

CITY OF WEST TORRENS



## Confidential Report Items 8.1 and 8.2

of the

### COUNCIL ASSESSMENT PANEL

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

on

**TUESDAY, 13 JUNE 2023**  
**at 5.00pm**

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Pursuant to section 236(2) of the *Planning, Development and Infrastructure Act 2016* and clauses 16 & 17 of the *Assessment Panel Members – Code of Conduct*, it is an offence to disclose the information provided in confidence within this agenda except with prior approval of the Assessment Manager.

**Nicholas Timotheou**  
**Assessment Manager (Acting)**

#### 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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## 8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

### 8.1 31 Capper Street, CAMDEN PARK

Application No 22033457

#### Reason for Confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with regulation 13(2)(a) (vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*, which permits the meeting to be closed to the public for business relating to the following:

- (vii) matters that must be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (viii) legal advice.

as this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

#### RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. On the basis that this matter is before the Environment Resources and Development Court so any disclosure would prejudice the position of Council, the Council Assessment Panel orders pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams, Assessment Manager, City Development staff in attendance at the meeting, and meeting secretariat staff, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager on the basis that this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
2. At the completion of the confidential session the meeting be re-opened to the public.

#### DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Construction of a habitable outbuilding including a rumpus room, carport and verandah
APPLICANT	Mr Demetrios Diamanti
LODGEMENT DATE	14 October 2023
ZONING INFORMATION	<p>Zones</p> <ul style="list-style-type: none"> <li>• General Neighbourhood</li> </ul> <p>Overlays</p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul>

PUBLIC NOTIFICATION	Yes
REFERRALS	Internal <ul style="list-style-type: none"> <li>• Nil</li> </ul> External <ul style="list-style-type: none"> <li>• Nil</li> </ul>
CODE VERSION	2022.19
RECOMMENDATION	Support with conditions (as a result of a compromise)

## BACKGROUND

The application was presented to the Council Assessment Panel (CAP) at its meeting held on 14 February 2023 with a recommendation to refuse to support the application.

The CAP made the determination to refuse the application for the following reasons:

The development fails to satisfy the following provisions of the Planning and Design Code:

1. DO 1 of General Neighbourhood Zone - Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community services uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

*Reason: The proposed development results in poor amenity impacts upon nearby residential properties.*

2. PO 3.1 of the General Neighbourhood Zone - Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

*Reason: The building footprint does not allow sufficient space to limit visual impact, nor provide an attractive outlook from nearby land.*

3. PO 11.1 of General Neighbourhood Zone - Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.

*Reason: The proposed development detracts from the appearance of neighbouring properties.*

4. DTS 11.1 of General Neighbourhood Zone - Ancillary buildings: have a floor area not exceeding 60m<sup>2</sup> and a wall height or post height no exceeding 3m.

*Reason: The proposed habitable outbuilding is more than 60sqm and the proposed wall height exceeds 3m, resulting in visual amenity impacts upon adjoining land.*

5. DO 1 of the General Development Policies - Design in Urban Areas (a) - Development is: contextual by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality.

*Reason: The proposed development does not positively contributing to the character of the locality.*

At the time of writing of this report, the Applicant has lodged an appeal with the Court. Council staff attended a preliminary conference in April 2023. The Applicant has requested that the Panel consider their amendments so that the decision can be provided to the Court. Both parties agreed to seek a compromise at the aforementioned conference, and a subsequent conference date of 20 June 2023 was received from the Court.

An extract of the 14 February 2023 CAP meeting minutes relating to this application is included in **Attachment 2**.

The Decision Notification Form for the refusal of this application is included in **Attachment 3**.

## AMENDMENTS

The proposed amendments incorporate a number of changes to the original proposal. These changes are as follows:

- The roof of the habitable outbuilding has been re-oriented to fall towards the rear of the property.
- The parapet wall on the rear façade of the structure has been removed.
- The floor to ceiling height has been reduced from 3.0 metres to 2.7 metres.
- The garage walls have been removed and replaced with posts such that the proposed garage is now a carport.
- The side façade parapets have been removed, replaced with raking walls reducing in height towards the rear.
- The maximum height of the structure has reduced from 4.32 metres to 3.52 metres.
- The 'Rumpus Room' has been re-nominated as 'Pool Room'.
- The 'Garage' has been nominated 'Carport'.

A copy of the amended plans are contained in **Attachment 1**.

## QUANTITATIVE STANDARDS

The amended proposal is assessed for consistency with the quantitative requirements of the Planning and Design Code as outlined in the table below:

PLANNING AND DESIGN CODE PROVISIONS	STANDARD	ASSESSMENT
General Neighbourhood Zone Ancillary Buildings and Structures <i>DTS/DPF 11.1</i>	have a floor area not exceeding 60m <sup>2</sup>	<p><u>Enclosed</u> 86.62sqm</p> <p><u>Open</u> 23.08sqm (carport) 16.67sqm (portico)</p> <p><u>Total</u> 126.37sqm</p> <p><b>Does Not Satisfy</b></p>

PLANNING AND DESIGN CODE PROVISIONS	STANDARD	ASSESSMENT
General Neighbourhood Zone Ancillary Buildings and Structures <i>DTS/DPF 11.1</i>	have a wall height or post height not exceeding 3m (and not including a gable end)	<p><u>Rear</u> 2.6m (excepting a parapet return 2.8m in height for 0.2m)</p> <p><u>Front</u> 3.4 metres</p> <p><u>East and West</u> 2.8m up to 3.25m</p> <p><b>Does Not Satisfy</b></p>
General Neighbourhood Zone Ancillary Buildings and Structures <i>DTS/DPF 11.1</i>	have a roof height where no part of the roof is more than 5m above the natural ground level	<p>3.52m</p> <p><b>Satisfies</b></p>

## ASSESSMENT

### Approach to Assessment

Part 1 - Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the associated PO i.e., the outcome can be met in another way:

*In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies. (the underlined is my emphasis)*

A DPF provision should not be interpreted as quantitative requirements, instead they simply present one way in achieving the corresponding PO. There can be variation from DPF policies, and not just in a minor way. Emphasis should be placed on satisfying the associated Performance Outcome in the circumstances where a specified DPF is not met. It is with this approach in mind that I have assessed the proposed compromise plans.

The following commentary relates directly to the key amendments made as part of the subject compromise offer by the applicant.

## **Bulk and Scale**

General Neighbourhood Zone PO 3.1, and General Neighbourhood Zone PO 11.1 are considered to provide the most pertinent planning considerations for the proposed amendment.

### **Performance Outcome 3.1**

*Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.*

### **Performance Outcome 11.1**

*Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.*

The proposed amendments alter the building's footprint and bulk in several ways. Although the footprint remains the same in quantitative terms, it has been altered from an enclosed garage to an open carport. This modification effectively reduces the bulk and scale of the structure, particularly towards the south and southeast, by introducing an open-sided, lightweight section to the outbuilding. This is considered to create an increase in space between and around buildings, resulting in a lesser visual impact compared to walls of similar height. These amendments are considered to contribute to an overall improvement in amenity compared to the previous iteration of the proposal, including relating to visual impact, access to light, and ventilation, for both 29 Capper Street and 36 Cromer Street in Camden Park.

Furthermore, the proposed amendments involve a reduction in wall and structure height facing the side and rear boundaries of the site. Specifically, the wall height on the rear boundary has reduced from 3.7 meters to 2.6 meters. This reduction is considered to significantly mitigate the visual impact on adjacent properties to the rear, thus addressing concerns related to the appearance of primary residential buildings on neighbouring sites. The overall reduction in building height and wall heights is considered to substantially reduce the bulk and scale of the structure, bringing it more in line with the anticipated built form for ancillary development in a residential context and the surrounding area. It is also worth noting that a portion of the structure will be obscured from view when observed from 38 Cromer Street, Camden Park, due to the presence of an existing outbuilding on the adjacent property.

While the structure maintains a wall along the northern boundary, its raked design gradually increases from 2.8 meters to 3.25 meters in height over a length of 7.5 meters, as opposed to the previous height of 3.1 meters on the northern boundary. Although the raked wall has a slightly greater height, the impact of the additional 0.15 meters is considered minimal, especially considering that the wall gradually decreases in height towards the rear of the site. Importantly, the boundary wall is not considered to result in any unreasonable visual amenity impacts or detract from 33 Capper Street, Camden Park, due to the distance from the adjacent dwelling as well as its setback from the neighbouring outbuilding.

## **SUMMARY**

The proposed amended plans have attempted to address the reasons for refusal relating to the impact of the proposed built form on the amenity of adjacent properties, predominantly concerning issues of bulk and scale.

The amendments that have been made reduce the overall bulk and scale of the structure by lowering both the wall height and the total height of the building, as well as altering an enclosed garage to an open carport. As a result of these amendments, the visual impacts of the development are considered to be significantly diminished, while simultaneously enhancing access to light and ventilation, particularly for the neighbouring properties to the east and south.

Based on these considerations, it is recommended that the Panel advises the Environment, Resources, and Development Court it supports the compromise proposal, subject to conditions.

## RECOMMENDATION

The Council Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* (as amended) finds the proposal to be not seriously at variance with the Planning and Design Code and resolves to advise the Environment Resources and Development Court that it SUPPORTS Planning Consent for Application No. 22033457 by Mr Demetrios Diamanti to construct a habitable outbuilding including a rumpus room, carport and verandah at 31 Capper Street, Camden Park (CT5286/898) subject to the following conditions:

### Council Conditions

1. The development shall be undertaken and completed in accordance with the plans and information detailed in this application specifically plans as listed below:
  - Job No. 079.22, Revision Date 20.04.23, Site Plan
  - Job No. 079.22, Revision Date 20.04.23, Floor Plan
  - Job No. 079.22, Revision Date 20.04.23, Elevations
  - Job No. 079.22, Revision Date 20.04.23, Section A
2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
3. The structure must be pre-colour treated or painted in a non-reflective colour and maintained in a reasonable condition.
4. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject structure.

### FURTHER

1. Pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, Item 8.1 - 31 Capper Street, CAMDEN PARK, including the report, attachments and any discussions (excluding the decision), having been dealt with in confidence under regulation 13(2)(a)(vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017* and in accordance with regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, be kept confidential until a decision of the Environment, Resources and Development Court relevant to the item is made, on the basis that it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
2. The Council Assessment Panel gives authority to the Assessment Manager to review, but not extend, the confidential order on a monthly basis.

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### Attachments

1. **Compromise Plans**
2. **Extract of Council Assessment Panel Minutes 14 February 2023 - Item 6.2.1**
3. **Decision Notification Form**



TIMBER FRAMED REDNAPANEL CONSTRUCTION

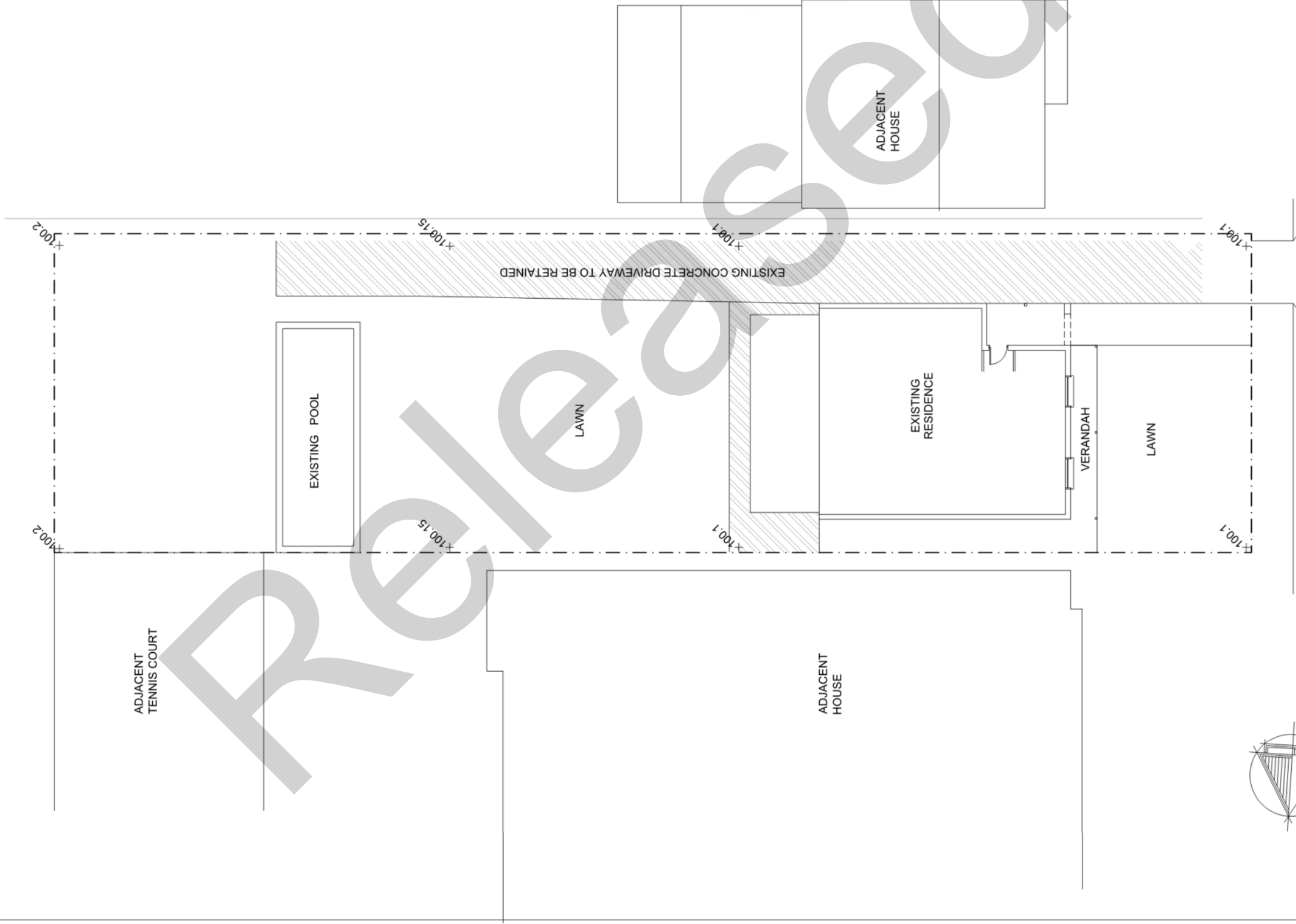
PLANNING DRAWINGS  
AMENDMENT "C" 24.04.23

ADDITION TO REAR OF EXISTING RESIDENCE  
S.CALDER  
31 CAPPER STREET  
CAMDEN PARK SA

SHEET	DRAWING LIST
1	EXISTING SITE PLAN
2	PROPOSED SITE PLAN
3	FLOOR PLAN
4	ELEVATIONS
5	SECTIONS

# TIMBER FRAMED REDNAPANEL CONSTRUCTION

PLANNING DRAWINGS  
AMENDMENT "C" 24.04.23



REV.	DATE:	AMENDMENTS:
"B"	18.01.23	ADDED TIMBER SCREEN FOR POOL PUMP AND FILTER AMENDED BOUNDARY
"C"	20.04.23	REDUCTION OF PARAPETS CHANGED PITCH DIRECTION

CLIENT: \_\_\_\_\_  
S. CALDER \_\_\_\_\_  
PROPOSED: \_\_\_\_\_  
ADDITIONS TO EXISTING REAR RESIDENCE \_\_\_\_\_  
SITE ADDRESS: \_\_\_\_\_  
31 CAPPER STREET \_\_\_\_\_  
CAMDEN PARK \_\_\_\_\_  
DATE: JANUARY 2023 \_\_\_\_\_  
DRAWN: GR \_\_\_\_\_  
SHEET: 01 OF 05 \_\_\_\_\_  
JOB No. 079.22 \_\_\_\_\_



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# CAPPER STREET

## EXISTING SITE PLAN

SCALE 1:200 @ A3

TIMBER FRAMED REDNAPANEL CONSTRUCTION

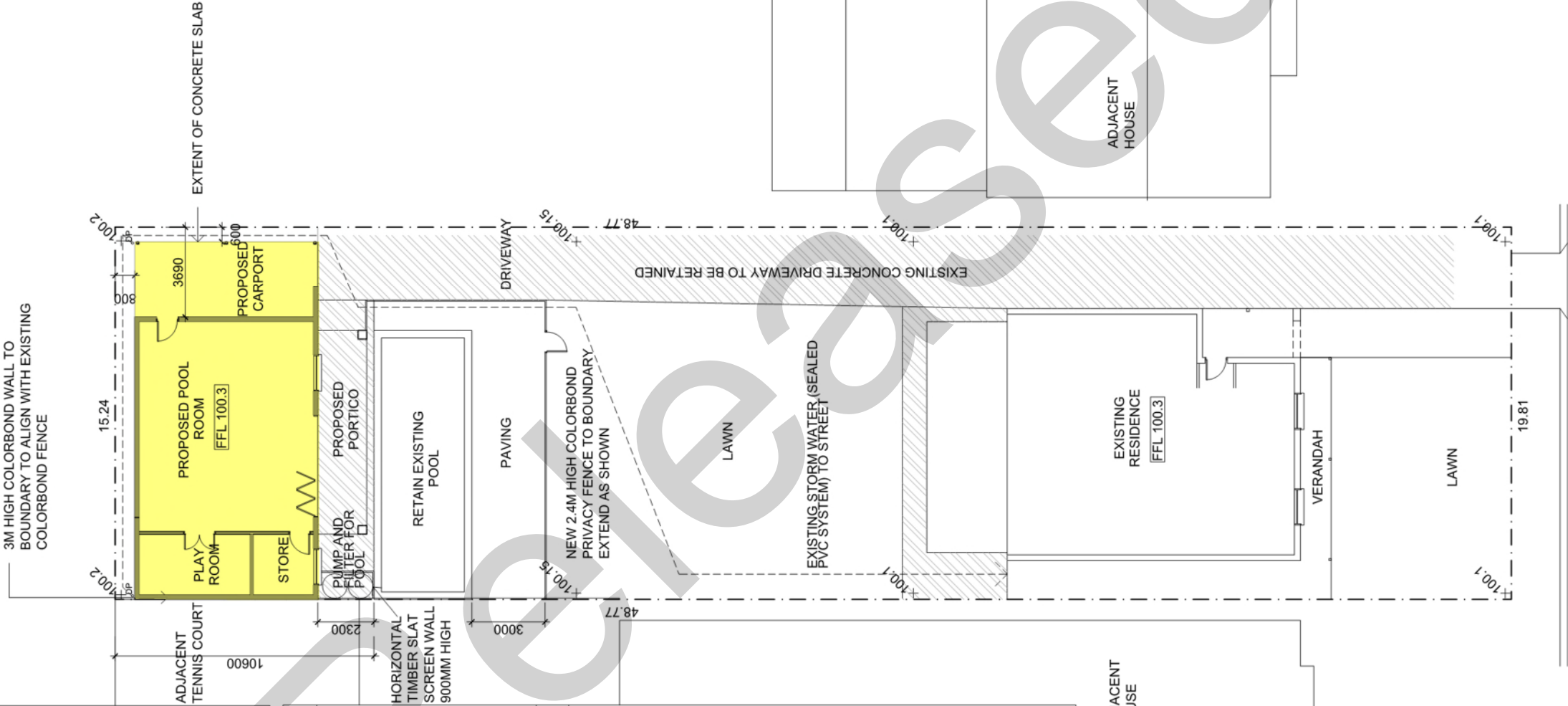
PLANNING DRAWINGS  
AMENDMENT "C" 24.04.23

LANDSCAPING NOTES	
1. DODONEA PURPUREA (EVERGREEN, 3 M HEIGHT/3M WIDTH)	
2. ABELIA GRANDIFOLIA (EVERGREEN, 1.8 M HEIGHT)	
3. POLYGALA GRANDIFLORA (1M HEIGHT/1.3M WIDTH)	
4. WESTRINGIA FRUTICOSA (2M HEIGHT/2M WIDTH)	
5. COLEONEMA PULCHRUM COMPACTUM (EVERGREEN, 0.6-0.75 M H. /0.5M W.)	
6. CALLISTEMON LITTLE JOHN (0.5-1M HEIGHT/0.3-1M WIDTH)	
7. NANDINA NANA	
8. COLEONEMA AUREA "GOLDEN DIOSMA" (0.6M HEIGHT/0.6M WIDTH)	
(EVERGREEN, 1.5 M HEIGHT/1.5M WIDTH)	
9. VIBURNUM TINUS LUCIDUM (EVERGREEN, 3 M HEIGHT/2.5M WIDTH)	

RAINWATER TANK NOTES	
SUITABLE WATER TANK/S SHALL BE INSTALLED COMPLETE WITH PRESSURE PUMP, SUPPLY PIPE AND GATE VALVE. RAINWATER SHALL BE PROVIDED TO THE ENTIRE RESIDENCE INCLUDING HWS. TANK OVERFLOW MUST BE DISCHARGED INTO THE EXIST PADDOCK IN ACCORDANCE WITH LOCAL AUTHORITIES REQUIREMENTS. INSTALLATION TO COMPLY WITH RELEVANT REGULATIONS AND MANUFACTURER'S RECOMMENDATIONS	

SITE PLAN NOTES	
ALL SITE DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.	
FFL TO BE MIN. 300mm ABOVE KERB	
REFER TO PLAN OF SUBDIVISION OR CERTIFICATE OF TITLE FOR VERIFICATION OF ALL BEARINGS, DISTANCES AND OTHER SITE INFORMATION.	
FOR DETAILS OF ALL EASEMENTS REFER TO THE PLAN OF SUBDIVISION OR CERTIFICATE OF TITLE AND OTHER INFORMATION BY THE RESPONSIBLE AUTHORITY.	
INSTALLATION OF ALL SERVICES INCLUDING ALL STORMWATER, WASTE WATER AND SEWER DETAILS SHALL COMPLY WITH THE RESPECTIVE SUPPLY AUTHORITY REQUIREMENTS.	
BUILDER TO VERIFY ALL SET DETAILS ON SITE.	
REFER TO ENGINEERS DRAWINGS FOR STORMWATER LAYOUT AND SEWER RUN	

AREAS	
EXISTING RESIDENCE	186.41 SQM
PROPOSED POOL ROOM	86.62 SQM
PROPOSED PORTICO	16.67 SQM
PROPOSED CARPORT	23.08 SQM
OVERALL SITE	816.71 SQM
PERVIOUS AREA	242.23 SQM
POS	29.65%
	389.23 SQM



CAPPER STREET

PROPOSED SITE PLAN

SCALE 1:200 @ A3

REV.	DATE	AMENDMENTS:
"B"	18.01.23	ADDED TIMBER SCREEN FOR POOL PUMP AND FILTER AMENDED BOUNDARY
"C"	20.04.23	REDUCTION OF PARAPET'S CHANGED PITCH DIRECTION

CLIENT: S. CALDER  
PROPOSED: ADDITIONS TO EXISTING REAR RESIDENCE  
SITE ADDRESS: 31 CAPPER STREET CAMDEN PARK  
DATE: JANUARY 2023  
DRAWN: GR  
SHEET: 02 OF 05  
JOB No. 079.22



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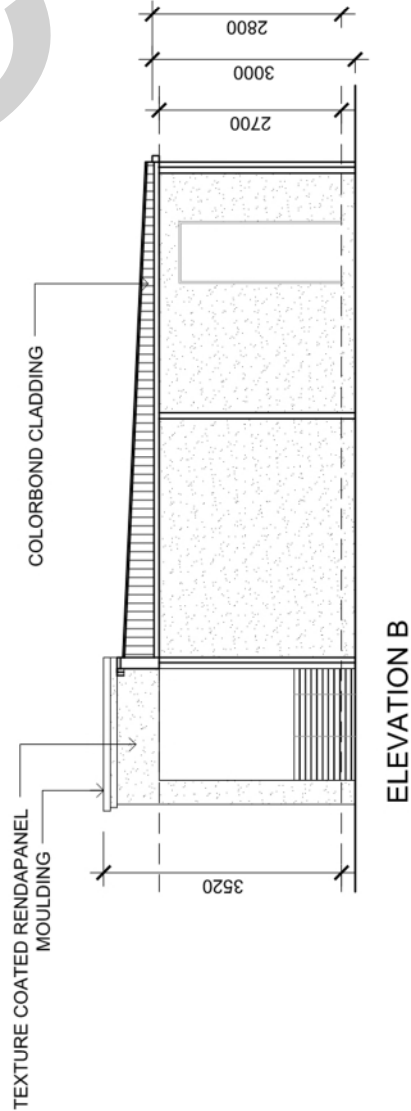
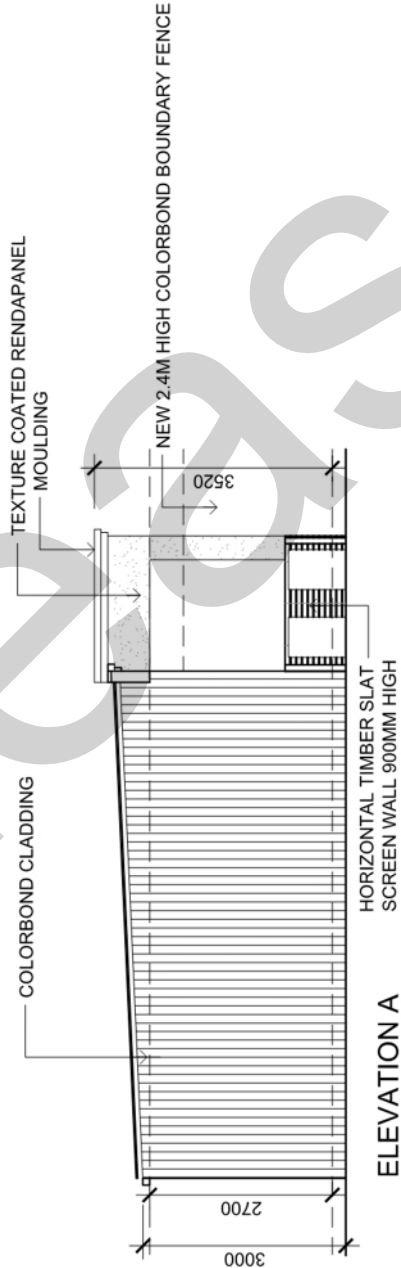
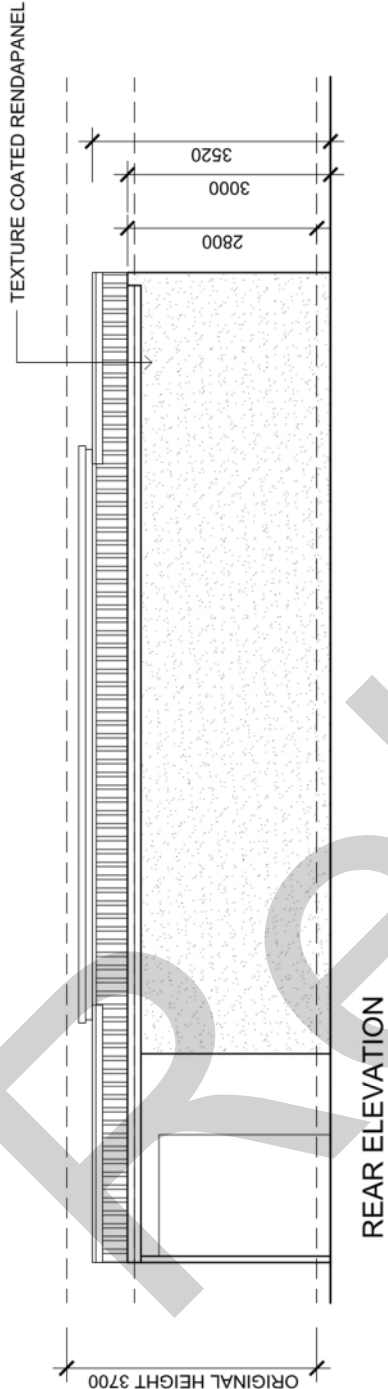
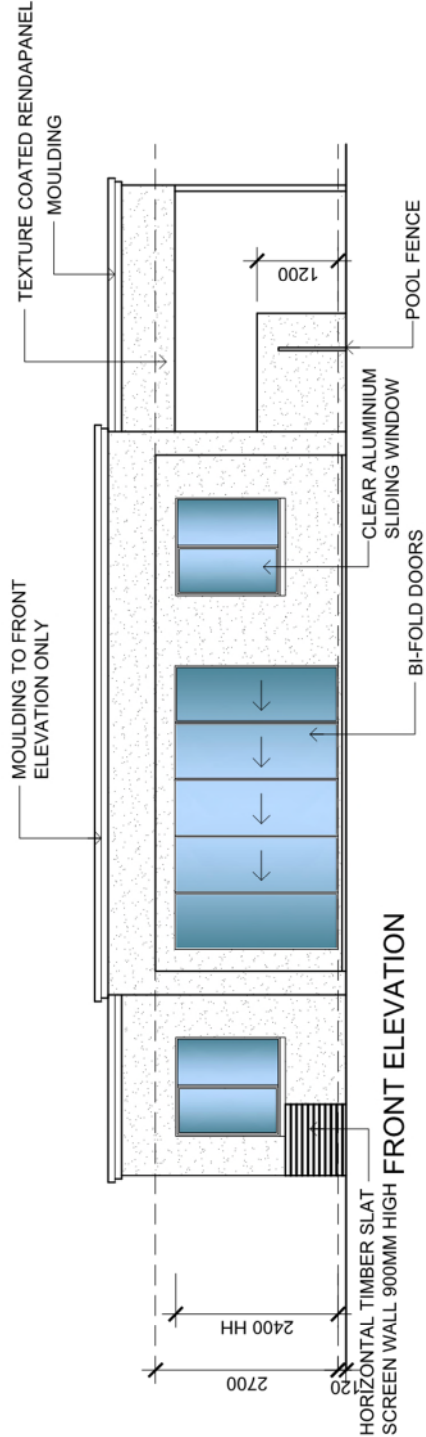
FIGURED DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DRAWINGS. VERIFY DIMENSIONS AND LEVELS BEFORE COMMENCING ANY BUILDING WORK. ANY DISCREPANCY TO BE REPORTED TO DIAMANTI DESIGN IMMEDIATELY.





TIMBER FRAMED REDNAPANEL CONSTRUCTION

PLANNING DRAWINGS  
AMENDMENT "C" 24.04.23



BUILDING AND COLOUR SCHEDULE		
ITEM	CONSTRUCTION	COLOUR
FLOORS	CONCRETE RAFT SLAB & FOOTING TO ENGINEERS DESIGN	
INTERNAL WALLS	TIMBER FRAMED WALLS GYPROCK LINING	
EXTERNAL WALLS	TIMBER FRAME REDNAPANEL	AUSTRAL PEPPER
ROOF	COLORBOND SPANDECK	SLATE GREY
WINDOWS	ALUMINIUM FRAMED SLIDING	NATURAL ANODISED
GARAGE DOOR	COLORBOND ROLLER DOOR	SLATE GREY

ELEVATIONS

SCALE 1:100 @ A3

REV.	DATE	AMENDMENTS
"B"	18.01.23	ADDED TIMBER SCREEN FOR POOL PUMP AND FILTER
"C"	20.04.23	AMENDED BOUNDARY
		REDUCTION OF PARAPETS
		CHANGED PITCH DIRECTION

CLIENT:  
S. CALDER

PROPOSED:  
ADDITIONS TO EXISTING REAR RESIDENCE

SITE ADDRESS:  
31 CAPPER STREET  
CAMDEN PARK

DATE: JANUARY 2023

DRAWN: GR

SHEET: 04 OF 05

JOB No. 079.22



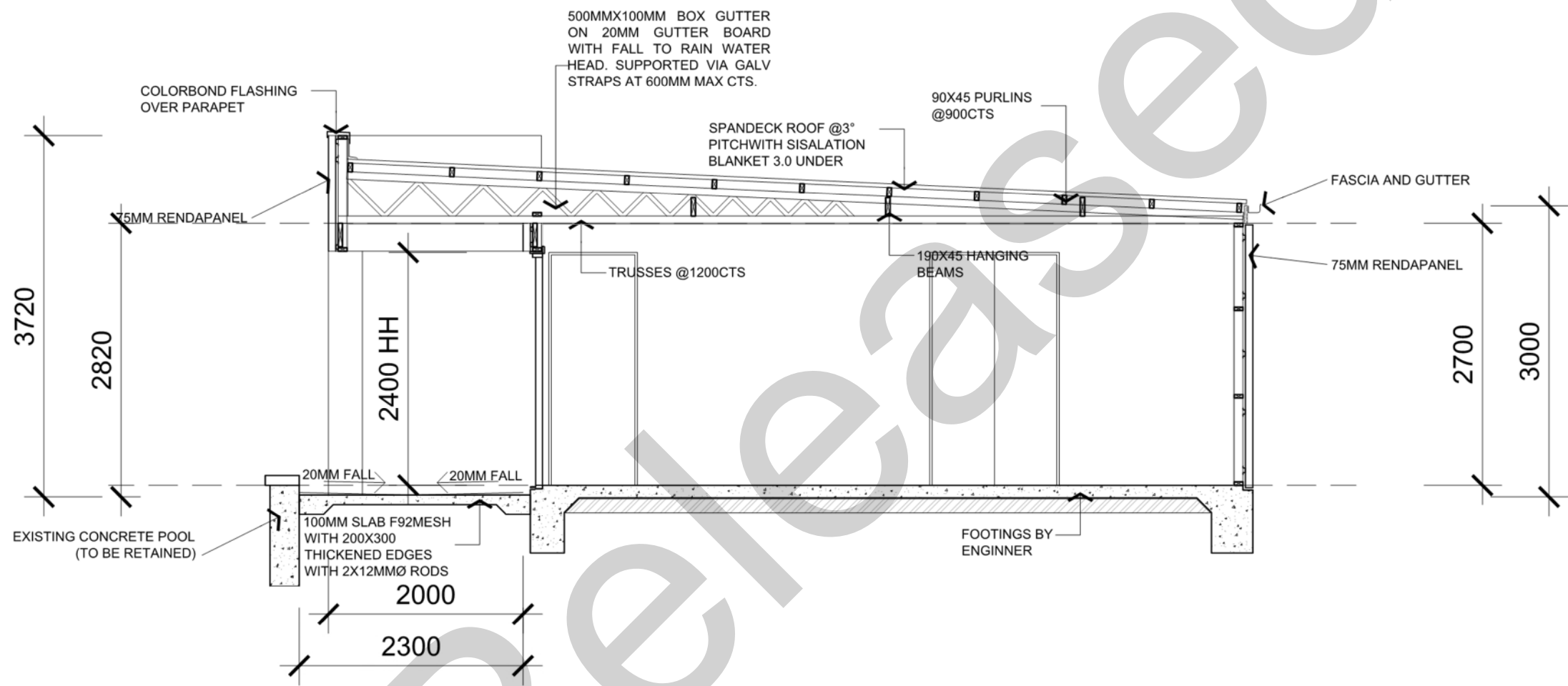
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SECTION A

SCALE 1:100 @ A3

CITY OF WEST TORRENS



# **MINUTES**

## **of the**

# **COUNCIL ASSESSMENT PANEL**

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

Public Livestream link was provided on the City of West Torrens Website

on

**TUESDAY, 14 FEBRUARY 2023**  
**at 5.00pm**

**Hannah Bateman**  
**Assessment Manager**

## 6.2 PDI Act Applications

### 6.2.1 31 Capper Street, CAMDEN PARK

Application No 22033457

Appearing before the Panel were:

Representor: **Peter & Corrine Routley** of 38 Cromer Street, Camden Park appeared in support of the representation.

Applicant: **Demetrios Diamanti** appeared in response to the representation.

### RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is not seriously at variance with the provisions of the Planning and Design Code.
2. Application No. 22033457 by Demetrios Diamanti for the construction of a habitable outbuilding including a rumpus room, garage and verandah at 31 Capper Street, Camden Park is REFUSED for the following reasons:

### REASONS FOR REFUSAL

The development fails to satisfy the following provision of the Planning and Design Code:

1. DO 1 of General Neighbourhood Zone - Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.  
*Reason: The proposed development results in poor amenity impacts upon nearby residential properties.*
2. PO 3.1 of General Neighbourhood Zone - Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.  
*Reason: The building footprint does not allow sufficient space to limit visual impact, nor provide an attractive outlook from nearby land.*
3. PO11.1 of General Neighbourhood Zone - Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.  
*Reason: The proposed development detracts from the appearance of neighbouring properties.*
4. DTS/DPF 11.1 of General Neighbourhood Zone - Ancillary buildings: have a floor area not exceeding 60 square metres and a wall height or post height not exceeding 3m.  
*Reason: The proposed habitable outbuilding is more than 60sqm and the proposed wall height exceeds 3m, resulting in visual amenity impacts upon adjoining land.*



5. DO 1 of the General Development Policies - Design in Urban Areas (a) - Development that is contextual by considering, recognising and responding to its natural surroundings or built environment and positively contributing to the character of the locality.

Reason: The proposed development does not positively contributing to the character of the locality.

### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

#### 6.2.2 456-458 Henley Beach Road, LOCKLEYS

Application No 22029083

Appearing before the Panel were:

Representor: **Duilia Bastian** of 1 Franciscan Avenue, Lockleys appeared in support of their representation via telephone call.

Applicant: **Simon Channon** of URPS, **Phil Weaver** of Phil Weaver and Associates and **Tim Hastwell** of St Francis School Lockleys appeared in response to the representation.

### RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107 (2)(c) of the *Planning Development and Infrastructure Act 2016*, and having undertaken an assessment of the applicant against the Planning and Design Code, the application is not seriously at variance with the provisions of the Planning and Design Code Version 2022.18.
2. Application No. 22029083 by St Francis School Lockleys to carry out Alterations and additions to an existing Educational Establishment including the construction of a two-storey building to accommodate 15 classrooms, a science room, common areas and amenities as well as signage, external courtyard and freestanding storage shed along with associated earthworks, retaining walls and landscaping at 456-458 Henley Beach Road, Lockleys is GRANTED Planning Consent subject to the following Reserved Matters and Conditions of consent:

#### Reserved Matters

The following information shall be submitted for further assessment and approval by the Relevant Authority as Reserved Matters under Section 102(3) of the *Planning Development and Infrastructure Act 2016*:

1. Revised plans demonstrating additional on-site parking shall be provided for staff of the school in the form of 6 'stacked' parks at the rear of the Parish Hall and 2 parks near the front of the Church.
2. Revised plans demonstrating acoustic treatments for the mechanical plant being incorporated into the development design, in accordance with the recommendations of the Environment Noise Assessment prepared by Sonus.

Pursuant to Section 127 of the *Planning Development and Infrastructure Act 2016*, the Relevant Authority reserves its decision on the form and substance of any further conditions of Planning



## DECISION NOTIFICATION FORM

*Section 126(1) of the Planning, Development and Infrastructure Act 2016*

### TO THE APPLICANT(S):

Name: Demetrios Diamanti
Email: jim@diamantidd.com.au

### IN REGARD TO:

Development application no.: 22033457	Lodged on: 14 Oct 2022
Nature of proposed development: Construction of a habitable outbuilding including a rumpus room, garage and verandah	

### LOCATION OF PROPOSED DEVELOPMENT:

Location reference: 31 CAPPER ST CAMDEN PARK SA 5038		
Title ref.: CT 5286/898	Plan Parcel: D2237 AL93	Council: CITY OF WEST TORRENS

### DECISION:

Decision type	Decision (granted/refused)	Decision date	No. of conditions	No. of reserved matters	Entity responsible for decision (relevant authority)
Planning Consent	Refused	14 Feb 2023			Assessment Panel at City of West Torrens
Building Consent					To be Determined
Development Approval - Planning Consent; Building Consent					City of West Torrens

**FROM THE RELEVANT AUTHORITY:** Assessment Panel - Section 93 at City of West Torrens

Date: 16 Feb 2023

### REFUSAL REASONS

#### Planning Consent

The development fails to satisfy the following provision of the Planning and Design Code:

1. DO 1 of General Neighbourhood Zone - Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

*Reason: The proposed development results in poor amenity impacts upon nearby residential properties.*

This form constitutes the form of a decision notification under section 126(1) of the Planning, Development and Infrastructure Act 2016, as determined by the Minister for Planning for the Purposes of regulation 57(1) of the Planning, Development and Infrastructure (General) Regulations 2017. Published: 7 July 2022.



**Government of South Australia**

Department for Trade and Investment

2. PO 3.1 of General Neighbourhood Zone - Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

*Reason: The building footprint does not allow sufficient space to limit visual impact, nor provide an attractive outlook from nearby land.*

3. PO11.1 of General Neighbourhood Zone - Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.

*Reason: The proposed development detracts from the appearance of neighbouring properties.*

4. DTS/DPF 11.1 of General Neighbourhood Zone - Ancillary buildings: have a floor area not exceeding 60 square metres and a wall height or post height not exceeding 3m.

*Reason: The proposed habitable outbuilding is more than 60sqm and the proposed wall height exceeds 3m, resulting in visual amenity impacts upon adjoining land.*

5. DO 1 of the General Development Policies - Design in Urban Areas (a) - Development that is contextual by considering, recognising and responding to its natural surroundings or built environment and positively contributing to the character of the locality.

*Reason: The proposed development does not positively contributing to the character of the locality.*

## ADVISORY NOTES

### Planning Consent

#### Advisory Note 1

If you are building up to a common boundary, you are strongly encouraged to consult with the adjoining property owner before commencing any work.

Section 5 of the Fences Act, 1975 requires you to give formal notification to, and consult with, the adjoining property owner if you are replacing an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence. A wall that forms part of a building to be located along the boundary is also subject to this formal requirement.

#### Advisory Note 2

It is highlighted that any existing crossing places not providing vehicle access on the approved plans shall be closed off to Council's requirements and any new or modified crossing places shall be constructed to Council's requirements. New vehicle crossing places must be located a minimum of 1000mm from any existing or proposed verge features (ie: crossing places, stormwater connections, stobie poles) and a minimum of 2000mm from any existing street tree (unless approval is granted by Council for a closer offset).

#### Advisory Note 3

It is highlighted that any existing stormwater drainage connection(s) not required on the approved plans shall be removed to Council's requirements and any new or modified stormwater drainage connection(s) shall be constructed to Council's requirements. New stormwater drainage connection(s) must be located a minimum of 1000mm from any existing or proposed verge features (ie: crossing places, stormwater connections, stobie poles) and a minimum of 2000mm from any existing street tree (unless approval is granted by Council for a closer offset).

#### Advisory Note 4

Prior to the commencement of construction of the development herein approved, it is recommended that the applicant employs the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

**Advisory Note 5**

Any damage to footpaths or driveways resulting from development of the site (including any associated works contractors) shall be rectified by the owner/builder. Any costs of rectifying any such conflict with existing Council infrastructure shall be borne by the applicant.

The footpath and driveways must be monitored by the owner/builder during development to ensure that any damage which occurs must be rectified immediately to mitigate potential trip hazards and ensure ongoing safety of pedestrians and site workers.

The footpath and verge area must be kept clear at all times of all obstructions including but not limited to, vehicles, building supplies or materials and debris. Any requirement to place items on the footpath or road requires the written approval of Council's City Assets Department.

**Advisory Note 6**

It is highlighted that any new or modified underground consumer mains connection(s) with the road reserve shall be constructed to Council's requirements.

An "Application for Permission to Lay Underground Consumer Mains within Council Land" is required to be lodged (including payment of lodgement fee) and approved by Council's City Assets Department prior to the undertaking of any works.

**Advisory Note 7**

The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Refer Environment Protection Authority for additional details.

**Advisory Note 8**

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

**Advisory Note 9**

Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions. Such an appeal must be lodged with the Environment, Resources and Development Court within two (2) months from the day of receiving this notice, or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 and may be contacted on 8204 0289.

In addition, where the Assessment Manager is the relevant authority, the applicant may seek a review of the Assessment Manager's decision by the Council Assessment Panel within one (1) month of receiving this notice, or such longer time as the Presiding Member may allow. The applicant is asked to contact the Council if wishing to seek a review on 8416 6333 or email [development@wtcc.sa.gov.au](mailto:development@wtcc.sa.gov.au).

**Advisory Note 10**

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

**CONTACT DETAILS OF CONSENT AUTHORITIES**

Name: City of West Torrens	Type of consent: Planning
Telephone: 08 8416 6333	Email: development@wtcc.sa.gov.au
Postal address: 165 Sir Donald Bradman Drive, Hilton SA 5033	

Released