

Development Assessment Panel

RE: Development Application No: 252/203/11
Made by: Western Adelaide Coastal Residents' Association
On behalf of: Mark Washyn and Anthony Cavallo

Today, we are representing two households that were formally notified of this Category 2 Development Application.

While these two residents were notified as they live within 60m of the proposed development site, there were around 40 local residents who also made a Statement but these will not be formally considered under the Development Act.

Also in May, 200 people attended the 'Forum for a Better Henley' unanimously voicing their opposition to high-rise in Henley Beach.

Then in June a petition of almost 1,700 signatures was presented to council opposing high-rise that threatens the character of the area.

Clearly, there are strong community concerns relating to the proposed development application in its current form.

In the two Statements formally accepted by Council **over 60 issues** were raised highlighting where the Application fails to comply with Council's Development Plan.

It was heartening to learn that when Council's recommendation to oppose the application was released to the public two days ago, that it reflected that many of our concerns were indeed shared.

We believe the Applicant response has provided little by way of reasonable justification for the significant deviations from the Plan.

The provisions under the Development Plan have been 'creatively interpreted' by the Applicant, rather than being taken in the spirit in which they were intended. The Applicant's response reads more like a marketing brochure and is a poor substitute for what should have been a proper analysis of the concerns raised.

We thank the Council's planners for properly investigating the issues through unbiased, third-party experts in the relevant fields.

Today, we support the Council's opposition to this application and request that this Development Assessment Panel also opposes it as it fails to meet conditions of the Council's Development Plan in several sections.

With limited time, tonight we will focus three key issues:

- 1) Ground water engineering issues associated with the undercroft car park currently being experienced from the Stage 1 and 1A construction.
- 2) Overall height, bulk and scale of the proposed development
- 3) Lack of consideration for and impact on the eastern side of the development which faces the Residential Historic Conservation Zone

POINT 1: GROUND WATER

The construction of Stage 1 and 1A brought with it a myriad of impacts upon the local community.

The one most recently brought to light is the serious engineering issue of the ground water that was struck during the construction of the undercroft car park.

This has resulted in the collection and discharge of around 2,000 litres of water every 45 minutes onto Henley Beach via a storm water outlet. This equates to around 64,000 litres of water per day.

Aside from the major concerns of the impact on the local beach, no consideration or risk assessment has been made relating to the affect this depletion of ground water is having on surrounding homes. This will only be compounded with the additional undercroft parking proposed for Stage 2.

This is a significant amount of water that is being removed from this area which will have major effect on surrounding heritage homes and the Ramsgate Hotel. This will include soils - especially the clay pockets - becoming much more reactive, which could ultimately lead to significant sinking and cracking of homes. And with such close proximity to the sea, this will also result in high volumes on salinity moving into the area. Who ultimately is responsible? Who is liable for damage? There are still too many unanswered questions in relation to hydrology and salinity in the area, for the weeks, months and years to come.

So as to not 'put the cart before the horse', the ground water issue must be addressed **FIRST** and as **PRIORITY**, as this is the most critical and currently unresolved problem. And this issue **MUST** be considered beyond the perimeter of the subject site.

The ground water issue should in fact be the critical guiding factor in determining how many storeys this development can be built.

If undercroft car parking becomes limited to a certain depth before ground water can be adequately managed to eliminate the impact on surrounding homes and the local beach, this would result in a reduced number car parks. This would then govern how many residential and commercial tenancies this number of car parks could satisfy. This **MUST** be the start pointing for any development relating to this site.

So until a full engineering assessment has been made for this issue, as well as the risk assessment for neighbouring properties, no decision should be made regarding the use of this site.

POINT 2: HEIGHT, BULK AND SCALE

The height of development for this particular site is guided by:

- The Development Plan;
- Desired Character Statement; and the
- Henley Beach Master Plan endorsed by Council 2006.

In reference to the current application, the overall height, bulk and scale of the proposed buildings is excessive.

As preparation for this presentation, we met with a local resident with planning experience and these views of excessive height have been supported. A detailed attachment has been included as part of this presentation.

When both the Development Plan and Henley Master Plan were developed, there were five clear driving principles for this area:

- 1) The Ramsgate Hotel is considered the most significant building within the Square and that no other buildings would be higher or more dominant than it.
- 2) That any other buildings would enhance the seaside village character of the area.
- 3) That any new development is sympathetic to the heritage characteristics of the buildings of heritage value.
- 4) Development will have a continuous edge of one and two-storey scale buildings around the Square ensuring that buildings on the northern side don't overshadow the Square
- 5) That care is taken to minimise impact on adjacent properties within the Residential and Residential Historic (Conservation) Zones.

The application fails to comply with all these principles, all of which are supported by Council's independent expert appraisals.

The Plan states that:

“Development should not exceed a height of 10.2 metres from natural ground level at any point.”

While the ERD court ruling for Stage 1 raised a degree of ambiguity about 'natural ground level', the *intent* of the 10.2m height limit is clear – that no building would dwarf the Ramsgate Hotel.

Within the application, much reference has been drawn on the overall height of the Ramsgate Hotel. When viewed from street level the parapet is actually the dominant top form and is a much lower level than its overall height. The roof does not add to the visual bulk of the building.

In this context, the proposed five-storey building visually well exceeds the height of the Hotel and will dominate over it (The top of the Hotel's parapet reaches only just above level 3 of the proposed development).

The Development Plan also states that the height of the proposed buildings should:
“enhance the seaside, village character “
“be sympathetic to the heritage characteristics of heritage buildings”
“be sympathetic and reflective of the existing heritage buildings in terms of scale, form and style.”
“have a continuous edge of one and two-storey scale buildings around the Square ensuring that buildings on the northern side don’t overshadow the Square”

The application fails to comply with all these principles, all of which are supported by Council’s independent expert appraisals.

The Applicant references the ERD’s approval of the height of Stage 1 and 1A as a ‘guide’ for this application. But Stage 1 and 1A was approved relative to its neighbour, being the existing 4-storey flats to its north.

Now the Applicant is attempting to justify a further increase in height to 5 storeys relative to the Stages 1 and 1A. But this actually represents an overall increase in size of 57% to what is considered appropriate to the area.

All other existing development is at a much lower scale being two-storey or single storey.

Also, streetscape views showing how this development relates to surrounding properties to the east of the site have not been submitted. These streetscape views would have better represented the degree to which these plans are out-of-context in terms of scale, plus traditional character and design of heritage homes.

And in relation to overshadowing, five storeys will cause overshadowing in the Square particularly in the morning, which is a finding supported by Council’s independent appraisal.

The Development Plan requires buildings are built “to achieve a more imposing and less domestic scale”. But this does not give rights for the building to be five storeys thereby rationalising its “imposing” scale. This is a prime example of how the spirit and intent of the Development Plan has been creatively and incorrectly interpreted.

POINT 3: IMPACT ON THE EASTERN RESIDENTIAL HISTORIC CONSERVATION ZONE

THE MILIARY ROAD / MAIN STREET CORNER

Plans for the Military Road / Main Street side of this building have again ignored the houses to the east which fall within the Residential Historic Conservation Zone.

This Military Road side of the site has a different Precinct zoning designed to differentiate it from the areas surrounding the Square. As such it is a transitional area where buildings SCALE DOWN in height to blend with the single-storey dwellings within this zone.

The design proposed for this corner is a full four storeys in height with zero setbacks. It also has semi-solid encroachments (balcony screens) over the footpath. This is inappropriate in scale for the corner and ‘top-heavy’ in design. Typically corners should be treated with a ‘cut-off’ for pedestrian and vehicle safety and to soften this harsh edge. The recent

Ramsgate Hotel extension has softened the corner and maintained a much more appropriate scale to the residential areas to the east.

It should also be noted that the land drops away on this side of the site, which exacerbates the overall scale making the comparable height on this corner more like four and half storeys.

ISSUES THAT MUST STILL BE CONSIDERED

Unfortunately something that's not accounted for within the Development Plan is consideration for people – the community that has made this place their home.

Council is aware of the many impacts resulting from the construction of Stage 1 and 1A. And more issues are being realised, almost daily.

This is even before new residents have moved in, before commercial tenancies are filled and a full summer has been experienced. All of this will provide a true indication of traffic, parking and the social impacts on the area.

We know an application must be assessed in accordance with the Development Plan, but human beings – and the negative consequences of the first phase of construction on local residents **MUST** be properly understood and given due consideration.

This is a small, yet extremely significant parcel of land that sits right in the heart of Henley Beach. There is only one chance to develop this site PROPERLY before it comes a constant reminder of regrettable planning error.

We thank you for the opportunity to voice our concerns.