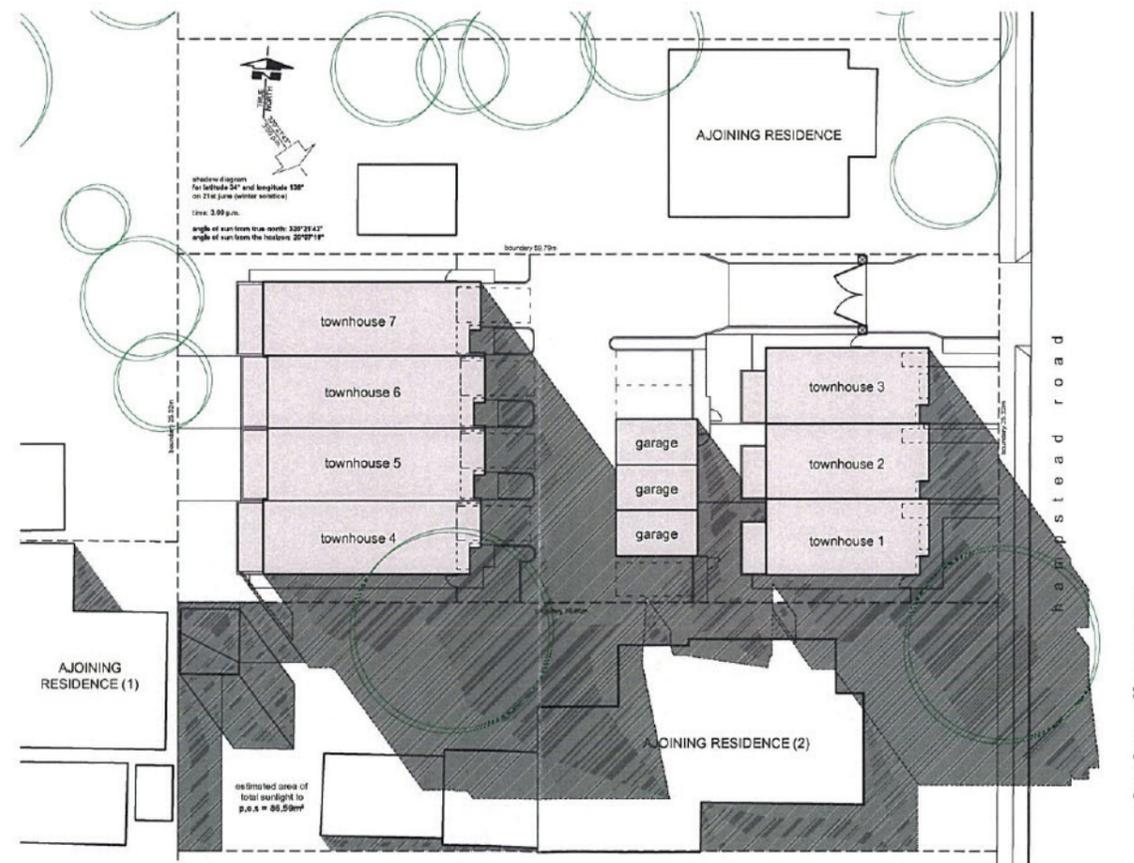
time of day	area of private open space unaffected by development	% of private open space unaffected by development
9.00 am	0.00m²	0.00%
10.30 am	27.33m²	70.28%
12 noon	36.38m²	93.55%
3.00 pm	38.89m²	100.00%

adjoining residence 2

time of day	area of private open space unaffected by development	% of private open space unaffected by development
9.00 am	127.34m²	30.42%
10.30 am	187.54m²	44.80%
12 noon	195.81m²	46.78%
3.00 pm	120.27m²	28.73%



SUNSHADING DIAGRAM - WINTER SOLSTICE 12 NOON
 SCALE 1:200



SUNSHADING DIAGRAM - WINTER SOLSTICE 3PM
 SCALE 1:250

0m 2.5m 5m 7.5m 10m 12.5m
 SCALE 1:250

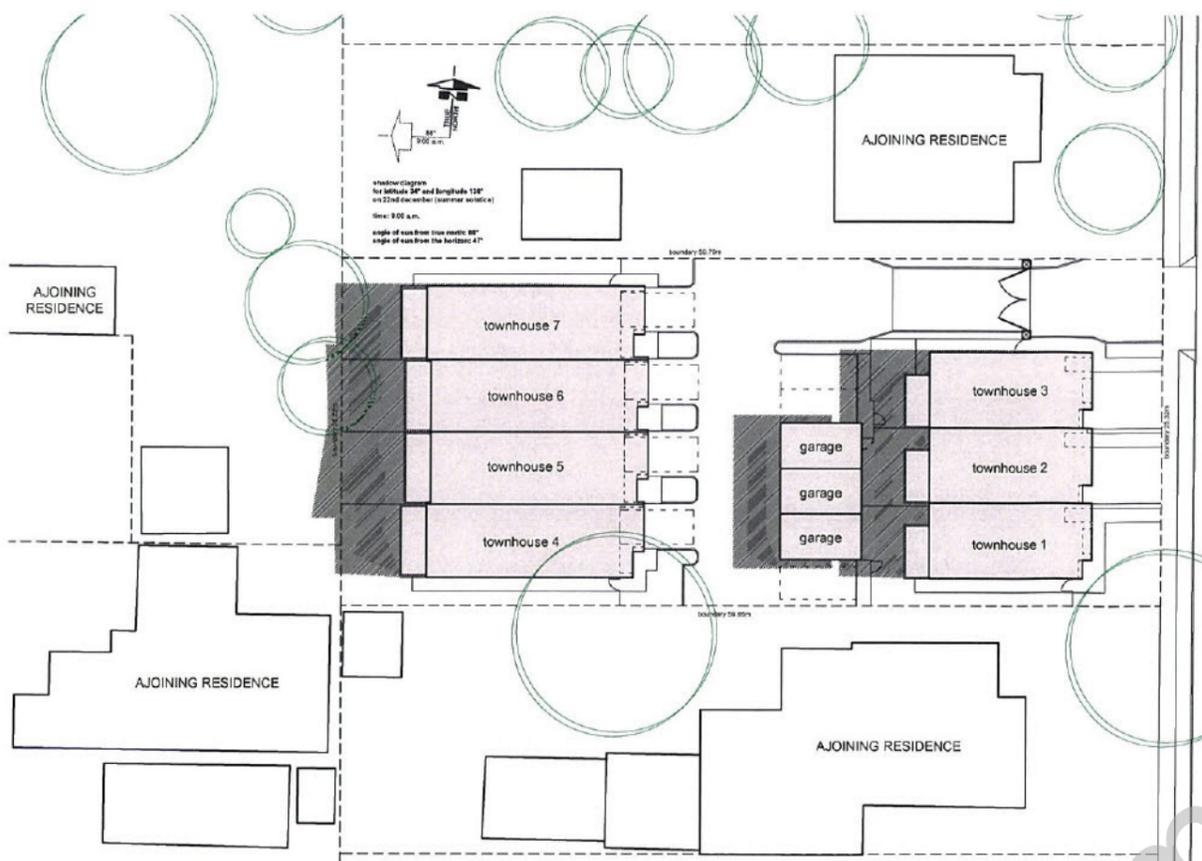
building designers
 phone 8365 0300
 fax 8365 0415
 90 glyburn road
 hectorville sa 5073
 ACN 008 082 853

© Copyright
 client: integral
 proposed: proposed townhouses
 site: lot 78
 hampstead road
 broadview
 date: may 2015
 drawn: jr
 scale: 1:250 @ A1

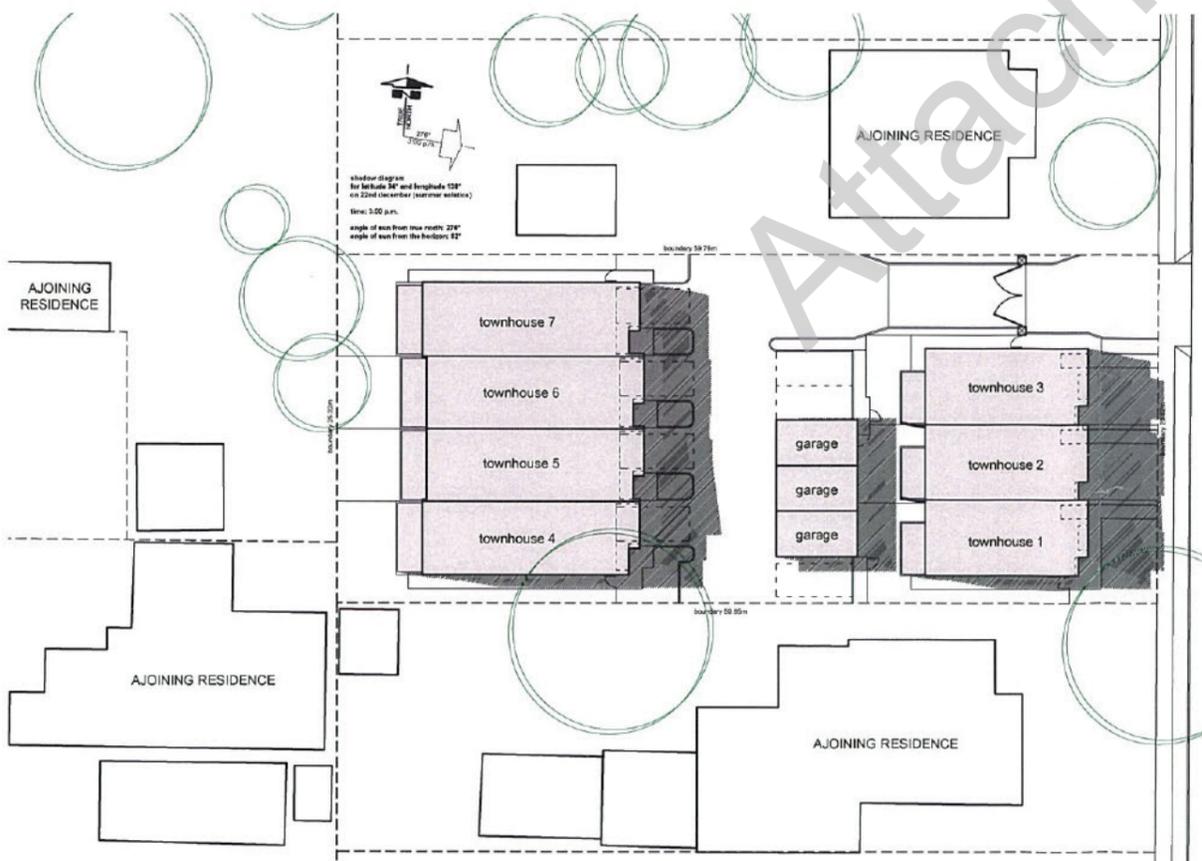
amendments:
 04.08.2015 jr
 11.08.2015 jr

job no: 837015

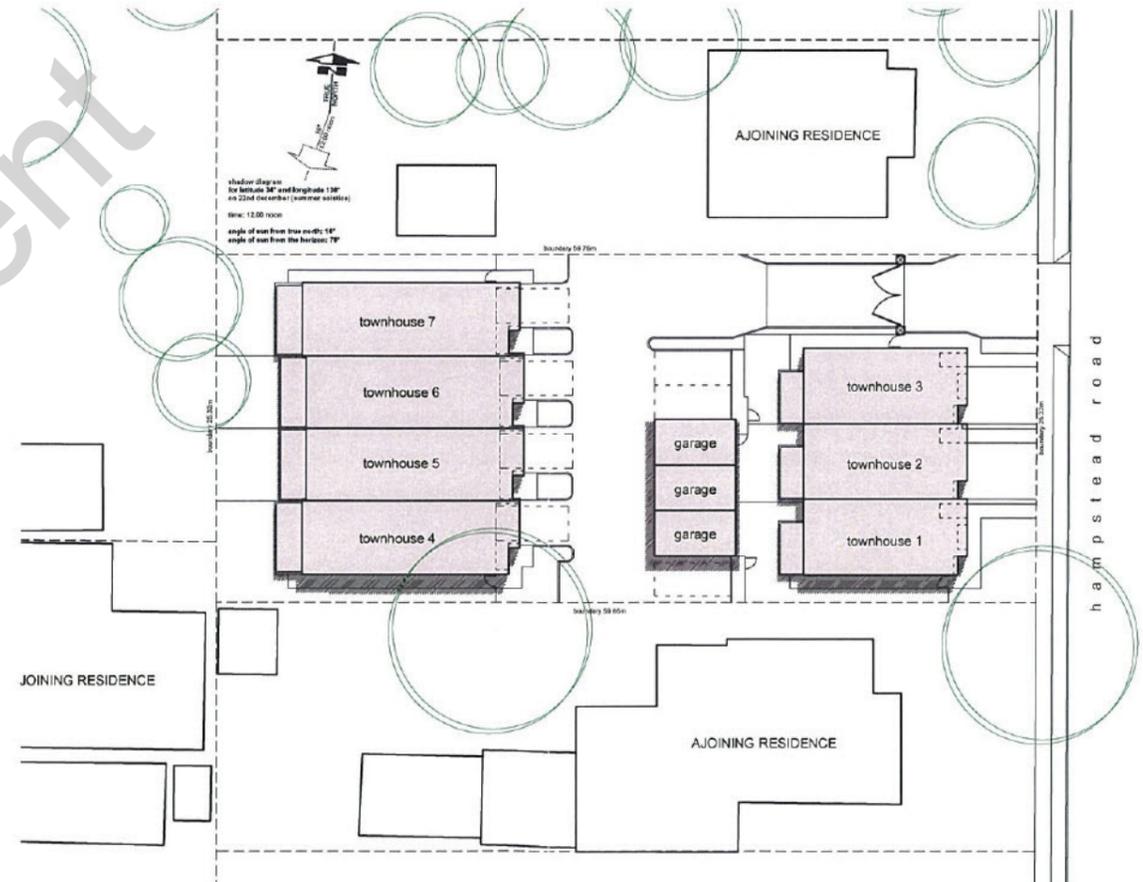
FOR PLANNING APPROVAL ONLY



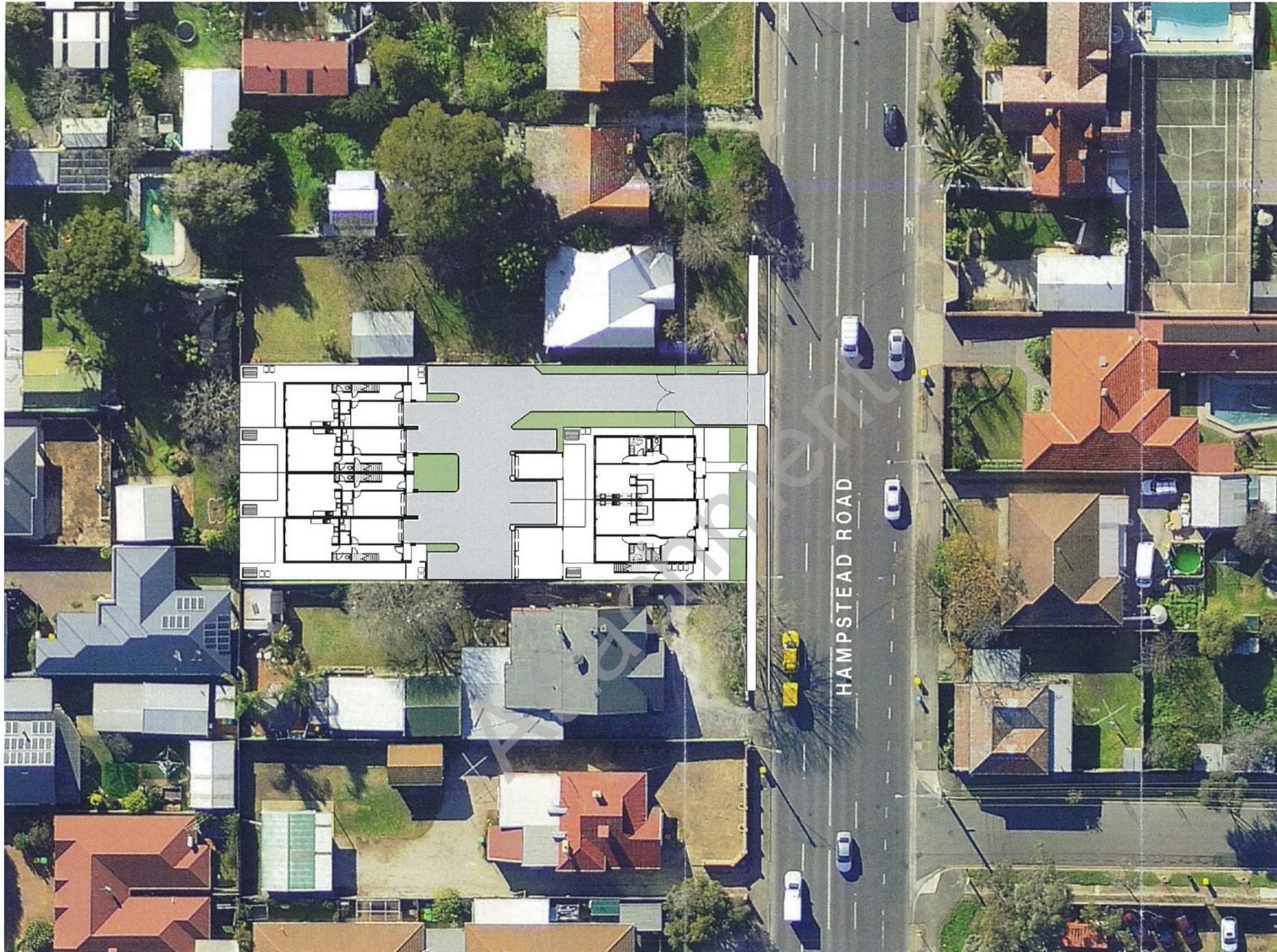
SUNSHADING DIAGRAM - SUMMER SOLSTICE 9AM
 SCALE 1:200



SUNSHADING DIAGRAM - SUMMER SOLSTICE 3PM
 SCALE 1:200



SUNSHADING DIAGRAM - SUMMER SOLSTICE 12 NOON
 SCALE 1:200



RECOMMENDED PLAN

CITY OF PROSPECT
 DEVELOPMENT APPROVAL
 12 JAN 2015
 DEVELOPMENT ACT 1993
 REFOUSED DOCUMENTS

LOCATION PLAN

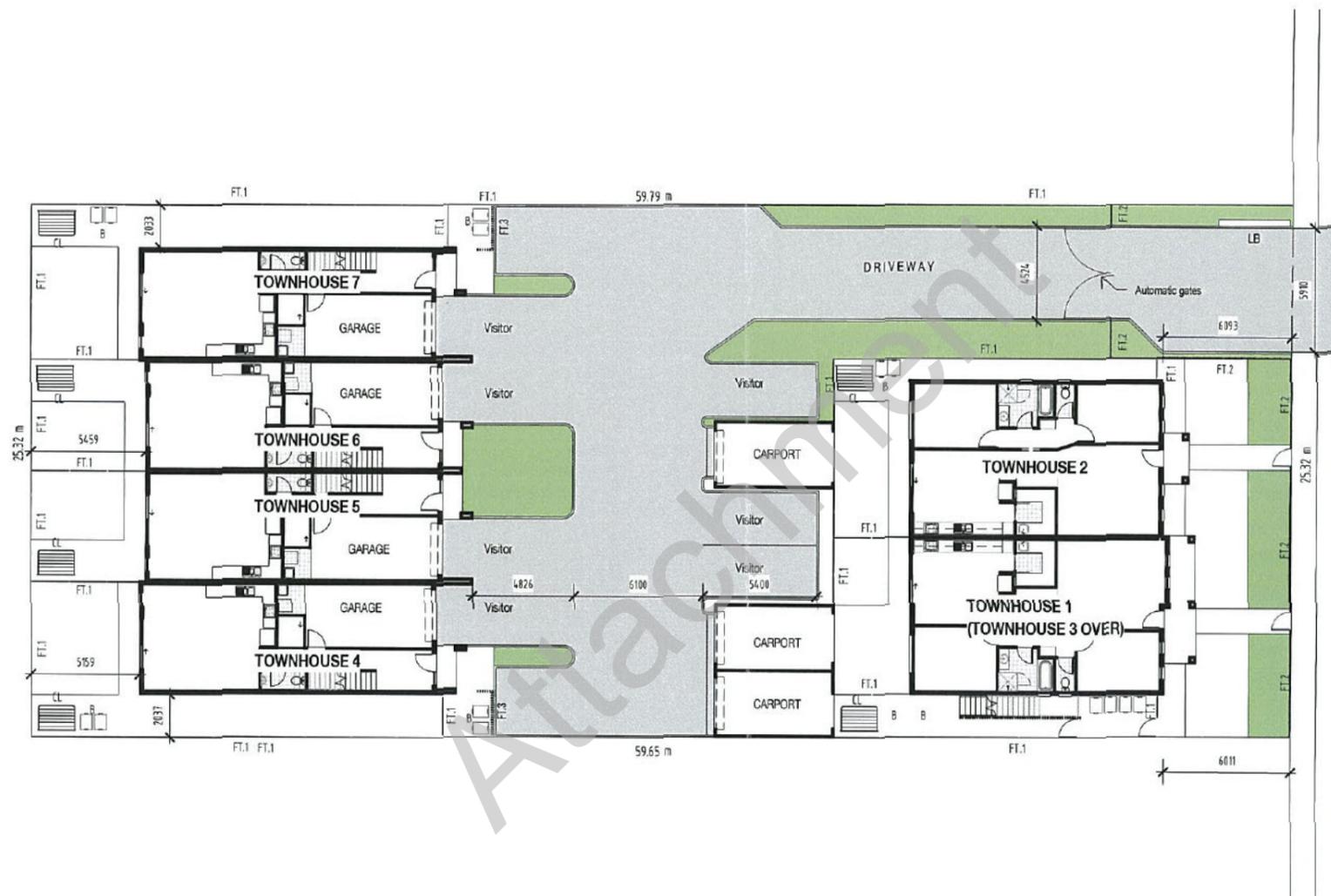
LOCATION PLAN

PROPOSED TOWNHOUSES

zummo design building designers 32a Mary St (nr Pak Toe), Salebury 5108. ph : 8250 0066 mob : 0411 411 492 fax : 8265 6967		client: WILLALO HOLDINGS at: LOT 78 HAMPSTEAD ROAD, BROADVIEW	Job No: 1599/07/14	Scale: 1:350	Date: 15/12/2014 4:39:29 PM	Paper size A2
© copyright		SK00				

AMENDED PLAN

CITY OF PROSPECT
DEVELOPMENT APPROVAL
1 2 JAN 2015
DEVELOPMENT ACT 1993
REFUSED DOCUMENTS



SITE PLAN

1:200

LEGEND

- FT.1 1800mm high Good neighbour colorbond fence
- FT.2 1500mm high tubular steel fence, powdercoat finish
- LB Letter box
- CL Fold-a-line clothes line, 2.2 x 1.2m
- B Wheelie bin
- RWT Min 1000 litre rainwater tank, plumbed to WC
- AC Air conditioner condensor unit

- Concrete paving
- Landscaping. Refer to landscape plan

STORMWATER
Rainwater retention / detention tanks to Council requirements, connected to stormwater disposal system, with overflow pipes draining to street water table

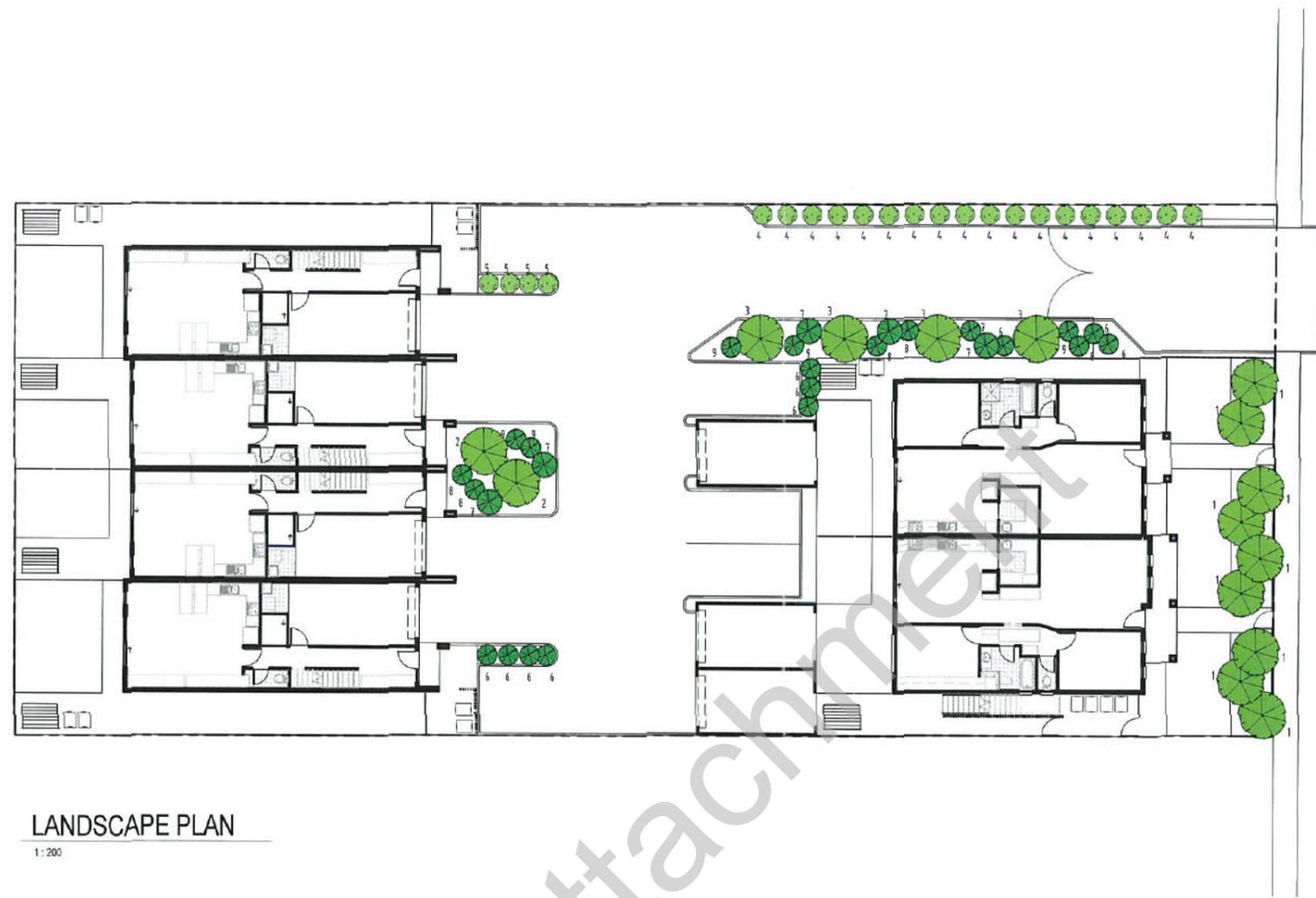
SITE PLAN

PROPOSED TOWNHOUSES

zumbö design building designers 32a Mary St (cnr Park Tce), Salisbury 5108. ph : 8250 0066 mob : 0411 411 492 fax : 8285 6967	client: WILLALO HOLDINGS
	at: LOT 78 HAMPSTEAD ROAD, BROADVIEW
© copyright	Job No: 1599/07/14 SK01
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	Paper size: A2

AMENDED PLAN

CITY OF PROSPECT
DEVELOPMENT APPROVAL
1 2 JAN 2015
DEVELOPMENT ACT 1993
REFUSED DOCUMENTS



HAMPSTEAD ROAD

LANDSCAPE PLAN

1:200

FEATURE TREES



1 2 3 4

CONIFERS



4 5

FEATURE TREES

- 1. *Betula pendula* 'Silver Birch'
- 2. *Lagerstromia indica* 'Creme Myrtle'
- 3. *Eucalyptus leucocylon* 'lucky dwarf' 'Dwarf Yellow Gum'

CONIFERS

- 4. *Juniperus scopulorum* 'blue arrow' 'Blue Arrow conifer'
- 5. *Cupressus sempervirens* 'glauca' 'Pencil pine'

SHRUBS

- 6. *Dodonaea viscosa* purpurea 'Sticky Hop Bush'
- 7. *Arenga engleri* 'Dwarf sugar palm'
- 8. *Dialium grandiflora* 'Wild Iris'
- 9. *Lomandra longifolia* 'Spiry Head Matt Rush'

GROUND COVER

- A. *Dialochandra micratha* 'Dialochandra'
- B. *Trachelospermum* 'star jasmine' 'Jasmine'

SHRUBS



6 7 8 9

GROUND COVER



A B



LANDSCAPE PLAN

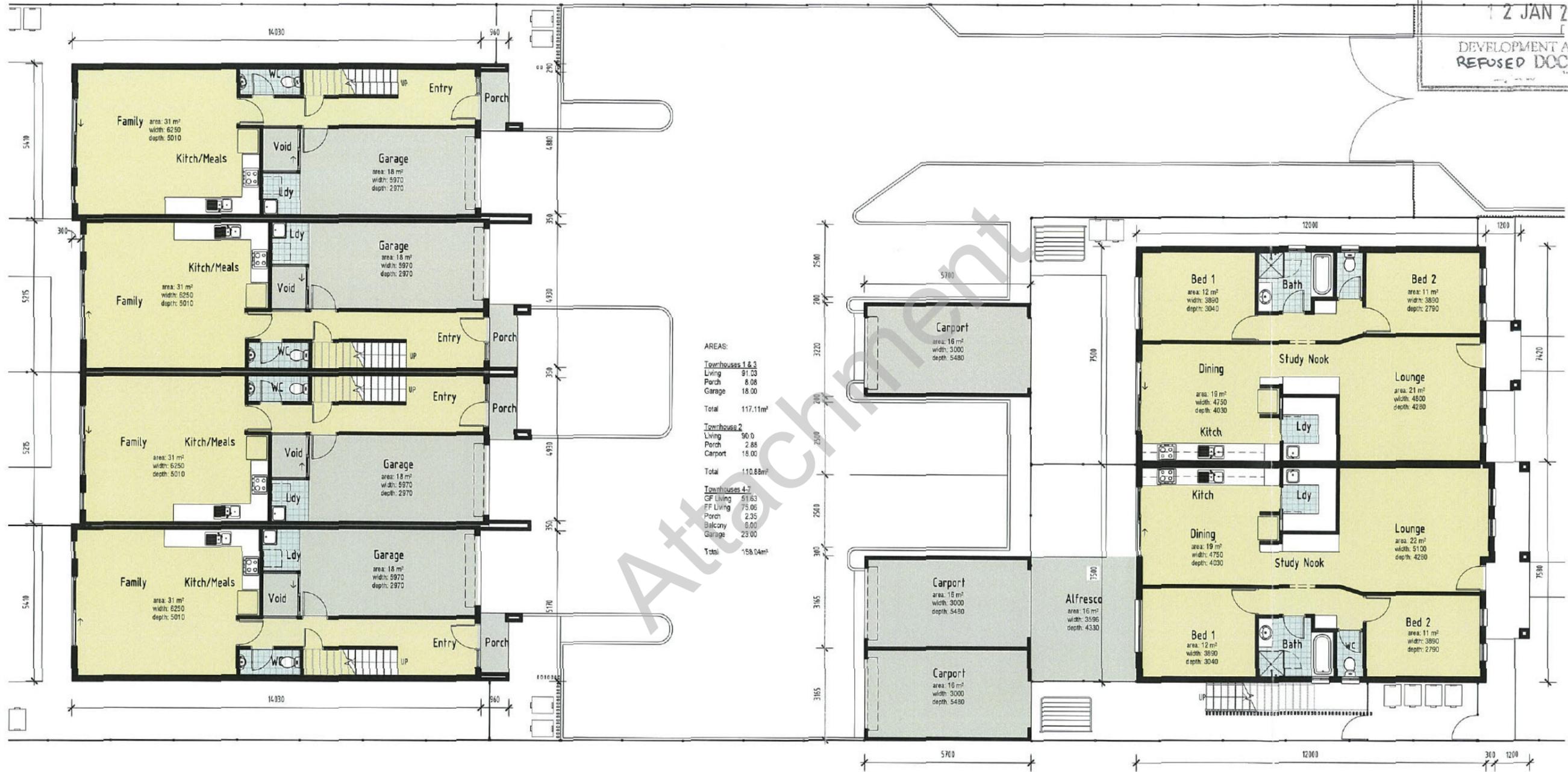
PROPOSED TOWNHOUSES

zumb design building designers 32a Mary St (cnr Park Toe), Salisbury 5108 ph : 8250 0066 mob : 0411 411 492 fax : 8285 6967	client: WILLALO HOLDINGS at: LOT 78 HAMPSTEAD ROAD, BROADVIEW
	Job No: 1599/07/14 Scale: As indicated Date: 16/12/2014 Time: 4:39:33 PM Paper size: A2

AMENDED PLAN

CITY OF PROSPECT
DEVELOPMENT APPROVAL
12 JAN 2015
DEVELOPMENT ACT 1991
REFUSED DOCUMENTS

NORTH



GROUND FLOOR PLAN

GROUND FLOOR PLAN

1:100

PROPOSED TOWNHOUSES

zummo design building designers 32a Mary St (nr Park Toe), Salisbury 5108. ph : 8250 0066 mob : 0411 411 492 fax : 8285 6967	client :	WILLALO HOLDINGS	
	at :	LOT 78 HAMPSTEAD ROAD, BROADVIEW	
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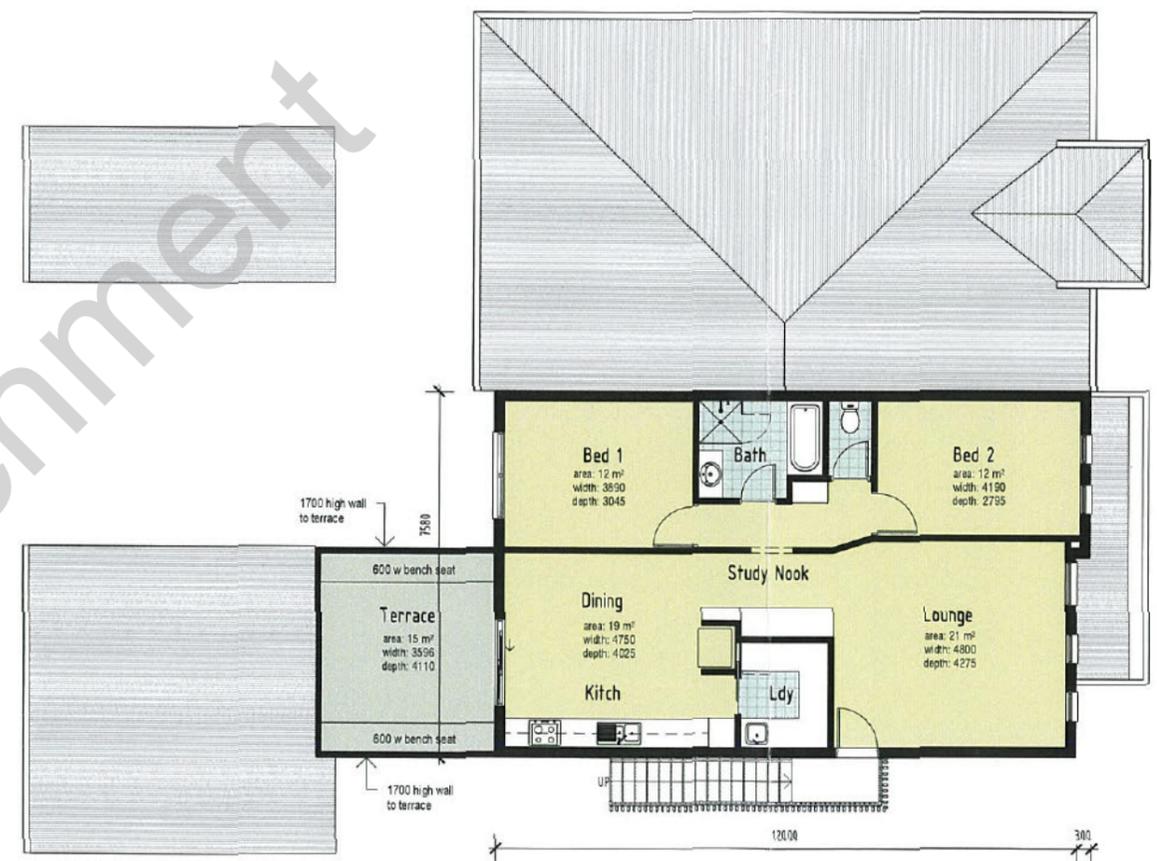
AMENDED PLAN

CITY OF PROSPECT
DEVELOPMENT APPROVAL
1 2 JAN 2015
DEVELOPMENT ACT 1993
REFUSED DOCUMENTS



AREAS:

Townhouses 1 & 3	
Living	91.03
Porch	8.08
Garage	18.00
Total	117.11m²
Townhouse 2	
Living	90.0
Porch	2.88
Carport	18.00
Total	110.88m²
Townhouses 4 & 7	
GF Living	51.63
FF Living	75.06
Porch	2.35
Balcony	6.00
Garage	23.00
Total	158.04m²



FIRST FLOOR PLAN

FIRST FLOOR PLAN
1:100

PROPOSED TOWNHOUSES

zummo design building designers 32a Mary St (cnr Park Tce), Salisbury 5108. ph : 8250 0066 mob : 0411 411 492 fax : 8285 8967	client: WILLALO HOLDINGS
	at: LOT 78 HAMPSTEAD ROAD, BROADVIEW
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copyright	Job No: 1599/07/14
	SK11
	Paper size: A2

AMENDED PLAN

CITY OF PROSPECT
 DEVELOPMENT APPROVAL
 12 JAN 2015
 DEVELOPMENT ACT 1993
 REFUSED DOCUMENTS



CL. 5.550
 First Floor ceiling Level
 First Floor Level
 FFL 3.000
 CL. 2.700
 Ceiling Level
 Ground Floor Level
 FFL 0.000

EAST ELEVATION - HAMPSTEAD ROAD

1:100



CL. 5.550
 First Floor ceiling Level
 First Floor Level
 FFL 3.000
 CL. 2.700
 Ceiling Level
 Ground Floor Level
 FFL 0.000

SOUTH ELEVATION

1:100



CL. 5.550
 First Floor ceiling Level
 First Floor Level
 FFL 3.000
 CL. 2.700
 Ceiling Level
 Ground Floor Level
 FFL 0.000

WEST ELEVATION

1:100

ELEVATIONS

PROPOSED TOWNHOUSES

zummo design building designers 32a Mary St (nr Park Toe), Salisbury 5108. ph : 8250 0066 mcb : 0411 411 492 fax : 8285 6967	client: WILLALO HOLDINGS at: LOT 78 HAMPSTEAD ROAD, BROADVIEW
	Job No: 1599/07/14 Scale: SK20 Date: 15/12/2014 4:40:08 PM Paper size: A2



NORTH ELEVATION

1:100

AMENDED PLAN



EAST ELEVATIONS - TOWNHOUSES 4-7

1:100

MATERIALS & FINISHES: 1-3

Exterior Walls:	Ground Floor - Boral Melbourne Red First Floor - Rendered 'Paperbark'
Verandah Posts:	Sandstone veneer piers
Roof:	Custom Orb Colorbond 'Windspray'
Gutters:	Quad gutter Colorbond 'Windspray'
Downpipes:	90 dia Colorbond 'Windspray'
Fascias:	Colorbond Steel - 'Windspray'
Front Door:	Solid core Entrance Door painted Dulux 'Windspray'
Windows & Sliding Doors:	Aluminium double hung & sliding windows, and Sliding doors powder coated Dulux 'Windspray'
Window surrounds:	Rendered moulding double strength 'Paperbark'
Garage Roller Door:	Steel Colorbond 'Windspray'
Stair surround:	Timber WRC battens on powdercoated steel frame

MATERIALS & FINISHES: 4-5

Exterior Walls:	Render - 'Paperbark' First floor metal cladding, Nailstrip 'Jasper'
Verandah Posts:	Brick piers, Boral Expresso
Roof:	Custom Orb Colorbond 'Jasper'
Gutters:	Quad gutter Colorbond 'Jasper'
Downpipes:	90 dia Colorbond 'Jasper'
Fascias:	Colorbond Steel - 'Jasper'
Front Door:	Solid core Entrance Door painted Dulux 'Paperbark'
Windows & Sliding Doors:	Aluminium double hung & sliding windows, and Sliding doors powder coated Dulux 'Jasper'
Garage Roller Door:	Steel Colorbond 'Paperbark'

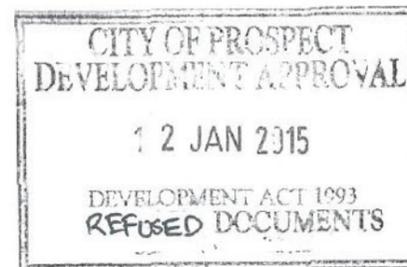
MATERIALS & FINISHES: 6-7

Exterior Walls:	Render - 'Shale Grey' First Floor metal cladding - Nailstrip 'Woodland Grey'
Verandah Posts:	Brick piers - Boral Domino
Roof:	Custom Orb Colorbond 'Woodland Grey'
Gutters:	Quad gutter Colorbond 'Woodland Grey'
Downpipes:	90 dia Colorbond 'Woodland grey'
Fascias:	Colorbond Steel - 'Woodland Grey'
Front Door:	Solid core Entrance Door painted Dulux 'Shale Grey'
Windows & Sliding Doors:	Aluminium double hung & sliding windows, and Sliding doors powder coated Dulux 'Shale Grey'
Garage Roller Door:	Steel Colorbond 'Woodland Grey'



WEST ELEVATION - TOWNHOUSES 1-3

1:100



ELEVATIONS

PROPOSED TOWNHOUSES

zummo design building designers 32a Mary St (nr Park Toe), Salisbury 5108. ph : 8250 0066 mob : 0411 411 492 fax : 8285 6967	client:	WILLALO HOLDINGS
	at:	LOT 78 HAMPSTEAD ROAD, BROADVIEW
	© copyright	Job No: 1599/07/14 SK21
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AMENDED PLAN

CITY OF PROSPECT
DEVELOPMENT APPROVAL
12 JAN 2015
DEVELOPMENT ACT 1993
REFUSED DOCUMENTS



AMENDED PLAN

CITY OF PROSPECT
DEVELOPMENT APPROVAL
12 JAN 2015
DEVELOPMENT ACT 1993
REFUSED DOCUMENTS



AGENDA ITEM: 5.1

To: Development Assessment Panel (DAP) on 12 January 2015

From: Scott McLuskey, Senior Development Officer, Planning

Proposal: Two, Two Storey Residential Flat Buildings comprising Seven Dwellings with associated Carports, Driveway and Landscaping (DA 050/323/2014)

Address: 32 Hampstead Road Broadview (CT 5314/328)

SUMMARY:

Applicant: Willalo Holdings

Planning Authority: Council

Referrals (Schedule 8): Department for Planning, Transport and Infrastructure (DPTI)

Public Notification: Category 2

Representations: Margaret Jeffries 31 Brooke Street Broadview (to be heard)
Michelina Parente 33 Brooke Street Broadview

Submissions: Louise Spark 7 Brooke Street Broadview

Respondent: Chris Vounasis Connor Holmes

Development Plan Version: Consolidated 31st October 2013

Zone and Policy Area: Residential Zone (Policy Area B200)

Issues: Density, Scale, Visual Privacy, Private Open Space

Recommendation: **Approval, Subject to conditions**

1. LOCALITY AND SUBJECT LAND

1.1 Locality

1.1.1 The locality of a development is generally recognised as the area that defines the context of a proposed development, and the area that would in turn be influenced by the proposal. As such, the locality will vary according to the nature of the proposed use and/or form of the proposed building works.

1.1.2 While potentially difficult to define, for the purpose of assessment of the proposal currently before the Panel the locality is considered to extend approximately 90m to the north and 100m south of the subject land. The locality is defined to this extent due to the consistency of allotment sizes, presentation of dwellings to the street and configuration of the nearby road network, in combination with the extent of visibility of the proposed development within the streetscape.

- 1.1.3 The locality principally comprises older, low density dwellings in a variety of styles that are typically single storey in nature. Three low-medium density residential sites are present within the locality, with construction dates varying between the 1960s and 2000. It is noted that development on these sites is single storey in nature.
- 1.1.4 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan, as well as the location of owners/occupiers who lodged representations, is described in **Attachment 1**. Photographs of nearby properties are included at **Attachments 2-4**.

1.2 Subject Land

- 1.2.1 The subject land is located 85m north of Ascot Avenue and 85m south of Collingrove Avenue. The land comprises one allotment with a total area of 1,510m², with a frontage of 25m to Hampstead Road and a depth of 60m. The land is relatively flat, with a marginal slope from east to west.
- 1.2.2 Existing site improvements include a single-storey detached dwelling located centrally on the allotment, with a freestanding garage to the north-western corner. Existing vegetation is comprised of ground covers with a small plantation of flowering bushes. No significant trees are on the subject land or within close proximity on adjoining allotments. The subject land is illustrated on **Attachment 5**. A photograph of the subject land is also included for the DAP's reference (refer **Attachment 6**).

2. PROPOSAL

- 2.1 The applicant proposes the demolition of three existing single storey dwellings and associated outbuildings, and the construction of two, two storey residential flat buildings comprising seven self-contained dwellings with three associated carports, landscaping and a common driveway providing seven visitor parking spaces and vehicle manoeuvring areas.
- 2.2 The rear residential flat building would provide 4 two-storey townhouses with ground floor parking, laundry facilities and living areas complemented by first floor living areas, with three bedrooms located on the first floor of each dwelling.
- 2.3 The front residential flat building would comprise three self-contained dwellings, two of which would be at ground level. Each would provide separate living and dining areas, a separated laundry facility and two bedrooms.
- 2.4 No other works are proposed. The proposal plans, prepared by zummo design, are attached (refer **Attachments 16-24**).

3. REFERRALS

3.1 External (Legislated) Referrals

- 3.1.1 The proposal was referred to the Department for Planning, Transport and Infrastructure as required by Schedule 8 of the Development Regulations 2008. Pursuant to this Schedule, DPTI has the ability to direct Council in relation to some elements and the ability to make comment in regard to other elements. Their response is attached (**Attachments 7-9**).

- 3.1.2 As the proposal is within a prescribed distance of an area possibly required for road widening purposes, the DPTI has the power of direction in relation to building works within the prescribed distance. To this end, the DPTI has commented that the building setback provided will allow sufficient land for the potential future widening of Churchill Road.
- 3.1.3 Council must also have regard to the comments of the DPTI in relation to the proposed access point, as all access would be from a DPTI owned road. To this end, the DPTI has commented that they are in support of the location and width of the proposed access. The DPTI have further commented that the parking and manoeuvring areas provided within the common driveway appear to satisfy the relevant Australian Standard.
- 3.1.4 For the above reasons, the DPTI ultimately concludes that it is supportive of the proposal. The DPTI recommends the inclusion of 4 conditions in any consent granted by Council and directs the similar inclusion of one advisory note.
- 3.1.5 No other consultation with agencies was required.

4. PUBLIC NOTIFICATION

- 4.1 The application is a Category 2 form of development pursuant to Section 38 of the *Development Act 1993* and Schedule 9 of the *Development Regulations 2008*, as it involves the construction of a building of 2 storeys comprising dwellings (refer Schedule 9, Clause 18).
- 4.2 The public notification period ended with 2 representations and one submission received. It is noted that the submission has been received from a resident who was not directly notified through the Category 2 process, but who is within the broader locality of the subject land. It is noted that while Section 38(17) of the *Development Act 1993* does not require the Panel to take into account this submission, it also does not restrict the Panel from taking it into account.
- 4.3 The representors and submitter raised the following concerns (refer **Attachments 10-13**):
- The density of development proposed,
 - The two storey scale of the proposed development, including associated concerns of visual privacy and loss of residential amenity.
 - Loss of property value, and
 - Safe access and egress of vehicles to and from the subject site given the close proximity of the site to the Hampstead Road/Ascot Avenue intersection.
- 4.4 One representor further expressed that if the Panel were of a mind to support the proposal; further privacy measures including the provision of higher fencing and fully fixed and obscured rear-facing windows were requested.
- 4.5 The representations were forwarded to the applicant for consideration. In response, the applicant identified the following (refer **Attachments 14-15**):
- There is a desire for a variety of medium density dwelling types within increased densities in areas adjacent to arterial roads within the Policy Area,
 - Both two and three storey developments are envisaged by the B200 Policy Area in respect of the subject site, further noting that:
 - The rear upper level windows of the rear dwellings (i.e. the west elevation) will be fixed and obscured to a height of 1.7m above floor level in accordance with Council Wide PDC 90 and would be amenable to these treatments being reinforced by condition, and

- The rear dwellings would be setback between 5.2m and 5.5m from the rear boundary, satisfying the building envelope criteria of the Policy Area described in PDC 7 and is one type of dwelling explicitly sought within the Policy Area.
- Property values should not be considered in the development assessment process,
- The Transport Services Division of the DPTI have reviewed the proposal and indicated their support subject to conditions, and,

5. PLANNING COMMENTARY

- 5.1 The application involves building work and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 11 of the Residential Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 5.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.
- 5.3 The potential for a proposal to impact upon property values was raised as a concern during the notification process. It is worthy of note that this concern has been the subject of numerous reviews and comments by the Environment, Resources and Development Court and Supreme Court. For various reasons the Courts have indicated that it is inappropriate to consider the effect of development on property values, but entirely appropriate that consideration of the effect of development on the amenity enjoyed within a locality should occur.

6. PLANNING ASSESSMENT

6.1 Land Use

- 6.1.1 It is anticipated that development within the B200 Policy Area would enable an attractive residential environment and would provide for a diverse mix of medium density housing. A mix of semi-detached dwellings, row and group dwellings and residential flat buildings with increasing densities adjacent to arterial roads and railway corridors is desirable. Buildings of up to three storeys in height may be appropriate on larger sites (RPA B200 Desired Character Statement).
- 6.1.2 Realising this desired future character can be achieved through a combination of upgrading and redevelopment of the existing housing stock, as well as new development incorporating the following:
- (a) *single storey dwellings set on individual allotments within garden settings;*
 - (b) *medium density development in the form of semi-detached dwellings, row dwellings, group dwellings with residential flat buildings to occur in strategic locations including corner sites, larger sites and amalgamated sites that seek more efficient use of the sites in these infill locations and under-utilised commercial sites;*
 - (c) *existing buildings of low amenity and streetscape value are to be upgraded or replaced with more appropriate medium density housing to meet a variety of accommodation needs;*

- (d) *vacant land or low-scale buildings on intersections of main roads should be re-developed with substantial landmark buildings that define entrances and reinforce the edges of the city;*
- (e) *housing development that is complementary to the design elements and streetscape characteristics of the area (RPA B200 Desired Character Statement).*

6.1.3 A residential flat building is one of the types of development anticipated to be constructed within the Policy Area, but only in relation to particular sites. Given the substantial size of the allotment and its location adjacent an arterial road, the subject land represents one such allotment. In a broad sense therefore, the proposal is considered to be an appropriate type of development.

6.2 Site Area/Density

- 6.2.1 It is desired that residential allotments should be of varying sizes to encourage housing diversity (Council-wide PDC 18). Within the Residential Zone, each of the four Policy Areas specifies minimum allotment sizes for residential development. While allowing for a range of housing types, minimum site area requirements are a quantitative measure to guide increases in density that would be consistent with the existing and/or desired character of each Policy Area.
- 6.2.2 It is anticipated that dwellings in Policy Area B200 will be located on allotments with a minimum area of 200m² (RPA B200 PDC 12). Unlike other Policy Areas, no minimum frontage width is specified for new allotments in RPA B200. Generally, higher density development within the Policy Area should occur on larger sites adjacent arterial roads (RPA B200 Desired Character Statement).
- 6.2.3 It is noted that residential flat buildings often, as is the case in this application, do not include an exclusive allotment or area at ground level on the site. It is further noted that the RPA Desired Character Statement expresses anticipation that development of a higher density than that appropriate elsewhere in the zone is appropriate on sites adjacent arterial roads or on larger sites. RPA B200 PDC 13 provides quantitative guidance as to when a site is of sufficient size to enliven this desired outcome; that being sites greater than 1,000m² in size.
- 6.2.4 Given the above, it is appropriate to consider the proposal with relation to its overall site density. At 1,500m² in approximate size, the provision of seven dwellings would provide a net site density commensurate with the gross site areas desirable elsewhere within the Policy Area.
- 6.2.5 The proposal would provide an average net site density of 216m² per dwelling. The site area associated with dwellings that feature ground level private open space would be appropriately larger than the dwelling entirely above ground level. Ground level dwellings at the front of the site would have an average site area of approximately 208m², while dwellings at the rear would have an average site area of approximately 138m². It is noted that these calculations do not incorporate visitor parking or landscaping adjacent common areas.
- 6.2.6 While the dwellings would not be provided with the site areas of 200m² each referred to by RPA B200 PDC 12, such provision would run contrary to the desirable outcome for this particular site with regard to the RPA B200 Desired Character Statement and RPA B200 PDC 13. To this end, the proposal would be of an appropriate dwelling density, providing a mix of dwelling configurations at a similar overall site density to that anticipated generally within the Policy Area.

6.3 Design and Appearance

- 6.3.1 Within Policy Area B200 it is anticipated that building design will make a positive contribution to the streetscape and locality, improving the amenity and appearance of arterial road corridors through quality landscaping and medium density development. Development should incorporate materials, finishes and design elements complementary to its locality, while balancing the dual aims of presenting attractive, new building facades to street frontages and satisfying noise attenuation requirements (RPA B200 Desired Character Statement, Obj 1, PDC 5).
- 6.3.2 The two residential flat buildings would provide differing housing configurations, with four, three bedroom dwellings in the rear building and three, two bedroom dwellings in the front building. This would provide a commendable mix of accommodation outcomes on the site. Each would be provided with living areas of minimum 4m dimension and bedrooms of minimum 2.7m dimension. Main bedrooms would feature a minimum 3m dimension. Living areas and habitable rooms would be zoned from each other, variably by internal walls or ground/first floor separation.
- 6.3.3 The front building would have a mix of single and two storey proportions. The two storey component would feature an articulated two storey wall with gable end, similar in form to the dwelling opposite the subject land at 29 Hampstead Road. A flat roof verandah/portico would break the vertical lines of the building, presenting a single storey element to the street which defines a building entry. The single storey component would be of a more modern form, featuring a central, gable roofed portico above the height of the front wall with hipped roof behind. The hip roof would form its ridge adjacent the wall of the two storey component, visually connecting the two as one building.
- 6.3.4 The rear building would be two storeys in scale, presenting to the internal driveway with mirrored facade designs incorporating projected parapet walling and gable ends above balcony and entry areas, with two hip roof forms behind. The rear wall of the building would be articulated, introducing a smaller hip roof form to the north and south western corners of the building. The building would use principally modern design elements and roof forms to give the appearance to a casual observer that it would contain two larger dwellings rather than the four proposed.
- 6.3.5 Building materials would vary throughout the proposal, featuring a material and colour palette common of the locality to the streetscape facade, while principally using more modern materials throughout remaining facades. While the streetscape features a wide range of styles including cottage, bungalow, tudor, Spanish mission, art deco, austerity and conventional hipped roof dwellings, the use of red or cream brick, sandstone and white/off-white rendered finishes is common throughout the locality.
- 6.3.6 The street facade of the proposal would feature red brick and cream rendered front wall finishes, with raised mouldings surrounding window openings. Portico columns would be rendered in sandstone veneer to provide a lighter contrast material against the red brick facade.
- 6.3.7 The remainder of the proposal would feature a mix of fibre-cement cladding and rendered finishes, with red brick columns introduced to the gable end portico feature of the rear dwellings.
- 6.3.8 The proposal strikes an appropriate balance between the use of more traditional facade materials and roof forms, and the use of modern dwelling materials and

construction techniques. To this end the design would reasonably complement the existing locality, while providing a medium density development outcome accommodating a variety of housing needs.

6.4 Setbacks

- 6.4.1 To ensure appropriate setbacks while accommodating an increase in the density of development, the Development Plan describes a building envelope within which new development should be contained. The building envelope is defined by projecting a plane at 45 degrees from a height of 3.5 metres above natural ground level at the side, rear and front allotment boundaries to a maximum height of nine metres. Further, setbacks should respond to predominant characteristics of the locality and provide sufficient space for landscaping, including large, character trees within front yard areas (RPA B200 Desired Character Statement and PDC 7).
- 6.4.2 The locality features dwellings of varying setback distances from their respective Hampstead Road frontages. On the western side, dwellings are generally setback approximately 8-9m from the front property boundary whereas on the eastern side, dwellings vary from 3m to 9m in front setback. Notably, the substantial two storey dwelling at 29 Hampstead Road features a setback of 3m to Hampstead Road and abuts the property boundary facing Lovell Avenue.
- 6.4.3 The front building would be set back approximately 6m from the front property boundary. This would set the building forward of its neighbours, though it is acknowledged that within Policy Area B200 consideration of setback distances should incorporate the locality generally and the opportunity for substantial landscaping. The landscaping plan provided proposed the plantation of a non-native species forward of the building, though it is noted that the species commonly reaches 15-25m in height.
- 6.4.4 Given the variation in setbacks within the locality generally, the front setback of the building would appear to satisfy the relevant provisions of the development plan, particularly when the landscaping is also considered.
- 6.4.5 The proposed buildings would feature wall heights of 5.55m. The building envelope described in Policy Area B200 PDC 7 would therefore indicate a desirable side and rear setback to these walls of 2.05m. Both buildings would be setback from the southern boundary of the site by approximately 2m. The rear building would be setback from the northern boundary of the site by approximately 2m and from the western boundary of the site by a minimum of approximately 5.2m.
- 6.4.6 While the staircase to Townhouse 3 would extend out from the building, its maximum height (including privacy screening) would be 4.7m above natural ground level. The desirable side setback of this element therefore would be 1.2m at its maximum height. The stairway is proposed to be setback at approximately 1m from the side boundary. Given the limited length of the structure at this maximum height (approximately 2m) and the lower physical mass of the privacy screen, this departure is minor in nature.

6.5 Site access

- 6.5.1 It is anticipated that new developments minimise the number of access points onto arterial roads, by providing vehicle access from side streets, rear access ways, via rights of way or common vehicle parking areas. Where this is not possible, development along arterial roads should rationalise the number of access points off arterial roads and provide sufficient on-site manoeuvring area to

enable all vehicles to enter and exit the site in a forward direction (Council Wide PDC 229).

- 6.5.2 The proposal would incorporate the retention and widening of the existing crossover to provide a common access driveway for each of the 7 dwellings. It is noted that the widening of the existing crossover would not impact upon street trees or infrastructure.
- 6.5.3 The access arrangement was considered by the DPTI, who advised that they supported the use of the rationalised access point and that its dimensions were generally appropriate, recommending conditions to reinforce key elements of the access arrangement.
- 6.5.4 The access arrangement and dimensions would similarly satisfy the relevant development plan provisions. It is noted that recommended condition 3 provided by the DPTI appears to be unenforceable and is likely to be invalid. For this reason it is recommended that this condition should not be applied, but that the remaining three conditions should be applied to any consent granted.

6.6 Car Parking

- 6.6.1 Dwellings with up to 3 bedrooms should provide two on-site car parking spaces, with one undercover (Council-wide PDC 56). Where more than one car park is required for a dwelling, the car parking may be in a stacked formation (Council-wide PDC 57).
- 6.6.2 As each dwelling would feature up to 3 bedrooms, the development should provide at least 7 undercover parking spaces and a further 7 visitor spaces. The rear building would accommodate four garages under the main roof, with a further four visitor parking spaces in a stacked formation. The front building would provide three freestanding garages and a further three visitor parking spaces in a 90° formation.
- 6.6.3 Each of the visitor spaces would be at least 5.4m in length and 2.8m in width. Each would be directly accessible from an aisle of 6.1m width with a turning area provided at the southern end of the common driveway to allow vehicles to exit the site in a forward motion if all parking spaces were full.
- 6.6.4 Given its location adjacent boundary fencing, the southern carport for use by the occupants of Townhouse 3 would desirably be greater in width than that required by the relevant Australian Standard (AS/NZS 2890.1:2004). It is noted that the Standard requires parking spaces adjacent walls, fences or other barriers to be a minimum of 2.7m in width. At 3m in width and with a dedicated manoeuvring area on the opposing side of the aisle the carport does achieve compliance with the relevant Australian Standard, though is not as ideally convenient as possible.
- 6.6.5 These dimensions and provisions, as relevant, ensure compliance with the relevant Australian Standard (AS/NZS 2890.1:2004) and the relevant provisions of the development plan.

6.7 Energy Conservation Measures

- 6.7.1 It is desired that all dwellings provide adequate thermal comfort for occupants through passive design features such as orientation of windows, living areas and private open space, and cross-ventilation (Council-wide PDC 79).
- 6.7.2 The buildings would have an east-west orientation, each with the majority of its window openings facing east or west. The location of windows and doors would

enable moderate levels of natural light to most rooms, with skylights providing further natural light to the second bedroom and bathroom areas of Townhouses 4-7 (though with varying effect).

- 6.7.3 The buildings would provide reasonable opportunities for cross-ventilation, though it is noted that the ground level of Townhouses 4-7 would be limited in this capacity. Each dwelling zones living and habitable rooms effectively to maximise the efficiency of mechanical heating and cooling devices.
- 6.7.4 Given the above, the exposure of west facing windows proposed is inappropriate to address the desirable amenity and energy efficiency outcomes of the development plan. It is recommended that a condition be imposed requiring shade canopies to west facing windows and sliding doors to minimise direct sunlight penetration in summer afternoon periods.
- 6.7.5 It is anticipated that mechanical heating and cooling would be via individual gas hot water systems and air-conditioning units, which should be located on the roof of each dwelling or otherwise inconspicuously. It is recommended that a condition be attached to any authorisation confirming this.

6.8 Noise Attenuation

- 6.8.1 It is anticipated that the reasonable noise and air quality impacts caused by traffic on the adjacent arterial road are mitigated through appropriate building design and orientation (RPA B200 PDC 1). New dwellings should be insulated from traffic noise to the extent that the L10 (20 minute) noise level within habitable rooms does not exceed 40 dB(A) (RPA B200 PDC 2).
- 6.8.2 It is also desirable that attached dwellings are designed to minimise the transmission of sound between dwellings, particularly between living areas and bedrooms (Council-wide PDC 93). To this end, it is noted that the layout of each dwelling is such that no bedrooms abut the living area of an adjoining dwelling.
- 6.8.3 It is noted that the construction of the building would need to be undertaken in accordance with the recently enacted Minister's Specification SA78B – Construction requirements for the control of external sound. Compliance with the Minister's Specification is required as part of the Building Code of Australia (BCA). The Minister's Specification incorporates principles which are consistent with PDC 2 of the Policy Area.
- 6.8.4 This notwithstanding, Policy Area B200 incorporates the most prescriptive principles of development control in relation to noise attenuation and it would be inappropriate that no planning assessment of this design element take place. To this end it is recommended that consideration of noise attenuation and the provision of acoustic engineering advice be reserved for further assessment and approval by Council.

6.9 Private open space provision

- 6.9.1 Within Policy Area B200, it is anticipated that private open space should be provided at a rate of 25m² for every two bedrooms or rooms able to be used as a bedroom. These areas should feature a minimum dimension of 4 metres, where up to 20% of this area may be covered with structures such as verandahs (RPA B200 PDC 9). Dwellings without private access to a ground floor area of private open space should provide balconies or courtyards of at least 7.5m² and with a minimum dimension of 2 metres (RPA B200 PDC 10).

- 6.9.2 Each dwelling proposed would provide either 2 or 3 rooms able to be used as a bedroom. Given this, each dwelling with access to ground level private open space should provide a minimum 25m².
- 6.9.3 Townhouses 4 and 7 (as described on the site plan) would provide 35m² of ground level private open space each with a minimum 5.2m dimension. Townhouses 5 and 6 would provide 28m² of ground level private open space with a minimum 5.1m dimension. The ground level private open space would be supplemented by 4.5m² in balcony areas, though it is noted that the minimum dimension for these additional areas would be 1.5m only.
- 6.9.4 Townhouse 1 would be provided with 26m² of private open space and Townhouse 2 would be provided with 29m² of private open space, each with a minimum 3.5m dimension. Townhouse 3 would be provided with 15m² of private open space above ground level, with a minimum dimension of 3.6m.
- 6.9.5 It is worthy of note that the intent of PDC 9 of the B200 Policy Area is not expressed as clearly as similar PDCs in other residential policy areas. Where every other policy area would call for an amount of private open space to be provided for each bedroom, the B200 Policy Area calls for an amount of private open space to be provided for every two bedrooms of a dwelling. This unique policy approach appears to reflect the functional differences between the likely occupiers of three bedroom dwellings as opposed to those with four bedrooms in the policy area. Given this, staff conclude that each proposed dwelling does provide private open space in accordance with the relevant Development Plan provisions.

6.10 Stormwater Management

- 6.10.1 It is anticipated that site drainage should be designed to safely direct surplus flows to a public street without causing harm to adjoining properties and that all proposed developments should be designed to retain and re-use as much stormwater as possible, minimising the overflow to the kerb and water table (Council-wide PDC 97 and 98).
- 6.10.2 The requirements of the Building Code of Australia in relation to the capture and re-use of roof stormwater are also notable in this respect. These requirements provide that a minimum 50m² roof area must be captured within a minimum 1000L rainwater tank and plumbed directly to a laundry or toilet within each dwelling. Given the limited footprint of each dwelling and the proposed roof form; it is anticipated that this will involve the capture and re-use of a high percentage of roof stormwater.
- 6.10.3 Given that an appropriate design methodology has been provided, it is considered that the final design may be suitably guided by conditions attached to the consent.

6.11 Waste Management

- 6.11.1 It is anticipated that new development would include appropriate waste management options that provide adequate storage while screening these areas from public view. The design of driveway crossovers, parking areas, accessways and elements that interact with the public realm should also safely and efficiently accommodate the collection of waste and recycling materials.
- 6.11.2 Additionally, new developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is safe and convenient (Council-wide PDC 147, 169 and 170).

- 6.11.3 Each dwelling would be provided with a suitable area for the storage of bins, though it is recommended that the provision of food organic bins be confirmed by condition. The proposal would entail kerbside collection of bins to be managed by future occupiers themselves, in a substantially similar arrangement to nearby low-medium density developments.
- 6.11.4 While not ideal, the frontage width of the site would allow sufficient opportunity for kerbside collection to occur without unreasonably impacting upon the amenity of the locality.

6.12 Overshadowing

- 6.12.1 Generally, the design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of windows of main internal living areas, upper-level private balconies that provide the primary open space area for a dwelling, and solar collectors (Council-wide PDC 138).
- 6.12.2 In considering the potential implications of overshadowing to adjoining properties, Council Wide Principle of Development Control 78 along with Design Technique 78.1 provide the basis for which overshadowing should be considered in respect to new dwellings. Typically, new development should allow for adequate winter sunlight to the ground level private open space of existing adjacent properties by way of sunlight to at least 50% (or 35m² with a minimum dimension of 2.5m, whichever is the lesser area) of the ground level private open space. Additionally, this should not be reduced to less than 2 consecutive hours between 9:00am and 3:00pm on 21 June.
- 6.12.3 The eastern boundary of the site is a frontage to a substantial arterial road. While the buildings will undoubtedly cast shadows onto the adjacent southern property, the 21m distance between the two buildings and the relatively short length of the front building (12m) ameliorates the potential for unreasonable overshadowing to occur.
- 6.12.4 It is noted the 27A Brooke Street, to the south west of the subject land, features north and east facing solar collectors to the rear portion of the dwelling. The combination of side and rear setbacks, and modest ceiling heights, ameliorates the potential for unreasonable overshadowing to impact upon the efficiency of these collectors. Modelling shows that at its most severe (i.e. on June 21st) some overshadowing will occur prior to 10am (at which time the sun will reach an altitude of 23 degrees above horizon), with the collectors receiving direct sunlight thereafter.
- 6.12.5 Given the above, the proposal is expected to comply at all times with the provisions of the development plan in relation to overshadowing and to avoid unreasonable impact to adjoining neighbours.

6.13 Visual Privacy

- 6.13.1 The location of any windows should prevent overlooking to adjacent useable private open spaces or adjoining windows (Council-wide PDC 89). Any window that directly overlooks the private open space or adjoining windows of any adjoining property should be glazed in fixed opaque glass to a height of at least 1.7 metres, or have the window sill located a minimum of 1.7 metres above the floor (Council-wide PDC 90).

- 6.13.2 The windows on the southern and eastern elevation of the upper storey and which are within 1.7m from the floor level are nominated to be opaque glass. There are no windows proposed on the western elevation.
- 6.13.3 The balcony of Townhouse 3 would feature 1.7m high screens to its northern, southern and western sides. It is noted that the desirable minimum height of screening associated with decks or balconies is 1.8m in height (Council-wide PDC 90). To this end, the provision of 600mm wide benches to the northern and southern sides of the balcony is relevant. The additional setback of observers from the screens suitably diminishes the capacity for a person on the balcony to view windows or yard areas of adjacent properties.
- 6.13.4 It is noted however that insufficient detail is provided with respect to the privacy screen associated with the staircase to confirm that the visual privacy of the adjoining southern neighbour is sufficiently protected. It is anticipated however that this may be suitably addressed by condition of approval.
- 6.13.5 Accordingly, the potential for overlooking from the upper floor windows and balconies has been adequately addressed through the provision of window sills and screening devices with a height of 1.7m above floor level and/or the use of obscured glazing as necessary. As a result, the development would be consistent with privacy measures anticipated under Council's Development Plan.

7. CONCLUSION

- 7.1 The proposal seeks to establish a medium density residential land use on the subject land. The buildings would be two storeys in height, which is less than the maximum height of three storeys anticipated within the policy area.
- 7.2 The proposal would achieve desired setbacks, have adequate private open space, storage facilities, waste collection and thermal comforts in accordance with the development plan provisions. The floor plans proposed would provide functional and usable living spaces and habitable rooms. Privacy and noise impacts can be moderated through good design and noise attenuation techniques, which would be ensured through conditions, a reserved matter and compliance with the relevant Minister's Specification (as considered in the Building Rules assessment process).
- 7.3 Vehicular access would be provided with the support of the DPTI via a shared, double-width (6m) access point to Hampstead Road. Adequate manoeuvring areas are provided on-site to ensure that all access and egress can occur in a forward motion. The anticipated car parking demands of the proposal would be met entirely on-site.
- 7.4 On balance, the application is considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to appropriate conditions reinforcing certain aspects of the proposal.

8. RECOMMENDATION

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/323/2014 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be approved to DA 050/323/2014 from Willalo Holdings for Two, Two Storey Residential Flat Buildings comprising Seven Dwellings with associated Carports, Driveway and Landscaping at 32 Hampstead Road, Broadview (CT 5314/328), subject to the following reserved matters, conditions and notes:

Reserved Matters:

1. A detailed design of the stormwater management system by a suitably qualified civil engineer, including appropriate provisions for rainwater capture and reuse.
2. An acoustic report from a qualified acoustic engineer shall be submitted to Council detailing any acoustic measures required to demonstrate that the proposal meets the requirements of the Development Plan with respect to Council Wide Principle of Development Control 111 and Residential Zone Policy Area B200 Principle of Development Control 2.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/323/2014, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. The surfacing of the driveway and drainage shall be maintained to the reasonable satisfaction of Council thereafter.
3. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:
 - a) Flow or discharge onto adjoining properties;
 - b) Flow across the surface of footpaths or public ways;
 - c) Affect the stability of any building; or
 - d) Create unhealthy or dangerous conditions on the site or within any building.
4. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited to adequately screen the units from view to the reasonable satisfaction of Council.
5. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse.
6. The 'bench seat' areas described on the 'Terrace' of Townhouse 3 may include cooking, landscaping or seating facilities; which must be fixed to the balcony and a minimum width of 600mm.
7. To maximise the efficiency of waste recycling:
 - a) Provision shall be made for the separation of recyclable materials for collection and recycling, including paper, cardboard, glass and plastic containers, tins, and any other plastic that 'holds its shape';
 - b) Separate provision shall be made for the collection of food waste (food organics) and food-contaminated cardboard, paper or paper products, which are to be collected for composting; and

- c) Paper attached to plastic, wax paper or chemically-treated/gloss cardboard will not be included with the materials collected for composting.
8. The building must be maintained, kept tidy, free of graffiti and in good repair and condition at all times.
 9. All car parking spaces must be line-marked in accordance with the approved plans and to comply with the Australian/New Zealand Standard for Parking Facilities (Part 1: Off-street Car Parking (AS/NZS 2890.1:2004) prior to occupation.
 10. Manoeuvring areas shall be clearly marked 'No Parking' via line-marking or signage consistent with that described in Clause 4.4 of AS/NZS 2890.1:2004. Such marking shall occur prior to occupation.
 11. The surfacing of the car park, line marking, directional arrows and/or signage, as relevant, shall be maintained to the reasonable satisfaction of Council at all times.
 12. Driveways, parking and manoeuvring areas shall be lit in accordance with the Australian Standard for Lighting for Roads and Public Spaces (AS1158.1 and AS1158.3) during the hours of darkness that they are in use and accessible by the general public.
 13. Landscaping shall be provided in the areas described by the herein endorsed Landscape Plan. Landscaping shall include low-lying shrubs and medium height trees (growing to minimum 4-6m height).
 14. All landscaping areas shall be established and maintained at all times to the reasonable satisfaction of Council. The applicant or the persons for the time being making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.
 15. During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
 - a) A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - b) Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
 - c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - d) The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
 - e) All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
 16. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.

17. To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities shall only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.

The following conditions are applied at the recommendation of DPTI:

18. The access shall be a minimum of 6.0 metres in width at the property boundary and appropriately flared to the road to facilitate unimpeded ingress/egress and minimise disruption to the free flow of traffic on the arterial road.
19. The access shall have a clear area of a minimum of 6.0 metres by 6.0 metres inbound into the property to allow vehicles to store off-street while waiting for another vehicle to enter or exit the property.
20. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Advisory Notes:

- (1) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- (2) The development plan consent granted herein is effective for a period of twelve (12) months from the date of the decision. Unless Council extends this period, building rules consent is required within this time or the consent will lapse.

Any request for an extension of the operative period of the consent must be submitted to Council in writing, accompanied by the applicable fee.

- (3) Further application pursuant to the Local Government Act shall be made to the Infrastructure Assets and Environment Department for the proposed crossover prior to construction activities occurring.

Road/Kerbing/Footpath Works will need to be inspected by an Assets and Infrastructure Officer to determine they have met all relevant requirements. All work including line marking will be the responsibility of the applicant as will the reinstatement of any damaged Infrastructure / Services related to these works. All works will be carried out at the cost to the applicant.

- (4) Prior to the commencement of construction of the development herein approved, it is strongly recommended that you employ the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

Failure to correctly site the development on the land in accordance with the plans approved herein would constitute a breach of the *Development Act 1993*. Any amendments required to the approved plans as a result of the survey are to be submitted to Council for approval prior to works commencing.

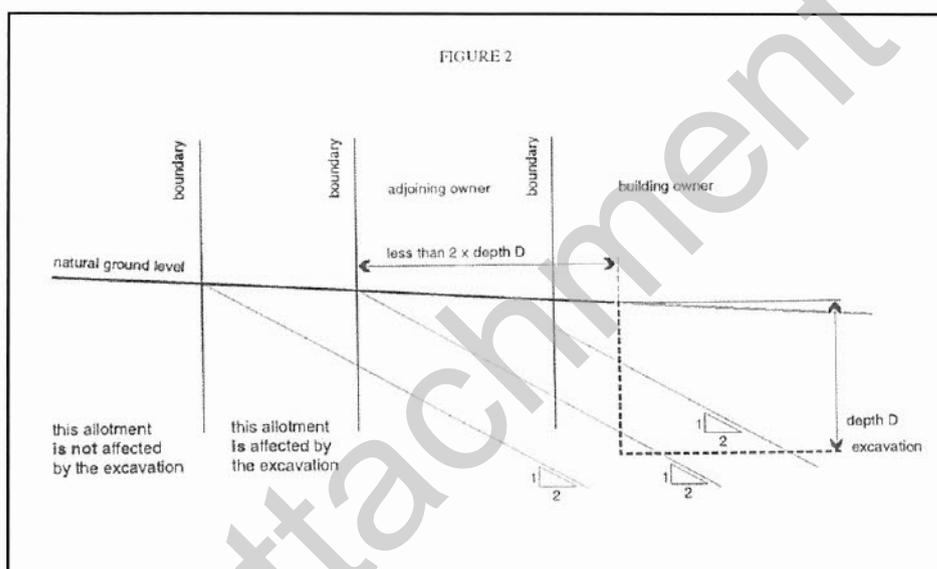
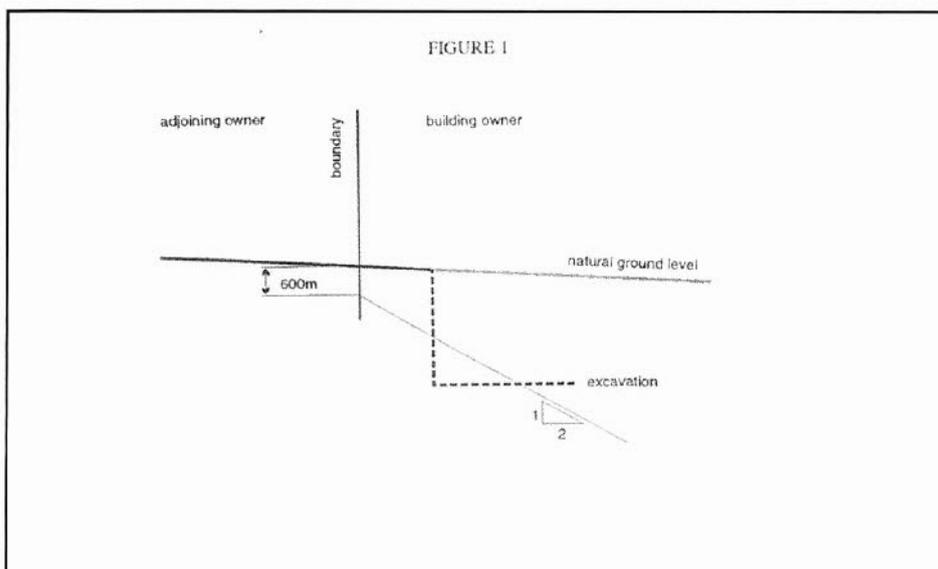
- (5) You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.
- (6) You are required to give formal notification to, and consult with, the adjoining property owner if you are removing, replacing or altering an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence (Section 5 of the *Fences Act 1975*).
- (7) If you (the building owner) are undertaking building work that affects the stability of other land or premises, namely:
 - an excavation which intersects a notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point 600mm below natural ground level at a boundary with an adjoining site (as depicted in figure 1); or
 - an excavation which intersects any notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between 2 sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth of the excavation (as depicted in figure 2); or
 - any fill which is within 600mm of an adjoining site, other than where the fill is not greater than 200 millimetres in depth (or height) and is for landscaping, gardening or other similar purposes;

Then you (the building owner) must, at least 28 days before the building work is commenced:

- a) serve on the owner of the affected land or premises a notice of intention to perform the building work and describing the nature of that work; and
- b) you must take such precautions as may be prescribed to protect the affected land or premises and must, at the request of the owner of the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the regulations to require.

If you fail to comply with these notification requirements, then you are guilty of an offence with a maximum penalty of \$10 000.

You may apply to the Court for a determination of what proportion (if any) of the expense incurred by you in the performance of the building work requested by the owner of affected land or premises (under subsection (b) above) should be borne by the owner of that land or premises, and you may recover an amount determined by the Court from the owner of the affected land or premises as a debt.



- (8) The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a strip of land up to 2.13 metres in width from the Hampstead Road frontage of this site for future road purposes. Although it is considered unlikely that any land would be required from this property, the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

Subsequently, the applicant should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans. Consent can be anticipated.

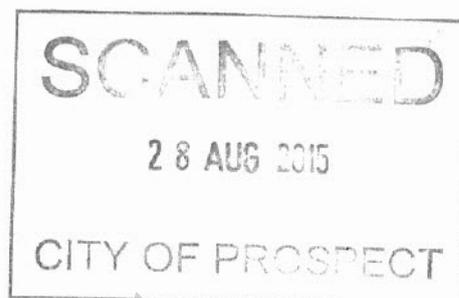
Scott McLuskey
Senior Development Officer Planning

Our ref: TLC/215161

27 August 2015

Mr Aden Miegel
Norman Waterhouse Lawyers
GPO Box 639
ADELAIDE SA 5001

By email: amiegel@normans.com.au



WITHOUT PREJUDICE

Dear Aden

Compromise proposal – dwellings and land division – 32 Hampstead Road, Broadview

I write on behalf of my client to set out a *without prejudice* compromise proposal for the settlement of the dwellings appeal (in ERD Court action number 23 of 2015) and the determination of the related land division proposal (DA 050/C012/14).

My client has decided to present the Council with this compromise proposal as a final attempt to settle the appeal (and the related, undetermined land division proposal) and avoid the delay and expense to both parties of proceeding to the trial which is listed for **28 - 29 September 2015**.

The original dwellings application and the subsequent compromise proposal were not previously supported by the Council's Development Assessment Panel ("DAP") notwithstanding the staff recommendations that consent be granted on both occasions.

1. **Compromise proposal**

Enclosed with this letter and together comprising my client's compromise proposal are the following amended plans and drawings:

Land Division DA 050/C012/14

- 1.1 Amended plan of division for DA 050/C012/14 prepared by Fyfe Pty Ltd (2 sheets - amendments dated 27 August 2015);

Residential Flat Buildings DA 050/323/2014

- 1.2 Plans, elevations and details prepared by Artec Building Designers Pty Ltd, Job No. 837015, namely:

140 South Terrace Adelaide
PO Box 6777 Halifax Street
Adelaide SA 5000
t. 08 8212 9777
f. 08 8212 8099
e. info@bllawyers.com.au
www.bllawyers.com.au

- 1.2.1 Proposed site plan and ground floor plan (sheet 1 of 2) dated 25 August 2015;
- 1.2.2 North, south, east and west elevation drawings, first storey floor plans and garage elevations (sheet 2 of 2) dated 25 August 2015;
- 1.2.3 Shadow Diagrams at winter solstice (sheet 1 of 2) dated 11 August 2015);
- 1.2.4 Shadow Diagrams at summer solstice (sheet 2 of 2) dated 11 August 2015;
- 1.2.5 3 dimensional perspective images of the proposal (four sheets).

2. The amendments to the proposal

My client has made substantial improvements to the proposal since the first compromise proposal was presented to the DAP on 2 March 2015.

The amendments respond to the representors' concerns and the Council's reasons for refusal of the original application which the Council maintained when the DAP considered my client's first compromise proposal.

The most substantive amendments to the proposal are as follows:

- 2.1 The private open space provided to each dwelling has increased against those calculated by the Council staff for the original proposal as follows:
 - 2.1.1 Dwelling 1 - increase by 7.4 m² to 33.38 m²;
 - 2.1.2 Dwelling 2 - slight decrease by 1.82 m² to 27.18 m²
 - 2.1.3 Dwelling 3 - increase by 12.18 m² to 27.18 m²
 - 2.1.4 Dwelling 4 - increase by 11.72 m² to 46.72 m²
 - 2.1.5 Dwelling 5 - increase by 7.01 m² to 35.01 m²
 - 2.1.6 Dwelling 6 - increase by 7.01 m² to 35.01 m²
 - 2.1.7 Dwelling 7 - increase by 11.72 m² to 46.72 m².
- 2.2 The front residential flat building has been redesigned such that dwelling 3 is relocated from the upper (first floor) level such that dwellings 1 - 3 are now two storey dwellings to be constructed side-by-side;
- 2.3 The external staircase at the southern end of the front residential flat building (for access to former dwelling 3) has been entirely removed;
- 2.4 All dwellings in the two residential flat buildings have been re-designed with more modern, articulated external design elements;

- 2.5 The roofs of the dwellings have been further redesigned to improve solar access, further decrease any overshadowing and assist in achieving 6 star energy rating;
- 2.6 The side setback of the front residential flat building is now 2.00 metres and the rear building is 2.035 metres from the southern boundary;
- 2.7 The height of the front residential flat building is now 6.885 metres (side walls) and 8.9 metres (to ridge of roof);
- 2.8 The height of the rear residential flat building is now 7.6 metres (side walls) and 9.2 metres (to ridge of roof);
- 2.9 An internal storage area with sky-light and roof access (for maintenance purposes only) is provided to dwellings 4 - 7;
- 2.10 The interiors of the dwellings have been redesigned at ground floor and first floor levels;
- 2.11 The external terrace to dwelling 3 has been removed and that dwelling is now a three-bedroom dwelling;
- 2.12 The land division has been amended such that it mirrors the community lot and common property areas including the visitor car parking spaces associated with each community lot.

3. The planning merits

In my submission, the amended scheme in this compromise proposal has substantial planning merit and is worthy of the grant of development plan consent by the Council.

I deal briefly with the main issues in dispute based on the Council's original reasons for refusal of the dwellings application (some of which are also relevant to the land division) below

3.1 The site areas and approach to assessment

In my submission, the approach taken by the Council's staff to the assessment of the site areas for this dwellings scheme in the DAP Agenda Report for the DAP meeting of 12 January 2015 was correct.

The common driveway and visitor vehicle parking areas clearly contribute to the enjoyment of each community lot, and necessarily form part of the curtilage (and therefore the sites) of any future dwellings on those lot, similar to the scheme considered by the Supreme Court in *Polites v City of Holdfast Bay*¹.

The Council staff correctly included those common areas associated with the proposal when determining the "dwellings site areas" contemplated in PDC 12 of the Residential B200 Policy Area.

¹ [1998] SASC 6874.

The Supreme Court in *City of Mitcham v Terra Equities*² recognised that the approach to determining site areas must have regard to all of the circumstances of each case:

*...Those will include factors inherent in the design of the proposed development as well as the terms of the Development Plan....Just as the question of what constitutes the curtilage is a question of fact and degree to be examined in each individual case, so too the question of what is the site area must be determined by considering the facts and circumstances of each individual case. **No doubt, there will be occasions when it is appropriate simply to divide the area by the number of dwellings...***

(my emphasis)

In this case, the design of the scheme, particularly as reflected by the **enclosed** amended plan of division, plainly includes factors which are common to, and will contribute to the enjoyment of all of the future dwellings on the land.

The Council's development plan simply refers to "dwellings site areas" being in excess of 200 m². There is no reference in the Council's Development Plan which suggests that the common areas (which contribute to the enjoyment all of the dwellings) should be excluded from the site area calculation.

The result is that the site areas (as opposed to the community lots) are all in excess of the 200 m² guide in Residential Policy Area B200.

3.2 Density and allotment configuration are appropriate

The Council's third reason for refusal of the dwellings application the subject of the appeal stated that the proposed would "establish a pattern of allotments at odds with the prevailing character of the locality".

In my submission, the pattern of allotments established by the proposed division will be entirely consistent a number of provisions of the Residential Zone and more particularly, the Residential B200 Policy Area, which specifically contemplate higher dwelling densities, particularly on this site which is adjacent to an arterial road. I note the following RB200 provisions contemplate in particular in relation to density and allotment layout for housing:

- *Residential development should comprise a range of housing types to meet the diversity of needs of the population;* (Zone PDC 1)
- *The Desired Character [sic] of the Policy Area is of...a diverse mix of medium density housing;* (PA Desired Character Statement)
- *A mix of semi-detached dwellings, row and group dwellings and residential flat buildings is desired, with increasing densities in areas adjacent to arterial roads...* (PA Desired Character Statement)
- *Medium density development in the form of...residential flat buildings to occur in strategic locations including larger sites...that seek more*

² [2007] SASC 244.

efficient use of the sites in these infill locations. (PA Desired Character Statement)

In light of those policies, it is not necessary, nor is it appropriate for the proposed development to repeat or mirror the pattern of allotments (or residential building forms) in the locality, and particularly those that exist along Hampstead Road. The Development Plan policies expressly seek to move away from those established residential development and allotment densities (by demolition of existing housing stock, for example) in favour of higher, medium density developments.

The residential density provided by the proposal therefore satisfies the kind of medium density residential development at higher densities than the existing in this location adjacent an arterial road shown on Structure Plan Map Pr/1.

3.3 Energy efficiency, thermal comfort and occupant amenity are satisfactory

The re-designed buildings offer improved access to northern sun for the solar panels to be provided on the roofs (as shown in the amended proposal plans).

Of course, the energy efficiency and thermal comfort provided by a development, whilst a planning issue referenced in the Development Plan, is largely a construction issue.

My client's building designer has confirmed that the proposed dwellings will achieve a six star energy rating. The necessary sound insulation (see RB200PA PDC 1), heating and cooling and weather insulation will be provided and are largely construction issues.

The necessary levels of thermal comfort will be provided by the dwellings. Awnings or other treatments deemed appropriate to west-facing windows can be achieved by conditions if necessary, as was recommended by the Council's planning staff in recommending consent previously.

3.4 Occupant and neighbour amenity are appropriate for this site

As mentioned, the proposed development represents a form of higher density development that is expressly envisaged in the Residential B200 Policy Area and on an arterial road.

The levels of occupant amenity are entirely appropriate for a development of this density. The development is well-designed and will provide a functional, pleasant environment for its occupants.

The mere fact that this development will (necessarily) provide smaller living areas than the existing detached dwellings in the locality (but in a manner consistent with the Policy Area objectives) does not mean that occupant amenity is inappropriate.

Indeed, the increases in private open space with further increase occupant amenity in the redesigned dwellings. In my submission, the Council staff's interpretation of the private open space area guide in Policy Area PDC 9 is entirely correct. The private open space areas provided are appropriate for the three bedroom dwellings, when assessed against that policy guide.

The proposal will not unduly affect the amenity of the locality by reason of its appropriate design and external appearance. The setbacks, site coverage, scale, building heights and character are in my submission consistent with the locality and the Residential B200 Policy Area and are expected on this site.

Storage areas for goods and chattels are also provided in the dwellings at ground level and first floor level. Those storage areas provide a convenient area for the storage of goods other than food or clothing, and satisfies CW PDC 110.

In summary, the development will present an attractive, well articulated building façade which will be entirely consistent with the relevant design principles for the Residential Policy Area B200.

3.5 Setbacks and heights appropriate and minimise overshadowing

Policy Area PDC 7 contains a general building envelope guide, which may be reduced to side and rear boundaries “where it can be clearly demonstrated that the impact on solar access and privacy is not significant”.

The new roof design, whilst providing a higher total maximum height than the originally refused scheme, is still generally in accord with the Policy Area PDC 7 guide. The redesigned buildings will not present an overshadowing concern due to the roof design and orientation (highest point towards the centre of the buildings).

The **enclosed** shadow diagrams show summer and winter solstice calculations that clearly indicate that CW PDC 78 and the related Design Technique 78.1 are complied with.

At the winter solstice, the following is achieved for the affected adjoining residences 1 (at the west) and 2 (at the south):

- The solar panels on the roof of residence 1 receive full sunlight all day from 10.30 am onwards.
- Residence 1 receives sunlight to well in excess of 35 m² of its private open space for well over two consecutive hours between 9.00 am and 3.00 pm;
- Residence 2 receives sunlight to all of its private open space for well over two consecutive hours between 9.00 am and 3.00pm;

Accordingly, despite a minor and insubstantial shortfall against the technical guide for the building envelope in Policy Area PDC 7, plainly the impacts on solar access are not significant.

The front setbacks have retained setbacks in the order of 6 metres (to the main face of the dwelling) which is appropriate, particularly given the variation in setbacks in the locality and the landscaping proposed forward of those dwellings.

As I will discuss below, privacy is also not an issue and the intent of Policy Area PDC 7 is plainly satisfied.

3.6 No overlooking or privacy concerns

No representor raised an issue with the external staircase when the application was notified. However, the perceived potential for overlooking created by the external staircase at the south of the front building was a concern for the DAP on a previous occasion.

The removal of the external staircase and the external terrace formerly associated with dwelling 3 will substantially improve the privacy for adjoining land owners and occupiers, compared to the original scheme.

Simply put, there will be no overlooking issues associated with the proposed development that cannot be appropriately conditioned.

4. Summary

Both the dwellings application the subject of the appeal (ERD Court action number 23 of 2015) and the related (but undetermined) land division application have substantial planning merit.

My client's compromise proposal comprising the dwellings and land division schemes in two development applications, is worthy of Development Plan consent, land division consent and development approval (as relevant).

I invite the Council to support the compromise proposal in settlement of this appeal, to avoid the further unnecessary delay and expense (to both parties) associated with proceeding to trial listed for 19 - 20 October 2015.

Without prejudice

Yours faithfully



Tom Crompton
BOTTEN LEVINSON
Mob: 0438 343 110
Email: tlc@bllawyers.com.au

Enc - as described above.

AGENDA ITEM: 5.3

To: Development Assessment Panel (DAP) on 14 September 2015

From: Scott McLuskey, Senior Development Officer, Planning

Proposal: Land Division (Community Title – One into Seven) (DA 050/424/2014)

Address: 32 Hampstead Road Broadview (CT 5314/328)

SUMMARY:

Applicant: Willalo Holdings

Owner: Willalo Holdings

Planning Authority: Council

Mandatory Referrals: Department of Planning, Transport and Infrastructure (DPTI)

Independent Advice: Nil

Public Notification: Not applicable

Development Plan Version: Consolidated 31 October 2013

Zone and Policy Area: Residential Zone (Policy Area B200)

Key Considerations: Density, Allotment Configuration

Recommendation: **Development Plan Consent, Land Division Consent and Development Approval be granted, subject to conditions**

ATTACHMENTS

Attachment 1-2 Proposal Plans

Attachment 3-4 Referral Response (DPTI)

1. EXECUTIVE SUMMARY

- 1.1 A community titled land division creating seven community lots with associated common property is proposed at 32 Hampstead Road Broadview. The proposal would create three community lots abutting the Hampstead Road frontage of the subject land and four community lots to the rear of the subject land, separated by a common access area.
- 1.2 The proposal did not require public notification and was referred to the Department of Planning, Transport and Infrastructure (DPTI) pursuant to Schedule 8 of the *Development Regulations 2008*. The DPTI has indicated its support for the proposal subject to conditions, while the site areas, overall proposal density and community lot configuration are the key considerations.

- 1.3 It is considered that the proposal would be at a similar overall site density to that anticipated generally within the Policy Area and is therefore appropriate. Further, it is considered that the site configuration is suitable for a range of dwelling proposals that might achieve the dual aims of presenting attractive building facades to main street frontages while moderating the impact of noise to occupants. Thus site configuration is considered to be appropriate despite not achieving an ideal north/south alignment for the individual allotments. The proposal therefore warrants development plan consent, land division consent and development approval.

2. BACKGROUND

- 2.1 The DAP would be familiar with the subject land, as the DAP has previously considered a related proposal (DA 050/323/2014) for the construction of two, two storey residential flat buildings comprising seven dwellings with associated carports, driveway and landscaping at its meeting of 12 January 2015. A revised form of that application is under concurrent consideration by the DAP.
- 2.2 The related building application was refused as it was considered that the proposal would:
1. Provide unsatisfactory levels of occupant amenity,
 2. Insufficiently address natural energy efficiency and thermal comfort,
 3. Establish a pattern of allotments at odds with the prevailing character of the locality, and
 4. Result in site areas of insufficient size and width, particularly in relation to the dwellings proposed to the rear of the land.
- 2.3 The proposed division of land had been held in abeyance pending the outcome of the corresponding building application.

3. PROPOSAL

- 3.1 The proposal would divide one existing allotment into seven community lots with additional common property. Three community lots would abut the Hampstead Road frontage of the site while four abut the rear boundary of the site. Community lots would vary in size from 154m² to 203m². The proposed plan of division is included at **Attachments 1-2.**

4. PLANNING COMMENTARY

- 4.1 While it is perhaps desirable that the proposed division be considered concurrent with the related building application, the DAP should be aware that it may approve the land division application irrespective of whether the compromise building proposal is supported. Further, the DAP should be aware that if both the land division and building proposals were approved, the applicant may divide the land without constructing the approved buildings. It is noted that Council does not have the power to impose a condition or requirement that would bind the building proposal to the land division.
- 4.2 As the proposal would create more than six community lots, the *Community Titles Act 1996* requires the applicant to prepare a scheme description governing the development and use of common property. This scheme description must then be endorsed by Council staff, at which time staff would ensure that the scheme is worded appropriately such that the design and construction of the driveway and related infrastructure is undertaken by the developer.

- 4.3 Given the above, the building proposal represents just one potential approach to developing the community lots.
- 4.4 This notwithstanding, the refusal matters of the previous building proposal relating to the density and configuration of allotments are considered to be best assessed with reference to the land division proposal.
- 4.5 As the proposed land division is a form of development, the Panel must also determine, pursuant to Section 35(2) of the *Development Act 1993*, whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

5. **REFERRALS**

5.1 **External (Legislated) Referrals**

- 5.1.1 The proposal was referred to the Department for Planning, Transport and Infrastructure as required by Schedule 8 of the *Development Regulations 2008*. Pursuant to this Schedule, DPTI has the ability to make comment in regard to other elements. Their response is attached (**Attachments 3-4**).
- 5.1.2 Ultimately, the DPTI concludes that it is supportive of the proposal and recommends the inclusion of four conditions in any consent granted by Council. It is noted that the DPTI purports to direct the similar inclusion of one advisory note where it does not have the power to do so. Staff would however recommend the inclusion of the advisory note if consent is granted by the DAP.
- 5.1.3 No other consultation with agencies was required.

6. **PUBLIC NOTIFICATION**

- 6.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993*, Schedule 9 of the *Development Regulations 2008* and Residential Zone Principles of Development Control 14 and 15.
- 6.2 The division of land for a purpose consistent with the objective of the relevant zone or policy area is a Category 1 development unless specified otherwise by the relevant Development Plan (per Schedule 9 of the *Development Regulations 2008*). The proposal is for residential allotments within a Residential Zone, which does not assign a category of development to land division applications, so no public notification was undertaken.

7. **ASSESSMENT (REFUSAL MATTERS)**

7.1 **Site Area/Density**

- 7.1.1 It is desired that residential allotments should be of varying sizes to encourage housing diversity (Council-wide PDC 18). Within the Residential Zone, each of the four Policy Areas specifies minimum allotment sizes for residential development. While allowing for a range of housing types, minimum site area requirements are a quantitative measure to guide increases in density that would be consistent with the existing and/or desired character of each Policy Area.
- 7.1.2 It is anticipated that dwellings in Policy Area B200 will be located on allotments with a minimum area of 200m² (RPA B200 PDC 12). Unlike other Policy Areas, no minimum frontage width is specified for new allotments in RPA B200. Generally, higher density development within the Policy Area should occur on larger sites adjacent arterial roads (RPA B200 Desired Character Statement).

- 7.1.3 Residential flat buildings up to three stories in height are anticipated to occur in strategic locations including corner sites, larger sites and amalgamated sites. To this end, it is relevant to note that the site is the second largest site within this region of the B200 policy area. More broadly, the largest sites within the policy area include the ambulance station at 478 Regency Road (2,190m²) and the Local Heritage Place at 109 North East Road (3,048m²). Two other sites greater than 2,000m² have been developed for medium density residential uses already.
- 7.1.4 Given this, the subject site is the second largest underutilised site within the entire B200 policy area and one of only four sites on Hampstead Road greater than 1,000m². In this context, the subject site is one of unquestionable strategic importance to the policy area.
- 7.1.5 As such, it is considered that the proposal would be of an appropriate dwelling density, contributing to a mix of dwelling configurations at a similar overall site density to that anticipated generally within the Policy Area.

7.2 Site Configuration

- 7.2.1 Within the policy area, it is anticipated that medium density development should occur on larger or amalgamated sites to facilitate appropriate site planning and building layout, facilitate safe vehicular access, egress and parking and improve opportunities for traffic noise attenuation. Development on main road sites should be designed to achieve the dual aims of presenting attractive, well-articulated building facades to street frontages, and satisfying noise attenuation (RPA B200 Desired Character Statement).
- 7.2.2 The proposed site configuration would result in the presentation of three dwelling sites to Hampstead Road, with suitable areas for access well separated from Hampstead Road. While areas of open space would be west-facing, they would be shielded by their related buildings from the noise impacts of Hampstead Road.
- 7.2.3 The longer northern boundary of each site improves opportunities for solar energy collection and windows, courtyards or light wells that make positive use of solar orientation principles. It is however anticipated that living areas would be west facing, and shading devices are likely to be required in any building application to ensure appropriate natural thermal comfort.
- 7.2.4 As such, it is considered that the site configuration is appropriate despite not achieving an ideal north/south alignment for the individual allotments.

7.3 Site access

- 7.3.1 It is anticipated that new developments minimise the number of access points onto arterial roads, by providing vehicle access from side streets, rear access ways, via rights of way or common vehicle parking areas. Where this is not possible, development along arterial roads should rationalise the number of access points off arterial roads and provide sufficient on-site manoeuvring area to enable all vehicles to enter and exit the site in a forward direction (Council Wide PDC 229).
- 7.3.2 The proposal would incorporate the widening of the existing crossover to provide a common access driveway servicing the 7 community lots. It is noted that the widening of the existing crossover would not impact upon street trees or infrastructure.

- 7.3.3 The access arrangement was considered by the DPTI, who advised that they supported the use of the rationalised access point and that its dimensions were generally appropriate, recommending conditions to reinforce key elements of the access arrangement.
- 7.3.4 The access arrangement and dimensions would similarly satisfy the relevant Development Plan provisions. It is noted that recommended condition 3 (“*All vehicles must enter and exit the site in a forward direction*”) provided by the DPTI appears to be unenforceable and is likely to be invalid. For this reason it is recommended that this condition should not be applied, but that the remaining three conditions should be applied to any consent granted.

7.4 Waste Management

- 7.4.1 It is anticipated that new development would include appropriate waste management options that provide adequate storage while screening these areas from public view. The design of driveway crossovers, parking areas, accessways and elements that interact with the public realm should also safely and efficiently accommodate the collection of waste and recycling materials.
- 7.4.2 Additionally, new developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is safe and convenient (Council-wide PDC 147, 169 and 170).
- 7.4.3 No communal waste area is presently described by the proposal plans, though it is noted that such an area may be designated by the scheme description. While not ideal, the frontage width of the site would allow sufficient opportunity for kerbside collection to occur without unreasonably impacting upon the amenity of the locality, while each dwelling site could be provided with individual storage areas of adequate size.

8. CONCLUSION AND RECOMMENDATION

- 8.1 The proposal seeks to establish a medium density community scheme of a density and configuration anticipated within the relevant policy area. Vehicular access would be provided with the support of the DPTI via a single shared access point to Hampstead Road. The community lot configuration would be suitable for a range of dwelling proposals that might achieve the dual aims of presenting attractive building facades to main street frontages while moderating the impact of noise to occupants.

Thus it is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/424/2014 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent, Land Division Consent and Development Approval be granted to DA 050/424/2014 for Land Division (Community Title – One into Seven) at 32 Hampstead Road Broadview (CT 5314/328), subject to the following conditions:

Development Plan Consent Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/424/2014, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. All buildings and deleterious materials, including fencing, irrigation pipes and other rubbish, shall be cleared from the site and all such works shall be completed to Council's satisfaction prior to Council issuing clearance pursuant to Section 51 of the *Development Act 1993*.

The following conditions are applied at the recommendation of DPTI:

3. The access shall be a minimum of 6.0 metres in width at the property boundary and appropriately flared to the road to facilitate unimpeded ingress/egress and minimise disruption to the free flow of traffic on the arterial road.
4. The access shall have a clear area of a minimum of 6.0 metres by 6.0 metres inbound into the property to allow vehicles to store off-street while waiting for another vehicle to enter or exit the property.
5. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Land Division Consent Conditions:

6. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0024394).
7. Payment of \$45,416 into the Planning and Development Fund (7 allotment/s @ \$6,488 /allotment).

Payment may be made by credit card via the internet at 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

8. 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.



Scott McLuskey
Senior Development Officer, Planning

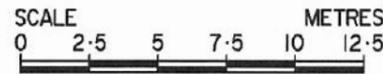
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MAP REF: 6628/39/J		COUNCIL: THE CITY OF PROSPECT		DEPOSITED/FILED:		SHEET 1 OF 2			
LAST PLAN: F		DEVELOPMENT NO: 050/C012/14/001				48644_text_01_v01			
AGENT DETAILS: FYFE PTY LTD LEVEL 3, 80 FLINDERS STREET ADELAIDE SA 5000 PH: 82019600 FAX: 82019650		SURVEYORS CERTIFICATION:							
AGENT CODE: ALRF									
REFERENCE: 21839/1/5 SU1-R2									
SUBJECT TITLE DETAILS:									
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	5314	328		ALLOTMENT(S)	78	D	2417 YATALA		
OTHER TITLES AFFECTED:									
EASEMENT DETAILS:									
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION		
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SUBJECT TO CERTIFIED SURVEY

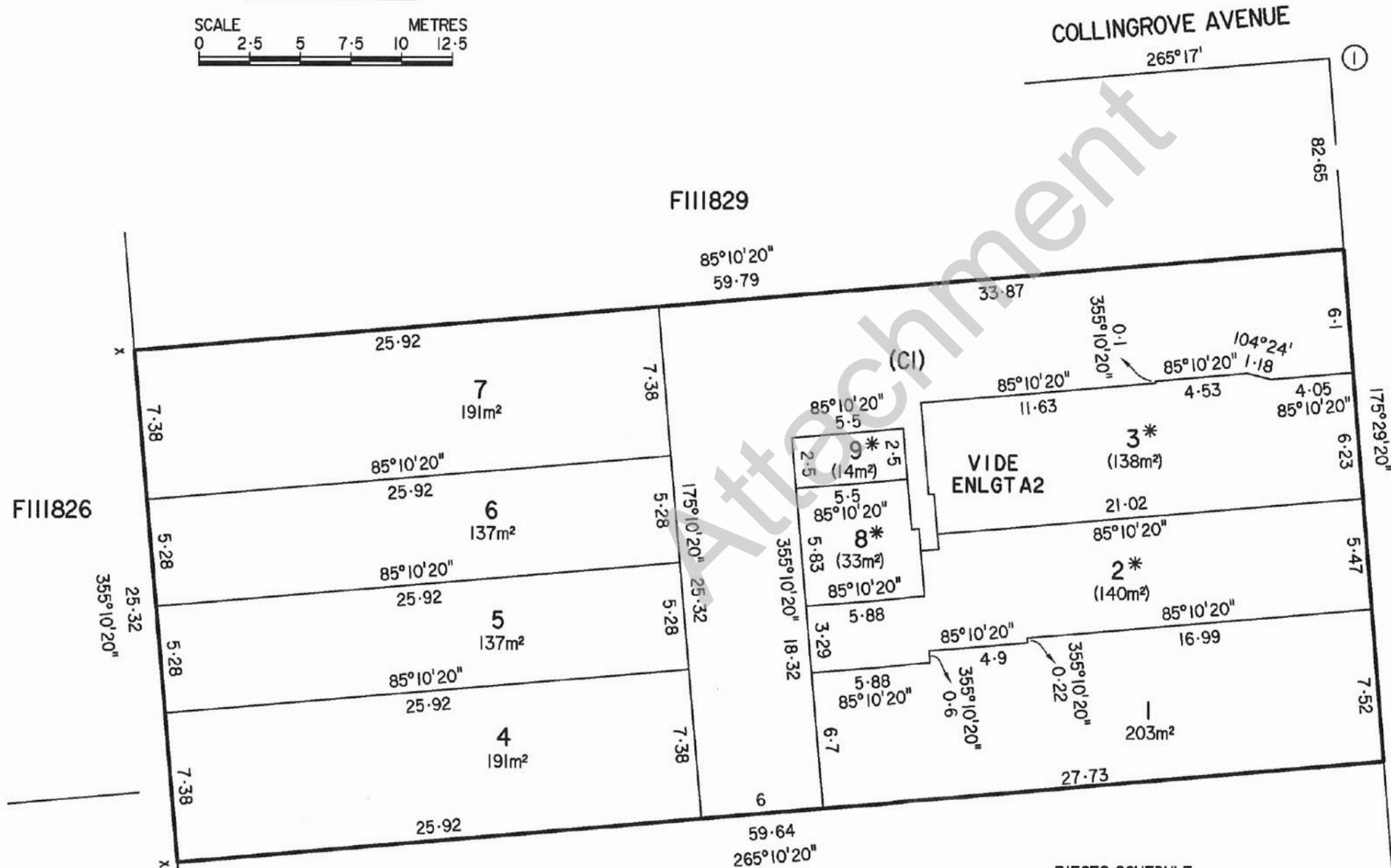
CITY OF PROSPECT
DEV No. 050/C012/14

AMENDED PLAN
27/08/2015

LOCATION PLAN

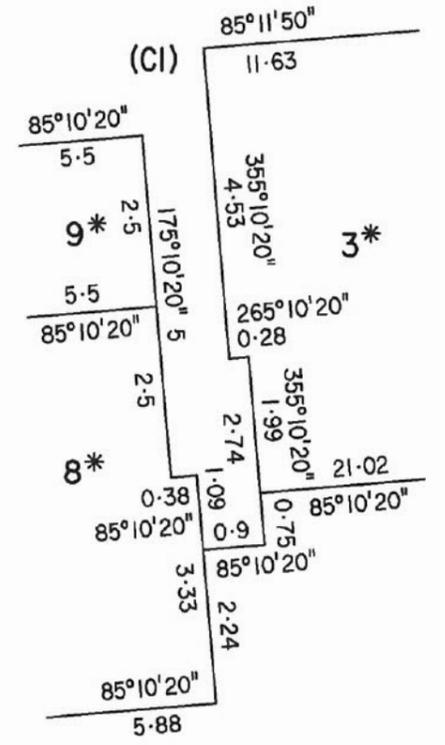


SHEET 2 OF 2
48644_pland_1_V01
BEARING DATUM: ①-② 175°29'20"
DERIVATION: D52128 ADOPTED
TOTAL AREA: 1512m²



HAMPSTEAD ROAD

ENLARGEMENT A2
NOT TO SCALE



PIECES SCHEDULE

ONE ALLOTMENT COMPRISES	TOTAL AREA
2 * and 9 *	154m ²
3 * and 8 *	171m ²

* ASTERISK DENOTES PIECE IDENTIFIER ONLY

FYFE PTY LTD
SURVEYORS and ENGINEERS
80 FLINDERS STREET ADELAIDE SA 5000
PHONE (08) 8201 9600 FAX (08) 8201 9660
www.fyfe.com.au ABN 57 008 116 130
Reference 21839/1/5 Dwg No. 21839SU1-r2
QA REV 2 DATE 27-08-2015 DR KAJ SVY

In reply please quote 2015/00231, Process ID: 354916
 Enquiries to Matthew Small
 Telephone 8226 8387
 Facsimile (08) 8226 8330
 E-mail dpti.luc@sa.gov.au



Government of South Australia
 Department of Planning,
 Transport and Infrastructure

17/08/2015

**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

The Presiding Member
 Development Assessment Commission
 GPO Box 1815
 ADELAIDE SA 5001

Dear Sir,

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	050/C012/14 (Amended Plan)
Applicant	Willalo Holdings Pty Ltd
Location	32 Hampstead Road, Broadview
Proposal	Community Division (7 Lots)

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

This application proposes a complete redevelopment of the subject site into 7 new community allotments.

CONSIDERATION

The Metropolitan Adelaide Road Widening Plan (MARWP) shows that a 2.13 metre strip may be required from the Hampstead Road frontage of the site for possible future road purposes. Although it is considered unlikely that any land would be required from this property, the consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0 metres of the possible requirement.

As per this department's comments regarding related DA 050/323/14, DPTI supports the shared access adjacent the northern property. DPTI is also satisfied that the 6.7 metre width shown on this division will cater for any simultaneous two-way vehicular movements. A 6.0 x 6.0 metre on-site area adjacent the Hampstead Road boundary of the common property (C1) should remain clear of any impediments (such as meters, letterboxes & vegetation) to accommodate simultaneous entry & exit movements and ensure minimal disruption to traffic along the arterial road.

In keeping with DPTI's policy that vehicles should enter and exit arterial roads in a forward direction, Council should be satisfied that sufficient on-site manoeuvring area has been provided to enable all vehicles to access and egress Hampstead Road in a forward direction.

ADVICE

DPTI will raise no objection in principle to the plan of division on the provision that the following recommended conditions are attached to any approval given:

1. All access must be gained via the (C1) access only. No additional vehicle access onto Hampstead Road shall be permitted.
2. To cater for any simultaneous two-way vehicular movements, the (C1) access shall provide a 6.0 x 6.0 metre on-site area adjacent the Hampstead Road property boundary that is clear of any impediments (such as meters, letterboxes, vegetation and parked vehicles).
3. All vehicles must enter and exit the site in a forward direction.
4. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Hampstead Road. Any alterations to road drainage infrastructure required to facilitate this shall be at the applicant's expense.

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

- o The Metropolitan Adelaide Road Widening Plan (MARWP) shows that a 2.13 metre strip may be required from the Hampstead Road frontage of the site for possible future road purposes. Although it is considered unlikely that any land would be required from this property, the consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0 metres of the possible requirement.

Yours sincerely,



 **A/GENERAL MANAGER, OPERATIONAL SERVICES**
for **COMMISSIONER OF HIGHWAYS**