



DISTRICT COUNCIL OF ROBE ASSESSMENT PANEL

Notice of Meeting

Pursuant to Section 83 of the Planning, Development and Infrastructure Act 2016, Notice is hereby given that a Meeting of the District Council of Robe Assessment Panel will be held on **Wednesday, 23rd June 2021 at 11.00am** at the District Council Chambers, Smillie Street, Robe.

A handwritten signature in blue ink that reads "D Dawson".

Damian Dawson
ASSESSMENT MANAGER

DISTRIBUTION LIST

Panel Members	Liz Travers – Presiding Member Meg Redman Mark Teakle Michael Talanskas Cr Ned Wright
Assessment Manager	Damian Dawson, Planning Chambers Pty Ltd
Council Officers	Chief Executive Officer, James Holyman Director of Infrastructure, Rob Moir Development Officer, Michelle Gibbs

Please note: Report attachments are not included in this Agenda due to copyright laws. Report attachments are provided to members of the Assessment Panel to facilitate decision making.

DISTRICT COUNCIL OF ROBE

ASSESSMENT PANEL

ORDER OF BUSINESS

1. **OPENING & WELCOME**
 - 1.1 **Acknowledgement of Traditional Owners**
2. **ATTENDANCE**
3. **APOLOGIES FOR ABSENCE**
4. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
5. **BUSINESS WITH NOTICE**
6. **BUSINESS WITHOUT NOTICE**
7. **CONFLICT OF INTEREST**
8. **REPRESENTORS**
9. **EXCLUSION OF PUBLIC**
10. **APPLICATION**
 - 10.1 Application No. 21000972 – S Legoe, 22 McIntyre Street, Robe
11. **CONCLUSION OF CLOSED MEETING**
12. **NEXT MEETING**
13. **CLOSURE**

1. OPENING & WELCOME

1.1 Acknowledgement of Traditional Owners

The District Council of Robe acknowledges that we are meeting on the traditional lands of the Boandik people and we respect their spiritual relation with their Country. We also acknowledge the Boandik people's deep feelings of attachment and relationship with this land and that their cultural and heritage beliefs are still as important to the living Boandik people today.

1.2 The Presiding member to read the following statement to the Applicant/Owner/Representor that attended the meeting:-

- As from 1st October 2017, every Council is required to establish an Assessment Panel under provisions within the new Planning, Development and Infrastructure Act 2016 to determine and make decisions on development application as delegated to the Panel.
- When the Panel is considering an application, it must assess the proposal against the Planning and Design Code.
- The meeting itself is informal, however all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a questions and answer session. There will be no debate entered into.
- Once the Panel has heard all representations, you will be asked to leave as the Assessment Panel holds its discussions and reaches its decisions in confidence.
- Council Officer's will advise you of the decision as soon as practical after the meeting.

2. ATTENDANCE

3. APOLOGIES FOR ABSENCE

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved _____ that the minutes of the District Council of Robe Council Assessment Panel meeting held on 24 March 2021 as circulated are confirmed as an accurate record of the proceedings of the meeting

Seconded

5 BUSINESS WITH NOTICE

6. BUSINESS WITHOUT NOTICE

7. CONFLICT OF INTEREST

8. REPRESENTORS

The following representors wish to be heard at the meeting -

8.1 Mr Orso Osti via Zoom (representor)

Mr Tim Rogers (applicant)

9. EXCLUSION OF PUBLIC

moved that the Panel resolves that it will exclude the public from attendance during that part of the meeting that consists of its discussion or determination by the Panel under Regulation 13 (2) (b) of the Planning, Development and Infrastructure (General) Regulations 2017, excepting for the following persons:-

- Damian Dawson (Assessment Manager)
- Michelle Gibbs (Development Officer/Minute Taker)

Seconded

10. DEVELOPMENT APPLICATIONS

11. CONCLUSION OF CLOSED MEETING

moved that the Panel resolves to conclude its exclusion of the public from attendance at the meeting under *Regulation 13 (2) (b) of the Planning, Development and Infrastructure (General) Regulations 2017*.

Seconded

15. NEXT MEETING

16. CLOSURE

District Council of Robe
Council Assessment Panel

Minutes of the Council Assessment Panel Meeting held 24 March, 2021 commencing at 4.00pm at the District Council of Robe Chambers, 3 Royal Circus, Robe.

PRESENT

Liz Travers (Presiding Member), Cr Ned Wright (Elected Member), Meg Redman (Independent Member), Mark Teakle (Independent Member) and Michael Talanskas (Independent Member).

APOLOGIES

James Holyman, Chief Executive Officer and Rob Moir, Director of Infrastructure

IN ATTENDANCE

Damian Dawson (Assessment Manager), Michelle Gibbs (Development Officer), Varsha Kulkarni (Planning Chambers)

IN GALLERY

Duncan Young, Tim Rogers and Warren Tucker
By video link Luke Willis, Hosking Willis Architecture and Paul Altschwager

OPENING, WELCOME AND INTRODUCTIONS

Acknowledgement of Traditional Owners.

Presiding Member welcomed members, staff and the gallery to the meeting.

The Presiding Member outlined the process of the Council's Assessment Panel (CAP) meeting to the members of the gallery, advising that the role of the CAP is to assess Development Applications against the relevant planning provisions.

The Presiding Member advised that the Representors and the Applicants would be invited to address CAP and answer any questions from Panel Members, and then there would be a closed section of the meeting, where the public is excluded, to discuss and consider the Application. The public gallery was advised that they could contact Council the next day and find out the outcome.

APPOINTMENT OF PRESIDING MEMBER

The District Council of Robe has appointed Ms Liz Travers as Presiding Member of the Assessment Panel until the Regional Assessment Panel has been formed.

Received

TERMS OF REFERENCE AND MEETING PROCEDURES

Mr M Talanskas moved that the Terms of Reference dated 22 March 2021 and Meeting Procedures as tabled be adopted for the term of the Panel.

Received

CONFIRMATION OF MINUTES

Cr N Wright moved that the minutes of the CAP meeting held on the 16 December 2020, as circulated are confirmed as an accurate record of the proceedings of the meeting.

Seconded Ms M Redman

Carried

BUSINESS WITH NOTICE

Nil

BUSINESS WITHOUT NOTICE

Nil

CONFLICT OF INTEREST

None declared

DELEGATIONS

1. Application No. 20000974 – 3 Davenport Street, Robe
Mr Duncan Young addressed the Panel in relation to his Representation
Mr Tim Rogers addressed the Panel in support of the proposal
2. Application No. 20001424 – 10 Hagen Street, Robe
Mr Paul Altschwager addressed the Panel in relation to his Representation
Mr Luke Willis addressed the Panel in support of the proposal
Mr Warren Tucker addressed the Panel in support of the proposal

EXCLUSION OF PUBLIC

Cr N Wright moved that the Panel resolves that it will exclude the public from attendance during that part of the meeting that consists of its discussion or determination by the Panel under Regulation 13 (2) (b) of the Planning, Development and Infrastructure (General) Regulations 2017, excepting for the following persons:-

- Damian Dawson (Assessment Manager)
- Michelle Gibbs (Development Officer/Minute Taker)
- Varsha Kulkarni (Planning Chambers)

Seconded Mr M Teakle

Carried

The Panel moved into "Confidence" at 4.30pm

DEVELOPMENT APPLICATIONS

Development No. 20000974
Applicant: Tim Rogers and David Robinson
Address: 3 Davenport Street, Robe
Nature of Development: Demolition of existing dwelling and construction of a two storey dwelling

Moved Mr M Teakle 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; and
2. Development Application Number 20000974, by Timothy Rogers and David Robinson is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

1. The Development shall be carried out in accordance with plan/s and details as approved by Council except where required to be varied by any condition of consent or where approval is sought from and granted by Council, for any variation.
2. A final landscaping plan providing details of the retention of existing landscaping along the northern boundary and supplementary plantings to limit overlooking to the north shall be provided to the satisfaction of Council prior to the grant of Building Rules Consent.
3. Landscaping must be designed, undertaken and maintained in accordance with the plans and details forming part of the development authorisation.
4. A final ground and lower ground floor plan updating the width of the northern balcony shall be provided to the satisfaction of Council prior to the grant of Building Rules Consent.
5. All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009)
6. All stormwater design and construction will 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 will 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 or an adjoining owner and not flow across property boundaries and onto the adjoining road.
7. Approval shall be obtained from the District Council of Robe for a new On-Site Wastewater system or alteration to an existing system prior to issue of Development Approval. An application form can be downloaded from Council's website and submitted with a wastewater engineers report (if applicable) and relevant plans. Once approval has been granted, please upload the Wastewater Approval to PlanSA ePlanning Platform.

ADVISORY NOTES

1. 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.
2. 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.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).
4. An approved development must be substantially commenced within 12 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Seconded Mr M Talanskas

Carried

Development No. 20001424
Applicant: Warren Tucker
Address: 10 Hagen Street, Robe
Nature of Development: One single storey dwelling and one two storey dwelling

Moved M Talanaskas 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; and
2. Development Application Number 20001424, by Warren Tucker is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

1. The Development shall be carried out in accordance with plan/s and details as approved by Council except where required to be varied by any condition of consent or where approval is sought from and granted by Council, for any variation.
2. A final landscaping plan providing details of the hard and soft landscaping and fencing proposed shall be provided to the satisfaction of Council prior to the grant of Building Rules Consent. The plan shall minimise the extent of hard paving within the front setbacks of each dwelling (Hagen and O'Halloran Streets) and include appropriate front fencing constructed from stone with a maximum height of 1.2 metres. The landscaping plan for Lot 40 shall provide landscaping that incorporates denser and

taller plantings on the corner of Hagen Street and O'Halloran Street and along the Hagen Street frontage to minimise the visual impact of the development.

3. Landscaping must be designed, undertaken and maintained in accordance with the plans and details forming part of the development authorisation.
4. A final schedule of building materials, finishes and colours shall be provided to the satisfaction of Council prior to the grant of Building Rules Consent. The schedule should include the use of natural (sand / cement) solid rendered wall finishes or unrendered stone.
5. All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009)
6. All stormwater design and construction will 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 will 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 or an adjoining owner and not flow across property boundaries and onto the adjoining road.
7. Approval shall be obtained from the District Council of Robe for a new On-Site Wastewater system or alteration to an existing system prior to issue of Development Approval. An application form can be downloaded from Council's website and submitted with a wastewater engineers report (if applicable) and relevant plans. Once approval has been granted, please upload the Wastewater Approval to PlanSA ePlanning Platform.
8. A detailed site works plan showing the proposed finished site and floor levels, extent of cut and fill and location of retaining walls/batter shall be provided to the satisfaction of Council prior to the issuing of Building Rules Consent. The site works plan shall confirm, and provide a reference to, the existing floor level of the adjoining dwelling to the north.

ADVISORY NOTES

1. 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.
2. 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.

3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).
4. An approved development must be substantially commenced within 12 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Seconded Mr M Teakle

Carried

CONCLUSION OF CLOSED MEETING

Moved Cr Wright that the Panel resolves to conclude its exclusion of the public from attendance at the meeting under Regulation 13(2)(b) of the Planning, Development and Infrastructure (General) Regulations 2017.

The Panel moved out of “In Confidence” at 5.40pm.

Seconded Ms M Redman

Carried

NEXT MEETING

The date of the next CAP Meeting is yet to be determined as they are held on an as need basis.

CLOSURE

Meeting closed at 5.45pm



ASSESSMENT MANAGER

PRESIDING MEMBER

DEVELOPMENT NO.:	21000972
APPLICANT:	Timothy Rogers Sonia Legoe
ADDRESS:	22 MCINTYRE ST ROBE
NATURE OF DEVELOPMENT:	Two storey dwelling
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Neighbourhood Overlays: <ul style="list-style-type: none"> • Affordable Housing • Hazards (Bushfire - Urban Interface) • Key Outback and Rural Routes • Native Vegetation • Prescribed Wells Area • Water Protection Area Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Levels)
LODGEMENT DATE:	12 Mar 2021
RELEVANT AUTHORITY:	District Council of Robe Assessment panel
PLANNING & DESIGN CODE VERSION:	7 th March 2021 - 2021.1
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Damian Dawson Assessment Manager
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	None

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 3:	Representation Map
ATTACHMENT 1:	Application Documents	ATTACHMENT 4:	Representations
ATTACHMENT 2:	Subject Land Map	ATTACHMENT 5:	Applicant response

DETAILED DESCRIPTION OF PROPOSAL:

The proposal seeks the construction of a two storey detached dwelling upon the subject land. The proposed dwelling will have a minimum setback of 5.3 metres from the northern boundary (McIntyre Street), 5.8 metres from the rear boundary, 1 metre from the eastern boundary and 2.9 metres from the western boundary. The proposal will have a floor area of 225m² on the ground floor and 164m² on the first floor.

The dwelling will contain a double garage, three (3) bedrooms and living room on the ground floor and one (1) master bedroom, open plan living room with kitchen and dining room, study room and deck area at the upper level.

The dwelling will have a wall height of 6.2 metres when measured from the finished floor level with an overall roof height of approximately 6.8 metres when measured from natural ground level.

Vehicle access to the site is gained via a new crossover from McIntyre Street located at the eastern end of the northern boundary.

The dwelling will be connected to a rainwater tank located along the rear boundary and a new septic tank located along the south western corner of the dwelling feeding into Council's CWMS system.

External materials and finishes comprise of a mixture of natural field stone, vertical timber board, shadow clad plywood panelling, Hebel and metal sheet cladding for the external wall finishes and metal sheet roofing.

BACKGROUND:

The subject land was created in November 2019 following the division of the larger adjoining parcel of land to the east fronting the eastern end of McIntyre Street and Main Road.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 22 MCINTYRE ST ROBE

Title ref.: CT 6240/406 **Plan Parcel:** D123888 AL101 **Council:** DC OF ROBE

The subject land is described in Certificate of Title Volume 6240 Folio 406 as being Allotment 101 in Deposited Plan 123888. The land has a frontage of approximately 17.6 metres to McIntyre Street and an approximate site area of 510m².

The land is currently vacant of any built form and consists of dense shrubs along the north western portion of the allotment. The allotment is located on the southern edge of the cul-de-sac at the eastern end of McIntyre Street.

Locality

The locality is predominantly characterised by residential allotments with site areas ranging from approximately 500m² to 4,800m² consisting of two storey detached dwellings.

The immediate locality can be characterised by a two storey detached dwelling to the west and a two storey detached surrounded with dense vegetation and frontage to Main Road to the east of the allotment. The Robe coastal cliff top walk is located on the northern side of McIntyre Street along the cliffs fronting Guichen Bay.



Figure 1: Subject Land

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

Code Assessed - Performance Assessed

PUBLIC NOTIFICATION:

Required - The proposal exceeds the maximum building height with the Neighbourhood Zone and therefore is subject to public notification.

LIST OF REPRESENTATIONS

Council received one (2) representation during the notification period from the neighbour to the north of the subject land:

Representations Received			
		Support / Oppose	Wish to be Heard
1	Mr. Brian Sapiatzer 18 McIntyre Street, Robe	Support with some concerns	No
2	Mr. Orso Osti 20 McIntyre Street, Robe	Oppose	Yes

- **SUMMARY**

A summary of the representor's comments and the applicant's response is provided below:

Summary of Representations	
Representation	Applicant's Response
<i>Two storey dwelling exceeds the Maximum Building Height of one storey dwelling</i>	<i>All the houses on McIntyre Street are two storey dwellings</i>
<i>The proposal is not consistent with the primary street setback/similar to the adjoining dwellings.</i>	<i>The subject land is out of line compared to the rest of the allotments with frontage to McIntyre Street and cannot achieve a consistent setback. The provision recommends setback to be consistent with same primary street frontage. As the adjacent allotment to the east has a frontage to Main Road it is not applicable to this proposal.</i>
<i>Exceeds the site coverage of 60% which results in visual impact and does not allow sufficient space and ventilation.</i>	<i>The development is within the maximum site coverage requirement.</i>
<i>Does not comply with the Robe Council guidelines of minimal coastal impact.</i>	<i>The allotment is not located within Coastal Overlays.</i>
<i>Lacks safe vehicle access and interferes with the street furniture and street vegetation</i>	<i>The proposal has adequate on-site car parking. The vehicle access is similar to most cul-de-sac residential allotments. There are no significant trees on the site and the large Cypress trees are not located within the allotment.</i>



Figure 2: Representation Map

AGENCY REFERRALS

None required.

INTERNAL REFERRALS

None undertaken.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

The subject land is located within the Neighbourhood Zone. The assessment of the proposal has been limited to the provisions within the zone along with the relevant overlays and general provisions as outlined within the attached extract of the Code provisions.

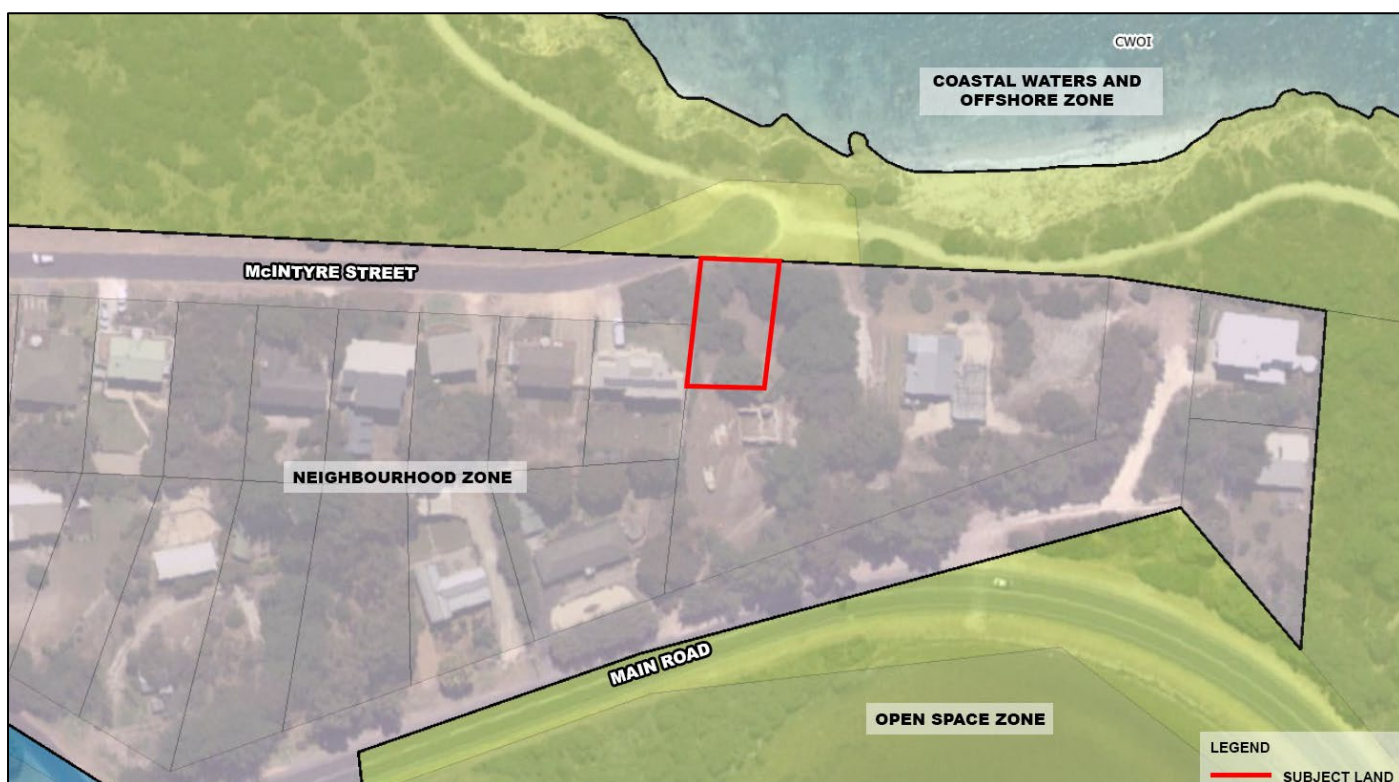


Figure 3: Zone Map

Quantitative Provisions

The following table provides an assessment against the relevant quantitative provisions contained within the P&D Code:

	Requirement	Proposal
Building Height	1 Level	2 Level
Site Coverage	60%	44%
Primary Street Setback	Where there is only one existing building on adjoining sites which face the same primary street, not less than the setback to the building line of that building or not less than 5m where no building exists on an adjoining site with the same primary street frontage.	5.3 to 6.3 m
Side Boundary Setback	<ul style="list-style-type: none"> - 900 mm for walls up to 3 m height then an additional 1/3 of the wall height above 3 m - Proposed wall height of 6.2 m on western side requires a setback of 1.9 metres - Proposed wall height of 3 m on eastern side requires 900 mm 	Western Boundary – 2.9 m Eastern Boundary – 1 – 1.5 m
Rear Boundary	<ul style="list-style-type: none"> - 4 m for the first building level - 6 m for any second building level 	Ground floor - 5.8 m (min) Upper level – 6 m

The proposal easily satisfies the side boundary setback provisions outlined above. It exceeds the building height requirement by one storey and is at odds with the front boundary setback requirements when considered in relation to the setback of the adjoining dwelling to the west. Both of these elements are discussed further below.

Land Use

As noted below the Desired Outcome of the Neighbourhood Zone encourages the development of dwellings consistent with the existing characteristics of the locality.

Desired Outcome	
DO 1	Housing supports a range of needs and complements the existing local context. Services and community facilities contribute to making a convenient place to live without compromising the residential amenity and character of the neighbourhood.

The proposed construction of a detached dwelling upon the land satisfies the desire of the zone for residential development as noted within DO 1 and Performance Outcome (PO) 1.1 and Designated Performance Feature (DPF) 1.1 which lists detached dwellings as an envisaged land use.

The subject land is an existing residential allotment which satisfies the minimum allotment size and frontage to accommodate a detached dwelling. The development of a dwelling upon the land is therefore supported.

Building Height

The Neighbourhood Zone provides the following guidance in relation to building height:

PO 4.1

Building height is consistent with the maximum height expressed in any relevant Building Height Technical and Numeric Variation, or are generally consistent with the prevailing character of the locality and complement the height of nearby buildings.

DTS/DPF 4.1

*Building height (excluding garages, carports and outbuildings) is no greater than:
Maximum building height is 1 level*

The proposed two-storey detached dwelling exceeds the maximum building height/levels by one level. It is noted that the majority of dwellings within the locality and along McIntyre Street are two storeys in height with many more across the Neighbourhood Zone in Robe. The additional building height proposed is not considered to be fatal to the assessment of the application as it is still consistent with the prevailing character and complementary to the height of nearby buildings as sought by PO 4.1.

The flat roof nature of the proposal provides for a lower scale dwelling relative to two storey dwellings with gabled or skillion roof forms. The differentiation in external materials between the lower and upper levels and in setting of the upper level at the rear and eastern side provides for a suitable degree of articulation and detailing to reduce the overall visual scale and bulk of the building.

Setbacks, Design & Appearance

As noted above the proposal satisfies the relevant side and rear setback requirements. The Neighbourhood Zone provides the following guidance in relation to the setback of dwellings from the primary street frontage:

PO 5.1

Buildings are set back from primary street boundaries consistent with the existing streetscape.

DTS/DPF 5.1

The building line of a building set back from the primary street boundary:

- a) at least the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment)*
- b) where there is only one existing building on adjoining sites which face the same primary street (including those that would adjoin if not separated by a public road or a vacant allotment), not less than the setback to the building line of that building*
or
- c) not less than 5m where no building exists on an adjoining site with the same primary street frontage.*

The subject land is located at the eastern end of the McIntyre Street, forward of all the other parcels fronting McIntyre Street to the west as shown within Figure 4 below. The subject land has a depth of approximately 30 metres. Approximately half of this depth (15 metres) is located forward of the adjoining allotment to the west. As such any development upon the subject allotment will naturally sit forward of the predominate building line along McIntyre Street to the west. The bend/curve in McIntyre Street adjacent the subject land signifies a change in the allotment alignment with the subject land and adjoining allotment to the west siting forward, closer to the cliff line.



Figure 4: View east along McIntyre Street with the subject land located within the centre (vegetated)

The proposed primary street setback of between 5.3 and 6.3 metres is considered to be sufficient given the nature of the road alignment and allotment pattern at the end of the cul-de-sac. Whilst the proposed dwelling will sit forward of the adjoining development to the west it is located at the end of the road at the point at which the roadway turns to the north and therefore will be read within a difference context to the established setback character of the dwellings to the west.

The following provisions provide guidance as to the general design and appearance of dwelling sought within the Zone:

PO 11.1

Dwellings incorporate windows along primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.

DTS/DPF 11.1

Each dwelling with a frontage to a public street:

- a) includes at least one window facing the primary street from a habitable room that has a minimum internal room dimension of 2.4m*
- b) has an aggregate window area of at least 2m² facing the primary street.*

PO 12.1

Living rooms have an external outlook to provide a high standard of amenity for occupants.

DTS/DPF 12.1

A living room of a dwelling incorporates a window with an outlook towards the street frontage or private open space, public open space, or waterfront areas.

PO 17.1

Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.

DTS/DPF 17.1

Private open space is provided in accordance with Design Table 1 Private Open Space.

Dwelling Type	Minimum Rate
Dwelling (at ground level)	Total private open space area: (a) Site area <301m ² : 24m ² located behind the building line. (b) Site area ≥ 301m ² : 60m ² located behind the building line. Minimum directly accessible from a living room: 16m ² / with a minimum dimension 3m.
Dwelling (above ground level)	Studio (no separate bedroom): 4m ² with a minimum dimension 1.8m One bedroom: 8m ² with a minimum dimension 2.1m Two bedroom dwelling: 11m ² with a minimum dimension 2.4m Three + bedroom dwelling: 15m ² with a minimum dimension 2.6m

The proposed dwelling is appropriately designed and sited to overlook the adjoining public realm and roadway at the end of the cul-de-sac. The dwelling takes advantage of the views to the north and north east out over the bay and towards Long Beach. The ground and upper level living areas and upper level deck all look to the north providing passive surveillance of the road and walking track.

The rear garden provides a suitable area of private open space to supplement the upper level deck with sufficient space for meaningful landscaping within both front and rear yards.

The dwelling design is contemporary and utilises a range of natural materials and finishes consistent with the beachside character of Robe. It is sufficiently setback from the adjoining boundaries to not be overbearing or result in any significant overshadowing or overlooking. Living areas are proposed at ground and upper level

on the northern side of the dwelling to take advantage of the outlook and provide good passive solar design with high levels of natural light and ventilation provided.

Overall, the design and appearance of the proposed dwelling is supported with an appropriate mixture of materials proposed and a high level of residential amenity anticipated.

Traffic Impact, Access and Parking

The following zone provisions provide guidance regarding access and parking:

DTS/DPF 19.3

Driveways and access points on sites with a frontage to a public road of 10m or less have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site.

DTS/DPF 19.4

Vehicle access to designated car parking spaces satisfy (a) or (b):

- a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land*
- b) where newly proposed:*
 - i. is set back 6m or more from the tangent point of an intersection of 2 or more roads*
 - ii. is set back outside of the marked lines or infrastructure dedicating a pedestrian crossing*
 - iii. does not involve the removal, relocation or damage to of mature street trees, street furniture or utility infrastructure services.*

A new crossover/access is proposed from McIntyre Street adjacent the subject land. The access point is clear of any infrastructure within the road reserve and appropriately located to provide safe and convenient access to the subject allotment.

A double garage is proposed which will provide a sufficient level of off street parking for the proposed dwelling.

Impacts/interface

Consideration has been given to the potential impacts of the proposal upon the adjoining dwellings to the east and west. As noted above the proposed dwelling achieves the minimum setback (1.9 metres) from the adjoining residential allotment to the west with a setback of 2.9 metres provided. Whilst it is noted that the proposed dwelling will sit forward of the adjoining dwelling to the west the increased side boundary setback will provide a degree of separation between the dwellings. The proposed side and front setbacks proposed will allow the adjoining dwelling to the west to retain views from their upper level windows and balconies to the west, north and north east. The proposal will potentially limit some views currently enjoyed to the east but these views are likely to already be restricted on account of the vegetation upon the subject land and along the common boundary. The eastern views from the adjoining dwelling are also likely to be restricted by the large pine trees to the east of the subject land which are to be retained and sit outside of the subject land.

The adjoining dwelling to the east is well removed from the subject land and screened by existing vegetation including the row of large pine trees to the east of the subject land.

Overlays

The following Overlays apply to the subject land:

- Affordable Housing
- Hazards (Bushfire Urban Interface)
- Hazards (Flooding Evidence Required)

- Native Vegetation
- Prescribed Wells Area
- Water Protection Area

There are no specific provisions within the overlays that are of relevant to the assessment of the proposal in this instance.

CONCLUSION

The proposal seeks to develop a well considered and designed two storey detached dwelling upon the subject land. The dwelling achieves all the relevant provisions regarding side and rear setbacks, private open space, site coverage and car parking. The proposal exceeds the desired minimum building height of 1 level however the two storey design is consistent with the established character of two storey dwellings along McIntyre Street.

The location of the subject land at the end of McIntyre Street at the head of the cul-de-sac will result in the dwelling sitting forward of the established building line of the dwellings to the west. This is an unavoidable consequence of the location of the allotment and the alignment of the road at the eastern end.

Overall, the proposal is considered to achieve the intent of the Code in relation to the development of dwellings within the Neighbourhood Zone.

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; and
2. Development Application Number 21000972, by Timothy Rogers and Sonia Legoe is granted Planning Consent subject to the following conditions:

CONDITIONS

1. The Development shall be carried out in accordance with plan/s and details as approved by Council except where required to be varied by any condition of consent or where approval is sought from and granted by Council, for any variation. Reason: To ensure the development proceeds in an orderly manner.
2. The front setback area (between the front property boundary and front of the dwelling) shall be landscaped with suitable trees, shrubs, lawn and/or ground cover and may include some paving, retaining and the like. Such landscaping shall be completed within 2 years of completion of the dwelling and shall be maintained in good condition at all times and any dead or diseased vegetation shall be promptly replaced to the reasonable satisfaction of Council.
3. All stormwater design and construction will 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 will 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 or an adjoining owner and not flow across property boundaries and onto the adjoining road.

4. Approval shall be obtained from the District Council of Robe for a new On-Site Wastewater system or alteration to an existing system prior to issue of Development Approval. An application form can be downloaded from Council's website and submitted with a wastewater engineers report (if applicable) and relevant plans. Once approval has been granted, please upload the Wastewater Approval to PlanSA ePlanning Platform.

ADVISORY NOTES

General Notes

1. 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.
2. 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.

APPENDIX 1

Relevant P&D Code Policies

22 MCINTYRE ST ROBE SA 5276

Address:

Click to view a detailed interactive [SAILIS](#) in SAILIS

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

Local Variation (TNV)

Minimum Frontage (*Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 10m; row dwelling is 10m; group dwelling is 10m; residential flat building is 10m*)

Minimum Site Area (*Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm*)

Maximum Building Height (Levels) (*Maximum building height is 1 level*)

Overlay

- Affordable Housing
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Native Vegetation
- Prescribed Wells Area
- Water Protection Area

Zone

Neighbourhood

Selected Development(s)

Detached dwelling

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards.
If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Property Policy Information for above selection

Detached dwelling - Code Assessed - Deemed to Satisfy

Part 2 - Zones and Sub Zones

Detached dwelling - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Neighbourhood Zone

Assessment Provisions (AP)

Desired Outcome	
DO 1	Housing supports a range of needs and complements the existing local context. Services and community facilities contribute to making a convenient place to live without compromising the residential amenity and character of the neighbourhood.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
<p>PO 1.1</p> <p>Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.</p>	<p>DTS/DPF 1.1</p> <p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Ancillary accommodation (b) Community facility (c) Consulting room (d) Dwelling (e) Educational establishment (f) Office (g) Outbuilding (h) Pre-school (i) Recreation area (j) Retirement facility (k) Shop (l) Supported accommodation.
Site Dimensions and Land Division	
<p>PO 2.1</p> <p>Allotments/sites created for residential purposes are consistent with the density and dimensions expressed in any relevant <i>Minimum Site Area Technical and Numeric Variation</i> and <i>Minimum Frontage Technical and Numeric Variation</i>, or are otherwise generally consistent with the prevailing pattern of development in the locality and suitable for their intended use.</p>	<p>DTS/DPF 2.1</p> <p>Development will not result in more than 1 dwelling on an existing allotment</p> <p>or</p> <p>Allotments/sites for residential purposes accord with the following:</p> <ul style="list-style-type: none"> (a) where allotments/sites are connected to mains sewer or a Community Wastewater Management System: <ul style="list-style-type: none"> (i) site areas (or allotment areas in the case of land

	<p>division) are not less than the following (average site area per dwelling, including common areas, applies for group dwellings or dwellings within a residential flat building):</p> <table border="1" data-bbox="831 286 1520 427"> <tr> <th style="text-align: center;">Minimum Site Area</th> </tr> <tr> <td>Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm</td> </tr> </table> <p style="text-align: center;">(ii) site frontages are not less than:</p> <table border="1" data-bbox="831 524 1520 665"> <tr> <th style="text-align: center;">Minimum Frontage</th> </tr> <tr> <td>Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 10m; row dwelling is 10m; group dwelling is 10m; residential flat building is 10m</td> </tr> </table> <p style="text-align: center;">(b) where allotments/sites are not connected to mains sewer or an approved common waste water disposal service:</p> <p style="text-align: center;">(i) site areas are not less than the greater of:</p> <p style="text-align: center;">A. 1200m²</p> <p style="text-align: center;">B. the following:</p> <table border="1" data-bbox="831 965 1520 1106"> <tr> <th style="text-align: center;">Minimum Site Area</th> </tr> <tr> <td>Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm</td> </tr> </table> <p style="text-align: center;">(ii) site frontages are not less than the greater of:</p> <p style="text-align: center;">A. 20m</p> <p style="text-align: center;">B. the following:</p> <table border="1" data-bbox="831 1308 1520 1449"> <tr> <th style="text-align: center;">Minimum Frontage</th> </tr> <tr> <td>Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 10m; row dwelling is 10m; group dwelling is 10m; residential flat building is 10m</td> </tr> </table> <p>In relation to DTS/DPF 2.1, in instances where:</p> <p style="text-align: center;">(c) more than one value is returned in the same field, refer to the <i>Minimum Frontage Technical and Numeric Variation</i> layer or <i>Minimum Site Area Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development</p> <p style="text-align: center;">(d) no value is returned for DTS/DPF 2.1(a)(i) and/or (ii) (i.e. there is a blank field), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy</p> <p style="text-align: center;">(e) no value is returned for DTS/DPF 2.1(b)(i)(B) and/or 2.1(b)(ii)(B), the value for DTS/DPF 2.1(b)(i)(B) and/or 2.1(b)(ii)(B) is zero.</p>	Minimum Site Area	Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm	Minimum Frontage	Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 10m; row dwelling is 10m; group dwelling is 10m; residential flat building is 10m	Minimum Site Area	Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm	Minimum Frontage	Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 10m; row dwelling is 10m; group dwelling is 10m; residential flat building is 10m
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<p>PO 2.2</p> <p>Development results in sites suitable for their intended purpose.</p>	<p>DTS/DPF 2.2</p> <p>Where the site of a dwelling does not comprise an entire allotment:</p>								

	<ul style="list-style-type: none"> (a) The balance of the allotment accords with site area and frontage requirements specified in DTS/DPF 2.1 (b) If there is an existing dwelling on the allotment that will remain on the allotment after completion of the development it will not contravene: <ul style="list-style-type: none"> (i) Private open space requirements specified in Design Table 1 - Private Open Space (ii) Car parking requirements specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas. 		
Site coverage			
<p>PO 3.1</p> <p>Building footprints are generally consistent with the prevailing pattern of development and retain sufficient space around buildings to limit visual impact and enable attractive outlook and access to light and ventilation.</p>	<p>DTS/DPF 3.1</p> <p>The development does not result in site coverage exceeding 60% of the site area.</p>		
Building Height			
<p>PO 4.1</p> <p>Building height is consistent with the maximum height expressed in any relevant <i>Building Height Technical and Numeric Variation</i>, or are generally consistent with the prevailing character of the locality and complement the height of nearby buildings.</p>	<p>DTS/DPF 4.1</p> <p>Building height (excluding garages, carports and outbuildings) is no greater than:</p> <ul style="list-style-type: none"> (a) the following: <table border="1" data-bbox="831 1077 1522 1155" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: center;">Maximum Building Height (Levels)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Maximum building height is 1 level</td> </tr> </tbody> </table> (b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m. <p>In relation to DTS/DPF 4.1, in instances where:</p> <ul style="list-style-type: none"> (a) more than one value is returned in the same field, refer to the <i>Maximum Building Height (Levels) Technical and Numeric Variation</i> layer or <i>Maximum Building Height (Meters) Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development. (b) only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other. 	Maximum Building Height (Levels)	Maximum building height is 1 level
Maximum Building Height (Levels)			
Maximum building height is 1 level			
Primary Street Setback			
<p>PO 5.1</p> <p>Buildings are set back from primary street boundaries consistent with the existing streetscape.</p>	<p>DTS/DPF 5.1</p> <p>The building line of a building set back from the primary street boundary:</p> <ul style="list-style-type: none"> (a) at least the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment) (b) where there is only one existing building on adjoining sites which face the same primary street (including those that would adjoin if not separated by a public road or a vacant 		

	<p>allotment), not less than the setback to the building line of that building</p> <p>or</p> <p>(c) not less than 5m where no building exists on an adjoining site with the same primary street frontage.</p>
Secondary Street Setback	
<p>PO 6.1</p> <p>Buildings are set back from secondary street boundaries to maintain a pattern of separation between buildings and public streets and reinforce a consistent streetscape character.</p>	<p>DTS/DPF 6.1</p> <p>Building walls are set back at least 900mm from the boundary of the allotment with the secondary street frontage.</p>
Boundary Walls	
<p>PO 7.1</p> <p>Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.</p>	<p>DTS/DPF 7.1</p> <p>Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on side boundary and satisfy (a) or (b) below:</p> <p>(a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height</p> <p>(b) side boundary walls do not:</p> <p>(i) exceed 3.2m in height from the lower of the natural or finished ground level</p> <p>(ii) exceed 11.5m in length</p> <p>(iii) when combined with other walls on the boundary of the subject development site, exceed a length equal to 45% of the length of the boundary</p> <p>(iv) encroach within 3m of any other existing or proposed boundary walls on the subject land.</p>
<p>PO 7.2</p> <p>Dwellings in a semi-detached, row or terrace arrangement maintain space between buildings consistent with a low density streetscape character.</p>	<p>DTS/DPF 7.2</p> <p>Dwelling walls in a semi-detached, row or terrace arrangement are set back from side boundaries shared with allotments outside the development site at least 900mm.</p>
Side Boundary Setback	
<p>PO 8.1</p> <p>Buildings are set back from side boundaries to provide:</p> <p>(a) separation between dwellings in a way that complements the character of the locality</p> <p>(b) access to natural light and ventilation for neighbours.</p>	<p>DTS/DPF 8.1</p> <p>Building walls are set back from the side boundary at least:</p> <p>(a) On sites greater than 800m²:</p> <p>(i) Other than a wall facing a southern boundary 1900mm from both side boundaries</p> <p>(ii) At least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern boundary</p> <p>(b) On sites 800m² or less, and other than walls located on a side boundary:</p> <p>(i) at least 900mm where the wall is up to 3m</p> <p>(ii) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m</p> <p>(iii) at least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern side boundary.</p>

Rear Boundary Setback	
<p>PO 9.1</p> <p>Buildings are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> (a) separation between dwellings in a way that complements the character of the locality (b) access to natural light and ventilation for neighbours (c) private open space (d) space for landscaping and vegetation. 	<p>DTS/DPF 9.1</p> <p>Dwelling walls are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> (a) if the size of the site is less than 301m²— <ul style="list-style-type: none"> (i) 3m in relation to the ground floor of the dwelling (ii) 5m in relation to any second building level of the dwelling (iii) 5m plus an additional 1m setback added for every 1m height increase above a wall height of 7m. (b) if the size of the site is 301m² or more— <ul style="list-style-type: none"> (i) 4m in relation to the ground floor of the dwelling (ii) 6m in relation to any second building level of the dwelling (iii) 6m plus an additional 1m setback added for every 1m height increase above a wall height of 7m.
Concept Plans	
<p>PO 11.1</p> <p>Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.</p>	<p>DTS/DPF 11.1</p> <p>The site of the development is wholly located outside any relevant Concept Plan boundary. The following Concept Plans are relevant:</p> <p>In relation to DTS/DPF 11.1, in instances where:</p> <ul style="list-style-type: none"> (a) one or more Concept Plan is returned, refer to Part 12 - Concept Plans in the Planning and Design Code to determine if a Concept Plan is relevant to the site of the proposed development. Note: multiple concept plans may be relevant. (b) in instances where 'no value' is returned, there is no relevant concept plan and DTS/DPF 11.1 is met.

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
<p>1. A kind of development which, in the opinion of the relevant authority, 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.</p>	<p>None specified.</p>
<p>2. All development undertaken by: (a) the South Australian Housing Trust either</p>	<p>Except development involving any of the following:</p>

<p>individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.</p>	<ol style="list-style-type: none"> 1. residential flat building(s) of 3 storeys or greater 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ol style="list-style-type: none"> (a) air handling unit, air conditioning system or exhaust fan (b) ancillary accommodation (c) building work on railway land (d) carport (e) deck (f) dwelling (g) dwelling addition (h) fence (i) jetty, pontoon or boat berth (or any combination thereof) within the <i>Waterfront Subzone</i> (j) outbuilding (k) pergola (l) private bushfire shelter (m) residential flat building (n) retaining wall (o) shade sail (p) solar photovoltaic panels (roof mounted) (q) swimming pool or spa pool (r) tree damaging activity (s) verandah (t) water tank. 	<p>Except development that:</p> <ol style="list-style-type: none"> 1. exceeds the maximum building height specified in Neighbourhood Zone DTS/DPF 4.1 or 2. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and: <ol style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
<p>4. Any development involving any of the following (or of any combination of any of the following):</p> <ol style="list-style-type: none"> (a) consulting room (b) office (c) shop. 	<p>Except development that:</p> <ol style="list-style-type: none"> 1. exceeds the maximum building height specified in Neighbourhood Zone DTS/DPF 4.1 or 2. does not satisfy Neighbourhood Zone DTS/DPF 1.2 or 3. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and: <ol style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).

<p>5. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) internal building works (b) land division (c) recreation area (d) replacement building (e) temporary accommodation in an area affected by bushfire (f) tree damaging activity. 	<p>None specified.</p>
<p>6. Demolition.</p>	<p>Except any of the following:</p> <ul style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.

Placement of Notices - Exemptions for Performance Assessed Development

None specified.

Placement of Notices - Exemptions for Restricted Development

None specified.

Part 3 - Overlays

Affordable Housing Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Affordable housing is integrated with residential and mixed use development.
DO 2	Affordable housing caters for a variety of household structures.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Division	
PO 1.1 Development comprising 20 or more dwellings / allotments incorporates affordable housing.	DTS/DPF 1.1 Development results in 0-19 additional allotments / dwellings.
PO 1.2 Development comprising 20 or more dwellings or residential	DTS/DPF 1.2 Development comprising 20 or more dwellings / or residential

<p>allotments provides housing suited to a range of incomes including households with low to moderate incomes.</p>	<p>allotments includes a minimum of 15% affordable housing except where:</p> <ul style="list-style-type: none"> (a) it can be demonstrated that any shortfall in affordable housing has been provided in a previous stage of development or (b) it can be demonstrated that any shortfall in affordable housing will be accommodated in a subsequent stage or stages of development.
<p>PO 1.3 Affordable housing is distributed throughout the development to avoid an overconcentration.</p>	<p>DTS/DPF 1.3 None are applicable.</p>
<p>Built Form and Character</p>	
<p>PO 2.1 Affordable housing is designed to complement the design and character of residential development within the locality.</p>	<p>DTS/DPF 2.1 None are applicable.</p>
<p>Affordable Housing Incentives</p>	
<p>PO 3.1 To support the provision of affordable housing, minimum allotment sizes may be reduced below the minimum allotment size specified in a zone while providing allotments of a suitable size and dimension to accommodate dwellings with a high standard of occupant amenity.</p>	<p>DTS/DPF 3.1 The minimum site area specified for a dwelling can be reduced by up to 20%, or the maximum density per hectare increased by up to 20%, where it is to be used to accommodate affordable housing except where the development is located within the Character Area Overlay or Historic Area Overlay.</p>
<p>PO 3.2 To support the provision of affordable housing, building heights may be increased above the maximum specified in a zone.</p>	<p>DTS/DPF 3.2 Where a building incorporates dwellings above ground level and includes at least 15% affordable housing, the maximum building height specified in any relevant zone policy can be increased by 1 building level in the:</p> <ul style="list-style-type: none"> (a) Business Neighbourhood Zone (b) City Living Zone (c) Established Neighbourhood Zone (d) General Neighbourhood Zone (e) Hills Neighbourhood Zone (f) Housing Diversity Neighbourhood Zone (g) Neighbourhood Zone (h) Master Planned Neighbourhood Zone (i) Master Planned Renewal Zone (j) Master Planned Township Zone (k) Rural Neighbourhood Zone (l) Suburban Business Zone (m) Suburban Neighbourhood Zone (n) Township Neighbourhood Zone (o) Township Zone (p) Urban Renewal Neighbourhood Zone (q) Waterfront Neighbourhood Zone <p>and up to 30% in any other zone, except where:</p> <ul style="list-style-type: none"> (a) the development is located within the Character Area

	<p>Overlay or Historic Area Overlay or (b) other height incentives already apply to the development.</p>
<p>Movement and Car Parking</p>	
<p>PO 4.1 Sufficient car parking is provided to meet the needs of occupants of affordable housing.</p>	<p>DTS/DPF 4.1 Dwellings constituting affordable housing are provided with car parking in accordance with the following:</p> <ul style="list-style-type: none"> (a) 0.3 carparks per dwelling within a building which incorporates dwellings located above ground level within either: <ul style="list-style-type: none"> (i) 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service⁽²⁾ (ii) is within 400 metres of a bus interchange⁽¹⁾ (iii) is within 400 metres of an O-Bahn interchange⁽¹⁾ (iv) is within 400 metres of a passenger rail station⁽¹⁾ (v) is within 400 metres of a passenger tram station⁽¹⁾ (vi) is within 400 metres of the Adelaide Parklands. <p>or</p> <ul style="list-style-type: none"> (b) 1 carpark per dwelling for any other dwelling. <p>[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]</p>

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Development for the purposes of the provision of affordable housing (applying the criteria determined under regulation 4 of the <i>South Australian Housing Trust Regulations 2010</i>).</p>	<p>Minister responsible for administering the <i>South Australian Housing Trust Act 1995</i>.</p>	<p>To provide direction on the conditions required to secure the provision of dwellings or allotments for affordable housing.</p>	<p>Development of a class to which Schedule 9 clause 3 item 20 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>

Hazards (Flooding - Evidence Required) Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Flood Resilience	
PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	DTS/DPF 1.1 Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above: (a) the highest point of top of kerb of the primary street or (b) the highest point of natural ground level at the primary street boundary where there is no kerb

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Native Vegetation Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
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Environmental Protection	
<p>PO 1.1</p> <p>Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.</p>	<p>DTS/DPF 1.1</p> <p>An application is accompanied by:</p> <p>(a) a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur:</p> <p>(i) in connection with a relevant access point and / or driveway</p> <p>(ii) within 10m of a building (other than a residential building or tourist accommodation)</p> <p>(iii) within 20m of a dwelling or addition to an existing dwelling for fire prevention and control</p> <p>(iv) within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area</p> <p>or</p> <p>(b) a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.</p>
<p>PO 1.2</p> <p>Native vegetation clearance in association with development avoids the following:</p> <p>(a) significant wildlife habitat and movement corridors</p> <p>(b) rare, vulnerable or endangered plants species</p> <p>(c) native vegetation that is significant because it is located in an area which has been extensively cleared</p> <p>(d) native vegetation that is growing in, or in association with, a wetland environment.</p>	<p>DTS/DPF 1.2</p> <p>None are applicable.</p>
<p>PO 1.4</p> <p>Development restores and enhances biodiversity and habitat values through revegetation using locally indigenous plant species.</p>	<p>DTS/DPF 1.4</p> <p>None are applicable.</p>

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development that is the subject of a report prepared in accordance with Regulation 18(2)(a) of the <i>Native Vegetation Regulations 2017</i> that categorises the clearance, or potential clearance, as 'Level 3 clearance' or 'Level 4 clearance'.	Native Vegetation Council	To provide expert assessment and direction to the relevant authority on the potential impacts of development on native vegetation.	Development of a class to which Schedule 9 clause 3 item 11 of the Planning, Development

			and Infrastructure (General) Regulations 2017 applies.
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Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</p>	<p>DTS/DPF 1.1</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

Design

Assessment Provisions (AP)

Desired Outcome	
DO 1	<p>Development is:</p> <ul style="list-style-type: none"> (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance
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Feature

All development

On-site Waste Treatment Systems

<p>PO 6.1</p> <p>Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.</p>	<p>DTS/DPF 6.1</p> <p>Effluent disposal drainage areas do not:</p> <ul style="list-style-type: none"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
<h3 style="text-align: center;">Earthworks and sloping land</h3>	
<p>PO 8.1</p> <p>Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.</p>	<p>DTS/DPF 8.1</p> <p>Development does not involve any of the following:</p> <ul style="list-style-type: none"> (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.
<p>PO 8.2</p> <p>Driveways and access tracks are designed and constructed to allow safe and convenient access on sloping land (with a gradient exceeding 1 in 8).</p>	<p>DTS/DPF 8.2</p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b):</p> <ul style="list-style-type: none"> (a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway (b) are constructed with an all-weather trafficable surface.
<p>PO 8.3</p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8):</p> <ul style="list-style-type: none"> (a) do not contribute to the instability of embankments and cuttings (b) provide level transition areas for the safe movement of people and goods to and from the development (c) are designed to integrate with the natural topography of the land. 	<p>DTS/DPF 8.3</p> <p>None are applicable.</p>
<p>PO 8.4</p> <p>Development on sloping land (with a gradient exceeding 1 in 8) avoids the alteration of natural drainage lines and includes on-site drainage systems to minimise erosion.</p>	<p>DTS/DPF 8.4</p> <p>None are applicable.</p>
<p>PO 8.5</p> <p>Development does not occur on land at risk of landslip nor increases the potential for landslip or land surface instability.</p>	<p>DTS/DPF 8.5</p> <p>None are applicable.</p>

Overlooking / Visual Privacy (in building 3 storeys or less)	
<p>PO 10.1</p> <p>Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses.</p>	<p>DTS/DPF 10.1</p> <p>Upper level windows facing side or rear boundaries shared with a residential allotment/site satisfy one of the following:</p> <ul style="list-style-type: none"> (a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 200mm (b) have sill heights greater than or equal to 1.5m above finished floor level (c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.
<p>PO 10.2</p> <p>Development mitigates direct overlooking from balconies, terraces and decks to habitable rooms and private open space of adjoining residential uses.</p>	<p>DTS/DPF 10.2</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> (a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace or (b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of: <ul style="list-style-type: none"> (i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land or (ii) 1.7m above finished floor level in all other cases
All Residential development	
Front elevations and passive surveillance	
<p>PO 11.1</p> <p>Dwellings incorporate windows along primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.</p>	<p>DTS/DPF 11.1</p> <p>Each dwelling with a frontage to a public street:</p> <ul style="list-style-type: none"> (a) includes at least one window facing the primary street from a habitable room that has a minimum internal room dimension of 2.4m (b) has an aggregate window area of at least 2m² facing the primary street.
<p>PO 11.2</p> <p>Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.</p>	<p>DTS/DPF 11.2</p> <p>Dwellings with a frontage to a public street have an entry door visible from the primary street boundary.</p>
Outlook and amenity	
<p>PO 12.1</p> <p>Living rooms have an external outlook to provide a high standard of amenity for occupants.</p>	<p>DTS/DPF 12.1</p> <p>A living room of a dwelling incorporates a window with an outlook towards the street frontage or private open space, public open space, or waterfront areas.</p>

Garage appearance	
PO 14.1 Garaging is designed to not detract from the streetscape or appearance of a dwelling.	DTS/DPF 14.1 Garages and carports facing a street: (a) are situated so that no part of the garage or carport is in front of any part of the building line of the dwelling (b) are set back at least 5.5m from the boundary of the primary street (c) have a garage door / opening not exceeding 7m in width (d) have a garage door /opening width not exceeding 50% of the site frontage unless the dwelling has two or more building levels at the building line fronting the same public street.
Massing	
PO 15.1 The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.	DTS/DPF 15.1 None are applicable
Private Open Space	
PO 17.1 Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.	DTS/DPF 17.1 Private open space is provided in accordance with Design Table 1 - Private Open Space.
Car parking, access and manoeuvrability	
PO 19.1 Enclosed parking spaces are of a size and dimensions to be functional, accessible and convenient.	DTS/DPF 19.1 Residential car parking spaces enclosed by fencing, walls or other structures have the following internal dimensions (separate from any waste storage area): (a) single width car parking spaces: (i) a minimum length of 5.4m per space (ii) a minimum width of 3.0m (iii) a minimum garage door width of 2.4m (b) double width car parking spaces (side by side): (i) a minimum length of 5.4m (ii) a minimum width of 5.4m (iii) minimum garage door width of 2.4m per space.
PO 19.2 Uncovered parking spaces are of a size and dimensions to be functional, accessible and convenient.	DTS/DPF 19.2 Uncovered car parking spaces have: (a) a minimum length of 5.4m (b) a minimum width of 2.4m (c) a minimum width between the centre line of the space and any fence, wall or other obstruction of 1.5m
PO 19.3 Driveways are located and designed to facilitate safe access and egress while maximising land available for street tree planting, landscaped street frontages, domestic waste collection and on-street parking.	DTS/DPF 19.3 Driveways and access points on sites with a frontage to a public road of 10m or less have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site.

<p>PO 19.4</p> <p>Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.</p>	<p>DTS/DPF 19.4</p> <p>Vehicle access to designated car parking spaces satisfy (a) or (b):</p> <ul style="list-style-type: none"> (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed: <ul style="list-style-type: none"> (i) is set back 6m or more from the tangent point of an intersection of 2 or more roads (ii) is set back outside of the marked lines or infrastructure dedicating a pedestrian crossing (iii) does not involve the removal, relocation or damage to of mature street trees, street furniture or utility infrastructure services.
<p>PO 19.5</p> <p>Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.</p>	<p>DTS/DPF 19.5</p> <p>Driveways are designed and sited so that:</p> <ul style="list-style-type: none"> (a) the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport is not steeper than 1:4 on average (b) they are aligned relative to the street boundary so that there is no more than a 20 degree deviation from 90 degrees between the centreline of any dedicated car parking space to which it provides access (measured from the front of that space) and the street boundary (c) if located to provide access from an alley, lane or right of way - the alley, land or right of way is at least 6.2m wide along the boundary of the allotment / site
<p>PO 19.6</p> <p>Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.</p>	<p>DTS/DPF 19.6</p> <p>Where on-street parking is available abutting the site's street frontage, on-street parking is retained in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) minimum 0.33 on-street spaces per dwelling on the site (rounded up to the nearest whole number) (b) minimum car park length of 5.4m where a vehicle can enter or exit a space directly (c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.
<p>Waste storage</p>	
<p>PO 20.1</p> <p>Provision is made for the adequate and convenient storage of waste bins in a location screened from public view.</p>	<p>DTS/DPF 20.1</p> <p>None are applicable.</p>
<p>Design of Transportable Dwellings</p>	
<p>PO 21.1</p> <p>The sub-floor space beneath transportable buildings is enclosed to give the appearance of a permanent structure.</p>	<p>DTS/DPF 21.1</p> <p>Buildings satisfy (a) or (b):</p> <ul style="list-style-type: none"> (a) are not transportable or

	(b) the sub-floor space between the building and ground level is clad in a material and finish consistent with the building.
Group dwelling, residential flat buildings and battle-axe development	
Amenity	
PO 22.2 The orientation and siting of buildings minimises impacts on the amenity, outlook and privacy of occupants and neighbours.	DTS/DPF 22.2 None are applicable.
PO 22.3 Development maximises the number of dwellings that face public open space and public streets and limits dwellings oriented towards adjoining properties.	DTS/DPF 22.3 None are applicable.
PO 22.4 Battle-axe development is appropriately sited and designed to respond to the existing neighbourhood context.	DTS/DPF 22.4 Dwelling sites/allotments are not in the form of a battle-axe arrangement.
Carparking, access and manoeuvrability	
PO 24.4 Residential driveways in a battle-axe configuration are designed to allow safe and convenient movement.	DTS/DPF 24.4 Where in a battle-axe configuration, a driveway servicing one dwelling has a minimum width of 3m.

Table 1 - Private Open Space

Dwelling Type	Minimum Rate
Dwelling (at ground level)	<p>Total private open space area:</p> <p>(a) Site area <301m²: 24m² located behind the building line.</p> <p>(b) Site area ≥ 301m²: 60m² located behind the building line.</p> <p>Minimum directly accessible from a living room: 16m² / with a minimum dimension 3m.</p>
Dwelling (above ground level)	<p>Studio (no separate bedroom): 4m² with a minimum dimension 1.8m</p> <p>One bedroom: 8m² with a minimum dimension 2.1m</p> <p>Two bedroom dwelling: 11m² with a minimum dimension 2.4m</p> <p>Three + bedroom dwelling: 15m² with a minimum dimension 2.6m</p>
Cabin or caravan (permanently fixed to the ground) in a residential park or a caravan and tourist park	Total area: 16m ² , which may be used as second car parking space, provided on each site intended for residential occupation.

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcome

DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
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Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
PO 11.2 Dwellings are connected to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the intended use. Where this is not available an appropriate rainwater tank or storage system for domestic use is provided.	DTS/DPF 11.2 A dwelling is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the development. Where this is not available it is serviced by a rainwater tank or tanks capable of holding at least 50,000 litres of water which is: <ul style="list-style-type: none"> (a) exclusively for domestic use (b) connected to the roof drainage system of the dwelling.
Wastewater Services	
PO 12.1 Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following: <ul style="list-style-type: none"> (a) it is wholly located and contained within the allotment of the development it will service (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources (c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm. 	DTS/DPF 12.1 Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following: <ul style="list-style-type: none"> (a) the system is wholly located and contained within the allotment of development it will service; and (b) the system will comply with the requirements of the South Australian Public Health Act 2011.
PO 12.2 Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.	DTS/DPF 12.2 Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome

DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
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Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Overshadowing	
<p>PO 3.1</p> <p>Overshadowing of habitable room windows of adjacent residential land uses in:</p> <p>a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight</p> <p>b. other zones is managed to enable access to direct winter sunlight.</p>	<p>DTS/DPF 3.1</p> <p>North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.</p>
<p>PO 3.2</p> <p>Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:</p> <p>a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight</p> <p>b. other zones is managed to enable access to direct winter sunlight.</p>	<p>DTS/DPF 3.2</p> <p>Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:</p> <p>a. for ground level private open space, the smaller of the following:</p> <p>i. half the existing ground level open space</p> <p>or</p> <p>ii. 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)</p> <p>b. for ground level communal open space, at least half of the existing ground level open space.</p>
<p>PO 3.3</p> <p>Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:</p> <p>(a) the form of development contemplated in the zone</p> <p>(b) the orientation of the solar energy facilities</p> <p>(c) the extent to which the solar energy facilities are already overshadowed.</p>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>

Site Contamination

Assessment Provisions (AP)

Desired Outcome	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.

Performance Outcome	Deemed-to-Satisfy Criteria /
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	Designated Performance Feature
<p>PO 1.1</p> <p>Ensure land is suitable for use when land use changes to a more sensitive use.</p>	<p>DTS/DPF 1.1</p> <p>Development satisfies (a), (b), (c) or (d):</p> <ul style="list-style-type: none"> (a) does not involve a change in the use of land (b) involves a change in the use of land that does not constitute a change to a more sensitive use (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form) (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: <ul style="list-style-type: none"> (i) a site contamination audit report has been prepared under Part 10A of the <i>Environment Protection Act 1993</i> in relation to the land within the previous 5 years which states that- <ul style="list-style-type: none"> A. site contamination does not exist (or no longer exists) at the land or B. the land is suitable for the proposed use or range of uses (without the need for any further remediation) or C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) and (ii) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria /
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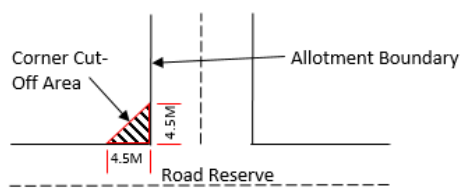
Designated Performance Feature	
Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Corner Cut-Offs	
<p>PO 10.1</p> <p>Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p>	<p>DTS/DPF 10.1</p> <p>Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:</p> 

Table 1 - General Off-Street Car Parking Requirements

The following parking rates apply and if located in an area where a lawfully established carparking fund operates, the number of spaces is reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	
Residential Development	
Detached Dwelling	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Group Dwelling	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a</p>

	<p>bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p> <p>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</p>
Residential Flat Building	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p> <p>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</p>
Row Dwelling where vehicle access is from the primary street	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Row Dwelling where vehicle access is not from the primary street (i.e. rear-loaded)	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Semi-Detached Dwelling	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Aged / Supported Accommodation	
Retirement village	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p> <p>0.2 spaces per dwelling for visitor parking.</p>
Supported accommodation	0.3 spaces per bed.
Residential Development (Other)	
Ancillary accommodation	No additional requirements beyond those associated with the main dwelling.
Residential park	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p> <p>0.2 spaces per dwelling for visitor parking.</p>
Student accommodation	0.3 spaces per bed.
Workers' accommodation	0.5 spaces per bed plus 0.2 spaces per bed for visitor parking.
Tourist	
Caravan park / tourist park	Parks with 100 sites or less - a minimum of 1 space per 10 sites to be used for

	<p>accommodation.</p> <p>Parks with more than 100 sites - a minimum of 1 space per 15 sites used for accommodation.</p> <p>A minimum of 1 space for every caravan (permanently fixed to the ground) or cabin.</p>
Tourist accommodation	1 car parking space per accommodation unit / guest room.
Commercial Uses	
Auction room/ depot	1 space per 100m ² of building floor area plus an additional 2 spaces.
Automotive collision repair	3 spaces per service bay.
Call centre	8 spaces per 100m ² of gross leasable floor area.
Motor repair station	3 spaces per service bay.
Office	4 spaces per 100m ² of gross leasable floor area.
Retail fuel outlet	3 spaces per 100m ² gross leasable floor area.
Service trade premises	<p>2.5 spaces per 100m² of gross leasable floor area</p> <p>1 space per 100m² of outdoor area used for display purposes.</p>
Shop (no commercial kitchen)	<p>5.5 spaces per 100m² of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p> <p>5 spaces per 100m² of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p>
Shop (in the form of a bulky goods outlet)	2.5 spaces per 100m ² of gross leasable floor area.
Shop (in the form of a restaurant or involving a commercial kitchen)	<p>Premises with a dine-in service only (which may include a take-away component with no drive-through) - 0.4 spaces per seat.</p> <p>Premises with take-away service but with no seats - 12 spaces per 100m² of total floor area plus a drive-through queue capacity of ten vehicles measured from the pick-up point.</p> <p>Premises with a dine-in and drive-through take-away service - 0.3 spaces per seat plus a drive through queue capacity of 10 vehicles measured from the pick-up point.</p>

Community and Civic Uses	
Childcare centre	0.25 spaces per child
Library	4 spaces per 100m ² of total floor area.
Community facility	10 spaces per 100m ² of total floor area.
Hall / meeting hall	0.2 spaces per seat.
Place of worship	1 space for every 3 visitor seats.
Pre-school	1 per employee plus 0.25 per child (drop off/pick up bays)
Educational establishment	<p>For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a secondary school - 1.1 per full time equivalent employee plus 0.1 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a tertiary institution - 0.4 per student based on the maximum number of students on the site at any time.</p>
Health Related Uses	
Hospital	<p>4.5 spaces per bed for a public hospital.</p> <p>1.5 spaces per bed for a private hospital.</p>
Consulting room	4 spaces per consulting room excluding ancillary facilities.
Recreational and Entertainment Uses	
Cinema complex	0.2 spaces per seat.
Concert hall / theatre	0.2 spaces per seat.
Hotel	1 space for every 2m ² of total floor area in a public bar plus 1 space for every 6m ² of total floor area available to the public in a lounge, beer garden plus 1 space per 2 gaming machines, plus 1 space per 3 seats in a restaurant.
Indoor recreation facility	<p>6.5 spaces per 100m² of total floor area for a Fitness Centre</p> <p>4.5 spaces per 100m² of total floor area for all other Indoor recreation facilities.</p>
Industry/Employment Uses	

Fuel depot	1.5 spaces per 100m ² total floor area 1 spaces per 100m ² of outdoor area used for fuel depot activity purposes.
Industry	1.5 spaces per 100m ² of total floor area.
Store	0.5 spaces per 100m ² of total floor area.
Timber yard	1.5 spaces per 100m ² of total floor area 1 space per 100m ² of outdoor area used for display purposes.
Warehouse	0.5 spaces per 100m ² total floor area.
Other Uses	
Funeral Parlour	1 space per 5 seats in the chapel plus 1 space for each vehicle operated by the parlour.
Radio or Television Station	5 spaces per 100m ² of total building floor area.

Table 2 - Off-Street Car Parking Requirements in Designated Areas

The following parking rates apply in any zone, subzone or other area described in the 'Designated Areas' column subject to the following:

- (a) the location of the development is unable to satisfy the requirements of Table 2 – Criteria (other than where a location is exempted from the application of those criteria)
- or
- (b) the development satisfies Table 2 – Criteria (or is exempt from those criteria) and is located in an area where a lawfully established carparking fund operates, in which case the number of spaces are reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate		Designated Areas
	Minimum number of spaces	Maximum number of spaces	
Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.			
Development generally			
All classes of development	No minimum.	No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is: 1 space for each dwelling with a total floor area less than 75 square metres	Capital City Zone City Main Street Zone City Riverbank Zone Adelaide Park Lands Zone Business Neighbourhood Zone (within the City of Adelaide)

		<p>2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres</p> <p>3 spaces for each dwelling with a total floor area greater than 150 square metres.</p> <p>Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.</p>	<p>The St Andrews Hospital Precinct Subzone and Women's and Children's Hospital Precinct Subzone of the Community Facilities Zone</p>
Non-residential development			
Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	5 spaces per 100m ² of gross leasable floor area.	<p>City Living Zone</p> <p>Urban Corridor (Boulevard) Zone</p> <p>Urban Corridor (Business) Zone</p> <p>Urban Corridor (Living) Zone</p> <p>Urban Corridor (Main Street) Zone</p> <p>Urban Neighbourhood Zone</p>
Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	6 spaces per 100m ² of gross leasable floor area.	<p>Strategic Innovation Zone</p> <p>Suburban Activity Centre Zone</p> <p>Suburban Business Zone</p> <p>Business Neighbourhood Zone</p> <p>Suburban Main Street Zone</p> <p>Urban Activity Centre Zone</p>
Tourist accommodation	1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms	1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100 bedrooms	<p>City Living Zone</p> <p>Urban Activity Centre Zone</p> <p>Urban Corridor (Boulevard) Zone</p> <p>Urban Corridor (Business) Zone</p> <p>Urban Corridor (Living) Zone</p> <p>Urban Corridor (Main Street) Zone</p> <p>Urban Neighbourhood Zone</p>
Residential development			
Residential component of a multi-storey building	<p>Dwelling with no separate bedroom -0.25 spaces per dwelling</p> <p>1 bedroom dwelling - 0.75</p>	None specified.	<p>City Living Zone</p> <p>Strategic Innovation Zone</p> <p>Urban Activity Centre Zone</p>

	spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.		Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone
Residential flat building	Dwelling with no separate bedroom -0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.	None specified.	City Living Zone Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone

Table 2 - Criteria:

The following criteria are used in conjunction with Table 2. The 'Exception' column identifies locations where the criteria do not apply and the car parking rates in Table 2 are applicable.

Criteria	Exceptions
<p>The designated area is wholly located within Metropolitan Adelaide and any part of the development site satisfies one or more of the following:</p> <p>(a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service⁽²⁾</p> <p>(b) is within 400 metres of a bus interchange⁽¹⁾</p> <p>(c) is within 400 metres of an O-Bahn interchange⁽¹⁾</p> <p>(d) is within 400 metres of a passenger rail station⁽¹⁾</p> <p>(e) is within 400 metres of a passenger tram station⁽¹⁾</p> <p>(f) is within 400 metres of the Adelaide Parklands.</p>	<p>(a) All zones in the City of Adelaide</p> <p>(b) Strategic Innovation Zone in the following locations: (i) City of Burnside (ii) City of Marion (iii) City of Mitcham</p> <p>(c) Urban Corridor (Boulevard) Zone</p> <p>(d) Urban Corridor (Business) Zone</p> <p>(e) Urban Corridor (Living) Zone</p> <p>(f) Urban Corridor (Main Street) Zone</p> <p>(g) Urban Neighbourhood Zone</p>

[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and

ATTACHMENT 1

Application Documents

Development Locations

Location 1

Location reference

22 MCINTYRE ST ROBE SA 5276

Title Ref

CT 6240/406

Plan Parcel

D123888 AL101

Council

DC OF ROBE

Zone Overlays

Zones

- Neighbourhood

Sub-zones

(None)

Overlays

- Affordable Housing
- Hazards (Bushfire - Urban Interface)
- Key Outback and Rural Routes
- Native Vegetation
- Prescribed Wells Area
- Water Protection Area

Variations

- Minimum Frontage
- Minimum Site Area
- Maximum Building Height (Levels)

Application Contacts

Applicant(s)

Stakeholder info

Mr Timothy Rogers

Stakeholder info

Mrs Sonia Legoe

Contact

Stakeholder info

Mr Timothy Rogers

Invoice Contact

Stakeholder info

Mrs Sonia Legoe

Invoice sector type

Land owners

Stakeholder info

Mrs Sonia Legoe

Nature Of Development

Nature of development

2 storey , 4 bedroom dwelling. Timber framed and timber and masonry clad. 1st floor living, kitchen , study with main bedroom and en suite. Ground floor living room, 3 bedrooms, bathroom and garage space.

Development Details

Current Use

empty block

Proposed Use

Residential

Development Cost

\$650,000.00

Proposed Development Details

2 storey , 4 bedroom dwelling. Timber framed and timber and masonry clad. 1st floor living, kitchen , study with main bedroom and en suite. Ground floor living room, 3 bedrooms, bathroom and garage space.

Element Details

You have selected the following elements

New housing

- Detached dwelling

New House

Is there a brush fence within 3m of the proposed house?

No

Are you proposing to add or modify a driveway?

Yes

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?

Yes

Consent Details

Have any of the required consents for this development already been granted using a different system?

No

Consent list:

- Planning Consent
- Building Consent

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at District Council of Robe

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?

Relevant Authority

Building Consent

Do you wish to have your building consent assessed in multiple stages?

No

Apply Now?

No

Consent Order

Recommended order of consent assessments

1. Planning Consent

Do you have a pre-lodgement agreement?

No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if

constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Native Vegetation Declaration

The proposed development will not or would not, involve the clearance of Native Vegetation under the Native Vegetation Act 1991, including any clearance that may occur in connection with a relevant access point and/or driveway, and/or within 10m of a building (other than a residential building or tourist accommodation), and/or within 20m of a dwelling or addition to an existing dwelling for fire prevention and control, and/or within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
Legoe site plan.jpg	Site Plans	3 Mar 2021 5:31 PM
Legoe sections A & B.jpg	Sectional Drawings	3 Mar 2021 5:31 PM
Legoe 1st Floor.jpg	Floor Plans	3 Mar 2021 5:31 PM
Legoe Ground Floor.jpg	Floor Plans	3 Mar 2021 5:31 PM
Legoe Elevations.jpg	Elevations	3 Mar 2021 5:31 PM

Application Created User and Date/Time

Created User

timothy.rogers

Created Date/Time

3 Mar 2021 5:31 PM

ATTACHMENT 2

Subject Land Map



McINTYRE STREET

MAIN ROAD



LEGEND

 **SUBJECT LAND**

ATTACHMENT 3

Representation Map

McINTYRE STREET

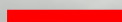

1

2



MAIN ROAD

LEGENDS

-  SUBJECT LAND
-  REPRESENTORS

ATTACHMENT 4

Representations

Details of submitter No: 1 - Brian Sapiatzer

Submitter:	Brian Sapiatzer
Submitter Address:	Millicent , Australia

South Australia Planning, Development and Infrastructure ACT 2016

Representation on Application

First name:

Brian

Last name:

Sapiatzer

Daytime Phone:

Would you like to present your submission in person at a hearing?

- I wish to be heard in support of my representation
- I do not wish to be heard in support of my representation

My position is:

- I support the development
- I support the development with some concerns (detail below)
- I oppose the development

The specific reasons I believe that planning consent should be granted/refused are:

It is important that the proposed development is not built any closer to the road than the existing buildings in McIntyre street. This will ensure all residents are complying with the same building regulations.

Attached Documents

File

No records to display.

Details of submitter No: 2 - Orso Osti

Submitter:	Orso Osti
Submitter Address:	North Adelaide , Australia

South Australia Planning, Development and Infrastructure ACT 2016

Representation on Application

First name:

Orso

Last name:

Osti

Daytime Phone:

Would you like to present your submission in person at a hearing?

- I wish to be heard in support of my representation
- I do not wish to be heard in support of my representation

Nominated Speaker:

Orso Osti

My position is:

- I support the development
- I support the development with some concerns (detail below)
- I oppose the development

The specific reasons I believe that planning consent should be granted/refused are:

See attached submission.

Attached Documents

File

Objection to the proposed development at 22 McIntyre st

Objection to the proposed development at 22 McIntyre St., Robe

My name is Orso Lorenzo Osti.

I am the sole owner of "Unnecessary", the house on 20 McIntyre St. Robe.

I would like to lodge a formal objection to the proposed residential development on 22 McIntyre St.

I believe, in fact, that the proposed plans for a two-storey residence at 22 McIntyre St, which I have been able to review, are in breach of a number of fundamental criteria set by the Planning and Design Code (the Code) for the construction of new residential coastal dwellings at this location.

The first and most obvious is that the approval for the subdivision at 22 McIntyre St, the site of the proposed development, is for a single rather than a two-storey building.

I also submit that this proposal does not complement the local context as it will compromise the residential amenity and character of the neighbourhood per Code requirements. In particular, the proposed building site contravenes the Council guidelines of the house being built with a "similar and commensurate setback to adjacent dwellings" and/or complying with a "continuous street pattern".

Relevantly the proposal does not meet any of the three Code criteria for set back of the building as it is further forward than average set back to the building line for the residential dwellings on McIntyre Street and the existing dwelling on the site, noting that the other two criteria do not apply as there is more than one existing building on adjoining sites. As such the proposal is not consistent with the existing streetscape per PO 5.1.

The proposed development, in fact, is expected to be built in its' entirety in front of a line drawn from the front of the existing adjacent buildings on either side of it.

It is also submitted that the dwelling does not retain sufficient space to limit visual impact and enable sufficient space and ventilation per PO 3.1 as the proposed dwelling size area exceeds 60% of the site area.

Moreover, it does not comply with the Robe Council guidelines of "minimal coastal impact" and/or being mindful of the important issue of "coastal erosions", being, the proposed site, situated at the narrowest point along McIntyre St. between the front of the building site and the coastline.

Other obvious and significant breaches of Council Guidelines include inadequate carparking due to the front of the building facing the "cul de sac" of McIntyre St., and the unfavourable environmental impact due to the need for the felling of significant trees on the block. This indicates contravention of PO 19.4 due to lack of safe vehicle access that will interfere with street infrastructure (eg.the bench currently in place for walkers) and existing street vegetation.

The proposed building would have a significantly unfavourable impact on my house as it would encroach in its' entirety onto the eastern aspect of "Unnecessary".

On the basis of the multiple, substantial and documented breaches of Council Guidelines, I would respectfully request that Robe Council rejects the development proposal for 22 McIntyre St. and

asks the applicants to resubmit an appropriate alternative development plan complying with current guidelines for the construction of coastal residential dwellings in Robe.

It would be very concerning, in fact, not only for me but more importantly for the Robe Community at large, if such a development proposal, in flagrant contravention to some of the more fundamental Council planning guidelines, were to be allowed to go ahead, creating a dangerous precedent for future coastal applications, with a potentially devastating effect on the safeguard of this unique landscape.

Yours Faithfully,

Orso Lorenzo Osti

ATTACHMENT 5

Applicant Response

Timothy J. G. Rogers
B. Architecture
B.A. Environmental Design

Planning Application for 22 McIntyre Street, Robe.

Reply to Submitters:

Brian Sapiatzer

Re: setback of residence. Please see following statement on this matter.

Orso Osti

2 storey residence compliance.

As per all 2 storey houses in Robe, we are applying for permission.

I note that all the houses on McIntyre Street are 2 storey.

With regard to similar set back to adjacent buildings off the primary street.

In the case of this title, 22 McIntyre Street, the site is located on the end of the street, where the line of the street diverges north, one full road width, ending in a "cul de sac". The line of the titles also diverges, reflecting the road. McIntyre Street effectively forms a corner and the subject title moves forward and out of line with the rest of the street. Any street with a sudden change in direction, cannot comply with a consistent line of set back.

(Further, before creating this title, my clients sought direction from the then District Council of Robe's consultant Planner, Mr. David Hutchison, and later, with the new Consultant Planners and Council Planning officer on this matter, before therefore continuing with the creation of this Title.)

The proposal made, that the residence is forward of a "line" drawn between "Unnecessary" and further adjacent buildings, is not representing the actual case, as the isolated buildings beyond McIntyre Street, are not subject to the guidelines of that street and are rather, set back from their primary street, Main Road.

With regard to Site Coverage.

The building is set back from the title boundary of "Unnecessary" 2900mm and as such, allows more than sufficient light and air movement between the buildings.

The residence is designed as a permanent dwelling, for this site.

It has internal garaging and storage areas. This is done to avoid external sheds being accommodated on site, as well. The ground floor has an area of 198M² (including the aforementioned garages and store), whilst the upper floor covers 144.05M², reducing the visual presence. The building is set back from the front boundary by 6M, the Western boundary by 2.9M, the Eastern boundary by the required 1M and the southern boundary by 6.4M.

P.O.Box 522, Robe S.A. 5276
macrobar@mail.com
Ph. 0447825640

Timothy J. G. Rogers
B. Architecture
B.A. Environmental Design

P.2

The site area is 506M2 and 60% would be 303.6M2. Pursuant to DTS/DPF 3.1 definition, the roof area of the residence comes in at 236.5M2.

With regards to Coastal impact.

The residence's proposed site is within the Neighbourhood Zone and is sited in similar location from the sea as other buildings. Plan SA records no coastal overlay for this site.

"Other obvious and significant breaches":

The proposal has adequate car parking on site with space for approx. 6 cars. There is no requirement for residential development to ensure street parking. The vehicle access is similar to most existing "cul de sacs" in residential Australia.

There are no Significant trees on this site. All are non native. The larger "Cypress trees" are not on this site.

Significant impact on "Unnecessary".

The proposed residence is 2.9M set back from the Eastern side of "Unnecessary" and the existing long distance views from "Unnecessary" are blocked by the larger "Cypress trees". There are no relevant "rights to view".

Yours faithfully,

Tim Rogers

P.O.Box 522, Robe S.A. 5276
macrobar@mail.com
Ph. 0447825640