

CITY OF WEST TORRENS



Notice of Panel Meeting

Notice is Hereby Given that a Meeting of the
COUNCIL ASSESSMENT PANEL

will be held in the George Robertson Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

TUESDAY, 9 MARCH 2021
at 5.00pm

Hannah Bateman
Assessment Manager

City of West Torrens Disclaimer

Council Assessment Panel

Please note that the contents of this Council Assessment Panel Agenda have yet to be considered and deliberated by the Council Assessment Panel therefore the recommendations may be adjusted or changed by the Council Assessment Panel in the process of making the formal Council Assessment Panel decision.

Note: The plans contained in this Agenda are subject to copyright and should not be copied without authorisation.

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1 MEETING OPENED**1.1 Evacuation Procedures****2 PRESENT****3 APOLOGIES****4 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of the meeting of the Council Assessment Panel held on 9 February 2021 be confirmed as a true and correct record.

5 DISCLOSURE STATEMENTS

In accordance with section 7 of the *Assessment Panel Members – Code of Conduct* the following information should be considered by Council Assessment Panel members prior to a meeting:

A member of a Council Assessment Panel who has a direct or indirect personal or pecuniary interest in a matter before the Council Assessment Panel (other than an indirect interest that exists in common with a substantial class of persons) –

- a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
- b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.

If an interest has been declared by any member of the panel, the Assessment Manager will record the nature of the interest in the minutes of meeting.

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 25 & 25A Fisher Place, MILE END

Application No 211/463/2016/A

Appearing before the Panel will be:

Representors: **Vincent Riviere** of 24 Fisher Place, Mile End wishes to appear in support of the representation.

Amos Weigall of 29 Hughes Street, Mile End wishes to appear in support of the representation.

Applicant: **Matthew Falconer** of Urban Planning & Design wishes to appear in response to the representations.

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Construction of two (2) two-storey detached dwellings each with garage under main roof - <i>variation to an authorisation previously granted - changes to front entrances, upper level facades, roof form and external materials, increase floor area and length of garage walls (on boundary), increase front setbacks and new rear balconies</i>
APPLICANT	365 Studio Pty Ltd
APPLICATION NUMBER	211/463/2016/A
LODGEMENT DATE	27 October 2020
ZONE	Residential Zone
POLICY AREA	Mile End Conservation Policy Area 30
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 2
REFERRALS	Internal <ul style="list-style-type: none"> Heritage Advisor External <ul style="list-style-type: none"> Nil
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
DELEGATION	<ul style="list-style-type: none"> The relevant application is for a merit, Category 2 or Category 3 form of development, representations have been received and one or more representors wish to be heard on their representation.
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Brendan Fewster

BACKGROUND

Development Application 211/463/2016 for construction of two (2) two-storey detached dwellings each with garage under the main roof was granted Development Plan Consent on 14 July 2016 under staff delegation. Development Approval was subsequently granted 7 November 2019. An extension of time has since been granted to the authorisation up until 7 May 2021 to allow for the submission of this variation application.

A copy of the approved proposal plans are contained in **Attachment 2**.

SUBJECT LAND AND LOCALITY

The subject land comprises two contiguous allotments that are formally described as:

- Allotment 95 in Primary Community Plan 40647 in the area named Mile End, Hundred of Adelaide, Volume 6183 Folio 844; and
- Allotment 96 in Primary Community Plan 40647 in the area named Mile End, Hundred of Adelaide, Volume 6183 Folio 845.

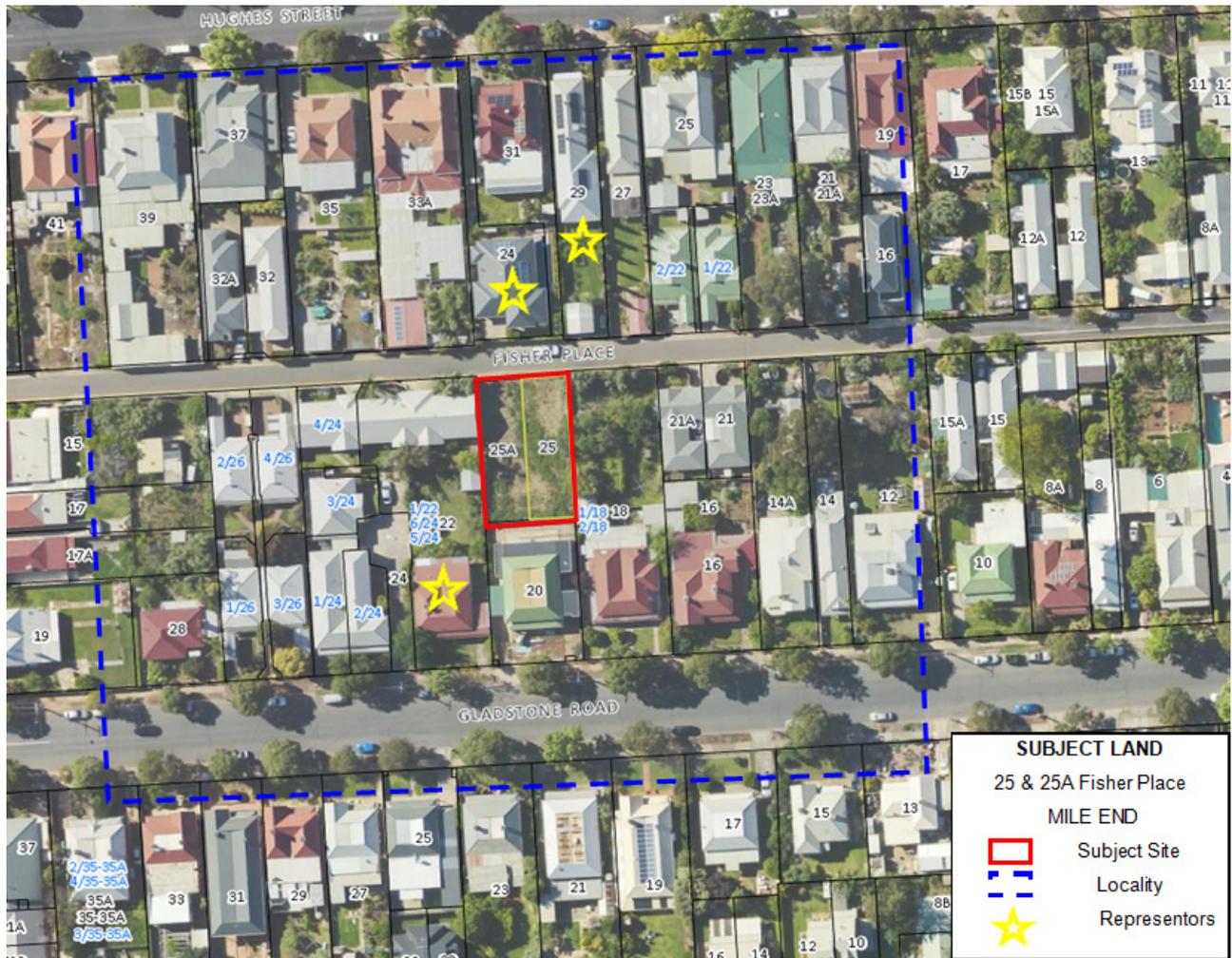
The land is more commonly known as 25 and 25A Fisher Lane, Mile End. The allotments are rectangular in shape with a 9.14 metre (m) wide frontage, a depth of 28.67m and a site area of 262 square metres (m²).

While there are no easements, encumbrances or Land Management Agreements on the Certificate of Title, there is a 1m wide reserve adjacent to Fisher Lane for future road widening.

The land is currently vacant and is relatively flat. There are no Regulated trees on the site or on adjoining land that would be affected by the development.

The amenity of the locality varies noticeably, which is attributed to the existing building forms and development pattern. Land along Fisher Place is of lower amenity than the surrounding streets as building styles are mixed and garages and fencing are visually prominent features. The residential areas to the north and south along Hughes Street and Gladstone Road are considered to be of relatively high amenity, as the large allotments, historic housing stock and wide tree lined verges contribute to pleasant streetscapes.

The subject land and locality are shown on the aerial imagery and maps below.



RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/463/2016	Construction of two (2) two-storey detached dwellings	Development Approval Granted	7 November 2019 - extension of time granted up until 7 May 2021
211/1451/2015	Land Division	Development Approval Granted	14 July 2016

PROPOSAL

The proposal is seeking to vary the development that was approved under Development Application 211/463/2016. The approved development comprised the construction of two (2) two-storey detached dwellings.

The proposed variations to the approved development are:

- reduced size of front portico;
- roof form changed from a hip profile to gable end;
- overall floor area increased by 19m²;
- length of garage walls increased by 3.4m;
- rear balconies with privacy screens provided on the upper levels;
- reconfiguration of rear alfresco areas;
- increase of front setback from 4m to 6.2m;
- increase setback to garage from 5.5m to 6.5m; and
- changes to external materials to include render and vertical Axon cladding.

The relevant plans and documents are contained in **Attachment 3**.

PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to the Procedural Matters section of the Residential Zone.

Properties notified	34 properties were notified during the public notification process.
Representations	Three (3) representations were received.
Persons wishing to be heard	Two (2) representors wish to be heard. <ul style="list-style-type: none"> • A Weigall - 29 Hughes Street, Mile End • V Riviere - 24 Fisher Place, Mile End
Summary of representations	Concerns were raised regarding the following matters: <ul style="list-style-type: none"> • The proposal is at odds with Policy Area 30; • Impact on privacy; • Height of boundary wall and first floor; • Front setback should be consistent with no. 22; and • Car parking issues
Applicant's response to representations	Summary of applicant's response: <ul style="list-style-type: none"> • Front upper storey windows face the laneway and are well setback; • There is adequate separation between the front windows and the rear windows and yards of adjacent dwellings; • Car parking provision satisfies Table WeTo/2; • Boundary walls have been reduced to 2.7m; • Front setbacks are required in order to provide adequate on-site car parking; and • The built form responds appropriate to the character of Fisher Place

A copy of the representations and the applicant's response is contained in **Attachment 4**.

INTERNAL REFERRALS

Department	Comments
Heritage Advisor	<p>The proposal is supported from a heritage perspective with the following suggestions:</p> <ul style="list-style-type: none"> • Basalt colour rather than Monument is considered a better long term traditional colour for the HCA; • The profile of the upper level cladding should be confirmed: (it is assumed to be Maxline or similar); • Details of any front fencing (such as a letter box blade); • Details of side and rear fencing (may have been covered in the previous approval); and • Landscaping plan, especially considering the width of driveway. <p>The above matters have been adequately addressed by the applicant.</p>

A copy of the relevant referral response is contained in **Attachment 5**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, Mile End Conservation Area Policy Area 30 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character:

This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.

Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.

*Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a **Historic Conservation Area**.*

Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

Mile End Conservation Policy Area 30 - Desired Character:

The provisions of the Historic Conservation Area apply to this policy area.

The policy area will contain detached and semi-detached dwellings.

Allotments are at low to very low density and are generally deep, with narrow frontages to wide main streets. In many cases, there is also rear access to service laneways. Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area.

It is envisaged that the long and wide streets running east-west within the policy area will continue to provide pedestrian access to the main frontages of dwellings, and the laneways will be used for rear vehicular access. Streetscape character elements including continuous front fencing, landscaping space in front yards, regular street trees and on-street visitor car parking will be supported by having vehicle cross-overs in laneways.

There will be a unity of built-form, where all new development is complementary to historic buildings rather than dominating or detracting from them. There will be predominantly one storey buildings, with some two storey buildings where the upper level is contained within the roof space in a manner that is complementary to the single storey character of nearby buildings.

New dwellings will incorporate building elements common to older structures such as pitched roofs, verandas and simple detailing, as well as building materials such as stone, bricks, limited rendered masonry and corrugated iron/steel.

Alterations and additions will be primarily located at the rear of existing dwellings so that they have minimal impact on the streetscape. Setbacks will be complementary to the boundary setbacks of existing buildings in the policy area.

Historic front fencing, such as post and rail with woven wire and timber picket fences will be preserved, and new front fencing will be complementary in form and materials, facilitating views into front yards and of building facades.

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
STREET SETBACK <i>Residential Zone</i> <i>PDC 8</i>	0-2m - the same as one of the adjacent buildings >2m - at least the average of the adjacent buildings	6.2m main wall 6.5m garage (adjoining development setback 3.5m) Satisfies
SIDE SETBACKS <i>Residential Zone</i> <i>PDC 11</i>	Ground floor - 1m (minimum) Upper floor - 2m (minimum)	900mm (wall on boundary) Varies from 1.5-2m Does not satisfy

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
REAR SETBACKS <i>Residential Zone</i> <i>PDC 11</i>	3m single storey 8m two storey	Ground floor – 3.77m First floor – 5.8m Does not satisfy
BUILDING HEIGHT <i>Residential Zone</i> <i>PDC 6</i>	Two storeys & 6m wall height	Two storeys - 6.3m wall height Does not satisfy - considered a minor departure
PRIVATE OPEN SPACE <i>Residential Development</i> <i>PDC 19</i>	24m ² (<300m ²)	73m ² Satisfies
CAR PARKING <i>Transportation and Access</i> <i>PDC 34</i> <i>Table WeTo/2</i>	2 spaces (one covered)	2 covered spaces 1 visitor space Satisfies
LANDSCAPING <i>Landscaping, Fences & Walls</i> <i>PDC 4</i>	10% minimum	10% approx. Satisfies

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Form of Development

The subdivision of the subject land into two allotments was approved at the same time as the dwellings. The new titles have since been created.

The proposal would not change the form/nature of the already approved development.

Built Form and Heritage

The proposal includes several alterations to the building facades and roof form of the approved dwellings. The front entrances are to be simplified with a smaller portico while the upper storey will comprise a continuous gable roof rather than hipped roofs. A feature window will be incorporated into the front façade. While the proposed alterations will increase the upper storey wall height by approximately 300mm, the overall form and scale of the dwellings would be substantially the same.

As the subject land is situated within a Historic Conservation Area, the application has been referred to Council's Heritage Advisor to consider the proposal in the context of the historic character of the surrounding area. The heritage advice is summarised as follows:

- The proposal does not affect the Gladstone Road historic streetscape character as it will be located to the rear and screened by the Contributory Places facing Gladstone Road;
- The proposal is designed to a reasonable architectural standard that sets a new benchmark for rear lane development, adopting a form that successfully incorporates a vertically proportioned and articulated upper level, conceptually within a roof space;
- The Gladstone Road historic streetscape character will be unaffected and the proposal adopts a complementary form that is reasonably cohesive and located to the rear, with sufficient separation; and
- The proposal has a narrow articulated and vertically proportioned element to the Lane, which overcomes the potential bulkiness of the upper storey.

The proposal has heritage support subject to a number of details being confirmed/reconsidered as follows:

- Basalt colour rather than Monument is considered a better long term traditional colour for the Historic Conservation Areas;
- The profile of the upper level cladding should be confirmed (it is assumed to be Maxline or similar);
- Details of any front fencing (such as a letter box blade);
- Details of side and rear fencing (may have been covered in the previous approval); and
- Landscaping plan, especially considering the width of driveway.

The applicant has provided amended details of the cladding materials and finishes along with a landscaping plan.

The heritage advice is contained in **Attachment 5**.

Accordingly, the design, scale and appearance of the proposed dwelling is considered to adequately address the relevant provisions of the Development Plan, and in particular, the Desired Character for Mile End Conservation Policy Area 30 and the Historic Conservation Area provisions.

Siting and Streetscape

The front setbacks to the dwellings have been increased from 4m to 6.2m. The increased setbacks would provide greater separation to the properties on the opposite side of the laneway and would also allow for additional landscaping, which are considered improvements to the approved development.

It is noted that the adjoining property owner at no.22 would prefer the garage wall of Dwelling 2 to be located against the boundary wall of their dwelling. While this approach would not be unreasonable, it is considered more appropriate in this instance for the proposed dwelling to be setback as much as possible from the laneway for car parking and amenity reasons.

The Desired Character for the Policy Area requires building setbacks to be complementary to the setbacks of existing buildings. The Fisher Place frontage is characterised by buildings located on or in close proximity to the laneway boundary. The adjoining property on the western side has a setback of only 3.5m. The proposed road boundary setbacks would not detract from the existing development pattern within the locality and are considered appropriate.

The side setbacks are substantially the same as the approved development.

Amenity

The neighbouring properties at 29 Hughes Street and 24 Fisher Place have raised concerns with overlooking and a resulting loss of privacy.

The dwellings have been designed with all upper storey windows on the side elevations having either raised sills or obscure glass to a height of 1.7m above the finished floor level. The proposal has also been amended to include an obscure glass privacy screen around the rear balconies. These measures would adequately prevent direct views from the upper storey windows and balconies into the habitable room windows and yard areas of adjoining properties. As noted by the applicant in their response to representations, the views from the front upper storey windows would primarily affect the front yards and outbuildings of properties fronting the laneway, with only distant views of rear yards given the separation distances. The proposal is therefore considered to satisfy PDC 27 of the General Section (Residential Development).

The proposal includes an increase to the length of the garage walls that are located on the side boundaries. While the length of the walls will increase by 3.4m, the wall height will be reduced by approximately 400mm. Any impacts associated with these changes are not considered to adversely impact upon the amenity of the adjoining properties as the adjoining land on the eastern side comprises the rear yard of no. 18 Gladstone Road and on the western side the wall would be screened by the side wall of the dwelling and a small outbuilding.

Accordingly, the proposal would not adversely impact upon the amenity of nearby sensitive uses by way of noise, overshadowing or overlooking. The proposal is considered to satisfy Objectives and PDC 1, 2 and 3 of the General Section (Interface between Land Uses).

Car Parking

The representors have raised on-site car parking as a concern. As provided for under the approved development, the proposed dwellings will have two covered parking spaces and one tandem visitor space.

When assessed against *Table WeTo/2 – Off Street Vehicle Parking Requirements*, there is a requirement for at least two car parking spaces, with one space to be covered. The on-site car parking provision therefore satisfies PDC 34 of the General Section (Transportation and Access).

Landscaping

The applicant has provided a landscaping plan that includes a tree and a mix of shrubs and grasses at the front of each site. The landscaping will enhance the internal amenity and external appearance of the development whilst softening the hard paved surfaces. The proposal is considered to meet the minimum landscaping requirement of 10 percent of the site. PDC 4 of the General Section (Landscaping, Fences and Walls) is therefore satisfied.

SUMMARY

When balanced against the approved development and the existing site and locality characteristics, the proposal changes to the approved development are considered to be orderly and appropriate.

The changes to the built form are such that it would not detract from the areas historic character or from the amenity of neighbouring properties.

Having considered all the relevant provisions of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

On balance, the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 and warrants Development Plan Consent.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/463/2016/A by 365 Studio Pty Ltd to undertake the construction of two (2) two-storey detached dwellings each with garage under main roof - *variation to an authorisation previously granted - changes to front entrances, upper level facades, roof form and external materials, increase floor area and length of garage walls (on boundary), increase front setbacks and new rear balconies* at 25 and 25A Fisher Place, Mile End (CT6183/845 & CT6183/844) subject to the following conditions of consent:

Development Plan Consent Conditions:

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application except where varied by any conditions listed below:
 - Site Plan (Drawing No. 01 of 05, Issue D) prepared by 365 Design Studio dated 3 February 2021;
 - Floor Plan Dwelling 1 (Drawing No. 02 of 05, Issue D) prepared by 365 Design Studio dated 3 February 2021;
 - Floor Plan Dwelling 2 (Drawing No. 03 of 05, Issue D) prepared by 365 Design Studio dated 3 February 2021;
 - Elevations Dwelling 1 (Drawing No. 04 of 05, Issue D) prepared by 365 Design Studio dated 3 February 2021;
 - Elevations Dwelling 2 (Drawing No. 05 of 05, Issue D) prepared by 365 Design Studio dated 3 February 2021;
 - Site and Drainage Plan (Drawing No. SD1, Rev P1) prepared by Delta Consulting Engineers dated 19 October 2020; and
 - Typical Site and Drainage Details (Drawing No. SDD) prepared by Delta Consulting Engineers dated August 2020;
2. That all original planning conditions, and details relating to Development Application 211/463/2016 granted Development Plan Consent on 14 July 2016, where relevant, shall remain applicable to this amended development.
3. All landscaping shall be planted in accordance with the approved plans (Site Plan, Drawing No. 01 of 05, Issue D prepared by 365 Design Studio dated 3 February 2021) within three (3) months of the occupancy of the development or the next available planting season. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.

Reason: To enhance the amenity of the site and locality and to mitigate against heat loading
4. The side and rear upper storey windows and balconies of the dwellings shall be fitted with raised sills or fixed obscure glass to the windows and obscure balcony balustrades to a minimum height of 1.7 metres above the upper floor level to minimise the potential for direct overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows, and the balustrades to the balconies shall be maintained to the satisfaction of Council at all times.

Reason: To maintain the privacy of neighbouring residents

Attachments

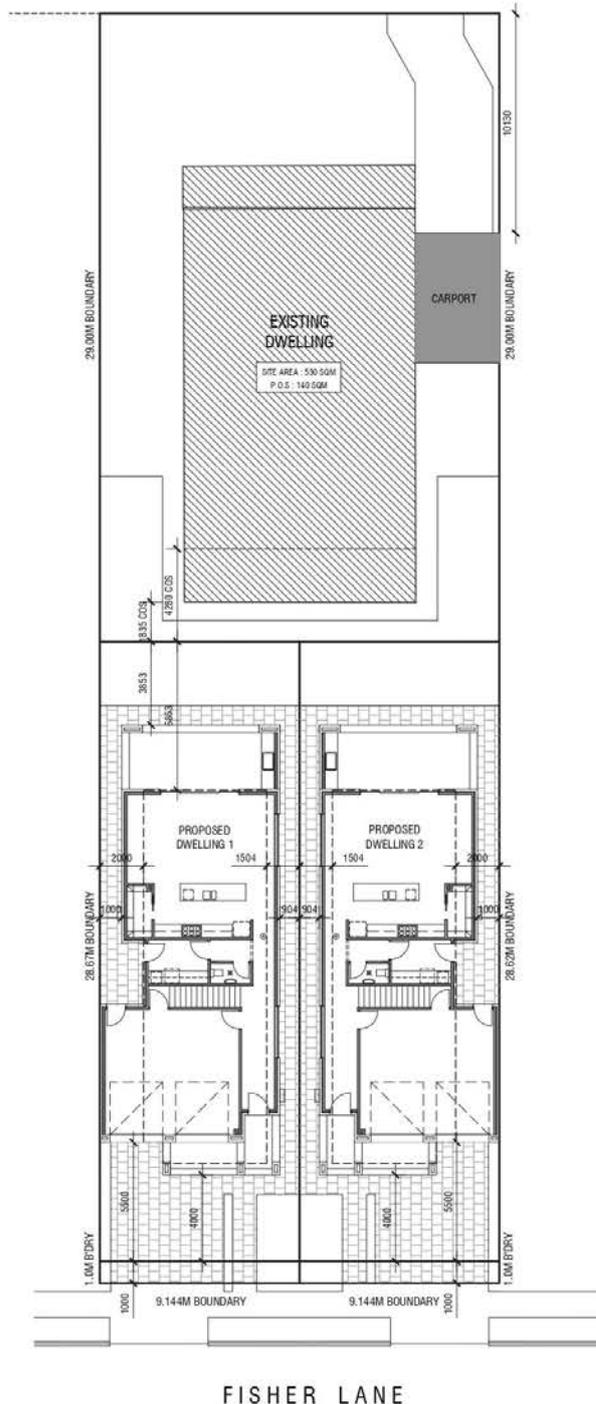
1. **Relevant Development Plan Provisions**
2. **Approved Plans**
3. **Proposal Plans**
4. **Representations and Applicant's Response**
5. **Internal Referral Response**

General Section		
Design and Appearance	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 5, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22 & 23
Historic Conservation Area	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 4, 5, 6, 7 & 12
Interface between Land Uses	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3 & 5
Landscaping, Fences and Walls	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5 & 6
Orderly and Sustainable Development	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 3, 5, 6, 7 & 8
Transportation and Access	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 8, 10, 11, 23, 24, 30, 32, 33, 34, 35, 36, 37, 40, 41, 43, 44 & 45

-- Rocco Ciancio -- Private Certifier --
 Ref: B12024 Date: 24-Oct-2019
 Building Rules Consent with 6 Conditions

CITY OF WEST TORRENS
 07 Nov 2019
DEVELOPMENT APPROVAL
 Granted Subject to Conditions

GLADSTONE ROAD



FISHER LANE

BOUNDARY/SURVEY/SETOUT:
 REFER TO WD01 FOR ALL GENERAL/BUILDING NOTES
 ARCHITECTURALS BY 365 STUDIO IS INDICATIVE FOR BUILDING SETOUT PURPOSE ONLY. PRIOR TO ANY CONSTRUCTION REFER TO SURVEYOR DRAWINGS AND ENGINEERING CIVIL PLAN FOR SITE LEVELS, CONTOURS, BENCH MARKS, SERVICE LOCATIONS. BUILDER TO ORGANISE A CERTIFIED SURVEY PRIOR TO ANY CONSTRUCTION IS COMMENCED. BUILDER TO CHECK AND CONFIRM ALL SITE AND SET OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION. PLANS TO BE READ IN CONJUNCTION WITH THE ENGINEERS AND SURVEYORS DRAWINGS DETAILS. BUILDER TO CONFIRM ENGINEER DRAWINGS ARE UPDATED

BRUSH FENCE NOTE:
 THERE WILL NOT BE ANY BRUSH FENCES WITHIN 3M OF THE PROPOSED BUILDING WORKS. ANY BRUSH FENCES THAT ARE WITHIN 3M OF THE PROPOSED WORKS/DWELLING ARE TO BE REMOVED BY THE OWNER & REPLACED WITH A NON-COMBUSTIBLE MATERIAL THAT MUST COMPLY WITH BCA REQUIREMENTS

STORM-WATER NOTE:
 REFER TO ENGINEERS CIVIL PLAN FOR ALL LEVELS, RETAINING WALLS AND STORMWATER DRAINAGE PLAN

RAINWATER NOTE:
 1000LTS (MIN) RWT COLLECTING 50m² ROOF CATCHMENT AREA, PLUMBED TO EITHER TOILET, HOT WATER SYSTEM OR ALL LAUNDRY COLD WATER OUTLETS. RWT MUST BE FITTED WITH OVERFLOW DEVICE. INLET & OVERFLOW MUST BE FITTED WITH MOSQUITO-PROOF SCREENS. MUST COMPLY WITH BCA REQUIREMENTS

EXISTING DWELLING	SQM
SITE AREA	530.00
POS	140.00
RES 1 & 2	SQM
SITE AREA	262.00
POS	62.50
DWELLING 1 & 2 AREA	SQM
LOWER LIVING	78.50
UPPER LIVING	96.50
ALFRESCO	22.00
GARAGE	41.50
PORCH	6.50
TOTAL	243.50
SITE	253.00
POS	62.50

WORKING DRAWINGS **ThreeSixFive** DESIGN STUDIO

64 HALIFAX ST
 ADELAIDE SA 5000 AUSTRALIA
 T + 618 8231 5548
 ADMIN@365STUDIO.COM.AU
 WWW.365STUDIO.COM.AU

CLIENT
 GEORGE DALAMAGAS

PROJECT
 PROPOSED DEVELOPMENT

ADDRESS
 20 GLADSTONE RD, (25&25A FISHER PL)
 MILE END, SA

ALL DIMENSIONS ARE APPROXIMATE AND MUST BE CHECKED BEFORE ANY CONSTRUCTION COMMENCES. ANY DISCREPANCIES OR ISSUES ARE TO BE NOTICED TO 365 STUDIO PTY LTD PRIOR TO TENDERING OR CONSTRUCTION

DO NOT SCALE FROM THIS DRAWING

SCALE	DRAWN BY	DRAWING NO.
1:200 @ A3	RV	02 of 17
ISSUE	JOB NUMBER	
G.	007-10-15/WD02	

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PROPOSED SITE PLAN SCALE 1:200

-- Rocco Ciancio -- Private Certifier --
 Ref: R17024 Date: 24-Oct-2019
RESIDENCE 1
 Planning Consent with 6 Conditions

CITY OF WEST TORRENS
 07 Nov 2019
DEVELOPMENT APPROVAL
 Granted Subject to Conditions

FOOTING & SLAB NOTES:

REFER TO WD01 FOR ALL GENERAL/BUILDING NOTES

THE CONTRACTOR SHALL VERIFY ALL DIMENSION AND LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK OR SHOP DRAWINGS

THE CONTRACTOR SHALL NOT MAKE ALTERATION OR CHANGES TO PLANS DURING OR PRIOR TO CONSTRUCTION WITHOUT WRITTEN NOTICE

CONCRETE FOOTINGS AND SLAB SHOULD BE READ IN CONJUNCTION WITH & IN ACCORDANCE WITH THE ENGINEER'S REPORT.

ALL CONCRETE SHALL BE HANDLED, PLACED AND COMPACTED IN ACCORDANCE WITH THE REQUIREMENTS OF AS 3600-2001.

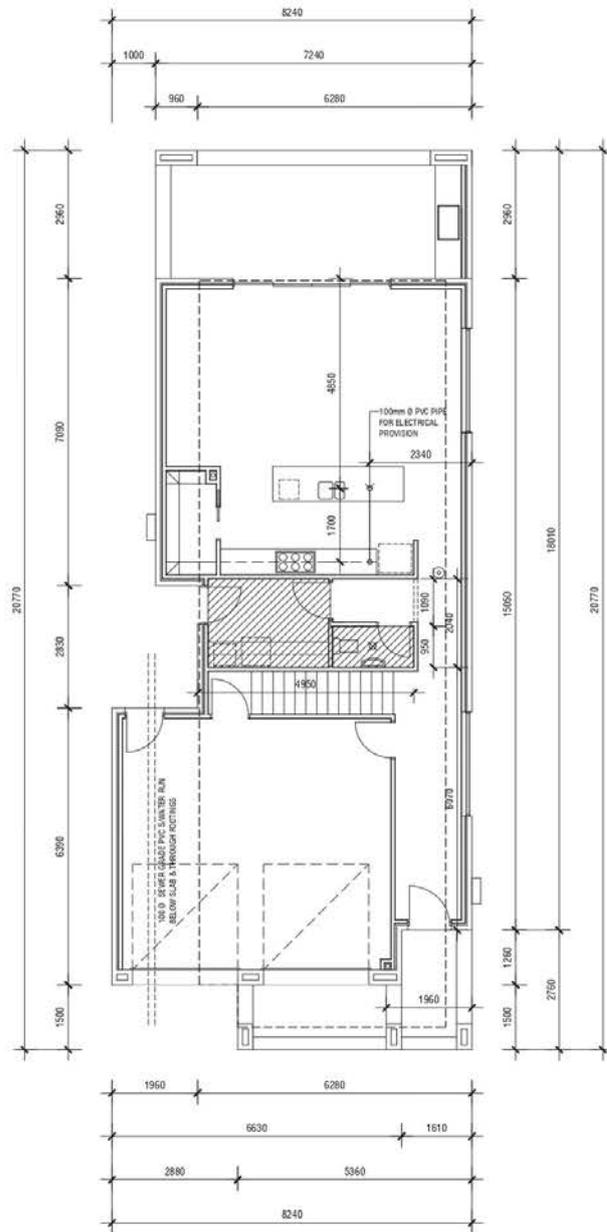
ALL REINFORCING SHALL COMPLY WITH AS 3600 PART 1 - 2000.

TERMITE PROTECTION SHALL COMPLY WITH AS 3600 PART 1 - 2014.

SLAB EDGE REBATE DEPTH 50MM, WIDTH 110MM

SETDOWN NOTES:

50mm SET DOWNS WHERE NOMINATED. ALL FLOOR LEVEL INDICATED ARE TO BE CONFIRMED BY THE BUILDER. REFER TO ENGINEERING DOCUMENTATION FOR DETAILS.



DWELLING 1 & 2 AREA	SQM
LOWER LIVING	78.50
UPPER LIVING	96.50
AL RESCO	22.00
GARAGE	41.00
PORCH	6.50
TOTAL	243.50
SITE	253.00
POS	62.50

WORKING DRAWINGS **ThreeSixFive** DESIGN STUDIO

64 HALIFAX ST
 ADELAIDE SA 5000 AUSTRALIA
 T + 618 8231 5548
 ADMIN@3655STUDIO.COM AU
 WWW.3655STUDIO.COM AU

CLIENT
 GEORGE DALAMAGAS

PROJECT
 PROPOSED DEVELOPMENT

ADDRESS
 20 GLADSTONE RD, (25&25A FISHER PLC)
 MILE END, SA

ALL DIMENSIONS ARE APPROXIMATE AND MUST BE CHECKED BEFORE ANY CONSTRUCTION COMMENCES. ANY DISCREPANCIES OR ISSUES ARE TO BE NOTICED TO 3655 STUDIO PTY LTD PRIOR TO TENDERING OR CONSTRUCTION

DO NOT SCALE FROM THIS DRAWING

SCALE 1:100 @ A3	DRAWN BY RV	DRAWING NO. 03 of 17
ISSUE G.	JOB NUMBER 007-10-15/WD03	

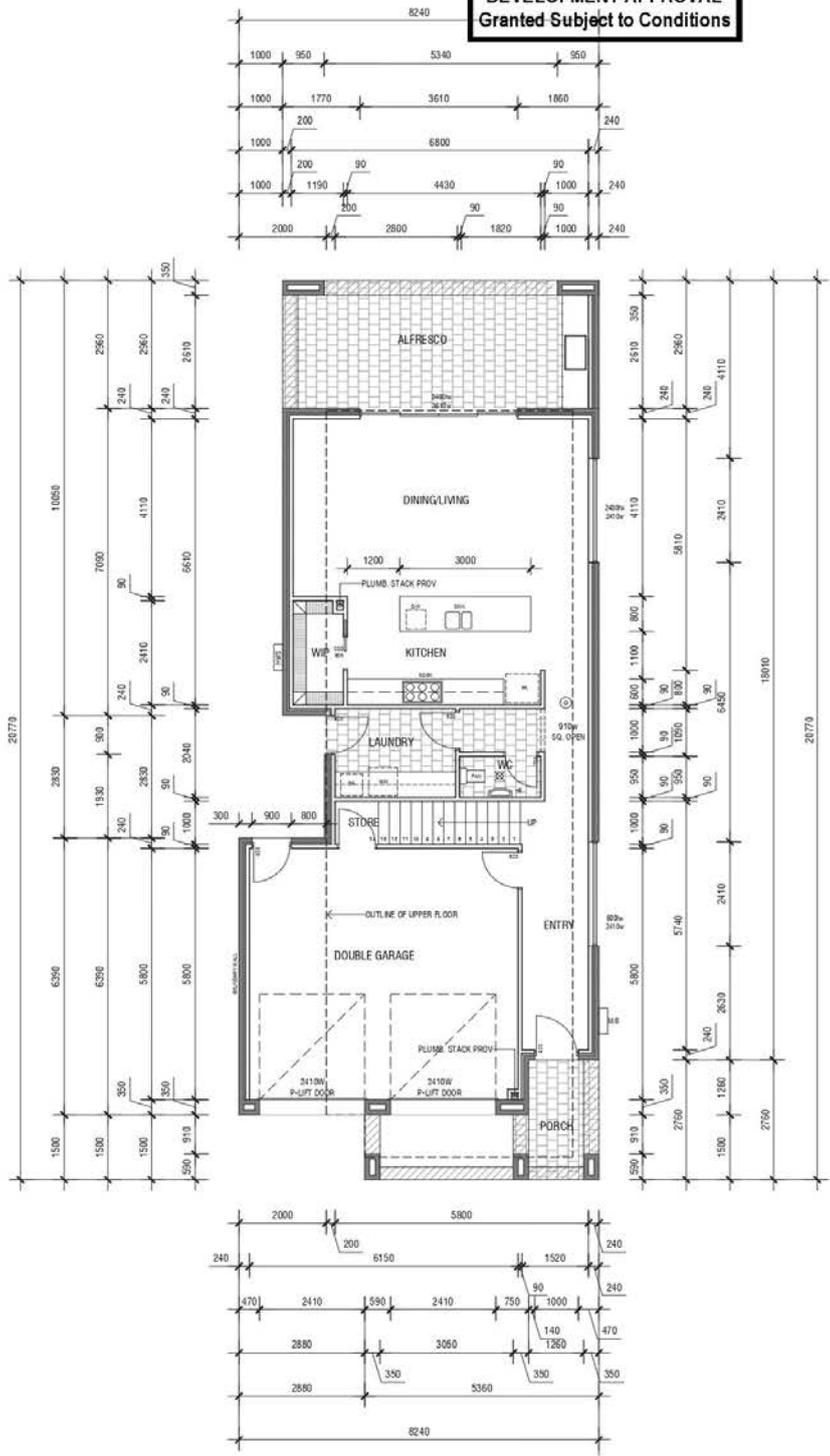
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CONCRETE SETOUT PLAN R1 SCALE 1:100

-- Rocco Ciancio -- Private Certifier --
 Ref: R12024 Date: 24-Oct-2019
RESIDENCE 1
 Planning Consent with 6 Conditions

CITY OF WEST TORRENS
 07 Nov 2019
DEVELOPMENT APPROVAL
 Granted Subject to Conditions

- FLOOR PLAN NOTES:**
- REFER TO W001 FOR ALL GENERAL/BUILDING NOTES
 - ⊙ HARDWIRED SMOKE DETECTOR WITH BATTERY BACK-UP INSTALLED AND INTERCONNECTED IN ACCORDANCE WITH AS 3786-1993
 - ⊗ EXHAUST FAN DUCTED TO ATMOSPHERE OR VENTILATED ROOF SPACE INSTALLED ACCORDANCE WITH AS 1668.2
 - WC DOOR HAVING DEMOUNTABLE HINGES AND BEINGS REMOVABLE FROM OUTSIDE THE WC
 - ▨ 190mm RENDA PANEL VENER SYSTEM
 - ▨ 240mm BRICK VENER SYSTEM



DWELLING 1 & 2 AREA	SQM
LOWER LIVING	78.50
UPPER LIVING	96.50
ALFRESCO	22.00
GARAGE	41.00
PORCH	6.50
TOTAL	245.50
SITE	253.00
POG	62.50

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CLIENT
 GEORGE DALAMAGAS

PROJECT
 PROPOSED DEVELOPMENT

ADDRESS
 20 GLADSTONE RD, (25&25A FISHER PLC)
 MILE END, SA

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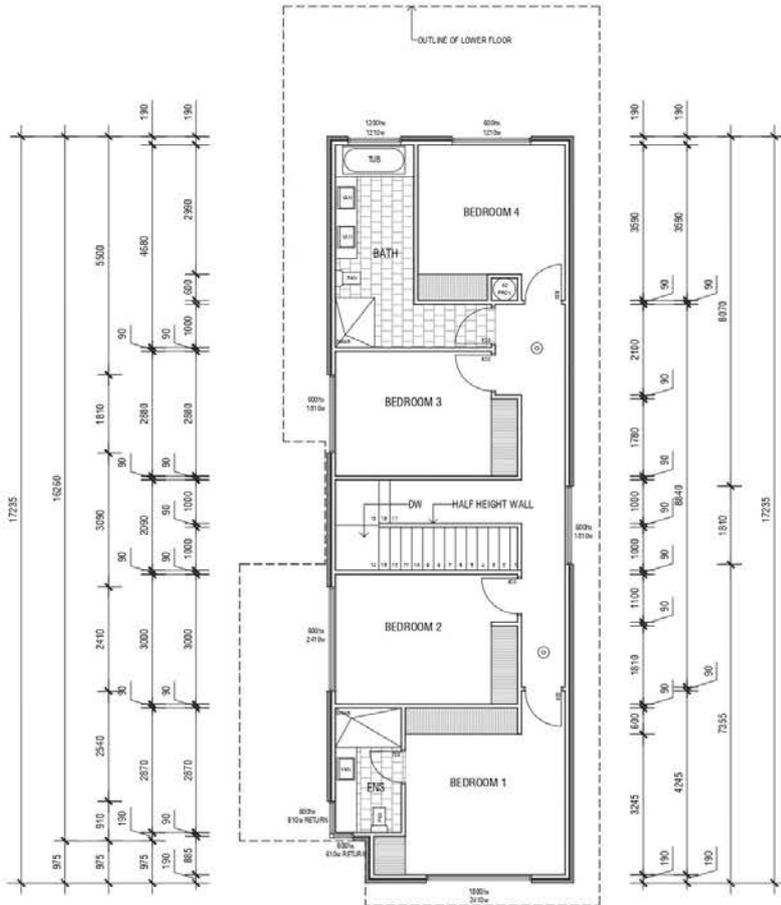
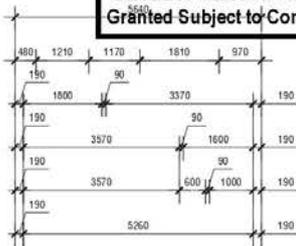
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GROUND FLOOR PLAN R1 SCALE 1:100

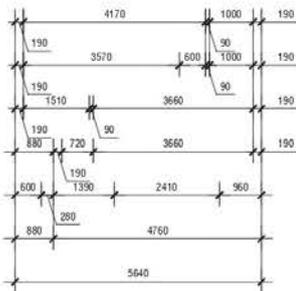
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 07 Nov 2019
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 - ⊗ EXHAUST FAN DUCTED TO ATMOSPHERE OR VENTILATED ROOF SPACE INSTALLED ACCORDANCE WITH AS 1668.2
 - WC DOOR HAVING DEMOUNTABLE HINGES AND BEINGS REMOVABLE FROM OUTSIDE THE WC
 - ▬ 190mm RENDA PANEL VENER SYSTEM
 - ▬ 240mm BRICK VENER SYSTEM



DWELLING 1 & 2 AREA	SQM
LOWER LIVING	78.50
UPPER LIVING	96.50
ALFRESCO	22.00
GARAGE	41.50
PORCH	6.50
TOTAL	245.50
SITE	253.00
POG	62.50



UPPER FLOOR PLAN R1 SCALE 1:100

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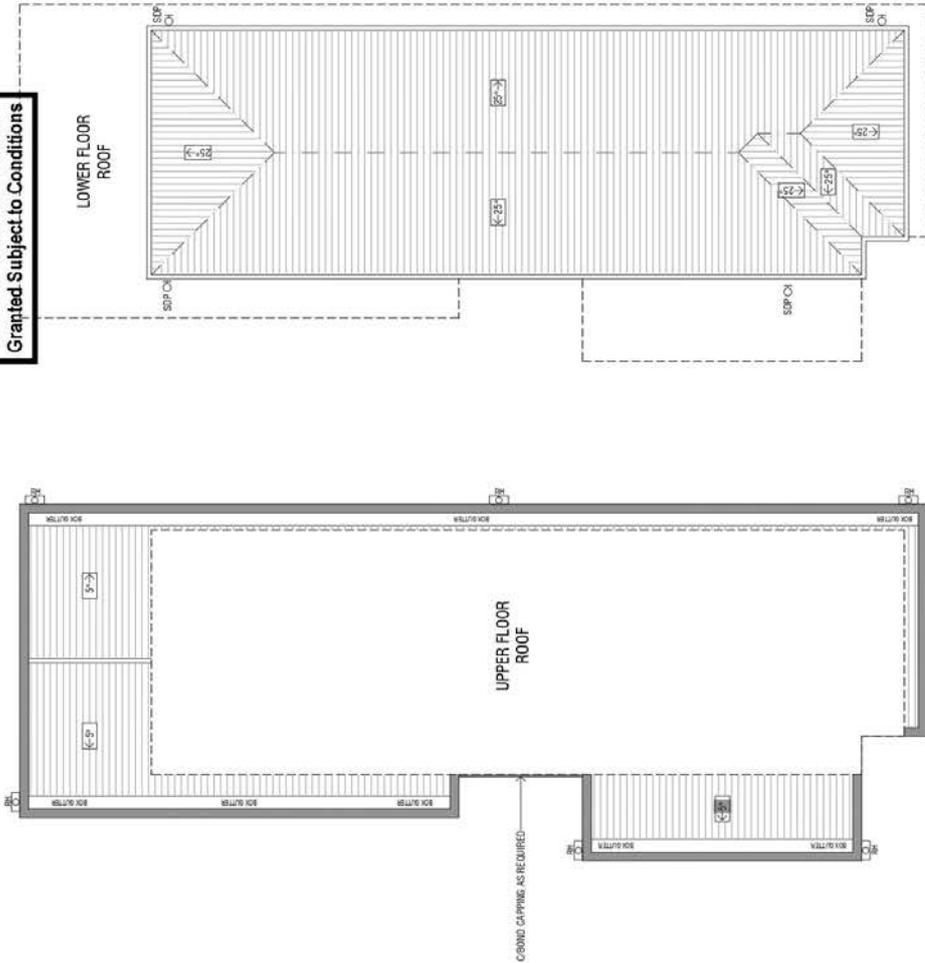
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CITY OF WEST TORRENS
 07 Nov 2019
DEVELOPMENT APPROVAL
Granted Subject to Conditions

--- Rocco Ciancio --- Private Certifier ---
 16/10/2019
RESIDENCE 1 consent with 6 Conditions



ROOF PLAN NOTES:
 REFER TO VDOT FOR ALL GENERAL BUILDING NOTES
 5° CORROSION PROOF LOWER WITH PARAFLEX AND @ 25° PITCH WITH N.L. EAVE OVERHANGS REFER TO ENGINEERING FOR FRAMING, BRACING & STORMWATER LAYOUT'S.
 REVOLUTION ROOFING O.G. GUTTERS (125mm WIDG. & FASCIA) THROUGHOUT UNLESS OTHERWISE SPECIFIED.
 THE ROOF STORM WATER OVER GUTTERS MUST BE AT LEAST 300mm WIDE AND FITTED WITH A RAINWATER HEAD (SUMP) AND OVERFLOW SPOUT AT THE LOWEST POINTS.
 METAL FASCIA TO BE INSTALLED WHERE EAVES ENJOACH WITHIN 450mm OF BOUNDARY.
 SKYLIGHT OVER
 900 PVC DOWNPIPES AS PER ENGINEERS STORMWATER PLAN.
 SPO CH
 900 PVC SPLITTER DOWNPIPE AS PER ENGINEERS STORMWATER PLAN.
 SPO CH
 250mm SELECTED RAIN HEAD

EAVE NOTES:
 ANY EAVES THAT ARE WITHIN 150mm OF A BOUNDARY SHALL INCLUDE:
 - 15mm GYPROCK FYPROCK
 - 4.5mm FRC SHEET EXTERNAL LINING
 - BACK OF FASCIA SHALL BE TIGHTLY PACKED WITH FFL 60 FIBRE PATED MINERAL WOOL

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 PROPOSED DEVELOPMENT
 ADDRESS: 20 GLADSTONE RD. (2&22A FISHER PLC) MILE END, SA

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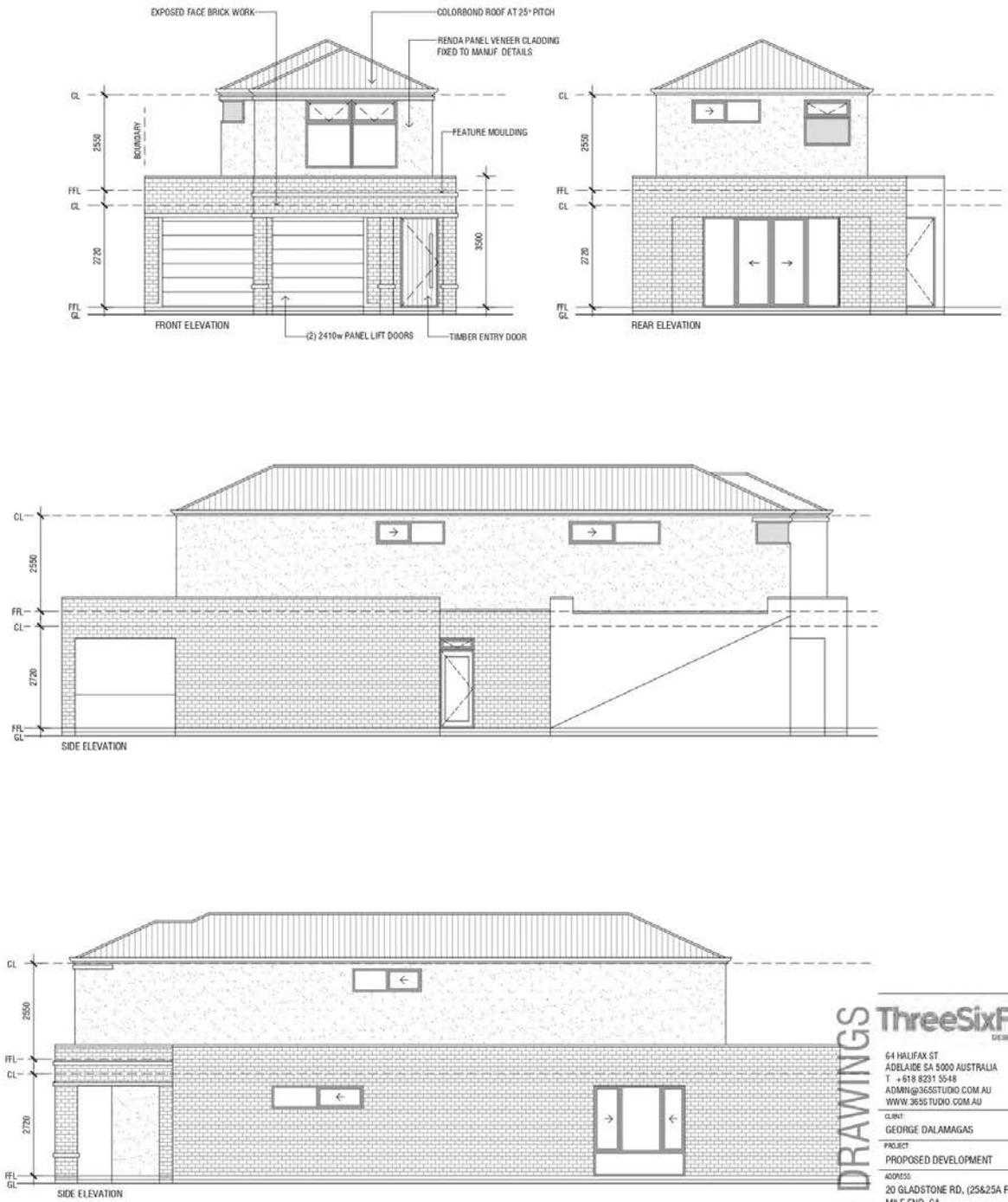
ROOF PLANS RT SCALE 1:100

~ Rocco Ciancio ~ Private Certifier ~
 COLOUR SCHEDULE: B12024 Date: 24-Oct-2019
 RENDER: BRICK DULUX WHITE DUCK (GENERAL)
 EXPOSED CHARGAL BRICK WORK
 BUILDING RULES: CB SURRAIST
 PANEL LIFT DOOR: B&D PANEL 4810mm WIDE CB SURFMIST
 CAPPING: CB SURRAIST
 DOWNPIPES: PAINTED DULUX WHITE DUCK
 FRONT DOOR: SOLID CORE TIMBER ENTRY DOOR-COLOUR TBA

RESIDENCE 1

CITY OF WEST TORRENS
 07 Nov 2019
 DEVELOPMENT APPROVAL
 Granted Subject to Conditions

WINDOW OPENINGS NOTES:
 FIRST FLOOR OPENING - ALL BEDROOM
 WINDOWS OPENINGS BELOW 1700mm AFL
 TO FIRST FLOOR TO BE RESTRICTED AND
 HAVE A MAXIMUM OPENING OF NO MORE
 THAN 125MM.



ELEVATIONS R1 SCALE 1:100

WORKING DRAWINGS

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PROJECT:
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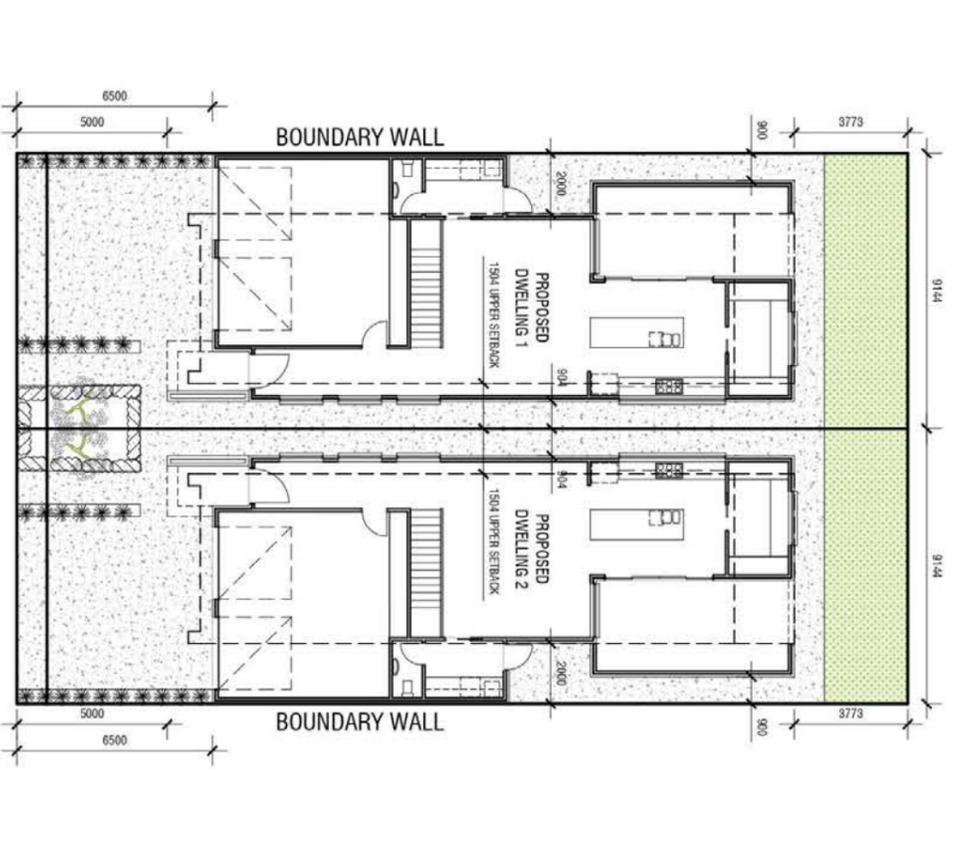
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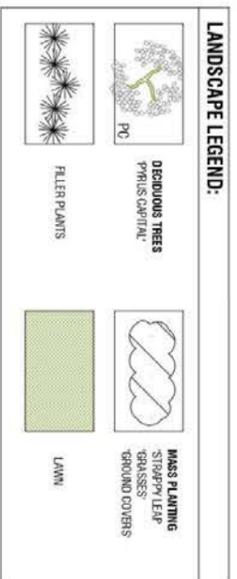
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FISHER PLACE



AREAS (D1&D2)		m ²
SITE AREA		270.87
PRIVATE OPEN SPACE		73.00

AREAS (D1&D2)		m ²
LOWER LIVING		83.20
UPPER LIVING		102.40
GARAGE		41.50
PORCH		5.00
ALFRESO		21.25
BALCONY		11.20
TOTAL		264.55

ISSUE	AMENDMENT	DATE
A	CONCEPT	17.09.2020
B	PLANNING	13.10.2020
C	PLANNING	15.10.2020
D	PROPOSED GARAGE WALL ON BERRY	09.02.2021

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CLIENT: ANDREW WAHLIN

PROJECT: PROPOSED DEVELOPMENT

ADDRESS: 25&25A FISHER PLACE, MILE END

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DATE: 07-10-15/PD 01

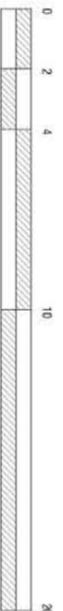
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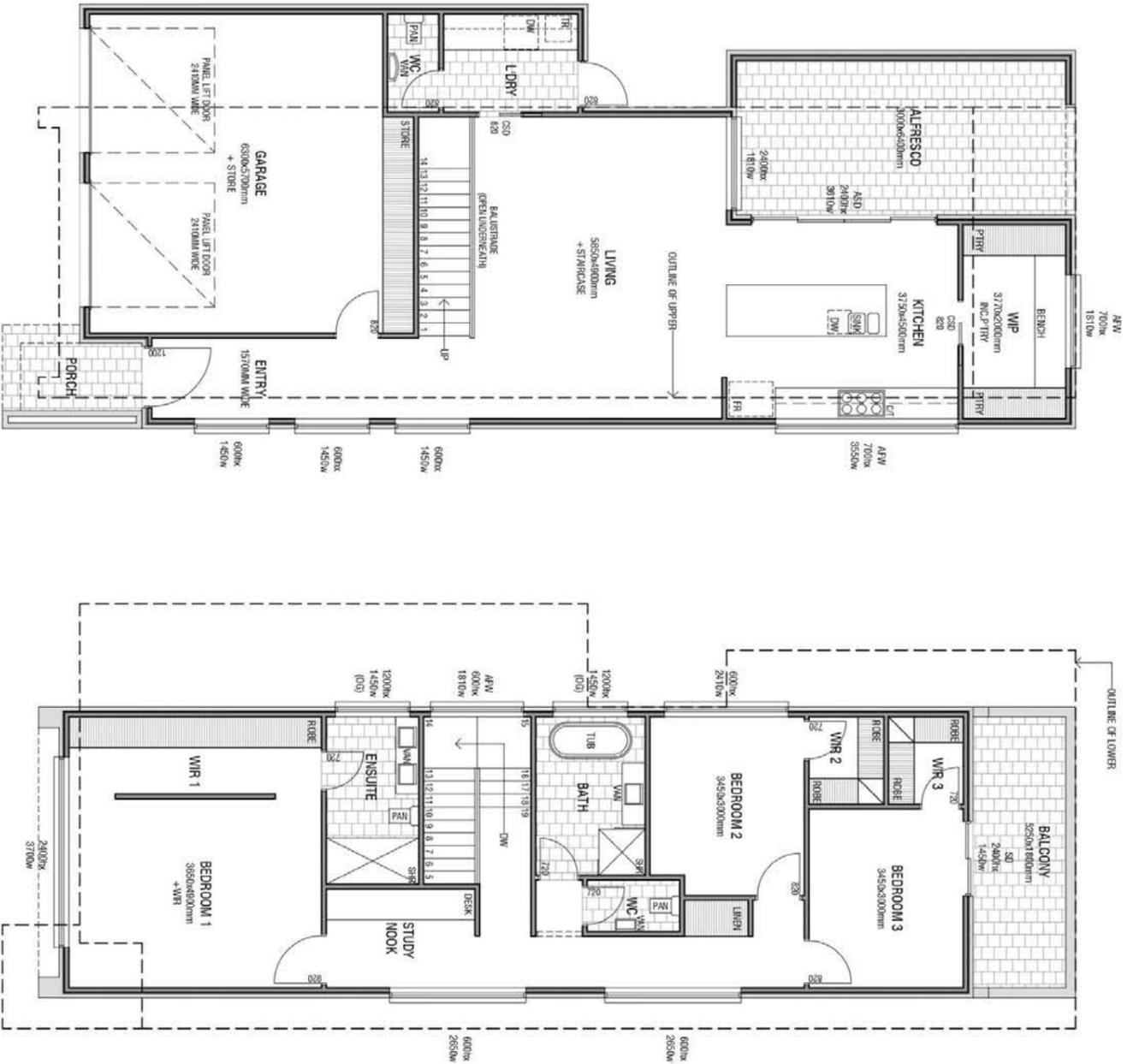


SITE PLAN

SCALE 1:200



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FLOOR PLAN - DWELLING 1
SCALE 1:100

UPPER FLOOR CEILING
TO BE RAKED

PLANNING DRAWINGS

AREAS (D1&D2)	m ²
LOWER LIVING	83.20
UPPER LIVING	102.40
GARAGE	41.50
PORCH	5.00
ALFRESCO	21.25
BALCONY	11.20
TOTAL	264.55

ISSUE	AMENDMENT	DATE
A	CONCEPT	17.09.2020
B	PLANNING	13.10.2020
C	PLANNING	15.10.2020
D	PROPOSED GARAGE WALL ON ENTRY	08.02.2021



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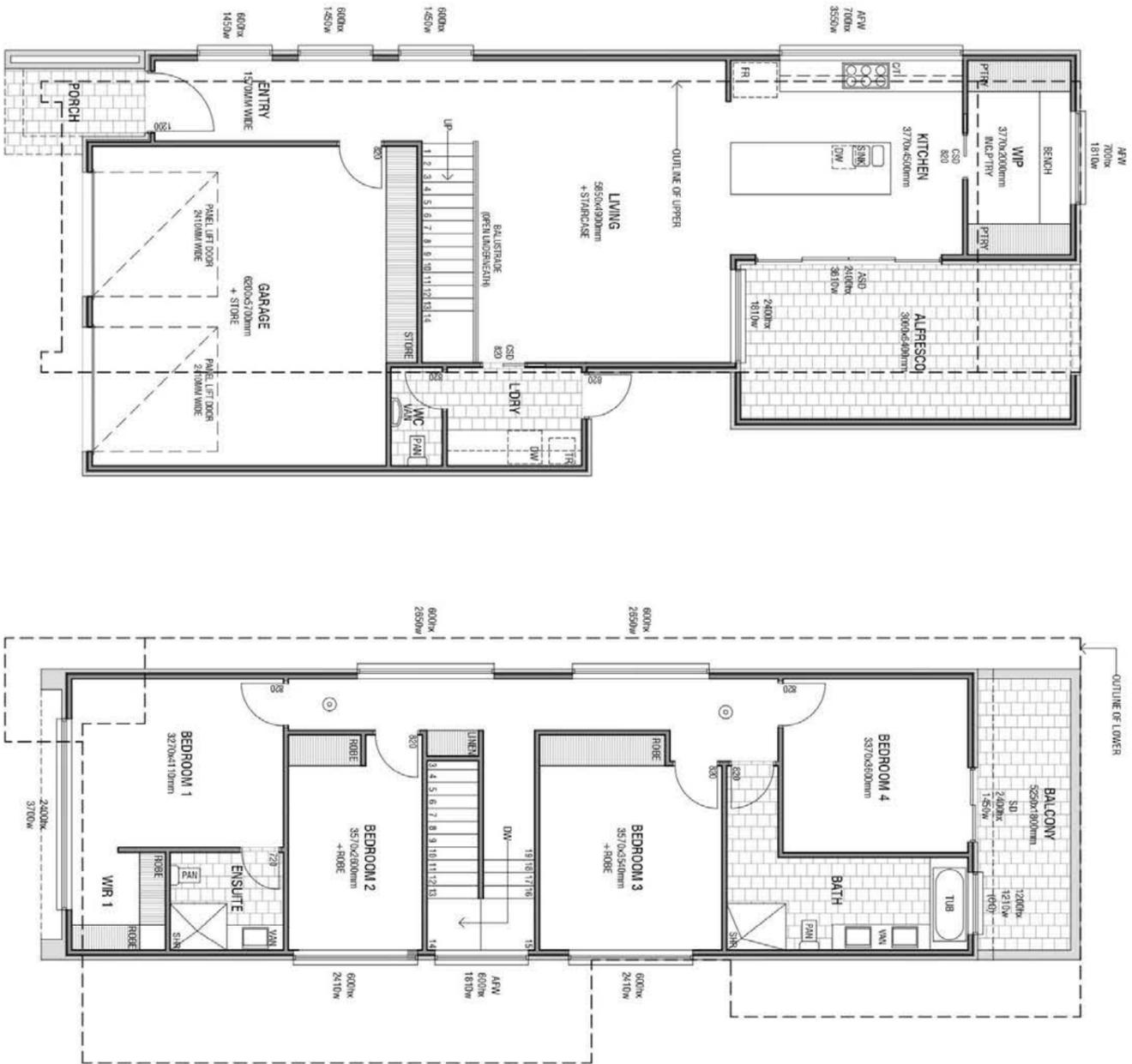
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ADDRESS: 25&25A FISHER PLACE, MILE END

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FLOOR PLAN - DWELLING 2
SCALE 1:100

AREAS (D1&D2)	m ²
LOWER LIVING	83.20
UPPER LIVING	102.40
GARAGE	41.50
PORCH	5.00
ALFRESCO	21.25
BALCONY	11.20
TOTAL	264.55

ISSUE	AMENDMENT	DATE
A	CONCEPT	17.09.2020
B	PLANNING	13.10.2020
C	PLANNING	15.10.2020
D	PROPOSED GARAGE WALL ON ENTRY	09.02.2021

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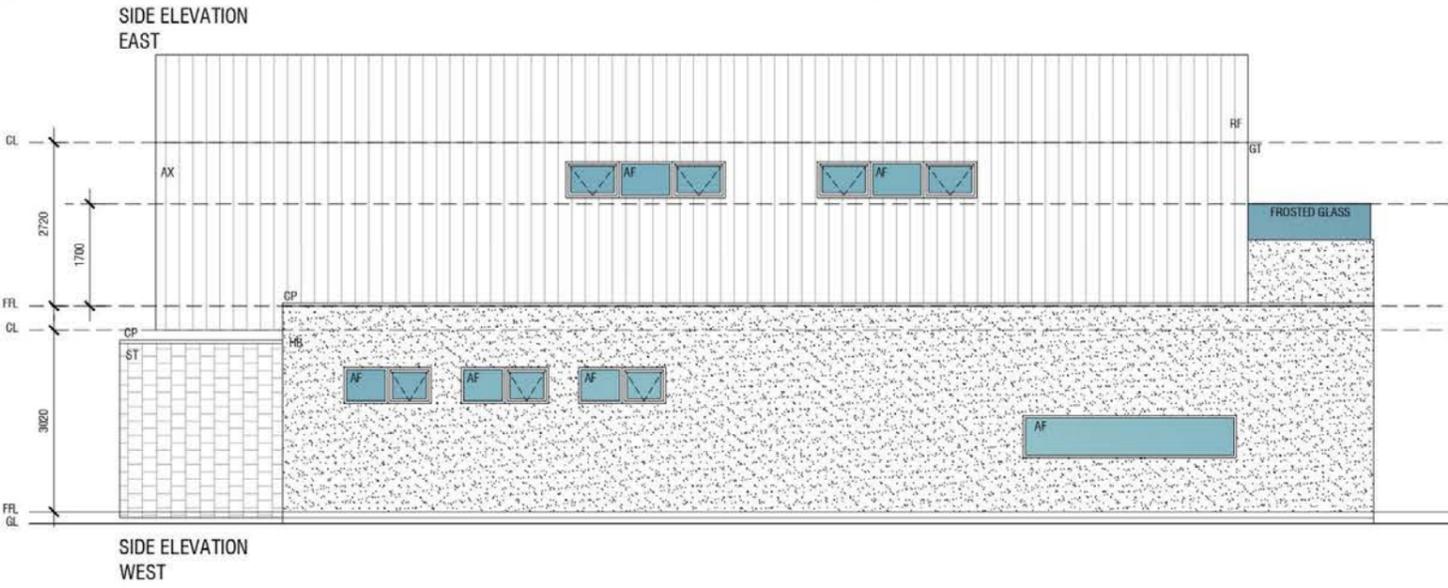
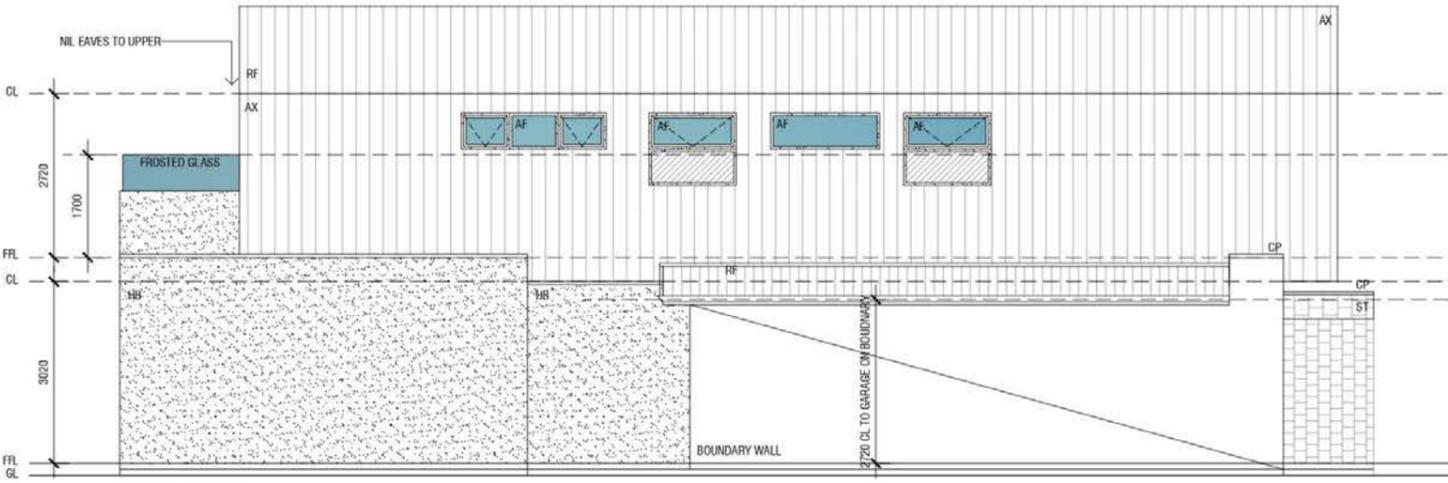
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PLANNING DRAWINGS

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ELEVATIONS - DWELLING 1 SCALE 1:100

MATERIAL / COLOUR SCHEDULE:		
SCHEDULE TO BE CONFIRMED BY CLIENT /BUILDER		
AAC CLADDING	HB	AAC CLADDING DULUX - WHITE ON WHITE
AXON CLAD	AX	JAMES HARDIE AXON CLADDING DULUX - RECKLESS GREY
STONE FEATURE	ST	FEATURE STONE SELECT FROM RANGE
DOORS & WINDOWS	AF	BLACK ALUMINUM FRAMES
ENTRY DOOR	ED	CORINTHIAN - SHIPLAP WESTERN RED CEDAR
PANEL LIFT DOOR	PLD	2410mm WIDE COLORBOND - SURFMIST
ROOF FASCIA	RF	COLORBOND - BASALT
GUTTER	GT	REVOLUTION ROOFING - MOSMAN COLORBOND - BASALT
CAPPING	CP	COLORBOND - SURFMIST

ISSUE	AMENDMENT	DATE
A	CONCEPT	17.09.2020
B	PLANNING	13.10.2020
C	PLANNING	15.10.2020
D	DROPPED GARAGE WALL ON BERRY	03.02.2021

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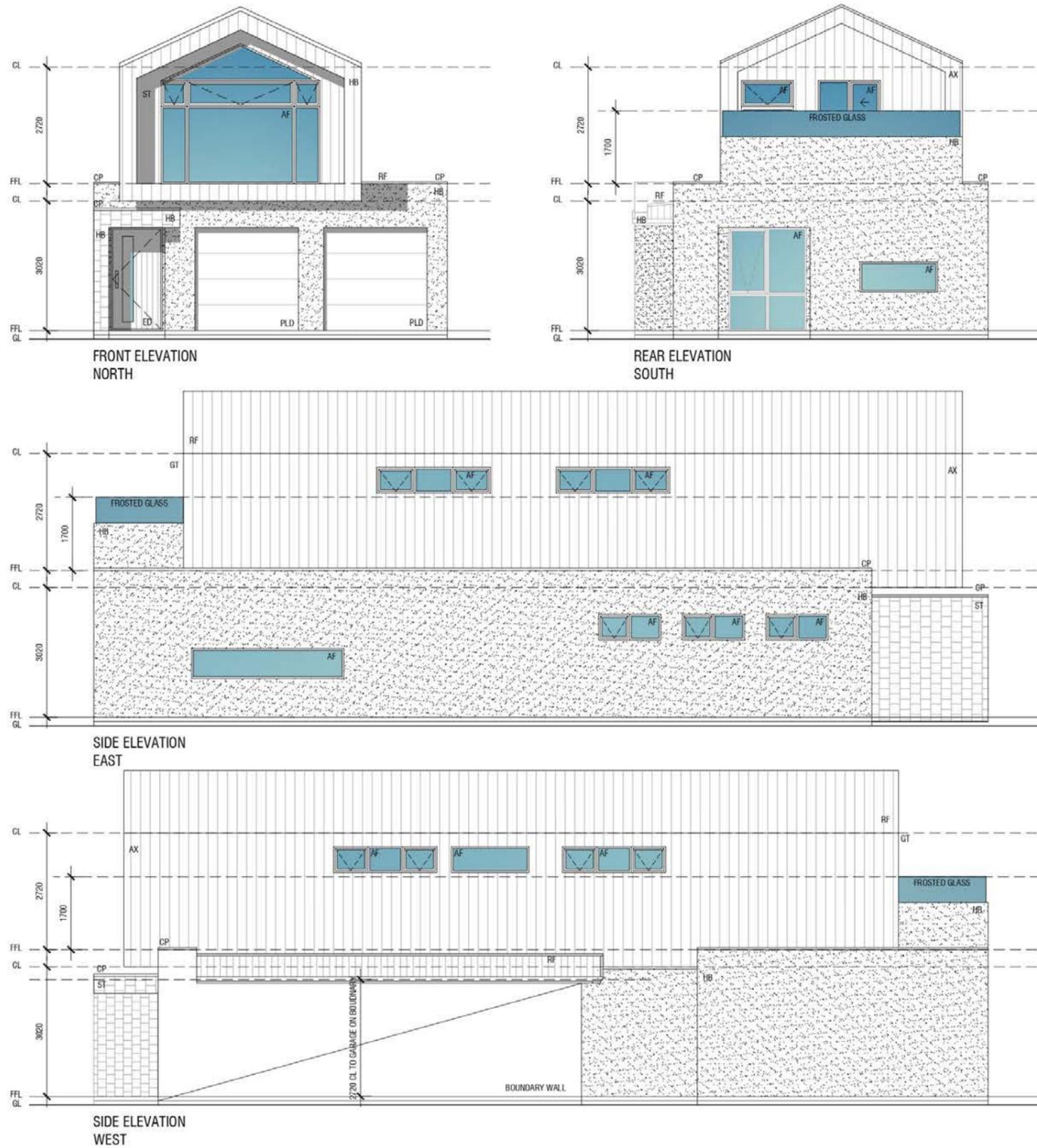
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MATERIAL / COLOUR SCHEDULE:

SCHEDULE TO BE CONFIRMED BY CLIENT /BUILDER

AAC CLADDING	HB	AAC CLADDING DULUX - WHITE ON WHITE
AXON CLAD	AX	JAMES HARDIE AXON CLADDING DULUX - RECKLESS GREY
STONE FEATURE	ST	FEATURE STONE SELECT FROM RANGE
DOORS & WINDOWS	AF	BLACK ALUMINUM FRAMES
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GUTTER	GT	REVOLUTION ROOFING - MOSMAN COLORBOND - BASALT
CAPPING	CP	COLORBOND - SURFMIST

ISSUE	AMENDMENT	DATE
A	CONCEPT	17.09.2020
B	PLANNING	13.10.2020
C	PLANNING	15.10.2020
D	DROPPED GARAGE WALL ON BERRY	03.02.2021

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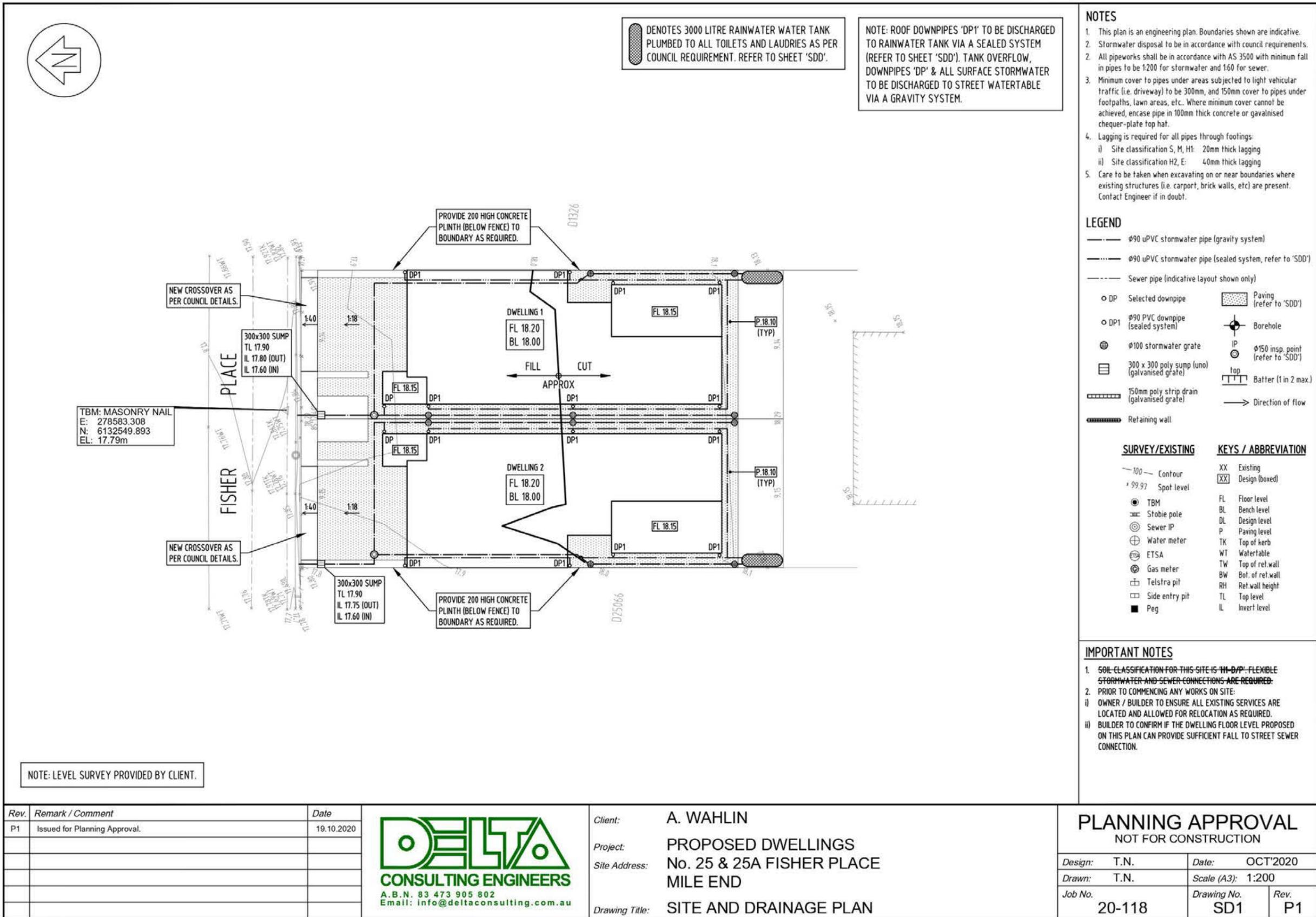
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PLANNING DRAWINGS

ELEVATIONS - DWELLING 2 SCALE 1:100



DENOTES 3000 LITRE RAINWATER WATER TANK PLUMBED TO ALL TOILETS AND LAUNDRIES AS PER COUNCIL REQUIREMENT. REFER TO SHEET 'SDD'.

NOTE: ROOF DOWNPIPES 'DP1' TO BE DISCHARGED TO RAINWATER TANK VIA A SEALED SYSTEM (REFER TO SHEET 'SDD'). TANK OVERFLOW, DOWNPIPES 'DP' & ALL SURFACE STORMWATER TO BE DISCHARGED TO STREET WATERTABLE VIA A GRAVITY SYSTEM.

- NOTES**
- This plan is an engineering plan. Boundaries shown are indicative.
 - Stormwater disposal to be in accordance with council requirements.
 - All pipeworks shall be in accordance with AS 3500 with minimum fall in pipes to be 1200 for stormwater and 160 for sewer.
 - Minimum cover to pipes under areas subjected to light vehicular traffic (i.e. driveway) to be 300mm, and 150mm cover to pipes under footpaths, lawn areas, etc. Where minimum cover cannot be achieved, encase pipe in 100mm thick concrete or galvanised chequer-plate top hat.
 - Lagging is required for all pipes through footings:
 - Site classification S, M, H: 20mm thick lagging
 - Site classification H2, E: 40mm thick lagging
 - Care to be taken when excavating on or near boundaries where existing structures (i.e. carport, brick walls, etc) are present. Contact Engineer if in doubt.

- LEGEND**
- ϕ 90 uPVC stormwater pipe (gravity system)
 - ϕ 90 uPVC stormwater pipe (sealed system, refer to 'SDD')
 - Sewer pipe (indicative layout shown only)
 - DP Selected downpipe
 - DP1 ϕ 90 PVC downpipe (sealed system)
 - ⊙ ϕ 100 stormwater grate
 - ⊞ 300 x 300 poly sump (uno) (galvanised grate)
 - ▨ 150mm poly strip drain (galvanised grate)
 - ▩ Retaining wall
 - ▨ Paving (refer to 'SDD')
 - ⊙ Borehole
 - ⊙ IP ϕ 150 insp. point (refer to 'SDD')
 - ▨ Batter (1 in 2 max.)
 - Direction of flow

- SURVEY/EXISTING**
- Contour
 - Spot level
 - TBM
 - ⊞ Stobie pole
 - ⊙ Sewer IP
 - ⊕ Water meter
 - ⊞ ETSA
 - ⊙ Gas meter
 - ⊞ Telstra pit
 - ⊞ Side entry pit
 - Peg
- KEYS / ABBREVIATION**
- XX Existing
 - XX Design (boxed)
 - FL Floor level
 - BL Bench level
 - DL Design level
 - P Paving level
 - TK Top of kerb
 - WT Watertable
 - TW Top of ret.wall
 - BW Bot. of ret.wall
 - RH Ret.wall height
 - TL Top level
 - IL Invert level

- IMPORTANT NOTES**
- SOIL CLASSIFICATION FOR THIS SITE IS 'H-DP'. FLEXIBLE STORMWATER AND SEWER CONNECTIONS ARE REQUIRED.
 - PRIOR TO COMMENCING ANY WORKS ON SITE:
 - OWNER / BUILDER TO ENSURE ALL EXISTING SERVICES ARE LOCATED AND ALLOWED FOR RELOCATION AS REQUIRED.
 - BUILDER TO CONFIRM IF THE DWELLING FLOOR LEVEL PROPOSED ON THIS PLAN CAN PROVIDE SUFFICIENT FALL TO STREET SEWER CONNECTION.

NOTE: LEVEL SURVEY PROVIDED BY CLIENT.

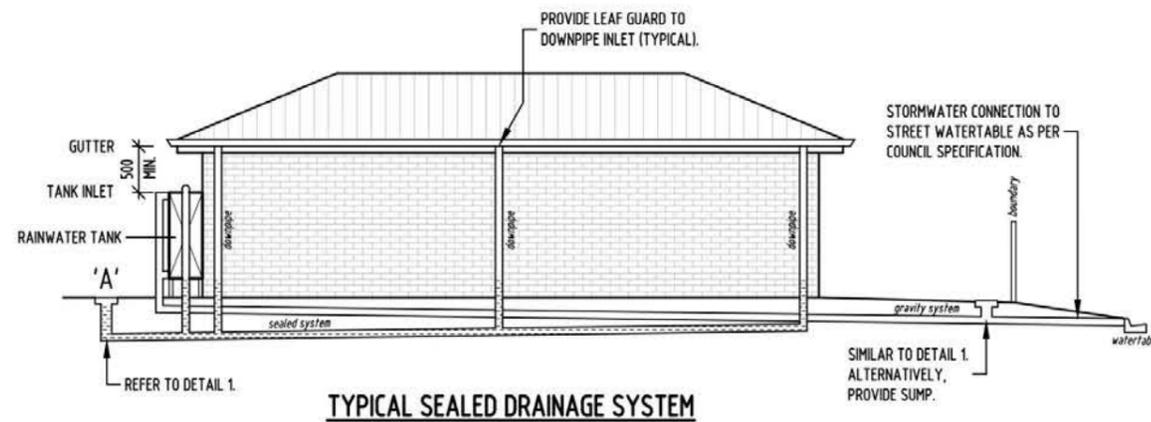
Rev.	Remark / Comment	Date
P1	Issued for Planning Approval.	19.10.2020



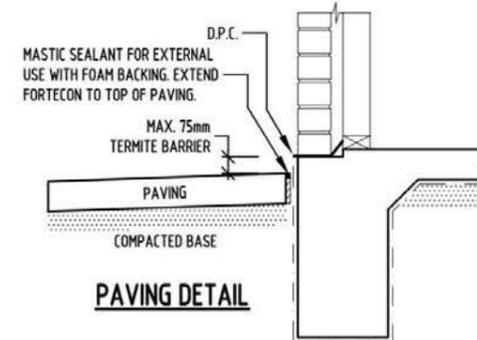
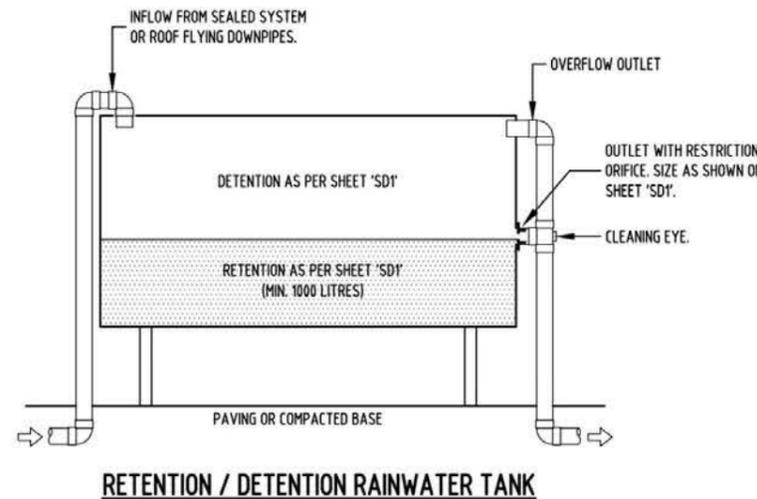
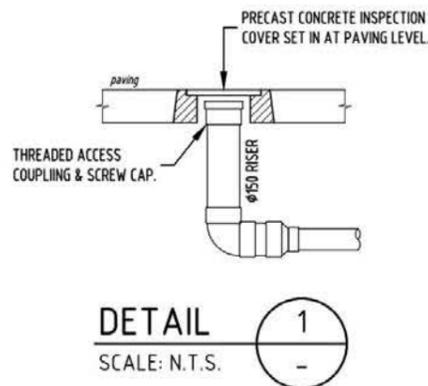
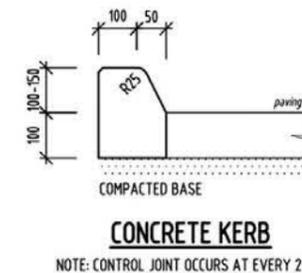
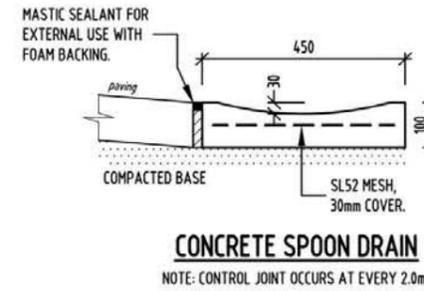
Client: A. WAHLIN
 Project: PROPOSED DWELLINGS
 Site Address: No. 25 & 25A FISHER PLACE MILE END
 Drawing Title: SITE AND DRAINAGE PLAN

PLANNING APPROVAL
NOT FOR CONSTRUCTION

Design:	T.N.	Date:	OCT'2020
Drawn:	T.N.	Scale (A3):	1:200
Job No.	20-118	Drawing No.	SD1
		Rev.	P1



TYPICAL SEALED DRAINAGE SYSTEM



- 1. GENERAL**
 - 1.1. ALL PIPEWORKS TO BE IN ACCORDANCE WITH AS 3500.
 - 1.2. DISPOSAL OF STORMWATER TO BE IN ACCORDANCE WITH COUNCIL REQUIREMENTS.
- 2. SEALED SYSTEM**
 - 2.1. ALL PIPES & FITTINGS TO SEALED SYSTEM TO BE PVC AND CONSTRUCTED TO PRESSURE LINE STANDARDS (SOLVENT WELDED JOINTS). STATIC TESTING OF SYSTEM REQUIRED BEFORE BACKFILLING.
 - 2.2. SURFACE INLETS, SEALED METAL DOWNPIPES & FITTINGS ARE NOT PERMITTED IN A SEALED SYSTEM.
 - 2.3. INSPECTION POINT (DENOTED 'A' ON TYPICAL DRAINAGE LAYOUT) IS REQUIRED AT THE END OF EACH BRANCH. ALTERNATIVELY PROVIDE CLEANING EYE TO DOWNPIPE.
 - 2.4. REGULAR MAINTENANCE OF SYSTEM BY OWNER IS REQUIRED.
- 3. RAINWATER TANK**
 - 3.1. INVERT OF TANK INLET MUST BE MINIMUM 500mm BELOW INVERT OF ROOF GUTTER.
 - 3.1. TANK OVERFLOW TO BE DISCHARGED TO STREET WATERTABLE OR GARDEN BEDS / SOAKAGE PIT WELL AWAY FROM ANY BUILDINGS AND NEIGHBOURING STRUCTURES.
 - 3.2. A MINIMUM 1000L PORTION OF TANK, AS PER SA MINISTER'S SPECIFICATION, TO BE PLUMBED TO AT LEAST ONE WATER CLOSET, WATER HEATER OR ALL LAUNDRY COLD WATER OUTLETS VIA PUMP.
 - 3.3. PROVIDE MOSQUITO-PROOF, NON-DEGRADABLE SCREENS TO TANK INLET AND OVERFLOW.
- 4. PAVING**
 - 4.1. MINIMUM CONCRETE GRADE TO BE 20 MPa.
 - 4.2. FOOTPATH PAVING TO BE 80mm THICK, SLS2 TOP (30mm COVER), 50mm COMPACTED QUARRY RUBBLES.
 - 4.3. DRIVEWAY TO BE 100mm THICK, SL72 TOP (30mm COVER), 50mm COMPACTED QUARRY RUBBLES.
 - 4.4. CLAY / CONCRETE BLOCK PAVERS CAN BE USED IN LIEU OF CONCRETE PAVING. MINIMUM 60mm THICK BLOCK IS REQUIRED FOR DRIVEWAY.
 - 4.6. TOOLED JOINT TO BE PROVIDED FOR CONCRETE PAVING AT 20 x PAVING THICKNESS, BOTH WAYS.
 - 4.7. MINIMUM WIDTH OF PERIMETER PAVING TO BE 900mm WITH 30mm CROSS FALL MIN.
 - 4.8. PAVING MUST NOT BRIDGE DAMP-PROOF MEMBRANE COURSE (DPC).

Rev.	Remark / Comment	Date



TYPICAL SITE AND DRAINAGE DETAILS

Design	T.N.
Date	AUG'2020
Scale (A3)	N.T.S.
Drawing No.	SDD
Rev.	-

Page 1 of 2

STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act 1993

TO Chief Executive Officer
 City of West Torrens
 165 Sir Donald Bradman Drive
 HILTON 5033

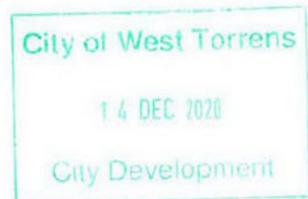
DEVELOPMENT No. 211/463/2016/A
 PROPERTY ADDRESS: 25 Fisher Place, MILE END SA 5031, 20 Gladstone Road, MILE END SA 5031, 25A Fisher Place, MILE END SA 5031

YOUR FULL NAME	Amos Andrew Weigall
YOUR ADDRESS	29 Hughes Street Mile End SA 5031
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	Opposite side of Fisher Lane. <small>(eg. Adjoining resident, owner of land in the vicinity etc.)</small>
REASON/S FOR REPRESENTATION	*see attached sheet* The proposed structure does <u>not</u> meet current building guidelines in Mile End. (Zone 30) My primary objection is the structure destroys the privacy of my ^{indoor and} outdoor (main) living area which faces Fisher Place. It is essentially creating a viewing platform to my yard.
MY REPRESENTATIONS WOULD BE OVERCOME BY (state action sought)	1. No Windows facing Fisher Place 2. If windows are approved then they are ^{obscured} screened/blocked to a height consistent with other regulation (1700mm? screen)

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission:

- I DO **NOT** WISH TO BE HEARD
- I DESIRE TO BE HEARD PERSONALLY
- I DESIRE TO BE REPRESENTED BY _____

SIGNED _____ (PLEASE SPECIFY)
 DATE 14/12/20



Responsible Officer: Brendan Fewster
 Ends: Tuesday 15 December 2020

Amos Andrew Weigall
29 Hughes Street
Mile End SA5031

Additional Notes Re Representation.

- * The proposed structure changes ~~my privacy~~ causes a material loss of privacy to my primary living area. In particular the window size overlooking my property is growing from 2100 x 2410w to 2400 x 3700w
- * The changes and entire plan contravene the council zoning and character of the zone.
- * I am also concerned by congestion in the rear lane with parking across the rear garage or near to which inhibits entry and exit

STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act 1993

TO Chief Executive Officer
 City of West Torrens
 165 Sir Donald Bradman Drive
 HILTON 5033



DEVELOPMENT No. 211/463/2016/A
 PROPERTY ADDRESS: 25 Fisher Place, MILE END SA 5031, 20 Gladstone Road, MILE END SA 5031, 25A Fisher Place, MILE END SA 5031

YOUR FULL NAME	Vincent Riviere
YOUR ADDRESS	29 FISHER PLACE MILE END
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	opposite directly opposite 25a Fisher Place <small>(eg. Adjoining resident, owner of land in the vicinity etc.)</small>

REASON/S FOR REPRESENTATION
 Proposed structure does not meet current 'policy Area 30: Residential zone'.
 My primary objection is the two front windows over looking my front a side yards that include a pool.
 Car parking issues.

MY REPRESENTATIONS WOULD BE OVERCOME BY
 (state action sought)
 Windows ~~to~~ need to be frosted/obscured to a height consistent with other regulations.
 Also need to arrange public access driveway a yellow line.

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission:

- I DO NOT WISH TO BE HEARD
- I DESIRE TO BE HEARD PERSONALLY
- I DESIRE TO BE REPRESENTED BY _____

(PLEASE SPECIFY)

SIGNED _____
 DATE 11/12/20

Responsible Officer: Brendan Fewster
 Ends: Tuesday 15 December 2020

STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act 1993

TO Chief Executive Officer
 City of West Torrens
 165 Sir Donald Bradman Drive
 HILTON 5033

DEVELOPMENT No. 211/463/2016/A
 PROPERTY ADDRESS: 25 Fisher Place, MILE END SA 5031, 20 Gladstone Road, MILE END SA 5031, 25A Fisher Place, MILE END SA 5031

YOUR FULL NAME	HERCULES TSAKALIDIS
YOUR ADDRESS	22 GLADSTONE RD, MILE END 5031
YOUR PHONE No	
YOUR EMAIL	
NATURE OF INTEREST	ADJOINING OWNER, SON IS RESIDENT <small>(eg. Adjoining resident, owner of land in the vicinity etc.)</small>
REASON/S FOR REPRESENTATION	1. wall on west boundary of dwelling 2 exceeds the 3.00m. height. Height indicated on elevation from FFL to CL is 3.02. Dimension from 46 to AFL is not indicated. 3.00m. from FL to top parapet 2. Height of 1st floor is not within the 3.1 requirement from the 3.00 level. see page 46 of Regulations. 3. Cladding of 1st floor wall same as roof.
MY REPRESENTATIONS WOULD BE OVERCOME BY <small>(state action sought)</small>	1. comply with above 1 & 2 2. 1st floor wall to be rendered on frame wall eg. on blue board 3. Set back from Fisher place to match bldg at no 16 & 22 Gladstone Rd. SEE ATTACHMENTS

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission:

- I DO NOT WISH TO BE HEARD
- I DESIRE TO BE HEARD PERSONALLY
- I DESIRE TO BE REPRESENTED BY _____

(PLEASE SPECIFY)

SIGNED H. Tsakalidis
 DATE 14/12/20

Responsible Officer: Brendan Fewster
 Ends: Tuesday 15 December 2020

Civic Centre
165 Sir Donald Bradman Drive
Hilton, SA 5033
Tel: 08 8416 6333
Email: development@wtcc.sa.gov.au
Web: westtorrens.sa.gov.au



Development Technician
City Development
Date: 27 November 2020

24/12/20

Dear Sir/Ms,

Re: Development No 211/463/2016/A.

25425A FISHER PLACE MILE END

Rear of 20 Gladstone Rd Mile End.

1. wall on west boundary: Indicated as 3020 mm. AFL to top of wall. should be 3000 mm. Ground Level (GL) to top of wall. Dimension from GL to AFL not indicated.

2. The height of 1st floor is not within the bounds of regulations

3. Cladding 1st floor walls with material same as roof will not cut it. It obvious it is done so the whole thing looks like it is the roof of the building.

Rendered wall would be preferable.

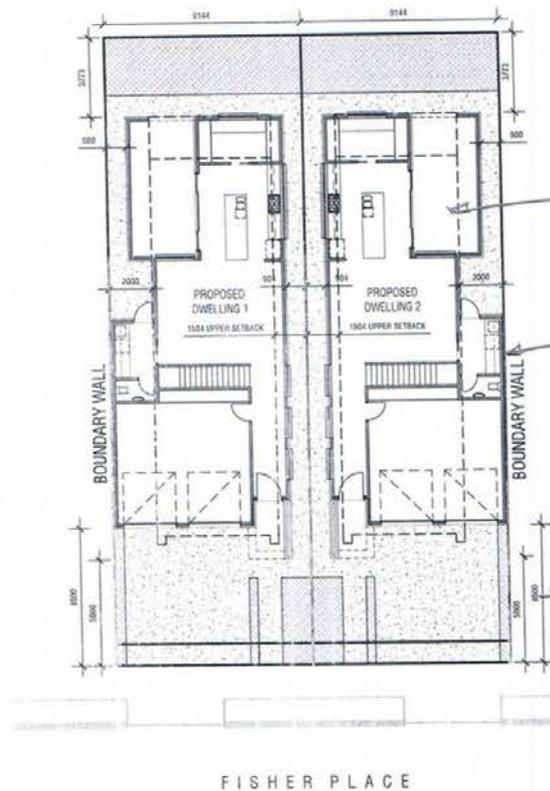
4. Set back of 6.00m from FISHER LAAN. should be similar to buildings at 16 + 22 Gladstone Rd.

This way most of boundary wall would be against existing boundary wall of 22 Gladstone Rd and would not impede on back yard of residence at 22 Gladstone Rd.

It is not intended to re-design the proposed development but welcome consultation.

Yours faithfully
A. Katalina

NOT FOR CONSTRUCTION
FOR DISCUSSION PURPOSE ONLY



WALL NOT WITHIN 310 mm FROM TOP OF WALL ON BOUNDARY

WALL TO BE REDUCED IN HEIGHT IN ACCORDANCE WITH PLANNING REGS

SET BACK TO BE REDUCED IN LINE WITH PROPERTIES 16 & 22 GLASTONE RD.

AREAS (D1&D2)	m ²
SITE AREA	270.87
PRIVATE OPEN SPACE	73.00

AREAS (D1&D2)	m ²
LOWER LIVING	83.20
UPPER LIVING	102.40
GARAGE	41.50
PORCH	5.00
ALFRESCO	21.25
BALCONY	11.20
TOTAL	264.55

DATE	AMENDMENT	DATE
A	CONCEPT	17.06.2016
B	PLANNING	13.10.2016
C	PLANNING	15.12.2016

ThreeSixFive
DESIGN STUDIO

12/53 THE PARADE
NORWOOD SA 5067 AUSTRALIA
T +618 8363 4184
ADMIN@365STUDIO.COM.AU
WWW.365STUDIO.COM.AU

CLIENT: ANDREW WAHLIN

PROJECT: PROPOSED DEVELOPMENT

ADDRESS: 25&25A FISHER PLACE, MILE END

ALL DIMENSIONS ARE APPROXIMATE AND MUST BE CHECKED BEFORE ANY COMMENCEMENT OF WORK. ANY DISCREPANCIES OR ERRORS ARE TO BE NOTIFIED TO THE STUDIO BY THE CLIENT TO THE DESIGNER IN WRITING.

DO NOT SCALE FROM THIS DRAWING

PAGE NO: 01 OF 05
JOB NUMBER: 007-10-15/PD 01

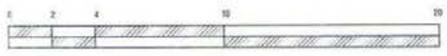
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PLANNING DRAWINGS

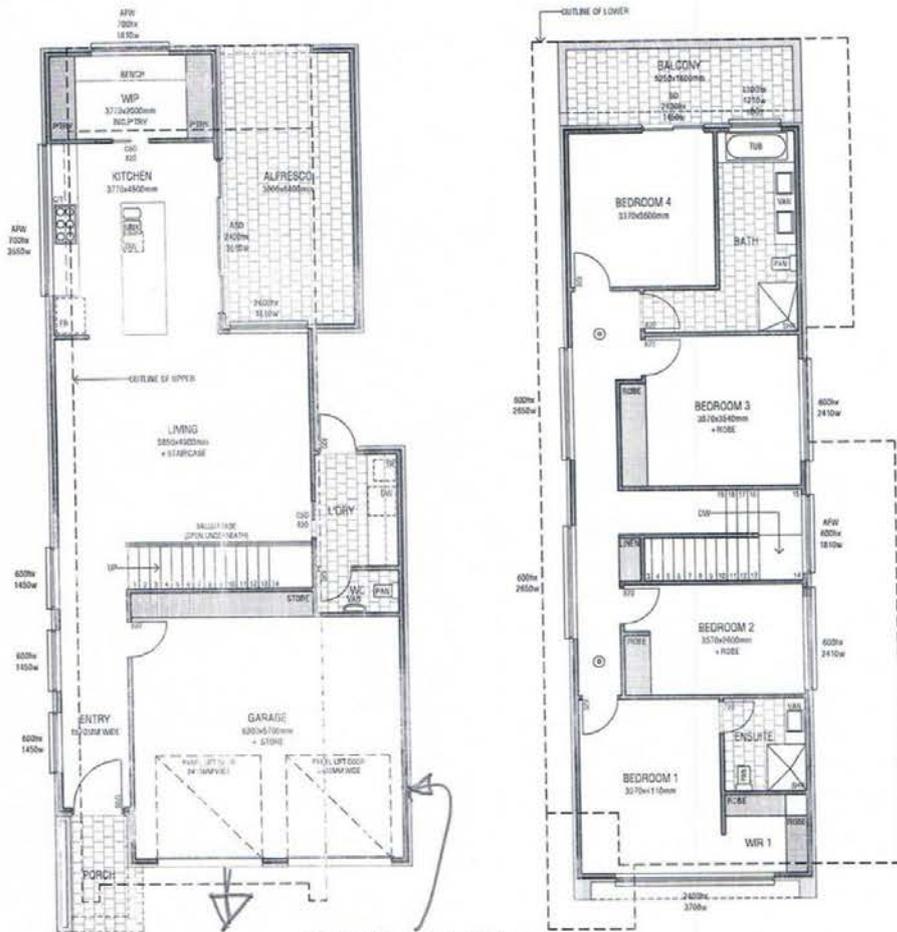


SITE PLAN

SCALE 1:200



NOT FOR CONSTRUCTION
FOR DISCUSSION PURPOSE ONLY



SHIFT BUILDING FORWARD TO LINE WITH other buildnigs.

UPPER FLOOR CEILING TO BE RAKED

AREAS (D1&D2)	m ²
LOWER LIVING	83.20
UPPER LIVING	102.43
GARAGE	41.55
PORCH	5.00
ALFRESCO	21.25
BALCONY	11.20
TOTAL	264.55

REVISION	AMENDMENT	DATE
A	CONCEPT	17.08.2019
B	PLANNING	18.10.2019
C	PLANNING	18.10.2019

ThreeSixFive
DESIGN STUDIO

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NORWOOD SA 5067 AUSTRALIA
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CLIENT: ANDREW WAHLIN
PROJECT: PROPOSED DEVELOPMENT
ADDRESS: 25&25A FISHER PLACE, MILE END

ALL DIMENSIONS ARE APPROXIMATE AND MUST BE CHECKED BEFORE ANY CONSTRUCTION COMMENCES. ANY DISCREPANCIES OR ISSUES ARE TO BE NOTIFIED TO THE ARCHITECT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

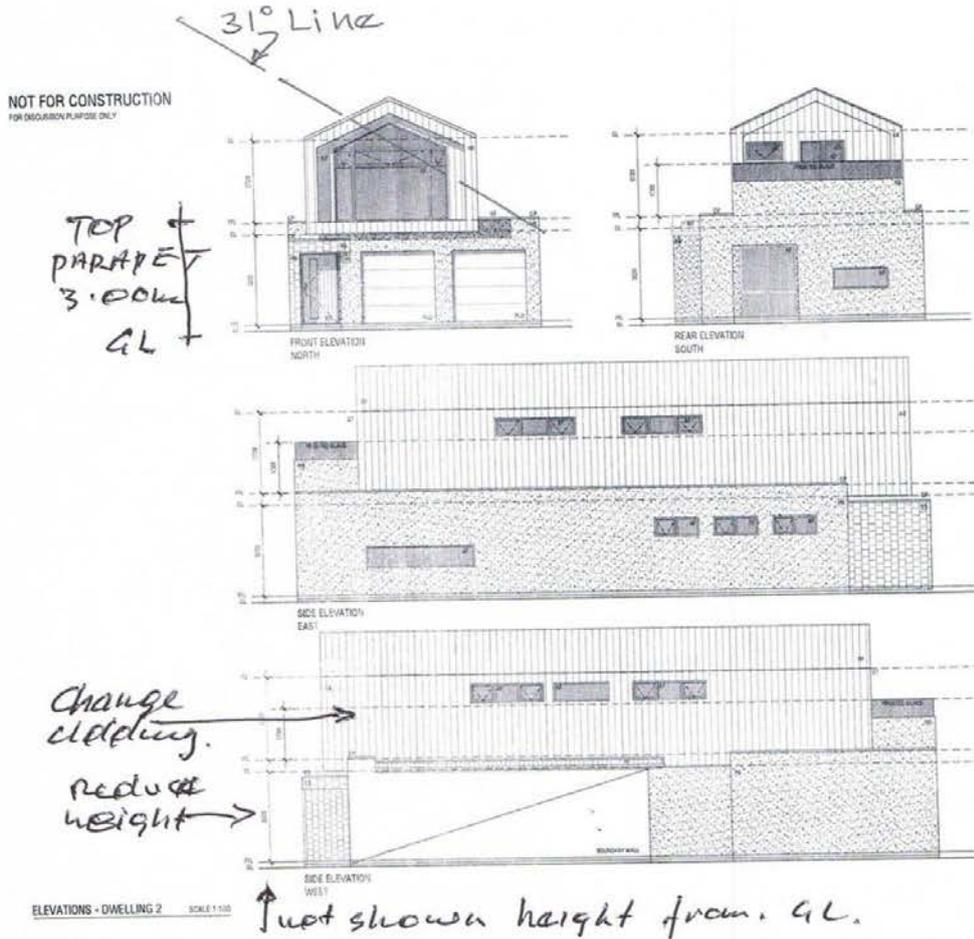
FIG. NO.	ISSUES	DATE
A.3	R/W/H	03 OF 05
C.	007-10-15/PD 03	

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PLANNING DRAWINGS



FLOOR PLAN - DWELLING 2 SCALE 1:100



MATERIAL / COLOUR SCHEDULE:
SCHEDULE TO BE CONFIRMED BY CLIENT ARCHITECT

ITEM	DESCRIPTION	FINISH
1	WALL CLADDING	BRICK - WHITE ON WHITE
2	ROOF CLADDING	STEEL GALVANE ROOFING
3	CEILING	CEILING - WHITE ON WHITE
4	DOOR	DOOR - WHITE ON WHITE
5	WINDOW	WINDOW - WHITE ON WHITE
6	SKYLIGHT	SKYLIGHT - WHITE ON WHITE
7	LANDSCAPE	LANDSCAPE - WHITE ON WHITE
8	PAVING	PAVING - WHITE ON WHITE
9	CONCRETE	CONCRETE - WHITE ON WHITE
10	ROOFING	ROOFING - WHITE ON WHITE
11	CLADDING	CLADDING - WHITE ON WHITE
12	SKYLIGHT	SKYLIGHT - WHITE ON WHITE
13	LANDSCAPE	LANDSCAPE - WHITE ON WHITE
14	PAVING	PAVING - WHITE ON WHITE
15	CONCRETE	CONCRETE - WHITE ON WHITE
16	ROOFING	ROOFING - WHITE ON WHITE
17	CLADDING	CLADDING - WHITE ON WHITE
18	SKYLIGHT	SKYLIGHT - WHITE ON WHITE
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21	CONCRETE	CONCRETE - WHITE ON WHITE
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85	LANDSCAPE	LANDSCAPE - WHITE ON WHITE
86	PAVING	PAVING - WHITE ON WHITE
87	CONCRETE	CONCRETE - WHITE ON WHITE
88	ROOFING	ROOFING - WHITE ON WHITE
89	CLADDING	CLADDING - WHITE ON WHITE
90	SKYLIGHT	SKYLIGHT - WHITE ON WHITE
91	LANDSCAPE	LANDSCAPE - WHITE ON WHITE
92	PAVING	PAVING - WHITE ON WHITE
93	CONCRETE	CONCRETE - WHITE ON WHITE
94	ROOFING	ROOFING - WHITE ON WHITE
95	CLADDING	CLADDING - WHITE ON WHITE
96	SKYLIGHT	SKYLIGHT - WHITE ON WHITE
97	LANDSCAPE	LANDSCAPE - WHITE ON WHITE
98	PAVING	PAVING - WHITE ON WHITE
99	CONCRETE	CONCRETE - WHITE ON WHITE
100	ROOFING	ROOFING - WHITE ON WHITE

NO.	REVISION	DATE
1	ISSUE	15/03/2021
2	REVISED	15/03/2021
3	REVISED	15/03/2021

ThreeSixFive
Architects

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PROJECT: PROPOSED DEVELOPMENT
ADDRESS: 123 THE PARADE PLACE, MILE E-10

DATE: 007-10-15/PO 05
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:100
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5 February 2021

City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

Dear Brendan,

RE: 25 & 25A Fisher Place, Mile End – 211/463/2016A

Reference is made to the representations provided in relation to the proposed development at 25 and 25A Fisher Place, Mile End. Council has provided a copy of the following representations;

1. H Tsakalidis
23 Gladstone Road, Mile End
2. A A Weigall
29 Hughes Street, Mile End
3. V R Riviere
24 Fisher Place, Mile End

Background

The proposed development application seeks to vary the previously approved application for the construction of two, two storey detached dwellings. The proposed variation seeks changes that are summarised below;

- The appearance of the dwellings has been changed through;
 - A removal of piers in front of the entrance and garage;
 - The upper level now cantilevers the lower level;
 - The upper level features a gable end that presents to the street with a much larger window;
 - The floor to ceiling heights in both the lower and upper floors have been increased.
 - The wall and roof are to be constructed of the same material, Axon cladding;
- The laundry has been placed behind the garage (on the boundary) which has increased the length of the boundary wall.
- The kitchen, meal and living areas as well as the alfresco has been reconfigured;
- The upper level has been modified with the loss of a bedroom but the introduction of a balcony.

The lower level floor plan has been increased by 3 square metres and the upper level has increased by 17 metres. Overall, the revised dwellings that seek approval as part of the current development application are 20 square metres larger.



Summary of concerns

The concerns raised by the representors relate to overlooking, traffic and parking, wall height and setback of boundary wall, failure to comply with Policy Area 30 requirements and materials.

A response to these concerns is provided below.

Overlooking

A A Weigall and V R Riviere have both raised a concern relating to overlooking. V R Riviere occupies the dwelling directly opposite at 24 Fisher Place whilst A A Weigall occupies the dwelling at 29 Hughes Street (eastern neighbour of V R R Riviere).

It is acknowledged that Fisher Lane is not as wide as a traditional residential street (approximately 5.3 metres aisle width and 1 metre verge each side) and therefore the separation distances between dwellings on opposite side of the road is less than what would typically occur on of the wider more traditional residential streets. The property at 24 Fisher Place belonging to V R Riviere has direct frontage to the street with a setback of approximately 3.0 metres. With the setback of the proposed dwellings being 6 metres there is an overall separation distance of approximately 16.3 metres. The overlooking concern that has been raised is in relation to the indoor and outdoor living areas.

The property at 29 Hughes Street and owned by A A Weigall has a garage facing Fisher Lane whilst the dwelling faces Hughes Street. A garage is sited adjacent the southern property boundary. When taking into consideration the same setbacks as above (proposed setback and road width) as well as the depth of the garage, the rear yard area of A A Weigall's property is approximately 21 metres from the closest window on the upper level of the proposed dwelling.

It is noted that the Development Plan seeks obscure glazing to upper level windows on dwellings of two or three storeys in height. It is generally only required and requested on side or rear elevations that are not street facing for the following reasons;

- There is often only opportunity to see into neighbouring properties rear yards from upper levels on the side or rear of the dwelling;
- The separation distance between the upper level of street facing dwellings and those on the other side of the street is often greater than 15 metres. As such the level of overlooking is not considered inappropriate due to the separation distance;
- Windows of any street facing dwelling can be viewed by passersby at street level; and
- It is desirable to have street facing windows clear to provide casual surveillance to the public realm.

In accordance with PDC 27 of the General Section, Residential Development the proposal provides upper level windows with fixed obscure glazing to a height of 1.7 metres from the upper floor level.

Principle 27:

Except for buildings of 3 or more storeys, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.7 metres or permanent screens having a height of 1.7 metres above finished floor level.

Based on the above, the concern relating to overlooking is considered to be appropriately addressed.



Traffic and parking

Concerns have been raised with increased traffic and in particular parking in Fisher Lane.

Table WeTo/2 - Off street car parking requirements, provides a table recommending that detached dwellings provide 2 car parking spaces, 1 which is covered per dwelling.

Form of development	Number of Required Car Parking Spaces
Accommodation	
Dwelling	For detached, semi detached, row dwelling and multiple dwellings to provide:
<ul style="list-style-type: none"> ▪ detached ▪ semi-detached ▪ row ▪ multiple ▪ group ▪ within a residential flat building 	<p>2 car parking spaces per dwelling, one of which is covered.</p> <p>For group dwelling and residential flat building to provide: 2 car parking spaces per dwelling, one of which is covered + an additional 0.25 car parking spaces per dwelling.</p>

The proposed dwellings have been provided with 2 undercover car parking spaces as well as 2 spaces available on the driveway for visitor parking. As such the proposed development provides for 2 additional spaces per dwelling than the minimum requirements and as such complies with Table WeTo/2.

Wall height and set back of garage wall

H Tsakalidis has raised a concern over the boundary wall of the western dwelling (dwelling 2) in relation to its height and has suggested the dwelling be sited closer to the street so as to abut their wall. The wall height was measured to be approximately 3.3 metres in height. Whilst PDC 13 does state that wall on boundaries should be limited in height to 3 metres the increased of 300 mm was not considered fatal however the applicant has reduced the boundary wall to 2.7 metres which measure approximately 3 metres in overall height from ground level.

Whilst reducing the setback of the dwelling may resolve the concern H Tsakalidis with relation to the location of the boundary wall it would create issues with respect on car parking. It is also worth noting that if a single dwelling was cited on the subject land, an outbuilding that was 6 metres in length and length and 3 metres in height could be construed on the boundary adjacent the properties rear yard and not require a planning consent.

In addition to the above, the proposed boundary wall is not on the northern side of the neighbour and therefore shall not create unreasonable overshadowing.

It is considered for the above reasons the boundary wall is not unreasonable.

Compliance with Policy Area 30

There has been reference to the proposal being at odds with the Policy Area 30 guidelines. When reviewing the representations, it would appear that A A Weigall and V R Riviere are concerned that the proposal does not satisfy the desired Character of the area.

It is acknowledged that the development is two storey in nature and does not present as an in roof style two storey development. It is worth noting however that the character of Fisher Place is much different to that of Hughes Street and Gladstone Road for instance. The main streets have a far more preserved character which is derived from the maintenance of the original housing stock, large and consistent front setbacks, landscaped front yards with low front fencing. The character in the laneways is much different. The streets are narrow with no landscaping or footpath, dwellings and other structures such as garages, carports and fences are constructed close to the property boundary and in many instances on the boundary as such contribute to character that is not consistent with that of Policy Area 30.



Given the proposed development faces Fisher Lane, the proposed built form is not considered inappropriate. I would certainly hold the view that the proposal would not be suitable if it were fronting either Hughes Street or Gladstone Road.

Materials

For the reasons outlined above in relation to the character of the area it is my opinion that the upper level materials, in particular the wall and roof cladding proposed are considered appropriate.

Conclusion

Overall, it is considered that the proposed Development satisfies the relevant sections of the Development Plan and warrants approval from Council. The proposal is consistent with the Desired Character of the Zone as well as other relevant qualitative and quantitative criteria of the Development Plan.

I trust that the above information will satisfy your request for a response to the representations and that application will be presented to the next available Council Assessment Panel meeting. Should you require any additional information, please contact me on 0431 155 785.

Yours sincerely,

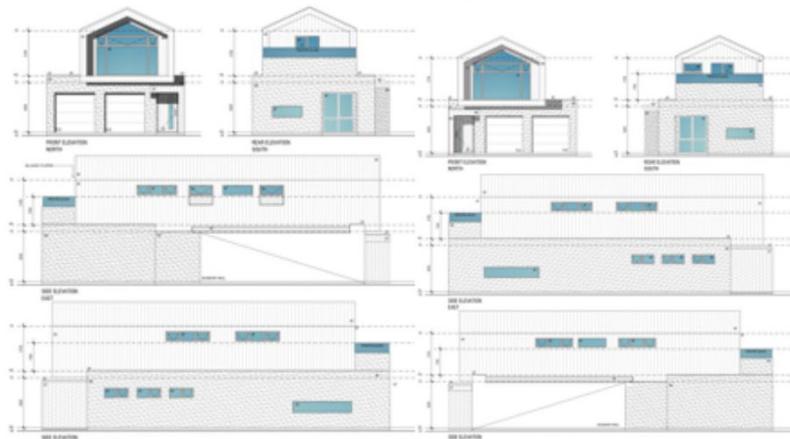
A handwritten signature in black ink, appearing to read 'M. Falconer', written in a cursive style.

Matthew Falconer

Bachelor of Urban and Regional Planning

City of West Torrens Heritage Advisor Comment

Planning Application No.: 211/463/2016/A
Location: 25 + 25A Fisher Place, MILE END
Zone: Residential
Policy Area: Mile End Conservation Policy Area 30
Heritage Status: Historic Conservation Area
Proposal: Construction of two (2) two-storey detached dwellings each with garage under main roof – variation to an authorization previously granted – various changes
To: Brendan Fewster
Date: 3 December 2020



Description:

The Subject Land is on the south side of Fisher Place, on a subdivided portion of land that is to the rear of a Contributory Place on the north side of Gladstone Road. I have assumed the Land Division has been previously approved. Adjacent infill development of rear yards is single storey.

City of West Torrens Heritage Advisor Comment

The proposed development involves the construction of two (2) two-storey detached dwellings each with garage under main roof. This proposes various changes to an authorization previously granted, the differences have not been audited. The proposal does not appear to involve demolition, other than rear fences.

Both dwellings will be set back 6500mm from Fisher Place and 3773mm from the rear boundary. The Ground Floor garage and Laundry will be constructed to the side boundary, recessing 2000mm and then to 900mm setback. Setbacks to the shared dividing boundary are 904mm to each dwelling at Ground Level and 1504mm to the upper levels. The upper level side setbacks to the east and west sides are proposed as 2000.

The upper floor has a gable form oversailing cantilever to Fisher Place, overhanging the Ground Floor. The front porch is setback 5000mm from Fisher Place and has a stone cladding. The gable is to be clad with Axon Cladding coloured Dulux Reckless Grey. The roof and fascia are proposed Colorbond Monument in an unspecified profile.

The ground floor ceiling height is 3020mm and first floor is 2720mm. The Fisher Place elevation has a gable form to each dwelling, oversailing a flat roofed Ground floor podium.

The ground floor is painted white render with a Colorbond Surfsmist parapet capping. Doors and window frames are black aluminium with the exception of the front door which is a Shiplap Western Red Cedar. The two roller doors are Colorbond Surfsmist.

The rear balconies have a solid white balustrade and an upper portion of frosted glass to 1700mm high.

As development affecting a place within the Mile End Conservation Policy Area 30 and an Historic Conservation Area, I have considered the following Development Plan Provisions:

Historic Conservation Area

OBJECTIVES: 1,2,3,4

PRINCIPLES OF DEVELOPMENT CONTROL: 1,2,3,4,6,7,8,9,10,12

Mile End Conservation Policy Area 30

OBJECTIVES: 1

DESIRED CHARACTER

PRINCIPLES OF DEVELOPMENT CONTROL : 1,2,3,4

Residential Zone

OBJECTIVES: 1,2,3,4

DESIRED CHARACTER

PRINCIPLES OF DEVELOPMENT CONTROL : 1,5,6,7,8,10,11,12,13

Assessment:

Historic Conservation Area

The proposal does not affect the Gladstone Road historic streetscape character, because it will be located to the rear, screened by the Contributory Places facing Gladstone Road and satisfying Objective 1. The proposal is designed to a reasonable architectural standard that sets a new benchmark for rear lane development, adopting a form that successfully incorporates a vertically proportioned and articulated upper level, conceptually within a roof space. The proportions and composition satisfy Objective 2. The proposed built form and material palette is reasonably complementary, satisfying Objective 3. The colour Monument is considered too dark for the area, so preference would be given to Basalt.

Objective 4 and PDC 3 are satisfied through the retention of the Contributory Item and PDC 3 is satisfied because the proposal does not compromise the prominence or integrity of the Gladstone Road facing façade or built form. The rear location satisfies PDC 4.

City of West Torrens Heritage Advisor Comment

PDC 1 Desired Character will be discussed under PA 30.

Architecturally, the proposal is considered to adopt design cues from traditional built form and to interpret that in a modern idiom that is visually interesting with vertical proportions and compositions that reflect on the traditional elements, satisfying PDC 6.

Greater detail of landscaping, front fencing although this would not be extensive and side fencing is required, if altered from the previous approval to satisfy PDC 7,9,10.

The proposal is considered to cleverly interpret PDC 8 by considering the proposal, conceptually, as a rear addition to the Contributory Item and including the upper level within the roof space.

Mile End Conservation Policy Area 30

Desired Character Objective 1 and PDC 2 are satisfied because the Gladstone Road historic streetscape character will be unaffected and the proposal adopts a complementary form that is reasonably cohesive and located to the rear, with sufficient separation. Land division has removed the historic rear lane access, which has been occurring over a number of years, denying the Gladstone Road dwelling rear lane access.

PDC 3 is challenged by the proposal, being two storey to the frontage. The proposal however has a narrow articulated and vertically proportioned element to the Lane, which overcomes the potential bulkiness of the upper storey. PDC 4 is satisfied.

Residential Zone

The proposal introduces an increased density contemplated by Objectives 2 and 3. Desired Character Objective 4 and PDC 5 are satisfied.

PDC 6 is satisfied in terms of the maximum number of storeys and side wall height and the proposed set backs are considered satisfactory to PDC 7, PDC 8, PDC 10, PDC 11 and PDC 12. The length of side boundary wall is considered to satisfy PDC 13.

Conclusion:

The proposal is supported from a heritage perspective with the following suggestions:

- Basalt colour rather than Monument is considered a better long term traditional colour for the HCA;
- The profile of the upper level cladding should be confirmed: (it is assumed to be Maxline or similar);
- Details of any front fencing (such as a letter box blade);
- Details of side and rear fencing (may have been covered in the previous approval);
- Landscaping plan, especially considering the width of driveway.

Douglas Alexander

6.2 2 Aroona Avenue, GLENELG NORTH (Golflands Reserve)

Application No 211/55/2021

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Construction of a store on Council Reserve
APPLICANT	Agility Dog Club of South Australia
APPLICATION NUMBER	211/55/2021
LODGEMENT DATE	19 January 2021
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Non-Complying
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> • Nil External <ul style="list-style-type: none"> • Nil
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a non-complying form of development and the application is to be determined after a full merit assessment against the Development Plan, except where the relevant development application proposes a change of use to office in a Commercial Zone.
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Brendan Fewster

SUBJECT LAND AND LOCALITY

The subject land comprises a Council-owned reserve known as Golflands Reserve that is located at 2 Aroona Avenue, Glenelg North. The subject land is formally described as Allotment 2 in Filed Plan 15154 in the area named Glenelg North, Hundred of Adelaide, Volume 5519 Folio 21.

The land is bordered by Iluka Street to the east, Aroona Avenue and Wongala Avenue to the south and McCann Avenue to the west. The land is approximately 15,000 square metres (m²) in total area.

It is noted that there are no easements, encumbrances or Land Management Agreements on the Certificate of Title.

The reserve contains three tennis courts, a store/toilet block, a gazebo and small playground. The land is leased by community groups, such as the Agility Dog Club of South Australia and the Birkalla Football Club.

The reserve is situated within an established residential area that is characterised by predominantly detached dwellings at low densities. The amenity of the locality is relatively high due to the vegetated open space of the Golflands Reserve.

The subject land and locality are shown on the aerial imagery below.



RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/465/2017	Removal of a significant tree	Approved	30 May 2017
211/220/2009	Removal of a significant tree	Approved	10 March 2009

PROPOSAL

The proposal comprises the construction of a store that is to be used by the Agility Dog Club of South Australia for the storage of equipment associated with dog training.

The proposed building measures 9.19m in length, 6.16m in width and 3.22m in height to the ridge of the roof. The building will have a total floor area of 56.6m².

External materials comprise of pre-coated colorbond © superdeck sheeting finished in Caulfield Green.

The building will be located between the existing tennis courts and soccer pitch and will be setback 2.5 metres from the northern property boundary. No existing trees will be impacted by the siting of the proposed building.

The relevant plans and documents are contained in **Attachment 2**.

NON-COMPLYING

The application is a non-complying form of development as a *Store* is listed as non-complying in the Procedural Matters section of the Residential Zone of Council's Development Plan.

The applicant has not provided a Statement of Effect and is not required to do so pursuant to Regulation 17 clause (6) of the *Development Regulations 2008*. A brief statement of support is however included in Attachment 2.

Should the CAP resolve to approve the application, the concurrence of the State Commission Assessment Panel is not required. This is a result of recent legislative changes to the *Development Act 1993* that were administered in early May 2020 to assist in streamlining the processing of Development Applications during the Covid-19 pandemic.

Alternatively, should the CAP refuse the application, it is important to note that no appeal rights are afforded to the applicant. As the Administration resolved under delegation to proceed with an assessment of the proposal, the application is now presented to the Panel for a decision.

PUBLIC NOTIFICATION

The application has been assigned to Category 1 for public notification purposes pursuant to Section 38 of the *Development Act 1993* and Schedule 9, Part 1 (3)(b) of the *Development Regulations 2008*. The proposed store is considered to be ancillary to the existing use of the land and is of a minor nature for the following reasons:

- The proposed building would be ancillary and subordinate to the Council Reserve, which is used by community groups and the public;
- The building is of 'domestic' size and scale and well removed from the adjacent residential boundary;
- There would be minimal noise or disturbance associated with the storage of equipment; and
- The building would be accessed infrequently.

As the proposal is Category 1, public notification was not required to be undertaken.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, is within Low Density Policy Area 21 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character:

This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.

Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.

*Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a **Historic Conservation Area**.*

Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

Low Density Policy Area 20 - Desired Character:

This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).

There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.

Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.

Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

There are no quantitative provisions relevant to the proposal.

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Form of Development

The applicant has a lease agreement with Council to use the reserve for agility dog training and trials. These activities are consistent with the use of the reserve as an area for community sports and recreation. The proposed store will be used for the storage of equipment associated with dog training. The building is therefore considered to be subordinate and ancillary to the existing use of the land.

As the proposed storage building is of 'domestic' size and scale and would be ancillary to the existing use of the reserve, the proposal would not entrench an inappropriate development within the Residential Zone or preclude the Objectives of the Zone from being attained.

Accordingly, the proposal is considered to be an orderly and appropriate form of development within the Residential Zone.

Built Form, Scale and Streetscape

The proposed building is designed with a pitched roof and is to be clad with colorbond © sheeting finished in Caulfield Green. With a wall and ridge height of only 2.4m and 3.22m respectively and a floor area of 56.6m², the building is small-scale and is not dissimilar to a typical domestic shed.

As the proposed building would be located at least 70m from the nearest road frontage and between several large trees, the building would not be readily visible within the prevailing streetscape.

Accordingly, the proposed building will not detract from the existing streetscape character, in accordance with PDC 4 of the General Section (Residential Development).

Interface and Amenity

The proposed building will be located adjacent to the rear boundary of existing residential properties. The proposal would have no adverse impact upon the amenity of these neighbouring properties due to following:

- The building has a modest wall and ridge height;
- The building is setback 2.5 metres from the adjacent boundary (no boundary walls);
- The external building materials comprise of pre-treated colorbond © sheeting finished in a natural colour tone;
- The building is located on the southern side of the adjacent properties thus having no shadowing impacts; and
- The building would be accessed only once a week for training sessions and on limited occasions for dog trials.

The proposal would therefore satisfy Objective 1 and 2 and PDC 1 and 2 of the General Section (Interface between Land Uses).

Access and Car Parking

The proposal does not include any new access or car parking arrangements. The proposed store would not generate any additional demand for car parking as it would be used only by club members to store equipment that is used during training and trial activities.

SUMMARY

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

Although non-complying in nature, the proposed store is ancillary to the existing lawful use of the land, is of an appropriate size and scale, and is appropriately sited so as not to adversely impact upon the amenity of adjacent residential properties.

On this basis, the proposal would not entrench an inappropriate development within the Residential Zone or preclude the Objectives of the zone from being attained.

On balance, the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 and warrants Development Plan Consent.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/55/2021 by Agility Dog Club of South Australia for construction of a store on Council Reserve at 2 Aroona Avenue, GLENELG NORTH (Golflands Reserve) (CT 5519/21) subject to the following conditions of consent:

Development Plan Consent Conditions

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application except where varied by any conditions listed below:
 - Written statement prepared by Agility Dog Club of South Australia
 - Site and Aerial Plans
 - Specifications prepared by Stratco dated 1 December 2020
2. The building approved herein shall be used only for storage purposes associated with sports and recreational activities on the land.
3. The stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage shall not at any time:-
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.

Attachments

1. Relevant Development Plan Provisions
2. Proposal Plans & Documents

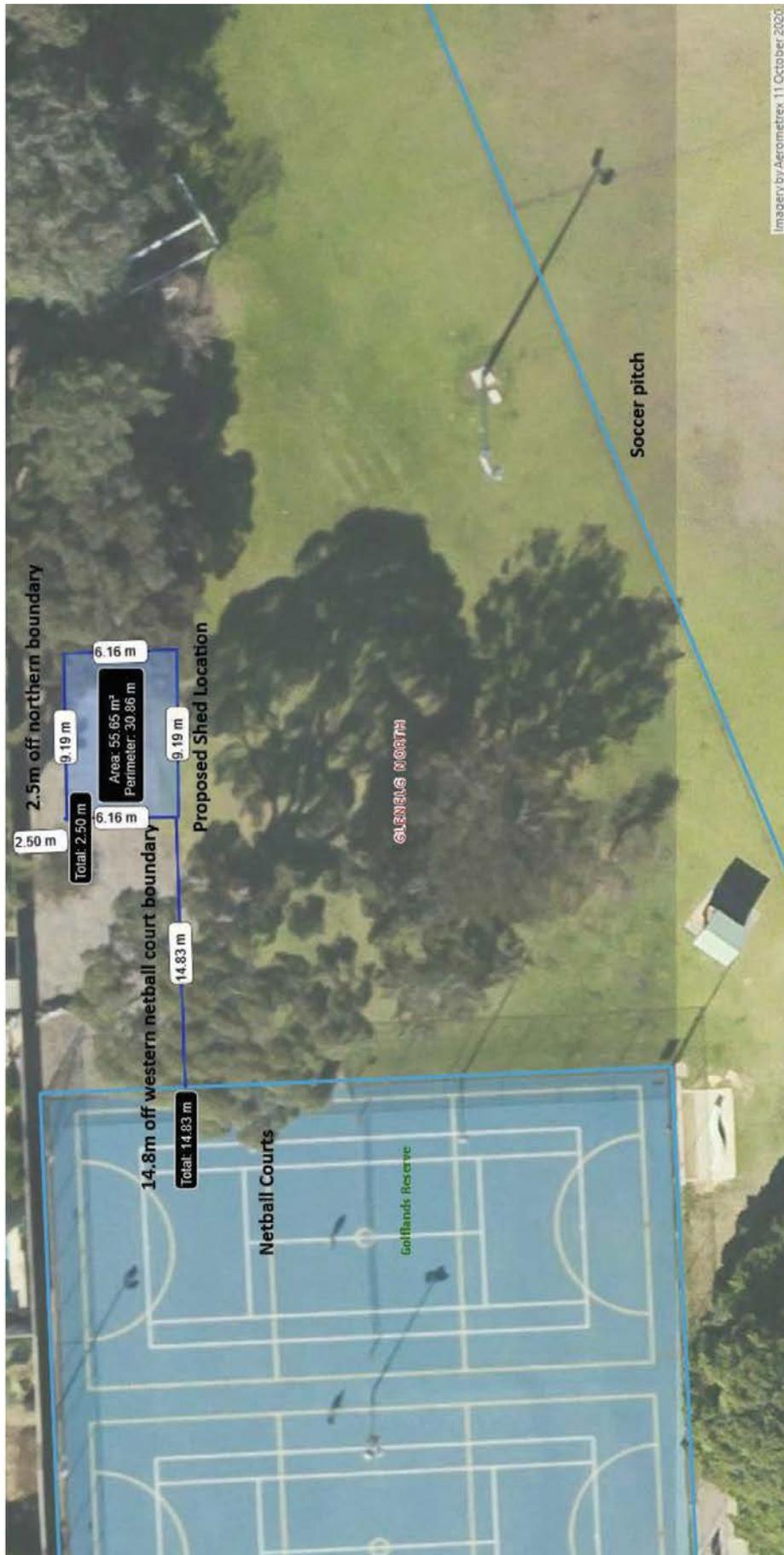
<u>General Section</u>		
<i>Design and Appearance</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 9, 11, 12, 13, 14, 15, 20 & 21
<i>Interface between Land Uses</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, & 4
<i>Siting and Visibility</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 4, 5 & 8

Development Application
Agility Dog Club of South Australia Inc.
Construction of Stratco Gable Roof Garage at
Golflands Reserve, Aroona Avenue, Glenelg North

STATEMENT OF ADDITIONAL INFORMATION

Existing use of site	Recreation and sport. Other clubs use the adjacent areas for tennis, netball and soccer training and matches at other times.
Description of proposed use	The proposed shed will be used for storage of agility equipment as part of a licence agreement between Agility Dog Club of South Australia Inc. (ADCSA) and City of West Torrens Council to hire the reserve for agility dog training sessions and trials.
Days and hours of operation of proposed use	Thursday evenings from 6.00pm to 9.30pm and five trial days or evenings per year on Saturdays to be agreed between the parties.
Maximum number of staff on site at any one time	Up to 12 volunteers at training sessions and up to 20 volunteers at trials may access the shed at various times.
Maximum number of customers/patrons on site at any one time	Up to 30 participants at any one time during training sessions and up to 80 participants at any one time during trials may be present on the wider reserve area. Only a limited number of personnel will access the shed.
Details and hours of delivery of the largest vehicle proposed to access the site (likely for deliveries to and from the site)	After completion of construction and initial relocation of agility equipment to shed, there may be occasional SUV-type or utility vehicle access to the storage shed area (likely to be less than two or three times per year).
Details of any machinery or other tools used in association with the proposed use that have the ability to generate noise (if applicable)	Occasional, brief use of hand tools.
Details of any chemicals/dangerous goods associated with the proposed use to be stored on the site including their individual and overall volume	Hand sanitiser (less than one litre)
Maximum volume of any products produced per year if applicable	Not applicable
Details of any proposed signage, including its location and dimensions	Subject to Council approval, signage indicating 'Agility Dog Club of South Australia' may be affixed to the front and/or side frontage of the shed. Dimensions likely to be no larger than 1 metre by 2 metres.







JOB DETAILS

DESIGN NUMBER: SQ229983
DATE: 01/12/2020
SALES PERSON: Mr Angelo Amato

CUSTOMER DETAILS

CLIENT NAME: Jenny Pearson
CONTACT NO: 0417883094
SITE ADDRESS: 10 Golflands Terrace
 Glenelg North

POSTCODE: 5045
EMAIL: jennyp@internode.on.net

QUOTATION

QUOTE VALID FOR 30 DAYS

Thank you for the opportunity to prepare a quotation for your next exciting home improvement project. Stratco has a proud history within the steel manufacturing industry, dating back over 60 years. Our commitment to supplying superior products and relentless innovation gives all of our customers the confidence that they are buying from a true industry leader who stand by their products.

Stratco customised sheds are of the highest quality using pre-punched galvanised C-section frames for ease of assembly as well as added strength. Our entire shed range has also been independently tested to meet all current Australian Building Standards, giving you the peace of mind that a Stratco shed will stand the test of time.

From our recent consultation, we have prepared the following quotation and attached all relevant details for your design which we believe will suit your needs.

STRATCO GABLE ROOF SHED

DOMESTIC TYPE 10

Length (mm)	9,199
Width (mm)	6,151
Height (mm)	2,400
Wind Category	33 (N2)
Roof Sheet	CGI Standard Double Sided
Wall Sheet	Superdek Standard Double Sided
Footing Type	Pinned (On Concrete)
Roller Doors	2

ADDITIONAL ITEMS INCLUDED

Delivery Metro Gable Garage, Potter, Univ (1)

TOTAL QUOTE INCLUDING 10% GST

\$10,234.82

This quotation is for supply of a Stratco Gable Roof Shed Kit.

Once again, thank you for this opportunity and please give me a call if you would like any additional information.

Kind Regards,

Mr Angelo Amato

THE STRATCO Advantage

Stratco is a 100% AUSTRALIAN OWNED success story, proudly boasting over 70 years of manufacturing excellence. Stratco operates 15 manufacturing facilities around Australia, employing many hundreds of Australians.

DESIGNED • ENGINEERED • TESTED • MANUFACTURED • GUARANTEED



Stratco have developed a versatile range of gable garages to suit every situation. Stratco garages give you more space for storage, extra room for a workshop, provide the ideal space for a boat or caravan, and give you the opportunity to entertain all year round. Stratco has a proud history within the steel manufacturing industry, dating back over 60 years. Our commitment to supplying superior products and relentless innovation gives all of our customers the confidence that they are buying from a true industry leader who stand by their products.

**PLEASE CHECK THAT ALL ORDER DETAILS ARE CORRECT.
YOUR ORDER IS NOW BEING PROCESSED BASED ON THE FOLLOWING DETAILS.**

JOB DETAILS	CUSTOMER DETAILS
DESIGN NUMBER: SQ229983	CLIENT NAME: Jenny Pearson
SALES PERSON: Mr Angelo Amato	PHONE NUMBER: 0417883094
DELIVERY DETAILS	ACCOUNT CODE: *PP18

DELIVERY INSTRUCTIONS: 10 Golflands Terrace
Glennelg North

ADDITIONAL INSTRUCTIONS: 5045
agility dog club

Opening Details

Roller Doors 1

Site Details

Wind Speed 33 (N2)

Wall Details

Bottom Sheet Extra 25mm No
Wall Sheet Superdek Standard Double Sided

Wall Girts

End Wall Girt Section GHS Purlin/Girt 1.20 75
Side Wall Girt Section GHS Purlin/Girt 1.20 75

Portal Frames

End Portal Column Reinforcing Section N/A: Not Applicable
End Portal Column Section GHS Portal Column 1.5 150
End Portal Rafter Section GHS Rafter 1.5 150
Mid Portal Column Reinforcing Section N/A: Not Applicable
Mid Portal Column Section GHS Portal Column 1.5 150
Mid Portal Rafter Section GHS Rafter 1.5 150

Drainage Details

Box Gutter None
Downpipe Type Downpipe 100x50
Gutter Type Quad Gutter 115

Dimensions (Outside Frames)

Height 2400mm
Length 9199mm
Roof Pitch 15°
Width 6151mm

Roof Details

Roof Sheet CGI Standard Double Sided

Roof Purlins

Eave Purlin Section GHS Purlin/Girt 1.20 75
Roof Purlin Section GHS Purlin/Girt 1.20 75

Gable End Columns

Gable End Column Section GHS End Column 1.5 100

Footing Details

Concrete Slab Yes
End Pinned Footing Type Type D Stirrup (Domestic)
Footing Type Pinned (On Concrete)
Middle Pinned Footing Type Type D Stirrup (Domestic)

Colours

Barge Cap Caulfield Green
Corner Flashing Caulfield Green
Downpipe Caulfield Green
Gutter Caulfield Green
Ridge Cap Caulfield Green
Roller Door Caulfield Green
Roller Door Flashings Caulfield Green
Roof Sheet Caulfield Green
Wall Sheet Caulfield Green

All Dimensions shown are measured from outside of frame (including purlins and girts). Dimensions shown are for illustrative purposes only and should not be used for assembly. Please refer to the relevant installation guides or detailed drawings provided for site preparation, portal frame layout and slab dimensions.

Please refer to current Stratco Gable Homeshed certification referenced 50098-6 by FYFE Pty Ltd for 15° Homeshed range or certification referenced 2011-628 by RSA for 10° Homeshed range. Certifications are applicable to standard shed designs only.

CUSTOMER SIGNATURE:

DATE: 01/12/2020



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Site Plan

Job Reference
Sales Person
Client Name

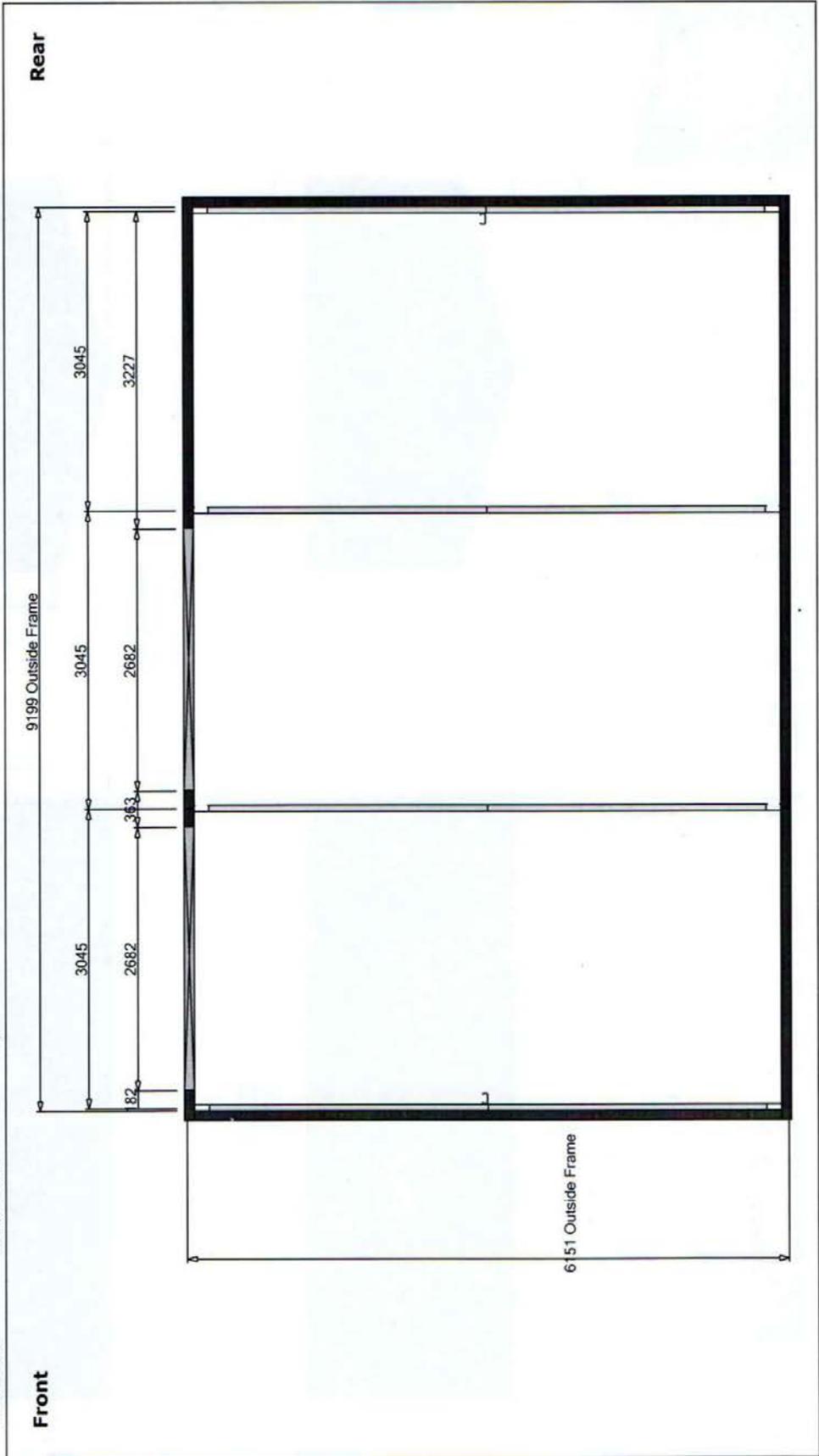
Mr Angelo Amato
Jenny Pearson

Site Address
10 Colfiands Terrace
Glennelg North

Design Number
Date

Customer Signature

SQ229983
01/12/2020



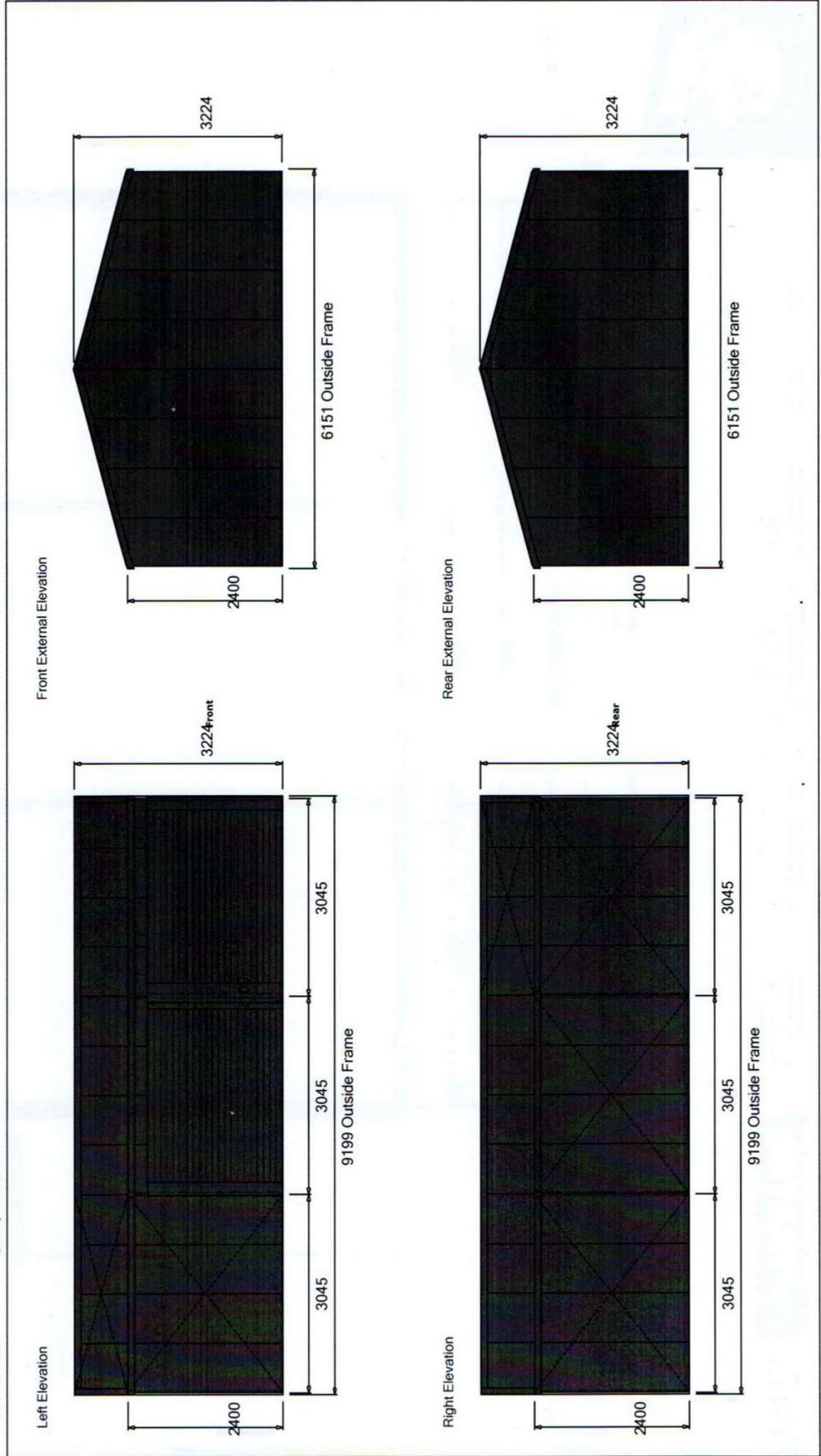


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Elevations

Job Reference	Mr Angelo Amato	Design Number	SQ229983	Customer Signature
Sales Person	Jenny Pearson	Date	01/12/2020	
Client Name				
Site Address	10 Colflands Terrace Glensiel North			





All Dimensions shown are measured from outside of frame (including purlins and girts). Dimensions shown are for illustrative purposes only and should not be used for assembly. Please refer to the relevant installation guides or detailed drawings provided for site preparation, portal frame layout and slab dimensions. Please refer to current Stratco Gable Homeshed certification referenced 34109C by FYFE Pty. Ltd for 15° Homeshed range or certification referenced 2011-628 by RSA for 10° Homeshed range. Certifications are applicable to standard shed designs only.

Elevations

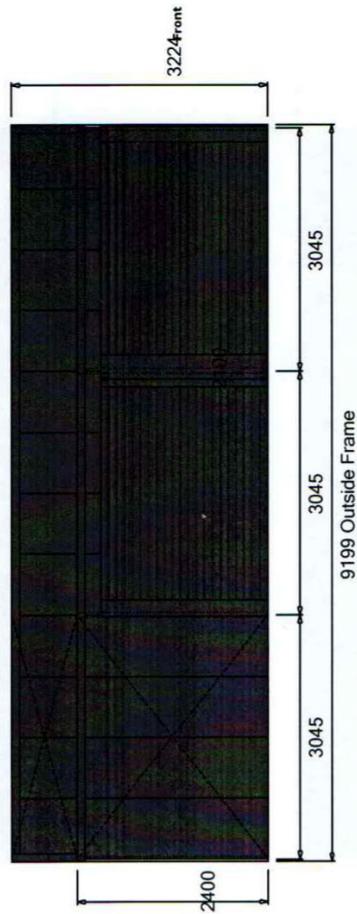
Job Reference Mr Angelo Amato
Sales Person Jenny Pearson
Client Name

Site Address 10 Golflands Terrace
Glenelg North

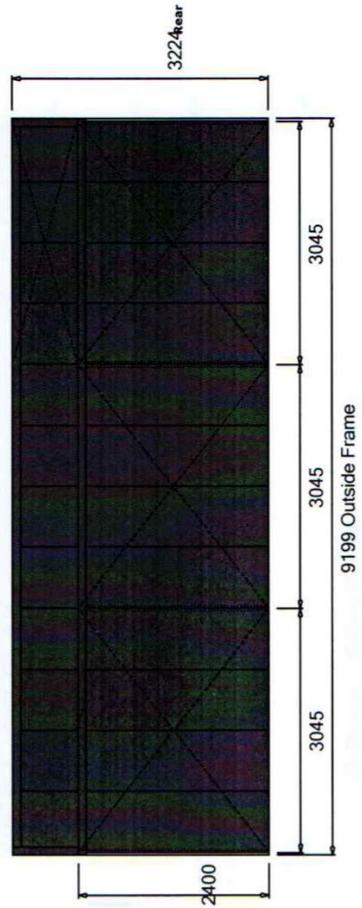
Design Number SQ229983
Date 01/12/2020

Customer Signature

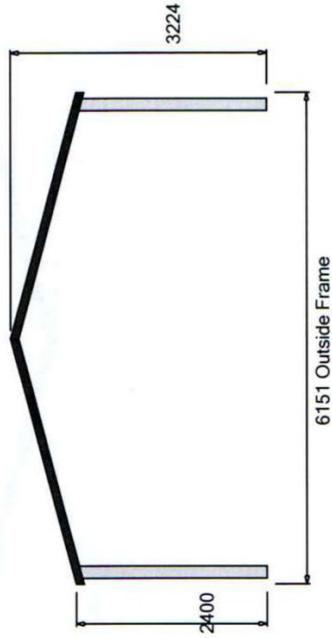
Left Elevation



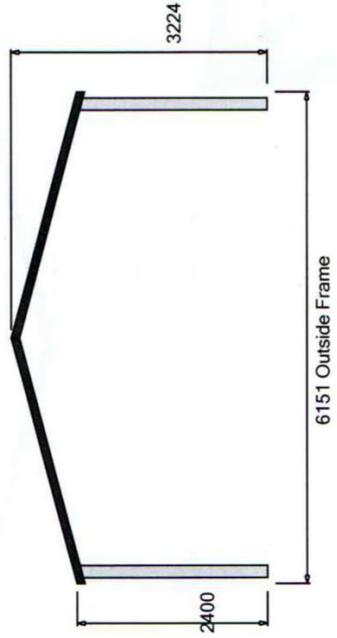
Right Elevation



Front Internal Elevation - 1



Rear Internal Elevation - 1



6.3 504 Henley Beach Road, FULHAM

Application No 211/245/2020/A

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Construction of a store in association with existing office and consulting rooms - variation to an authorisation already granted - increase store wall height from 3m to 3.95m, and top of roof height from 3.77m to 4.709m (Non- Complying)
APPLICANT	Jennifer Frisby Smith
LODGEMENT DATE	09 December 2020
ZONE	Residential
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Non-complying
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> • Nil External <ul style="list-style-type: none"> • Nil
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a non-complying form of development and the application is to be determined after a full merit assessment against the Development Plan, except where the relevant development application proposes a change of use to office in a Commercial Zone.
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Amy Morden

BACKGROUND

The original application 211/245/2020 for construction of a store in association with existing office and consulting rooms was granted Development Plan consent by the CAP on 8 September 2020 subject to concurrence of the SCAP. SCAP concurrence was subsequently gained on 26 October 2020. This application received full Development Approval on 25 November 2020.

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 1 Deposited Plan 6441 in the area named Fulham Hundred of Adelaide, Volume 5324 Folio 360, more commonly known as 504 Henley Beach Road, Fulham. The subject site is rectangular in shape with a 19.05 metre (m) wide frontage to Henley Beach Road, a secondary frontage to Murray Street of 36.69m and an approximate site area of 801.11 square metres (m²). The subject site is located 90 metres east of the Tapleys Hill Road and Henley Beach Road intersection.

It is noted that there are no easements, encumbrances or Land Management Agreements on the Certificate of Title.

The site currently contains a brick building, approved for use as offices and consulting rooms in 2018. Prior to the change of use in 2018, the site was used by Bank SA. Most recently, a store was approved on the site for use in association with the offices and consulting rooms. Twelve car parking spaces are available forward of the building, with vehicular access via Murray Street. The site can be serviced by public transport as there is a bus stop on the opposite side of Henley Beach Road.

There are no Regulated Trees on the subject site or on adjoining land that would be affected by the development.

The character of the locality comprises of both residential and commercial land uses. North and east of the subject site are residential properties comprising a mix of single and two storey detached dwellings and residential flat buildings. To the west is a consulting room and an 'On the Run' BP petrol station. South of the subject site is Hungry Jacks, the Lockleys Hotel, a bottle shop and a Foodland supermarket.

RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/1383/2017	Change of use from an office to office and consulting rooms	Development Approval Granted	13 March 2018
211/245/2020	Construction of a store in association with existing office and consulting rooms	Development Approval Granted	25 November 2020

PROPOSAL

The proposal seeks to undertake some minor alterations to the store that were recently approved in application 211/245/2020. The changes include raising the wall height and top of roof height of the store. The alterations propose to increase the wall height to 3.95 metres (previously 3 metre wall heights), along with an increase in the overall height to the top of the gable of 4.709 metres (increased from 3.722 metres). The existing building on the site is currently occupied by Frisbee Health and Chiropractic, offering chiropractic, remedial massage, acupuncture and Chinese herbal medicine services. The store will be 9.26 metres in length located along the eastern side boundary, 5.389 metres in width and will have a total floor area of 49.90 square metres. The store will continue to be located approximately 300mm behind the main face of the Chiropractic clinic to help minimise its visual appearance from the car park and Henley Beach Road.

There is no change proposed to the way in which the store is anticipated to be used. Access to the store will remain via the existing front car parking area.

The store will continue to have a roller door to the southern end to facilitate ease of access for loading and unloading from the car park. The only change will be that the roller door will now be taller to accommodate the increase in wall height of the store. The new height of the roller door will be 3.65m, increased from 2.7m. The store will continue to maintain two pedestrian access doors in the same locations as demonstrated in the original application, which will allow staff to access the store from the side walkway between the Chiropractic clinic and the store.

Nine bottlebrush trees along the eastern side of the site were removed as part of the original application to allow for the store and associated concrete access 'driveway'. None of these trees were regulated or significant requiring a Council approval for their removal. The eastern landscaping bed adjacent to the front car park will continue to be re-landscaped with a number of trees, shrubs and ground covers as nominated in the original assessment of the store to replace the trees and increase the landscape amenity of the car park and building.

The relevant plans and documents are contained in **Attachment 2**.

NON-COMPLYING

The application is a non-complying form of development as per the procedural matters of the Residential Zone within Council's Development Plan. A store is specifically listed as a non-complying form of development for the Residential Zone, as are alterations to a store notwithstanding that the store is a previously approved land use in the zone.

A statement of effect is not required to be provided where the development accords with the requirements of the *Development Regulations 2008*, Clause 17(6)(a) that provides:

- (6) *A statement of effect is not required if the proposed development consists (wholly or substantially) of -*
- (a) *the alteration of a building;*

As such, a statement of effect has not been provided. As the Administration resolved, under delegation, to proceed with an assessment of the proposal, the application is now presented to the Panel for a decision.

Should the CAP resolve to approve the application, the application no longer requires concurrence of the State Commission Assessment Panel. This is a result of recent legislative changes to the *Development Act 1993* that were administered in early May 2020 to assist in streamlining development applications during the Covid-19 pandemic.

Alternatively, should the CAP refuse the application, it is important to note that no appeal rights are afforded to the Applicant.

PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Schedule 9 of the *Development Regulations 2008*, Part 1, Clause 3(a):

- 3 *Any development classified as non-complying under the relevant Development Plan which comprises -*
- (a) *the alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only.*

As the proposal is Category 1, public notification was not required to be undertaken.

While alterations to a store are a non-complying form of development in the Residential Zone, the siting of the building is not proposed to change. For a commercial property, the store is still considered to be relatively modest in scale even though the wall height of the store is proposed to be increased by 0.95m. The store is still to be located along the eastern side boundary, however, is not expected to unreasonably impact upon the owners or occupiers of land in the locality of the site of the development and is considered to be of a minor nature for the following reasons:

- The floor area of the store at 49.90m², remains similar in floor area and scale to the top of roof pitch (4.709m) as any other domestic outbuilding commonly found on a residential property. By comparison in terms of height and overall scale, Council's Development Plan PDC 16 allows for domestic outbuildings to be proposed with a top of roof pitch height of up to 5 metres. Notwithstanding that the store is not a domestic outbuilding, the scale is akin to what may be supported as merit assessed development in the Residential Zone if the subject site was residential in nature.
- The most affected neighbouring residential property at 502 Henley Beach Road has provided a written statement advising that they are supportive of the increased wall height of the store along their adjoining side boundary. Council Administration has spoken to the adjacent land owner and has verified this statement, and understands that a copy of the plans have been sighted by the land owner in conjunction with their letter of support.

- The original approval for the construction of the store has resulted in the removal of a number of large bottlebrush trees along the eastern boundary adjoining the residential dwelling 502 Henley Beach Road. These trees previously provided visual privacy and separation between the commercial business and the private yard space for the dwelling at 502 Henley Beach Road. For the occupants of the next door residential dwelling, the increase in wall height by 0.95m will assist replacing the visual privacy lost by the removal of the trees, and will provide greater separation between the commercial land use on the subject site and the residential dwelling next door.
- The Applicant and land owner of 502 Henley Beach Road are working together to organise the replacement of the length of boundary fence that separates their two properties. The existing fence is an ageing, corrugated iron fence that is lower in height than the replacement fence they intend to install. The Applicant and the land owner intend to install a new colour pre-painted, sheet metal good neighbour fence of up to 2.1m in height to match the colours of the store once construction is complete.

The wall of the store situated on the boundary is intended to form part of this new fence line. The installation of a new 2.1m high fence will improve the visual amenity of the site once installed and all proposed landscaping along the eastern side boundary is planted. It will also further assist to provide greater privacy for the residential property at 502 Henley Beach Road, and greater separation from the chiropractic clinic car park. The installation of this fencing up to 2.1m in height is not development and thus does not require any approval.

- The western side of the dwelling at 502 Henley Beach Road is setback approximately 900mm from the shared boundary with the subject site. Notwithstanding the increase in wall height proposed for the store, the extent of shadow cast during the afternoon on the winter solstice (21st June) is not likely to be significantly different to the amount of shadow cast by the original approved wall height of 3m in the same location. Therefore, the impact of shadowing to the western side of the dwelling by the increased wall height of the store is not considered to be unreasonable given that a portion of the western side wall of the dwelling is likely to experience shading from the store even with the lower approved wall height of 3 metres. During the morning hours on the winter solstice when the sun is in the east, any shadow cast by the store will fall away from the dwelling. Council Administration has discussed the aspect of shadowing with the land owner at 502 Henley Beach Road, and no concerns with this aspect resulting from the increased wall height of the store have been raised.
- The store will continue to be located behind the primary street building line of the existing building to help reduce any visual amenity impact to Henley Beach Road and to Murray Street.
- No aspect of the use of the store will change. The store will continue to be used for storage of items and equipment associated with the consulting rooms. Activities connected to the store are not expected to detrimentally impact upon the amenity of the locality in terms of noise, or increased traffic volumes to and from the site.
- There will be no additional loss of car parking resulting from the alterations to the store.
- The site is expected to be re-landscaped upon completion of construction of the store, as was addressed in the original application and conditioned on the original approval. No aspect of the proposed landscaping will change from what was approved in the original application.

A copy of the neighbour's letter of support for the alterations to the store is contained in **Attachment 3**.

INTERNAL Referrals

Nil

EXTERNAL REFERRALS

Nil

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, the Low Density Policy Area 21, as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character	
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	4
Principles of Development Control	1, 2, 3 & 5

Low Density Policy Area 21 - Desired Character	
<p><i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p>	

Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.

Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.

Objectives	1
Principles of Development Control	1 & 2

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

The proposal is assessed for consistency with the quantitative requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
CARPARKING SPACES <i>Transportation and Access PDC 34 (Table WeTo/2)</i>	Consulting Room: 10 Car parks per 100m ² of total floor area Office: 4 Car parks per 100m ² of total floor area	A minimum of 11 car parks required, excess of 1 car park on the site. No loss of car parking resulting from the alterations to the store. 12 car parks remain available. None of the above car parking arrangements will change within this application. Satisfies
LANDSCAPING <i>Landscaping, Fences & Retaining Walls PDC 4</i>	10% (minimum)	16% The amount of landscaping across the site is not proposed to change as a result of the alterations to increase the height of the store. Satisfies

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Built Form

The store will be located on the eastern side of the Chiropractic clinic in the same location proposed in the original application. The store including the roller door will be constructed from pre-painted sheet metal, finished in colour 'Slate Grey', to complement the corporate colours of the clinic.

The most significant alteration to the store from the original approved development is the increase in the wall height from 3m to 3.95m. This will increase the wall height of the store by 0.95m along the eastern side boundary, and subsequently, will increase the overall top of roof height to 4.709m. Notwithstanding this increase in wall and roof height, the store is still considered to be of an appropriate form and scale for the existing commercial site located in the Residential Zone. The scale of the store, although increased from the original proposal, continues to maintain an overall top of roof height that is commensurate with the scale of surrounding residential dwellings and nearby domestic outbuildings.

To compare the store to the requirements set out in General Section, Residential Development PDC 16 relating to domestic outbuildings, the length of wall of the store along the side boundary equates to a departure of 1.26m from PDC 16 that seeks maximum length of 8m for a similar sized domestic outbuilding. The PDC 16 requirements relating to the scale of a similar residential domestic type of outbuilding would also largely be satisfied for the store with the exception of the height of the wall on boundary being above 3m tall.

It is worth noting that the increase to the total building height to the top of the gable of 4.709m would also satisfy PDC 16 requirements. Therefore, when compared to the Development Plan requirements for domestic outbuildings, the increase in wall height of the store by 0.95m is the most notable variance to the PDC 16 provisions for a similar scale structure. The scale of the store however, and the transition it provides between the commercial consulting rooms at 504 Henley Beach Road and the next door residential dwelling is still considered to be appropriate for the locality, and is broadly in keeping with the scale of other surrounding developments.

Amenity

With regard to any shadow impact to the western side of the dwelling at 502 Henley Beach Road, General Section, Design and Appearance PDC 9 requires that the design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space, and to minimise the overshadowing of windows of main internal living areas and ground level private open space.

The dwelling at 502 Henley Beach Road is set back from the adjoining side boundary by approximately 900mm, and there is only one window on this side that will be adjacent to the location of the store. The increased wall height of the store by 0.95m is not expected to create a significant difference to the amount of shadow cast during the winter solstice than the original approved wall height of 3m given the 900mm separation between the dwelling and wall of the store. Notwithstanding that a portion of the western side of the dwelling will be shaded during the winter solstice regardless of the wall height of the store, PDC 9 requirements are still considered to be satisfied. Any shadow cast by the store will not impact upon the remaining habitable living spaces of the dwelling nor will it impact upon the rear private open space for the dwelling, as the dwelling and associated private open space areas will continue to receive direct sunlight throughout the day. The increased wall height of the store will also assist to replace the loss of visual privacy to the neighbouring dwelling arising from the removal of the bottlebrush trees required to make way for the store in the original application.

The replacement of the shared boundary fencing that has been negotiated between property owners will also help to soften any bulk and scale impact of the added wall height of the store. A taller replacement fence together with the increased wall height of the store will assist to provide the adjoining dwelling with greater privacy and separation from the next door commercial consulting rooms.



Above: The location approved for the store, including some of the bottlebrush trees approved for removal located along the adjacent boundary with the dwelling at 502 Henley Beach Road. The proximity between the side boundary and the neighbouring dwelling is demonstrated in the photo. Any shadow cast to the dwelling side wall and window is unlikely to be much different than the 3m wall height already approved.

Car Parking Provisions

The site has an existing sealed carpark at the front of the subject site. Vehicular access is maintained from Murray Street. As per the Development Plan, *Table WeTo/2 - Off Street Vehicle Parking Requirements*, the office and consulting rooms are required to provide 11 car parks onsite. The clinic currently provides 12 onsite car parks, which remain unchanged by the proposed alterations to the store, satisfying PDC 34 of General Section - Transportation and Access.

Landscaping

In accordance with PDC 4 of General Section - Landscaping, Fences and Walls, 10% of the subject site should be landscaped. Inclusive of the side courtyard, the site provides approximately 22% landscaping without the store. Had the store been constructed as was originally approved in November 2020, the area available for landscaping is reduced to 16% of the total site area. Notwithstanding this reduction, PDC 4 is still met as the footprint of the store is not proposed to substantially change as part of the alterations assessed within this application.

SUMMARY

The subject site is located within an area dominated by commercial uses. Though alterations to the store are non-complying, the store associated with the existing office and consulting rooms is still considered to be relatively modest in scale in a commercial context. The store is ancillary and subordinate to the existing use and is therefore appropriate for the Residential Zone, and Policy Area. The most notable change to the built form includes increasing the wall height of the store by 0.95m. Informal consultation with the most affected residential neighbour however, has resulted in no major concerns being raised over the increased height of the store along the shared boundary. The alterations to the store are therefore not considered likely to detrimentally impact upon the amenity of the adjacent residential properties within the locality.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered not to be seriously at variance with the Development Plan.

On balance, the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 and warrants Development Plan Consent.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/245/2020/A by Jennifer Frisby Smith for construction of a store in association with existing office and consulting rooms - variation to an authorisation already granted - increase store wall height from 3m to 3.95m, and top of roof height from 3.77m to 4.709m at 504 Henley Beach Road, FULHAM (CT 5324/360) subject to the following conditions of consent:

Development Plan Consent Conditions

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application except where varied by any conditions listed below:
 - Site Plan, by Quadrant Drafting, Issue Date 22/02/2018.
 - Landscaping Plan, prepared by Jennifer Frisby-Smith, as approved in original application.
 - Car Park Alteration/ Store Access Plan, prepared by Jennifer Frisby-Smith, as approved in original application.
 - Floor Plan and Product Specifications, prepared by Stratco, Design Number SQ197565, Dated 18/11/2020 and 18/12/2019.
 - Elevation Plans, prepared by Stratco, Design Number SQ197565, Dated 18/12/2019.
 - Certificate of Structural Adequacy, prepared by Gama Consulting, Ref: 20401.19, Dated 15/01/2021.

Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.

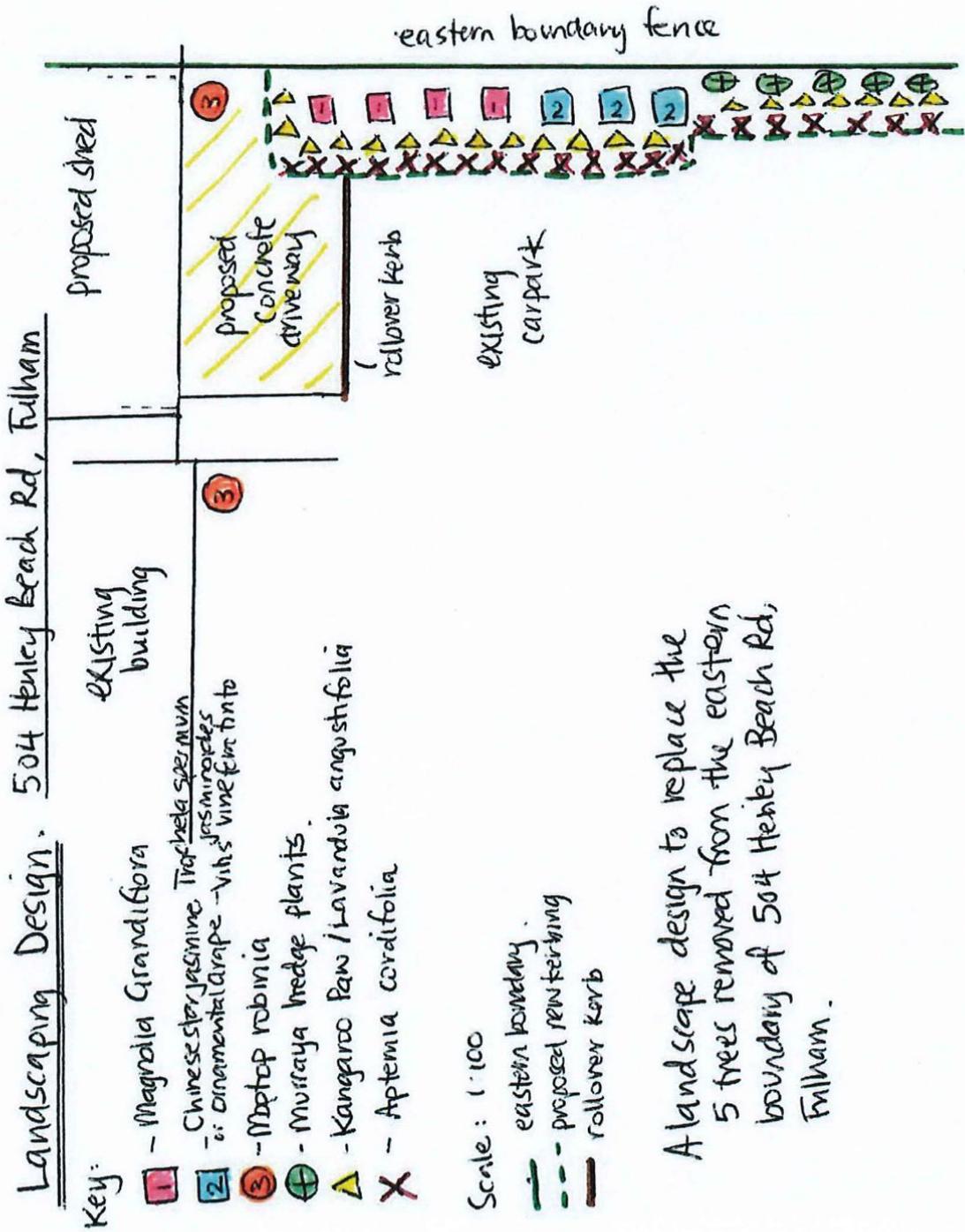
2. That all original planning conditions of Development Approval for Application **211/245/2020** dated **25 November 2020** where relevant, shall remain applicable.

Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.

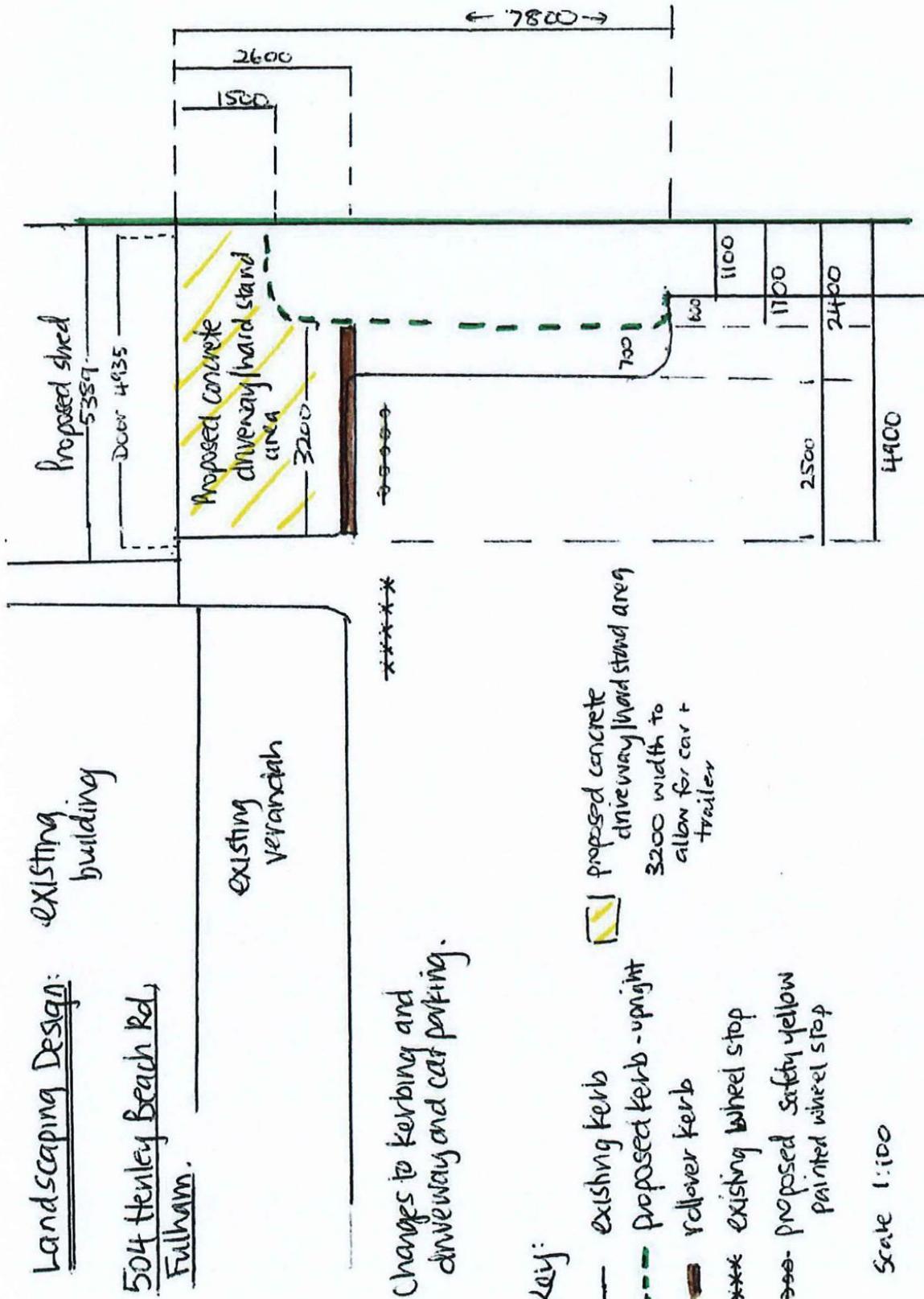
Attachments

1. **Relevant Principles of Development Control**
2. **Proposed Plans and CT**
3. **Neighbouring Land Owner Written Consent**

General Section		
Design and Appearance	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 9, 13, 14, 15, 19 & 20
Interface between Land Uses	<i>Objectives</i>	1 & 3
	<i>Principles of Development Control</i>	2, 3, 4
Landscaping, Fences and Walls	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 4 & 6



A landscape design to replace the 5 trees removed from the eastern boundary of 504 Henley Beach Rd, Fulham.





Stratco have developed a versatile range of gable garages to suit every situation. Stratco garages give you more space for storage, extra room for a workshop, provide the ideal space for a boat or caravan, and give you the opportunity to entertain all year round. Stratco has a proud history within the steel manufacturing industry, dating back over 60 years. Our commitment to supplying superior products and relentless innovation gives all of our customers the confidence that they are buying from a true industry leader who stand by their products.

CITY OF WEST TORRENS

18/01/2021

AMENDED

DESIGN SUBJECT TO ENGINEERING CONFIRMATION.

PLEASE CHECK THAT ALL ORDER DETAILS ARE CORRECT.
YOUR ORDER IS NOW BEING PROCESSED BASED ON THE FOLLOWING DETAILS.**JOB DETAILS**

JOB REFERENCE:
DESIGN NUMBER: SQ197565
SALES PERSON: Mr Mathew Ogilvy

CUSTOMER DETAILS

CLIENT NAME: Jen Frisby-Smith
PHONE NUMBER: 0405809829
ACCOUNT CODE: *PPC

DELIVERY DETAILS

DELIVERY INSTRUCTIONS: 504 Henley Beach Road
Fulham

ADDITIONAL INSTRUCTIONS: 5024

Opening Details

Roller Doors 1
Single Larnec Door 2

Site Details

Wind Speed 33 (N2)

Roof Details

Roof Sheet CGI Standard Double Sided

Roof Purlins

Eave Purlin Section GHS Purlin/Girt 1.20 75
Roof Purlin Section GHS Purlin/Girt 1.20 75

Gable End Columns

Gable End Column Section GHS End Column 1.5 150

Footing Details

Concrete Slab Yes
End Column Embedment 500mm
Footing Type Fixed (In Ground)
Mid Column Embedment 500mm

Drainage Details

Box Gutter Right
Downpipe Type Downpipe 100x50 PVC
Gutter Type Quad Gutter 115

Unit

Gable Homeshed Design Domestic

Dimensions (Outside Frames)

Height 3950mm
Length 9260mm
Roof Pitch 15°
Width 5389mm

Wall Details

Bottom Sheet Extra 25mm No
Wall Sheet Superdek Standard Double Sided

Wall Girts

End Wall Girt Section GHS Purlin/Girt 1.20 75
Side Wall Girt Section GHS Purlin/Girt 1.20 75

Portal Frames

End Portal Column Reinforcing Section N/A: Not Applicable
End Portal Column Section GHS Portal Column 1.9 150
End Portal Rafter Section GHS Rafter 1.9 150
Mid Portal Column Reinforcing Section N/A: Not Applicable
Mid Portal Column Section GHS Portal Column 1.9 150
Mid Portal Rafter Section GHS Rafter 1.9 150

Colours

Barge Cap Slate Grey
Corner Flashing Slate Grey
Downpipe Off White
Gutter Slate Grey
PA Door Slate Grey
Ridge Cap Slate Grey
Roller Door Slate Grey
Roller Door Flashings Slate Grey
Roof Sheet Slate Grey
Skylight Sheet Grey Tint
Wall Sheet Slate Grey

All Dimensions shown are measured from outside of frame (including purlins and girts).
Dimensions shown are for illustrative purposes only and should not be used for assembly.
Please refer to the relevant installation guides or detailed drawings provided for site preparation, portal frame layout and slab dimensions.

Please refer to current Stratco Gable Homeshed certification referenced 50098-6 by FYFE Pty Ltd for 15° Homeshed range or certification referenced 2011-628 by RSA for 10° Homeshed range. Certifications are applicable to standard shed designs only.

CUSTOMER SIGNATURE:

DATE: 18/11/2020



All Dimensions shown are measured from outside of frame (including purlins and girts). Dimensions shown are for illustrative purposes only and should not be used for assembly. Please refer to the relevant installation guides or detailed drawings provided for site preparation, portal frame layout and slab dimensions. Please refer to current Stratco Cable Homestead Certification referenced 3-1109C by FFE Pty Ltd for 13' Homestead range or certification referenced 2011-628 by FFE for 10' Homestead range. Certifications are applicable to standard steel designs only.



CITY OF WEST TORRENS
 18/01/2021
 AMENDED

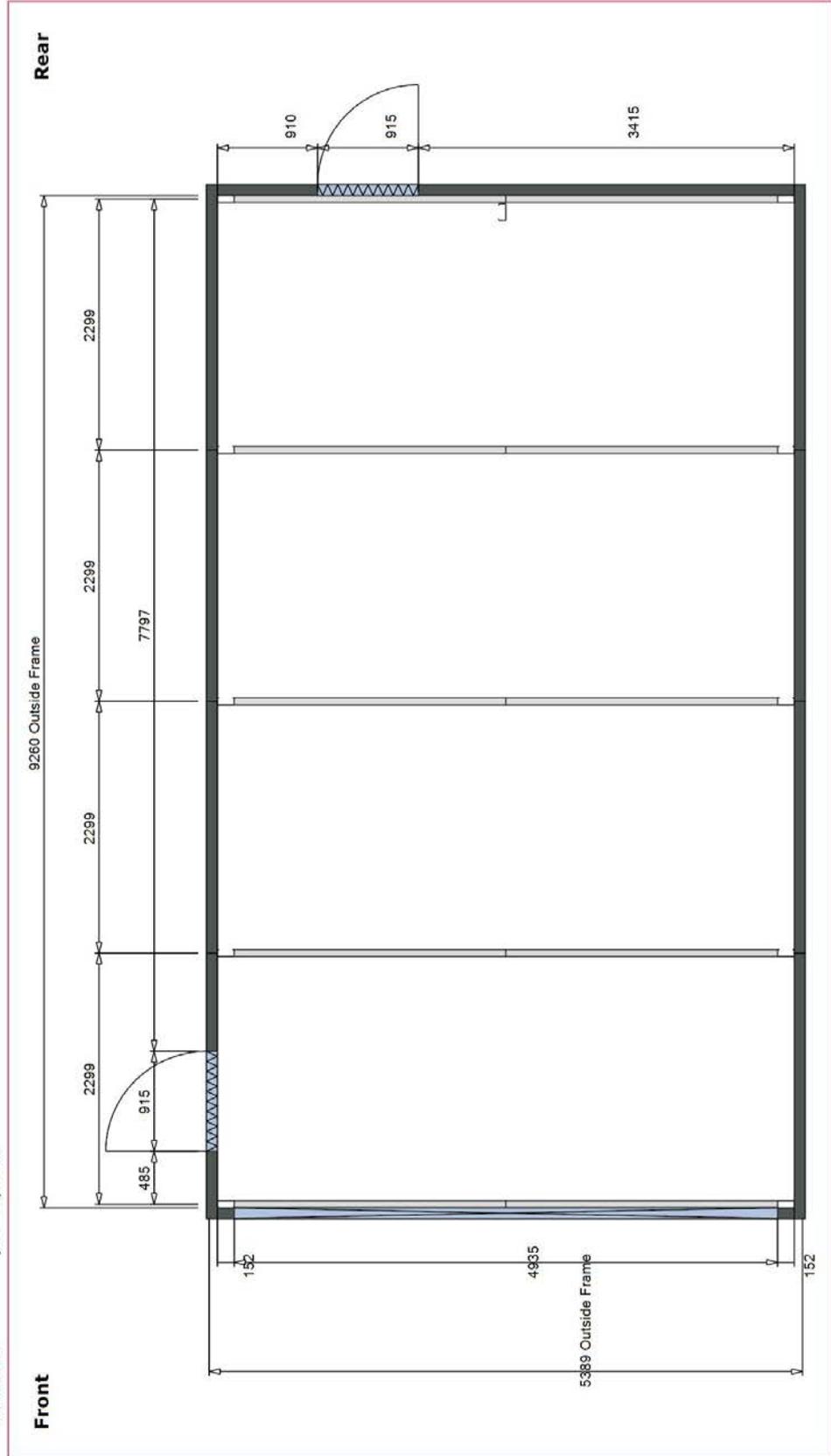
Site Plan

Job Reference: Mr Mathew Ogilvy
 Sales Person: Jen Frisby-Smith
 Client Name: Jen Frisby-Smith

Site Address: 504 Henley Beach Road
 Fulham

Design Number: SQ.197565
 Date: 18/12/2019

Customer Signature





All Dimensions shown are measured from outside of frame (including purlins and girts). Dimensions shown are for illustrative purposes only and should not be used for assembly. Please refer to the relevant installation guides or detailed drawings provided for site preparation, portal frame layout and slab dimensions. Please refer to current Stratco Cable Reroofed Certification referenced 34109C by PTFE Pty Ltd for 15° Reroofed Range or certification referenced 2011428 by T&S for 10° Reroofed Range. Certifications are applicable to standard steel designs only.

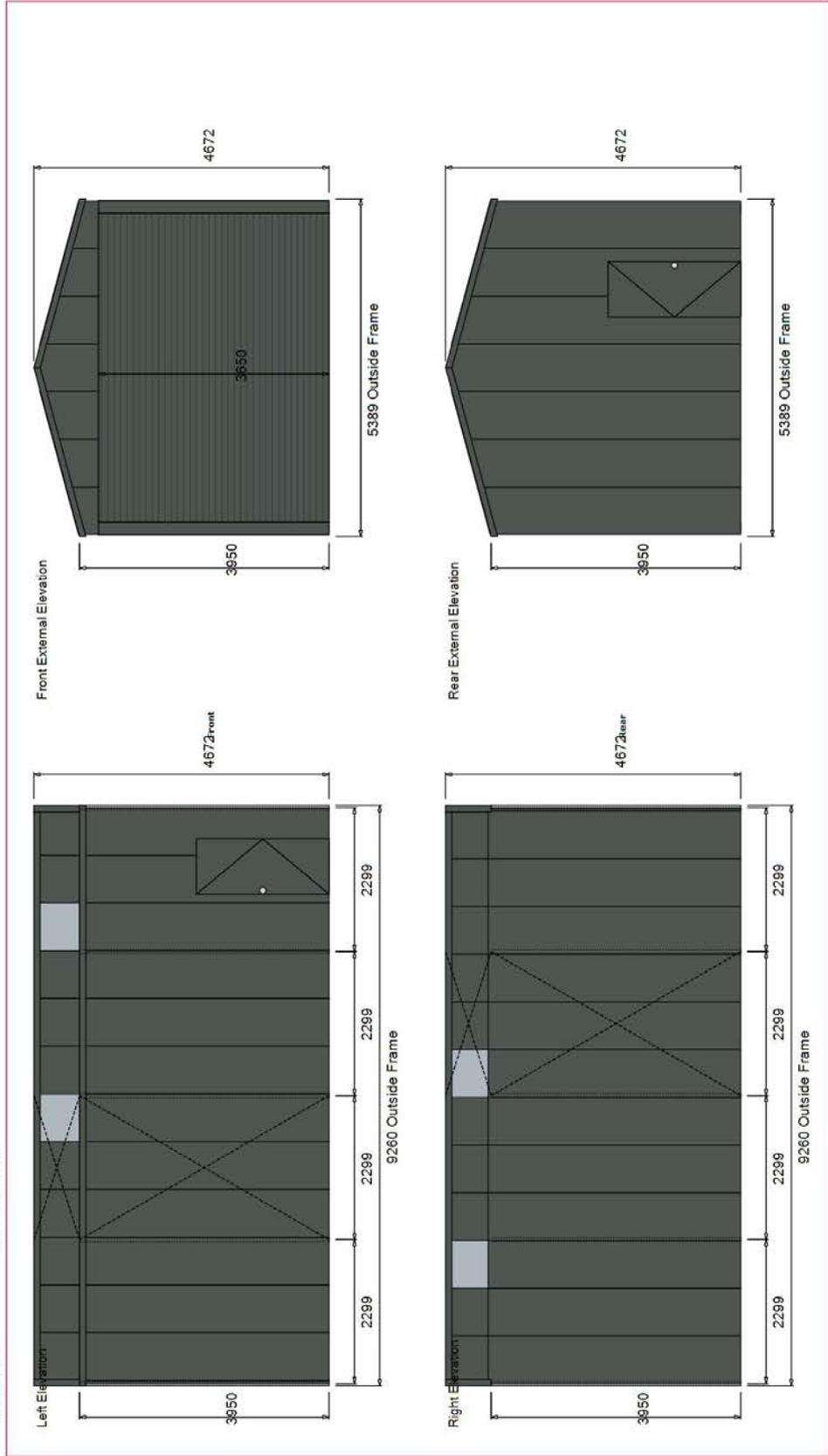
CITY OF WEST TORRENS
 18/01/2021
 AMENDED

Design Number: SQ.197565
 Date: 18/12/2019
 Customer Signature



Elevations

Job Reference: Mr Mathew Ogilvy
 Sales Person: Jen Frisby-Smith
 Client Name:
 Site Address: 504 Henley Beach Road, Fulham





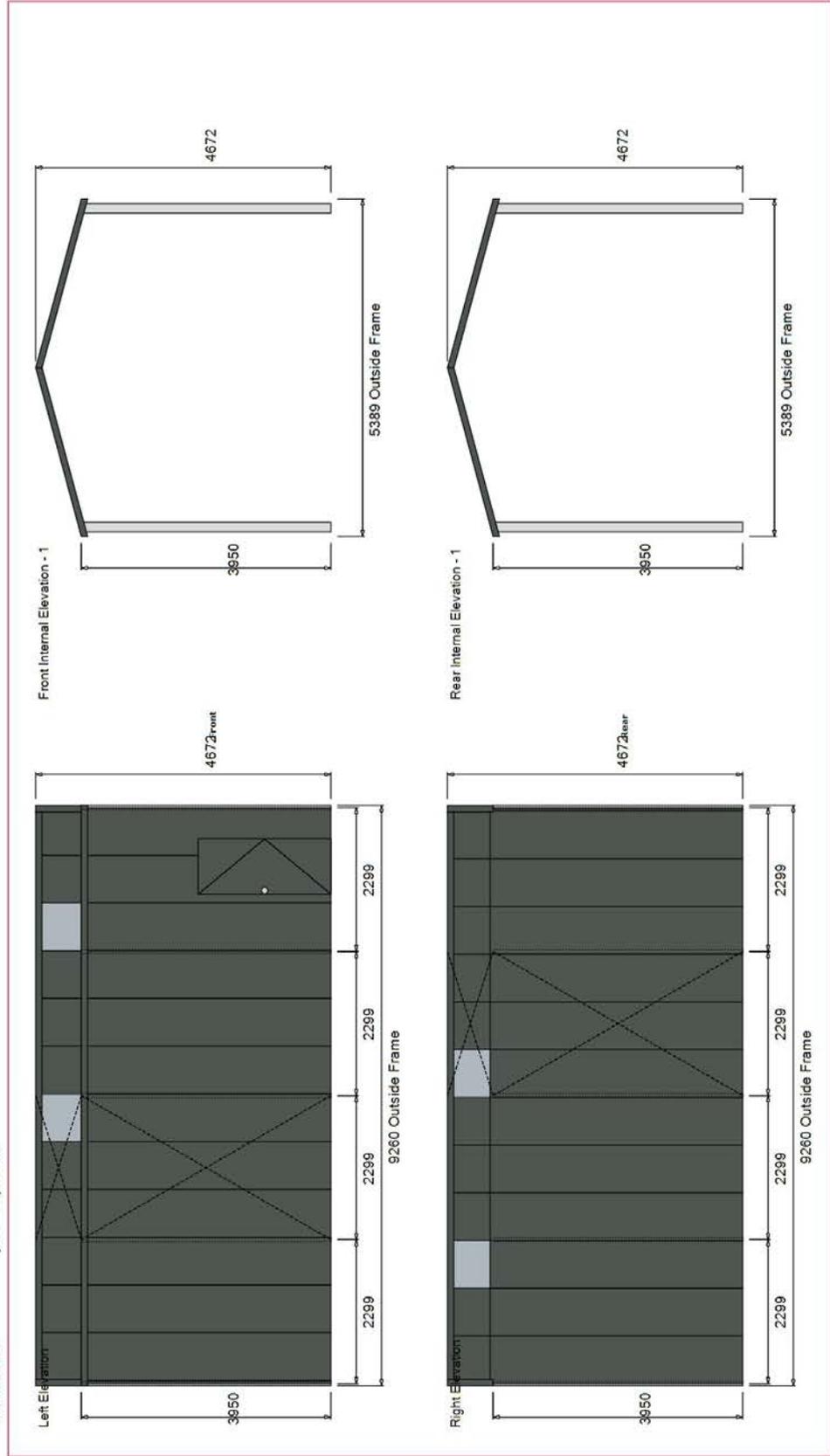
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CITY OF WEST TORRENS
 18/01/2021
 AMENDED

Design Number: SQ.197565
 Date: 18/12/2019
 Customer Signature

Elevations

Job Reference: 504 Henley Beach Road
 Sales Person: Mr Mathew Ogilvy
 Client Name: Jen Frisby-Smith





All Dimensions shown are measured from outside of frame (including purlins and girts). Dimensions shown are for illustrative purposes only and should not be used for assembly. Please refer to the relevant installation guides or detailed drawings provided for site preparation, portal frame layout and slab dimensions. Please refer to current Strato Cable Homebased Certification referenced 34109C by PTFE Pty Ltd for 15° Homebased range or certification reference 2011428 by TSS for 10° Homebased range. Certifications are applicable to standard area designs only.

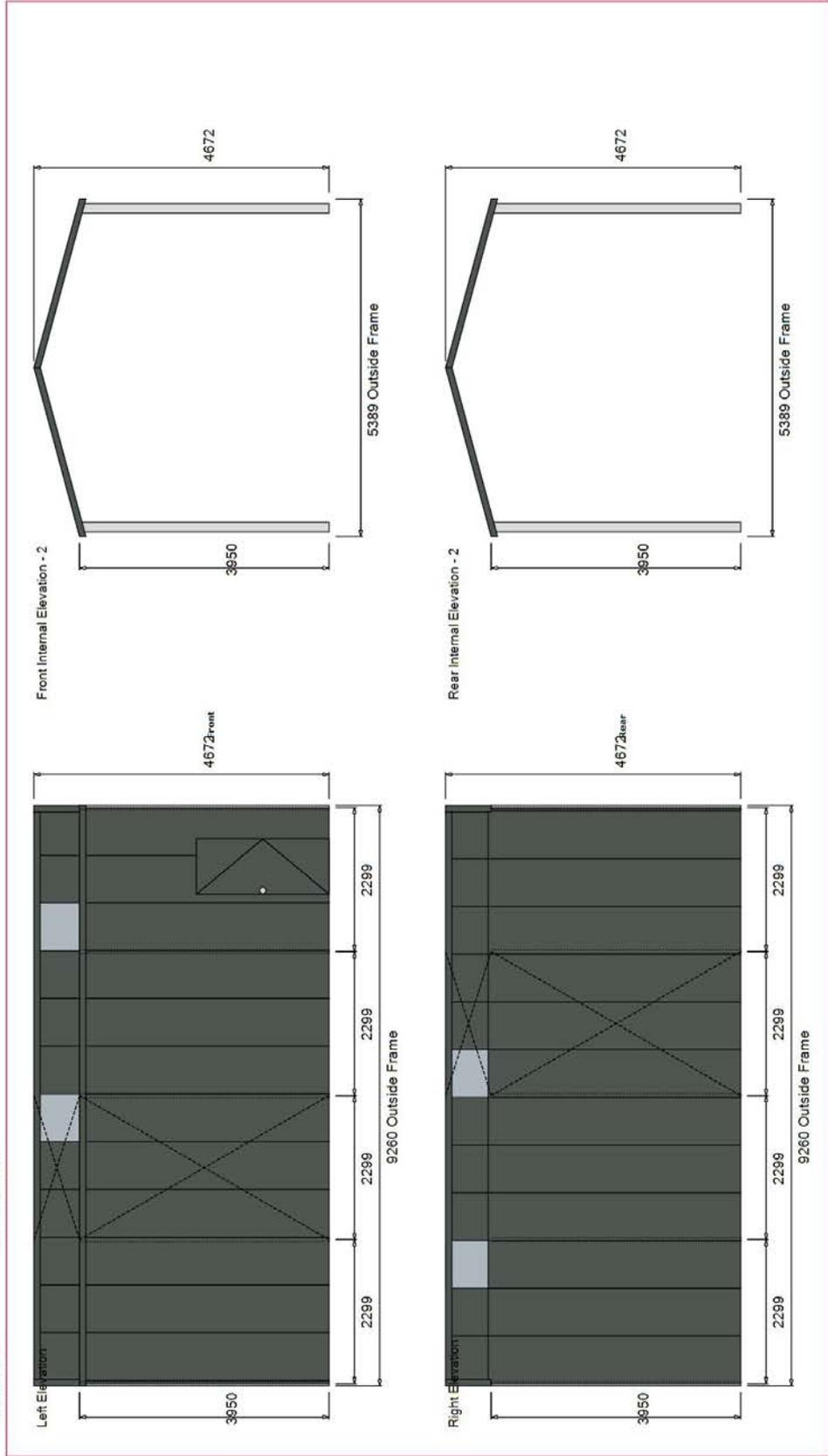


CITY OF WEST TORRENS
 18/01/2021
 AMENDED

Design Number: SQ.197565
 Date: 18/12/2019
 Customer Signature

Elevations

Job Reference: Mr Mathew Ogilvy
 Sales Person: Jen Frisby-Smith
 Site Address: 504 Henley Beach Road, Fulham





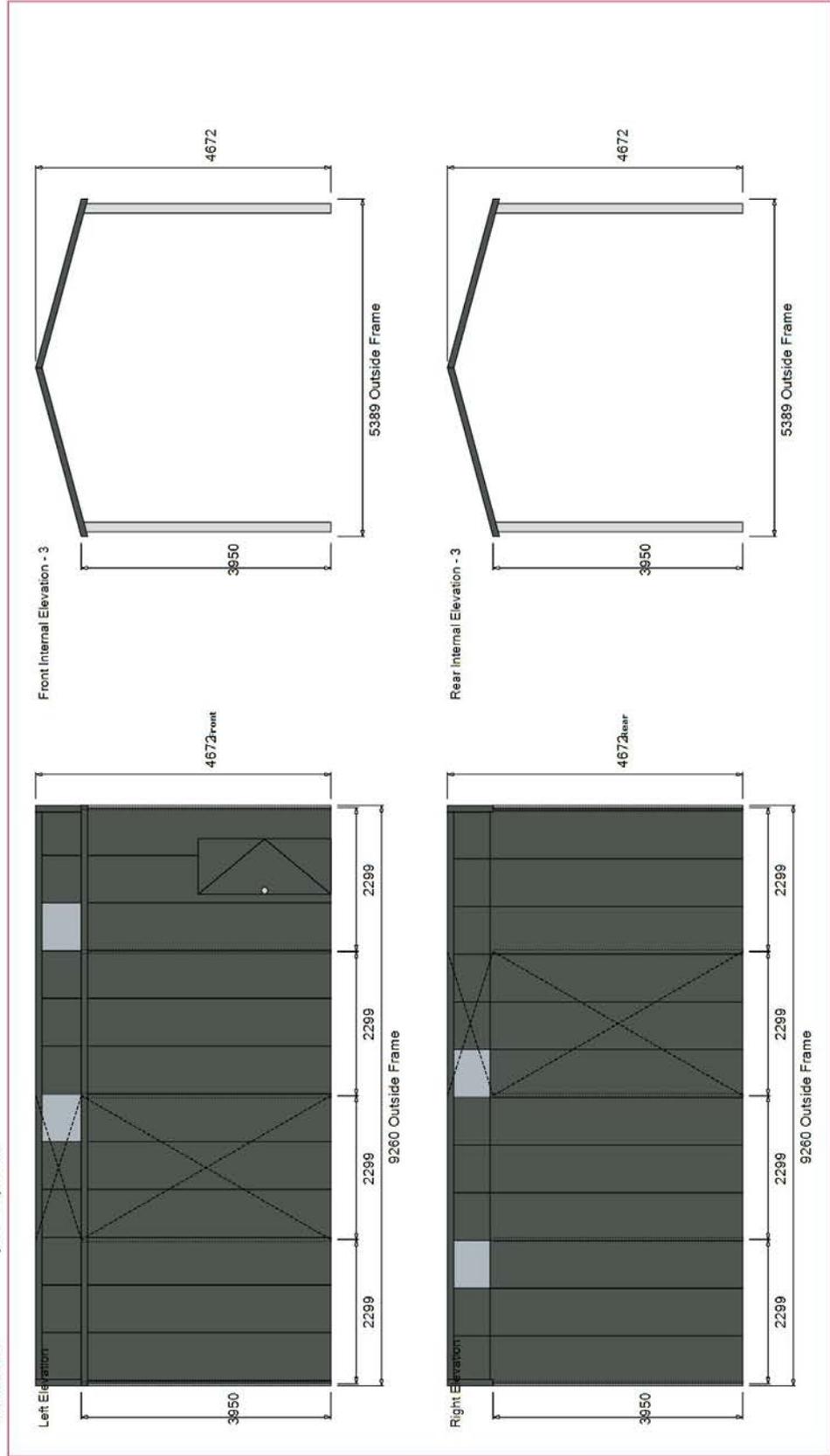
CITY OF WEST TORRENS
 18/01/2021
AMENDED

All Dimensions shown are measured from outside of frame (including purlins and girts). Dimensions shown are for illustrative purposes only and should not be used for assembly. Please refer to the relevant installation guides or detailed drawings provided for site preparation, partial frame layout and slab dimensions. Please refer to current Strato Cable Homestead Certification referenced 34109C by PTFE Pty Ltd for 15° Homestead range or certification referenced 2011428 by TSN for 10° Homestead range. Certifications are applicable to standard area designs only.



Elevations

Job Reference: Mr Mathew Ogilvy
 Sales Person: Jen Frisby-Smith
 Client Name: 504 Henley Beach Road Fulham
 Design Number: SQ197565
 Date: 18/12/2019
 Customer Signature:



gama consulting pty. ltdSuite 3/83 Fullarton Road,
Kent Town SA 5067

p (08) 7123 4050

e admin@gamaconsulting.com.au

ABN 83 607 495796

**OUR REF: 20401.19****DATE: 15 January 2021**Stratco (Australia) Pty. Ltd.
59 Port Wakefield Road,
Gepps Cross SA 5094**CITY OF WEST TORRENS****18/01/2021****AMENDED**

SUBJECT: Certification of Structural Adequacy
SITE ADDRESS: 504 Henley Beach Road, Fulham SA 5024
STRATCO PROJECT NO.: ENG23300

We hereby certify that we have examined the 15° Gable Roof Shed prepared by Stratco (Australia) Pty. Ltd., as detailed in the following documents:

Document No.	Document Date	Type of document (e.g. drawings, computations, specifications, calculations etc.)	Number of pages	Prepared by
1	2020-11-17	ENG22665 Non-Standard Design Request	1	Stratco (Australia) Pty. Ltd.
2	2020-11-18	ENG22665 Drawings	3	Stratco (Australia) Pty. Ltd.
3	2020-11-19	Checkwind v5.0.5 AS/NZS 1170 Site Report	1	Stratco (Australia) Pty. Ltd.

We hereby state that the design calculations have been carried out in accordance with the National Code of Construction Series (BCA) 2019 and the following Australian Standards:

- AS1170.0 – 2002 Structural design actions – Part 0: General principals
- AS1170.1 – 2002 Structural design actions – Part 1: Permanent, imposed and other actions
- AS1170.2 – 2011 Structural design actions – Part 2: Wind actions
- AS1170.4 – 2007 Structural design actions – Part 4: Earthquake actions in Australia
- AS4600 – 2018 Cold-formed steel structures
- AS4055 – 2012 Wind load for housing
- AS4100 – 1998 Steel Structures

We hereby state that the design layout and design procedure meet the requirements of Part B of the National Code of Construction Series (2019).

All construction shall comply with the standard designs, standard details and specifications appropriate to the building construction and wind speed. We note that the design of temporary supports, soil conditions and fabrication detail dimensions do not form part of the certification.

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gama consulting pty. ltd

Suite 3/83 Fullarton Road,
Kent Town SA 5067

p (08) 7123 4050

e admin@gamaconsulting.com.au

ABN 83 607 495796



Our certification relies on specification provided in the following documents, and other relevant proprietary product specification:

Document No.	Document Date	Type of document (e.g. drawings, computations, specifications, calculations etc.)	Number of pages	Prepared by
1	Dec 2019	Stratco 15° Gable Roof Shed Span Tables	57	Stratco (Australia) Pty. Ltd.
2	Oct 2013	Stratco Gable Homeshed Framework	12	Stratco (Australia) Pty. Ltd.
3	Nov 2012	Stratco Gable End Type 1 Roller Door Installation Guide	10	Stratco (Australia) Pty. Ltd.

Kind regards,

**Matthew Mammone**

MIEAust; NER;

RBP (VIC): EC46356; RPEQ (QLD): 18537;

BSP (TAS): 979609393; BPB (NT): 243890ES

Director

Gama Consulting Pty Ltd

Enclosures:

- Member Schedule
- Structural Layout Plans

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CITY OF WEST TORRENS

18/01/2021

AMENDED

**Site Address: 504 Henley Beach Road, Fulham SA 5024****Member Schedule****Roof Schedule**

MEMBER	SIZE	CONNECTION & COMMENTS
Portal Rafter	C15019	Fly brace mid-span.
Roof Purlin	C7595	10 Rows incl. eave purlins.
Eave Purlin	C7595	-
Roof Sheeting	CGI Standard Double Sided 0.35 BMT	3 Fasteners per sheet.
Roof Bracing	2/30x1.0 Cross Strap	3x14-10 Screws each end. Roof Brace Locations refer to layout plans.

Wall Schedule

MEMBER	SIZE	CONNECTION & COMMENTS
Portal Column	C15019	Fly brace locates mid-span. 2.5mm BMT G300 Eave bracket with 3mm BMT G300 Reinforcing washer plate. 500mm (min.) embedment into concrete pad footing.
End Wall Column	C15024	Fly brace locates mid-span. 500mm (min.) embedment into concrete pad footing.
Roller Door Header Beam	65x65x3.0 SHS	-
PA Door Framing	Standard	-
End Wall Girts	C7595	4 Rows.
Side Wall Girts	C7595	4 Rows.
Wall Sheeting	Superdek Standard Double Sided 0.32 BMT	4 Fasteners per sheet.
Wall Bracing	2/30x1.0 Cross Strap	3x14-10 Screws each end. Wall brace locations refer to layout plans.

Footing Schedule

FOOTING SIZES	NOTES	
PAD FOOTING	Soil Type A: 600 ϕ x 800 deep	Circular unreinforced concrete pad footing to be fully embedded into firm natural soil. Over excavation if required. Footing sizes indicated are the minimum size for structural adequacy; these sizes must be confirmed by a suitably qualified structural engineer relating to project specific site soil conditions.
	Soil Type B: 450 ϕ x 700 deep	
	Soil Type C: 375 ϕ x 600 deep	

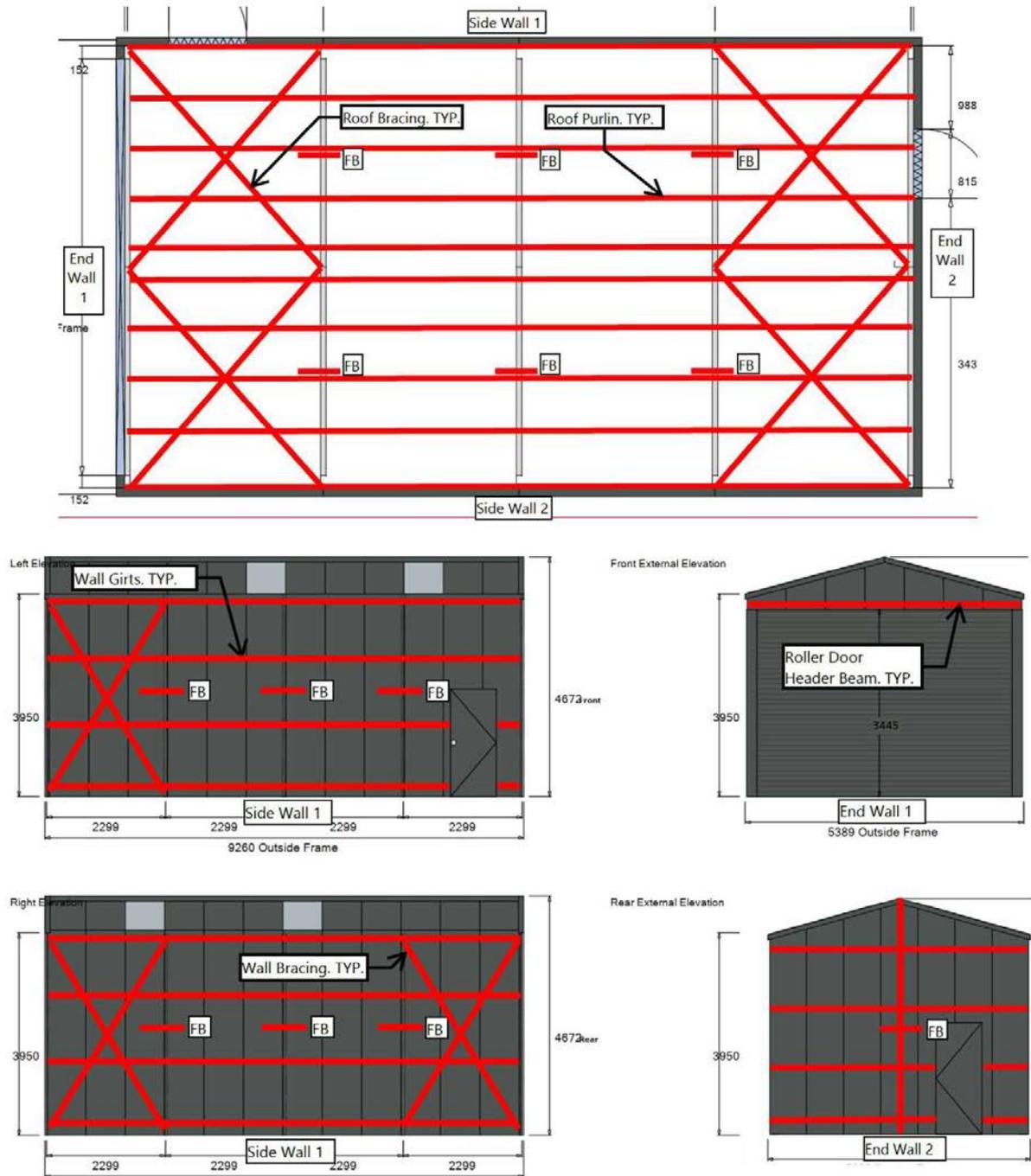
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CITY OF WEST TORRENS
18/01/2021
AMENDED



Structural Layout Plans



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Product	Register Search (CT 5324/360)
Date/Time	17/04/2020 08:13AM
Customer Reference	cjones
Order ID	20200417000442



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.



Certificate of Title - Volume 5324 Folio 360

Parent Title(s)	CT 2691/112		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	14/02/1996	Edition 5	Edition Issued 10/07/2018

Estate Type

FEE SIMPLE

Registered Proprietor

FRIZBIZ CUSTODIAN PTY. LTD. (ACN: 625 773 631)
OF 504 HENLEY BEACH ROAD FULHAM SA 5024

Description of Land

ALLOTMENT 1 DEPOSITED PLAN 6441
IN THE AREA NAMED FULHAM
HUNDRED OF ADELAIDE

Easements

NIL

Schedule of Dealings

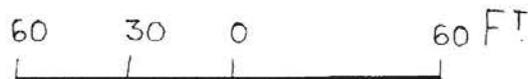
Dealing Number	Description
12947191	MORTGAGE TO BANK OF QUEENSLAND LTD. (ACN: 009 656 740)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Product Register Search (CT 5324/360)
 Date/Time 17/04/2020 08:13AM
 Customer Reference cjones
 Order ID 20200417000442



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

211/245/2020A

14 January 2021

Dear Amy.

^F_{We} Ehaine Tonellato of 502 Henley Bch Rd
Fulham 5024

have seen the plans for the proposed shed to be built along the boundary of 504 and 502 Henley Beach Road, Fulham, SA 5024.

We are happy with the boundary wall height and the roof height as seen on the plans and have no concerns about either height.

Name: Ehaine Tonellato Name: _____

Signature: E Tonellato Signature: _____

Phone: _____ Phone: _____



6.4 12-20 Arthur Lemon Avenue, UNDERDALE

Application No 211/63/2021

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Construction of freestanding advertising sign and display of advertising on existing education building - Non-Complying
APPLICANT	Nazareth Catholic Community
APPLICATION NUMBER	211/63/2021
LODGEMENT DATE	21 January 2021
ZONE	Residential Zone
POLICY AREA	Medium Density Policy Area 18
APPLICATION TYPE	Non-Complying
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> • Nil External <ul style="list-style-type: none"> • Nil
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a non-complying form of development and the application is to be determined after a full merit assessment against the Development Plan, except where the relevant development application proposes a change of use to office in a Commercial Zone.
RECOMMENDATION	Support with conditions
REPORT AUTHOR	Brendan Fewster

BACKGROUND

At its meeting on 8 September 2020, the Council Assessment Panel (CAP) resolved to grant Development Plan Consent to Development Application 211/456/2020 for a change of use to an education establishment (secondary school), additions and alterations to the existing building, a new storage shed and associated car parking and landscaping. Development Approval was subsequently granted on 20 October 2020.

This current application is for advertising signage associated with the approved use of the land.

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 54 Deposited Plan 67591 in the area named Underdale Hundred of Adelaide, Volume 5948 Folio 226, and is more commonly known as 12-20 Arthur Lemon Avenue, Underdale. The subject site is an irregular shape with a 67.13 metre (m) wide frontage to Arthur Lemon Avenue and a frontage of 72.41m to Witty Court. The land is 5097 square metres (m²) in total area.

While there are no encumbrances or Land Management Agreements on the Certificate of Title, it is noted there are two services easements over the land none of which impact this proposed development.

The site currently contains a large two-storey commercial building that was formerly used by the University of South Australia for educational purposes. The building is currently being refurbished as part of its change of use to a secondary school. There is a bitumen car park around the curtilage of the building on the northern, southern and western sides with parking for in excess of 60 vehicles.

The site is relatively flat and is covered almost entirely by the commercial building and hard paved surfaces. There are no Regulated Trees on the subject site, and while there appears to be several Regulated Trees on the adjacent childcare centre site to the north, these trees would not be affected by the proposed development.

The locality includes the former university site that has been redeveloped into a housing estate. To the north is a childcare centre and residential development comprising detached dwellings and two storey residential flat buildings. To the east and south are predominantly detached and row dwellings, while to the west are the grounds of the Underdale High School.

The amenity of the locality is relatively high due to the quality of the surrounding housing stock and the spacious and well vegetated character derived from the school grounds, the Torrens Linear Park and small public reserves.

The subject land and locality are shown on the aerial imagery below.



RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/456/2020	Change of use to education establishment (secondary school), additions and alterations to existing building, new storage shed and associated car parking and landscaping	Approved	8 September 2020

PROPOSAL

The application is seeking the construction of one freestanding advertising sign and installation of one advertising display on the front entrance of the existing education building.

The proposed freestanding sign measures 1.5m in height and has an advertisement display of 2m in length by 1m in width, with an overall area of 2m². The sign comprises powder coated steel frame construction with no internal illumination. The sign will be located adjacent to the Arthur Lemon Avenue frontage at the entrance to the northern-most car park within the landscape bed.

The second advertisement will be displayed on a rendered brick column at the front entrance of the building.

The proposed signs will display the name, logo and contact details of the school campus (St Gabriel Centre).

The relevant plans and documents are contained in **Attachment 2**.

NON-COMPLYING

The application is a non-complying form of development due to advertisements and advertising hoardings being listed as non-complying development in the Procedural Matters section of the Residential Zone in the Development Plan.

The applicant has not provided a Statement of Effect and is not required to do so pursuant to Regulation 17 clause (6) of the *Development Regulations 2008*. A brief statement of support is however included in **Attachment 2**.

Should the CAP resolve to approve the application, the concurrence of the State Commission Assessment Panel is not required. This is a result of recent legislative changes to the *Development Act 1993* that were administered in early May 2020 to assist in streamlining the processing of development applications during the Covid-19 pandemic.

Alternatively, should the CAP refuse the application, it is important to note that no appeal rights are afforded to the applicant. As the Administration resolved under delegation to proceed with an assessment of the proposal, the application is now presented to the Panel for a decision.

PUBLIC NOTIFICATION

The application has been assigned to Category 1 for public notification purposes pursuant to Section 38 of the *Development Act 1993* and Schedule 9, Part 1 (3)(b) of the *Development Regulations 2008*. The proposed sign is considered to be ancillary to an existing building and is of a minor nature for the following reasons:

- The proposed signage would be ancillary to and subordinate to the approval use of the land (secondary school);
- The size of the signs to be displayed are commensurate to the size and frontage of the site;
- The advertisements to be displayed relate to the activities that are carried out on the site;
- The size, design and appearance of the signs are such that they would not dominate the appearance of the site or the streetscape; and
- The signs will not be internally illuminated.

As the proposal is Category 1, public notification was not required to be undertaken.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, is within Medium Density Policy Area 18 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character:

This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.

Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.

*Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a **Historic Conservation Area**.*

Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

Medium Density Policy Area 18 - Desired Character:

Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments. Allotment amalgamation to create larger development sites will occur to maximise the density of development while also achieving integrated design outcomes, particularly within a comfortable walking distance of centre zones. Vehicle access will occur from side streets and new rear public and private laneways wherever possible, also supporting the retention of existing street trees.

New buildings will contribute to a highly varied streetscape. Buildings will be up to 3 storeys and provide a strong presence to streets, other than in the part of the policy area in Underdale, Ashford (other than allotments adjacent to Residential Character Ashford Policy Area 22) and allotments bounded by Anzac Highway, Morphett Road and Cromer Street in Camden Park where buildings will be up to 4 storeys. Parking areas and garages will be located behind the front facade of buildings.

Buildings on the edge of the policy area which adjoin residential policy areas at lower densities will pay particular attention to managing the interface with adjoining dwellings, especially in terms of the appearance of building height and bulk, and overshadowing.

Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

There are no quantitative provisions relevant to the proposal.

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Form of Development

The proposed advertising signage will provide identification details for the newly approved St Gabriel Centre of the Nazareth Catholic College. The St Gabriel Centre is to be used as a senior school campus.

In accordance with PDC 4 of the General Section (Advertisements), the proposed advertisements will be limited to information relating to the legitimate and lawful use of the land. As the proposed signage is of small-scale and would be ancillary to the approved school, the proposal will not entrench an inappropriate development within the Residential Zone or preclude the Objectives of the Zone from being attained.

Accordingly, the proposal is considered to be an orderly and appropriate form of development.

Design and Appearance

The proposed freestanding sign is of steel construction that is to be finished in colours that complement the main school building. While no internal or external illumination is proposed, the school is likely to install a small external solar light so the sign is legible to passers-by. The design of the sign and column display is of high quality and will be professionally prepared by a sign manufacturer. The size and appearance of the signage would sufficiently complement the form and appearance of the school building, as required by Objective 3 and PDC 1 of the General Section (Advertisements).

At a height of only 1.5m above ground level and with an advertisement area of 2m², the freestanding sign is considered to be of modest size and is proportionate to the width of the road frontage to which it is located. The siting of the sign approximately 5.0m from the road and within a garden area near the visitors car park and school entrance would further minimise the visual dominance of the sign when viewed from the public realm.

Having regard to the design, siting and modest size of the signage, the proposal would sufficiently maintain the prevailing streetscape character and the residential amenity of the locality.

Amenity / Interface

The proposed freestanding sign would be located at least 15 metres from the boundary of the nearest residential property on the eastern side of Arthur Lemon Avenue.

The separation to adjacent properties and the modest size and static display of the sign would ensure there are no significant amenity impacts.

The proposal would therefore satisfy Objective 1 and 2 and PDC 1 and 2 of the General Section (Interface between Land Uses).

Traffic Safety

As the proposed signage is of a modest size, is adequately removed from the adjacent road and would not comprise any internal illumination or flood-lighting, the proposal would not distract motorists or endanger public safety, in accordance with PDC 2 and 14 of the General Section (Advertisements).

A condition of consent has been included to reinforce that the sign is not to be internally illuminated.

SUMMARY

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

Although non-complying in nature, the proposed sign is ancillary to the existing lawful use of the land, is of an appropriate size and scale, and is of high quality construction and is appropriately sited so as not to cause distraction to motorists or endanger public safety.

On this basis, the proposal would not entrench an inappropriate development within the Residential Zone or preclude the Objectives of the zone from being attained.

On balance, the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 and warrants Development Plan Consent.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/63/2021 by Nazareth Catholic Community for construction of freestanding advertising sign and display of advertising on existing education building - Non-Complying at 12-20 Arthur Lemon Avenue, Underdale (CT5948/226) subject to the following conditions of consent:

Development Plan Consent Conditions

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application except where varied by any conditions listed below:
 - Signage Plan (Drawing No. DA30) prepared by Russell and Yelland dated 21 December 2020; and
 - Statement of Support prepared by URPS dated 19 January 2021
2. The advertising sign shall not be internally illuminated at any time without the prior approval of Council.

Reason: To reduce unnecessary distraction to motorists and assist in preserving the amenity of the locality.

3. Any external illumination of the signage approved herein shall be such that no hazard, difficulty or discomfort is caused to either approaching drivers on adjacent public roads or nuisance to adjoining residents.

Reason: To ensure the development does cause undue distraction to motorists or nuisance to residents

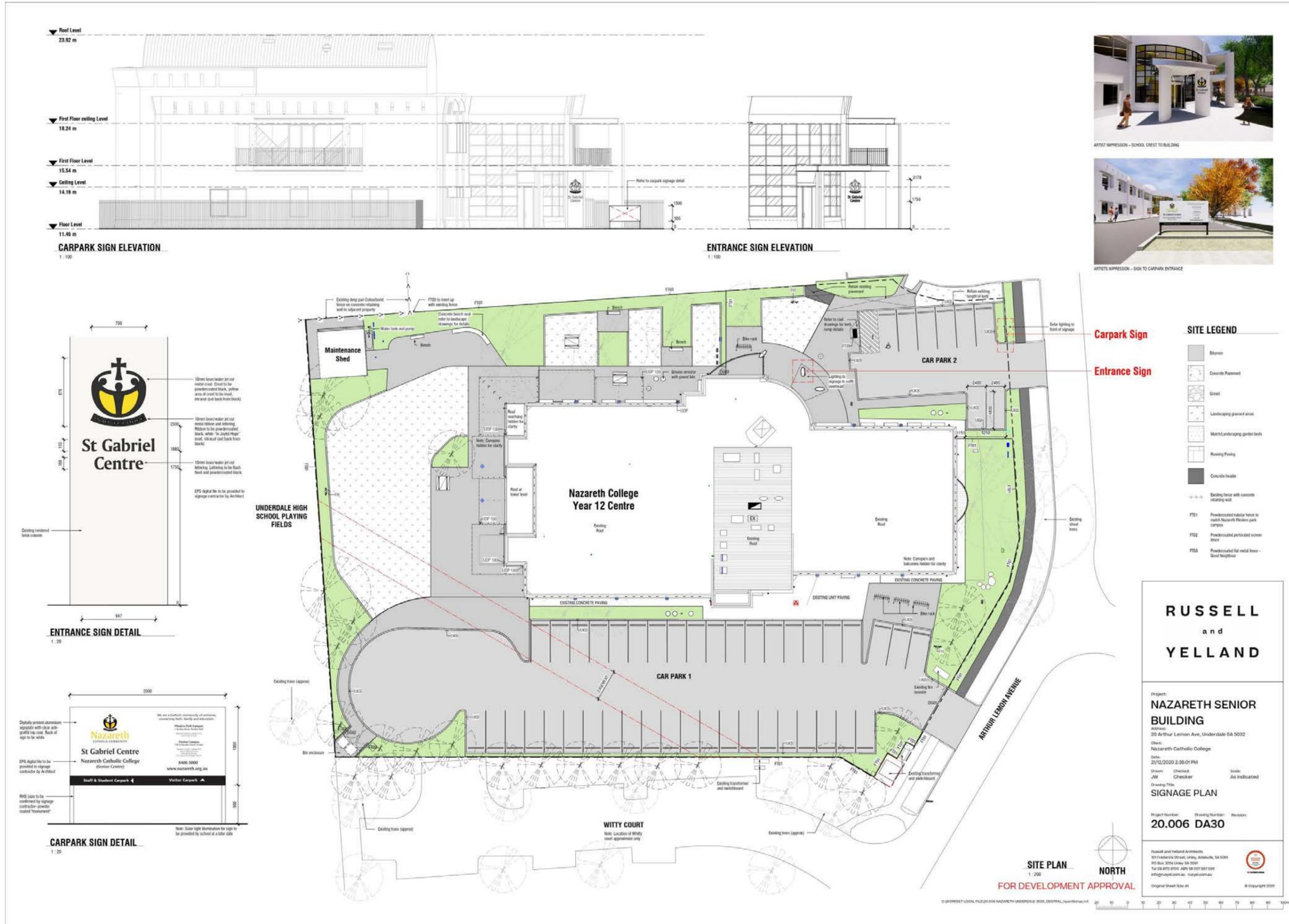
4. The advertisement and the support structure shall be prepared and erected in a professional manner and maintained in good repair at all times.

Reason: To maintain visual amenity and public safety in the locality.

Attachments

1. Relevant Development Plan Provisions
2. Proposal Plans & Documents

General Section		
Advertisements	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 10, 11, 12, 14 & 16
Interface between Land Uses	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1 & 2
Orderly and Sustainable Development	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 3 & 7



Ref: 19ADL-0313

19 January 2021

Brenden Fewster
Contract Development Assessment
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033



URPS

ADELAIDE
12/154 Fullarton Road
ROSE PARK SA 5067
(08) 8333 7999

MELBOURNE
4 Brunswick Place
FITZROY VIC 3065
(03) 8593 9650

www.urps.com.au
ABN 55 640 546 010

Dear Brenden

Signs for the Educational Establishment at 12-20 Arthur Lemon Avenue, Underdale – Statement of Support and Planning Assessment

Introduction

URPS acts for Nazareth College in relation to the Development Application referred to above. On the basis that the proposed signs are a non-complying form development, this correspondence comprises the statement and support and an assessment against the relevant West Torrens Development Plan provisions.

Background and Proposal

The City of West Torrens granted Development Plan Consent for a “change of use to education establishment (secondary school), additions and alterations to existing building new storage shed and associated car parking and landscaping” on 8 September 2020.

Nazareth College, the operators of the approved educational establishment, now wish to erect two signs on the campus as shown on the attached plan. One of these signs is freestanding at the entrance to the approved car park and the other sign is located on one of the columns at the pedestrian entrance to the building.

Subject Land and Locality

The subject land is known as 12-20 Arthur Lemon Avenue, Underdale and is more particularly described as Certificate of Title Volume 5948 Folio 226. The site is relatively flat.

The land is irregular in shape with an area of approximately 5,097m² with a frontage of 67.3m to Arthur Lemon Avenue to the east and a frontage of 72.41m to Witty Court to the south.

The site currently contains an existing two-storey building (total floor area of approximately 2,600m²) which was formerly occupied by the University of South Australia. The main car parking areas are located to the south and west of the existing building and provide 71 car parking spaces. Additional car parking (6 spaces) is located in the north-eastern corner of the land.

shaping great communities

The existing landscaping on the site includes mature trees, mulched garden beds and small shrubs as well as lawn areas fronting Arthur Lemon Avenue.

There are no regulated or significant trees on or overhanging the land. There are no heritage listed buildings on the site.

The locality is largely residential in nature to the east and south of the land. The land immediately to the west is used as sporting fields in association with the Underdale High School. The Gowrie SA Childcare Centre is located immediately to the north of the land.

The subject land and locality map are illustrated below.



Assessment Process

The subject land is located within the Residential Zone of the West Torrens Development Plan (consolidated 7 May 2020). The land is also located within the Medium Density Policy Area 18.

The Procedural Matters at the rear of the Residential Zone lists “Advertisement and /or advertising hoarding” as a form of non-complying development.

The proposed development constitutes a building that is ancillary and associated with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used (i.e. two new small signs that advertise the use of the land). On this basis it is contended that no Statement of Effect is required and that the application is a Category 1 matter for the purpose of public notification through the following clauses of the *Development Regulations 2008*:

17(6) A statement of effect is not required if the proposed development consists (wholly or substantially) of—

- (b) the construction of a new building which is to be used in a manner which is ancillary to, or in association with, the use of an existing building and which would facilitate the better enjoyment of the existing use of the existing building; ...

Schedule 9, Part 1—Category 1 development

3 Any development classified as non-complying under the relevant Development Plan which comprises—

- (b) the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only...

No referrals are required as stipulated within Schedule 8 of the *Development Regulations 2008*. Recent legislative changes also mean that the concurrence of the State Commission Assessment Panel is not required for this non-complying form of development.

Planning Assessment

The following provisions of the West Torrens Development Plan are particularly relevant to the assessment of this Development Application:

Advertisements

Objective 1 Urban and rural landscapes that are not disfigured by advertisements and/or advertising hoardings.

Objective 2 Advertisements and/or advertising hoardings that do not create a hazard.

Objective 3 Advertisements and/or advertising hoardings designed to enhance the appearance of the building and locality.

PDC 1 The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:

- (a) consistent with the predominant character of the urban or rural landscape
- (b) in harmony with any buildings or sites of historic significance or heritage value in the area
- (c) co-ordinated with and complement the architectural form and design of the building they are to be located on.

PDC 2 The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:

- (a) clutter
- (b) disorder
- (c) untidiness of buildings and their surrounds
- (d) driver distraction.

PDC 4 The content of advertisements should be limited to information relating to the legitimate use of the associated land.

PDC 5 Advertisements and/or advertising hoardings should:

- (a) be completely contained within the boundaries of the subject allotment
- (b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees
- (c) not obscure views to vistas or objects of high amenity value.

PDC 6 Advertisements and/or advertising hoardings should not be erected on:

- (a) a public footpath or veranda post
 - (b) a road, median strip or traffic island
 - (c) a vehicle adapted and exhibited primarily as an advertisement
 - (d) residential land.
- PDC 7 Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building.
- PDC 8 The total advertisement area on the fascias, parapets, gable ends, windows and other surfaces of buildings should not exceed:
- (a) 20 per cent of the sides of the building
 - (b) in relation to the front wall of a building, 20 per cent of the area above 3.7 metres or above a canopy.
- PDC 9 Advertisements and/or advertising hoardings erected on a veranda or that project from a building wall should:
- (a) have a clearance over a footway to allow for safe and convenient pedestrian access
 - (b) where erected on the side of a veranda, not exceed the width of the veranda or project from the veranda
 - (c) where erected on the front of a veranda, not exceed the length of the veranda or project from the veranda
 - (d) where projecting from a wall, have the edge of the advertisement or advertising hoarding abutting the surface of the wall.
- PDC 10 Advertisements should be designed to conceal their supporting advertising hoarding from view.
- PDC 11 Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.
- PDC 12 Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.
- PDC 14 Advertisements and/or advertising hoardings 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 especially 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, traffic control devices).
- PDC 16 Free standing advertisements and/or advertising hoardings should be:
- (a) limited to only one primary advertisement per site or complex
 - (b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site. (underlining added)

The proposed signs satisfy these provisions of the West Torrens Development Plan in the following ways:

- They enhance the appearance of the existing building on the subject site and are consistent with architecture existing development and other signage on the western side of Arthur Lemon Avenue.
- They do not create clutter, disorder or untidiness, are completely contained within the subject site and will not impact on any significant vegetation.
- They are limited to the legitimate educational establishment use of the site.
- They are well below roof level and do not exceed 20% of the side of the existing building.
- Utilise simple, clear and concise language, symbols, print style and layout with a small number of colours.
- Reasonably conceal their supporting structure.
- They do not create a hazard for drivers, utilising low key lighting that shines onto the signs rather than being internally illuminated.

Economic, Environmental and Social Impact

The proposed signs will have:

- A positive economic impact because they will provide guidance as to how to access the approved educational establishment, minimising any confusion/time wasting.
- An appropriate environmental impact as they are to reasonably anticipated with a land use and built form that exists on the subject site.
- A negligible social impact, simply reinforcing the existence of the approved educational establishment.

Conclusion

It is contended that the proposed signs satisfy all relevant provisions of the West Torrens Development Plan and have an appropriate economic, environmental and social impact. Therefore, this application should be granted Development Plan Consent.

Please call me if you have any questions on 8333 7999.

Yours sincerely



Marcus Rolfe MPIA (Fellow)

Director

Enc



Product Register Search (CT 5948/226)
Date/Time 19/01/2021 04:17PM
Customer Reference 19ADL-0313
Order ID 20210119009195



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.



Certificate of Title - Volume 5948 Folio 226

Parent Title(s) CT 5940/600
Creating Dealing(s) RTC 10286056
Title Issued 05/09/2005 **Edition** 3 **Edition Issued** 07/10/2020

Estate Type

FEE SIMPLE

Registered Proprietor

CATHOLIC CHURCH ENDOWMENT SOCIETY INC.
OF 39 WAKEFIELD STREET ADELAIDE SA 5000

Description of Land

ALLOTMENT 54 DEPOSITED PLAN 67591
IN THE AREA NAMED UNDERDALE
HUNDRED OF ADELAIDE

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B TO THE COUNCIL FOR THE AREA (TG 6970646)

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED D(T/F) FOR ELECTRICITY SUPPLY PURPOSES TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (223LG RPA)

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

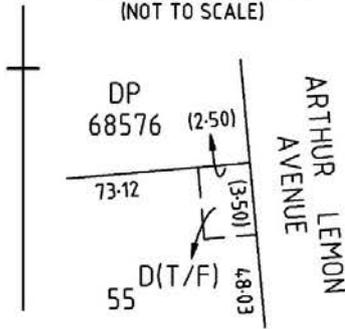
AMENDMENT TO DIAGRAM VIDE 51/2007

Administrative Interests NIL

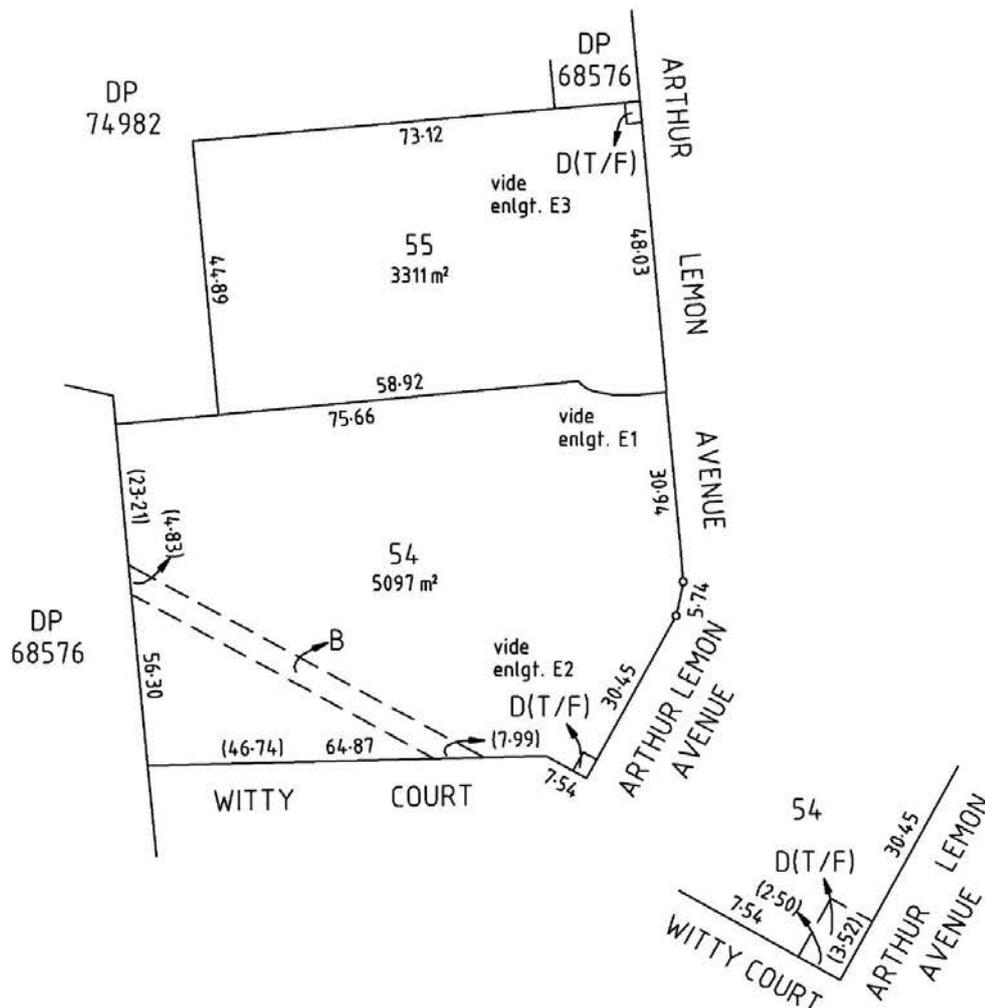
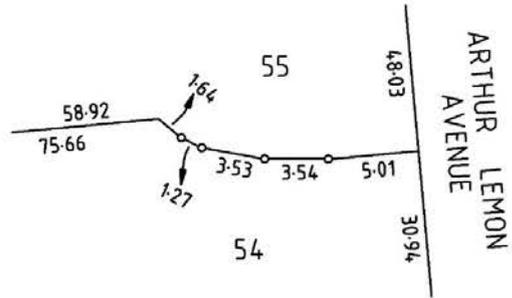


Product Register Search (CT 5948/226)
 Date/Time 19/01/2021 04:17PM
 Customer Reference 19ADL-0313
 Order ID 20210119009195

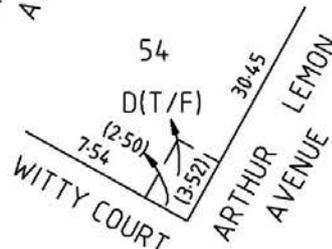
ENLARGEMENT E3
(NOT TO SCALE)



ENLARGEMENT E1
(NOT TO SCALE)



ENLARGEMENT E2
(NOT TO SCALE)





Product Historical Search
Date/Time 19/01/2021 04:17PM
Customer Reference 19ADL-0313
Order ID 20210119009195

Certificate of Title

Title Reference: CT 5948/226
Status: CURRENT
Parent Title(s): CT 5940/600
Dealing(s) Creating Title: RTC 10286056
Title Issued: 05/09/2005
Edition: 3

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
30/09/2020	07/10/2020	13380901	TRANSFER	REGISTERED	CATHOLIC CHURCH ENDOWMENT SOCIETY INC.
30/09/2020	07/10/2020	13380900	DISCHARGE OF MORTGAGE	REGISTERED	12726202
10/05/2017	29/05/2017	12726202	MORTGAGE	REGISTERED	WESTPAC BANKING CORPORATION (ACN: 007 457 141)
10/05/2017	29/05/2017	12726201	TRANSFER	REGISTERED	ARTHUR LEMON AVENUE PTY. LTD. (ACN: 618 744 666)

7 PLANNING REFORM IMPLEMENTATION

7.1 Delegations under the Planning, Development and Infrastructure Act 2016 - Proposed Revisions

Brief

This report seeks the Council Assessment Panel's decision on recent changes to the framework of delegation of powers and functions under the *Planning, Development and Infrastructure Act 2016*.

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (**Attachment 2** of the Agenda report) are hereby delegated this ninth day of March 2021 to Chief Executive Officer of City of West Torrens and Assessment Manager of City of West Torrens Council Assessment Panel subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by Chief Executive Officer of City of West Torrens and Assessment Manager of City of West Torrens Council Assessment Panel in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer of City of West Torrens and Assessment Manager of City of West Torrens Council Assessment Panel sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

Introduction

At its meeting on 9 February 2021, the Council Assessment Panel (CAP) endorsed the delegation of its powers and functions under the *Planning, Development and Infrastructure Act 2016* (the Act).

Since this time the Local Government Association (LGA) have published revised Instruments of Delegation which includes a small number of changes.

This report seeks formal approval by the Panel of changes to the Instrument of Delegation of powers and functions under the Act.

Discussion

The LGA has provided Councils with a suite of Instrument of Delegation to facilitate the delegation of powers and functions of Council, Assessment Panels and Assessment Managers for the efficient operation of the planning and development system.

In February 2021, the LGA published a revised suite of Instruments of Delegation prepared by Norman Waterhouse Lawyers. The key changes to Instrument C include:

- A new delegation has been added in relation to Section 135(2)(d) of the Act;
- A new delegation has been added in relation to Regulation 38(2) of the *Planning, Development and Infrastructure General Regulations 2017* (the General Regulations);
- A minor amendment has been made to the delegation in relation to Regulation 65(1)(a) of the General Regulations;

- A new delegation has been added in relation to Regulation 99 of the General Regulations; and
- The delegation in relation to Regulation 7 of *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* has been removed.

Each of the changes relate to delegations which facilitate the administration and processing of development applications and will not impact which applications are presented to the Panel for determination.

The LGA has provided the following explanatory information:

It is recommended that councils adopt the updated instruments. It is not essential that the amendments are adopted immediately however it is recommended that they be adopted as soon as possible. The amendments relate to technical matters and have been made out of an abundance of caution and/or for clarification purposes.

The LGA Explanatory Guide is included in **Attachment 1**

A revised "Instrument C" for the Council Assessment Panel's delegations has been prepared for the Panel's consideration in accordance with the LGA recommendations.

The revised "Instrument C" is included as **Attachment 2** and includes tracked changes so the Panel may identify the proposed changes.

Interpreting the Instrument of Delegation

To assist the Council Assessment Panel understand the tables contained within the Instrument of Delegation, the following information is provided:

- *Column 1 (Summary of Delegation)*

The summary description of the power delegated under the Act or Regulation is detailed in the first column. This includes a description of the power to be delegated and the section or regulation from which it is derived.

- *Column 2 (Delegates)*

This column denotes to whom the power is intended to be delegated to. The Instrument contains every power of the Council Assessment Panel, and where it is proposed that the power not be delegated this is documented and the row has been greyed out.

- *Conditions and Limitations*

The detail of recommended conditions or limitations related to the Instrument of Delegation is featured in the table at the end of the Instrument.

Conclusion

Council Assessment Panel has delegated some of its powers as a relevant authority under the *Planning, Development and Infrastructure Act 2016*. This report presents a draft revised Instrument C and proposes that CAP formally approves the recommendations to adopt the changes to the delegation framework.

Attachments

1. **LGA Explanatory Note to Accompany Updated Instruments – February 2021**
2. **Draft Revised Instrument C**

INFORMATION SHEET - EXPLANATORY NOTE TO ACCOMPANY UPDATED INSTRUMENTS – February 2021

Instrument A

Unchanged

Instrument B

A new delegation has been added in relation to Section 119(6)(b) of the PDI Act (see paragraph 5.3).

A new delegation has been added in relation to Regulation 38(2) of the General Regulations (see paragraph 21.2).

A minor amendment has been made to the delegation in relation to Regulation 65(1)(a) of the General Regulations (see paragraph 29.1).

A new delegation has been added in relation to Regulation 99 of the *Planning, Development and Infrastructure (General) Regulations 2017* (**the General Regulations**) (see paragraphs 30.1 and 30.2).

Instrument C

1. A new delegation has been added in relation to Section 135(2)(d) of the PDI Act (see paragraph 19.1).
2. A new delegation has been added in relation to Regulation 38(2) of the General Regulations (see paragraph 29.2).
3. A minor amendment has been made to the delegation in relation to Regulation 65(1)(a) of the General Regulations (see paragraph 42.1).
4. A new delegation has been added in relation to Regulation 99 of the General Regulations, (see paragraphs 45.1 and 45.2).
5. The delegation in relation to Regulation 32 of *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* (**the Fees Regulations**) has been removed.

Instrument D

1. A new delegation has been added in relation to Section 135(2)(d) of the PDI Act (see paragraph 17).
2. A new delegation has been added in relation to Regulation 38(2) of the General Regulations (see paragraph 27.2).
3. A minor amendment has been made to the delegation in relation to Regulation 65(1)(a) of the General Regulations (see paragraph 37.1).
4. A new delegation has been added in relation to Regulation 99 of the General Regulations (see paragraphs 40.1 and 40.2).



The voice of local government.

It is recommended that councils adopt the updated instruments. It is not essential that the amendments are adopted immediately however it is recommended that they be adopted as soon as possible. The amendments relate to technical matters and have been made out of an abundance of caution and/or for clarification purposes.

The material contained in this publication was provided by Norman Waterhouse Lawyers to the Local Government Association of South Australia and is of general nature only. This advice is based on the law and guidelines as of the date of publication. It is not, nor is it intended to be, legal advice. If you wish to take any action based on the content of this publication, we recommend that you seek professional advice.

Further Information

Contact Stephen Smith, Planning Reform Partner, LGA
Email: stephen.smith@lga.sa.gov.au
Telephone: 0409 286 734

**INSTRUMENT OF DELEGATION UNDER THE
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND
PRACTICE DIRECTIONS
OF POWERS OF AN ASSESSMENT PANEL**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Assessment Panel decision to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Environment and Food Production Areas – Greater Adelaide	Delegate
<p>1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.</p>	No delegation
<p>1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>	No delegation
<p>2. Appointment of Additional Members</p>	

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**INSTRUMENT C
INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN
CODE AND PRACTICE DIRECTIONS OF POWERS OF AN ASSESSMENT PANEL**

2.1	The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.	No delegation
3.	Relevant Authority – Commission	
3.1	The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.	Chief Executive Officer, Assessment Manager
4.	Relevant Provisions	
4.1	The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:	
4.1.1	refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or	No delegation
4.1.2	require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.	No delegation
5.	Matters Against Which Development Must Be Assessed	
5.1	The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):	

**INSTRUMENT C
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CODE AND PRACTICE DIRECTIONS OF AN ASSESSMENT PANEL**

5.1.1	-		
5.1.1.1	the relevant provisions of the Planning Rules; and	Chief Executive Officer, Assessment Manager	
5.1.1.2	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);	Chief Executive Officer, Assessment Manager	
5.1.2	the relevant provisions of the Building Rules (building consent);	Chief Executive Officer, Assessment Manager	
5.1.3	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):		
5.1.3.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;	Chief Executive Officer, Assessment Manager	
5.1.3.2	any relevant requirements set out in a design standard has been satisfied;	Chief Executive Officer, Assessment Manager	
5.1.3.3	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;	Chief Executive Officer, Assessment Manager	
5.1.3.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;	Chief Executive Officer, Assessment Manager	

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**INSTRUMENT C
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		Chief Executive Officer, Assessment Manager
5.1.3.5	requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;	
5.1.4	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	
5.1.4.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;	Chief Executive Officer, Assessment Manager
5.1.4.2	any relevant requirements set out in a design standard has been satisfied;	Chief Executive Officer, Assessment Manager
5.1.4.3	any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard;	Chief Executive Officer, Assessment Manager
5.1.4.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;	Chief Executive Officer, Assessment Manager
5.1.4.5	a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;	Chief Executive Officer, Assessment Manager
5.1.4.6	the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;	Chief Executive Officer, Assessment Manager

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**INSTRUMENT C
INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN
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5.1.4.7	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;	Chief Executive Officer, Assessment Manager
5.1.4.8	any building situated on the land complies with the Building Rules;	Chief Executive Officer, Assessment Manager
5.1.4.9	requirements set out in the regulations made for the purposes of Section 102(1)(d) of the PDI Act are satisfied;	Chief Executive Officer, Assessment Manager
5.1.5	any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard;	Chief Executive Officer, Assessment Manager
5.1.6	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	Chief Executive Officer, Assessment Manager
5.1.7	such other matters as may be prescribed.	Chief Executive Officer, Assessment Manager
5.2	The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:	Chief Executive Officer, Assessment Manager
5.2.1	until further assessment of the relevant development under the PDI Act; or	Chief Executive Officer, Assessment Manager
5.2.2	until further assessment or consideration of the proposed development under another Act; or	Chief Executive Officer, Assessment Manager
5.2.3	until a licence, permission, consent, approval, authorisation, certificate or	Chief Executive Officer,

Instrument C under the *Planning, Development and Infrastructure Act 2016*

March 2021

**INSTRUMENT C
INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN
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	other authority is granted, or not granted (by the decision of another authority), under another Act.	Assessment Manager
5.3	The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.	Chief Executive Officer, Assessment Manager
6.	Performance Assessed Development	
6.1	The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	Chief Executive Officer, Assessment Manager
6.2	The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.	Chief Executive Officer, Assessment Manager
6.3	The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.	Chief Executive Officer, Assessment Manager
7.	Building Consent	
7.1	The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).	Chief Executive Officer, Assessment Manager
7.2	The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial	Chief Executive Officer, Assessment Manager

**INSTRUMENT C
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<p>building standard.</p>	
<p>7.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:</p>	
<p>7.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>7.3.1.1 that:</p>	
<p>(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>7.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>7.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the</p>	<p>Chief Executive Officer, Assessment Manager</p>

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Building Code or a Ministerial building standard.	Chief Executive Officer, Assessment Manager
7.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.	Chief Executive Officer, Assessment Manager
7.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.	Chief Executive Officer, Assessment Manager
7.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:	Chief Executive Officer, Assessment Manager
7.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or	Chief Executive Officer, Assessment Manager
7.7.2 such compliance is certified by a building certifier.	Chief Executive Officer, Assessment Manager
7.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification	Chief Executive Officer, Assessment Manager
7.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the	Chief Executive Officer, Assessment Manager

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Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):	Assessment Manager
7.9.1 the variance; and	Chief Executive Officer, Assessment Manager
7.9.2 the grounds on which the decision is being made.	Chief Executive Officer, Assessment Manager
8. Application and Provision of Information	
8.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	Chief Executive Officer, Assessment Manager
8.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:	
8.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;	Chief Executive Officer, Assessment Manager
8.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;	Chief Executive Officer, Assessment Manager
8.2.3 to consult with an authority or body prescribed by the regulations;	Chief Executive Officer, Assessment Manager
8.2.4 to comply with any other requirement prescribed by the regulations.	Chief Executive Officer, Assessment Manager

INSTRUMENT C
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8.3	The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to	Chief Executive Officer, Assessment Manager
8.3.1	subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and	Chief Executive Officer, Assessment Manager
8.3.2	refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).	Chief Executive Officer, Assessment Manager
8.4	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	Chief Executive Officer, Assessment Manager
8.5	The power pursuant to Section 119(9) of the PDI Act to:	
8.5.1	permit an applicant:	
8.5.1.1	to vary an application;	Chief Executive Officer, Assessment Manager
8.5.1.2	to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);	Chief Executive Officer, Assessment Manager
8.5.2	permit an applicant to lodge an application without the provision of any information or document required by the regulations;	Chief Executive Officer, Assessment Manager
8.5.3	to the extent that the fee is payable to the relevant authority waive payment	Chief Executive Officer,

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of whole or part of the application fee, or refund an application fee (in whole or in part);	Assessment Manager
<p>8.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>8.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>8.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>8.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>9. Outline Consent</p>	
<p>9.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>9.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:</p>	<p>Chief Executive Officer, Assessment Manager</p>

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9.2.1	grant any consent contemplated by the outline consent; and	Chief Executive Officer, Assessment Manager
9.2.2	not impose a requirement that is inconsistent with the outline consent.	Chief Executive Officer, Assessment Manager
10.	Design Review	
10.1	The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).	Chief Executive Officer, Assessment Manager
11.	Referrals to Other Authorities or Agencies	
11.1	The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:	
11.1.1	refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and	Chief Executive Officer, Assessment Manager
11.1.2	not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made	Chief Executive Officer, Assessment Manager
	where the regulations so provide, subject to Section 122 of the PDI Act.	
11.2	The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	
11.2.1	to refuse the application; or	Chief Executive Officer, Assessment Manager

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<p>11.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>11.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>11.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>12. Preliminary Advice and Agreement</p>	
<p>12.1 The power pursuant to Section 123(2) of the PDI Act, if:</p>	
<p>12.1.1 a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and</p>	
<p>12.1.2 the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and</p>	
<p>12.1.3 the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),</p>	
<p>to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed</p>	<p>Chief Executive Officer,</p>

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	<p>period after the prescribed body has indicated its agreement under Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).</p>	<p>Assessment Manager</p>
<p>12.2</p>	<p>The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>13.</p>	<p>Proposed Development Involving Creation of Fortifications</p>	
<p>13.1</p>	<p>The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>13.2</p>	<p>The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:</p>	
	<p>13.2.1 if the proposed development consists only of the creation fortifications - refuse the application; or</p>	<p>Chief Executive Officer, Assessment Manager</p>
	<p>13.2.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>13.3</p>	<p>The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under</p>	<p>Chief Executive Officer, Assessment Manager</p>

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	Section 124 of the PDI Act.	
13.4	The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act to apply to the Court to be joined as a party to the appeal.	Chief Executive Officer, Assessment Manager
14.	Time Within Which Decision Must be Made	
14.1	The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	Chief Executive Officer, Assessment Manager
14.2	The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.	Chief Executive Officer, Assessment Manager
15.	Determination of Application	
15.1	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).	Chief Executive Officer, Assessment Manager
15.2	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	Chief Executive Officer, Assessment Manager
16.	Conditions	
16.1	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the	Chief Executive Officer, Assessment Manager

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development.		Chief Executive Officer, Assessment Manager
16.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.		Chief Executive Officer, Assessment Manager
16.3 The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).		Chief Executive Officer, Assessment Manager
16.4 The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.		Chief Executive Officer, Assessment Manager
16.5 The power pursuant to Section 127(8)(b) of the PDI Act to:		
16.5.1 determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;		Chief Executive Officer, Assessment Manager
16.5.2 to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.		Chief Executive Officer, Assessment Manager
17. Variation of Authorisation		
17.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for		Chief Executive Officer, Assessment Manager

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	<p>a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.</p>	<p>Assessment Manager</p>
<p>18. Requirement to Up-grade</p>		
<p>18.1</p>	<p>The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>18.2</p>	<p>The power pursuant to Section 134(1) of the PDI Act, if:</p>	
	<p>18.2.1 an application for a building consent relates to:</p>	
	<p>18.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or</p>	<p>Chief Executive Officer, Assessment Manager</p>
	<p>18.2.1.2 a change of classification of a building; and</p>	<p>Chief Executive Officer, Assessment Manager</p>
	<p>18.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,</p>	
	<p>to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>18.3</p>	<p>The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.</p>	<p>Chief Executive Officer, Assessment Manager</p>

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<p>18.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:</p>	
<p>18.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>18.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>18.5 The power pursuant to Section 134(4) of the PDI Act if:</p>	
<p>18.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and</p>	
<p>18.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,</p>	
<p>to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>18.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p>	
<p>18.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority</p>	<p>Chief Executive Officer, Assessment Manager</p>

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will grant building consent; and		
18.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.		Chief Executive Officer, Assessment Manager
<u>19. Urgent Building Work</u>		
<u>19.1</u> <u>The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.</u>		<u>Chief Executive Officer, Assessment Manager</u>
<u>19-20. Cancellation of Development Authorisation</u>		
<u>19-20.1</u> The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.		Chief Executive Officer, Assessment Manager
<u>19-20.2</u> The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.		Chief Executive Officer, Assessment Manager
<u>20-21. Professional Advice to be Obtained in Relation to Certain Matters</u>		
<u>20-21.1</u> The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.		Chief Executive Officer, Assessment Manager
<u>20-21.2</u> The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.		Chief Executive Officer, Assessment Manager

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<u>21-22. General Transitional Schemes for Panels</u>		
<u>21-1-1-22.1.1</u>	The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to	No delegation
<u>21-1-1-22.1.1</u>	adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and	No delegation
<u>21-1-2-22.1.2</u>	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and	No delegation
<u>21-1-3-22.1.3</u>	deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and	No delegation
<u>21-1-4-22.1.4</u>	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and	No delegation
<u>21-1-5-22.1.5</u>	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.	No delegation
<u>(Only applicable to assessment panels appointed by a council or a joint planning board)</u>		
<u>22-23. Regional Assessment Panels</u>		
<u>22-1-1-23.1</u>	The power pursuant to Clause 13(5) of Schedule 8 of the PDI Act to:	No delegation
<u>22-1-1-23.1.1</u>	adopt any findings or determinations of a council development assessment panel or a regional development assessment panel under the	No delegation

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repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and	
22.1-223.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and	No delegation
22.1-323.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and	No delegation
22.1-423.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and	No delegation
22.1-523.1.5 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.	No delegation
<u>(Relevant to regional assessment panels only)</u>	
23-24. Continuation of Processes	
23-124.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:	Chief Executive Officer, Assessment Manager
23-1-124.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	Chief Executive Officer, Assessment Manager
23-1-224.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which	Chief Executive Officer, Assessment Manager

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<p>Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>23-1-3<u>24.1.3</u> deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p> <p>23-1-4<u>24.1.4</u> deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>23-1-5<u>24.1.5</u> take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.</p>	<p>Chief Executive Officer, Assessment Manager</p> <p>Chief Executive Officer, Assessment Manager</p> <p>Chief Executive Officer, Assessment Manager</p>
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<p>24-25<u>25</u>. Accredited Professionals</p> <p>24-1<u>25.1</u> The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.</p> <p>25-26<u>26</u>. Verification of Application</p>	<p>Chief Executive Officer, Assessment Manager</p>
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<p>25.1.26.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>25.1.1.26.1.1 determine the nature of the development; and</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>25.1.226.1.2 if the application is for planning consent - determine:</p>	
<p>25.1.2.126.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>25.1.2.226.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>25.1.326.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>25.1.426.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>25.1.4.126.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>25.1.4.226.1.4.2 confirm the fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i>; and</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>25.1.4.326.1.4.3 provide an appropriate notice via the SA planning</p>	<p>Chief Executive Officer,</p>

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portal; and	Assessment Manager
25.1.5 <u>26.1.5</u> if the relevant authority is not the correct entity to assess the application (or any part of the application):	Assessment Manager
25.1.5.1 <u>26.1.5.1</u> provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and	Chief Executive Officer, Assessment Manager
25.1.5.2 <u>26.1.5.2</u> provide an appropriate notice via the SA planning portal.	Chief Executive Officer, Assessment Manager
26.27. Application and Further Information	
26.127.1 The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.	Chief Executive Officer, Assessment Manager
27.28. Amended Applications	
27.128.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	Chief Executive Officer, Assessment Manager
27.228.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new	Chief Executive Officer, Assessment Manager

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application under the General Regulations.	
28-29. Withdrawing/Lapsing Applications	
28-1-29.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:	
28-1-129.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and	Chief Executive Officer, Assessment Manager
28-1-229.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations,	Chief Executive Officer, Assessment Manager
of the withdrawal.	
29.2 <u>The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.</u>	<u>Chief Executive Officer, Assessment Manager</u>
28-2-29.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:	
28-2-129.3.1 take reasonable steps to notify the applicant of the action under consideration; and	Chief Executive Officer, Assessment Manager
28-2-229.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.	Chief Executive Officer, Assessment Manager

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<p><u>29-30.</u> Court Proceedings</p>	<p><u>29-130.1</u> The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p><u>30-31.</u> Additional Information or Amended Plans</p>	<p><u>30-131.1</u> The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p><u>34-32.</u> Building Matters</p>	<p><u>34-132.1</u> The power pursuant to Regulation 45(1) of the General Regulations to, if in assessing an application for building consent, the delegate considers that:</p>	<p><u>34-1-132.1.1</u> a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p>
<p><u>34-1-232.1.2</u> the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p>	<p><u>34-1-332.1.3</u> special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,</p>	<p>Chief Executive Officer,</p>
<p>refer the application to the relevant fire authority for comment and report unless the</p>	<p></p>	<p></p>

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fire authority indicates to the delegate that a referral is not required.	Assessment Manager
31.2 <u>32.2</u> The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.	Chief Executive Officer, Assessment Manager
31.3 <u>32.3</u> The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.	Chief Executive Officer, Assessment Manager
31.4 <u>32.4</u> The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:	
31.4.1 <u>32.4.1</u> recommends against the granting of building consent; or	
31.4.2 <u>32.4.2</u> concurs in the granting of consent on conditions specified in its report,	
but the delegate:	
31.4.3 <u>32.4.3</u> proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or	
31.4.4 <u>32.4.4</u> does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,	
to:	

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<p>31.4.4.532.4.5 refer the application to the Commission; and</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>31.4.4.632.4.6 not grant consent unless the Commission concurs in the granting of the consent.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>31.532.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>32.33. Preliminary Advice and Agreement (Section 123)</p>	
<p>32.1.33.1 The power pursuant to Regulation 46(6) of the General Regulations, if:</p>	
<p>32.1.133.1.1 the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and</p>	
<p>32.1.233.1.2 the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,</p>	
<p>to refer the application (unless withdrawn) to the prescribed body:</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>32.1.333.1.3 to obtain a variation to the agreement under Section 123 of the PDI Act; or</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>32.1.433.1.4 to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>32.233.2 The power pursuant to Regulation 46(7) of the General Regulations if:</p>	

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	<p>32.2.133.2.1 an application is withdrawn by the applicant; and</p>	
	<p>32.2.233.2.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,</p>	Chief Executive Officer, Assessment Manager
	<p>to notify relevant prescribed body of the withdrawal.</p>	
	<p>32.3.333.3 The power pursuant to Regulation 46(8) of the General Regulations, if:</p>	
	<p>32.3.133.3.1 an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and</p>	
	<p>32.3.233.3.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,</p>	
	<p>to notify the relevant prescribed body of the lapsing.</p>	Chief Executive Officer, Assessment Manager
	<p>32.433.4 The power pursuant to Regulation 46(9) of the General Regulations, if:</p>	
	<p>32.4.133.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and</p>	
	<p>32.4.233.4.2 a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations,</p>	
	<p>to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.</p>	Chief Executive Officer, Assessment Manager
	<p>33.34. Notification of Application of Tree-damaging Activity to Owner of Land</p>	
	<p>33.134.1 The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated</p>	

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tree relates is not a party to the application, to:	Chief Executive Officer, Assessment Manager
33.1-1 <u>34.1.1</u> give the owner notice of the application within 5 business days after the application is made; and	Chief Executive Officer, Assessment Manager
33.1-2 <u>34.1.2</u> give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.	Chief Executive Officer, Assessment Manager
<u>34.35. Public Inspection of Applications</u>	
34.1 <u>35.1</u> The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.	Chief Executive Officer, Assessment Manager
<u>35.36. Representations</u>	
35.1 <u>36.1</u> The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist the delegate in making a decision on the application, allow a person:	
35.1-1 <u>36.1.1</u> who has made a representation under Regulation 50(1) of the General Regulations in relation to development being assessed under Section 107 of the PDI Act; and	
35.1-2 <u>36.1.2</u> who has indicated an interest in appearing before the delegate,	
an opportunity (at a time determined by the delegate) to appear personally or by representative before the delegate to be heard in support of the representation that has been made under Regulation 50(1) of the General Regulations.	No delegation
<u>36.37. Response by Applicant</u>	

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<p>36-137.1 The power pursuant to Regulation 51(1) of the General Regulations to allow a response to a representation by the applicant to be made within such longer period as the delegate may allow.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>37-38. Notice of Decision (Section 126(1))</p>	
<p>37-138.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>38-39. Consideration of Other Development Authorisations</p>	
<p>38-139.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>39-40. Certificate of Independent Technical Expert in Certain Cases</p>	
<p>39-140.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accredited authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.</p>	<p>No delegation</p>
<p>40-41. Urgent Work</p>	
<p>40-141.1 The power pursuant to Regulation 63(1) of the General Regulations to,</p>	
<p>40-1-141.1.1 determine a telephone number determined for the purposes of</p>	<p>Chief Executive Officer,</p>

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Regulation 63(1)(a) of the General Regulations; and	Assessment Manager
40.1.241.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.	Chief Executive Officer, Assessment Manager
40.241.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	Chief Executive Officer, Assessment Manager
40.341.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	Chief Executive Officer, Assessment Manager
41.42. Variation of Authorisation (Section 128)	
41.142.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	Chief Executive Officer, Assessment Manager
42.43. Advice from Commission	
42.143.1 The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.	Chief Executive Officer, Assessment Manager
43.44. Underground Mains Area	
43.144.1 The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land	Chief Executive Officer,

Instrument C under the *Planning, Development and Infrastructure Act 2016*

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	<p>within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), to require, as a condition on its decision on the application, that any electricity mains be placed underground.</p>	<p>Assessment Manager</p>
<p><u>45. Construction Industry Training Fund</u></p>		
<p><u>45.1</u> <u>The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.</u></p>		
<p><u>45.2</u> <u>The power pursuant to Regulation 99(5) of the General Regulations, if a notification is given under Regulation 99(4) of the General Regulations, if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification, to, if the delegate thinks fit, determine that the application has lapsed.</u></p>		
<p><u>44.46. Plans for Residential Alterations, Additions and New Dwellings</u></p>		
<p><u>44.146.1</u> <u>The power pursuant to Clause 2(d)(ii)(B) of Schedule 8 of the General Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land.</u></p>		<p>Chief Executive Officer, Assessment Manager</p>
<p><u>44.246.2</u> <u>The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination audit report (within the meaning of the Environment Protection Act 1993) is not required.</u></p>		<p>Chief Executive Officer, Assessment Manager</p>
<p><u>45.47. Plans for Building Work</u></p>		

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45-147.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:	
45-1-147.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code;	
or	
45-1-247.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,	
to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.	No delegation

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019

46-48. Calculation or Assessment of Fees	
46-148.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):	
46-1-148.1.1 to require the applicant to provide such information as the delegate	Chief Executive Officer,

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may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and	Assessment Manager
46.1-248.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the assessment panel is not a relevant authority).	Chief Executive Officer, Assessment Manager
46-248.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	Chief Executive Officer, Assessment Manager
46-348.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.	Chief Executive Officer, Assessment Manager
47. Waiver or Refund of Fee	
47.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	
47.1.1 waive the payment of the fee, or the payment of part of the fee; or	Chief Executive Officer, Assessment Manager
47.1.2 refund the whole or a part of the fee.	Chief Executive Officer, Assessment Manager

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PLANNING AND DESIGN CODE	
48-49. Procedural Matter	Chief Executive Officer, Assessment Manager
48-149.1 The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.	Chief Executive Officer, Assessment Manager
49-50. Procedural Matters: Referrals	
49-150.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.	Chief Executive Officer, Assessment Manager
49-250.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem:	Chief Executive Officer, Assessment Manager
49-2-150.2.1 alteration to an existing access or public road junction;	Chief Executive Officer, Assessment Manager
49-2-250.2.2 development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access,	Chief Executive Officer, Assessment Manager
to be minor.	
49-350.3 The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.	Chief Executive Officer, Assessment Manager
49-450.4 The power pursuant to and in accordance with the PD Code to form the opinion	Chief Executive Officer,

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development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.	Assessment Manager
50-51. Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001	
50-151.1 The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature.	Chief Executive Officer, Assessment Manager

STATE PLANNING COMMISSION PRACTICE DIRECTION 3 (NOTIFICATION OF PERFORMANCE ASSESSED DEVELOPMENT APPLICATIONS) 2019

51-52. Responsibility to Undertake Notification	
51-152.1 The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 (PD3), should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, to (either personally or by engagement of a contractor) give notice of the application to members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the PDI Act.	Chief Executive Officer, Assessment Manager
52-53. Preparing for Notification	
52-153.1 The power pursuant to clause 8 of PD3, if the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of PD3, to, at least 4 business days prior to the commencement of the notification period:	Chief Executive Officer, Assessment Manager
52-1-153.1.1 give notice of the anticipated commencement date and of the notification period to the applicant; and	Chief Executive Officer, Assessment Manager

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52.1-253.1.2 provide the applicant with a copy of the content of the notice to be placed on the relevant land in PDF format; and	Chief Executive Officer, Assessment Manager
52.1-353.1.3 advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.	Chief Executive Officer, Assessment Manager
53-54. Notice on Land	
53-154.1 The power pursuant to clause 10(2) of PD3, in relation to clause 10(2) of PD3, to determine the most appropriate position for the notice on the land in order to provide for maximum visibility from a public road, and in cases where the relevant land has more than 1 frontage to a public road, to determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public.	Chief Executive Officer, Assessment Manager

STATE PLANNING COMMISSION PRACTICE DIRECTION (APPOINTMENT OF ADDITIONAL MEMBERS TO ASSESSMENT PANEL) 2019

54-55. Qualifications and Experience of Additional members	
54.1-55.1 The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 (PD5) where the delegate forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1 of PD5, to engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5.	No delegation
54.2-55.2 The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.	No delegation

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**STATE PLANNING COMMISSION PRACTICE DIRECTION (SCHEME TO AVOID
CONFLICTING REGIMENS) 2019**

<p>55-56. Scheme Provisions</p>	<p>55-156.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.</p>	<p>Chief Executive Officer, Assessment Manager</p>
<p>55-256.2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.</p>	<p>Chief Executive Officer, Assessment Manager</p>	

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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
5.1.1.1	<p>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which:</p> <ol style="list-style-type: none"> 1. Planning consent is not sought for one or more of: <ol style="list-style-type: none"> 1.1 within the Historic Area Overlay: <ol style="list-style-type: none"> 1.1.1 demolition of a building (except an outbuilding); or 1.1.2 one or more new dwellings; or 1.1.3 land division creating one or more additional allotments; or 1.2 residential development of three or more storeys above finished ground level; or 1.3 mixed use development involving residential development, of three or more storeys above finished ground level; and 2. One or more of the following are satisfied:

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14.1	<p>a. no valid representations are received; or</p> <p>b. all valid representations are withdrawn; or</p> <p>c. no representor who has lodged a valid representation wishes to be heard, except in cases where:</p> <p style="padding-left: 20px;">A. a deemed consent notice has been served on the CAP; or</p> <p style="padding-left: 20px;">B. the applicant has not agreed to extend the statutory timeframe within which the CAP must determine the application pursuant to Regulation 53 of the Regulations, and that timeframe will expire before the next meeting of the CAP is scheduled to occur,</p> <p>in which cases the limitation does not apply, and the delegates are delegated the power pursuant to Section 102(1)(a)(i) of the PDI Act to grant or refuse consent in respect of the relevant provisions of the Planning Rules without limitation.</p>
	<p>The delegation of the power to apply to the Court for an order quashing the consent pursuant to Section 125(6) of the Act is limited to situations in which the time within which the application must be commenced will expire before the next scheduled meeting of the CAP.</p>

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

9 SUMMARY OF COURT APPEALS

9.1 CAP Summary of SCAP and ERD Court Matters

Brief

This report presents information in relation to:

1. any planning appeals before the Environment, Resources and Development (ERD) Court;
2. any matters being determined by the State Commission Assessment Panel (SCAP);
3. any matters determined by the Minister for Planning (Section 49);
4. any matters determined by the Governor of South Australia (Section 46); and
5. any deferred items previously considered by the Council Assessment Panel.

RECOMMENDATION

The Council Assessment Panel receive and note the information.

Development Application appeals before the ERD Court

Relevant authority	DA number	Address	Description of development	Status
CAP	211/356/2016/A	50 Davenport Terrace, RICHMOND	Variation to Development Application 211/356/2016 - Increase Group 'C' building from 3 storeys to 5 storeys containing a total of 98 dwellings (38 additional dwellings)	Appeal lodged - Joinder accepted. A preliminary conference is scheduled to be heard 3 March 2021.
SCAP	211/M015/19	1 Glenburnie Terrace, PLYMPTON	Six-storey residential flat building (32 dwellings) & associated car parking	Appeal lodged - Compromise proposal has been tabled at SCAP in confidence - the proposal was not accepted. SCAP continuing to work with applicant and conciliation conference set for 25 February 2021. Outcome unknown at this stage

SCAP	211/M022/17	79 Port Road, THEBARTON	Multi-storey mixed use development, incorporating commercial tenancy, 2 storey car park, 9-storey residential flat building, four x 3-storey residential flat buildings and car parking	Appeal lodged - compromise plans have been received and Council comments provided to SCAP on 9 November 2020. The compromise proposal was scheduled for conciliation conference on 28 January 2020. Outcome unknown at this stage.
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Matters pending determination by SCAP

Reason for referral	DA number	Address	Description of development	Status
Sch. 10	211/M030/18	192 ANZAC Highway, GLANDORE	Eight-storey residential flat building (40 dwellings) & removal of regulated tree	Referral from Department Transport and Regional Services has been recently received - no further detail available.

Matters pending determination by the Minister of Planning

Reason for referral	DA number	Address	Description of development	Status
Section 49	211/V040/20	240-246 Marion Road Netley	Alterations & additions to existing building including enclosure of existing wash bay	EPA request for further information - application held in abeyance. To date request has not be addressed.

Conclusion

This report is current as at 1 March 2021.

Attachments

Nil

10 OTHER BUSINESS

11 MEETING CLOSE