

Our Ref: 1416857

2 June 2026

Presiding Member
State Commission Assessment Panel
GPO Box 1815
Adelaide SA 5001

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Dear Presiding Member

Response to representations - DA 25040461 - 3 Patawalonga Frontage, Glenelg North

This firm acts for Okin Capital Pty Ltd in this application for a *"five-level residential flat building containing 14 dwellings, basement car parking and landscaping"* (**proposed development**) at 3 Patawalonga Frontage, Glenelg North (**Land**).

The representations raise various issues to which we respond under the relevant headings below.

We emphasise that:

- (a) Most representations received were submitted in petition form and did not raise concerns specific to the circumstances of individual properties.
- (b) Some representors lodged more than one representation.
- (c) Only four representors expressed a wish to be further engaged in the consultation process by appearing before the SCAP.
- (d) No representation was received from the owner or occupier of the directly adjoining property at 2 Patawalonga Frontage.

Enclosed documents

Please find enclosed in support of this response the following documents:

1. Traffic and Parking Response prepared by CIRQA; and
2. Updated drawings by Enzo Caroscio Architects.

State Planning Commission correctly determined as relevant authority

The City of Holdfast Bay has not been "circumvented" as the relevant authority.

Clause 4 of Schedule 6 of the *Planning, Development and Infrastructure (General) Regulations 2017* clearly identifies the State Planning Commission as the relevant authority to assess buildings exceeding 4 storeys in those parts of the Design Overlay within the City of Holdfast Bay. This is not discretionary.

The State Planning Commission (with the State Commission Assessment Panel as its delegate) is therefore the relevant authority to assess the proposed development.

No rezoning proposed

No rezoning is proposed. In any event, that would require a separate Code Amendment process to be undertaken pursuant to the *Planning, Development and Infrastructure Act 2016*.

The land has been within a comparable zoning for decades. At least as far back as 1996, the triangle of land contained within Patawalonga Frontage, North Esplanade and King Street has been in the same zone and policy area (contemplating buildings of 3 levels). Notwithstanding that consistent zoning, several buildings adjoining the site and within the same zone (now and historically) have been built to 5 levels.

Proposed residential density appropriate

Some representors assert that the proposed development provides high, rather than medium density housing and as such is inconsistent with PO 8.1 of the Urban Renewal Neighbourhood Zone (**Zone**) which provides for a "*diverse range of medium density housing*".

The Zone expressly envisages that well located land will be taken advantage of to increase housing density.¹ PO 8.2 seeks "*high density residential development located on sites of a suitable size and dimension to achieve a high standard of amenity for occupants and neighbours*".

Neither "medium density housing" nor "high density residential development" are defined concepts in the Code. The defined terms in Part 8 of the Code include "medium net residential density" and "high net residential density" (being 35-70 and over 70 dwelling units per hectare respectively) but these do not directly apply to this Zone or this proposal.

In *Karidis Corporation Limited v City of Marion* [2013] SAERDC 34 at [95], Commissioner Hamnett set out the factors which may be relevant to an assessment of density:

Factors such as the site coverage, the allotment size, the number of bedrooms per dwelling, the number of persons per dwelling and the areas of private and common open space available may all provide useful indicators of density, but density is a relative concept that will often need to be considered in the context of a particular locality. ... while some quantitative indicators of density may be available, such as the minimum site areas per dwelling required in this case, these will not always be decisive in a planning assessment. ...in some circumstances, proximity to public or common open spaces may substitute to an extent for reduced amounts of private open space on an allotment, while the quality of private open space may be more important than the quantity. In short, there will usually be important qualitative questions to ask about the consequences of introducing a higher density form of development in an existing residential area.

There are limited useful quantitative indicators of what is meant by "medium density housing" in the Zone. No minimum site areas for dwellings are provided. Whilst DPF 8.1 refers to a "net density" of up to 70 dwellings per hectare, and DPF 8.2 refers to "net residential density" of over 70 dwellings per hectare (on sites with a minimum area of 1200sqm and a minimum frontage width of 35m) the use of net densities has been criticised by the Courts and has little direct application to multi-unit, multi storey buildings.

The ERD Court considered the relevance of the term "low net residential density" in *Vikhlyayev v City of West Torrens Assessment Manager*.² In that case, the relevant zone referred to "low density housing" and "low density residential development" but did not refer to "low net residential density".

Relevantly, the Court said:

On Mr Miegel's submission the terms "low net residential density" do not appear anywhere within the [zone]. He further submitted that the definition appears to have been developed from various guidelines formerly applying under the repealed Development Act, 1993 whose purpose was directed to inform the kinds of housing yields expected with the comprehensive development of 'greenfield' and 'brownfield'

¹ DO 1 of the Zone.

² [2023] SAERDC 1 at [77] - [78].

sites. **The net 35 dwelling per hectare formula is a target yield value for master planning purposes and is not a universally accepted measure of what constitutes low density housing for every zone or circumstance in which the terms “low density” appear.**

I agree. What is sought is housing consistent with an existing pattern of settlement as informed by the [zone] policy settings, including DPF 2.1 which sets a ‘target’ minimum dwelling density of 420m² per dwelling site, subject to its context. The defined terms “net low residential density” do not apply to this matter.

In any event DPFs are a guide only and do not derogate from the need to assess the proposal against the relevant performance outcomes.

The proposed development is positioned as a high-quality apartment offering with a relatively limited number of occupants. It comprises 14, two-bedroom dwellings across 5 levels on an 854sqm site, equating to 164 dwellings per hectare. That measure at a site level for a multi-level, multi-unit development does not consider the other land beyond the site that would ordinarily be included in a measure of net density. If a polygon (of any shape) to represent 1 hectare were centred on this site, the net density would be well under 70 dwellings per hectare.

It is also relevant that the proposed development provides substantial areas of common open space at ground level, including private gym and yoga studios, and seating in landscaped outdoor areas. It is also relevant that the site coverage of the building is a maximum of 51% with adequate separation from all allotment boundaries.

The site is exceptionally well serviced, being within short walking distance of the marina and adjacent reserve areas, the beach, and within easy reach of the Glenelg tram line, and the full range of retail, restaurant, supermarket and service offerings in Glenelg.

Therefore, the proposed development comprises the level of "medium density" housing sought by PO 8.1.

In any event, the Zone clearly supports higher density development on suitable sites that achieve a high standard of amenity for residents and neighbours. In the context of residential density, “amenity” for neighbours is directed to matters such as traffic, parking, noise and waste impacts associated with increased population, rather than visual or overshadowing outcomes associated with greater building scale or height. Those matters have plainly been appropriately addressed by the proposal.

Proposed building height appropriate in the Zone

PO 2.1 of the Zone seeks *"buildings **generally** 2-3 levels with **taller** buildings located on sites that are a suitable size and dimension to manage massing and impacts on adjoining residential development"*. The corresponding DPF 2.1 then provides that buildings with a maximum height of 3 levels and 11.5m will generally satisfy the performance outcome.

The proposed development is five levels and 17.75m high. The basement is clearly below ground (the basement floor level is at RL 0.25 compared to the footpath at RL 2.4-2.46) with the ground floor level at RL 3.25. The basement is not a "level" for the purposes of the assessment of building height given that it is almost entirely below ground and not visible as a distinct level³.

The 5 levels above are all clearly expressed through the building form and materials as 5 distinct levels. There is no roof terrace. The overall height of the building is comparable and proportionate to the two other 5 level buildings immediately adjoining the site (proposed parapet RL of 20.25 compared to No 6 North Esplanade at RL 20.28 and No 7 at RL19.87). Whilst that exceeds the quantitative height guideline in DPF 2.1, the performance outcome plainly anticipates taller buildings on sites such as this.

The recent decision of the ERD Court in *Canning and Laycock Pty Ltd v State Planning Commission*⁴ is instructive. In that case the appellant sought approval for a 27.6m high residential flat building in an 18.5m maximum building height TNV layer. The Court held that the height was appropriate in the local context:

³ See the numerous cases on this issue - *Pawmac (No 1) Pty Ltd v Corporation of the City of Adelaide* [1998] SAERDC 539 at [3]-[6]; *Greenslade Holdings Pty Ltd v District Council of Yorke Peninsula* [2011] SAERDC 17 at [49]; *Manos v Holdfast Bay CC* [2000] SAERDC 30 at [17]-[19]; *Cooper v Norwood Payneham & St Peters CC* [2021] SAERDC 9.

⁴ [2025] SAERDC 7.

Whilst I am of the view that the application of the maximum building height TNV layers is essential in guiding future building heights, this guidance is to be consider[ed] and balanced against any unique circumstance applicable to the site of a development or its local context. This is the test implicit within the second part of Zone PO 2.2.⁵

Indeed, in a case about another site on Hutt Street, Justice Hughes in *Rymill Park Apartments Pty Ltd v Rymill House Foundation Pty Ltd & Anor* held in the context of an assessment against the Code that:

"...the task is not a mechanical assessment of a development, seriatim, against each performance outcome without consideration of other overlapping or competing performance outcomes. Rather, it remains for the decision-maker an iterative weighing and balancing exercise guided by the Code".¹

The locality is plainly one in which the "horse has bolted" in terms of restricting height to 2-3 levels.

The precinct context analysis prepared by our client's architect demonstrates the existence of multiple four and five level buildings in the immediate vicinity of the Land, including directly adjoining sites, as well as significantly taller buildings, in the order of six to eight storeys and above, within the broader locality. All the tall buildings which are adjacent the site are within the same zone and have been in the same zone for decades (with the same 3 level height guide in place at least as far back as 1996).

The analysis of the heights of buildings in the locality was prepared using survey accurate height data of the relevant buildings depicted. Despite the assertions in the representations, it is accurate. One building is depicted as 3 levels where one of those levels is partially underground. Without debating whether that building is to be treated as 2 or 3 levels, the height to the top of the building depicted in the analysis is accurate.

Some representors criticised the precinct context analysis on the basis that certain identified buildings are located within different zones or were approved and developed under previous iterations of the planning framework. However, these matters do not negate the relevance of those developments when assessing height and scale in context. The on-ground built form remains a fundamental and legitimate consideration in understanding prevailing character and assessing whether a proposed building will appear visually discordant or out of scale when experienced from the public realm.⁶

The statutory scheme of course accommodates departures from the provisions of the Code. In *Town of Gawler v Impact Investments Corporation Pty Ltd*⁷ the Full Court of the Supreme Court set out the relevant factors which form a guide for determining whether a proposal's departure from the provisions of a planning policy is justified. Those principles relevantly include (among other factors):

- (a) The language of the principle or principles concerned – whether it is direct or contemplates some flexibility in approach;
- (b) Whether there is something unusual about the development or the land on which it is to take place which makes the policy inapplicable or inappropriate;
- (c) Whether other events have happened since the Code was adopted which make the policy redundant, either generally or in respect of this particular development;

The policy permits flexibility - it uses the phrase "buildings **generally**...".

The land is unusual in that it fronts the Patawalonga and the wide expanse of the riverine environment and backs on to residential land which overlooks the coast. Lastly, the policy is largely redundant given the predominance of buildings immediately adjacent which are over 3 levels.

The proposal accords with the evident purpose of PO 2.1 by delivering a taller building on a site capable of managing massing and impacts, is consistent with the long established and emerging built form of the locality

⁵ Ibid at [64].

⁶ See the numerous cases about the relevance of other pre-existing or approved development in the locality, including *Courtney Hill Pty Ltd v South Australian Planning Commission* (1990) 59 SASR 259, *Holds & Ors v The City Of Port Adelaide Enfield & Ors* [2011] SASC 226, *City Of Unley v Hall & Ors* No. [2002] SASC 143.

⁷ [2007] SASC 326.

and does not undermine the broader planning objectives of the Zone. There is therefore no statutory impediment to the State Commission Assessment Panel granting consent.

Sufficient landscaping provided

Landskap has prepared a comprehensive landscape design for the site. The proposal incorporates areas of deep soil planting at ground level, which will enhance the amenity of the public realm, contribute positively to the streetscape, and provide meaningful visual screening to the building at lower levels.

In addition, irrigated pots and planters are proposed to be integrated into each balcony, incorporating climbing plant species to soften the external appearance of the built form and provide visual articulation to the façades. These planters are designed to be serviced by an appropriate irrigation system to support plant health and longevity, including in coastal conditions.

The combination of deep soil planting at ground level and irrigated balcony planters represents a considered landscaping response that balances amenity, visual quality and practicality. The species selected are suitable for a coastal environment and are generally low maintenance. Ongoing maintenance of landscaped elements can, if necessary, be secured through conditions of consent to ensure the landscaping is established and maintained to an appropriate standard over the life of the development.

As can be seen from the updated drawings, the ground floor soft landscaping has an area of 129.7m² (15% of the site) - refer to drawing A2.00[A2] and there is a deep planting zone of 83.2m² (9.7% of site) - refer to drawing A2.01[A2]. This exceeds the requirements of DPF 13.2 of the Design in Urban Areas General Development Policy.

Proposal positively contributes to streetscape character and amenity

As demonstrated by the streetscape perspective views, the development sits comfortably within a varied streetscape that exhibits a range of building heights and forms. The proposal comprises a high-quality, architecturally designed building, with a carefully considered approach to landscaping. The building exhibits a high degree of articulation in its form and materiality, contributing to visual interest and mitigating perceived bulk when viewed from the public realm.

This has been recognised by the Government Architect, who remarked:

"The project team's ambition to deliver a high-quality design and the refined and natural material palette and commitment to high-quality durable materials that provide a textural and contextual outcome is supported."

"The sculptural and articulated building form that in my opinion successfully breaks down the massing is supported, as is the building height on balance, as I recognise the existing built form context exceeding three levels in this locality."

Accordingly, the proposal represents an appropriate and well-resolved response to its streetscape context, reinforcing character and amenity rather than detracting from it. Consistent with PO 1.1 of the Design Overlay, the proposed development demonstrates "high quality design".

Sufficient setbacks provided

PO 3.1 of the Zone seeks that buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape. The corresponding DPF 3.1 then provides that a primary setback of 3m will generally satisfy the performance outcome. The setback to the main face of the building exceeds 3m (being over 9m in part). Because the front boundary is angled, the set back is different at the northern and southern ends of the street boundary. At the southern end, the balconies project into the 3m set back guide in the DPF, however the pattern of setback and the distances are consistent with other buildings in the locality (as depicted on the Site Context and Setback Diagram in the drawings).

We note that the Government Architect remarked:

"I recognise the design considerations to mitigate visual and amenity impacts through setbacks and the site organisation that orientates most of the rooms to the east and west, with the intent to minimise interface issues and optimise available views."

"The geometry of the built form and stacked and vertically expressed design approach with curved, dynamic corners, as an appropriate and sophisticated response to the coastal location is supported."

The setbacks to all boundaries are carefully modulated and considered as part of the overall design of the development. Surrounding buildings have and will retain substantial views to the coast and or to the Patawalonga.

Potential for overlooking addressed

PO 16.1 of the Design in Urban Areas General Development Policy seeks development that **"mitigates direct overlooking of habitable rooms and private open space"** of adjacent dwellings including by screening devices.

The Full Court of the Supreme Court relevantly said in *City of Burnside & Ors v City Apartments Pty Ltd* [2004] SASC 294 at [35]:

The provisions in the Plan that speak of minimising bushfire risk, keeping excavation to a minimum, or minimising the obtrusiveness of buildings do not call for a different approach. As Mr Roder demonstrated, such terminology (that is the use of "minimise" and like expressions) is found in many provisions of the Plan. Such language calls for a planning authority to consider the relevant aspect of the proposed development (bushfire risk, obtrusiveness, the amount of excavation), the extent of or the impact of the relevant aspect, and whether the proposal has been developed in a manner that will contain or reduce the relevant aspect to an acceptable level, having regard to the relevant Objectives and Principles of the Plan. I recognise that this is an indefinite criterion, but it is nevertheless meaningful.

"Mitigate" is a like expression to "minimise". It means to lessen in force or intensity.⁸ It does not mean to prevent or stop. It calls for consideration of acceptable levels of overlooking in the context of the relevant planning policies and the locality.

The proposed development incorporates perforated fluted screens along the northern and southern elevations to minimise overlooking, and tall vegetative screening at ground level to obscure views to the west. The incorporation of planter boxes on each balcony further mitigates the potential for direct overlooking by keeping occupants away from the balcony edge. The design initially included screens at 1.5m above balcony floor level however these were removed and replaced with the planter boxes during the design review process in response to feedback from ODASA.

This is not an area that is sensitive to overlooking. Indeed, many of the homes of the representors overlook land in the locality to varying degrees.

The site is surrounded by tall buildings which already overlook other sites in the locality to varying degrees (from terraces, balconies and windows). Immediately to the west of the site are two buildings of similar height. Number 6 North Esplanade ("Bayview Shores") is a 5-level building with east facing windows with internal blinds. Slightly north at number 7 North Esplanade is a 5-level building with windows and balconies facing east. Immediately north of the site at number 4 Patawalonga Frontage is a 3-level building with windows and balconies which overlook various parts of the locality and so too does the 3-level building south at number 1c.

Photographs available online from previous real estate listings also show the extent of overlooking from many apartments and penthouses in 8-9 North Esplanade. The timber slatted balustrades on many of those homes do not prevent overlooking and some have gaps, filled with clear glass which have no obscuration at all.

The land immediately to the south at number 2 Patawalonga Frontage has recently been purchased for redevelopment.

⁸ See Macquarie Dictionary definition 1.

Overshadowing

PO 3.1 and PO 3.2 of the Interface Between Land Uses General Development Policy provides that overshadowing of habitable rooms and primary areas of private open space or communal space of adjacent residential land uses in a neighbourhood type zone is "**minimised to maintain access to direct winter sunlight**".

As explained above, the use of the word "minimise" does not mean to prevent *any* impacts on access to direct winter sunlight.

The corresponding DPFs provide that development which achieves a certain duration of direct sunlight on the winter solstice for neighbouring land will generally satisfy the performance outcome. However, the ERD Court remarked in *Ned Ritan Design v The Corp of the City of Adelaide* [2016] SAERDC 32 at [69] that:

"the duration of overshadowing, on days/months either side of [the winter solstice] is a relevant consideration in determining whether overshadowing has been minimised to an acceptable level."

AG Building & Developments Pty Ltd v City of Holdfast Bay and Anor (No 2) SASC 320 at [16]:

On the other hand I accept the appellant's submission that less weight should be given to the overshadowing caused by a development if it causes no more overshadowing than a development which complied with the prescriptive quantitative provisions of the Development Plan which are calculated to minimise that overshadowing; ...

The shadow cast by the proposal strikes other buildings or overlaps the shade cast by surrounding tall buildings. It occurs in a coastal environment where all of the land surrounding the site has buildings which front the coast or the river. Considerable open area with abundant access to sunlight is readily available on the doorsteps of each building. This circumstance has been accepted by the Environment, Resources and Development Court in coastal environments with east/west axis allotments⁹.

The land immediately to the south of the site at 2 Patawalonga Frontage has recently been purchased for redevelopment. Assuming a three-level building with the nominated DPF setbacks is constructed on that land, shade will be cast on other land to the south and west. Those shadows will exceed the shade cast by the proposal. This effect is shown on the updated shadow diagrams in the drawings.

Sufficient on-site parking provided

Our client engaged CIRQA to review the representations and prepare the **enclosed** engineering response on traffic and parking matters. CIRQA concluded that the proposal provides sufficient onsite resident and visitor parking having regard to relevant provisions of the Code and surrounding transport context.

PO 5.1 of the Transport, Access and Parking General Development Policy provides:

Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use **having regard to factors that may support a reduced on-site rate such as:**

- (i) availability of on-street car parking
- (ii) shared use of other parking areas
- (iii) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared
- (iv) the adaptive reuse of a State or Local Heritage Place
- (v) proximity to high frequency public transport

Note: In circumstances where a land use is not defined in Table 2 - Off- Street Vehicle Parking Requirements in Designated Areas or Table 1 - General Off-Street Car Parking Requirements (as

⁹ See *Duplock & Duplock v City of Charles Sturt* [2001] SAERDC 90 at [31].

applicable), an appropriate car parking rate may be defined by reference to similar development in comparable locations.

The corresponding DPF 5.1 then provides that development that provides the number of on-site parks identified in the relevant parking table will generally satisfy the performance outcome.

Table 1 - General Off-Street Car Parking Requirements prescribes the following minimum parking rates for residential flat buildings:

- (a) Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.
- (b) 0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.

The proposed development therefore has a theoretical requirement of 14 resident parking spaces and 5 visitor spaces, being 19 spaces in total.

The proposed development provides a total of 20 onsite parking spaces, including 6 tandem parking spaces. Each set of tandem spaces (i.e. two spaces each) will be assigned to an individual apartment. Accordingly, the proposal exceeds the theoretical on-site parking requirements for residents. The proposal has a theoretical visitor parking shortfall of 2 spaces however this is very low particularly having regard to the site's highly accessible location. The site is well serviced by public transport, including the Glenelg tram line and regular bus services, which would (if necessary) support a reduced reliance on private vehicle use and further demonstrates that the level of on-site parking provided is appropriate.

No adverse impact on traffic volumes

CIRQA have undertaken a traffic and parking assessment of the proposed development concluding that the proposal is likely to generate only 6 morning and 6 evening peak hour trips.

This level of traffic generation is very low and will be readily accommodated within the capacity of the adjacent road network. CIRQA advises that the additional traffic will result in minimal, if any, impact on the operation, safety or efficiency of the local road network.

Waste management appropriately designed

The proposal incorporates a pedestrian ramp at the front of the property, and there is no need to encroach onto adjoining land at any point during waste transfer. All waste movements can occur entirely within the site and along the public frontage.

Waste generated within individual apartments will be consolidated into communal bins located within the internal waste storage area prior to collection. This consolidation means that the number of bins presented to the kerb can be limited, reducing both the frequency and visual impact of kerbside waste presentation when compared with individual dwelling collections. In any event, there is sufficient space on the kerb to store all the bins.

It is relevant to note that kerbside waste collection is routinely accommodated on local roads subject to existing traffic and parking controls. Waste collection vehicles typically stop temporarily in accordance with those controls and operate as part of established municipal servicing regimes. There is no evidence to suggest that the proposed waste servicing would function differently from, or cause greater disruption than, existing residential waste collection in the area.

CIRQA prepared a Waste Management Plan for the development and concluded that the proposal would result in up to three individual waste truck movements per week. This level of servicing demand is relatively low. The associated movements will also be undertaken outside of peak periods and have minimal impact on users of the site.

In response to queries raised by the City of Holdfast Bay, CIRQA has recommended in its' **enclosed** traffic response an alternative waste management strategy which utilises smaller bins to address perceived concerns about navigating larger bins from the storeroom to the kerb for Council collection.

In these circumstances, the waste management arrangements are considered practical, conventional and appropriate for the scale and nature of the development and are not expected to result in unreasonable amenity or traffic impacts.

No adverse noise impacts

Construction noise is not a relevant planning consideration for the purposes of assessment under the Code. Construction activities are temporary in nature and are regulated through separate legislative frameworks, including the *Local Nuisance and Litter Control Act 2016* and *Environment Protection Act 1993*. Any construction-related noise will therefore be appropriately managed outside the planning approval process.

In relation to operational noise impacts, it is relevant to note that the ordinary residential activities cited by representors, such as vehicle movements, waste bin usage (wheeling bins to the kerb, shutting bin lids), and waste collection, are typical of residential flat buildings and form part of the baseline amenity expected in an urban context. Such activities do not, of themselves, represent unreasonable noise impacts for the purposes of PO 4.1 of the Interface Between Land Uses General Development Policy.

Sonus prepared an Acoustic Assessment, which addresses both noise ingress to future apartments, including aircraft noise under the Aircraft Noise Exposure Overlay, and noise emissions from the development to surrounding sensitive receivers.

The assessment concludes that, subject to the implementation of recommended acoustic measures which have been adopted in the development, the proposed development will comply with the relevant acoustic criteria and will not unreasonably impact the amenity of nearby noise-sensitive receivers. Noise emissions modelled include mechanical plant operation and car parking activity, and the assessment demonstrates that applicable internal and external noise targets will be achieved at all neighbouring residential properties.

The assessment also confirms that the development will be capable of achieving the deemed-to-satisfy requirements of Ministerial Building Standard MBS 010 in relation to aircraft noise exposure, with appropriate façade treatments to ensure acceptable internal acoustic amenity for future occupiers.

One representor criticised the methodology and assumptions adopted by Sonus in undertaking the acoustic assessment. With respect, that representor has no apparent qualifications or expertise in acoustic engineering and has not put forward any alternate expert assessment. In contrast, the assessment has been prepared by a suitably qualified professional acoustician applying established standards, recognised methodologies and industry practice appropriate to the development.

Sufficient private open space

PO 27.1 of the Design in Urban Areas General Development Policy provides *"Dwellings and co-living are provided with suitable sized areas of usable private open space or communal open space to meet the needs of occupants."* The corresponding DPF 27.1 then provides that private open space provided in accordance with the relevant table will generally satisfy the performance outcome.

Table 1 - Private Open Space prescribes minimum rate of 11m² / minimum dimension 2.4m for Apartments 2A, 2B, 2C and 2D (being two-bedroom dwellings above ground level). 14-15sqm of private open space is provided for each apartment in the form of a balcony facing either east or west. Although not all balconies meet the minimum dimensions because of the curved corner, they exceed the overall area requirements.

In any event, PO 32.2 of the Design in Urban Areas General Development Policy provides that *"Private open space provision may be substituted for communal open space which is designed and sited to meet the recreation and amenity needs of residents."* The proposed development incorporates a gym (91m²) and yoga studio (68m²) at ground level for exclusive use of occupants. Residents also have access to landscaped outdoor sitting areas at ground level. To the extent that the proposal departs in a minor way from the minimum private open space dimension requirements in DPF 27.1 (which is a guide only), the open space needs of occupants is plainly met by the communal open space.

Precedent effect is not a relevant planning consideration

There is no planning doctrine of precedent that has the effect that because one development has been approved so should another.¹⁰ The cases make it clear that the so called "precedent effect" (namely the possibility that the proposed development may establish an unwanted example) is not relevant to the assessment of a development application, which must be considered on its merits based on the relevant facts and evidence at the time of the application.¹¹

Impact on property values irrelevant

The concerns about the effect of the development on property values in the area are unsubstantiated. They are irrelevant to the assessment of the proposed development.

No rooftop mechanical plant required

Some representors raised concerns that no rooftop mechanical plant is shown on the proposal plans, and that the proposed ceiling heights do not appear to accommodate ducted air-conditioning. Concern was also raised about whether it was appropriate to select provisional plant in the environmental noise assessment undertaken by Sonus.

Air-conditioning for each apartment is to be located within an acoustic barrier near the lift on each level. A thinner ceiling slab is proposed, with air-conditioning pipework accommodated within the slab zone. This design approach reduces the overall height of the building and removes the need for any mechanical plant to be located on the roof.

Sonus has adopted a typical mechanical plant selection in preparing the environmental noise assessment, noting that the final mechanical plant units have not yet been selected. This assessment indicates that the proposed development can readily mitigate the likely noise from typical mechanical plant. This approach is standard at this stage of project development. To the extent that the sound power levels of the final selected plant may exceed those assumed in the assessment (unlikely though that is), this issue can be appropriately managed through a condition of planning consent requiring final plant selection to be to the satisfaction of the relevant authority.

No additional pressure on existing water infrastructure

The proposed development provides space for water storage tanks and includes a dedicated water booster pump in the basement. This allows water to be stored during period of low demand on the network and pumped for use in the building during high demand. This will ensure adequate water pressure for the development without placing any additional demand or pressure on the existing water supply network.

No loss of private or public open space

The proposed development is located entirely within privately owned land that currently contains an existing dwelling. There is no reduction in public open space, nor any encroachment onto neighbouring land. There is also no reasonable basis to suggest a community expectation that this land would be dedicated as public open space.

In any event, matters relating to hypothetical future use of private land as open space (if that is indeed what is suggested) are irrelevant to the assessment of the proposed development.

No impact on water table

The proposed development will be constructed entirely above the water table. As a result, the overall building height is marginally taller, as there is no opportunity to construct further below ground level. Accordingly, the development will not interfere with or adversely affect the water table.

Any detailed engineering responses to groundwater conditions, including foundation design and construction methodology, will be appropriately assessed at the building consent stage.

¹⁰ *Gibson v Adelaide Hills Council* [2005] SASC 467 at [31] - [32].

¹¹ *Gibson v Adelaide Hills Council* [2005] SASC 467 at [31]; *City of Charles Sturt v Hatch* [1999] SASC 523.

Request to be heard

Our client wishes to appear at the meeting of the SCAP when this proposal is considered. Please advise of the date and time of the relevant meeting.

Yours faithfully



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Partner

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PREPARED FOR:

OKIN CAPITAL

JOB NO:

24011

DATE:

21.05.2026

REVISION:

PLANNING APPLICATION [A2]

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PATAWALONGA APARTMENTS
SITE LOCATION



AERIAL SITE LOCATION



SITE LOCATION

SITE LOCATION

SITE



PATAWALONGA APARTMENTS
SITE CONTEXT



SITE LOCATION

SITE



1B/1C PATAWALONGA



2 PATAWALONGA



SITE: 3 PATAWALONGA (EXISTING)



4 PATAWALONGA
(UNDER CONSTRUCTION)



5 PATAWALONGA

PATAWALONGA APARTMENTS
PRECINCT CONTEXT



WEST AERIAL VIEW - NORTH ESPLANADE



EAST AERIAL VIEW - PATAWALONGA FRONTAGE

PATAWALONGA APARTMENTS PRECINCT CONTEXT EXISTING OVERHEIGHT



BUILDING HEIGHTS

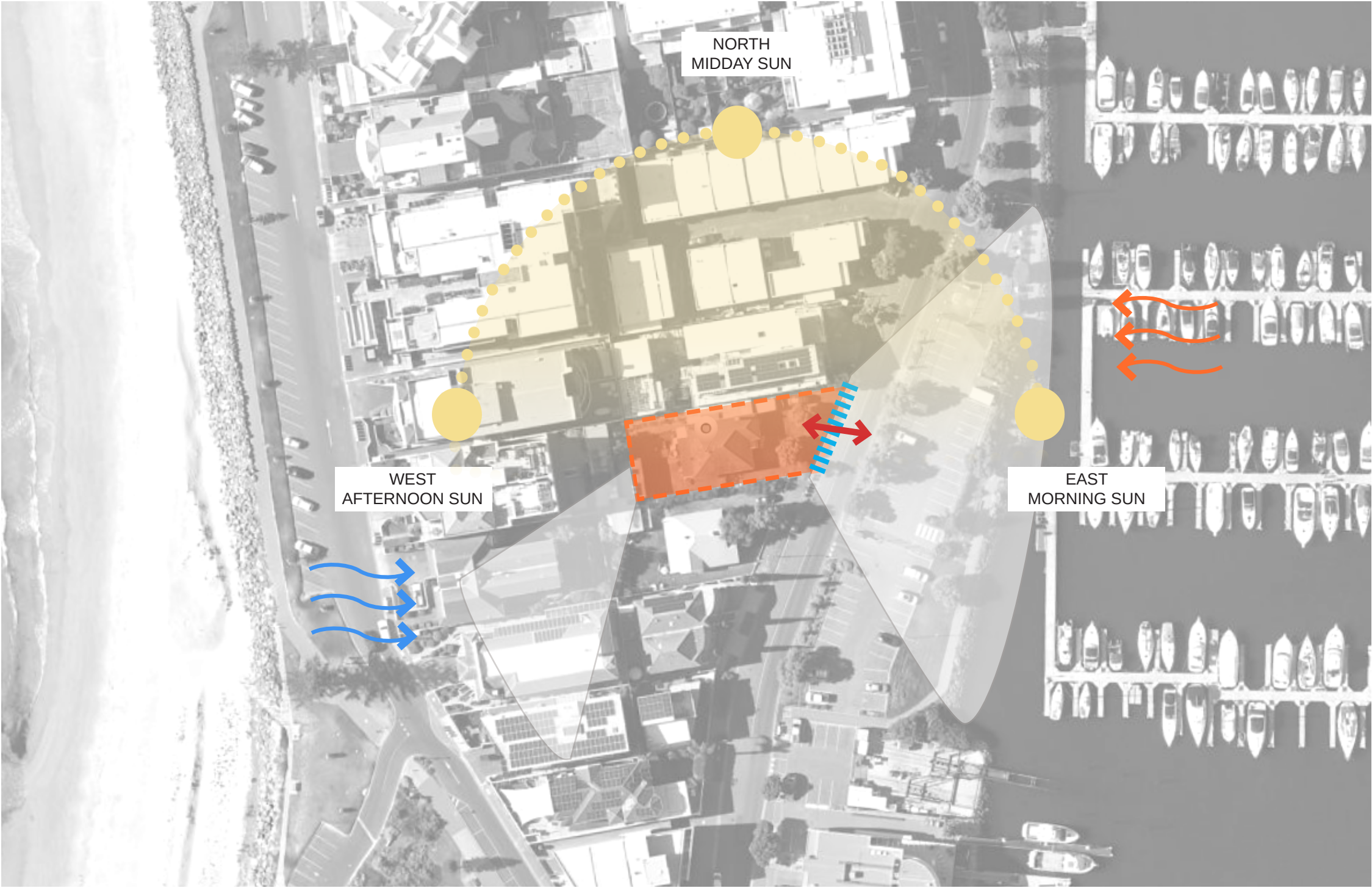
	SITE - 3 PATAWALONGA FRONTAGE
	3 STOREY
	4-5 STOREY
	6-8 STOREY
	8+ STOREY

TNV MAX HEIGHT ZONES

	2 LEVELS (9M)
	3 LEVELS (11.5M)
	5 LEVELS (18.5M)
	6 LEVELS (28.5M)
	12 LEVELS (28.5M)



PATAWALONGA APARTMENTS
SITE ANALYSIS



LEGEND

	SITE - 19 GOLFLANDS TCE
	STREET ACCESS
	STREET/LANE FRONTAGE
	PREVAILING WINTER WINDS
	PREVAILING SUMMER WINDS
	SOLAR GAIN
	KEY VIEWS

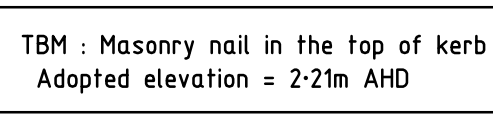
N

SITE AREA: 845m2
SITE DIMENSIONS: approx. 42.67m x 19.82m

PATAWALONGA APARTMENTS
EXISTING SITE CONTEXT



FRONTAGE

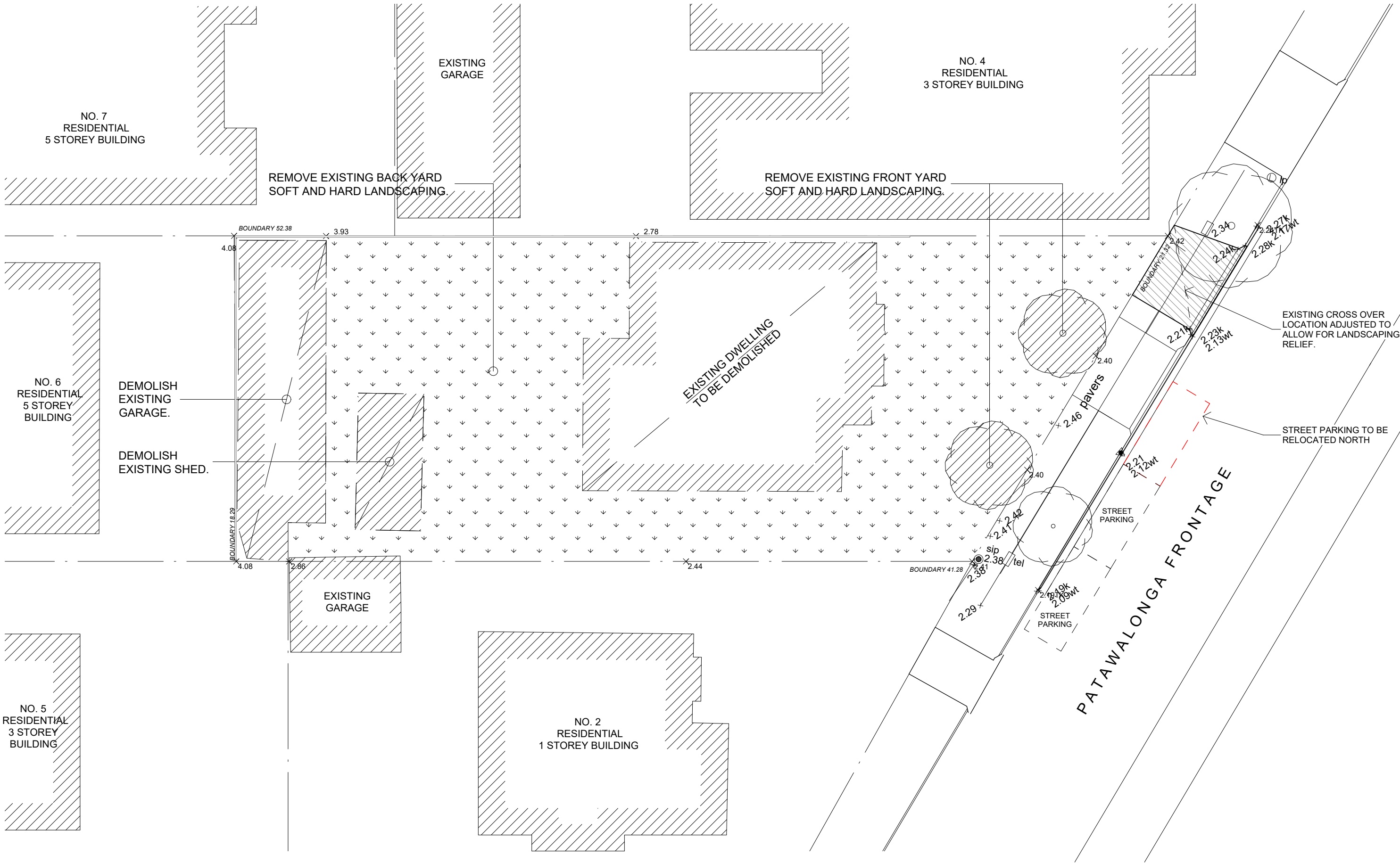


NOTE :

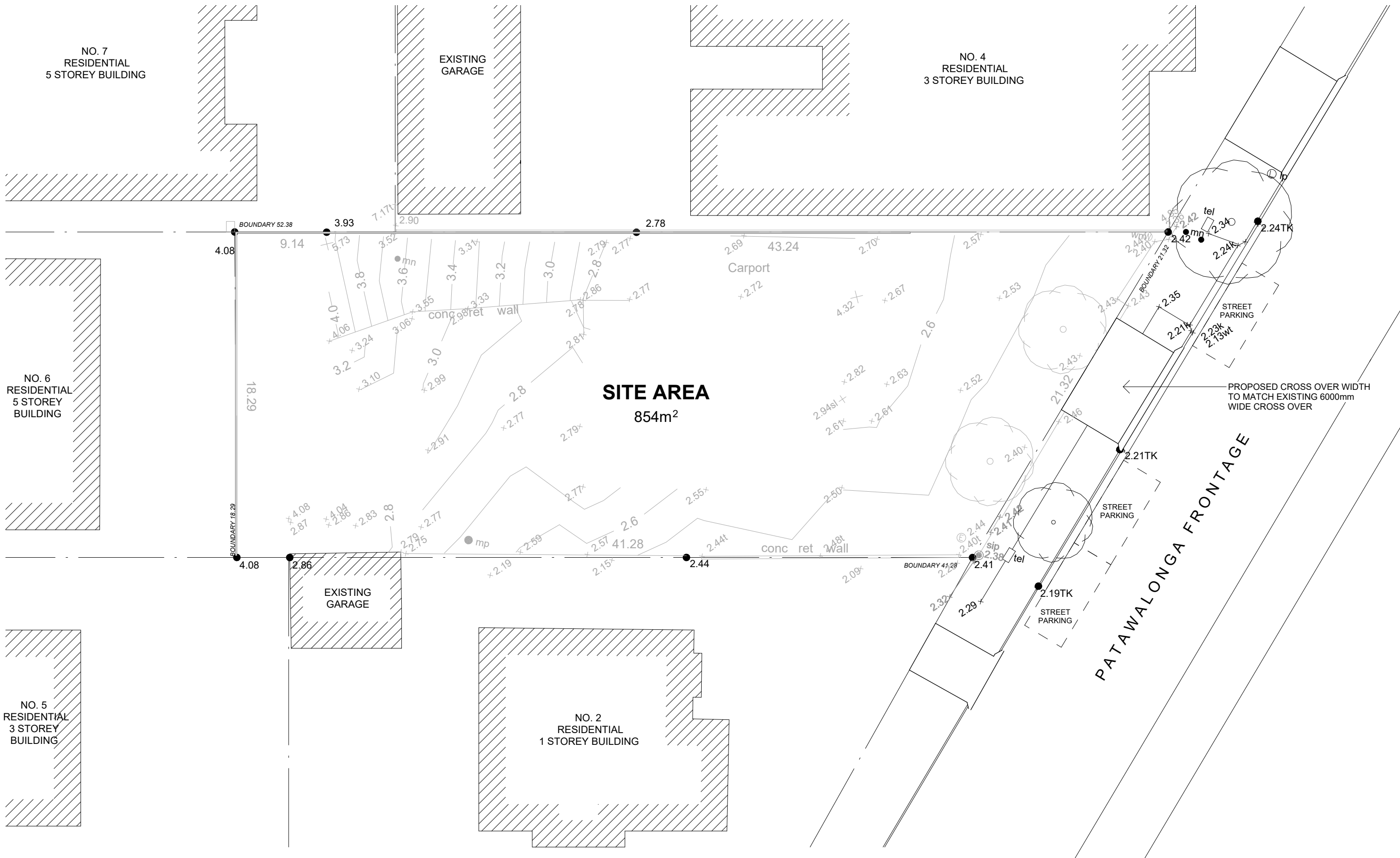
1. TITLE ALLOTMENT BOUNDARIES SHOWN HEREON ARE APPROXIMATE ONLY AND HAVE NOT BEEN SURVEYED.
2. REFER TO THE CERTIFICATE OF TITLE FOR EASEMENT DETAILS (IF ANY).
3. THIS IS NOT A CERTIFIED SURVEY FOR THE PURPOSES OF THE REGULATIONS UNDER THE SURVEY ACT, 1992. THIS PLAN WILL NOT BE EXAMINED FOR BOUNDARY DEFINITION OR OTHERWISE BY THE REGISTRAR-GENERALS OFFICE. FUTURE RESURVEY OF ADJOINING LAND OR SUBSEQUENT REGISTRATION OF CERTIFIED SURVEY PLANS MAY ALTER THE BOUNDARY DEFINITION OR INFORMATION SHOWN HEREON.
4. THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF ENZO CAROSCIO ARCHITECTURE FOR THE PURPOSE OF SITE REDEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
5. NO UNDERGROUND SERVICES HAVE BEEN LOCATED. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, PLEASE MAKE USE OF THE "DIAL-BEFORE-YOU-DIG" SERVICE.

 STATE SURVEYS PTY LTD 465b South Road, Keswick South Australia 5035 Phone 08 8293 2939 Facsimile 08 8293 2949 Email planning@statesurveys.com.au Internet www.statesurveys.com.au	☐ Permanent survey mark + Spot height <input type="triangle-up"/> Temporary bench mark x iL Invert <input type="square"/> Peg x fL Floor level <input type="circle"/> Spike x sL Step level ☒ Metal pin + w† Watertable level ☐ GI nail + k Back kerb level ☐ Masonry nail  Water meter ☒ Drill hole  Gas meter ☒ Scribe ☐ Domestic outlet	ENZO CAROSCIO ARCHITECTURE DETAIL SURVEY 3 PATAWALONGA FRONTAGE GLENELG NORTH ALLOTMENT 41 IN F1091 CT5842/93	 Cyclone fence  Post & wire fence  Brush fence  Picket fence  Tubular fence  GI fence  Colorbond fence  Log fence  Brick fence	Coord datum : Arbitrary Height datum : AHD DWG file : 25038.dwg Surveyed : EF 21.02.25 Calculated : EF 24.02.25 Drawn : EF 04.03.25 DRAWING SCALE: 1:200m AT A3 Job Number : 25038
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PATAWALONGA APARTMENTS
DEMOLITION PLAN

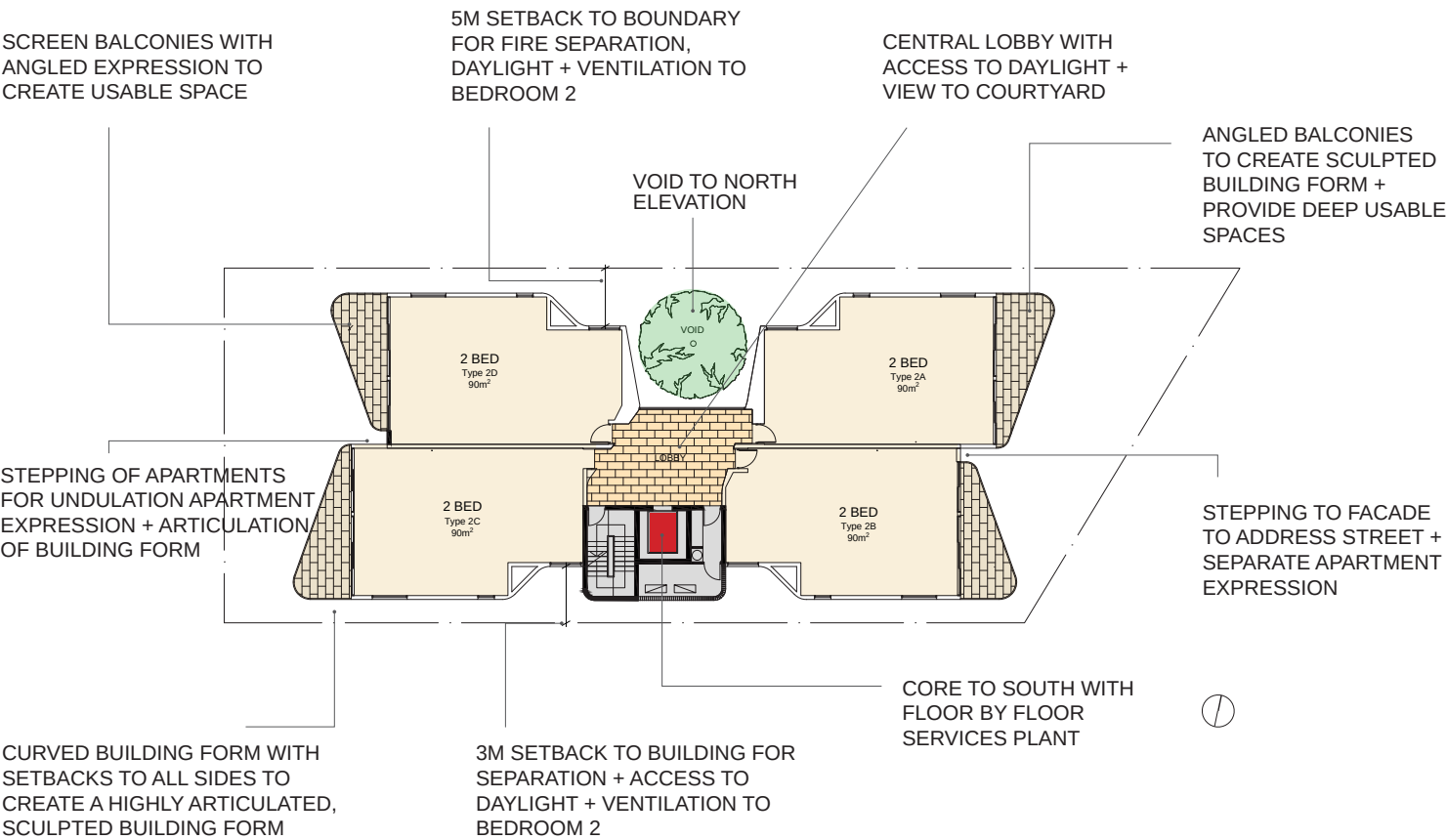


PATAWALONGA APARTMENTS
SITE PLAN

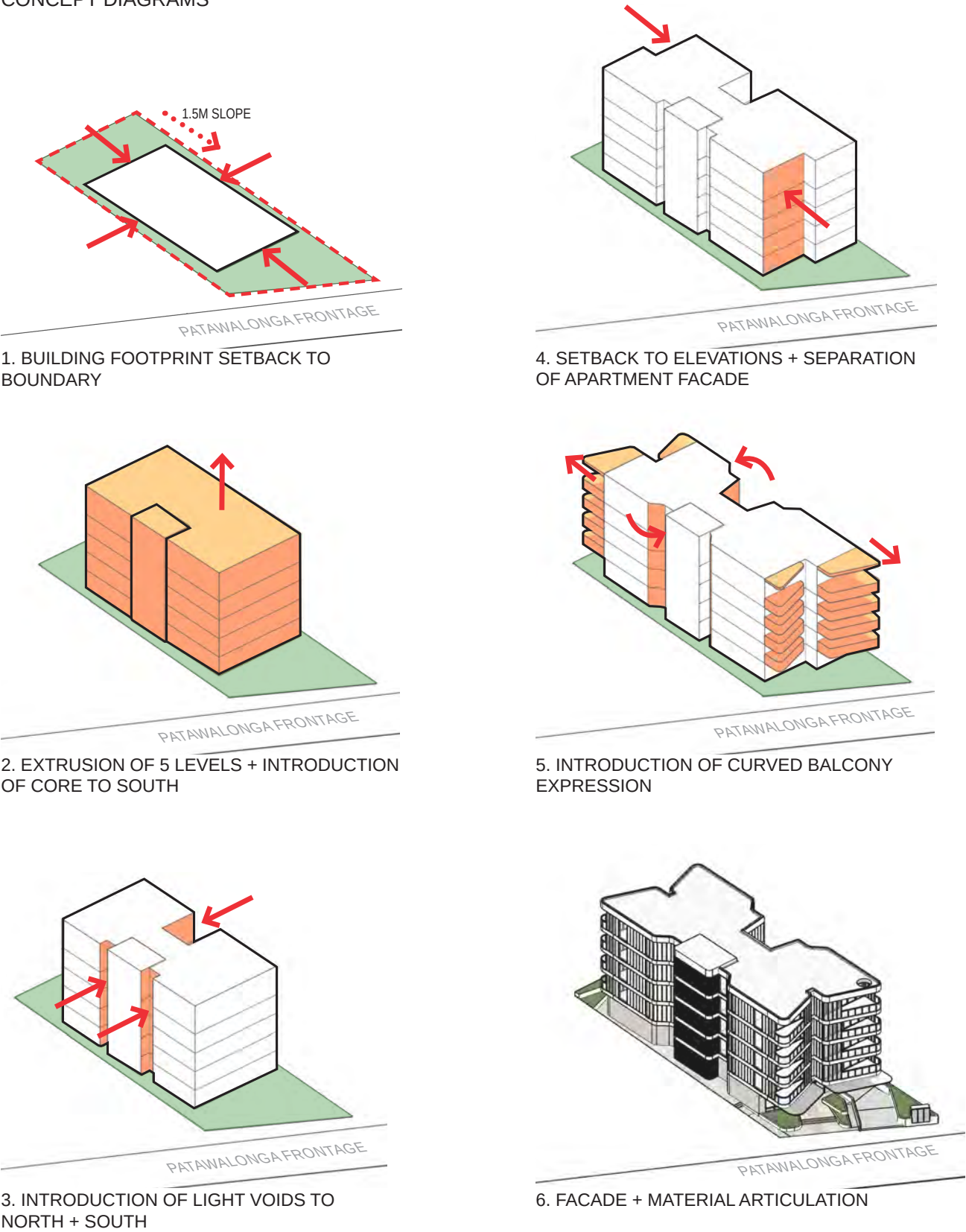


PATAWALONGA APARTMENTS CONCEPT DIAGRAMS

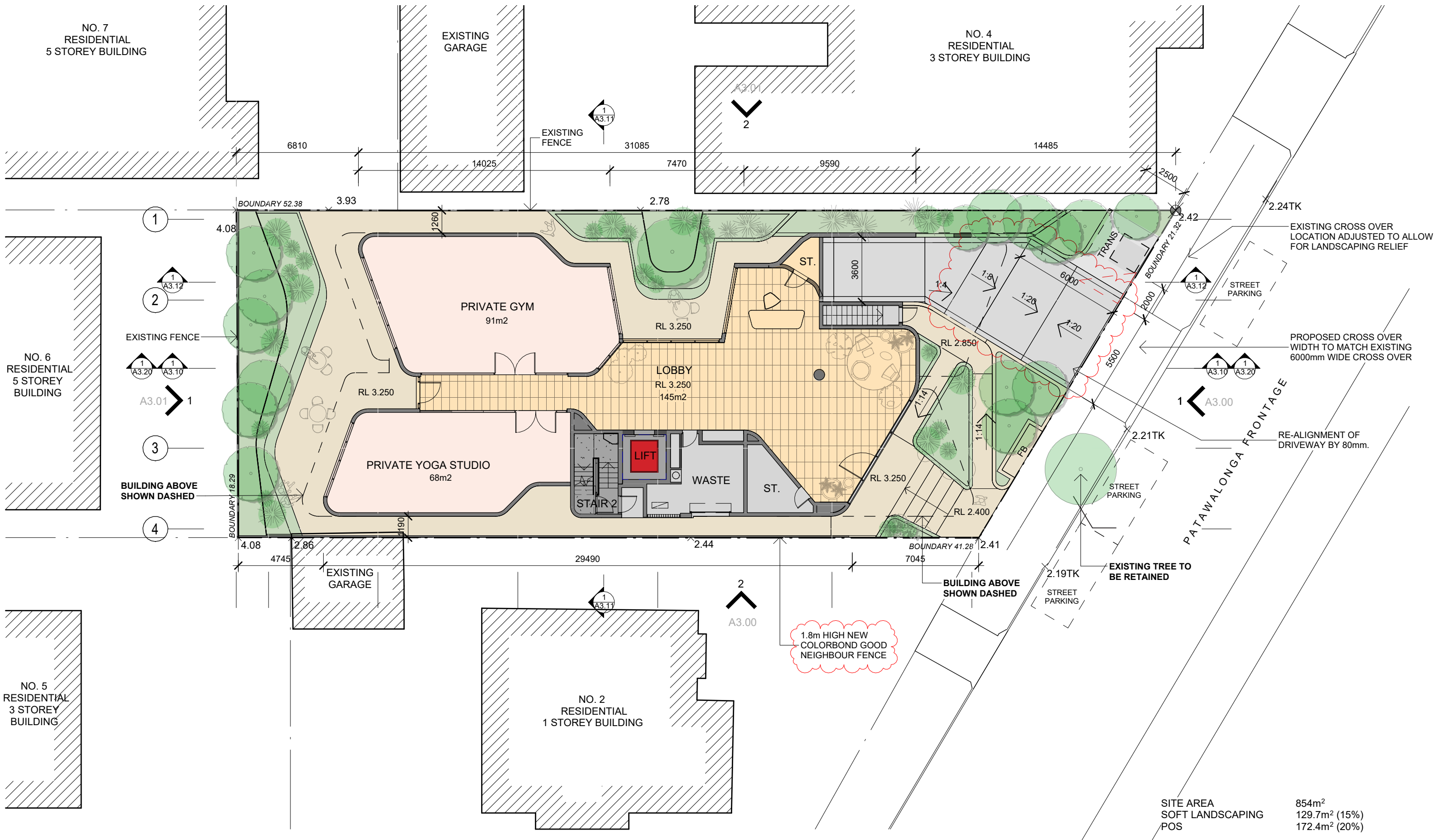
CONCEPT PLAN



CONCEPT DIAGRAMS



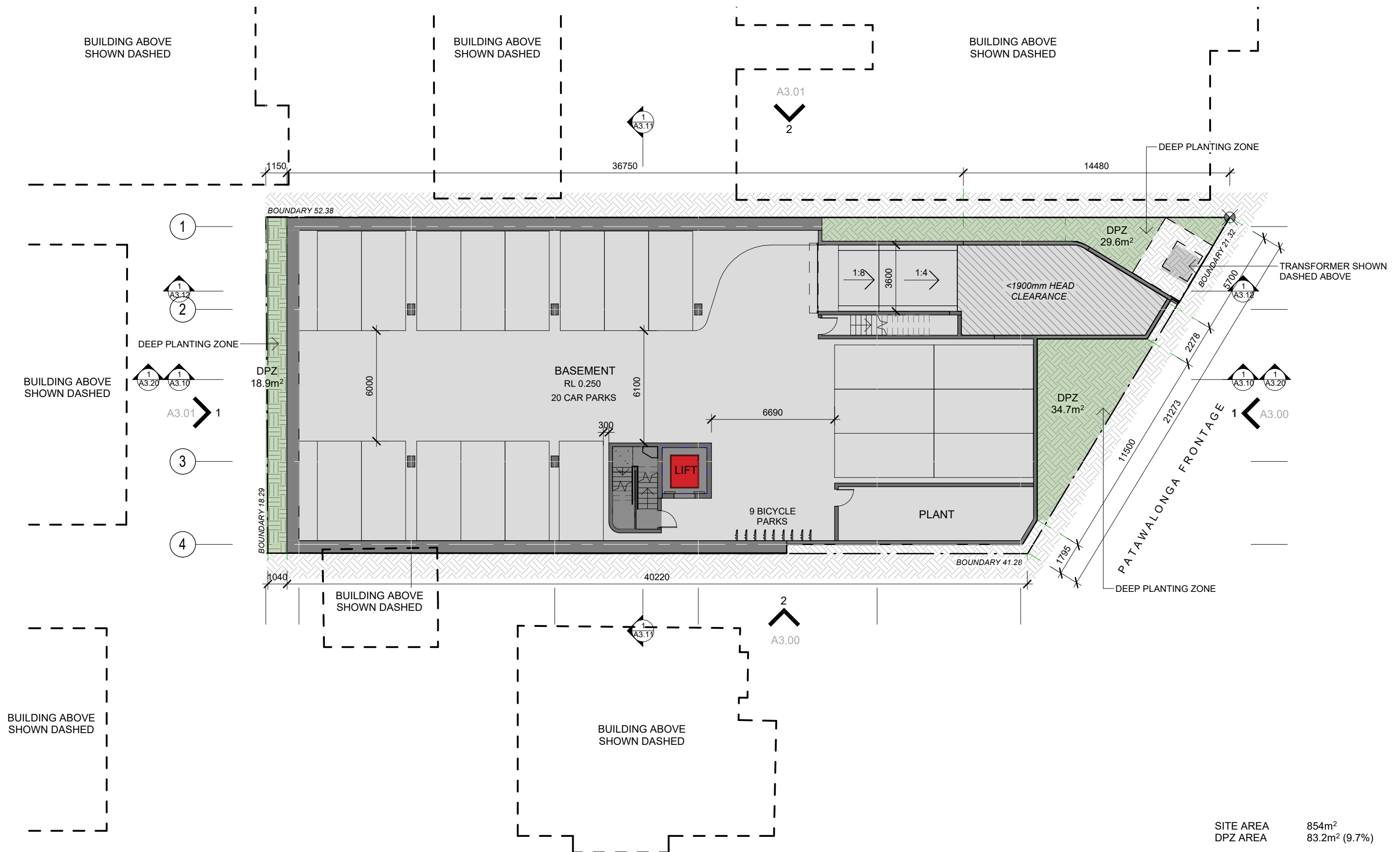
PATAWALONGA APARTMENTS
FLOOR PLANS
GROUND FLOOR



PATAWALONGA APARTMENTS

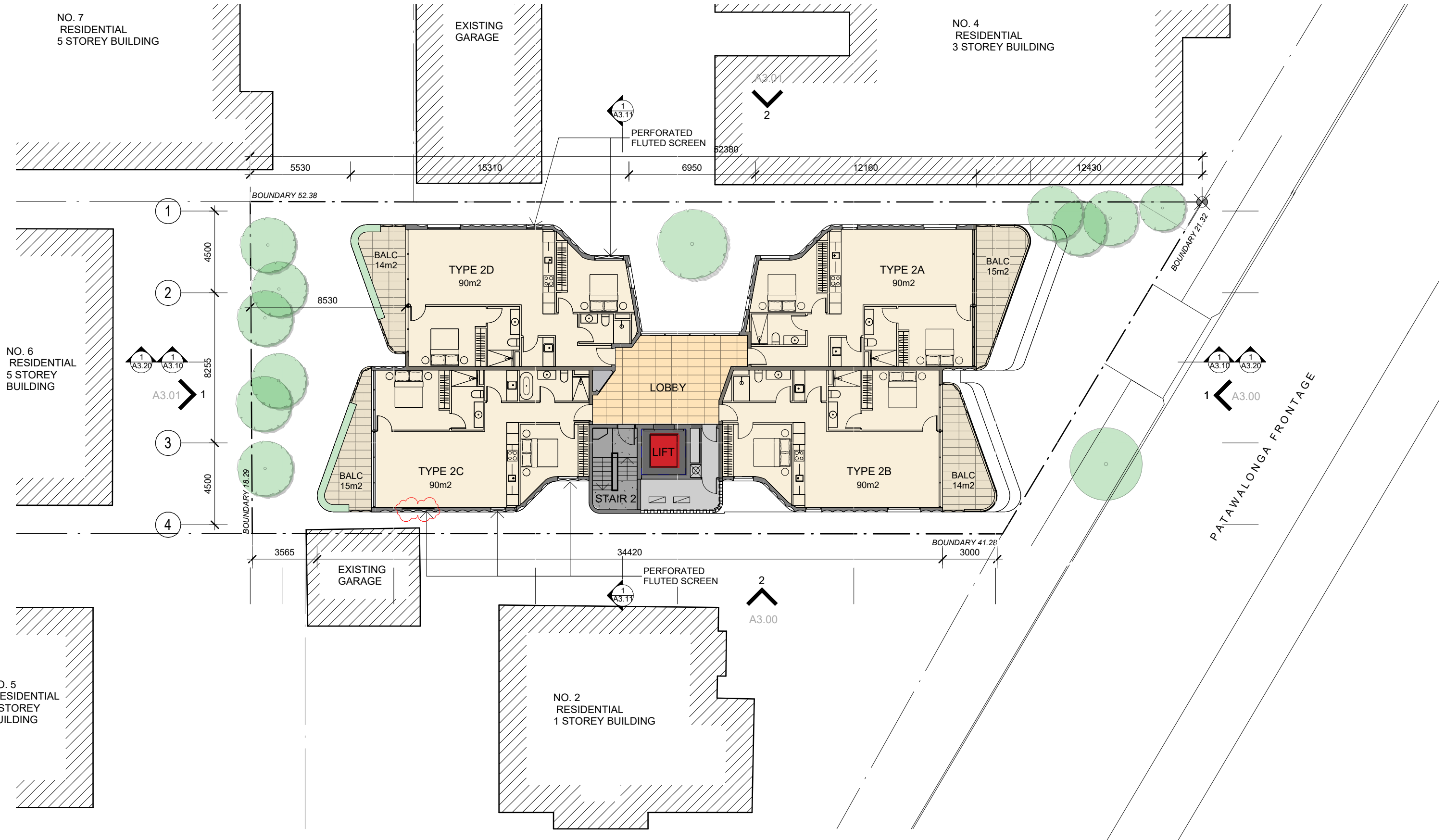
FLOOR PLANS

BASEMENT

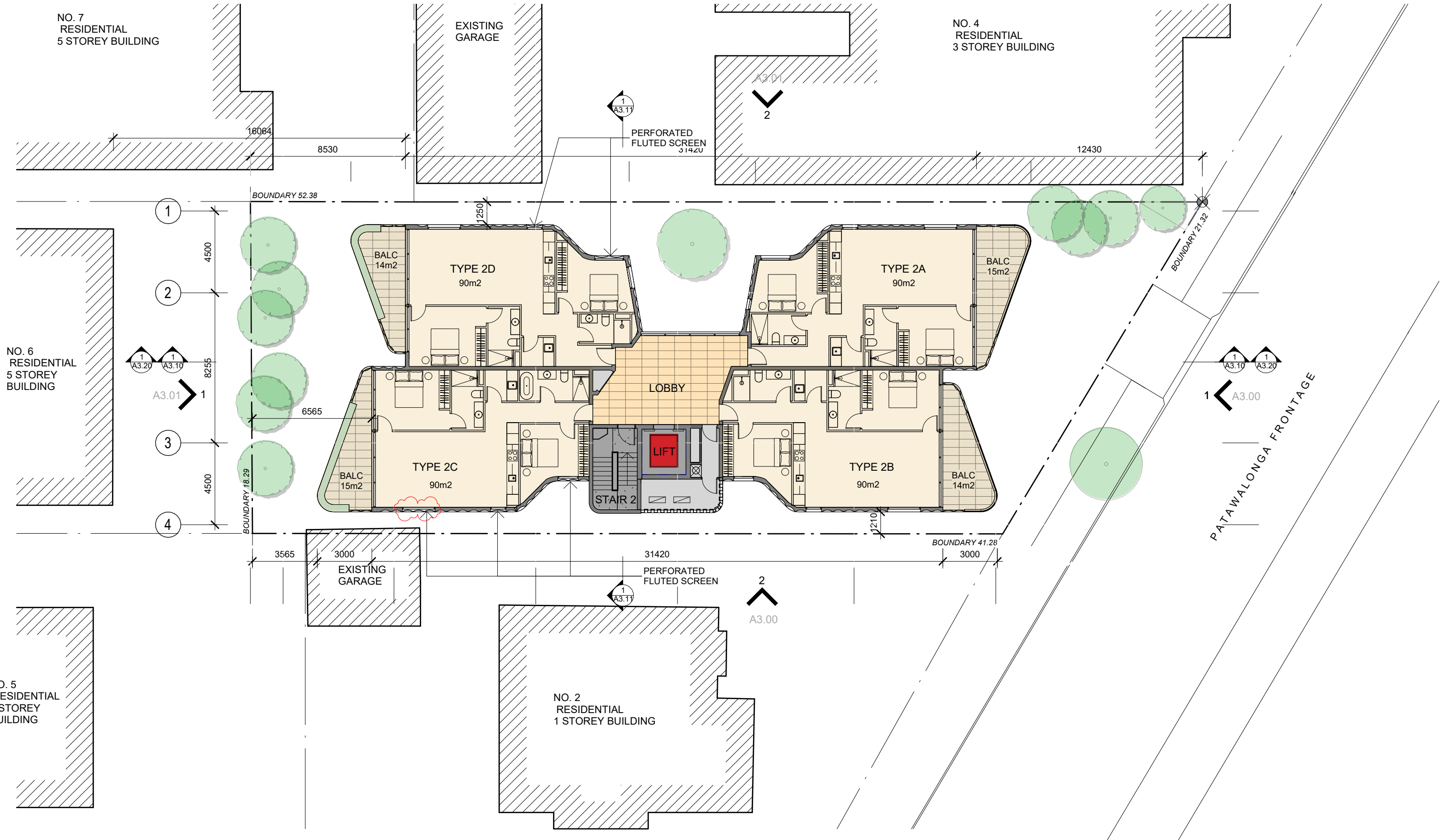


SITE AREA	854m ²
DPZ AREA	83.2m ² (9.7%)

PATAWALONGA APARTMENTS
FLOOR PLANS
LEVEL 01



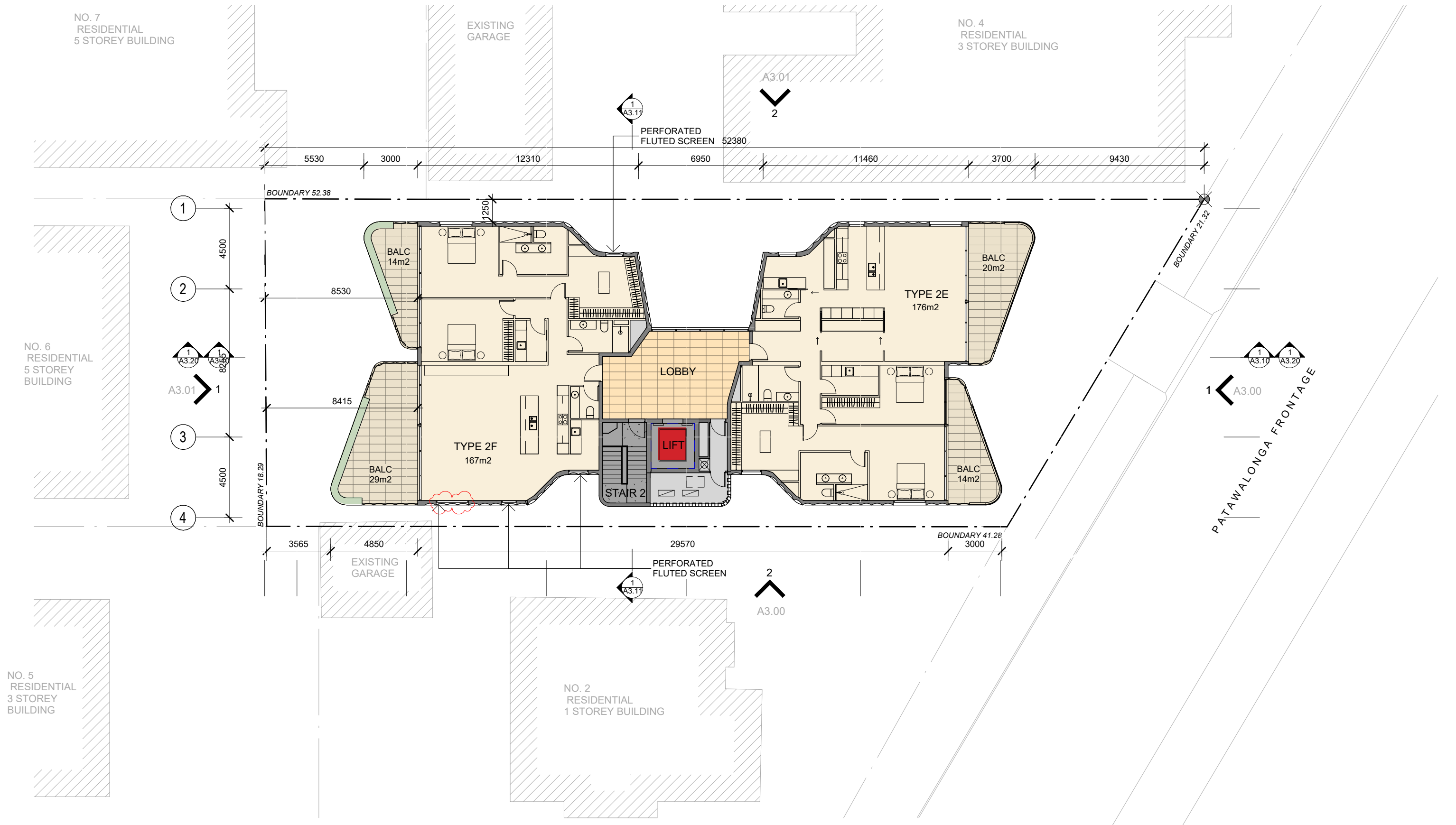
PATAWALONGA APARTMENTS
FLOOR PLANS
LEVEL 02 - 03



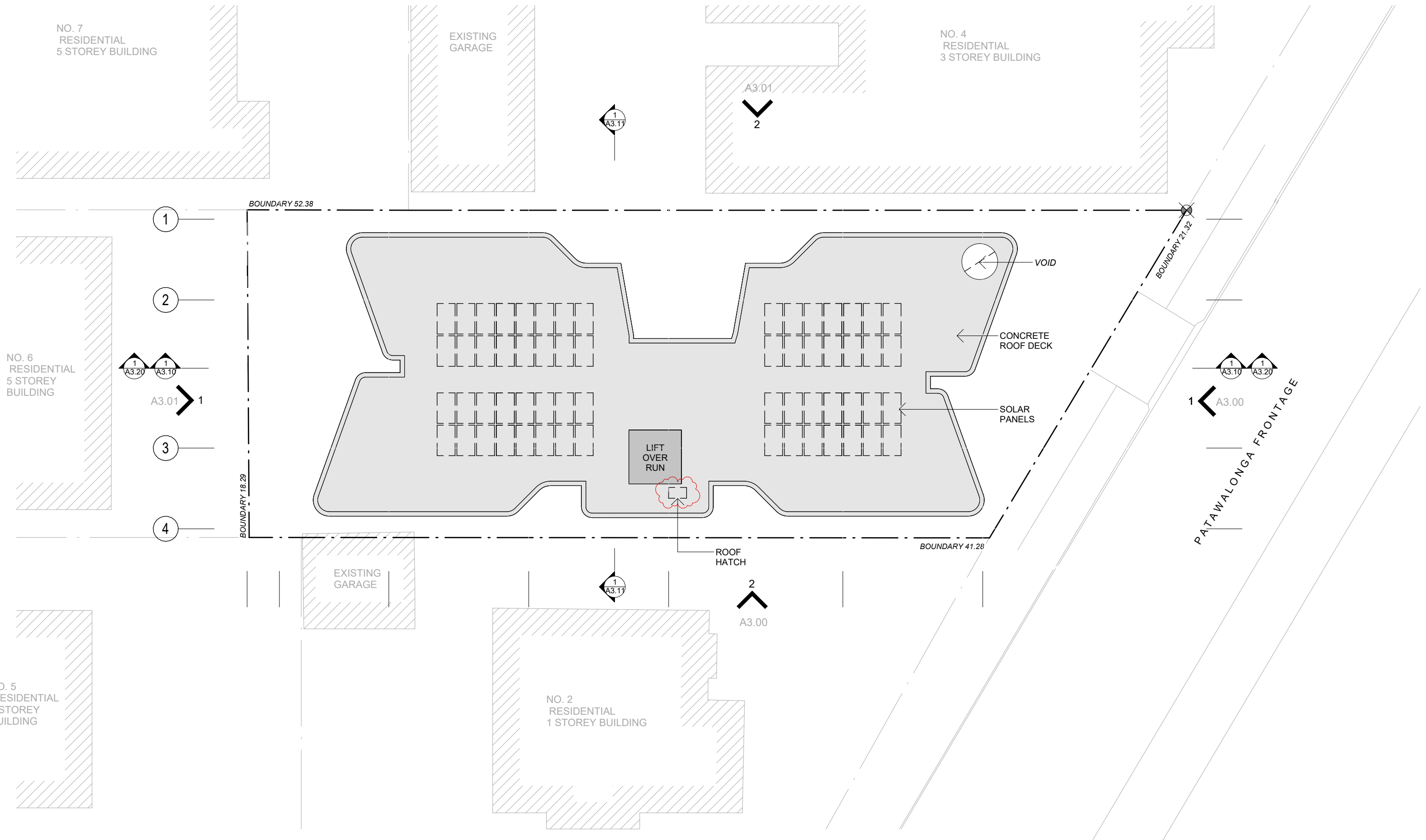
PATAWALONGA APARTMENTS

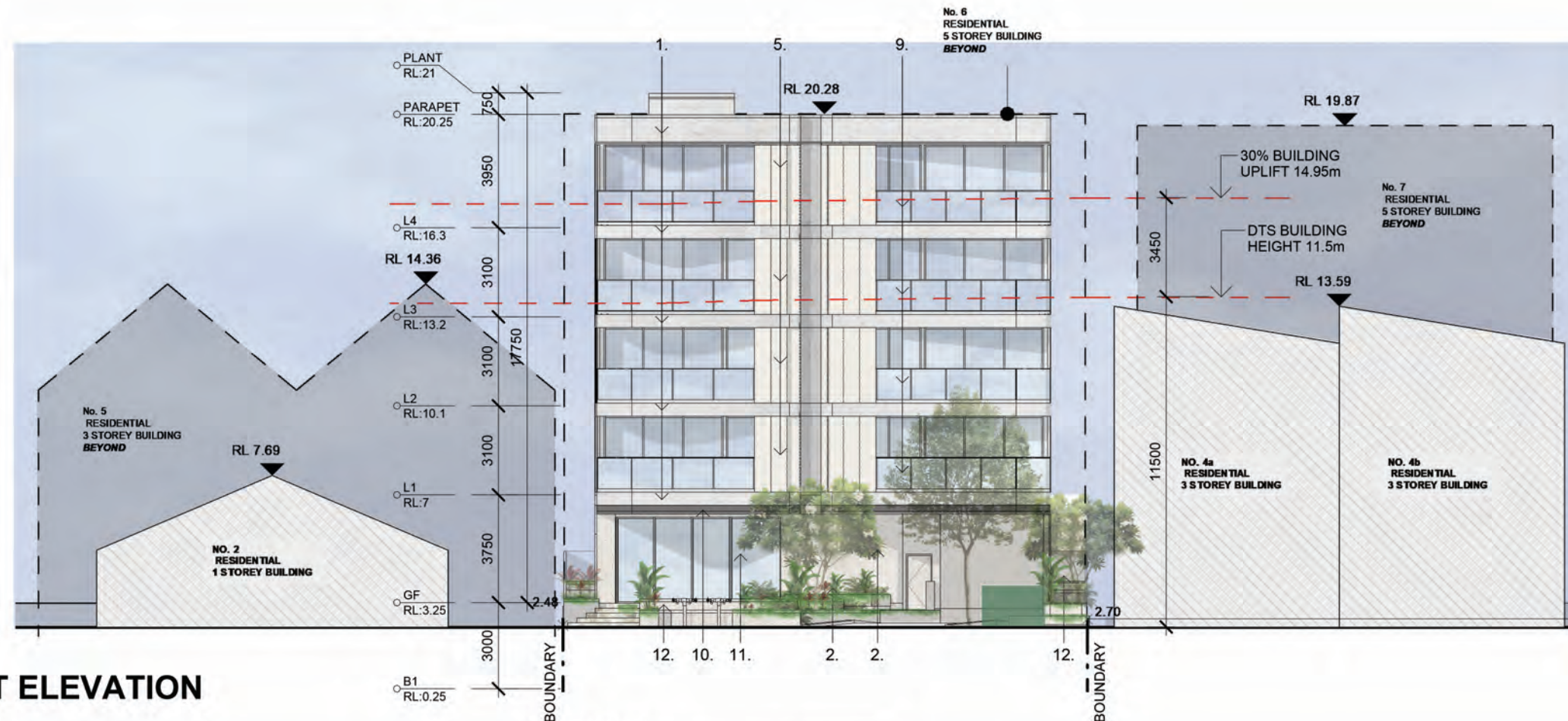
FLOOR PLANS

LEVEL 04

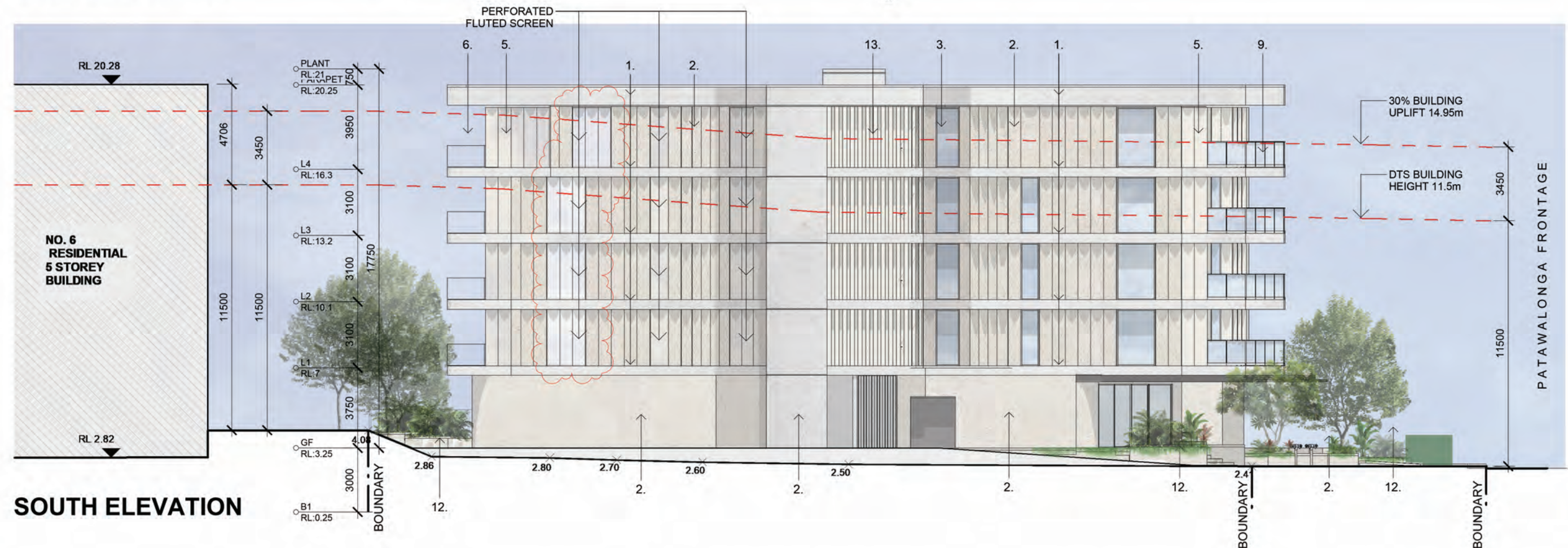


PATAWALONGA APARTMENTS
FLOOR PLANS
ROOF





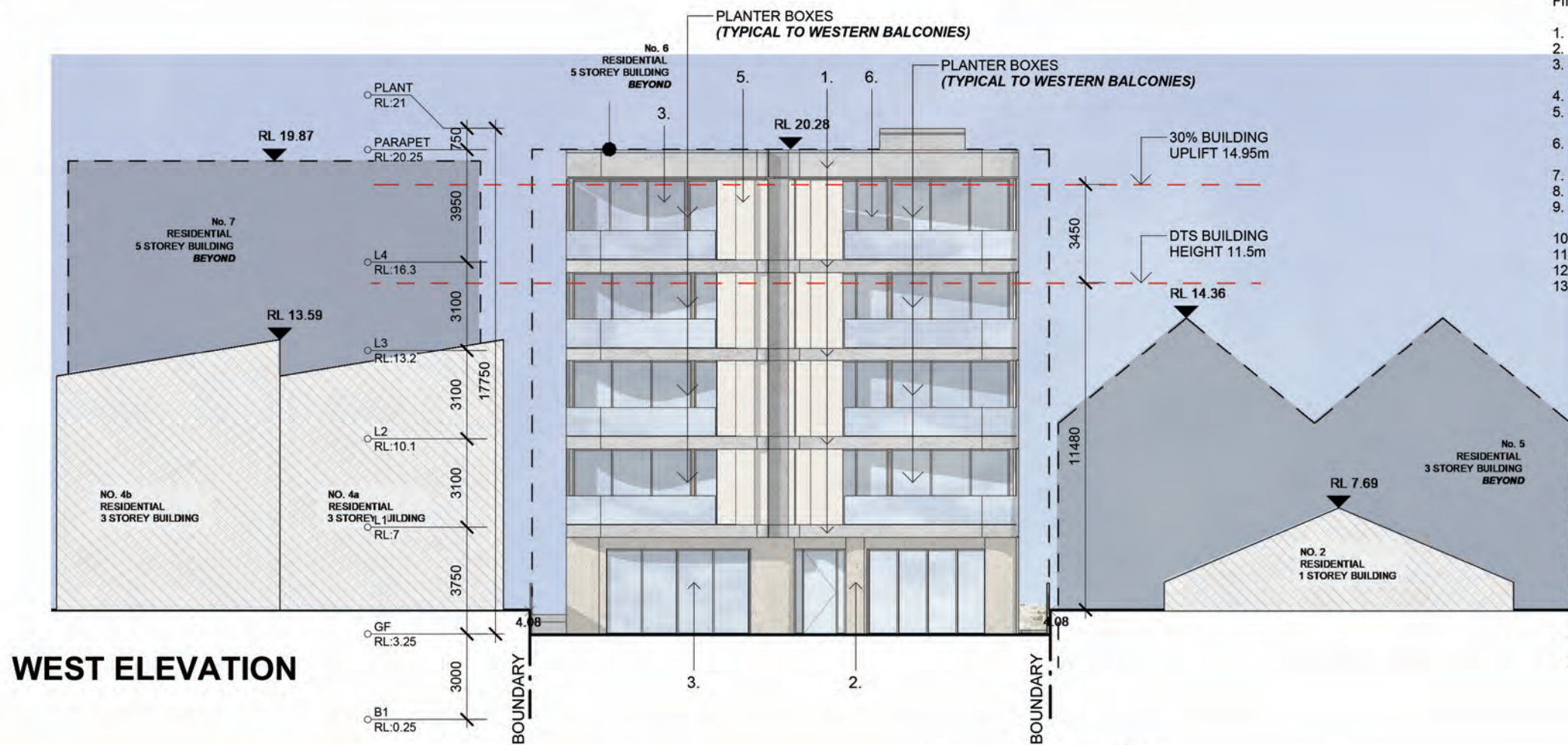
EAST ELEVATION



SOUTH ELEVATION

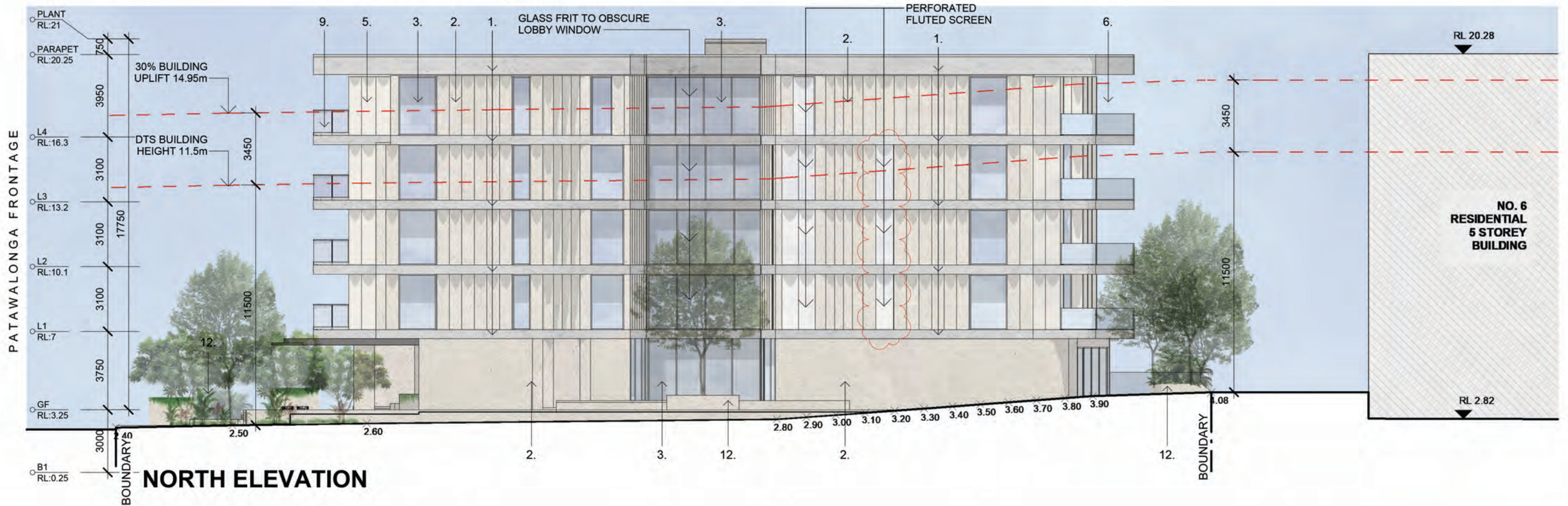
FINISHES :

1. PRECAST CONCRETE - OFF WHITE
2. PRECAST FLUTED CONCRETE - ETCHED (OR SIMILAR)
3. ALUMINIUM WINDOWS AND DOORS - POWDERCOATED MONUMENT (OR SIMILAR)
4. STONE FORECOURT - LIGHT GRANITE (OR SIMILAR)
5. PERFORATED FLUTED SCREEN - DULUX SURFMIST (OR SIMILAR)
6. BALCONY PLANTER BOXES - TO MATCH FLUTED SCREEN (OR SIMILAR)
7. PERFORATED GARAGE DOOR
8. TIMBER BATTEN BALCONY SOFFIT - LIGHT OAK (OR SIMILAR)
9. GLASS BALUSTRADE - POWDERCOATED HANDRAIL MONUMENT (OR SIMILAR)
10. STEEL ENTRY CANOPY
11. LOBBY FEATURE ENTRY DOOR
12. SOFT LANDSCAPING
13. VERTICAL ALUMINIUM LOUVRE PLANT SCREEN - DULUX SURFMIST (OR SIMILAR)



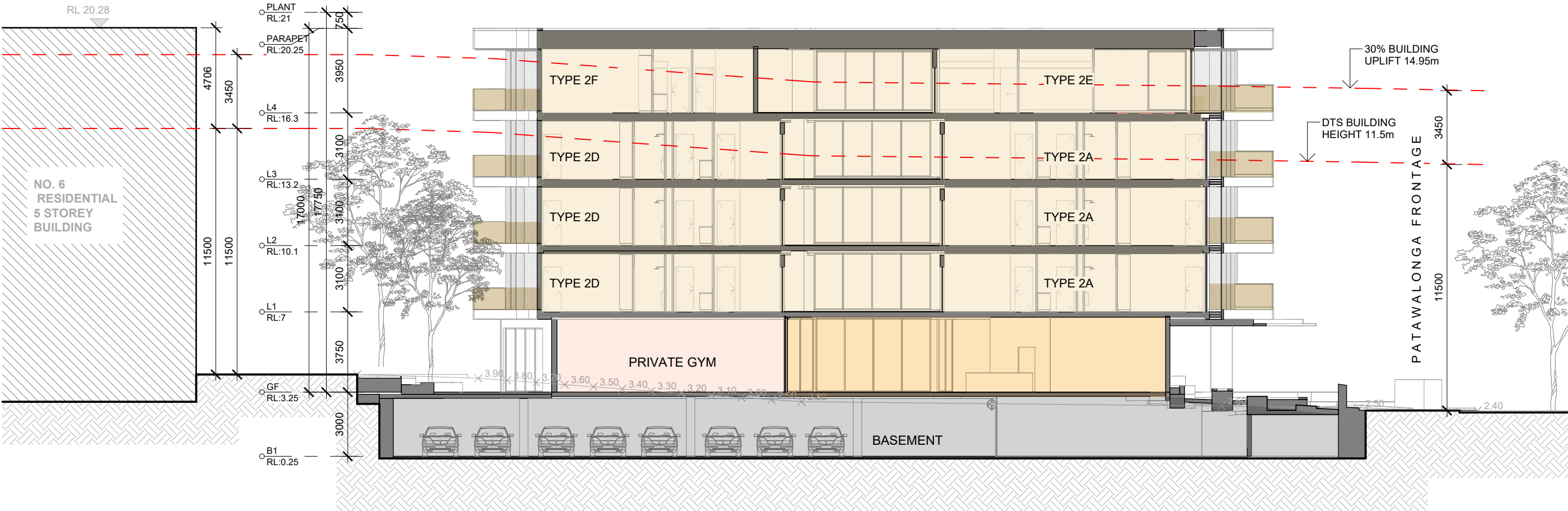
WEST ELEVATION

- FINISHES :
1. PRECAST CONCRETE - OFF WHITE
 2. PRECAST FLUTED CONCRETE - ETCHED (OR SIMILAR)
 3. ALUMINIUM WINDOWS AND DOORS - POWDERCOATED MONUMENT (OR SIMILAR)
 4. STONE FORECOURT - LIGHT GRANITE (OR SIMILAR)
 5. PERFORATED FLUTED SCREEN - DULUX SURFMIST (OR SIMILAR)
 6. BALCONY PLANTER BOXES - TO MATCH FLUTED SCREEN (OR SIMILAR)
 7. PERFORATED GARAGE DOOR
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 10. STEEL ENTRY CANOPY
 11. LOBBY FEATURE ENTRY DOOR
 12. SOFT LANDSCAPING
 13. VERTICAL ALUMINIUM LOUVRE PLANT SCREEN - DULUX SURFMIST (OR SIMILAR)

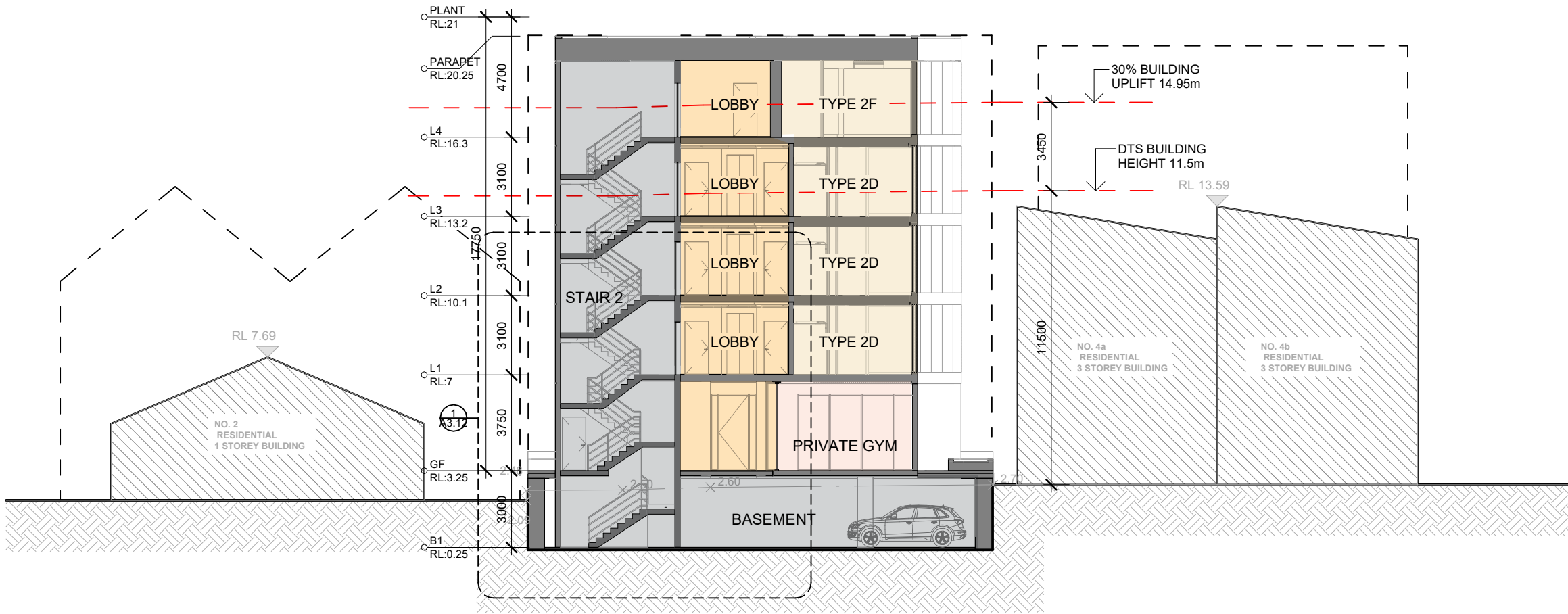


NORTH ELEVATION

PATAWALONGA APARTMENTS
SECTION
EAST - WEST

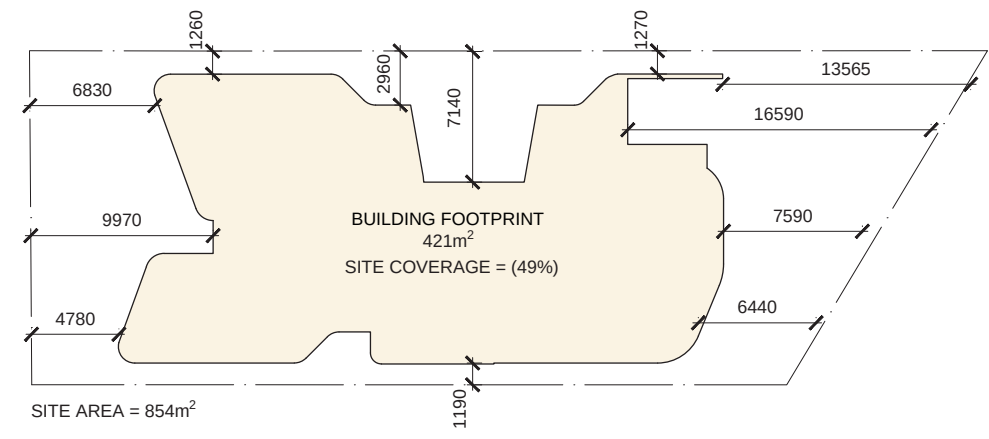


PATAWALONGA APARTMENTS
SECTION
NORTH - SOUTH

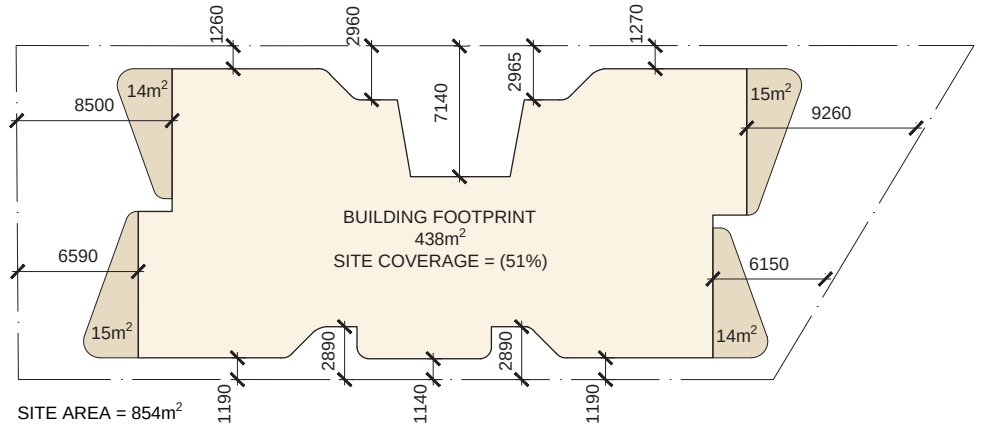


PATAWALONGA APARTMENTS
SITE CONTEXT
& SETBACK

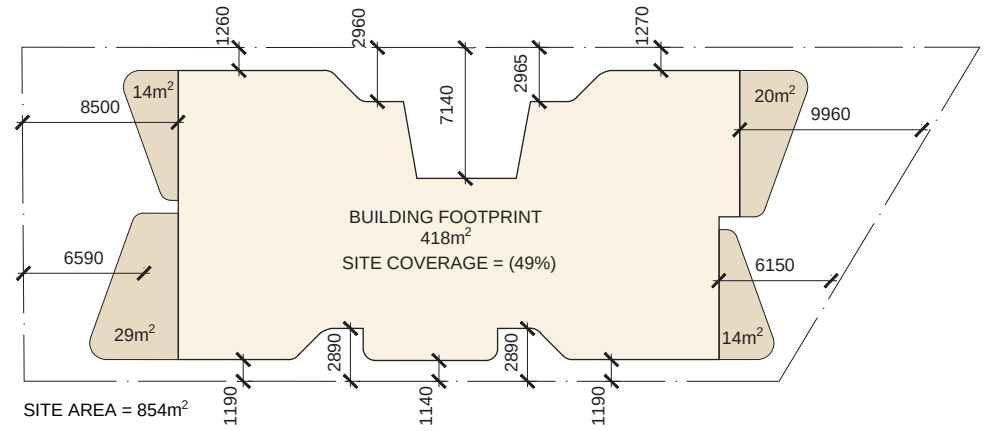
SITE COVERAGE + SETBACKS



GROUND FLOOR

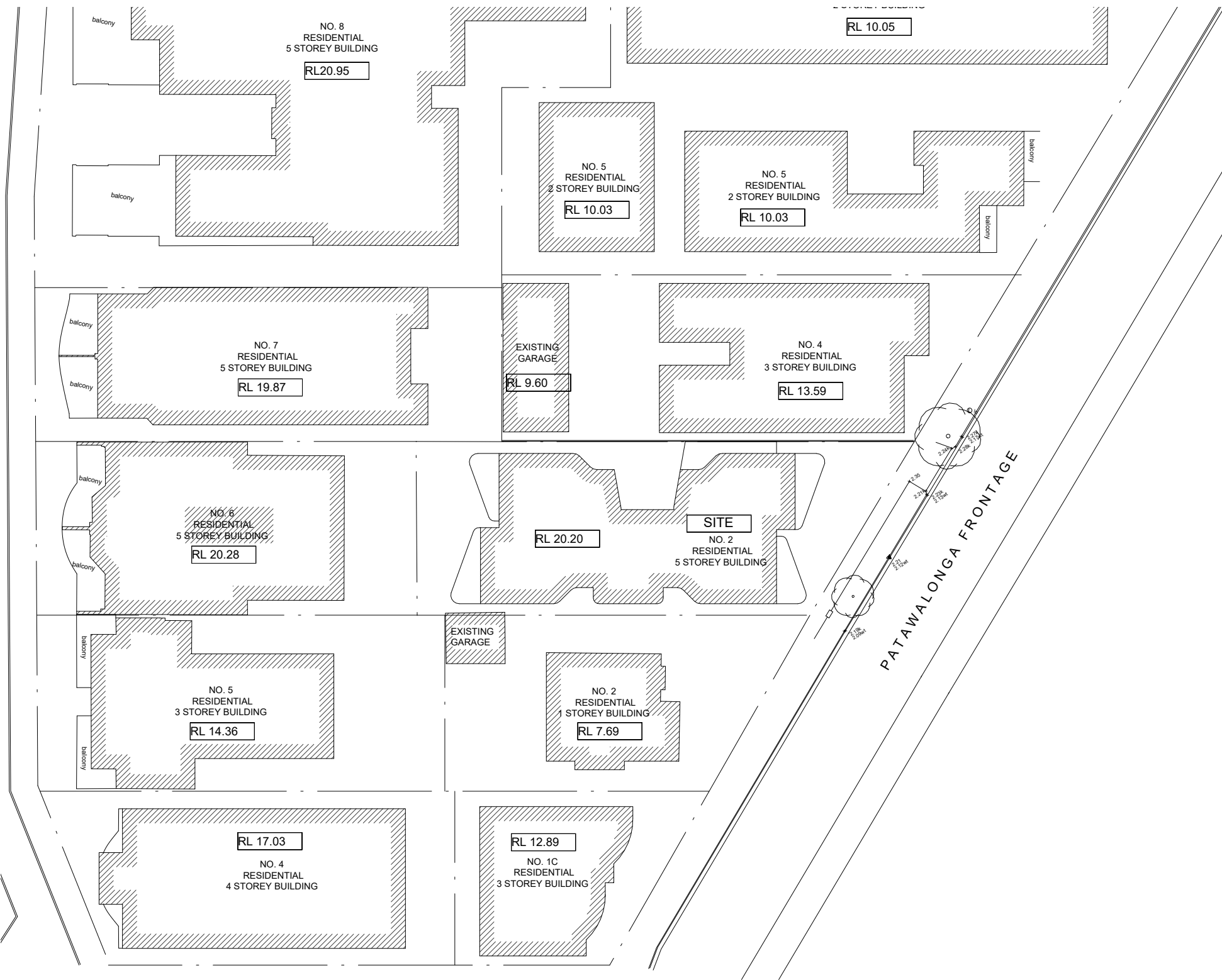


LEVEL 01 - 03

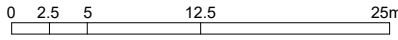


LEVEL 04

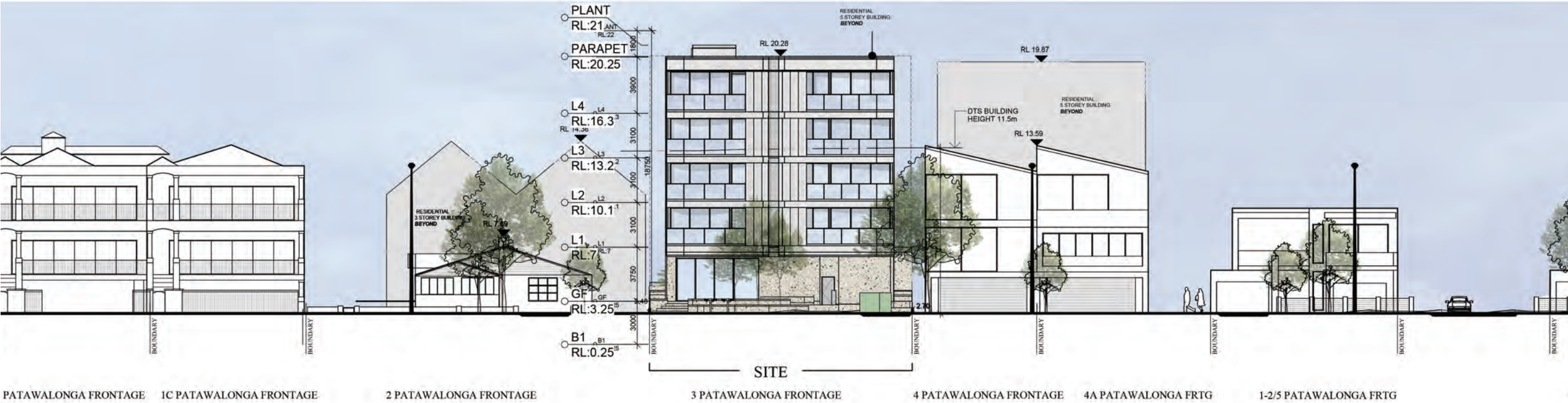
SITE CONTEXT



SCALE 1:500 @ A3



PATAWALONGA APARTMENTS
STREETSCAPE

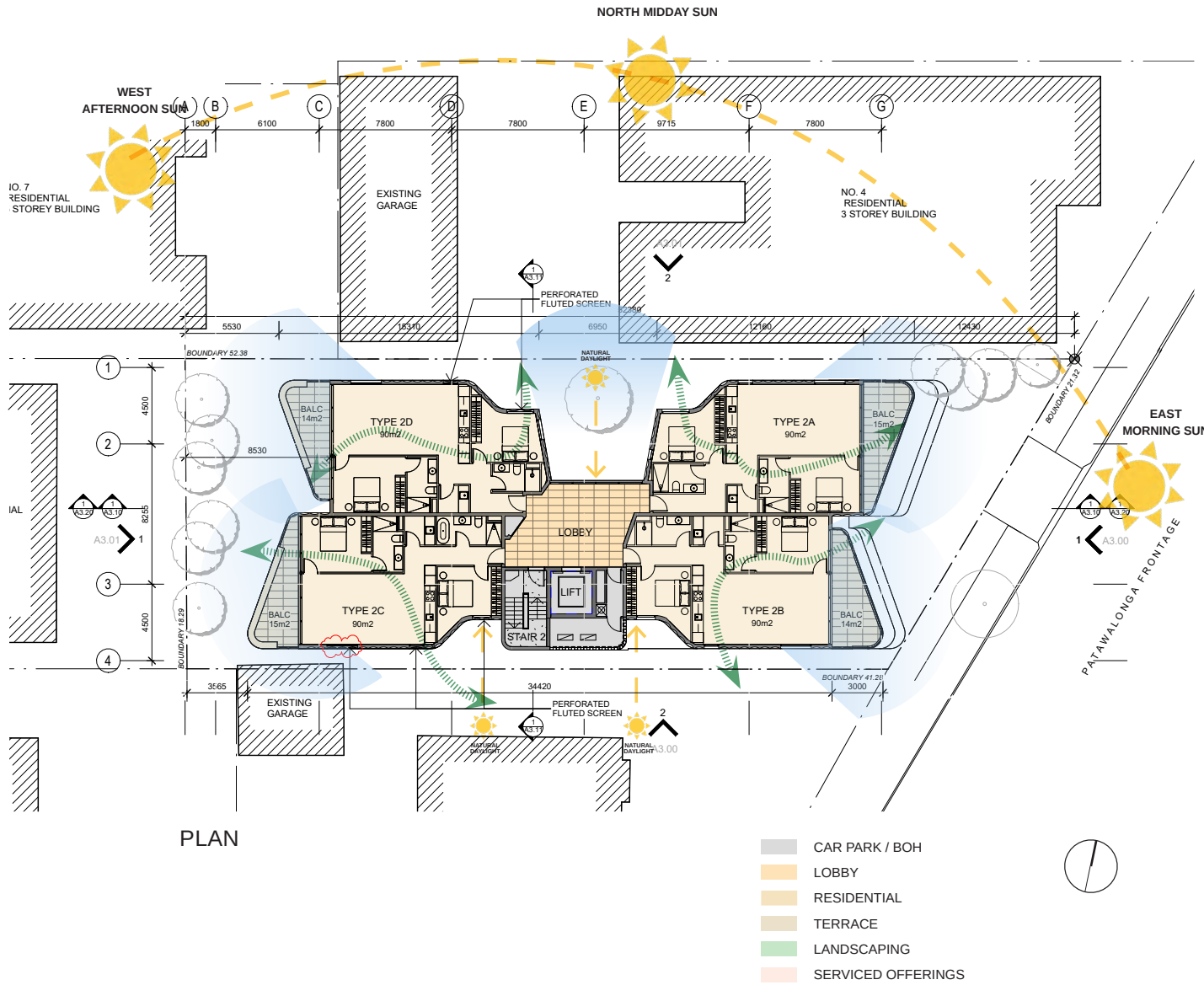
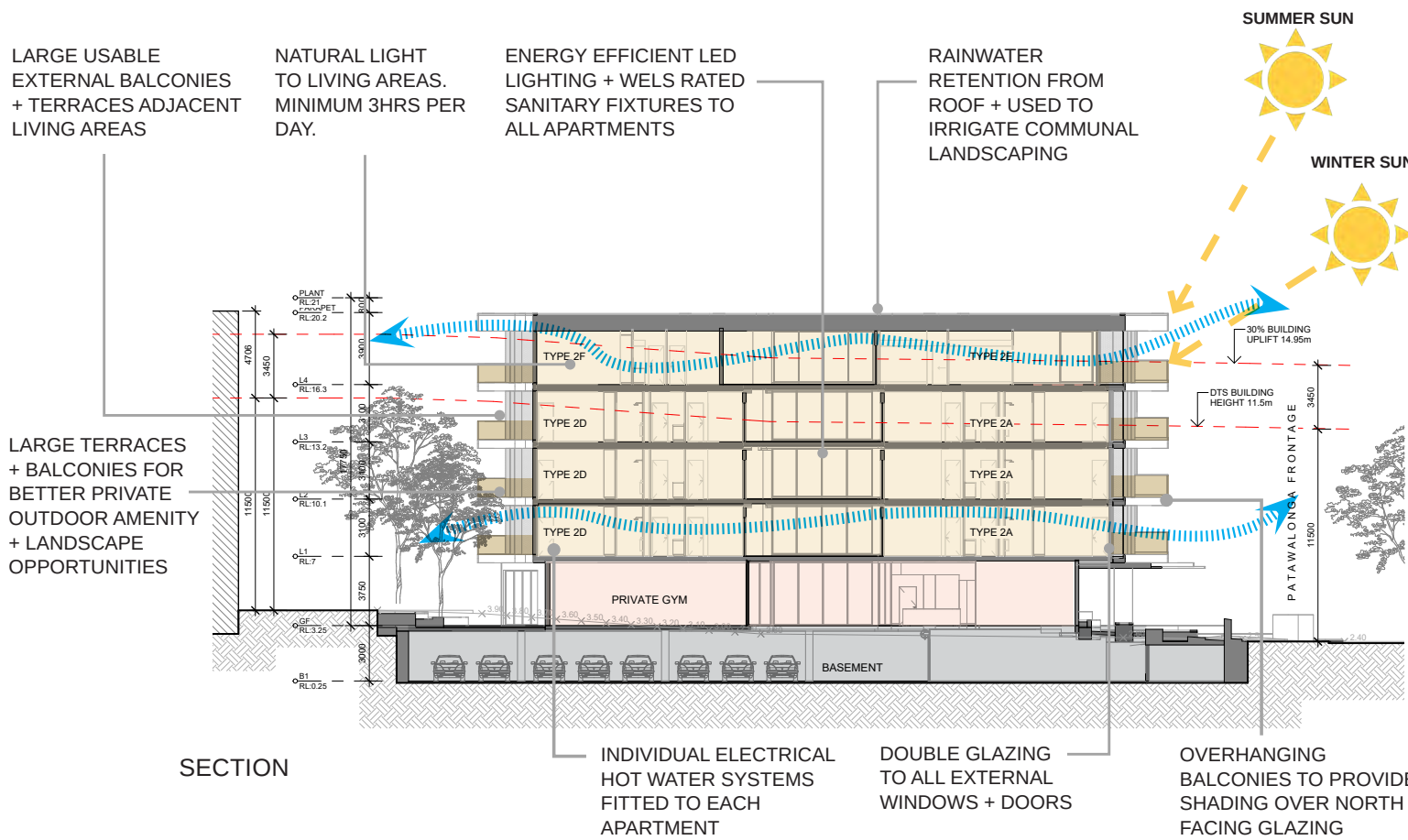
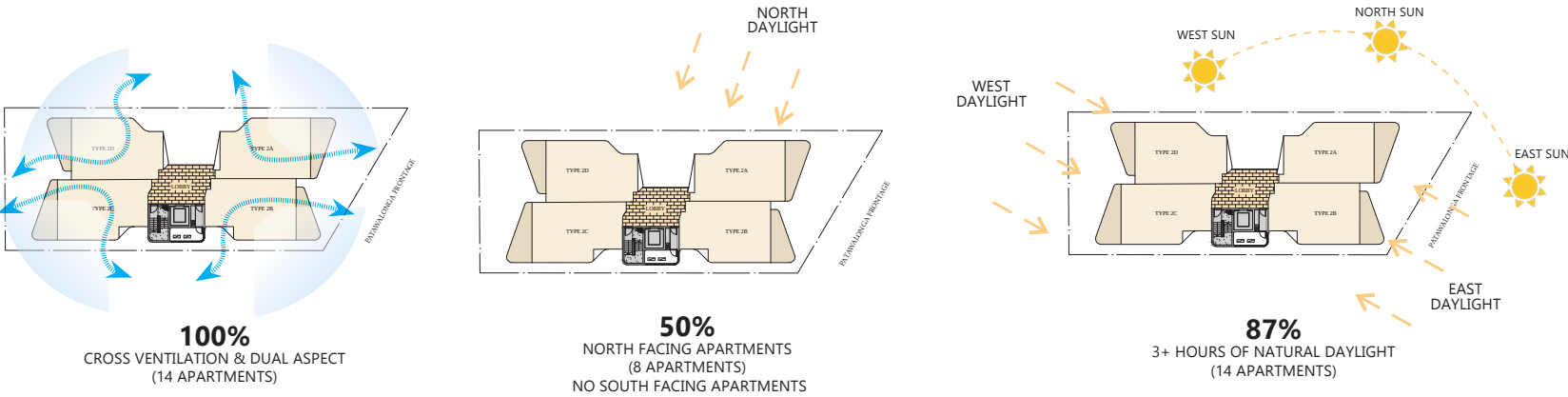


SOUTH EAST PERSPECTIVE

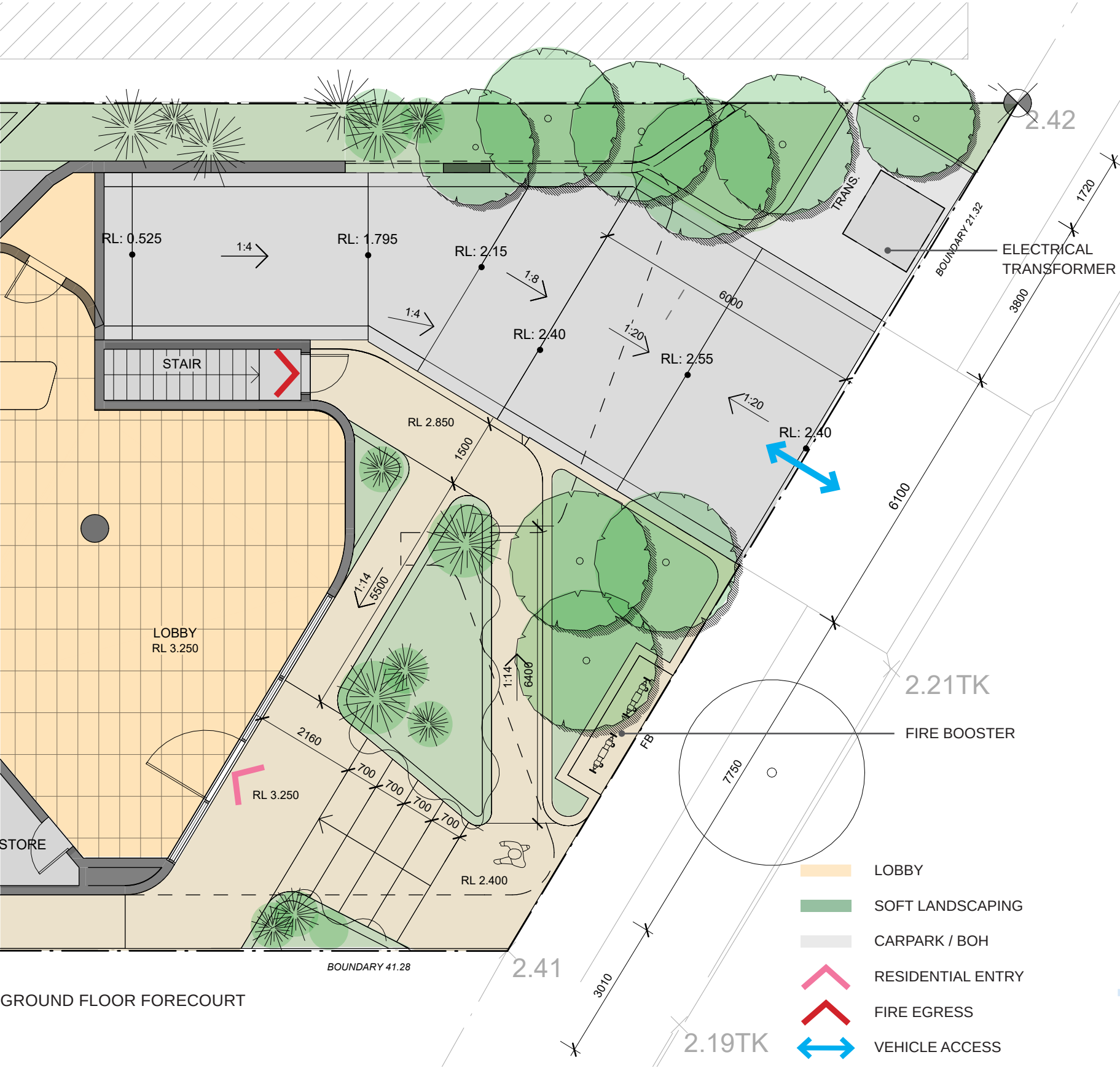


NORTH EAST AXONOMETRIC VIEW

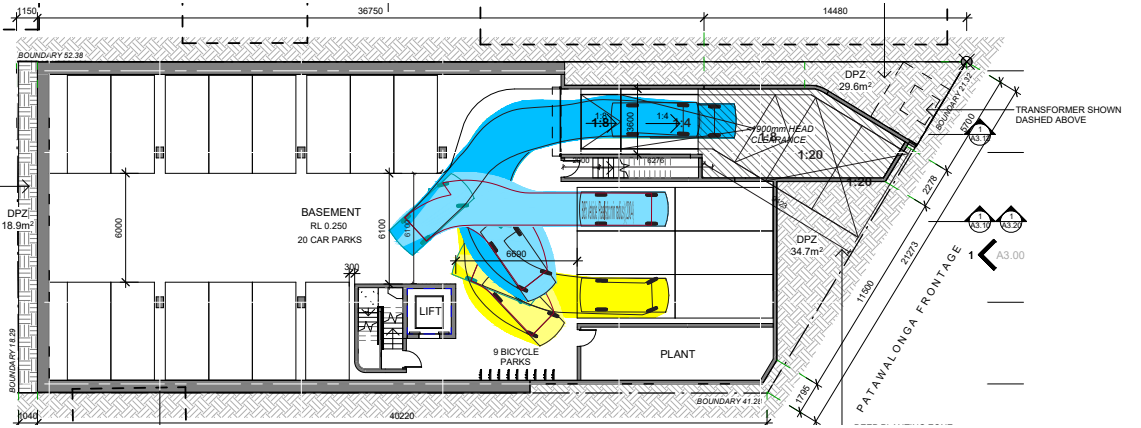
PATAWALONGA APARTMENTS
SUSTAINABILITY &
ESD INITIATIVE



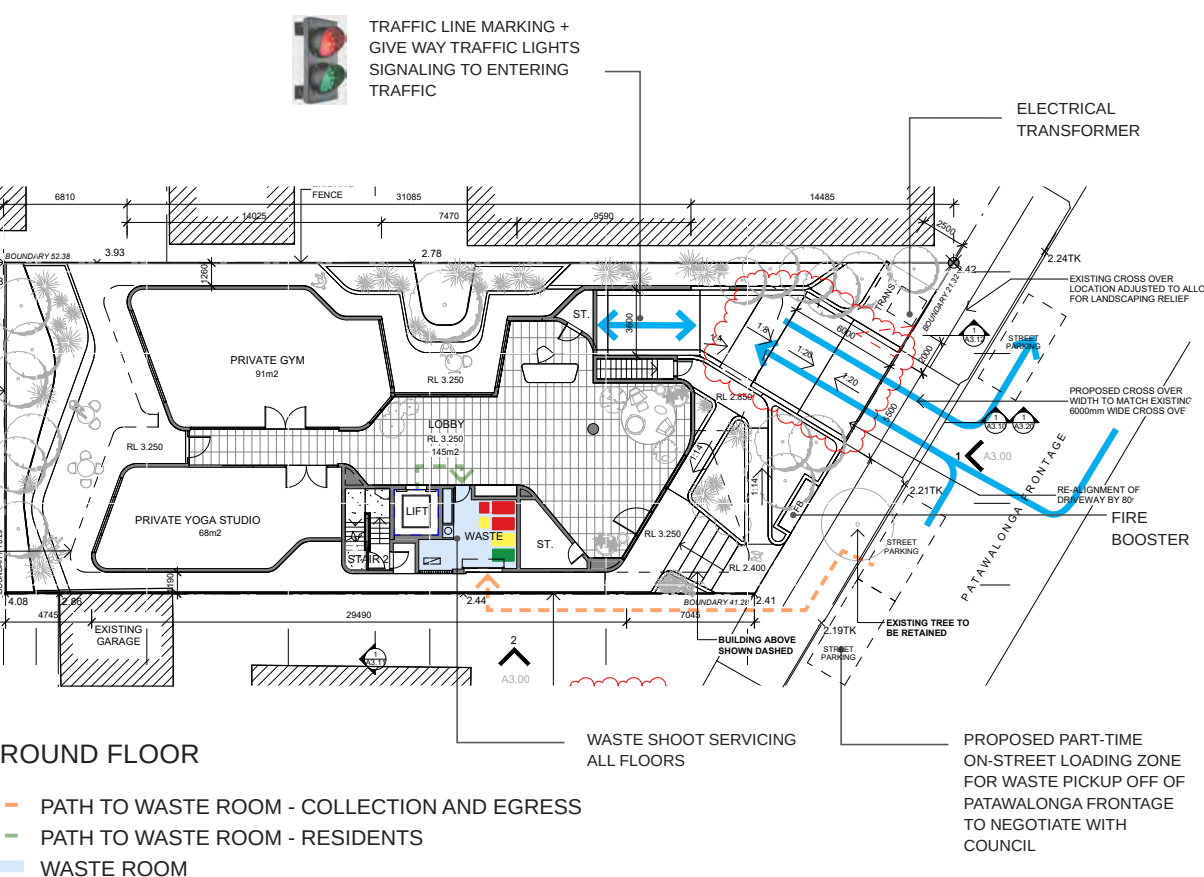
PATAWALONGA APARTMENTS
SERVICES



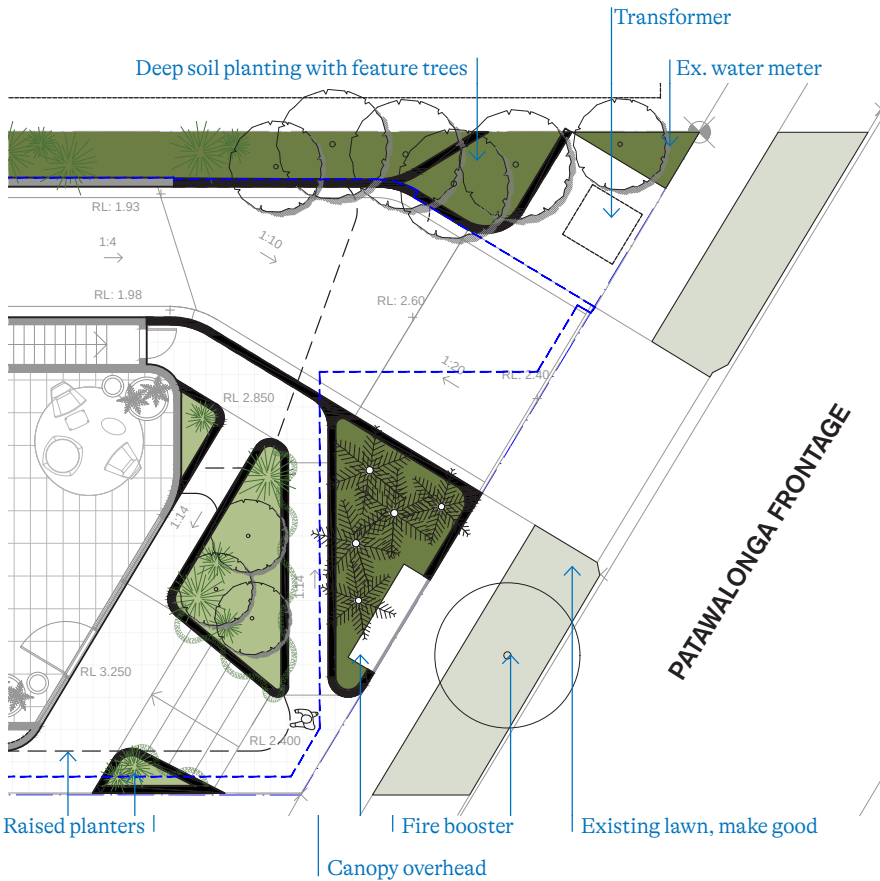
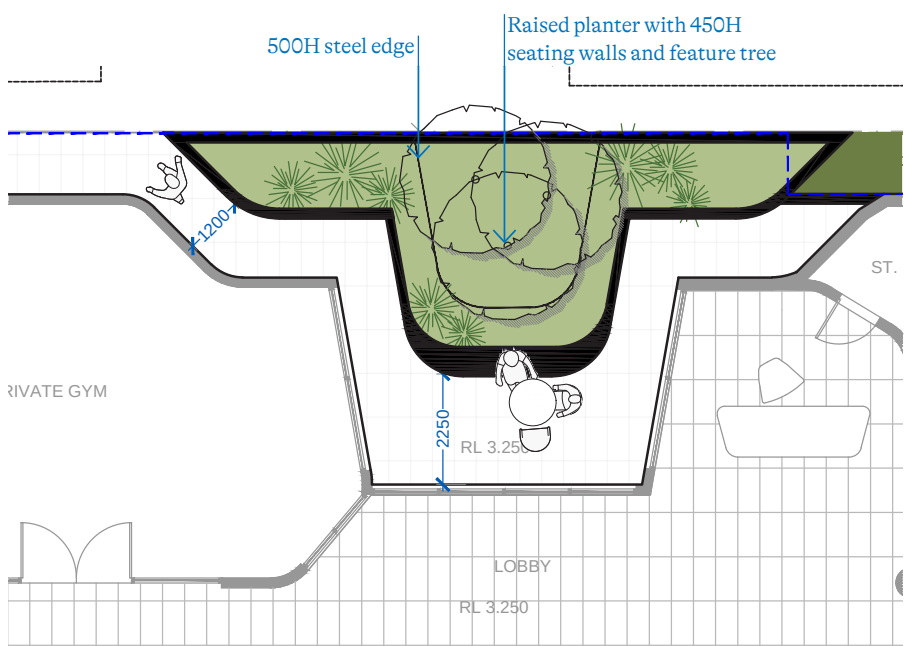
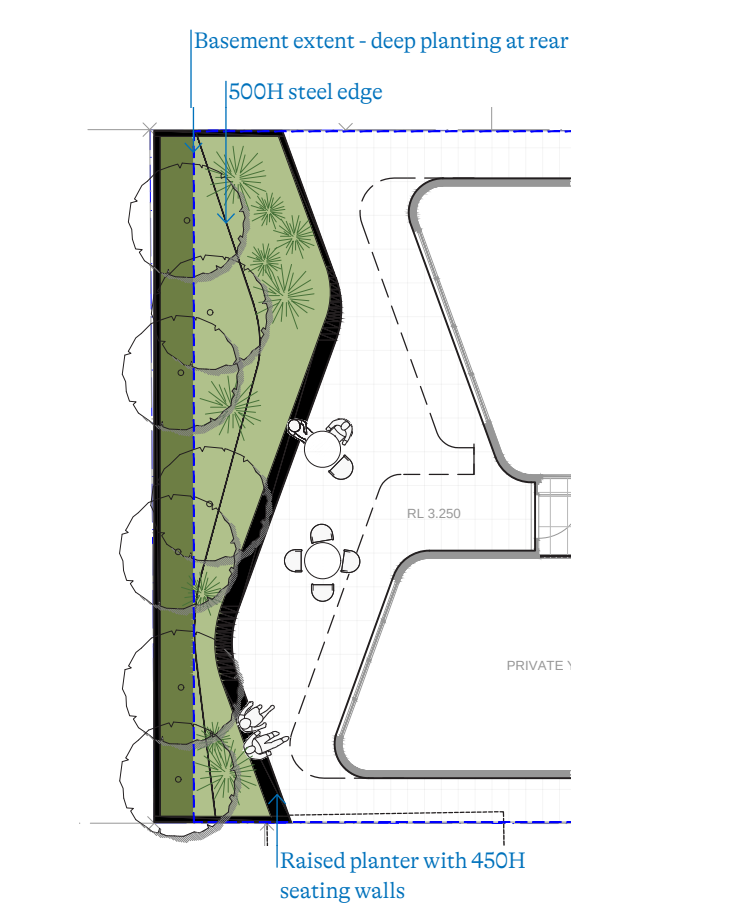
SERVICES DIAGRAMS



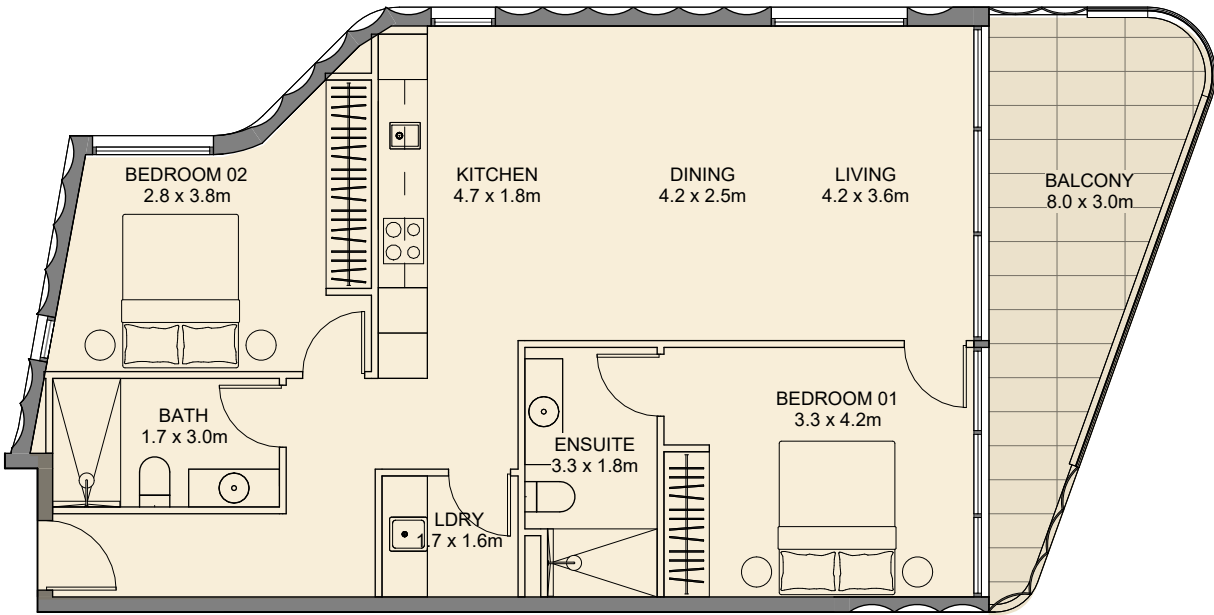
BASEMENT



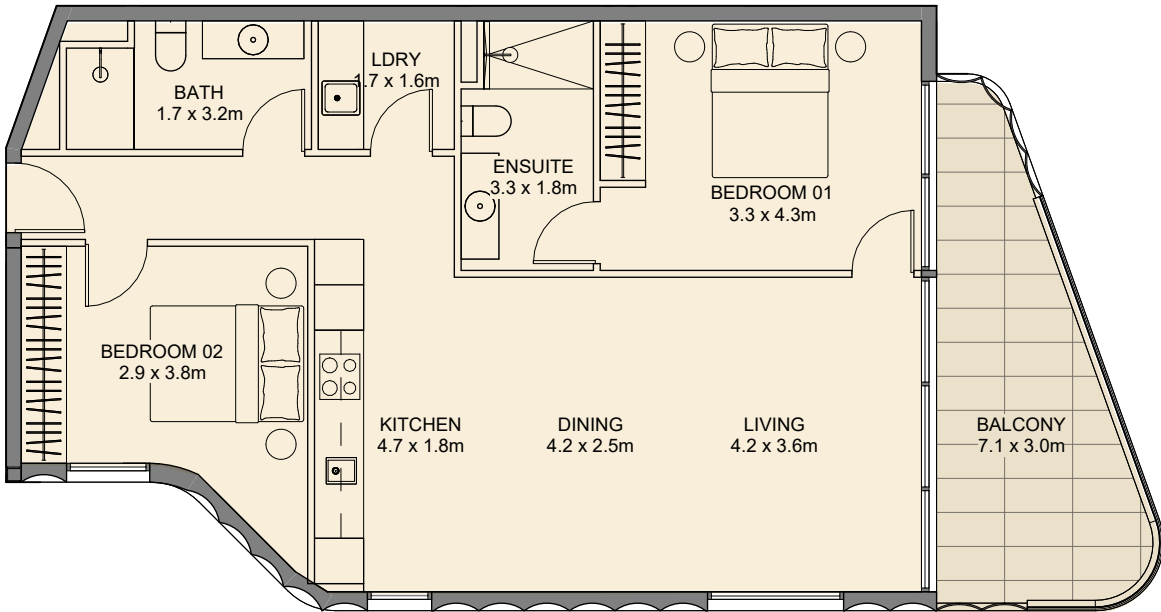
PATAWALONGA APARTMENTS
LANDSCAPE



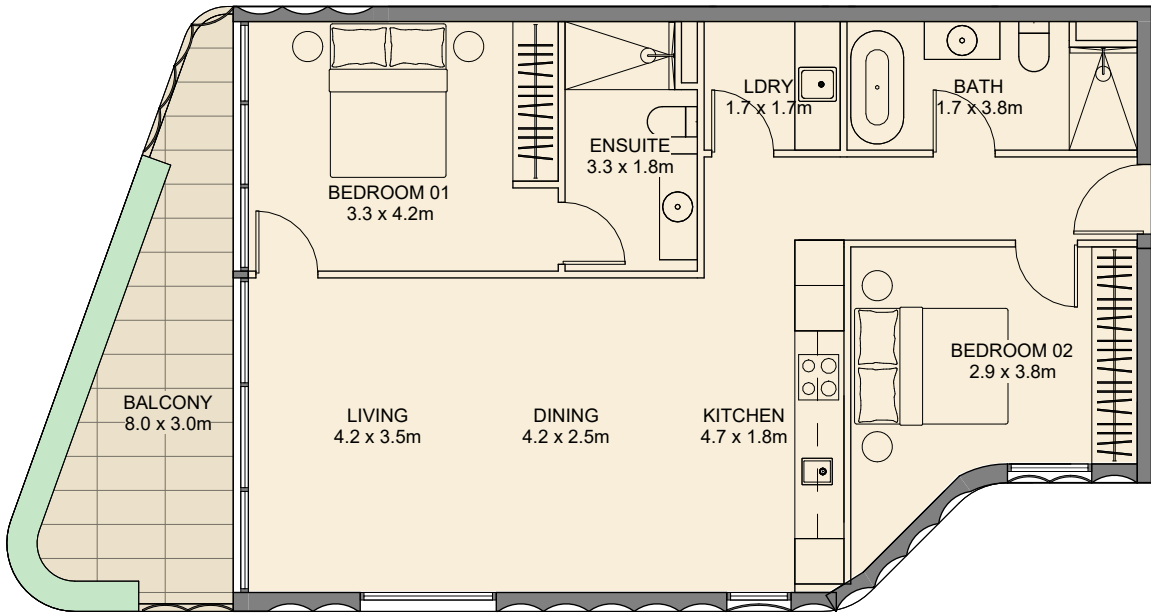
PATAWALONGA APARTMENTS
APARTMENT PLANS 1



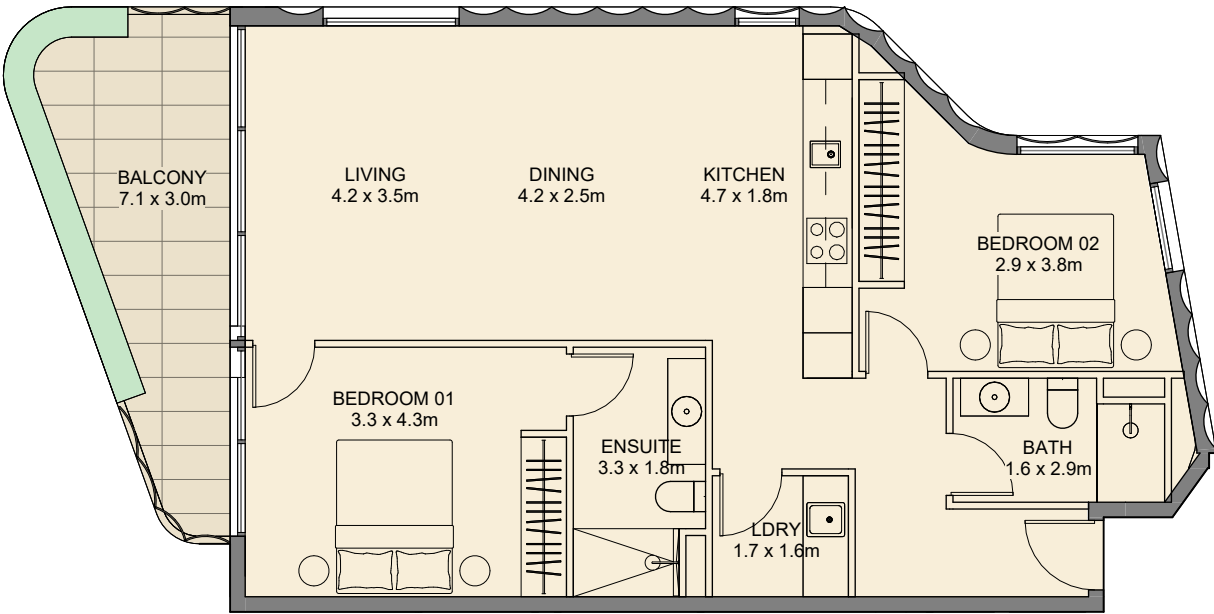
APARTMENT 2A
NSA
INT = 90m²
BALC = 15m²



APARTMENT 2B
NSA
INT = 90m²
BALC = 15m²



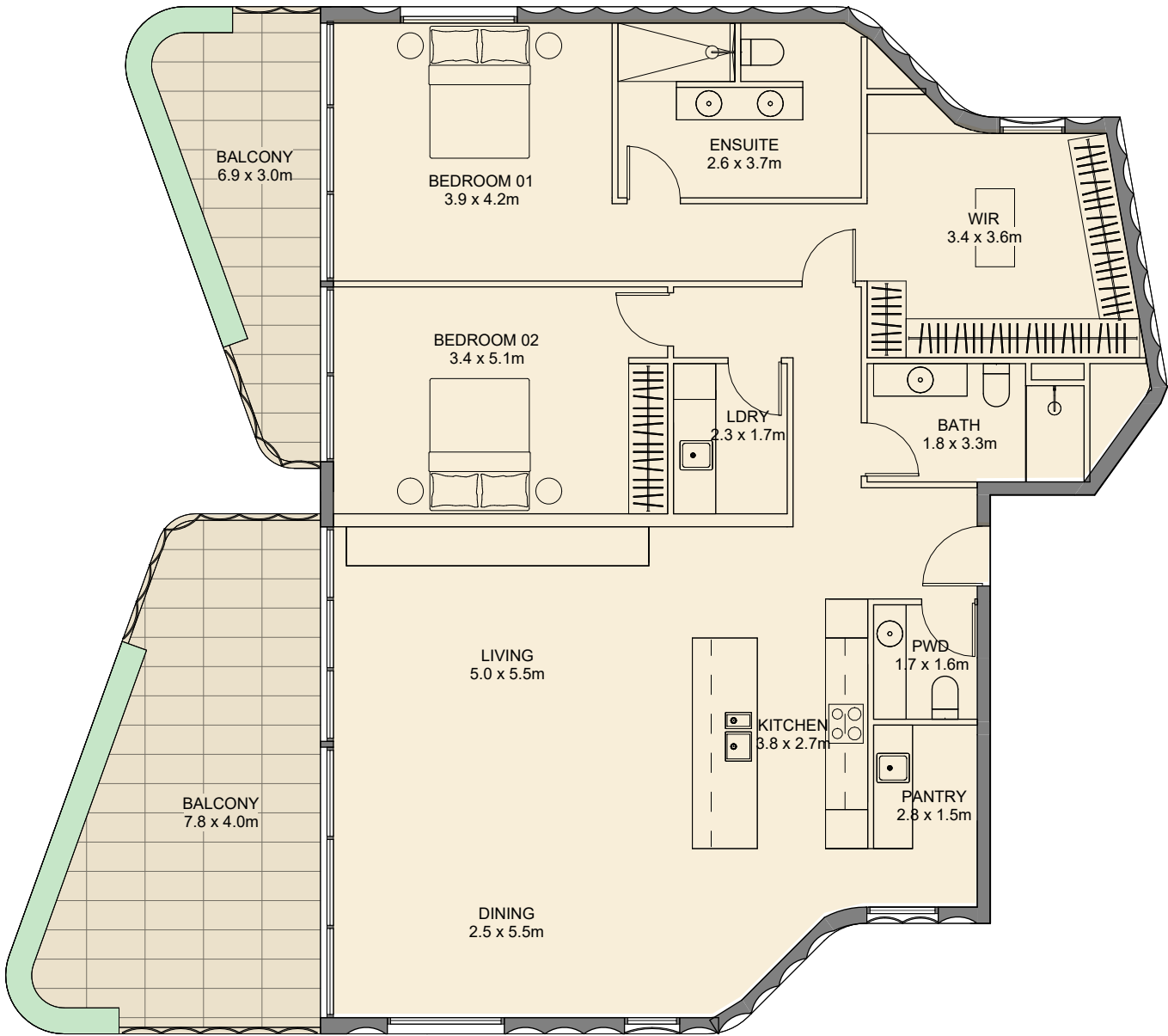
APARTMENT 2C
NSA
INT = 90m²
BALC = 15m²



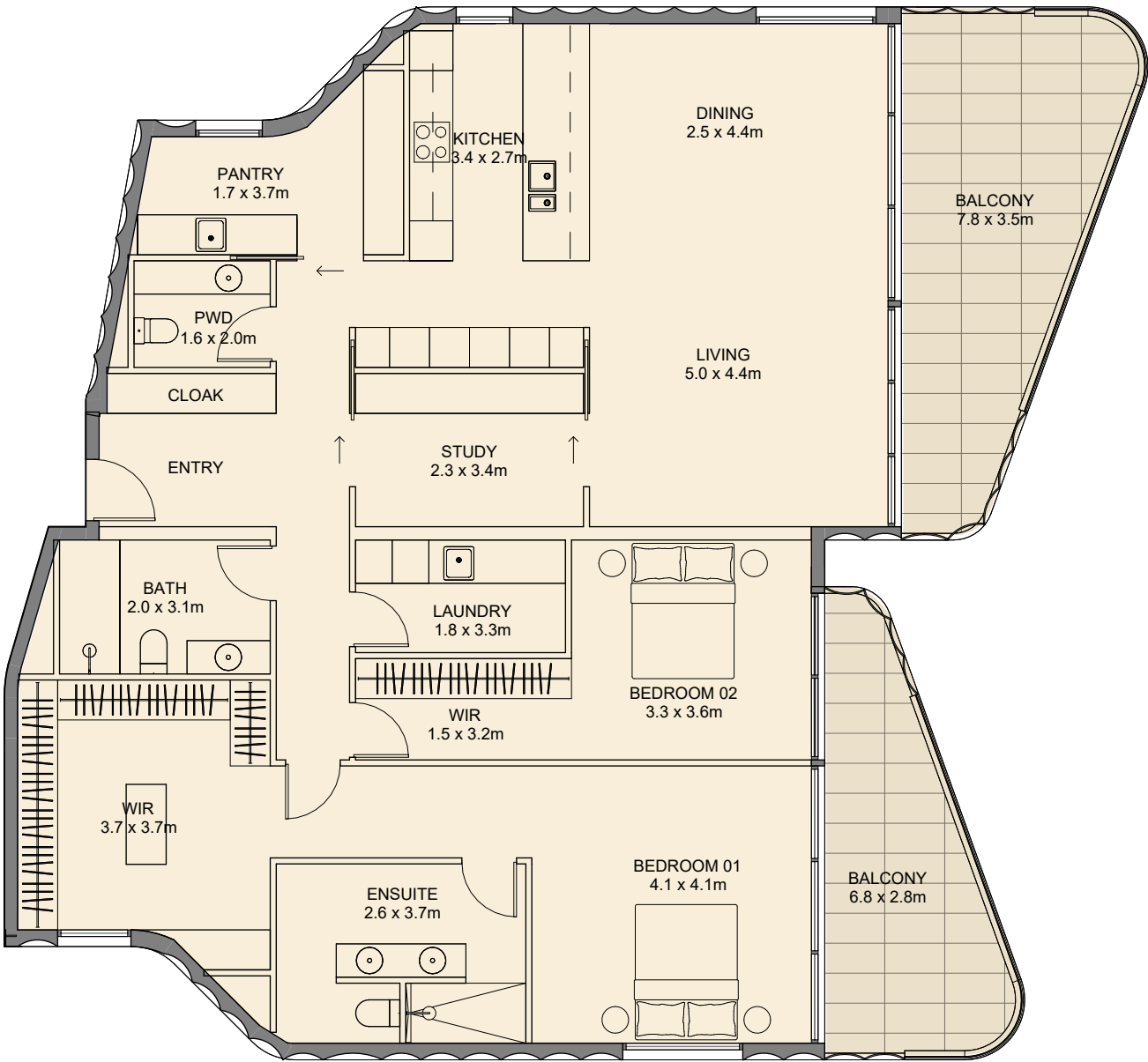
APARTMENT 2D
NSA
INT = 90m²
BALC = 14m²



PATAWALONGA APARTMENTS
APARTMENT PLANS 2



APARTMENT 2E
NSA
INT = 174m2
BALC = 31m2



APARTMENT 2E
NSA
INT = 162m2
BALC = 46m2



PATAWALONGA APARTMENTS
PRECEDENTS &
MATERIALITY

ARCHITECTURAL PRECEDENTS

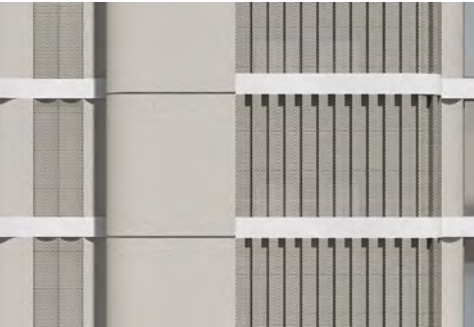


NORTH-EAST AXONOMETRIC

FORECOURT ENTRY



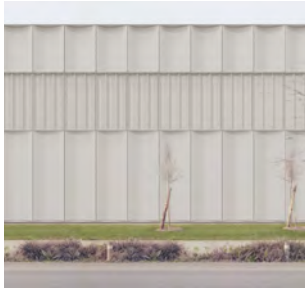
CORE + PLANT



BALCONY



MATERIALITY



PRECAST FLUTED CONCRETE - ETCHED (OR SIMILAR)



PRECAST CONCRETE - OFF WHITE



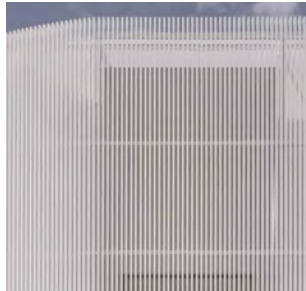
STEEL ENTRY CANOPY



GLASS BALUSTRADE - POWDERCOATED MONUMENT OR SIMILAR



PERFORATED FLUTED SCREED - DULUX SURFMIST (OR SIMILAR)



VERTICAL ALUMINIUM LOUVRE PLANT SCREEN - DULUX SURFMIST (OR SIMILAR)



ALUMINIUM WINDOWS AND DOORS - POWDERCOATED MONUMENT (OR SIMILAR)



TIMBER BATTEN BALCONY SOFFIT - LIGHT OAK (OR SIMILAR)

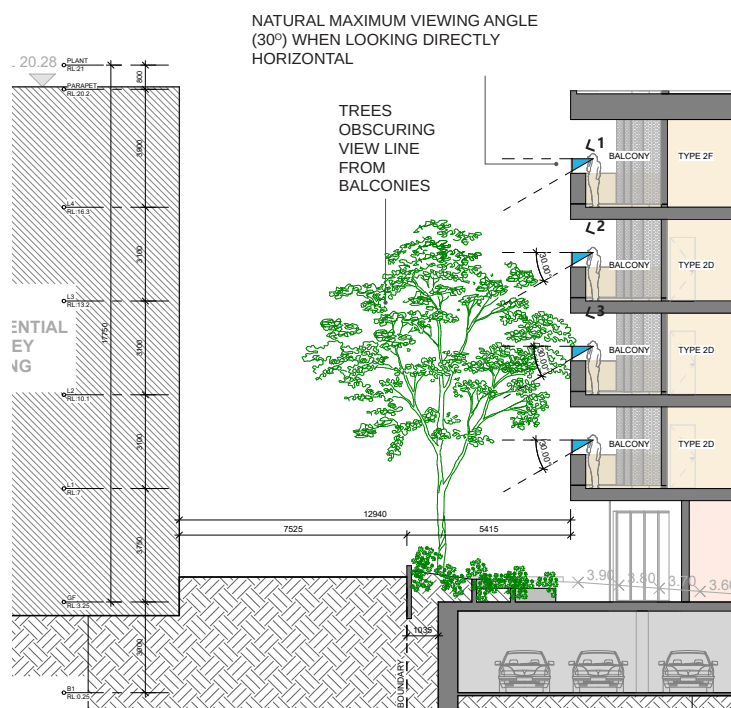
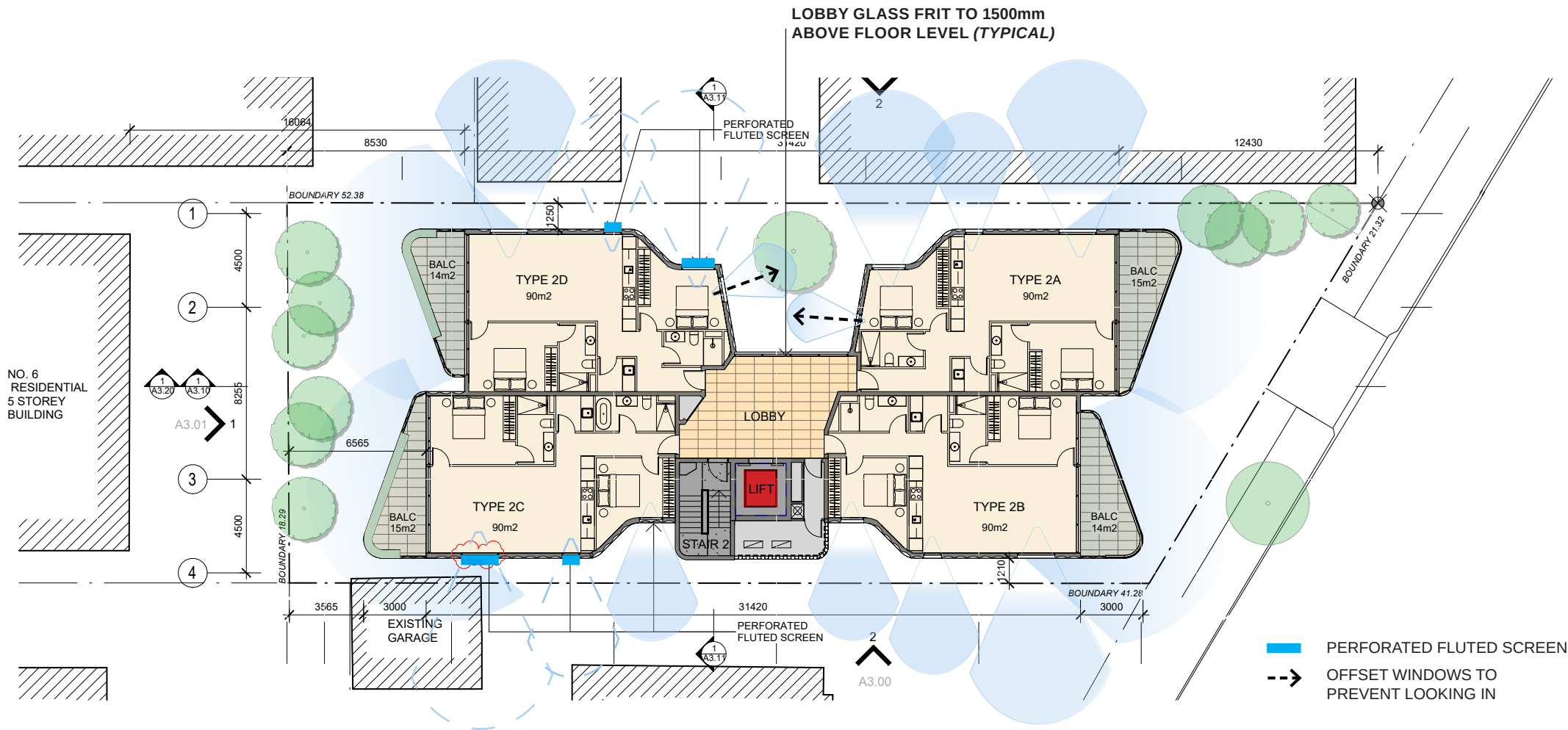


STONE FORECOURT - LIGHT GRANITE OR SIMILAR

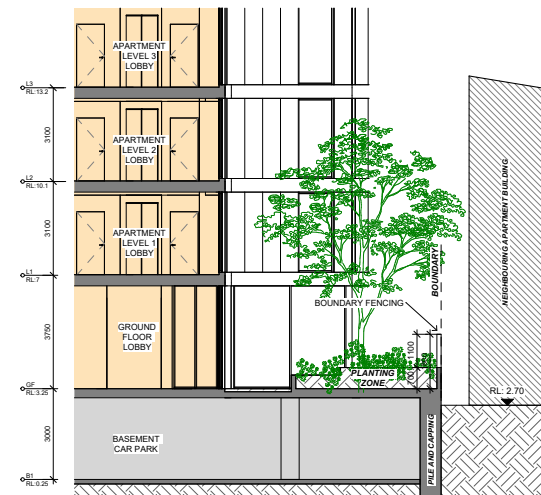


SOFT LANDSCAPING

PATAWALONGA APARTMENTS VISUAL & AMENITY IMPACT



REAR TERRACE OVERLOOKING SECTION



COURTYARD OVERLOOKING SECTION

3D APARTMENT AMENITY VIEWS



1. LEVEL 4
PERSPECTIVE VIEW FROM LEVEL 04 WESTERN (REAR)
APARTMENT BALCONY WITH PLANTER BOX VEGETATION

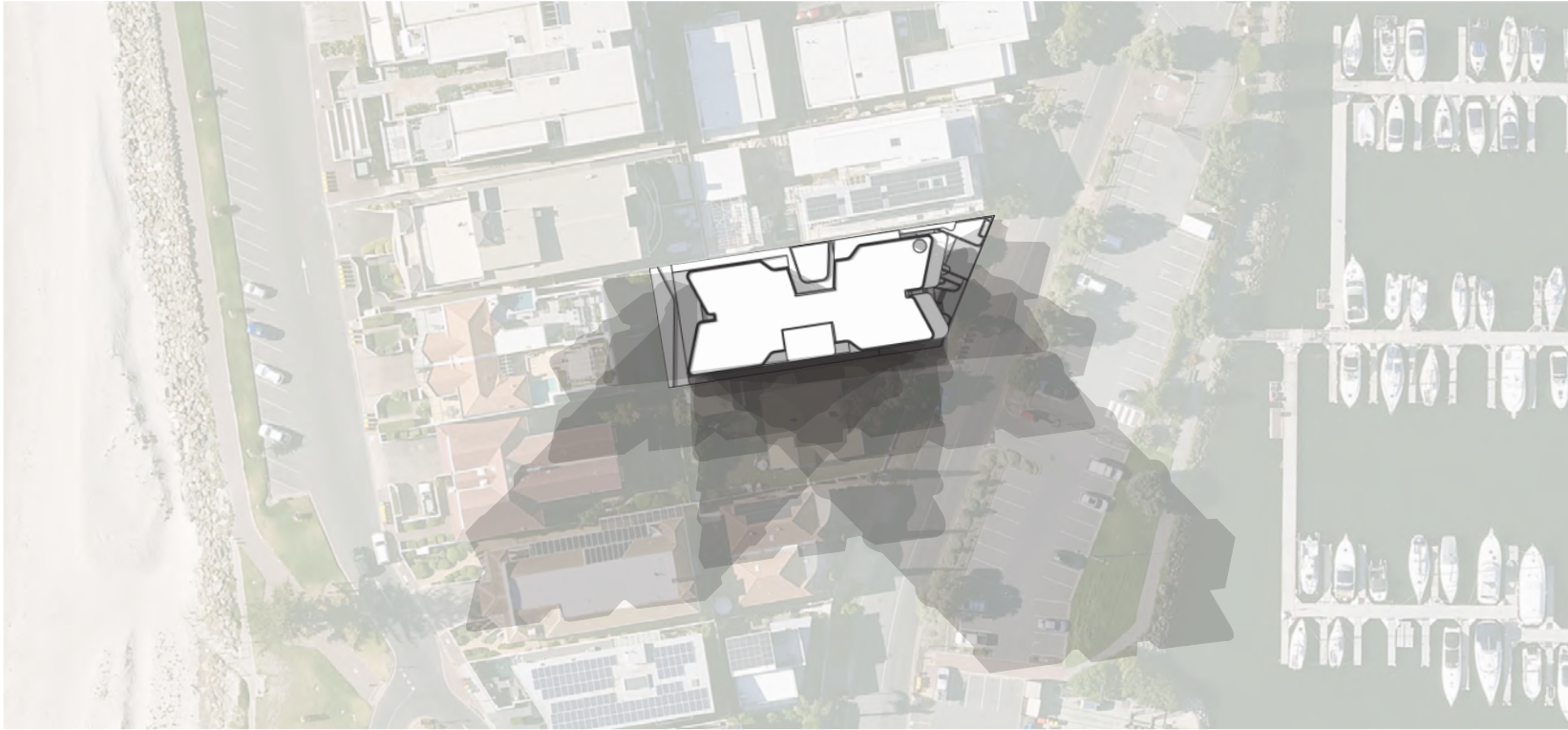


2. LEVEL 3
PERSPECTIVE VIEW FROM LEVEL 03 WESTERN (REAR)
APARTMENT BALCONY WITH PLANTER BOX VEGETATION



3. LEVEL 2
PERSPECTIVE VIEW FROM LEVEL 02 WESTERN (REAR)
APARTMENT BALCONY WITH PLANTER BOX VEGETATION

PATAWALONGA APARTMENTS
SHADOW STUDIES



COMBINED OVERLAY 9AM / 12PM / 3PM

SUMMER



9 AM 22ND OF DECEMBER

12 PM 22ND OF DECEMBER

3 PM 22ND OF DECEMBER

SPRING

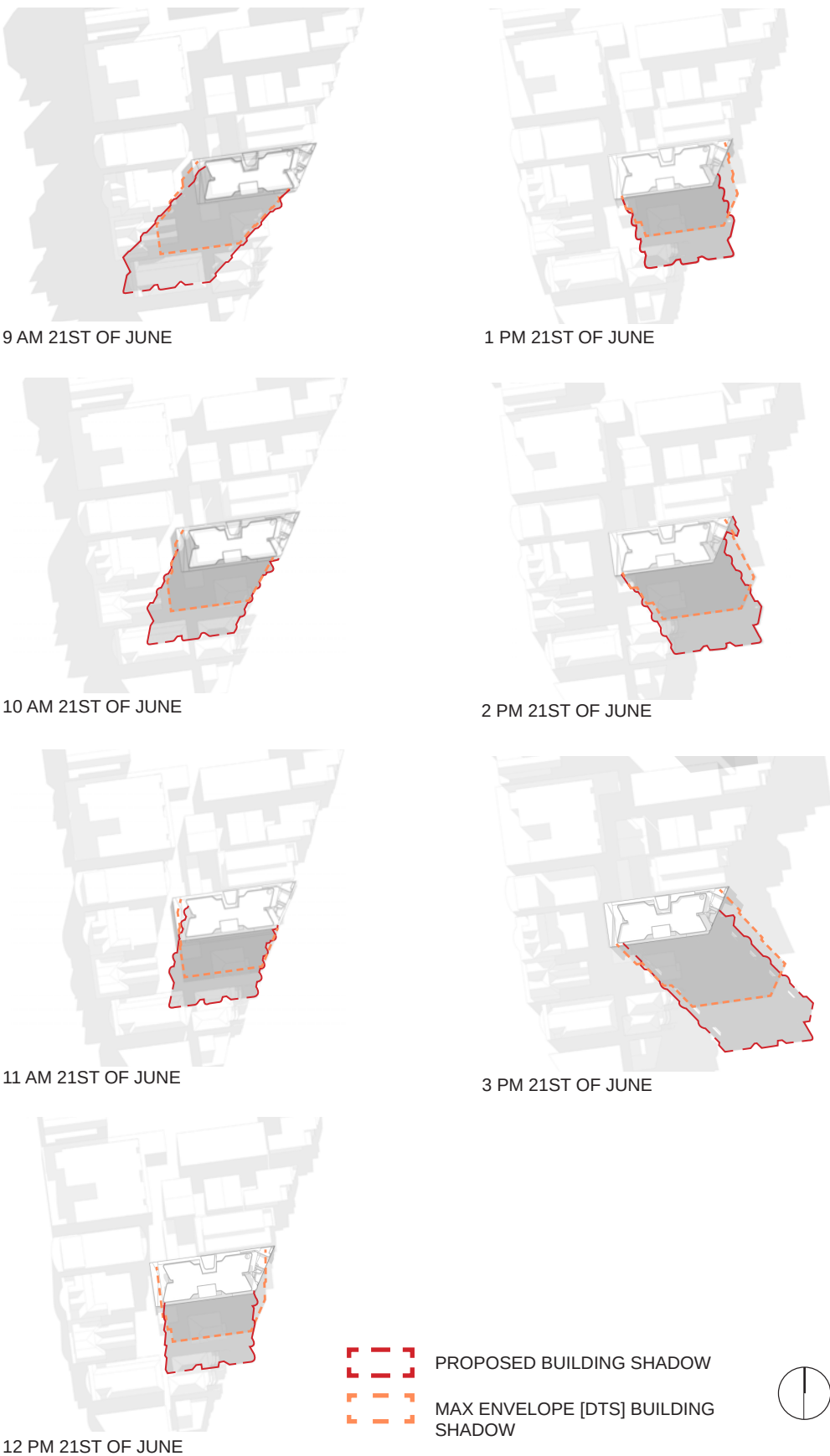


9 AM 23RD OF SEPTEMBER

12 PM 23RD OF SEPTEMBER

3 PM 23RD OF SEPTEMBER

WINTER



9 AM 21ST OF JUNE

1 PM 21ST OF JUNE

10 AM 21ST OF JUNE

2 PM 21ST OF JUNE

11 AM 21ST OF JUNE

3 PM 21ST OF JUNE

12 PM 21ST OF JUNE

PROPOSED BUILDING SHADOW
MAX ENVELOPE [DTS] BUILDING SHADOW



PATAWALONGA APARTMENTS
AXONOMETRIC SHADOW
STUDIES

WINTER



9 AM 21ST OF JUNE



10 AM 21ST OF JUNE



No. 2 FUTURE DEVELOPMENT
MAX ENVELOPE [DTS] BUILDING
SHADOW (3 STOREY - 11.5M HEIGHT)



PATAWALONGA APARTMENTS
AXONOMETRIC SHADOW
STUDIES

WINTER



11 AM 21ST OF JUNE



12 PM 21ST OF JUNE



No. 2 FUTURE DEVELOPMENT
MAX ENVELOPE [DTS] BUILDING
SHADOW (3 STOREY - 11.5M HEIGHT)

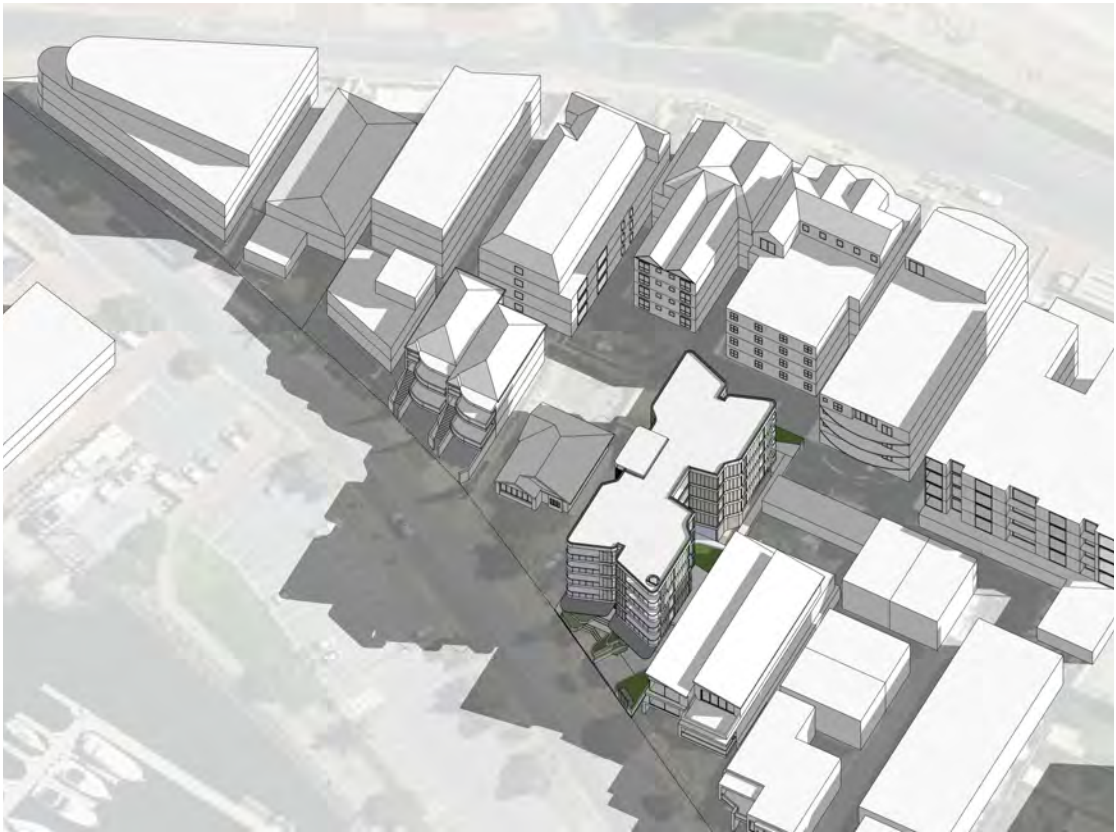


PATAWALONGA APARTMENTS
AXONOMETRIC SHADOW
STUDIES

WINTER



1 PM 21ST OF JUNE



2 PM 21ST OF JUNE



No. 2 FUTURE DEVELOPMENT
MAX ENVELOPE [DTS] BUILDING
SHADOW (3 STOREY - 11.5M HEIGHT)



PATAWALONGA APARTMENTS
AXONOMETRIC SHADOW
STUDIES

WINTER



3 PM 21ST OF JUNE



No. 2 FUTURE DEVELOPMENT
MAX ENVELOPE [DTS] BUILDING
SHADOW (3 STOREY - 11.5M HEIGHT)



PATAWALONGA APARTMENTS
PERSPECTIVE VIEWS



1. SOUTH-EAST PERSPECTIVE

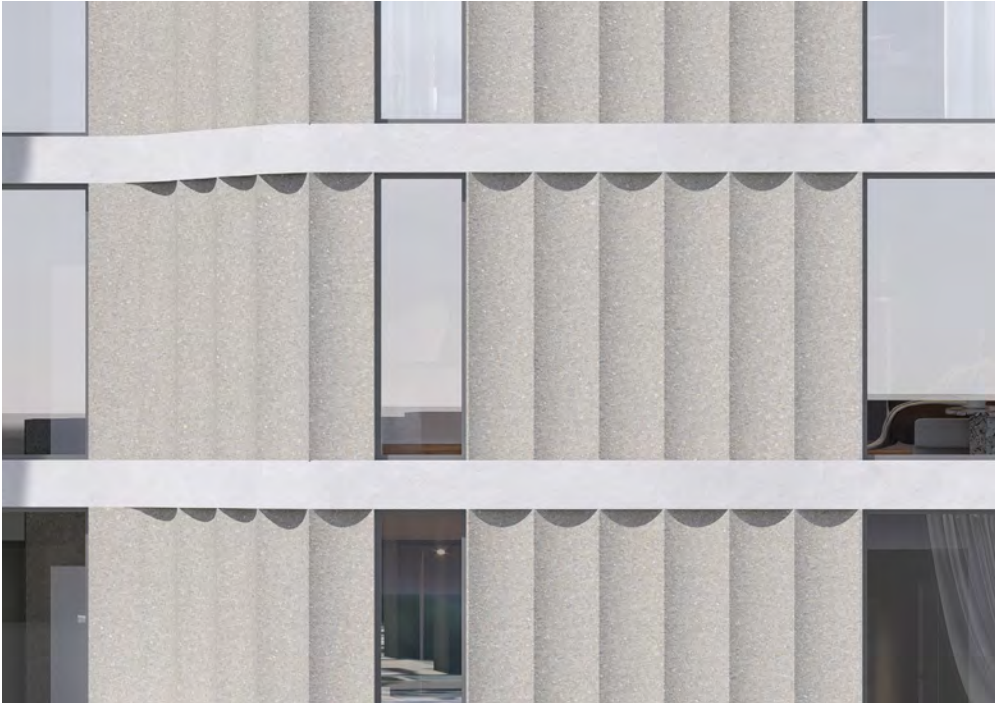
PATAWALONGA APARTMENTS
PERSPECTIVE VIEWS



2. EAST PERSPECTIVE



3. NORTH-EAST STREET PERSPECTIVE



4. FACADE MATERIAL



5. EAST STREETScape



6. NORTH WEST AXO



7. NORTH EAST AXO



Ref: 25200|BNW

26 May 2026

Mr Fabian Barone
FABRIC
Level 5, 33 Pirie Street
ADELAIDE SA 5000

Dear Fabian,

**PROPOSED APARTMENT BUILDING
3 PATAWALONGA FRONTAGE, GLENELG NORTH (APP ID: 25040461)**

I refer to the proposed apartment building at 3 Patawalonga Frontage, Glenelg North. As requested, I have reviewed the representations received during the public notification period. This letter provides a response to queries raised by representors in respect to traffic, parking and waste management matters.

A number of common queries have been raised within the representations. Accordingly, the key themes (relevant to traffic, parking and waste) have been identified below in *italics*, followed by my response.

Perceived insufficiency of on-site car parking and queries regarding the allocation of tandem spaces

As detailed in the original traffic and parking report prepared by CIRQA, there is a requirement for 14 resident spaces and 5 visitor spaces associated with the proposal (to meet the Deemed-to-Satisfy/Designated Performance Feature (DTS/DPF) criteria). As the proposal includes the provision of 20 parking spaces, the overall DTS/DPF criteria are met and exceeded. Nevertheless, I acknowledge that each set of tandem spaces (two spaces each) will be assigned to an individual apartment (i.e. the total of 6 tandem spaces will be assigned to three apartments). The remaining 14 spaces will be assigned to the 11 other apartments (one space each) and 3 spaces available for visitors. Noting the DTS/DPF rate for 0.33 visitor spaces, there would be a total 'requirement' for 4.62 spaces. The shortfall against the DTS/DPF rate is therefore only 1.62 spaces (assuming tandem spaces are wholly occupied by residents and not utilised by their respective visitors).

However, while there is a small theoretical shortfall in visitor spaces against the DTS/DPF criteria, I note that Performance Outcome 5.1 of the General Development Policies (Transport, Access and Parking) states the following:

"Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- (a) availability of on-street car parking*
- (b) shared use of other parking areas..." (my emphasis)*

The shortfall associated with the visitor parking is very low. There is a reasonable availability of parking on Patawalonga Frontage (and broader area) as well as the availability of adjacent public off-street car parking (excluding secured portions for the marina berths). The minor visitor shortfall (against the DTS/DPF rate) would have no material impact on parking availability adjacent to the site. I also highlight that visitor parking is generally of short to medium duration and that outside of the peak demand periods demands will be lower (and typically able to be accommodated wholly within the site).

In respect to visitor access to the secure car park, an access control arrangement will be implemented (which may include an intercom, temporary visitor access codes and/or a resident call-up system with remote gate release). The final access-control methodology will be confirmed during detailed design. However, a range of readily available technologies can appropriately manage visitor access while maintaining the security of the resident parking area.

Perceived removal of on-street parking

Representors have suggested the widening of the crossover for the site will result in the removal of an on-street parking space. This is incorrect. The proposal will shift the location of the site's existing crossover allowing the creation of an additional parking space towards the site's northern frontage. Specifically, there will be 11.4 m separation between the proposed driveway and the existing driveway for 4 Patawalonga Frontage (exceeding the minimum 10.8 m requirement of the Planning and Design Code for two spaces). With a parking space also retained south of the proposed crossover, this will retain two on-street spaces in front of the site itself as per the current situation (with no reduction in total on-street parking space provision).

Perceived increased traffic volumes

As detailed in the original CIRQA report, based on industry accepted generation rates, the proposal is forecast to generate 6 peak hour movements (during both the am and

pm peak hours). Such volumes are extremely low and would have no material impact on traffic conditions on the adjacent road network. The assertion by some representors that a detailed analysis is warranted for such low traffic volumes is unwarranted and significantly overstates the issue. I also note that Council has raised no concern in its referral response regarding the traffic generation of the proposal nor its external impacts.

Perceived ramp design issues and potential for queuing associated with the one-way car park access

The car park access has been designed in accordance with (and in exceedance of) the "Australian/New Zealand Standard for Parking Facilities – Part One: Off-Street Car Parking" (AS/NZ 2890.1). In respect to the ramp gradient, the grade and associated transitions have been designed to conform with the requirements of AS/NZS 2890.1. The arrangement has also been assessed with a vertical clearance check (as per the Standard).

In respect to queuing conditions associated with the access and ramp, it is pertinent to note that AS/NZS 2890.1 would permit a single width crossover (3.0 m wide) for the subject development given the very low traffic volumes (two-way passing is only required by the Standard where movements are above 30 peak movements – the proposal is well below this level). Nevertheless, the proposal includes a two-way passing area (for over 6 m into the property from the boundary plus the depth of the crossover within the verge). Given these provisions (well exceeding the minimum requirements of the Australian Standard) and the very low traffic volumes, the proposed arrangements will not result in queuing 'flow-back' or safety impacts on Patawalonga Frontage.

Waste management queries

The City of Holdfast Bay has provided commentary in respect to the proposed waste management arrangements in its referral response. A response to Council's queries has been provided separately and includes an alternative waste management approach. This revised approach is based on the use of Council collection with bin presentation as per typical arrangements (including the same collection methodology adopted for surrounding developments of a similar density). The bin store is of adequate size to accommodate the required number of bins (as it was for the original arrangement) and also allows additional area for interim hard waste storage.

I trust the above information sufficiently responds to the representor comments (relevant to traffic, parking and waste). However, please feel free to contact me on (08) 7078 1801 should you require any additional information.

Yours sincerely,



BEN WILSON

Managing Director | CIRQA Pty Ltd