



# Development Assessment Panel of City of Prospect

(Presiding Member: Mr David Cooke)

The meeting of the Development Assessment Panel will be held in the Civic Centre,  
128 Prospect Road, Prospect at **5.30pm Monday 11 April 2016**.

**Nathan Cunningham**  
Director Community, Planning & Communications

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**Members:** Mr David Cooke, Ms Alison Bowman, Mr Sam Green,  
Ms Monica Lee, Mr Julian Rutt, Mr Darren Starr,  
Mr Simon Weidenhofer

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## A G E N D A

1. **On Leave**
2. **Apologies**
3. **Confirmation of the Minutes of the Development Assessment Panel held on 7 March 2016.**
4. **Protocol**
  - 4.1 The Panel has adopted the protocol that only those agenda items on the Panel reports reserved by Members on a callover by the Presiding Member will be debated and the recommendations of all other items will be adopted without further discussion.

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**5. Development Applications for Decision**

- 5.1 **149 Prospect Road, Prospect** – Three Storey Residential Flat Building  
Comprising Eight Dwellings and associated Retaining Walls and Landscaping  
(DA 050/274/2015)

*(Pages 1 - 37, Recommendation page 6)*

- 5.2 **3-7 Allan Street, Prospect** – Variation to Development Application 050/190/2015  
– Two, Three Storey Residential Flat Buildings Comprising 22 Dwellings with  
associated Driveway and Landscaping (DA 050/62/2016)

*(Pages 38 - 58, Recommendation pages 41 - 42)*

**6. Other Reports**

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

*(Pages 59 - 61)*

**7. Matters Before the Environment, Resources and Development Court**

- 7.1 Summary of Court Appeals

*(Page 62)*

**8. Time, date and place of next meeting**

5.30pm Monday 9 May 2016 – Civic Centre, 128 Prospect Road, Prospect

**9. Closure**

**AGENDA ITEM:** 5.1

**To:** Development Assessment Panel (DAP) on 11 April 2016

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

**Proposal:** Three Storey Residential Flat Building Comprising Eight Dwellings and associated Retaining Walls and Landscaping (DA 050/274/2015)

**Address:** 149 Prospect Road, Prospect (CT 5551/414)

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**SUMMARY:**

**Applicant:** Mr Gavin Pinksteboer

**Owner:** Vision Group Nominees Pty Ltd

**Planning Authority:** Council

**Mandatory Referrals:** Department of Planning, Transport and Infrastructure

**Independent Advice:** Lumen Studio

**Public Notification:** Category 2

**Representations:** Three

**Representors to be heard:** Nil

**Respondent:** Nil

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

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

**Key Considerations:** Waste Management and Vehicular Manoeuvring

**Recommendation:** **Notify the Environment, Resources and Development Court that option 1 of the compromise proposal is supported**

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**ATTACHMENTS:**

Attachments 1-2 Option 1 - Site Plan, Floor Plans, Elevations

Attachment 3-4 Option 2 - Site Plan, Floor Plans, Elevations

Attachment 5 Turning path drawings prepared by Phil Weaver and Associates

Attachments 6-8 Outline of proposal by Botten Levinson Lawyers

Attachments 9-13 Notice of Appeal

Attachments 14-31 Development Assessment Panel Report from 7 March 2016 Meeting

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## **1. EXECUTIVE SUMMARY**

- 1.1 The proposal is for the consideration of revised plans submitted as a compromise for a development application that was refused by Council's Development Assessment Panel at a previous meeting. The applicant has appealed the decision and subsequently presented revised plans during the conciliation proceedings.
- 1.2 The applicant proposes two options, with the view that one option would be found favourable. The compromise proposal is being considered as part of the appeal process and no referrals or public notification are required. A Conciliation Conference is set down for Monday 18 April 2016 where it is anticipated that Council's planning staff would provide feedback to the Court.
- 1.3 The key considerations of the application are with regard to the method of waste management, the accessibility of on-site visitor parking and providing sufficient room for vehicles to safely and conveniently move within the subject land.
- 1.4 Two options have been provided with the intent of achieving a compromise. Both options propose a communal waste system and reduce the number of bins, improve the ability of vehicles to turn within the driveway area, and revise the presentation of the building to Prospect Road, which better compliments the adjacent development at 151 Prospect Road. Option 2 proposes the addition of a visitor car park to the front of the site, however the location of the car park is not considered to be safe or convenient. Therefore, it is recommended that option 1 of the compromise proposal is supported.

## **2. BACKGROUND**

- 2.1 The Development Assessment Panel (DAP) at its meeting of 8 February 2016 considered a proposal for a three storey residential flat building comprising 8 dwellings, and associated earthworks and landscaping at 149 Prospect Road, Prospect. The application was deferred to provide the applicant with an opportunity to amend the proposal with consideration to:
  - increasing the extent of landscaping provided within the common driveway and clarify that the areas for planting trees at the rear of the site are of an appropriate size to accommodate the proposed plantings;
  - the method of waste management, including an integrated waste management system that would not result in an excessive number of bins placed on the footpath for collection;
  - the functionality of the visitor parking / traffic movement within the site, particularly in relation to the ability of vehicles to turn within the driveway area when the roller doors are closed;
  - provide detail on access to natural light for the primary private open space area of each dwelling, with consideration given to the extent of overshadowing from the approved building on the northern adjoining property;
  - the useability and amenity of private open space for each dwelling, particularly given the shortfall in space provided;
  - ensure the materials and finishes are of a high quality and integrate well with the desired streetscape character while providing a desirable pedestrian interface;
  - the presentation of the proposed building to Prospect Road and the manner in which its appearance complements that of the approved development at 151 Prospect Road, and

- provide details to clearly illustrate the anticipated Impact of retaining walls and boundary fence on the adjoining property at 147 Prospect Road, and particularly their effectiveness at minimising the overlooking of adjoining properties.
- 2.2 The applicant provided revised details which the DAP considered at its meeting of 7 March 2016. The application was refused as:
- the method of waste management proposed would not be functional, safe or convenient, and would result in an unreasonable impact on the amenity of the locality; and
  - accessible visitor parking spaces would not be provided on-site in accordance with relevant Development Plan provisions, while insufficient width is provided within the driveway area to ensure that vehicles can safely and conveniently access the subject land.
- 2.3 The applicant lodged an appeal against the decision to the Environment, Resources and Development Court. Council received a copy of the notice of appeal which outlines that having regard to the circumstances of the land and nearby land, and all the relevant provisions of the Development Plan, the applicant believes the proposed development warranted development plan consent (refer **Attachments 9-13**).
- 2.4 The applicant has engaged Mr George Manos, of Botten Levinson Lawyers to assist in providing expert advice and assistance. Mr Manos, on behalf of the applicant, has provided correspondence outlining two revised plans for consideration as part of the appeal process (refer **Attachments 6-8**). This approach is common during Environment, Resources and Development Court proceedings, where the parties are able to resolve the appeal without proceeding to a hearing.
- 2.5 The report from the previous DAP meeting is attached for convenience (refer **Attachments 14-31**).

### **3. PROPOSAL**

- 3.1 The applicant proposes two options for consideration. For the most part the two options are identical, with the only difference being the addition of a visitor car park to the front of the site.
- 3.2 Option 1 proposes a communal waste management scheme, resulting in the reduction of the number of bins on site. The floor plans have been revised with the garages reduced in size, allowing the roller doors to be setback further, providing a larger turn around aisle for vehicles. Furthermore, dwelling 1 has been reconfigured to enable the front door to face Prospect Road, and the dwelling façade now addresses Prospect Road. The landscaping to the front of the site would also be reconfigured to enable the revised changes (refer **Attachments 1-2**).
- 3.3 In addition to the above revisions, option 2 also proposes a visitor car park to the front of the site. The car park would be located between dwelling 1 and the Prospect Road boundary (refer **Attachments 3-4**).
- 3.4 No other works are proposed.

### **4. REFERRALS**

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

- 4.1.1 No independent consultant's advice was required.

## 4.2 External (Legislated) Referrals

4.2.1 No legislated referrals are required as part of the compromise proposal. However, the original application was referred to the Department of Planning, Transport and Infrastructure, and some of their comments are referred to further in the report.

## 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.

5.2 The compromise proposal is being considered as part of the appeal process, which does not involve public notification.

## 6. PLANNING COMMENTARY

6.1 Pursuant to Section 86(1)(a)(i) of the *Development Regulations 1993*, an applicant may appeal to the Environment Resources and Development Court (Court) against a refusal to grant authorisation to a development proposal.

6.2 As part of the appeal proceedings with the Court, an appellant has an opportunity to submit a revised proposal to Council as a compromise. If the compromise proposal is accepted, then an order to that effect would be issued by the Court and approval granted to the application.

6.3 If the compromise proposal is not supported, the appellant has the right to proceed to a hearing before the Court on the matter.

## 7. PLANNING ASSESSMENT

### 7.1 Waste Management

7.1.1 While the applicant proposes 2 options for consideration, the waste management scheme is the same for both. The applicant proposes a communal waste management system which would still utilise Council's 3-bin system, however there would be a significant reduction in the number of bins on site and on the kerbside for collection.

7.1.2 The applicant proposes 4 general waste (560 litres), 2 recycling (480 litres), and 1 green waste (240 litres) bins. Therefore, the total number of bins for collection at kerbside on any given day would not exceed 6.

7.1.3 It is anticipated that all garden waste generated from landscaping maintenance would be disposed of by the landscaping contractor as per the proposed Community Scheme Description. Consequently, the green waste bin would be available predominantly for the occupants' organic waste.

7.1.4 The bins would be stored in the south-east corner of the site, at the end of the common driveway. The storage area would be screened to blend in with the retaining walls proposed along the eastern boundary (refer **Attachment 1**).

7.1.5 In accordance with the *SA Better Practice Guide-Waste Management in Residential or Mixed Use Developments*, it is anticipated that the proposed eight dwellings would generate a combined total of approximately 533 litres of general waste, 444 litres of recycling waste and 160 litres of green waste.

- 7.1.6 Council-wide Principle of Development Control (PDC) 171 outlines that development with a gross floor area of 2000m<sup>2</sup> or more should provide for the communal storage, collection and management of waste. While the development would have a total area of 1345m<sup>2</sup>, a communal waste management scheme for the development is a more effective methodology.
- 7.1.7 Council-wide PDC 170 outlines that developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is consistent with the following:
- (a) easily and safely accessible to the collection point;
  - (b) easily and safely accessible to residents and collection service providers;
  - (c) well screened to prevent vandalism and theft; and
  - (d) designed to reduce odour and discourage vermin.
- 7.1.8 The total volume of the bins provided would be sufficient to meet the capacity prescribed by the SA Better Practice Guide for waste management. The bins would be accommodated in an easily accessible collection point, which would be appropriately screened from view. The provision of 6 bins located on the kerbside for collection would not have an unreasonable impact on visual amenity or traffic movement.

## 7.2 Vehicular Access

- 7.2.1 The garages have been reduced in size, and the roller doors have been setback to provide an aisle width of 8m between the roller door and southern boundary. The aisle width would allow a visitor's car to readily execute a three-point turn along any part of the driveway, as demonstrated by the turning templates prepared by Mr Phil Weaver from Phil Weaver and Associates (refer **Attachments 1 and 5**).
- 7.2.2 In addition to the above, option 2 provides an additional single visitor car parking space to the front of the site, located between dwelling 1 and the boundary adjacent Prospect Road. Mr Manos also advises that the area would have a dual function in that it would provide another turning bay. Mr Weaver has provided a turning template to show the accessibility and functionality of the visitor car park (refer **Attachment 3 and 5**). The letter boxes wall would also be lowered to facilitate visibility of the visitor car parking space, while still providing some level of screening if a car was parked on site.
- 7.2.3 Mr Manos advises that if option 2 is preferred, the applicant would be prepared to abide by a condition that places a time limit for visitor parking within the bay, which would be reflected in the by-laws of the Community Scheme Description.
- 7.2.4 The original development application was referred to the Department of Planning, Transport and Infrastructure (DPTI), where the department made specific comment with regard to the location of vehicle car parking on the property.
- 7.2.5 In their previous comments, DPTI advised that all vehicle car parking should be a minimum of 6.0m from the property boundary, and clear of the 6 metre x 6 metre access area to prevent conflicting vehicular movement adjacent the access point.
- 7.2.6 While option 1 would not alter the elements previously considered by DPTI, option 2 proposes a visitor car park to be located approximately 1.2m from the boundary adjacent Prospect Road. This would be within an area of potential vehicular conflict with vehicles entering or exiting the site.

7.2.7 Generally, car parking areas should be located and designed to ensure safe and convenient traffic circulation, minimise conflict between other vehicles and pedestrians, and provide adequate areas for the manoeuvring of vehicles into and out of parking bays (Council-wide PDC 212).

7.2.8 It has been demonstrated that the increase in aisle width would enable vehicles to manoeuvre within the site, and exit in a forward direction. However, the additional visitor car parking space proposed for option 2 may impede safe and convenient traffic movement and has the potential to cause conflict between vehicles.

### 7.3 Design and Appearance

7.3.1 The articulation of the western elevation has been revised, with the front door for dwelling 1 now facing Prospect Road. A portico has also been proposed which would provide additional articulation to the Prospect Road façade. The changes are considered to provide a reasonably articulated built form which would complement the adjoining development at 151 Prospect Road (refer **Attachment 1**).

7.3.2 Furthermore, the landscaping to the front of the site would also be reconfigured. The paving would be revised to have a path leading from Prospect Road to the front door of dwelling 1. Option 1 proposes trees and low-lying shrubs on either side of the path (refer **Attachment 1**). With option 2, the landscaping would be reduced and replaced with an additional visitor car park. Although the area would be 'grasscrete' permeable paving, it is noted that the trees and low-lying shrubs would be significantly reduced (refer **Attachment 3**).

## 8. **CONCLUSION**

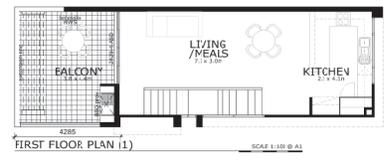
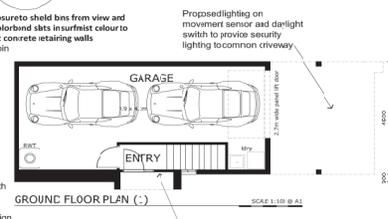
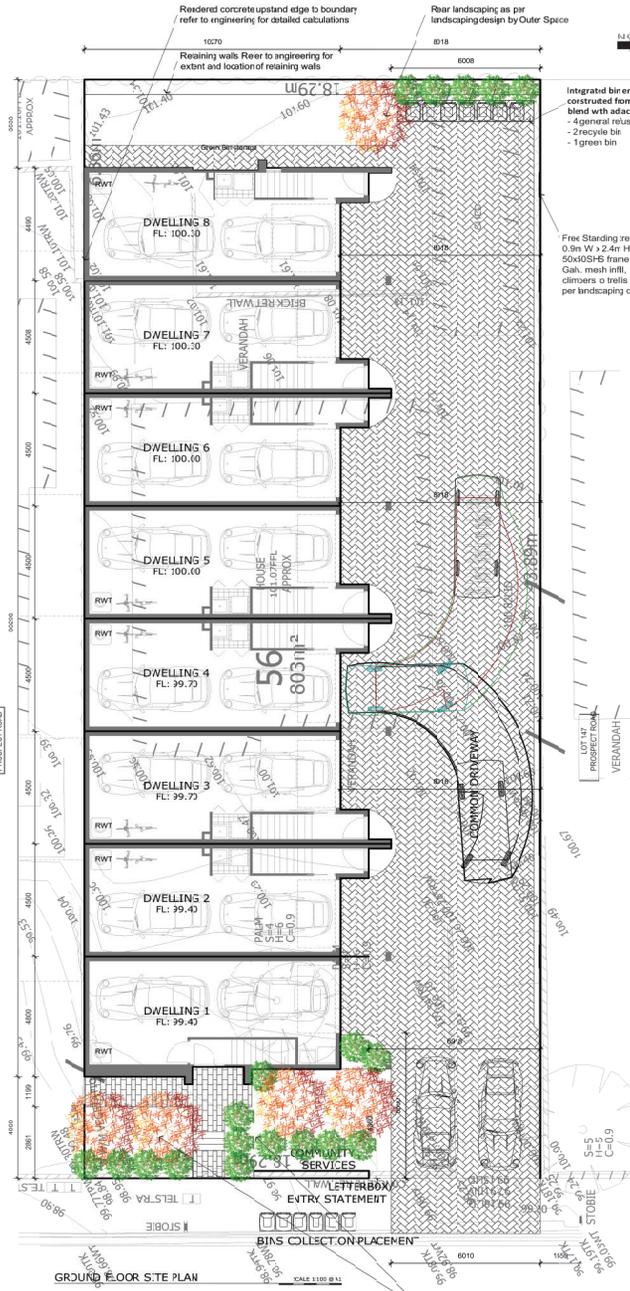
8.1 Both options presented would result in a more efficient waste management system, through a reduction in the number of bins, while still accommodating the anticipated requirements of the eight dwellings. Vehicle manoeuvrability on the site has been improved, where a visitor car could efficiently turn around in the driveway and exit the site in a forward direction. The appearance of the development as viewed from Prospect Road has been improved, while in combination with landscaping, would be of complementary appearance to the adjacent development at 151 Prospect Road.

8.2 The visitor car parking space proposed in option 2 is not considered to provide safe and convenient car parking due to potential conflict with other vehicles and is therefore not supported. It is therefore considered that option 1 is the preferred compromise proposal.

## 9. **RECOMMENDATION**

It is recommended:

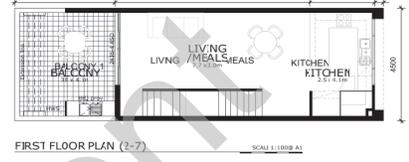
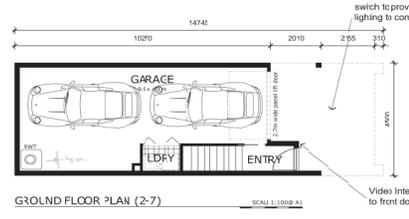
That the Environment, Resources and Development Court be advised that Council's Development Assessment Panel is supportive of option 1 presented as a compromise proposal for a three storey residential flat building comprising 8 dwellings, and associated earthworks and landscaping at 149 Prospect Road, Prospect (CT 5551/414).



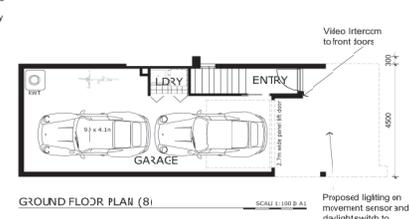
Ground Floor	47.8m <sup>2</sup>
First Floor	46.8m <sup>2</sup>
Second Floor	45.4m <sup>2</sup>
Balcony 1	19.2m <sup>2</sup>
Balcony 2	8.9m <sup>2</sup>
<b>Total Area</b>	<b>167.8m<sup>2</sup></b>

<b>DWELLING 1</b>	Site Area 100.34m <sup>2</sup> (average)	Private Open Space 23.70m <sup>2</sup>	Building Foot Print 52.65m <sup>2</sup>	Site Plot Ratio 62.47%
<b>DWELLING 2</b>	Site Area 100.34m <sup>2</sup> (average)	Private Open Space 22.50m <sup>2</sup>	Building Foot Print 51.50m <sup>2</sup>	Site Plot Ratio 51.33%
<b>DWELLING 3</b>	Site Area 100.34m <sup>2</sup> (average)	Private Open Space 22.50m <sup>2</sup>	Building Foot Print 51.50m <sup>2</sup>	Site Plot Ratio 51.33%
<b>DWELLING 4</b>	Site Area 100.34m <sup>2</sup> (average)	Private Open Space 22.50m <sup>2</sup>	Building Foot Print 51.50m <sup>2</sup>	Site Plot Ratio 51.33%

<b>DWELLING 5</b>	Site Area 100.34m <sup>2</sup> (average)	Private Open Space 22.00m <sup>2</sup>	Building Foot Print 51.00m <sup>2</sup>	Site Plot Ratio 51.33%
<b>DWELLING 6</b>	Site Area 100.34m <sup>2</sup> (average)	Private Open Space 22.00m <sup>2</sup>	Building Foot Print 51.00m <sup>2</sup>	Site Plot Ratio 51.33%
<b>DWELLING 7</b>	Site Area 100.34m <sup>2</sup> (average)	Private Open Space 22.00m <sup>2</sup>	Building Foot Print 51.00m <sup>2</sup>	Site Plot Ratio 51.33%
<b>DWELLING 8</b>	Site Area 100.34m <sup>2</sup> (average)	Private Open Space 22.00m <sup>2</sup>	Building Foot Print 51.3m <sup>2</sup>	Site Plot Ratio 51.4%



Ground Floor	47.89m <sup>2</sup>
First Floor	47.22m <sup>2</sup>
Second Floor	46.30m <sup>2</sup>
Balcony	18.30m <sup>2</sup>
Balcony 2	9.4m <sup>2</sup>
<b>Total Area</b>	<b>164.55m<sup>2</sup></b>



Ground Floor	47.72m <sup>2</sup>
First Floor	46.20m <sup>2</sup>
Second Floor	45.8m <sup>2</sup>
Balcony 1	18.00m <sup>2</sup>
Balcony 2	8.9m <sup>2</sup>
<b>Total Area</b>	<b>166.46m<sup>2</sup></b>

Proposed residential development - 149 Prospect Road, Prospect  
 Turning path drawings prepared by Phil Weaver and Associates Pty Ltd  
 Job No 158-15 Scale 1:200 at A3 Date 17 March 2016

REVISIONS	
AMENDMENT	10 April 2011
Client Issue	10 April 2011
Assessment - Planning Bay received, asked common BLD area	17 April 2011
Assessment - Design/Overlays	8 May 2011
Planning Issue	17 June 2011
Planning Amendments with landscaping reference	18 July 2011
Planning Amendments (AW)	18 July 2011
Planning Amendments (AW)	18 July 2011
Provide Site Driveway access (AW)	21 July 2011
Include front deck (House Decking (AW))	1 Aug 2011
Adjust open rear floor Jan (AW)	11 Aug 2011
Assessment paper issued request	18 Aug 2011
Assessment approval issued request	23 Aug 2011

**rivergum** homes

387-391 South Road, MILE END SOUTH SA 5031  
 Phone: (08) 8334 7300 Fax: (08) 8234 6099  
 A.B.N. 70 065466 337 B.L.C. B.D 113681  
 Web: rivergumhomes.com.au

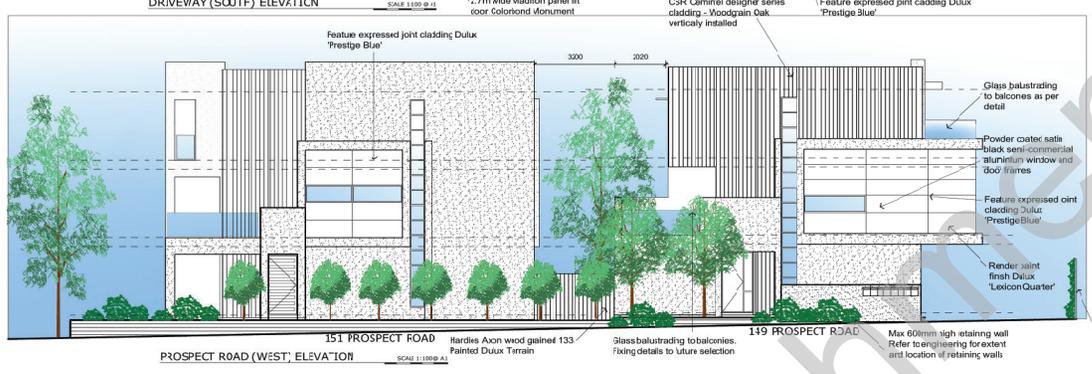
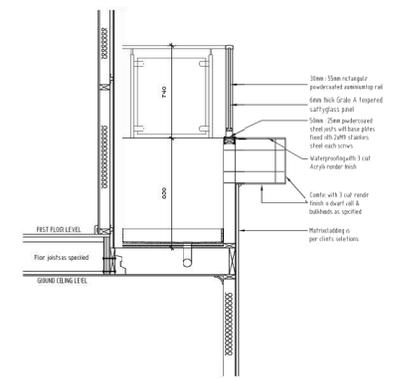
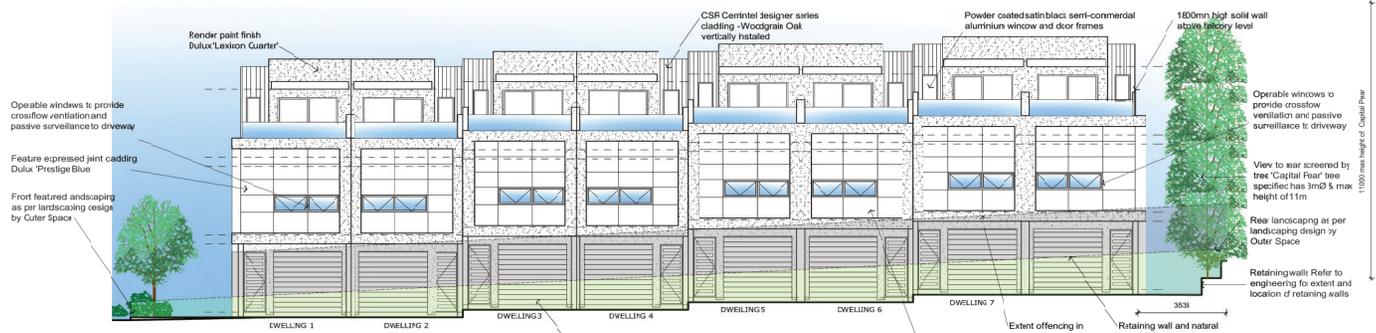
Client: **G. Pinisteboer**

Project: **Proposed Development**

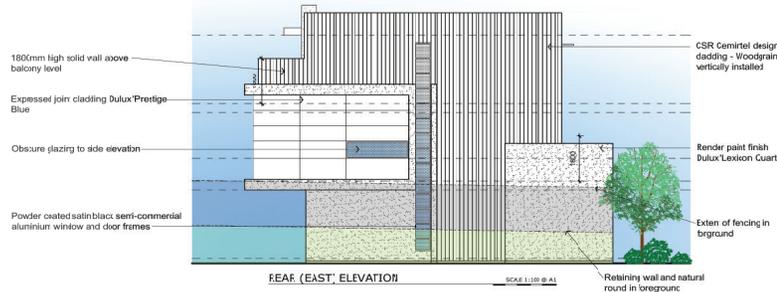
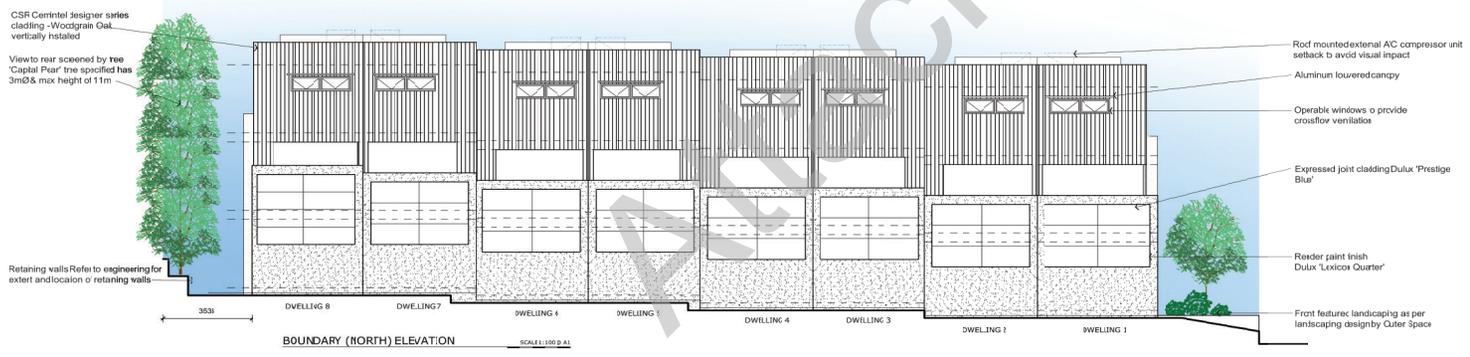
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Scale: 1:100 (LWK) Sheet No: 1 of 4  
 Project No: ISSUE NO. 13  
 Date: 10 April 2015

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



BA USTRADE DETAIL SCALE 1:20 @ A1



REVISIONS

REVISION	DATE
Client Issue	10 April 2015
Amendment - Housing Day meeting, adjust commercial BPO area	15 April 2015
Amendment - Design/Construct	8 June 2015
Planning Issue	17 June 2015
Planning Amendments with landscaping reference	8 July 2015
Planning Amendments (BPO)	15 July 2015
Planning Amendments (BPO)	19 July 2015
Provide Site Driveway access (BPO)	21 July 2015
Include front setback fence design (BPO)	11 Aug 2015
Adjust open rear fence (BPO)	18 Aug 2015
Amendment upper ground treatment	18 Aug 2015
Amendment upper ground layout	23 Aug 2015

**rivergum**  
homes

387-391 South Road, MILE END SOUTH SA 5051  
 Phone: (08) 8334 7300 Fax: (08) 8234 6039  
 A.B.N. 70 065466 337 B.L.C. B.D. 113681  
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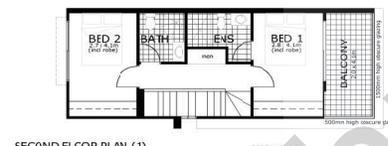
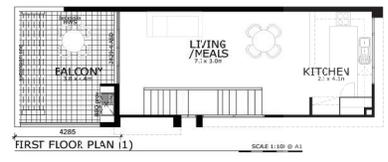
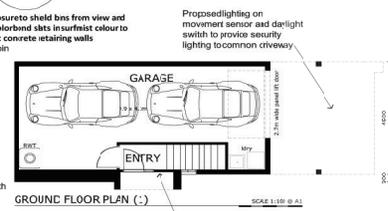
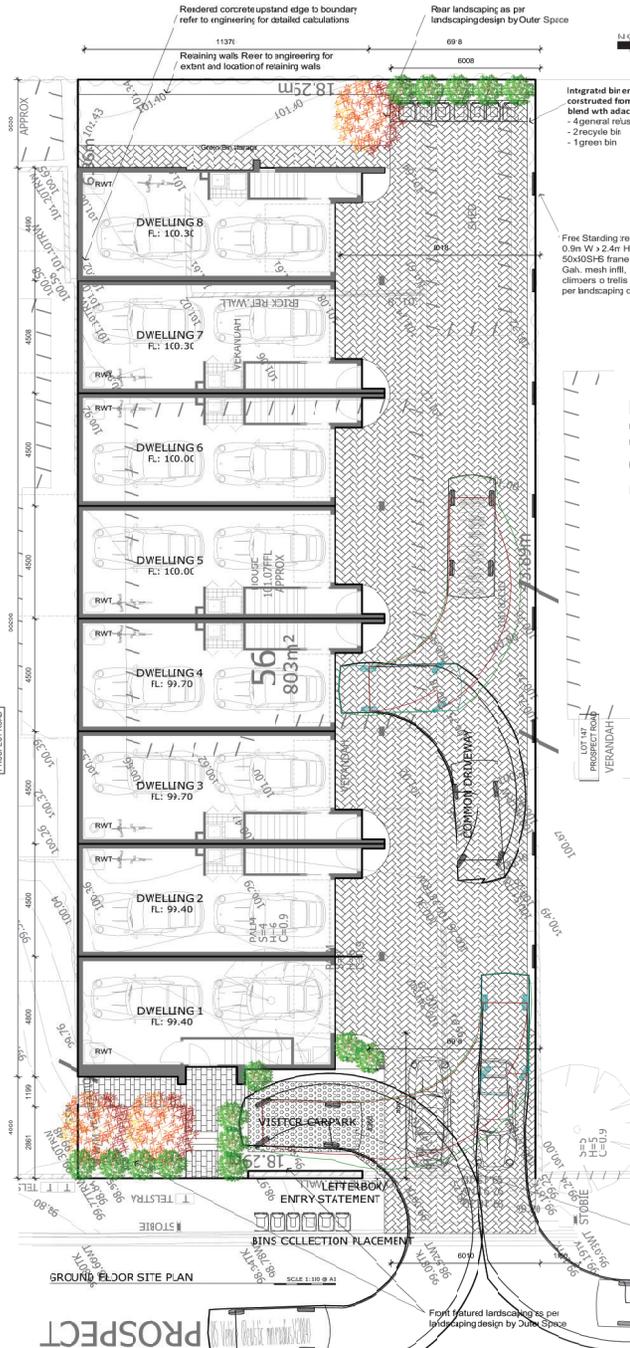
Client: G. Pinistebor

Project: Proposed Development

At: 149 Prospect Road PROSPECT

Drawn	GDH	Date	10 April 2015
Scale	1:100 (LINK)	Sheet No.	2 of 4
Project No.	13	ISSUE NO.	13

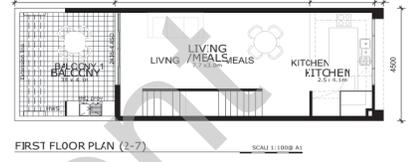
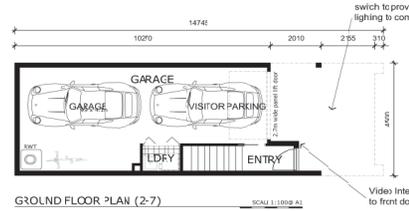
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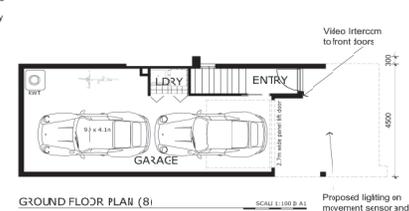
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Balcony 2	8.9m <sup>2</sup>
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Ground Floor	47.72m <sup>2</sup>
First Floor	46.20m <sup>2</sup>
Second Floor	45.6m <sup>2</sup>
Balcony 1	18.00m <sup>2</sup>
Balcony 2	8.9m <sup>2</sup>
<b>Total Area</b>	<b>166.46m<sup>2</sup></b>

REVISIONS

Client Issue	10 Jul 2011
Amendment - Housing Bay removed, added common BBQ area	15 Jul 2011
Amendment - Design/Drawings	8 Aug 2011
Planning Issue	17 Aug 2011
Planning Amendments with landscaping enhancements	7 Sep 2011
Planning Amendments (AW)	18 Oct 2011
Planning Amendments (AW)	19 Oct 2011
Provide the Driveway access (AW)	21 Oct 2011
Include front stoop (House Drawing (AW))	1 Nov 2011
Adjust open area floor Jan (AW)	1 Nov 2011
Amendment upper ground level	08 Dec 2011
Amendment upper ground level	29 Dec 2011

**rivergum homes**

387-391 South Road, MILE END SOUTH SA 5061  
 Phone: (08) 8334 7300 Fax: (08) 8234 6099  
 A.B.N. 70 065466 337 B.L.C. B.D 113681  
 Web: rivergumhomes.com.au

Client: G. Pinisteboer

Project: Proposed Development

Address: 149 Prospect Road PROSPECT

Drawn: CDH Date: 10 April 2015

Scale: 1:100 (UNCL) Sheet No: 1 of 4

Project No: ISSUE NO. 13

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

Proposed residential development - 149 Prospect Road, Prospect  
 Turning path drawings prepared by Phil Weaver and Associates Pty Ltd  
 Job No 158-15 Scale 1:200 at A3 Date 17 March 2016



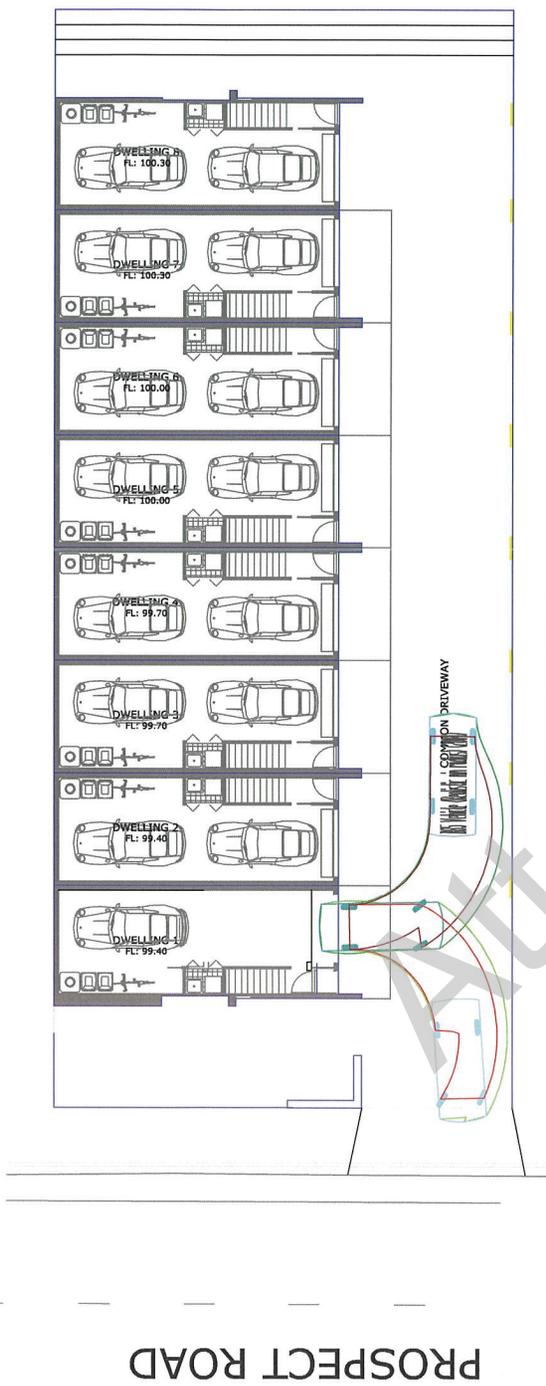
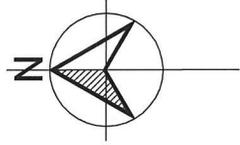


FIGURE 1

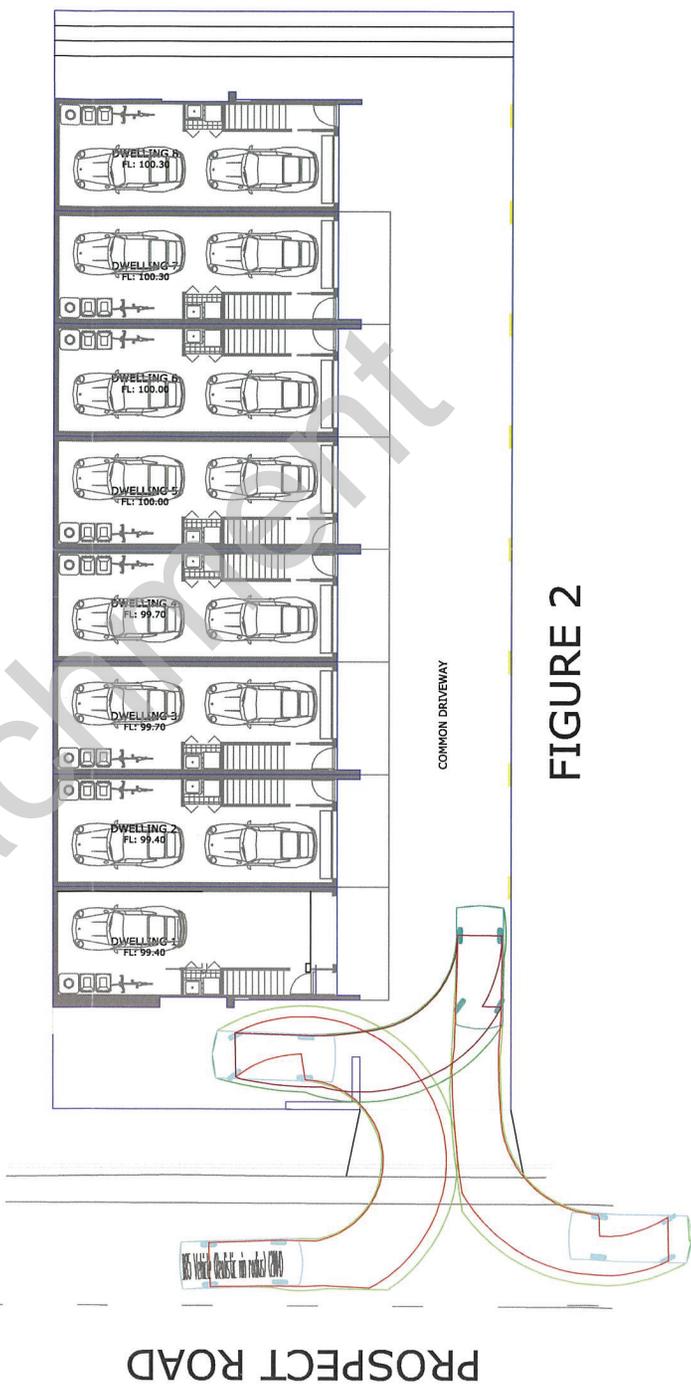


FIGURE 2

Proposed residential development - 149 Prospect Road, Prospect

Turning path drawings prepared by Phil Weaver and Associates Pty Ltd

Job No 158-15 Scale 1:200 at A3 Date 17 March 2016

Our ref: GM/215259

24 March 2016

Ms Susan Giles  
Development Officer, Planning  
City of Prospect  
182 Prospect Road  
PROSPECT SA 5082

By email : [susan.giles@prospect.sa.gov.au](mailto:susan.giles@prospect.sa.gov.au)

Dear Ms Giles

**DA 050/274/2015 - 149 Prospect Road, Prospect - ERD Court Appeal 16/56 - Possible Compromise of Appeal**

I confirm that at the DAP meeting held on 7 March 2016, the DAP refused to grant Development Plan Consent to the above application.

As you know an appeal has been filed in the ERD Court against that decision.

My client hereby offers up, by way of a compromise of the proposed appeal, the **attached** amended plans. The plans are in accordance with discussions as between my client's representative first with Mr McCluskey and then yourself.

Two options in the form of amended plans are offered to the Council to satisfy the issues raised by the DAP that formed the basis of the refusal - specifically;

First: *the method of waste management proposed would not be functional, safe or convenient and would result in an unreasonable impact on the amenity of the locality and;*

Second: *accessible visitor parking spaces would not be provided onsite in accordance with the relevant Development Plan provisions, while insufficient width is provided within the driveway area to ensure that vehicles can safely access the subject land*

Dealing first with the second issue.

In respect of either option, the plans reflect changes in relation to the access issues for visitors on site ie, if they are unable to park on the land, the visitor can now more readily execute a three-point turn along any part of the driveway, thus enabling any vehicle to exit in a forward direction. Mr Weaver Traffic Engineer has prepared turning templates - separately attached - which have been applied as per both of the attached

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plans to demonstrate (for example) how the area adjacent to Dw 4 can be used as a turnaround area. Indeed the same scenario applies for all dwellings. This has been achieved by the repositioning of the garage door for all dwellings northwards to provide a clear (turnaround) aisle width of 8.00m thus compliant with the Australian Standards whilst still allowing for two vehicles to be accommodated within the garage, the internal length being some 10.2m. Indeed two 85<sup>th</sup> percentile cars (ie a Commodore or Falcon at 4.9m) could be parked within the garage. That would be but for vehicles of only 4.4m or 4.6m in length could be readily parked noting that over 40% of vehicles on the road are "small cars". Whilst the occurrence of two B85 vehicles being parked is most unlikely they can nonetheless be accommodated and those vehicles can manoeuvre freely within the garage and any part of the driveway.

As to option 2 this uses as its base the changes as per option 1. However it also provides for a visitor space to the front of the site. Again Mr Weaver has applied his turning template to show the accessibility and functionality of this parking spot.

The addition of the carparking space in the opinion of Mr Weaver is of little consequence to the manoeuvring apron at the entrance to the driveway. The area also provides another turnaround option as well as an 'open' visitor carpark in addition to the 16 carparks already provided on site.

The addition of the visitor carpark does not affect the aesthetics of the 'facade' that the development presents to the street. This is achieved by using 'grasscrete' paving which allows lawn to be grown on/through the surface (refer to the image on the attached plan) rather than solid paving. Further the landscaping is reconfigured to frame the path leading to the front door of dwelling 1 (see below). These aspects have the effect of softening and enhancing the facade whilst providing some screening of the carpark without affecting visibility. Further the overall height of the letter box wall has been lowered to facilitate visibility of the availability of the carparking space whilst still providing some screening if a car was parked in the bay. The applicant is prepared to abide by a condition of the approval that places a time limit for visitor parking within the bay at (say) 2 hours. This time limit would be reflected in the by-laws of the community scheme.

I now turn to the first issue relating to waste management. Changes are proposed to the waste management for the scheme, the same proposal applies for both options. The scheme adopts the councils 3 bin system. The volume of waste capacity required has been calculated using the Better Waste Management Guide and it has been determined that 4 general waste (560L), 2 recycling (480L) and 1 green (240L) waste which includes sufficient capacity to accommodate the council's organics waste protocols. The total volume of the bins provided exceeds the capacity requirements prescribed by the guide. Based on the guide the maximum number of bins for collection at the kerbside on any given collection day will not exceed 6 (4 general and 2 yellow). The bins will be stored in the common property of the community scheme in the location shown on the attached plans behind an integrated bin enclosure. The chosen location does not impede traffic movement and the bins will be screened within an enclosure that blends in with the adjacent concrete retaining walls and related landscaping.

The volume of green waste generated from landscaping maintenance within the site will not be disposed of via the council organic bin collection system. Rather the scheme

description and bylaws of the Community Scheme will require the corporation to enter into contractual arrangements with a landscaping maintenance contractor on an annual basis and those contractual arrangements will require regular maintenance of the landscaping within the scheme and the disposal offsite of any green waste generated by the contractor, and not via the (green) organics bin.

Finally in consideration of the comments at earlier DAP meetings the front door to Dw 1 has been moved to face Prospect Road thereby creating a improved facade addressing the street. This treatment is closely related to the elevation for the approved development on the adjacent land at 151 Prospect Road.

My client offers up either set of plans as a compromise plan for the purposes of resolving the ERD Court appeal.

I understand that you will be able to present the amended plans to the DAP meeting on 4 April 2016 on the basis that these plans could form the basis of a compromise that can be agreed to between the parties which the ERD Court can then give effect to.

If you have any queries, please do not hesitate to contact the writer.

Yours faithfully



**George Manos**  
**BOTTEN LEVINSON**  
Email: gm@blawyers.com.au

FDN  
SOUTH AUSTRALIA  
IN THE ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT  
No. of 2016

16 - 56

BETWEEN

**GAVIN PINKSTERBOER (ON BEHALF OF VISION GROUP NOMINEES PTY LTD)**  
Appellant

and

**CITY OF PROSPECT**  
Respondent

---

**NOTICE OF APPEAL**

---

Date of document: 18 March 2016

Filed on behalf of the Appellant by:

Botten Levinson  
140 South Terrace  
ADELAIDE SA 5000  
Telephone: 8212 9777  
Facsimile: 8212 8099  
Email: gm@bllawyers.com.au

L1234  
P1822

Settled by: George Manos

Date and time of filing or transmission: 18 March 2016



**TAKE NOTICE** that **GAVIN PINKSTERBOER** (on behalf of **VISION GROUP NOMINEES PTY LTD**) both of 141 Henley Beach Rd MILE END SA 5031 ("the Appellant") having applied by application dated 2 July 2015 and registered on that day - DA 050/0274/2015 ("the application") - for Development Plan consent under the *Development Act 1993* ("the Act") from the **CITY OF PROSPECT** ("the Council") to undertake certain development on the land situated at 149 Prospect Rd Prospect SA 5082 19 ("the land"), being for a proposal described by the Council as "*Three Storey Residential Flat Building comprising 8 dwellings, and associated earthworks and landscaping*" ("the proposed development") and being aggrieved by the decision of the Council to refuse consent to the proposed development, notice of which refusal was received by the Appellant on or about 16 March 2016 **HEREBY APPEALS** to the Environment, Resources and Development Court against the said refusal.

#### **Statement of matters leading up to the Appeal**

1. By Development Application No 050/274/2015 ("the application") the Appellant on behalf of Vision Group Nominees Pty Ltd, applied for Development Plan consent from the Council to undertake the proposed development of the land.
2. The land is, and was at all material times, according to the Development Plan for the Council, located in the Urban Corridor Zone and in Transit Living Policy Area.
3. The application was considered by the Council's DAP on 7 March 2016. The DAP refused to grant Development Plan consent to the application.
4. By notice dated 11 March 2016, a copy of which is attached, the Council notified the Appellant of its decision to refuse Development Plan consent to the application.

**Grounds of Appeal**

Having regard to the circumstances of the land and nearby land and all the relevant provisions of the Development Plan, the proposed development warranted Development Plan consent.

**Order Sought**

The decision to refuse Development Plan consent be overturned and Development Plan consent be granted to the application.

DATED the 18<sup>th</sup> day of March 2016

**BOTTEN LEVINSON**

Per:

  
Solicitors for the Appellant

TO: The Registrar  
Environment, Resources and Development Court  
Sir Samuel Way Building  
Victoria Square  
ADELAIDE SA 5000

AND TO: The Chief Executive  
City of Prospect  
128 Prospect Rd  
PROSPECT SA 5082  
By email: admin@prospect.sa.gov.au



## Reasons for refusal and advisory notes

### Reasons for Refusal

Pursuant to the Development Act 1993, as amended, Development Plan Consent is refused to DA 050/274/2015 from Mr Gavin Pinksterboer for a three storey residential flat building comprising eight dwellings and associated retaining walls and landscaping at 149 Prospect Road, Prospect (CT 5551/414), as:

- (1) The method of waste management proposed would not be functional, safe or convenient, and would result in an unreasonable impact on the amenity of the locality. Additionally, accessible visitor parking spaces would not be provided on-site in accordance with relevant Development Plan provisions, while insufficient width is provided within the driveway area to ensure that vehicles can safely and conveniently access the subject land.

### Advisory Notes

The following advisory notes are provided for your information:

- (1) **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).

**AGENDA ITEM:** 5.2

**To:** Development Assessment Panel (DAP) on 7 March 2016

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

**Proposal:** Three storey residential flat building comprising eight dwellings and associated retaining walls and landscaping (DA 050/274/2015)

**Address:** 149 Prospect Road, Prospect (CT 5551/414)

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**SUMMARY:**

Applicant: Mr Gavin Pinksteboer

Owner: Vision Group Nominees Pty Ltd

Planning Authority: Council

Mandatory Referrals: Department of Planning, Transport and Infrastructure

Independent Advice: Lumen Studio

Public Notification: Category 2

Representations: Three

Representors to be heard: Nil

Respondent: Nil

Development Plan Version: Consolidated 12 February 2015

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

Key Considerations: Landscaping, Waste Management, Vehicular Manoeuvring, Private Open Space, Design and Appearance, Privacy, Retaining Walls

**Recommendation: Approval**

---

**ATTACHMENTS:**

Attachment 1 Amended Site Plan and Floor Plans

Attachment 2 Amended Elevations

Attachment 3 Amended Landscaping Plan

Attachment 4 Supporting correspondence from Applicant

Attachments 5-13 Outline of amendments made by Botten Levinson Lawyers

Attachments 14-15 Amended 3D Perspectives

Attachment 16 Schedule of Building Materials and Finishes

Attachments 17-18 Overshadowing and Sight Line Plan

Attachment 19 Waste Management and Security Plan Layout

Attachments 20-21 Additional traffic and parking response by Phil Weaver and Associates

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## **1. EXECUTIVE SUMMARY**

- 1.1 This application was considered by the Development Assessment Panel (DAP) at its meeting of 8 February 2016, at which the DAP resolved to defer the application to allow the applicant to pursue amendments. Accordingly, amended plans and additional documentation have been provided for assessment.
- 1.2 The amended plans were not referred to the Department of Planning, Transport and Infrastructure or the Design Review Panel, nor was the proposal renotified to adjoining land owners, given the modifications would not substantially vary those elements of the proposal that related to the comments previously received.
- 1.3 The key considerations are with regard to amendments made in respect to landscaping, waste management, manoeuvring of vehicles on site, private open space, materials and finishes, articulation to Prospect Road, and retaining walls and fencing along the southern elevation.

## **2. BACKGROUND**

- 2.1 At its meeting of 8 February 2016, the DAP deferred the application to a subsequent meeting of the Development Assessment Panel, to enable the applicant to:
- Consider increasing the extent of landscaping provided within the common driveway and clarify that the areas for planting trees at the rear of the site are of an appropriate size to accommodate the proposed plantings
  - Give further consideration to the method of waste management, including an integrated waste management system that would not result in an excessive number of bins placed on the footpath for collection
  - Provide further clarification on the functionality of the visitor parking / traffic movement within the site, particularly in relation to the ability of vehicles to turn within the driveway area when the roller doors are closed
  - Provide detail on access to natural light for the primary private open space area of each dwelling, with consideration given to the extent of overshadowing from the approved building on the northern adjoining property
  - Give further consideration to the useability and amenity of private open space for each dwelling, particularly given the shortfall in space provided
  - Ensure the materials and finishes are of a high quality and integrate well with the desired streetscape character while providing a desirable pedestrian interface
  - Reconsider the presentation of the proposed building to Prospect Road and the manner in which its appearance complements that of the approved development at 151 Prospect Road
  - Provide details to clearly illustrate the anticipated Impact of retaining walls and boundary fence on the adjoining property at 147 Prospect Road, and particularly their effectiveness at minimising the overlooking of adjoining properties.
- 2.2 The report from the previous DAP meeting is available for viewing on the City of Prospect website ([www.prospect.sa.gov.au](http://www.prospect.sa.gov.au)).

- 2.3 The applicant has provided amended plans and additional information which address the matters sought by the DAP. Additional comments from the applicant's traffic engineer regarding the functionality of the visitor parking and traffic movement within the site has also been provided.

### 3. **PROPOSAL**

- 3.1 The applicant has provided amended plans which illustrate an increase in the private open space and landscaping, provides clarification on the landscaping, retaining walls and fencing, proposed waste management system, materials and finishes, visitor carparking and illustrate the anticipated sight lines from the kitchen window and balconies.
- 3.2 The amended floor plans and elevations are attached (refer **Attachments 1-2**), along an amended landscaping plan (refer **Attachment 3**), supporting correspondence from the applicant (refer **Attachment 4**), a covering letter from Mr George Manos of Botten Levinson Lawyers on behalf of the applicant (refer **Attachments 5-13**) and clarification on the manoeuvring of vehicles within the site from Mr Phil Weaver from Phil Weaver and Associates (refer **Attachments 20-21**).
- 3.3 Revised 3D perspective plans have also been provided which illustrate the proposed landscaping to the front and rear of the site (refer **Attachments 14-15**), along with a schedule of the external building materials (refer **Attachment 16**), a plan that shows the sightlines from the kitchen window and south facing balconies and an elevation of the retaining wall and fence proposed along the southern boundary (refer **Attachments 17-18**), and a site plan illustrating the location of the waste bins (refer **Attachment 19**).

### 4. **REFERRALS**

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

- 4.1.1 The proposed changes would not vary the previous advice provided by Lumen Studio as part of the Design Review process, therefore no further consultation was undertaken.

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

- 4.2.1 The proposal was previously referred to the Commissioner of Highways as required by Schedule 8 of the Development Regulations 2008. The proposed changes would not vary the comments previously provided by the Department of Planning, Transport and Infrastructure (DPTI), therefore no further consultation with DPTI has been undertaken.

### 5. **PUBLIC NOTIFICATION**

- 5.1 The application is a Category 2 form of development pursuant to Section 38 of the *Development Act 1993* and Urban Corridor Zone Principle of Development Control 22.
- 5.2 The application was not re-notified as no further consultation is required by the Development Regulations 2008.

## 6. **PLANNING ASSESSMENT**

### 6.1 **Vehicular Access / Visitor Parking**

6.1.1 The applicant sought advice from Phil Weaver and Associates in relation to the functionality of the visitor parking and movement within the site. The common driveway would measure 6.9m between the roller door and southern boundary. Mr Weaver considers that if necessary, it would be possible for a driver to make multiple turns within the driveway area in front of the garage door, and consequently the vehicles would be able to exit the site in a forward direction. Mr Weaver suggests that there would be relatively fewer occasions when a driver would be likely to reverse out of the subject driveway, than what would currently be generated by the existing land use (refer **Attachments 20-21**).

6.1.2 It is considered that the vehicular movement within the site can be undertaken in a reasonable manner and accordingly it is supported.

### 6.2 **Waste Management**

6.2.1 In accordance with the *SA Better Practice Guide-Waste Management in Residential or Mixed Use Developments*, it is anticipated that the proposed eight dwellings would generate a combined total of approximately 533 litres of general waste, 444 litres of recycling waste and 160 litres of green waste.

6.2.2 The proposal for each dwelling to be provided with separate bins remains unchanged. It is anticipated that each dwelling would have 1 x 140 litre general waste bin and 1 x 240 litre recycling bin. Four 240 litre green waste bins would be stored within the common property to the rear of the site and used in accordance with the Scheme Description.

6.2.3 Mr Manos advises that the Scheme Description would include specific clauses that address waste management, setting out that the Community Corporation must engage the services of landscape maintenance contractor, who would regularly maintain the landscaping and remove the gardening waste from the site.

6.2.4 The location for the storage of wheelie bins to each dwelling also remains unchanged, with the bins proposed to be stored within the garages, and the green waste bins to be located to the side of dwelling 8, at the rear of the site (refer **Attachment 19**).

6.2.5 Mr Manos, in his supportive correspondence, advises that the capacity of the bins would exceed the amount prescribed for a 2 bedroom dwelling, and consequently it may not be necessary for the residents to have all the bins out for collection each week. Nonetheless he notes that the bins could be appropriately accommodated on the kerbside (refer **Attachment 7**).

6.2.6 It is anticipated that the placement and collection of the bins could be accommodated without unreasonably impacting upon traffic movement and therefore the method of waste management is supported. While it is noted that the appearance of the bins by the roadside may be less than desirable, it should be acknowledged that this is common for residential flat buildings reliant on Council's waste management system.

### 6.3 Landscaping

- 6.3.1 A revised landscaping plan has been provided which identifies in greater detail the form of the landscaping proposed, along with the quantity of plants to be used. Square planter boxes have been introduced, and would be located between the roller doors where low lying shrubs suitable for being within full shade are proposed.
- 6.3.2 The landscape consultant has advised that the Pyrus Capital pear trees would be a suitable species to be planted within the retaining wall terrace at the rear of the site, and would not have a detrimental impact to the subject site or adjoining sites (refer **Attachment 3**).
- 6.3.3 The eastern boundary is proposed to be retained by a stepped retaining wall arrangement. Two retaining walls are proposed and their visual bulk would be reduced by the “hanging climbers” that are proposed to drape down the face of the retaining walls.
- 6.3.4 The proposed landscaping would comprise a combination of different plantings that would vary in size, shape, colour and textures, and which is considered to provide reasonable visual softening of the built form and the driveway. Accordingly, the landscaping scheme is supported.

### 6.4 Design and Appearance

- 6.4.1 The presentation to Prospect Road remains largely unchanged, with the only variation being the increase of the south facing balcony. Mr Manos advises that the proposed building is not dissimilar in terms of the building form, bulk and appearance of the proposed development at 151 Prospect Road. Furthermore, the proposed building at 149 Prospect Road has been designed with and in association to the eight row dwellings at 151 Prospect Road. In both instances the plans have been prepared by Rivergum Homes, where there are deliberate similarities of building form, height and building materials, including colours and finishes to ensure continuity across both developments.
- 6.4.2 The cantilevered built form of levels 2 and 3 would extend 1m further to the south, given the increase in the size of the south facing balconies. Largely the materials and finishes would remain unchanged. Mr Manos advises that the proposed materials would be light weight and have been carefully chosen by the applicant to ensure a high quality appearance and finish, providing life-long durability (refer **Attachments 11-12**).
- 6.4.3 The appearance of the development is considered to be reasonably articulated with a variety of external building materials (refer **Attachment 16**) which would be similar to the development at 151 Prospect Road. Accordingly the proposed built form is considered to be of an appropriate design and appearance.

### 6.5 Private open space provision

- 6.5.1 The applicant has provided an overshadowing analysis which illustrates both the summer and winter solstice (refer **Attachment 17**). During the winter months, the north facing balconies would not receive direct sunlight due to overshadowing by the proposed buildings at 151 Prospect Road.

- 6.5.2 While the north facing balconies remain unchanged, amendments have been made to the south facing balconies located adjacent bedroom 1. The balconies have been increased to 2m in width providing an overall area of 9m<sup>2</sup>. Obscured glass balustrade to a height of 1.5 is proposed to provide an appropriate level of privacy to both the occupiers and the adjacent properties.
- 6.5.3 It is noted that each dwelling should be provided with a minimum of 24m<sup>2</sup> of provide open space, of which 8m<sup>2</sup> may comprise balconies and a minimum of 16m<sup>2</sup> to the rear or side of the dwelling (Council-wide PDC 149). In total, each dwelling would be provided with 27m<sup>2</sup> of private open space, with 18m<sup>2</sup> provided at the rear of the dwelling and which would be directly accessible from a habitable room.
- 6.5.4 Accordingly, the provision of private open space is considered to be acceptable and reasonable for a two bedroom dwelling.

## 6.6 Retaining walls

- 6.6.1 The applicant has provided an elevation which illustrates the impact of the retaining wall and fence proposed along the southern boundary. The elevation illustrates the approximate finished floor level of the proposed development at 149 Prospect Road and the existing dwelling at 147 Prospect Road (refer **Attachment 17**). The line of the retaining wall and natural ground levels, together with the extent of fencing have also been illustrated on the elevations (refer **Attachment 2**).
- 6.6.2 The site is proposed to be cut in order to reduce the impact of the overall building height when viewed from adjoining properties and to be similar to that of the adjoining site at 151 Prospect Road. As a result of the proposed cut, the retaining walls would be in the range of up to 1.5m at the eastern end of the site.
- 6.6.3 The new 1.8m high fence would be located on top of the retaining walls, thus having a combined height of up to 3.3m. However as the site would be cut, the retaining walls would only be visible from the subject site, and only the fence would be visible from the adjoining properties.
- 6.6.4 The proposed retaining walls and fence is not considered to have an unreasonable impact with regard to the visual amenity or overshadowing to the adjoining property at 147 Prospect Road, while landscaping would soften the appearance as viewed from within the subject land.

## 6.7 Privacy

- 6.7.1 The applicant has demonstrated the sight lines anticipated from the south facing window and balcony of dwelling 8 (refer **Attachments 17-18**). The sight lines illustrate a direct view into the rear yard of the adjoining property at 147 Prospect Road and a portion of the property at 2A Barker Road.
- 6.7.2 The applicant has amended the plans so that each south facing balcony would have frosted glass balustrading to a height of 1.5m above the finished floor level. Therefore the direct sight line of an occupant would be obscured.
- 6.7.3 It is noted that the kitchen window for dwelling 8 would have a direct view into the rear yard of the adjoining property at 147 Prospect Road, and a small portion of the rear yard at 2A Barker Road. Mr Manos outlines that the occupier's line of sight from the kitchen window would be impeded however, given the location of the kitchen sink and cupboards (refer **Attachment 6**).

6.7.4 Accordingly, the development would include suitable measures to minimise the overlooking to the adjoining neighbours.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The proposal seeks to establish residential land uses at a density and building height that is anticipated within the Transit Living Policy Area.
- 7.2** The proposal would provide an appropriate level of articulation and landscaping that would provide visual interest and soften the overall built form. Each dwelling would have adequate private open space and capacity for waste collection. Potential overlooking to adjoining properties would be minimised and the retaining walls and fence height would not have an unreasonable impact to the adjoining property as a result of the finished floor levels. The driveway sufficiently accommodates the manoeuvring of vehicles providing safe and convenient movement to and from the site.
- 7.3** The application is therefore considered to be consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to 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 050/274/2015 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 granted to DA 050/274/2015 from Mr Gavin Pinksterboer for a three storey residential flat building comprising eight dwellings and associated retaining walls and landscaping at 149 Prospect Road, Prospect (CT 5551/414), subject to the following conditions and notes:

### **Conditions:**

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/274/2015, 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 maintained to the reasonable satisfaction of Council. 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. Any portion of crossover that is not required for the subject development shall be reinstated to Council standard kerb and gutter at the applicant's cost prior to occupation of the completed development.
3. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:
  - a) Flow or discharge onto adjoining properties;
  - b) Flow across the surface of footpaths or public ways;
  - c) Affect the stability of any building; or
  - d) Create unhealthy or dangerous conditions on the site or within any building.

4. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited to adequately screen the units from view from neighbouring properties and public land (roadways) to the reasonable satisfaction of Council.
5. The upper level windows facing east 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 dwelling and maintained to the reasonable satisfaction of Council at all times thereafter.

6. The south facing balconies shall have fixed obscured glass to a height of 1.5m above the finished floor level. 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. To maximise the efficiency of waste recycling:
  - a) Provision shall be made for the separation of recyclable materials for collection and recycling, including paper, cardboard, glass and plastic containers, tins, and any other plastic that 'holds its shape';
  - b) Separate provision shall be made for the collection of food waste (food organics) and food-contaminated cardboard, paper or paper products, which are to be collected for composting; and
  - c) Paper attached to plastic, wax paper or chemically-treated/gloss cardboard will not be included with the materials collected for composting.
8. 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.
9. The landscaping shall be planted prior to occupancy of the development, and maintained at all times to the reasonable satisfaction of Council and to ensure appropriate lines of sight for vehicles and pedestrians. Mature trees shall be no less than 2.0m in height at time of planting. The applicant or the persons 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.
10. 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.

**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) 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 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
- 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

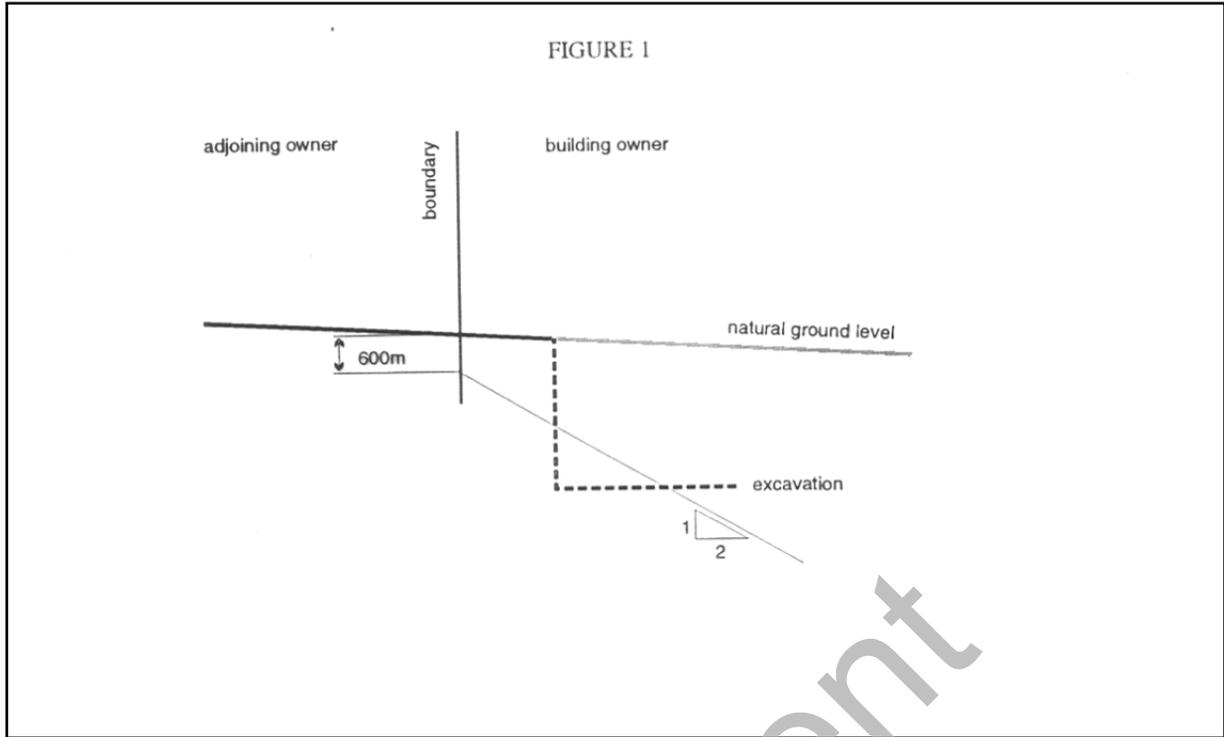
- Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
  - The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
  - 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.
- (8) To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities should only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.
- (9) The construction of the building shall 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).
- (10) All vehicles shall enter and exit the site in a forward direction.
- (11) Notify Your Neighbours: 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:

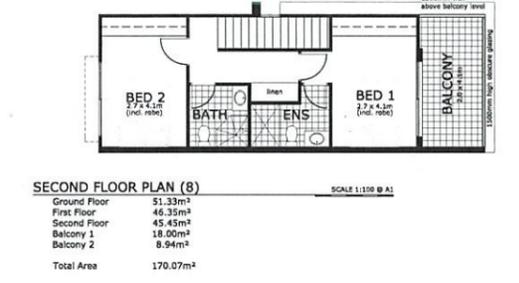
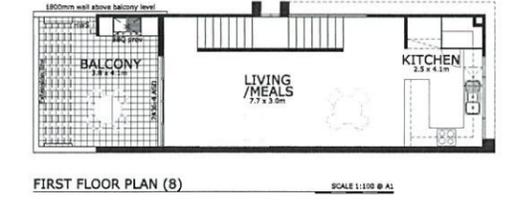
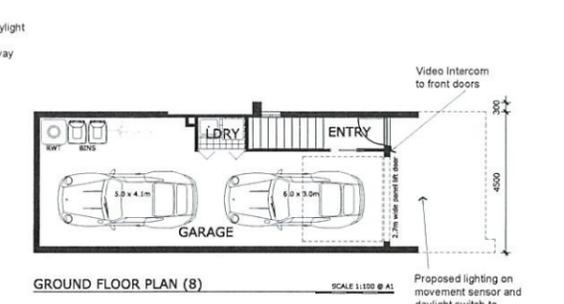
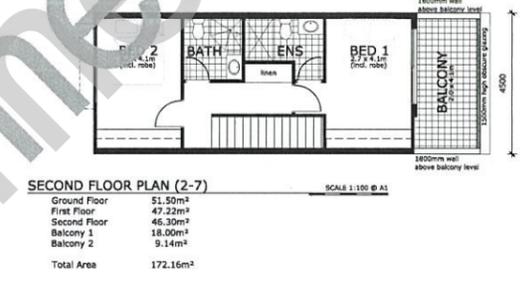
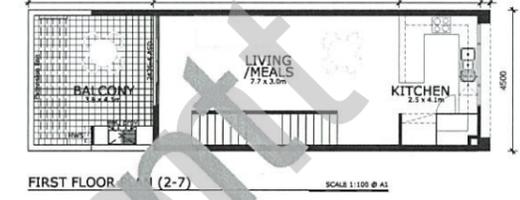
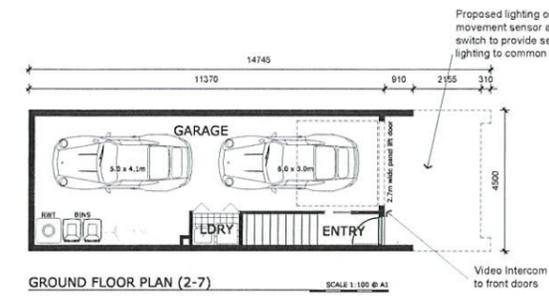
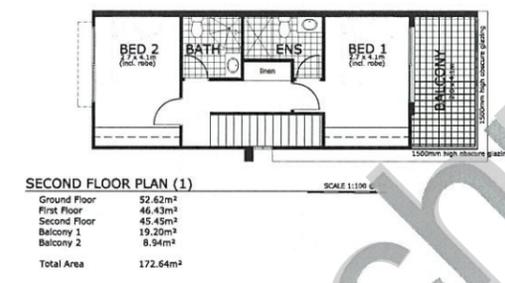
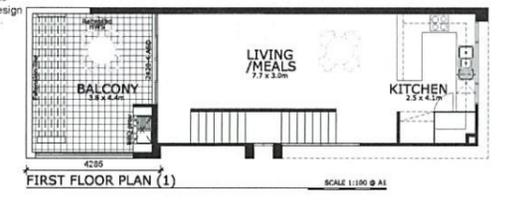
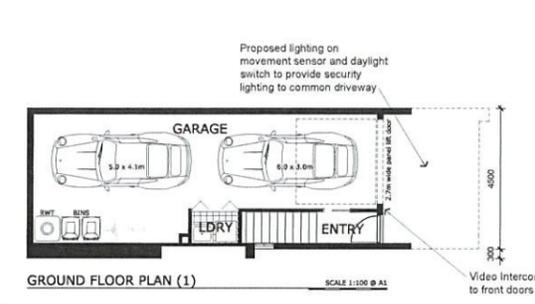
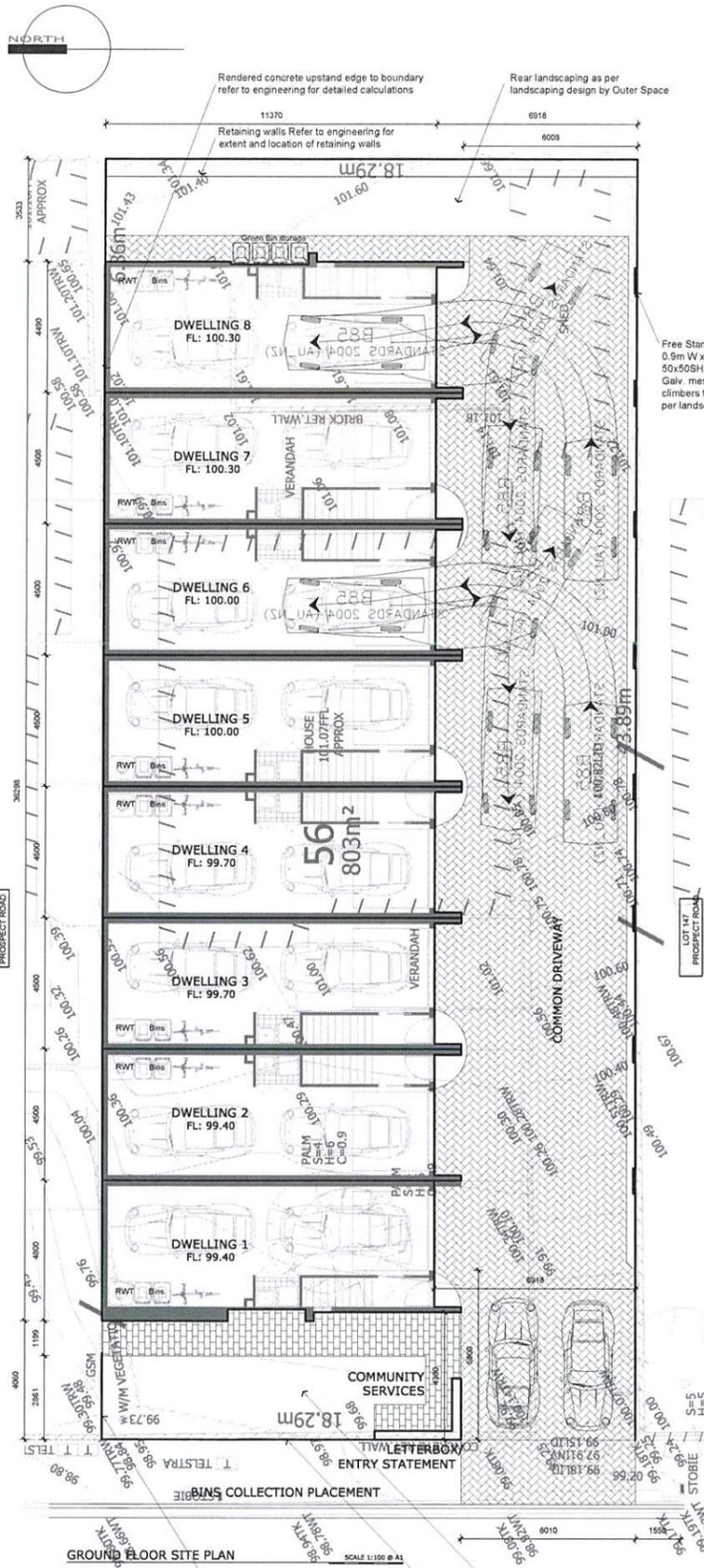
- a) serve on the owner of the affected land or premises a notice of intention to perform the building work and describing the nature of that work; and
- b) you must take such precautions as may be prescribed to protect the affected land or premises and must, at the request of the owner of the affected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



Attachment



DWELLING 1	DWELLING 2	DWELLING 3	DWELLING 4	DWELLING 5	DWELLING 6	DWELLING 7	DWELLING 8
Site Area	100.34m <sup>2</sup> (average)						
Private Open Space	23.70m <sup>2</sup>	22.50m <sup>2</sup>					
Building Foot Print	52.15m <sup>2</sup>	51.50m <sup>2</sup>	51.33m <sup>2</sup>				
Site Plot Ratio	23.7%	22.5%	22.5%	22.5%	22.5%	22.5%	22.5%

**REVISIONS**

AMENDMENT	DATE
Concept Issue	10 April 2015
Amendment - Retaining Wall removed, added communal BBQ area	10 April 2015
Amendment - Designed Developments	2 June 2015
Planning Issue	17 June 2015
Planning Amendments with landscaping reference	7 Oct 2015
Planning Amendments (MS)	15 Oct 2015
Planning Amendments (MS)	19 Oct 2015
Provide Bin Driveway access (MS)	21 Oct 2015
Increase front setback & lower dwelling (MS)	1 Dec 2015
Adjust upper level floor plate (MS)	11 Dec 2015
Amendment #2 per council request	18 Feb 2016

**rivergum homes**

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

Client: **G. Pinksterboer**

Project: **Proposed Development**

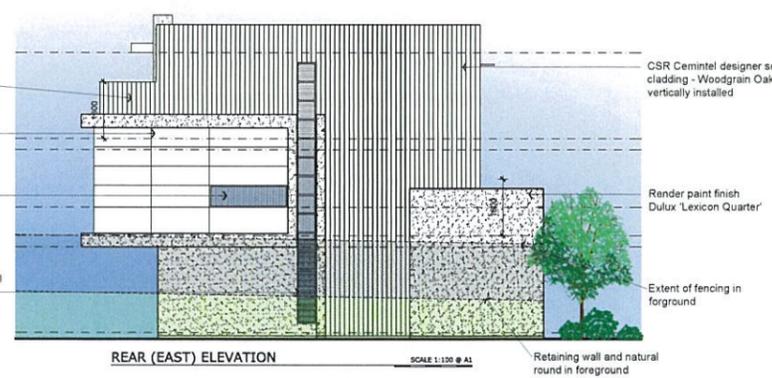
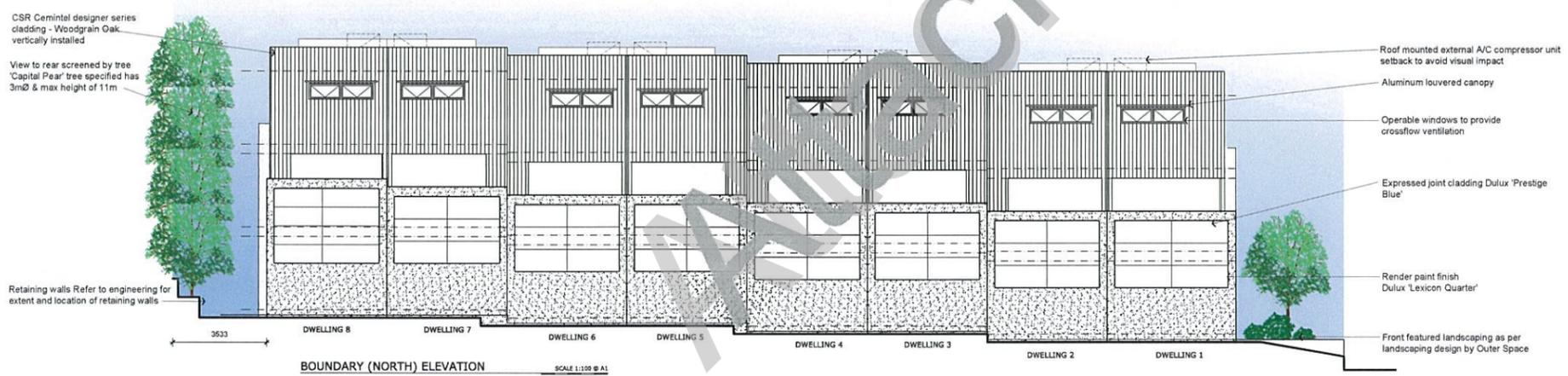
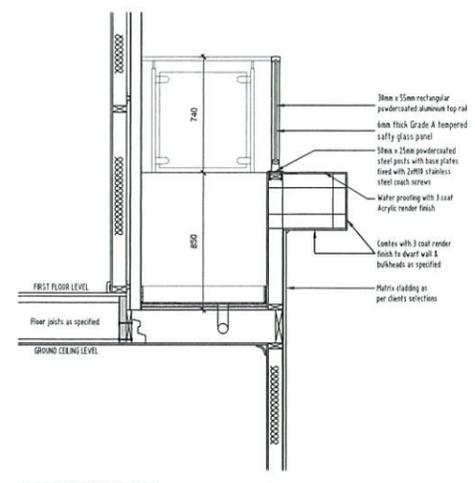
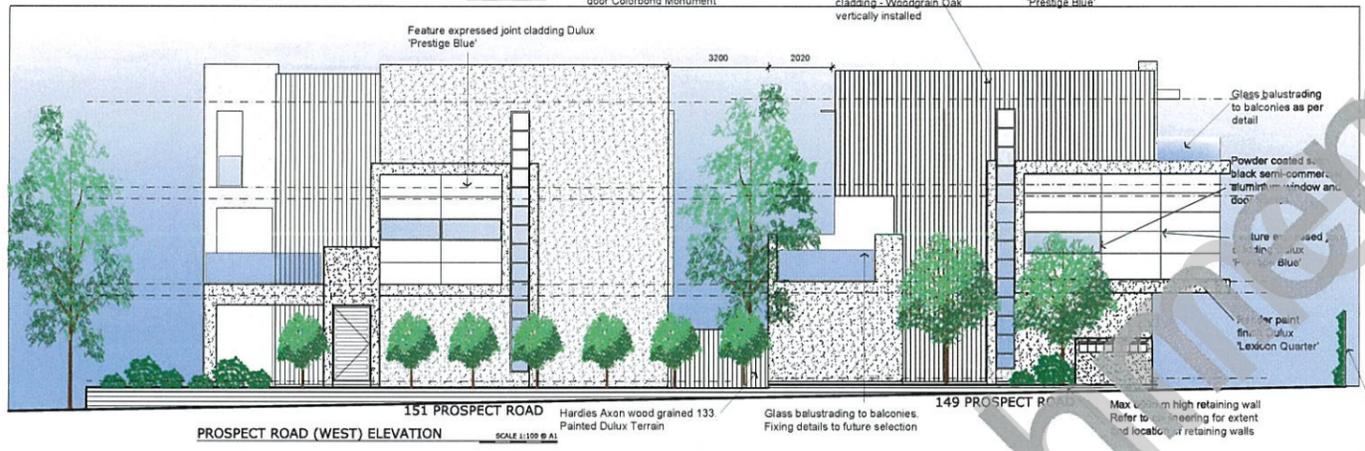
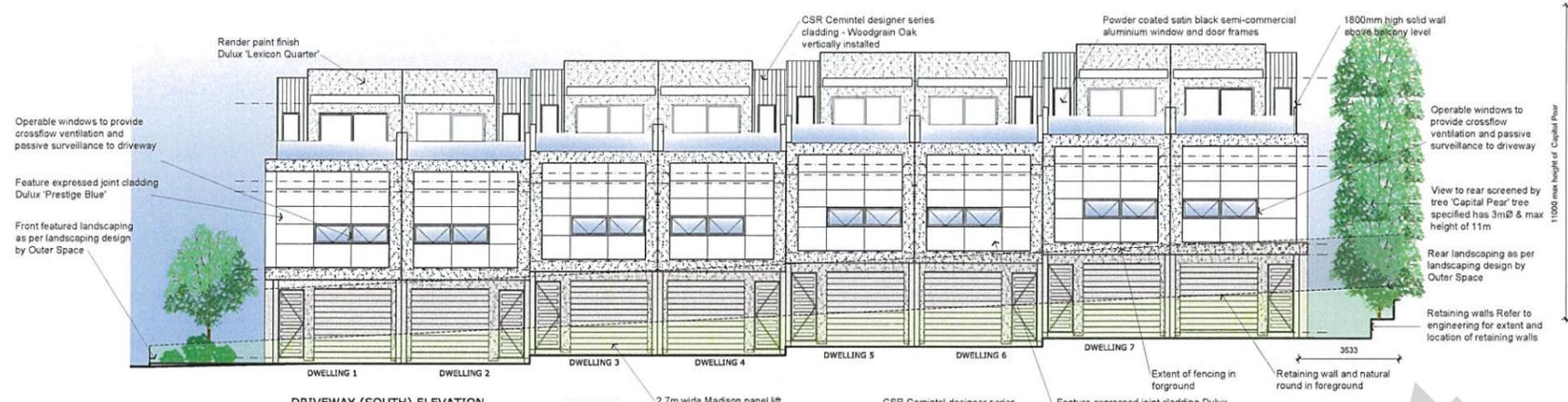
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Drawn: **CGH** Date: **10 April 2015**

Scale: **1:100 (UND)** Sheet No: **1 of 4**

Project No: **ISSUE NO: 12**

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



REVISIONS

AMENDMENT	Date
Concept Issue	10 April 2015
Amendment - Planning Day removed, added communal BBQ area	12 April 2015
Amendment - Designed Developments	3 June 2015
Planning Issue	17 June 2015
Planning Amendments with landscaping reference	7 Sept. 2015
Planning Amendments (M&C)	10 Oct. 2015
Planning Amendments (M&C)	19 Oct. 2015
Provide 5m Driveway access (M&C)	21 Oct. 2015
Increase front setback & lower dwelling (M&C)	1 Dec. 2015
Adjust upper level floor plate (M&C)	11 Dec. 2015
Amendment as per council request	18 Feb. 2016

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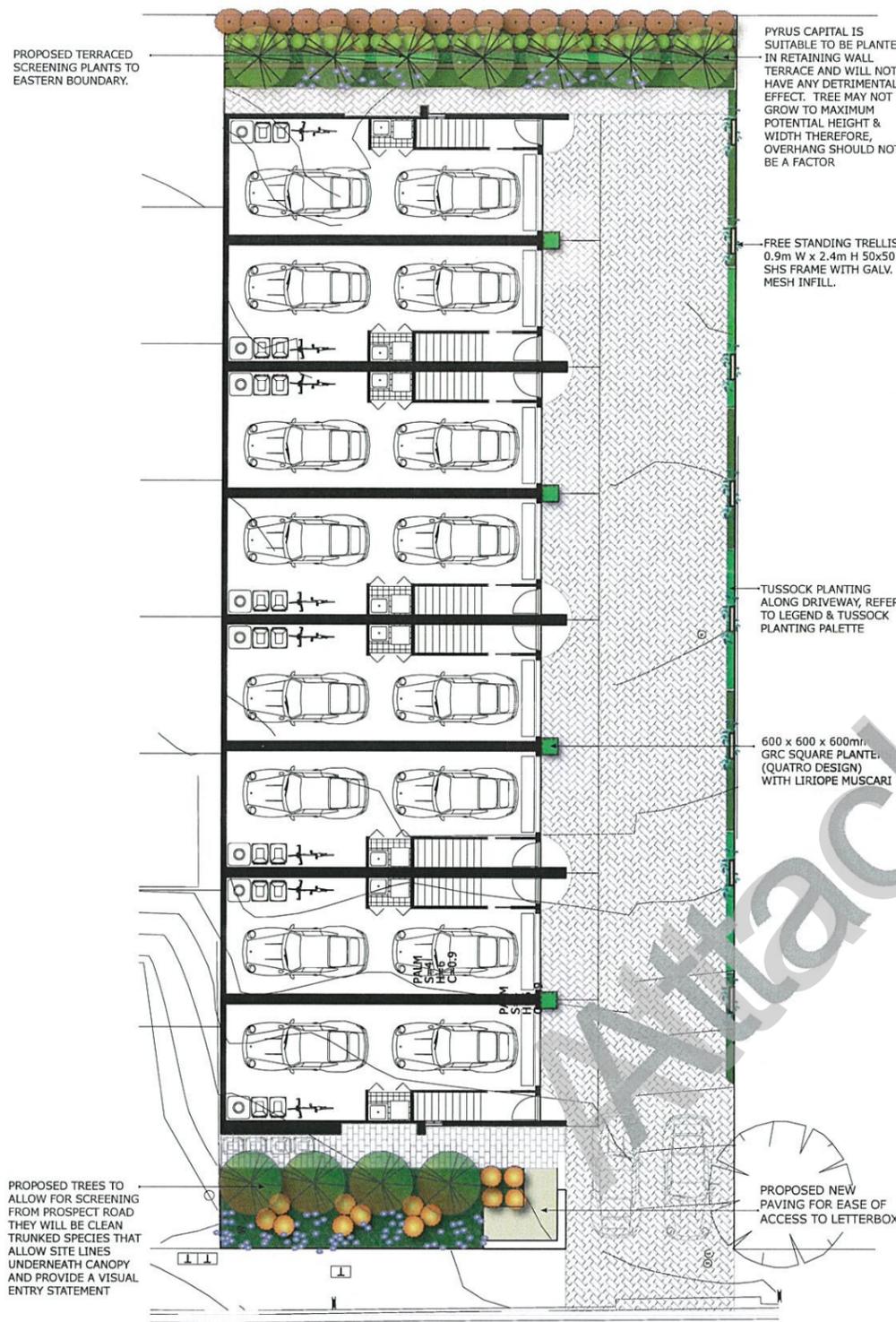
At: **149 Prospect Road PROSPECT**

Drawn	Date
CGH	10 April 2015

Scale	Sheet No.
1:100 (UNO)	2 of 4

Project No.	ISSUE NO.
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**TREE PLANTING**

PYRUS CAPITAL IS SUITABLE TO BE PLANTED IN RETAINING WALL TERRACE AND WILL NOT HAVE ANY DETRIMENTAL EFFECT. TREE MAY NOT GROW TO MAXIMUM POTENTIAL HEIGHT & WIDTH THEREFORE, OVERHANG SHOULD NOT BE A FACTOR

 <i>Lagerstroemia indica</i> Crape Myrtle H: 3 - 5m W: 3-5m Spacing : As shown Quantity: 4	 <i>Pyrus calleryana 'Capital'</i> Capital Pear H: 6m W: 2.5m Spacing : As shown Quantity: 7
--	--

**TUSSOCK PLANTING**

 <i>Liriope muscari</i> Just Right H: 0.5m W: 0.5m Spacing : 0.4m Quantity: 60	 <i>Dianella 'Little Rev'</i> Dwarf Flax Lily H: 0.6m W: 0.6m Spacing : 0.5m Quantity: 40
--	---

**FEATURE PLANTING**



*Kniphofia uvaria*  
Red Hot Poker  
H: 0.7m W: 0.8m  
Spacing : 0.8m  
Quantity: 13

**SCREENING SHRUB**

 <i>Viburnum odoratissimum</i> 'Dense Fences' H: 3m W: 2m Spacing : 0.6m Quantity: 16	 <i>Correa pulchella 'Pink Mist'</i> Native fuschia H: 1.0m W: 2.0m Spacing : 0.6m Quantity: 32
---	---

**GROUND COVERS**



*Brachyscome multifida*  
Leaf Daisy  
H: 0.3m W: 0.6m  
Spacing : 0.4m  
Quantity: 90

**CLIMBERS**



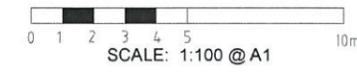
*Trachelospermum Jasminoides*  
Star Jasmine  
H: 3-4m W: 3-4m  
Spacing : 1.0m  
Quantity: 24

**DESIGN STATEMENT**  
THE PROPOSED LANDSCAPE DESIGN SEEKS TO COMPLIMENT THE PROPOSED RIVERGUM HOMES DEVELOPMENT BOTH IN STYLE AND CHARACTER. THE PLANTING PALETTE HAS A RANGE OF HARDY, LOW MAINTENANCE, NATIVE AND EXOTIC SPECIES.  
  
THE APPROACH FROM PROSPECT ROAD WILL CONSIST OF LOW GROWING SHRUBS AND TALL SLENDER TREES THAT WILL HELP CREATE AN IMMEDIATE ENTRY STATEMENT INTO THE DEVELOPMENT.  
  
A VARIETY OF HARDY PLANTS HAVE BEEN SELECTED THROUGHOUT THE DEVELOPMENT TO ALLOW FOR DIFFERENT COLOURS & TEXTURES.

- LEGEND**
-  TREE - LARGERSTROEMIA INDICA
  -  TREE - PYRUS CALLERYANA 'CAPITAL'
  -  SCREENING SHRUBS - VIBURNUM ODORATISSIMUM
  -  FEATURE PLANTING - KNIPHOFIA UVARIA
  -  SHRUBS - CORREA PULCHELLA 'PINK MIST'
  -  TUSSOCKS - DIANELLA 'LITTLE REV'
  -  TUSSOCKS - LIRIOPE 'MUSCARI'
  -  GROUNDCOVERS - CORREA PULCHELLA 'AUTUMN BLAZE'
  -  GROUNDCOVERS - BRACHYSCOME MULTIFIDA
  -  CLIMBER - TRACHELOSPERMUM JASMINOIDES
  -  RETAINING WALL
  -  PATH
  -  SQUARE GRC PLANTERS - LIRIOPE 'MUSCARI'



PROJECT 149 PROSPECT ROAD, PROSPECT SA  
 CLIENT RIVERGUM HOMES  
 DRAWING PROPOSED LANDSCAPE CONCEPT PLAN



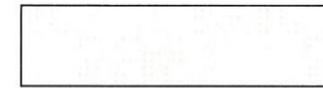
DATE: 18/02/16  
 DWG NO.: OS496\_CP01RevE

DRAWN BY: SG/AC  
 APPROVED BY: KB/AC

**149 PROSPECT ROAD, PROSPECT  
BUILDING MATERIALS AND FINISHES**



<u>COMPONENT</u>	<u>MATERIALS</u>	<u>COLOUR</u>
WALLS:	AAC	DULUX "LEXICON QUARTER"
	EXPRESS JOINT CLADDING	DULUX "PRESTIGE BLUE"
	CSR CEMINTEL SERIES	WOODGRAIN OAK
FRONT DOORS:	HUME DOORS - XV16	DULUX "LEXICON QUARTER"
SLIDING DOORS:	SEMI-COMMERCIAL	SATIN BLACK
PANEL-LIFT DOORS:	POWDERCOATED STEEL	COLORBOND "MONUMENT"
WINDOWS:	SEMI-COMMERCIAL	SATIN BLACK
FLASHINGS:	POWDERCOATED STEEL	COLORBOND "SURFMIST"
ROOF:	ZINCALUME	COLORBOND "SURFMIST"
GLASS BALUSTRADE:	GLASS & STAINLESS STEEL	N/A
FEATURE FENCING:	AXON WOOD GRAINED	DULUX "TERRAIN"



DULUX "LEXICON QUARTER" \*



DULUX "PRESTIGE BLUE"\*



COLORBOND "SURFMIST"



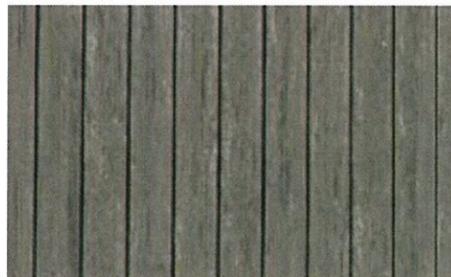
COLORBOND "MONUMENT"



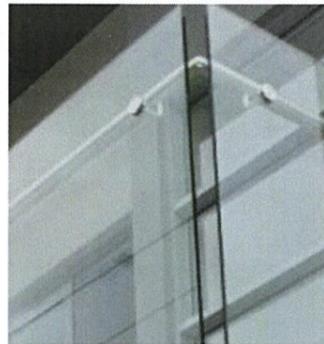
SATIN BLACK



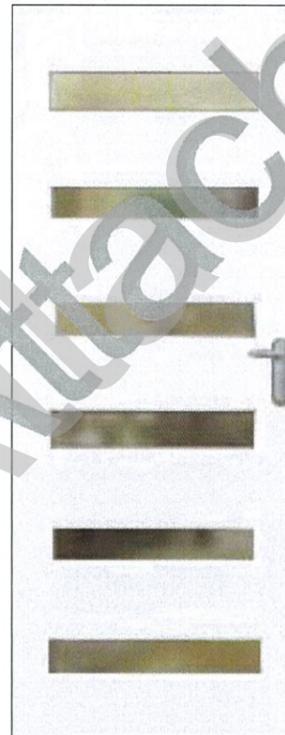
DULUX "TERRAIN"\*



REPRESENTATIVE IMAGE  
CSR CEMINTEL SERIES CLADDING



REPRESENTATIVE IMAGE  
FRAMELESS GLASS BALUSTRADE



REPRESENTATIVE IMAGE  
FRONT ENTRY DOOR - XV16



REPRESENTATIVE IMAGE  
EXPRESS JOINT CLADDING



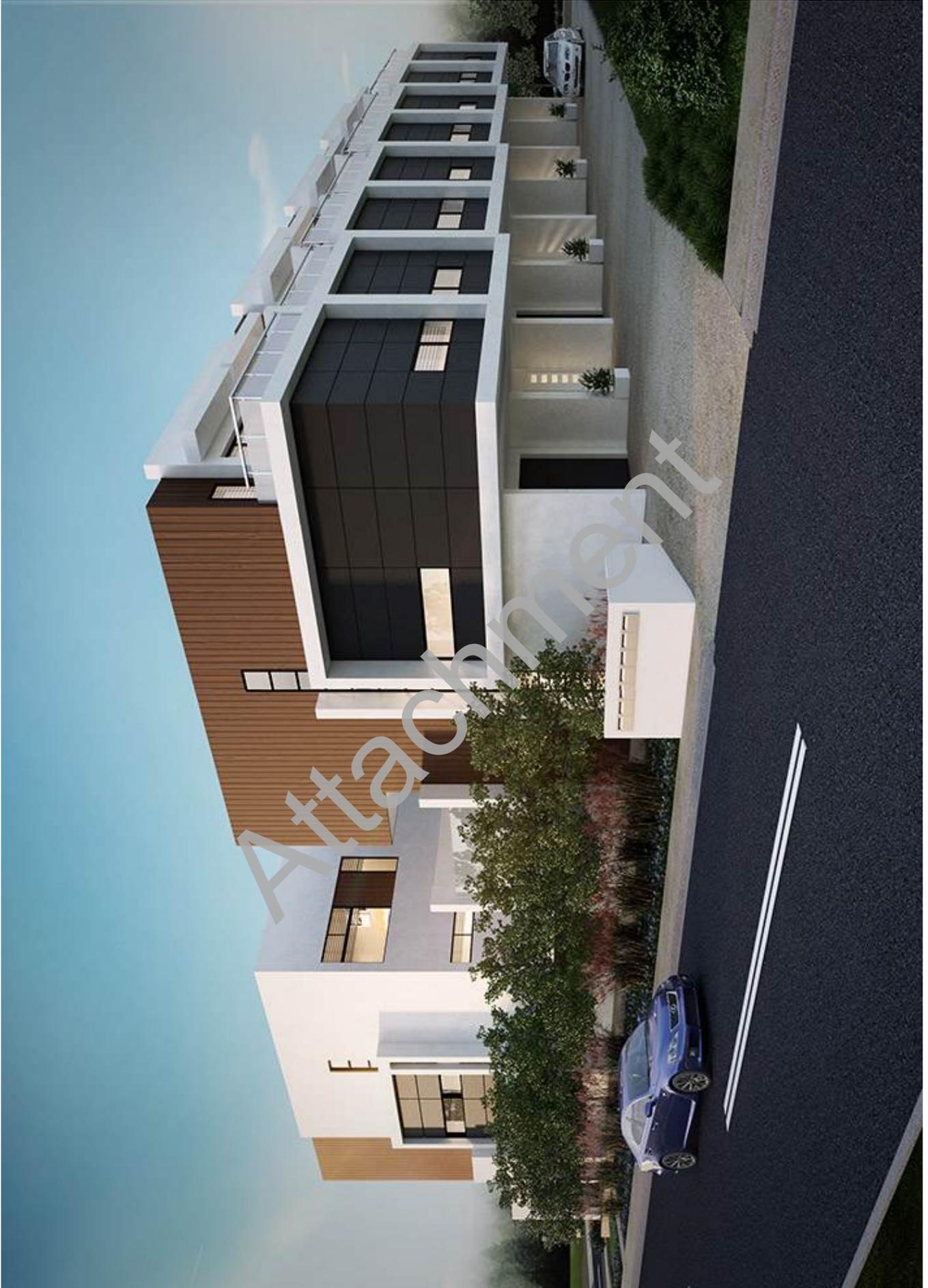
REPRESENTATIVE IMAGE  
PANEL-LIFT DOOR: MADISON PROFILE



REPRESENTATIVE IMAGE OF  
LEXICON QUARTER & CSR CEMINTEL CLADDING

\*PLEASE NOTE: this is an estimation of the paint colour palette, however when printed on paper the colours may not be an accurate depiction of the actual colour. refer to the Dulux Color chart online for a more accurate representation







**AGENDA ITEM:** 5.2

**To:** Development Assessment Panel (DAP) on 11 April 2016

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

**Proposal:** Variation to Development Application 050/190/2015 – Two, Three Storey Residential Flat Buildings Comprising 22 Dwellings with associated Driveway and Landscaping (DA 050/62/2016)

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

---

**SUMMARY:**

**Applicant:** Advanced Development Group Solutions Pty Ltd

**Planning Authority:** Council

**Referrals (Schedule 8):** Nil

**Public Notification:** Category 1

**Representations:** Not applicable

**Respondent:** Not applicable

**Development Plan Version:** Consolidated 18<sup>th</sup> February 2016

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

**Key Considerations:** Quality of Materials, Building Separation, Access to Sunlight

**Recommendation:** **Approval, subject to conditions**

---

**ATTACHMENTS:**

Attachments 1-6 Revised Proposal Plans

Attachments 7-9 Correspondence from Applicant

Attachments 10-16 Previous Report

## **1. EXECUTIVE SUMMARY**

- 1.1 The Development Assessment Panel (DAP) previously considered the subject proposal, for variations to a previous approval incorporating two, three storey residential flat buildings at 3-7 Allan Street, at its meeting of 7 March 2016. As part of those variations, the applicant also provided a staging plan for endorsement.
- 1.2 Broadly, the DAP expressed a desire that the applicant reconsider several aspects of the development including the quality of materials and finishes used, the separation between the buildings and access to sunlight from within the southern building. The applicant has subsequently provided amended proposal plans (refer **Attachments 1-6**) and a supplementary submission responding to the concerns raised (refer **Attachments 7-9**).
- 1.3 The revisions would reinstate the quality of materials previously approved, increase the separation between the buildings such that it is greater than that previously approved, and would revise privacy screening devices and the internal layout of the southern building to maximise access to sunlight while maintaining passive surveillance of George Whittle Reserve. The amendments are considered to suitably address the concerns identified and the proposal therefore warrants development plan consent.

## **2. BACKGROUND**

- 2.1 At its meeting of 7 March 2016 the DAP deferred to the application to enable the applicant to pursue amendments taking into consideration the following matters:
  - The quality of the materials and finishes used on the proposed buildings, with a desire identified for no reduction in quality from the materials previously approved
  - The size of the laneway space and separation between buildings, with particular regard to access to sunlight and subsequent impact on amenity for occupants of the southern building.
- 2.2 The report from the previous DAP meeting is attached for convenience (refer **Attachments 10-16**).
- 2.3 The applicant has subsequently provided amended plans and additional information to address the matters described above.

## **3. PROPOSAL**

- 3.1 The amended plans include revised materials and finishes used to building facades, revisions to the internal layout of the southern building, as well as an increased separation distance and revised privacy screening between the two buildings.
- 3.2 The revised proposal plans are attached (refer **Attachments 1-6**), including a revised 3D perspective of the proposed buildings (refer **Attachment 6**), and correspondence from the applicant in support of the amendments (refer **Attachments 7-9**). It is noted that the staging plan, which remains as previously proposed, is annexed to the revised submission as a result of the previous submission now being superseded.

#### 4. **PLANNING ASSESSMENT**

- 4.1.1 The quality of materials proposed has been revised, with greater reference drawn to the previously approved buildings. As noted in the applicant's revised submission, external materials would consist of expressed joint Hardie's Matrix and copper cassette panelling, replicating the materials and finishes previously approved. The variation application's original usage of tilt-slab concrete, weatherboard and rendered materials and finishes have been removed entirely.
- 4.1.2 The separation between the northern and southern buildings would now be a minimum of 4 metres. This is increased from the previously proposed 3.1m minimum separation distance and previously approved 2.8m minimum separation distance. It is also noted that the 4 metre minimum separation distance proposed would be consistent with desirable setbacks between new buildings on adjoining allotments throughout the zone.
- 4.1.3 It should be noted that this additional separation distance has been achieved through a revised stair and second floor level layout within the southern building, and by the loss of some internal living areas and private open space. It is noted that the provision of private open space would still achieve the relevant Development Plan provisions (24m<sup>2</sup> desired with 25m<sup>2</sup> provided), while internal living areas would remain of sufficient size to achieve an appropriate level of occupant amenity.
- 4.1.4 The revisions to the second floor level layout described above include a re-orientation of living areas and habitable rooms which, in addition to the increased building separation, would achieve a greater extent of access to sunlight within the southern building. A cross-sectional diagram has been prepared by the applicant (refer **Attachment 8**) demonstrating sunlight penetration into the southern building at the mid-point of each season.
- 4.1.5 The cross-sectional diagram also provides further detailed information regarding revised privacy screening between the northern and southern buildings. Privacy screening would now be provided to the northern building alone, through the use of angled louvres, while the Terrace and Bed 2 Juliette balcony would remain unscreened. Louvres would be angled variously to ameliorate a loss of privacy within the southern building from Bed 1 of the northern building, and to prevent a loss of privacy within Bed 2 of the northern building from the terrace of the southern building.
- 4.1.6 It is considered that the amendments satisfactorily address the concerns previously identified by the DAP.

#### 5. **STAGING PLAN**

- 5.1.1 Following discussion with members at the 7 March 2016 DAP meeting, further clarity is offered regarding the proposed staging of approvals and construction.
- 5.1.2 Section 39(8) of the *Development Act 1993* provides that an application, or a consent, may provide for or envisage the undertaking of a development in stages. An applicant intending to undertake a development in stages is obliged to provide to the relevant authority a staging plan for development plan consent purposes. This is to ensure that the applicant can fulfil its obligations in respect of Regulation 46(1) of the *Development Regulations 2008*.

- 5.1.3 This matter was explored by the ERD Court in the matter of *Eagle Rise Christian Centre Inc v City of Salisbury*, where the Court determined that it was essential that full details of each finished stage be provided in order to know what the character and impact of each stage will be.
- 5.1.4 Anecdotally, staff are aware of some issues that have been encountered by other Councils when determining to approve the construction of dwellings in stages where dwellings within a single site are constructed at varying times. Equally, staff are also aware that the benefits of staging a development within a site can include limiting the use of public land for the storage of materials and/or rubbish, or the parking of vehicles.
- 5.1.5 In order to successfully consider the character and impact of each development stage, it is necessary to separate the two elements of the staging plan. The applicant proposed that development approval would be granted in 22 stages (for financial purposes) but that the buildings would be constructed in 2 stages of 11 dwellings each.
- 5.1.6 This approach is supported by staff, as it allows the applicant to achieve their financial obligations while ensuring that construction of the dwellings occurs in a rational, rather than piecemeal, manner. It should also be noted that any damage caused to common property during construction of the second stage would be resolved by the applicant prior to handover of each dwelling pursuant to condition 2 as recommended (as this references conditions 2.8 and 2.9 of the original approval).

## **6. CONCLUSION AND RECOMMENDATION**

6.1 Summarised briefly, the amended proposal addresses the deferral matters by:

1. *Re-introducing the previously approved materials.*
2. *Increasing the minimum separation distance between buildings to a minimum of 4m.*
3. *Refining internal floor layouts and privacy screening between the buildings to maximise sunlight penetration into the southern building.*

6.2 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 050/62/2016 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 050/62/2016 from Advanced Development Group Solutions Pty Ltd for a Variation to Development Application 050/190/2015 – Two, Three Storey Residential Flat Building Comprising 22 dwellings with associated Driveway and Landscaping (DA 050/62/2016) at 3-7 Allan Street, Prospect (CT 5077/419, 5512/362 & 5788/250), 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 050/62/2016, 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. The conditions, where pertinent, of the original development plan consent numbered 050/190/2015 (for a *Two, Three Storey Residential Flat Building Comprising 22 dwellings with associated Driveway and Landscaping*) shall be complied with to the reasonable satisfaction of Council at all times particularly conditions 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10 and 2.11.

**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.

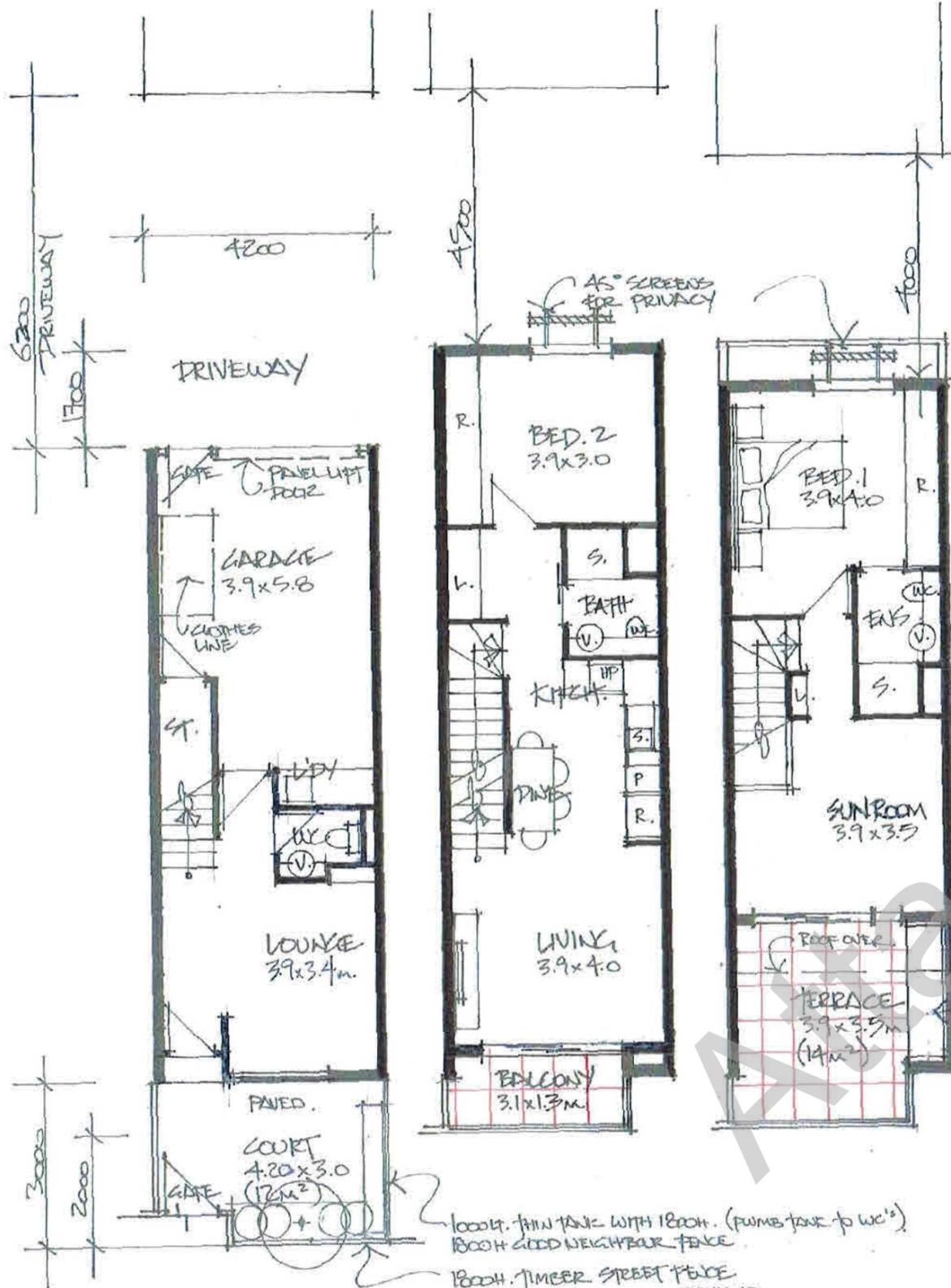
The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- (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.



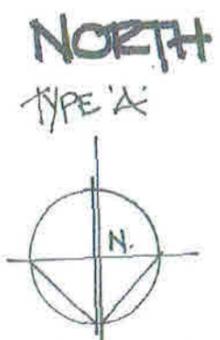
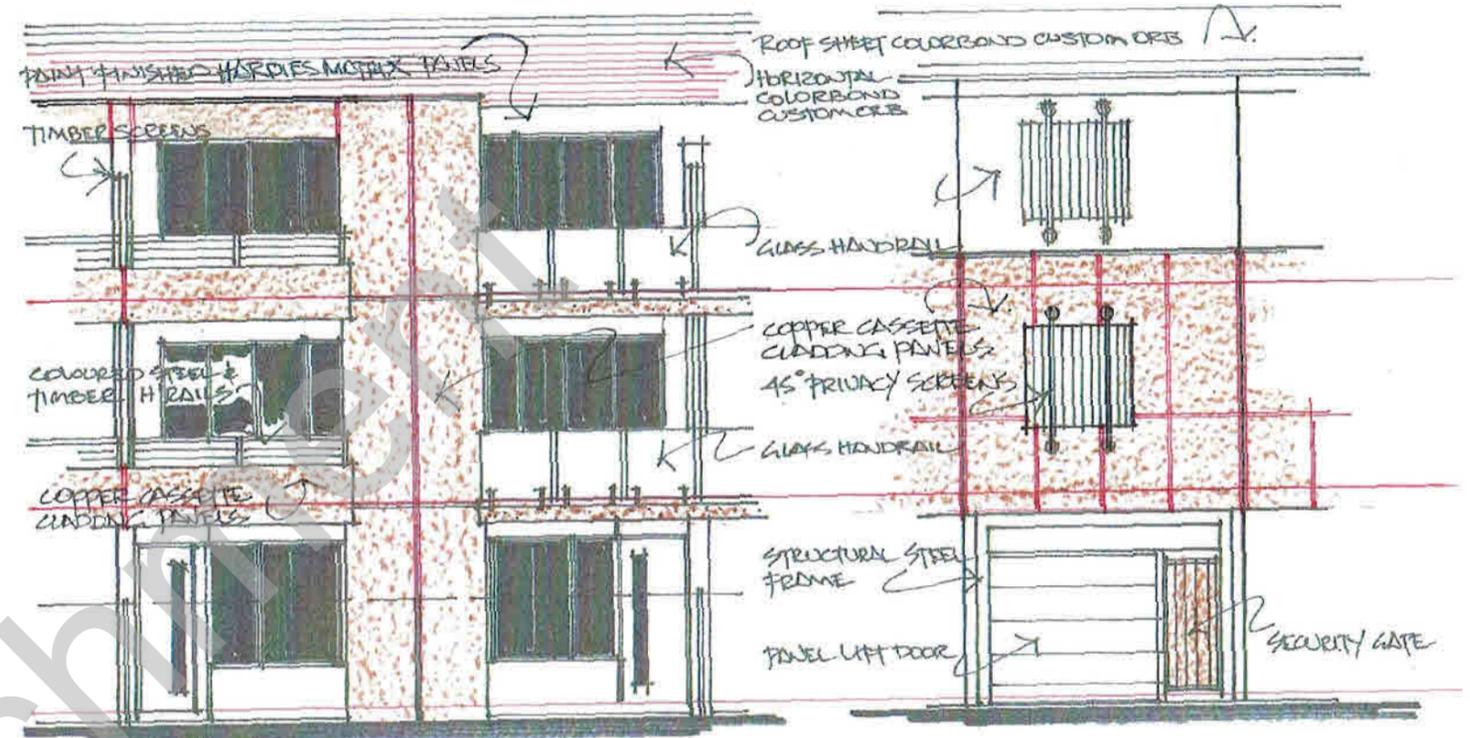
# AMENDED PLAN



GROUND 48  
 FIRST 53.1 + 4.0 m<sup>2</sup>  
 SECOND 41.2 + 13.0 m<sup>2</sup>  
 142.3 + 17.0 m<sup>2</sup>  
 TOTAL 159.3 m<sup>2</sup>

GROUND      FIRST      SECOND  
 SCALE 1:100

1000L. FIN TANK WITH 1800H. (PUMP TANK TO WC)  
 1800H. GOOD NEIGHBOUR FENCE  
 1800H. TIMBER STREET FENCE  
 LANDSCAPED GARDEN BEHIND



TYPE 'A'      TYPE 'B'

## ALLAN STREET TOWNHOUSES TYPICAL

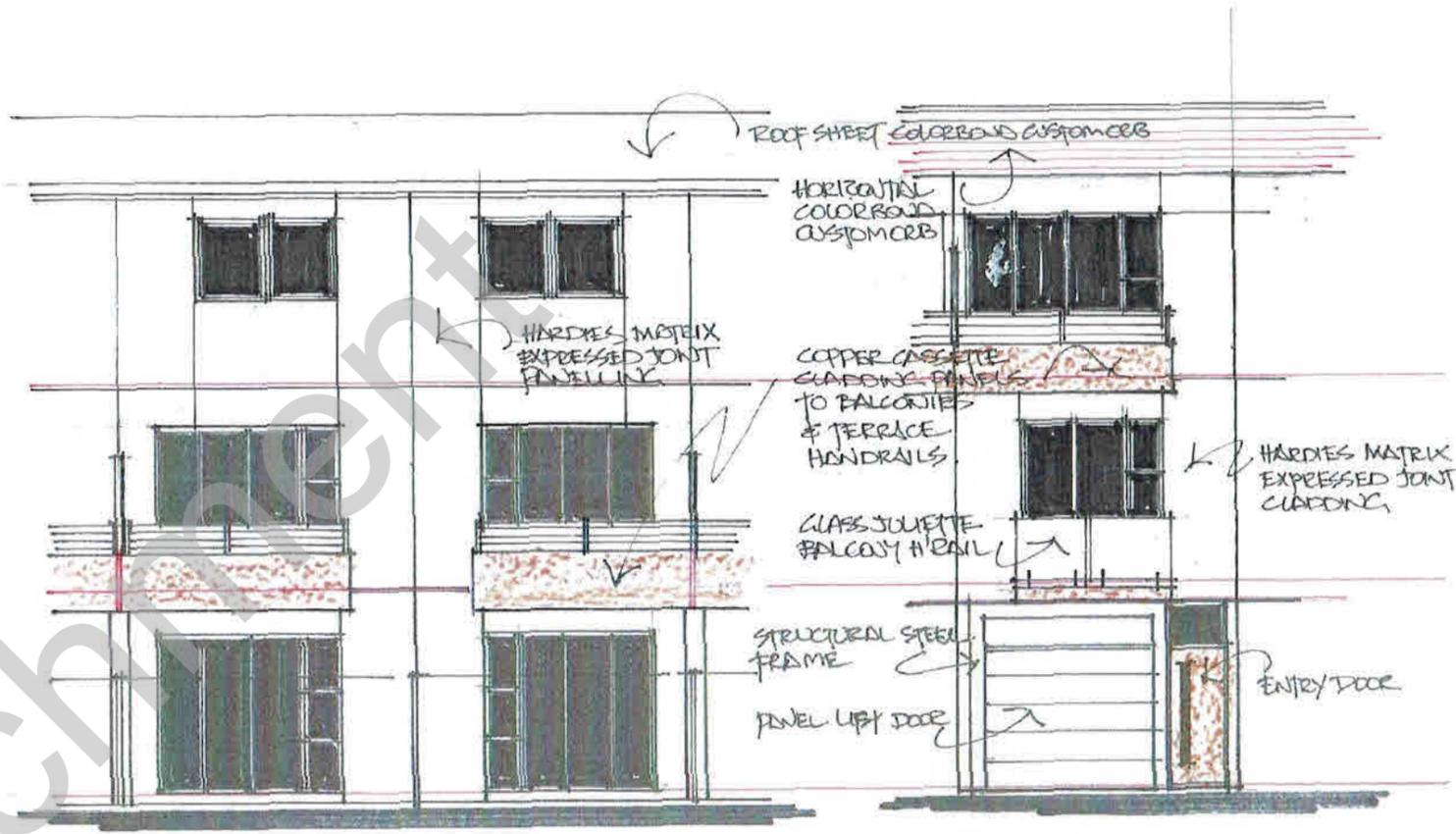
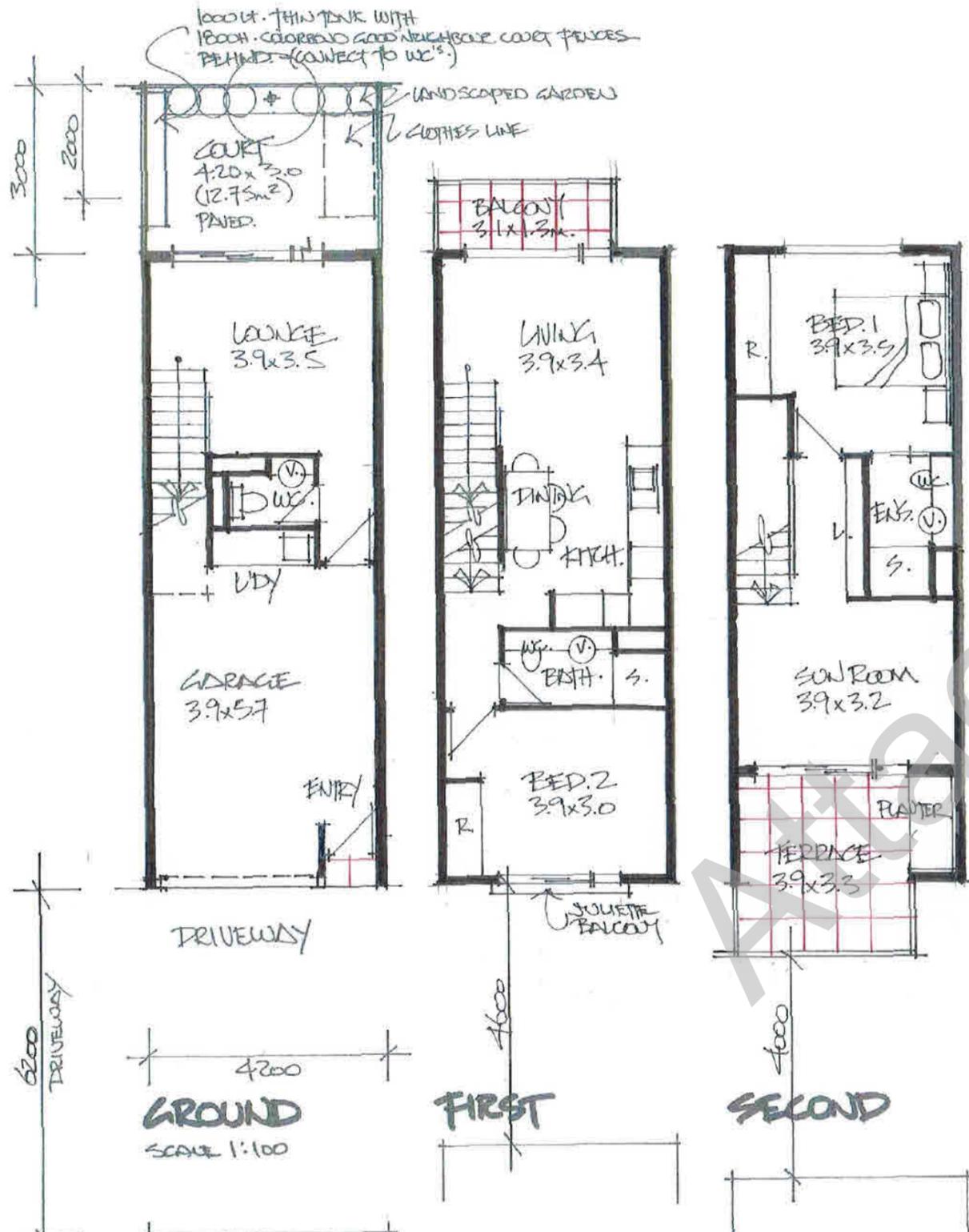
SCALE 1:100

SUNROC CONCEPTS P/L - BUILDING DESIGNERS © FEB'16  
 17 NOTTAGE RD. NORTHGATE SA 5085 MOB. 081 081 958  
 (PLANNING Dwg ONLY - NOT FOR CONSTRUCTION)

## 3-7 ALLAN ST. PROSPECT - TOWNHOUSE DEVELOPMENT

REVISED 2. A)

# AMENDED PLAN

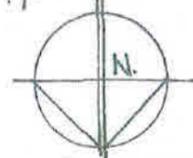


SOUTH

NORTH

TYPE 'A'

TYPE 'B'



## SOUTH/PARK TOWNHOUSES - TYPICAL

SCALE 1:100

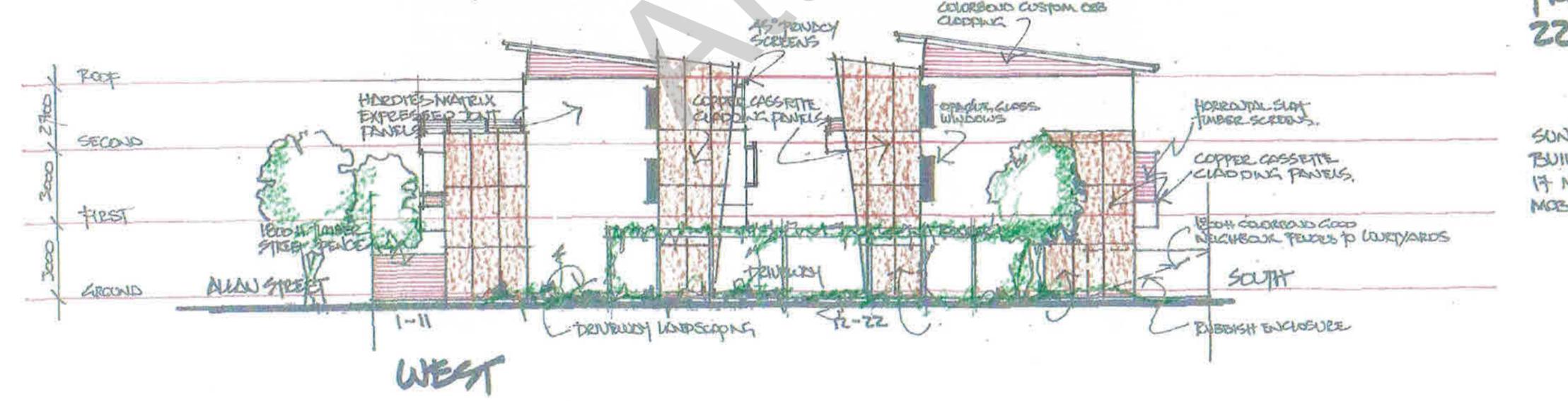
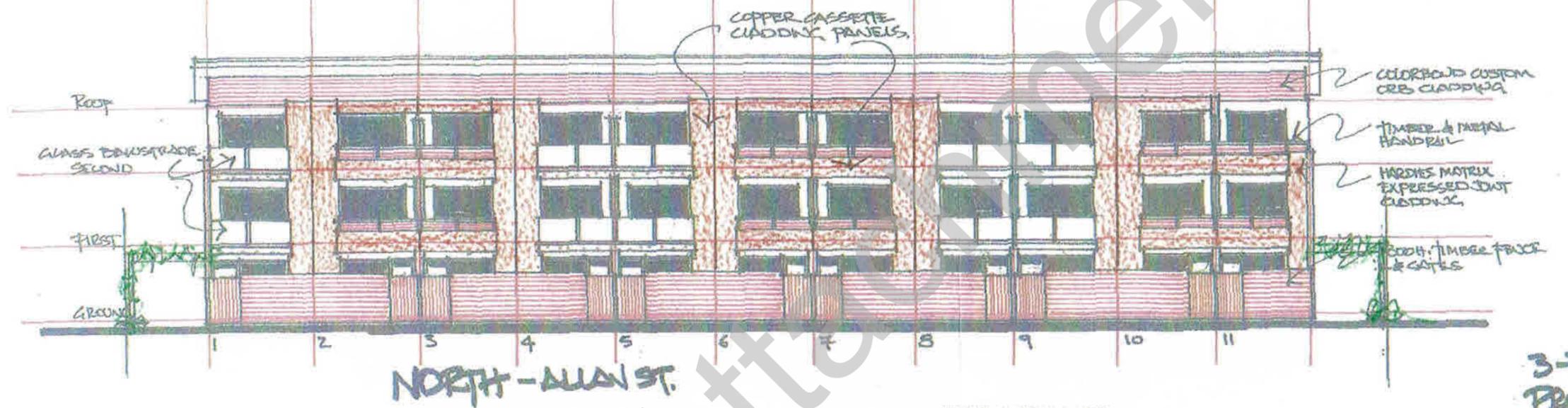
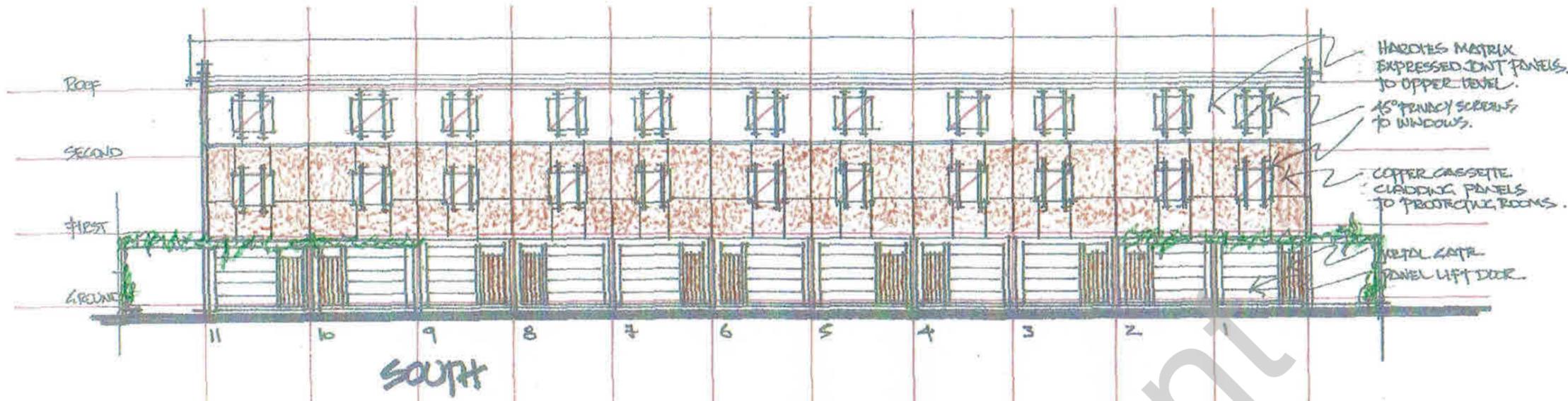
SUNROC CONCEPTS P/L - BUILDING DESIGNERS © FEB. 16  
 17 NOTIDGE RD. NORTHGATE SA 5085 MOB. 0451 081958  
 (PLANNING DWG. ONLY - NOT FOR CONSTRUCTION)

## 3-7 ALLAN ST. PROSPECT - TOWNHOUSE DEVELOPMENT

GROUND	48 m <sup>2</sup>
FIRST	53.1 + 4.0 m <sup>2</sup>
SECOND	41.2 + 12.8 m <sup>2</sup>
<b>TOTAL</b>	<b>142.3 + 16.8 m<sup>2</sup></b>

REVISED 3. A)

# AMENDED PLAN



3-7 ALLAN ST.  
PROSPECT  
22 TOWNHOUSES

SUNROC CONCEPTS P/L  
BUILDING DESIGNERS @ FEB '16  
17 NOTTAGE RD, NORTHGATE SA 5085  
MOB. 0451 081958

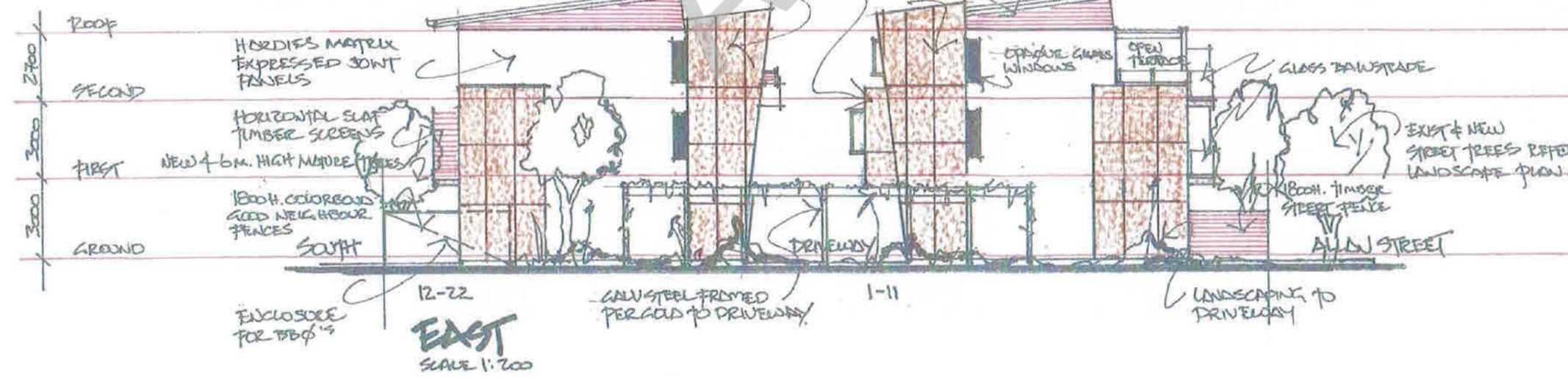
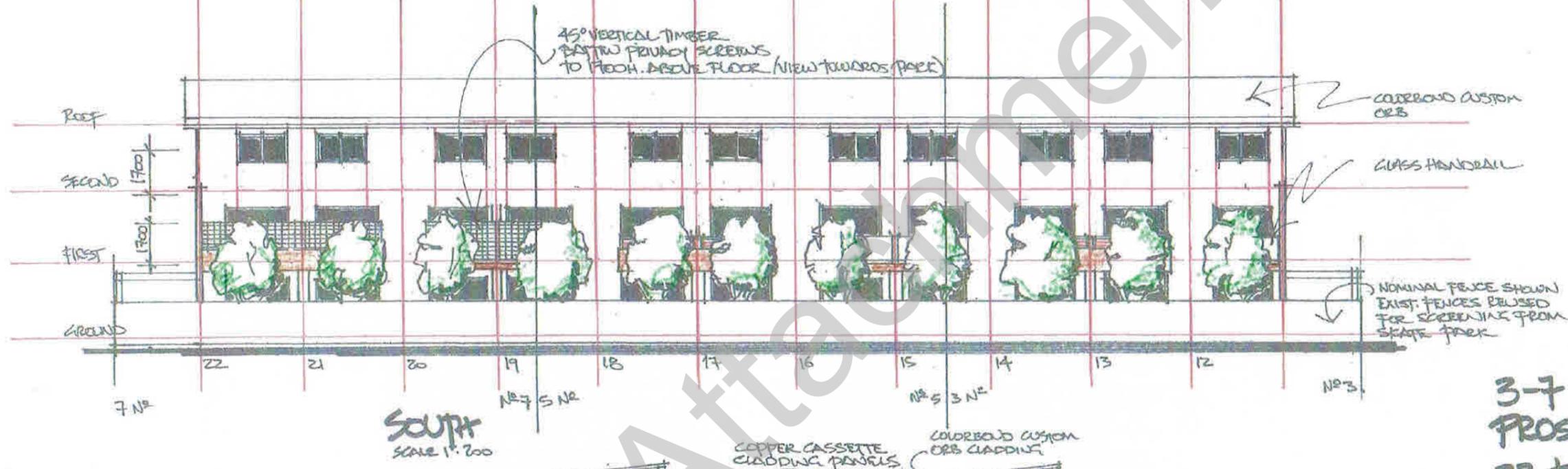
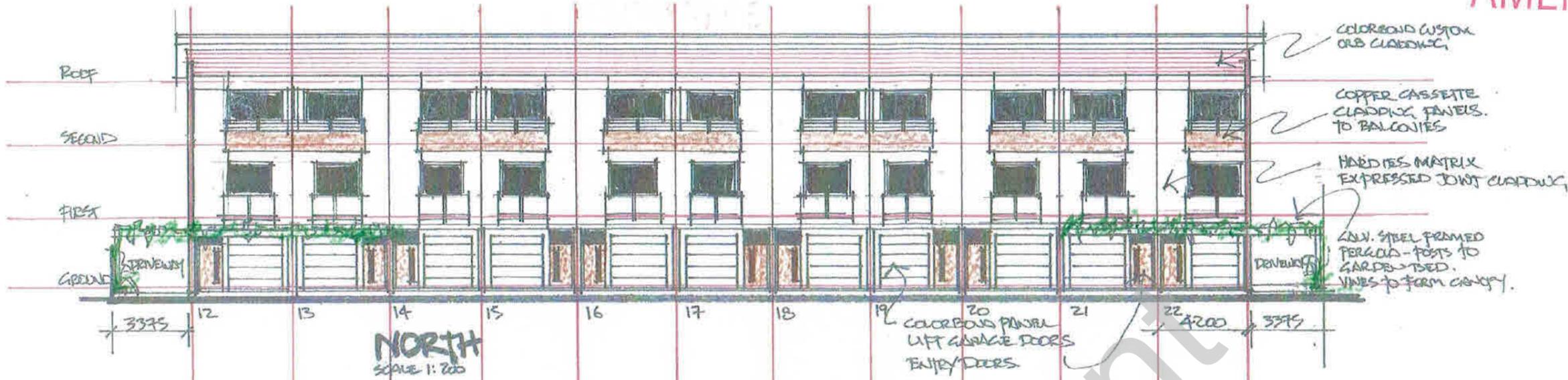
WEST  
ALLAN ST. TOWNHOUSES - NORTH

PLANNING DRAW. ONLY  
NOT FOR CONSTRUCTION

REVISED

4-1

# AMENDED PLAN



**3-7 ALLAN ST  
PROSPECT  
22 TOWNHOUSES**

SUNROC CONCEPTS P/L  
BUILDING DESIGNERS © FEB 16  
17 NOTTAGE RD. NORTHGATE SA 5085  
MOB. 0451 081958

**ALLAN ST. TOWNHOUSES - SOUTH**

PLANNING DRAW ONLY  
NOT FOR CONSTRUCTION  
REVISED 5-1

# AMENDED PLAN

Attachment 6



AMENDED PLAN

## 3-7 allan st. prospect

proposed two x three storey residential flat buildings comprising 22 dwellings

### variation to DA No. 050/190/2015 & amendments:

**Zoning:** Urban Corridor Zone – Boulevard Policy Area

**Site Description:** 3 to 7 Allan Street, Prospect  
CT 5077/419, 5512/362 & 5788/250

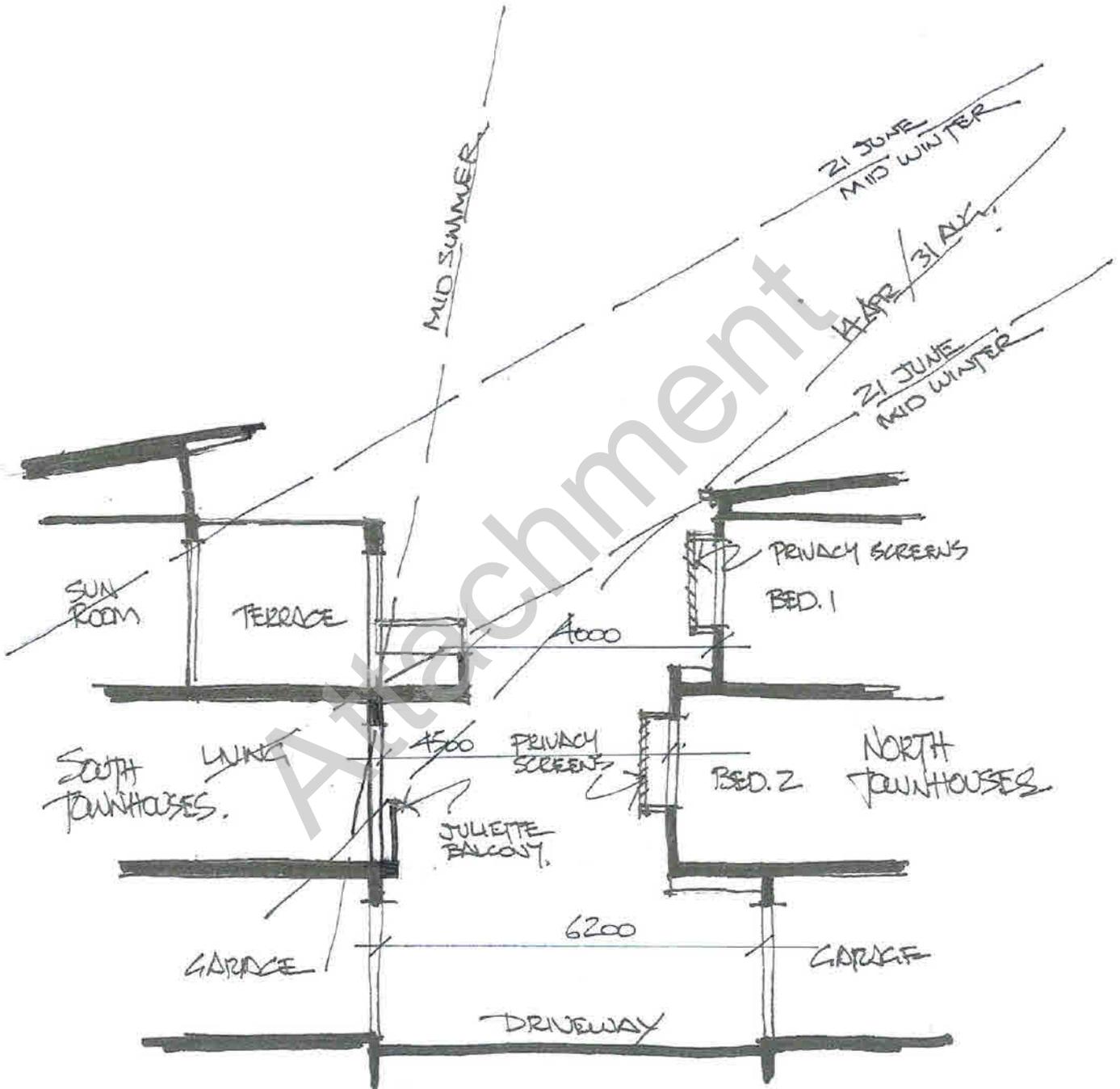
**Site Dimensions:** 53.04 x 35.18 (35.51)m – 1,880m<sup>2</sup>

**Applicant:** Advanced Development Group Solutions Pty.Ltd

In response to Senior Planning Officers' letter 17 March 2016 summarising commentary made about the application submitted to the Council's Development Assessment Panel on 7 March 2016, we would like to submit the following:

- We have revised the submission to reflect the Panels concerns and requests. As this is a new property owner making the amended submission, there were several issues raised to the previous applicant that we were unaware of the degree of relevance to the Panels thinking. We trust the attached now answers to this
- The copper cassette cladding panels have been reinstated to the amended design. The extent of this can be seen on the coloured panels shown on the attached elevations and the perspective. (the colour Solver 'mango' and/or tilt slab concrete have been removed and replaced by the use of copper panels or matching paint colour where applicable)
- Expressed joint Hardies Matrix panels (paint finished) will also be used throughout the exterior walls as shown. This together with the copper cassette panels will reinstate the quality of materials the Panel was seeking and shown in the previous approved submission. (render and weatherboard finishes have been removed)
- The southern townhouses have been replanned so as to give greater sun penetration into the middle level and the roof terrace/sun rooms moved to the north side of the townhouses. A section showing the sun penetration down the vehicle access driveway is also attached to demonstrate this. This will enhance the impact on the amenity for occupants of the southern building.
- The privacy screens have also been removed from the southern townhouses looking to the north as it is agreed that double privacy screens are excessive. Instead the Bed. 2 window has been increased to become a Juliette balcony allowing greater light penetration into the apartment and more open feeling from within.

# AMENDED PLAN



SECTION DRIVEWAY VAD  
SUN PENETRATION TO SOUTH TOWNHOUSES.  
SCALE 1:100

# AMENDED PLAN

## Staging Plan – 3 to 7 Allan St. Prospect

We submit as part of the variation that the development be considered as a staged development. Each residential dwelling is taken as being an independent stage (therefore 22 stages). The purpose of this enables the developer to obtain separate Building Rules consents for the each dwelling in the development.

We further clarify this variation is sought to circumvent increasing prevalent serious issues arising in valuations and bank financing approvals insofar as the valuer's/lender's will not issue formal finance approval for construction of the dwellings, unless each and every dwelling has a separate building rules consent prior to issuing formal finance approvals.

We do however confirm the dwellings will be built in two sections, Dwellings 1 to 5 and 12 to 17 inclusive to completion and then the balance of the dwellings as the second section.

We reiterate this is purely a bank funding issue arising from complications arising from APRA regulations. It does not change the fact that the dwelling will be built in sections and be completed simultaneously within those sections.

The proposal is to continue to develop a medium density contemporary 22 dwelling complex in two residential flat buildings of 3 floors. All dwellings will still comprise three floors each and be walk up within. Living areas are on the first and second floors.

**AGENDA ITEM:** 5.5

**To:** Development Assessment Panel (DAP) on 7 March 2016

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

**Proposal:** Variation to Development Application 050/190/2015 – Two, Three Storey Residential Flat Buildings Comprising 22 dwellings with associated Driveway and Landscaping (DA 050/62/2016)

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

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**SUMMARY:**

**Applicant:** Advanced Development Group Solutions Pty Ltd

**Planning Authority:** Council

**Referrals (Schedule 8):** Nil

**Public Notification:** Category 1

**Representations:** Not applicable

**Respondent:** Not applicable

**Development Plan Version:** Consolidated 18<sup>th</sup> February 2016

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

**Key Considerations:** Appearance, Private Open Space, Visual Privacy

**Recommendation:** **Approval, subject to conditions**

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**ATTACHMENTS:**

Attachment 1 Development Application Form

Attachments 2-8 Revised Proposal Plans

Attachments 9-13 Correspondence from Applicant

Attachments 16-22 Previously Approved Proposal Plans

## **1. EXECUTIVE SUMMARY**

- 1.1 The proposal is for the variation to two previously approved three storey residential flat buildings, comprising a total of 22 dwellings. Changes are proposed to the internal layout and external façade of the dwellings. No changes are proposed to the driveway or overall site configuration, vehicular access, density, or the location of the private open space or waste collection areas. The applicant has also provided a staging plan for endorsement.
- 1.2 The variation application is a Category 1 form of development and therefore no public notification was undertaken. Key considerations relating to the revised building appearance and use of materials and finishes, the provision of adequate private open space and resultant possible impacts to previously approved visual privacy and landscaping outcomes are discussed in further detail in this report.
- 1.3 The variations proposed would improve both the amenity for occupants within each building and the appearance of the building from Allan Street by better breaking down the mass of the façade. It is therefore recommended that the variation be supported.

## **2. BACKGROUND**

- 2.1 The Development Assessment Panel (DAP) considered a proposal for the construction of Two, Three Storey Residential Flat Buildings comprising 22 dwellings (DA 050/190/2015) at its meeting of 14 September 2015. The application was refused consent, following which an appeal was lodged against that decision by the applicant to the Environment, Resources and Development Court.
- 2.2 At its meeting on 12 October 2015, the DAP considered a compromise proposal, involving several variations to the original development application. The variations involved changes to the appearance of the building, reconfiguration of living areas and balcony space, increased landscaping provision, and additional information regarding site and dwelling floor levels and related retaining walls. The DAP supported the making of orders by the ERD Court granting consent to the compromise proposal.
- 2.3 All reports from the previous DAP meetings are available for viewing on the City of Prospect website ([www.prospect.sa.gov.au](http://www.prospect.sa.gov.au)). The compromise proposal plans supported by DAP at its 12 October 2015 meeting are also attached for the DAP's reference (refer **Attachments 16-22**).

## **3. PROPOSAL**

- 3.1 The applicant, who has entered into a contract to purchase the site, has lodged a development application to vary the development plan consent previously granted for two, three storey residential flat buildings. The proposed variation seeks to reconfigure the internal dwelling layout, resolve visual privacy concerns between the proposed dwellings and modify the external finishes and appearance of the buildings. No other amendments are proposed.
- 3.2 The internal variations to each dwelling would involve the reconfiguration of stairs, the provision of living areas within each level of the dwelling, increased minimum dimensions to each bedroom, the provision of a clothes line within each garage and increased private open space areas above ground level.

- 3.3** The previously approved copper coloured cladding protruding forward of the building would be removed, with greater articulation and a higher glazed surface area presented to Allan Street. Building setbacks at ground level would remain the same but would increase to a minimum 2m setback at upper levels.
- 3.4** The proposed plans are attached (refer **Attachments 1-4**), along with a 3D perspective of the proposed building (refer **Attachment 8**), and correspondence from the applicant in support of the amendments (refer **Attachments 9-13**).

#### **4. REFERRALS**

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

- 4.1.1 The original proposal was referred to Julian Rutt of Lumen Studio for design review in accordance with Council's Design Review Process for Higher Density Development. A review of the variation application was not considered necessary as the changes made generally improved on elements of the previously approved development.

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

- 5.1** The proposal is for the variation of a development authorisation, pursuant to Section 39(6) of the Development Act, that seeks to vary some elements of an already approved proposal. Section 39(7)(b) of the Act describes that such a proposal is to be treated as a new application for development authorisation, but only to the extent of the proposed variation.
- 5.2** As such, many elements of the proposal are common to the original approval and are not to be assessed again in consideration of this application. It is also important to note that while the DAP may reflect upon the manner in which the variations do or do not improve upon the original approval, the ultimate determination must be made with respect to the Development Plan only.
- 5.3** It is noted that an approval carries with the land, and as such a new applicant is able to propose a variation to a previously approved development.
- 5.4** This does not necessarily mean however, that the proposal constitutes "development" as defined under the Development Act. In this particular case, the variations do involve building work and thus the proposal does constitute development. For this reason, the DAP must determine both the nature of the development and the categorisation of the development afresh, but only to the extent of the variations proposed.
- 5.5** The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 21 and 22 of the Urban Corridor Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 5.6** 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.

## **6. PUBLIC NOTIFICATION**

- 6.1** Following the above commentary, it is also confirmed that the variation 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.

## **7. PLANNING ASSESSMENT**

### **7.1 Design and Appearance**

- 7.1.1 The north-south orientation of the apartments remains unchanged, however the internal floor layout, including the size of balconies, have been modified. Courtyards would now be accessed directly from a ground level living area, while a second balcony would be accessed from the first floor living area by way of fully open-able stacker doors.
- 7.1.2 Each dwelling would maintain a two bedroom layout, with the second bedroom relocated to the first floor. While the relocation of the second bedroom would decrease the separation between the two buildings to a minimum of 3.1m, external louvred screening is proposed to ameliorate potential visual privacy issues while maintaining opportunities for cross breezes consistent with that previously approved.
- 7.1.3 Additional detail has been provided with respect to fixed clotheslines and rainwater tanks associated with each dwelling. For dwellings within the northern building, fixed clotheslines would be provided within the garage to ensure that they are not visible from the public realm. Fencing and landscaping would suitably minimise views from the public realm of clotheslines for dwellings within the southern building, and the rainwater tanks for each dwelling.
- 7.1.4 Materials would be varied, with the copper cassette cladding no longer proposed to public realm facades. The Allan Street and George Whittle Reserve frontages would be comprised of a mixture of Structural Insulated Panels (SIPs) with render finish, timber, glass, aluminium and a recessed colourbond custom orb skillion in-fill. Colours and finishes to these materials are described in detail by the applicant's supporting statement and in the 3d perspective elevations.
- 7.1.5 While the use of the copper cassette cladding in the previous scheme was desirable, the use of SIPs in warmer colour finishes is also supported as an appropriate material and finish selection.
- 7.1.6 Eastern and western building facades would be comprised of a mixture of SIPs, painted concrete, colourbond custom orb and timber. Facing internally to the common driveway, building facades would be comprised of weatherboard and SIPs above ground floor.
- 7.1.7 The varied Allan St façade would place emphasis on vertical building elements and modulate balustrade finishes to break down the horizontal mass of the building. Further, the vertical blade style elements would be 500mm lower and setback 2m further from property boundaries than the previously approved copper cladding. Additionally, the balcony balustrades would now wrap around the north-eastern and north-western corners of the building, softening its appearance when viewed from Churchill Road or Devonport Terrace.

- 7.1.8 It is the view of Council staff that variations to building massing, forms and proportions would be an improvement upon the existing approved proposal and would respond well to relevant provisions of the Development Plan.

## **7.2 Private open space provision**

- 7.2.1 The dwellings would now be provided with two areas of private open space, accessible by first and second floor living areas. The balconies for the dwellings would have an area of 4.5m<sup>2</sup> at first floor level, and 14m<sup>2</sup> at second floor level, to a total of 18.5m<sup>2</sup>.
- 7.2.2 It should be noted that the minimum dimension of each first floor balcony would be 1.5m only, rather than the desired minimum dimension of 2m, though it is also noted that each doorway would be fitted with stacker doors to maximise the functionality of the space.
- 7.2.3 While the previously approved proposal achieved a 4m minimum dimension to its area of private open space, this area was accessed through the second floor living/study area only. The variations would increase the overall quantity of private open space available and would also desirably provide private open space accessible from the main living area within the dwelling.
- 7.2.4 It is the view of Council staff that the variations to private open space would be an improvement upon the existing approved proposal, and would satisfactorily achieve the relevant provisions of the Development Plan.

## **7.3 Setbacks**

- 7.3.1 The amendments would alter the front and rear setbacks of the building above ground level, though the side boundary setbacks would remain as previously proposed. Setbacks at first and second floor level would now be a minimum of 2 metres to both the front and rear of the site.
- 7.3.2 Balconies would still protrude beyond the desirable 3 metre setback from front and rear boundaries. Importantly however, the minimum building setback to the front boundary of the site would increase from 900mm as previously approved to 2 metres. In combination with the varied materials and forms described earlier, this increased setback will further reduce the mass of the building when viewed from Allan Street.
- 7.3.3 Setbacks between the two buildings would be reduced, although the extent of overshadowing of north-facing bedroom windows is considered to be reasonable in the context of the Urban Corridor Zone.
- 7.3.4 It is the view of Council staff that the variations to setbacks would be an improvement upon the existing approved proposal, and would be relatively consistent with the relevant provisions of the Development Plan.

## **7.4 Landscaping**

- 7.4.1 For clarity, it is confirmed that the variations would maintain each of the critical landscaping components of the previously approved scheme, including the landscaped arbours to driveway areas, medium height tree plantings in front courtyards and additional street tree plantings. As such, this element is one of many that have not been further assessed in relation to the variations.

## **8. CONCLUSION**

- 8.1** The proposed variations would not change the overall site configuration, dwelling density, landscaping and site build up previously approved. While forms and materials are varied, the proposed buildings would still be three storeys, or approximately 10m, in height.
- 8.2** The internal layout of each dwelling would be altered, with second bedrooms of a greater minimum dimension and three areas of private open space each accessible from an internal living area. While the changes have resulted in the buildings being closer to each other, the use of louvred screening devices would ameliorate potential visual privacy issues while maintaining desirable natural ventilation opportunities.
- 8.3** The building forms, materials and finishes to the external built form are considered to provide a high level of visual interest. Increases to front and rear building setbacks, along with greater articulation to these facades, will effectively break down the scale and massing of the buildings when viewed from the public realm.
- 8.4** The application is therefore considered to be consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to appropriate conditions as per the original consent.

## **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 050/62/2016 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 050/62/2016 from Advanced Development Group Solutions Pty Ltd for a Variation to Development Application 050/190/2015 – Two, Three Storey Residential Flat Building Comprising 22 dwellings with associated Driveway and Landscaping (DA 050/62/2016) at 3-7 Allan Street, Prospect (CT 5077/419, 5512/362 & 5788/250), 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 050/62/2016, 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. The conditions, where pertinent, of the original development plan consent numbered 050/190/2015 (*for a Two, Three Storey Residential Flat Building Comprising 22 dwellings with associated Driveway and Landscaping*) shall be complied with to the reasonable satisfaction of Council at all times particularly conditions 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10 and 2.11.

**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.

Attachment

**ITEM NO.:** 6.1

**TO:** Development Assessment Panel (DAP) on 11 April 2016

**FROM:** Nathan Cunningham, Director Community, Planning & 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

Development Application / Address	Nature of development	Process update
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	A variation application has been lodged and is currently being considered.  For clarity, it is confirmed that the variation application would not change the previously approved uses or number of dwellings within the building.
DA 050/438/2015  60-76 Main North Road, Prospect	Seven Storey Mixed Use Building (comprising motel, commercial tenancies and dwellings), with associated Basement Car Parking, Driveway and Landscaping	The application was considered by DAC at its meeting of 17 March 2016. DAC <b>deferred the application</b> , requesting the applicant consider refinement of the building's architectural expression, public realm relationships (including access and landscaping) and waste management.  Further, the applicant was requested to provide an acoustic assessment, detail regarding the servicing of commercial tenancies and serviced apartments, and to provide co-ordinated drawings and information.
DA 050/500/2015  225 Prospect Road, Prospect	Two Four Storey Residential Flat Building comprising of 32 dwellings (16 dwellings in each building), with associated site works and landscaping	The application was considered by DAC at its meeting of 10 March 2016. DAC <b>deferred the application</b> , seeking that issues of apartment amenity, building access, setbacks and waste management be addressed, while

		seeking greater resolution of the building's street façade.
DA 050/121/2016  60 Belford Avenue, Prospect	Five Storey Mixed Use Building comprising 18 Dwellings, Ground Level Shop (Café) and Roof Terrace	The application was recently lodged with the DAC and referred to Council on 30 March 2016 for comment. The proposal will be presented to the DAP at its next meeting of 9 May 2016.  An image of the proposed building is provided at <b><u>Attachment 1</u></b> .

## 2. RELEVANT DECISIONS BY DAC

Development Application / Address	Nature of development	Process update
189 Devonport Terrace, Prospect	Five Storey Residential Flat Building	The application was considered by DAC at its meeting on 10 March 2016. DAC <b>deferred the application</b> , seeking that issues of setbacks, overshadowing, natural ventilation and street activation be addressed, while seeking additional detail and clarity regarding materials and finishes, and landscaping.  The application was subsequently considered by the DAC at its meeting on 31 March 2016. <b>Development Plan Consent was granted</b> to the proposal, subject to conditions.
76-80 Hampstead Road, Broadview	Demolition of Existing Buildings and Construction of Petrol Filling Station and Shop with associated Canopy, Underground Tanks, Advertising Displays and Landscaping (Non-Complying)	The application was considered by DAC at its meeting on 31 March 2016. It is noted that the application was amended in response to Council's comments to decrease the height of the pylon sign to 8m and to increase the density and variety of landscape plantings.  <b>Development Plan Consent was granted</b> to the proposal by the DAC, subject to a reserved matter and conditions.

## 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 11 April 2016  
**FROM:** Director Community, Planning and Communications  
**SUBJECT:** Summary of Court Appeals

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

#### APPEALS

<b>Development Application / Subject Site</b>	<b>Nature of Development</b>	<b>Decision authority and date</b>	<b>Current status</b>
<i>DA 050/274/2015 149 Prospect Road, Prospect</i>	<i>Three Storey Residential Flat Building comprising 8 dwellings and associated earthworks and landscaping</i>	<i>07/03/2016 By the DAP</i>	<i>Appeal lodged by applicant. Appealing against Refusal. A preliminary conference has been scheduled for 18 April 2016.</i>



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