



# 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 7 March 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 8 February 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 96-98 Gladstone Road, Prospect – Childcare Centre with associated Car Parking, Shade Canopy, Deck and Acoustic Fencing (DA 050/486/2015)

Representors: Mrs A & Ms A Andreoulakis of 102 Gladstone Road, Prospect (to be heard)  
Ms A Brown of 92 Gladstone Road, Prospect (to be heard)  
Mr B & Mrs T Kretschmer of 63 Gladstone Road, Prospect  
Ms H Tramountana of 100 Gladstone Road, Prospect

Respondent: Mr D Hutchison on to respond on behalf of the applicant

*(Pages 1 - 76, Recommendation pages 11 - 14)*

- 5.2 149 Prospect Road, Prospect – Three storey residential flat building comprising eight dwellings and associated retaining walls and landscaping (DA 050/274/2015)

*(Pages 77 - 108, Recommendation pages 83 - 87)*

- 5.3 49 Main North Road, Medindie Gardens – Variation to Condition 4 (Night time luminance) of Development application 050/464/2012 – Conversion of existing illuminated static sign to a digital led sign, mesh screen and solar panels (DA 050/269/2015)

*(Pages 109 - 173, Recommendation pages 114 - 115)*

- 5.4 49 Main North Road, Medindie Gardens – Variation to Condition 3 (Dwell Time) of Development application 050/464/2012 – Conversion of existing illuminated static sign to a digital led sign, mesh screen and solar panels (DA 050/268/2015)

*(Pages 174 - 216, Recommendation page 180)*

- 5.5 3-7 Allan Street, Prospect – Variation to Development Application 505/190/2015 - Two, Three Storey Residential Flat Buildings Comprising 22 dwellings with associated Driveway and Landscaping (DA 050/62/2016)

*(Pages 217 - 245, Recommendation pages 222 - 223)*

## 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 246 – 247)*

- 6.2 Notable Developments with City of Prospect

*(Pages 248 - 291, Recommendation page 249)*

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

7.1 Summary of Court Appeals

*(Page 292)*

8. **Feedback to Council on Policy Matters**

8.1 The Panel may provide feedback to Council regarding the interpretation and functionality of the Prospect (City) Development Plan policy. Feedback provided at this part of the agenda will be collated and reported to Council via its annual report.

*(Page 293)*

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

5.30pm Monday 6 April 2016 – Civic Centre, 128 Prospect Road, Prospect

10. **Closure**

**AGENDA ITEM:** 5.1

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

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

**Proposal:** Childcare Centre with associated Car Parking, Shade Canopy, Deck and Acoustic Fencing (DA 050/486/2015)

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

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**SUMMARY:**

**Applicant:** Emali Early Learning Centres

**Owner:** Mr Antoine Haddad

**Planning Authority:** Council

**Mandatory Referrals:** Nil

**Independent Advice:** Nil

**Public Notification:** Category 3

**Representations/Submissions:** Four

Mrs A & Ms A Andreoulakis of 102 Gladstone Rd (to be heard)  
 Ms A Brown of 92 Gladstone Rd (to be heard)  
 Mr B & Mrs T Kretschmer of 63 Gladstone Rd  
 Ms H Tramountana of 100 Gladstone Rd

**Respondent:** Mr D Hutchison on behalf of the applicant

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

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

**Key Considerations:** Car Parking, Residential Amenity, Traffic Movements, Crime Prevention

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

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**ATTACHMENTS:**

Attachment 1 Development Application Form  
Attachments 2-5 Certificate of Title  
Attachments 6-7 Locality plans  
Attachments 8-10 Photos of site  
Attachments 11-15 Proposal plans  
Attachments 16-28 Supporting Statement  
Attachments 29-36 Traffic Report  
Attachments 37-49 Representations/Submissions  
Attachments 50-55 Response to Representations  
Attachments 56-62 Further Commentary to Traffic Report

## **1. EXECUTIVE SUMMARY**

- 1.1 The proposal is for the construction of a Childcare Centre, with associated car parking, shade canopies, deck and acoustic fencing. The development is proposed to be located across two allotments within the A350 Policy Area of the Residential Zone.
- 1.2 Public notification was undertaken as the proposal is a Category Three form of development, with four representations received against the proposal from nearby property owners. The key considerations of the application are in regard to the provision of car parking, potential impacts to residential amenity, traffic movements and crime prevention.
- 1.3 The proposal is considered to be a suitable land use within the A350 Policy Area, and would provide adequate car parking, acoustic privacy and a built form that would be sympathetic to the existing streetscape. Levels, servicing arrangements and security measures identified by the applicant adequately respond to relevant Development Plan provisions. It is therefore recommended that the proposed development is supported.

## **2. BACKGROUND**

- 2.1 The Development Assessment Panel (DAP) may recall that it considered, at its meeting of 14 September 2015, a proposal on the subject land for the construction of six, two storey dwellings (DA 050/158/2015). The application was deferred, with the DAP seeking that the applicant address concerns regarding site density, front setback distances, private open space shortfalls, street interface, and that the applicant provide a detailed site works plan with respect to the proposal.
- 2.2 That application has been placed on hold by its applicant, as a result of interest in establishing the now proposed child care centre use on the land. It has been confirmed that DA 050/158/2015 shall be withdrawn by the applicant if the present application receives development plan consent.

## **3. LOCALITY AND SUBJECT LAND**

### **3.1 Locality**

- 3.1.1 The locality is residential in nature, with a range of housing styles. With the exception of 102 Gladstone Road, all the dwellings within the street are of a single storey nature. The setbacks of the dwellings to Gladstone Road are relatively consistent, with most allotments having established landscaped front yards.
- 3.1.2 The allotments on the southern side of Gladstone Road are relatively the same size and shape and for the most part retain the original dwellings. The allotments are approximately 28m deep. On the northern side of Gladstone Road the allotments are larger and double in size, having a depth of approximately 57m. Some of the allotments on the northern side of Gladstone Road have been redeveloped to support detached dwellings, semi-detached dwellings and hammerhead style developments.
- 3.1.3 The subject site is close to Churchill Road, while the Prospect Primary School is located approximately 330m east of the site.
- 3.1.4 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan, as well as the location of representors, is described in **Attachment 6**.

### **3.2 Subject Land**

- 3.2.1 The subject land is located 40m east of Churchill Road. The land comprises two allotments with a total area of 1728m<sup>2</sup>, with a frontage of 30.48m to Gladstone Road and a depth of 56.7m. The land is relatively flat.
- 3.2.2 The site is currently vacant, with no regulated or significant trees on the subject land or within close proximity on adjoining allotments.
- 3.2.3 The subject land is located within the Residential Zone, Policy Area A350. The allotment directly abuts the Urban Corridor Zone, with the dwellings to the west being within the Urban Corridor Zone, Boulevard Policy Area.
- 3.2.4 The subject land is illustrated on **Attachment 7**. Photographs of the subject land are also include for the DAP's reference (refer **Attachments 8-10**).

### **4. PROPOSAL DESCRIPTION**

- 4.1 The proposal comprises the construction of a single storey child care centre, which anticipates receipt of a license to care for up to 70 children of mixed pre-school ages. The centre would be constructed on the eastern side of the site, with a 15 space car park proposed to the western side of the site. Shade canopies and a deck would be established within play areas, while 2.1m high acoustic fencing would be established to the sides and rear of the site abutting play areas.
- 4.2 A double-width vehicular crossover would serve the car park and would be located towards the western boundary of the site, requiring the relocation of a Council sign. A waste storage area is proposed to the south-western corner of the site, adjacent the car park access.
- 4.3 Landscaping is proposed within the common driveway and to the front and rear of the site. A 1.8m high good neighbour colorbond fence is proposed adjacent the car park and the driveway would be sealed with bitumen.
- 4.4 No other works are proposed. The proposal plans are attached (refer **Attachments 11-15**). Supporting documentation including a statement in support of the proposal from a town planner (refer **Attachments 16-28**), and a traffic and parking report prepared by a traffic consultant (refer **Attachments 29-36**) is also attached.

### **5. REFERRALS**

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

### **6. PUBLIC NOTIFICATION**

- 6.1 The application is a Category 3 form of development pursuant to Section 38 of the *Development Act 1993*, Schedule 9 of the *Development Regulations 2008* and the relevant provisions of Council's Development Plan, as it involves a use of land not assigned to Category 1 or 2.
- 6.2 The public notification period ended with 4 representations received.

**6.3** The representors raised the following concerns (refer **Attachments 37-49**):

- The proposed land use is inappropriate within the Residential Zone
- The anticipated number of children to be cared for appears excessive
- The resultant increase in traffic and street parking congestion
- The provision of car parking on-site is insufficient
- The increased opportunity for criminal activity after hours
- Impacts on residential amenity due to increased noise from the premises
- Value of property will decrease and rental income may be affected
- The building is of an inappropriate height, bulk and scale
- Future expansions of operating hours, the type of use or signage involved may occur

**6.4** The representations were forwarded to the applicant for consideration. In response, the applicant provided a response, including additional traffic and parking commentary, which outlines the following (refer **Attachments 50-55 and 56-62**):

- The proposed use is envisaged within the Residential Zone
- Anticipated enrolment numbers are at the lower end of the scale for childcare centres generally
- The traffic engineer confirms, that the proposed development would not result in adverse amenity issues within the locality, as it will not result in a significant increase in traffic within the street
- Further, the traffic engineer confirms that in his opinion, the provision of 15 parking spaces on site will accommodate peak parking demands
- Illumination, informal surveillance, security cameras and alarms are anticipated to mitigate potential after hours security risks
- Property values are not a valid planning consideration
- The form and scale of the building, in terms of roof and wall height, articulation and building finishes, is designed to respect existing adjoining dwellings
- No expansion of the child care centre uses, operating hours or signage is anticipated

## **7. PLANNING COMMENTARY**

**7.1** The application involves building work and a change in the use of land, and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 13 of the Residential Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.

**7.2** Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

## 8. **PLANNING ASSESSMENT**

### 8.1 **Land Use**

- 8.1.1 The land is located in the Residential Zone, where it is anticipated that development will comprise a range of housing types and styles, as well as non-residential developments of a local community nature, to meet the diversity of needs of a growing population. Appropriate non-residential uses within the Residential Zone include small shops, health and welfare services, child care facilities, primary and secondary schools, recreation and open space facilities of a local area nature and scale (Residential Zone PDCs 2 and 5).
- 8.1.2 It is noted that the appropriateness of non-residential uses within the Residential Zone is contingent upon the appropriate mitigation of potential impacts to the amenity of the locality, including by way of emissions, traffic generation and other impacts (Residential Zone PDC 5).
- 8.1.3 The site has now been vacant for greater than 2 years. The proposal would establish a child care centre use of the land, which is an anticipated type of land use within the zone. The applicant has indicated that it will seek a license for 70 children to be cared for within the centre (comprising 24, 1-2 year olds and 46, 3-5 year olds).
- 8.1.4 To better understand the scale of this use, comparative to other facilities of a similar type (caring on one site for children of mixed ages), comparisons have been drawn from the State Register for approved education and child care services. The number of approved places within facilities operated by two well-known providers of a similar type to that proposed are provided below:

<b>Provider</b>	<b>Average</b>	<b>Maximum</b>	<b>Minimum</b>
A	107	150	75
B	79	120	37

*Table describing number of approved places per child care centre. A total of 59 centres are operated within South Australia by the two providers.*

- 8.1.5 With reference to the operators of similar types of facilities within South Australia, the proposed child care centre would be of below average scale, though not at the lowest end of comparable facilities.
- 8.1.6 Given the above, it is considered that the proposed use is of a scale and nature that is appropriate within the Residential Zone, subject to suitable mitigation of potential residential amenity impacts. Such impacts will be considered further in this report.

### 8.2 **Design and Appearance**

- 8.2.1 Within the Residential Zone, it is anticipated that development of a non-residential nature will be of a scale, bulk and design that is sensitive to the character of the surrounding residential environment (Residential Zone PDC 6). Within the A350 Policy Area, the desirable character of new development is one that draws references from existing buildings with respect to roof forms, materials and vertical proportions (A350 Desired Character Statement).
- 8.2.2 The provision of car parking, fixed signage and the front play area shade canopy would inevitably result in a site that is of non-residential appearance. The building itself however, would present to Gladstone Road with roof forms and proportions reminiscent of the bungalow dwellings common to the original dwelling stock of the street.

- 8.2.3 Protruding verandahs, one of flat roof and one of pitched roof form with gable end, would be projected towards the street, reflective of the common roof features and proportions of existing 1920s-30s dwellings. The pitch of the roof and the use of a hipped roof form with recessed gablet would be similarly sympathetic to the surrounding original dwelling features.
- 8.2.4 The building would be of brick construction, though its Gladstone Road façade would be rendered. The pattern of fenestration to Gladstone Road would reflect that of existing dwelling stock, though sliding doors would result in a lower than typical solid to void ratio for dwellings within the street.
- 8.2.5 Overall, the building is considered to be suitably reflective of the height, proportions, materials and roof forms and features used in nearby dwellings. While it is inevitable that the site would appear to a casual observer to be non-residential in nature, the design of the building would assist in achieving a desirable integration of the development into the streetscape.

### **8.3 Setbacks**

- 8.3.1 It is anticipated that development within the A350 Policy Area would establish setbacks consistent with those of adjacent sites. Boundary walls of buildings should be no greater than 3 metres in height or 8 metres in length, while the remainder of the building should be setback not less than 1 metre from side boundaries. In any event, dwellings should be sited within a building envelope calculated by projecting a 45 degree angled plan from a height of 3 metres above natural ground level at the boundaries of the site (Council Wide PDC 73, A350 Policy Area Desired Character Statement and PDC 11).
- 8.3.2 The proposed building would be single storey and of 2.7m wall height, with a roof pitch of approximately 30 degrees. No part of the building would be located to any boundary of the site. It is noted that the building would be sited entirely within the building envelope.
- 8.3.3 The building would be setback from the western boundary of the site to a minimum of 7.2m, and from the eastern boundary of the site to a minimum of 1.5m. The front wall of the building would be setback 8m from Gladstone Road, with the verandah protruding forward to a setback of 6m. Front and side setbacks would be commensurate with those of existing dwellings within the locality, and will allow sufficient area for landscaping.
- 8.3.4 It is also noted that the building would be setback approximately 9.3m from the rear of the site. While this is a lesser setback distance than existing dwellings within the street, it is comparable with or greater than the rear setback of infill dwellings within the locality.
- 8.3.5 Given the above, it is considered that the building is setback from site boundaries in accordance with the relevant provisions of the Development Plan.

### **8.4 Car Parking**

- 8.4.1 It is noted that the Development Plan does not prescribe a car parking rate specific to a child care centre type of development. To assist in consideration of this matter, reference is drawn to the anticipated rates for educational establishment, being one space for each full time staff member and an additional six spaces for visitors (Council Wide PDC 189).

- 8.4.2 Reference is also drawn to the Planning SA Bulletin: *Parking provisions for Selected Land Uses*, within which the provision of one parking space for every four children is recommended.
- 8.4.3 In accordance with Department of Education and Child Development licensing requirements, it is anticipated that up to 7 full time carers would work within the centre, with an additional cook anticipated to be on site during meal preparation times. With reflection upon the rate prescribed by the Development Plan for educational establishment uses, a minimum of 14 parking spaces should be provided on-site.
- 8.4.4 The applicant has advised within their supporting statement an intention to seek a license for up to 70 places within the centre. With reflection upon the rate prescribed by the Planning SA Bulletin, a minimum of 17.5 parking spaces should be provided on-site.
- 8.4.1 The proposal would establish a bituminised drive way and car park providing 15 on-site parking spaces, including one disabled space.
- 8.4.2 To assist in consideration of this matter the applicant has provided a report by a consultant traffic engineer, Phil Weaver. Mr Weaver considers in his report an audit undertaken of a similar type of child care centre within Adelaide's inner north, as well as reflecting upon the desirable co-location of the centre with other nearby educational establishments (refer Council Wide PDC 188).
- 8.4.3 Mr Weaver ultimately concludes that the provision of car parking would be less than that commonly identified by policy as desirable, but that in the case of this particular development and with reference to studies of comparable developments that the provision of car parking on-site will satisfy anticipated demand. In the additional commentary provided in response to representations, Mr Weaver confirms that while his opinion relies only upon on-site parking availability, the opportunity for four overflow on-street parking spaces in front of the site further informs his opinion that the proposed development will not unreasonably adversely impact nearby residential amenity.
- 8.4.4 The provision of car parking proposed on-site is commensurate with that anticipated by the Development Plan for similar uses, such as for a pre-school. While it would be below the minimum provision recommended by the Planning SA Bulletin, a suitably qualified expert has reviewed the proposal and locality in reaching a conclusion that the provision of parking on-site is adequate. Ultimately therefore, it is considered that the provision of car parking proposed is satisfactory.

## 8.5 Traffic Movements

- 8.5.1 Traffic movements generated by non-residential uses within the Residential Zone should not unreasonably detract from the residential amenity of its locality (Council Wide PDC 263, Residential Zone PDC 5).
- 8.5.2 Development should provide safe and convenient access for private cars, pedestrians and service vehicles, and should not generate pedestrian or vehicular traffic onto or across a public road in such a manner as to impair traffic flows or cause a safety hazard. To achieve this, access points should be suitably separated from intersections, car parking layouts should accord with relevant Australian Standards and vehicles should be able to enter and exit the development site in a forward direction (Council Wide PDCs 205, 209, 210, 211 and 212).

- 8.5.3 To assist in consideration of this matter, Mr Weaver has provided commentary on the number of vehicular movements anticipated to be generated by the proposal. It is acknowledged that neither Council staff nor Mr Weaver can refer to traffic movement data from within the locality, as the most recent traffic surveys were undertaken by Council in 2001. At that time traffic movements in Gladstone Road (west of Braund Road) were measured for a seven day period, with an observed average of 487 vehicles per day.
- 8.5.4 Mr Weaver anticipates peak hour traffic generation rates of 40 vehicles per hour resultant from the subject development if established. Mr Weaver notes that this assessment considers both the *Guide to Traffic Generating Developments* prepared by the (former) Roads and Traffic Authority (RTA) of NSW and the survey of a similar child care centre in Adelaide's inner north. It is anticipated that these peak hour periods would occur between 8:15am to 9:15am and from 5:00pm to 6:00pm.
- 8.5.5 It is noted that the NSW RTA recommend a maximum peak hour traffic volume of 200-300 vehicles be maintained within local streets in order to avoid unreasonably detrimental impact to residential amenity. Given the site's proximity to Churchill Road, it is unlikely that each vehicle visiting the centre would travel east along Gladstone Road.
- 8.5.6 When considering the range provided above, and allowing for 20-25 of the 40 peak hour vehicles to travel east along Gladstone Road after exiting the site, it is anticipated that the proposal would generate between 7% and 12.5% of desirable maximum peak movements within the street. It is also noted that peak hour periods for child care centres, as described above, vary from those typical to primary and secondary schools, particularly in the afternoon.
- 8.5.7 Further, Mr Weaver anticipates that the development would generate approximately 115 vehicle movements per day. Council's *Traffic Management Policy* considers that a maximum of 1,500 vehicle movements be maintained within local streets in order to avoid unreasonable detrimental impact to residential amenity. Thus it is anticipated that the proposal would generate approximately 8% of total maximum desirable vehicle movements within the locality.
- 8.5.8 Finally, it is noted that Mr Weaver has reviewed movements within the car park and concluded that vehicles can safely and conveniently enter and exit the site in a forward motion. Further, Mr Weaver concludes that the car park access point has been sufficiently setback from the Churchill Road intersection to avoid conflict with vehicles entering or exiting the arterial road. It is noted that the access would achieve the 20m separation distance from an arterial road typically desired by the Department of Planning, Transport and Infrastructure.
- 8.5.9 Given the above, it is considered both in terms of peak and total vehicle generation from the subject land that the proposal would not unreasonably detract from the residential amenity of the locality. Further, the location of the access point and configuration of the car park would allow for safe and convenient access to the subject land.

## 8.6 Noise

- 8.6.1 It is anticipated that development should not materially impair residential amenity by way of the creation of noise. Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant *Environment Protection (Noise) Policy* criteria when measured at the nearest existing noise sensitive premises (Council Wide PDCs 263 and 269).

- 8.6.2 The applicant acknowledges in their supporting statement that noise will inevitably be associated with external play areas, though note that children would be kept indoors until after 7:30am and would be collected from the centre by 6:30pm.
- 8.6.3 Following the receipt of representations, the applicant has amended the proposal such that it would involve the construction of a 2.1m acoustic fence to the sides and rear of the site abutting external play areas. It is noted that the 'Terrawall' fencing described has a Weighted Sound Reduction Index (Rw) of 28, meaning that it reduces noise levels by approximately 28db, and is commonly used in conjunction with industrial sites.
- 8.6.4 It is noted that the car parking area would be provided with standard colorbond fencing. The car parking area is located adjacent to properties within the Urban Corridor Zone, which are anticipated to be developed at higher densities and which may incorporate non-residential uses. Further, it is anticipated that this area would generate noise during limited periods of the day and that these periods would correspond to periods of higher background traffic noise from Churchill and Gladstone Roads. It is considered that colorbond fencing to this area would satisfy the relevant provisions of the Development Plan.
- 8.6.5 Given the hours of use and the acoustic fencing proposed, it is considered that the proposal would achieve the relevant *Environment Protection (Noise) Policy* and would not materially impair adjoining residential amenity.

## **8.7 Waste Management**

- 8.7.1 New developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is easily and safely accessible to the collection point, well screened, and designed to reduce odours and other external impacts (Council-wide PDC 170).
- 8.7.2 Council staff are not aware of any published guidelines describing an anticipated on-site storage capacity for waste in respect of child care centre uses. Anecdotally, Council staff are aware that 660L MGBs are used for the storage of waste at a child care centre in proximity to the subject land, which are then collected by a private waste contractor.
- 8.7.3 The proposal would involve the use of standard domestic 240L bins, stored within a screened enclosure towards the south-western corner of the site (adjacent the Gladstone Road frontage). The enclosure provides sufficient storage space for up to five standard domestic bins.
- 8.7.4 It is unclear whether the provision of five domestic bins would provide sufficient storage capacity for the proposed use. It is also unclear, given the reference in the supporting statement to the 'normal garbage collection manner', whether the applicant is aware that general waste is typically stored in 140L bins within the City of Prospect.
- 8.7.5 While noting the above, the bin enclosure can be expanded to incorporate additional bins, or the use of 660L MGBs, with no resultant impact to the existing driveway or parking layout.

- 8.7.6 Given this, it is recommended that assessment of this matter be reserved, with the applicant to provide a detailed waste management report for further assessment. It is anticipated that conditions should be imposed following this detailed assessment which require ongoing maintenance of the bin enclosure to ensure that it is not the cause of detriment to the amenity of neighbouring residents.

## **8.8 Crime Prevention**

- 8.8.1 In order to limit opportunities for criminal activities to occur, development should provide adequate and appropriate lighting to public spaces and ensure adequate lines of sight are maintained. Further, development should maximise surveillance opportunities by orienting building entrances towards the public street or car parking area, avoid fences, walls or landscaping that obscure direct views to public areas and arranging internal windows and work areas to provide observation points to all areas of a site (Council Wide PDCs 276, 277, 278, 280, 281 and 284).
- 8.8.2 The applicant proposes to achieve the requirements of AS1158.1 and AS1158.3, for the lighting of roads and public spaces, by the use of movement sensitive lighting to all publicly accessible areas. Subject to the suitable control of light overspill, it is considered that this would balance potential security and amenity issues appropriately. It is noted that security cameras and alarms would also be used.
- 8.8.3 The building foyer and main building entrance is oriented to the car parking area, with all external play areas of the site readily visible and accessible from within the building by way of sliding doors. It is briefly noted that continuous visual surveillance of play areas is also a DECD licensing requirement.
- 8.8.4 To the front, side and rear boundaries of the site, play areas would be variously fenced with masonry plinth with timber battens, acoustic and colorbond fencing. To maximise opportunities for passive surveillance, external play areas and the building entry would be provided with tubular fencing. It is noted that the courtyard play area would also be readily visible through the building foyer and from the car parking area.
- 8.8.5 A detailed landscaping plan has been provided by the applicant who indicates that a mixture of ground covers and screen shrub planting would occur to the western boundary of the site adjacent the car parking area. Such planting would minimise the opportunity for vandalism to the adjacent colorbond fencing. This same mixture of ground covers and screen shrubs is proposed to the rear of the site, with this planting not obscuring vision to areas of the site or providing concealment opportunities.
- 8.8.6 Landscaping to the front of the site would be a mixture of ground covers and low growing shrubs, and would include the planting of a medium to high growing Chinese Elm 'Todd' tree. It should be noted that this species is a relatively recently Australian developed cultivar of the Chinese Elm. While the Chinese Elm itself is a declared pest species in some area of Australia, this cultivar is being planted in park and street areas (particularly in Victoria) where it has been observed to be highly tolerant to urban conditions.
- 8.8.7 The use of low growing shrubs and ground covers forward of the building would be consistent with plantings typical to the front yard of dwellings within the locality. Plantings of this height will also soften the appearance of the development without limiting opportunities for surveillance of pathways and play areas from public spaces.

8.8.8 Given the above, it is considered that the applicant has made appropriate use of building configuration, lighting and landscaping to maximise surveillance and minimise concealment opportunities.

## **8.9 Stormwater Management**

8.9.1 The provisions of Council's Development Plan suggest that site drainage should be designed to safely direct surplus flows to a public street without causing harm to adjoining properties and that all proposed developments should be designed to retain as much stormwater as possible, minimising the overflow to the kerb and water table (Council Wide PDC 97 and 98).

8.9.2 The subject site is currently vacant after the removal of the previous dwellings and associated vegetation. A site survey has been provided indicating a fall of approximately 300-350mm from the front to the rear of the site. It is also noted that the property is not within a flood prone area and thus no additional build-up of the site, or increase in building floor level, beyond typical civil engineering practice is anticipated.

8.9.3 Noting the relatively flat surface of the site and the location of play areas, it is not anticipated that boundary build up would be greater than 400mm. It is noted however that civil engineering plans, including calculations of detention and outflow rates of surface water from the car parking area, are yet to be provided. Due to the surfacing of the car parking area, it is anticipated that stormwater management methodology may affect the maximum extent of build-up and retaining walls associated with the proposal.

8.9.4 Given that the proposal will result in a notable increase in stormwater run-off from the subject land, and that the design of a management system may affect boundary retaining wall heights, it is appropriate that Council receive and assess a detailed stormwater management plan. To this end, it is recommended that the consideration of the stormwater design be reserved for further assessment and approval by Council.

## **9. CONCLUSION AND RECOMMENDATION**

9.1 The proposed development is of a nature and scale anticipated to occur within the Residential Zone and would provide a local community facility to meet the needs of a growing population. The design and materials of the building itself would be relatively consistent with the presentation of existing dwellings within Gladstone Road.

9.2 While the proposal will inevitably result in higher levels of noise and traffic than the previously existing dwellings, these potential impacts would be mitigated through the design, location and scale of the proposed development.

9.3 The proposal would provide sufficient car parking on-site, while the car park layout would ensure safe and convenient access to Gladstone Road. Landscaping would be proposed to soften car parking and paved areas, while minimising opportunities for crime or concealment within public spaces.

9.4 It is considered that details regarding lighting, waste management and stormwater management can be suitably addressed through the imposition of conditions and use of reserved matters.

9.5 The application is therefore considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to appropriate conditions.

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/486/2015 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be approved to DA 050/486/2015 from Emali Early Learning Centres for a Childcare Centre with associated Car Parking, Shade Canopy, Deck and Acoustic Fencing at 96-98 Gladstone Road, Prospect (CT 6097/588 and CT 5178/70), subject to the following reserved matters, conditions and notes:

**Reserved Matters:**

1. A detailed stormwater management plan shall be provided, and shall demonstrate that post-development outflow rates from the site will match pre-development rates in 1 in 20 ARI storm events. The location and capacity of any on-site detention tanks, as well as the extent of any fill and associated retaining walls, shall be clearly described.
2. A detailed waste management plan including anticipated storage capacity, any required variations to the bin enclosure and collection methodology.

**Conditions:**

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/486/2015, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation or the commencement of use of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. The surfacing of the driveway and drainage shall be maintained to the reasonable satisfaction of Council thereafter.
3. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:
  - a) Flow or discharge onto adjoining properties;
  - b) Flow across the surface of footpaths or public ways;
  - c) Affect the stability of any building; or
  - d) Create unhealthy or dangerous conditions on the site or within any building.
4. Any existing driveway crossovers not providing vehicle access shall be reinstated as kerb and gutter to the satisfaction of Council.
5. The landscaping shall be planted in accordance with the approved plans prior to occupancy of the development. Mature trees shall be no less than 2.0m in height at time of planting. All landscaping areas shall be maintained at all times to the reasonable satisfaction of Council. The applicant or the persons for the time being making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies.
6. 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.

7. Lighting to driveways, parking and manoeuvring areas shall be lit in accordance with the Australian Standard for Lighting for Roads and Public Spaces (AS1158.1 and AS1158.3) during the hours of darkness that they are in use and accessible by the general public. The necessary lights shall be directed and screened so that overspill of light into nearby premises is avoided and minimal impact on passing motorists occurs and to satisfy the Australian Standard for Obtrusive Effects of Outdoor Lighting (AS4282:1997).
8. All car parking spaces must be line-marked in accordance with the approved plans and to comply with the Australian/New Zealand Standard for Parking Facilities (Part 1: Off-street Car Parking (AS/NZS 2890.1:2004) prior to occupation.
9. Signage shall not be internally illuminated and must not move, flash, blink or rotate in any manner. No signage additional to that forming part of the herein endorsed plans shall be established.
10. The hours of active operation of the premises (i.e. when children are in care) shall not exceed 7:00am-6:30pm Monday to Friday inclusively.
11. Irrespective of any other licensing or approval process, the capacity of the premises shall be no greater than 70 children at any one time.

#### **Advisory Notes:**

- (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).

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

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

- (3) **Consult With Your Neighbours:** You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.
- (4) **Removing, Replacing or Altering Fences:** You are required to give formal notification to, and consult with, the adjoining property owner if you are removing, replacing or altering an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence (Section 5 of the *Fences Act 1975*).

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

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

SCANNED 5

**DEVELOPMENT APPLICATION FORM**

24 NOV 2015

PLEASE USE BLOCK LETTERS

**COUNCIL:** CITY OF PROSPECT

**APPLICANT:** EMALI EARLY LEARNING CENTRES

**Postal Address:** C/- ACCESS PLANNING,  
235 HENLEY BEACH ROAD,  
TORRENSVILLE SA 5031.

**FOR OFFICE USE**

Development No: \_\_\_\_\_

Previous Development No: CITY OF PROSPECT

Assessment No: \_\_\_\_\_

**Owner:** A.H, R.L.H & G HADDAD

**Postal Address:** 88 WATTLE ST FULLARTON SA 5063

**BUILDER:** TBA

**Postal Address:**

Licence No: \_\_\_\_\_

<input type="checkbox"/> Complying	Application forwarded to DA
<input type="checkbox"/> Non Complying	Commission/Council on
<input type="checkbox"/> Notification Cat 2	/ /
<input type="checkbox"/> Notification Cat 3	Decision: _____
<input type="checkbox"/> Referrals/Concurrences	Type: _____
<input type="checkbox"/> DA Commission	Date: / /

**CONTACT PERSON FOR FURTHER INFORMATION**

**Name:** DAVID HUTCHISON

**Telephone:** 81307222 [work]

**Email:** dhutchison@accessplanning.com.au

**EXISTING USE:** VACANT

	Decision required	Fees	Receipt No	Date
Planning:	_____	_____	_____	_____
Building:	_____	_____	_____	_____
Land Division:	_____	_____	_____	_____
Certificate:	_____	_____	_____	_____
Development Approval	_____	_____	_____	_____

**DESCRIPTION OF PROPOSED DEVELOPMENT: CHILD CARE CENTRE****LOCATION OF PROPOSED DEVELOPMENT:**

**House No:** 96 & 98    **Lot No:** \_\_\_\_\_    **Street:** GLADSTONE ROAD    **Locality:** PROSPECT

**Section No [full/part]:** \_\_\_\_\_    **Hundred:** \_\_\_\_\_    **Volume:** 5178    **Folio:** 70

**Section No [full/part]:** \_\_\_\_\_    **Hundred:** \_\_\_\_\_    **Volume:** 5069    **Folio:** 588

**LAND DIVISION:**

**Site Area [m<sup>2</sup>]:** \_\_\_\_\_    **Reserve Area [m<sup>2</sup>]:** \_\_\_\_\_    **No of existing allotments:**

**Number of additional allotments [excluding road and reserve]:** \_\_\_\_\_    **Lease:** YES  NO

**BUILDING RULES CLASSIFICATION SOUGHT:**

Present classification: \_\_\_\_\_

If Class 5,6,7,8 or 9 classification is sought, state the proposed number of employees:    **Male:** \_\_\_\_\_    **Female:** \_\_\_\_\_

If Class 9a classification is sought, state the number of persons for whom accommodation is provided: \_\_\_\_\_

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: \_\_\_\_\_

**DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 1993 APPLY?**    YES     NO **HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1983 LEVY BEEN PAID?**    YES     NO **DEVELOPMENT COST [do not include any fit-out costs]:** \$780,000.00

I acknowledge that copies of this application and supporting documentation (excluding plans) may be provided to interested persons in accordance with the Development Regulations 1993.

**SIGNATURE:***D Hutchison***Dated:** 19/02/13



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Registrar-General

## Certificate of Title - Volume 5178 Folio 70

Parent Title(s) CT 4346/549  
Dealing(s) CONVERTED TITLE  
Creating Title  
Title Issued 29/03/1994  
Edition 4  
Edition Issued 07/11/2012

REAL PROPERTY ACT, 1986



### Estate Type

FEE SIMPLE

### Registered Proprietor

ANTOINE HADDAD  
RACHEL LEAH HADDAD  
OF 88 WATTLE STREET FULLARTON SA 5063  
1 / 2 SHARE AS JOINT TENANTS

GEORGE HADDAD  
OF 98 HILL ROAD LURNEA NSW 2170  
1 / 2 SHARE

SCANNED

24 NOV 2015

CITY OF PROSPECT

### Description of Land

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

### Easements

NIL

### Schedule of Dealings

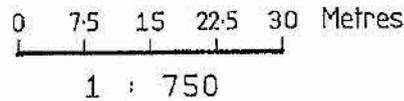
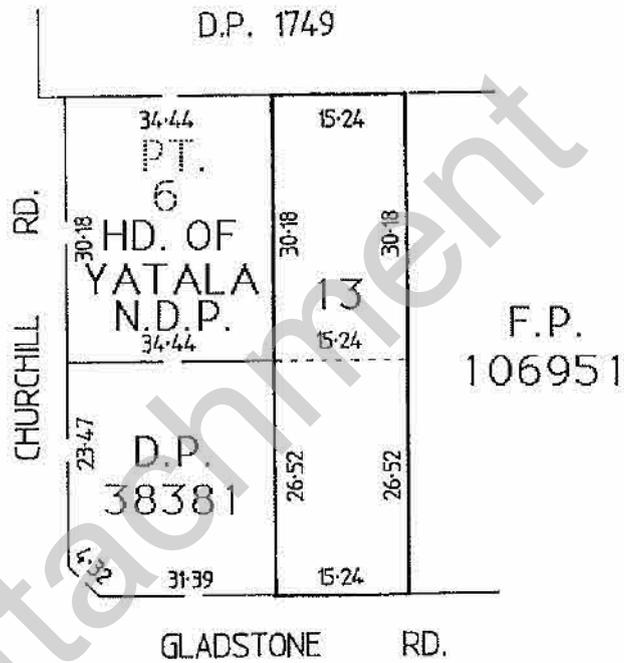
Dealing Number	Description
11837698	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

### Notations

Dealings Affecting Title



This plan is scanned from Certificate of Title 4346/549



Note : Subject to all lawfully existing plans of division

Product  
Date/Time  
Customer Reference  
Order ID  
Cost

Register Search  
14/08/2015 11:24AM  
20150814003738  
\$27.25



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Registrar-General

## Certificate of Title - Volume 6097 Folio 588

Parent Title(s) CT 5178/71  
Dealing(s) SC 11790648  
Creating Title  
Title Issued 25/07/2012  
Edition 3  
Edition Issued 07/11/2012

REAL PROPERTY ACT, 1988



South Australia

### Estate Type

FEE SIMPLE

### Registered Proprietor

ANTOINE HADDAD  
RACHEL LEAH HADDAD  
OF 88 WATTLE STREET FULLARTON SA 5063  
1 / 2 SHARE AS JOINT TENANTS

GEORGE HADDAD  
OF 98 HILL ROAD LURNEA NSW 2170  
1 / 2 SHARE

### Description of Land

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

### Easements

NIL

### Schedule of Dealings

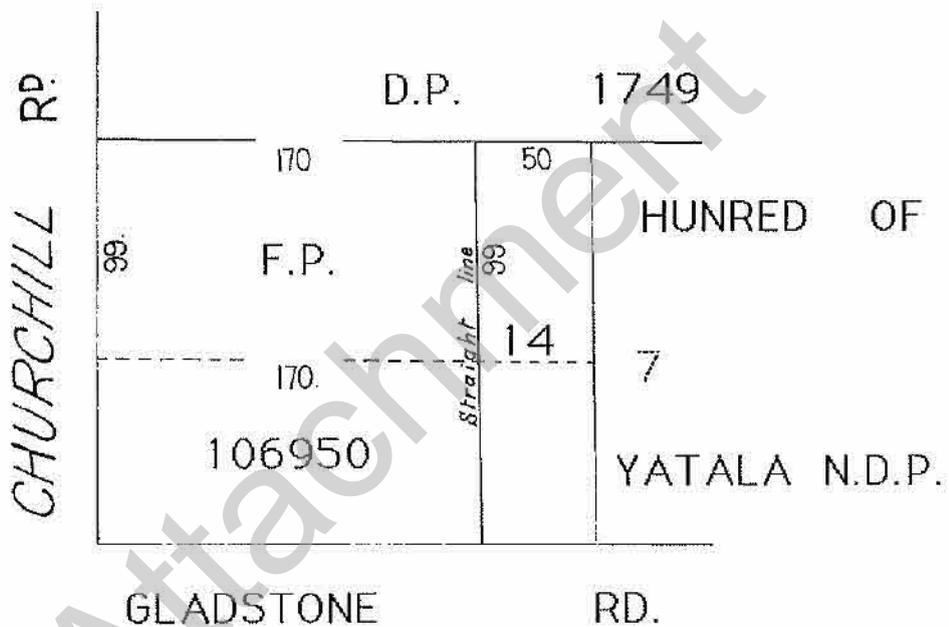
Dealing Number	Description
11837698	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

### Notations

Dealings Affecting Title



This plan is scanned from Certificate of Title 1132/40



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

Note : Subject to all lawfully existing plans of division





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

**Subject Land**



**Notes**  
 96-98 Gladstone Road, Prospect

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

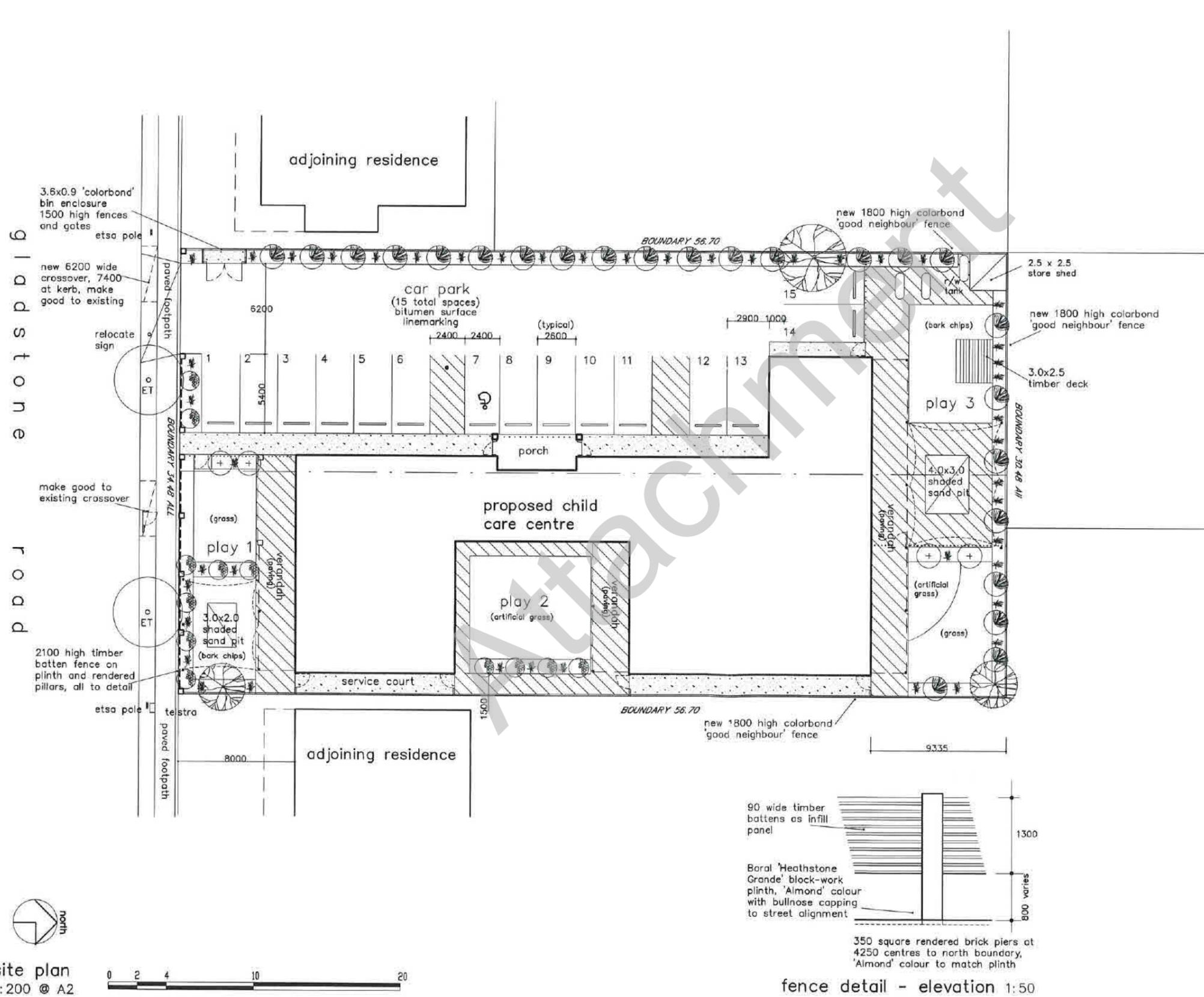
**Western boundary**



**Eastern boundary**







**LANDSCAPE LEGEND**

shade trees	
ulmes parvifoliate 'todd' - chinese elm	
screen shrubs	
pittosporum 'screen master'	
shrubs	
nandina domestica 'nana' (0.8m)	
cyphea hyssopifolia 'bianca' (0.3m)	
ground covers	
cordyline 'redstar'	

**STATISTICS**

local authority	Prospect
site area	1728.2 m <sup>2</sup>
children	70 (24/U2s)
staff	
activity areas (4)	
required-3.25 m <sup>2</sup> /child	227.50 m <sup>2</sup>
provided	240.80 m <sup>2</sup>
play areas	
required-7.00 m <sup>2</sup> /child	490.0 m <sup>2</sup>
provided	516.1 m <sup>2</sup>
car parking (1:4)	
15 (incl disabled)	
enclosed building area	521.2 m <sup>2</sup>

B	23/11/15	redesign car park and centre layout
A	05/11/15	issue for comment
level	date	detail

proposed CHILD CARE CENTRE  
for EMALI EARLY LEARNING CENTRE  
at 96-98 Gladstone Road  
PROSPECT, SA

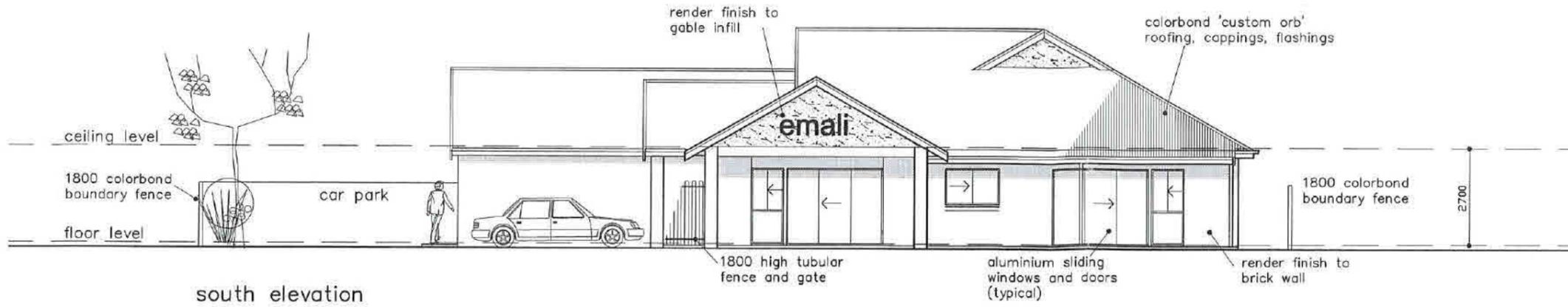
site plan

DATE	oct 2015	SCALE	1:200@A2
DWG NO			18/15 - P1B

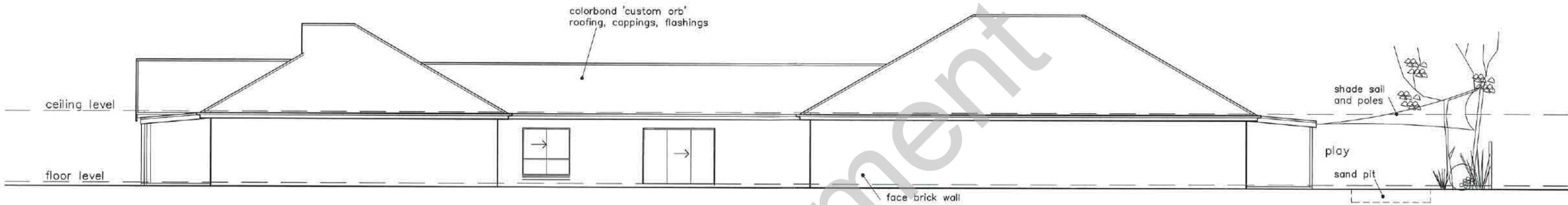
**JOHN PERRIAM ARCHITECTS**  
87 Fourth Ave JOSLIN SA 5070  
Phone/Fax 08 362 1416

Scale discrepancies may result from reproduction tolerances. Do not scale from the drawing. Figure dimensions take precedence. Verify all dimensions on site before setting out.

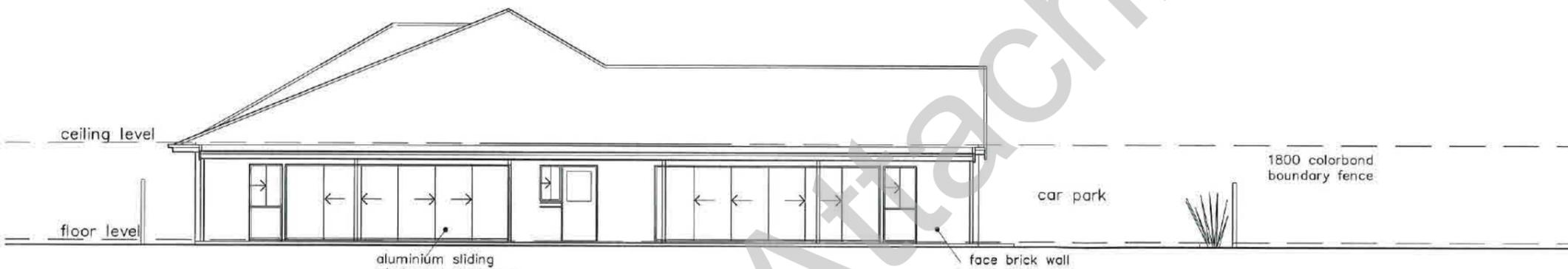
site plan  
1:200 @ A2



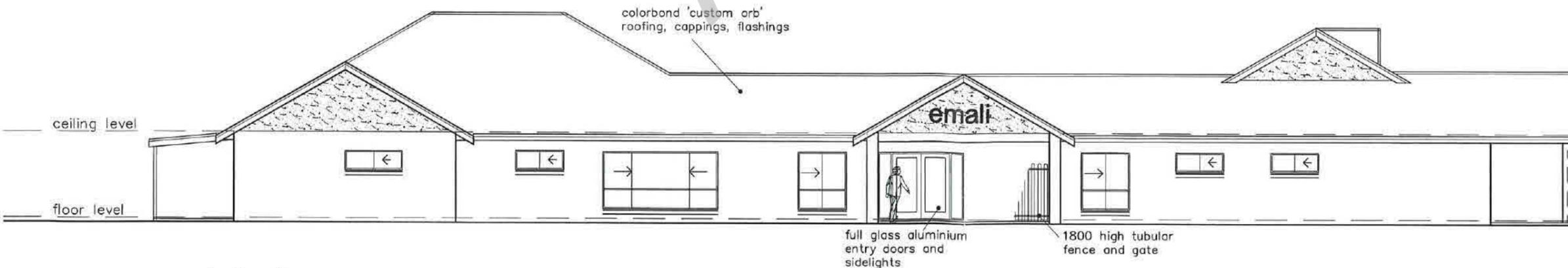
south elevation



east elevation



north elevation



west elevation

elevations 1:100



B	23/11/15	amended elevations
A	05/11/15	issue for comment
issue	date	detail

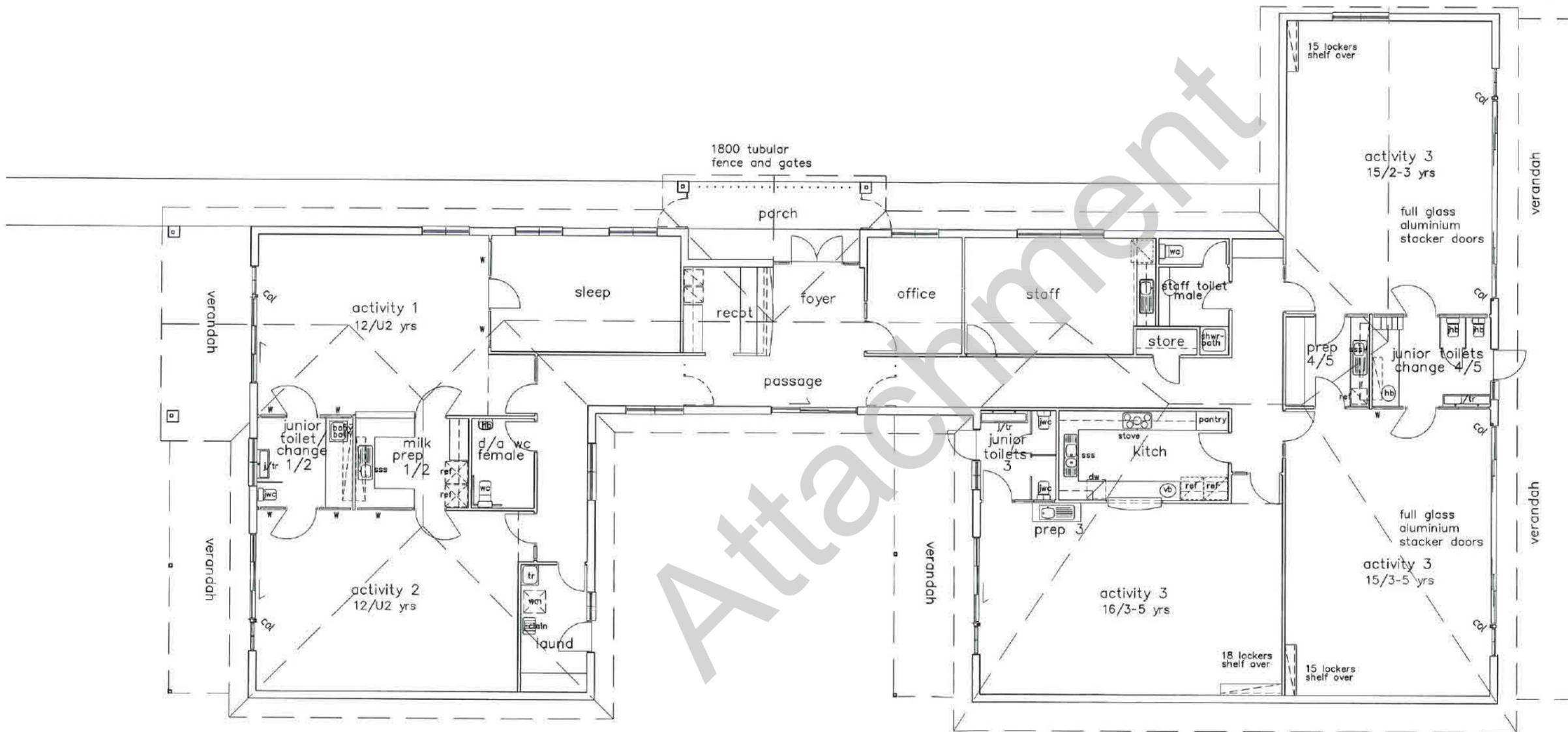
proposed CHILD CARE CENTRE  
for EMALI EARLY LEARNING CENTRE  
at 96-98 Gladstone Road  
PROSPECT, SA

elevations

DATE	oct 2015	SCALE	1:200@A2
DWG NO			18/15 - P3B

**JOHN PERRIAM**  
**ARCHITECTS**  
87 Fourth Ave JOSLIN SA 5070  
Phone/Fax 08 362 1416

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floor plan  
1:100



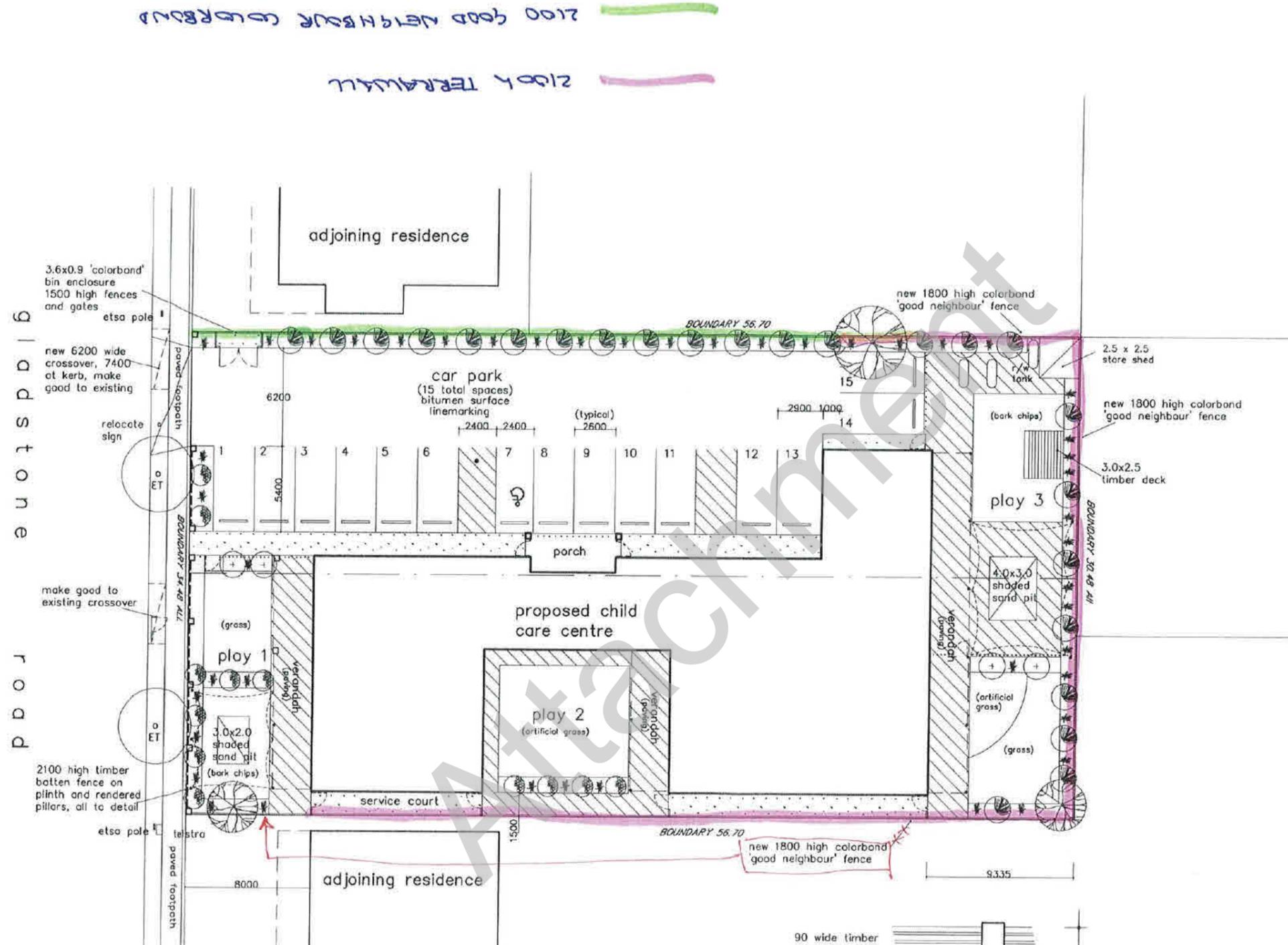
B	23/11/15	redesigned floor plan
A	05/11/15	issue for comment
Issue	Date	Detail

proposed CHILD CARE CENTRE  
for EMALI EARLY LEARNING CENTRE  
at 96-98 Gladstone Road  
PROSPECT, SA

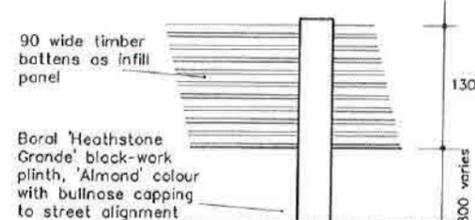
floor plan	
DATE	oct 2015
DWG NO	18/15 - P2B
SCALE	1:200@A2

**JOHN PERRIAM  
ARCHITECTS**  
87 Fourth Ave JOSLIN SA 5070  
Phone/Fax 08 362 1416

Scale discrepancies may result from reproduction tolerances. Do not scale from the drawing. Figures dimensions take precedence. Verify all dimensions on site before setting out.



site plan  
1:200 @ A2



fence detail - elevation 1:50

LANDSCAPE LEGEND	
shade trees ulmes parvifoliata 'todd' - chinese elm	
screen shrubs pittosporum 'screen master'	
shrubs mandina domestica 'nana' (0.8m)	
cuphea, hyssopifolia 'bianca' (0.3m)	
ground covers cordyline 'redstar'	

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15 (incl disabled)	
enclosed building area	521.2 m <sup>2</sup>

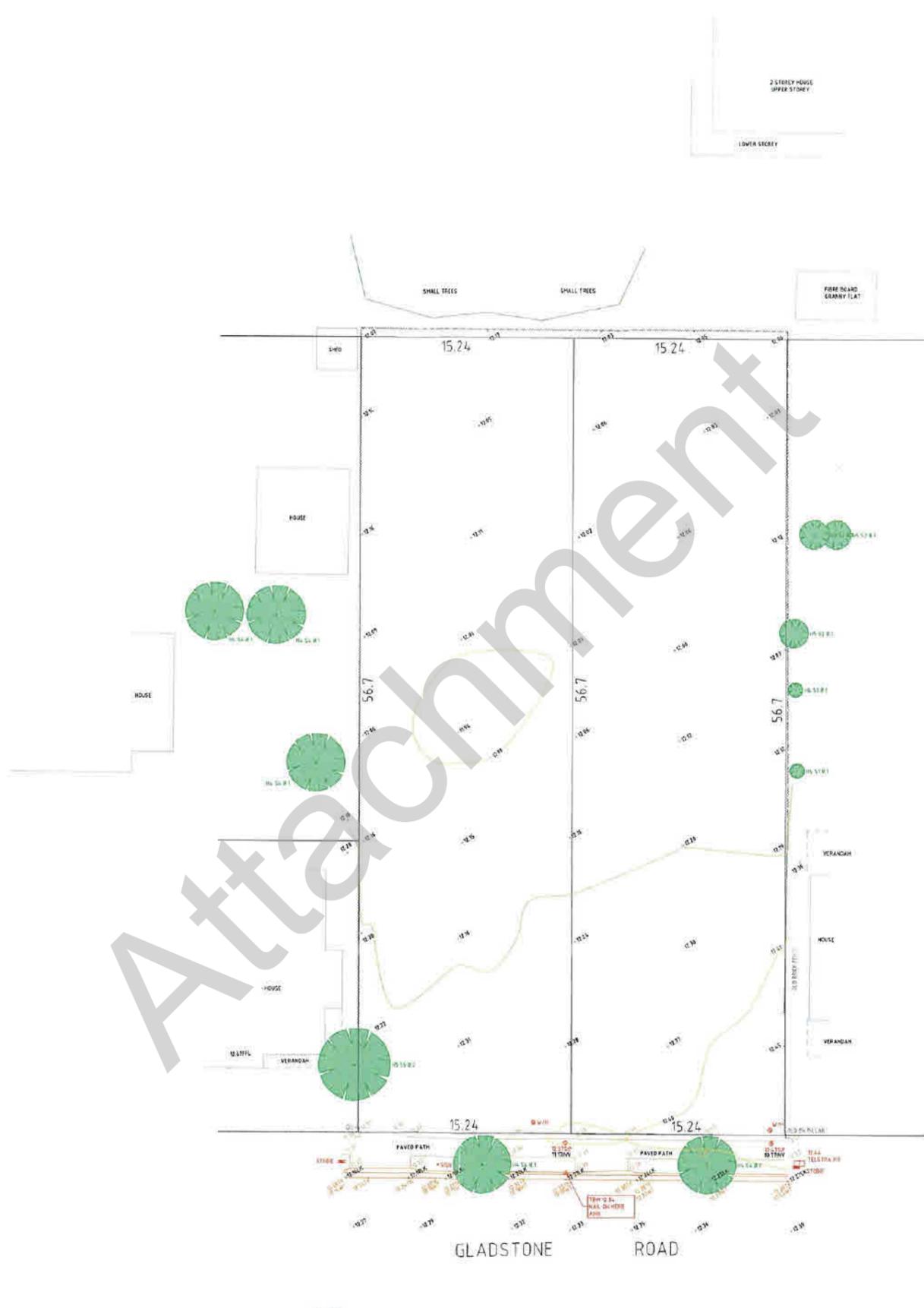
date	description
B 23/11/15	redesign car park and centre layout
A 05/11/15	issue for comment
date	description

proposed CHILD CARE CENTRE  
for EMALI EARLY LEARNING CENTRE  
at 96-98 Gladstone Road  
PROSPECT, SA

site plan	
DATE	oct 2015
SCALE	1:200@A2
DWG NO	18/15 - P1B

**JOHN PERRIAM**  
**ARCHITECTS**  
87 Fourth Ave JOSLIN SA 5070  
Phone/Fax 08 362 1416

Scale discrepancies may result from reproduction tolerance. Do not scale from the drawing. Figured dimensions take preference. Verify all dimensions on site before setting out.



**3D SURVEYS**  
 TECHNOLOGY PARK  
 1/7/3 PARK WAY  
 HANSEN LAKES SA 5895  
 INFO@3dsurveys.com.au  
 www.3dsurveys.com.au  
 ABN 25 166 854 117  
 CIP PROPOSED THIS 3D SURVEYS PVT LTD



FILE  
 NO 98 GLADESTONE ROAD  
 PROSPECT  
 DATE: 01/02/16  
 SURVEYED BY: MWH  
 DRAWN BY: MWH

PROJECT NUMBER <b>P160016</b>	CLIENT <b>ASPIRE</b>
BUILDER <b>BUILDER</b>	CLIENT JOB NUMBER
PLAN SCALE <b>1:200 @ A1</b>	SHEET <b>SHEET 1/1</b>



23rd November 2015

Ref: 6519appnlet

The Chief Executive Officer  
City of Prospect  
PO Box 171  
PROSPECT SA 5031

Attention: Mr. Scott McLuskey

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

235 Henley Beach Road  
Torrensville SA 5031

Telephone 08 8130 7222

Facsimile 08 8130 7299

admin@accessplanning.com.au

www.accessplanning.com.au

Dear Scott

**Re: PROPOSED CHILD CARE CENTRE 96 – 98 GLADSTONE ROAD, PROSPECT**

The following is an assessment of the above development against the relevant provisions of the Council Development Plan.

## 1.0 THE SUBJECT LAND

The subject land is an irregular shaped holding comprising two allotments with a 30.48metre combined frontage to Gladstone Road and a depth of 56.70m. All up the land encloses an area of 1728m<sup>2</sup>.

The land is vacant, relatively level and fenced with a combination of fencing material, some of which is dilapidated.

The land is more particularly identified as allotment 13 in FP 106950 and allotment 14 in Filed Plan 106951, as detailed in Certificates of Title Volumes 5178 and 6097, Folios 70 and 588 respectively.

## 2.0 THE LOCALITY

The immediate locality (refer aerial photo below) is characterised by a range of low density housing comprising predominantly single storey detached dwellings on large allotments.

Buildings are mainly bungalows and housing forms of the period between the two world wars with occasional modern development interspersed.



Figure 1: Subject Site and Locality

Source: <http://maps.sa.gov.au/plb/>

### 3.0 THE PROPOSED DEVELOPMENT

#### Siting and Design

The proposal is for the development of a purpose designed single-story building to accommodate a 70-place child care centre, incorporating the following:

- Internal partitioning to create separate activity areas for children;
- Amenities, modified for children's use;
- Sleeping rooms;
- Kitchen, laundry and ablution facilities;
- A staff room and amenities area;
- Office and reception area;
- Three outdoor play spaces; and
- Shade structures, as depicted on the proposal plans, are proposed over part of each of the play areas.



The entry/reception area for the child care centre will be located on the western side of the building with direct access from the off-street parking area.

The building will have face brick masonry walls with 'colorbond' custom orb roofing and aluminum frame windows and doors.

The building will be setback 8.0 metres from Gladstone Road which is comparable with the setback of adjoining dwellings.

### **Vehicle Access and parking**

A new 6.2m wide crossover, flared to 7.4m at the kerb will provide access to and egress from the bitumen sealed car-parking spaces to be used jointly for the pick-up and drop-off of children, visitor and staff car parking.

The proposed development provides 15 sealed and line marked car parking spaces, including one car park adjacent to the main entry suitable for use by a person with a disability. Car parking dimension and maneuvering areas accord with AS 2890.1.

### **Fencing and landscaping**

Fencing for the site will consist of:

- 1800mm high 'colourbond good neighbour' sheeting to all but the street boundary;
- A combination of 1200mm a high tubular fencing to the play areas with a timber batten fence on a concrete plinth along the Gladstone Road frontage of the site.

Additional landscaping will be undertaken throughout the site and particularly along the property boundaries.

A landscape plan is provided as part of the site plan.

### **Hours of Operation**

The centre will operate from Monday to Friday (excluding public holidays) from 6.30 am to 6.30 pm.

### **Servicing**

There will be regular deliveries (expected twice weekly) to the site. The service vehicles utilised for deliveries are in nature of small courier vans and can be readily accommodated within the driveway and car-parking areas provided on site.

Garbage collection will occur in the normal manner using domestic 240 litre bins and a bin enclosure has been provided adjacent to the car-park entry for the storage of the bins.

Gardening and cleaning are undertaken on a contract basis.

### **Child pick-up and set down**

Typically with child care centres, child pick-up and set down are normally short-term stops of less than 5 minutes duration, and invariably by parents/caregivers on their journey to and from work.

Some parents drop off more than one child.

Discussions with the centre coordinator will be encouraged and, where possible, at an appointed time, generally prior to pick up when there is less activity and reduced demand on staff time.



Many of the children will be dropped off between 7.00 am and 9.00 am, but with a spread of arrivals that extend from 6.30 am to as late as 2.00 pm. Children are picked up as early as midday, but primarily from 3.30 pm to 6.30 pm.

After school hours children will generally arrive at 3.30 pm with pick up times to 6.30 pm.

Peak periods generally coincide with school drop off and pick up times.

### **External Play Areas**

There are three outdoor play areas proposed for the centre.

The use of the outdoor play areas is strictly supervised and spread over the three play areas. Not all of the children are in the outdoor play space at any one time.

Play times are spread out over the day and include both indoor and outdoor activities.

Activity associated with the proposed child care facility is limited to normal waking hours, with no weekend or late night activity.

Early activity on the site is generally limited because of low attendance prior to 7.30am. Children are kept indoors until sufficient numbers are in attendance to enable supervised outdoor activity.

There is little doubt that the occupants of residential properties abutting the subject land will hear noise from children from the respective play areas from time to time however play times are spread out over the day and occur inside and outside. Not all of the children are in the outdoor play spaces at any one time or for sustained durations and the use of the play areas is strictly supervised to ensure that noise levels are not excessive and that rowdy behaviour is managed.

Activities are spread over the some 756m<sup>2</sup> of indoor and outdoor play spaces in three outdoor locations and 5 indoor locations on the site, and care has been taken in the design of the development to provide appropriate indoor and outdoor play spaces, screened by 1800 high fencing, to ensure there is variety and diversity of play opportunities for children and so that noise from children in the outdoor play areas will not be such as to affect existing residential amenity.

### **Child Safety**

The operation of a Child Care Centre is one where management must adopt a particularly high awareness of safety and welfare of its patrons, namely children.

To this end, both the building and adjacent play areas are secure once children are inside.

The plans indicate 1.8 metre high fencing to prevent children from exiting the play areas. Likewise, the building itself is appropriately secured to prevent children leaving supervised areas or leaving the building unattended.

Children are always escorted into the centre by their parents or care givers who are required to sign their child in to the care of centre staff before they leave the facility. A similar procedure is adopted when children are collected.

At no time are children outside of the centre unescorted by an adult.



### **Deliveries, garbage collection and maintenance**

There will be regular deliveries (expected bi-weekly) of consumables to the site by way of a small rigid vehicle. This type of vehicle can be readily accommodated within the driveway and car-parking areas provided on site.

Garbage collection will occur in the normal manner through the use of Council rubbish and recycling bins. A bin enclosure has been provided at the front of the site, adjacent to car-park 18. Soiled nappies are always double bagged but represent only a very small volume of the waste stream generated by a child care facility.

Gardening and cleaning are undertaken on a contract basis and will utilise the Council green water collection service.

### **Safety and security**

The operation of a child care centre is one where management must adopt a particularly high awareness of safety and welfare for the attending children. To this end, both the building and play areas are secure once children are inside.

The building and surrounds are appropriately secured to prevent children leaving supervised areas or leaving the building unattended.

It is noted that the operators of the proposed business are experienced managers of Child Care Centres, with the knowledge and expertise to ensure operations are managed in a way to minimise risk or safety to children, staff and parents.

The building has been designed to overlook external streets, the play areas and car park to provide informal surveillance for security. Externally publicly accessible areas will be illuminated by movement sensitive lights at night time to enhance site security.

Where the development fronts public spaces, the fences are 1.8 metres high which not only ensure some security but also the opportunity to overview some of the more public areas within the site and in the wider public realm.

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

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

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

## **4.0 DEVELOPMENT PLAN ASSESSMENT**

In assessing the proposed development I have had regard to the provisions of the Prospect (City) Development Plan consolidated 12 February 2015.

The subject site is located (refer Figure 2) in the Residential Zone, RA350 Policy Area. It is adjoined along its western boundary by an Urban Corridor zone.



Figure 2: Subject Land and Zoning Source: Prospect (City) Dev Plan Map Pr/3

A child care centre is defined in the Development Regulations 2008 as a “pre-school” as follows;

*“pre-school - a place primarily for the care and instruction of children of less than primary school age not resident on the site, and includes a nursery, kindergarten or child care centre”.*

The proposed development is considered to be an ‘on merit’ type application, in that it is neither a ‘complying’ nor a ‘non-complying’ form of development within the Residential Zone.

Objective 1 for the Residential Zone identifies a ‘local community facilities’ as an appropriate land use; zone principle 5 specifically refers to child care centres as an appropriate form of non-residential development in the zone subject to it being of a nature and scale that serves a local function and does not detrimentally affect the character and amenity.

Whilst community facilities (including uses such as a child care centre) are encouraged to locate in association with the Neighbourhood Centre and Urban Corridor Zones, they are clearly not precluded from; and to the contrary; are envisaged and named as a suitable non-residential use in the Residential zone.

I also note that the Community facilities provisions of the Development Plan (Metropolitan Adelaide Objective 9) encourage such facilities to be “conveniently accessible” to the population they serve as evidenced by the following provisions of the Development Plan.

### Residential zone

#### Objective

- 1 Safe, pleasant, convenient and distinctive living environment for all residents provided by a range of housing together with local community facilities that complement the living environment.

#### Principles

- 1 Development should conform to the desired future character identified in the relevant Policy Area.
- 5 Non-residential development of a local community nature such as small shops, health and welfare services, child care facilities, primary and secondary schools, recreation, open space and similar facilities may be developed within the zone provided that they are of a nature and scale that serves a local area function only and do not detrimentally affect the character and amenity of the locality by the way of emissions, traffic generation and other impacts.
- 6 The scale, bulk and design of non-residential development should be sensitive to the character of the surrounding residential environment.



- 7 Landscaping of non-residential development should be of a high standard and should be used, where practicable, to provide continuity with residential streetscapes.

### **Metropolitan Adelaide Community Facilities**

#### **Objective**

- 9 Appropriate community facilities conveniently accessible to the population they serve.

### **Residential Development**

- 6 Non-residential development in residential zones should provide adequate protection for residents from air and noise pollution, traffic disturbance and other harmful effects on health or amenity.
- 9 Development in a residential zone should not impair its character or the amenity of the locality as a place in which to live.

### **Council wide**

#### **Objectives**

- 2 Creation and maintenance of a safe and attractive living environment.
- 5 Location of shopping, administrative, cultural, community, entertainment, educational, religious and recreational facilities in integrated centres, Mixed Use (Islington) Zone and Urban Corridor Zone.
- 6 Centres that provide a focus for community life and ensure the rational, economic and convenient provision of goods and services.
- 11 Development of a comprehensive range of community facilities and services.

#### **Principles**

- 1 Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.
- 2 Community facilities should be integrated in their design to promote efficient land use.
- 3 Design of community facilities should encourage flexible and adaptable use of open space and facilities for a range of uses over time.
- 4 Community facilities should be located in association with centre and retail development and/or educational establishments.
- 128 Existing and proposed living areas should contain only residential development and associated development such as local shops, primary schools and local open spaces.

Principle 5 for the Residential zone provides in explicit terms what are said to be examples of non-residential uses that serve the local community, they include, amongst other uses, a child care facility, a primary school and a secondary school. Such development should be of a nature and scale that serves a local area function only and which does not detrimentally affect the character and amenity of the locality by the way of emissions, traffic generation and other impacts.

To address the issue of what might constitute small scale development the ERD Court, in a number of cases directed an examination of a number of factors, including the size of the building, its presentation to the street, its floor space and consequent impact on the streetscape and the number of children enrolled, were all elements for consideration.

In relation to scale, the proposed building is of single storey construction with a traditional form reflecting that of a detached dwelling. In this regard it has typical 2.7m high floor to ceiling heights, a 20° hipped colorbond roof, articulated with a low gable over the entry and dutch gable hipped roof



to the return ridgeline taking the roof height at the ridge to no more than 6.3m. These heights are again typical of a contemporary single storey detached dwelling.

The building setback at 8m compares favourably with the setbacks exhibited by adjoining residential land uses.

It is noted that the car park at the side of the building is not a feature of residential development in the locality. The car park is partially screened by fencing and landscaping and has been placed at the side of the building to minimise its visual intrusion into the residential streetscape.

Despite the maximum capacity of 70 children, actual attendance varies from day to day and children are enrolled for different times such that the maximum enrolment capacity is rarely achieved on any day.

In terms of scale this facility is at the lower end of the scale for a child care centre where enrolments can be as high as 120 children, and would be very low compared to the enrolment at a primary or secondary school, two uses which are identified as being small scale in principle 5 for the zone.

Some assistance in determining what might constitute small scale development is able to be gleaned from a decision of the ERD Court in *Willcocks v City Of Whyalla & Anor* [2009] SAERDC 79 (6 November 2009), which involved a gymnasium and beauty salon addition to an existing café in a Residential zone, and in which the Court said;

**“When these provisions are read together it becomes clear that the planning authority has foreshadowed in its policy intent for the Residential Zone, a flexible approach to land use planning. The desired character of the Residential Zone not only includes a range of dwelling types but also – explicitly – a range of small-scale non-residential uses. When Principles 1 and 2 are read together the type of uses the authors of the Plan deem to be small-scale non-residential uses are generally not insignificant in their floor area. Nor on that basis alone would the number of vehicles likely to be generated by such uses be so immaterial as to be unnoticed.**”

Residential zone principle 5 seeks that non-residential development such as shops, schools and consulting rooms should be of a nature and scale that serves the local community.

Child care centres are a facility that have a close relationship to and attract most of its enrolments from the local community.

On this issue, the ERD Court in *Willcox* had this to say;

**The fact that a facility might attract clients from afar does not, by that fact alone, define the area it serves and therefore the level at which it functions. There are many local services that come to mind that often serve principally the local community but, for a variety of reasons (for example client loyalty, personal records, friendships and past associations) they often attract clients from distant places. Small suburban based medical practitioners, hairdressers, child minding centres and accountants would be among the many examples.”**

The Development Plan seeks that community facilities be accessible to the population they serve. In this regard there are many good reasons for dispersing the location of child care centres within an urban area. These include greater convenience and shorter trips for parents and their children, bearing in mind that many of the children enrolled in child care facilities are most likely to come from the local area; a separation or spread of such facilities to ensure that they are conveniently accessible and within close proximity to schools with future assimilation benefits for both the children and their families. To this end, the facility’s location on an arterial road and in close proximity to a bus stop provides the convenience of access sought by the Development Plan.



Council wide Objective 5 and Principle 4 under the heading Community Facilities in the seek that Community facilities should be located in association with centre and retail development and/or educational establishments, although not solely so.

I have already addressed this issue in part above, and whilst it is acknowledged that a Child Care Centre can be incorporated into an appropriately designed Centre or Commercial zone, it is a land use, which does not benefit from an association with a business environment as generally found in such centres.

This issue was dealt with in some detail by the Environment, Resources and Development Court in Harry E and Jean C Meertens and the City of Burnside and Helen Ratsch (ERDC 411/1993) wherein the Court said;

**....."the evidence is that a long day care pre-school is intended to be a "home away from home", and to this end is more desirably located within a residential environment. Further, an integrated centre generally provides parking on a shared basis and this introduces an element of danger in the movement of children between the car in which the child arrives and the pre-school centre itself....."**

The approach adopted by the Court is also representative of the direction in the Development Plan at Objective 9 under the heading of Community facilities, that community facilities should be conveniently accessible to the population they serve.

A stand-alone facility in a Residential zone, as opposed to one in a Centre or Commercial zone, provides greater convenience, ease of access and a better environment for the children in care.

#### **Appearance of Land and Buildings**

##### **Objectives**

**Objective 29: Harmonious integration of new development with the old.**

##### **Principle**

- 45 Building appearance should be compatible with the desired character of the locality, in accordance with the relevant Zone or Policy Area, in terms of built form elements such as:**
- (a) building mass and proportion;**
  - (b) materials, patterns, textures, colours and decorative elements;**
  - (c) ground floor height above natural ground level;**
  - (d) roof form and pitch;**
  - (e) facade articulation and detailing and window and door proportions;**
  - (f) verandahs, eaves and parapets; and**
  - (g) driveway crossovers, fence style and alignment.**
- 50 The visual bulk of buildings adjacent to street frontages and adjoining allotments private open space should be reduced through design techniques such as colour, building materials, detailing and articulation.**
- 53 Fences and walls as part of development abutting streets (excluding service lanes) should:**
- (a) be compatible with the associated development and with attractive fences and walls in the locality;**
  - (b) enable some presentation of buildings to the street to enhance safety and surveillance;**
- 75 Building height should maintain a compatible scale with adjacent development.**
- 300 Development should not impair the amenity of its locality.**

As indicated above, the development is designed to reflect the scale, form and siting of residential development in the locality.



The building exhibits ample street setbacks with extensive landscaping to the respective property boundaries with the use of verandahs not only to provide shade but to articulate the front elevation of the building.

Landscaping includes a range of trees, shrubs and groundcovers, with shade features being an element of the play areas that adds to the varied form and presentation of the development.

The entry to the building is evident and particularly identified with a small verandah and is directly accessible from the car park.

Fencing also assists in integrating the development with the streetscape.

Landscaping, paving, fencing and all building finishes are consistent throughout the development

No signage is proposed at this stage other than an identification sign above the entry which will not be all that visible from the street.

**Metropolitan Adelaide  
Residential Development  
Principle**

- 11 Landscaping of development in residential zones should:**
- (a) enhance residential amenity;
  - (b) screen storage, service and parking areas;
  - (c) provide protection from sun and wind; and
  - (d) not unreasonably affect adjacent land by shadow.

**Council wide**

- 87 Landscaping should be utilized in all developments to:**
- (a) Visually screen storage and service areas.
  - (b) Assist in micro climate management.
  - (c) Shade vehicle parking and manoeuvring areas.
  - (d) Maintain privacy.
  - (e) Maximise absorptive landscape areas for on-site infiltration of stormwater.
  - (f) Preserve existing mature vegetation.

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

Site maintenance will be undertaken by Emali to ensure that the buildings and their surrounds are properly maintained at all times.

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

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

- a soft edge to paved areas,
- visual screening of the car park and internal fences,
- pedestrian security and safety addressed,
- clear visibility at vehicle ingress/egress points,
- moderation of micro-climate,
- minimization of impact of roots on building footings,
- partial screening of buildings, both internally and as viewed from the surrounding streets.

Fencing throughout is domestic in type and scale and will provide visual permeability to reduce the visual impact of fencing to the street frontage. Fencing will be in a range of colours selected from dune, bushland and paperbark.



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

Extensive areas (30% of the site) are given over to landscaping or open space. Whilst artificial grass is used in parts of the play areas it is laid over a compacted sand base that enables stormwater infiltration.

#### Council wide

#### Movement of People and Goods

#### Principles

**205** Where appropriate, development should provide safe and convenient access for private cars, cyclists, pedestrians, service vehicles, emergency vehicles and public utility vehicles.

**212** Car parking areas should be located and designed to:

- (a) ensure safe and convenient traffic circulation;
- (b) minimise conflict between service and other vehicles;
- (c) minimise conflict between vehicles and pedestrians;
- (d) provide adequate areas for the manoeuvring of vehicles into and out of parking bays;
- (e) avoid vehicle movements between parking areas via public roads;
- (f) minimise the need for vehicles to reverse onto public roads;
- (g) minimise the number of access points;
- (h) provide landscaping to screen, shade and enhance their appearance;
- (i) provide an impervious clearly marked surface;
- (j) provide for the proper drainage of stormwater; and
- (k) provide car parking spaces in accordance with Australian/New Zealand Standard 2890.1:2004.

**221** Parking for the disabled should be located close to major building entrances, ramps and other pedestrian access facilities used by disabled people.

**230** Car parking areas within non-residential zones should be located in a manner so as not to be visually dominant when viewed from adjacent public roads.

No car parking requirement for a child care centre is provided in the Council Development Plan. The Planning Bulletin Parking provisions for selected land uses (Suburban Metropolitan Adelaide), prepared by Planning SA identifies car parking requirement for a child care centre of 1 car park per 4 children or in the case of the proposed 70 place centre 17.5 car parking spaces.

15 sealed and line marked car parking spaces are provided on site.

Whilst the parking on site is slightly lower than the above recommendation the child care centre will operate over a 12 hour period (between 6.30 am to 6.30 pm) and does not provide for definitive start and finish times. As a consequence traffic and car parking generated by the child care centre will be spread out over an extended period.

Moreover the peak staff parking demand at a child care centre does not generally coincide with those of parents/carers attending such a facility. Staff parking demands typically peak during the midday/lunch period with client parking demands peaking during the am arrival period and the late afternoon/evening collection period.

Further, I note that Gladstone Road provides access to two schools Rosary Catholic School and Prospect Primary. It is expected that parents dropping children off to the child care centre then onto one of the other schools in the street will, for convenience sake, park temporarily in the street despite the provision of on-site parking.

In the circumstances the 15 spaces provided are expected to meet peak parking demand.

Having regard to the above the development is not likely to contribute to long term parking on street in the locality.



In terms of traffic generation, surveys conducted by traffic engineering firms in Victoria have identified that a child care centre generates in the order of 0.8 vehicle trips per enrolment in the morning and afternoon peak hour periods. The approximate split is deemed to be about 50/50 in terms of trips in and trips out. This translates to some 60 trips or 30 in and 30 out in each of the peak periods or 0.087% of the daily traffic movement on Gladstone Road; less assuming that at least some of the traffic movement is from vehicles that use Gladstone Road anyway. This means that a vehicle would be entering or exiting the site at a rate of about 1 per minute during the peak hour. Even at peak hour, traffic flows along Gladstone Road are not so heavy that there aren't sufficient breaks in the traffic for vehicles to be able to exit the land onto Gladstone Road.

Overall I would consider that the impacts on traffic and traffic movement on Gladstone Road as a result of the development are modest.

All vehicles expected to use the site will be able to enter and exit in a forward direction and driver sight lines from the exit point on Gladstone Road are extensive.

Attachment



## 5.0 CONCLUSION

Having regard to the foregoing assessment I have concluded that the proposal is able to meet or exceed all of the relevant Development Plan criteria, and is appropriately located in the Residential Zone.

In summary, the proposed development of a child care centre at 96 to 98 Gladstone Road, Lockleys is consistent with the relevant provisions of the Development Plan applicable to the locality and will:

- Provide for an appropriately located small scale community facility in close proximity to the community it seeks to serve;
- Be consistent with the established character of the zone and will not prejudice the character and amenity of the locality;
- Provide for an attractive streetscape as a result of building design, fencing and landscaping;
- Not result in any significant off site impacts or nuisances;
- Provide safe and convenient vehicular and pedestrian access; and
- Provide for an adequate level of off-street car parking.

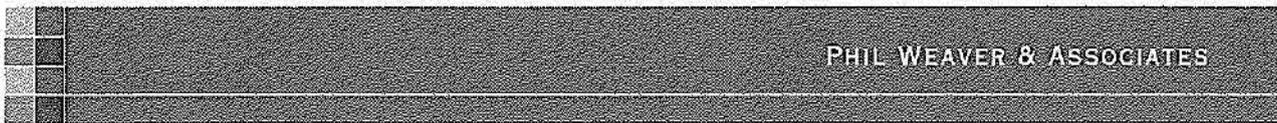
I consider the proposal to be an appropriate form of development worthy of Council's consent.

Should you have any questions in respect to the above, or require any further information please do not hesitate to contact the undersigned on 81307222

Yours sincerely,

A handwritten signature in blue ink that reads 'D Hutchison'.

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



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8 December 2015

Mr David Hutchison  
Access Planning  
235 Henley Beach Road  
TORRENSVILLE SA 5031

Dear Mr Hutchison,

**PROPOSED CHILD CARE CENTRE – 96 TO 98 GLADSTONE ROAD, PROSPECT - TRAFFIC AND PARKING ASSESSMENT**

I refer to our recent discussions relating to the proposed construction of a single storey building to accommodate a child care centre and associated car parking on the above site.

As requested I have undertaken the following review of the traffic and parking related aspects of the subject development.

**Existing Situation**

The subject site is located on the northern side of Gladstone Road, approximately 40m to the east of the intersection of this road with Churchill Road, Prospect.

The subject site currently consists of vacant land.

The subject land has a frontage of approximately 35m to Gladstone Road and extends in a northerly direction for a distance of approximately 57m. There are two existing crossovers associated with the subject land crossovers are located adjacent to and approximately 20m from the western boundary of the subject site, respectively.

Gladstone Road, at the intersection with Churchill Road, provides separate entry and exit lanes on either side of a traffic island. The width of the entry lane is 3.4m, while the exit lane is 3.8m wide. This section of roadway then narrows to 6.3m before widening to 8m.

The subject section of Gladstone Road is located within a 40 km/h speed zone. Parking on either side of Gladstone Road in the immediate vicinity of the subject site is unrestricted.

The section of Gladstone Road between Churchill Road and Braund Road has a uniform width of 8m but provides a series of chicanes along its length.

From discussions with staff of the City of Prospect it is understood that Council has no recent traffic data identify weekday traffic volumes on Gladstone Road. However it is estimated that the two-way Average Weekday Traffic volume in the vicinity of the subject site should be of the order of at most 1500 vpd on Gladstone Road.

Land use along Gladstone Road and Prospect Road is primarily residential in nature. However, two existing schools are located within close proximity of the proposed development, namely:-

- Prospect Primary School - 27 Gladstone Road, Prospect and
- Rosary School (Reception to Year 7) - 15 Gladstone Road, Prospect.

### **Proposed Development**

The proposed development is identified on a series of plans prepared by John Perriam Architects including a Site Plan (Drawing No. P1B) as amended on 23<sup>rd</sup> November 2015. This plan identifies that the subject development will provide:-

- Construction of a single storey building to accommodate a 70 place child care centre. This building will be located on the eastern side of the site,
- Construction of a car parking area along the western boundary of the site to provide 15 parking spaces. This parking area also includes a turnaround area and a space for use by the disabled together with an adjacent shared area,
- Utilisation of the existing crossover adjacent to the western boundary of the site with minor widening to provide a 6.2m wide access point,
- Closure of the eastern crossover currently provided into the site off Gladstone Road, and
- Provision of a bin enclosure in the north western corner of the site.

The design of the at-grade car parking area provides: -

- Car parking spaces of 2.6m in width,
- Car parking spaces of 5.4m in length, and
- An aisle width of 6.2m.

The space for use by the disabled is 2.4m wide with an adjacent shared area of the same width.

As such, I consider that the design of the on-site car parking areas would conform to the requirements of the relevant off-street car parking standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009).

## Parking Assessment

I note that the Prospect (City) provisions of the Development Plan do not include any specific car parking requirements associated with a child care centre. However, a rate of 1 space / 4 children for such a use is commonly applied and is identified in relevant car parking standards including:-

- The “**Guide to Traffic Generating Developments**” report prepared by the (former) Roads and Traffic Authority of NSW, and
- The Planning SA Bulletin: **Parking Provisions for Selected Land Uses (Suburban Metropolitan Adelaide)**.

On the above basis, I consider that the proposed child care centre would require 18 car parking spaces based upon the maximum of 70 children.

While a rate of 1 space / 4 children within a child care centre is a commonly used rate, it is my experience of similar centres that such a car parking rate would often exceed the peak car parking demands associated with this type of facility.

By way of example, I have previously undertaken surveys of both traffic generation and parking demand at a similar child care centre in Northfield. This facility comprises a 90 place child care centre.

The above surveys were undertaken on Tuesday 19<sup>th</sup> May 2015 and included:-

- Counts of traffic entering and exiting the site of the Northfield child care centre site during morning and afternoon periods, and
- Counts of the numbers of cars parking on the above site.

The surveys were conducted in 15 minute intervals throughout the following periods:-

- From 6.30am to 10.00am, and
- From 2.30pm to 6.30pm.

It was identified from the above surveys that there was a peak parking demand for a maximum of 12 spaces at the above centre. I am advised that there were 55 children in attendance during the morning survey period and 64 children in attendance during the afternoon survey period on the Tuesday.

Consequently, the peak parking demand associated with the Northfield site was identified as being equivalent to only 1 space / 5.4 children during the two survey periods. Assuming a similar level of parking demand associated with the subject child care centre, I anticipate that the level of car parking demand could be as low as 13 spaces.

I also note that there is a potential for clients of the subject child care centre to include families with children attending either of the two existing primary schools located to the east of the site on Gladstone Road. Consequently, there is a potential for shared trips to occur, resulting in a lower level of car parking demand compared to that of a similar facility where there is no obvious potential for shared parking / traffic movements to occur.

In any event, the theoretical shortfall of 3 car parking spaces could be readily accommodated on Gladstone Road, directly in front of the site, given that there would be an opportunity to park at least 4 cars in this area. This would include an additional space created by the closure of the (existing) eastern crossover onto the subject land.

I note that there is also no specific requirement for bicycle parking associated with a child care centre within the Prospect (City) Development Plan. I consider that given the nature of such a development, the use of bicycles would relate mostly to staff and there should be at most, a demand for approximately 2 bicycle parking spaces for this facility.

While no area has specifically been identified on the plans for such facilities, I consider that there will be an opportunity to provide for bicycle parking adjacent to the south western corner of the car park.

### Traffic Assessment

The "**Guide to Traffic Generating Developments**" report prepared by the (former) Roads and Traffic Authority of NSW (now Transport Roads and Maritime Services) identifies peak hour traffic generation rates associated with a child care centre equivalent to:-

- A rate of 0.8 trips per child in the am peak period (7.00am to 9.00am), and
- A rate of 0.7 trips per child in the pm peak period (4.00pm to 6.00pm).

Assuming 70% of the total traffic would occur in any one hour period during the am and pm commuter peak hour, I calculate that the number of peak hour trips associated with the child care centre would be approximately:-

- 40 trips in the am peak hour period, and
- 34 trips in the pm peak hour period.

However, as identified above, I recently conducted surveys of traffic generation at a 90 place child care centre located at 484 Grand Junction Road, Northfield.

The analysis of the surveys identified that:-

- The peak hour volume of traffic entering / exiting the above child care centre was 31 vph (16 in / 15 out) in the am period. This occurred between 8.15am and 9.15am, and
- The peak hour volume of traffic entering / exiting the above child care centre was 30 vph (12 in / 18 out) in the pm period. This occurred between 5.00pm and 6.00pm.

On a pro-rata basis and assuming 100% capacity, the proposed child care centre on the subject land would therefore be anticipated to generate of the order of approximately 40 vph in any one hour period.

Irrespective of whether the forecast traffic volumes based upon the RTA standard are applied to this development or the estimated traffic volumes based on recent surveys at a similar centre are considered, the forecast peak hour traffic movements would not have any significant impact on the operation of Gladstone Road, particularly as this traffic would access this site from both directions.

On the basis of a 50:50 split there would be of the order of 20 additional vph to the east and west of the subject site in the morning peak hour period with further trips in the pm peak hour period.

However, given the particular use of the child care centre by parents with older siblings attending either one of the two schools on Gladstone Road, increase in traffic on this roadway would potentially be even lower.

Outside of these periods, there would be minimal traffic generated by the childcare centre. Consequently, there would be minimal increase in traffic movements along Gladstone Road outside of the am and pm peak periods.

The proposed development will generate only minimal delivery or servicing movements by vehicles larger than a car or van with potentially the largest vehicle regularly servicing the site consisting of waste collection and recycling vehicles. It is understood that such servicing would be undertaken by Council's waste and recycling contractors with refuse and recycling bins placed within the verge area on collection nights to be collected the following morning. Given the extent of the frontage to Gladstone Road, storage of bins within the verge area, is not considered to be an issue.

The design of the car parking area of the subject development has been reviewed with turning path software and copies of turning path diagrams showing the ability of the B85 design vehicle to access the more critically located parking spaces are provided below including:-

- Figure 1 which identifies the ability of the driver of a B85 design vehicle to access space 14,
- Figure 2 which identifies the ability of the driver of a B85 design vehicle to access space 15, and
- Figure 3 which identifies the ability of the driver of a B85 design vehicle to access the turnaround area which is to be located between spaces 11 and 12.

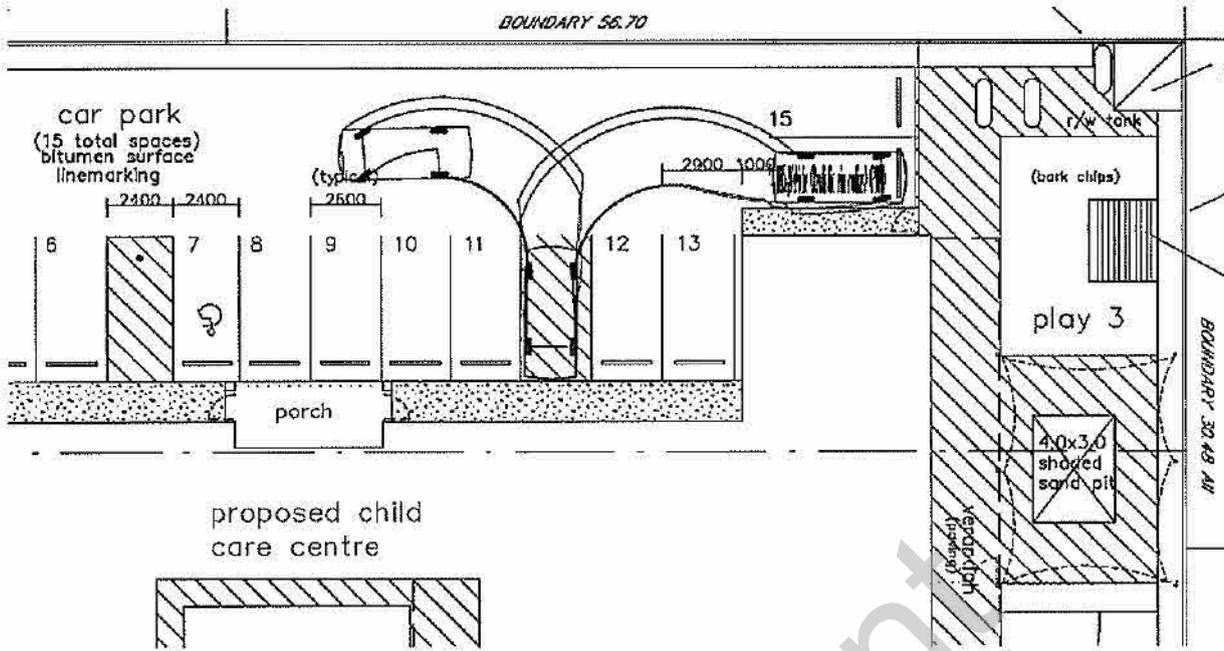


Figure 1: The ability of a B85 design vehicle to access space 14

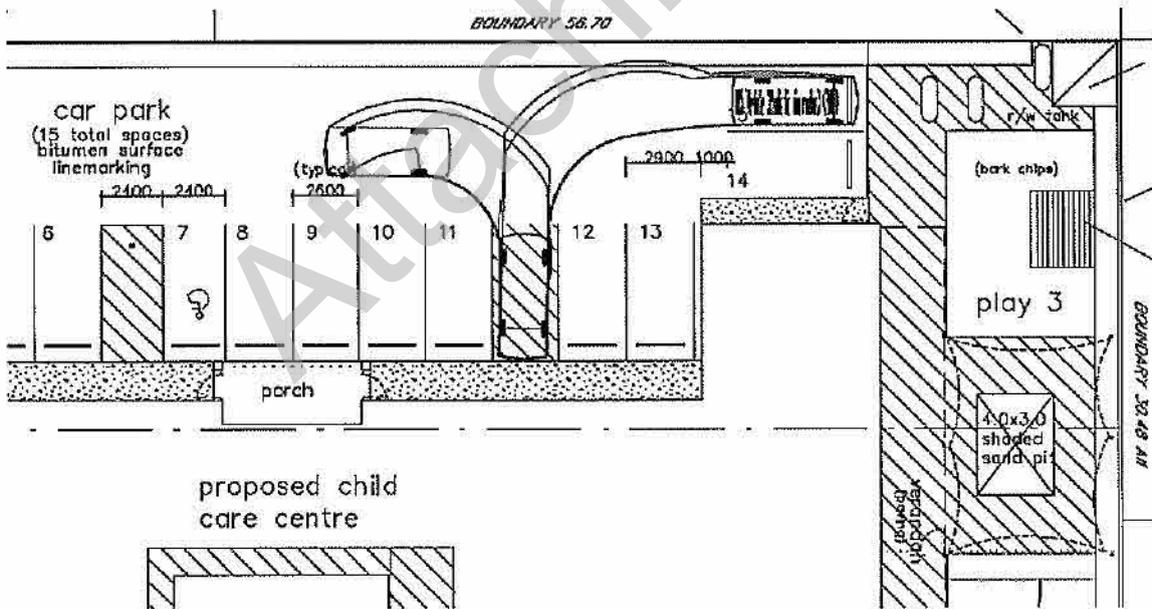
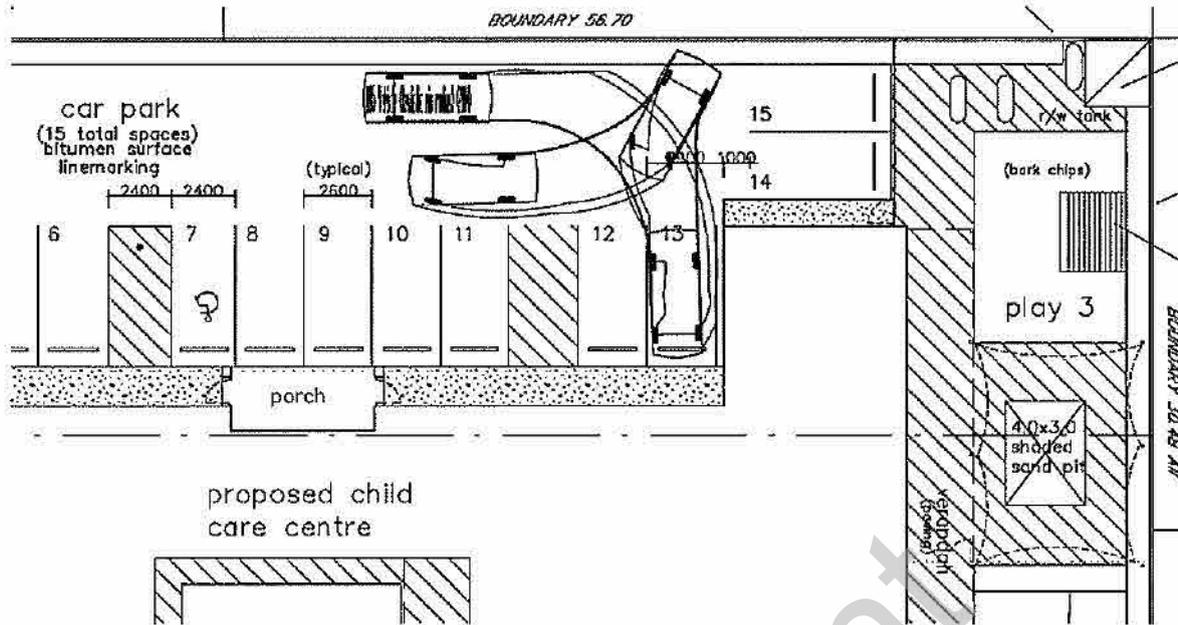


Figure 2: The ability of a B85 design vehicle to access space 15



**Figure 3: The ability of a B85 design vehicle to access the turning area between spaces 11 and 12**

### Summary and Conclusions

The above traffic and parking assessment relates to the proposed development of 70 place childcare centre on land located at 96 to 98 Gladstone Road, Prospect.

The proposed development will provide a total of 15 on-site car parking spaces which would be slightly less than the 18 spaces typically provided for such a centre, based upon a commonly applied rate of one space/4 children.

However, in considering the capacity of car parking to be provided on site, it has been identified within the above assessment that:-

- There is a potential for some shared use of the proposed development by families with older siblings attending either the Prospect Primary School or the Rosary School, which are both located further to the east along Gladstone Road. This would potentially reduce the theoretical level of car parking demand and forecast increase in traffic movements,
- Experiences of comparable child care centre developments has previously identified lesser car parking demands than the one space/4 children which is commonly applied to such developments, and
- In any event there is an opportunity to accommodate at least 4 cars in the on-street areas directly in front of the subject site without any adverse impact on adjoining residents or traffic movements along Gladstone Road.

In summary, I consider that:-

- The proposed development will provide a total of 15 car parking spaces including one space for use by the disabled and an adjacent shared area. While such a car parking provision is slightly less than that often provided for such developments, for the various reasons identified above, I do not consider that this is unacceptable,
- The proposed childcare centre will not result in adverse traffic impacts on the adjacent road network, and
- The on-site car parking area will provide a design standard which is appropriate and meets the requirements of the relevant Australian / New Zealand Standards for off-street car parking areas.

Yours sincerely



Phil Weaver  
Phil Weaver and Associates Pty Ltd

Attachment

**STATEMENT OF REPRESENTATION**  
Pursuant to Section 38 of the Development Act 1993  
Ref. 050/486/2015

TO: City of Prospect  
128 Prospect Road  
PROSPECT SA 5082

NAME OF REPRESENTOR(S): ANNE BROWN  
RESIDENTIAL/BUSINESS ADDRESS: 92 GLADSTONE ROAD, PROSPECT, 5082  
POSTAL ADDRESS: AS ABOVE, LODG 5082

MY REPRESENTATION IS IN REGARD TO THE PROPOSED DEVELOPMENT AT:

96-98 Gladstone Road PROSPECT

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

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

SCANNED

22 DEC 2015

CITY OF PROSPECT

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

1. Numbers 96-98 are zoned RESIDENTIAL, not industrial or commercial. EMALI is a commercial enterprise operating creches as a business.
2. There are already 2 schools in this street, a third such establishment with all the attendant traffic is manifestly unreasonable.
3. Almost directly opposite on the corner of Gladstone/Churchill Roads is a large block awaiting development. The owners paid more than a million dollars for it, so it certainly will become a multi-dwelling site, with residents very likely to own cars, so 2 sites will have many cars.
4. The traffic report by Phil Weaver & Associates obviously is written by someone ignorant of Council's massive redevelopment of Churchill Road with the resultant increase in traffic volumes. The report is naive.
5. Driving off GLADSTONE into Churchill is very difficult now. The proposed creche for 70 children will result in parents/carsers parking very close to the intersection which will result in cars trying to enter GLADSTONE FROM CHURCHILL being IMMEDIATELY confronted by parked cars causing queues on Churchill. This is a disaster in the making.

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

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

SIGNED: Abrown DATED: 20/12/2015

**For a representation to be valid, it must:**

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

**STATEMENT OF REPRESENTATION**  
Pursuant to Section 38 of the Development Act 1993  
Ref. 050/486/2015

TO: City of Prospect  
128 Prospect Road  
PROSPECT SA 5082

NAME OF REPRESENTOR(S): BRIAN & TRENNA KRETSCHMER  
RESIDENTIAL/BUSINESS ADDRESS: 63 GLADSTONE RD PROSPECT  
POSTAL ADDRESS: 4 KINGSTON RD PORT PRIDE SA 5340

MY REPRESENTATION IS IN REGARD TO THE PROPOSED DEVELOPMENT AT:

96-98 Gladstone Road PROSPECT

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

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

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

We are against the proposed construction of the Early Learning Centre because of the following

- Gladstone Rd is a street that has a lot of cars parked along the road which contributes already to a traffic hazard
- Gladstone Rd is already used by a large number of vehicles as a throughroad.
- Already with the two schools at the eastern end there is a lot of traffic with dropping off & picking up children. Traffic flows from these activities to the east as well as to the west to Churchill Rd & contribute to congestion & safety of road users & pedestrians alike. This proposal will significantly add to this issue
- On-site parking also seems far too small for both staff & those dropping off/picking up likely to be using it so there will be even more cars parked & using this road
- This development will impact negatively on house prices in the area

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

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

SIGNED: [Signature] DATED: 3/1/16

**For a representation to be valid, it must:**

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

We are against the proposed Construction of the Early Learning Centre because of the following reasons

- Gladstone Road is a street that has a lot of cars parked along the road which contributes to a traffic hazard when driving along the road.
- Gladstone Road is already used by a large number of vehicles as a through road
- Already with the two schools at the eastern end there is a lot of traffic with dropping off and picking up children. Traffic flows from these activities to the east as well as west to Churchill road contribute to congestion and safety of road users and pedestrians – This proposal will significantly add to this issue
- Onsite parking also seems far too small for the number of both staff and drop off/pick up likely to be using it and so there will be even extra parking and congestion at the western end of Gladstone Road
- This development will impact negatively on house prices in this area

Attachment

**STATEMENT OF REPRESENTATION**  
Pursuant to Section 38 of the Development Act 1993  
Ref. 050/486/2015

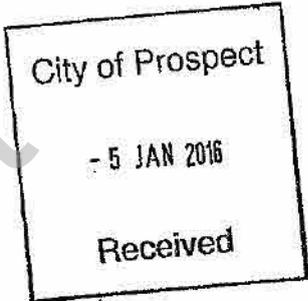
TO: City of Prospect  
128 Prospect Road  
PROSPECT SA 5082

NAME OF REPRESENTOR(S): Helen Tramontana  
RESIDENTIAL/BUSINESS ADDRESS: 100 Gladstone Rd Prospect 5082  
POSTAL ADDRESS: 77 Albert St Prospect 5082

MY REPRESENTATION IS IN REGARD TO THE PROPOSED DEVELOPMENT AT:  
96-98 Gladstone Road PROSPECT

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

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



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

The number of children due to be located in the child care facility seems excessive for the size of the block/building

Carparking for only 15 cars seems inadequate as parking on Gladstone Rd is also at a minimum during the day

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

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

SIGNED: [Signature] DATED: 5-1-16

**For a representation to be valid, it must:**

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

STATEMENT OF REPRESENTATION  
Pursuant to Section 38 of the Development Act 1993  
Ref: 050/486/2016

TO: City of Prospect  
128 Prospect Road  
PROSPECT SA 5082

NAME OF REPRESENTOR(S) ..... ANGELA ANDREOULAKIS & KATERINA ANDREOULAKIS

RESIDENTIAL/BUSINESS ADDRESS: ..... 107 GLADSTONE RD PROSPECT SA 5082

POSTAL ADDRESS: ..... AS ABOVE

MY REPRESENTATION IS IN REGARD TO THE PROPOSED DEVELOPMENT AT:

96-98 Gladstone Road PROSPECT

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

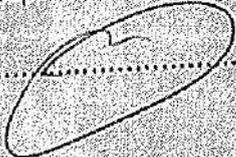
- In favour of the application
- Against the application**
- Neither for nor against the application

MY COMMENTS ARE AS FOLLOWS (If space is insufficient, attach additional pages).

Refer attached word document entitled  
"Annexure A to Statement of Representation  
dated 5 January 2016"

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

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

SIGNED: ..... 

DATED: ..... 5/1/2016

**Annexure A to Statement of Representation dated 5 January 2016**

Name of Representor(s): Angela Andreoulakis and Katerina Andreoulakis  
 Residential Address: 102 Gladstone Road Prospect SA 5082  
 Postal Address: As above

Nature of Development: Construction of Early Learning Centre  
 Subject Land: 96-98 Gladstone Road Prospect  
 Reference No.: 050/486/2015

This representation is AGAINST the application.

MY REASONS AND COMMENTS ARE AS FOLLOWS:

**Summary**

A child care centre of this size will have significant impacts on our residential area. Great demand for such services (due to existing unmet demand, high rate of workforce participation for women, forecast higher numbers of young couples moving into the area, the fact there are schools in close proximity plus high density living) will mean the centre is always likely going to be at maximum capacity, making the impacts real, amplified, onerous and significant.

What is proposed is a poorly located large scale commercial facility, inconsistent with the established character of the zone, that will prejudice the character and amenity of the locality, cause an ugly streetscape as a result of building design, fencing and landscaping, result in unfair and hugely significant off site impacts and nuisances including danger, traffic and congestion issues, noise, parking inconvenience, safety issues, potential for terrible smells, impact on resale, a loss in property value and general inconvenience, to name but a few.

A quick google search has confirmed my fears are substantiated, as other people who have had a centre built close or next to their home or themselves bought next to an existing centre have confirmed the above issues have been experienced on a daily basis.

It should also be noted that in order to understand neighbour amenity issues associated with childcare centres, one council commissioned a survey of residents neighbouring 5 child care centres developed in the Parramatta local government area in the last 5 years (this is in NSW). The survey focused on testing perceived (pre-development application) and actual (post-development application) amenity impacts of the relevant child care centre. The survey was sent to 40 households. The survey results demonstrate that adverse impacts on neighbour amenity are real and that the concerns raised prior to the centres establishment have materialised. The impacts of most concern that did materialise were noise from children playing, excessive traffic in the street, a reduction in property values and loss of privacy.

In summary, the proposed development of a child care centre at 96 to 98 Gladstone Road Prospect is inconsistent with the relevant provisions of the Development Plan applicable to the locality and will have a hugely negative impact on myself and other residents, that is adverse and significant.

### Traffic and Congestion

- Gladstone Road, at the intersection with Churchill Road, provides separate one lane, that is one car entry and exit lanes on either side of a traffic island. The width of the entry lane is 3.4m, while the exit lane is 3.8m wide. This is likely to cause congestion at the Gladstone Road and Churchill Road intersection, particularly when myself or my family and guests wish to access my home from Churchill Road. There is also very limited visibility when travelling in a Southerly direction down Churchill Road towards Torrens Road and I wish to turn into Gladstone Road to access my property – as soon as I start turning the corner I will likely find that Gladstone Road is congested, particularly at peak times in the morning and evenings. This is not only dangerous but will result in me and other residents being kept waiting so we can access our respective property to park our vehicle.
- Similarly, reversing into the approx. 3m entry and exit lanes will be near impossible and extremely dangerous and frustrating in peak traffic hours.
- There will simply be too many cars accessing relatively narrow Gladstone Road that already usually has many residents' cars parked on the street and which already has traffic peaking at school hours when parents drop off or collect their kids from the nearby schools.
- As Churchill Road is a major corridor, the traffic and congestion that will be experienced could be contributed to by people living in far away communities, that is, not just local residents who already use the existing schools and/or walk their children to school, again increasing the traffic and congestion
- Increased traffic and congestion and the associated danger will be experienced daily, for 12 hours each day, from early in the morning at 6.30am. A quick review of the residents I have met over the years living in Gladstone Road confirms they are mainly of older or retirement age and have no school aged children themselves. They generally sleep past 6.30am as they don't have jobs to go to or cannot work, like myself, and then get up at a reasonable morning hour to get their shopping and banking done. In my case, I tend to do my jobs and leave home in the morning around 8am which will again coincide with peak traffic congestion. On the days I return home mid afternoon, I again will be fighting the traffic.
- We specifically purchased in a residential street to avoid such traffic and congestion and to ensure ease of access and safety of access to our property. To have someone come along and change our day to day living is simply unfair. There is also the risk that in the future if a childcare centre is approved and established, the proprietors may decide to apply to expand its hours or change the use. This opens up the floodgates as such a centre could never again be used for strictly residential purposes.
- I have often noticed both at the schools at the top end of Gladstone Road and at all other schools I have ever been to or driven past, that parents tend to park anywhere at high traffic drop off and pick up times, including residents' driveways. They have complete disregard to the fact the resident wants to leave their home. With only 15 car parks, and the potential for 70 kids to arrive within a very short period of each other, and with the potential they will each be dropped off in individual vehicles, the parents are very likely to park illegally and/or block

my driveway by parking in front of it while they “quickly drop off their kids”. This is not only annoying but also dangerous as I suffer from medical conditions that have in the past required me to urgently call an ambulance.

- The calculations and assumptions made of the total traffic that would occur in any one hour period during the am and pm commuter peak hours are just that, assumptions. There is no way of knowing the real and actual impact until the centre is built and by then it will be too late for us residents that specifically purchased in a quiet residential street. It is ludicrous that the traffic volumes estimated are based on surveys of centres like Northfield that are located on a major arterial road, ie Grand Junction Road.
- Irrespective of how the traffic volumes are forecast, the peak hour traffic movements are likely to have significant impact on the operation of Gladstone Road, which already experiences high traffic to and from the existing schools at the top end.
- Even on the very conservative estimates on a pro-rata basis that the proposed child care centre on the subject land would therefore be anticipated to generate of the order of approximately 40 vph in any one hour period, that is one vehicle every 1 and a half minutes, in addition to 1 per minute during the peak hour PLUS existing school traffic, general traffic and resident traffic. That is closer to 2-3 vehicles every minute! That is dangerous and excessive for such a narrow, already thoroughly utilised residential street and will turn a quiet street into a noisy and dangerous thoroughfare. Again this will make it dangerous and difficult to exit my land onto Gladstone Road.
- Overall I would consider that the impacts on traffic and traffic movement on Gladstone Road as a result of the development will be significant, dangerous and excessive.
- The proposed development will generate regular delivery and servicing movements by vehicles larger than a car eg vans, plus staff, again adding to increased traffic movements

#### Parking

- I query how 15-18 car parking spaces are adequate for 70 children who are likely to each individually get dropped off in separate cars? This will result in higher car parking demands, with parents parking on the street and blocking the driveways of residents and creating congestion.
- Too little parking can result in the amenity of neighbouring properties being adversely affected. While it is expected that some patrons will park in the street, excessive reliance on street parking can lead to congestion and occurrences of blocked driveways. The use of on-street parking by parents is acceptable where the street is lightly trafficked and pedestrian safety can be managed but that is NOT the case as Gladstone Road already has sufficient traffic and peak traffic times. An additional 3-4 car parking spaces accommodated in front of the site will be inadequate where 15 spaces prove inadequate. Even 19 car spaces will be inadequate for 70 children dropped off at peak times in individual vehicles.
- Additionally, 15 car parking spaces will have other negative impacts including:

- o interruption to the residential streetscape;
  - o conflict between children and vehicles, increasing the risk of an accident;
  - o a reduction in landscaped area;
  - o a reduction in area that can be used for children's play;
  - o potential overshadowing of neighbouring backyards; and
  - o parking is an inefficient use of space when used for only a small portion of the day.
- The assumption that the same set of parents will be dropping children off to the child care centre then onto one of the other schools in the street is just that, only an assumption. It is highly possible there will be parents dropping off their kids from completely different council areas that go to work via Churchill Road. In any event, if the parents are they same then they will, for convenience sake, park temporarily in the street despite the provision of on-site parking again congesting Gladstone Road and creating safety concerns, particularly where 3-4 on street car spaces prove completely inadequate at peak parking times.

### Safety

- Security risk, with a car park (and the centre itself) being vacant in the evenings and on weekends, next to my neighbour's house, which offers easy, uninterrupted, unmonitored access to my neighbour's house and – from there – my house – for thieves, vandals etc. A friend of mine lives next to a childcare centre and has confirmed that it is highly prone to vandalism and graffiti as it is not occupied at night. Unfortunately despite anyone's best efforts the centre cannot be made resistant to vandalism even though I appreciate that steps will be taken to deter vandals and discourage crime.
- A quick google search confirms my friend's experience of other residents near or adjacent to a newly created child care centre or who bought next to an existing child care centre. They hate it and have stated that in the evenings and on weekends, aside from thieves and vandals, local teenagers will sneak in to muck around, canoodle, break bottles and smoke pot in the playground.
- In general, after hours, daycare centres are a favoured target of the less savoury element of society and I would be really skittish of those types looking over the fence at my place and deciding it looked good.
- My daughter also worked for the proprietor of a childcare centre and she could not believe the number of times the child care centre got broken into and vandalised!
- Being 'day care', the place is clearly not inhabited in the evenings. Perfect to break into or use the premises to access adjacent property.
- In addition to the safety of my home and the centre, there is a safety concern directly related to the increased traffic and congestion. Increased traffic and congestion and the associated danger will be experienced daily, for 12 hours each day. We specifically purchased in a residential street to avoid such traffic and congestion and to ensure ease of access and safety of access to our property. To have someone come along and change our

day to day living is simply unfair. There is also the risk that in the future if a childcare centre is approved and established, the proprietors may decide to apply to expand its hours or change the use. This opens up the floodgates as such a centre could never again be used for strictly residential purposes.

#### Noise

- During the day it the sounds of happy little kids, playing and screaming or unhappy crying little kids is a problem when I have to sleep due to underlying health issues which often prevent me from sleeping well at night and require me to catch up on sleep during the day. I also suffer from migraines and dizziness, both sometimes brought on and/or exacerbated by noise, which mean I need to have quiet surrounds and the sound of the kids will destroy this quiet as will the additional sound of traffic. Peace and quiet will go out the window as kids do what they love to do, which is play and scream.
- The increased noise from the children and traffic will be an issue if I decide to get a house mate or rent my house out or sell it. It will severely limit the people who are interested in living so close to a childcare centre with the noise, traffic congestion and other issues. It will eliminate night / shift workers, retirees who spend the day at home, people with medical conditions, etc. It will leave a small group of professionals who work all day or parents with children, neither of which may want or could afford my home.
- There has been no mention in the applicant's submission of sound proofed walls
- Overall increase in noise from deliveries in addition to noise from drop offs, traffic and children from 6.30am!
- By the applicants' own admission in their submission, "there is little doubt that the occupants of residential properties abutting the subject land will hear noise from children from the respective play areas from time to time." I struggle to understand how "the use of the play areas is strictly supervised to ensure that noise levels are not excessive and that rowdy behaviour is managed". As a parent myself, I know that kids will be as rowdy and loud as they desire and when there is a large group this is impossible to control.

#### Impact on Resale

- Absolutely limits market when selling because most people don't want to live on a noisy congested street next to a loud child care centre. I certainly did not and that is why I did not buy next or near to one to begin with.
- I asked two real estate agents on whether there would be an impact on the sale price and rental income of my property if I decided to sell or rent it as they said there would be a significant impact on both.
- The increased noise from the children and traffic will be an issue if I decide to get a house mate or rent my house out or sell it. It will severely limit the people who are interested in living so close to a childcare centre with the noise, traffic congestion and other issues. It will

eliminate night / shift workers, retirees who spend the day at home, people with medical conditions, non-parents etc. It will leave a small group of professionals who work all day or parents with children, neither of which may want or could afford my home. It's unfair that after spending so much money, someone else comes along and makes it that much harder for me to sell or rent my property in the future.

#### I Purchased in a Residential Area on Purpose

- The proposed development detracts from all the good reasons I purchased in a residential area to begin with, namely to have quiet enjoyment of the suburb, interactions with other surrounding residents, security with all neighbours keeping an eye on each other's properties and alerting each other of any concerns, a neighbourhood feel and warm community interaction, to name but a few.
- Increased traffic and congestion and the associated danger will be experienced daily by me and other residents for 12 hours each day. We specifically purchased in a residential street to avoid such traffic and congestion and to ensure ease of access and safety of access to our property. To have someone come along and change our day to day living is simply unfair. There is also the risk that in the future if a childcare centre is approved and established, the proprietors may decide to apply to expand its hours or change the use. This opens up the floodgates as such a centre could never again be used for strictly residential purposes.
- I do not want to live two doors down from a large, full or empty, unsightly and dangerous car park.
- Immediate locality is characterised by a range of low density housing comprising predominantly single storey detached dwellings on large allotments. Aesthetically, the proposed building and its so highly pitched roof give the building the appearance of a 2 storey high density commercial property, and not a typical residential property. It will not appear as a dwelling house when viewed from the street, especially with the large adjoining car park. This is inconsistent with the existing streetscape.
- Safety and general concerns that my driveway will be often blocked from rude parents who figure it is their right to park where they want while dropping off or picking up their kids. I often have medical appointments and need clear access to my driveway for family, friends and emergency services.
- I can't cope with kids, noise and traffic and purposefully did NOT buy in a street that has a school or childcare centre in the immediate vicinity
- The lifestyle of most of the retirement age residents living on Gladstone Road including myself, is that they leave early in the morning to do their shopping and banking etc so we will be fighting peak hour traffic in the morning and then return home to the noise or to the traffic again
- Zone principle 5 specifically refers to child care centres as an appropriate form of non-residential development in the zone subject to it being of a nature and scale that serves a

local function and does not detrimentally affect the character and amenity. Again, as it is so close to Churchill Road it will likely not serve only the local community, but parents from other council areas that travel to their work places via Churchill Road

- Sleeping in or sleeping during the day will be impossible due to the noise, and getting around anywhere around dropoff and pickup time will be near impossible due to all the cars of parents picking up kids.
- The surrounding land use (being purely residential) is incompatible with a child care facility. To minimise residential impact, this childcare centre should be built on a major arterial road, with existing high traffic and commercial uses or mixed uses, and / or adjacent to a location with non-residential uses, eg in or near a commercial centre. The traffic impact including traffic flow, safety and management, is significant to existing residents. This is an unsuitable use of and not envisaged by (and should be precluded from) our residential zone. It should be located in an urban corridor where it will be much more conveniently accessible to the broad population it will serve.
- This detracts from the current safe, pleasant, convenient and distinctive living environment and existing character of the street I and other residents specifically bought into.
- One of the objectives states that "non-residential development of a local community nature such as ... child care facilities ... may be developed within the zone provided that they are of a nature and scale that serves a local area function only and do not detrimentally affect the character and amenity of the locality by the way of emissions, traffic generation and other impacts." Naturally this objective will not be met for the reasons I have highlighted above.
- The scale, bulk and design of this non-residential development should be but is not sensitive to the character of the surrounding existing residential environment. The large car park and large building are neither complimentary nor aesthetically pleasant.
- According to another objective "non-residential development in residential zones should provide adequate protection for residents from air and noise pollution, traffic disturbance and other harmful effects on health or amenity." As I have already demonstrated, this will not happen in this instance with the impact on residents significant and detrimental.
- This development in a residential zone will impair its character and the amenity of the locality as a place in which to live.
- There is also a huge risk that once centre has been built, a few years later it will no longer be used as a child care centre and then it may be abandoned or put to some other use inconsistent with the objectives and principles of council and the residential zone.
- The proposed building is of single storey construction but with a huge roof height of up to 6.3m. This height is NOT typical of a contemporary single storey detached dwelling.

- The car park at the side of the building is not a feature of residential development in the locality. The car park will only be partially screened by fencing and landscaping and will be a huge visual intrusion into the residential streetscape.
- With child care centres so popular these days, the maximum capacity of 70 children is likely to be reached often if not daily, amplifying all the issues I anticipate. Consequently there is NO WAY that the expected impact generated will be so immaterial as to be unnoticed.
- Child care centres are NOT a facility that have a close relationship to and attract most of their enrolments from the local community, particularly where they are located on or near major roads servicing many suburbs and council areas. This facility is likely to attract clients from afar.
- According to the submission, no signage is proposed at this stage other than an identification sign above the entry which will not be all that visible from the street. What is to stop the applicant from expanding the signage later?

#### Additional Concerns

- Applicant may later try to extend to weekend trading, change the use, etc, thus making anticipated impacts even worse.
- There are a lot of theoretical assumptions, speculative estimates and tenuous comparisons based on a one day observation of child care centres on main arterial roads, eg reference and comparison is made to Northfield child care which is on a main arterial road (Grand Junction Road); this is ludicrous as it is not a fair comparison.
- There is also the potential for smell of even double bagged nappies only collected once a week, as well as the smell of cooking



14<sup>th</sup> January 2016

Ref: 6519resptoreps

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

Attention: Mr. Scott McLuskey

www.accessplanning.com.au  
Phone: 08 8363 2000

154 Littleton Road, Prospect  
SA 5082

Telephone: 08 8363 2000  
Fax: 08 8363 2001  
Email: [info@accessplanning.com.au](mailto:info@accessplanning.com.au)  
[www.accessplanning.com.au](http://www.accessplanning.com.au)

Dear Scott

**Re: PROPOSED CHILD CARE CENTRE 96 – 98 GLADSTONE ROAD, PROSPECT**

I have been engaged to respond to the representations received at Council following the Category 3 public notification of the abovementioned Development Application.

During the public notification of the application four submissions were received from land owners to the east of the subject land and located at 92, 100, 102 and 63 Gladstone Road.

The issues raised in the submissions may be summarised as follows:

- Suitability of the land use in the Residential zone
- Traffic and parking impacts
- Site Security
- Hours of operation/Local facility
- Waste management issues
- Impact on property values

Most, if not all the issues raised in the submissions have been addressed in the planning report submitted with the application but for a comprehensive response I have taken the relevant sections from the planning report and reproduced them as necessary in this response.

The issues pertaining to the form and scale of the development and its suitability in the Residential zone are linked so I have elected to deal with them together.

My response to these issues follows.

#### **Suitability of the proposed use in the Residential zone**

A child care centre is an 'envisaged' use in the Residential zone.

Objective 1 for the Residential Zone identifies a 'local community facilities' as an appropriate land use and zone principle 5 specifically refers to child care centres as an appropriate form of non-residential development in the zone.

The Metropolitan provisions of the Development Plan go far as to suggest that child care facilities should be located "*about one kilometre apart, ensuring that a kindergarten is near very home.*"



The desire expressed in the Development Plan to have such uses at regular locations highlights the local nature of the catchment for these kinds of facilities.

The appropriateness of the use in the zone is of course subject to the development being of a nature and scale that serves a local function and does not detrimentally affect the character and amenity of the locality.

I have referred to this in the planning submission lodged with the application with particular reference to decisions of the ERD Court wherein they directed an examination of a number of factors, including the size of the building, its presentation to the street, its floor space and consequent impact on the streetscape and the number of children enrolled, as being elements for consideration.

That said the very nature of community facilities as land uses that generally require larger building, off street parking, and activities and hours of operation that are very different to that of a dwelling will mean that a 'community facility' will have some very real differences to the detached dwellings that adjoin the site. The fact that such uses are encouraged within the Residential zone would suggest that to some degree at least impacts arising from a 'community facility' are to be countenanced.

I note in this regard that the Development Plan notes that the *"scale, bulk and design of non-residential development should be sensitive to the character of the surrounding residential environment."*

The fact that the Development Plan refers to development being 'sensitive to' rather than replicating these elements of the building design again suggests that a degree of variance in these features is to be expected.

In regard to impacts I have previously noted that;

- The form and scale of the building seeks to respect that of the adjoining dwellings in terms of roof and wall height, articulation, building finishes and presentation to the street;
- The building form is articulated both through changes in building alignment and roof form but through the use of verandahs to break up the mass of walls;
- Landscaping, paving, fencing and all building finishes are residential in form;
- Street and boundary setbacks are similar to an adjoining residential development;
- Signage is limited to a small sign located on the building; street frontage signage is not proposed;
- The scale of the development in terms of enrollment numbers is at the very lower end of enrollments for a child care centres generally, and compare more than favorably with the enrollment numbers for a primary or secondary school, two uses which are identified as being small scale in principle 5 for the zone.

It is noted that the car park is a feature of the development that is hard to disguise and is not a feature of residential development. Nonetheless, the car park is partially screened by fencing and landscaping and has been placed at the side of the building to minimise its visual intrusion into the residential streetscape.

It is instructive to examine the approach taken by the ERDC Court on this issue where they have said in relation to similar provisions of the Development Plan in another Council area, the following;

**"When these provisions are read together it becomes clear that the planning authority has foreshadowed in its policy intent for the Residential Zone, a flexible approach to land use planning. The desired character of the Residential Zone not only includes a range of dwelling types but also – explicitly – a range of small-scale non-residential uses. When**



**Principles 1 and 2 are read together the type of uses the authors of the Plan deem to be small-scale non-residential uses are generally not insignificant in their floor area. Nor on that basis alone would the number of vehicles likely to be generated by such uses be so immaterial as to be unnoticed.**

In as much as the comments above apply to building form and scale and to traffic (and by inference parking) impacts, they are also germane to noise impacts.

In this regard:

- The development provides three outdoor play areas and five indoor play areas spread over 756m<sup>2</sup>.
- Play times are spread out over the day and include both indoor and outdoor activities.
- Not all of the children are in the outdoor play space at any one time.
- The use of the outdoor play areas is strictly supervised and spread over the three play areas.
- Of the 70 children, 24 will be under the age of 2, these children have needs and behaviour that are different to those of older children. For example, children aged 2 to 5 years are physically more active, socially interactive and verbally more communicative. Infants and toddlers on the other hand are just developing their physical coordination, peer interaction and verbal skills and as such tend to be quieter in the play area than the older children.
- Activity associated with the proposed child care facility is limited to normal waking hours, with no weekend or late night activity (note no weekend operation is proposed and I am not aware of any child care centres that offer weekend enrolments).
- Early activity on the site is generally limited because of low attendance prior to 7.30am. Children are kept indoors until sufficient numbers are in attendance to enable supervised outdoor activity.

I note that reference has been made to an unidentified study in NSW in relation to the noise impacts in relation to child care centres. I note the reference provided refers to the Parramatta City Council. I have not been able to find the study referred to but note that the Parramatta City Council has a Development Control Plan specifically relating to the Child Care Centres.<sup>1</sup>

I understand this policy was finalised on the basis of a review undertaken by Air Noise Environment Pty Ltd entitled Acoustic Advice and Development Controls for Child Care Centres.<sup>2</sup>

The Development Control Plan specifies, amongst other things that:

***“Council will only permit a child care centre in a Residential zone with more than 40 places where:***

- ***a minimum of 33% of the places are provided for children under 2 years of age; and***
- ***best practice standards of both indoor and outdoor unencumbered space is to be provided. The best practice standards are interpreted as a minimum of 4.5 square metres indoor unencumbered space per place and a minimum of 15 square metres per place for outdoor unencumbered space.***

***In cases where a proposed centre meets the two criteria described above, the maximum number of child care places to be provided in any child care centre in a Residential zone is 75. This standard is to ensure that any child care centre in a Residential zone does not***

<sup>1</sup> City of Parramatta Child Care Centres Development Control Plan  
[www.parracity.nsw.gov.au/\\_data/assets/.../0006/8673/ChildCareDCP.pdf](http://www.parracity.nsw.gov.au/_data/assets/.../0006/8673/ChildCareDCP.pdf)

<sup>2</sup> Air Noise Environment Pty Ltd Acoustic Advice and Development Controls for Child Care Centres  
[businesspapers.parracity.nsw.gov.au/parracity/oldbusinesspapers/](http://businesspapers.parracity.nsw.gov.au/parracity/oldbusinesspapers/)



***unreasonably impact upon the amenity of the neighbourhood in terms of traffic safety, privacy and noise.”***

Unencumbered space refers to the requirements of the NSW Children's Services Regulation 2004; these differ from the requirements for a child care centre in SA.

For what it is worth in regard to the comments re the noise impacts purportedly identified in Parramatta City Council; a child care centre of the scale proposed would be suitable for a location in a Residential zone in the City of Parramatta as it has an enrolment of 70 children, 34% under 2 years of age and complies and in fact exceeds the play area requirements established in the relevant SA legislation.

Having regard to the above the noise impacts from the development are not expected to be unreasonable.

### **Traffic and Parking Impacts**

Traffic and parking impacts appear to be the main issue of concern.

The proposal has been the subject of a traffic and parking assessment by a traffic engineer, Mr Phillip Weaver who has also responded to the representations by way of a separate submission.

I defer to his submissions on this issue.

### **Site security**

The building has been designed to overlook external streets, the play areas and car park to provide informal surveillance for security. Externally publicly accessible areas will be illuminated by movement sensitive lights at night time to enhance site security.

Where the development fronts public spaces, the fences are 1.8 metre high tubular steel fences which not only ensure some security but also the opportunity to overview some of the more public areas within the site and in the wider public realm.

Security cameras and alarms are also adopted as security measures.

Emili Early Learning Centres operate 5 child care centres in Adelaide and have experienced none of the issues identified by the representor. I also act for another operator who has 13 child care centres and who has similarly not experienced any of the issues raised.

### **Hours of operation/Local facility**

The hours of operation have been communicated to the Council and are limited to 6.30am to 6.30pm. Thus concerns about out of hour's operation are unwarranted.

In terms of the facility serving the local population a review of child care centres at Athol Park and Broadview operated by Emali Early Learning centres shows that there are 83 children enrolled that come from Prospect and immediately adjoining suburbs who may transfer to the proposed Centre. That notwithstanding enrolment data for other centres shows that in the order of 88% of children enrolled come from within a 4 kilometer radius of the centre.

More broadly and evidenced above, child care centres are a facility that have a close relationship to and attract most of its enrolments from the local community.

On this issue, the ERD Court in had the following to say in what might constitute a 'local facility';



The fact that a facility might attract clients from afar does not, by that fact alone, define the area it serves and therefore the level at which it functions. There are many local services that come to mind that often serve principally the local community but, for a variety of reasons (for example client loyalty, personal records, friendships and past associations) they often attract clients from distant places. Small suburban based medical practitioners, hairdressers, child minding centres and accountants would be among the many examples.”

#### **Waste Management/ Servicing**

There will be regular deliveries (expected bi-weekly) of consumables to the site by way of a small rigid vehicle. This type of vehicle can be readily accommodated within the driveway and car-parking areas provided on site.

Garbage collection will occur in the normal manner through the use of Council rubbish and recycling bins. A bin enclosure has been provided at the front of the site, adjacent to the car-park. Soiled nappies are always double bagged but represent only a very small volume of the waste stream generated by a child care facility.

#### **Impact on property values**

The impact of a new development on values in an area is not a valid planning consideration.

Property values are determined by a large number of different factors; adjoining development being only one consideration amongst a wide range of social, environmental and economic considerations.

#### **Summary**

In summary, the proposed development of a child care centre at 96 to 98 Gladstone Road Prospect is in accord with the relevant provisions of the Development Plan applicable to the locality and will:

- Provide for an appropriately located small scale community facility in close proximity to the community it seeks to serve;
- Be consistent with the range of land uses envisaged in the zone and thus will not prejudice the character and amenity of the locality;
- Provide for an attractive streetscape as a result of building design, fencing and landscaping;
- Not result in any significant off site impacts or nuisances;
- Provide safe and convenient vehicular and pedestrian access; and
- Provide for an adequate level of off-street car parking.

I consider the proposal to be an appropriate form of development worthy of Council's consent.

I advise that I would like to be in attendance at the Panel meeting at which this application is considered to respond to any verbal submissions from the representor.

Should you have any questions in respect to the above, or require any further information please do not hesitate to contact the undersigned on 81307222

Yours sincerely,

*D. Hutchison*



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

Attachment

PHIL WEAVER & ASSOCIATES

Consultant Traffic Engineers  
ABN 67 093 665 680

204 Young Street  
Unley SA 5061

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F: 08 8271 5666  
E: mail@philweaver.com.au

File: 163-15

18 January 2016

Mr David Hutchison  
Access Planning (SA) Pty Ltd  
235 Henley Beach Road  
TORRENSVILLE SA 5031

Dear Mr Hutchison,

**PROPOSED CHILD CARE CENTRE – 96 TO 98 GLADSTONE ROAD, PROSPECT (DA 050/486/15)  
- RESPONSE TO REPRESENTATIONS**

I refer to the written representations which have been received by Council relating to the above proposed child care centre development.

I note that a total of four representations were received by Council in which matters of traffic and access arrangements were raised. I have consequently summarised the traffic related aspects of each of these representations and provided a response to the various issues identified within the relevant representation.

For the purpose of this response I have summarised my understanding of each of the points raised by the various representors and have numbered these under headings associated with each representation. I have then responded directly to each numbered point summarised as part of the relevant representation.

**Brian and Trenna Kretschmer - 63 Gladstone Road, Prospect**

The above representation identified a number of mostly traffic and parking related matters which I consider can be summarised as follows:-

1. concern that existing levels of parking demand of Gladstone Road already contribute to a traffic hazard,
2. Use of Gladstone Road as a through road,
3. Concerns in relation to the extent of set down and collection of children at the two existing schools located on Gladstone Road resulting in congestion and safety issues for road users and pedestrians with this issue likely to be increased by the proposed development,

4. A potential shortfall of on-site car parking associated with the subject development resulting in use of on street parking, and
5. A potential impact on the value of residential properties in the area should the proposed child care centre be developed.

In response to the above matters, it is noted that:

1. The proposed development is estimated to generate of the order of 40 vph during the peak hour arrival period on the morning and 34 vph in the peak hour collection period in the afternoon/evening. As identified within my report dated 8<sup>th</sup> December 2015, such an increase in traffic could be readily accommodated within Gladstone Road given the existing traffic volumes on this road and the carriageway width of 8m within the vicinity of the subject site.

At other periods of the day there will be considerably lower traffic volumes with minimal traffic generated during the period from approximately 9:30 am to at least 4.00 pm given that the majority of traffic movements relate to the staff attending the site or parents/carers transporting children to and from the subject development.

In particular, collection of children from a child care centre typically occurs later in the afternoon / evening than that associated with a primary school. Hence, the collection periods associated with the two existing primary schools and the proposed child care centre in the afternoon period will generally not coincide.

2. The existing nature of Gladstone Road will not change as a result at the subject development and will remain a through road linking Churchill Road to Prospect Road,
3. While concerns have been raised in relation to drop-off and collection of children attending the two primary schools further to the east along Gladstone Road, the schools are both located a significant distance from the subject site. Hence, there will not be any conflict between parking at the schools and parking associated with the proposed development,
4. Based on car parking rates commonly applied to childcare centres, the proposed development would require the provision of 18 spaces on site. While this would theoretically suggest a minor shortfall of three spaces, given the provision of 15 spaces on site, surveys of other centres has suggested the peak parking demands associated with the 70 place childcare centre could be accommodated by the on-site car parking provision.

In any event, there is an opportunity to use on street car parking directly in front of the site to augment the on-site car parking. However, this has not been relied upon in assessing the suitability of the proposed development. From reviews of the subject locality it is apparent that there is an existing on street parking capacity during weekday periods which could accommodate any minor shortfall in on-site car parking without a detrimental impact upon the amenity or capacity of Gladstone Road,

5. While the concern in relation to any perceived impact on property values does not directly relate to the traffic and access aspects of the proposed development, I do not believe this concern to be warranted. In any event I understand that this is not a matter for consideration by the Development Assessment Panel.

### **Ann Brown - 92 Gladstone Road, Prospect**

The above representation identified various traffic and parking related matters as summarised below:-

1. The subject site is zoned residential and the respondent has identified that the concern that the subject development will be commercial in nature,
2. Concerns that the subject development will result in an additional educational facility on a roadway currently accommodating two schools,
3. concern that a potential redevelopment of a site on the corner of the intersection of Gladstone Road with Churchill Road has not been taken into account,
4. a concern that future redevelopment of residential properties along Churchill Road has not been taken into account in the traffic report, and
5. The existing levels of parking demand of Gladstone Road already contribute to a traffic hazard, and that this issue will be aggravated by the proposed development.

In respect to the above matters, it should be noted that:-

1. While the proposed development is not a residential use, the traffic and parking related aspects of this proposal were assessed on merit in my previous report (dated 7<sup>th</sup> December 2015). From this assessment it was identified that the proposed development will not result in unacceptable traffic impacts on the adjacent road network.

Furthermore it was identified that the provision of 15 on-site car parking spaces should be sufficient to accommodate the anticipated peak parking demands of the proposed development noting that there is an opportunity to accommodate any minor overflow of car parking directly in front of the subject site,

2. The proposed development will have significantly different times and manner of operation to a primary school with a child care centre having no fixed arrival or dismissal periods, unlike the two schools which do have specific start and finish times. Furthermore, the period of time over which children are brought to a child care centre and collected from such a facility is a much greater duration than the start and finish times a primary school. Consequently, the peak traffic generation and parking demands associated with a child care centre are far less intense than that associated with a primary school,
3. Moreover, the site of the proposed development is located a significant distance from either of the two primary schools to the east along Gladstone Road. Hence any potential for conflict between traffic generated and parking demand associated with the two primary schools with traffic and parking related to the subject childcare centre would be minimal,
4. While the land located on both the north east and south-eastern corners of the intersection of Gladstone Road with Churchill Road may potentially be redeveloped for medium density residential development, traffic generation associated with such developments would result in minimal increase in the volume of traffic currently using Gladstone Road. It is therefore considered that such potential development would have negligible impact on the overall capacity of Gladstone Road.

At the time originally assessing the proposed development I was well aware of proposed and possible future redevelopment of existing residential properties along Churchill Road, having been involved in a number of such proposed developments. While such developments would increase the volume of traffic associated with a specific allotment, they would involve proportionally a small increase in the volume of traffic currently using Churchill Road. Other than those properties located directly on or close to the intersection of Gladstone Road with Churchill Road, few of these residential developments would generate traffic likely to use Gladstone Road, and

5. A review of crash data provided by the Department of Planning, Transport and Infrastructure (DPTI) indicates a very low level of crashes along the subject section of Gladstone Road. I note that only one was crash reported at the intersection of Gladstone Road with Churchill Road and two midblock crashes (between Churchill Road and Braund Road) were reported in the five year period between 2010 and 2014. This indicates a low crash history associated with the subject section of Gladstone Road. Moreover, I do not consider that there is an existing traffic hazard associated with the current levels of parking demand on Gladstone Road, based upon my reviews on-site.

#### **Helen Tramovntana – 77 Albert Street, Prospect**

This representation included the following comments:-

*The number of children due to be located on the child care facility seems excessive for the size of the block/building.*

*Car parking for only 15 cars seems inadequate as parking on Gladstone Road is also at a minimum (maximum?) during the day."*

In relation to the adequacy of the building to accommodate 70 children the capacity to be provided on-site has been based on appropriate design requirements relating to both building area and play area.

In relation to adequacy of car parking I consider that this has been addressed above

#### **Angela and Katerina Andeoulakis – 102 Gladstone Street, Prospect**

The above representation included a range of matters with the traffic and parking related aspects identifying the following:

1. A congestion issue within Gladstone Road associated with the existing width of the entry and exit lanes on the approach the intersection with Churchill Road,
2. Sight distance / congestion issues for drivers travelling southbound along Churchill Road and wishing to turn left into Gladstone Road,
3. An issue related to drivers reversing into the entry exit lanes on the approach Churchill Road,
4. Concerns with the capacity of Gladstone Road to accommodate the additional traffic associated with the subject development,
5. increased volumes of traffic associated with the proposed development impacting upon Churchill Road,

6. A possible amenity issue associated with the early arrival of traffic from 6:30 am on weekdays,
7. A suggestion that any future expansion of the proposed childcare centre will further impact upon traffic congestion,
8. Concerns in relation to drop-off of children associated with the existing primary schools and the potential for similar practices to occur at the proposed development, including the possibility of parents / carers parking across driveways,
9. A suggestion that the forecast traffic generation of the proposed development during the am and pm computer periods are merely assumptions, and not based on any actual data,
10. A suggestion in related to calculated traffic movements associated with the subject development, that *"Irrespective of how the traffic volumes are forecast, the peak hour traffic movements are likely to have a significant impact on the operation of Gladstone Road, which already experiences high traffic to and from the existing schools at the top end"*,
11. Concerns raised in respect to the impacts of a combination of traffic associated with the proposed development and the existing school-related traffic and that this will result in significant adverse traffic impacts,
12. Concerns in relation to the level of servicing and delivery movements associated with the child care centre, including deliveries and servicing movements by vehicles larger than a car and also staff traffic movements,
13. Concerns in relation to the adequacy of on-site car parking and the possible use of on street parking, and
14. Criticism of an assumption that some of the parents using the proposed development would also have children attending primary schools in the locality.

In response to the above issues I consider that:-

1. The design of the intersection of Gladstone Road with Churchill Road provides adequate widths of entry and exit lanes,
2. I have reviewed the intersection of Gladstone Road with Churchill Road in relation to matters of sight distance. I note that wide verges are provided along the eastern side of Gladstone Road to both the north and south of this intersection, with a verge shoulder width in excess of 6m to the immediate north of the intersection. Consequently, drivers turning out of Gladstone Road have a very clear view of oncoming traffic prior to commencing either left or right hand turn.

I also note that parking is not permitted on the northern side of Gladstone Road within a distance of at least 25m from the intersection with Churchill Road and that the design of the intersection essentially provides car parking on this side of Gladstone Road within embayments due to the channelised entry and exit lanes.

Consequently, I do not believe there is an issue associated with the existing design of the intersection of Gladstone Road with Churchill Road, which provides an entry threshold treatment.

3. In relation to any possible issue of drivers reversing into the entry exit lanes on the approach Churchill Road, it should be noted that the subject site is located a distance of at least 25m to the east of the entry threshold treatment provided within Gladstone Road on the approach the intersection with Churchill Road. Consequently the full width of Gladstone Road is provided adjacent to the subject site.

I therefore do not believe that there will be an issue of drivers reversing into either the entry exit lane, as suggested by the representation, particularly as the proposed on-site car parking area has been designed to permit drivers to both enter and exit in a forward direction,

4. The Concerns in respect to the impact, or otherwise, of traffic generated by the proposed child care centre on capacity of Gladstone Road have been addressed above,
5. The concerns in respect to the potential increase in traffic volumes using Churchill Road have also been previously addressed,
6. There would be minimal traffic arriving at the childcare centre for 7.00 am with this mostly relating to staff travelling to work. A number of staff would not commence work until after 7.00 am and the majority of parents bringing children to the centre would not arrive until after 7.00 am. Hence I do not believe there will be any adverse impact associated with the opening hours of the proposed childcare centre,
7. Any future expansion of the child care centre would be subject to a separate Development Application which would require approval by Council. In any event, the opportunity for any increase in numbers of children to be accommodated by the proposed child care centre is restricted by the physical area of the building, the areas of play space and the provision of adequate car parking. In any event, based on the current design, I understand that it would not be possible to increase the capacity of children more than 70 places,
8. The issue in relation to drop off and collection of children associated with the two existing primary schools to the east along Gladstone Road has been addressed in detail above. In any event the practices occurring at the two existing primary schools does not relate to the proposed development.

In respect to the possibility of parents/carers parking across driveways, I do not believe this will be an issue given that parents or carers are required to park and physically walk into the building when bringing children to and from the centre. As identified above it is apparent that there is sufficient car parking available within the locality to accommodate the proposed development without any unlawful parking issues occurring.

9. Calculations of traffic generation provided in the previous report were based upon both relevant standards and empirical data collected from a comparable centre and are not merely assumptions,
10. The concerns in respect to existing levels of traffic on Gladstone Road have been addressed earlier within this letter and also within my previous report dated 7<sup>th</sup> December 2015,
11. The matter of any combination of traffic associated with the proposed development and the existing school-related traffic, and the suggestion that this will result in significant adverse traffic impacts, has been addressed in detail above,

12. Childcare centres generate only very low levels of servicing requirements with the majority of such vehicles being vans or other small vehicles similar in size to passenger cars. Servicing would generally occur outside of peak arrival and collection periods at such a centre i.e. after the a.m. commuter period and prior to lunch. Hence, there should not be any adverse traffic impacts associated with the very small number of service movements associated with the proposed development,
13. The issue of adequacy of car parking has been addressed in detail above, and
14. the potential for some families who have children attending the two primary schools on Gladstone Road to also use the child care centre has not been relied upon in terms of potential traffic impacts on adequacy of car parking. Hence I do not believe that whether or not such shared usage will occur is relevant to the consideration of the subject development.

### Conclusion

In summary, it is considered the various traffic and parking related aspects raised within the various representations received by Council have been adequately addressed.

As previously identified it is considered subject development will not result in adverse traffic parking or adverse impacts within the locality, nor in my opinion will this proposed development result in adverse amenity issues on adjoining residents or stakeholders.

Yours sincerely



Phil Weaver  
Phil Weaver and Associates Pty Ltd

Attachment

**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**

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**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;

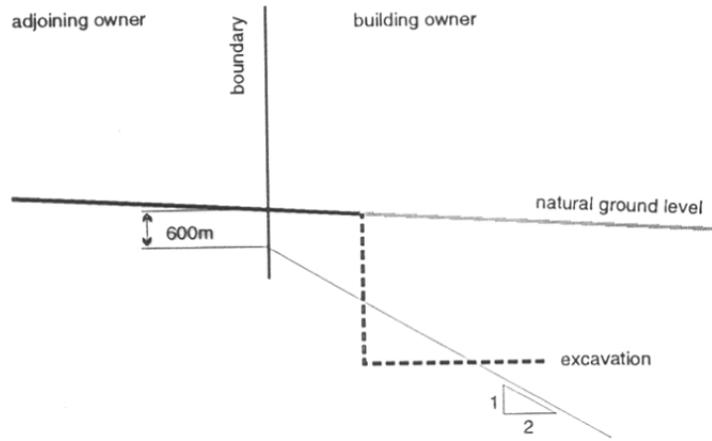
Then you (the building owner) must, at least 28 days before the building work is commenced:

- 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.

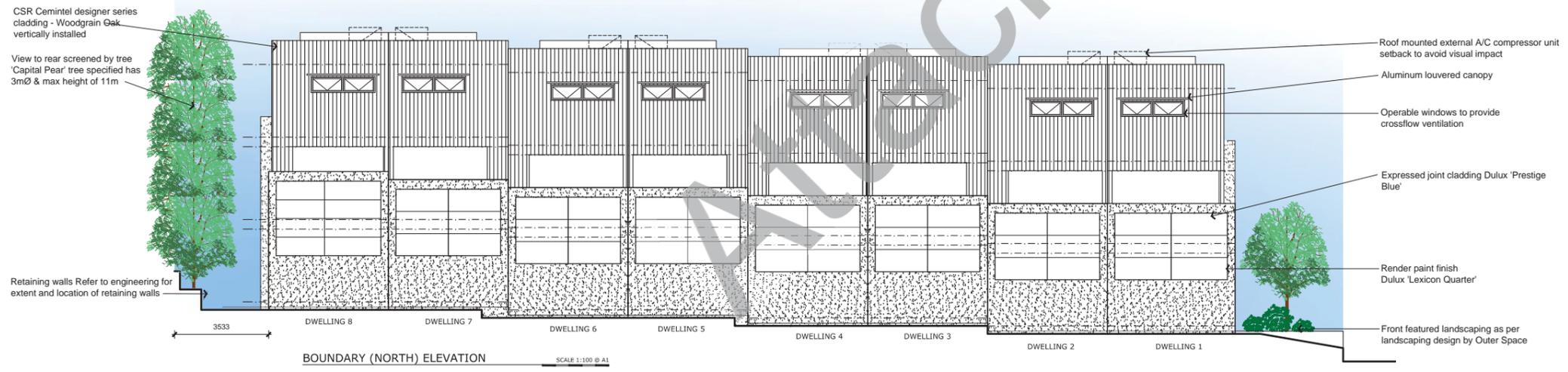
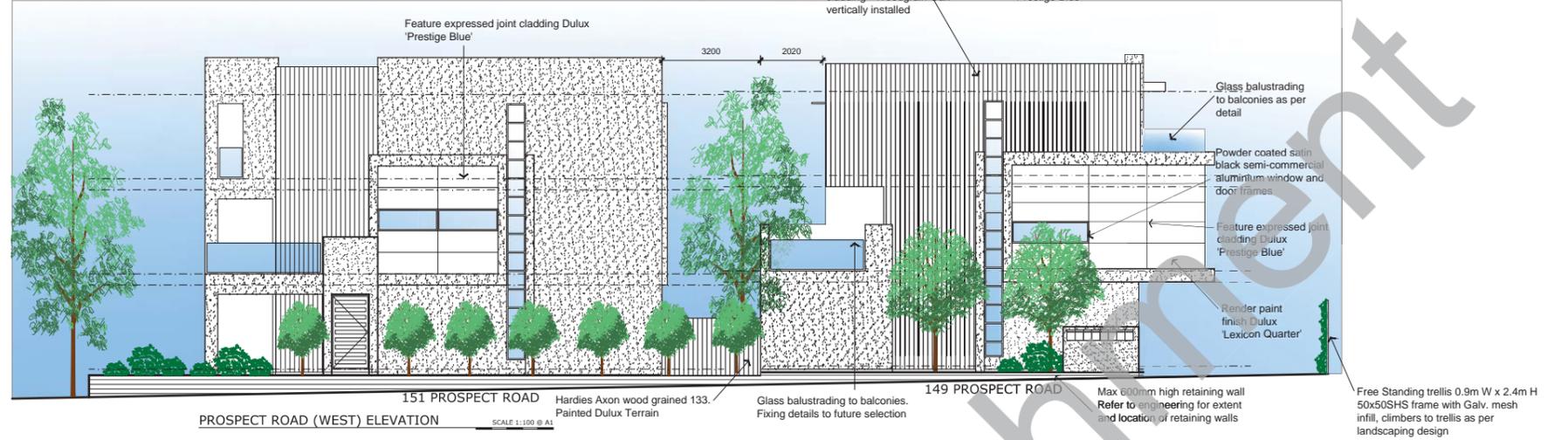
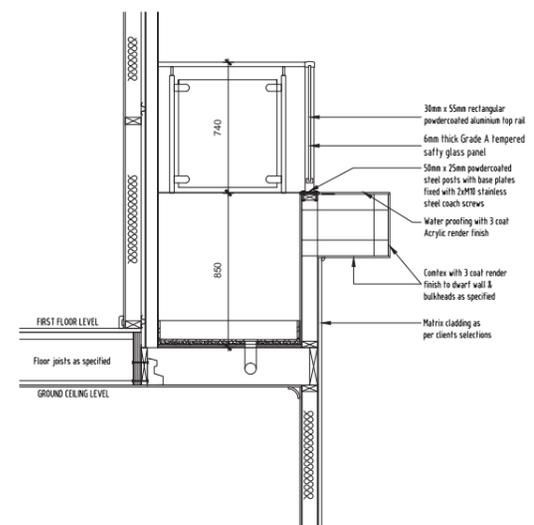
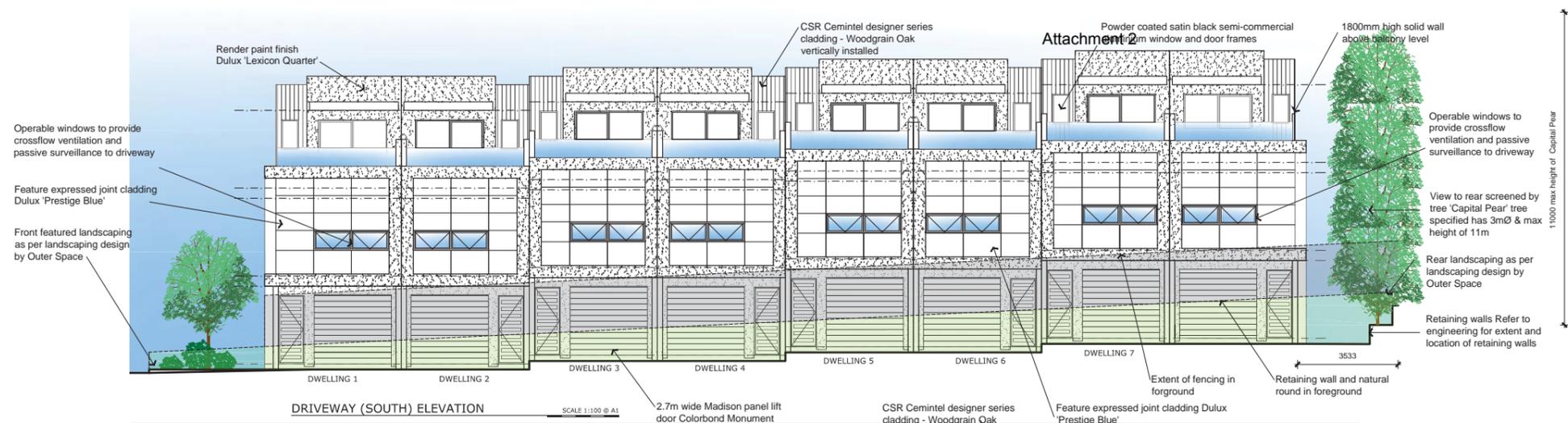
If you fail to comply with these notification requirements, then you are guilty of an offence with a maximum penalty of \$10 000.

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.

FIGURE 1







**REVISIONS**

AMENDMENT	DATE
Concept Issue	10 April 2015
Amendment - Reversing Bay removed, added communal BBQ area	15 April 2015
Amendment - Designed Drawings	5 June 2015
Planning Issue	17 June 2015
Planning Amendments with landscaping reference	7 Sept. 2015
Planning Amendments (MIV)	15 Oct. 2015
Planning Amendments (MIV)	19 Oct. 2015
Provide 6m Driveway access (MIV)	21 Oct. 2015
Increase front setbacks & lower dwelling (MIV)	1 Dec. 2015
Adjust upper level floor plan (MIV)	11 Dec. 2015
Amendment as 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

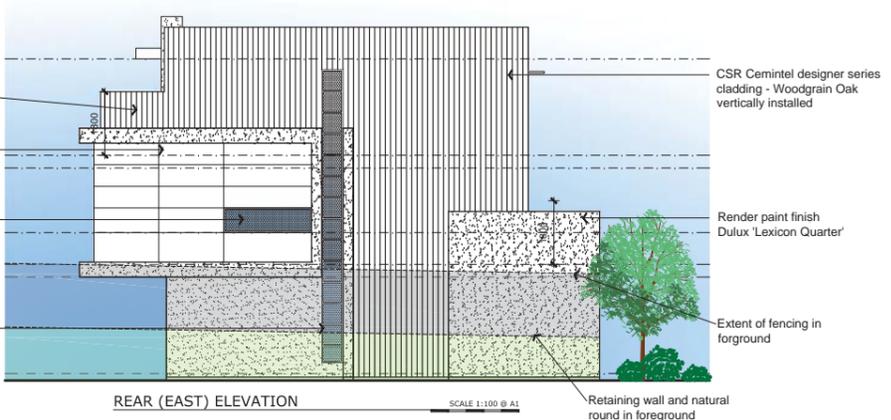
Client  
**G. Pinksterboer**

Project:  
**Proposed Development**

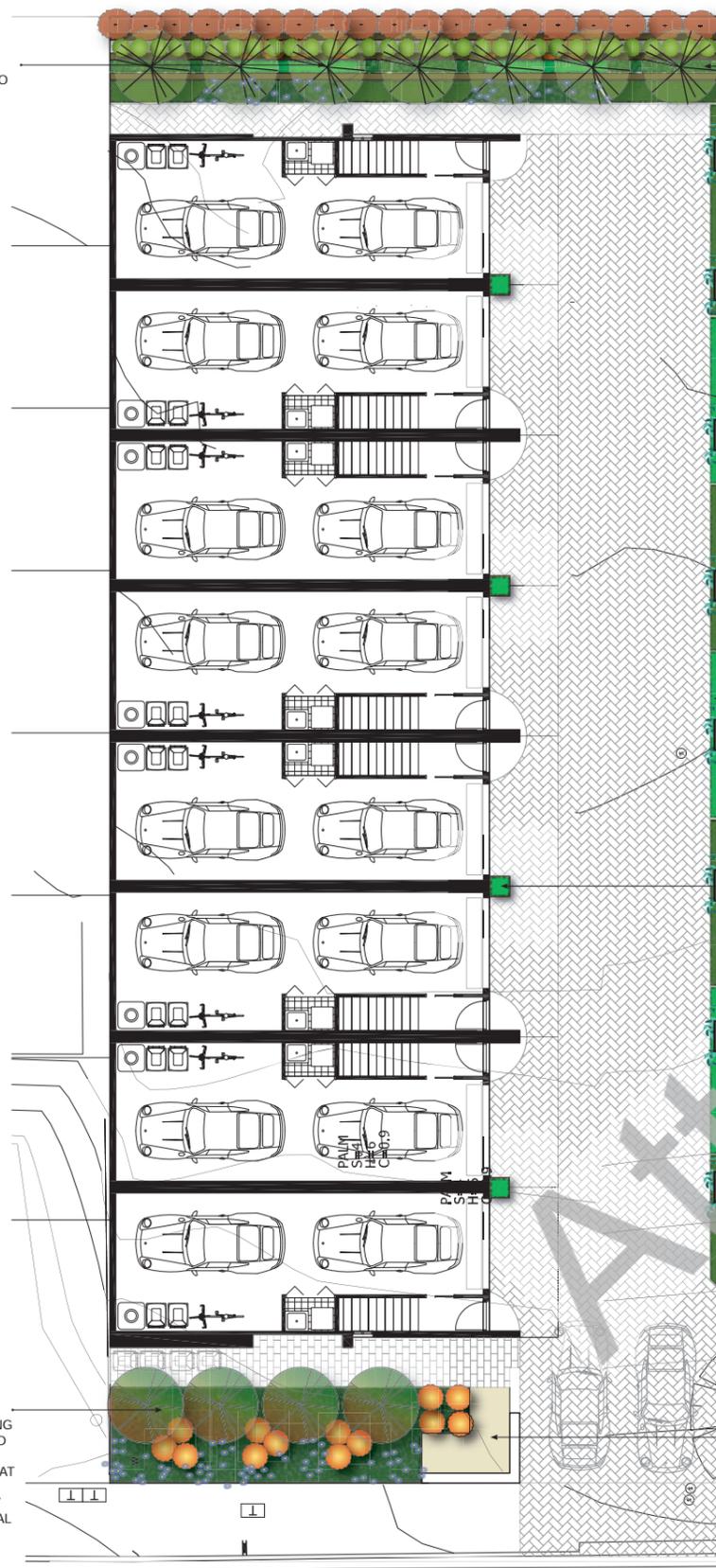
At:  
**149 Prospect Road PROSPECT**

Drawn	Date
CGH	10 April 2015
Scale	Sheet No.
1:100 (UNO)	2 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 rotation 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 TERRACED SCREENING PLANTS TO EASTERN BOUNDARY.



PROPOSED TREES TO ALLOW FOR SCREENING FROM PROSPECT ROAD THEY WILL BE CLEAN TRUNKED SPECIES THAT ALLOW SITE LINES UNDERNEATH CANOPY AND PROVIDE A VISUAL ENTRY STATEMENT

PROPOSED NEW PAVING FOR EASE OF ACCESS TO LETTERBOX

### Attachment 3 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



*Lagerstroemia indica*  
Crape Myrtle  
H: 3 - 5m W: 3-5m  
Spacing : As shown  
Quantity: 4



*Pyrus calleryana* 'Capital'  
Capital Pear  
H: 6m W: 2.5m  
Spacing : As shown  
Quantity: 7

### TUSSOCK PLANTING



*Liriope muscari*  
Just Right  
H: 0.5m W: 0.5m  
Spacing : 0.4m  
Quantity: 60



*Dianella* 'Little Rev'  
Dwarf Flax Lily  
H: 0.6m W: 0.6m  
Spacing : 0.5m  
Quantity: 40

FREE STANDING TRELLIS 0.9m W x 2.4m H 50x50 SHS FRAME WITH GALV. MESH INFILL.

### FEATURE PLANTING



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

### SCREENING SHRUB



*Viburnum odoratissimum*  
'Dense Fence'  
Dense Fence  
H: 3.5m W: 2m  
Spacing : 0.6m  
Quantity: 19



*Correa pulchella* 'Pink Mist'  
Native fuschia  
H: 1.0m W: 2.0m  
Spacing : 0.6m  
Quantity: 32

TUSSOCK PLANTING ALONG DRIVEWAY, REFER TO LEGEND & TUSSOCK PLANTING PALETTE

### GROUND COVERS



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



*Correa pulchella* 'Autumn Blaze'  
Autumn Blaze  
H: 0.3m W: 1.5m  
Spacing : 0.9m  
Quantity: 16

### CLIMBERS



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

600 x 600 x 600mm GRC SQUARE PLANTERS (QUATRO DESIGN) WITH LIRIOPE MUSCARI

### 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 - LAGERSTROEMIA INDICA
- TREE - PYRUS CALLERYANA 'CAPITAL'
- SHRUBS - VIBURNUM ODORATISSIMUM
- SHRUBS - CORREA PULCHELLA 'PINK MIST'
- TUSSOCKS - DIANELLA 'LITTLE REV'
- TUSSOCKS - LIROPE 'MUSCARI'
- GROUNDCOVERS - CORREA PULCHELLA 'AUTUMN BLAZE'
- GROUNDCOVERS - BRACHYSCOME MULTIFIDA
- CLIMBER - TRACHELOSPERMUM JASMINOIDES
- RETAINING WALL
- PATH
- SQUARE GRC PLANTERS - LIROPE 'MUSCARI'



**Susan Giles**

---

**From:** Gavin Pinksterboer <Gavin@pinksterboer.com.au>  
**Sent:** Friday, 19 February 2016 12:42 PM  
**To:** Susan Giles; Administration  
**Cc:** George Manos; Gavin Pinksterboer  
**Subject:** DA 050/274/15 - 149 Prospect Road Prospect - DAP response and revised submission  
**Attachments:** Botten Levinson 050 274 15 DAP response letter.pdf; waste management.pdf; Phil Weaver email.pdf; OS496\_149 Prospect rd 18\_02\_16\_revE.pdf  
**Importance:** High

Dear Susan,

Further to the outcome of the Feb DAP and our subsequent correspondence please find attached ;

- Botten Levinson DAP response
- Further information from Mr Phil Weaver (traffic engineer)
- Revised Outerspace Landscaping Plan (Revision E)
- Waste management details

Following by separate email today;

- Revised floor plans and elevations
- Line-of-sight plans

At this stage we await the revised 3d architectural impressions and we respectfully request until early next week to submit these. The 3d consultants have the information and the work is being done but a significant amount of computer processing time is required to actually generate the 3d models hence the delay.

I note that that DAP comments concerning the landscaping are to the effect that it is 'sparse or non existent' , this is not the case and I assume that these comments arise from perception given by the 3d impressions accordingly I would like to clarify the 3d impressions and the relationship that they bear with the Landscape Architect plan and adjoining sites. The intended purpose of these 3d impressions is to present the most realistic view of the proposed buildings that we can and they are generated directly from the building designers CAD files.

The Landscaping shown on them is indicative and doesn't accord with the landscape architects plans because to combine both into the 3d impression would obscure the building especially for the front elevation ; it is noted that in this case there is a retaining wall with 1800mm high fence on it as well as the landscaping on the southern boundary so of course that cannot be shown because from the viewpoint (from the south) that the 3d is generated from the front of the building would be blocked and hence it is not shown , also the level of the land in the foreground is shown as completely flat ; for the same reason .

Therefore the landscape architects plans detail nature extent and details of the landscaping , the 3d elevation of the buildings are exist to show the buildings.

We request that the revised drawing and further information are presented to the DAP with a recommendation for approval at the March DAP meeting.

If you require further clarification of anything please call or email me.

Regards

Gavin Pinksterboer

Our ref: GM/215259

19 February 2016

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

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

Dear Sir

**DA 050/274/15 - Development of three storey residential flat building of eight dwellings at 149 Prospect Road, Prospect**

I refer to the letter from the Council dated 11 February 2016 advising of the resolution of the Council's Development Assessment Panel at its meeting on 8 February 2016.

This letter is in response to the various dot points set out in that letter which sets out the reasons why the DAP deferred consideration of this development application.

However, before responding to each of those dot points I am instructed to make the following general observations:

1. The land is within the Urban Corridor Zone, Transit Living Policy Area. The Development Plan actively supports an increase in density and buildings of three storeys - 11.5m - in height.

As the Council is aware, the DAP approved a not dissimilar development in terms of the building form, bulk and appearance, on the land immediately to the north at 151 Prospect Road. Further, some three doors to the south, a three level residential flat building is currently under construction. That development also incorporates undercroft parking and very large expansive tilt up walls close to site boundaries including on the southern boundary.

Thus it is clear that DAP has been of the view that three storey buildings are appropriate in the locality, no doubt in response to the Development Plan and the Zone provisions

The form of the proposed building is clearly and expressly consistent with the Urban Corridor Zone provisions in terms of its built form and building heights etc and is at an appropriate density noting that within the Policy Area, a certain density is sought and the density is consistent with that Development Plan expectation.

140 South Terrace Adelaide  
PO Box 6777 Halifax Street  
Adelaide SA 5000  
t. 08 8212 9777  
f. 08 8212 8099  
e. [info@bllawyers.com.au](mailto:info@bllawyers.com.au)  
[www.bllawyers.com.au](http://www.bllawyers.com.au)

2. As briefly commented above, the building's design is consistent with and has some association with the residential flat building/row dwelling recently approved at 151 Prospect Road. In both instances the plans have been prepared by Rivergum Homes and there is deliberate commonality/similarity of building form, height and building materials including colours and finishes to ensure continuity across both developments.
3. There is no opportunity to seek to combine the land at 149 and 151 Prospect Road as they are owned by different legal entities. Further, contracts have been entered into for the sale of seven of the eight dwellings approved at 151 Prospect Road, thus demonstrating a clear demand for the type of product that is offered by that development. The proposed development offers a similar product in this much sought after location.
4. Because of the topography in the area, it is proposed to cut the site in the order of about 1.5-1.6m at the eastern end ie, away from Prospect Road, which will have the effect of lowering the height of the building as viewed from adjoining properties to the east and to the south and such that the finished floor level will be not dissimilar to that established at 151 Prospect Road. Thus, although new retaining walls are proposed to accommodate that cut, and a new fencing is proposed atop the retaining walls, the combined effect of the retaining walls and the fencing will ensure a reasonable level of privacy in respect of immediately adjacent properties to the south and east. At the eastern end of the site whilst the overall cut will be in the order of 1.5m, by utilising a two stepped retaining wall arrangement, the apparent bulk of those retaining walls will be reduced by establishing a planter bed between the two retaining walls which will facilitate vegetation that is able to grow both vertically and "hanging climbers" draping down the face of the walls. Further the amount of cut at the eastern end of the site will provide a greater level of privacy for the properties to the east ie the top of the new fencing atop the eastern most retaining wall will be some 3.3m above the finished floor level of the garage. The **attached** sight line plans demonstrate the limited overlooking that is possible from the southern façade of the building, from both the kitchen windows and the balcony to the main bedroom on level 3, (now increased to 2m in width) but which incorporates a 1.5m screen on the southern side so as to reduce the opportunity for overlooking. Those changes make for useable private open space and also provides an appropriate level of privacy for both users of that balcony (noting the balcony is accessed via the main bedroom) and for adjacent properties. Overlooking is severely limited behind a 1.5m screen. A person would need to take active steps to overview behind such a screen.

The top of the kitchen window is 1.5m above the floor level. The window is "behind" the kitchen bench/sink which is 600mm in depth and installed above the window are overhead cupboards 450mm deep. Thus one cannot stand immediately adjacent to this window (which is to be openable so as to assist with cross breezes as desired by Mr Julian Rutt, architect, then "design consultant" for the Council) and casually look downwards without ducking below the overhead cupboards and peering over the sink. However seated at the breakfast bar a view 'straight out at eye level' would be available into the roof of 147 (at best), therefore this window meets the objectives of providing crossflow

ventilation, light, amenity and passive surveillance but without a detrimental overlooking impact .

5. The increase in the size of the balcony on level 3 adds to the amenity/function for each of the dwellings. Whilst it increases the “footprint” on the upper level, having regard to the cantilevered nature of the balcony, it does not intrude on the footprint of the building and creates additional architectural interest in the facade. Further, whilst the “protrusion” of the balcony of course will make it closer to the common boundary with 147 Prospect Rd, the attached overshadowing analysis indicates there will not be any overshadowing as a result of the 1.0m increase in size of the balconies. The overshadowing is largely by reason of the height of the building proper, not the balcony protrusion. The widened balcony remains 3.85m from the boundary and the Development Plan contemplates side setback of only 2m!
6. Importantly the width of the balconies is such that it adds 9m<sup>2</sup> of usable private open space to each of the dwellings because the previous Scheme in providing only a 1m wide balcony did not meet the Development Plan “test” for the balcony to be regarded as private open space.

I now turn to deal with each of the dot points set out in the letter from the Council.

#### **1. Driveway landscaping**

I **attach** an updated landscaping plan which identifies in greater detail the form of the landscaping proposed in the three common areas including along the driveway. The plans identify the number of plants to be established.

Further there are additional notes from the landscape consultant that the plantings proposed within the retaining wall “planter bed” at the eastern end of the site - the pyrus capital - is appropriate so as to accommodate the landscaping proposed to be established therein.

#### **2. Method of waste management**

The development proposes to provide waste repository facilities in accordance with the principles of the ‘South Australian Better Practice Guide-Waste Management in Residential or Mixed Use Developments’ , the principles of this document are consistently adopted and applied as best practice for waste management in medium density projects state-wide.

With reference to this guide it can be anticipated that high density terraced house development comprising 8 two bedroom townhouses would generate approximately 533L of general waste, 444L of recycling waste and 160L of Green waste.

It is proposed that this development will deal with that waste with the provision of the following bins ;

- 8x 140L General Waste bins – one for each dwelling stored in each respective garage as shown on the plans;

- 8x 240L recycling bins - one for each dwelling stored in each respective garage as shown on the plans;
- 4x 240L green waste bins – stored in common property at the rear of dwelling as shown on the plans.

The provision of these bins will exceed the amount prescribed by the guide but without affecting the visual amenity of the Scheme as suitable storage of the bins is provided within garages.

The bins can be accommodated on the kerbside on Prospect Road for collection and due to the volume of waste that is anticipated by the guide and the amount of storage capacity actually provided it may not be necessary for the residents to have all the bins collected every week.

The bins from 151 will be collected from the Cane Street frontage and therefore there will not be an unsightly massing of bins on Prospect Road on rubbish collection day.

This development is a Community Scheme, as such the use, enjoyment and management of the Scheme is set out in the Bylaws and the Scheme Description. The Scheme Description document forms a part of the Land Division application lodged with the DAC and ultimately approved by Council, the Scheme Description is endorsed by Council and will be registered on the Certificate of Title for each Lot.

The Land Division application has been lodged and the Council is in receipt of the Plan and the Scheme Description. The Scheme Description includes specific clauses that address waste management and they accord with the bin scenario outlined above. In addition the Scheme Description sets out that the Community Corporation must engage the services of a landscape maintenance contractor on a 12 month contract subject to annual review and that the Contractor must regularly maintain the landscaping within the Scheme to a high standard and the gardening waste shall be removed from the site by the contractor. On this basis the 4 garden waste bins may be considered excessive, notwithstanding the appropriate volume of storage capacity is supplied and will be stored in a position that does not affect the amenity of the Scheme or adjoining neighbours.

### **Management and continued amenity of the Scheme**

The purpose of the Bylaws and the Scheme Description is to ensure that amenity of the Scheme is maintained to a high standard and it should be noted that the terms of the Scheme Description cannot be modified or deleted without the consent of the Council; specifically any future changes to the Scheme Description must be approved and endorsed by Council before they can be registered in the Lands Titles Office.

It should be further noted that this development is 'pitched' at the 'owner occupier market', it is not targeted towards investors (and therefore renters). On this basis a higher degree of amenity would be expected to be maintained, it is

anticipated that there would be a lower turnover of residents (as opposed to renters moving in and out).

This scenario is envisaged because of the price point and the high level of specification of the dwelling. As discussed elsewhere considerable effort has been made to ensure that externally the building will look attractive for many years without the requirement of significant maintenance. The design has specified a new CSR commercial cladding product that is timber grained and permanently covered giving the look of timber but will never need painting, all other external surfaces are similarly robust and will not need a high level of maintenance. The balustrading specified is a marine grade stainless steel and glass.

Significant effort has been made with the Landscape Architect design to add to the quality of the development, the actual cost of the landscape installation will be comparatively much higher than a similar development and ongoing future maintenance is assured as set out above.

The materials and colours specified across both 149 and 151 are the same, the design elements are clearly related and therefore the resulting development will appear as one development consisting of high standard materials, fixtures and fittings.

### **3. Functionality of visitor parking/traffic movement**

Each of the eight dwellings are provided with two car parking spaces. Car ownership is unknown but it may be that some occupants have no cars, some will have one car and some will have two cars. Given the prolific use of mobile phones, any visitor would be able to contact the occupant to advise of their impending arrival and to open up the garage door so as to facilitate parking, assuming such a space is available. Intercoms will be established for each unit in any event.

The visitor parking situation is akin to similar developments approved in the Urban Corridor Zone by the Council's DAP being at Belmont Terrace and also 87 Davenport Terrace, Prospect. However, the driveway width proposed in this instance is greater than the driveway in those two examples. Further I **attach** an email from Mr Phillip Weaver, traffic engineer in relation to this point. I wholly endorse the comments made by Mr Weaver.

Finally it is noted that the Zone provisions contemplate 10 carparks in total. 16 are provided on site and ample parking is also available in front of the site on Prospect Road.

### **4. Access to natural light for the private open space area**

Each of the dwellings are proposed to have a north facing balcony having an area in the order of 18m<sup>2</sup> which is directly accessible from a living area of the dwelling. The Development Plan contemplates that private open space can be established in the form of balconies ie, above ground level. The amended plans also identify a large balcony in relation to the main bedroom on level 3, which now provides 9m<sup>2</sup> of (usable private) open space.

The end walls of the balcony are 1.6m and the "side walls" are also 1.6m. Those wall/screen heights provide an appropriate level of privacy noting that some of the larger balcony area is undercover of the overhanging upper level. The approved plans for 151 Prospect Rd include "screening" to 1.7m above floor level and thus the opportunity of overlooking is substantially diminished.

The overshadowing analysis identifies at the winter solstice there will be overshadowing of the balconies by reason of the height and location of the development approved at 151 Prospect Rd.

However, the issue raised in the letter is access to natural light. Natural light - as opposed to direct sunlight - will clearly be available at all times noting the southern façade of the building at 151 Prospect Road will be some 3.2m from the property boundary and the height of the rear and side screens is not so significant so as to diminish the availability of natural light. Frosted glass will be used for the 1.5m high screen on the southern balconies facilitating access to natural light.

A further comment is made in relation to this issue in the section below.

## 5. Useability and amenity of POS

As at the date of the resolution, the DAP had before it the original plans. The plans have now been amended so as to establish an additional 9m<sup>2</sup> of pos in the form of a balcony with usable dimensions (consistent with the DP expectations) on level 3 accessed via the main bedroom.

The dwellings are reasonably modest in proportion and only provide two bedrooms. Each of the dwellings provides at least 27m<sup>2</sup> by way of pos which is clearly consistent with the expectations noting that 24m<sup>2</sup> is sought pursuant to Council Wide PDC 149. However it is noted that pursuant to PDC 152, no pos is required for a studio and for a two bedroom dwelling 11m<sup>2</sup> is required as a minimum space and for a three + bedroom dwelling, only 15m<sup>2</sup> is sought by the Development Plan.

On any view of the Development Plan, the amount of pos is appropriate.

Most importantly one needs to consider the zoning of the land and what naturally flows from that. In that regard I make reference to the observations of Judge Bowering in the ERD Court in the matter of *Gray v City of Holdfast Bay* which concerned a site near Liberty Towers on Colley Terrace, Glenelg. His Honour Judge Bowering who presided in that matter said on that occasion:

*Realisation of the full development potential envisaged by the Development Plan ... would, of necessity, bring such development conflict with certain provisions of the Development Plan.*

The Court then referenced certain DP provisions relating to the protection of amenity and the like. The Court then continued:

*Notwithstanding that conflict, we are of the view that questions of internal inconsistency in the Development Plan should be resolved in favour of the more detailed policy measures involved.*

*In the case of the subject land, there is conflict between the twelve storey development envisaged by the Plan and other built form policies which are intended to have application over a considerably wider area. To circumscribe the development potential ascribed to Policy Area 4 in order to achieve conformity with the Development Plan provisions referred to above would be to make a nonsense of the 12 storey height when applied to that Policy Area.*

Put another way, when the Development Plan envisages a higher density form of development - and that is clearly the case in respect of the Zoning and the Policy Area that applies to the land - that there will necessarily be impacts on nearby land. However, issues of bulk, scale, mass, height, overlooking, overshadowing etc are all part and parcel of a higher density sought by the specific zone provisions, a concept clearly understood and recognised by Judge Bowering and the other members of the Court in the Gray decision.

Thus it is a necessary consequence when developing land consistent with the detailed Urban Corridor Zone and Policy Area provisions that not all Council Wide provisions will be satisfied and by necessity there will be some impacts that are less than ideal that will arise as regards the development itself and also flow to adjoining land.

The reality is any land to the south of any 11.5m high building will in all likelihood be significantly overshadowed limiting direct solar penetration in winter particularly for any northern facing balcony or pos. However natural light will still be available and most likely at a greater intensity than any south facing areas/windows which of course are never exposed to the sun during winter. The only way to avoid this is to have a very substantial separation between the buildings - more than 15 m - which means the intent of the Zone provisions can not be given effect to in the circumstances of this land and most of Prospect Rd within the Urban Corridor Zone. That is clearly at odds with the correct approach to such circumstances based on the Gray decision.

## **6. Interiors and finishes to be of high quality etc**

The amended plans detail the colours and materials and finishes of the proposed development and the relationship with the approved building at 151 Prospect Road.

Although materials to be used are new/lightweight materials, they have been chosen to ensure a high quality appearance and finish providing longevity combined with ease of installation.

The **attached** images demonstrate an updated artistic impression of the development which it is submitted provides an appropriate interface with the public realm and for users of Prospect Road generally, together with the approved development at 151 Prospect Rd.

Furthermore the proposal has some of the design elements that have been incorporated into the plans approved in relation to 151 Prospect Road which I note was assessed against the same DP provisions.

Indeed the nature of the development, the conditions in the locality and the proposed "price point" dictate a high standard development to meet the expectations of my client and the market place and the owners of 151 Prospect Rd. High standard materials fixtures and fittings are proposed.

It is therefore respectfully submitted that what is proposed can equally be regarded as being of high quality.

See also the discussion in point 2 immediately above.

#### **7. Presentation of the proposed development to Prospect Road**

Reference is made above to the updated 3D image of the proposal which also shows the approved southern façade of 151 Prospect Road.

Having regard to that updated image, it is respectfully submitted that what is proposed will complement the locality generally and integrates appropriately with the development at 151 Prospect Road, noting further that a three storey residential flat building with undercroft garaging is currently being developed some three doors to the south.

#### **8. Anticipated impact of retaining walls and balcony fencing**

This has been covered in part above in the explanation regarding the retaining walls and the new fence proposed atop the retaining walls.

The side is to be cut so as to reduce the height of the building at the eastern boundary which will result in the development having a significantly lower FFL than would otherwise be the case which will reduce the apparent bulk, scale and mass of the building and will also reduce the impact in terms of overshadowing and overlooking to properties to the east and the south. As to the issue of overlooking, this is demonstrated via the attached sight line diagrams.

As to the dwelling at 147 Prospect Rd, its FFL is 101.1m. The new retaining wall on the common boundary will be about that height with a new 1.8m high fence atop that. Further the dwelling has metal roller shades in respect of each north window that can be used to limit viewing into the dwelling.

Further note the comments above under the first point 4 above.

### **Conclusion**

For all these reasons, it is respectfully submitted that the amended plans are worthy of the grant of Development Plan Consent and the issues raised by the DAP have been adequately addressed resulting in the preparation of the attached plans.

Thus having regard to the points made herein and the Development Plan provisions as they relate to the land and the correct approach in the planning assessment of this application based on the decision of *Gray v City of Holdfast Bay*, the Council's DAP is respectfully requested to approve the development as amended.

Yours faithfully

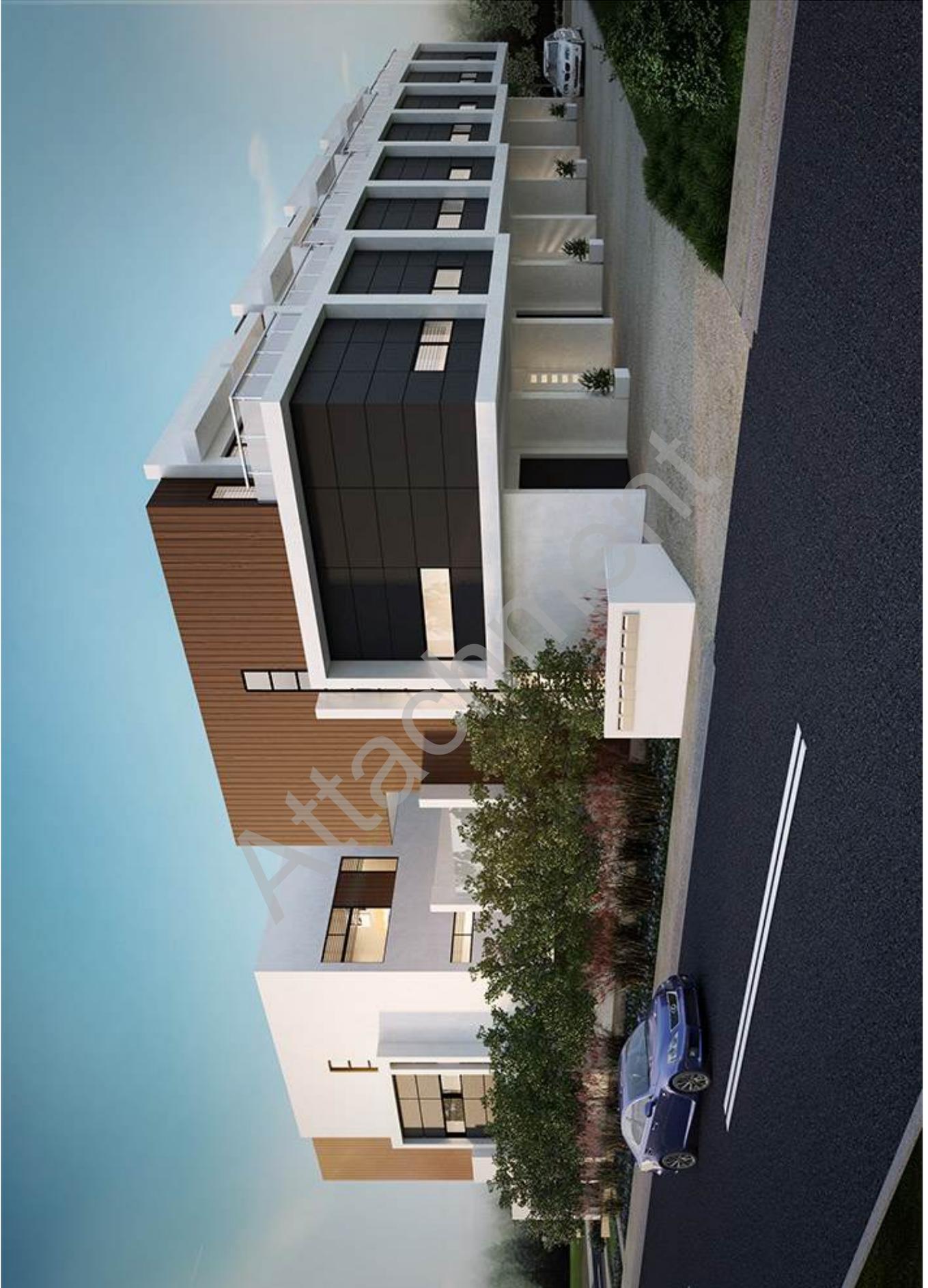


**George Manos**  
**BOTTEN LEVINSON**  
Email: gm@bllawyers.com.au

Enc

Attachment

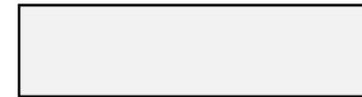




# 149 PROSPECT ROAD, PROSPECT BUILDING MATERIALS AND FINISHES



<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"



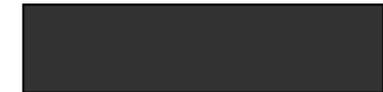
DULUX "LEXICON QUARTER" \*



DULUX "PRESTIGE BLUE"\*



COLORBOND "SURFMIST"



COLORBOND "MONUMENT"



SATIN BLACK



DULUX "TERRAIN"\*



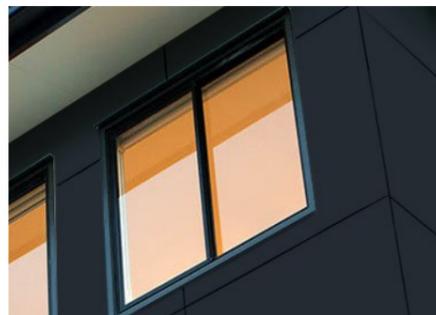
REPRESENTATIVE IMAGE  
CSR CEMINTEL SERIES CLADDING



REPRESENTATIVE IMAGE  
FRAMELESS GLASS BALUSTRADE



REPRESENTATIVE IMAGE  
FRONT ENTRY DOOR - XV16



REPRESENTATIVE IMAGE  
EXPRESS JOINT CLADDING

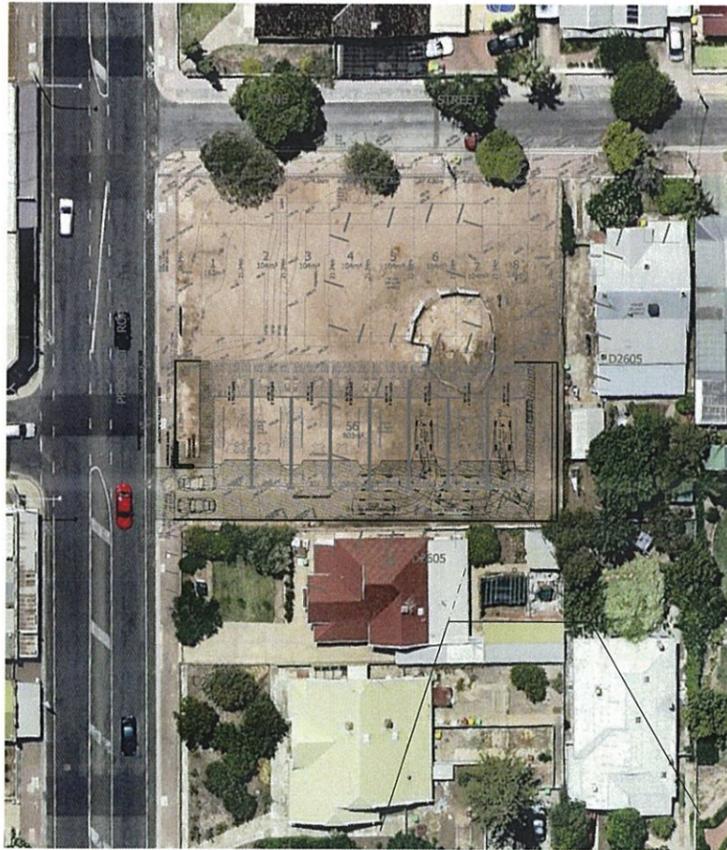
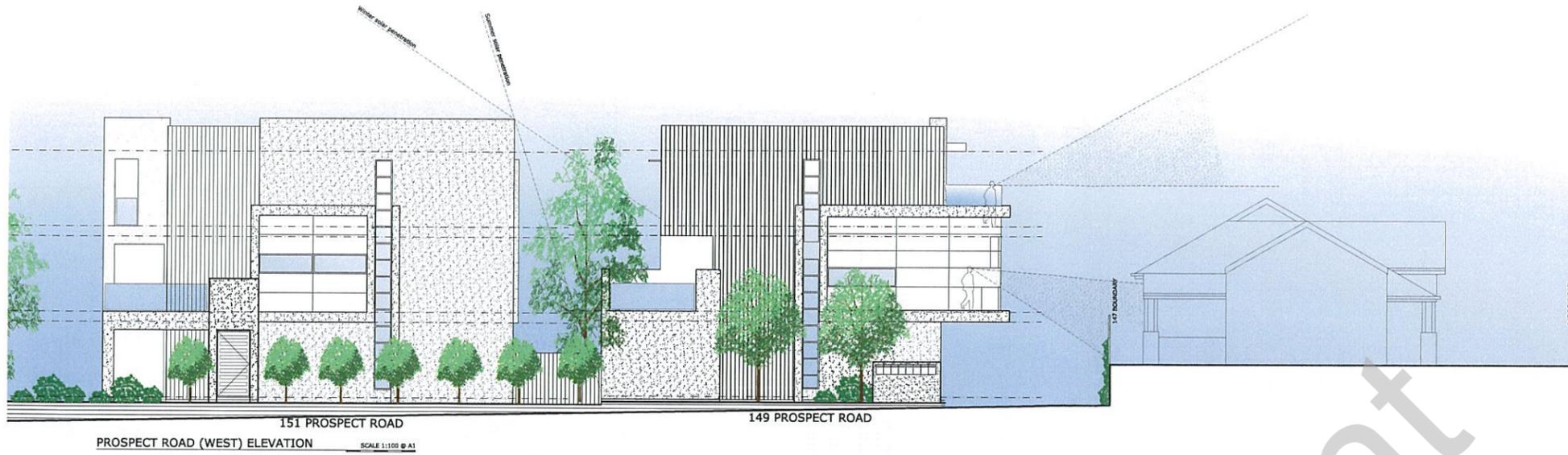


REPRESENTATIVE IMAGE  
PANEL-LIFT DOOR: MADISON PROFILE



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



REVISIONS	
<b>AMENDMENT</b>	
Concept Issue	10 April 2015
Amendment - Reversing Bay removed, added communal BBQ area	10 April 2015
Amendment - Designed Dwellings	5 June 2015
Planning Issue	17 June 2015
Planning Amendments with landscaping reference	7 Sept 2015
Planning Amendments (MW)	15 Oct 2015
Planning Amendments (MW)	19 Oct 2015
Provide 6m Driveway access (MW)	21 Oct 2015
Increase front setback & lower dwelling (MW)	1 Dec 2015
Adjust upper level floor plan (MW)	11 Dec 2015
Amendment as per council request	18 Feb 2016

**rivergum**  
homes

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A.B.N. 70 065 466 337 B.Lic. BLD 113681  
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Client  
**G. Pinksterboer**

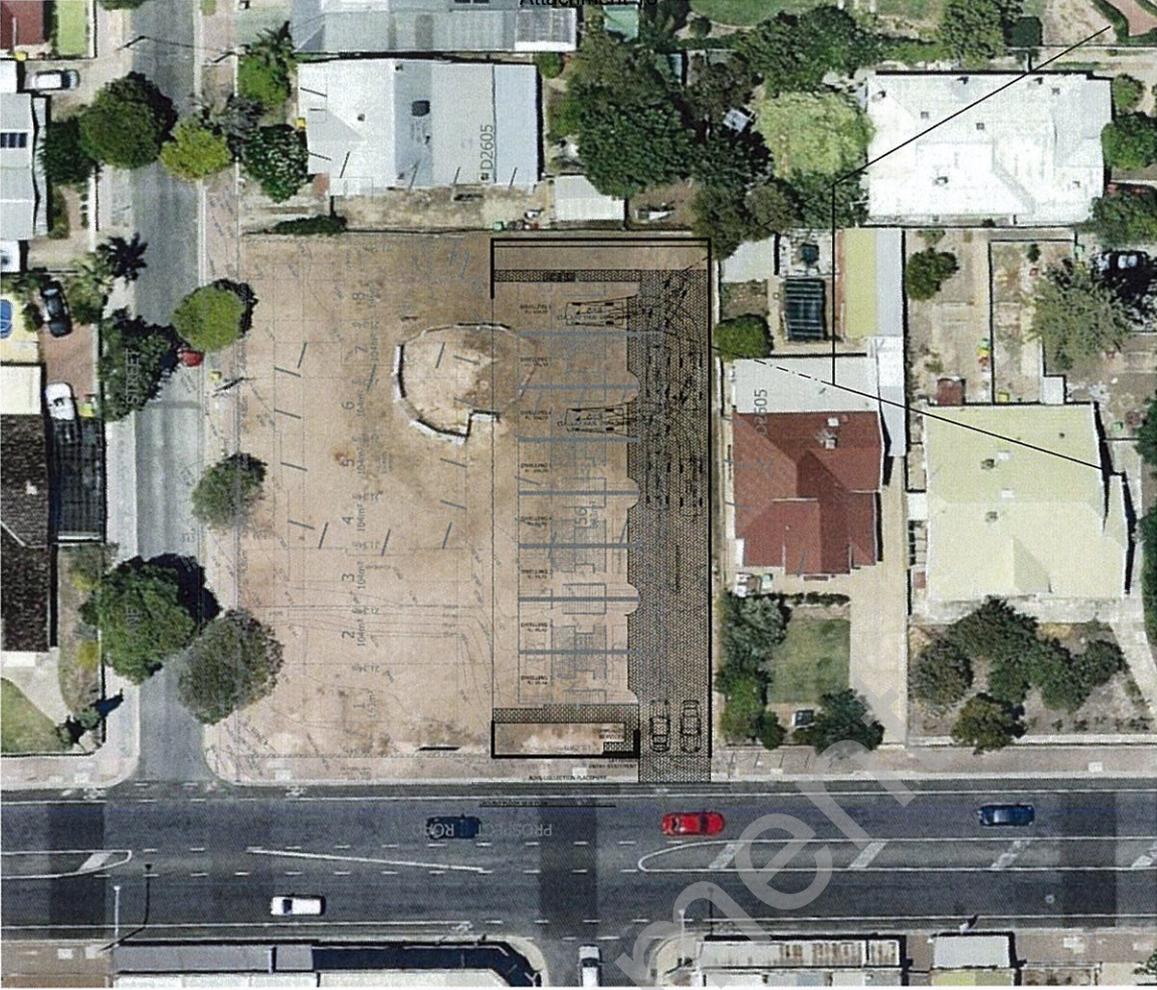
Project  
**Proposed Development**

At

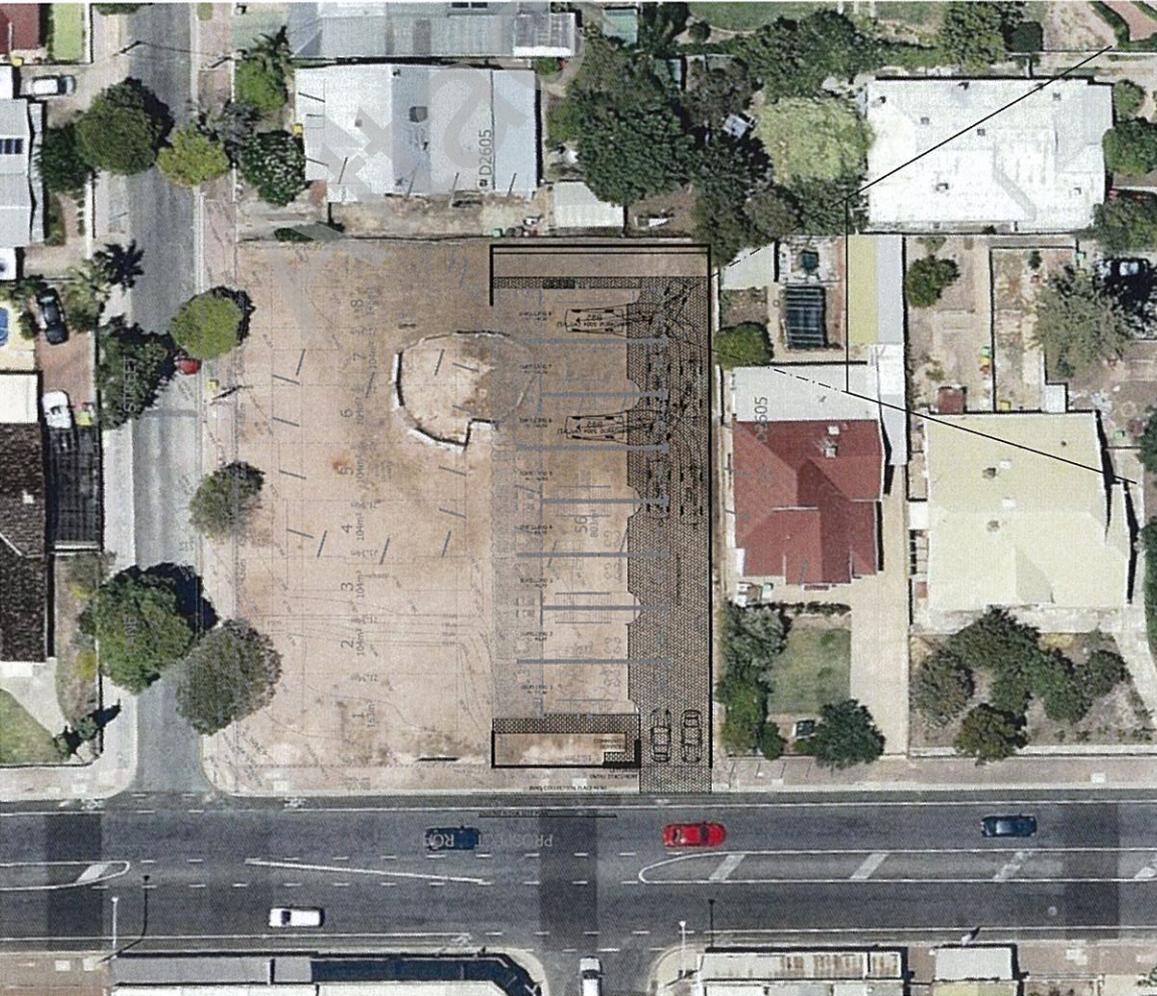
**149 Prospect Road  
PROSPECT**

Drawn	CGH	Date	10 April 2015
Scale	1:100 (UNO)	Sheet No.	3 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 notation shown seek clarification before commencement. These plans remain the exclusive property of Rivergum Homes and are protected by Copyright laws. Legal action will be taken against any infringement whether it be in part or in full, unless written permission is given.

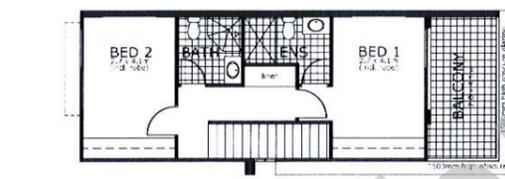
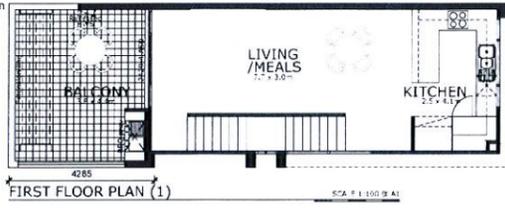
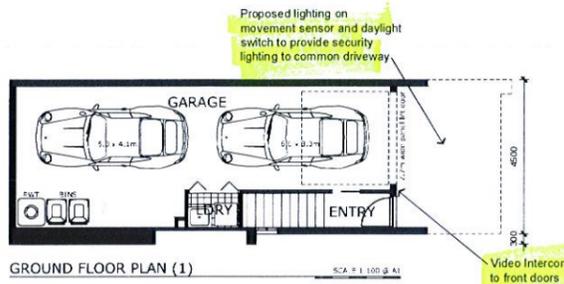
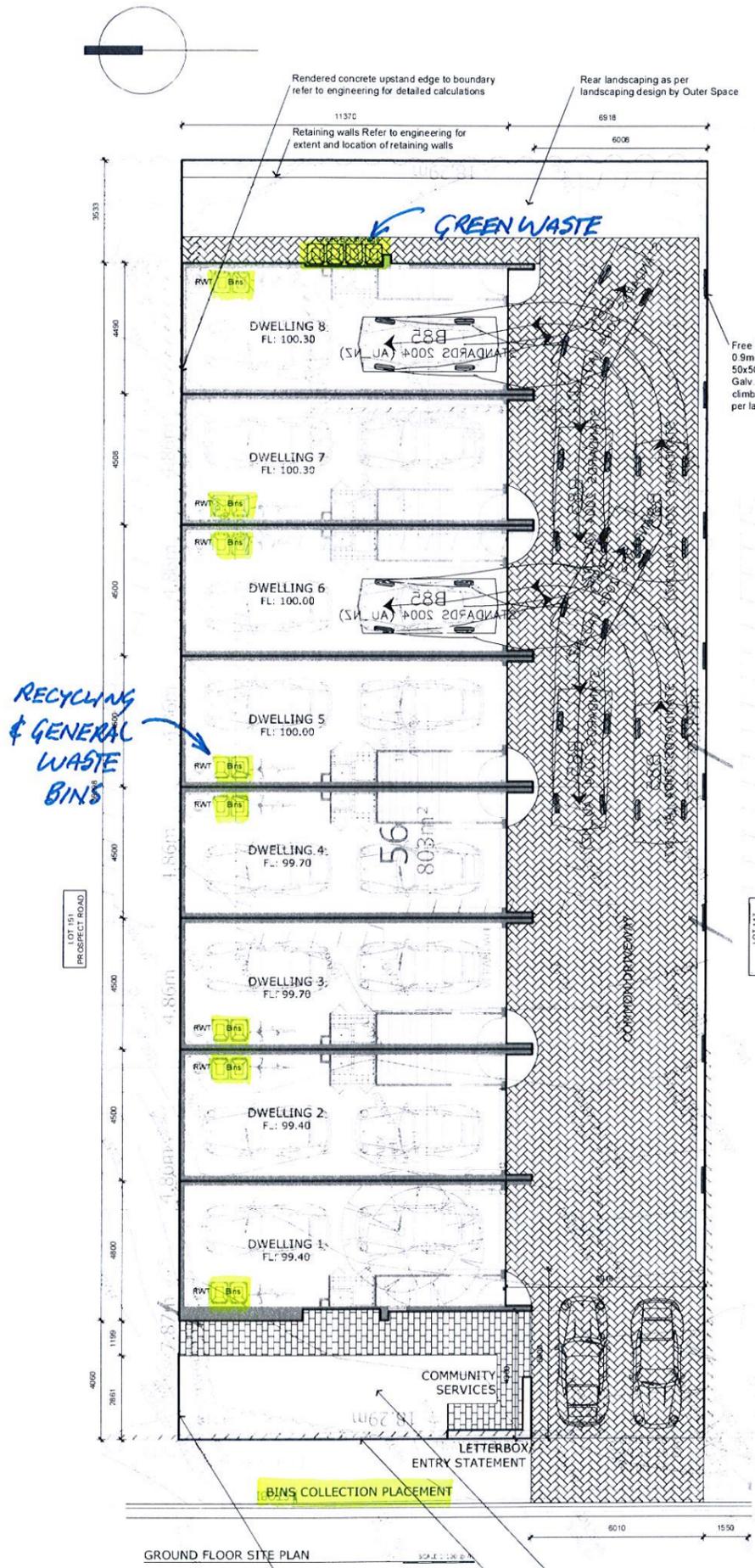


LINE OF SIGHT FROM BALCONY

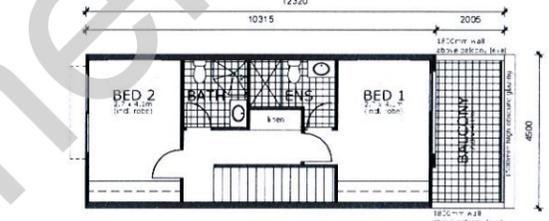
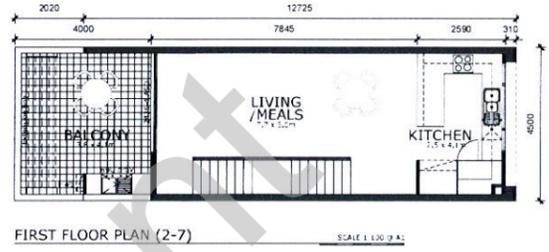
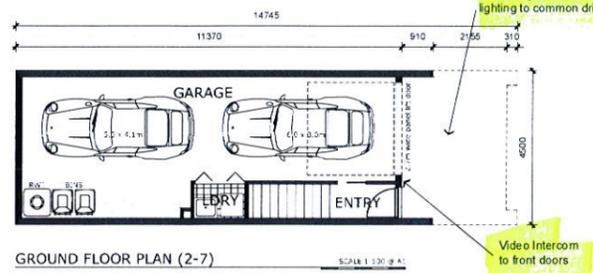


LINE OF SIGHT FROM KITCHEN WINDOW

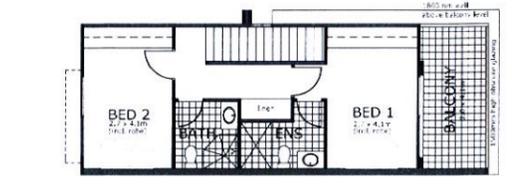
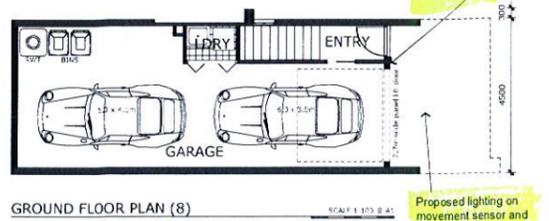
(SECURITY/INTERCOMMS)



SECOND FLOOR PLAN (1)	
Ground Floor	52.62m <sup>2</sup>
First Floor	46.43m <sup>2</sup>
Second Floor	15.45m <sup>2</sup>
Balcony 1	19.26m <sup>2</sup>
Balcony 2	8.94m <sup>2</sup>
<b>Total Area</b>	<b>172.64m<sup>2</sup></b>



SECOND FLOOR PLAN (2-7)	
Ground Floor	51.50m <sup>2</sup>
First Floor	47.22m <sup>2</sup>
Second Floor	46.30m <sup>2</sup>
Balcony 1	18.00m <sup>2</sup>
Balcony 2	9.14m <sup>2</sup>
<b>Total Area</b>	<b>172.16m<sup>2</sup></b>



SECOND FLOOR PLAN (8)	
Ground Floor	51.33m <sup>2</sup>
First Floor	46.35m <sup>2</sup>
Second Floor	45.45m <sup>2</sup>
Balcony 1	18.00m <sup>2</sup>
Balcony 2	8.94m <sup>2</sup>
<b>Total Area</b>	<b>170.07m<sup>2</sup></b>

DWELLING	Site Area	Private Open Space	Building Foot Print	Site Plot Ratio
DWELLING 1	100.34m <sup>2</sup> (average)	23.70m <sup>2</sup>	52.65m <sup>2</sup>	52.47%
DWELLING 2	100.34m <sup>2</sup> (average)	22.50m <sup>2</sup>	51.50m <sup>2</sup>	51.33%
DWELLING 3	100.34m <sup>2</sup> (average)	22.50m <sup>2</sup>	51.50m <sup>2</sup>	51.33%
DWELLING 4	100.34m <sup>2</sup> (average)	22.50m <sup>2</sup>	51.50m <sup>2</sup>	51.33%
DWELLING 5	100.34m <sup>2</sup> (average)	22.50m <sup>2</sup>	51.50m <sup>2</sup>	51.33%
DWELLING 6	100.34m <sup>2</sup> (average)	22.50m <sup>2</sup>	51.50m <sup>2</sup>	51.33%
DWELLING 7	100.34m <sup>2</sup> (average)	22.50m <sup>2</sup>	51.50m <sup>2</sup>	51.33%
DWELLING 8	100.34m <sup>2</sup> (average)	22.50m <sup>2</sup>	51.35m <sup>2</sup>	51.16%

WASTE MANAGEMENT

REVISIONS	
AMENDMENT	
Concept WMA	10 Apr 2016
Amendment: Reviewing Bay, moved across common area	14 Apr 2016
Amendment: Designed Drawings	1 July 2016
Planning WMA	17 Jun 2016
Planning Amendments with landscaping reference	7 Sep 2016
Planning Amendments WMA	18 Oct 2016
Planning Amendments WMA	18 Oct 2016
Provide Driveway access WMA	21 Oct 2016
Reduce front setback & over-awning WMA	12 Dec 2016
Adjust driveway to suit WMA	12 Dec 2016
Amendment as per council review	18 Feb 2016

**rivergum homes**

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 Web: rivergumhomes.com.au

Client: G. Pinksterboer	
Project: Proposed Development	
Address: 149 Prospect Road PROSPECT	
Drawn: CGH	Date: 10 April 2016
Scale: 1:100 (UNO)	Sheet No: 1 of 4
Project No:	ISSUE NO: 12

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## Gavin Pinksterboer

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**From:** George Manos <gm@bllawyers.com.au>  
**Sent:** Thursday, 18 February 2016 1:13 PM  
**To:** Gavin Pinksterboer  
**Subject:** FW: Re DPTI - 149 Prospect Rd Prospect DA 050/274/15

**Importance:** High

Dear Gavin

Please email below from Phil Weaver, Traffic Engineer, re the development proposed at 149 Prospect Rd Prospect

Regards

**BOTTEN  
LEVINSON**  
Lawyers

**George Manos**  
e. [gm@bllawyers.com.au](mailto:gm@bllawyers.com.au)

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 Botten Levinson Lawyers | 140 South Terrace Adelaide SA 5000  
[www.bllawyers.com.au](http://www.bllawyers.com.au)

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 If it has, client legal privilege is not waived or lost and you are not entitled to use it in any way

-----Original Message-----

**From:** Phil Weaver [<mailto:glenphil@internode.on.net>]  
**Sent:** Friday, 12 February 2016 4:05 PM  
**To:** 'Gavin Pinksterboer'  
**Cc:** George Manos  
**Subject:** RE: Re DPTI - 149 Prospect Rd  
**Importance:** High

Dear George,

I understand that the proposed development on the site of 149 Prospect Road, Prospect, was considered at the meeting of the Prospect Development Assessment Panel (DAP) on 8th February 2016.

I am advised that comment was made in relation to the potential for visitors entering the site to be unable to find a car parking space and consequently having to reverse along the driveway onto Prospect Road.

I have considered the above matter. While it would be possible for a driver to make multiple turns within the driveway area in front of the garage to manoeuvre on site and consequently exit in a forward direction out onto Prospect Road, in reality, I consider that the necessity for such movements to occur would be minimal given the nature of the proposed development. By way of explanation, I suggest that many visitors attempting to park on site are likely to pre-arrange with a particular resident to park within the garage of that resident.

Furthermore, it was previously identified that residents would be able to turn on site and both enter and exit in a forward direction. In my opinion, the number of visitors entering the site would be minimal.

Consequently, I consider that there would be relatively few occasions when a driver would be likely to reverse out of the driveway onto Prospect Road, associated with the proposed development.

By way of comparison, individual residential dwellings along Prospect Road, such as the existing development on the subject site, with a single width driveway would typically require not only visitors using the driveway but also residents to reverse out onto Prospect Road.

Consequently, I do not consider that there would be any significant increase, and potentially fewer, of reversing movements, associated with the proposed development, than that which would currently be generated by the existing development on the site.

Regards

Phil Weaver

Attachment

**AGENDA ITEM:** 5.3

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

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

**Proposal:** Variation to Condition 4 (Night time luminance) of Development application 050/464/2012 – Conversion of existing illuminated static sign to a digital led sign, mesh screen and solar panels (DA 050/269/2015)

**Address:** 49 Main North Road, Medindie Gardens  
(CT 5976/563 and CT5976/564)

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**SUMMARY:**

**Applicant:** APN Outdoor Pty Ltd

**Owner:** Mr BJ Milburn

**Planning Authority:** Council

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

**Independent Advice:** Purkinje Pty Ltd

**Public Notification:** Category 1

**Representations/Submissions:** Not applicable

**Respondent:** Not applicable

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

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

**Key Considerations:** Conflict with traffic signals, safety of motorists

**Recommendation:** **Approval**

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**ATTACHMENTS:**

<u>Attachments 1</u>	Development Application Form
<u>Attachments 2-4</u>	Covering Letter prepared by Masterplan SA Pty Ltd
<u>Attachments 5-14</u>	Planning Report prepared by Masterplan SA Pty Ltd
<u>Attachments 15-18</u>	Luminance report prepared by Dr Gordon Watson
<u>Attachments 19-24</u>	Light and Vision Report prepared by Purkinje Pty Ltd
<u>Attachments 25-26</u>	Site Plan and Elevations
<u>Attachment 27</u>	Photo of existing LED Advertisement
<u>Attachments 28 - 58</u>	'Advertising Signs Assessment Guidelines for Road Safety' prepared by the Department of Planning, Transport and Infrastructure

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## 1. EXECUTIVE SUMMARY

- 1.1 The Development Assessment Panel at its meeting of 12 May 2014 considered an application for the conversion of an illuminated static sign to a digital LED (light-emitting diode) sign, mesh screening and solar panels. The Panel resolved to approve the proposal subject to a condition restricting the maximum average night time luminance of the sign. The applicant has subsequently lodged a development application to vary this condition (condition 4) of the planning consent. No other amendments are proposed as part of this application, although a separate application has been lodged to vary the frequency of images displayed.
- 1.2 The proposed variation was referred to the Department of Planning, Transport and Infrastructure as the proposal would vary elements that related to the comments previously received. Council's planning staff also sought independent advice from a lighting consultant. The application is a Category 1 form of development and no public notification was required.
- 1.3 The key considerations are with regard to the impact on road safety for motorists at this location. The proposed luminance levels are considered appropriate and it is recommended that the application be approved.

## 2. BACKGROUND

- 2.1 The Development Assessment Panel (DAP) previously considered a proposal for the LED (light-emitting diode) sign and ancillary structures at its meeting of 14 October 2013. The application was deferred to a subsequent meeting of the Development Assessment Panel, to enable the applicant to amend the proposal.
- 2.2 Subsequently the amended proposal was considered by the DAP at its meeting on 12 May 2014, whereby the DAP resolved to approve the proposal subject to 9 conditions, which are as follows:
- (1) *The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/462/2012.*
  - (2) *The digital LED sign shall not operate between the hours of 12:00am and 5:00am on any day.*
  - (3) *The sign shall only display a single self-contained message or advertisement per 24 hour period. Each message or advertisement can only be changed daily at 5:00am.*
  - (4) *The sign shall not be permitted to operate in such a manner that could result in impairing the ability or comfort of a road user by means of high levels of illumination or glare. In any case, the LED component of the sign shall be limited to the following stepped luminance levels:*

<b>Ambient Conditions: Sign Illuminance Vertical Component (Lux)</b>	<b>Permitted Sign Luminance: Maximum Average (Cd/m<sup>2</sup>)</b>
<i>Sunny Day (greater than 40,000 Lux)</i>	6300
<i>Cloudy Day (between 4000 and 40,000 Lux)</i>	1100
<i>Twilight (between 400 and 4000 Lux)</i>	300
<i>Dusk (between 40 and 400 Lux)</i>	200
<i>Night (less than 4 Lux)</i>	41.2

- (5) *Images displayed on the sign shall not scroll, move, flash, rotate or be animated in any manner.*
- (6) *The LED sign shall not be used to display advertisements or other images/material that:*
- *Contain images of traffic control devices or imitate a traffic control device in any way; or*
  - *Contain content that could be construed as an instruction to road users; or*
  - *Contain predominant colours of red, green or amber or use these colours as a block within the advertisement.*
- (7) *No advertisement displayed must be any shape, colour or pattern, so as to result in it being readily mistaken for a rail, traffic or road sign or signal.*
- (8) *The operational system for the sign shall incorporate an automatic error detection system that will turn the display off (or to a blank black screen) should the sign or system malfunction. The sign may only be reactivated in the next available off-peak period.*
- (9) *All mesh screens must be maintained, kept tidy, free of graffiti and in good repair and condition at all times.*

2.3 The reports and attachments 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)).

### 3. **PROPOSAL**

3.1 The proposal is to vary condition 4 of the existing authorisation. Condition 4 outlines that the maximum permitted night time luminance of the sign is 41.2 cd/m<sup>2</sup> (candelas per square metre). The applicant proposes to vary this to be 150 cd/m<sup>2</sup>.

3.2 No other works are proposed. A covering letter (refer **Attachments 2- 4**) and Planning Report prepared by Masterplan SA Pty Ltd (refer **Attachments 5-14**) are attached, along with a Lighting Assessment Report prepared by Gordon Watson and Associates (refer **Attachments 15-18**) and the approved site plan and elevations (refer **Attachments 25-26**), along with photographs of the existing sign (refer **Attachment 27**).

3.3 It is noted that the applicant has also lodged a separate development application to vary condition 3 of the development plan consent, which is separately considered in Item 5.4 within this agenda.

### 4. **REFERRALS**

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

4.1.1 The proposed application was referred to an independent lighting consultant, Mr Phil Keane of Purkinje Pty Ltd for review and further advice in regard to the proposed variation. Mr Keane's report is attached (refer **Attachments 19-24**).

4.1.2 Mr Keane has outlined that at the time of providing the previous response, there were no official guidelines in South Australia, and as such, based on Purkinje's experience and measurement, the recommendation was that the average night time luminance should be 250 cd/m<sup>2</sup>, with any individual maximum to be limited to 1000 cd/m<sup>2</sup> (refer **Attachment 19**).

- 4.1.3 The current condition requires a maximum average luminance at night to be 41.2 cd/m<sup>2</sup>. The DPTI's *Advertising Signs Assessment Guidelines for Road Safety* recommends that the minimum luminance for night ambient conditions is 60 cd/m<sup>2</sup>.
- 4.1.4 Mr Keane advises that low brightness can distract the mechanisms of the eye. Therefore in his opinion, a maximum brightness of 40 cd/m<sup>2</sup> is too low for the sign to be perceived by road users and would recommend that the minimum of 60 cd/m<sup>2</sup> is appropriate, as outlined in DPTI's *Advertising Signs Assessment Guidelines for Road Safety* (refer **Attachment 28**).
- 4.1.5 Based on their assessment and calculations as per the DPTI's *Advertising Signs Assessment Guidelines for Road Safety*, Purkinje supports the proposed variation as the value recommended should not adversely affect road users comprehension of the traffic lights at this intersection.
- 4.1.6 Furthermore, with the additional conditions already applied by Council on this proposal, Purkinje advises that these conditions should assist in providing safe and adequate conditions for all road users (refer **Attachment 24**).

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

- 4.2.1 The proposal was referred to the Commissioner of Highways as required by Schedule 8 of the Development Regulations 2008. Council must have regard to the comments from the Department of Planning, Transport and Infrastructure (DPTI).
- 4.2.2 Pursuant to Section 37(1)(b) of the Development Act 1993, if a response is not received from DPTI within the prescribed timeframe, it will be presumed, unless the DPTI has notified Council and sought a further extension, that DPTI does not desire to make a response.
- 4.2.3 The application was referred to DPTI on 7 July 2015. DPTI made two requests in September 2015 for an extension of time in which to respond. Despite several subsequent requests made to DPTI, Council's has not received a response.
- 4.2.4 Accordingly, it is presumed that DPTI have no comment to make in relation to the proposal.

## **5. PUBLIC NOTIFICATION**

- 5.1 The application does not require public notification pursuant to Section 39(7) of the Development Act 1993, as it involves a variation to a previous approval that was subject to Category 1.

## **6. PLANNING COMMENTARY**

- 6.1 The proposal currently before the DAP is an application for the variation of a development authorisation, pursuant to Section 39(6) of the Development Act, in that it seeks to vary a condition of approval. Section 39(7)(b) of the Act describes that such an application is to be treated as a new application for development authorisation to the extent of the proposed variation.

- 6.2** The proposal is not for a type of development that would be categorised by Schedule 9 of the Development Regulations 2008 or the Development Plan. The only trigger for public notification to occur in respect of a variation application is when the original application was subject to Category 3 notification, and the variation application concerns aspects of the original approval that were the subject of representations received during the notification period.
- 6.3** It should also be noted that the assessment of a variation application is limited solely to those matters forming part of the proposed variation (Section 39(7) of the Act) and therefore cannot reconsider the previously approved development.

## **7. PLANNING ASSESSMENT**

### **7.1 Luminance/Brightness**

- 7.1.1 With respect to Council-wide PDC 315(a), advertising displays should not be so highly illuminated as to cause discomfort to approaching traffic, or create difficulty in the driver's perception of the road, persons or object on the road.
- 7.1.2 DPTI has previously recommended a night-time maximum luminance value for the sign of 41.2cd/m<sup>2</sup>, so that the level was consistent with the luminance of the existing sign. DPTI's recommendation was as follows:

<b>Ambient Conditions</b>	<b>Sign Illuminance Vertical Component (Lux)</b>	<b>Sign Luminance (Cd/m<sup>2</sup>) Maximum</b>
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	41.2

- 7.1.3 In August 2014 DPTI published their *Advertising Signs Assessment Guidelines for Road Safety* (refer **Attachments 28-58**). The guidelines recommend that the illumination of signs should be programmed to dim to suit the ambient light levels, from night to day, and the luminance levels should be consistent with:

<b>Ambient Conditions</b>	<b>Sign Illuminance Vertical Component (Lux)</b>	<b>All Colours</b>	
		<b>Sign Luminance (Cd/m<sup>2</sup>) Maximum</b>	<b>Sign Luminance (Cd/m<sup>2</sup>) Minimum</b>
Sunny Day	40000	6300	2800
Cloudy Day	4000	1100	500
Twilight	400	300	200
Dusk	40	200	100
Night	<4	Site Specific Veiling Luminance or 200, whichever is the lower (refer veiling luminance calculation)	60

7.1.4 Furthermore, the guide states:

- Electronic signs shall be controlled such that they do not cause any undue reduction in the ability of drivers to see objects on the road.
- Luminance levels should not exceed those of static signs in typical ambient light conditions, with the sign so highly illuminated as to impair the conspicuous nature of traffic signals.
- All electronic signs must be equipped with a sensor to measure the ambient light level of the surrounding environment and adjust the sign luminance to suit.

7.1.5 The applicant engaged Dr Gordon Watson from Gordon Watson and Associates to provide a lighting assessment report. Within his report Dr Watson provides justification to increase the luminance to a satisfactory level in order for the sign to operate in such a manner that could result in a safer road environment.

7.1.6 The report outlines that a night time luminance of 150cd/m<sup>2</sup> is more appropriate for the purposes of ensuring driver safety, and would comply with the minimum night time luminance (60 cd/m<sup>2</sup>) specified in DPTI's *Advertising Signs Assessment Guidelines for Road Safety*.

7.1.7 Both Mr Keane and Dr Watson advise that research shows that low contrast images in low illuminances require a longer time for the human eye to visually collect and process the images or graphics displayed. Therefore, this can cause drivers to fixate on images or graphics for a much longer time compared to an image of graphic with a much higher luminance and contrast.

7.1.8 Dr Watson advises that upon approaching the intersection and the sign, typically the human eye would take in a large section of the signage, together with areas above and below the sign, such as the dark sky above and the dark building below the sign. The luminance should be much higher than the sky and the building, and Dr Watson suggests 150 cd/m<sup>2</sup> would be a more appropriate maximum luminance for the night ambient conditions and provide a significantly safer outcome (refer **Attachment 16**).

7.1.9 In Dr Watson's experience, the average sign luminance has ranged between 250-300 cd/m<sup>2</sup>, however notes that lower illuminance levels have been set for particular sites. Dr Watson advises that 150 cd/m<sup>2</sup> would be the lowest sign illuminance which would provide a screen brightness where the image content could still be viewed quickly without drivers spending excessive time in reading the graphic, hence the variation to increase the maximum level would introduce a safer element to the road safety environment.

7.1.1 Dr Watson supports the variation given that 150 cd/m<sup>2</sup> would be an appropriate maximum. DPTI Advertising Signs Assessment Guidelines for Road Safety, the minimum sign luminance for night ambient conditions is 60 cd/m<sup>2</sup>.

## **8. CONCLUSION AND RECOMMENDATION**

**8.1** Internally illuminated advertisements should not be so highly illuminated to impair visibility of traffic signals and distract drivers. It has been recommended by two lighting consultants that increasing the level of illuminance to 150 cd/m<sup>2</sup> would provide a safer outcome for drivers when approaching the intersection and it is unlikely that the proposed level of illumination would cause confusion with the adjacent traffic lights or result in unreasonable distraction to drivers.

- 8.2** The proposed night time luminance would comply with the DPTI's *Advertising Signs Assessment Guidelines for Road Safety*.
- 8.3** The application is therefore considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to appropriate conditions.

**It is recommended:**

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/269/2015 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 approve to DA 050/269/2015 from Masterplan SA Pty Ltd on behalf of APN Outdoor for the Variation to Condition 4 of Development Approval 050/464/2012 (Conversion of an illuminated static sign to a digital LED sign, mesh screening and solar panels at 49 Main North Road, Medindie Gardens (CT 5976/563 and CT5976/564)), subject to the following conditions and notes:

**Conditions:**

1. The sign shall not be permitted to operate in such a manner that could result in impairing the ability or comfort of a road user by means of high levels of illumination or glare. In any case, the LED component of the sign shall be limited to the following stepped luminance levels:

<b>Ambient Conditions: Sign Illuminance Vertical Component (Lux)</b>	<b>Permitted Sign Luminance: Maximum Average (Cd/m<sup>2</sup>)</b>
Sunny Day (greater than 40,000 Lux)	6300
Cloudy Day (between 4000 and 40,000 Lux)	1100
Twilight (between 400 and 4000 Lux)	300
Dusk (between 40 and 400 Lux)	200
Night (less than 4 Lux)	150

2. The conditions, where pertinent, of the original development plan consent numbered 050/464/2012 (Conversion of an illuminated static sign to a digital LED sign, mesh screening and solar panels shall be complied with to the reasonable satisfaction of Council at all times, particularly conditions numbered 1, 2, 3 (unless otherwise varied), 5, 6, 7, 8 and 9.

**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).

# DEVELOPMENT APPLICATION FORM

**COUNCIL:** CITY OF PROSPECT

**APPLICANT:** APN OUTDOOR PTY LTD

Postal Address: LEVEL 4, 33 SAUNDERS STREET  
PYREMONT NSW 2009

**OWNER:** MR B J MILBURN

Postal Address: 80 MAIN NORTH ROAD  
PROSPECT SA 5082

**BUILDER:** TBA

Postal Address: \_\_\_\_\_

Licence No: \_\_\_\_\_

**CONTACT PERSON FOR FURTHER INFORMATION:**

Name: WAYNE GLADIGAU - MASTERPLAN SA PTY LTD

Telephone: 8221 6000

Facsimile: 8221 6001

Mobile: 0413 832 604

**EXISTING USE:**

APPROVED OUTDOOR ADVERTISING SIGN

**FOR OFFICE USE**

Development No: 050/269/2015

Previous Development No: \_\_\_\_\_

Assessment No: \_\_\_\_\_

Complying Application forwarded to DA

Non-complying Commission/Council on: \_\_\_\_\_

Notification Cat 2 Decision: \_\_\_\_\_

Notification Cat 3 Type: \_\_\_\_\_

Referrals/Concurrence Date: \_\_\_\_\_

DA Commission

	Decision	Fees	Receipt No	Date
Planning:				
Building:				
Land Division:				
Additional:				
Dev Approval:				

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

VARIATION TO CONDITION 4 (LUMINANCE) OF PLANNING CONSENT FOR DEVELOPMENT APPLICATION 050/464/2012 - CONVERSION OF EXISTING ILLUMINATED STATIC SIGN TO A DIGITAL LED SIGN, MESH SCREENING AND SOLAR PANELS

**LOCATION OF PROPOSED DEVELOPMENT:**

House No: 49 Lot No: 1&2 Street: MAIN NORTH ROAD Town/Suburb: MEDINDIE GARDENS

Section No (full/part): \_\_\_\_\_ Hundred: YATALA Volume: 5976 Folio: 563

Section No (full/part): \_\_\_\_\_ Hundred: \_\_\_\_\_ Volume: 5976 Folio: 564

**BUILDING RULES CLASSIFICATION SOUGHT:**

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Female: \_\_\_\_\_ Male: \_\_\_\_\_

If Class 9a classification is sought, state the number of persons for whom accommodation is required: \_\_\_\_\_

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: \_\_\_\_\_

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 1993 APPLY? YES:  NO:

HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID? YES:  NO:

DEVELOPMENT COST (Do not include any fit-out costs): NIL (VARIATION TO CONDITION)

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 1993.

SIGNATURE:  DAMIEN B RYATH

Dated: 26 JUNE 2015

FOR AND ON BEHALF OF APN OUTDOOR PTY LTD



26 June 2015

City of Prospect  
PO Box 171  
PROSPECT SA 5082



Attention: Chris Newby

Dear Chris

**Re: Variation to Condition 3 of Existing Planning Consent  
and  
Variation to Condition 4 of Existing Planning Consent**

**DA 050/464/2012**

**49 Main North Road, Medindie Gardens**

**Conversion of existing illuminated static sign to a digital led sign, mesh screening and solar panels**

Please find enclosed herewith two development applications prepared on behalf of APN Outdoor Pty Ltd, each for a variation to a condition of the original planning consent granted in respect of development application 050/464/2012 for the conversion of the existing illuminated static sign to a digital LED sign, mesh screening and solar panels at 49 Main North Road, Medindie Gardens.

The operative period of planning consent for the original application was granted an extension by letter on 22 April 2015 until 15 May 2016.

The two development applications relate to Condition 3 and Condition 4 of the planning consent as discussed further below.

Everything else in relation to the application details and all of the rest of the conditions remain the same, including Condition 2 which requires that the sign shall not operate between the hours of 12:00 am and 5:00 am on any day.

<b>SOUTH AUSTRALIA</b>	<b>NORTHERN TERRITORY</b>
33 Carrington Street Adelaide, 5000 P (08) 8221 6000	Unit 33, 16 Charlton Court Woolner, 0820 P (08) 8942 2600
masterplan.com.au	ISO 9001:2008 Certified

ABN 30 007 755 277  
13638LET05



### **Variation to Condition 3**

The variation is to amend Condition 3 in relation to the dwell time of advertisements displayed on the sign. It is requested that Condition 3 be amended to the following:

- 3      *The proposed sign shall not display images at intervals shorter than 45 seconds duration.*

The proposal for a 45 second dwell time is consistent with the DPTI Advertising Signs Assessment Guidelines for Road Safety – August 2014. A dwell time of this duration is in a similar range to all of the APN digital signs in Australia which have dwell times in the order of 8 to 45 seconds.

The report prepared by GTA Consultants provides additional support for the amendment. The report concludes that the proposed variation to the dwell time of the approved sign does not create a significant road safety issue, and complies with the requirements of the DPTI Guidelines.

### **Variation to Condition 4**

APN Outdoor seeks a variation to Condition 4 to include a maximum average Permitted Night Time Luminance of 150 Cd/m<sup>2</sup> in lieu of 41.2.

A report by Gordon Watson and Associates provides justification for the proposed amendment. In particular, the report concludes that a night time luminance of 150 Cd/m<sup>2</sup> is more appropriate for the purposes of ensuring driver safety, is consistent with the night time luminance of similar LED signs in Adelaide and around Australia, and complies with the minimum night time luminance of 60 Cd/m<sup>2</sup> that is specified in DPTI's Advertising Signs Assessment Guidelines for Road Safety.

Further, the report prepared by GTA Consultants provides additional support for the amendment. The report concludes that the proposed variation to the night time luminance does not create significant road safety issues.

Enclosed is the following documentation:

- completed application form for variation to Condition 3
- completed application form for variation to Condition 4;
- three sets of plans (same as the approved plans);
- copy of Certificates of Title;
- copy of Lighting Report prepared by Gordon Watson and Associates;
- copy of Traffic Report prepared by GTA Consultants; and



- copy of Planning Report (which addresses both variation applications).

Can you please advise the required development application fees so that prompt payment can be arranged from our client. If you require any further information, please do not hesitate to contact the writer or Fabian Barone at this office.

Yours sincerely

**Wayne Gladigau**  
MasterPlan SA Pty Ltd

enc: Documents as listed  
cc: Damien Rath, APN Outdoor Pty Ltd

Attachment



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**PLANNING REPORT**

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## **Variations to Condition 3 and Condition 4 of Planning Consent for Development Application 050/464/2012, Conversion of Existing Illuminated Static Sign to a Digital LED Sign, Mesh Screening and Solar Panels**

FOR: APN Outdoor Pty Ltd

AT: 49 Main North Road, Medindie Gardens

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### **1.0 INTRODUCTION**

An application for the conversion of an existing illuminated static sign to a digital LED sign, mesh screening and solar panels (DA 050/464/2012) at 49 Main North Road, Medindie Gardens was approved by the City of Prospect on 15 May 2014. The approval was subject to nine conditions. The operative period of planning consent has been extended to 15 May 2016.

APN Outdoor Pty Ltd have reviewed the conditions and are satisfied with the greater majority of the requirements, however in order to proceed it wishes to vary two of the conditions relating to dwell time and night time luminance.

APN Outdoor is lodging two applications to vary the conditions of the approval as follows:

1. APN Outdoor seeks to vary Condition 3 of the planning consent to allow a 45 second dwell (changeover) time which is consistent with the DPTI Advertising Signs Assessment Guidelines for Road Safety – August 2014 Report.
2. APN Outdoor seeks to vary Condition 4 of the planning consent to change the maximum average permitted night time luminance to 150 Cd/m<sup>2</sup>. APN Outdoor is satisfied with the luminance levels recommended for all the ambient conditions outlined in Condition 4, except for the night time figure of 41.2 Cd/m<sup>2</sup>.

This planning assessment report is provided in support of both of the variation applications.

Further information regarding these variations is provided in the Traffic Impact Assessment Report prepared by GTA Consultants.



Further information regarding the proposed variation to Condition 4 is provided in the report by Gordon Watson & Associates. This challenges the basis on which the night time luminance limit used in Condition 4 was recommended, and provides suitable justification to increase the luminance to a satisfactory level in order to operate in such a manner that could result in a safer road environment.

No other features of the original application and development approval are proposed to be changed as a result of the variations. Accordingly the following sections relating to the description of the subject land and locality, the background and the description of the approved development, are the same as the planning assessment report provided to the Council in respect of the original application.

Since the lodgement of the original application, the zoning of the subject land has been amended as a result of the Inner Metropolitan Growth DPA. The subject land is now located in the Urban Corridor Zone and Business Policy Area of the City of Prospect Development Plan, consolidated version dated 31 October 2013. The following sections relating to the nature of the development and the planning assessment address the zoning provisions as amended.



**Existing Sign and Locality – 49 Main North Road, Medindie Gardens**

The approved development makes minimal change to the existing sign structure and the size of the existing display area. The method of changing the display from static vinyl to a digital LED process required development approval from the City of Prospect.



The following report outlines the background of the existing sign on the site, a description of the subject land and locality, a description of the development, and a planning assessment of the relevant provisions of the Development Plan.

## 2.0 SUBJECT LAND AND LOCALITY

The subject land is located on the north east corner of the intersection of Main North Road and Nottage Terrace, Medindie Gardens. The land is more particularly described as:

- Lot 1 in Filed Plan 110709, Hundred of Yatala and comprised in Certificate of Title Volume 5976, Folio 563; and
- Lot 2 in Filed Plan 110710, Hundred of Yatala and comprised in Certificate of Title Volume 5976, Folio 564.

The property contains an L shaped single storey set of buildings with a frontage to Nottage Terrace involving a medical imaging tenancy and a commercial frontage to Main North Road. The existing sign location sits diagonally above the fascia of the two tenancies.

The surrounding locality is dominated by Main North Road which carries approximately 22,000 vehicles per day in accordance with traffic volumes provided by the Department of Planning, Transport and Infrastructure. On the northern side of the subject land are similar single storey commercial frontages and another advertising hoarding sign at number 51. On the opposite side of Main North Road there is a range of vacant land and commercial frontages, and an advertising hoarding above the commercial premises at 80 Main North Road. On the southern side of the intersection is the Scotties Motel site. To the east along Nottage Terrace and behind the subject land are predominantly residential uses.

## 3.0 BACKGROUND

The following is a summary of the past sign approvals for the sign, as identified by searches of development approval records.

- In May 1993 the Council approved non-illuminated fascia signage for the site. It was not evident whether this approval represented the original approval for signage that currently exists (in its modified form) at this location.
- Subsequent to this, development approval was granted in July 2000 for a sign at 49 Main North Road based on a plan prepared by Signs Incorporated.



- In 2011 development approval was granted by the City of Prospect for “advertising display (replacement of existing billboard)”. Correspondence accompanying the application refers to the existing illuminated 9.5 x 3.1 metre signage having been in-situ since 2000, which would support the conclusion that the 2000 approval relates to the signage that APN owns.
- The approval granted in April 2011 increased the illuminated display area to a national standard 12.66 x 3.35 metre size. The approved plans reflected the replacement of the previously approved existing billboard with the larger advertising display described above and the removal of an unused advertising structure. The development approval also contains conditions requiring the sign to be maintained in good repair and condition with all words and symbols being clearly visible at all times. It further provides that the sign must not move, blink, flash or rotate in any manner. It is understood that the works have been undertaken and the photo on page 2 shows the completed approved sign.
- The original development application 050/464/2012 to convert the existing illuminated static sign to a digital LED sign was approved by Council on 15 May 2014 and the operative period of planning consent has been extended to 15 May 2016.

#### 4.0 THE DEVELOPMENT

The development involves the conversion of the existing illuminated static advertising sign to a digital LED sign. The new sign will be in the same location as the existing sign and a very similar size compared to the existing sign, but will have a full digital LED display rather than the current internally illuminated static sign. The new sign elevation will retain the structural framing, but will include a mesh screen below the sign display and solar panels on top of the sign. The development is shown on the plans prepared by Dennis Bunt Consulting Engineers, Job Number 12132, Drawings A01 and A02, Revision B.

The existing sign is shown located diagonally between the two tenancy buildings. At its closest point it is setback 20 metres from Main North Road and 30 metres from Nottage Terrace. The sign is also setback between 35 to 40 metres from the nearest sets of traffic signals.

The new sign face is 12.7 x 3.4 metres overall with a visual screen size of 12.6 x 3.3 metres (41.58 square metres). The screen face is therefore slightly less than the current approved 12.66 x 3.35 metre sign face. The bottom of the sign face is 5.65 metres above the ground level. The new LED sign replaces the existing front lit illuminated sign, which over a 10 year lifespan would have meant the replacement of 52 metal halide lamps and used approximately 7,595 square metres of PVC vinyl in changing advertisements every four weeks.



Whilst the energy consumption of the LED sign compared to the existing illuminated sign will be greater, it is important when considering other environmental impact factors (for example waste), that LED signage offers zero waste generation over the 10 year lifecycle assessment period when compared to PVC vinyl signage.

Although the LED signage also has a limited lifetime, at the end-of-life approximately 98 percent of the components can be recycled or refurbished. In this respect, LED signage is favoured over PVC vinyl signage.

In order to address the increase in energy consumption, APN Outdoor will install five solar panels to the top of the sign. Whilst it is acknowledged that these will not provide enough energy to fully power the LED sign, they will contribute to reducing the amount of power being consumed directly from the grid. APN Outdoor's development also contemplates, where possible, purchase of green energy and carbon credits to ensure the replacement proposal is one that has a carbon neutral outcome.

The new digital sign will therefore have the following features:

- it will be in the same location and a reduced visual display;
- rather than manually changing the sign face, the display images are changed by electronic means;
- the sign will not display moving images or video;
- the sign will not operate between the hours of 12:00 am and 5:00 am on any day; and
- **the brightness of the screen will automatically moderate and adjust to ambient lighting conditions using highly sensitive light sensor technology, i.e. automatically reducing brightness at dawn, dusk, overcast conditions and at night.**

The proposed variations to the approved sign will provide for the following features:

- **the sign will display images for 45 seconds and then change to the next one instantaneously (0.01 second changeover commensurate with most nations operating standards);**
- **maximum average permitted sign illuminance for night time of 150 Cd/m<sup>2</sup>.**

As a result of the development:

- there is no change to the existing structure and location of the sign, and the visual screen size is almost exactly the same size as the existing sign display;
- the appearance of the structure will be improved with a mesh screen below the display;



- there is a different method of displaying the sign and an ability to more regularly change the images of the sign;
- there are occupational health and safety benefits by eliminating the need to manually change the sign display;
- there are environmental sustainability benefits involved in less waste being produced and the use of solar energy;
- the light emissions from the digital signs will be contained within the sign structure to avoid any unnecessary light spillage;
- the sign can be used for community benefit, to advertise community events or advise the community of emergency services;
- the conditions attached to existing sign approvals can be maintained and reinforced, ie words and symbols clearly visible at all times, no moving, flashing or rotating messages, etc;
- there will be no change to the position of the existing sign with no impact on the visibility or operation of the traffic signals or road layout adjacent to the site; and
- the proposed development will not negatively impact on the operation of the roads in the vicinity of the sign.

## **5.0 NATURE OF DEVELOPMENT**

The approved development involves changing the nature of the display from a static vinyl display to a digital LED screen. The change of the method of display required development approval in this instance. Within the Urban Corridor Zone of the Prospect (CC) Development Plan, the conversion of the sign is not specified as either 'complying' or 'non-complying', and therefore the variation application needs to be considered on its merits. Within the Urban Corridor Zone an advertisement is a Category 1 form of development.

## **6.0 DEVELOPMENT PLAN ASSESSMENT**

The subject land is now located in the Urban Corridor Zone and Business Policy Area of the Prospect (City) Development Plan (consolidated version dated 31 October 2013). The subject land was previously located within the Commercial Zone and the Main North Road Showroom Policy Area. Within the Urban Corridor Zone, the conversion of the sign is neither listed as complying or non-complying, and is therefore to be considered on its merits.



The relevant provisions relating to outdoor advertising are nominated and assessed as follows.

#### **Urban Corridor Zone**

- Objective 1:** A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.
- Objective 2:** Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential and commercial development above.

The approved sign will exhibit a high standard of signage on the subject land which will be appropriate to the role of Main North Road as a principal gateway to the City of Adelaide and a high frequency public transport corridor. The sign will assist in creating active and vibrant streets envisaged in Objective 2. The proposed variations to conditions do not change this position.

The approved development does not conflict with the objectives relevant to outdoor advertising in the zone and neither will the proposed variations. There are no relevant principles of development control in the zone except for the following:

- 3 Development should be consistent with the desired character for the zone.**

Although there is no specific reference to outdoor advertising in the desired character, it is considered that the approved development, as proposed to be varied, will contribute to the desired character and assist in creating a vibrant urban environment.

Within the Urban Corridor Zone and Business Policy Area, there are no specific objectives or principles of development control relating to outdoor advertising, unlike the previous Commercial Zone which had a number of provisions and reference within the Desired Future Character Statement. Notwithstanding this, it is considered that as an existing use, the sign does not conflict with the attainment of the key objectives of the policy area:

- Objective 1:** A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.
- Objective 2:** Development that minimises any adverse impacts upon the amenity of the locality within the zone.

The existing signage and in particular the subject sign is appropriate to the role of Main North Road as the principal northern gateway to the City of Adelaide and a high frequency public transport corridor. Without any specific zone requirements, the assessment needs to rely on the Council-wide provisions which are the same as before, but renumbered in the latest Development Plan.



**Council-wide**

- Objective 26:** Urban landscapes that are not disfigured by advertisements.
- Objective 27:** Advertisements that do not create a hazard.
- Objective 28:** Advertisements designed to enhance the appearance of the building and locality.

The proposed variations are in accordance with all the objectives relating to outdoor advertisements. As an existing sign structure, the urban landscape and in particular the immediate locality will not be further disfigured by advertisements. The proposed variations will not create a hazard and the proposed variations will create no change to the appearance of the building and the locality relevant to the site.

- 307 Advertisements or advertising displays should:**
- (a) be completely contained within the boundaries of the subject property;
  - (b) be located to avoid damage to, or pruning or lopping of, on-site landscaping or street trees;
  - (c) not obscure views of attractive landscapes or particular trees or groups of trees;
  - (d) be set-back in such a way that is not isolated from the building envelope or property boundary.
- 308 Advertisements or advertising displays should not be erected on:**
- (a) a public footway or veranda post;
  - (b) a road, dividing strip or traffic island;
  - (c) a vehicle adapted and exhibited primarily as an advertisement;
  - (d) residential land, unless erected to fulfil a statutory requirement or as a complying type of advertisement or advertising display associated with the residential use of the land.
- 310 Advertisements or advertising displays should be designed and constructed:**
- (a) to conceal the supporting structure from view wherever possible;
  - (b) in a high quality and professional manner; and
  - (c) be of durable materials.
- 311 The location, siting, design, materials, size, and shape of advertisements or advertising displays should be:**
- (a) consistent with the desired character of the area or zones as described by the objectives;
  - (b) consistent with the predominant character of the urban landscape;
  - (c) in harmony with any building or site of historic significance or heritage value in the area;
  - (d) minimised in number to avoid creating, or adding to, clutter, visual disorder or the untidiness of buildings and spaces;
  - (e) coordinated and complementary with the architectural form and design of the building that the advertisement or advertising display is located on.
- 314 Advertisements should not move, rotate, flash or incorporate an animated display, running lights or flags, bunting, streamers or suspended objects.**



Given that the variations relate to the replacement of an existing sign, the variations meet the requirements of the above principles of development control. The variations are also in accordance with PDC 314 which is controlled by existing conditions in relation to the requirements for no moving, rotating or flashing signs.

### **Safety**

#### **315 Advertisements should not create a hazard by:**

- (a) **being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road;**
- (b) **being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals;**
- (c) **distracting drivers from the primary driving task at a location where the demands on driver concentration are high;**
- (d) **obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width and traffic control devices); and**
- (e) **being erected in positions close to electricity mains.**

As discussed in the Traffic Impact Assessment Report prepared by GTA Consultants, the approved sign as proposed to be varied complies with Principle 315. In particular:

- it is not highly illuminated to cause discomfort to an approaching driver or to create difficulty in the driver's perception;
- there is no change to the existing sign which is not likely to be interpreted as an official traffic sign;
- unlikely to distract drivers from the primary driving task in that location; and
- does not obscure the driver's view of other road features.



## 7.0 CONCLUSION

The development as outlined in the original approval and variation application to convert the method of display of the existing sign at 49 Main North Road is part of the next generation of outdoor advertising which provides environmental sustainability benefits, and which will improve the character and amenity of the immediate locality.

Information provided by the applicant's traffic consultant in the Traffic Impact Assessment Report concludes that the proposed amendment to Condition 3 will not negatively impact on the operation of Main North Road or Nottage Terrace in the vicinity of the sign. The Luminance Report concludes that the proposed night time luminance can comply with recognised standards relating to the illumination of outdoor advertising and that the proposed amendment to Condition 4 is justified.

The variations to the approved development are appropriate forms of development which are in accord with the relevant provisions of the Development Plan and each variation warrants the consent of the Development Assessment Panel.

Wayne Gladigau  
B/A in Planning

MPIA, CPP

26 June 2015

**APN OUTDOOR PTY LTD**  
**CONVERSION OF INTERNALLY ILLUMINATED**  
**SIGNAGE TO LED ILLUMINATED SIGNAGE**  
**AT**  
**49 MAIN NORTH ROAD, MEDINDIE GARDENS**  
**DA050/464/2012**  
**COMMENTS ON ASSESSMENT OF APPLICATION**

Attachment

June 2015

Dr Gordon Watson  
49 Elouera Road  
Westleigh NSW 2120

## 1.0 INTRODUCTION

I have been requested by APN Outdoor Pty Limited to comment on certain aspects of items which have been discussed by the Department of Planning, Transport and Infrastructure, SA (DPTI) in correspondence leading up to the City of Prospect issuing Development Plan Consent of DA 050/464/2012 on the 12<sup>th</sup> May 2014.

## 2.0 COMMENTS

2.1 In paragraph 4 of page 2 of the letter dated 16<sup>th</sup> April 2014 from DPTI to Ms Susan Giles of City of Prospect, DPTI indicates that it measured the night time luminance of the existing subject sign to be 40-50 cd/m<sup>2</sup>. After reviewing its measurement against the veiling luminance model, DPTI reduced the maximum permissible night time luminance for the replacement sign to 41.2 cd/m<sup>2</sup>. This maximum permissible night time luminance has been reflected in Condition 4 of the Development Plan Consent granted on 12<sup>th</sup> May 2014.

It has been assumed that the luminance meter used for the measurement of the existing sign by DPTI had a 1<sup>o</sup> angle of view. Previous correspondence from DPTI to City of Prospect indicates that luminance measurements by DPTI staff were between 40-50 cd/m<sup>2</sup> on the white legend area of the signage in question. The cone of view of a human eye (and that of a driver approaching this signage) would be 13<sup>o</sup>, which would take in an area which would include a large section of the signage together with areas above and below the sign (i.e. dark sky above the sign and dark building frontage below the sign). The net result would be a sign luminance which would be much higher than the dark sky and also that of the building frontage. Therefore a more appropriate maximum sign luminance would be 150 cd/m<sup>2</sup> for night ambient conditions, in order to obtain a reasonable average. This recommended maximum sign luminance is further supported by being half that of the maximum for twilight conditions in Table 4 of Appendix 5 of DPTI Advertising Signs Assessment Guidelines for Road Safety dated August 2014.

2.2 Paragraph 5 on page 2 of the DPTI letter of 16<sup>th</sup> April 2014 referred to above refers to the maximum veiling luminance occurring within the critical area where the traffic lantern obscures the sign (45-90m before the sign). No veiling luminance measurements were supplied in the DPTI letter in order to support this claim; therefore it is difficult to agree that a revised luminance of 41.2 cd/m<sup>2</sup> forming Condition 4 would be acceptable when compared to a dusk luminance of 200 cd/m<sup>2</sup>.

**2.3** In Table 4 of Appendix 5 of DPTI Advertising Signs Assessment Guidelines for Road Safety dated August 2014, the minimum sign luminance for night ambient conditions is given as 60 cd/m<sup>2</sup>. DPTI has recommended to the Council that the maximum permissible night time luminance for the replacement sign be 41.2 cd/m<sup>2</sup>. The recommended maximum is therefore less than the minimum set by DPTI's own Guidelines. The maximum night time luminance for the sign should be greater than the minimum specified in the Guidelines. It is my view that 150 cd/m<sup>2</sup> would be an appropriate maximum in light of the minimum specified in the Guidelines.

**2.4** It has been shown that low contrast images in low illuminances require a longer time to visually collect and process the images or graphics displayed. This phenomenon of the human eye is known as Contrast Sensitivity Performance. It can therefore cause drivers of vehicles and in particular older drivers to fixate on images or graphics for a much longer time compared to an image or graphic with a much higher luminance and contrast. In light of this phenomenon a maximum sign luminance of 150 cd/m<sup>2</sup> would provide an acceptable luminance for older drivers and those with reduced Contrast Sensitivity Performance and thereby a significantly safer outcome. I studied this phenomenon together with Adaptation and Contrast Sensitivity and reported the outcome in a thesis resulting in the award of a PhD degree from The University of Sydney.

**2.5** Measuring the luminance of illuminated signage is much affected by the graphic displayed and the ratio of dark colours to light colours within the graphics. This particular variable depends on the content of the image and can lead to large variations in photometric measurements. It also affects the retinal illuminance on the driver's eyes as a direct result of sign luminance. Therefore, a much more consistent method of taking this measurement is to arrange for a white graphic or screen image to be displayed at the time of measurement such that if taken at a prescribed distance from the signage the measured luminance will be consistent. The illuminance at the driver's eye or retinal illuminances measured at a prescribed distance from the sign e.g. 90 or 100m, should be used for all retinal illuminance illumination measurements. This will also assume a cone of vision for the driver of 13°.

**2.6** During the measurement taken by DPTI there was standard advertising copy with a variety of colours and density of colour across the screen of the illuminated signage at the Main North Road site. This standard advertising copy from which the measurement was taken would not have been representative of every advertisement as every advertisement is different and varied as it is constantly rotated and changed. This would have resulted in variations in

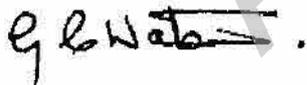
the luminance readings obtained at that time. If a white screen had been in place at the time luminance measurements were obtained by DPTI, higher and more representative luminances would have been recorded.

**2.7** I have reviewed the two Adelaide Case Studies attached to the report by GTA Consultants prepared in support of the development application. I note that each of the LED signs featured in the Case Studies have maximum night time illuminances set at  $180 \text{ cd/m}^2$ , and that the road safety analysis has not found any indication that the signs have contributed to any significant increase in road accidents in the approaches to the signs.

**2.8** I have provided reports and carried out a significant number of luminance measurements and retinal illuminance measurements in New South Wales, Victoria and South Australia. In my experience, the average sign luminances have been in the  $250\text{-}300 \text{ cd/m}^2$  range. Lower sign illuminance have been set for particular sites, however, it is considered that  $150 \text{ cd/m}^2$  would be the lowest sign illuminance which would provide a screen brightness where the image content could be viewed quickly without undue time spent in deciphering low illuminance graphic hence introducing an unsafe element to the road safety environment.

### **3.0 SUMMARY**

With reference to the above comments it is my opinion that  $150 \text{ cd/m}^2$  should be inserted in the Table contained with Condition 4 of Development Plan Consent of DA 050/464/2012 titled Ambient Condition, Night, as the Permitted Sign Luminance Maximum Average ( $\text{cd/m}^2$ ) in place of  $41.2 \text{ cd/m}^2$ .



Gordon Watson PhD MBdgSc MIET FIES IEng



Purkinje Pty Ltd  
PO Box 1020,  
Torrens Park SA 5062  
ABN 18 008 271 118

Light and Vision Update Report for the City of Prospect with regard to a request by APN Outdoor Pty Ltd to change conditions 3 and 4 of their Development Plan Consent DA 050/464/2012. The proposed project is for an active LED sign proposed to be erected on an existing signage site at 49 Main North Road, Medindie Gardens, South Australia.

Purkinje Pty Ltd have been requested by the City of Prospect to provide brief comments with regard to the proposed changes.

APN Outdoor Pty Ltd has lodged two applications to vary the conditions of the original approval as denoted above.

These applications are as follows:

1. APN Outdoor seeks to vary Condition 3 of the planning consent to allow a 45 second dwell (changeover) time which is consistent with the DPTI Advertising Signs Assessment Guidelines for Road Safety- Published August 2014.
2. APN Outdoor seeks to vary Condition 4 of the planning consent to change the maximum average permitted night time luminance to 150cd/m<sup>2</sup> ( from the night time figure of 41.2cd/m<sup>2</sup>)

## History

Purkinje were originally requested by the City of Prospect to provide a report with regard to the request for approval of an LED sign situated at the above site.

At that stage, in the absence of any official guidelines in South Australia, based on our own experience and measurements, our recommendation, on page 22 of our report, was that the average night time luminance should be 250 candelas/m<sup>2</sup> (cd/m<sup>2</sup>), with any individual maximum to be limited to 1000 cd/m<sup>2</sup>.

We also expressed our concern for scene changeover times that were short, and the dwell time between scenes should be relatively long. Further, we requested for the scenes to fade out and fade in over a reasonable time at any scene changeover to prevent distractions to all road users.

This report was submitted to the City of Prospect on 30<sup>th</sup> August 2013.

The City of Prospect decision on the Development Application 050/464/2012 was granted on 12<sup>th</sup> May 2014 with nine conditions of the Development Plan Consent.



The conditions, which are all related to the light and vision of the project, are listed as follows:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/462/2012.
2. The digital LED sign shall not operate between the hours of 12:00am and 5:00am on any day.
3. The sign shall only display a single self-contained message or advertisement per 24 hour period. Each message or advertisement can only be changed daily at 5:00am.
4. The sign shall not be permitted to operate in such a manner that could result in impairing the ability or comfort of a road user by means of high levels of illumination or glare. In any case, the LED component of the sign shall be limited to the following stepped luminance levels:

Ambient Conditions: Sign Illuminance Vertical Component (Lux)	Permitted Sign Luminance: Maximum Average (Cd/m <sup>2</sup> )
Sunny Day (greater than 40,000 Lux)	6300
Cloudy Day (between 4000 and 40,000 Lux)	1100
Twilight (between 400 and 4000 Lux)	300
Dusk (between 40 and 400 Lux)	200
Night (less than 4 Lux)	41.2

5. Images displayed on the sign shall not scroll, move, flash, rotate or be animated in any manner.
6. The LED sign shall not be used to display advertisements or other images/material that:
  - a. Contain images of traffic control devices or imitate a traffic control device in any way; or
  - b. Contain content that could be construed as an instruction to road users; or
  - c. Contain predominant colours of red, green or amber or use these colours as a block within the advertisement.
7. No advertisement displayed must be any shape, colour or pattern, so as to

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- result in it being readily mistaken for a rail, traffic or road sign or signal.
8. The operational system for the sign shall incorporate an automatic error detection system that will turn the display off (or to a blank black screen) should the sign or system malfunction. The sign may only be reactivated in the next available off-peak period.
  9. All mesh screens must be maintained, kept tidy, free of graffiti and in good repair and condition at all times.

The guide for "Advertising Signs Assessment Guidelines for Road Safety" was published by the Department of Planning, Transport and Infrastructure in August 2014.

Purkinje were alerted to the existence of this guide and it was downloaded from the web around October 2014.

Generally, the document is a very useful guide to the installation of LED advertising signs.

It appears obvious that the City of Prospect had prior knowledge of the range of values that DPTI were going to publish in their guide.

Re: DPTI Advertising Signs Assessment Guidelines for Road Safety- Published August 2014.

"Appendix 5 – Illumination, Reflectivity and Movement

Table 4 – Luminance Levels for internally (sic) illuminated signs for night time operation with an ambient sign illuminance of less than 4 lux, that the maximum sign luminance be the site specific Veiling Luminance or 200 (cd/m<sup>2</sup>), whichever is the lower, and a minimum sign luminance of 60 (cd/m<sup>2</sup>)".

Obviously, a calculation of Veiling Luminance (Lv) has been calculated as per the published equation:

" $L_v = E_g \times 22.155/02$ " (page 24 DPTI Guide)

to produce the value of 41.2 cd/m<sup>2</sup>."

Veiling Luminance is a luminance superimposed on the retinal image which reduces it's contrast. It is this veiling effect produced by bright sources or areas in the visual field that results in decreased performance and visibility.

This value of Veiling Luminance is relatively much lower than the maximum

*Purkinje*

luminance recommended at the sign face.

The ratio between the LED sign luminance and the Veiling Luminance at the eye is of the order of 4:1

Purkinje has not made a calculation of the Veiling Luminance using the formula provided to confirm the value given, or otherwise.

The City of Prospect Condition 5 is for a maximum average luminance of 41.2 cd/m<sup>2</sup>, whereas the DPTI guide in this instance recommends a maximum point luminance of 41.2 cd/m<sup>2</sup> (calculated) and a minimum of 60cd/m<sup>2</sup>.

Our recommendation is that the values in Table 4 of the DPTI guidelines should be expressed as an average maximum luminance with a uniformity of, say, an ideal maximum to average of 1.3:1, and an ideal minimum to an average of 0.67:1.

This will provide a maximum luminance to minimum luminance value of 2:1, which would provide a range of brightness which is acceptable to the human eye with regard to contrast and seeability.

A practical application of this suggestion would be more likely to recommend values of up to 2:1 and down to 0.5:1 respectively.

### **Recommendations**

1. "APN Outdoor seeks to vary Condition 3 of the planning consent to allow a 45 second dwell (changeover) time which is consistent with the DPTI Advertising Signs Assessment Guidelines for Road Safety- Published August."

In summary, the City of Prospect have been requested, with regard to this proposed sign, to have the scene changes to vary from once every 24 hours to 45 seconds.

Purkinje see that, with the potential distraction of road users with regard to short dwell times between scenes, it is paramount that the scene changeover times remain large for these types of screens.



*With the newness of this technology in areas of large road traffic use, and being so close to the traffic lights below the sign, Purkinje recommend that the City of Prospect maintain their condition 3 in it's current form.*

2. "APN Outdoor seeks to vary Condition 4 of the planning consent to change the maximum average permitted night time luminance to 150cd/m<sup>2</sup> (from the night time figure of 41.2cd/m<sup>2</sup>)"

Note that the report from Gordon Watson and Associates requests a maximum luminance of 150 cd/m<sup>2</sup>, whereas the Masterplan document is requesting a change to a maximum average luminance of 150 cd/m<sup>2</sup>.

The concept of setting the maximum brightness of the order of 40 cd/m<sup>2</sup> is, in our opinion, too small for the sign to be perceived by road users.

Prior to the release of the DPTI Guidelines, Purkinje made a judgment based on experience and physical measurements, that the average luminance of this sign should be no greater than 250 cd/m<sup>2</sup> with no specific point luminance to exceed the value of 1000 cd/m<sup>2</sup>.

Within the guidelines provided by DPTI, we now agree to lowering our previously recommended maximum average luminance value to 150 cd/m<sup>2</sup>, which implies a maximum luminance of 200 cd/m<sup>2</sup> and a minimum luminance of 100 cd/m<sup>2</sup>, using the ratios offered earlier in this report.

It should be pointed out that low brightness can also distract the mechanisms of the eye.

Purkinje are prepared to recommend to the City of Prospect that they accept a minimum of 60 cd/m<sup>2</sup> in this instance, for this project only.

Please note that the City of Prospect has specified 41.2 cd/m<sup>2</sup> in their Part 4 condition to be a maximum average luminance, and they have defined the maximum average luminance at dusk to be 200cd/m<sup>2</sup>.

If this value of 41.2 cd/m<sup>2</sup> is recommended to be altered by the City of Prospect, Purkinje recommend a maximum average luminance of 150cd/m<sup>2</sup>.

*Purkinje's recommendation is that both the City of Prospect and DPTI accept a maximum average value of 150cd/m<sup>2</sup>, a maximum point luminance value of 200cd/m<sup>2</sup>, and a minimum point luminance of 60 cd/m<sup>2</sup>.*

The logo for Purkinje, written in a cursive, handwritten-style font.

With the additional conditions already applied by the City of Prospect on this proposal, such as the restrictions of colour types, image types, etc., it is Purkinje's advice that these conditions should assist in providing additional safe and adequate conditions for all road users.

The values recommended for the sign luminance by Purkinje should not adversely affect road users comprehension of the traffic lights at this intersection.

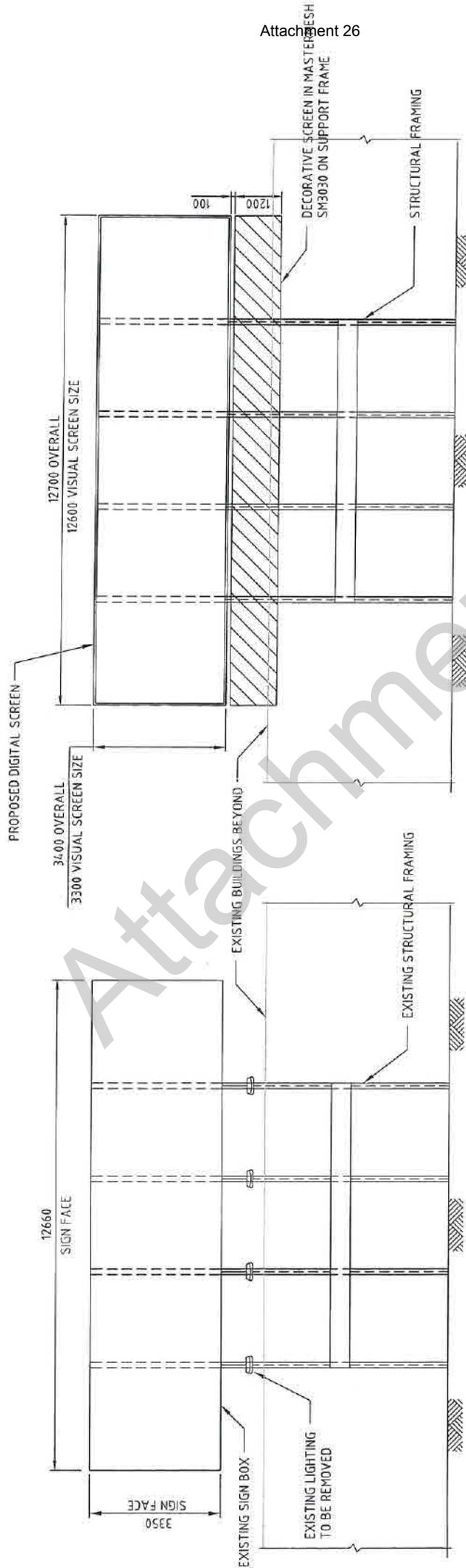
**Philip Keane BE(Hons) LFIES**

Purkinje Pty Ltd  
16 September 2015

P: 0417 819 080  
E: [p.keane@purkinje.com.au](mailto:p.keane@purkinje.com.au)  
PO Box 1020 Torrens Park SA 5062

The logo for Purkinje, written in a cursive, handwritten-style font.





EXISTING SIGN ELEVATION  
SCALE 1:100

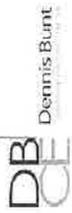
PROPOSED SIGN ELEVATION  
SCALE 1:100



NOT FOR CONSTRUCTION

ISSUED FOR APPROVAL

ISS DATE	COMMENT
A 25/07/12	ISSUED FOR APPROVAL
B 14/11/12	RE-ISSUED FOR APPROVAL


  
 Suite 4, 61A, The Centre, Forestville, NSW 2087  
 P.O. Box 652, Forestville, NSW 2087  
 Ph: 02 9451 3455 Fax: 02 9451 3466  
 Email: info@dbcs.com.au  
 ABN 23 039 013 724

CLIENT:  
**APN OUTDOOR PTY LTD**  
 PROJECT:  
 49 MAIN NORTH ROAD  
 MEDINDIE GARDENS SA, 5082

TITLE:  
**PROPOSED DIGITAL SIGN UPGRADE  
 EXISTING & PROPOSED ELEVATIONS**

DRAWN PDH	DESIGN DJB	DATE: APR 2010
JOB NO: 12132	DWG NO: A02	141
SCALE: AS SHOWN	REV: B	

Photos of Existing LED Sign



# Advertising Signs Assessment Guidelines for Road Safety

A guide for the Department of Planning, Transport and  
Infrastructure

August 2014



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

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# INTRODUCTION

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## PURPOSE

Advertising plays an important social and economic role in today's society, with signs ranging from large billboards to small 'sandwich boards', and more recently, electronic signs becoming a common feature along transport corridors. The Department of Planning, Transport and Infrastructure (DPTI) has a key role in the assessment of advertising signs where they are visible from arterial roads.

While DPTI has a former procedure in place to undertake such assessments, there has been a need to review and update this to provide greater flexibility, in line with both national and international best practice. Particularly with the introduction of electronic signs, which continue to change the nature of advertising when compared to more traditional print based signs.

This document replaces DPTI's previous advertising sign assessment practices, with an updated guide for practitioners within DPTI, so that appropriate advice can be provided on behalf of the Commissioner of Highways.

This guideline also allows relevant planning authorities to understand the reasoning behind responses from the Commissioner of Highways in the Development Approval process, and allows applicants to understand the type of information that DPTI requires or considers when assessing the appropriateness of advertising signs.

## DEFINITION OF ADVERTISEMENTS AND ADVERTISING SIGNS

The *Advertising Signs Assessment Guidelines* (the Guidelines) are to be applied to advertisements defined as development under the *Development Act 1993* and *Development Regulations 2008*, and therefore requiring Development Approval. It also applies when permission is being sought from DPTI on behalf of the Commissioner of Highways for signs on land owned or under the care, control and management of the Commissioner.

According to *Part 1, Section 4* of the *Development Act 1993*, an advertisement that constitutes development is any "advertisement or sign that is visible from a street, road or public place or by passengers carried on any form of public transport". An advertising hoarding is "a structure for the display of an advertisement or advertisements". For the purposes of this document, the terms 'advertisement' and 'advertising sign' both refer to the advertising sign and the hoarding in combination as a single element.

Further, an 'electronic sign' is considered to be any sign or advertising device that can be updated or changed electronically. This includes (but is not limited to) screens broadcasting still or moving images (e.g. videos or animations), LED/LCD screens/technology, 'scintillating' light displays (such as fibre optic or neon lights), scrolling billboard/poster displays (e.g. a device with a number of advertising panels connected to form a strip that may be wound to sequentially display the advertising panels), tri-vision billboards, variable message signs (VMS) and any other similar devices. It does not include static illuminated light box signs, or flashing illuminated signs that cannot otherwise be changed (e.g. flashing or chasing bulbs).

## ADVERTISING SIGNS AND ROAD SAFETY

The principal aim of advertising is to attract attention. This can present a safety issue when advertising distracts road users from the task of operating a vehicle in a safe manner. The trend towards the use of new and more powerful digital technology for advertising has increased the potential for distraction.

In effect, the presence of roadside advertising can:

- Distract drivers from the driving task;
- Compete with traffic control devices for the road user's attention;
- Result in visual clutter to the extent that traffic control devices cannot be easily seen and recognised by road users;
- Obscure or interfere with a road user's view of other vehicles and pedestrians;
- Pose a hazard to errant vehicles;

- Where illuminated or reflective, 'dazzle' or cause discomfort to approaching road users;
- Encourage stopping, slowing down or turning movements in inappropriate locations (this includes instances where drivers may be required to slow down/stop to view an advertisement due to illegibility);
- Desensitise road users to the presence of signage, thereby undermining the impact and credibility of traffic control devices.

## DPTI CONSULTATION AND THE APPROVAL OF ADVERTISING SIGNS

### Development Plans

Development Plans are the self-contained policy documents for each Council prepared and given statutory recognition under the *Development Act 1993*. Development Plans outline the policy for what forms of development can or cannot occur on any piece of land, including the road. They also articulate broader policies, such as road and public safety considerations, through objectives and principles that control and manage all planning aspects, such as the location, design and impact of any proposal defined as development.

### South Australian Planning Policy Library – Advertisements

The *Advertisements* module within the *South Australian Planning Policy Library*, developed in conjunction with road practitioners within DPTI, guides all of the policy aspects of development for advertisements from amenity to road safety. While not currently integrated into all Council Development Plans, it is the development plan policy 'template' for doing so.

The role of the *South Australian Policy Library* is to act as the policy template for Councils to progressively update when Development Plans are being reviewed. This will ultimately see development plan principles within the *Advertisements* module consistently applied across all Councils.

### Development Approval for Advertisements

Under the *Development Act 1993*, all development requires approval from the relevant planning authority. The relevant planning authority is either a local Council or the Development Assessment Commission (DAC), unless specifically exempted via the *Development Regulations 2008* or other legislation.

Development Approval requires the assessment of development proposals against the provisions and requirements of the *Development Act 1993* and *Development Regulations 2008*. Advice from the Commissioner of Highways is included within the Development Plan consent assessment process undertaken by either the Council or DAC as the relevant planning authority.

In most cases, when Development Approval is issued it is subject to one or more conditions of approval. Any conditions attached to the approval are binding. In this way the Commissioner of Highways can provide the relevant planning authority with conditions that reflect the road and structural safety requirements for the advertisement.

### Advertisements Requiring Referral to the Commissioner of Highways

The Commissioner of Highways' roles and responsibilities are provided under the *Highways Act 1926*. As the custodian of South Australia's arterial road network, the Commissioner of Highways is responsible for ensuring the safety and efficiency of the network. Achieving this requires road safety and transport planning policy to continue to be strategically embedded within development plan policy as defined within Development Plans.

The role of the Commissioner of Highways in the development approval process is prescribed in *Schedule 8* of the *Development Regulations 2008*, which outlines the circumstances where a referral is required and the nature of the advice provided for the proposed development.

As a prescribed referral body under *Schedule 8*, the Commissioner of Highways must be consulted by the relevant planning authority for advertisement proposals as follows:

- “Development that will involve an advertising display on an existing arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan) and within 100 metres of a signalised intersection or a pedestrian actuated crossing where the display—
  - a) will be internally illuminated and incorporate red, yellow, green or blue lighting; or
  - b) will incorporate a moving display or message; or
  - c) will incorporate a flashing light”

While any development proposals for advertisements that fall outside of the above legislated criteria are not required to be forwarded to the Commissioner of Highways for comment, either the relevant planning authority or the applicant may, and often does, choose to seek advice from DPTI informally.

Significantly, *Schedule 8* also states that the relevant planning authority is only required to give regard to the response from the Commissioner of Highways, unless the advertisement falls within the road widening setback under the *Metropolitan Adelaide Road Widening Plan Act 1972*. The Commissioner of Highways therefore does not have any power of direction (to refuse or approve the advertisement) based on road safety requirements.

### **Advertisements on Road Reserve and Land Owned by or Roads under the Care, Control and Management of the Commissioner of Highways**

Permission from the relevant road authority is required for all advertising within the road reserve. The relevant road authority is either the Commissioner of Highways or Council.

The Commissioner of Highways is deemed to be the relevant road authority where a notice has been issued under *Section 26* of the *Highways Act* or if a proclamation has been issued under *Section 30A* of the Act. The Commissioner is also the relevant road authority if the road has been vested in the Commissioner of Highways under *Section 21A* of the Act. Consequently, any advertising sign within the road reserve that is under the care, control and management of the Commissioner of Highways will require authorisation from the Commissioner under *Section 221* of the *Local Government Act* and a permit under *Section 222* of this Act. Authorisations and permits will only be issued where the Commissioner is satisfied that the proposal is appropriate and once Development Approval has been granted.

That is, the Commissioner has the power to permit or refuse the erection of advertising signs on particular portions of such land or roads where it is deemed appropriate. The appropriateness of the location of any proposed sign is to be determined by the assessment procedures in this document and any consent is subject to any additional conditions deemed necessary or desirable by the Commissioner.

While the Commissioner may permit the use of particular areas for advertising signs, all advertising signs that constitute development must have approval under the *Development Act 1993* before being erected.

Further details can be found in ‘Appendix 7 – Additional Authorisations and Permissions’.

# GUIDELINES OVERVIEW

Attachment

## GENERAL

The Commissioner of Highways recognises the need to have a strategically integrated set of advertising guidelines that, in line with best practice, effectively balances the need to provide a safe and efficient road network, with the important social and economic role that advertising plays. They have been developed to provide greater flexibility in the design and location of roadside advertising, while ensuring road safety is not compromised. That is, there is the potential for allowing advertising signs near and/or within arterial road corridors while recognising that each location will often have unique safety aspects that will limit where such signs can be positioned.

The Guidelines are generally consistent with the *Advertisements* module within the *South Australian Planning Policy Library*. However, they also recognise that by pursuing a balance that allows advertisements, while still maintaining a safe and efficient arterial road network, some aspects are likely to vary from the existing development plan policy principles within Council Development Plans.

The Guidelines have been developed with a focus on the Australian Standards, and consideration to what has occurred in other states. Therefore, they represent a similar approach to the assessment of advertising signs as is undertaken in other states within Australia.

## ASSESSMENT OF ADVERTISING SIGNS

It is the responsibility of the relevant planning authority (Council or the Development Assessment Commission) to determine whether or not an advertising proposal satisfies all of the requirements and directions of the relevant Council's Development Plan in terms of desired character and appropriateness, amenity and interface compatibility, and public safety (including road safety). Development Plan requirements may differ between Councils, and can see advertisements considered as non-complying development (i.e. not a desired form of development). Applications may also be subject to public notification by some Councils, but not others. As a result, any refusal or approval granted by the relevant planning authority may be for reasons other than road safety and therefore outside the scope of this document.

The advice provided by DPTI on behalf of the Commissioner of Highways to the relevant planning authority is related to the Acts and activities for which the Commissioner is responsible; including but not limited to road safety, road operations and road widening/improvements. Consequently, the advice will generally include the following, of which these Guidelines have been based:

- Identify whether DPTI objects to the approval of the proposal on the basis of it being a road safety hazard or it being impacted by a road improvement project;
- Identify whether mitigation measures or changes are required to alleviate any concerns prior to the installation or display of the advertising signs;
- Identify any potential conditions that are deemed necessary or desirable and should be attached to any development approval that is granted.

A flow-chart of the Development Assessment Process, including the role of the Commissioner of Highways and the Guidelines, can be found in 'Appendix 6 – Development Assessment Process for Advertising Signs'.

### Road Safety Assessment Checklists for Advertising Signs

Principles for guiding the acceptability of advertising along arterial roads, in terms of road safety, have been developed. These performance principles are the core of these Guidelines and are described in detail within the 'Road Safety Checklists' later in this document. Each step within the checklists refers to the 'Appendices' section of the Guidelines, which assist in satisfying the criteria within the checklists.

### 'Device Restriction Areas'

Restriction areas for advertising signs that are visible from an arterial road have been established. These 'Device Restriction Areas' are based on experience and research both from within DPTI and other state road authorities. They are

predominantly locations where there is a need to ensure that a road user is not distracted, and where important information is conveyed via traffic control devices. Advertising signs within these restricted areas (including electronic signs), will not necessarily be precluded from approval, but will be required to clearly demonstrate that they do not increase road and public safety risk. In these situations, factors that ameliorate the impacts of the advertising sign, so that they do not interfere with the effectiveness of signals or traffic control devices or the safe operation and use of the road, will be paramount. Further details can be found in 'Appendix 2 – Location, Placement and Clearance'.

## Electronic Signs

There has been a recent increase in the use of electronic signs, such as LED and LCD displays, which have become more affordable in recent times. This has necessitated a specific focus on these types of signs within the Guidelines. DPTI's broad position is to consider the provision of electronic signs at any location where a standard static sign is considered appropriate, providing the electronic sign is managed in such a way that it does not create any additional road safety concerns. As a result, the Guidelines stipulate the need for an electronic sign to be assessed against specific electronic sign checklists, in addition to the checklists for all signs.

## Road Reserves

The Commissioner of Highways has not traditionally supported advertising signs within the road reserve, because displays can cause driver distraction and limit the visibility of traffic control devices and hazards. An advertising sign placed within the road reserve can become a hazard in itself, reducing the separation distance from the carriageway to a fixed object, particularly along high speed roads.

While these issues remain relevant, the Commissioner may consider the installation of advertisements within the road reserve when attached to transport-related infrastructure and/or when community benefit can be demonstrated. However, any such installation will need to clearly demonstrate that they will not increase road safety risk. Principles for managing the road safety considerations associated with advertising signs in road reserves that demonstrate community benefit will be added to these guidelines at a later date.

## Removal or Enforcement of Conditions of Approval

The Guidelines directly apply to the approval process for any advertisement before installation or display. Nonetheless, there are also legislative powers under the *Development Act 1993*, *Highways Act 1926* and *Local Government Act 1999* to remove or enforce changes to advertising signs installed or displayed if they are deemed to be in breach of the conditions of approval, installed illegally or deemed to be a hazard. Further details can be found in 'Appendix 8 – Removal of Advertisements'.

## WHAT IS NOT INCLUDED

The Guidelines do not consider other planning matters such as amenity and impacts on scenic views, streetscapes or landscapes, or compatibility with the built environment (e.g. heritage).

In addition, these Guidelines do not apply to advertisements that are exempted from requiring Development Approval via *Schedules 3, 3A and 14* of the *Development Regulations 2008*. This means that these Guidelines do not apply to any advertisement or display used exclusively for any of the following purposes:

- To advertise the sale or lease of the property upon which the advertising display is placed (except where the sign contains some form of illumination, moving or changing element)
- A structure near a city or town boundary, which contains the name of such a city or town boundary
- Road Safety Message Signs including fatigue signs, community and police road safety signs, mobile speed feedback signs and dynamic road safety signs (more information is available in DPTI's *Operating Instruction 5.1*)
- Variable Message Signs (VMS), where used as a traffic control device only (i.e. no advertising/community messages)
- Service and Tourist signs

# ASSESSMENT CHECKLISTS

Attachment

## ROAD SAFETY ASSESSMENT CHECKLISTS FOR ADVERTISING SIGNS

The below checklists have been developed as a tool for DPTI practitioners to use as a guide when assessing the appropriateness of advertising signs from a safety and efficiency perspective. They consist of the 'Information Requirements for Road Safety Assessment' and the 'Assessment of Road Safety'.

### Information Requirements for Road Safety Assessment

The relevant planning authority, when consulting the Commissioner of Highways, must forward a copy of the Development Application form and copies of plans and supporting information defined in *Schedule 5* of the Development Regulations. A relevant planning authority or the prescribed referral body may also ask for additional information that it considers is reasonably required.

In order to successfully undertake road safety assessments, the following information should be supplied by the applicant to either the relevant planning authority or the Commissioner for Highways, with additional information for electronic signs based on their added complexity.

#### Information Requirements Checklist – All Advertising Signs

1.	Scaled site plans including: <ul style="list-style-type: none"> <li>– Outline of existing buildings and other relevant structures on site</li> <li>– The location of the proposed advertisement(s) on the property and/or buildings</li> <li>– The location of any existing advertisement(s) on the site to be retained and/or removed</li> <li>– The allotment boundaries</li> <li>– The location of access points to the site</li> </ul>
2.	Coloured elevation plans of the proposed advertisement(s) including supporting structures/buildings, showing: <ul style="list-style-type: none"> <li>– Any existing advertisement to be retained</li> <li>– Dimensions of the proposed advertisement its height above ground level and extent of projection</li> <li>– The height, width and depth of the total proposed sign structure and any associated structures</li> </ul>
3.	Where the sign is within the Commissioner's land, road reserve or attached to infrastructure on, over or adjacent such land, detailed dimensional plans with sign size, mounting height, position and installation detail
4.	Details of the colour, lettering style, proposed symbols to be used and materials of the proposed sign (particularly regarding retro-reflective sheeting class)
5.	The position of traffic control devices within 100 metres of the proposed sign as well as service authority poles, and fences within the immediate vicinity of the site
6.	Details of any form of illumination including details of baffles, the times at which the sign would be illuminated and the proposed luminance levels

#### Information Requirements Checklist – Additional for Electronic Signs

7.	Details of the proposed message type and content (acknowledging this could be 'various' in the case of signs that are regularly changed/updated with different advertisements/messages)
8.	Details of any movable elements or rotating displays
9.	Details of the proposed dwell time for any non-static images
10.	Details of any electronic LED or Matrix display system including intensity control limits and methods (including light sensor) and error detection
11.	Details of the location of any other scrolling, electronic or animated signs within 200 metres of the site
12.	Photomontages of the sign and its relationship to the adjacent road environment, particularly traffic control devices or areas such as junctions/intersections and curves or crests.

## Assessment of Road Safety

The 'Road Safety Checklist – All Advertising Signs' is the tool to be adopted in the assessment of advertising signs. It is not the means to preclude agreement for the installation/display of the advertising sign, but rather, to highlight factors that may ameliorate the impact of the sign on the safe operation of the road.

In essence, should an assessor answer 'no' to any of the road safety assessment checklist items, consideration should then be given to whether:

- Amendments can be made that will result in support being provided; or
- Certain conditions could be included as part of the development approval; or
- It is appropriate to object or refuse to grant permission to the installation or display of the advertising sign.

The 'All Advertising Signs' criteria applies to electronic signs as well, however, in addition they are to be assessed against and *must meet* (i.e. a 'yes') the 'Additional for Electronic Signs' criteria.

Road Safety Checklist – All Advertising Signs		Appendix
1.	Is the advertisement located in an area that has a low crash rate?	1
2.	Is the advertisement located such that it does not create a confusing or dominating background, foreground or surrounding which might reduce the clarity or effectiveness of a traffic control device? <i>Inspection of the site should be undertaken from a driver's perspective to assist in this assessment</i>	2
3.	Is the advertisement located such that it does not obstruct a road user's line of sight of a traffic control device or at an intersection, curve or point of egress from an adjacent property? <i>Inspection of the site should be undertaken from a driver's perspective to assist in this assessment</i>	2
4.	Does the advertisement meet relevant clearances?	2
5.	Is the advertisement located outside of a 'Device Restriction Area'?	2
6.	If the advertisement is attached on a bridge (rail, road, pedestrian) or other transport-related infrastructure, is the advertisement located and attached such that it does not interfere with the integrity and function of the bridge or other infrastructure?	3
7.	Is the advertisement designed such that it cannot be mistaken for a traffic control device or it gives instructions to road users?	4
8.	Is the advertisement designed such that it does not 'dazzle' or distract the driver due to its size, design or colouring, or it being illuminated, reflective, animated, changing, moving or flashing? <i>Note: Criteria outlined in 'Appendix 5 – Illumination, Reflectivity and Movement' must be met</i>	4 & 5

Road Safety Checklist – Additional for Electronic Signs		Appendix
9.	Is the advertisement designed such that lighting effects do not increase road safety risk?	5
10.	Does the advertisement contain an error detection system?	5
11.	Is the advertisement designed such that it does not contain movement or any special effects that create the illusion of movement?	5
12.	Do the messages change at frequency intervals appropriate for the location?	5

# APPENDICES

Attachment

## APPENDIX 1 – CRASH RATES

Due to the link between driver distraction and road side advertising, advertisements generally should be avoided at high risk locations, such as those with a history of crashes. Consideration should be given to the advertising medium (and level of road user distraction) and take into account recently installed road safety improvements or those planned to address the crash rate risk.

Specific consideration needs to be given to any location that is considered to be a crash risk area, or has a known crash history. The type of information sourced to ascertain the risk should include casualty crash data such as:

- The most recent assessment of the top 50 metropolitan intersections for casualty crashes and the top 25 rural intersections for casualty crashes which is based on the latest 5 year crash rate data
- Whether the location has been listed as a black spot priority

Additional local knowledge, such as high levels of property damage, can also be considered as part of the assessment.

If a site is identified as high risk then consideration should be given to:

- Whether the location of the advertising sign will impact on particular movements and potentially contributing to the types of crashes recorded
- Whether amendments or conditions of approval will mitigate the potential crash impacts of the proposed sign sufficiently to be acceptable
- Whether the type, operation and placement of the sign is indeed appropriate for the location

Attachment

## APPENDIX 2 – LOCATION, PLACEMENT AND CLEARANCE

### General

The placement of signs has the potential to impact on road safety in terms of whether a sign may result in a distracting background to a traffic control device or otherwise interfere with its clarity.

Advertisements should not be erected in locations that would interfere with the effectiveness of, or obscure any official traffic control sign, device (including fixed speed cameras or point to point cameras) or signal. For example, illuminated advertisements should not be located within the direct line of sight for drivers approaching traffic signals.

The positioning of signs is critical in ensuring that they do not block drivers' sight lines of traffic control devices or at intersections, curves or points of egress from properties. Furthermore, signs must not be located so that they dominate the road environment or diminish its legibility. As a general rule, advertising signs should be located such that they are outside of a drivers' central field of view.

The proposed sign location should be inspected to determine if sight distance would be compromised (using the provisions in *Austrroads Guide to Traffic Engineering Practice (Part 8)*), including:

- A drive through of the site as well as a detailed site inspection, and
- Consideration of what the advertisement could potentially be blocking. For example, other signs, traffic control devices or views of other cars or pedestrians.

### Clear Zones

The placement of advertising signs within the road reserve reduces the separation distance from the carriageway, thereby increasing the risk of it being struck by an errant or oversized vehicle. This in turn reduces the safety of the road environment, particularly along high speed roads. Where advertising signs are proposed within the road reserve of an arterial road they should meet appropriate clear zones for the posted speed limit in accordance with *Austrroads Guide to Road Design – Part 6: Roadside Design, Safety and Barriers*. In the event that these requirements are not met, the advertisement should be located as far back within the clear zone as practicable to minimise interference with traffic, and to reduce the risk of errant vehicles striking the advertisement. Appropriate mitigation measures may need to be employed in order to minimise the potential for impact of the sign to errant vehicles (see Appendix 4 – Physical Characteristics).

Sufficient vertical clearance must be provided in order to ensure that advertisements do not interfere with the operation of traffic control devices or become a physical hazard for road users or pedestrians. Where signs are located within the road reserve and above a pedestrian path they must also provide a minimum vertical clearance of 2.5 metres beneath the sign, while a minimum 5.5 metres clearance is required over carriageways.

### Device Restriction Areas

There are locations where particular types of advertising should be restricted in order to ensure the safe and efficient operation of the arterial road network. That is, maximising the safety of the road environment by minimising the risk for driver distraction in locations where a high level of concentration is required. These locations are defined as 'Device Restriction Areas'. For example:

- Signalised and un-signalised intersections
- Pedestrian crossings
- Rail level crossings
- Driver decision-making points – in particular in the vicinity of traffic control devices where reading and interpreting is required
- Sharp bends and crests
- Locations of merging and diverging traffic, or where weaving manoeuvres take place

- High road speed environments 80km/h and above (with the exception of Freeways and Expressways)

Device Restriction Areas are defined using a device restriction distance along a road corridor, which provides a 'zone' whereby the installation of advertising signs is required to abide by a 'stricter' set of rules in order to assist in alleviating potential additional safety concerns within these areas (this is dealt with more specifically in 'Placement within Device Restriction Areas' below).

The device restriction distance (d) for advertisements located on or visible from and arterial roads (not including freeways and expressways or similar grade roads) is established in Table 1. The device restriction distances outlined in this table are contingent upon the speed environment in which the device is located. A diagram showing how the device restriction areas are measured is provided in Figure 1.

These restriction distances should generally be complied with, however all proposals will be assessed on an individual basis. Larger distances may be required, depending upon the complexity of individual locations.

Where a proposal relates to a third party sign visible from a Freeway or Expressway grade road the restriction areas are denoted by the value (v) as shown in Figure 2.

Where a sign is not subject to a Device Restriction Area but falls within an area of concern, such as (but not limited to) the following situations:

- Sharp bends and crests
- Locations of merging and diverging traffic or where weaving manoeuvres take place

A value of 0.6V should be applied.

If an electronic sign is proposed to be located on a curve and the geometry, viewing angle or other factors make this undesirable (e.g. back to back horizontal curves or a curve with an advisory speed), the electronic sign is to be located prior to or beyond the curve(s) by a minimum distance of:

- 'd' (excluding freeway and expressways)
- '2.5V' for freeways and expressways

**Table 1 – Advertising Signs Device Restriction Distances (General)**

Speed Environment (km/h)	Desirable Restriction Distance 'd' (m)
50	60
60	80
70	105
80	130
90	160
100	191
110	225

### Placement within Device Restriction Areas

Advertising signs should generally be installed outside of the 5° horizontal envelope around a driver's line of sight to a Traffic Control Device, and not between signals.

Consideration for locating a sign within the 5° horizontal envelope or between signals will only be given when the location is not deemed to be complex. Examples of a complex location include (but are not limited to) the close spacing of junctions/intersections or adjacent rail crossings.

Signs located within the 5° horizontal envelope will need to be assessed for vertical clearances. The advertising sign must be at a minimum height of 12°, as measured from 1.1 metres above the road at a stopping sight distance in accordance with the speed zone in Table 2. The stopping sight distance should be measured from the stop line for signals, and from the traffic control device itself in other instances. No height restrictions apply for advertising signs located outside of the 5° horizontal envelope.

**Table 2 – Road Speed and Stopping Sight distance**

Road Speed (km/h)	Stopping Sight Distance (m)
≤60	80
70	105
80	130

- Advertising signs should generally be avoided in speed zones greater than 80km/h. However, consideration will be given to advertising signs in speed zones higher than 80km/h where the locality has no other distractions such as other signs, access points, adjacent development and the road is of a high standard (e.g. an advertising sign could be considered on a freeway/expressway with grade separated interchanges and no direct property access, no adjacent development and no adjacent advertisements). In speed zones over 80km/h the advertising sign must, however, be located outside of any Device Restriction Areas.
- LED signs within a Device Restriction Area will only be considered if it conforms to all criteria within the ‘Road Safety Checklist – Additional for Electronic Signs’ (with the exception of roads over 80km/h where all signs must be located outside of any Device Restriction Area).

**Figure 1 – Device Restriction Areas (General)**

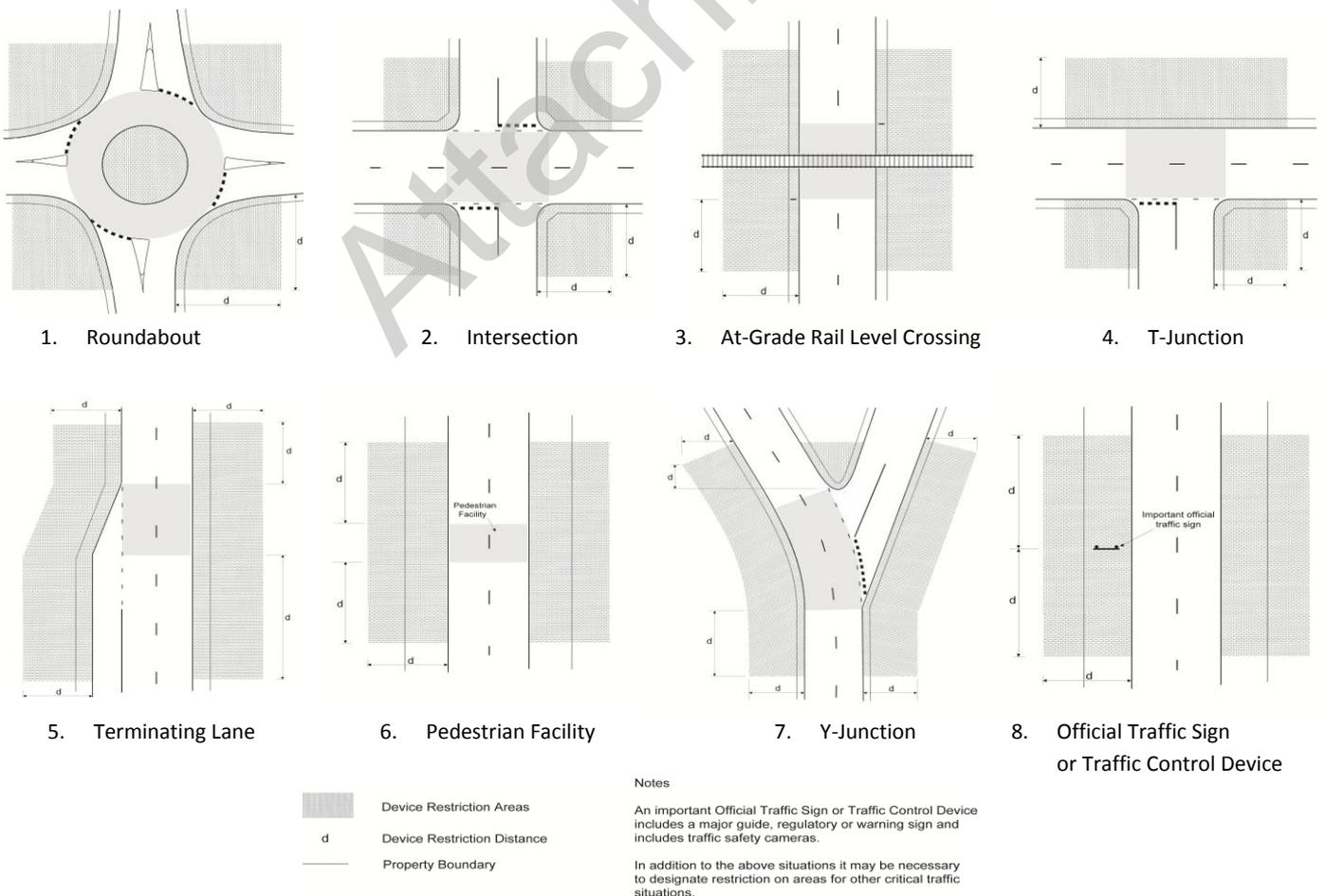
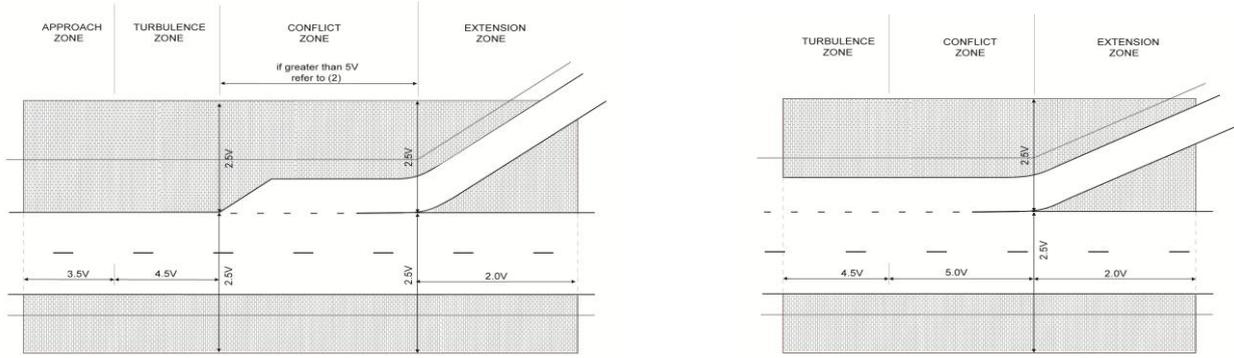
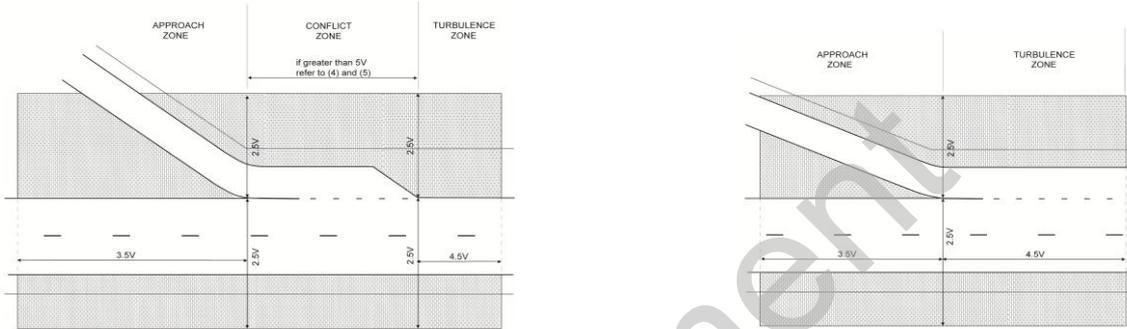


Figure 2 – Device Restriction Areas (Freeways and Expressways)



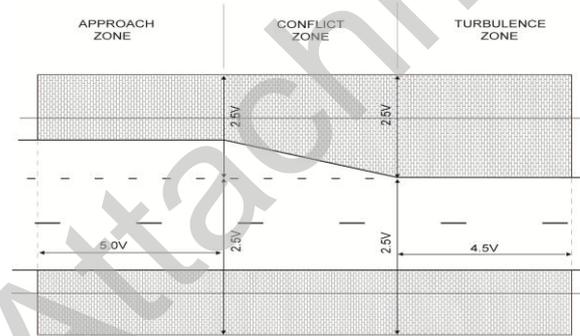
1. Off-Ramp

2. Off-Ramp with Added Lane

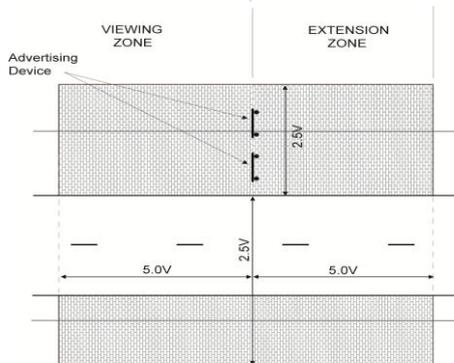


3. On-Ramp

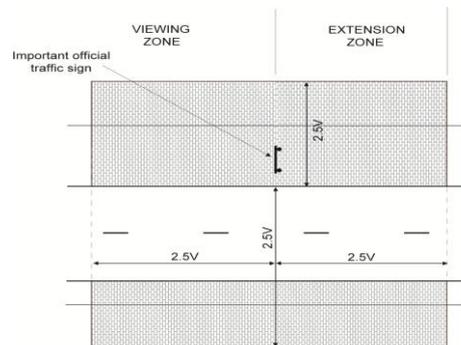
4. On-Ramp with Added Lane



5. Terminating Lane



6. Advertising Sign



7. Official Traffic Sign or Traffic Control Device

 Device Restriction Areas  
 V "V" is the posted speed limit  
 — Property Boundary

## APPENDIX 3 – MEDIANS AND ROAD TRANSPORT INFRASTRUCTURE

DPTI generally does not support advertising signs on electricity infrastructure (e.g. Stobie poles), road lighting poles, road signs or within the median of arterial roads.

Where advertisements overhang the carriageway and/or are affixed to structures such as bridges, tunnels and pedestrian overpasses, appropriate vertical clearance must be provided to ensure the device will not become a physical hazard for larger vehicles. Therefore, the following principles should be considered:

- Provide a minimum vertical clearance of 5.5 metres over the carriageway (greater vertical clearance will be required where a road forms part of an Over Dimensional Route).
- Where overhanging the carriageway, no portion of the advertisement should protrude below the overhead portion of the bridge, unless it is wholly incorporated into the supporting structure
- Provide adequate allowance for collision deflection of existing safety barriers in the design of the advertisement attachment
- The infrastructure to which an advertisement is attached should have adequate structural capacity to support the device, with all required engineering and regulatory standards being met
- Advertisements should avoid creating a tunnel effect or blocking sightlines
- Advertisements should avoid being erected over open faced barriers, where there is a need to maintain casual surveillance for pedestrians
- Advertisements must be designed so that they do not impede the intended use of the infrastructure, or impair access to the bridge structure for maintenance or inspection purposes

For bridges that have been designed in accordance with community input or values, the following principles should also be considered:

- Advertisements should not be located on bridges with significant names
- Attached advertisements should be sympathetic with the architectural qualities of the infrastructure

*Note that the Guidelines only relate to bridges and infrastructure located on the arterial road network.*

Furthermore, it is intended for future versions of this document to include specific guidance on the following:

- Advertising on public transport shelters
- Advertising on telephone booths
- Community message signs
- Banners and flags

In the meantime, the 'Road Safety Assessment Checklists for Advertising Signs' should still be used as a preliminary guide, with each type of sign and site treated on a case by case basis.

## APPENDIX 4 – PHYSICAL CHARACTERISTICS

The design size, shape, content, number and operation of signs can impact on the way that a sign is perceived and can therefore have an impact on road safety.

It is essential that an advertisement cannot be mistaken as an instruction to traffic. The following questions should be considered:

- Does the advertisement look like a regulatory sign?
- Is it located where a regulatory sign is expected?
- Does it contain a blinking, spinning or intermittent light that could be mistaken for a warning or danger signal?
- Does it invite drivers to move contrary to any traffic control device?
- Does it encourage drivers to turn where there is fast moving traffic, or at locations where there is limited time to slow down and signal? \*

\* If advertising signs are required for way finding purposes (e.g. indicating how to access adjacent housing estates or display centres) then special consideration is required to ensure that the content and location of these signs do not create further traffic hazards or driver confusion. With respect to content, the use of arrows should be avoided.

### Type, Size and Shape

The size and shape of advertisements should generally be limited to accepted industry standards, with shapes that could potentially be mistaken for a traffic control device avoided.

Portable Variable Message Signs are generally deemed to be traffic control devices for the purpose of warning or guiding drivers where traffic conditions have changed or will change in the future. The use of these signs for advertising purposes is not appropriate where they are directed towards traffic on public roads and is inconsistent with *Australian Standard 4852*. The use of these signs for advertising purposes has the potential to diminish the effectiveness of these signs where they are used for traffic control purposes. Subsequently, DPTI does not support the use of these signs for advertising purposes.

Pavement and horizontal advertising (e.g. painted on roads) are generally not supported by DPTI.

### Colour

Use of colour can have a significant impact upon the legibility of an advertisement/advertising device. Adequate contrast between the letters and their background can increase overall visibility and clarity of a message, while poor contrast can make it difficult to read even under the best lighting conditions. This in turn can increase driver distraction as it may require longer or multiple glances to fully comprehend the message.

This is of particular concern in locations in close proximity to traffic signals. If the advertisement is highly illuminated or falls within the direct line of sight for drivers approaching the signals, a driver may not be able to see the signals or alternately, construe the advertisement as a legitimate instruction.

To minimise potential risks, the following principles should be considered:

- Advertisements should be designed to avoid the use of the colours in combinations or shapes that could be interpreted as a traffic control device
- Colour choice and contrast should ensure good legibility for drivers travelling at the speed limit

### Message Type

Advertisements by their very nature are a distraction to road users, however, the distraction and subsequent conflict risk can be minimised through the use of sound design techniques. To ensure that drivers are not required to spend an

excessive amount of time reading and interpreting advertisements it is critical that the device content is clear, succinct, legible and can be appreciated at a glance.

### Content

- Advertisements should contain a single, self-contained message, that is not spread across multiple signs
- Advertisements should comply with the requirements of all current industry standards and codes of content
- Advertisements should not contain messages of a salacious, illegal or controversial nature

### Symbols/Images

- Images/photographs or symbols used as part of advertisements should not depict or mimic traffic control devices
- The use of abstract symbols should be minimised and, where used, should be accompanied by a text component
- The use of highly stylised symbols should be avoided to promote ease of driver comprehension

### Number

In order to ensure that a balance between road safety and the provision of billboards can be achieved, the minimum spacing between billboards is as per Table 3. These separation distances promote the ability of each billboard to be read by a driver without being impacted by another billboard. With respect to smaller electronic, moving or changing signs, only one sign of this nature should be visible to a driver at any time.

**Table 3 – Spacing Between Billboards**

Road Type and Speed Limit	Desirable Minimum Distance Between Billboards (visible to a single driver)
Freeway/Expressway or Arterial Road > 80 km/h	500m
Arterial Road 80 km/h	375m
Arterial Road 70 km/h	250m
Arterial Road ≤ 60 km/h	150m

### Construction

Construction of advertising signs should conform to the following criteria:

- Where advertisements are to be located within the clear zone, the supports should be frangible (e.g. an approved 'slip base' design) or alternately protected by a DPTI approved crash barrier
- All advertisements, including those permitted to overhang roads or footpaths, should meet wind loading requirements as specified in *AS 1170.1* and *AS 1170.2*
- Electrical connections to illuminated or electronic advertisements should be designed to be safe at all times and especially in the event of accidental knock down/conflict
- Electrical connections to illuminated or electronic advertisements should be designed in accordance with all relevant Australian Standards

## APPENDIX 5 – ILLUMINATION, REFLECTIVITY AND MOVEMENT

### Illumination and Reflectivity

Overly illuminated or reflective signs have the potential to dazzle or distract drivers. This issue can be exacerbated in areas where a high level of concentration is required (e.g. busy intersections and pedestrian crossings) and in remote areas where the level of ambient light is minimal.

In order to minimise the potential road safety risks, non-illuminated advertisements should be no more reflective than a Class 2 Standard traffic sign, as detailed in *AS 1906.1:2007 – Retroreflective Materials and Devices for Road Traffic Control Purposes – Part 1: Retroreflective Sheeting*.

Electronic signs shall be controlled such that they do not cause any undue reduction in the ability of drivers to see objects on the road. This requires both adaptive dimming to suit changing ambient light levels and also calculation of site specific veiling luminance under the prevailing minimum ambient conditions.

### Luminance and Adaptive Dimming

Luminance levels should not exceed those of static signs in typical ambient light conditions, with the sign so highly illuminated as to impair the conspicuous nature of traffic signals.

All electronic signs must be equipped with a sensor to measure the ambient light level of the surrounding environment and adjust the sign luminance to suit.

System malfunctions may result in moving or 'jumping' images or blocks of colour appearing on a display, which could in turn become a distraction risk or create driver confusion. An automatic error detection system in place enables the 'removal' of such distractions from the road environment until such time that the sign can be repaired. The sign should incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction. Furthermore, the system should ensure it contains measures to prevent 'hacking' or unauthorised modification.

Control systems shall be programmed to adopt a minimum of four levels of stepped dimming to suit a range of ambient light levels from dark of night to fully sunlit conditions. Guidance on sign luminance and relevant test methods is contained in *AS 4852.1:2009, Table 3.3* and *Appendix C* and is reproduced in part in Table 4 below.

**Table 4 – Luminance levels for internally illuminated signs**

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	All Colours	
		Sign Luminance (Cd/m <sup>2</sup> ) Max	Sign Luminance (Cd/m <sup>2</sup> ) Min
Sunny Day	40000	6300	2800
Cloudy Day	4000	1100	500
Twilight	400	300	200
Dusk	40	200	100
Night	<4	Site Specific Veiling Luminance or 200, whichever is the lower (refer veiling luminance calculation)	60

## Methods for Measuring Luminance

### **LED non-matrix displays**

Typically these are smaller, often scrolling displays not designed for drivers but often bright enough to distract. These signs are very difficult to measure in the field.

Laboratory measurement of sign display – A static display of known area is selected. The luminous Intensity of the display perpendicular to the plane of the display is measured at a distance of at least five times the longest dimension of the static display. The luminous intensity is divided by the area of the graphics.

### **LED matrix displays**

Laboratory measurement of sign display – For the purposes of sign assessment signs shall be assessed using the methods described in *AS4942 Variable Message Signs*, using a frame with a single colour matrix array. This method is suitable for most LED displays

Field measurement of LED matrix displays – A luminance meter with a measurement area of 0.1 to 0.33 degrees shall be used. Measurements shall be carried out as far as possible normal to the display and at a distance where the measurement area covers the stroke width of the character being measured (see Note 3). At least five measurements shall be taken in different elements of the display. The mean of these measurements shall be reported as the display luminance.

#### Notes:

- As these displays should be dimmed at nighttime, the time of measurement and the external lighting conditions shall be reported with the luminance measurement.
- The luminance of some of these displays is highly dependent on the angle at which the sign is observed. If the display is highly skewed (for instance in order that the sign can be read by traffic in two opposing directions), additional readings shall be taken at an angle simulating that of opposing drivers. In some cases, this may be assessed as the display luminance.
- A clear description of stroke width is given in *AS5156-2010*, Figures 1.4.17 and 2.2.3.

### **Transilluminated and LCD displays**

Laboratory Measurement of sign display – Fixed display signs shall be assessed using the method described in *CAA MOS139*, Section 8.6 MAG Signs. For signs between 5 and 15m<sup>2</sup> in area, the measurement grid should be increased to 300mm and over 15m<sup>2</sup> a 500mm grid is considered adequate.

Field Measurement of Transilluminated displays – Signs with substantially uniform displays shall be assessed in accordance with the following procedure:

1. A luminance meter with an acceptance angle of at least 1° and no more than 2° shall be used
2. The sign shall be assessed at a distance where the measuring area just falls within the lesser dimension of the sign, 100m or the sight distance of the sign, whichever is the lesser
3. The height of the measuring device shall be 1.2 to 1.8m above the pavement and as close as possible to the travelled carriageway
4. A series of contiguous measurements shall be taken and the average reported as the average luminance of the display

Signs with substantially non-uniform displays (such as signs with large black areas and bright graphics or legends) shall be assessed with a luminance meter of smaller acceptance angle (typically 0.33° or 0.2°). The areas measured shall only include the bright legends or graphics. The report shall include a photograph of the sign and identification of the areas measured and averaged.

## Veiling Luminance

Light from a bright source present in the field of view is scattered by the opacities within the eye. This scattered light then acts as a veil or curtain of light over the whole field of view which in turn reduces the contrast of all objects making them more difficult to detect. In order to limit this contrast reduction to an acceptable level it is necessary to limit the veiling luminance caused by the glare source.

Veiling luminance is a product of not only sign illuminance, but also size and location of the sign relative to the observer. For this reason a site specific night time maximum sign illuminance must be calculated for each proposed sign installation.

Calculations using the simplified CIE formula below are required at regular intervals (<10m) on approach to the sign to determine the maximum sign luminance ( $\text{Cd/m}^2$ ) that will ensure the veiling luminance values in Table 5 are not exceeded.

For incident angles  $1^\circ < \theta < 30^\circ$ :  $L_v = E_g \times 22.155/\theta^2$

where,

$L_v$  = Veiling Luminance

$E_g$  = Illuminance from sign at drivers eye

$\theta$  = Angle of incidence (in degrees)

Driver age = 73.5 years

**Table 5 – Maximum Veiling Luminance**

Ambient Road Lighting Environment (refer AS 1158)	Average Carriageway Luminance ( $\text{Cd/m}^2$ )	Maximum Veiling Luminance ( $\text{Cd/m}^2$ )
V1	1.5	0.40
V3	0.75	0.25
V5	0.35	0.13
Unlit	0.25	0.10

In addition to post commissioning luminance assessment, evidence shall be provided by the proponent justifying their nominated maximum night time sign luminance. Documentation shall detail the maximum veiling luminance values at the nominated sign luminance and provide the results of calculations at 10 metres approach intervals.

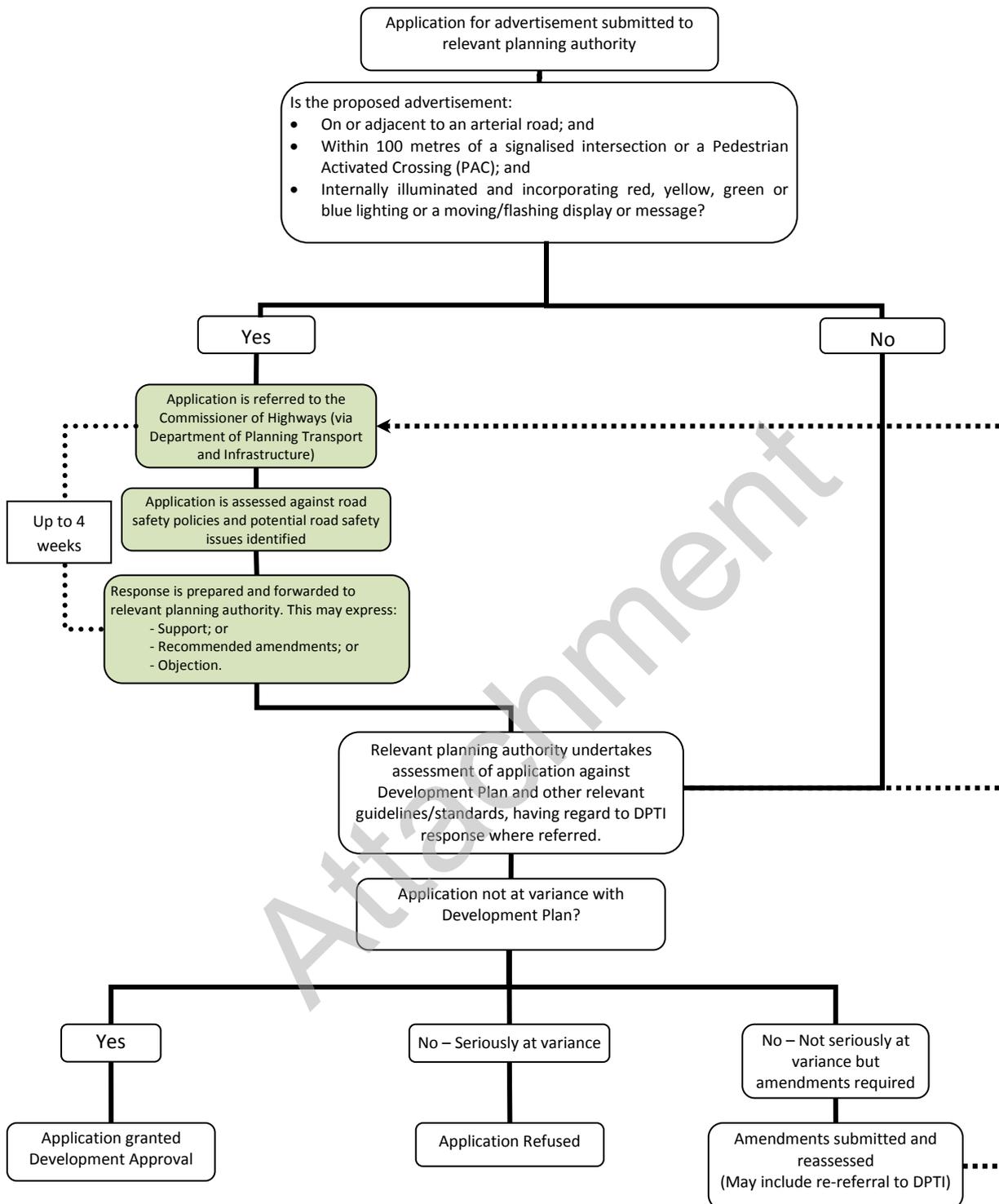
## Movement

Roadside advertising devices should not contain flashing, blinking, revolving, pulsating or intermittent lights. Flashing/intermittent lights include electronic lights within the screen of the billboard or flashing lights around the outside.

Moving, rotating, flashing, scrolling or changing advertisements are considered to be a potentially unsafe distraction to drivers. In the case these type of advertisements, the following principles should be applied:

- Advertisements should not comprise videos or animations
- Where permitted, each change of message should be completed instantaneously (i.e., within 0.1 of a second). Animated effects such as 'fade', 'zoom' or 'fly-in' must not be used
- Where message change is permitted, each display should have a self contained message that is simple, effective and easily understood at a glance. Sequential messages should be avoided
- Advertising signs should generally be static with a minimal number of changes per day. Where changing messages are appropriate a minimum dwell time of 45 seconds should be applied with no blank screen between messages. Longer dwell times may be necessary in more complex locations, or in higher speed environments

## APPENDIX 6 – DEVELOPMENT ASSESSMENT PROCESS FOR ADVERTISING SIGNS



**Figure 3 – South Australian Development Application Assessment Process as it applies to Advertising proposals and the role of the Commissioner of Highways (in green) and as such the Road Safety Checklists in the process**

## APPENDIX 7 – ADDITIONAL AUTHORISATIONS AND PERMISSIONS

The Commissioner of Highways is deemed to be the relevant road authority where a notice has been issued under *Section 26* of the *Highways Act* or if a proclamation has been issued under *Section 30A* of the Act. The Commissioner is also the relevant road authority if the road has been vested in the Commissioner of Highways under *Section 21A* of the Act. Consequently, any advertising sign within the road reserve that is under the care, control and management of the Commissioner of Highways will require authorisation from the Commissioner under *Section 221* of the *Local Government Act* and a permit under *Section 222* of this Act. Authorisations and permits will only be issued where the Commissioner is satisfied that the proposal is appropriate and once Development Approval has been granted. The following excerpts of the relevant acts identify the Commissioner's powers in relation to authorizing and permitting advertising within the road reserve.

### Section 26 – Highways Act 1926, and Sections 211, 221 & 222 – Local Government Act 1999

#### **“26—Powers of Commissioner to carry out roadwork etc**

(6) *The provisions of Part 2 of Chapter 11 of the Local Government Act 1999 apply to roads vested in or under the care, control and management of the Commissioner—*

- (a) *as if references to a council were references to the Commissioner; and*
- (b) *subject to such modifications and exclusions as are prescribed by the regulations.*

(7) *A council must not exercise its powers under Part 2 of Chapter 11 of the Local Government Act 1999 in relation to a road vested in or under the care, control and management of the Commissioner except to such extent (if any) as the Commissioner may approve by written notice to the council.*

#### **211—Highways**

(1) *A council may exercise its powers under this Part in relation to a highway if (and only if)—*

- (a) *the council is acting under an agreement with the relevant authority; or*
- (b) *the council is acting under or in accordance with a notice of the Commissioner of Highways under section 26 of the Highways Act 1926.*

(2) *In this section—*

**relevant authority** means the Commissioner of Highways or other authority that has the care, control and management of the highway.

#### **221—Alteration of road**

(1) *A person (other than the council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by the council.*

(2) *A person makes an alteration to a public road if the person—*

- (a) *alters the construction or arrangement of the road to permit or facilitate access from an adjacent property; or*
- (b) *erects or installs a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or*
- (c) *changes or interferes with the construction, arrangement or materials of the road; or*
- (d) *changes, interferes with or removes a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road; or*
- (e) *plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road.*

#### **222—Permits for business purposes**

(1) *A person must not use a public road for business purposes unless authorised to do so by a permit.*

(2) *A permit may grant rights of exclusive occupation in relation to part of a public road.*

(3) *A permit may be granted for a particular occasion or for a term stated in the permit.*

(4) *The term of a permit cannot exceed five years.”*

Generally applications for such permits will need to be lodged with the relevant Council. The approval for such a permit will be subject to the consent of the Commissioner of Highways as Council's powers with respect to the installation of signs in the road reserve of arterial roads is generally limited by virtue of *Section 211* of the *Local Government Act 1999*, *Section 26* of the *Highways Act 1926* and *Operational Instruction 20.1*. Where a permit is granted, the permit may contain any conditions that are appropriate.

#### **“224—Conditions of authorisation or permit**

*A council may grant an authorisation or permit under this Division on conditions the council considers appropriate.*

#### **Examples—**

*The conditions could for example—*

- *require compliance with specified safety requirements;*
- *require the person to whom the authorisation or permit is given to carry out specified work (or additional work) such as earthwork, drainage work and fencing;*
- *require specified insurance or indemnities;*
- *require the maintenance of structures erected or installed, or vegetation planted, under the authorisation or permit in good condition and to specified standards;*
- *in the case of an authorisation or permit given for business purposes—require the payment to the council of rent or other consideration;*
- *require the removal of a structure erected or installed under the authorisation or permit at the end of a stated period.”*

## APPENDIX 8 – REMOVAL OF ADVERTISEMENTS

### Local Government Act 1999

In some circumstances it may be necessary for an advertising device located within an arterial road reserve to be removed due to breach of conditions. Failure to comply with any conditions or requirements stipulated within any permit, license or approval provides the opportunity to potentially cancel permit(s) and or the removal of the sign or device subject to Section 225 of the Local Government Act 1999.

**“225—Cancellation of authorisation or permit**

(1) A council may, by notice in writing to the holder of an authorisation or permit, cancel the authorisation or permit for breach of a condition.

(2) However, before the council cancels an authorisation or permit, the council must—

(a) give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the council proposes to act and allowing the holder a reasonable period to make written representations to the council on the proposed cancellation; and

(b) consider any representations made in response to the notice.

(3) The period allowed under subsection (2)(a) must be at least one month unless the council determines that a shorter period should apply to protect the health or safety of the public, or otherwise to protect the public interest.”

### Development Act 1993

Where a sign has been approved and is not being used in an approved manner or a sign has been installed illegally, the Commissioner of Highways may issue a notice under Section 84 of the Development Act or may request that council carry out appropriate enforcement of the matter.

### Road Traffic Act 1961

Where an advertising sign (either within the road reserve or private property) constitutes a hazard or false traffic control device the Commissioner of Highways may exercise powers under Section 31(2) of the Road Traffic Act 1961 and the powers under Section 31 (2a) of this Act delegated by the Minister, in order to direct the removal or alteration of a sign or advertising device to ameliorate the hazard or distraction. These powers extend to any advertising sign whether approved under any other act or not.

**“31—Action to deal with false devices or hazards to traffic**

(1) In this section—

**false traffic control device** means any device, structure or thing that, although it is not a traffic control device installed or displayed under this Act, might be taken to be such a traffic control device;

**light** means a lamp, sign, advertisement or device of any kind from which light is projected.

(2) Despite any other law, the road authority in which the care, control or management of a road is vested may remove from the road and dispose of any false traffic control device or any device, structure or thing that the road authority is satisfied might constitute a hazard to traffic.

(2a) Despite any other law, if the Minister is satisfied that a false traffic control device or a light or source of reflected light or any other device, structure or thing is on land near a road and might—

(a) reasonably be confused with a lawfully installed traffic control device; or

(b) detract from the visibility of a traffic control device to drivers or pedestrians on the road; or

(c) in any way constitute a hazard to traffic on the road,

the Minister may, by notice in writing, require the owner or occupier of the land to take such action by way of removing, modifying, screening or otherwise dealing with the device, structure or thing as is specified in the notice within the time so specified.

(3) A notice under this section may be served either by post, by means of a letter addressed to the usual place of residence or business of the person to be served, or by delivering it to that person personally.

(4) A person to whom a notice under this section is duly given must comply with it.

(5) If within the time specified in a notice duly given under this section the person required to comply with the notice does not comply with it, the Minister may take the action specified in the notice and recover the cost of doing so from that person as a debt, by action in a court of competent jurisdiction.”

# GLOSSARY OF TERMS

**Advertising** – The promotion of a product, service, event or any other activity for a charity or business that would derive a benefit from the display of the advertising. The advertising may be composed of various forms including (but not limited to) words, pictures and three-dimensional objects.

**Advertising hoarding** – A structure for the display of an advertisement or advertisements.

**Advertising sign** – Any structure of any kind or character erected, used, or maintained for outdoor advertising purposes, upon which any poster bill, printing, painting or other advertisement of any kind whatsoever may be placed for advertising purposes. An advertising sign also includes any other form of display used for the advertisement of goods and/or services (this includes the projection of light). For the purposes of this document, an ‘advertising sign’ is an advertising sign and advertising hoarding in combination as a single element.

**Advertisement** – For the purposes of this document, an ‘advertisement’ is an advertising sign and advertising hoarding in combination as a single element.

**Approach Zone** – An area indicated on the diagrams immediately prior to a conflict zone associated with an on-ramp or terminating lane on an expressway/freeway or expressway/freeway standard road. This zone is intended to minimise any possible distraction by advertising devices at this critical location so drivers may identify vehicles and hazards ahead. In this area drivers (both on the on-ramp and motorway, or motorway standard road) are able to view each other and assess the speeds and number of other vehicles they will be interacting with. Drivers within this area start to identify gaps in traffic and prepare for the merge (conflict) situation ahead. Drivers in this zone may also suddenly change lane or speed based on the merging vehicles they can see, or the traffic conditions apparent ahead (such as congestion caused by entering traffic).

**Banner** – Any temporary advertising sign made of a lightweight, non-rigid material; such as cloth, canvas or similar fabric that is displayed for short periods of time.

**Billboard** – Any large advertising sign (greater than four square metres), either freestanding or attached to a building.

**Clear Zone** – The total roadside border area starting at the edge of the travelled way, available for safe use by errant vehicles and the display of official traffic signs. The minimum Clear Zone width depends on the speed environment and roadside geometry.

**Conflict Zone/Area** – An area indicated on the diagrams where vehicle paths may intersect. Vehicle interactions may involve diverging, merging, crossing, turning and weaving vehicle movements.

**Device Restriction Area** – Any area where a high level of driver concentration is required, such as intersections, merge lanes, pedestrian crossings, etc.

**Electronic sign** – Any sign or advertising device that can be updated or changed electronically. This includes:

- Screens broadcasting still or moving images (e.g. videos or animations)
- LED/LCD screens/technology
- Scintillating light displays
- Scrolling billboard/poster displays
- Tri-vision billboards
- Variable message signs (VMS)
- Holographic displays and other similar devices

It does not include static illuminated light box signs, or flashing illuminated signs that cannot otherwise be changed.

**Extension Zone** – An area immediately after a conflict zone associated with an off-ramp from a motorway or motorway standard road. This zone is intended to minimise any possible distraction by advertising devices so drivers within the conflict zone may identify vehicles and hazards. It is also the area immediately after a traffic sign on a motorway or motorway standard road, and is intended to limit the amount of information available to drivers as they view, read and comprehend the traffic sign information prior to encountering an advertising device. This zone is also located

immediately after an advertising device on an expressway/freeway or expressway/freeway standard road, and is intended to limit the amount of information available to drivers through multiple advertising devices by allowing a driver to return their attention to the driving task prior to encountering another advertising device.

**Illuminance** – A measure of how much incident light illuminates a surface, measured in lumens per square metre (lux).

**Illuminated Sign** – An advertising sign with specifically designed internal and/or external means of illumination of the whole or portion of the sign.

**Official Traffic Sign or Traffic Control Device** – Includes a major guide, regulatory or warning sign and includes traffic safety cameras.

**Luminance** – Luminance is the density of light leaving the surface of a sign in a particular direction. The light emitted by an advertising sign is measured in candela per square metre ( $\text{cd}/\text{m}^2$ )

**Non-Illuminated Sign** – An advertising sign without specifically designed internal and/or external means of illumination of the whole or portion of the sign

**Speed Environment** – An indication of the operating speed of a road (the speed in km/h at which 85% of vehicles equal or exceed). Note that it does not necessarily reflect the posted speed limit.

**Traffic Control Devices** – Any device as described in AS1742

**Tri-vision Billboard** – An advertising sign where the face of the device comprises a series of vertical three (3) sided prisms turning in unison but where the device structure is stationary.

**Turbulence Zone** – An area associated with an off-ramp, on-ramp or terminating lane on a motorway or motorway standard road. Traffic flow within the turbulence zone is disrupted by the influence of the on or off-ramps or merging, prior to returning to free flowing conditions. Typically drivers within this zone may change lanes, alter travelling speed and exit or enter the expressway/freeway or expressway/freeway standard road suddenly.

**Variable Message Signs (VMS)** – Traffic control devices that are used to provide real time traffic and road condition information to road users in order to maintain the operational efficiency of road networks.

**Veiling Luminance** – Veiling luminance is the effect produced by bright sources or objects in the visual field that causes decreased visibility and visual performance. The veiling luminance calculation is performed with the observer looking in a downward direction of view of one degree as defined in IESNA RP8-2000.

**Viewing Zone** – An area immediately prior to a traffic sign with important information on a motorway or motorway standard road, and is intended to limit the amount of information available to drivers as they locate, view and read the information on the traffic sign without the possible distraction of an advertising device or an advertising device competing with the traffic sign for the driver's attention. This zone is also located immediately prior to an advertising device on an expressway/freeway or expressway/freeway standard road, and is intended to limit the amount of information available to drivers through multiple advertising devices.

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