

**AGENDA ITEM:** 5.4

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

**From:** Scott McLuskey, Senior Development Officer Planning

**Proposal:** Two, Three Storey Residential Flat Buildings Comprising 22 Dwellings with Associated Fencing and Landscaping (DA 050/190/2015)

**Address:** 3-7 Allan Street, Prospect (CT 5077/419, 5512/362 & 5788/250)

---

**SUMMARY:**

**Applicant:** Edward Lukac

**Owners:** Mr R Parisi, Mr G Licari, Mr P Parisi & Mr J Lopresti (3 Allan St)  
Mr A Robertson (5 Allan St)  
Mr E & Mrs A Lukac (7 Allan St)

**Planning Authority:** Council

**Mandatory Referrals:** Nil

**Independent Advice:** J Rutt (Design Review)

**Public Notification:** Category 1

**Representors/Submissions:** Not applicable

**Respondent:** Not applicable

**Development Plan Version:** Consolidated 12 February 2015

**Zone and Policy Area:** Urban Corridor Zone (Boulevard Policy Area)

**Key Considerations:** Visitor Parking, Waste Management, Landscaping, Density

**Recommendation:** **Approval, subject to conditions and reserved matters**

---

**ATTACHMENTS:**

Attachment 1 Development Application Form

Attachments 2-9 Proposal Plans

Attachments 10-18 Applicant's Submission

Attachments 19-26 Previous Proposal Plans

Attachments 27-42 Previous Report

## 1. **EXECUTIVE SUMMARY**

- 1.1 The Development Assessment Panel (DAP) previously considered the subject proposal: two, three storey residential flat buildings, comprising 22 row style dwellings at 3-7 Allan Street Prospect, at its meeting of 13 July 2015.
- 1.2 Broadly, the DAP expressed a desire that the applicant reconsider several aspects of the development including landscaping, privacy screening, waste management, and access to ground level private open space, while clarifying intended materials and finishes and the intended level of site improvements.
- 1.3 The applicant has subsequently provided amended proposal plans (refer **Attachments 2-9**) and a supplementary submission responding to the concerns raised (refer **Attachments 10-18**). While the amended proposal plans would not reduce the site coverage of the buildings, the submission and amendments are considered to suitably address the concerns identified. The proposal therefore warrants development plan consent.

## 2. **BACKGROUND**

- 2.1 The DAP considered a proposal for the construction of two, three storey residential flat buildings, comprising 22 row style dwellings at its meeting of 13 July 2015. The application was deferred for consideration at a subsequent meeting of the DAP, pending the receipt of further information on the following matters:
  1. Landscaping of meaningful area and size to soften the appearance of the internal driveway areas and the appearance of the development as viewed from the street.
  2. Reconsideration of the privacy screening provided to dwellings, to enable passive surveillance of the adjacent reserve.
  3. Refine the location and clearly describe the functionality of waste collection, acknowledging that the traditional three-bin system provided by Council is unlikely to be considered suitable.
  4. Provide clarity around the intended materials and finishes to each building, potentially through the provision of a materials board with physical samples of materials chosen, with clearer details provided of the changes in materials to the building façades as viewed from the internal driveway.
  5. Provide clear details of the intended levels of site improvements (including driveways, paved and landscaped areas, and retaining walls), with appropriate consideration of stormwater management.
  6. Improved access to and amenity of ground level private open space through a potential reduction in site coverage.
- 2.2 The report and attachments previously considered by the DAP at its 13 July 2015 meeting are attached for the convenience of Panel Members (refer **Attachments 27-42** and **Attachments 19-26**).

## 3. **ASSESSMENT**

- 3.1 Landscaping would comprise a mixture of ground covers (Tanika Lomandra and Zamia furfuracea), low level plantings (Murraya paniculata), feature trees (Crepe Myrtle and Golden rain tree) and a landscaped arbour (Crimson Glory Vine) over common driveway areas. The variations to the proposal would improve landscaped areas when viewed from adjoining residential properties and from the street, and are considered satisfactory.

- 3.2 Privacy screening to the southern elevation of Dwellings 12-22 has been revised in accordance with the suggestion of Mr Rutt made during the design review process. The amendment results in vertical louvres angled to restrict oblique views to adjoining properties while allowing a higher level of passive surveillance to the reserve. The applicant has noted that this outcome might require review during the detailed design/building rules consent stages to ensure the desired balance of privacy protection and passive surveillance is achieved. It is recommended that a condition reinforcing the desired outcome be imposed, with staff then to review this element of the building rules consent documents during the typical consistency check.
- 3.3 While the waste storage location and size remains unchanged, the applicant has offered commentary confirming the intention to employ a co-mingled waste management system. Calculations have been provided by the applicant without reference, though it is noted that they match the outcome of calculations by staff with reference to the relevant Zero Waste SA Better Practice Guideline. As neither the submission nor the plans described precisely the intended number of bins or responsibility for bin collection and storage area maintenance, it is recommended that a condition be imposed clarifying this.
- 3.4 The applicant has provided coloured images to illustrate the materials and finishes proposed. Further, staff have re-sized several key elevation plans in order to improve readability of notations demarking the finishes of various building elements. It is considered that the mix and type of building materials are appropriate.
- 3.5 The applicant has affirmed in their submission that site levels are anticipated to remain similar to those existing on the land, with existing concrete retaining walls to be retained or suitably replaced. The applicant has noted that as a result of the style of the development, each dwelling is required (by the Building Code of Australia) to be provided with a minimum 1,000L rainwater tank.
- 3.6 It is recommended that the remaining detailed stormwater management plan can be suitably guided by way of imposed conditions regarding stormwater quality and outflow discharge rates.
- 3.7 It is noted that the applicant has not altered the building footprint or extent of private open space available at ground level to each dwelling. While acknowledging that the concerns raised by the DAP did not necessarily relate directly to the provision of private open space, the conclusions drawn by staff in section 7.8 of the previous report are highlighted. The proposal is not substantially greater in density than the desired minimum within the policy area (with 22 dwellings proposed and a minimum desirable provision of 19) and setbacks generally accord with the relevant Development Plan provisions (though noting the protrusion of balcony elements to the northern and southern boundaries of the site).
- 3.8 It is considered that improvements to ground level landscaping and the introduction of a reasonably extensive landscaped arbour at ground floor ceiling level will improve the sense of proportionality between the buildings and their site.

#### **4. CONCLUSION AND RECOMMENDATION**

- 4.1 Summarised briefly, the amended proposal addresses the deferral matters by:
1. *Introducing landscaped arbours and providing details of suitable species to soften the appearance of driveways and the development generally.*
  2. *Revised privacy screening provided to rear dwellings in accordance with the suggestion provided through the design review process.*
  3. *Provided confirmation that a co-mingled waste system would be utilised providing a storage capacity commensurate with that anticipated by the Zero Waste SA Better Practice Guideline.*

4. *Provided images demonstrating the proposed materials and finishes,*
5. *Indicated anticipated build-up while noting that Building Code requirements will result in a required on-site detention of 22,000L minimum, and,*
6. *Maintaining the originally proposed extent of site coverage and private open space configuration.*

4.2 With reference to the report and attachments previously considered by the DAP and the responses of the applicant to the deferral matters; the application is considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and it is thus 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 050/190/2015 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 approved to DA 050/190/2015 from Edward Lukac for Two, Three Storey Residential Flat Buildings Comprising 22 Dwellings with Associated Fencing and Landscaping at 3-7 Allan Street, Prospect (CT 5077/419, 5512/362 & 5788/250), subject to the following reserved matter, conditions and notes (which may be added to or varied by Council staff on satisfaction of the reserved matters):

**Conditions:**

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application number 050/190/2015, 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. Any difference in finished ground levels between the subject site and adjoining sites at the boundary shall be retained by an appropriate wall or plinth of masonry, concrete or similar construction. Retaining walls must be designed to accepted engineering standards and will not be of timber construction if retaining a difference in ground levels exceeding 200 mm.
4. Prior to the grant of Development Approval a detailed stormwater management plan shall be provided that, to the satisfaction of Council, provides evidence that all dwellings are suitably protected from 1 in 100 year ARI storm events and that post-development outflow rates from the site will match pre-development rates in 1 in 20 ARI storm events. The location and capacity of any on-site detention tanks shall be clearly described.
5. 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.

6. 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.
7. 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.
8. Prior to the grant of development approval, detailed plans of south-facing balcony privacy screens shall be provided to the satisfaction of Council and that shall result in screens being a maximum of 1.7m in height above the finished floor level of the related balconies and which maximise views of the adjoining reserve by the use of vertical louvres as appropriate.
9. 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.
10. The building must be maintained, kept tidy, free of graffiti and in good repair and condition at all times.
11. The vehicle entry and exit access points shall be clearly signed and line marked to ensure one way traffic flow only through the site.
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. The surfacing of the car park, line marking and directional arrows shall be maintained to the reasonable satisfaction of Council at all times.
14. Lighting to 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.
15. The Infrastructure Assets and Environment dept have no issues with the proposed development under the provision that all works on Council land are conducted to Councils specification, all works are bunted off safely and pedestrian safety is maintained throughout the construction period. Plantings will also need to be undertaken in line with council specifications in terms of sight distance interference and safety to the community (thorns/poisonous plantings). Plans displaying all relevant details of the Road/Kerbing/Footpath Works shall be submitted to the Assets and Infrastructure Officer for approval prior to the commencement of any such works.

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.

16. All landscaping areas shall be 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.
17. 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.
18. 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.
19. 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.

**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:

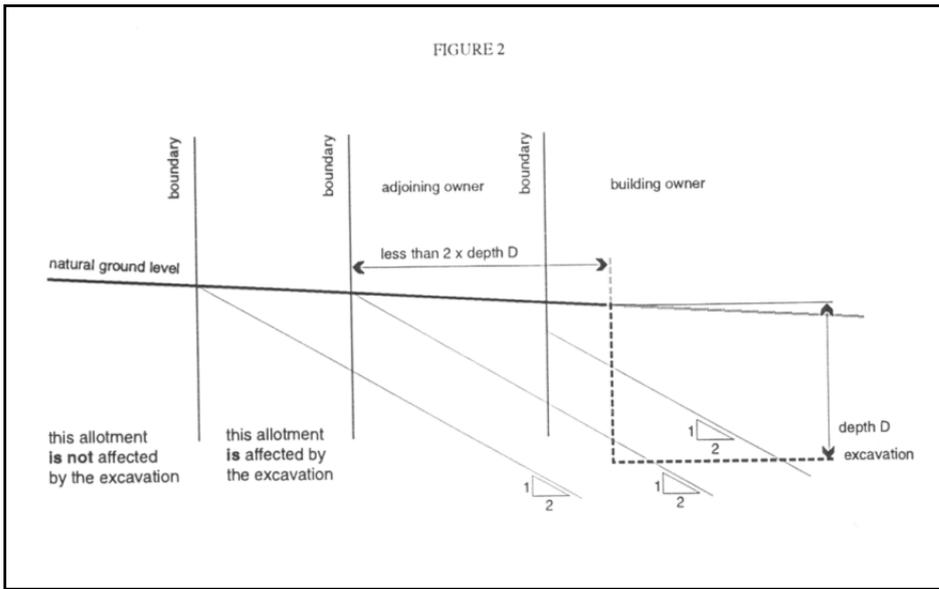
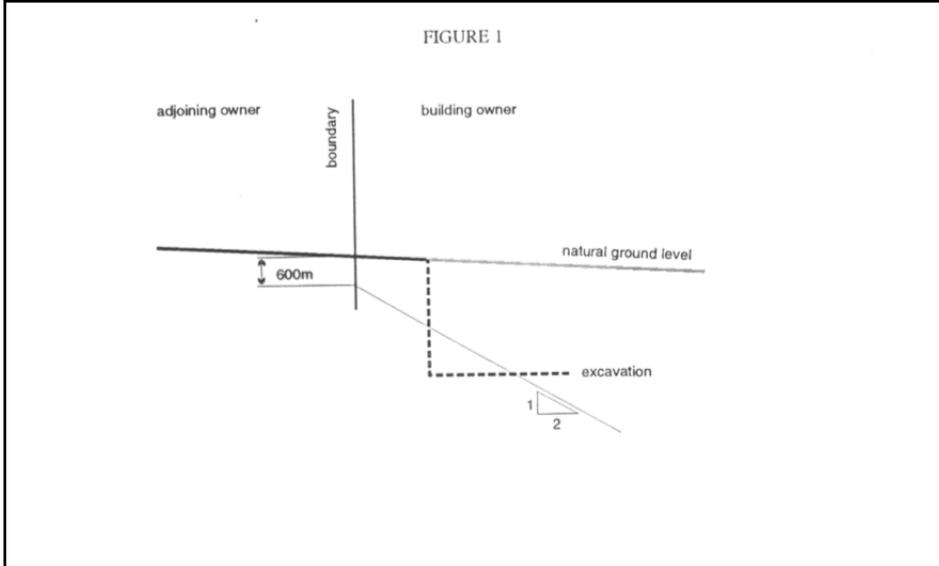
- an excavation which intersects a notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point 600mm below natural ground level at a boundary with an adjoining site (as depicted in figure 1); or
- an excavation which intersects any notional plane extending downwards at a 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:

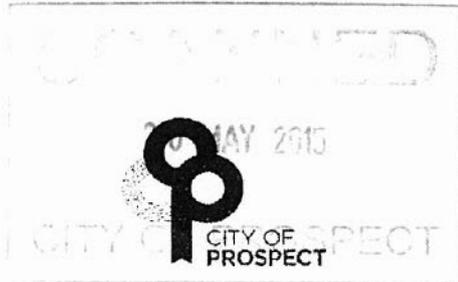
- a) serve on the owner of the affected land or premises a notice of intention to perform the building work and describing the nature of that work; and
- b) you must take such precautions as may be prescribed to protect the affected land or premises and must, at the request of the owner of the affected 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.



**Scott McLuskey**  
Senior Development Officer Planning


**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 / 190 / 2015 (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 #: 3,547      Street: Allan St Prospect  
 Suburb: Prospect      Postcode: 5082      CT Volume & Folio:

**3. Details of Parties**
**Applicant**

 Name: Edward Lukac      Address: 7 Allan St Prospect  
 Contact No.:      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: Construction of 22 Townhouse and associated driveways & services  
 Existing use of property: Residences.  
 Estimated cost of development: \$4400 000.00

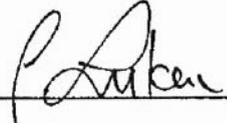
**5. Declarations**

- Building Rules Classification sought:      Present Class:
- Proposed number of employees (for Class 5, 6, 7, 8 or 9):
- Proposed number of persons for whom accommodation is provided (Class 9a only):
- Proposed number of occupants on the premises (Class 9b only):
- Does Schedule 21 or Schedule 22 of the *Development Regulations 2008* apply (activities of environmental or major environmental significance)?       yes       no
- Has the Construction Industry Training Board (CITB) levy been paid?       yes       no

 I acknowledge that Council may make copies of this application and documentation in accordance with the *Development Regulations 2008* and *Development Act 1993*. Details forming part of the application may be included in a Development Assessment Panel agenda published on Council's website.

 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: Edward Lukac      Signature:       Date: 15/05/15  
 Applicant       Owner       Builder





DWG NO. ALL-LT45-15.dwg  
 PROPOSED NEW DEVELOPMENT  
 For: ALLAN COURT  
 At: Lot's 43, 44 & 45 Allan Street,  
 PROSPECT

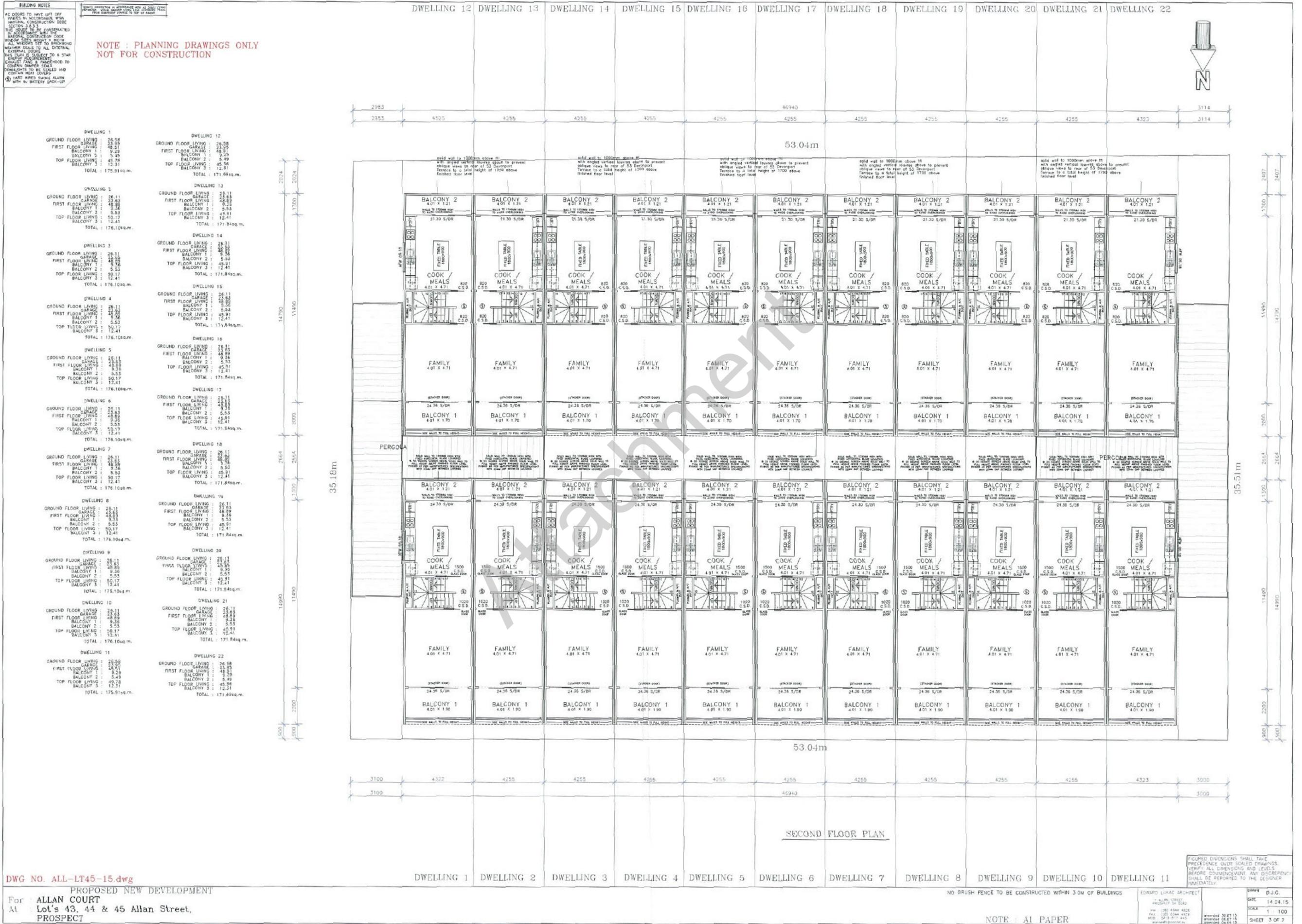
NO BRUSH FENCE TO BE CONSTRUCTED WITHIN 3.0M OF BUILDINGS

EDWARD LUKAC ARCHITECT  
 2/14/2014  
 Ph: (08) 8344 4324  
 Fax: (08) 8344 4323  
 M/FB: (07) 9717 442  
 www.edwardlukac.com.au

NOTE: A1 PAPER

FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS. VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCEMENT. ANY DISCREPANCY SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.

DRWN: D.J.G.  
 DATE: 14.04.15  
 SCALE: 1:100  
 SHEET: 2 OF 7







DWG NO. ALL-LT45-15.dwg  
 PROPOSED NEW DEVELOPMENT  
 For : ALLAN COURT  
 At : Lot's 43, 44 & 45 Allan Street,  
 PROSPECT

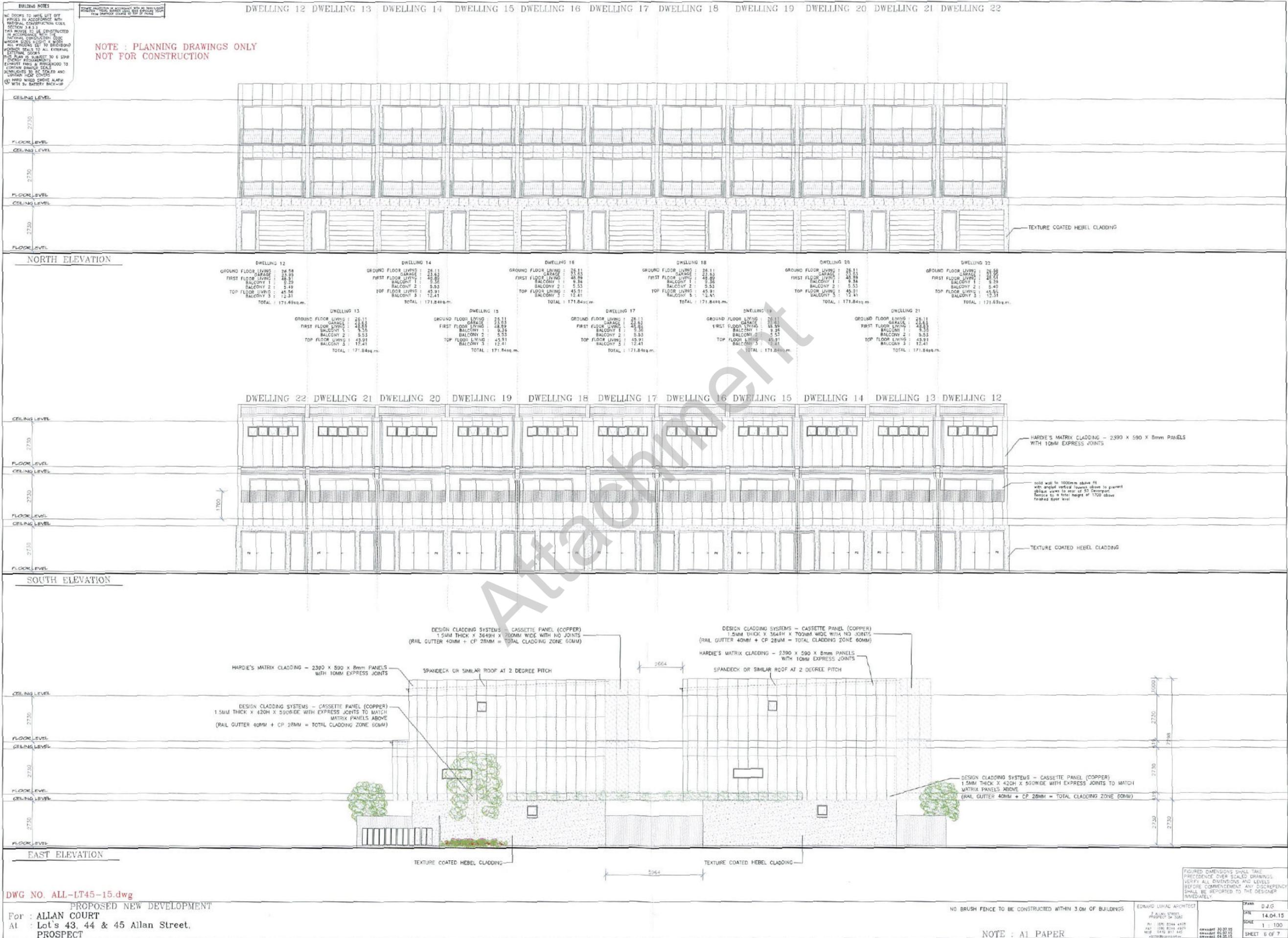
NO BRUSH FENCE TO BE CONSTRUCTED WITHIN 3.0M OF BUILDINGS

EDWARD LUKAC ARCHITECT  
 15/150 STILES  
 PROSPECT SA 5081  
 Ph: (08) 8344 4433  
 Mob: (08) 8344 4320  
 Email: edward@edwardlukac.com.au

Drawn: D.J.G.  
 Date: 14.04.15  
 Scale: 1:100  
 Sheet: 5 of 7

NOTE : A1 PAPER

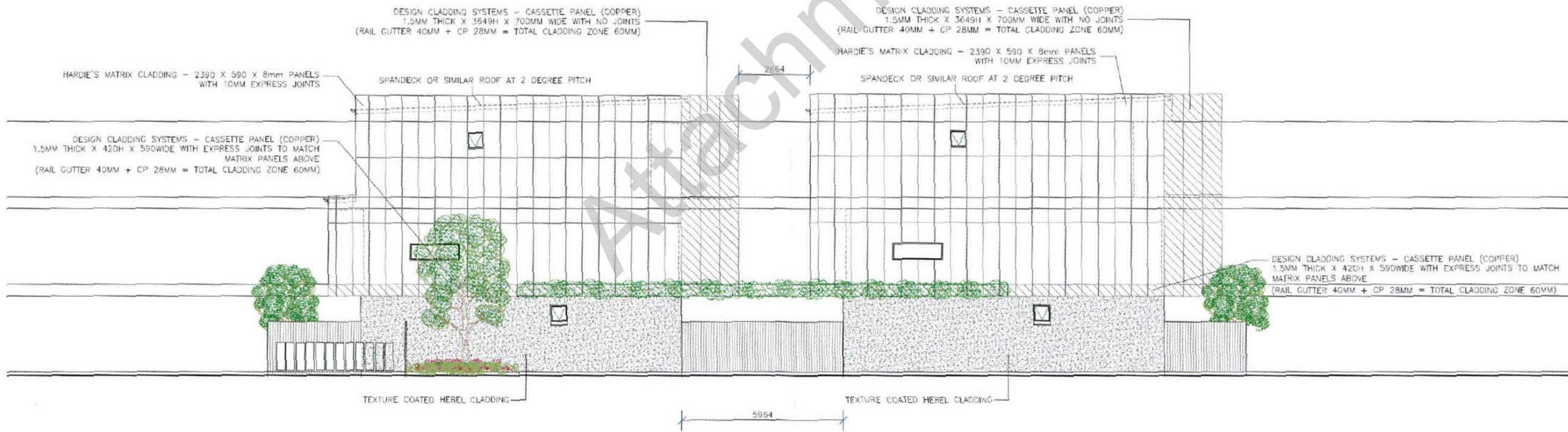
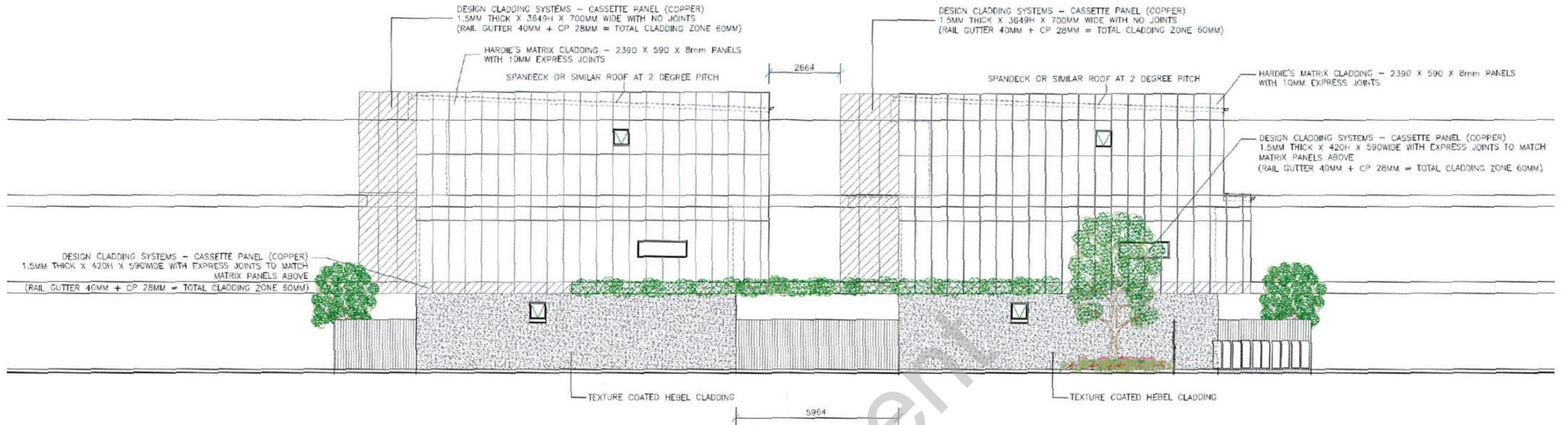
FOURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS. VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCEMENT. ANY DISCREPANCY SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.

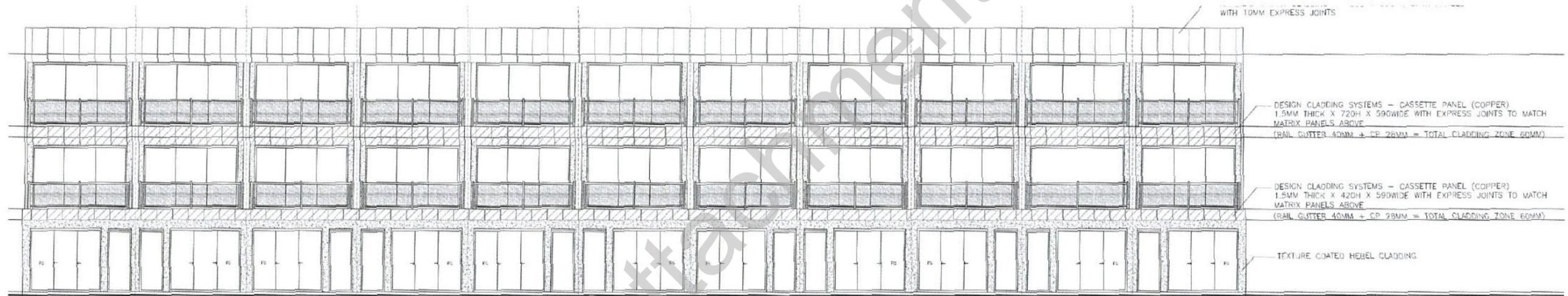
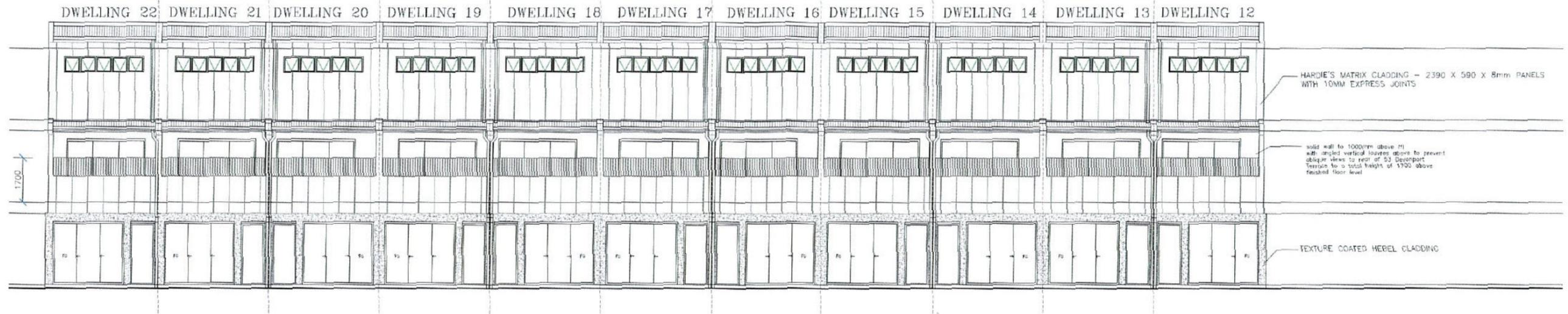


DWG NO. ALL-LT45-15.dwg  
 PROPOSED NEW DEVELOPMENT  
 For : ALLAN COURT  
 At : Lot's 43, 44 & 45 Allan Street,  
 PROSPECT

NO BRUSH FENCE TO BE CONSTRUCTED WITHIN 3.0M OF BUILDINGS

NOTE : A1 PAPER





**AMMENDMENTS to DA 050/190/2015**  
**3-7 Allan Street, Prospect - Two, Three Storey Residential Flat Buildings**  
**Comprising 22 Dwellings with Associated Fencing and Landscaping**

**Landscaping**

The proposed development intends to provide landscaping in the form of low-lying shrubs and grass plantings, together with trees that have relatively clean trunks and high canopies (TLPA Desired Character Statement).

Examples of the types of planting proposed follow

An indicative landscaping plan has been provided with plantings to areas to the north, south, east and west of the building, a landscape canopy would be employed over part of the driveways to maximise the extent of onsite landscaping.

Landscaping would feature a mixture of ground covers, mid-level ornamental plantings (to 1.5m in height) trees and shrubs and feature a **Crimson Glory Vine** over part of the driveways. The selection of species would provide a range of complementary heights, colours and foliage densities and could be subject to final approval of council as part of the Building approval process

It is anticipated that the proposal would provide landscaping that will enhance the built form and provide an attractive transition between the public and private realms.

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.

**Indicative Plant Selections**



**Tanika Lomandra**

An evergreen, improved compact fine leaf form, this low maintenance plant. Small yellow flowers from April to October, Tanika Lomandra is also soft to touch so kids will enjoy this plant as well. Used in conjunction with taller shrubs and trees



**Vitis Coignetiae (Crimson Glory Vine)**

The vine is very vigorous, with purple shoots. The deciduous leaves are large (15 to 30 cm in diameter), simple, orbicular, toothed, with deep petiole. First green, they turn red-orange in autumn. Used to pergolas on both eastern and western driveways and extending in to common driveway between dwellings



**Lagerstroemia Natchez (Crepe Myrtles)**

**Crepe myrtles are among the world's best flowering trees.**

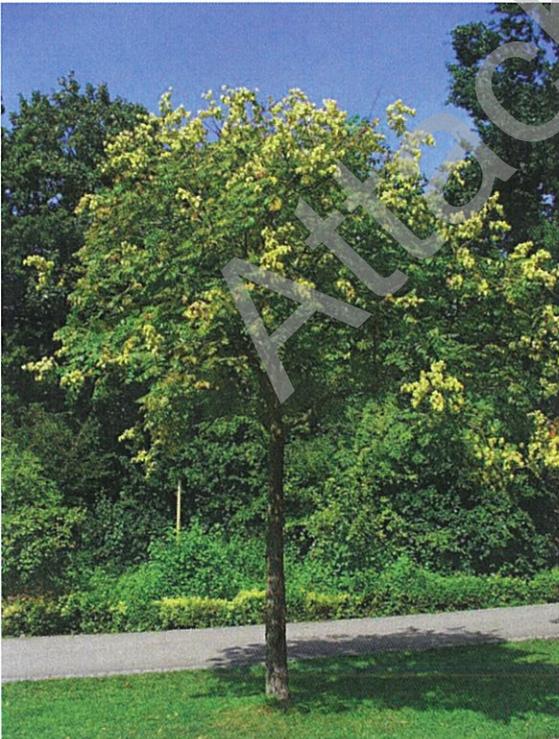
They are native to eastern Asia and are hardy in most parts of Australia.

To be planted in conjunction with Tanika Lomandra & Zamia Furfuracea to garden beds at rear areas of both driveways



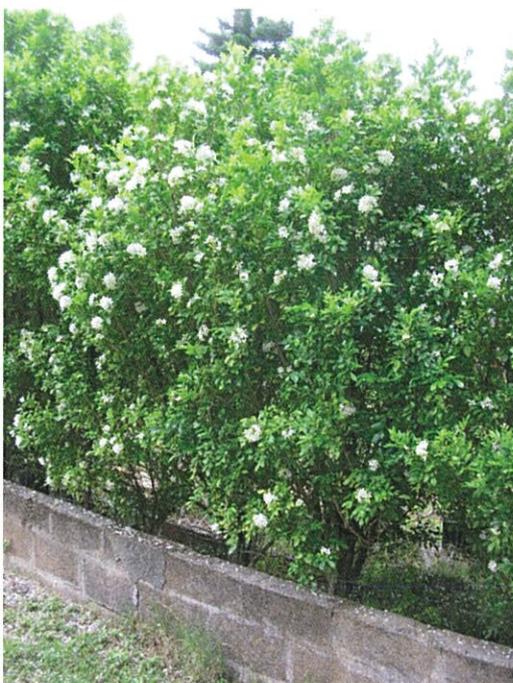
**Zamia furfuracea**

Is a cycad native to southeastern Veracruz state in eastern Mexico. Although not a palm tree, its growth habit is superficially similar to a palm. Utilised as low level planting in conjunction with Tanika Lomandra to garden beds at rear areas of both driveways



**Koelreuteria Paniculata (Or similar)**

Is a species of flowering plant in the family Sapindaceae, native to eastern Asia, in China and Korea  
This or similar trees to be planted to each dwelling court yard

**Murraya paniculata**

Is a tropical, evergreen plant native to southern China, Taiwan, the Indian sub-continent, south-eastern Asia and northern Australia, bearing small, white, scented flowers, which is grown as an ornamental tree or hedge. Used adjacent to fences in garden beds at rear areas of both driveways

**Privacy Screening**

South Elevation to rear block has been amended to allow for passive security overlooking public areas (reserve) without overlooking private property. We propose reviewing this with council at the building approval stage to ensure the best outcome subject to council approval

**Waste Collection**

A communal waste system would be made available for the provision of waste, green waste and recycling in a screened area at the rear of each driveway behind the visitors carpark and gardens bed.

22 two bedroom units generate 1320L of general waste, 1100L of recycling waste and 440 of organic waste per week which would be accommodated by a minimum of 13 Bins to be provided on site and stored in the designated waste management areas on either side of the site

## **Storm Water Management and Site Improvements**

Site Levels will remain similar to present levels and the existing minimal retaining walls to the western and part of the southern boundaries will be maintained or replaced with concrete similar to existing at rear (South). All driveways, parking and manoeuvring areas will be formed with Concrete, bitumen or paving and be properly drained

The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not flow or discharge onto adjoining properties, flow across the surface of footpaths or public ways, affect the stability of any building or create unhealthy or dangerous conditions on the site or within any building. Stormwater quality measures such as a gross pollutant trap shall be implemented to ensure all surface run-off, stormwater or other liquid discharging from the site, is free of site contaminants

Stormwater Storage will be provided as required under the NCC 2015 BCA Vol 2 SA2 Additions Water Efficiency provisions (1000L per Dwelling)

## **Materials and Finishes**

### **Front screen fencing to 1800**

(Each unit at front to have a 1 meter wide gate with different pattern ..the gate pattern similar to that shown on right below



**Balustrade rail**

Balustrade glass and panels to be segmented as shown below (or similar)



## Matrix cladding



## Design Cladding Systems – Cassette panel - Copper (or similar)



## Horizontal or Vertical Screening (or similar)



## Rendered Hebel to ground floor



Should you have any queries or require any further detail please do not hesitate to contact me.

Yours faithfully

Edward Lukac a.r.a.i.a

EDWARD LUKAC ARCHITECT







**DWELLING NOTES**

1. DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH NATIONAL CONSTRUCTION CODE SECTION 10.2.3.

2. THE HOUSE IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE 2015 NATIONAL CONSTRUCTION CODE.

3. ALL WINDOWS ARE TO BE DOUBLE GLAZED UNLESS OTHERWISE SPECIFIED.

4. ALL ROOFS ARE TO BE GABLE UNLESS OTHERWISE SPECIFIED.

5. ALL ROOFS ARE TO BE 12% PITCH UNLESS OTHERWISE SPECIFIED.

6. ALL ROOFS ARE TO BE COVERED WITH COLORBOND GALVALUME UNLESS OTHERWISE SPECIFIED.

7. ALL ROOFS ARE TO BE COVERED WITH COLORBOND GALVALUME UNLESS OTHERWISE SPECIFIED.

8. ALL ROOFS ARE TO BE COVERED WITH COLORBOND GALVALUME UNLESS OTHERWISE SPECIFIED.

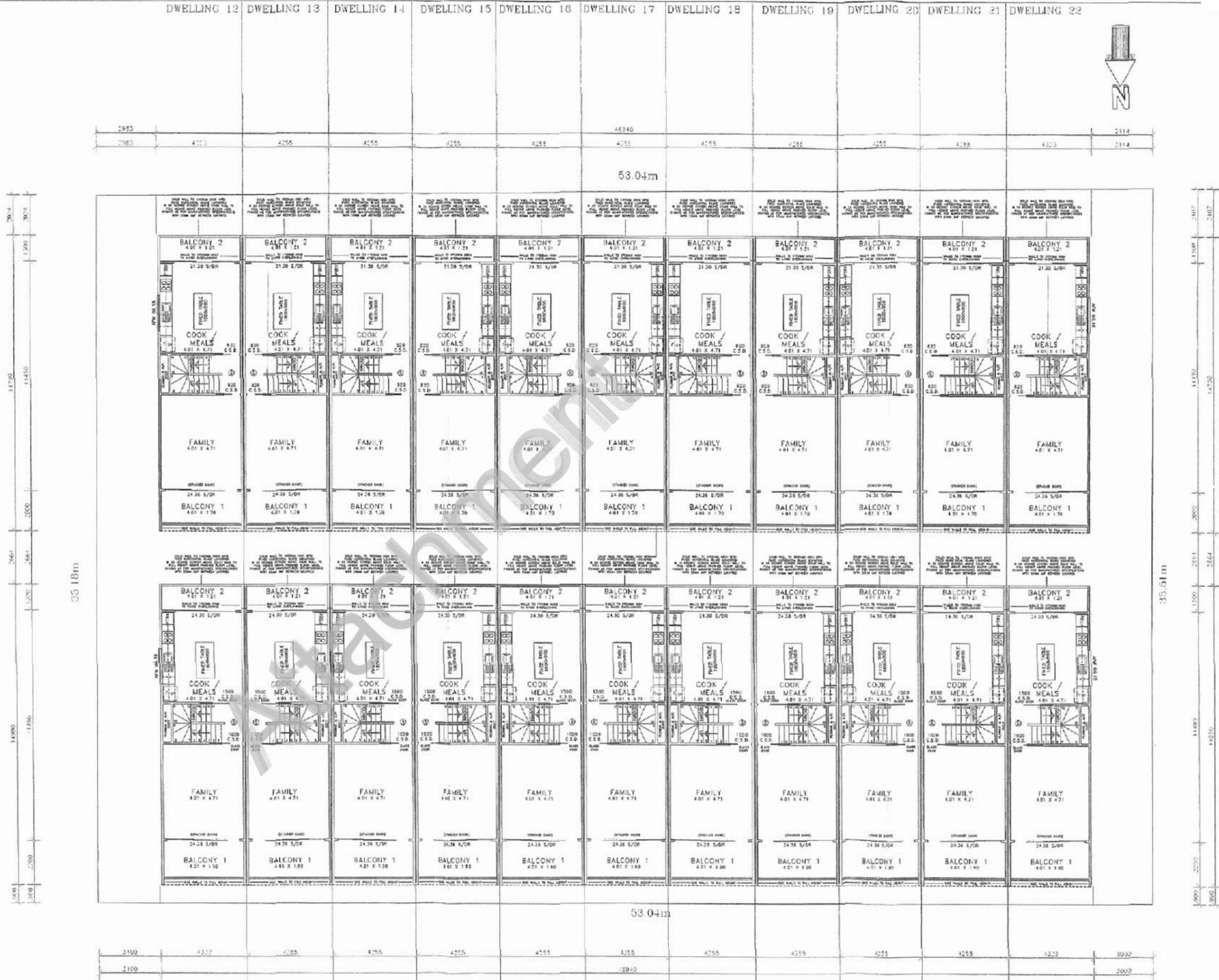
9. ALL ROOFS ARE TO BE COVERED WITH COLORBOND GALVALUME UNLESS OTHERWISE SPECIFIED.

10. ALL ROOFS ARE TO BE COVERED WITH COLORBOND GALVALUME UNLESS OTHERWISE SPECIFIED.

**NOTE : PLANNING DRAWINGS ONLY  
NOT FOR CONSTRUCTION**



DWELLING 1	DWELLING 2	DWELLING 3	DWELLING 4	DWELLING 5	DWELLING 6	DWELLING 7	DWELLING 8	DWELLING 9	DWELLING 10	DWELLING 11
GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.	GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.	GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.	GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.	GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.	GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.	GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.	GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.	GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.	GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.	GROUND FLOOR LIVING: 26.58 FIRST FLOOR LIVING: 48.91 BALCONY 1: 9.29 BALCONY 2: 5.49 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.81 TOTAL: 173.85sq.m.



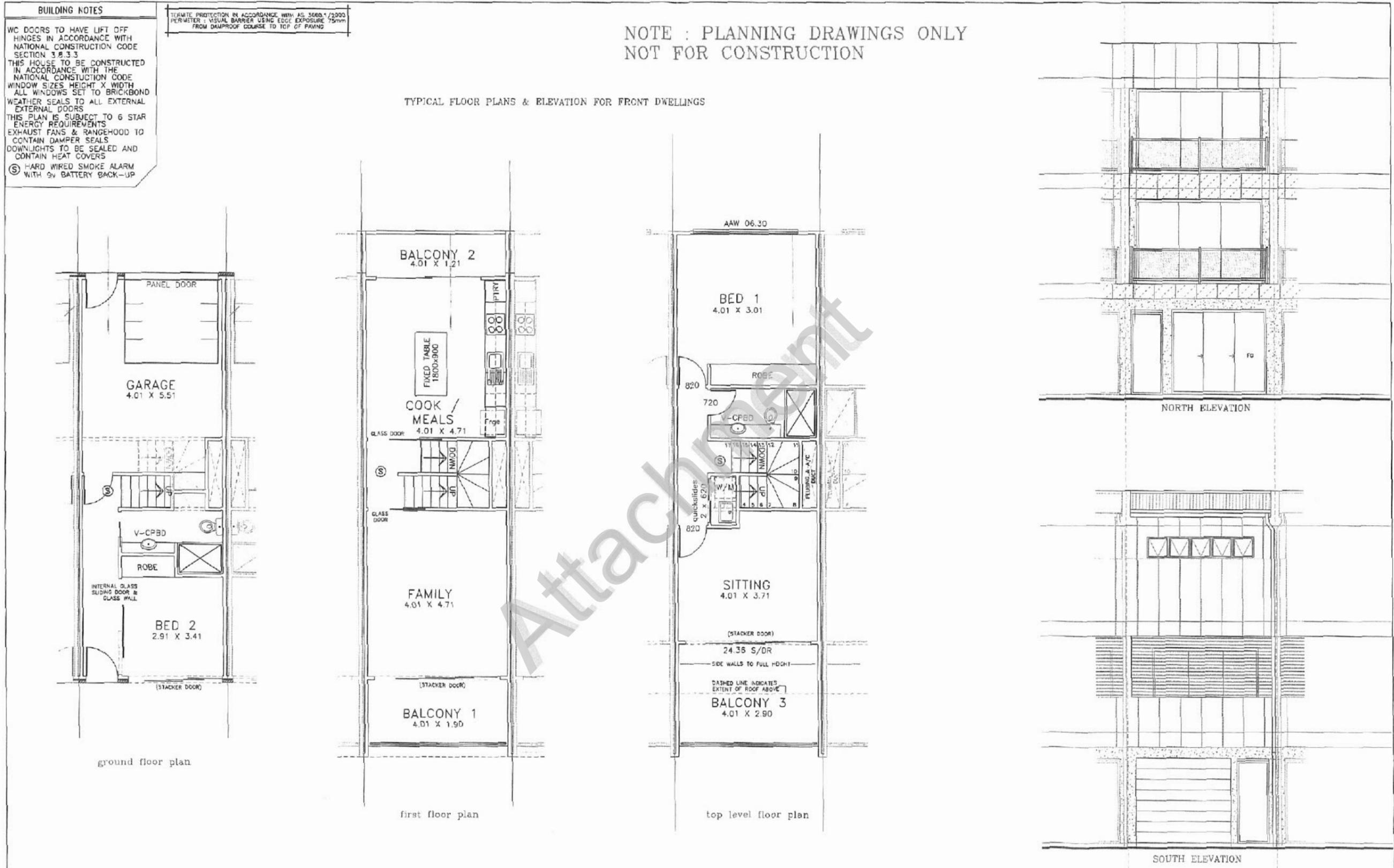
**SECOND FLOOR PLAN**

DWG NO. ALL-LT45-15.dwg  
PROPOSED NEW DEVELOPMENT  
For ALLAN COURT  
At Lot's 43, 44 & 45 Allan Street,  
PROSPECT

NO BRUSH FENCE TO BE CONSTRUCTED WITHIN 3.0M OF BUILDINGS

EDWARD LIP-NG ARCHITECT  
14/04/15  
SCALE: 1:100  
SHEET 3 OF 7

NOTE: A1 PAPER



DWG NO. ALL-LT45-15.dwg

PROPOSED NEW DEVELOPMENT

For : ALLAN COURT  
 At : Lot's 43, 44 & 45 Allan Street,  
 PROSPECT

FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS. VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCEMENT ANY DISCREPANCY SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.

EDWARD LUKAC ARCHITECT  
 7 ALLAN STREET,  
 PROSPECT SA 5082  
 PH : (08) 8344 4828  
 FAX : (08) 8344 4929  
 MCB : 0419 817 445  
 elerlek@opond.net.au

DRAWN D.J.G.  
 DATE 14.04.15  
 SCALE 1 : 100  
 SHEET 2 OF 3

NOTE : A3 PAPER

**BUILDING NOTES**

WC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH NATIONAL CONSTRUCTION CODE SECTION 3.8.3.3

THIS HOUSE TO BE CONSTRUCTED IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE WINDOW SIZES HEIGHT X WIDTH ALL WINDOWS SET TO BRICKBOND WEATHER SEALS TO ALL EXTERNAL EXTERNAL DOORS

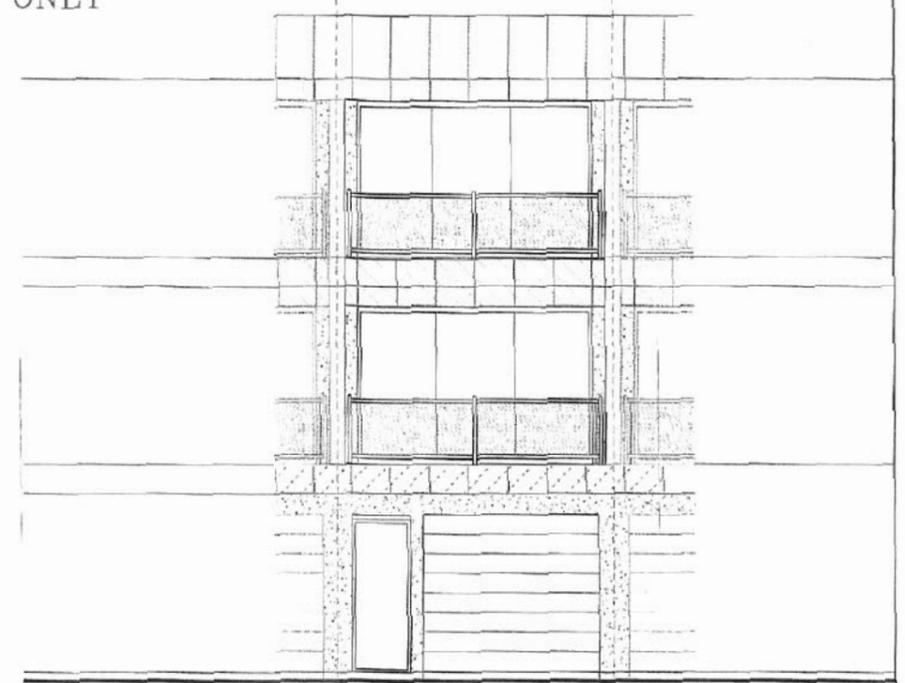
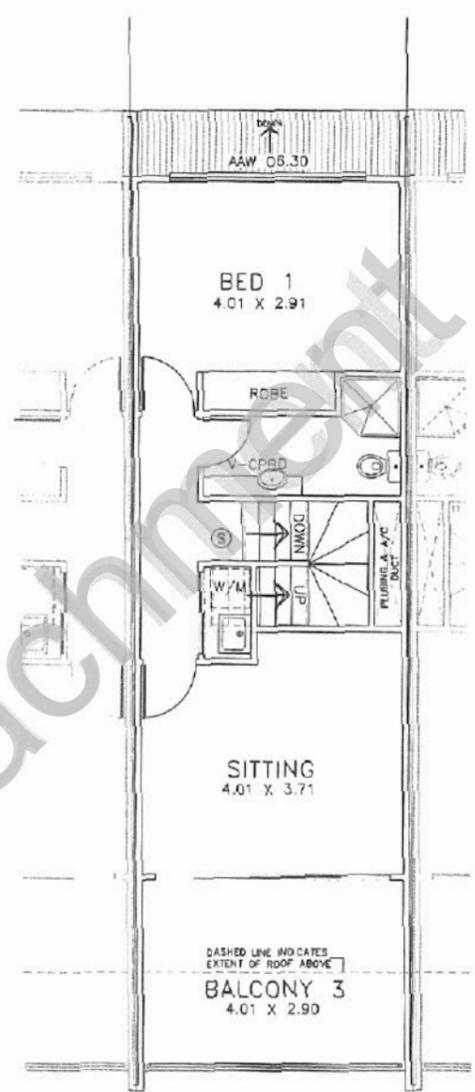
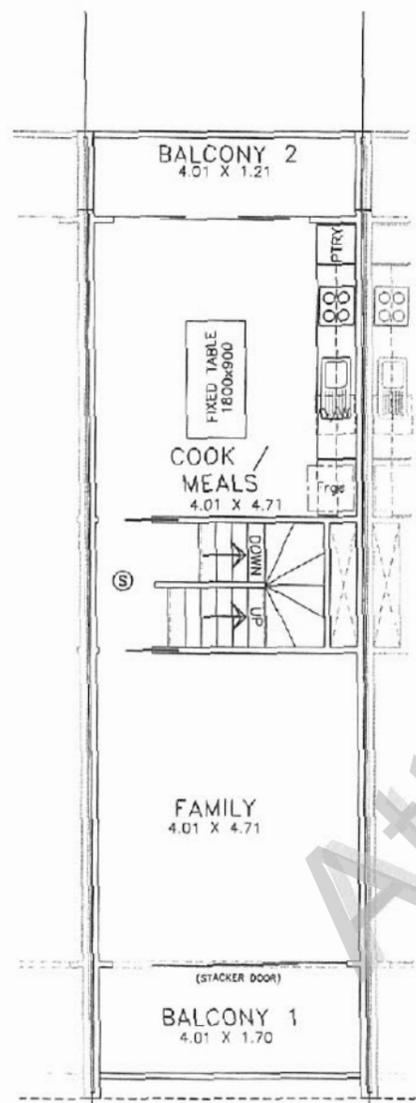
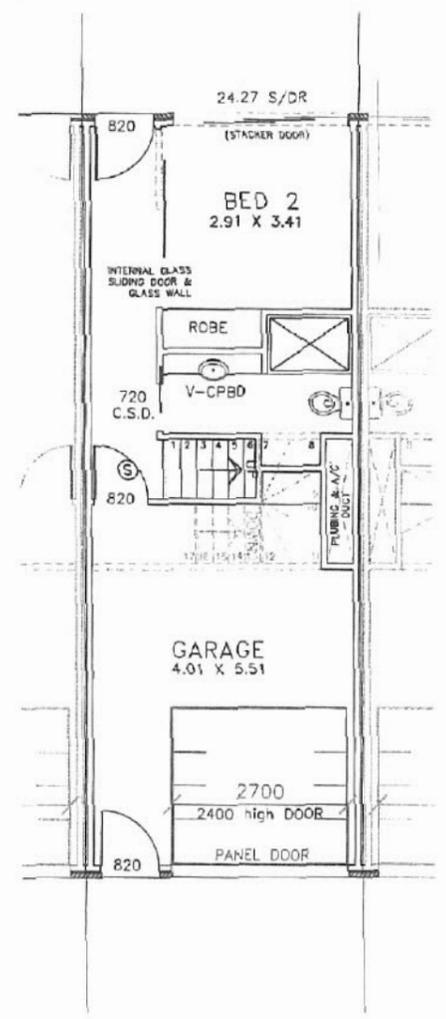
THIS PLAN IS SUBJECT TO 5 STAR ENERGY REQUIREMENTS EXHAUST FANS & RANGEHOOD TO CONTAIN DAMPER SEALS DOWNLIGHTS TO BE SEALED AND CONTAIN HEAT COVERS

⑤ HARD WIRED SMOKE ALARM WITH 9V BATTERY BACK-UP

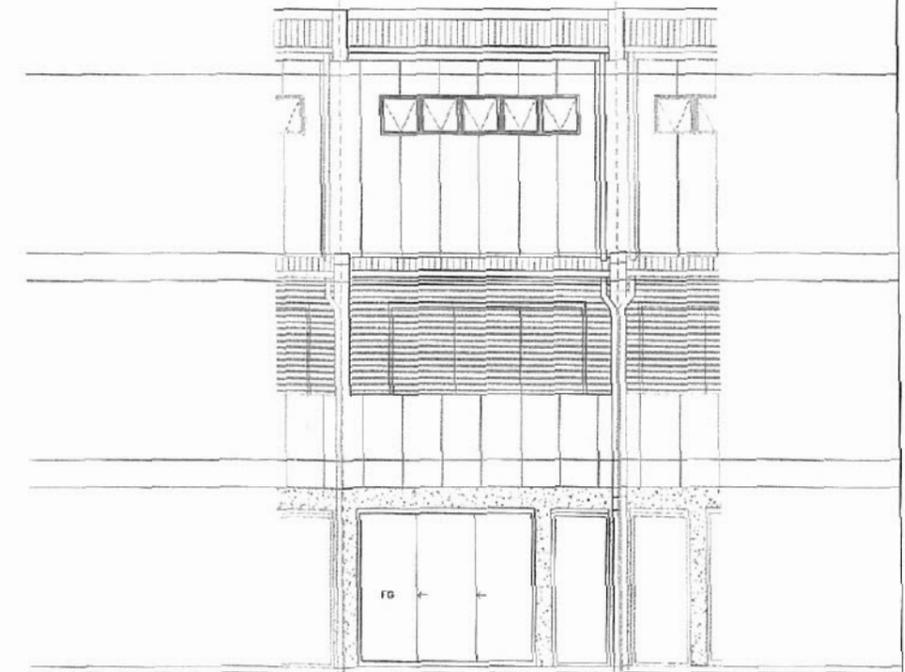
TERMITE PROTECTION IN ACCORDANCE WITH AS 3660.1/2000 PERIMETER VISUAL BARRIER USING EDGE EXPOSURE 75mm FROM DAMPROOF COURSE TO TOP OF PAVING

NOTE : PLANNING DRAWINGS ONLY  
NOT FOR CONSTRUCTION

TYPICAL FLOOR PLANS & ELEVATION FOR REAR DWELLINGS



NORTH ELEVATION



SOUTH ELEVATION

DWG NO. ALL-LT45-15.dwg

PROPOSED NEW DEVELOPMENT

For : ALLAN COURT  
At : Lot's 43, 44 & 45 Allan Street,  
PROSPECT

NOTE : A3 PAPER

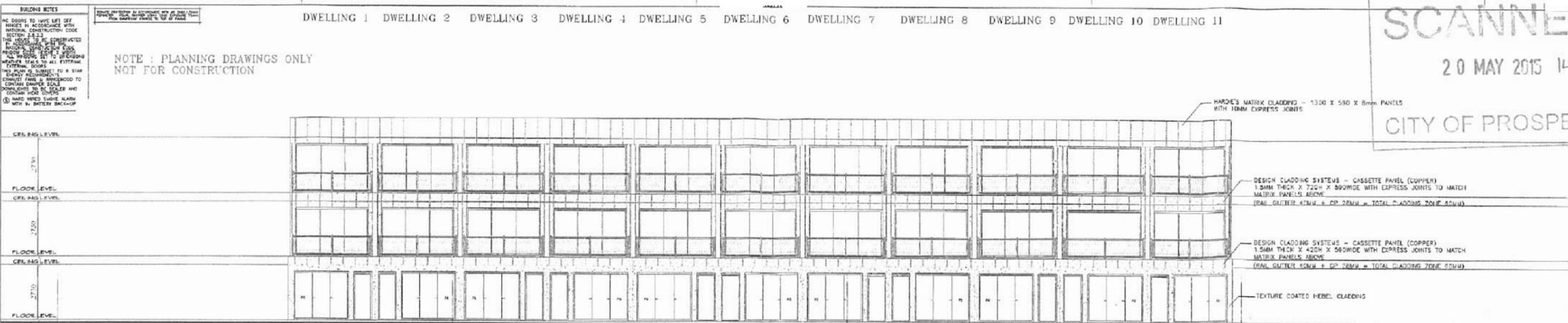
FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS. VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCEMENT. ANY DISCREPANCY SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.

EDWARD LUKAC ARCHITECT  
7 ALLAN STREET,  
PROSPECT SA 5082  
PH : (08) 8344 4828  
FAX : (08) 8344 4929  
MOB : 0419 817 445  
el@elkdesign.net.au

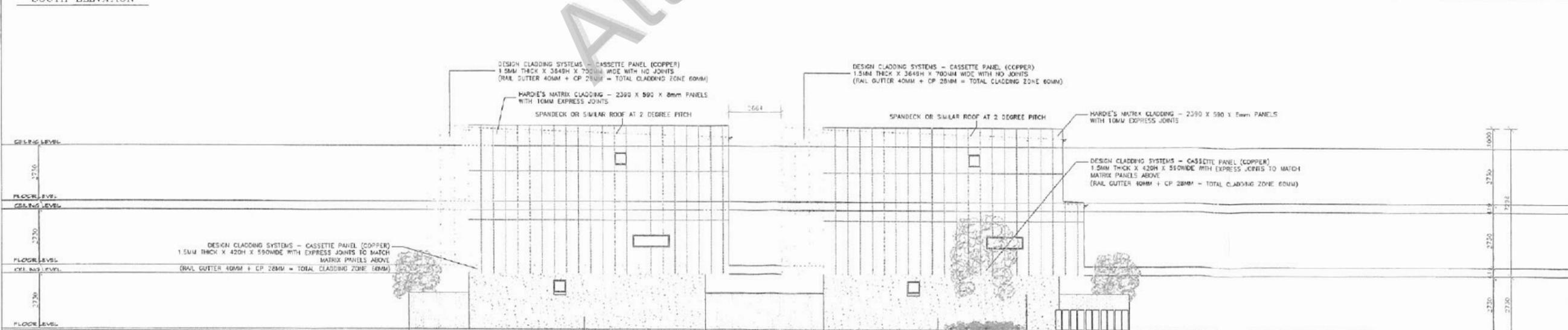
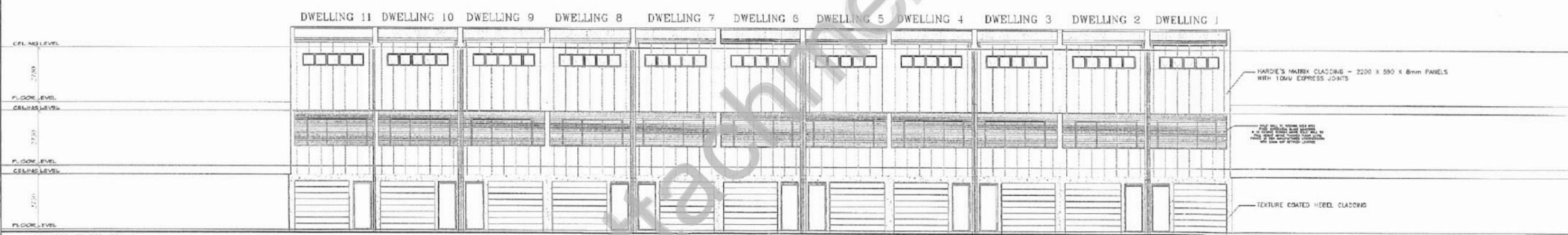
DRAWN D.J.G.  
DATE 14.04.15  
SCALE 1 : 100  
SHEET 3 OF 3



SCANNED  
20 MAY 2015 14  
CITY OF PROSPECT



DWELLING 1	DWELLING 2	DWELLING 3	DWELLING 4	DWELLING 5	DWELLING 6	DWELLING 7	DWELLING 8	DWELLING 9	DWELLING 10	DWELLING 11
GROUND FLOOR LIVING: 26.58 GARAGE: 22.55 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.78 BALCONY 3: 12.41 TOTAL: 175.91sq.m.	GROUND FLOOR LIVING: 26.11 GARAGE: 22.48 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.17 BALCONY 3: 12.41 TOTAL: 176.10sq.m.	GROUND FLOOR LIVING: 26.11 GARAGE: 22.48 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.17 BALCONY 3: 12.41 TOTAL: 176.10sq.m.	GROUND FLOOR LIVING: 26.11 GARAGE: 22.48 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.17 BALCONY 3: 12.41 TOTAL: 176.10sq.m.	GROUND FLOOR LIVING: 26.11 GARAGE: 22.48 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.17 BALCONY 3: 12.41 TOTAL: 176.10sq.m.	GROUND FLOOR LIVING: 26.11 GARAGE: 22.48 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.17 BALCONY 3: 12.41 TOTAL: 176.10sq.m.	GROUND FLOOR LIVING: 26.11 GARAGE: 22.48 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.17 BALCONY 3: 12.41 TOTAL: 176.10sq.m.	GROUND FLOOR LIVING: 26.11 GARAGE: 22.48 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.17 BALCONY 3: 12.41 TOTAL: 176.10sq.m.	GROUND FLOOR LIVING: 26.11 GARAGE: 22.48 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.17 BALCONY 3: 12.41 TOTAL: 176.10sq.m.	GROUND FLOOR LIVING: 26.11 GARAGE: 22.48 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.17 BALCONY 3: 12.41 TOTAL: 176.10sq.m.	GROUND FLOOR LIVING: 26.11 GARAGE: 22.48 FIRST FLOOR LIVING: 48.89 BALCONY 1: 9.58 BALCONY 2: 5.53 TOP FLOOR LIVING: 49.17 BALCONY 3: 12.41 TOTAL: 176.10sq.m.



DWG NO. ALL-LT45-15.dwg  
 PROPOSED NEW DEVELOPMENT  
 For ALLAN COURT  
 At Lot's 43, 44 & 45 Allan Street,  
 PROSPECT

NO BRUSH FENCE TO BE CONSTRUCTED WITHIN 3.0M OF BUILDINGS

FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCEMENT. ANY DISCREPANCY SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.

DATE: 14.04.15  
 SCALE: 1:100  
 SHEET 5 OF 7

NOTE: A1 PAPER

**AGENDA ITEM:** 5.3

**To:** Development Assessment Panel (DAP) on 13 July 2015

**From:** Scott McLuskey, Senior Development Officer, Planning

**Proposal:** Two, Three Storey Residential Flat Buildings Comprising 22 Dwellings with Associated Fencing and Landscaping (DA 050/190/2015)

**Address:** 3-7 Allan Street, Prospect (CT 5077/419, 5512/362 & 5788/250)

---

**SUMMARY:**

Applicant: Edward Lukac

Planning Authority: Council

Referrals (Schedule 8): Nil

Public Notification: Category 1

Representations: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 12 February 2015

Zone and Policy Area: Urban Corridor Zone (Boulevard Policy Area)

Issues: Visitor Parking, Waste Management, Bulk and Scale

Recommendation: Approval, Subject to conditions

---

**1. EXECUTIVE SUMMARY**

- 1.1 Two, three storey residential flat buildings, comprising 22 row style dwellings, are proposed at 3-7 Allan Street Prospect. The buildings would comprise 22 two or three bedroom dwellings, with 24 associated car parking spaces and suitable opportunities for bicycle parking within each dwelling.
- 1.2 The proposal did not require public notification or referral to any other agency. A review of the design by an independent architect concluded that the building creates visual interest, using a mix of modern contemporary materials and simple yet measured forms. The row dwelling format and internal layout offers ideal cross-ventilation opportunities and natural light and ventilation access to each dwelling is maximised.
- 1.3 The proposal provides suitable occupant amenity and private open space, provides a high level of visual interest and responds well to concerns relating to its scale. Car and bicycle parking would be appropriately catered for on-site, while overlooking and overshadowing impacts would be addressed suitably in the context of the zone. The proposal therefore warrants development plan consent.

## **2. LOCALITY AND SUBJECT LAND**

### **2.1 Locality**

- 2.1.1 The locality is predominantly residential in nature, although features several commercial land uses including shops, offices and a gym. George Whittle Reserve is located to the south and a railway corridor to the west of the subject land.
- 2.1.2 Residential development within the area features a mix of original, low density dwellings and newer medium density dwellings of two storey construction. A passenger and freight railway line parallel to Devonport Terrace is separated from the subject site by a mixture of single and two storey dwellings of low to medium overall density. It is noted that the nearest train station to the subject site, the Ovingham Railway Station, is approximately 400m away.
- 2.1.3 It is noted that construction of a four storey residential flat building has commenced at 2 Allan Street, while the Development Assessment Panel granted consent to a four storey residential flat building at 8 Allan Street at its meeting on 11 May 2015.
- 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 is described in **Attachment 1**. Photographs of nearby properties are included at **Attachments 2-4**.

### **2.2 Subject Land**

- 2.2.1 The subject land comprises three allotments with a combined frontage to Allan Street of 53m and a depth of 35.5m, with a total area of approximately 1,883m<sup>2</sup>. The subject land is located near the intersection of Allan Street and Churchill Road, immediately north of George Whittle Reserve. The site has a gentle, though largely negligible, slope from east to west. The site is set down from adjoining properties to the east and south, with existing concrete plinth retaining walls.
- 2.2.2 The site currently accommodates three detached dwellings, each on separate allotments fronting Allan Street, and each of which have ancillary outbuildings to the side or rear. Existing vegetation forward of the dwellings is limited, though some medium height, semi-mature plantings are present to the side and rear of 3 and 5 Allan Street. No regulated trees exist on the subject land or within close proximity on adjoining allotments, with the nearest regulated tree on George Whittle Reserve being greater than 10m from the south-eastern corner of the site.
- 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 applicant proposes the demolition of three existing single storey dwellings and the construction of two three-storey residential flat buildings comprising 22 self-contained dwellings and 24 ground floor car parking spaces.
- 3.2 Each residential flat building contains 11 three storey townhouses with ground floor parking, second bedroom and bathroom facilities complemented by first floor living areas, with bedrooms or a bedroom and living area located on the second floor of each dwelling.

- 3.3 Two new crossovers would be created with the three existing crossovers to be returned to kerb and gutter. Driveway and yard areas would incorporate fencing (of colourbond and timber construction) and landscaping of varying heights.
- 3.4 No other works are proposed. The proposal plans, prepared by Edward Lukac Architect, are attached (refer **Attachments 7-14**).

#### **4. REFERRALS**

##### **4.1 Internal (Advisory) Referrals**

4.1.1 An emphasis on high quality building and landscape design with consideration of urban design principles is a fundamental component of any new development within the Urban Corridor. Accordingly, the proposal was referred to Julian Rutt of Lumen Studio for informal design review in accordance with Council's Design Review Process for Higher Density Development.

4.1.2 Briefly, the comments identified the following (refer **Attachment 15**):

- Proposal consistent with desirable density, with row dwelling format and internal layout resulting in ideal solar orientation and good cross-ventilation.
- Areas set aside for landscaping are suitable and increased passive surveillance of street and adjoining reserve is desirable. While visual privacy is generally well responded to, though amenity of occupiers could be improved with subtle changes to proposed screening.
- Aesthetically the solution goes beyond the minimum response and sets a desirable precedent for similar future developments.

4.1.3 While the crossovers and associated alterations to the Council verge area do not directly form a part of this application, comment was sought from the Infrastructure, Assets and Environment Department in relation to the proposal. Council's Infrastructure and Assets Officer has recommended that appropriate conditions be imposed guiding the future application to the Infrastructure, Assets and Environment Department pursuant to Section 221 of the *Local Government Act 1999*.

4.1.4 It is also noted that Council's Infrastructure and Assets Officer supported the proposed one-way movement of vehicles through the site and the location of access points, subject to the provision of signage confirming site entry and exit points. Such signage forms part of the recommended conditions of consent.

##### **4.2 External (Legislated) Referrals**

4.2.1 No consultation with agencies was required.

#### **5. PUBLIC NOTIFICATION**

5.1 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 Urban Corridor Zone Principle of Development Control 22.

5.2 A residential flat building is a Category 1 development unless: it is located on land adjacent to the Residential Zone or Historic (Conservation) Zone, it would be three or more storeys (or 11.5 metres or more in height) and if it exceeds the 'Building Envelope - Interface Height Provisions' (UCZ PDC 22).

- 5.3 The subject land is not located adjacent either the Residential Zone or the Historic (Conservation) Zone (refer **Attachment 1**).

## **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 Principles 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 It is anticipated that development within the Urban Corridor Zone would enable a high quality mixed use urban environment that contributes to the economic vitality of the City of Prospect 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. (UCZ Desired Character Statement)
- 7.1.2 The above is reiterated by the following Objectives of the Urban Corridor Zone:
- Objective 1:** *A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.*
- Objective 2:** *Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential and commercial development above.*
- Objective 3:** *A mix of land uses that enable people to work, shop and access a range of services close to home.*
- 7.1.3 Furthermore PDC 1 of the zone outlines the types of development, or a combination thereof, which are envisaged within the Zone. A residential flat building is one of the types of development listed, therefore the proposal is considered to be an appropriate type of development.

### **7.2 Site Density**

- 7.2.1 The Boulevard Policy Area anticipates medium and high density housing. This would primarily be in the form of apartment and terrace style dwellings along with mixed-use buildings to accommodate a diversity of dwelling types within the precinct. In order to achieve this, the minimum residential site density for residential development within the Boulevard Policy Area is 100 dwellings per hectare net, unless varied by the Concept Plan. (UCZ PDC 5)
- 7.2.2 The subject site which has an area of 1,883m<sup>2</sup> is not identified within the Concept Plan; therefore the minimum net residential site density would be achieved through the provision of 19 dwellings. The proposal is for 22 dwellings within the two residential flat buildings, therefore satisfying the Development Plan provision.

### 7.3 Traffic and Vehicular Movements

- 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). The number, location and design of access points on public roads should be such as to minimise traffic hazards, queuing on roads, interference with the function of intersections and traffic control devices and intrusion of through traffic into adjacent residential streets (Council Wide PDC 210).
- 7.3.2 Vehicular access to the site would be via a one-way traffic flow, with ingress and egress both from Allan Street to the eastern and western boundaries of the site. Pedestrian access would also be via the driveway ingress. Internal traffic engineering advice confirmed that ingress and egress points must be signed accordingly, but that no particular configuration of these points was more or less desirable.
- 7.3.3 Sufficient areas would be provided on the site to ensure that all vehicles are capable of entering and exiting the site in a forward motion. Passenger vehicles would be capable of entering and exiting each garage in accordance with the relevant Australian Standard. Further, with no access gate proposed, vehicles would not obstruct the roadway while awaiting access to the parking area.
- 7.3.4 With reference to the advice of Council's Infrastructure, Assets and Environment Department and the relevant Australian Standard, it is concluded that the proposed access arrangements provide for safe and convenient vehicle movement, and satisfactorily respond to the relevant provisions of the Development Plan.

### 7.4 Design and Appearance

- 7.4.1 It is anticipated that development within the Urban Corridor Zone would achieve a high standard of architectural design through careful building articulation and fenestration to all visible sides. Building facades would involve the careful use of a diversity of building materials to create a high quality building appearance.
- 7.4.2 Landscaping should consist of low-lying shrubs and trees with relatively clean trunks and high canopies. Street fencing should be articulated horizontally or vertically to provide visual interest, while providing appropriate visual privacy to ground floor dwellings. (UCZ BPA Desired Character Statement)
- 7.4.3 The proposed development is for two three-storey buildings, with building walls setback approximately three metres from all property boundaries. Balconies would protrude from the building to a minimum two metre rear setback and 900mm front setback. The building would be 10 metres in total height above finished ground floor level, which is anticipated to be marginally higher than the level of the adjacent footpath.
- 7.4.4 The proposal provides private north and south facing balconies at first floor level, and north facing balconies at second level, balancing desirable passive surveillance and solar orientation outcomes. Balconies have been integrated into the form and design of the building in accordance with Council-wide PDC 135.
- 7.4.5 The design would provide a reasonably high level of articulation with large balcony and window openings, with suitable variety of materials and finishes to Allan Street while ensuring good levels of internal amenity. Fencing at ground level and protruding balconies at first floor level, in concert with a recessed second floor roof parapet, effectively break down the mass of the building.

Variations in texture and colour and medium height (4-6 metre) landscape plantings forward of the building provide an appropriate level of detail to the streetscape.

- 7.4.6 Fencing would be constructed of 1.8 metre high horizontally clad timber, with contrasting vertical cladding at intervals to relieve its massing. A combination of ground covers and 4-6 metre high semi-mature trees to the Allan Street frontage contribute to visual interest at a pedestrian scale.
- 7.4.7 The external walls would not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists. Internally, the building would feature a green wall to its southern facade to screen adjacent windows and balconies.
- 7.4.8 It is considered that the architectural features of the proposed building, in combination with the diversity of colours and finishes as set out in the elevation drawings and 3d perspective, would provide an appropriate level of visual interest and a high quality built form. The positive comments of Mr Rutt through the design review process are also noted.
- 7.4.9 To ensure a high quality built outcome for the proposal, conditions are recommended reinforcing key design elements, including the varied use of materials set out by the elevation drawings.

## **7.5 Setbacks**

- 7.5.1 Within the Boulevard Policy Area, the minimum setback from the primary road is 3m unless varied by the Concept Plans within Council's Development Plan. For allotments with a frontage width of 20 metres or less, there is no minimum setback for the first 2 levels of a building from a side boundary when adjoining another allotment and a minimum 2m setback is required for all levels above this height. (UCZ PDC 16 and 18)
- 7.5.2 The buildings have been designed to respond appropriately to the above setback criteria. Both buildings would have their wall setback approximately three metres from all property boundaries. Balconies would protrude from the southern building to a minimum two metre rear setback and from the northern building to a 900mm front setback.
- 7.5.3 Intrusions within the 3 metre desirable setback distance to the southern boundary of the site would have limited impact on the adjacent reserve. Intrusions within the 3 metre desirable setback distance to the Allan Street boundary of the site are limited to balcony protrusions of relatively low mass that contribute positively to the appearance of the building when viewed from the streetscape.
- 7.5.4 Given this, the siting of the buildings is supported.

## **7.6 Energy Conservation Measures**

- 7.6.1 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).
- 7.6.2 The dwellings would have a north-south orientation, each with separate balconies facing north. The location of windows and doors would enable high levels of natural light to all rooms while permitting natural cross ventilation. The positive comments of Mr Rutt through the design review process in this respect are noted.

7.6.3 It is anticipated that heating and cooling would be via individual gas hot water systems and air-conditioning units, which would be screened and located on the roof of each dwelling. It is recommended that a condition be placed confirming this if consent is to be granted.

7.6.4 Accordingly, the building design incorporates features to provide adequate thermal comfort to occupants which should not impact on adjoining properties.

## 7.7 Noise Attenuation

7.7.1 It is anticipated that noise and air quality impacts are mitigated through appropriate building design and orientation (UCZ Objective 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. Further, residential buildings should feature adequate separation between the habitable room windows and balconies of other buildings. (Council Wide PDCS 111 and 161)

7.7.2 In addition to the above, the subject land is identified with Map Pr/1 (Overlay 5) for the purpose of noise and air emissions. It is outlined by PDC 1 of the Noise and Air Emissions Overlay that sensitive development located adjacent to high noise and/or air pollution sources should be additionally protected from these additional potential impacts.

7.7.3 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.

7.7.4 The applicant advises that the proposal has been designed to satisfy the requirements for noise and air quality considerations, while also achieving a streetscape outcome with the windows and balconies. The construction of the building would 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.

## 7.8 Private Open Space Provision

7.8.1 Private open space should be provided for each dwelling and should be located so that it is accessible directly from internal living areas. Private open space should be located at ground level where possible and should have sufficient area and shape to be functional. (Council Wide PDC 148).

7.8.2 It is noted that Council Wide PDCs 149 and 152 provide guidance on the extent of private open space areas desired for ground level and above ground level dwellings. Dwellings at ground level with a site area of less than 300m<sup>2</sup> should provide 24m<sup>2</sup> of private open space; with at least 16m<sup>2</sup> of this being at ground level with a minimum 3m dimension and up to 8m<sup>2</sup> of this being above ground level with a minimum 2m dimension. Two bedroom dwellings located above ground level should provide 11m<sup>2</sup> of private open space with a 2m minimum dimension.

7.8.3 While each dwelling would incorporate ground level private open space, internal living areas would be located entirely above ground level. An approach balancing the desires of both provisions is appropriate in the context of the proposed design.

- 7.8.4 The proposal includes areas for each dwelling of 3m x 4m at ground level, and balconies of 1.9m x 4m, 1.2m x 4m and 2.9m x 4m. Each dwelling would therefore provide 12m<sup>2</sup> of private open space with a 3m minimum dimension at ground level and 12m<sup>2</sup> of private open space with a 2m minimum dimension above ground level. A further 13m<sup>2</sup> of private open space would be provided by balconies at first floor level with a less than desirable minimum dimension.
- 7.8.5 All areas of private open space are directly accessible from and well integrated with the building, with the use of stacker and fully opening sliding doors maximising the functionality of outdoor spaces.
- 7.8.6 It is considered that the layout, design and balance of private open space areas are sufficiently functional and respond appropriately to the relevant principles of development control described above.

## **7.9 Car and Bicycle Parking**

- 7.9.1 Within the Urban Corridor Zone, it is anticipated that the provision of car and bicycle parking would be in accordance with Tables Pr/5 and Pr/6 of Council's Development Plan. It is also anticipated that on-site vehicle parking would not be visible from the primary street frontage through the use of design solutions such as locating parking areas behind the front building façade and screening undercroft parking areas with landscaping and articulated screening. (BPA Desired Character Statement)
- 7.9.2 Table Pr/6 outlines an anticipated demand of one bicycle park for every four dwellings, and one bicycle park for visitors for every ten dwellings. Therefore 6 bicycle parks should be provided.
- 7.9.3 With regard to the provision of car parking, 1 car parking space is desired for each 2 bedroom dwelling. An additional 0.25 spaces is desired for each 2 bedroom dwelling for visitor parking. Consequently, the anticipated car parking rate for the 22 dwellings would be 27 car parking spaces, comprised of 22 for occupants and 5 for visitor parking.
- 7.9.4 In total, 24 car parking spaces and opportunities for up to 22 bicycle parking spaces would be provided. Parking for each dwelling would be accessed via a common driveway and located via individual undercroft garages, which would be of a 4.01 metre minimum width to accommodate opportunities for pedestrian access and bicycle parking. Visitor parking would be conveniently accessible in relation to ingress and egress points.
- 7.9.5 The opportunity for on-street parking adjacent the substantial and uninterrupted frontage of the subject site is noted. It is anticipated that on-street parking, in combination with the additional supply of bicycle parking, will adequately address the shortfall in on-site parking provision without requiring a contribution to the Off Street Car Parking Development Fund.

## **7.10 Stormwater Management**

- 7.10.1 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 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 97 and 98)

7.10.2 A coordinated stormwater management plan incorporating rainwater capture, re-use and overflow disposal 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 appropriate that Council receive and assess such a plan. To this end, it is recommended that the consideration of the stormwater design be reserved for further assessment and approval by Council.

## 7.11 Waste Management

7.11.1 It is anticipated that new development would enable 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.

7.11.2 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 PDCs 147, 169 and 170).

7.11.3 A communal waste system would be available for the provision of waste, green waste and recycling within an appropriately sized designated area of the car park, though its management methodology is not described by the proposal plans.

7.11.4 With reference to the *South Australian Better Practice Guide – Waste Management in Residential or Mixed Use Developments*, it can be anticipated that the high density proposal, comprising 22 two bedroom dwellings, would generate 1,320L of general waste, 1,100L of recycling waste and 440L of organic waste per week. If accommodated by co-mingled 240L bins, this would require a minimum of 13 bins to be provided on site.

7.11.5 Given that the designated waste management area would provide a satisfactory storage area for the anticipated volumes of waste, it is recommended that the consideration of the waste management methodology be reserved for further assessment and approval by staff.

## 7.12 Overshadowing

7.12.1 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).

7.12.2 The proposed site configuration would result in the southern building being overshadowed by the northern building. Solar penetration diagrams (refer **Attachments 16-17**) have been prepared by Council staff indicating the extent of shadowing between the hours of 11am and 1pm on June 21<sup>st</sup>. These diagrams confirm that suitable sunlight will be available to the second floor balcony and living area, while first floor living areas would be oriented in a southerly direction to take advantage of views over the adjacent reserve.

7.12.3 The subject site, along with properties directly north and south of the subject site, is identified to be developed at a greater intensity than that of the existing built form. To this end, the provisions of Council Wide PDC 78 are reflected in UCZ PDC 15, but are only directly applicable at the zone boundary. These PDCs express a desire that the north facing windows of an adjacent dwelling receive at least three hours of sunlight for a minimum of 3 hours, and that at least 35m<sup>2</sup> of

adjacent ground level open space receive at least 2 hours of direct sunlight, between the hours of 9:00am and 3:00pm on 21 June.

- 7.12.4 While the PDCs mentioned above do not directly apply to the proposal, both provide a useful test of the potential impact to the existing neighbouring dwelling of single storey construction at 53 Devonport Terrace. To this end, the north facing windows of the dwelling would receive direct sunlight between 10:00am and 3:00pm. Further, a 50m<sup>2</sup> fenced area of private open space to the rear of the dwelling would receive direct sunlight between 12:00pm and 3:00pm. The proposal would thus satisfy both provisions.
- 7.12.5 Given the above, the proposal is anticipated to minimise overshadowing impacts to adjoining properties such that they would not be unreasonable and provide suitable sunlight penetration for internal occupant amenity.

### 7.13 Visual Privacy

- 7.13.1 It is anticipated that a variety of measures should be used to minimise direct overlooking into adjacent internal living and private open space areas. Such measures should be integrated into the overall building design and should have minimal negative effect on the amenity enjoyed by the occupants of neighbouring dwellings (Council Wide PDC 139).
- 7.13.2 It is noted that the commonly used 1.7m and 1.8m high privacy screens for windows and balconies referred to in Council Wide PDC 90 are specifically excluded for buildings that are three or more storeys in height in the Urban Corridor Zone.
- 7.13.3 South facing balconies to the northern (front) building would feature screening from the top of the solid balustrade to the ceiling comprised of horizontal louvres. In combination with 1.7m high awning windows, these treatments to the southern side of the northern building protect the privacy of the occupants of both buildings while allowing the southern (rear) building to maximise northern sunlight penetration.
- 7.13.4 It is noted that south facing windows and balconies on the southern (rear) building are treated with those same measures described above in relation to the northern (front) building. While this is desirable for the portion of the site adjacent 53 Devonport Terrace, it would be desirable that the remainder of the site increase passive surveillance of the reserve by altering its approach to balcony screening.
- 7.13.5 Through the design review process, Mr Rutt has recommended that the applicant might consider the use of angled vertical louvres that prevent oblique views to the rear yard of 53 Devonport Terrace but maximise views obtainable over the reserve. It is also recommended that the height of these screens be decreased from the current ceiling height to a maximum of 1.7m. The applicant has indicated that they would be happy to make these changes during the preparation of working drawings if desirable. Under the circumstances, it is considered appropriate to impose a condition giving effect to Mr Rutt's recommendations.
- 7.13.6 Floor to ceiling walls to the east and west of all balconies would protect the visual privacy of adjoining dwelling occupants within the site appropriately.
- 7.13.7 Given the above and subject to the imposition of suitable conditions, it is considered that visual privacy treatments have been appropriately considered.

## 8. CONCLUSION

- 8.1 The proposal seeks to establish a medium-high density residential land use on the subject land. The buildings would be three storeys in height, which is between the minimum and maximum heights anticipated by Council's Development Plan.
- 8.2 The proposal would generally achieve the required 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 privacy and noise impacts would be moderated through good design and noise attenuation techniques. The design merits have also been commended by Mr Rutt through the design review process.
- 8.3 Vehicular access would be provided from a side street, with all vehicles travelling through the site in one direction. The anticipated car and bicycle parking demands of the proposal would not be met entirely on-site, though suitable opportunities for on-street parking are present in close proximity to the site.
- 8.4 The application is therefore 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.

## 9. 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 050/112/2014 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 050/190/2015 from Edward Lukac for Two, Three Storey Residential Flat Buildings Comprising 22 Dwellings with Associated Fencing and Landscaping at 3-7 Allan Street, Prospect (CT 5077/419, 5512/362 & 5788/250), subject to the following reserved matter, conditions and notes (which may be added to or varied by Council staff on satisfaction of the reserved matters):

**The following detailed information shall be submitted for further assessment and approval by Council as reserved matters pursuant to Section 33(3) of the *Development Act 1993*:**

1. A detailed design of the stormwater management system by a suitably qualified civil engineer, including appropriate provisions for rainwater capture and reuse.
2. Detail on the methods to be used for ongoing general waste management, including the appropriate storage and collection of putrescible waste, green (organic) waste and recyclable materials.

### **Conditions:**

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application number 050/190/2015, 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. Any difference in finished ground levels between the subject site and adjoining sites at the boundary shall be retained by an appropriate wall or plinth of masonry, concrete or similar construction. Retaining walls must be designed to accepted engineering standards and will not be of timber construction if retaining a difference in ground levels exceeding 200 mm.
4. 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.
5. 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.
6. 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.
7. Amended plans shall be provided prior to the granting of full development approval and to the satisfaction of Council showing amendments to the south-facing louvred privacy screens of Dwellings 12-22. These amendments shall result in the screens being a maximum of 1.7m in height above the finished floor level of the related balconies and which maximise views of the adjoining reserve by the use of vertical louvres as appropriate.
8. 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.
9. The building must be maintained, kept tidy, free of graffiti and in good repair and condition at all times.
10. The vehicle entry and exit access points shall be clearly signed and line marked to ensure one way traffic flow only through the site.
11. 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.
12. The surfacing of the car park, line marking and directional arrows shall be maintained to the reasonable satisfaction of Council at all times.

13. Lighting to 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.
14. The Infrastructure Assets and Environment dept have no issues with the proposed development under the provision that all works on Council land are conducted to Councils specification, all works are bunted off safely and pedestrian safety is maintained throughout the construction period. Plantings will also need to be undertaken in line with council specifications in terms of sight distance interference and safety to the community (thorns/poisonous plantings). Plans displaying all relevant details of the Road/Kerbing/Footpath Works shall be submitted to the Assets and Infrastructure Officer for approval prior to the commencement of any such works.

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.
15. All landscaping areas shall be 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.
16. 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.
17. 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.

18. 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.

#### 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 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

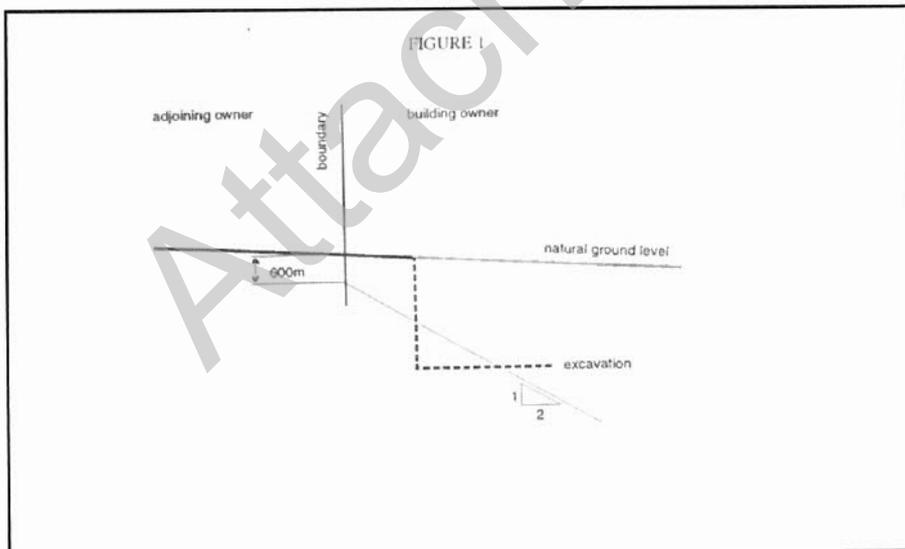
- an excavation which intersects any notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between 2 sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth 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;

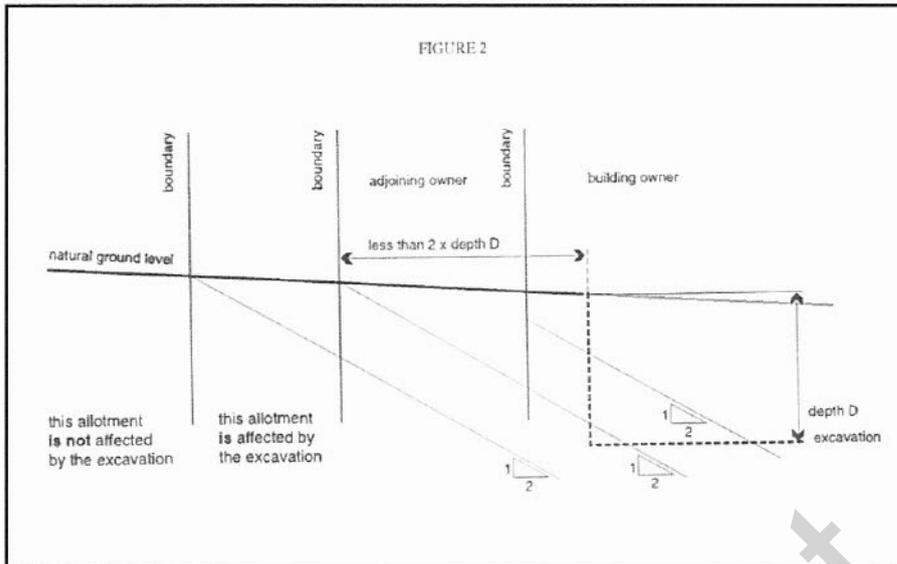
Then you (the building owner) must, at least 28 days before the building work is commenced:

- 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.





**Scott McLuskey**  
Senior Development Officer, Planning

Attachment

**AGENDA ITEM:** 5.5

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

**From:** Scott McLuskey, Senior Development Officer, Planning

**Proposal:** Variation to Previous Development Plan Consent 050/3/2015 (Alterations to Façade of Two Storey Detached Dwelling) (DA 050/309/2015)

**Address:** 39 Barker Road Prospect (CT 5455/781)

---

**SUMMARY:**

**Applicant:** Caitlin Wegener

**Owner:** Mr M & Mrs L Harris and Mr S & Mrs C Wegener

**Planning Authority:** Council

**Mandatory Referrals:** Nil

**Independent Advice:** Nil

**Public Notification:** Category 1

**Representors/Submissions:** Not applicable

**Respondent:** Not applicable

**Development Plan Version:** Consolidated 12 February 2015

**Zone and Policy Area:** Residential Zone (A560 Policy Area)

**Key Considerations:** Design and Appearance

**Recommendation:** **Refusal**

---

**ATTACHMENTS:**

<a href="#"><u>Attachment 1</u></a>	Development Application Form
<a href="#"><u>Attachment 2</u></a>	Locality Map
<a href="#"><u>Attachments 3-5</u></a>	Photographs of Locality
<a href="#"><u>Attachments 6-8</u></a>	Proposal Plans
<a href="#"><u>Attachments 9-14</u></a>	Previously Approved Plans
<a href="#"><u>Attachments 15-20</u></a>	Applicant's Submission

## **1. EXECUTIVE SUMMARY**

- 1.1 Variations to the front façade of a previously approved two storey detached dwelling are proposed at 39 Barker Road Prospect. These variations would introduce moulded parapets to the ground level of the dwelling while creating a central 7.3m high portico feature.
- 1.2 The proposal did not require public notification or referral to any other agency, and further independent advice regarding the proposal was not sought. The built form character of the locality and the appearance of the dwelling from the street are the key considerations as the proposal would not alter the approved layout, floor area, height or setbacks of the dwelling.
- 1.3 The proposed variations would result in the appearance of the dwelling being at odds with the typically well maintained, character houses within the locality. The proposal therefore does not warrant development plan consent.

## **2. BACKGROUND**

- 2.1 Preliminary advice was provided between May and September 2014 in relation to concept plans for a Two Storey Detached Dwelling at the subject land. Following this, a revised form of the Two Storey Detached Dwelling, with associated Cellar, Verandah, Swimming Pool and Safety Fencing, received Development Plan Consent on 13 April 2015.
- 2.2 The consent was subject to conditions regarding visual and acoustic privacy, and stormwater management. A further three reserved matters were imposed with respect to finishes, swimming pool safety fencing and detailed stormwater system design. The previously approved plans are included at **Attachments 9-14**.
- 2.3 It is noted that the previous proposal was assessed against the Development Plan consolidated 31 October 2013, whereas the variation is assessed against the Development Plan as consolidated 12 February 2015. The amendments to the Development Plan have not materially affected the provisions relevant to the subject land and proposal.

## **3. LOCALITY**

- 3.1 The extent of the locality includes the properties along Barker Road within approximately 100 metres of the site, extending from the Lillian Street intersection to the McCrea Street intersection. It is noted that the adjoining properties to the rear of the subject land on Alpha Road were relevant to the assessment of the original proposal, but are not directly relevant to the variation application.
- 3.2 The locality is one of high amenity and is characterised by mainly single storey detached dwellings of bungalow, villa and tudor styles that reflect key periods of establishment and expansion in this area. 13 of the 23 dwellings within the locality are of a villa or bungalow style, with cottage, tudor and various more modern infill styles comprising the remaining 10 dwellings. Two storey dwellings principally comprise original dwellings with later, recessed upper storey additions, though two notable departures to this form are present within proximity of the subject land.
- 3.3 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan is described in **Attachment 2**. Images of the locality are included at **Attachments 3-5**.

#### **4. PROPOSAL DESCRIPTION**

- 4.1 The proposal is for variations to the street-facing façade of a two storey dwelling that is the subject of a current, valid development plan consent. The variations would introduce a rendered parapet moulding to the ground floor of the building, concealing a previously exposed area of pitched roof, while also extending the vertical scale of a prominent portico feature that would incorporate multiple moulded bands. The proposal plans are included at **Attachments 6-8**, as is an accompanying submission by the application (**Attachments 15-20**).

#### **5. PLANNING COMMENTARY**

- 5.1 The proposal currently before the DAP is an application for the variation of a development authorisation, pursuant to Section 39(6) of the Development Act, in that it seeks to vary the appearance of the dwelling as presently authorised. Section 39(7)(b) of the Act describes that such an application is to be treated as a new application for development authorisation, to the extent of the proposed variation only.
- 5.2 As alluded to above, the proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 13 of the Residential Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 5.3 As the proposed variations would involve building work, 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.
- 5.4 It should also be noted that the assessment of a variation application is limited solely to those matters forming part of the proposed variation (Section 39(7) of the Act) and therefore cannot reconsider the previously approved building, or the conditions and reserved matters imposed in relation to it.

#### **6. PUBLIC NOTIFICATION**

- 6.1 The variation application would involve building work and its nature and categorisation must therefore be determined. To this end, the application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993* and Schedule 9 of the *Development Regulations 2008*.
- 6.2 Additions and alterations to a dwelling are a Category 1 form of development except where the proposal would be non-complying. As noted above, the proposal is neither a complying nor a non-complying form of development.

#### **7. ASSESSMENT**

##### **7.1 Design and Appearance**

- 7.1.1 A number of components of the Desired Character Statement seek to guide the appearance of development with regard to the scale of buildings, consistency of setbacks, the use of materials, roof pitch and architectural detailing that responds to the predominant character of buildings in the locality. Dwellings should incorporate similar roof profiles as well as respect the detailing of the original buildings, such as front verandahs, by utilising contemporary architectural detailing which makes reference to these key elements.

- 7.1.2 Further, future development in the A560 Policy Area should be complementary to the predominant established character of the Policy Area and should comprise or address the following key elements/attributes:
- (a) the use of a single storey building scale and vertical proportions ie total height above natural ground level and height of eaves, consistent with residential design forms typical of the area;
  - (b) the establishment of side, front and rear building setbacks consistent with those dwellings on adjacent sites, that promote retention of mature trees and the creation of generous landscaped gardens that contribute to the established streetscape character;
  - (c) the use and combination of materials and finishes that respond to the predominant character of the area created by the use of brick, stone and rendered finishes and architectural detailed design addressing fenestration, doorways, window and eaves;
  - (d) use of roof forms and features, including materials, design and pitch which are consistent with those predominating in the locality; and
  - (e) the use of open style front fences and plantings to define the public realm and private property boundary. (Policy Area A560 DCS)
- 7.1.3 Where dwellings within the locality are of a two storey scale, it is typical that the upper floor is recessed from ground floor walls, as shown in Appendix 2 of the applicant's submission. This is typically a result of such dwellings having featured a second storey addition to an existing dwelling rather than the construction of a newer two storey dwelling.
- 7.1.4 Two notable buildings within the locality depart from this form. While the two storey residential flat building at 41 Barker Road (facing Peel Street) is substantially departed from the desirable character of the policy area, its presence has limited effect on the streetscape character of Barker Road. Further, the two storey detached dwelling at 27 Barker Road was approved under a differing policy regime and features protruding ground floor gable ends and material finishes that are somewhat sympathetic to the form and appearance of the 1910-1940s dwellings characteristic of the locality.
- 7.1.5 The original proposal featured a horizontally and vertically protruding ground floor portico, with the upper storey wall recessed behind a ground floor roof form. It is noted for clarity that a carport now shown to the west of the dwelling was not shown on the original front elevation due to its substantial setback from the building line.
- 7.1.6 It is acknowledged, as highlighted in the applicant's submission, that several dwellings within the locality feature protruding flat roof porticos in the art deco style. It must be noted however that each such dwelling is of single storey scale, featuring adjacent gable end and hipped roof features with a pitched roof behind. Further, this style is not common to the locality or local area and these dwellings therefore **do not contribute as positively as others to the desired character**.
- 7.1.7 With respect to its width and the accompanying lack of ground floor roof forms and protrusion, the proposed parapet moulding is not sympathetic to the scale or form of dwellings featuring art deco style porticos within the locality.
- 7.1.8 While the articulation of the original proposal is retained, the massing of the portico element in particular, as well as the introduction of architectural features unsympathetic to the locality, are not supported by staff. The ground floor roof is of importance in breaking down the scale of the building, as well as referencing the characteristic form of two storey dwellings described in paragraph 6.1.2.

## 8. CONCLUSION AND RECOMMENDATION

The proposed variation would depart from the desired character of the policy area as a result of the varied roof form and detailing proposed. Thus, the proposal would not suitably maintain or complement the established streetscape and built form character of the policy area to the extent sought by the relevant provisions of the Development Plan. It is therefore 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 050/309/2015 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 050/309/2015 from Caitlin Wegener for Variation to Previous Development Plan Consent 050/3/2015 (Alterations to Façade of Two Storey Detached Dwelling) at 39 Barker Road Prospect (CT 5455/781), as the proposal would:

- Fail to suitably complement the existing streetscape and built form character of its locality.

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

- Council Wide Objectives 29;
- Council Wide Principles of Development Control 45, 50, 21 and 63;
- Residential Zone Principles of Development Control 1 and 10;
- Residential Policy Area A560 Desired Character Statement;
- Residential Policy Area A560 Objective 1; and
- Residential Policy Area A560 Principle of Development Control 1.

### **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).



**Scott McLuskey**  
Senior Development Officer, Planning


**CITY OF PROSPECT  
Development Services**

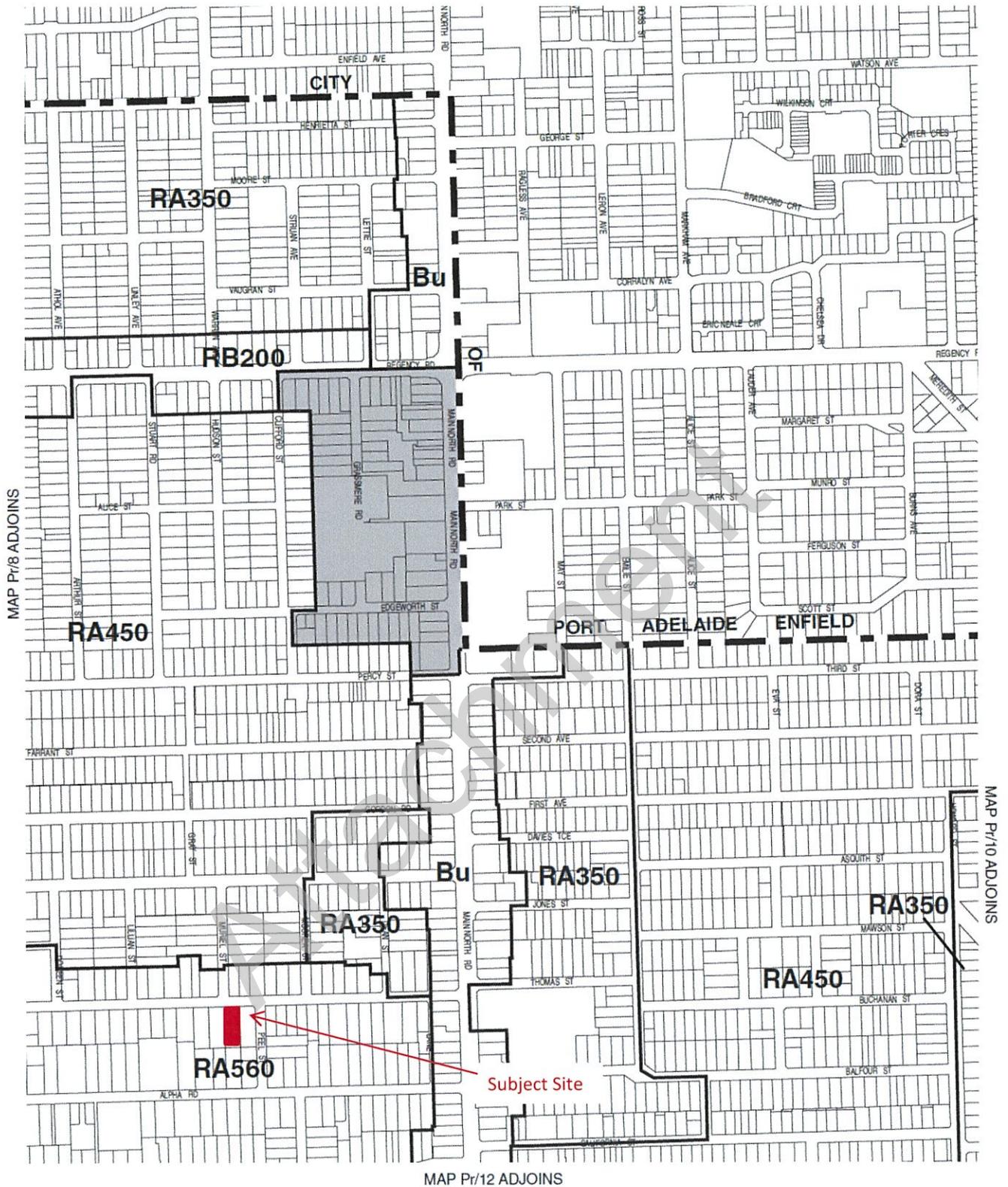
 128 Prospect Road, Prospect SA 5082  
 Telephone (08) 8269 5355 Facsimile (08) 8269 5834

22 JUL 2015

**Development Application Form**

<b>Application no.: 050 /</b>		(Office Use Only)
<b>1. Application Type (select one)</b>		
<input checked="" type="checkbox"/> Development Plan Consent only <input type="checkbox"/> Building Rules Consent only <input type="checkbox"/> Full Development Approval		
<b>2. Location of Proposed Development</b>		
Unit #:	House #: 39	Street: BARKER RD
Suburb: PROSPECT	Postcode: 5082	CT Volume & Folio:
<b>3. Details of Parties</b>		
<b>Applicant</b>		
Name: CAITLIN WEGENER	Address: 793 CAWLER - ONE TREEHILL RD VATTALONG SA 5114	
Contact No.:	Email:	
<b>Owner</b> <input checked="" type="checkbox"/> as applicant		
Name:	Address:	
Contact No.:	Email:	
<b>Builder</b> <input type="checkbox"/> owner builder <input type="checkbox"/> as applicant <input checked="" type="checkbox"/> to be advised <input type="checkbox"/> other		
Name:	Address:	
Contact No.:	Email:	
Builders Licence Number:		
<b>4. Proposal Details</b>		
Description of proposal: Variation to facade of house		
Existing use of property: RESIDENTIAL		
Estimated cost of development: \$ 0		
<b>5. Declarations</b>		
• Building Rules Classification sought:		Present Class:
• Proposed number of employees (for Class 5, 6, 7, 8 or 9):		
• Proposed number of persons for whom accommodation is provided (Class 9a only):		
• Proposed number of occupants on the premises (Class 9b only):		
• Does Schedule 21 or Schedule 22 of the <i>Development Regulations 2008</i> apply (activities of environmental or major environmental significance)?		<input type="checkbox"/> yes <input type="checkbox"/> no
• Has the Construction Industry Training Board (CITB) levy been paid?		<input type="checkbox"/> yes <input type="checkbox"/> no
I acknowledge that Council may make copies of this application and documentation in accordance with the <i>Development Regulations 2008</i> and <i>Development Act 1993</i> . Details forming part of the application may be included in a Development Assessment Panel agenda published on Council's website.		
If published, I request that Council obscures my telephone number and email address.		<input type="checkbox"/> yes <input type="checkbox"/> no
I have sought permission from the architect/engineer to allow reproduction of the application documents for provision to third parties.		<input type="checkbox"/> yes <input type="checkbox"/> no
Name: CAITLIN WEGENER	Signature:	Date: 21/7/15
<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Builder		

2



- RA560 Residential Policy Area A560
- RA450 Residential Policy Area A450
- RA350 Residential Policy Area A350
- RB200 Residential Policy Area B200
- Bu Business

- Policy Area Boundary
- Development Plan Boundary
- Area not covered by Policy

Scale 1:8000



# PROSPECT COUNCIL POLICY AREAS MAP Pr/9





Adjacent dwellings to the subject land (41 and 37 Barker Road Prospect, respectively)



Dwellings to the northern side of Barker Road, directly opposite the subject land



Dwellings to the northern side of Barker Road, west of the subject land



Dwellings to the southern side of Barker Road, east of the subject land

Attachment



FRONT ELEVATION

SCANNED  
22 JUL 2015  
CITY OF PROSPECT

AMENDED PLAN



EAST ELEVATION 1:100



FRONT ELEVATION 1:100

# AMENDED PLAN

salvatore marzullo  
building design

196 GILBERT STREET, ADELAIDE SA 5000  
Ph: 0412 603 902 email: s.marzullo@bigpond.com

PROPOSED RESIDENCE  
AT: 39 BARKER ROAD, PROSPECT  
FOR: S. WEGENER

Drawn **SM** Not for construction purposes unless stamped FOR CONSTRUCTION. Verify Dimensions and levels on site before setting out. Do not scale. Refer to figured dimensions - in mm unless otherwise stated.

Scales @ A3 **1 : 100**

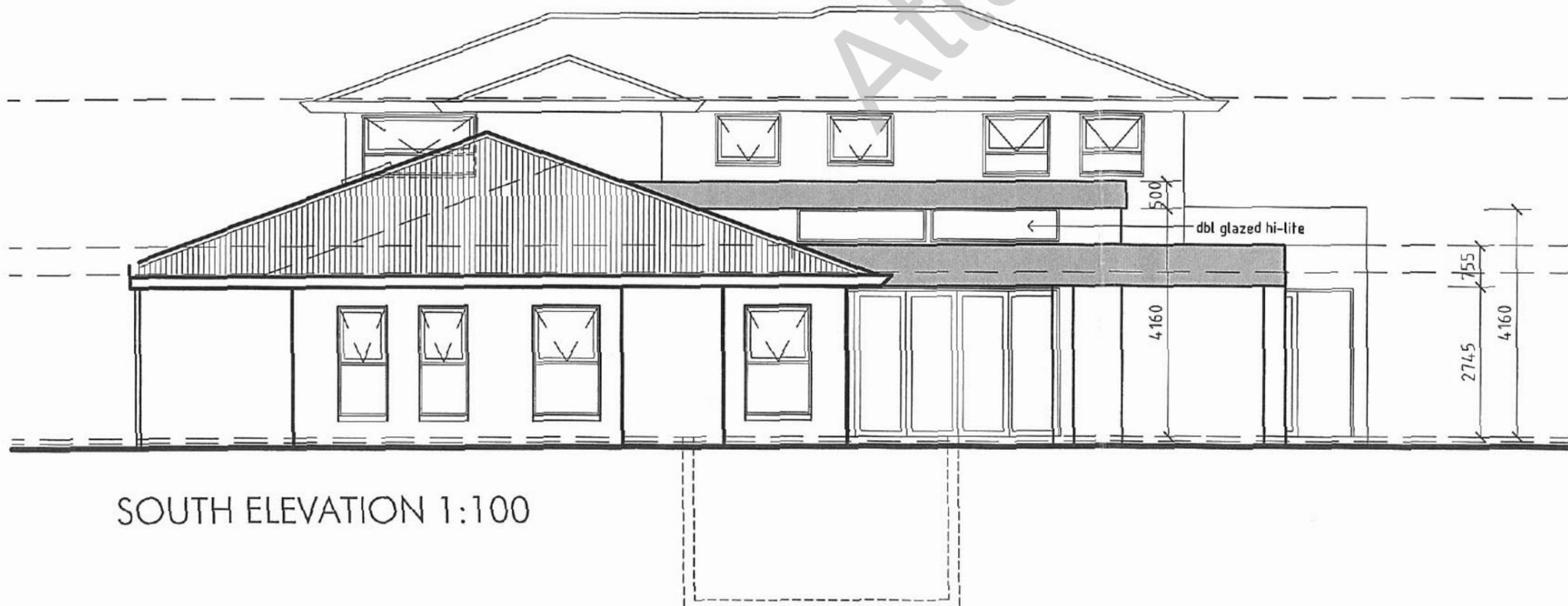
Issue date

© COPYRIGHT 2014

project no.	drawing no.	revision
<b>SM-374</b>		<b>F</b>



WEST ELEVATION 1:100



SOUTH ELEVATION 1:100

# AMENDED PLAN

salvatore mazullo  
building design

196 GILBERT STREET, ADELAIDE SA 5000  
Ph: 0412 603 902 email: s.marzullo@bigpond.com

PROPOSED RESIDENCE  
AT: 39 BARKER ROAD, PROSPECT  
FOR: S. WEGENER

Drawn **SM**  
Scales @ A3 **1 : 100**  
Issue date  
© COPYRIGHT 2014

Not for construction purposes  
unless stamped FOR  
CONSTRUCTION.  
Verify Dimensions and levels on site  
before setting out.  
Do not scale.  
Refer to figured dimensions - in mm  
unless otherwise stated.

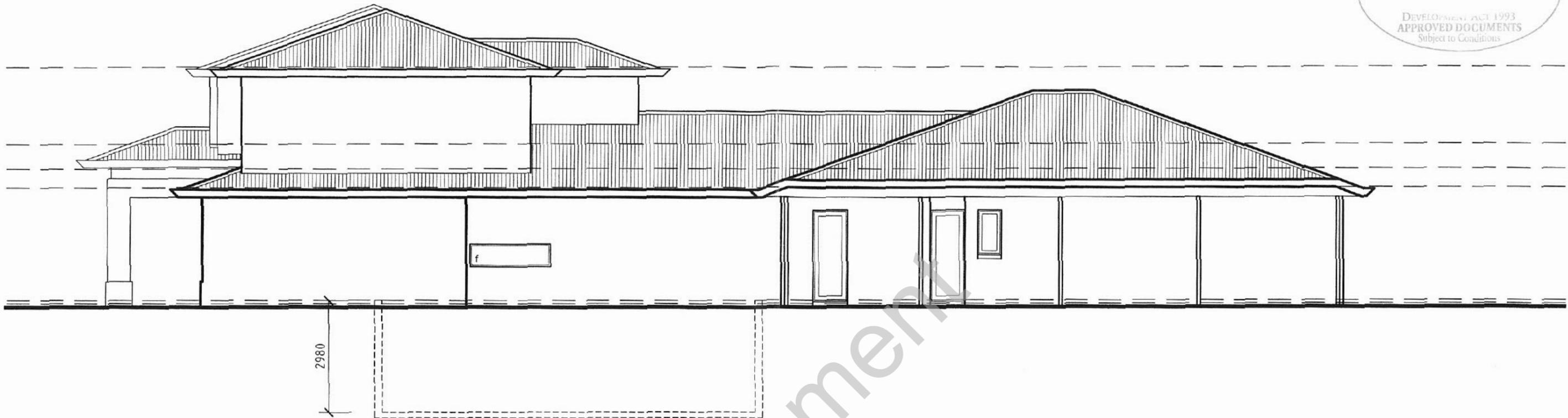
project no.  
**SM-374**

drawing no.

revision  
**F**



**FILE COPY**



WEST ELEVATION 1:100



SOUTH ELEVATION 1:100

salvatore marzullo  
building design

196 GILBERT STREET, ADELAIDE SA 5000  
Ph: 0412 603 902 email: s.marzullo@bigpond.com

PROPOSED RESIDENCE  
AT: 39 BARKER ROAD, PROSPECT  
FOR: S. WEGENER

Drawn **SM** Not for construction purposes unless stamped FOR CONSTRUCTION. Verify Dimensions and levels on site before setting out. Do not scale. Refer to figured dimensions - in mm unless otherwise stated.

Scales @ A3 **1 : 100**

Issue date

© COPYRIGHT 2014

project no. **SM-374** drawing no. revision

**FILE COPY B**



EAST ELEVATION 1:100



FRONT ELEVATION 1:100

salvatore mazullo  
building design

196 GILBERT STREET, ADELAIDE SA 5000  
Ph: 0412 603 902 email: s.mazullo@bigpond.com

PROPOSED RESIDENCE  
AT: 39 BARKER ROAD, PROSPECT  
FOR: S. WEGENER

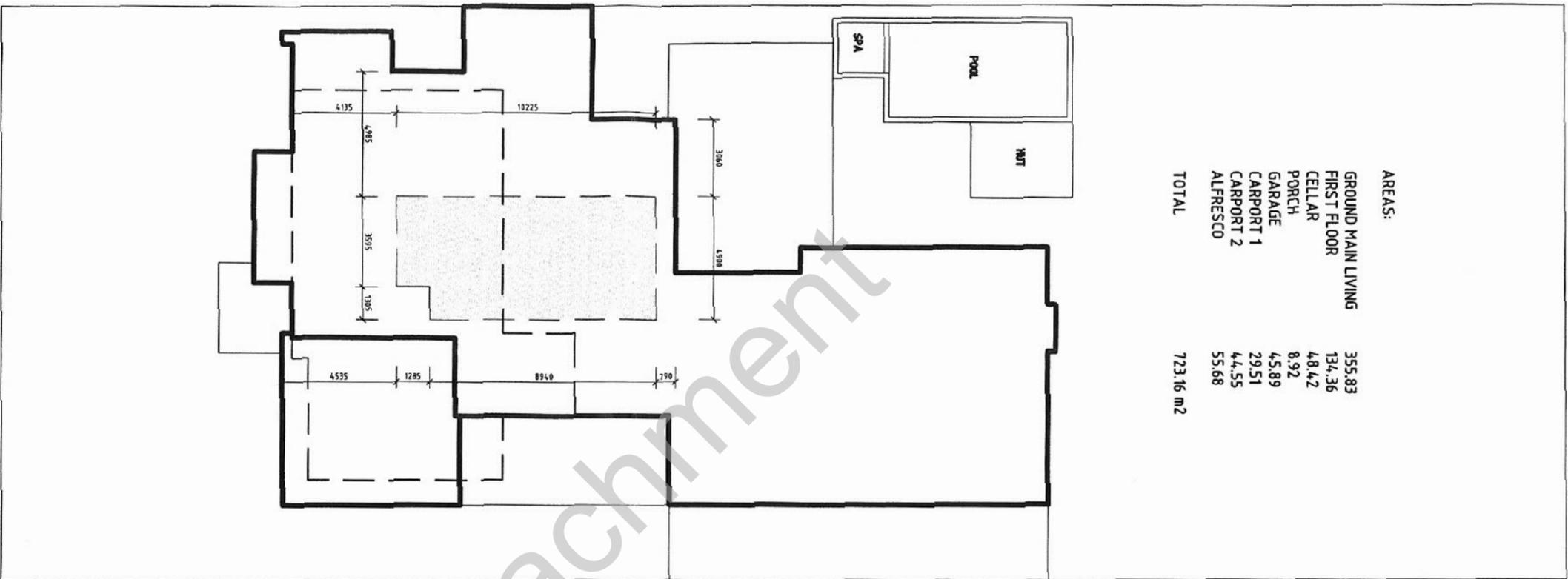
Drawn **SM**  
Scales @ A3 **1:100**  
Issue date  
© COPYRIGHT 2014

Not for construction purposes  
unless stamped FOR  
CONSTRUCTION.  
Verify Dimensions and levels on site  
before setting out.  
Do not scale.  
Refer to figured dimensions - in mm  
unless otherwise stated.

project no.  
**SM-374**

drawing no. revision

**FILE COPY B**



SITE PLAN 1:200

Attachment



**salvatore mazullo**  
 building design

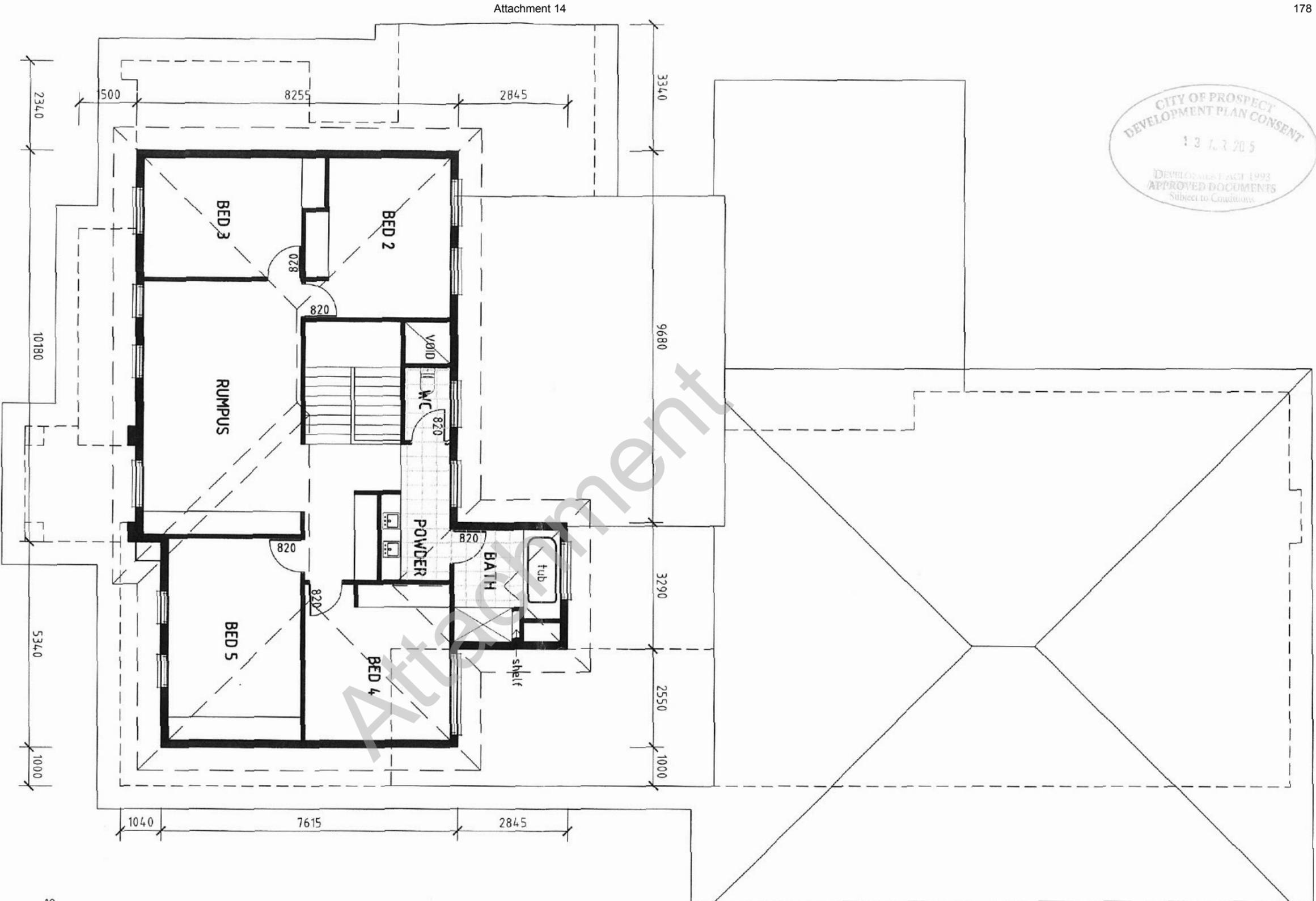
196 GILBERT STREET, ADELAIDE SA 5000  
 Ph: 0412 603 902 email: s.mazullo@bigpond.com

PROPOSED RESIDENCE  
 AT: 39 BARKER ROAD, PROSPECT  
 FOR: S. WEGENER

Drawn	<b>SM</b>	Not for construction purposes unless stamped FOR CONSTRUCTION.
Scales @ A3	<b>1 : 100</b>	Verify Dimensions and levels on site before setting out.
Issue date	<b>© COPYRIGHT 2014</b>	Do not scale. Refer to figured dimensions - in mm unless otherwise stated.
project no.	<b>SM-374</b>	drawing no.
		revision
		<b>B</b>

FILE COPY





FILE COPY

**salvatore mazzullo**  
building design

196 GILBERT STREET, ADELAIDE SA 5000  
Ph: 0412 603 902 email: s.mazzullo@bigpond.com

PROPOSED RESIDENCE  
AT: 39 BARKER ROAD, PROSPECT  
FOR: S. WEGENER

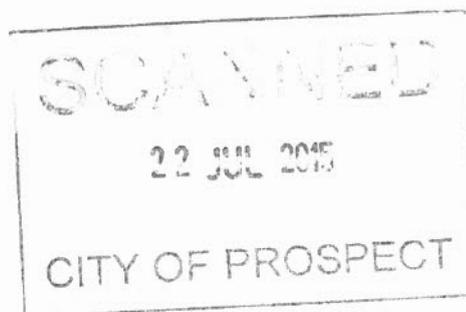
Drawn	<b>SM</b>	Not for construction purposes unless stamped FOR CONSTRUCTION.
Scales @ A3	1 : 100	Verify Dimensions and levels on site before setting out.
Issue date	© COPYRIGHT 2014	Do not scale.
project no.	<b>SM-374</b>	Refer to figured dimensions - in mm unless otherwise stated.
drawing no.		
revisor	<b>B</b>	

FIRST FLOOR PLAN 1:100

793 Gawler-One Tree Hill Road  
Yattalunga SA 5114

20th July 2015

Prospect Council Office  
128 Prospect Road  
Prospect  
SA 5082



To Development Assessment Panel ,

We have applied for a variation to the facade of our new home at 39 Barker Rd, Prospect.

We have walked along Barker Road many times over the last few years, and what is quite prominent is the number of different house styles and facades that you can see, making it a very unique street. These include bungalows, villas, cottages, tudors, art deco, conventional, double storey reproduction and modern, with the common building materials being mostly brick veneer, rendering, stone, and steel or tiled roofs. The houses also range in age from the early 1900's up until 2012.

We believe our house will be a perfect addition to street.

The design already comprises a few key features from the houses already on Barker Rd –

- High prominent Portico which is a key feature of the tudor.
- Double Rectangle windows, which are commonly seen in Villas, and Return Villas.
- 2<sup>nd</sup> storey roof profile typical of cottages.

Our variation is changing the roof profile of the bottom storey. This change is to a parapet wall, which has already been incorporated into four other houses on Barker rd (See Appendix 1).

There will also be heritage/traditional style mouldings on the top of the parapet wall to form the break between the 2 storeys, in order to keep the top storey less prominent.

The reason for our variation from the original roof profile, is primarily due to aesthetic reasons. We believe the parapet and heritage style mouldings are more architecturally appealing.

The mouldings will provide a clear heritage feel to the house, which is a key feature in Barker Rd, and in the Prospect zone. These mouldings are also frequently found in other heritage areas like Medindie, Unley and Hyde Park. A lot of houses along barker road have key features within their facade, some unique to their house. These may be in their roof profile, porticos, window architraves or by the combination of different materials. Therefore we feel our house will still blend comfortably within barker rd.

The central feature on the upper storey has been designed to compliment and emphasize the prominent portico. This feature is very similar to that already seen in a double storey house on Barker Rd (see Appendix 2)

We are also dedicated to some extensive landscaping in the front yard, including ornamental pears and hedging plants along the side boundaries, front fence and along the driveway, and two maple leaf trees either side of the front portico. These will soften any impact the upper storey and roof profile has from the street. We have included a drawing to portray this.

Finally the facade will also consist of a stone tile which will feature across most of the front of the house. This stone look, being a classic feature of the early 1900 homes, provides that vital link to Barker Rd, which along with the heritage style mouldings, will enable it to fit perfectly within this beautiful and street.

Yours Sincerely,



Caitlin Wegener

(On behalf of Michael and Louise Harris & Simon Wegener)

Attachment

# Appendix 1







## Appendix 2



**AGENDA ITEM:** 5.6

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

**From:** Susan Giles, Development Officer, Planning

**Proposal:** Six Two-Storey Dwellings, front fencing and associated landscaping (DA 050/158/2015)

**Address:** 96-98 Gladstone Road, Prospect (CT 6097/588 and CT 5178/70)

---

**SUMMARY:**

**Applicant:** Mr Elvio Ferrara

**Owner:** Mr Antoine Haddad

**Planning Authority:** Council

**Mandatory Referrals:** Nil

**Independent Advice:** Nil

**Public Notification:** Category 2

**Representations/Submissions:** Two  
 Ms H Tramountana, owner of 100 Gladstone Road  
 (to be heard by Ms J Takianos)  
 Mr B Philpott, on behalf of occupiers of 100 Gladstone Road

**Respondent:** Mr L Fantasia on behalf of the owner

**Development Plan Version:** Consolidated 12 February 2015

**Zone and Policy Area:** Residential Zone (Policy Area A350)

**Key Considerations:** Site Area, Overshadowing, Traffic Movement

**Recommendation:** **Approval, Subject to conditions**

---

**ATTACHMENTS:**

<u>Attachment 1</u>	Development Application Form
<u>Attachments 2-5</u>	Certificate of Title
<u>Attachments 6-7</u>	Locality plans
<u>Attachments 8-10</u>	Photos of site
<u>Attachments 11-13</u>	Proposal plans (including Landscaping Plan)
<u>Attachments 14-15</u>	3D perspectives
<u>Attachments 16-30</u>	Report prepared by Town Planner
<u>Attachments 31-36</u>	Representations/Submissions
<u>Attachments 37-42</u>	Response to Representations from Town Planner
<u>Attachments 43-45</u>	Overshadowing diagrams
<u>Attachment 46</u>	Superseded plans

## **1. EXECUTIVE SUMMARY**

- 1.1 The proposal is for the construction of six two-storey self-contained dwellings located on two allotments within the A350 Policy Area. Public notification was undertaken to adjacent properties, with two representations received against the proposal.
- 1.2 The key considerations of the application are in regard to the proposed site density, setbacks, private open space, site coverage, car parking and vehicular access, landscaping, external design and appearance, overshadowing and privacy controls.
- 1.3 The proposal falls short on achieving the minimum site area and private open space desired for residential allotments within the A350 Policy Area, however would provide adequate car parking, setbacks and a built form that would be sympathetic to the existing streetscape. Additionally, the proposal would provide additional housing types within the Residential Zone to meet the diversity of the growing population, while not resulting in an unreasonable impact to the adjoining properties. It is therefore recommended that the proposed development is supported.

## **2. LOCALITY AND SUBJECT LAND**

### **2.1 Locality**

- 2.1.1 The locality is residential in nature, with a range of housing styles. With the exception of 102 Gladstone Road, all the dwellings within the street are of a single storey nature. The setbacks of the dwellings to Gladstone Road are relatively consistent, with most allotments having established landscaped front yards.
- 2.1.2 The allotments on the southern side of Gladstone Road are relatively the same size and shape and for the most part retain the original dwellings. The allotments are approximately 28m deep. On the northern side of Gladstone Road the allotments are larger and double in size, having a depth of approximately 57m. Some of the allotments on the northern side of Gladstone Road have been redeveloped to support detached dwellings, semi-detached dwellings and hammerhead style developments.
- 2.1.3 The subject site is close to Churchill Road, while the Prospect Primary School is located approximately 330m east of the site.
- 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 owner and occupier who have lodged a representation, is described in **Attachment 6**.

### **2.2 Subject Land**

- 2.2.1 The subject land is located 40m east of Churchill Road. The land comprises two allotments with a total area of 1728m<sup>2</sup>, with a frontage of 30.48m to Gladstone Road and a depth of 56.7m. The land is relatively flat.
- 2.2.2 The site is currently vacant, with no regulated or significant trees on the subject land or within close proximity on adjoining allotments.
- 2.2.3 The subject land is located within the Residential Zone, Policy Area A350. The allotment directly abuts the Urban Corridor Zone, with the dwellings to the west being within the Urban Corridor Zone, Boulevard Policy Area.

2.2.4 The subject land is illustrated on **Attachment 7**. Photographs of the subject land are also include for the DAP's reference (refer **Attachments 8-10**).

### **3. PROPOSAL DESCRIPTION**

- 3.1 The proposal comprises the construction of 6 two storey dwellings and front fencing. There would be one vehicular crossover and the dwellings would share a common driveway. Three of the dwellings would face Gladstone Road and three of the dwellings would be to the rear of the site.
- 3.2 Externally, the dwellings facing Gladstone Road would be joined together, yet have separate roofs. The ground floor would comprise an open plan kitchen, dining and living area. On the first floor there would be 2 bedrooms, 2 bathrooms, a living area and a balcony. Each dwelling would have a double garage located to the rear of the dwellings, which would be single storey and linked to the dwellings via the laundry.
- 3.3 The dwellings to the rear would each comprise a single garage, 2 bedrooms, 2 bathrooms, a laundry, an open plan kitchen, dining and living area and a verandah to the rear. A loft and a bathroom would be located on the upper floor, within the roof space.
- 3.4 The front fence would be 1.8m tall and comprise a 600mm high wall with 1.2m steel blade fencing infill. A 2.1m high rendered wall is proposed to provide privacy to the front court yards and would be located 1.4m behind the front fence.
- 3.5 An open pergola is proposed over a portion of the common driveway. This would be setback 5.5m from Gladstone Road, in line with the proposed dwellings. It would be 3m high and 10m long, constructed with steel rafters. Steel lattice is proposed on the eastern side of dwelling 3, adjacent the pergola to establish a feature garden wall.
- 3.6 Landscaping is proposed within the common driveway and the front and rear of the site. A 1.8m high good neighbour colorbond fence is proposed to the remainder of the site and the driveway would be sealed with bitumen.
- 3.7 No other works are proposed. The proposal plans are attached (refer **Attachments 11-13**) along with 3D perspective plans (refer **Attachments 14-15**). Supporting documentation including a detailed description of the proposal from a town planner engaged by the applicant are attached (refer **Attachments 16-30**).

### **4. REFERRALS**

No independent consultant's advice or consultation with external 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*, Schedule 9 of the *Development Regulations 2008* and the relevant provisions of Council's Development Plan, as it involves the construction of 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high.
- 5.2 The public notification period ended with 2 representations received.
- 5.3 The representors raised the following concerns (refer **Attachments 31-36**):
  - The proposed units will engulf the whole of 100 Gladstone Road
  - They would be over shadowed on both sides by 2 storey dwellings
  - Airflow would be restricted in summer, which would affect ventilation to the home
  - Shadowing from the proposed dwellings would affect property amenity

- Value of property will decrease and possible rental income may be affected
- Loss of natural sunlight, therefore increasing the use of electricity
- The proposed dwellings would block access to fresh air and natural daylight into habitable rooms
- Increase of traffic and street parking congestion
- Increase of neighbourhood noise
- Loss of privacy
- 6 dwellings excessive for the site
- No consideration of street parking

5.4 The representations were forwarded to the applicant for consideration. In response, the applicant provided overshadowing diagrams and a response which outlines the following (refer **Attachments 37-45**):

- The two storey built form does not project any further forward into the street than the adjoining dwelling to the west.
- The central courtyard ensures no unreasonable building bulk or mass impacts upon the private open space of the adjoining dwelling at 100 Gladstone Road.
- Shadow diagrams have been provided to show the impacts of overshadowing.
- The proposal would not result in unreasonable overshadowing of habitable rooms windows or private open space of the adjoining dwellings to the east and west.
- Loss of value and resale value is not founded through any rigorous research.
- The possible decrease in value is not a planning issue and should not be taken into account.
- The level of traffic likely to be generated is unlikely to result in a significant increase of traffic volumes on Gladstone Road and would be well within the carrying capacity of this road.
- Two parking spaces per dwelling are proposed, which is in accordance with Council Wide principles.
- The proposal would close an existing crossover which would increase the kerb side parking area, providing a continuous parking area for up to four vehicles in front of the site.
- It will not result in a significant increase in traffic within the street.
- Noise disturbance would be no greater than expected in a domestic setting.
- Residential development is not a noise generating land use compared to commercial or industrial activities.

## **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 13 of the Residential 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 land is located in the Residential Zone, where it is anticipated that development will comprise a range of housing types and styles to meet the diversity of needs of a growing population (Residential Zone PDC 2).

7.1.2 Prior to the site being cleared, there were two detached dwellings, one on each allotment. The development proposes to construct 6 dwellings, which would provide additional housing opportunities and is therefore consistent with the broad intent of the Residential Zone.

### **7.2 Site Area**

7.2.1 To ensure consistency with the existing and predominant pattern of development, while allowing for in-fill housing to occur of a form and style consistent with the desired future character, it is generally desired that detached dwellings should have a site area of no less than 350m<sup>2</sup> and a frontage of no less than 10.0m (PA350 PDC 5). A residential flat building or group dwellings should have allotments of no less than 300m<sup>2</sup> and a frontage of no less than 15m. The minimum site area excludes the area of any common driveway (PA350 PDC 7).

7.2.2 Currently each allotment is approximately 864m<sup>2</sup> in area, providing a total site area of 1728m<sup>2</sup>. Excluding the common driveway area (approximately 364m<sup>2</sup>), the three dwellings facing Gladstone Road would be located on allotments with areas of approximately 193m<sup>2</sup>, 188m<sup>2</sup> and 230m<sup>2</sup>. The dwellings located to the rear of the site would each have a site area of approximately 250m<sup>2</sup>. The proposed site areas therefore fail to achieve the minimum desired area.

7.2.3 If the driveway was included in the calculations, then the average site density would be 288m<sup>2</sup> per dwelling, which is a minor departure from the minimum 300m<sup>2</sup> anticipated for semi-detached or group dwellings.

7.2.4 The site is located at the edge of RPA 350 and adjoins the Urban Corridor Zone, where much higher densities are anticipated. In this context, the failure to satisfy minimum site areas may be acceptable, if the form, style and siting of the proposed dwellings are considered appropriate.

### **7.3 Design and Appearance**

7.3.1 Within the Residential Zone, it is generally anticipated that development of a residential nature will be consistent with the desired future character identified in the relevant Policy Area (Residential Zone PDC 1). All buildings should maintain and enhance streetscapes and the neighbourhood character in existing areas, or assist to create attractive and appropriate streetscapes.

7.3.2 The Prospect (City) Development Plan contains Desired Character Statements for each policy area within the Residential Zone. It is generally anticipated that residential development will respond to the particulars of the identified desired character, which in some circumstances is reflective of the existing character. Within Policy Area A350, future development is likely to incorporate low to medium density dwellings, as well as the retention and improvement of existing housing stock.

- 7.3.3 The establishment of side, front and rear building setbacks consistent with those of adjacent sites is desirable, to allow for landscaped gardens that contribute to the established streetscape character.
- 7.3.4 The existing built form along Gladstone Road is consistent with the desired character for the A350 Policy Area. The majority of houses have landscaped front gardens, while garaging for vehicles is located to the side of dwellings.
- 7.3.5 The proposed dwellings that would face Gladstone Road would comprise red brick, with flat stone and rendered quoins and bands around doors and windows to the front façade. Render would be applied to the side of the double storey component, with the garages being pressed red brick. The dwellings to the rear of the site would be red brick with rendered quoins to the front façade.
- 7.3.6 The dwellings would feature hip roofs clad in colorbond iron, with the garage doors, down pipes, and gutters all matching in woodland grey. Paving is proposed to the court yards.
- 7.3.7 It is considered that the colours and materials chosen are reflective of the materials used in nearby dwellings, and which would assist in the integration of the buildings into the streetscapes.
- 7.3.8 The dwellings are two-storey in nature, with the upper floor of the dwellings at the rear contained within the roof space. The wall height of the dwellings that would face Gladstone Road would be approximately 5.6m, and together with a roof pitch of 30 degrees, the height at the top of the pitch would be 7.8m approximately. The dwellings to the rear propose a wall height of 2.70m, and with roof pitches of 35 degrees, taking the buildings to be approximately 5.8m at their highest point. Overall the design features of the dwellings would be similar to these of other dwellings located along Gladstone Road.
- 7.3.9 The setback of a dwelling to the primary street frontage within the Residential Zone should be no less than 4m to a verandah, portico, bay window or the like. In any event the setback should be consistent with the dwellings within the street (Council-wide PDC 66). Any carport or garage should be setback a minimum of 6m from the primary street (Council-wide PDC 67).
- 7.3.10 The proposed dwellings would be setback 5.5m from the front boundary. The dwellings located on the adjoining allotments range from 3.8-4.2m and 5.5-7.3m. Therefore the proposed front setback is considered to be reasonable and consisted with the streetscape.
- 7.3.11 The Prospect (City) 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 metres above natural ground level at the side, rear and front allotment boundaries to a maximum height of nine metres (A350 PDC 11).
- 7.3.12 The dwellings to the rear of the site would not encroach beyond the recommended building envelope and comfortably satisfy this provision. In regard to the dwellings adjacent Gladstone Road, a portion of the upper storey of the dwelling located adjacent the western boundary would encroach beyond the building envelope (refer **Attachment 13**). The dwelling would be setback 1.5m from the western boundary, whereas a 2.9m setback would be required to satisfy the building envelope.

- 7.3.13 The applicant acknowledges the encroachment, yet suggests that a minor encroachment of the building envelope may be acceptable provided the distance to the boundary is not less than 1m. When taking into consideration the location and setback of the building, the applicant suggests that the encroachment would not have an unreasonable impact on the adjoining land, when also taking into consideration the potential for higher density development on the adjoining site as part of the Urban Corridor Zone (refer **Attachment 25**).
- 7.3.14 The applicant has provided overshadowing diagrams (refer **Attachment 43-45**) which illustrate that the encroachment would not have an unreasonable overshadowing impact. Accordingly the encroachment of the building envelope is not considered to have a substantial impact on the adjoining property.
- 7.3.15 The length and height of walls on a boundary should be limited in length and should be such that they do not contribute to a significant loss of amenity to adjacent dwellings and land (Council-wide PDC 69). Generally, buildings located on a side boundary should not have a wall length exceed 8m in continuous length and a maximum of 15m on the boundary. The wall height should not exceed 3m (Council-wide PDC 73).
- 7.3.16 The dwellings to the rear of the site propose boundary walls for the 2 bedrooms, ensuite and kitchen. One wall would be 8.7m long and 3m high. The second wall would be 5m and 2.8m high. The overall wall length would not exceed 15m, however it is noted that one wall would exceed 8m. The boundary walls would be located to the rear of the adjoining sites, thus would not overshadow the dwellings or their private open space. Accordingly, the boundary walls are not considered to have an unreasonable impact on the adjoining properties and satisfy the intention of the Council's Development Plan.

#### **7.4 Site Coverage**

- 7.4.1 It is anticipated that residential development should not exceed 50% of the area of the site (A350 PDC 8).
- 7.4.2 The footprint of the front dwellings would be approximately 132m<sup>2</sup> and the rear dwellings approximately 140m<sup>2</sup>. Individually each dwelling would occupy between 56% and 70% of their retrospective site. However, the combined footprint would be 820m<sup>2</sup>, occupying 47% of the total site. This is considered to be an acceptable outcome.

#### **7.5 Private Open Space**

- 7.5.1 All dwellings should be provided with useable private open space of 25m<sup>2</sup> per bedroom (or room that could be used as a bedroom). To be included in calculations, the area should have a minimum dimension of 4 metres, while up to 20% of the area required may be covered by a verandah that is open on at least two sides (A350 PDC 9).
- 7.5.2 Allotments and dwellings should, where practicable, be orientated to enable the application of energy conservation principles so that habitable rooms and private outdoor spaces face north (Council-wide PDC 19). To ensure the useable open space remains private, it is desired that the area not be located facing the street and is directly accessible from the internal living areas of the dwelling (RPA 350 PDC 10).
- 7.5.3 The dwellings facing Gladstone Road would provide 2 bedrooms, which in accordance with the above requirement require a minimum of 50m<sup>2</sup> in area. The dwellings to the rear of the site would provide 2 bedrooms and a loft which could

be used as a bedroom. Thus these dwellings would require a minimum of 75m<sup>2</sup> in area.

- 7.5.4 For the dwellings at the front of the site, the plans nominate 53m<sup>2</sup> of private open space for dwelling 1 and 3, and 40m<sup>2</sup> for dwelling 2. These areas would be comprised of two court yards, with one court yard to the rear of the dwellings and a small court yard to the front of the site, adjacent Gladstone Road. Both court yards would be accessible from the main living areas, and the front court yards would be enclosed with a masonry wall to provide privacy for the occupants.
- 7.5.5 The dwellings to the rear of the site would have 59m<sup>2</sup> of private open space, of which 30% of the area would be covered with a verandah.
- 7.5.6 The applicant acknowledges the slight shortfall in private open space for 4 of the dwellings, yet considers that the area would be more than adequate to cater of the use, enjoyment and recreational needs of the occupiers, and have a northerly aspect and comprise an area that exceeds 4m in width (refer **Attachment 41**).
- 7.5.7 Notwithstanding the front court yards, it is acknowledged that the main living areas and private open space areas are located to the north, which would be consistent with Council-wide PDC 19.
- 7.5.8 A reliance on front yard areas for the provision of private open space is not desirable, but may be considered appropriate in some circumstances due to allotment orientation and building siting. From a streetscape perspective, the court yards would be screened and softened with landscaping to establish an appearance similar to that of a traditional landscaped front yard with a fence to the street.
- 7.5.9 Taking into consideration the location and orientation of the private open space, the shortfall in size is not considered to be unreasonable.

## 7.6 Energy Conservation Measures

- 7.6.1 It is desired that new dwellings are designed to provide adequate thermal comfort for occupants while minimising the need for mechanical heating and cooling (Council-wide PDC 79). To assist in achieving this, the main living areas for each dwelling would achieve a northern orientation with north-facing windows or glazed doors. Windows are also located on the south side of the dwellings to allow for sunlight and cross ventilation. The windows facing east and west would be for the bathrooms and the stair well for the rear dwellings.

## 7.7 Overshadowing

- 7.7.1 New development should allow for adequate winter sunlight to the ground level private open space of existing adjacent properties, by ensuring that sunlight is available to at least 50% of the ground level private open space, or 35m<sup>2</sup> with a minimum dimension of 2.5m, whichever is the lesser area. The availability of sunlight to this area should not be reduced to less than 2 consecutive hours between 9:00am and 3:00pm on 21 June (Council-wide PDC 78 and Design Technique 78.1).
- 7.7.2 Overshadowing diagrams have been provided (refer **Attachments 43-45**), which illustrate the anticipated shadow at 9am, 12pm and 3pm on the 21<sup>st</sup> of June. The diagrams illustrate that the adjoining dwellings would still achieve more than 2 consecutive hours of sunlight. In regard to the adjoining dwelling at 100 Gladstone Road, the dwelling adjacent the western boundary would cast a shadow over the side of the adjoining property at 9am, however by 12pm the

shadow would be directly to the front of the site, over the footpath. It is also noted that more than 50% of the private open space of the dwelling at 100 Gladstone Road would not be shaded by the development at any stage during this period.

- 7.7.3 The overshadowing impacts associated with the proposal would not excessively overshadow the neighbouring allotments. The extent of overshadowing would be consistent with Council-wide PDC 77 and the associated Design Technique in respect of light to habitable room windows, which provides that “habitable rooms have windows with a horizontal distance between any facing building, measured perpendicular to the face of the window, of 0.9m minimum which is clear to sky.”

## 7.8 Visual Privacy

- 7.8.1 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).
- 7.8.2 Accordingly, the potential for overlooking from the upper floor windows has been addressed through the provision of window sills with a height of 1.7m above floor level and/or the use of obscured glazing as necessary (refer **Attachment 28**). It is also noted that the balconies would face Gladstone Road and not permit overlooking into the rear yards of adjoining or adjacent properties. The development would therefore be consistent with privacy measures anticipated under Council’s Development Plan.

## 7.9 Car Parking

- 7.9.1 Dwellings with up to 3 bedrooms should provide two on-site car parking spaces, with one undercover (Council-wide PDC 55). Where more than one car park is required for a dwelling, the car parking may be in a stacked formation (Council-wide PDC 57). Provision should be made to enable transfer of car spaces between residents and for efficient management of all car parking spaces not reserved for exclusive use (Council-wide PDC 58).
- 7.9.2 Three of the dwellings would have double garages adjacent the common driveway and three of the dwellings would have single garages that are setback 5.3m from the common driveway to allow a visitor car to be parked in front of the garage. The common driveway would be 6m in width, thus allowing the vehicles to manoeuvre on site without restricting other occupants. Accordingly, the proposal adequately satisfies the above provisions.

## 7.10 Site Access

- 7.10.1 Currently there are two single crossovers to the site. A new double crossover would be provided to the eastern side of the site, which would be 6.7m wide and provide a common driveway servicing the new dwellings. A street tree would require removal however no other service infrastructure would be affected, including the ETSA stobie pole located to the east of the site.
- 7.10.2 The existing crossovers would be reinstated with kerbing and the removal of the tree would be at a cost borne by the applicant.

7.10.3 Generally, hammer-head development should comprise an access way which:

- is a minimum of 5m for one or two dwellings and widening to 6m for at least 6m from the street frontage. Where there are more than two dwellings, the access way should be 8m to facilitate two way vehicular movement and landscaping.
- is paved for vehicular traffic to a width of at least 4.5m for two way traffic.
- enables all vehicular movements to be in a forward direction
- is lit at regular intervals, especially if longer than 15.0 metres.
- is landscaped with appropriate plants that would not interfere with the movement of vehicular traffic or the stability of adjoining buildings, but will still create an aesthetic streetscape approach to the main portion of the allotment.
- has fencing that maintains the privacy of the adjoining residents, but avoids a tunnel effect (Council-wide PDC 21).

7.10.4 The common driveway would be 7m in width for a length of 26m, then turn 90 degrees to the west and reduce to 6m in width, between the two sets of dwellings. The sealed section would be 6m wide and 500mm wide landscaping strips are proposed to either side. The driveway would allow simultaneous two-way vehicle movement and vehicles can enter and exit in a forward direction. No lighting is proposed within the driveway, and the landscaping would comprise trees and shrubs to soften the area and screen the dwelling walls and boundary fences.

7.10.5 The proposed driveway is considered to be of a reasonable length and width that would provide safe movement of vehicles at any one time, and which would not restrict the occupiers nor have an unreasonable impact to the adjoining properties.

7.10.6 While an increase in vehicular traffic is likely to occur, the proposed development would be consistent with provisions of the Development Plan relevant to vehicular access and on-site car parking, including the provision of manoeuvring areas for the rear dwellings in accordance with the Australian Standard for Off-Street Car Parking (AS2890.1:2004).

## **7.11 Site Preparation**

7.11.1 The subject site is currently vacant after the removal of the previous dwellings and associated vegetation. Site levels range between 100.00 at the top of kerb and 99.66 to 99.77 at the rear of the allotment.

7.11.2 The proposed finished floor levels (FFL) of the dwellings proposed at 100.35. It is anticipated that this would require associated build-up of the site, to be retained at property boundaries by retaining walls. Taking into consideration the existing levels and anticipated paving levels, the retaining walls would range in heights, with the highest being no greater than 600mm in height.

7.11.3 The extent of site build-up has the potential to result in overlooking into adjoining properties. It is noted that the proposal nominates 1.8m high boundary fencing. If the proposal is supported by the DAP, it is recommended that a condition be imposed to provide replacement fencing as necessary to reduce any associated privacy impacts.

## 7.12 Landscaping

- 7.12.1 The applicant has provided landscaping details as described on the site plan. In this regard, it is considered that the proposed landscaping, once established, will assist in softening the appearance of the proposed dwelling in terms of overall bulk and scale, particularly when viewed from the adjoining property to the south.
- 7.12.2 Additionally, in keeping with the context established by Council's Desired Future Character Statement, the application details also include landscaping to the front yard of the subject land, which would inevitably contribute to the overall quality and appearance of the dwellings when viewed from the street. Landscaping is also proposed to both sides of the common driveway, with an open pergola enabling growth to cover a portion of the driveway and soften the appearance of the eastern wall.

## 7.13 Stormwater Management

- 7.13.1 Provisions of Council's Development Plan specify 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 possible, minimising the overflow to the kerb and water table (Council-wide PDC 98).
- 7.13.2 Each dwelling is proposed to have two 1000 litre rainwater tanks, with one connected to the toilet and one connected to the site and drainage plan, with the overflow to be collected in a sump system and slowly released to the street water table. Surface runoff would be controlled through the grading of paved areas, and the provision of sumps and pump systems to ensure the appropriate and controlled discharge of runoff to the street.

## 8. CONCLUSION AND RECOMMENDATION

- 8.1 The proposed development would satisfy the intent of the Residential Zone by providing additional housing to meet the needs of a growing population. The design and proposed materials of the dwellings would be relatively consistent with the presentation of existing dwellings within Gladstone Road.
- 8.2 The primary concern with the proposal is that the site areas for each dwelling would not achieve the minimum anticipated within the A350 Policy Area. Nonetheless, the proposed density is considered appropriate, given the location of the site at the boundary of the Urban Corridor Zone.
- 8.3 The proposal would satisfy quantitative guidelines for setbacks and site coverage. The shortfall in private open space is not considered to detract from the likely future amenity of occupiers, given the areas would be directly accessible from the main living areas.
- 8.4 The proposed vehicular access and car parking would comfortably enable unrestricted two-way vehicle movement to and from the site. Landscaping would be proposed to soften the overall built form. There would be minimal overshadowing and no loss of privacy to the adjoining allotments.
- 8.5 The application is therefore 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.

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 050/158/2015 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 approved to DA 050/158/2015 from Elvio Ferrara on behalf of Antoine Haddad for 6 Two-Storey Dwellings, front fencing and associated landscaping at 96-98 Gladstone Road, Prospect (CT 6097/588 and CT 5178/70), subject to the following conditions and notes:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/158/2015, 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 or the commencement of use of the approved development.
2. Any difference in finished ground levels between the subject site and adjoining sites at the boundary shall be retained by an appropriate wall or plinth of masonry, concrete or similar construction. Retaining walls must be designed to accepted engineering standards and will not be of timber construction if retaining a difference in ground levels exceeding 200 mm.
3. If retaining walls are required due to fill on the subject site, then the height of any retaining wall shall be no higher than 600mm measured from the existing ground level. The existing boundary fences adjacent the retaining walls shall be replaced or increased in height to provide for fences with a minimum height of 1800mm above the top of the retaining wall. Materials and colours used for extensions to existing fences shall match or complement the existing fences.
4. 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.
5. 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.
6. The upper level windows facing north, east and west 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 150mm; 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.

7. Any existing driveway crossovers not providing vehicle access shall be reinstated as kerb and gutter to the satisfaction of Council.
8. The landscaping shall be planted in accordance with the approved plans prior to occupancy of the development. Mature trees shall be no less than 2.0m in height at time of planting. Appropriate species for understorey plantings shall be used to ensure sufficient coverage of the landscaping area. All planting must be of species which will not grow to cause damage to paved or sealed areas, building foundations or underground services.
9. All landscaping areas shall be 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.
10. 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.

**Advisory Notes:**

**Your Appeal Rights:** 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:

- a) a refusal of consent; or
- b) any condition(s) that 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).

**Surveying the Land:** 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.

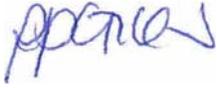
Failure to correctly site the development on the land in accordance with the plans approved herein would constitute a breach of the *Development Act 1993*. Any amendments required to the approved plans as a result of the survey are to be submitted to Council for approval prior to works commencing.

**Consult With Your Neighbours:** You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.

**Removing, Replacing or Altering Fences:** 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*).

**Council Assets and Infrastructure:** Any works that are to be undertaken on Council land, including but not limited to the construction of driveways, crossovers, footpath reconstruction, laying of stormwater pipes, relocation of infrastructure, removal or relocation of street trees, and/or the temporary obstruction of the road or footpath, shall not be undertaken without the prior permission of Council.

The cost of rectifying any conflict with or damage to existing Council infrastructure arising out of this development will be borne by either the developer or the owner of the subject land. Further information and/or specific details can be obtained by contacting Council's Infrastructure and Environment Department on 8269 5355.



**Susan Giles**  
Development Officer, Planning



**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 / 158 / 2015 (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 #: 96-98      Street: GLADSTONE RD  
Suburb: PROSPECT      Postcode: 5082      CT Volume & Folio:

**3. Details of Parties**

**Applicant**

Name: ELVIO FERRARA      Address: 52 PROSPECT RA PROSPECT  
Contact No.:      Email:

**Owner**       as applicant

Name: A. HADJAD      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: 6 NEW DWELLINGS      22 APR 2015  
Existing use of property: VACANT LAND      CITY OF PROSPECT  
Estimated cost of development: \$ ~~1,000,000~~

**5. Declarations**

- Building Rules Classification sought: 1      Present Class: 1
- Proposed number of employees (for Class 5, 6, 7, 8 or 9):
- Proposed number of persons for whom accommodation is provided (Class 9a only):
- Proposed number of occupants on the premises (Class 9b only):
- Does Schedule 21 or Schedule 22 of the *Development Regulations 2008* apply (activities of environmental or major environmental significance)?       yes       no
- Has the Construction Industry Training Board (CITB) levy been paid?       yes       no

I acknowledge that Council may make copies of this application and documentation in accordance with the *Development Regulations 2008* and *Development Act 1993*. Details forming part of the application may be included in a Development Assessment Panel agenda published on Council's website.

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: ANTOINE HADJAD      Signature:       Date: 17/4/2015

Applicant       Owner       Builder



# Attachment 2

## 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 5178 FOLIO 70 \*

COST : \$25.75 (GST exempt )	PARENT TITLE : CT 4346/549
REGION : EMAIL	AUTHORITY : CONVERTED TITLE
AGENT : PUSH BOX NO : 000	DATE OF ISSUE : 29/03/1994
SEARCHED ON : 04/02/2014 AT : 11:39:22	EDITION : 4

REGISTERED PROPRIETORS IN FEE SIMPLE

-----

ANTOINE HADDAD AND RACHEL LEAH HADDAD BOTH OF 88 WATTLE STREET FULLARTON SA 5063 AS JOINT TENANTS OF 1 UNDIVIDED 2ND PART AND GEORGE HADDAD OF 1 UNDIVIDED 2ND PART OF 98 HILL ROAD LURNEA NSW 2170

DESCRIPTION OF LAND

-----

ALLOTMENT 13 FILED PLAN 106950  
IN THE AREA NAMED PROSPECT  
HUNDRED OF YATALA

EASEMENTS

-----

NIL

SCHEDULE OF ENDORSEMENTS

-----

11837698 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

-----

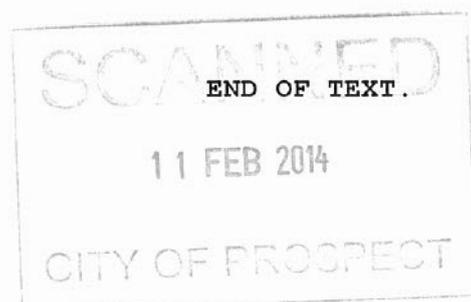
NIL

REGISTRAR-GENERAL'S NOTES

-----

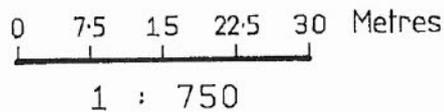
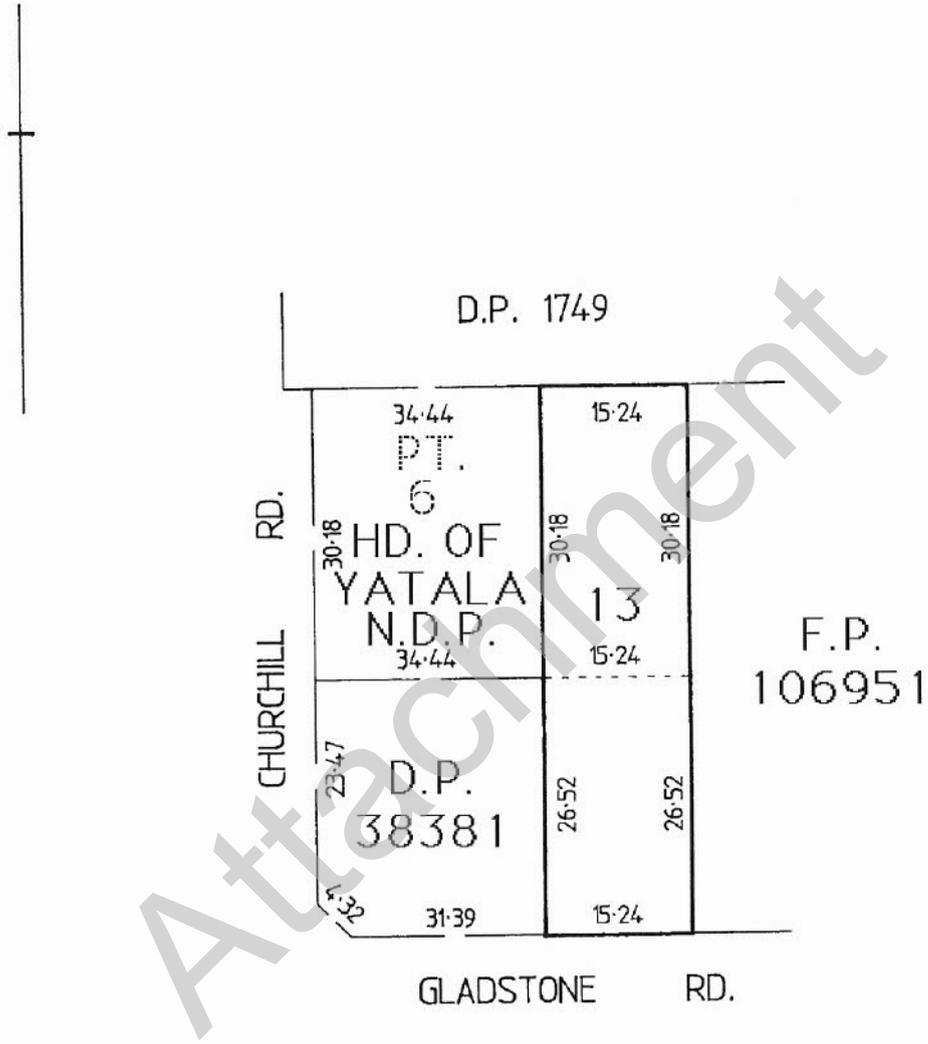
NIL

Attachment



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA  
 DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5178 FOLIO 70  
 SEARCH DATE : 04/02/2014 TIME: 11:39:22

This plan is scanned from Certificate of Title 4346/549



Note : Subject to all lawfully existing plans of division



Attachment 4  
**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 6097 FOLIO 588 \*

COST : \$25.75 (GST exempt )	PARENT TITLE : CT 5178/71
REGION : EMAIL	AUTHORITY : SC 11790648
AGENT : PUSH BOX NO : 000	DATE OF ISSUE : 25/07/2012
SEARCHED ON : 04/02/2014 AT : 11:37:26	EDITION : 3

REGISTERED PROPRIETORS IN FEE SIMPLE

-----  
 ANTOINE HADDAD AND RACHEL LEAH HADDAD BOTH OF 88 WATTLE STREET FULLARTON SA 5063 AS JOINT TENANTS OF 1 UNDIVIDED 2ND PART AND GEORGE HADDAD OF 1 UNDIVIDED 2ND PART OF 98 HILL ROAD LURNEA NSW 2170

DESCRIPTION OF LAND

-----  
 ALLOTMENT 14 FILED PLAN 106951  
 IN THE AREA NAMED PROSPECT  
 HUNDRED OF YATALA

EASEMENTS

-----  
 NIL

SCHEDULE OF ENDORSEMENTS

-----  
 11837698 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

-----  
 DOCUMENTS AFFECTING THIS TITLE

-----  
 NIL

REGISTRAR-GENERAL'S NOTES

-----  
 NIL

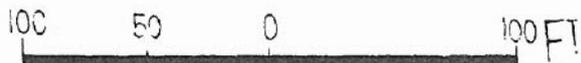
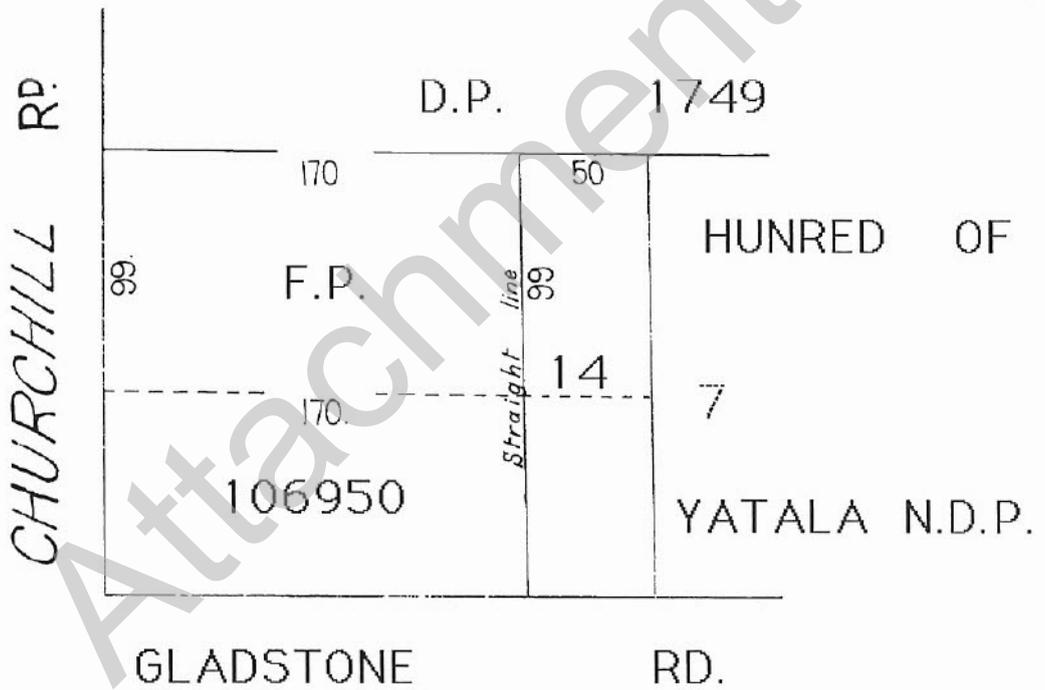
END OF TEXT.

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6097 FOLIO 588

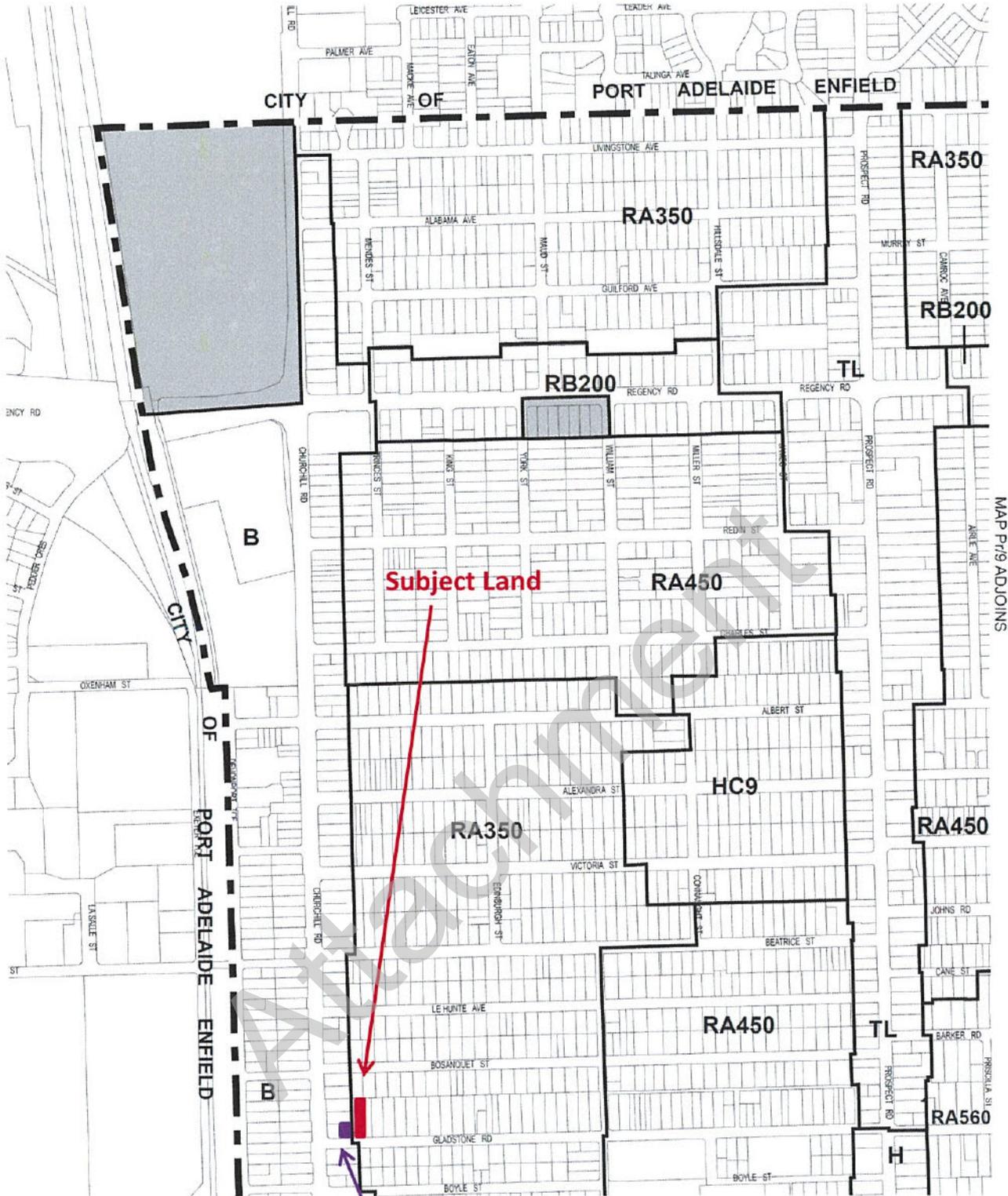
SEARCH DATE : 04/02/2014 TIME: 11:37:26

This plan is scanned from Certificate of Title 1132/40



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/9 ADJOINS

Subject Land

Representors

MAP Pr/11 ADJOINS

- 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

Scale 1:8000



# 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>

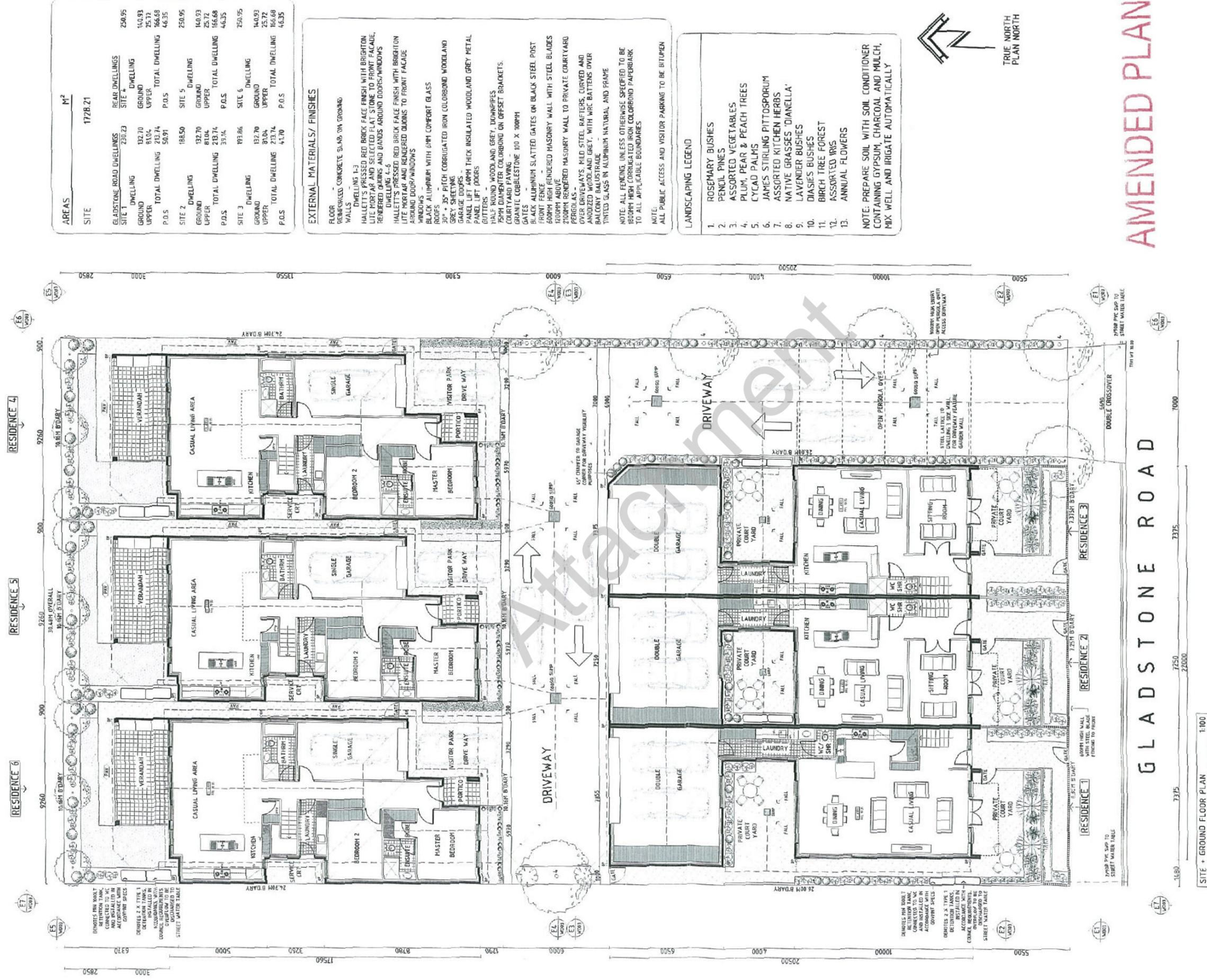
Western boundary



**Eastern boundary**







AREAS		M <sup>2</sup>
SITE		1728.21
GLADSTONE ROAD DWELLINGS SITE 1		230.23
DWELLING	REAR DWELLINGS SITE 4	250.95
GROUND UPPER	DWELLING	140.93
P.O.S	GROUND UPPER	25.72
	TOTAL DWELLING	166.68
	P.O.S	46.35
SITE 2		186.50
DWELLING	DWELLING	250.95
GROUND UPPER	GROUND UPPER	140.93
P.O.S	TOTAL DWELLING	166.68
	P.O.S	46.35
SITE 3		193.86
DWELLING	DWELLING	250.95
GROUND UPPER	GROUND UPPER	140.93
P.O.S	TOTAL DWELLING	166.68
	P.O.S	46.35

**EXTERNAL MATERIALS/ FINISHES**

FLOOR CONCRETE SLAB ON GROUND  
 WALLS L-3  
 DWELLING L-3  
 HALLETT'S PRESSED RED BRICK FACE FINISH WITH BRIGHTON LITE MORTAR AND SELECTED FLAT STONE TO FRONT FACADE, RENDERED QUAINS AND BANDS AROUND DOORS/WINDOWS  
 DWELLING L-6  
 HALLETT'S PRESSED RED BRICK FACE FINISH WITH BRIGHTON LITE MORTAR AND RENDERED QUAINS TO FRONT FACADE AROUND DOORS/WINDOWS  
 WINDOWS BLACK ALUMINIUM WITH 6MM COMFORT GLASS  
 ROOFS 30° x 35° PITCH CORRUGATED IRON COLORBOND WOODLAND GREY SHEETING  
 GARAGE DOORS PANEL LIFT 40MM THICK INSULATED WOODLAND GREY METAL  
 GUTTERS HALF ROUND WOODLAND GREY DOWNSPURS  
 COULTER PAINTING GRANITE COBBLESTONE 100 X 100MM  
 GATES BLACK ALUMINIUM SLATTED GATES ON BLACK STEEL POST  
 FRONT FENCE 600MM HIGH RENDERED MASONRY WALL WITH STEEL BLADES 100MM ABOVE  
 200MM RENDERED MASONRY WALL TO PRIVATE COURTYARD PERGOLAS OVER DRIVEWAYS, MILD STEEL RAFTERS, CURVED AND ANODIZED WOODLAND GREY, WITH WRC BATTENS OVER BALCONY BALUSTRADE  
 TINTED GLASS IN ALUMINIUM NATURAL AND FRAME  
 NOTE: ALL FENCING, UNLESS OTHERWISE SPECIFIED TO BE 800MM HIGH CORRUGATED IRON COLORBOND PAPERBARK TO ALL APPLICABLE BOUNDARIES  
 NOTE: ALL PUBLIC ACCESS AND VISITOR PARKING TO BE BITUMEN

- LANDSCAPING LEGEND**
- ROSEMARY BUSHES
  - PENCIL PINES
  - ASSORTED VEGETABLES
  - PLUM, PEAR & PEACH TREES
  - CYCAD PALMS
  - JAMES STIRLING PITTOSPORIUM
  - ASSORTED KITCHEN HERBS
  - NATIVE GRASSES 'DIANELLA'
  - LAVENDER BUSHES
  - DIASHES BUSHES
  - BIRCH TREE FOREST
  - ASSORVED WRS
  - ANNUAL FLOWERS
- NOTE: PREPARE SOIL WITH SOIL CONDITIONER CONTAINING GYPSUM, CHARCOAL AND MULCH, MIX WELL AND IRRIGATE AUTOMATICALLY



**AMENDED PLAN**

**elvio ferrara**  
DESIGN & CONSTRUCT PT

52 prospect road  
 prospect, south australia 5092  
 telephone (08) 8344 2333  
 mobile 0412 853 063  
 facsimile (08) 8344 2433

www.facebook.com/ElvioFerraraDesignConstruct

**bd**  
ABN 152 671 277 38  
BLD 261727

ISS.	DESCRIPTION	DATE
A	PLANNING DRAWINGS	14.07.15

© COPYRIGHT ELVIO FERRARA DESIGN AND CONSTRUCT  
 THIS DRAWING IS PROVIDED BY LICENSEE. ALL RIGHTS ARE RESERVED. UNLESS OTHERWISE STATED IN THE DRAWING, THIS DRAWING IS THE PROPERTY OF ELVIO FERRARA DESIGN AND CONSTRUCT. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ELVIO FERRARA DESIGN AND CONSTRUCT.  
 IF THE ISSUANCE OF THIS DRAWING IS NOT SUBJECT TO AN AGREEMENT WITH ELVIO FERRARA DESIGN AND CONSTRUCT, THE USER OF THIS DRAWING IS NOT TO BE HELD RESPONSIBLE FOR ANY CONSTRUCTION WORK OR FOR ANY DAMAGE TO PROPERTY OR PERSONS. ELVIO FERRARA DESIGN AND CONSTRUCT IS NOT LIABLE FOR ANY DAMAGE TO PROPERTY OR PERSONS. ELVIO FERRARA DESIGN AND CONSTRUCT IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS.  
 ANY RELEASED COMPUTER FILE BEARING THE COPYRIGHT OF ELVIO FERRARA DESIGN AND CONSTRUCT AND SHALL NOT BE USED IN ANY MANNER WITHOUT THE EXPRESS PERMISSION OF ELVIO FERRARA DESIGN AND CONSTRUCT. THE USER OF THIS DRAWING IS NOT TO BE HELD RESPONSIBLE FOR ANY CONSTRUCTION WORK OR FOR ANY DAMAGE TO PROPERTY OR PERSONS. ELVIO FERRARA DESIGN AND CONSTRUCT IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS.

**PROJECT:** PROPOSED 6 NEW DWELLINGS  
**CLIENT:** MR ANTONIO + MRS RACHEL HADDAD  
**DEVELOPMENT ADDRESS:** NO. 96-98 GLADSTONE RD PROSPECT  
**DATE:** JULY 2015  
**DRAWN BY:** BART KUBERIK  
**CHECKED BY:** ELVIO FERRARA  
**SCALE:** 1:500 @ A1  
**PROJECT NO.:** 0193  
**PAGE NO.:** 0193

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR MAKING UP DRAWINGS. ELVIO FERRARA AND ALL OTHER ARCHITECTS AND CONTRACTORS MUST ACKNOWLEDGE THE KALBARA PEOPLE WHO ARE THE TRADITIONAL SOVEREIGNS OF THE KALBARA REGION AND RESPECT THE KALBARA TRADITIONS AND CULTURE THAT RESPECT TO OTHER INDIGENOUS AUSTRALIANS.

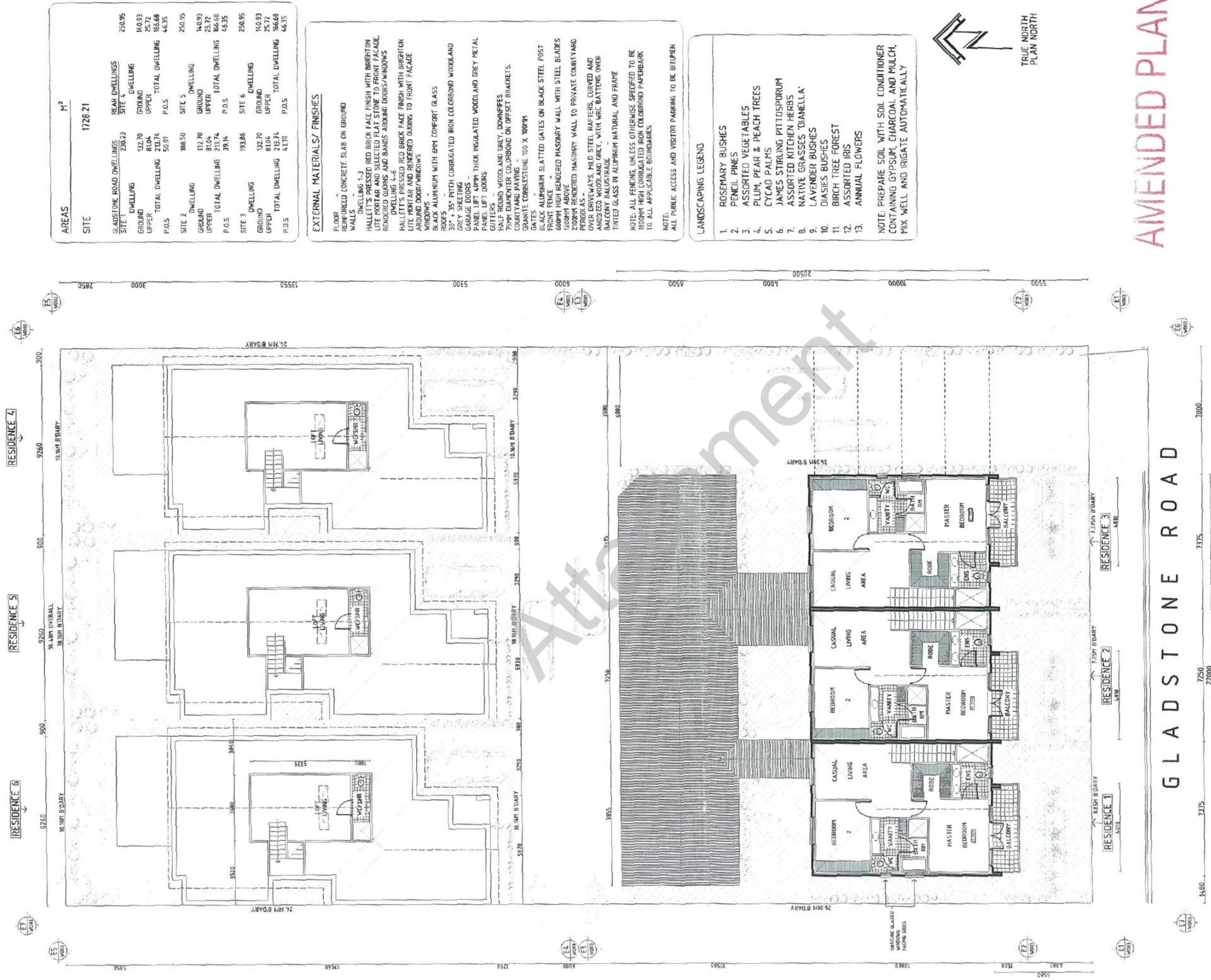
**GENERAL NOTES:**  
 1. TIMBER FRAME ROOFS AND WALLS TO BE IN ACCORDANCE WITH THE TIMBER FRAME LAYOUT AND TIMBER FRAME CODE 1684.2-2010  
 2. EXTERNAL SWINGING DOORS TO BE FITTED WITH DRAUGHT PROTECTION WEATHER STRIPS TO BOTTOM EDGE OF EACH LEAF  
 3. WC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH SOUTH AUSTRALIAN HOUSING CODE APPENDIX D 10.1.1  
 4. SMOKE DETECTORS TO BE HARD WIRED IN ACCORDANCE WITH AS 3786  
 5. ALL GLAZING TO BE IN ACCORDANCE WITH AS 1288  
 6. HOT WATER SYSTEM TO BE DESIGNED AND INSTALLED IN ACCORDANCE WITH SECTION 6 OF AS/NZS 3500 OR CLAUSE 3.18 OF AS/NZS 3500.3  
 7. THE BUILDING SHALL BE SPRAYED AGAINST TERMITES IN ACCORDANCE WITH AS 3680:2000

**RES 0 INSULATION TO CEILINGS (MINIMUM REQ)**  
**RES 0 INSULATION TO EXTERNAL WALLS (MINIMUM REQ)**  
 PROVIDE SARKING TO ALL ROOF DECKING  
 DAMP PROOF COURSES AND FLASHINGS TO AS 2964-1995  
 MASONRY STRUCTURES TO AS 2962-2001  
 STAIR TREADS AND LANDINGS MUST HAVE A SLIP-RESISTANT FINISH OR A SUITABLE NON-SLIP STRIP NEAR THE EDGE OF THE HOUSING SOLVER PRO SEAL EXTRA GRP 60MM WIDE X WIDTH OF TREAD  
 ALL ASBESTOS REMOVAL TO COMPLY WITH THE 'CODE OF PRACTICE FOR THE SAFE REMOVAL OF ASBESTOS' 2ND EDITION (INDUS 2002 12085)  
 WITH RELATION TO THIS PROJECT, ALL BUILDERS, CONTRACTORS, SUPERVISORS, SUPPLIERS & DELIVERY PERSONS, SHALL COMPLY WITH SA OHS & WACT OF 1986 & SA OHS & W RES 2010 ALL AUSTRALIAN STANDARDS WITHIN THE 2010 REFS

**GLADSTONE ROAD**

**SITE - GROUND FLOOR PLAN**

1:100



AREAS		M <sup>2</sup>	
SITE		1728.21	
<b>GLADSTONE ROAD DWELLINGS</b>			
SITE	2304.23	BEAR DWELLINGS	250.95
DWELLING		SITE 1 DWELLING	140.93
GROUND	132.70	GROUND	25.72
UPPER	81.04	UPPER	166.68
TOTAL DWELLING	213.74	TOTAL DWELLING	46.35
P.O.S	50.91	P.O.S	
<b>SITE 2</b>			
DWELLING	188.50	SITE 5 DWELLING	250.95
GROUND	132.70	GROUND	140.93
UPPER	81.04	UPPER	25.72
TOTAL DWELLING	213.74	TOTAL DWELLING	166.68
P.O.S	39.14	P.O.S	46.35
<b>SITE 3</b>			
DWELLING	193.86	SITE 6 DWELLING	250.95
GROUND	132.70	GROUND	140.93
UPPER	81.04	UPPER	25.72
TOTAL DWELLING	213.74	TOTAL DWELLING	166.68
P.O.S	41.70	P.O.S	46.35

**EXTERNAL MATERIALS/ FINISHES**

FLOOR - REINFORCED CONCRETE SLAB ON GROUND

WALLS - DWELLING 1-3 HALLETTS PRESSED RED BRICK FACE FINISH WITH BRIGHTON LITE MORTAR AND SELECTED FLAT STONE TO FRONT FACADE, RENDERED QUIONS AND BANDS AROUND DOORS/WINDOWS

DWELLING 4-6 HALLETTS PRESSED RED BRICK FACE FINISH WITH BRIGHTON LITE MORTAR AND RENDERED QUIONS TO FRONT FACADE AROUND DOOR/WINDOWS

WINDOWS - BLACK ALUMINIUM WITH 6MM COMFORT GLASS

300'S 3/8" PITCH CORRUGATED IRON COLORBOND WOODLAND GREY SHEETING

GARAGE DOORS - PANEL 1ET 400M THICK INSULATED WOODLAND GREY METAL PANEL, LEFT DOORS

GUTTERS - HALF ROUND WOODLAND GREY, DOWNPIPES 75MM DIAMETER COLORBOND ON OFFSET BRACKETS.

COURTYARD PAVING - GRANITE CORBLESTONE 100 X 100MM

GATES - BLACK ALUMINIUM SLATTED GATES ON BLACK STEEL POST FRONT FENCE

600MM HIGH RENDERED MASONRY WALL WITH STEEL BLADES 1200MM ABOVE

2000MM RENDERED MASONRY WALL TO PRIVATE COURTYARD PERGOLAS - OVER BENCHES, MILD STEEL RAFTERS, CURVED AND ALUMINIUM BALUSTRADES

BALCONY BALUSTRADES - TINTED GLASS IN ALUMINIUM NATURAL AND FRAME

NOTE: ALL FENCING UNLESS OTHERWISE SPECIFIED TO BE 1800MM HIGH CORRUGATED IRON COLORBOND PAPERBARK TO ALL APPLICABLE BOUNDARIES

NOTE: ALL PUBLIC ACCESS AND VISITOR PARKING TO BE BITUMEN

- LANDSCAPING LEGEND**
1. ROSEMARY BUSHES
  2. PENCIL PINES
  3. ASSORTED VEGETABLES
  4. PLUM, PEAR & PEACH TREES
  5. CYCAD PALMS
  6. JAMES STIRLING PITISPORUM
  7. ASSORTED KITCHEN HERBS
  8. NATIVE GRASSES 'DIANELLA'
  9. LAVENDER BUSHES
  10. DIASIES BUSHES
  11. BIRCH TREE FOREST
  12. ASSORTED IRIS
  13. ANNUAL FLOWERS
- NOTE: PREPARE SOIL WITH SOIL CONDITIONER CONTAINING GYPSUM, CHARCOAL AND MULCH, MIX WELL AND IRRIGATE AUTOMATICALLY



**AMENDED PLAN**

**elvio ferrara**  
DESIGN & CONSTRUCT PT

52 prospect road  
prospect, south australia 5082  
telephone (08) 8344 2333  
mobile 0432 903 003  
facsimile (08) 8344 2433  
www.facebook.com/ElvioFerraraDesignConstruct

**elvio ferrara**  
DESIGN & CONSTRUCT PT

52 prospect road  
prospect, south australia 5082  
telephone (08) 8344 2333  
mobile 0432 903 003  
facsimile (08) 8344 2433  
www.facebook.com/ElvioFerraraDesignConstruct

ISS.	DESCRIPTION	DATE
A	PLANNING DRAWINGS	14.07.15

© COPYRIGHT ELVIO FERRARA DESIGN AND CONSTRUCT  
THIS DRAWING IS COPYRIGHT. ALL RIGHTS ARE RESERVED UNLESS OTHERWISE STATED. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER.  
IF THE STATUS OF THIS DRAWING IS NOT STATED BY THE CONTRACTOR IT MAY BE SUBJECT TO THE TERMS AND CONDITIONS OF THE CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

PROJECT:	PROPOSED 6 NEW DWELLINGS
CLIENT:	MR ANTOINE + MRS RACHEL HADDAD
DEVELOPMENT ADDRESS:	NO.96-98 GLADSTONE RD PROSPECT
DATE:	MAY 2015
DRAWN BY:	BART ALBRECHT
CHECKED BY:	ELVIO FERRARA
SCALE:	1:300 @ A1
PROJECT NO.	
PAGE NO.	02/03

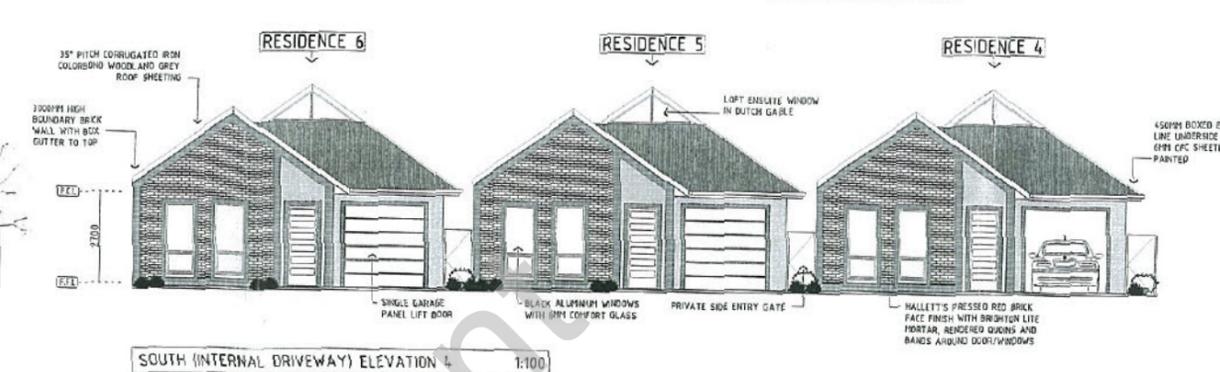
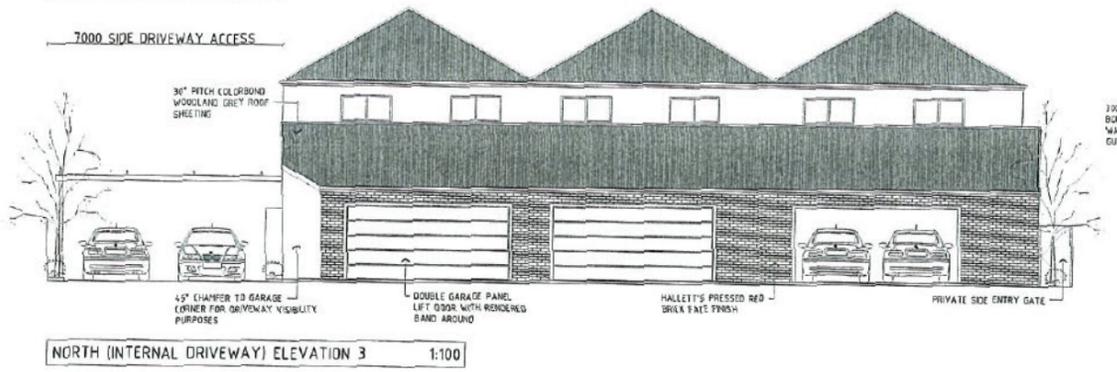
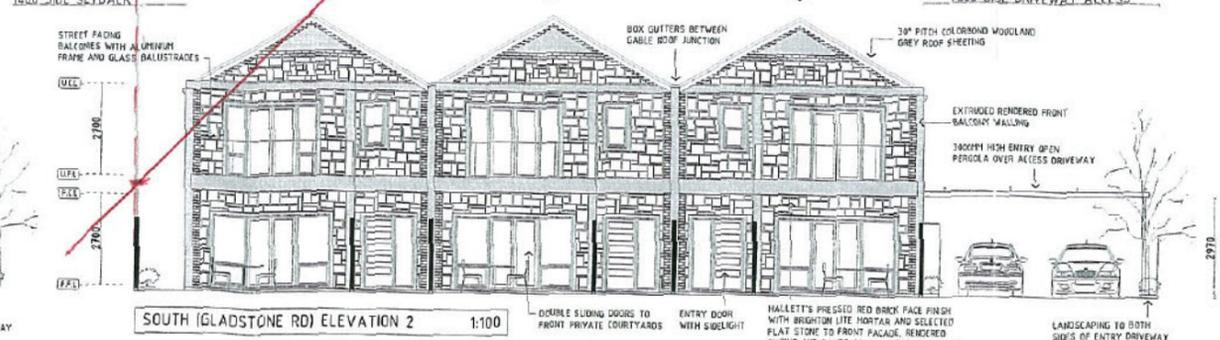
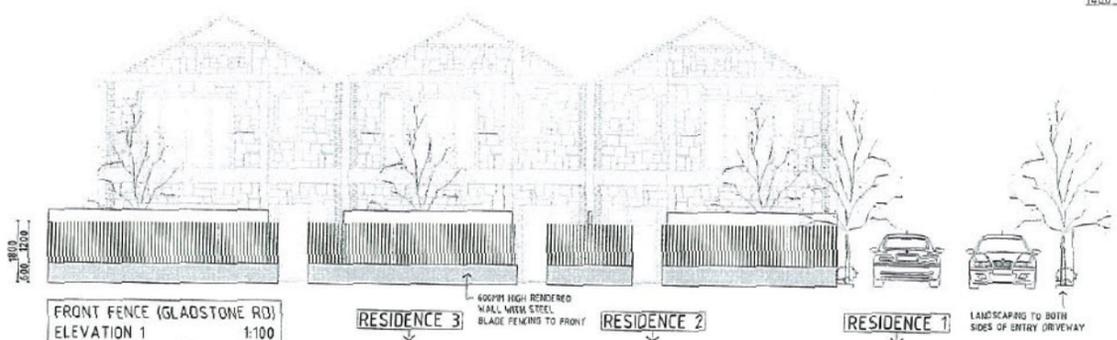
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.

**GENERAL NOTES:**

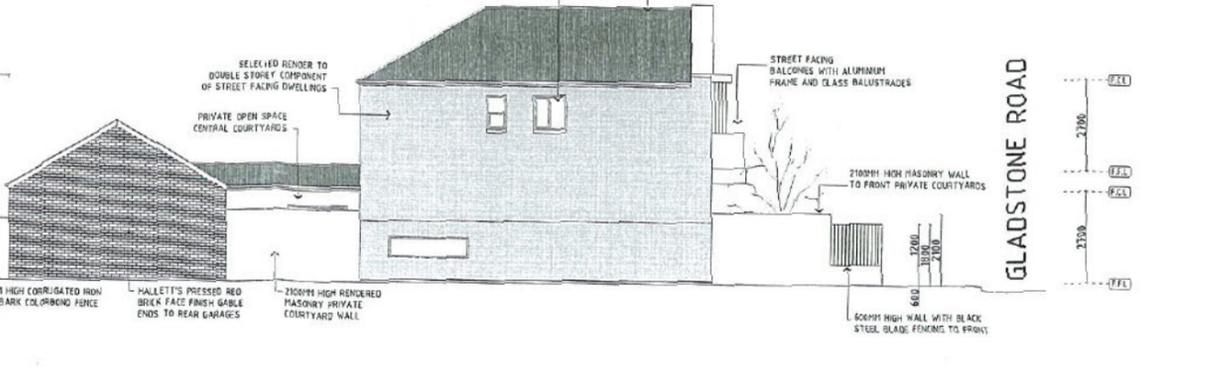
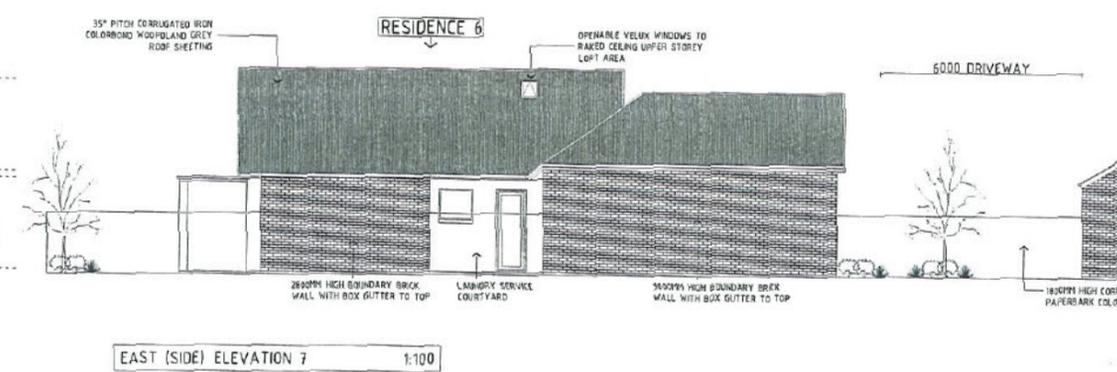
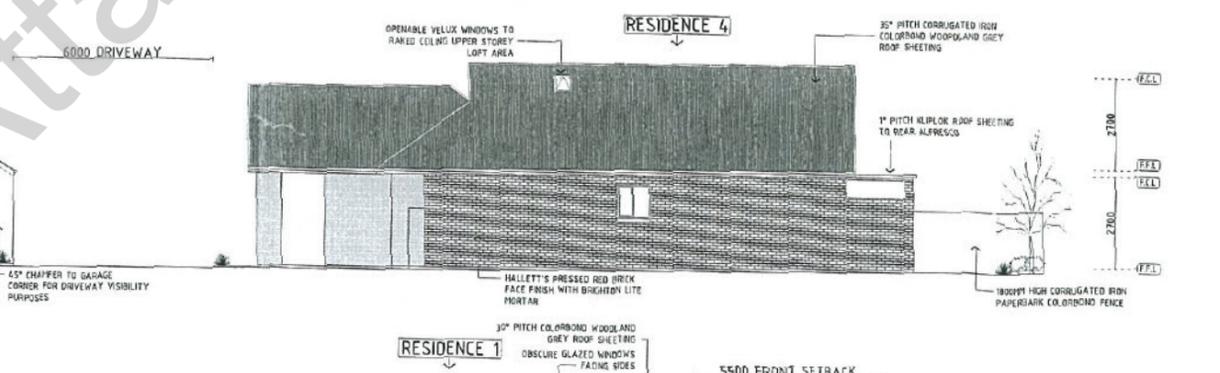
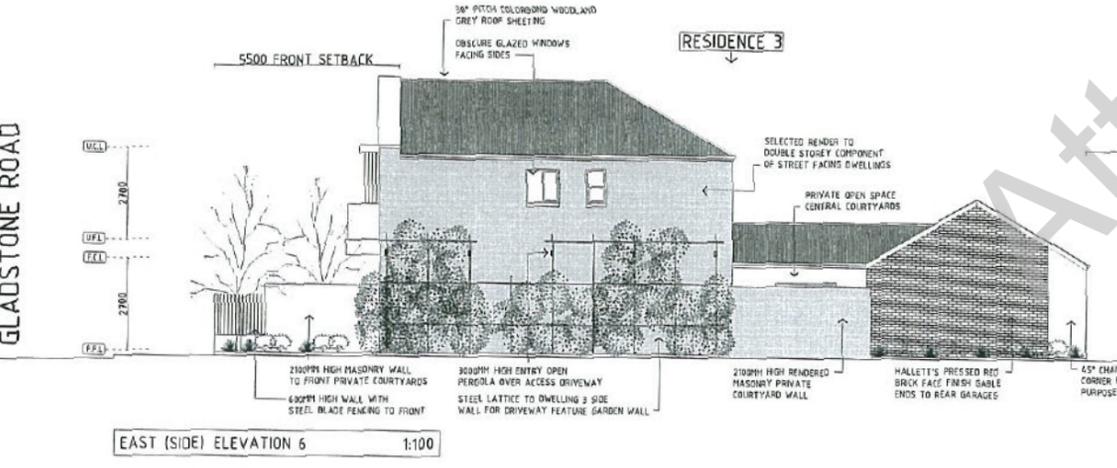
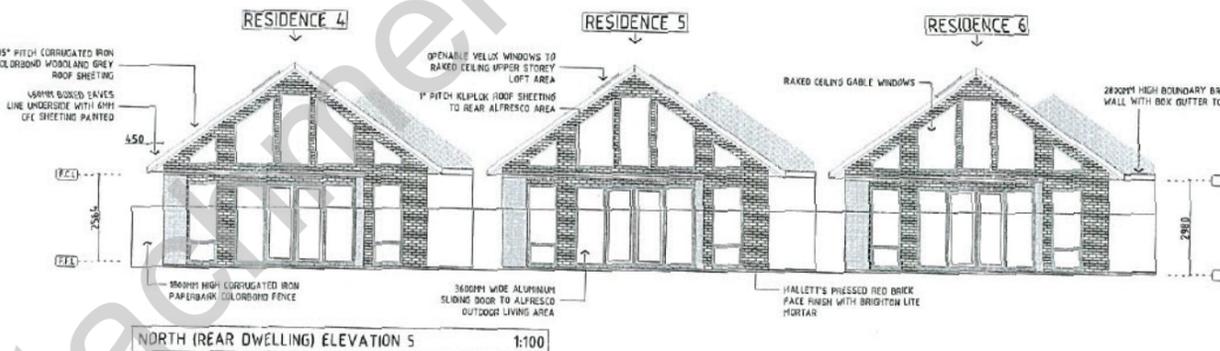
- TIMBER FRAME ROOF AND WALLS TO BE IN ACCORDANCE WITH THE TIMBER FRAME LAYOUT AND TIMBER FRAME CODE 1584-2-2010
- EXTERNAL SWINGING DOORS TO BE FITTED WITH DRAUGHT PROTECTION WEATHER STRIPS TO BOTTOM EDGE OF EACH LEAF
- MC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH SOUTH AUSTRALIAN HOUSING CODE APPENDIX D10.1
- SMOKE DETECTORS TO BE HARD WIRED IN ACCORDANCE WITH AS 3786
- ALL GLAZING TO BE IN ACCORDANCE WITH AS 1288
- WOT WATER SYSTEM TO BE DESIGNED AND INSTALLED IN ACCORDANCE WITH SECTION 6A OF AS/NZS 3500 OR CLAUSE 3.38 OF AS/NZS 3500.5
- THE BUILDING SHALL BE SPRAYED AGAINST TERMITES IN ACCORDANCE WITH AS 3660-2:2000

**GLADSTONE ROAD**

SITE - UPPER FLOOR PLAN 1:100



AMENDED PLAN



COPYRIGHT ELVIO FERRARA DESIGN AND CONSTRUCT  
 THIS DRAWING IS PROTECTED BY COPYRIGHT. ALL RIGHTS ARE RESERVED UNLESS PERMITTED UNDER THE COPYRIGHT ACT 1969. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.  
 IF THE STATUS OF THIS DRAWING IS NOT SHOWN OFF FOR CONSTRUCTION IT MAY BE SUBJECT TO CHANGE, ALTERATION OR AMENDMENT AT DISCRETION OF ELVIO FERRARA DESIGN AND CONSTRUCT PTY LIMITED. IT IS ELVIO FERRARA DESIGN AND CONSTRUCT PTY LIMITED'S POLICY NOT TO BE LIABLE FOR ANY LOSS, DAMAGE, HARM OR INJURY, WHETHER SPECIAL, CONSEQUENTIAL, DIRECT OR INDIRECT, SUFFERED BY YOU OR ANY OTHER PERSON AS A RESULT OF YOUR USE OF THIS DRAWING FOR CONSTRUCTION PURPOSES.

- GENERAL NOTES:
- TIMBER FRAME ROOF AND WALLS TO BE IN ACCORDANCE WITH THE TIMBER FRAME LAYOUT AND TIMBER FRAME CODE 1654.2-2010
  - EXTERNAL SWINGING DOORS TO BE FITTED WITH DRAUGHT PROTECTION WEATHER STRIPS TO BOTTOM EDGE OF EACH LEAF
  - WC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH SOUTH AUSTRALIA HOUSING CODE APPENDIX D10.1
  - SMOKE DETECTORS TO BE HARD WIRED IN ACCORDANCE WITH AS 3785
  - ALL GLAZING TO BE IN ACCORDANCE WITH AS 1288
  - HOT WATER SYSTEM TO BE DESIGNED AND INSTALLED IN ACCORDANCE WITH SECTION 6A OF AS/NZS 3500 OR CLAUSE 3.38 OF AS/NZS 3500.5
  - THE BUILDING SHALL BE SPRAYED AGAINST TERMITES IN ACCORDANCE WITH AS 3660.1-2000
  - R3.0 INSULATION TO CEILINGS (MINIMUM REQ)
  - R2.0 INSULATION TO EXTERNAL WALLS (MINIMUM REQ)
  - PROVIDE SARKING TO ALL ROOF DECKING
  - DAMP PROOF COURSES AND FLASHINGS TO AS 2904-1995
  - MASONRY STRUCTURES TO AS 3700-2001
  - STAR TREADS AND LANDINGS MUST HAVE A SLIP-RESISTANT FINISH OR A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSING (SOLVER PRO SEAL EXTRA GRIP 50MM WIDE X WIDTH OF TREAD)
  - ALL ASBESTOS REMOVAL TO COMPLY WITH THE 'CODE OF PRACTICE FOR THE SAFE REMOVAL OF ASBESTOS' 2ND EDITION (NOHSC 2002 12053)
  - WITH RELATION TO THIS PROJECT, ALL BUILDERS, CONTRACTORS, SUPERVISORS, SUPPLIERS & DELIVERY PERSONS, SHALL COMPLY WITH SA OHS & WACT OF 1986 & SA OHS & W REGS 2010 ALL AUSTRALIAN STANDARDS WITHIN THE 2010 REGS

**elvio ferrara**  
 DESIGN & CONSTRUCT P/L

52 prospect road  
 prospect, south australia 5082

telephone (08) 8344 2333  
 mobile 0412 833 063  
 facsimile (08) 8344 2433

elvio@ferraraesign.com.au  
 www.facebook.com/ElvioFerraraDesignConstruct

**bda** ABN 152 671 273 38  
 BLD 261727

ISS.	DESCRIPTION	DATE
A	PLANNING DRAWINGS	14.07.15

PROJECT: PROPOSED 6 NEW DWELLINGS

CLIENT: MR ANTOINE + MRS RACHEL HADDAD

DEVELOPMENT ADDRESS: NO.96-98 GLADSTONE RD PROSPECT

DATE: JULY 2015

DRAWN BY: BART KUBEREK CHECKED BY: ELVIO FERRARA

SCALE: 1:100 @ A1

PROJECT NO.

PAGE NO: 03/03

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK TO BE TAKING 3 RDP DRAWINGS UNLESS OTHERWISE STATED ALL MEASUREMENTS ARE IN MILLIMETERS (MM)

ANY RELEASED COMPUTER FILE REMAINS THE COPYRIGHT OF ELVIO FERRARA DESIGN AND CONSTRUCT PTY LIMITED. ALL DATA CONTAINED WITHIN THE FILE IS PROVIDED FOR INFORMATION ONLY WITH THE HAND COPY TAKING PRECEDENCE. THE ISSUES OF ELECTRONIC INFORMATION IN ANY FORMAT SHALL BE THE RESPONSIBILITY FOR CONTRACTOR OBLIGATIONS WHICH INCLUDE ENSURING THAT THE WORK IS COMPLETE, ACCURATE AND CORRECT

ELVIO FERRARA AND ALL STAFF AND CONTRACTORS WOULD LIKE TO ACKNOWLEDGE THE KAURUA PEOPLE WHO ARE THE TRADITIONAL CUSTODIANS OF THE LAND. WE WOULD ALSO LIKE TO PAY RESPECT TO THE ELDERS PAST AND PRESENT OF THE KAURUA NATION AND EXTEND THAT RESPECT TO OTHER INDIVIDUALS AUSTRALIANS.



SCANNED

22 APR 2015

CITY OF PROSPECT

Attachment 15

213



# Lou Fantasia PLANNING

18 March 2015

Chris Newby  
 Manager Development Services & Communications  
 City of Prospect  
 PO Box 171  
 PROSPECT SA 5082



Dear Mr Newby

**Development Application for a residential flat building containing three two storey dwellings and three single storey group dwellings, a total of six dwellings including garages and pergolas at 96 -98 Gladstone Road Prospect.**

Lou Fantasia Planning has been engaged A & R Haddad to provide planning advice in respect to this proposal to construct a residential flat building containing three two storey dwelling and three single storey group dwellings, a total of six dwellings including garages and pergolas at 96 -98 Gladstone Road Prospect.

The proposal has been designed to respond to the context and setting of the subject land. The subject land is located in the Residential Zone – Residential Policy Area A350 as identified in the Prospect (City) Development Plan.

The design approach considers the subject land holistically, with a focus on the optimum urban design outcome that best responds to the context, siting and orientation of the land.

The proposed dwellings will provide additional choice compared to the existing housing stock generally developed in and around Prospect.

In forming my views and opinions expressed in this report I confirm that I have reviewed the Prospect (City) Development Plan consolidated 31 October 2013 and have inspected the site and wider locality.

## Site and Locality

The subject site is 96-98 Gladstone Road Prospect. The vacant site has an overall frontage of 30.48 metres to Gladstone Road and a depth of 56.7 metres. The overall site is 1728.22 square metres.

The subject land is more particularly described by the following Certificates of Title:

Certificate of Title	Description
6097/588	Lot 14 in DP 106951
5178/70	Lot 13 in DP 106950

The subject site, along with others in the immediate locality, is relatively flat.

There is no significant vegetation on the property.



**Figure 1** Subject Land (source Property Assist)



**Figure 2** View of subject land and adjoining developments

The subject land is situated some 50 metres east of the intersection of Gladstone Road and Churchill Road. Gladstone Road runs east-west between Churchill Road, a major metropolitan road and public transport route and Braund Road and the Prospect Primary School and Rosary School to the east.

The locality principally comprises older single storey detached dwellings with several two storey dwellings of a variety of architectural styles.

Several medium density developments are present in Gladstone Road including the two new dwellings on the land immediately to the west with a two storey detached dwelling at the corner of Churchill Road and Gladstone Road and a single storey dwelling adjacent, three single storey group dwellings at 88 Gladstone Road, 2 group dwellings at 76 and 80 Gladstone Road, 2 single storey semi-detached dwellings at 74 Gladstone Road and 4 single storey group dwellings at 68 Gladstone Road, Examples of other medium and high density developments exist in the wider locality in Boyle Street to the south and Bosanquet Avenue to the north and on the opposite side of Churchill Road at the corner of Winter Terrace.



**Figure 3** Subject Land and Locality

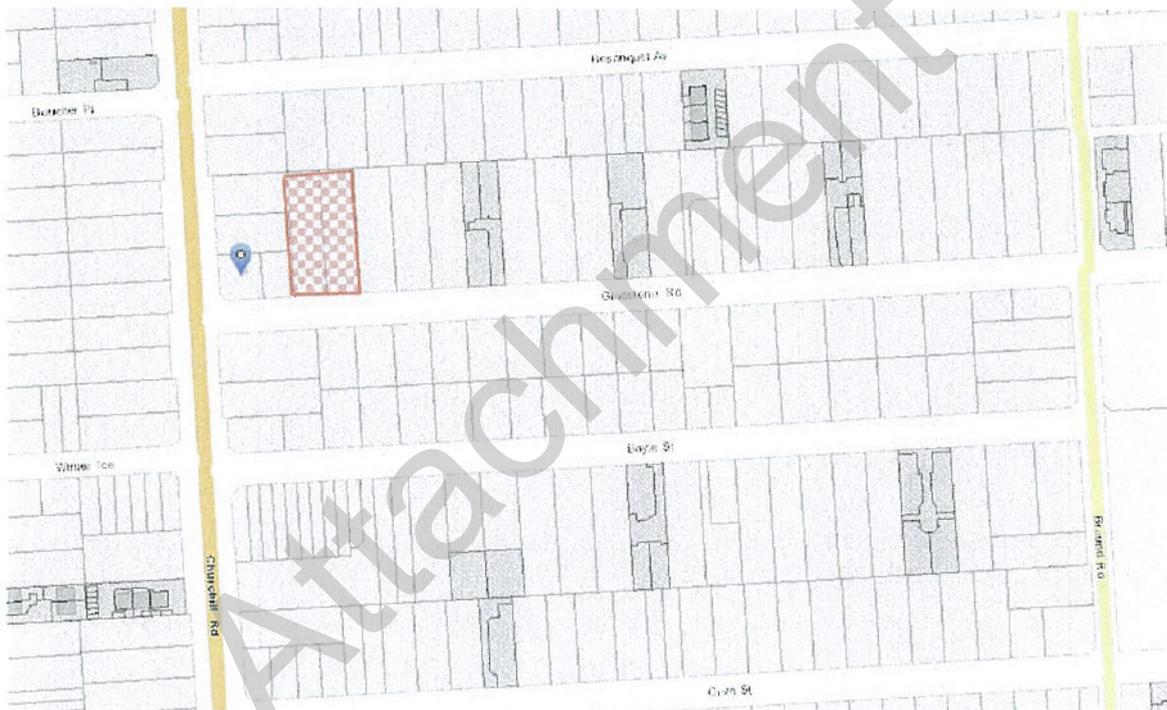


**Figure 4** View of entrance into Gladstone Road from Churchill Road



**Figure 5** View of dwelling and garage opposite the subject land

While general historical division pattern in the locality is regular in shape, recent infill development has resulted in a wide range of allotment sizes and shapes as can be seen from the cadastral plan below.



**Figure 6** Cadastral layout of Locality (Source Property Assist)

The dwellings within this section of Gladstone Road and Churchill Road and the wider locality are diverse in appearance, age, size and variety. The area is undergoing regeneration with older austere dwellings being demolished and replaced with substantial single and two storey dwellings and the modernisation with significant alterations and additions.

### Proposal

The proposal seeks the construction of a two storey residential flat building comprising three dwellings and three single storey group dwellings, a total of 6 dwellings with associated garages, pergolas, landscaping and a common driveway providing three visitor parking spaces and vehicle manoeuvring areas.

The rear group dwellings are single storey in form with two bedrooms, bathroom, laundry, meals/kitchen/living and a single car garage at ground level and an open loft living area in the roof space. Private open space is provided at the rear of the dwelling.

The front two storey dwellings each have a sitting room, living/dining/kitchen, laundry and double garage at ground level with three bedrooms at the upper level. Private open space is provided in two courtyard areas situated at the front and rear of the dwellings both accessed from the internal living areas of the dwellings.

An open pergola structure is proposed over the shared driveway between Dwelling 3 and the eastern property boundary.

All vehicular access to the dwellings will be via a common driveway along the eastern boundary of the site.

### **Planning Assessment**

The subject land is located within the Residential Zone, Residential Policy Area A350 as described in the Prospect (City) Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

#### ***Metropolitan Adelaide Provisions***

##### ***Objective***

*Form of Development*

1

*Residential Development*

5, 6, 7, 8

*Appearance of Land and Buildings*

27

##### ***Principles of Development Control***

*Residential Development*

3, 4, 8, 9, 10, 11, 13, 14, 15

#### ***Council Wide Provisions***

##### ***Objective***

*Form of Development*

1, 2, 3

*Residential Development*

16

*Appearance of Land and Buildings*

29, 30, 31

*Water Sensitive Design*

36, 37, 38

*Crime Protection*

46

##### ***Principles of Development Control***

*Form of Development*

1, 2, 3, 4, 5, 6, 10

*Residential Land Division*

14, 15, 16, 17, 18, 19, 20, Site Layout 22, 23, 24, 25, 26

*Residential Development*

*Building Appearance and Neighbourhood Character* 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54,

*On-site Car parking and Access* 55, 56, 57, 58, 59, 60, 62, 63, 98,

*Building Siting* 69, 70, 71, 72, 73, 74

*Building Height* 75, 76,

*Daylight and Sunlight* 77, 78

*Energy Conservation and Comfort* 79,80,

*Private Open Space* 81, 82, 83, 84, 85

*Landscaping* 86, 87, 88,

*Privacy* 89,90, 91 93, 94, 95,

On site Stormwater Management	97, 98,
Safety and Security	99, 100, 100, 101, 102, 105, 106, 107, 108,
Site Facilities and Storage	109, 110
Landscaping	333, 334

### **Residential Zone**

Objective	1
Principles of Development Control	Form of Residential Development 1, 2 Streetscape 10, 11

### **Residential Policy Area A350**

#### *Desired Character Statement:*

The Desired Character of Residential Policy Area A350 is of an attractive residential environment containing low to medium density dwellings of complementary architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other sites generally at greater densities than that of the original housing. The overall character of the built form will improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Buildings up to two-storeys in height are appropriate in the Policy Area, provided that landscaping is proposed on the site of the development to soften the visual impact of the second storey and the impact of their height and bulk does not adversely impact existing neighbouring development and neighbouring amenity. Amalgamation of properties is also desirable where it will facilitate appropriately designed medium-density development.

Building design should be of a high architectural standard and wherever possible provide reasonable setbacks from all property boundaries so that existing vegetation can be protected and enhanced. Front garden landscaping is particularly important in this Policy Area and should complement and reinforce existing street tree planting to assist in promoting a leafy garden suburb character and maintaining visual separation between houses.

All forms of development in the Policy Area (particularly medium density development) should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Future development in the Policy Area should comprise or address the following key elements/attributes:

- (a) the use of a single storey and two storey building scale and vertical proportions ie total height above natural ground level and height of eaves, consistent with the residential design forms typical of the area;
- (b) the establishment of side, front and rear building setbacks consistent with those of adjacent sites, that promote retention of mature trees and the creation of generous landscaped gardens that contribute to the established streetscape character;
- (c) the use and combination of materials and finishes that respond to the predominant character of the area created by the use of brick, stone and rendered finishes and architectural detailed design addressing fenestration, doorways, window and eaves;
- (d) use of roof forms and features, including materials, design and pitch which are consistent with those predominating in the locality; and
- (e) the use of open style front fences and plantings to define the public realm and private property boundary.

(my underlining)

<i>Objectives</i>	1
<i>Principles of Design</i>	1, 3
<i>Appearance</i>	4
<i>Site Areas and Street Frontages</i>	7
<i>Site Coverage</i>	8
<i>Private Open Space</i>	9, 10
<i>Setbacks and Bulk</i>	11

## Land Use

The Desired Character Statement for the A350 Policy Area within the Residential Zone anticipates that residential development will respond to the particulars of the identified desired character. It anticipates that new development will maintain and enhance the attractive residential environment and would provide for dwellings “*at greater densities than that of the original housing*” with an increase in the “*range of dwelling types*”, “*.....to meet a variety of accommodation needs.*”. Further a number of components of the Desired Character Statement seek to guide the appearance of development with regard to the scale of buildings, consistency of setbacks, front fences, the use of materials, roof pitch and architectural detailing that responds to the predominant character of buildings in the locality.

The proposal involves the amalgamation of two allotments to create the development site which accords with the Desired Character statement “*Amalgamation of properties is also desirable where it will facilitate appropriately designed medium-density development.*”

The proposal involves group dwellings and townhouses/flats that are some of the types of development anticipated to be constructed within the Policy Area but only in relation to particular sites.

*PDC 3 Other forms of dwellings such as units, townhouses and flats should primarily be located in areas close to centres and major transport routes.*

Given the substantial size of the parcel of land through the consolidation of two allotments, its location adjacent the Urban Corridor Boulevard Zone and less than 60 metres from a main transport route ie Churchill Road, the subject land represents suitable site for medium density residential development.

As a form of medium density and infill development, the proposed development is considered to be in keeping with the desired character of the A350 Policy Area and existing character of the locality. It is considered that the subject land is able to accommodate a higher density development given its close proximity to public transport on Churchill Road arterial road and that it immediately abuts land on Churchill Road within Urban Corridor Boulevard Zone which seeks significantly higher density development than the A350 policy Area.

This development would provide additional housing opportunities at a medium density close to public transport and is considered to be an appropriate type of development in a manner consistent with the broad intent of the Residential Zone and Policy Area A350.

### Site Area/Density

Council Wide Principle 18 seeks that residential allotments should be of varying sizes to encourage housing diversity. Each of the Policy Area within the Residential Zone 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.

Policy Area Principle 7 seeks that higher density development within the Policy Area such as residential flat building and group dwellings should generally be on larger consolidated sites and close to major transport routes (Principle 3 and Desired Character statement).

The proposal would provide an average site density of 288 square metres per dwelling. While this is less than the minimum site area desired within Policy Area 350, the Desired Character Statement expresses anticipation that development of a higher density than that appropriate elsewhere in the zone is appropriate on sites close to major transport routes and on larger consolidated sites.

Further the subject land abuts and is partially opposite the Urban Corridor Boulevard Zone which seeks a dwelling density of 100 dwellings per hectare (100 square metres per dwelling).

The proposed development on the subject land will create a transition area between high density housing of the Urban Corridor Zone and the lower density housing of the R350 Zone. The subject land will allow for the transition in built form from the potential 4 storey residential buildings along Churchill Road within the Urban Corridor Boulevard Zone and lower density single storey dwellings to the east of the subject land.

While the dwellings would not be provided with the site areas of 300m<sup>2</sup> each as sought by Policy Area Principle 7, the shortfall in site area is moderate and not considered significant as there will be no negligible impacts on the streetscape character or locality as such the proposal would accord with the desirable outcome for this particular site with regard to the Desired Character Statement and Policy Area Principle 3.

To this end, the proposal would be of an appropriate dwelling density as the subject land has increased opportunity and potential to provide a wide range of affordable and sustainable housing at a medium density given its location at the boundary of a higher density zone. The consolidated site is the transition area between the higher density development along Churchill Road and the existing lower density and scale development in Gladstone Road and therefore can accommodate densities higher than those existing in Gladstone Road provided that it addresses the key elements and attributes sought by the Desired Future Character, and it respects and contributes to the neighbourhood character.

## Built Form and Setbacks

Policy Area Principle 4 seeks the appearance, scale, bulk and design of residential development should be compatible with the desired character of the locality, in accordance with the relevant Zone or Policy Area, in terms of built form elements such as:

- (a) building mass and proportion;*
- (b) materials, patterns, textures, colours and decorative elements;*
- (c) ground floor height above natural ground level;*
- (d) roof form and pitch;*
- (e) facade articulation and detailing and window and door proportions;*
- (f) verandahs, eaves and parapets; and*
- (g) driveway crossovers, fence style and alignment*

The Desired Future character statement seeks all forms of medium density development maintain and protect existing vegetation and should address or address the following key elements and attributes:

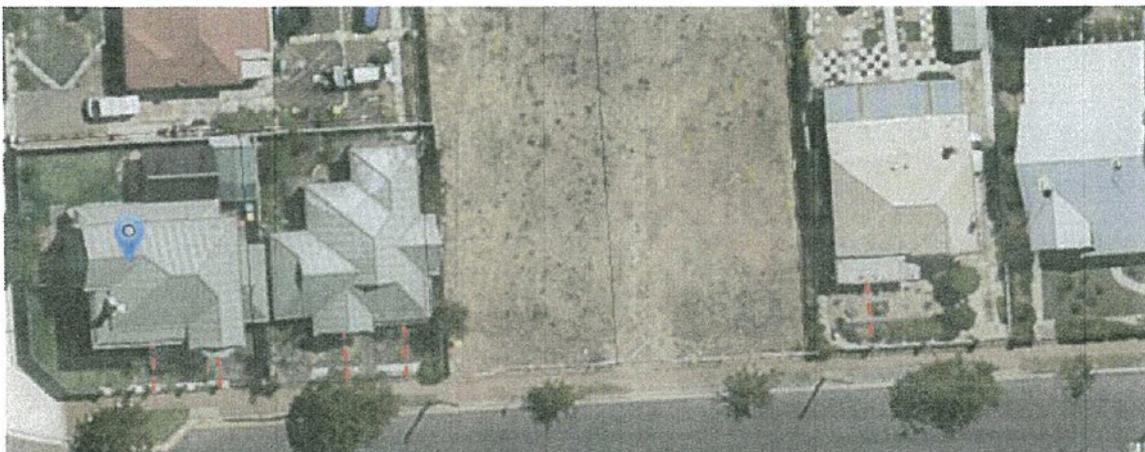
- (a) the use of a single storey and two storey building scale and vertical proportions ie total height above natural ground level and height of eaves, consistent with the residential design forms typical of the area;*
- (b) the establishment of side, front and rear building setbacks consistent with those of adjacent sites, that promote retention of mature trees and the creation of generous landscaped gardens that contribute to the established streetscape character;*
- (c) the use and combination of materials and finishes that respond to the predominant character of the area created by the use of brick, stone and rendered finishes and architectural detailed design addressing fenestration, doorways, window and eaves;*
- (d) use of roof forms and features, including materials, design and pitch which are consistent with those predominating in the locality; and*
- (e) the use of open style front fences and plantings to define the public realm and private property boundary.*

The appearance of the front three two storey dwellings incorporates stone, render and brick with a feature gable and cantilever balcony.

The building has been designed with the appearance of three attached dwellings each with its own traditional front yard and pedestrian access to the street with garaging at the rear accessed from the shared driveway. The proposed hipped roof form would be similar to the existing dwellings in the locality. The front two storey façade will be articulated and modulated with the contrast between brick and stone, use of render banding timber elements and the window proportions at lower and upper levels.

This building will be setback 5.5 metres from the main wall alignment to the street, 1.5 metres from the western zone boundary and 7.5 metres from the eastern common boundary with the adjoining dwelling.

The adjoining dwelling to the west is setback 3.8 to 4.2 metres from the street and the dwelling to the east is setback 5.5 metres to the verandah and 7.3 metres to the main wall of the dwelling. The two storey dwelling at the north-eastern corner of Gladstone Road and Churchill Road has setback of 2.5 to 3.8 metres.



**Figure 7** Siting of existing adjoining and adjacent dwellings from Gladstone Road (Source Property Assist)

Policy Area Principle 11 seeks that new dwellings should be no higher than two stories with a setback of 1.0 from side boundaries and 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 3.0 metres above natural ground level at the side, rear and front allotment boundaries to a maximum height of nine metres.

A minor encroachment of the building envelope may be acceptable provided the distance to the boundary is not less than 1 metre. This building, setback 1.5 metres from the western boundary and 7.5 metres from the eastern boundary has a minor encroachment to the western boundary for a length of 10.0 metres.

The western side of the upper storey would encroach beyond the building envelope, however when taking into consideration the location and setback, the encroachment would not have an unreasonable impact on the adjoining land also taking into consideration the potential higher density development and taller built form that can be achieved on the adjoining Churchill Road properties.

The front setback generally accords with Policy Area Principle 11 as the building is two stories in height with a side boundary setback of more than 1.0 metres. Further Council Wide Principle 65 anticipates that dwellings would be setback from the front of the allotment to contribute to and enhance existing or desired streetscape character in terms of dwelling height and style, design elements and location of garage; provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement; and provide for the efficient use of the site. 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.

A flat open pergola structure will be constructed over the driveway between the main part of the building to the eastern boundary to break-up the two storey wall and provide visual interest along the driveway.

The rear three group dwellings as essentially single storey dwellings with a loft area within the roof space. These dwellings will be setback 5.85 metres from the rear boundary with verandahs at 2.85 metres.

These rear dwellings will each have 900mm separation/setback along their eastern side with the western dwelling sited to the western property boundary.

Council-wide Principle 72 seeks side boundary walls should be limited in length and height to:

- (a) minimise the visual impact of buildings from adjoining properties;*
- (b) minimise the overshadowing of adjoining properties;*
- (c) maintain adequate daylight to adjoining dwellings; and*
- (d) reduce risk damage to mature vegetation on adjoining properties, taking into account potential major damage to root systems.*

Additionally Council Wide Principle 73 seeks that the length and height of walls on a boundary should be such that they do not contribute to a significant loss of amenity to adjacent dwellings and land and should not exceed a height of 3.0 metres above natural ground level.

The proposed boundary walls are relatively short length of walls of a length usually attributed to domestic outbuildings measuring 8.78 metres and 5.0 metres with a height of 2.7 metres above natural ground level. While the length of the wall would exceed the desired length of 8.0 metres sought by Council-wide PDC 73 by 0.78 metres it is not anticipated that minor non-compliance will unreasonably impact on the adjoining neighbours by way of overshadowing, loss of sunlight or being visually dominant to the rear yards of the Churchill Road properties.

#### **Traffic and Carparking.**

The proposal will involve the closure of the two existing crossovers and construction of a single 6.0 metre wide adjacent to the eastern boundary for vehicular and pedestrian access to the 6 dwellings. The 6.0 metre wide driveway will extend along the eastern boundary and then turn 90 degrees to the west to provide an access corridor the garages of the 6 dwelling and the front door to the rear dwellings.

Landscaping beds are proposed along each side of the north-south section of driveway for the planting of tree and shrubs to soften the hard surfaces, provide screening to the dwelling walls and boundary fence and accommodate stormwater runoff from the driveways pavement. A flat open pergola is proposed over section of the driveway to provide visual interest and scaling to the building when viewed from the street and the adjoin property to the east.

Landscaping beds are also provided to the front of the rear dwelling to act a greened buffer area between the front of each dwellings and the driveway.

The new access point will not impact upon and street trees or other footpath infrastructure.

The driveway area provides ample space to the safe and convenient on site manoeuvring of resident and visitor vehicles within the site so they can enter and leave the complex in a forward direction.

The front dwellings each contain three bedrooms and require two on-site carparking spaces, with one undercover and the rear two bedrooms dwellings only require one garage space and a stacked visitor space each which accords with Council Wide Principle 55, 56 and 57.

The proposal will retain and improve the kerb side parking arrangement by providing a continuous parking area for visitors parking in front of the site which can accommodate up to four vehicles.

It is considered that the proposal meets the above provisions, particularly given that on-street carparking is provided directly adjacent the subject land and there is not a high demand for on-street parking in the locality.

### **Site Coverage and Private Open Space**

The Policy Area Principle 8 anticipates that the building footprint for new development site which includes all roofed areas such as dwellings, carports, garages, outbuildings, covered pergolas and verandahs, should not cover more than 50% of the total area of the subject site. Further, Policy Area Principle 9 seeks development to provide 25m square metres of private open space per proposed bedroom with this area directly accessible from an internal living area located to the side or rear of the dwelling and with a minimum dimension of 4 metres. Principle 10 allows for up to 20% of this area to be covered by a verandah.

The Environment, Resources and Development Court in many recent decisions including the judgement in *Dunning & Anor v District Council of The Copper Coast* ([2010] SA ERDC 47), has stated that Council, in making decisions of merit for residential developments, should have regard to the extent of a structure that may be built as of right pursuant to the Residential Code (portions of Schedules 1A and 4 of the Development Regulations 2008). In this regard, the Residential Code provides that a verandah type structure of less than 40m<sup>2</sup> in floor area and of overall site coverage equal to or below 60% may be exempt from requiring planning consent (subject to several other requirements).

The proposed development has total floor area (building footprint) of 821 square metres which includes the verandah/alfresco to the rear of the rear dwellings and balconies to the front dwellings but excludes the open pergola along portion of the driveway. This results in site coverage of 47.5% which consistent with Principle 8.

The residential flat building would achieve approximately 40m<sup>2</sup> of private open space for each dwelling, of which 15% would be covered by the upper storey balcony.

The private open space would be provided in three areas and directly accessible from internal living areas and/or habitable room (ie Master bedroom) of each dwelling. The main outdoor living area has a northern orientation and is situated between the kitchen/meals/ living room and the double garage. The secondary private open space area would occupy a portion of the front yard as a courtyard area directly accessible from the 'living room'. Landscaping and a screen wall would define the courtyard space while maintaining the appearance of traditional landscaped front yard with a fence to the street.

The provision of private open space provided to each of these front dwellings, while not excessive in size, is considered more than adequate to cater for the use, enjoyment and recreational needs of the future residents given that it is accessed off a main living areas, the key

outdoor living area has exposure to northern sunlight and includes an area with a minimum dimensions of 4.0 metres as sought by Council-wide Principles 81 and 82 and Policy Area Principle 9

The rear dwellings would each achieve some 59 square metres of private open space directly accessible from the internal living area, of which 30% would be covered with by an alfresco/verandah area.

Since each dwelling would provide 2 bedrooms, the private open space provision exceeds the desired level sought in Principle 8 and is appropriately located having a northern orientation.

### **Overlooking**

Council Wide Principle 89 seeks to minimise the potential for overlooking onto useable private open spaces or windows of adjoining dwellings. The potential for overlooking into the adjoining properties has been dealt with through the provision of sill heights 1.7m above the floor level or obscure glazing with restricted openings to all of the upper level windows in side and rear elevations of the three front dwellings.

This form of privacy screening is generally deemed satisfactory to ensure that adequate visual privacy is maintained for the adjoining residents.

No screening is considered necessary from the front balconies which overlook the public domain of the street.

Accordingly, the potential for overlooking from the upper floor windows has been adequately addressed in accordance with Council-wide Principle 90. As a result, the development would be consistent with privacy measures anticipated under Council's Development Plan.

### **Overshadowing**

Council Wide Principle of Development Control 78 along with Design Technique 78.1 seeks that 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 35m<sup>2</sup> 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 two consecutive hours between 9:00am and 3:00pm on 21 June.

Overshadowing diagrams are not considered necessary as the rear dwellings are single storey in height and scale, and the location of the residential flat building to the front of the site of the site, and the north-south orientation of the subject land.

The proposal would satisfy the above provision with the overshadowing impacts unlikely to result in unreasonable impacts on the adjoining dwelling to the west as overshadowing will be limited to the early morning period, only. It is highly unlikely that the residential flat building would cast any shadowing onto the adjoining dwelling to the east given its setback of 7.5 metres from the eastern boundary.

Therefore the proposed development will not result in unreasonable overshadowing of habitable room windows or private open space of the adjoining dwellings to the east and west due to the siting and setbacks of the dwellings and the orientation of the site.

### **Energy Conservation Measures**

The orientation, design and layout of each dwelling would satisfy the intent of Council Wide Principle 79 in terms of energy conservation and the comfort of future residents as:

- the main living areas of each dwelling will have north facing windows;
- layout of the dwellings would enable the main living areas to be separately heated and cooled
- the windows and doors are located on both sides of the dwellings to allow for sunlight and cross ventilation; and
- verandahs would be provided to the outdoor living areas of the rear dwellings.

### **Landscaping**

A proposal drawings include landscaping details for the public and private areas of the dwellings and along the common driveway area of the development.

The proposed landscaping, once established, would be beneficial in softening the appearance of the dwellings as viewed from the street and the internal driveway

In addition, the landscaping along the common driveway together with the open pergola would create an aesthetic streetscape approach and should not interfere with the movement of traffic along the driveway.

### **Stormwater Management**

Council Wide Principles 97 and 98 seek to ensure that site drainage should be designed to safely direct surplus flows to a public street without causing harm to adjoining properties and the stormwater drainage system be designed to retain as much stormwater as possible, minimising the overflow to the kerb and water table.

The proposal will provide detention tanks with a minimum capacity of 1000 litres connected to each dwelling for reuse in the and to slow down the rate of discharge onto the street in manner consistent with the abovementioned Principles.

### **Conclusion**

While the proposal does not meet some of the quantitative requirements of the Development Plan, it is considered to meet the qualitative provisions and, on the whole, will result in a form of residential development that is suitable for the zone, locality and more particularly taking into consideration the location of the subject site at the interface of two residential zones with very different density and development outcomes. The proposed consolidated site is considered a suitable site to accommodate the transitioning between the high density and taller built form outcomes for the adjacent Urban Corridor Boulevard Zone along Churchill Road and the medium density single and two storey outcomes for the A350 Policy Area.

The proposed design is sympathetically designed and responds well to its site, the existing streetscape character and locality and appropriately minimises any negative impacts of visuals bulk, overshadowing and overlooking.

While the site area per dwelling is less than the desired minimum sought for Residential Policy Area A350, the proposal would result in a form of medium density development encouraged by the desired character for this policy area which would complement and enhance neighbourhood character of the locality and provide a positive contribution to the streetscape of Gladstone Road, particularly given its proximity to Churchill Road a major metropolitan public transport route and its location at the interface with the Urban Corridor Boulevard Zone.

In its entirety, the proposal represents a form of development and is considered consistent with the desired character of the area and the relevant provisions of Council's Development Plan.

Accordingly and on balance, the proposal sufficiently satisfies the overall intent of the Development Plan, and therefore this application merits, in my view, the granting of Development Plan Consent.

If you have any queries on the matters addressed herein please do not hesitate to contact me on 0413 743 405.

Yours faithfully

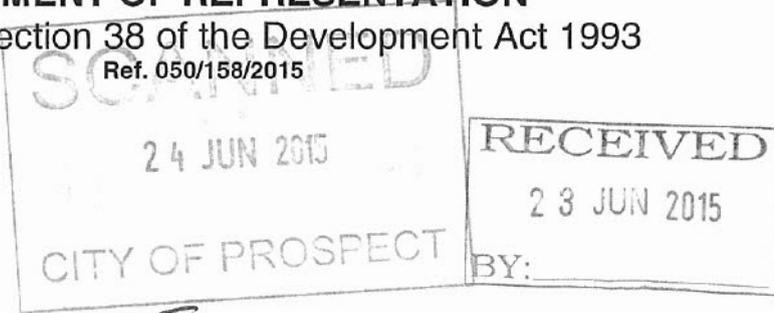


**Lou Fantasia** MPIA KCHS  
Certified Practising Planner

# STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act 1993

Ref. 050/158/2015



TO: City of Prospect  
128 Prospect Road  
PROSPECT SA 5082

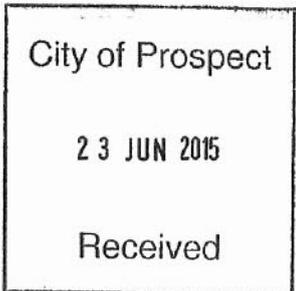
NAME OF REPRESENTOR(S): Helen Tramontano

RESIDENTIAL/BUSINESS ADDRESS: 100 Gladstone Rd Prospect 5082

POSTAL ADDRESS: 77 Albert St Prospect 5082

MY REPRESENTATION IS IN REGARD TO THE PROPOSED DEVELOPMENT AT:

96 Gladstone 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):

As advised by Planning Dept

length of 2 storey units facing Gladstone Road Prospect  
 26m from boundary to end of garage.  
 Garage height 4.5m to top of gable  
 2 Storey unit 5.7m to wall → 8.1m to gable

100 Gladstone Road Prospect is 20.73 long from boundary  
 Proposed units will engulf the whole of 100 Gladstone Road.  
 Being over shadowed on both sides by 2 storey dwellings  
 will in summer restrict airflow to allow for cross  
 ventilation to cool the home at night as is recommended  
 therefore increasing usage of air conditioning.  
 Shadowing from proposed development will affect  
 property amenities.  
 The value of property will decrease and possible rental income  
 may be affected.

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

Joanna Takianos

SIGNED: [Signature]

DATED: 22/6/15

**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.

City of Prospect  
23 JUN 2015  
Received

SCANNED

23 JUN 2015

24 JUN 2015

Windows, courtyard + kitchen from 100 Gladstone Rd Prospect, facing proposed development at 98 Gladstone Rd will receive a considerable <sup>less</sup> amount of natural sunlight therefore making the property use more energy to light the property during the day and also warm the property during the cooler months. Therefore making it less sustainable and cost more to live in.

Utilizing natural light can lead to substantial energy savings.

There are also studies that advise not enough natural light may cause depression.

The attached graph from [sa.gov.au](http://sa.gov.au) <sup>average</sup> re energy use in an Australian home shows 38% heating + cooling and 7% lighting.

This will increase dramatically by shadowing from proposed development at 96-98 Gladstone Rd Prospect.

Daylighting is now a requirement for new buildings according to the Building Code of Australia (BCA). The BCA states that 'habitable rooms' require permanent access to fresh air and natural light.

Building the proposed dwellings at 96-98 Gladstone Road Prospect will greatly impede onto 100 Gladstone Road Prospect and not allow for this requirement to 'habitable rooms'.

The potential of 6 new families moving into proposed development will also cause alot more

RECEIVED  
23 JUN 2015  
BY: \_\_\_\_\_

traffic, street parking congestion, neighborhood noise and moving into confined spaces.

I have also included a letter from Benjamin Philpott from dbphilpott realestate advising of possible traffic problems, living problems and financial issues associated with new development.

Privacy of occupants at 100 Gladstone Road Prospect will be affected by the new proposal.

Thank You

Sincerely

Helen Tromouler

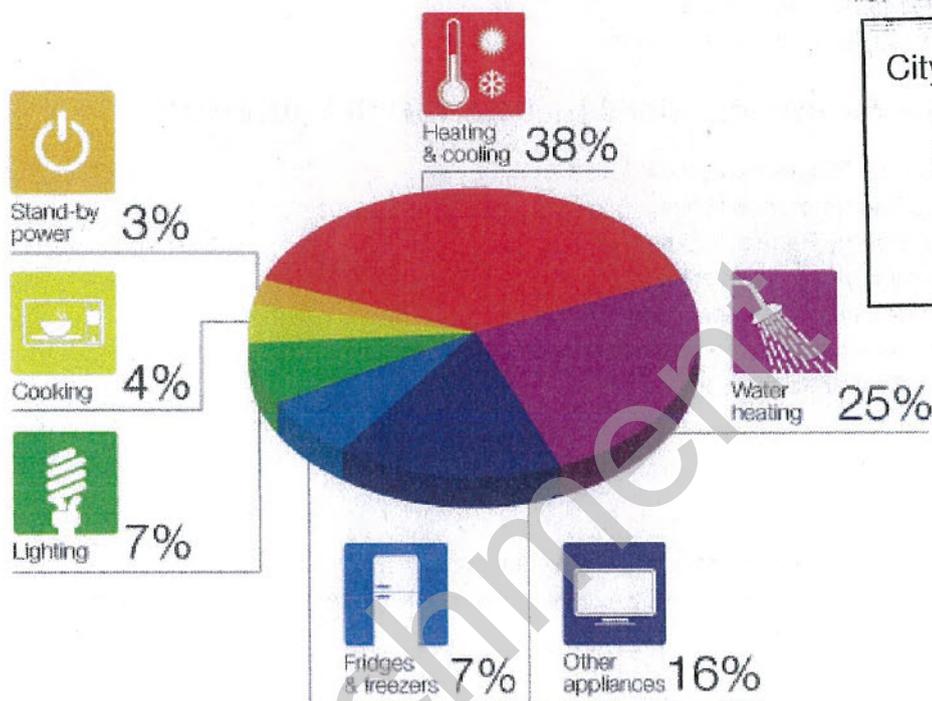
City of Prospect  
23 JUN 2015  
Received

Attachment

sa.gov.au

## Saving energy at home

The average energy use in an Australian home can be broken down into seven categories.



RECEIVED  
23 JUN 2015  
BY:

City of Prospect

23 JUN 2015

Received

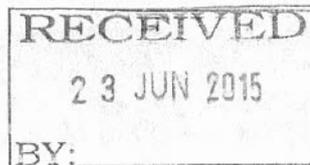
### Check and reduce your energy use

- Home energy audit
- Easy energy saving tips
- Energy use at home
- Understand energy bills
- Appliance running costs
- Contact the Energy Advisory Service
- Help to save energy at home
- How to read meters
- Energy rating labels
- Compare your electricity use
- Manage your energy bills

### Energy efficient home design

- Insulation, ventilation and draught proofing
- Thermal performance of your home - orientation, location and layout
- Glazing and shading
- Interactive energy efficient home
- Energy efficiency requirements for new homes
- Persons suitable to perform energy assessments

SCANNED  
24 JUN 2015  
CITY OF PROSPECT



## Household appliances and other energy users

- Heating and cooling
- Fridges, freezers and cooking
- Computers and home office equipment
- Lighting
- Swimming pools and spas
- Water heating
- Stand-by power
- Home entertainment appliances
- Washing machines and clothes dryers

## Assistance for organisations that work with households

- Energy Partners Program overview
- Our Energy Partner organisations
- Become an Energy Partner organisation
- Energy Partners email newsletter
- Resources for Energy Partners organisations
- Further energy information to help households
- Contact the Energy Partners Program

**Provided by:** Department of State Development

**URL:** <http://www.sa.gov.au/topics/water-energy-and-environment/energy/saving-energy-at-home>

**Last Updated:** 01/07/14

**Printed on:** 16/06/15

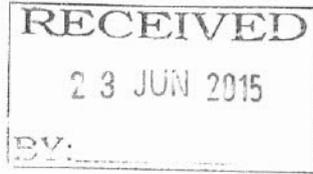


The Government of South Australia website is licensed under a [Creative Commons Attribution 3.0 Australia Licence](https://creativecommons.org/licenses/by/3.0/au/). © Copyright 2015

sa.gov.au

15<sup>th</sup> of June 2015

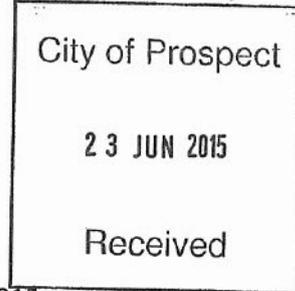
Susan Giles  
Development Officer, Planning  
128 Prospect Road  
PROSPECT SA 5082



property sales  
property management

102 Prospect Road, Prospect  
South Australia 5082  
Telephone: 8343 5600  
Facsimile: 8344 9972  
philpott@sellandrent.com.au  
www.sellandrent.com.au

ABN 12 008 218 068  
RLA 48442



To Whom It May Concern:

RE 96-98 Gladstone Road Prospect Reference No: 050/158/2015

Please note we act as property managers for 100 Gladstone Road Prospect please take this as formal notice that the current occupiers (tenants) of the property and myself have concerns with the nature of the development proposed, we have concerns with overlooking at the property and privacy within the yard space & windows of the home, plus shading of the front of the property, currently we get morning sun on the Eastern side of the home but feel that this will decrease with the 4 meter set back and increase the need for more lighting being used during day light hours within the property at 100 Gladstone Road Prospect.

Whilst we understand that development upon the site next door is inevitable we feel 6 dwellings is excessive for the site and that no consideration has been given to street parking lack of already and congestion that can be caused by this, the street already carries a lot of traffic in the morning as it has two Primary Schools located a short distance away and traffic should also be considered as this will compromise access in and out of the driveway at 100 Gladstone.

The feeling is that this will have a financial impact of the properties rent plus rent ability & future sale ability.

We would ask what can be done regarding these concerns.

Cc' Ms H Tramountana



Regards,

**BENJAMIN PHILPOTT**  
Property Manager

DISCLAIMER

We have in preparing this document used our best endeavours to ensure accuracy, but accept no responsibility and disclaim all liability in respect of any errors, omissions, inaccuracies and misstatements in this document. Clients should make their own investigations to verify the information contained in this document. With relation to issues of privacy and contact we will work on a basis that your consent is implied unless instructed otherwise.

# Lou Fantasia PLANNING

20 July 2015

Chris Newby  
Manager Development Services & Communications  
City of Prospect  
PO Box 171  
PROSPECT SA 5082

Attention: Susan Giles

Dear Ms Giles

**Response to Representation to the proposed 6 Dwellings two storey residential flat building comprising three dwellings and three two storey group dwellings) at 96 -98 Gladstone Road Prospect (DA 050/128/2015)**

We write in response to the representation received during the public notification of the abovementioned development application and Council's request for additional information.

We have been provided with a copy of the representation from Ms Helen Tramountana of 77 Albert Street Prospect owner of 100 Gladstone Street Prospect.

In summary the keys issues raised by Ms Tramountana relate to:

- streetscape extent of two storey facing Gladstone Road, height of gable to the garage & extent of two storey wall adjacent to dwelling at 100 Gladstone Road.
- overshadowing -loss of light and air
- increase in traffic and street parking congestion
- loss of property value
- increase in neighbourhood noise

The additional information sought relates to the possible impacts of overshadowing on the adjoining dwellings in particular the dwelling at 100 Gladstone Road, and the number of bedroom and the provision of private open space to each dwellings.

Shadow diagrams have also been provided to show the impacts of overshadowing which will be discussed in latter section of this letter.

### **Two storey height, form and appearance**

The representor has raised concern in relation to the two storey form of the proposal.

In our opinion the proposal responds well to the predominant existing single storey character of the locality and the future scale of development for the adjoining properties to the west within Urban Corridor.

The Desired Future character statement for the R350 Policy Area seeks all forms of medium density development maintain and protect existing vegetation and should address or address the following key elements and attributes:

- (a) the use of a single storey and two storey building scale and vertical proportions ie total height above natural ground level and height of eaves, consistent with the residential design forms typical of the area;*
- (b) the establishment of side, front and rear building setbacks consistent with those of adjacent sites, that promote retention of mature trees and the creation of generous landscaped gardens that contribute to the established streetscape character;*
- (c) the use and combination of materials and finishes that respond to the predominant character of the area created by the use of brick, stone and rendered finishes and architectural detailed design addressing fenestration, doorways, window and eaves;*
- (d) use of roof forms and features, including materials, design and pitch which are consistent with those predominating in the locality; and*
- (e) the use of open style front fences and plantings to define the public realm and private property boundary.*

The front building has been designed with the appearance of three attached dwellings, each with a traditional front yard and pedestrian access to the street with garaging at the rear accessed from the shared driveway.

The design and appearance of these dwellings borrows from traditional building elements, and materials and finishes found in existing dwellings along Gladstone Road using a hipped roof form, window proportions, brick and stone, render banding and timber elements.

Policy Area Principle11 seeks that new dwellings should be no higher than two stories with a setback of 1.0 from side boundaries and describes a 'building envelope' within which new development should be contained. Dwelling 1 has a small protrusion of a portion of the upper storey outside the building envelope. The variance is considered acceptable taking into consideration the potential higher density development and taller built form that can be achieved on the adjoining Churchill Road properties to the west within the Urban Corridor Boulevard Zone.

We note that the two storey built form does not project any further forward into the street than the adjoining dwelling to the west, the proposed side and rear setbacks are sufficient; and the provision of adequate private open space in the form of central courtyard to ensure no unreasonable building bulk or mass is present upon the private open space of the adjoining dwelling at 100 Gladstone Road.

The design of the dwellings is innovative and is considered to positively contribute to the character of the locality, with the use of a mix of materials and articulated walls.

#### **Loss of light (overshadowing) and air**

Development Plan Council Wide Principle of Development Control 78 along with Design Technique 78.1 seeks that 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 35m<sup>2</sup> 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 two consecutive hours between 9:00am and 3:00pm on 21 June.

The attached shadow diagrams clearly show that the development will not cast shadow over more than 50% of yard areas for greater than 3 hours between 9am and 3pm of the adjoining dwellings to the east and west in accordance with the Development Plan policies. In fact neither Dwelling 1 nor its garage will cast a shadow over the main outdoor living area of the adjoining dwelling at 100 Gladstone Road, which is located at the north-western corner of the property. While the eastern windows of that dwelling will be in shadow for a portion of the morning period there will be no loss of light beyond 12 noon in winter. The extent of morning shadowing will be lesser in summer.

Therefore the proposed development will not result in unreasonable overshadowing of habitable room windows or private open space of the adjoining dwellings to the east and west due to the siting and setbacks of the dwellings and the orientation of the site.

#### **Carparking & Traffic**

The proposed development, like any increase in housing densities, might increase traffic and possibly general activity/noise. These are however by-products of what is anticipated for the Residential Zone which expressly seeks increases in residential density.

However the level of traffic likely to be generated by the proposed dwellings is unlikely to generate a significant increase traffic volumes on Gladstone Road and would be well within the carrying capacity of this road.

The proposal has been amended with the reduction of the number of bedrooms to the front dwellings to 2 bedrooms. The provision of two parking spaces per dwelling in the nature of double garages for the front dwellings and a single garage with stack parking space accords with parking requirements for such dwellings as sought by Council Wide Principle 55, 56 and 57.

The proposal will close an existing crossover which will improve and increase the kerb side parking area by providing a continuous parking area for up to four vehicles (visitors parking) in front of the site.

It is considered that the proposal meets the above provisions, particularly given that on-street carparking is provided directly adjacent the subject land and there is not a high demand for on-street parking in the locality, and will not result in a significant increase in traffic in the street.

#### **Acoustic Privacy**

It is not envisaged that the proposed dwellings will be the source of any greater noise disturbance than ordinarily expected in a domestic setting.

The proposal is a residential development which is not a noise generating land use compared to commercial or industrial activities. The proposed development in terms of land use and density is very much envisaged in Zone and any noise generated would be at a level generally associated with residential activity.

Noise associated with residential activity is not a planning consideration nor is the likelihood for domestic disputes. These are matters for the South Australian Police.

#### **Loss of Property Value**

The representor has raised the issue of loss of vale and resale value of the property from the construction of the proposed dwellings. This is not founded through any rigorous research.

The possible decrease in value of a home due to a development is not a planning issue and should not be taken into account when assessing a planning application.

This view has been supported in the Environment, Resources and Development Court, in particular the matter of *Boswell v Mid Murray Council & Ors (2012) SAERDC 31*, where Commissioner Green made the following remarks in respect of the issue of property values:

*“28 A peripheral issue raised by the appellant – of the impact of the proposal on the re-sale prospects and value of his adjoining property – is to be given no consideration or weight. Values of other property in a locality may fall (or rise) as a result of the outcome of planning decisions and new development or redevelopment. It is an outcome, not criteria to judge a development proposal upon, nor founded in the primary Development Plan guide for assessing development and decision making.”*  
(my underline)

### Other Matters

As mentioned above the proposal has been amended to show that the front row dwellings will each contain two bedrooms. The rear dwellings contain 2 bedrooms and a living loft area within the roof space.

The provision of private open space for Dwellings 1 and the three rear dwellings is in excess of 50 m<sup>2</sup> for two bedroom dwellings and has a northern orientation. The private open space provision for these dwellings exceeds the desired level sought in Principle 8.

The private open spaces for Dwellings 2 and 3 is marginally below the 50m<sup>2</sup> however it is considered more than adequate to cater for the use, enjoyment and recreational needs of the future residents given that they will be accessed directly from the internal living areas with the main outdoor living area having exposure to northern sunlight, and includes an area with a minimum dimensions of 4.0 metres as sought by Council-wide Principles 81 and 82 and Policy Area Principle 9.

### Conclusion

We trust the above satisfactorily responds to the key issues raised by the representor.

Overall, the proposal would result in a form of medium density development encouraged by the desired character for this policy area which would complement

and enhance neighbourhood character of the locality, and provide a positive contribution to the streetscape of Gladstone Road, particularly given its proximity to Churchill Road a major metropolitan public transport route and its location at the interface with the Urban Corridor Boulevard Zone.

It appropriately manages its impacts to the street and adjoining properties whilst enhancing the appearance of the land and locality and it will form an attractive element on the street. We are of the view, therefore that the proposal when assessed against the relevant provisions of the Development Plan, displays merit and is worthy of planning consent.

We wish to confirm our attendance at the Development Assessment Panel to respond to any third party submission made to the Panel.

Please do not hesitate to contact us should you have any questions or require any further information in this matter.

Yours faithfully



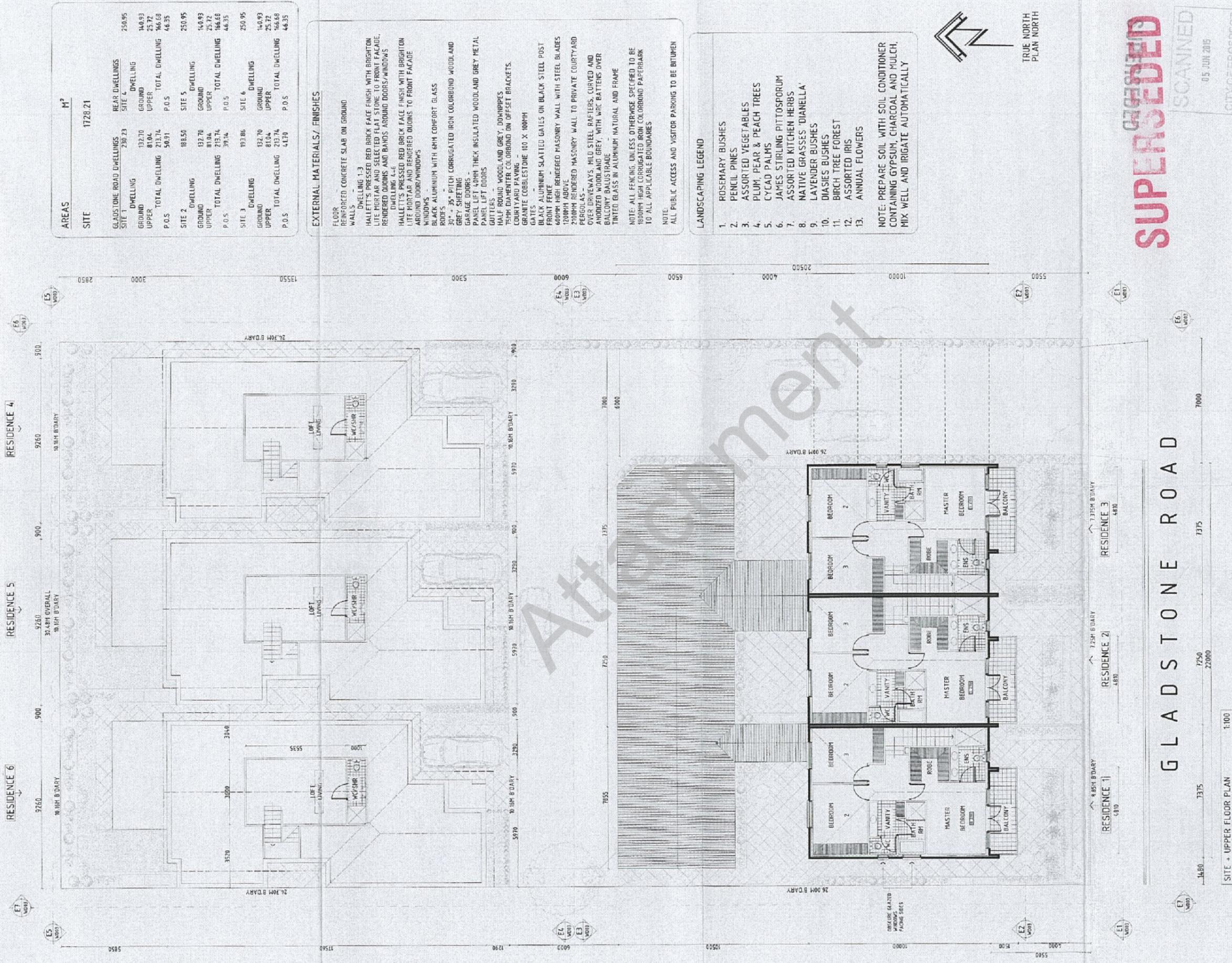
**Lou Fantasia** MPIA KCHS  
Certified Practising Planner





96-98 GLADSTONE RD PROSPECT  
SUN SHADING 21 JUNE - 12PM





AREAS	M <sup>2</sup>
<b>SITE 1728 21</b>	
<b>GLADSTONE ROAD DWELLINGS</b>	
SITE 1 DWELLING	250.95
GROUND UPPER	140.93
P.O.S.	25.72
<b>TOTAL DWELLING</b>	<b>166.68</b>
<b>SITE 2</b>	
DWELLING	250.95
GROUND UPPER	140.93
P.O.S.	25.72
<b>TOTAL DWELLING</b>	<b>166.68</b>
<b>SITE 3</b>	
DWELLING	250.95
GROUND UPPER	140.93
P.O.S.	25.72
<b>TOTAL DWELLING</b>	<b>166.68</b>
<b>SITE 4</b>	
DWELLING	250.95
GROUND UPPER	140.93
P.O.S.	25.72
<b>TOTAL DWELLING</b>	<b>166.68</b>
<b>SITE 5</b>	
DWELLING	250.95
GROUND UPPER	140.93
P.O.S.	25.72
<b>TOTAL DWELLING</b>	<b>166.68</b>
<b>SITE 6</b>	
DWELLING	250.95
GROUND UPPER	140.93
P.O.S.	25.72
<b>TOTAL DWELLING</b>	<b>166.68</b>

**EXTERNAL MATERIALS/ FINISHES**

FLOOR: REINFORCED CONCRETE SLAB ON GROUND  
 WALLS: DWELLING 1-3: HALLET'S PRESSED RED BRICK FACE FINISH WITH BRIGHTON LITE PORTAR AND SELECTED FLAT STONE TO FRONT FACADE, RENDERED QUOMS AND BANDS AROUND DOORS/WINDOWS. DWELLING 4-6: HALLET'S PRESSED RED BRICK FACE FINISH WITH BRIGHTON LITE PORTAR AND RENDERED QUOMS TO FRONT FACADE AROUND DOOR/WINDOWS.  
 WINDOWS: BLACK ALUMINIUM WITH 6MM COMFORT GLASS ROOFS: 30° x 35° PITCH CORRUGATED IRON COLORBOND WOODLAND GREY SHEETING  
 GARAGE DOORS: PANEL LIFT 40MM THICK INSULATED WOODLAND GREY METAL GUTTERS: HALF ROUND WOODLAND GREY DOWNPIPES  
 75MM DIAMETER COLORBOND ON OFFSET BRACKETS. COURTYARD PAVING: GRANITE COBBLESTONE 100 X 100MM GATES: BLACK ALUMINIUM SLATED GATES ON BLACK STEEL POST FRONT FENCE: 600MM HIGH RENDERED MASONRY WALL WITH STEEL BLADES 1200MM ABOVE PERGOLAS: 2100MM RENDERED MASONRY WALL TO PRIVATE COURTYARD OVER DRIVEWAYS. MILU STEEL RAFTERS, CURVED AND ANODIZED WOODLAND GREY, WITH WRC BATTENS OVER BALCONY BALUSTRADE TINTED GLASS IN ALUMINIUM NATURAL AND FRAME  
 NOTE: ALL FENCING, UNLESS OTHERWISE SPECIFIED TO BE 1800MM HIGH CORRUGATED IRON COLORBOND PAPERBARK TO ALL APPLICABLE BOUNDARIES  
 NOTE: ALL PUBLIC ACCESS AND VISITOR PARKING TO BE BITUMEN

**LANDSCAPING LEGEND**

1. ROSEMARY BUSHES
  2. PENCIL PINES
  3. ASSORTED VEGETABLES
  4. PLUM, PEAR & PEACH TREES
  5. LYCAD PALMS
  6. JAMES STIRLING PITTOSPORUM
  7. ASSORTED KITCHEN HERBS
  8. NATIVE GRASSES 'DIANELLA'
  9. LAVENDER BUSHES
  10. DIASIES BUSHES
  11. BIRCH TREE FOREST
  12. ASSORTED IRIS
  13. ANNUAL FLOWERS
- NOTE: PREPARE SOIL WITH SOIL CONDITIONER CONTAINING GYPSUM, CHARCOAL AND MULCH, MIX WELL AND IRRIGATE AUTOMATICALLY



**SUPERSEDED**  
 SCANNED 05 JUN 2015  
 CITY OF PROSPECT

ISS.	DESCRIPTION	DATE
A	PLANNING DRAWINGS	14.04.15

PROJECT:	PROPOSED 6 NEW DWELLINGS
CLIENT:	MR ANTONIO + MRS RACHEL HADDAD
DEVELOPMENT ADDRESS:	NO 96-98 GLADSTONE RD PROSPECT
DATE:	APRIL 2015
DRAWN BY:	DAVID KUBICKI
DESIGNED BY:	ELVIO FERRARA
SCALE:	1:100 @ A1
PROJECT NO:	02/03

**GENERAL NOTES:**  
 TIMBER FRAME ROOF AND WALLS TO BE IN ACCORDANCE WITH THE TIMBER FRAME LAYOUT AND TIMBER FRAME CODE 941.2-200  
 EXTERNAL SWINGING DOORS TO BE FITTED WITH DRAUGHT PROTECTION WEATHER STRIPS TO BOTTOM EDGE OF EACH LEAF  
 WC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH SOUTH AUSTRALIAN HOUSING CODE APPENDIX D 11.1  
 SMOKE DETECTORS TO BE HARD WIRED IN ACCORDANCE WITH AS 3786  
 ALL GLAZING TO BE IN ACCORDANCE WITH AS 1288  
 HOT WATER SYSTEM TO BE DESIGNED AND INSTALLED IN ACCORDANCE WITH SECTION DA OF AS/NZS 3500 OR CLAUSE 3.36 OF AS/NZS 3500.5  
 THE BUILDING SHALL BE SPRAYED AGAINST TERMITES IN ACCORDANCE WITH AS 3658.1-2000

R20 INSULATION TO CEILINGS (MINIMUM REQ)  
 R20 INSULATION TO EXTERNAL WALLS (MINIMUM REQ)  
 PROVIDE SARKING TO ALL ROOF DECKING  
 DAMP PROOF COURSES AND FLASHINGS TO AS 2904-1995  
 MASONRY STRUCTURES TO AS 3700-2001  
 STAIR TREADS AND LANDINGS MUST HAVE A SLIP-RESISTANT FINISH OR A SUITABLE NON-SLIP STRIP NEAR THE EDGE OF THE TREADS  
 ALL ASBESTOS REMOVAL TO COMPLY WITH THE CODE OF PRACTICE FOR THE SAFE REMOVAL OF ASBESTOS, 2ND EDITION (INHS/C 2002 2005)  
 WITH RELATION TO THIS PROJECT ALL BUILDERS, CONTRACTORS, SUBCONTRACTORS AND DELIVERERS SHALL COMPLY WITH SECTION 3.1.1.1 OF AS/NZS 3500.5 AND AS/NZS 3500.5 AUSTRALIAN STANDARDS WITHIN THE 2000 RECS

THIS DOCUMENT IS RESTRICTED BY COPYRIGHT. ALL RIGHTS ARE RESERVED. UNLESS PERMITTED UNDER THE COPYRIGHT ACT, THIS MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT IS A BREACH OF THE COPYRIGHT ACT AND IS PROHIBITED BY LAW. THE USER OF THIS DOCUMENT IS A RECIPIENT OF THIS DOCUMENT AND NOT A CONTRACTOR. THE USER OF THIS DOCUMENT IS A RECIPIENT OF THIS DOCUMENT AND NOT A CONTRACTOR. THE USER OF THIS DOCUMENT IS A RECIPIENT OF THIS DOCUMENT AND NOT A CONTRACTOR.

**elvio ferrara**  
 DESIGN & CONSTRUCT PT  
 52 JONES ROAD  
 PROSPECT, SOUTH AUSTRALIA 5082  
 telephone (08) 8314 2333  
 mobile 0412 833 063  
 facsimile (08) 8344 7433  
 email: elvio@ferrara-design.com.au  
 www.ferrara-design.com.au

**bdd**  
 ABN 152 671 277 36  
 BLD 261727

**AGENDA ITEM:** 5.7

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

**From:** Scott McLuskey, Senior Development Officer, Planning

**Proposal:** Variation to Previous Development Approval 050/249/2013  
(Alterations to Upper Floor of Two Storey Detached Dwelling)  
(DA 050/362/2015)

**Address:** 38 Martin Avenue Fitzroy (CT 5695/921)

---

**SUMMARY:**

Applicant: Oxford Architects

Owner: Dr K R Ha

Planning Authority: Council

Mandatory Referrals: Nil

Independent Advice: Nil

Public Notification: Category 1

Representors/Submissions: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 12 February 2015

Zone and Policy Area: Residential Zone (A560 Policy Area)

Key Considerations: Mass and Scale

**Recommendation: Refusal**

---

**ATTACHMENTS:**

Attachment 1 Development Application Form

Attachment 2 Locality Map

Attachments 3-5 Photographs of Locality

Attachments 6-9 Proposal Plans

Attachments 10-12 Previously Approved Plans

## **1. EXECUTIVE SUMMARY**

- 1.1 Variations to the upper floor and western façade of a previously approved two storey detached dwelling are proposed at 38 Martin Avenue Fitzroy. These variations would increase the upper floor area of the dwelling, alter upper floor windows, and remove a chimney and section of parapet moulding from the dwelling's western facade.
- 1.2 The proposal did not require public notification or referral to any other agency, and further independent advice regarding the proposal was not sought. The built form character of the locality and the bulk of the dwelling as viewed from the neighbouring property (40 Martin Avenue) are the key considerations as the proposal would not alter the footprint, number of habitable rooms, height, garaging or private open space associated with the dwelling.
- 1.3 The proposed variations would result in the visual bulk of the dwelling's western facade being at odds with the substantially scaled houses within the locality, and of an inappropriate scale when viewed from the adjoining dwelling or its private open space. The proposal therefore does not warrant development plan consent.

## **2. BACKGROUND**

- 2.1 A Two Storey Detached Dwelling with associated Swimming Pool and Safety Fencing, Masonry Fence, Domestic Outbuilding, Retaining Wall and Fence received Development Approval on 21 February 2014 under delegation, subject to conditions. The endorsed elevation, site and floor plans are attached for reference purposes (refer **Attachments 10-12**).
- 2.2 It is noted that the original proposal was assessed against the Development Plan consolidated 22 November 2012, with subsequent variations being assessed against the Development Plan consolidated 31 October 2013. This proposed variation is assessed against the Development Plan as consolidated 12 February 2015. The amendments to the Development Plan have not materially affected the provisions relevant to the subject land and proposal, though it is noted that the extent of historic conservation zones within the broader area has been increased.

## **3. LOCALITY**

- 3.1 The extent of the locality is reasonably confined, as the built form characteristics of the westernmost portion of Martin Avenue is fairly unique within the broader area. The locality extends approximately 100m east along Martin Avenue, and includes several nearby properties on Cotton Street to the west.
- 3.2 While the locality includes several original dwellings, it is characterised by piecemeal infill development undertaken during the last 50-60 years. Within this locality, dwellings are commonly two storeys in height and feature a substantial building footprint. Materials and roof forms vary, with several newer dwellings adjacent the subject land featuring substantial rendered walls and parapets.
- 3.3 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan is described in **Attachment 2**. Photographs of nearby properties are included at **Attachments 3-5**.

#### **4. PROPOSAL**

- 4.1 The proposal is for variations to the first floor of a two storey dwelling that is the subject of a current, valid development approval (and is presently part way through construction). The variations would increase the upper storey floor area by 31m<sup>2</sup> to a total dwelling floor area of 844m<sup>2</sup>, while altering windows and parapet moulding to, and removing a chimney from, the western elevation of the dwelling. The proposal plans are included at **Attachments 6-9**.

#### **5. PLANNING COMMENTARY**

- 5.1 The proposal currently before the DAP is an application for the variation of a development authorisation, pursuant to Section 39(6) of the Development Act, in that it seeks to vary the appearance of the dwelling as presently authorised. Section 39(7)(b) of the Act describes that such an application is to be treated as a new application for development authorisation; to the extent of the proposed variation only.
- 5.2 As alluded to above, the proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 13 of the Residential Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 5.3 As the proposed variations would involve building work, 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.
- 5.4 It should also be noted that the assessment of a variation application is limited solely to those matters forming part of the proposed variation (Section 39(7) of the Act) and therefore cannot reconsider the previously approved building, or the conditions and reserved matters imposed in relation to it.

#### **6. PUBLIC NOTIFICATION**

- 6.1 The variation application would involve building work and its nature and categorisation must therefore be determined. To this end, the application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993* and Schedule 9 of the *Development Regulations 2008*.
- 6.2 Additions and alterations to a dwelling are a Category 1 form of development except where the proposal would be non-complying. As noted above, the proposal is neither a complying nor non-complying development. No public notification was undertaken.

#### **7. ASSESSMENT**

##### **7.1 Building Mass and Scale**

- 7.1.1 The visual bulk of buildings adjacent to adjoining allotments private open space should be reduced through design techniques such as colour, building materials, detailing and articulation. Large residential developments should incorporate architectural features which reduce their bulky appearance and add visual interest such as:

- (a) Variations in height, roof style and pitch, colours and building materials.
- (b) The provision of balconies and porches.
- (c) Variations in the set back of different portions of the buildings.
- (d) Inclusions of murals, architectural relief or sculptured forms on blank walls.
- (e) Incorporation of architectural elements of adjoining buildings.

- 7.1.2 Further, the scale, bulk and design of residential development should be sensitive to the character of surrounding residential development, while buildings should be sited within a building envelope determined by the following method:
- (a) Planes are to be projected at 45 degrees from a height of three metres above natural ground level at the side, rear and front boundaries to a maximum height of nine metres.
  - (b) Provided the distance to the boundary is not less than one metre, fascias, gutters, downpipes, eaves up to 0.6 metres, masonry chimneys, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services may encroach beyond the building envelope, as may pergolas, screens or sunblinds, light fittings, electricity or gas meters, aerials, unroofed terraces, landings, steps or ramps not higher than one metre in height.
- 7.1.3 The western wall of the approved dwelling would be reasonably well articulated, which reduces the massing of the building as viewed from within the dwelling and private open space of 40 Martin Avenue. Elements of the upper floor would be setback 1.6m, 2.5m and 6.7m variously, with no single building element greater in length than 8 metres. Two chimneys would protrude within these setback distances.
- 7.1.4 The variation proposal would result in an unbroken, flat upper floor wall of 23 metres in length setback 2.5 metres from the western boundary. In concert with the high profile roof form utilised in the design of the dwelling, the resultant increase in massing is considerable.
- 7.1.5 At greater than 800m<sup>2</sup> in floor area, both the previously approved dwelling and the variation proposal would be large residential developments which are relatively common within this locality. Where the previously approved dwelling would utilise articulation, limited continuous wall lengths and design features to reduce the mass of the dwelling's western façade, the proposed variations are considered to be of an inappropriate mass and scale in the context of its locality and as viewed by the owners or occupiers of 40 Martin Avenue.

## **8. CONCLUSION AND RECOMMENDATION**

- 8.1 The proposed variation would depart from the relevant provisions of the Development Plan with respect to visual bulk and massing. While the proposed variation would not affect the performance of the dwelling as approved with respect to many Development Plan provisions, the proposal's effect on the mass of the building as viewed by the western neighbour is substantial.
- 8.2 While dwellings of a large scale are characteristic of the confined locality, the mass of these buildings has generally responded sympathetically to the more sensitive western adjoining neighbours. Further, the site and private open space configuration of 40 Martin Avenue result in its occupants being more sensitive to issues of visual bulk than are typical of the locality.
- 8.3 As such, 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 050/362/2015 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 050/362/2015 from Oxford Architects for Variation to Previous Development Approval 050/249/2013 (Alterations to Upper Floor of Two Storey Detached Dwelling) (DA 050/362/2015) at 38 Martin Avenue Fitzroy (CT 5695/921), as the proposal would:

- Fail to suitably complement the built form character of its locality; and
- Fail to suitably reduce its bulky appearance, resulting in a building that is not appropriately sensitive to surrounding development.

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

- Council Wide Objectives 29;
- Council Wide Principles of Development Control 45, 46, 50 and 54;
- Residential Zone Principles of Development Control 1 and 10;
- Residential Policy Area A560 Desired Character Statement;
- Residential Policy Area A560 Objective 1; and
- Residential Policy Area A560 Principle of Development Control 1 and 7.

**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).



**Scott McLuskey**  
Senior Development Officer, Planning



**CITY OF PROSPECT  
Development Services**

128 Prospect Road, Prospect SA 5082  
Telephone (08) 8269 5355 Facsimile (08) 8269 5834

## Development Application Form

Application no.: 050/2015 1362 (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 #: 38      Street: MARTIN AVE  
Suburb: FITZROY      Postcode:      CT Volume & Folio:

### 3. Details of Parties

#### Applicant

Name: OXFORD ARCHITECTS      Address: PO BOX 672, BLACKWOOD SA 5051  
Contact No.:      Email:

#### Owner as applicant

Name: K. HA.      Address: C/ APPLICANT  
Contact No.:      Email:

#### Builder owner builder      as applicant      to be advised      other

Name:      Address:      27 AUG 2015  
Contact No.:      Email:

Builders Licence Number:

### 4. Proposal Details

Description of proposal: AMEND PREVIOUS APPROVAL TO RELOCATE FIRST FLOOR EXTERNAL WALL

Existing use of property: RESIDENTIAL

Estimated cost of development: \$ 0

### 5. Declarations

- Building Rules Classification sought: 1,10      Present Class: 1,10
- Proposed number of employees (for Class 5, 6, 7, 8 or 9):
- Proposed number of persons for whom accommodation is provided (Class 9a only):
- Proposed number of occupants on the premises (Class 9b only):
- Does Schedule 21 or Schedule 22 of the *Development Regulations 2008* apply (activities of environmental or major environmental significance)?       yes       no
- Has the Construction Industry Training Board (CITB) levy been paid?       yes       no

I acknowledge that Council may make copies of this application and documentation in accordance with the *Development Regulations 2008* and *Development Act 1993*. Details forming part of the application may be included in a Development Assessment Panel agenda published on Council's website.

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

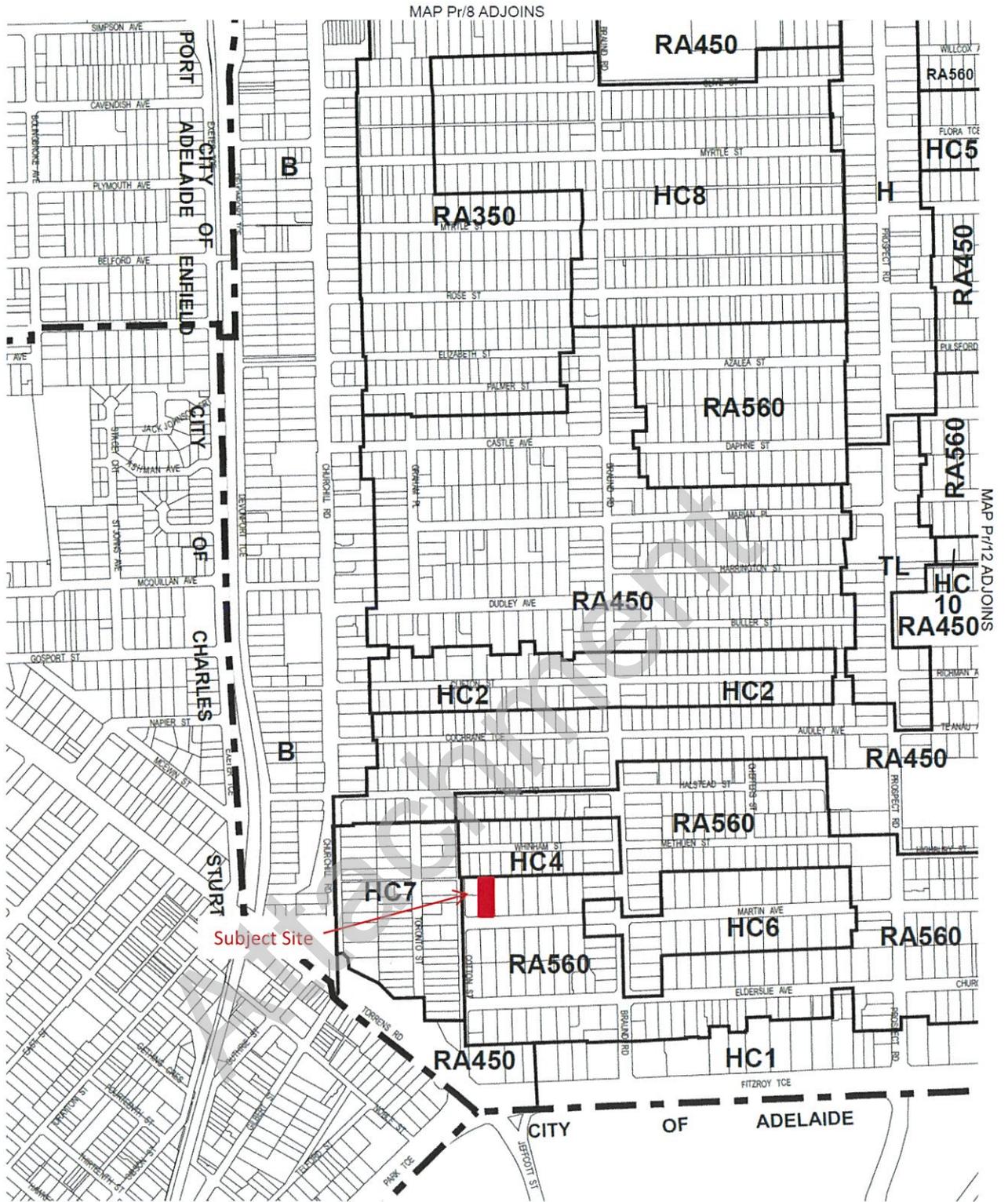
I have sought permission from the architect/engineer to allow reproduction of the application documents for provision to third parties.       yes       no

Name: DAMIEN JENKE

Signature:

Date: 26 08 15

Applicant       Owner       Builder



- RA560 Residential Policy Area A560
- RA450 Residential Policy Area A450
- RA350 Residential Policy Area A350
- HC1 Historic Conservation Area 1 Policy Area
- HC2 Historic Conservation Area 2 Policy Area
- HC4 Historic Conservation Area 4 Policy Area
- HC5 Historic Conservation Area 5 Policy Area
- HC6 Historic Conservation Area 6 Policy Area
- HC7 Historic Conservation Area 7 Policy Area
- HC8 Historic Conservation Area 8 Policy Area
- HC10 Historic Conservation Area 10 Policy Area
- B Boulevard Policy Area
- H High Street Policy Area
- TL Transit Living Policy Area
- Policy Area Boundary
- - - Development Plan Boundary
- Area not covered by Policy

Scale 1:8000



# PROSPECT COUNCIL POLICY AREAS MAP Pr/11



Consolidated - 12 February 2014



Dwelling under construction at 38 Martin Avenue



Adjoining dwelling at 40 Martin Avenue, corner of Cotton Street and Martin Avenue



Adjacent row dwellings at 16 Cotton Street



Adjacent dwelling at 41 Martin Avenue, corner Cotton Street and Martin Avenue



Adjacent dwelling at 37 Martin Avenue



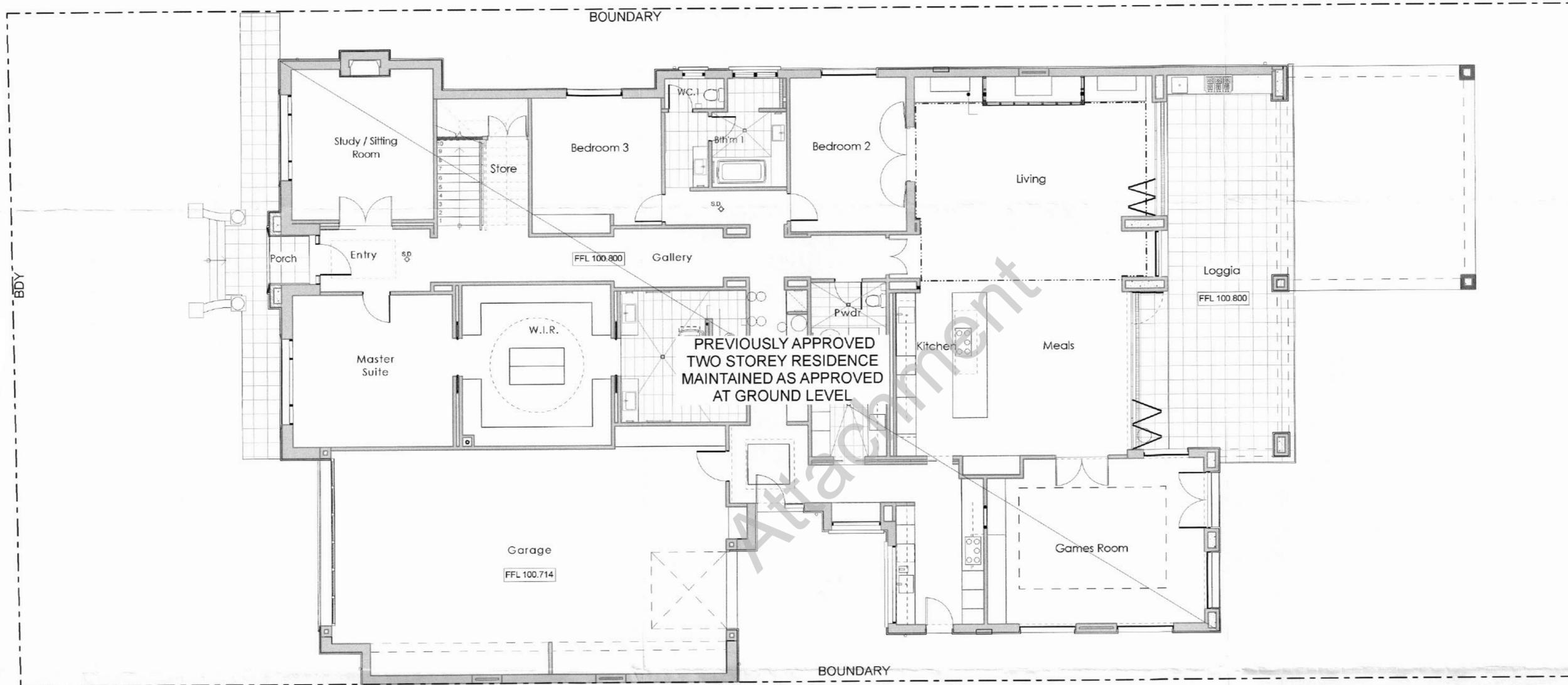
Dwellings at periphery of locality; 30 and 28 Martin Avenue

**Area Schedule - Previously Approved**

Ground Floor Living	400.2m <sup>2</sup>
First Floor Living	259.8m <sup>2</sup>
Outdoor Living	52.2m <sup>2</sup>
Garage	101.4m <sup>2</sup>
Porch	2.0m <sup>2</sup>
Pergola	42.6m <sup>2</sup>
Pool House	27.0m <sup>2</sup>
<b>Total</b>	<b>885.2m<sup>2</sup></b>

**Area Schedule - Proposed**

Ground Floor Living	400.2m <sup>2</sup>
First Floor Living	290.7m <sup>2</sup>
Outdoor Living	52.2m <sup>2</sup>
Garage	101.4m <sup>2</sup>
Porch	2.0m <sup>2</sup>
Pergola	42.6m <sup>2</sup>
Pool House	27.0m <sup>2</sup>
<b>Total</b>	<b>916.1m<sup>2</sup></b>



**Ground Floor Plan**

Scale 1:100



A DPC Amendment 26/05/15

PROJECT:  
**Proposed Residence**  
38 Martin Ave, Fitzroy, SA

JOB No: 1277

DATE: 26/08/2015

DRAWING TITLE:  
**Ground Floor Plan**

DRAWING NO: **WD 2A**

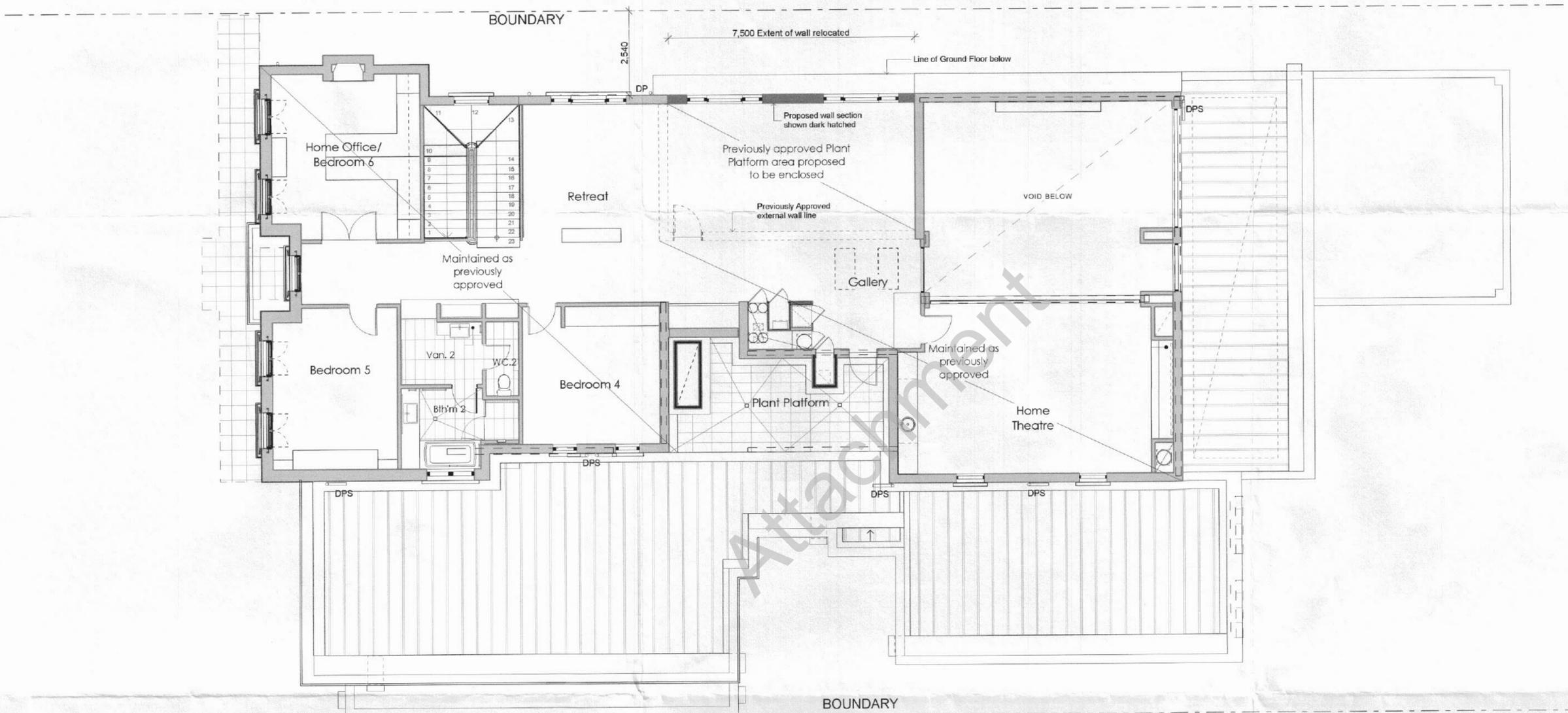
CAD TECH: **TMW / MS**

**Area Schedule - Previously Approved**

Ground Floor Living	400.2m <sup>2</sup>
First Floor Living	259.8m <sup>2</sup>
Outdoor Living	52.2m <sup>2</sup>
Garage	101.4m <sup>2</sup>
Porch	2.0m <sup>2</sup>
Pergola	42.6m <sup>2</sup>
Pool House	27.0m <sup>2</sup>
<b>Total</b>	<b>885.2m<sup>2</sup></b>

**Area Schedule - Proposed**

Ground Floor Living	400.2m <sup>2</sup>
First Floor Living	290.7m <sup>2</sup>
Outdoor Living	52.2m <sup>2</sup>
Garage	101.4m <sup>2</sup>
Porch	2.0m <sup>2</sup>
Pergola	42.6m <sup>2</sup>
Pool House	27.0m <sup>2</sup>
<b>Total</b>	<b>916.1m<sup>2</sup></b>



**First Floor Plan**  
Scale 1:100 North

A DPC Amendment 26/05/15

PROJECT:  
**Proposed Residence**  
38 Martin Ave, Fitzroy, SA

JOB No: 1277

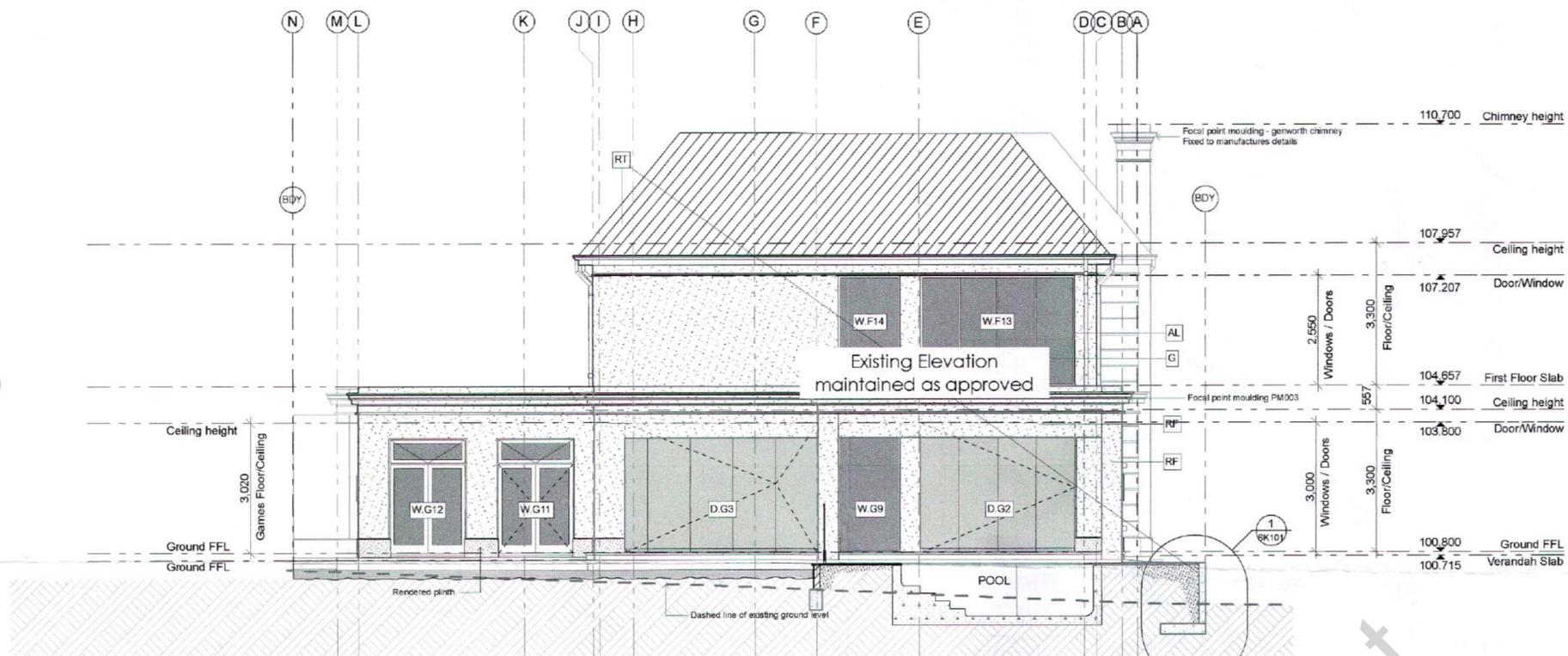
DATE: 26/08/2015

DRAWING TITLE:  
**First Floor Plan**

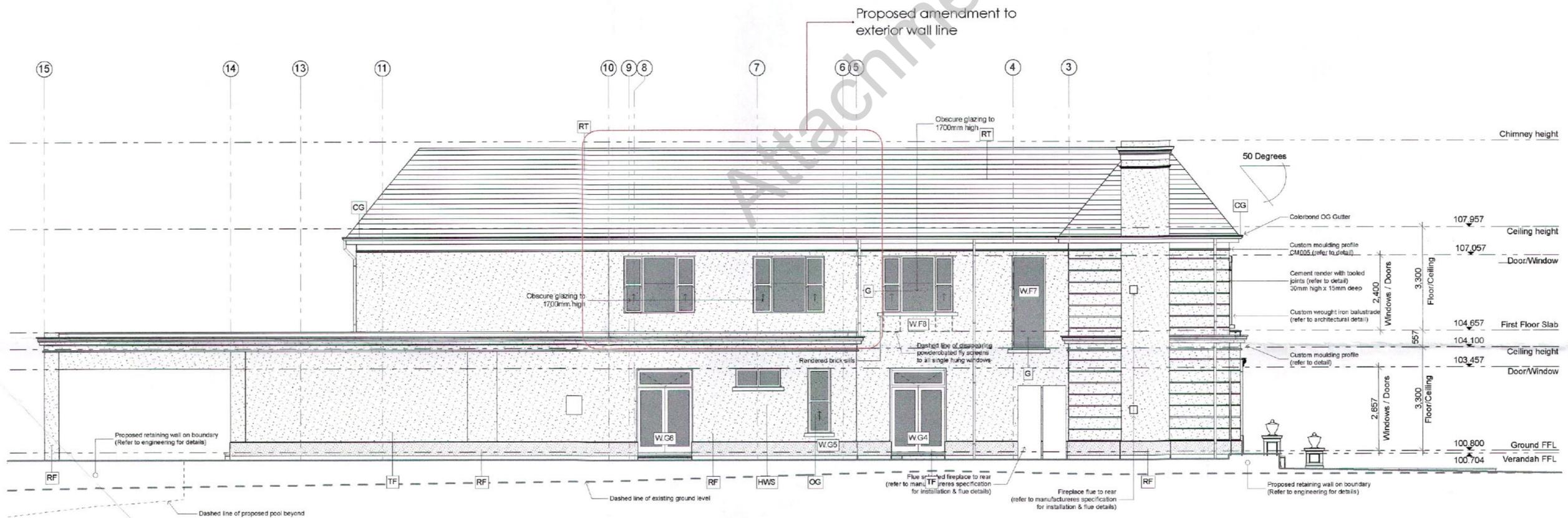
DRAWING NO: **WD 3A**

CAD TECH: **TMW / MS**

The architect takes no responsibility for dimensions infilled from drawings, contractors to use written dimensions only. Dimensions, levels and all manufactured items to be verified by the builder prior to commencement on site. Any discrepancies to be reported to the office immediately & prior any work being undertaken. Drawings to be read in conjunction with the specifications.



**West Elevation**  
Scale 1:100



**North Elevation**  
Scale 1:100

A DPC Amendment 26/05/15

PROJECT:  
**Proposed Residence**  
38 Martin Ave, Fitzroy, SA

JOB No: 1277

DATE: 26/08/2015

DRAWING TITLE:  
**Elevations 2**

DRAWING NO: **WD 6A**

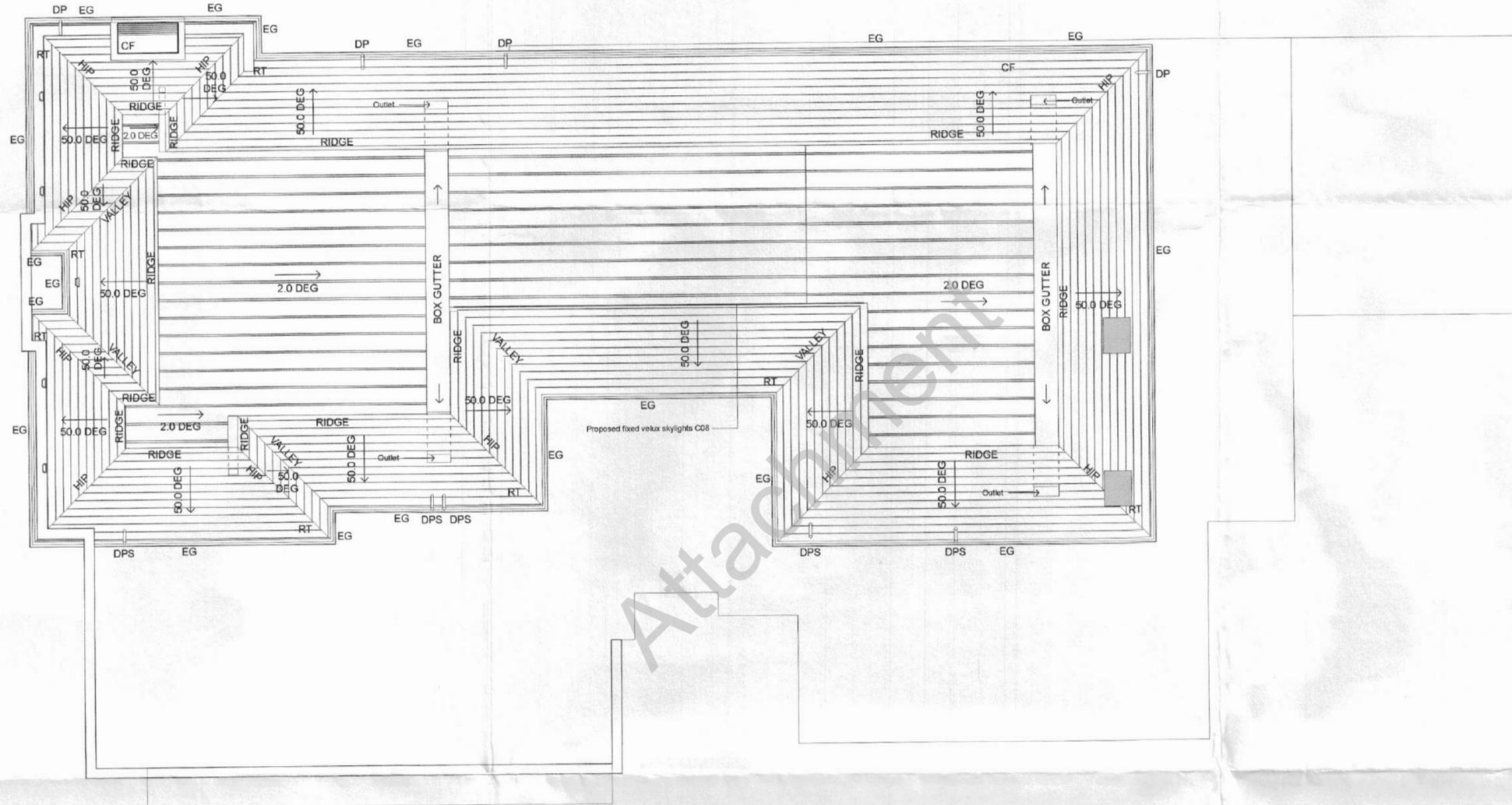
CAD TECH: **TMW / MS**

This architect takes no responsibility for dimensions called for in drawings, construction or use without agreement with the architect. Always read all completed drawings in full and refer to the tender pack for more information on site. Any dimensions to be reported to the office immediately. It goes, any work being undertaken. Drawing to be used in conjunction with the construction.

© Copyright Reserved Oxford Architects Pty Ltd 2014

**Roof Legend**

- Select Monier Slate Grey Concrete Roof Tile
- Lysaght 0.42 bmt Colourbond Klip-lok 700 hi-strength deck
- DP 90mm Colourbond Downpipe
- DPS DP with spreader
- EG Colourbond Eave OG-gutter with 32mm scotia under
- RH & DP Colourbond Rainhead & Downpipe (refer to finishes schedule for details)
- CF Colourbond Chimney Flashing



**Roof Plan**  
Scale 1:100



A DPC Amendment 26/05/15

PROJECT:  
**Proposed Residence**  
38 Martin Ave, Fitzroy, SA

JOB No: 1277

DATE: 26/08/2015

DRAWING TITLE:  
**Roof Plan**

DRAWING NO: **WD 4A**

CAD TECH: **TMW / MS**

The architect takes no responsibility for dimensions or data from drawings, contractors to verify dimensions with dimensions, levels and all manufacturer terms to be verified by the architect prior to commencement on site any discrepancies to be reported to the office immediately & prior any work being undertaken. Drawings to be used in conjunction with the specification.

\* The designs, drawings, specifications and copyright remain the property of the Genworth Group and shall not be used, reproduced or copied wholly or in part without the permission of the Genworth Group.  
 \* All dimensions shall be checked on site before the commencement of construction or the manufacture of any item. Any discrepancies shall be reported to the Genworth Group immediately.

© COPYRIGHT RESERVED

**Legend**

- 110mm Single Brick
- 270 Double Brick Wall
- 350 Double Brick Wall
- DSPB Direct stick plasterboard
- 40t slate threshold/sill
- Floor waste
- Creative drain solutions wall to wall strip grate
- Gridline
- COL Steel column (Refer to eng. spec.)
- Window as specified in window schedule
- Door as specified in door schedule
- WM Washing machine location
- DR Dryer location
- F Fridge location
- DW Dishwasher
- HP Hotplate location
- OV Oven location
- TR Laundry Trough
- SD Smoke detector
- JU Joinery unit
- JETM Fire Jetmaster Fire (Refer to building schedule)
- FFL Finished Floor Level (refer site plan for TBM)
- HWS Rinnai Infinity 26 Hot water service External unit in recess smart box

**Finishes**

- Concrete with paint finish (Refer to finishes building schedule)
- Timber Finish (Refer to finishes building schedule)
- Carpet Finish (Refer to finishes building schedule)
- Tile Finish (Refer to finishes building schedule)

**BUILDING APPROVAL**

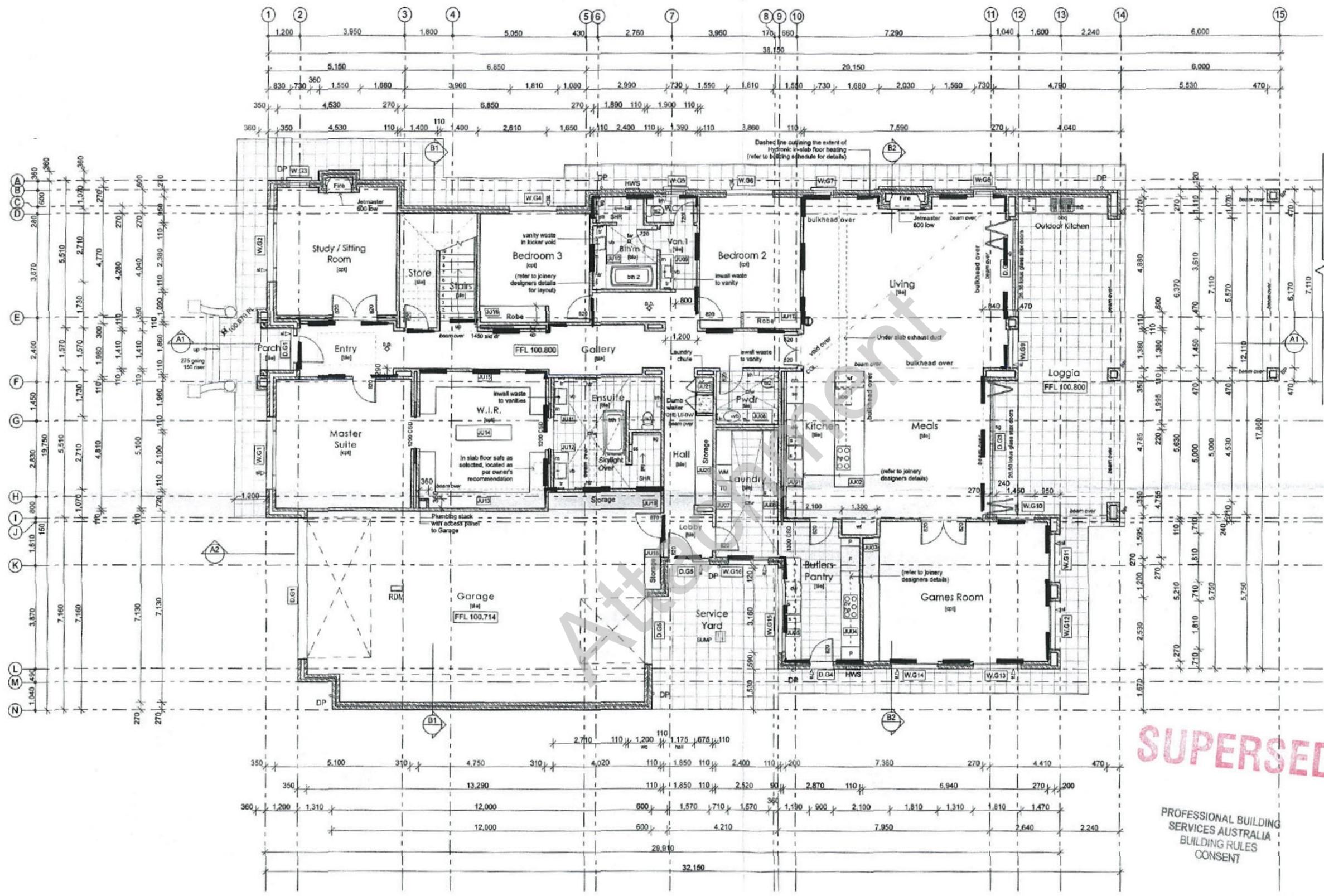
ISSUE	REVISION	DATE
A	BUILDING APPROVAL	16/12/13

**GENWORTH GROUP**  
 232 MELBOURNE STREET  
 NORTH ADELAIDE SA 5006  
 T (08) 8239 1511  
 F (08) 8239 1811  
 www.genworthgroup.com.au  
 LIC. BLD GL55806 A.B.N. 58 005 184 692

CLIENT: Ha Residence  
 PROJECT: Proposed Residence  
 38 Martin Ave, Fitzroy, SA

DRAWING TITLE:  
**Ground Floor Plan**

PAPER SIZE:	A2
DWN BY:	TMWMSI
PRINT DATE:	16/12/2013
SCALE:	as shown
DWG No:	1277 - A 3
ISSUE:	A



SUPERSEDED

PROFESSIONAL BUILDING SERVICES AUSTRALIA  
 BUILDING RULES CONSENT

**Ground Floor Plan**  
 Scale 1:100

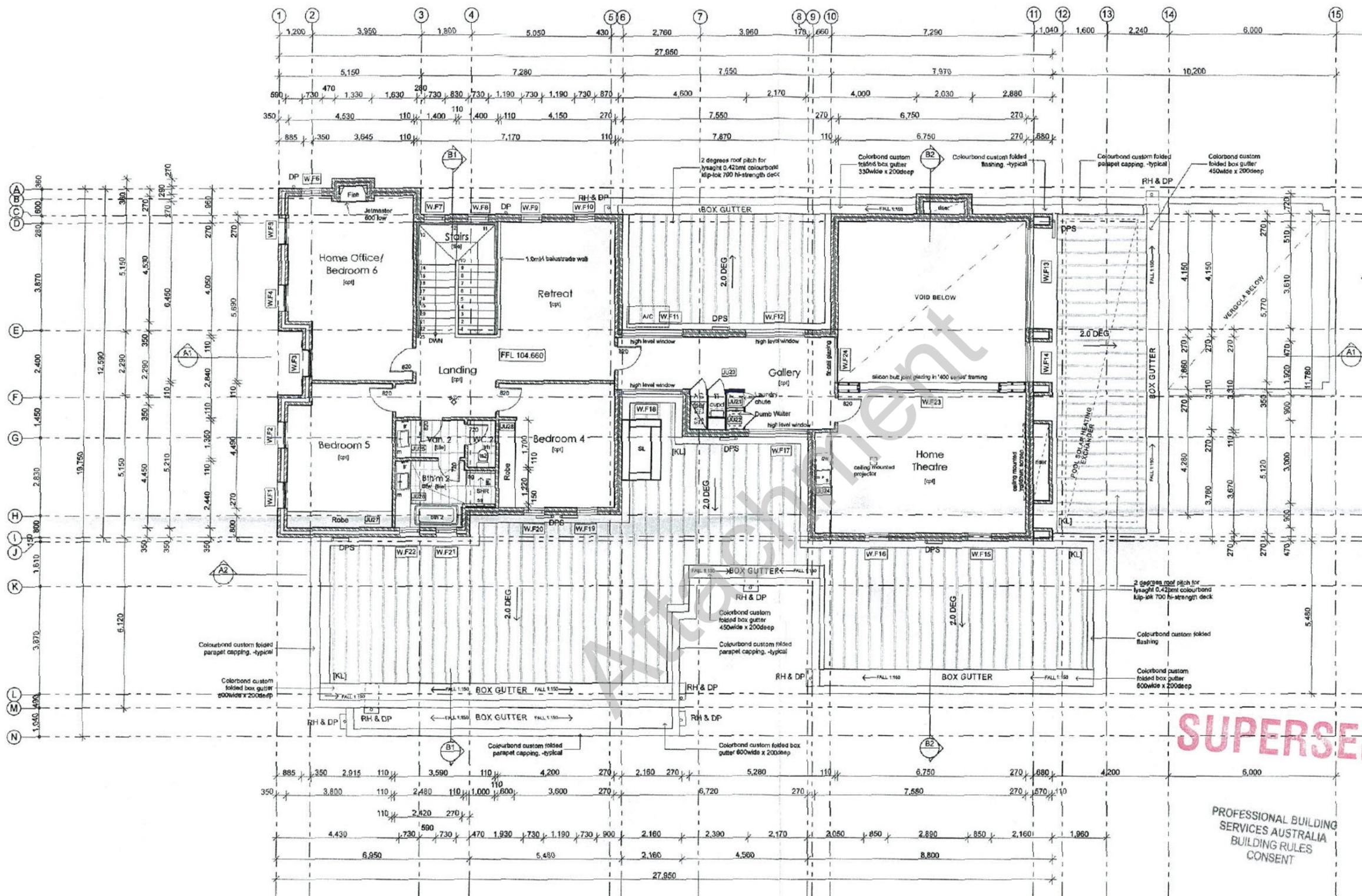
**Area Schedule**

Ground Floor Living	400.2m <sup>2</sup>
First Floor Living	259.8m <sup>2</sup>
Outdoor Living	52.2m <sup>2</sup>
Garage	101.4m <sup>2</sup>
Porch	2.0m <sup>2</sup>
Pergola	42.6m <sup>2</sup>
Pool House	27.0m <sup>2</sup>
<b>Total</b>	<b>885.2m<sup>2</sup></b>

**Ground Floor to First Floor Stairs**

Concrete stair (Refer to detail)  
 RISES = 168  
 GOING = 275  
 2R+G = 611

Refer to engineering for masonry control joint locations & details  
 Refer to specification for all appliance & sanitary ware selection details



GENERAL NOTES:

The designs, drawings, specifications and copyright remain the property of the Genworth Group and shall not be used, reproduced or copied wholly or in part without the permission of the Genworth Group.  
 \* All dimensions shall be checked on site before the commencement of construction or the manufacture of any item. Any discrepancies shall be reported to the Genworth Group immediately.

© COPYRIGHT RESERVED

Legend

- 110mm Single Brick
- 270 Double Brick Wall
- 350 Double Brick Wall
- DSPB Direct stick plasterboard
- 40t slate threshold/sill
- ofw Floor waste
- cdw Creative drain solutions wall to wall strip grate
- Gridline
- COL Steel column (Refer to eng. spec.)
- W Window as specified in window schedule
- D Door as specified in door schedule
- WM Washing machine location
- DR Dryer location
- F Fridge location
- DW Dishwasher
- HP Hotplate location
- OY Oven location
- TR Laundry Trough
- SD Smoke detector
- JU Joinery unit
- JM Jetmaster Fire (Refer to building schedule)
- FFL Finished Floor Level (refer site plan for TBM)
- HWS Rinnai Infinity 26 Hot water service External unit in recess smart box

Finishes

- (con) Concrete with paint finish (Refer to finishes building schedule)
- (tim) Timber Finish (Refer to finishes building schedule)
- (car) Carpet Finish (Refer to finishes building schedule)
- (tile) Tile Finish (Refer to finishes building schedule)

BUILDING APPROVAL

ISSUE	REVISION	DATE
A	BUILDING APPROVAL	16/12/13

**SUPERSEDED**

**GENWORTH GROUP**  
 232 MELBOURNE STREET  
 NORTH ADELAIDE SA 5006  
 T (08) 8239 1511  
 F (08) 8239 1811  
 www.genworthgroup.com.au  
 LIC. BLD GL5606 A.B.N. 58 008 184 692

CLIENT: Ha Residence  
 PROJECT: Proposed Residence  
 38 Martin Ave, Fitzroy, SA

DRAWING TITLE:

**First Floor Plan**

PAPER SIZE: A2

DWN BY: TMW/MSI

PRINT DATE: 16/12/2013

SCALE: as shown

DWG No: 1277 - A 4 ISSUE: A

Area Schedule

Ground Floor Living	400.2m <sup>2</sup>
First Floor Living	259.8m <sup>2</sup>
Outdoor Living	52.2m <sup>2</sup>
Garage	101.4m <sup>2</sup>
Porch	2.0m <sup>2</sup>
Pergola	42.6m <sup>2</sup>
Pool House	27.0m <sup>2</sup>
<b>Total</b>	<b>885.2m<sup>2</sup></b>

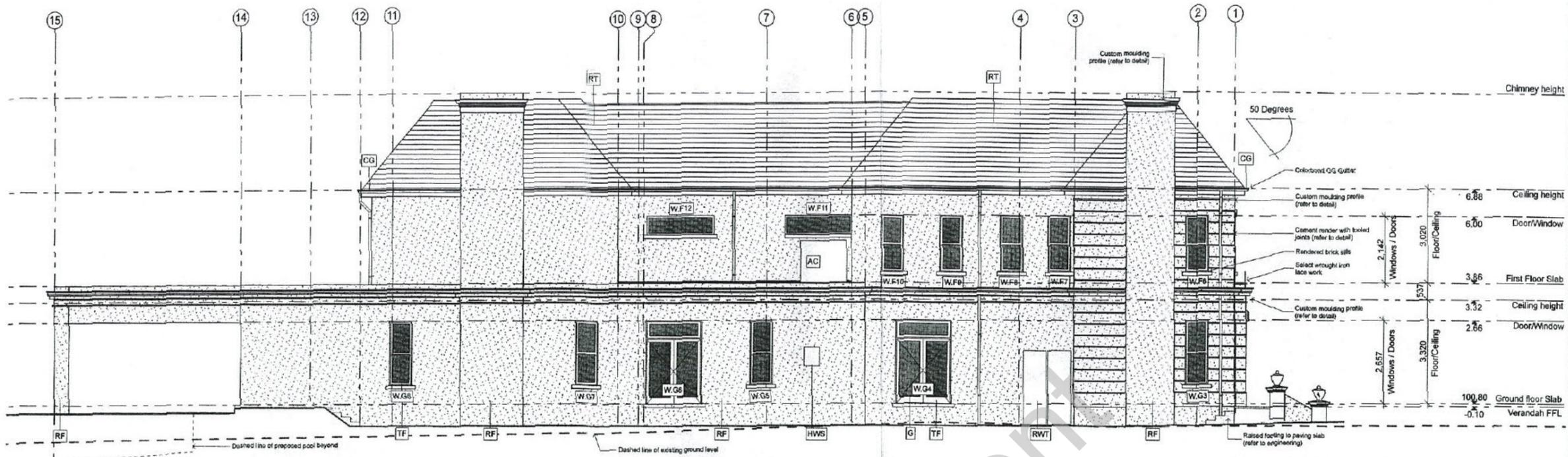
Roof Legend

- KL Lysaght 0.42 bmt Colourbond Klip-lok 700 hi-strength deck
- DP 90mm Colourbond Downpipe
- DPS DP with spreader
- EG Colourbond Eave D-gutter
- RH & DP Colourbond Rainhead & Downpipe (refer to finishes schedule for details)

First Floor Plan

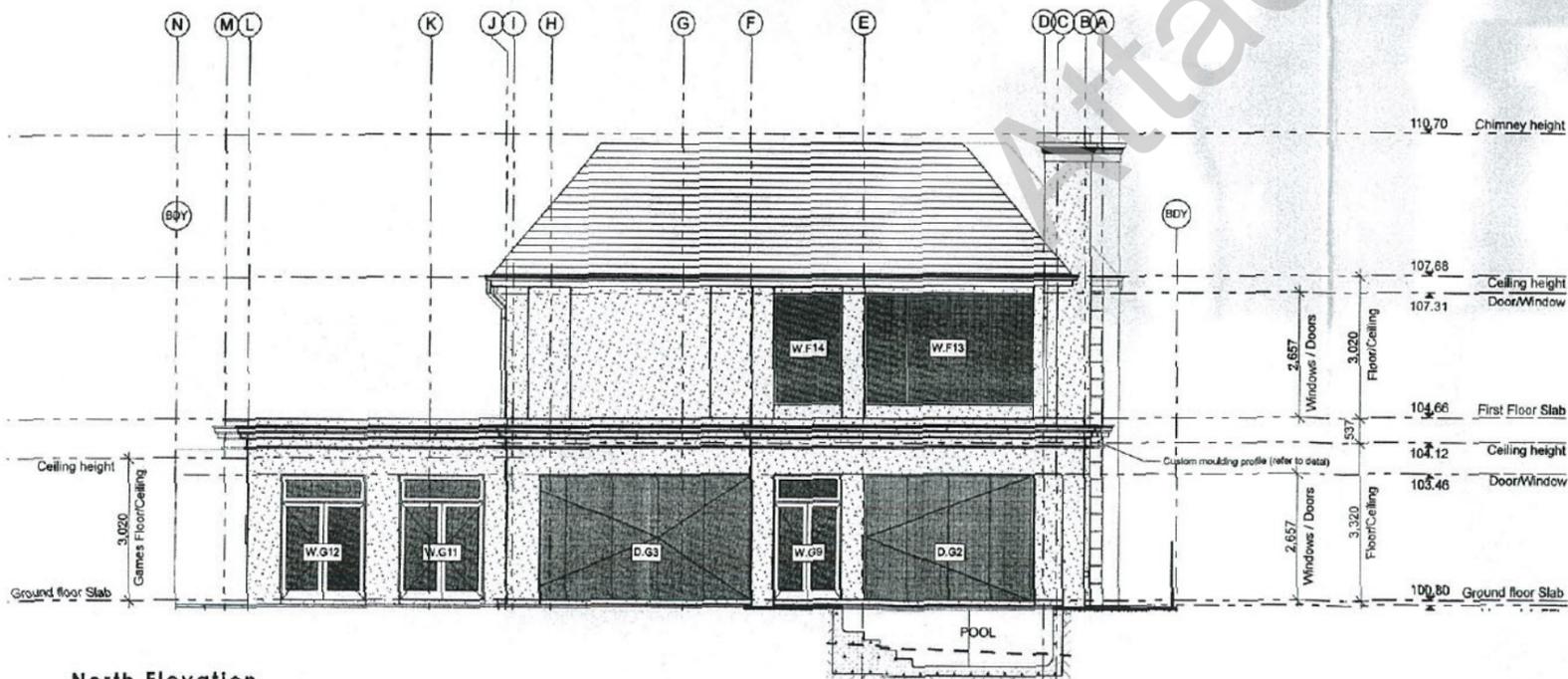
Scale 1:100





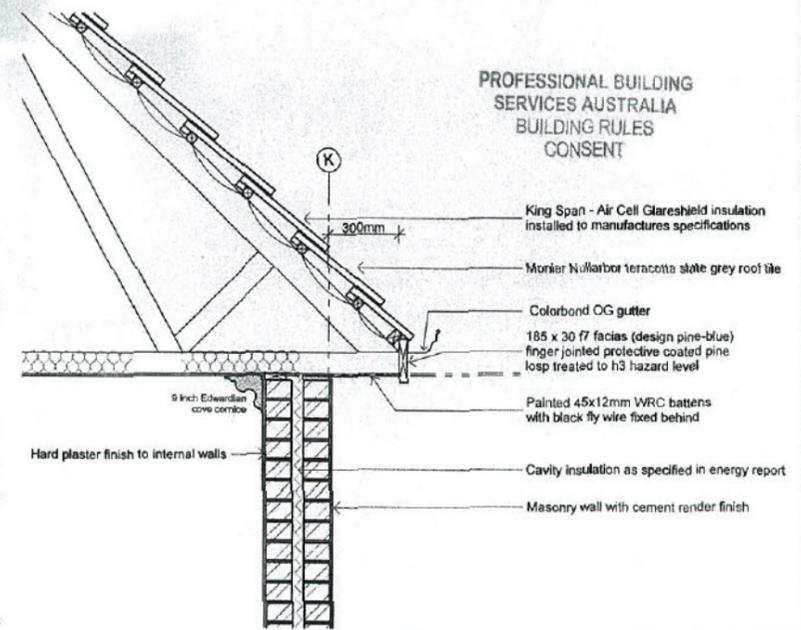
West Elevation

Scale 1:100



North Elevation

Scale 1:100



Typical Eave Detail

Scale 1:20

**GENERAL NOTES:**  
 \* The designs, drawings, specifications and copyright shall remain the property of the Genworth Group and shall not be used, reproduced or copied wholly or in part without the permission of the Genworth Group.  
 \* All dimensions shall be checked on site before commencement of construction or the manufacture of any item. Any discrepancies shall be reported to the Genworth Group immediately.  
 © COPYRIGHT RESERVED

- Materials Legend**
- [RF] Selected Rendered Finish (Refer to building schedule)
  - [WI] Wrought Iron (Refer to building schedule)
  - [TF] Painted Timber Door + Window Frames (Refer to window schedule)
  - [G] Glazing - Clear (Refer to energy assesment)
  - [CG] Opaque Glazing (Refer to energy assesment)
  - [CG] Colourbond OG Gutters (Refer to building schedule)
  - [RT] Select Roof Tile (Refer to building schedule)

**BUILDING APPROVAL**

ISSUE	REVISION	DATE
A	BUILDING APPROVAL	16/12/13

**GENWORTH GROUP**  
 232 MELBOURNE STREET  
 NORTH ADELAIDE SA 5006  
 T (08) 8239 1511  
 F (08) 8239 1811  
 www.genworthgroup.com.au  
 LIC. BLD GL55606 A.B.N. 59 008 184 692

CLIENT: Ha Residence  
 PROJECT: Proposed Residence  
 38 Martin Ave, Fitzroy, SA

DRAWING TITLE: Elevations 2  
 PAPER SIZE: A2  
 DWN BY: TMW/MSI  
 PRINT DATE: 16/12/2013  
 SCALE: as shown  
 DWG No: 1277 - A 9 ISSUE: A

**SUPERSEDED**

**ITEM NO.:** 6.1

**TO:** Development Assessment Panel (DAP) on 14 September 2015

**FROM:** Nathan Cunningham, Director Community, Planning and Communications

**SUBJECT:** Summary of Development Assessment Commission (DAC) Decisions and Proposals Greater than \$3 Million called in by the Coordinator-General

The summary of matters before and decisions by DAC together with proposals called in by the Coordinator-General is provided to the DAP for information purposes.

For the purpose of this report, the table below also includes matters before, considered or determined by the Inner Metropolitan Development Assessment Commission.

### 1. MATTERS BEFORE DAC

<b>Development Application / Address</b>	<b>Nature of development</b>	<b>Process update</b>
DA 050/237/2015  188 Churchill Road, Prospect	Land Division (Community Strata Title)  This land division formalises an earlier land use consent granted by the DAC on 13 November 2014 for a Residential Flat Building comprising 15 Apartments and Roof Top Terrace on the subject land.	It is anticipated that the DAC will determine the application under delegation shortly.
DA 050/263/2015  44 Churchill Road, Ovingham	Land Division (Community Strata Title)  This land division formalises an earlier land use consent granted by the DAC on 13 November 2014 for a Residential Flat Building comprising Ground Level Café, 18 Apartments and Roof Top Terrace on the subject land.	It is anticipated that the DAC will determine the application under delegation shortly.

### 2. RELEVANT DECISIONS BY DAC

No new proposals have been determined by the DAC.

### 3. MATTERS CALLED IN BY THE CO-ORDINATOR GENERAL

No new proposals have been called in by the Co-ordinator General.

**ITEM NO.:** 7.1  
**TO:** Development Assessment Panel (DAP) on 14 September 2015  
**FROM:** Nathan Cunningham, Director Community, Planning and Communications  
**SUBJECT:** Summary of Court Appeals

The status of appeals is provided to the DAP for information purposes. Further clarification may be sought from staff during the meeting.

## APPEALS

Development Application / Subject Site	Nature of Development	Decision authority and date	Current status
DA 050/323/2014  32 Hampstead Road, Broadview	Two, Two Storey Residential Flat Buildings comprising Seven Dwellings with associated Carports, Driveway and Landscaping	12 January 2015  By the DAP	Appeal lodged by land owner (on behalf of applicant).  <i>Appealing against Refusal.</i>  A further compromise proposal has been submitted by the appellant and appears in the September DAP agenda.  If required, the matter will be heard by the ERD Court on October 19 and 20.
DA 050/205/2014  19 North East Road, Collinswood	Decking and Privacy Screens	8 December 2014  By the DAP	Appeal lodged by neighbour.  <i>Appealing against Approval.</i>  Amended plans were provided to the Court by Mr and Mrs Papandrea.  A Conditions Hearing was held on 12 August 2015 where the Commissioner adjourned the hearing, requesting Mr Papandrea to provide additional information.  A subsequent Conditions Hearing was held on 19 August 2015. The Commissioner confirmed receipt of the amended drawings and proposed conditions of consent, subject to minor changes. The Commissioner did not set a return date, but will issue the judgment after she receives the final plans from Mr Papandrea
DA 050/80/2015  185 Main North Road, Nailsworth	Remove Significant Tree (Corymbia citriodora (Lemon Scented Gum))	11 May 2015  By the DAP	Appeal lodged by applicant.  <i>Appealing against Refusal.</i>  A conciliatory conference has been scheduled for 21 September 2015.