

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

Dear Member

I write to advise of the Special Council Assessment Panel Meeting to be held on Tuesday 19 January 2021 at 7:00pm in the Unley Council Chambers, 181 Unley Road Unley.



**Gary Brinkworth**  
**ASSESSMENT MANAGER**

**Dated 08/1/2021**

**ACKNOWLEDGEMENT**

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**19 January 2021**

**MEMBERS:**

Ms Shanti Ditter (Presiding Member)  
Mr Brenton Burman  
Mr Roger Freeman  
Mr Alexander (Sandy) Wilkinson  
Ms Jennie Boisvert

**APOLOGIES:**

**CONFLICT OF INTEREST:**

**CONFIRMATION OF MINUTES:**

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 22 December 2020, as printed and circulated, be taken as read and signed as a correct record.

## AGENDA

Apologies  
Conflict of Interest  
Confirmation

<b>Item No</b>	<b>Development Application</b>	<b>Page</b>
1.	74 King William Road Goodwood – 406/2020/C2	4-51
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<b>Item No</b>	<b>Development Application on Appeal – CONFIDENTIAL</b>	<b>Page</b>
	<b>Motion to move into confidence</b>	<b>91</b>
5.	44 Park St Hyde Park – 224/2020/C2 – CONFIDENTIAL	
	<b>Motion to move out of confidence</b>	

Any Other Business  
Matters for Council's consideration

**ITEM 1 – DEFERRED ITEM**  
**DEVELOPMENT APPLICATION – 090/406/2020/C2 – 74 KING WILLIAM**  
**ROAD, GOODWOOD SA 5034 (UNLEY)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/406/2020/C2
<b>ADDRESS:</b>	74 King William Road, Goodwood SA 5034
<b>DATE OF MEETING:</b>	19 January 2020
<b>AUTHOR:</b>	Paul Weymouth
<b>DEVELOPMENT PROPOSAL:</b>	Change of use from shop to office and events space
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Mixed Use 1
<b>APPLICANT:</b>	R Evans
<b>OWNER:</b>	Ipomoni Super Property Pty Ltd
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (Three oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representations
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Carparking Impacts on residential amenity

**1. PLANNING BACKGROUND**

At its meeting on the 15<sup>th</sup> of December 2020, the Council Assessment Panel (CAP) deferred the above-mentioned development application as detailed in the resolution below:

*That Development Application 090/406/2020/C2 at 74 King William Road, Goodwood SA 5034 for 'Change of use from shop to office and events space' be DEFERRED to allow the applicant to address truck movements within the site, to provide further information on waste collection arrangements; and provide additional information and clearer indication on the operation of the site, including outdoor activities and proposed market activities.*

## **2. FURTHER INFORMATION**

The applicant has provided written correspondence dated 22 December 2020 proposing amendments to the application as summarised below:

- The market stall activities proposed for the subject land no longer forms part of the proposal
- The shipping containers will be removed from the subject land and there will be no storage of goods for hire on site
- The removal of the shipping containers ensures that 7 carparks will be available including a space for persons with a disability
- Given the removal of the storage activities, there will no longer be a need for the manoeuvring of trucks onsite relating to the storage activities.
- There will still be occasions where deliveries are required (in particular flower deliveries). These will occur in a 6.4m long Australia Standard Small Rigid Vehicle (SRV). Swept path diagrams have been provided to demonstrate that turning movements can be achieved within the bounds of the right of way without traversing on neighbouring land.
- Waste will be stored immediately to the rear of the building and the collection of commercial waste will occur through the front of the site to King William Road. The rear lane will not be used for waste collection.
- The private contractor will have access to the site to wheel bins from the storage area to King William Road where the bins can be emptied into the truck. There is no requirement for the truck to enter the land.

With respect to the use of the site the applicant has confirmed that Hygge Studio is:

- An office space at which day to day work is undertaken and clients can visit to work through their proposed event with the event management staff, and
- An event space including events in which Hygge partner with a local business.

In addition to the letter dated 22 December 2020, the applicant has also provided an amended site plan and swept paths for a 6.4m long SRV and a B85 passenger vehicle.

## **3. DISCUSSION**

The further information provided by the applicant is considered to have reduced the intensity of the activity on the subject site and is considered to address the reasons for the deferral by the CAP.

The proposed amendments to remove the shipping container and removal of market stalls will require an adjustment to the previous conditions regarding loading and unloading and use of the northern driveway. These changes are reflected in the revised conditions put forward as part of this report.

There is no change proposed to the previous conditions relating to operating hours or music levels.

### **3. CONCLUSION**

In summary, the application is not considered to be seriously at variance with the Development Plan and is considered to satisfy the provisions of the Development Plan for the following reasons:

- The proposed change of use from shop to office and events space is considered to be an appropriate land use within the Mixed Use 1 Zone.
- The acoustic assessment demonstrates that the requirements of the *Environment Protection (Noise) Policy 2007* can be achieved by the proposed development subject to the implementation of recommended acoustic treatments.
- The proposed development satisfies the carparking requirements within the City of Unley Development Plan.

### **4. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/406/2020/C2 at 74 King William Road, Goodwood SA 5034 for 'Change of use from shop to office and events space is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

#### **DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application including correspondence from Marc Duncan dated 30 November 2020 and 22 December 2020 and except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. That the operating hours shall be:
  - 7am to 10pm Monday to Saturday
  - 9am to 10pm Sunday

In addition to the above operating hours up to a maximum six events per year may be held up to 11pm on a Friday or Saturday night.

3. That music levels shall only be played within the building through the inhouse system and must be pre-set on the inhouse sound system by an acoustic consultant for use only during the following activities:
- Creative Workshop – 65 dB(A) (western rear door can remain open)
  - Functions/Events – 80 dB(A) (western door must remain closed)

Evidence of the pre-set levels shall be provided to Council by the Acoustic Engineer prior to the commencement of the approved use. No music is to be played external to the building.

4. Loading and unloading and waste collection activities can only occur during the following times:
- 7am to 7pm Monday to Saturday
  - 9am to 7:00pm Sunday and public holidays.

Commercial waste collection shall only occur from King William Road.

5. During loading and unloading activities:
- Trucks can only move in a forward direction whilst on site and no reversing can occur
  - Truck engines must be switched off and the truck must be located in the northern driveway and positioned past the western edge of the building.

6. That the two shipping containers shall be removed from the subject site within one month of the date of this consent.

<b>List of Attachments</b>		<b>Supplied By:</b>
<b>A</b>	Application Documents	Applicant
<b>B</b>	Minutes of the 15 December CAP Meeting	Administration
<b>C</b>	Previous CAP Attachments 15 December meeting	Applicant

# ATTACHMENT A



22 December 2020



Level 1, 74 Pre Street  
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Paul Weymouth  
City of Unley  
Via email: [pweymouth@unley.sa.gov.au](mailto:pweymouth@unley.sa.gov.au)

Dear Paul,

## **HYGGE STUDIO – 74-76 KING WILLIAM ROAD GOODWOOD – 406/2020/C2**

I refer to previous correspondence in relation to this matter, more particularly, the deferral of the application at the recent Council Assessment Panel meeting on 15 December 2020.

In order to assist the panel, I confirm the following matters:

### **The Use**

The building on the land, which is presently approved for a retail use, will change to an 'office and event space' only. The "market stalls" proposed on an ad hoc basis for the driveway portion of the land are no longer sought. After discussion with my client, it is considered the market stall concept, which is not integral to the business and created unnecessary confusion about the use and how car parking and traffic movements work on the land.

I confirm that there will be no storage of goods for hire on-site, nor will the shipping containers remain on the land. This will ensure that concerns about traffic movement to the rear of the site are resolved as there will be no need for vehicles to enter the site, load or unload goods for storage or remove those goods off-site for events. My client has secured alternative storage arrangements in an off-site warehouse that can accommodate this aspect of their business.

At the previous CAP meeting, there were concerns about the "market stall" aspect of the proposed use and how it would work from a noise and traffic management perspective. I confirm my client no longer seeks that use and therefore, does not form part of the proposal.

The Hygge Studio is:

- An office space at which the day-to-day work is undertaken, and clients can visit to work through their proposed event with the event management staff; and
- An event space in which Hygge partner with a local business promoting not only that business' product, but largely showcasing Hygge's event management capabilities. Hygge partner with their client to bring that client's product or offering to market, whilst exhibiting Hygge's ability to effectively plan and manage the event.

I confirm the conditions of consent in relation to operating hours and noise levels remains the same.

### **Car Parks and Traffic Movement**

The removal of the shipping containers and the storage of bins behind them to the west, ensures seven car parks, including a space for persons with a disability will be available for the parking of motor vehicles. Whilst stacking of the vehicles can theoretically occur in the driveway, there is no need for that to occur as there is a theoretical surplus of car parks per the Council's Development Plan requirements.

Deferra Updated Letter | 22 December 2020

Table Un/5A provides that development should provide off-street vehicle parking at a rate of 3 car parking spaces per 100 metres of gross leasable area. On this basis, it is confirmed that five car parking spaces should be provided for the proposed use.

Given the removal of the storage aspect of the proposed use, there will no longer be a need for the manoeuvring of trucks relating to this aspect of the proposal which in turn, minimises any conflicts of vehicle movement through the site. Additionally, the provision of 7 dedicated on-site car parks ensures vehicles can be adequately and safely parked without conflicting on potential traffic movement through the site.

Whilst the number of truck deliveries and pick-ups to and from the site will be greatly minimised following the revisiting of the proposed use, there will be occasions, as with any business where deliveries are needed. In particular, flowers need to be delivered to the site to allow my clients to arrange the same, on-site for later delivery to events. Delivery of flowers is undertaken by my clients themselves, in a 6.4m long Australian Standard SRV vehicle. In colloquial terms, this is the vehicle one can hire from a self-removal business without the need to have a specialist truck licence, i.e. a standard motor vehicle licence is needed to drive these vehicles.

I reiterate, these deliveries will be undertaken by my clients and not a courier, or non-related party. The volume of deliveries of flowers is very low, with the number of deliveries averaging 1-2 times a week only.

In order to provide comfort about the ability of these deliveries to occur in safe manner, I have had Phil Weaver and Associates provide swept path diagrams, overlaid on the site plans at 1:250 scale to show these movements can be achieved, all within the bounds of the right of way, without traversing the neighbouring land. Diagrams have been provided for both the SRV vehicle and a standard B85 passenger vehicle.

I confirm the previous conditions of consent in relation to timing of deliveries, the location of loading and unloading (i.e. past the red line in the Sonus report) and the switching off of engines will be abided.

## **Waste**

Whilst I understand the CAP had some concerns about waste trucks using the rear lane and a misapprehension about the ability of a truck to manoeuvre around the rear lane into my client's property (which has never been the case), the removal of waste is an existing situation that occurred prior to my client's occupation of the building.

Notwithstanding, in order to ensure there is no further misapprehension, I confirm the following matters pertaining to waste removal from the Land:

- Waste will be stored immediately to the rear of the building and no longer (a) taking space in the car park area and (b) be further removed from the representors' dwelling to the rear.
- Collection of commercial waste will occur through the front of the site to King William Road. No use of the rear lane is necessary for the collection of waste.
- The private contractor will have access to the site via a combination lock on the gate to the Land toward the King William Road frontage, whereby access will be granted for the truck operator to wheel bins from their storage area to King William Road where they will be wheeled to the garbage truck (i.e. no truck will enter the Land), the contents then emptied into the garbage truck and the bins then returned to the storage area by hand.
- It should also be noted King William Road has a slip lane immediately to the frontage of the subject site and allowing the truck to park without blocking traffic.

- At no time, will the garbage truck enter the land either through the King William Road or Union Street access points.
- Waste will be picked up at times that will not conflict with normal business hours but will comply with the conditions of consent set out in your report to the CAP.

## Noise Assessment

The applicant has engaged Sonus to undertake a noise assessment of the proposed development in which they have objectively measured the following components of development and assessed the same against the Development Plan, the EPA Noise Policy and the Victorian EPA State Environment Protection Policy N-2.

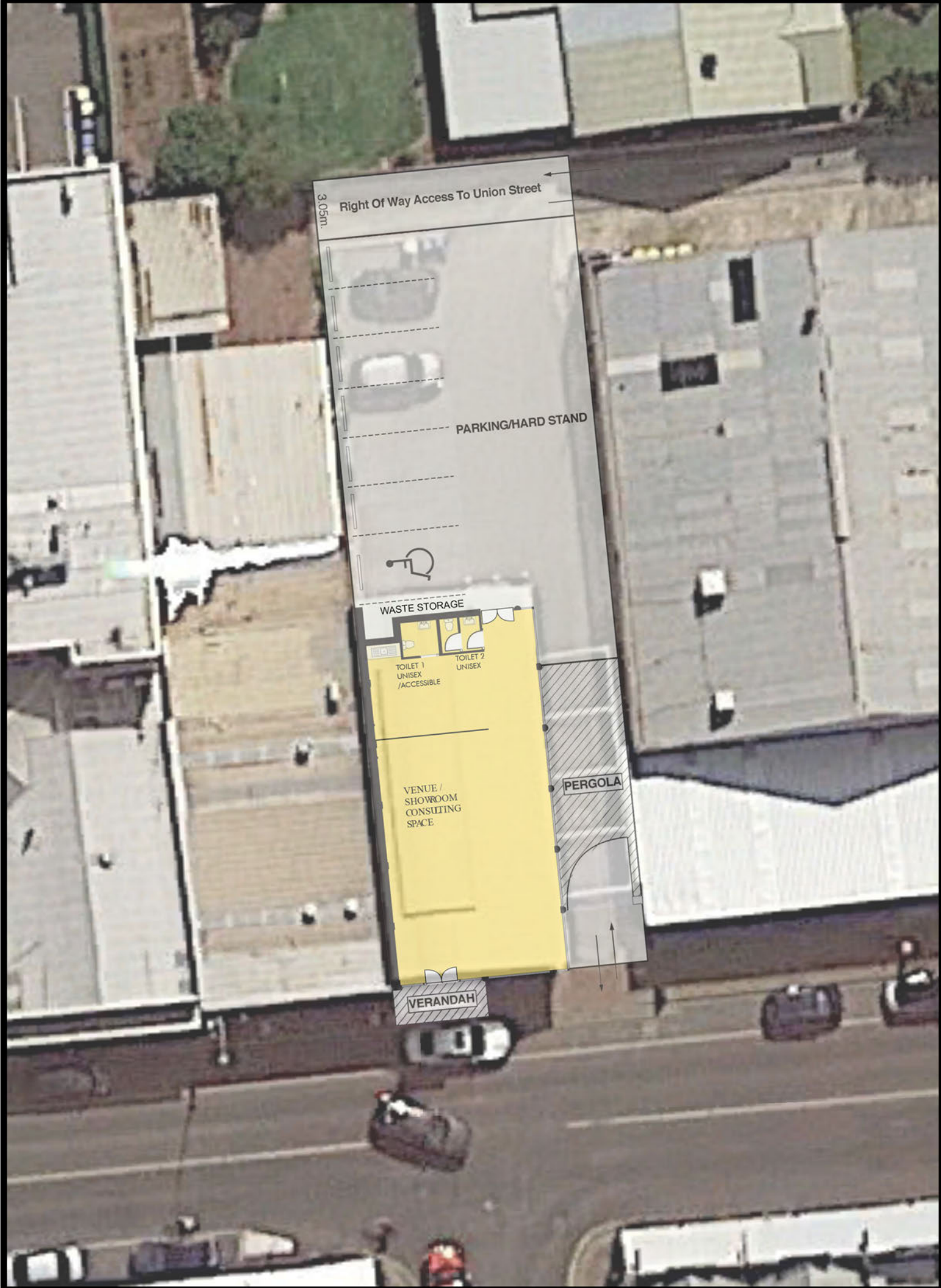
It is understood this aspect of the proposal, namely the impacts from noise, have been adequately addressed by the applicant to the satisfaction of the CAP.

Please let me know if you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Duncan', is enclosed within a thin black rectangular border.

**Marc Duncan**  
Director



3.05m

Right Of Way Access To Union Street

PARKING/HARD STAND

WASTE STORAGE

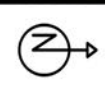
TOILET 1  
UNISEX  
/ACCESSIBLE

TOILET 2  
UNISEX

VENUE /  
SHOWROOM  
CONSULTING  
SPACE

PERGOLA

VERANDAH



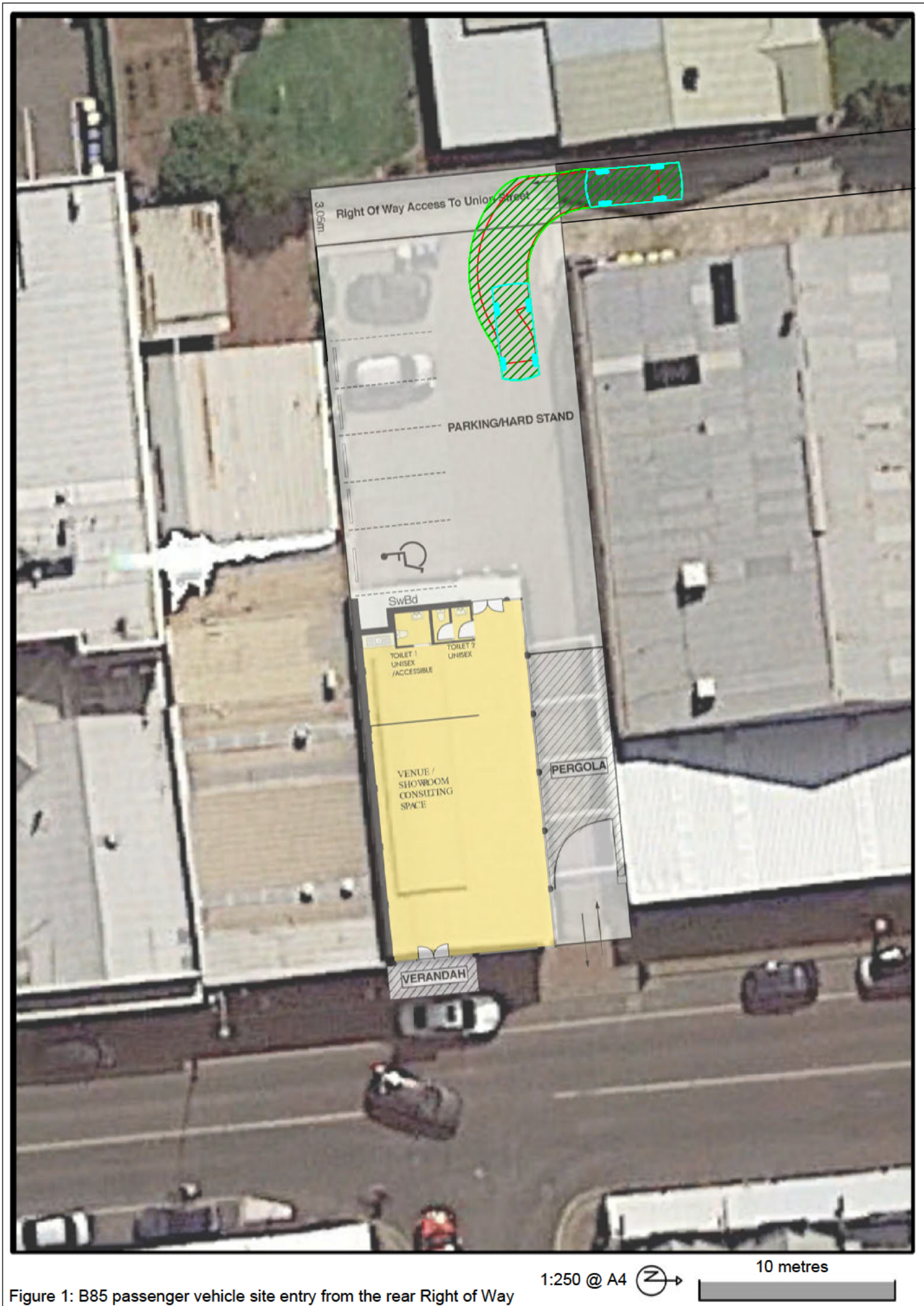


Figure 1: B85 passenger vehicle site entry from the rear Right of Way

1:250 @ A4



10 metres



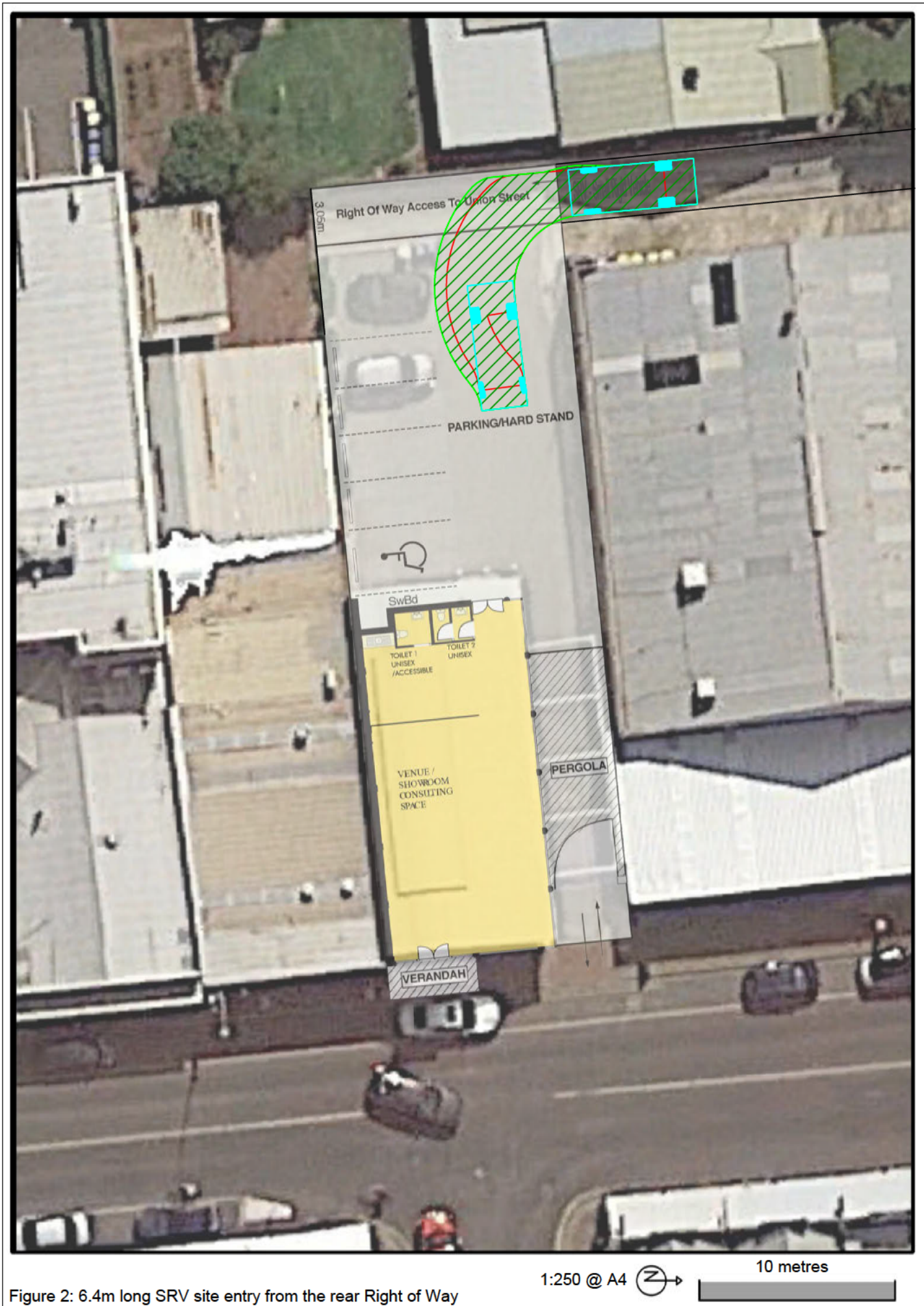


Figure 2: 6.4m long SRV site entry from the rear Right of Way

## ATTACHMENT B

## **CAP Minutes**

Date of meeting: 15 Dec 2020

### **ITEM 4**

#### **DEVELOPMENT APPLICATION – 090/406/2020/C2 – 74 KING WILLIAM ROAD, GOODWOOD SA 5034 (UNLEY)**

Mr Tony Mazzamauro, representor, addressed the Panel regarding the above-mentioned application. Mr Marc Duncan and Mr Jason Turner from Sonus spoke in support of the application.

MOVED: Roger Freeman

SECONDED: Brenton Burman

That Development Application 090/406/2020/C2 at 74 King William Road, Goodwood SA 5034 for 'Change of use from shop to office and events space' be DEFERRED to allow the applicant to address truck movements within the site, to provide further information on the onsite waste collection; and provide additional information and clearer indication on the operation of the site.

**CARRIED**



## ATTACHMENT C

**From:** Marc Duncan  
**Sent:** Mon, 30 Nov 2020 12:46:01 +1030  
**To:** Paul Weymouth  
**Cc:** 'Lucy Temme'; Rachel Evans  
**Subject:** 74-76 King William Road  
**Attachments:** New Application Letter.pdf, Shipping Container.pdf

Hi Paul

Please find attached;

- Amended application letter; and
- Shipping container placement diagram;

I also confirm my client is willing to accede to the condition of consent you have proposed, i.e. the internal music system will be preconfigured to 65dba per a qualified acoustic engineer to give the Council comfort around the noise settings.

Regards

**MARC DUNCAN**  
**Director**



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30 November 2020



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Paul Weymouth  
City of Unley  
Via email: [pweymouth@unley.sa.gov.au](mailto:pweymouth@unley.sa.gov.au)

Dear Paul,

## **HYGGE STUDIO – 74-76 KING WILLIAM ROAD GOODWOOD – 406/2020/C2**

I refer to previous correspondence in relation to this matter.

Following advice from you, my client has engaged Future Urban to assist with the application for a change of use of land at 74-76 King William Road, Goodwood ("the land").

We are instructed the land presently has existing use rights as a "shop" as that term is defined in the *Development Act 1993* and was historically used as a jewellery store.

### **The Zone and King William Street**

The land is within the Mixed Use 1 Zone.

That zone encourages small office and consulting room development with a maximum total floor area in the order of 250 square metres per individual building, with primarily small-scale specialty goods outlets and retail showrooms, and small entertainment facilities, to complement the adjacent centre facilities.

The land forms part of the City of Unley's vision "to transform King William Road into Adelaide's most loved mainstreet destination" through the redevelopment of the Street. In August 2018, elected members of the City of Unley endorsed the preferred design concept for King William Road.

The overwhelming response was to support the transformation of King William Road into an appealing destination that provides greater opportunities for all ages to live, work and play in the precinct. Three design options – all based on input from the community – were presented to the public for review in June, and the feedback received on those options has shaped the final concept for a new King William Road. This was endorsed by the City of Unley in August 2018.

Over the ensuing two years, the Council has effected its plan to reinvigorate the Street to enable greater vibrancy, visitation and to encourage people to work, play and recreate in it. The proposal as sought by my client will support those aims and should be wholly supported by the Council to ensure a return on their significant investment in the Street, which it is noted in the Council's 2019-20 Annual Budget and Business Plan, the Council committed \$12.55 million in capital funding toward.

### **Hygge – The Studio**

Hygge is an Adelaide based event management business providing bespoke events for clients ranging from baby showers, birthday parties, corporate events or weddings – all provided off-site.

Hygge provides end to end event management solutions from initial concept plans including mood boards, illustrations, budget spreadsheets and floor plans, through to providing all of the accoutrements one normally associates with large events including flowers, bar carts, dance floors to candlesticks, PA systems and arbours. Some of these items are stored on the land in anticipation of

REF Hygge Studio | 30 November 2020



their deployment at the various sites at which events are held or external consultants are brought in by Hygge where they do not store such items (such as flowers).

Hygge's business operations also include in-house graphic design creating custom stationery suites and personalised event signage; table seating charts, menus, order of service and the like.

In addition to planning events, Hygge provide on-site event planning management to ensure seamless and successful events where staff are sent to the events they have planned to event runs strictly to the pre-planned event schedule.

The Hygge Studio is the base for the event management operations. The studio comprises work stations for the 5 employees and 20-30 ad-hoc contractors who are employed from time to time to assist with the co-ordination of large events.

The studio is effectively an office space at which employees and contractors do their day-to-day work and clients can visit to work through their proposed event with the event management staff. The studio contains samples of products that can be used at an event allowing people to touch and feel those products to assist their decision making.

The Hygge Studio is also used to hold ad hoc events in which they partner with a local business promoting not only that business' product, but largely showcasing Hygge's event management capabilities. Hygge partner with their client to bring that client's product or offering to market, whilst exhibiting Hygge's ability to effectively plan and manage the event.

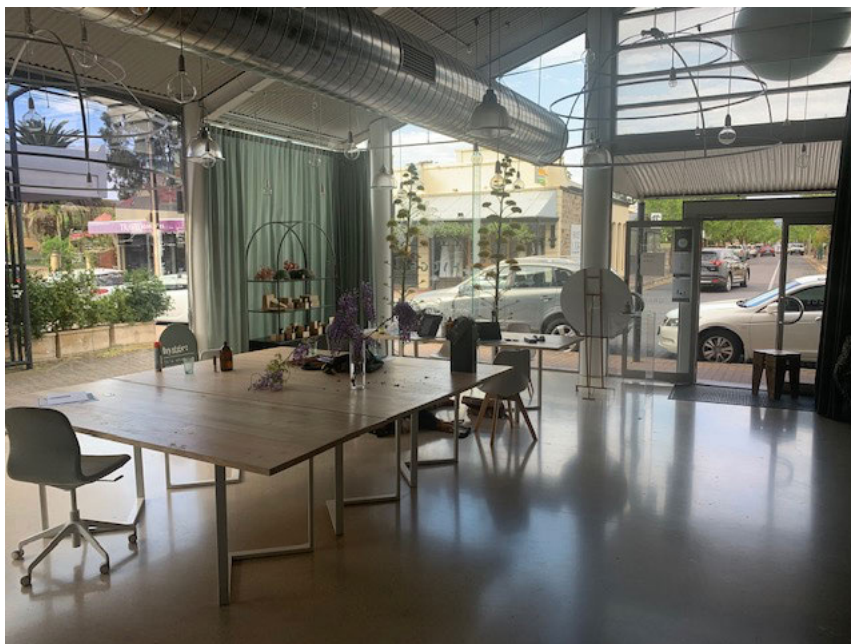
This aspect of their business is not a separate profit centre, is run by Hygge staff and is an integral component of marketing their event management business.

It is important to note in relation to these events:

- Hygge staff are always present having planned the event;
- The land is not "hired" out to third parties;
- The land is not used as "nightclub" or other type of licensed venue with loud, amplified music as alluded to in the representations;
- The hosted events are an integral part of my client's business and cannot be separated out as a distinct part of their business;
- Generally finish at 9:30 of an evening;
- Are ad-hoc and do not occur on a regular basis or over consecutive days; and
- In addition to housing their professional business operations, also comprise high-end events catering for such events as product launches, pottery making, men's health seminars, general health and wellbeing exhibitions;



**Figure 1** *Hygge Studio, Access Point from King William Road looking east*



**Figure 2** *Hygge Studio – Atrium looking toward King William Road*



**Figure 3** *Rear access lane – looking north to Union Street*

## The Proposed Development

The proposed development comprises the change of use of land to office and temporary events together with ancillary and subordinate placement of two shipping containers for the purposes of storing equipment associated with the office use.

The components of the proposed development is more accurately described below:

### Studio Based:

1. Office – practising the profession of event management;
2. Creative workshops with background music, discussions and creative activities;
3. Occasional events with an ambient DJ or similar playing through the in-house system. The events might be corporate functions, networking or private functions;
4. Occasional events (less than six per year) with higher music levels and later finishing times, such as a fashion parade;

### External to the studio:

5. Occasional events where the northern driveway will be activated in the nature of small market on a Saturday showcasing the products of local artisans;
6. Use of the rear (western) area for storage of event hire equipment including shipping containers; and
7. Loading and unloading of a fixed axle truck or utility from and to shipping containers and the storage area by hand in readiness and/or after external (off site) events.

My client practices their profession of event management from the premises which includes events both off and on-site.

I note in earlier discussions between my client and the Council administration, significant import was placed upon the temporary event uses undertaken at the land.

It is my submission, the holding of events, to showcase the primary business of my client which is event management, is an ancillary and subordinate use of the land. Notwithstanding, based upon our previous discussions, Council has formed the view this aspect of the proposal requires assessment as a discrete land use.

#### *Shipping Container – Storage*

The applicant proposes to utilise space to the rear of the building to place two shipping containers to store goods associated with their event management business.

It is confirmed the following types of goods are stored in these containers:

- Tables;
- Chairs;
- Bar pieces: fronts, tops;
- Ceremony arbours; and
- High bar tables.

#### *Temporary Events – Types and Conditions of Use*

The holding of on-site temporary events is not a separate profit centre for Hygge. It is inextricably bound and an essential part of the whole business as it is the primary way in which the business is marketed to prospective clients.

It is expected that Hygge will host, in a calendar year:

- 50 Creative Workshop events per year;
- 12 Functions;
- 6 Market Stall Functions; and
- Less than 6 Occasional events as detailed below.

In the absence of the practice of the profession of event management from the land, there would no incentive to hold events showcasing my client's event management proficiency on the same site. The hosting of events is inextricably linked to the generic "office" use and is therefore ancillary and subordinate and should be considered all part of the same genus of use on the land, which is clearly supported by the Development Plan.

The holding of such events from an office is not unusual in the writer's experience. Most professional practices, such as law firms, accountancy practices or stock brokers will invite a specialist guest speaker in an area (not always directly aligned to their practice) to present to both their staff and clients to promote knowledge sharing but to also market and promote their business. It would be most unusual to require the lodgement of a separate application each time a professional practice sought to undertake this type of marketing event.

Unlike a lot of business', the practice of a profession, such as event management relies upon either word of mouth referral or demonstration of expertise in order to market one's services. Unlike a builder whose work stands before all to judge, providing services that are ephemeral requires constant marketing to ensure one's work is in the public eye to generate further business. The operators of Hygge are simply doing that.

The applicant confirms willingness to limit the types of events as follows:

- Creative Workshops including but not limited to, candle making, flower arrangement, mens' health seminars, children's art classes and the like inside the studio with background levels of music;
- Functions with a level of music above background levels played inside the studio;
- Events conducted outside in the northern lane in the nature of market stalls during the day – Saturdays only and not after 6:00pm;
- Occasional events with a higher level of music played inside that may conclude at 11:00pm; and;
- The loading or unloading of equipment into a truck for off-site events.

### Noise Assessment

The applicant has engaged Sonus to undertake a noise assessment of the proposed development in which they have objectively measured the following components of development and assessed the same against the Development Plan, the EPA Noise Policy and the Victorian EPA State Environment Protection Policy N-2:

With respect to the occasions (6 or less) events, it should be highlighted Sonus used the conservative Victorian Environment Projection Policy which applies to “noise management for outdoor events” as a pragmatic approach which acknowledges that on limited occasions, higher levels of music can be accommodated without adversely impacting on the amenity of the nearest dwelling provided broadly accepted community restrictions are in place.

The Victorian EPA approach operates in a similar way to how the South Australian Environment Protection Act 1993 addresses an occasional party in a residential setting, where high music levels are acceptable within the bounds of reasonable constraints which reinforce community standards like finishing on a Saturday night by 11pm.

Sonus recommend the following conditions:

- Limit the timing of events and functions to be complete by 10pm (with the exception of up to six nominated events per year which can extend to 11pm on a Friday or Saturday night);
- Ensure any music played on site is only to be played through the in-house system;
- Limit the level of music played during workshops to background only. This level is defined inside as 65 dB(A) or the level at which people do not need to raise their voice to be heard;
- Limit the level of music played during events to the level shown in Table 2, which can be done via pre-setting the dial of the in-house music system;
- Limit the number of events with music levels higher than those in Table 2 in the Sonus Report to be no more than six per year, and ensure that these events have restricted operating hours (10pm on a weekday and 11pm on a Friday or Saturday night);
- Ensure loading activities occur during the day period only;
- Ensure trucks only move in a forward direction while on site and no reversing occurs on site;
- Ensure trucks are switched off while loading or unloading and are position past the western edge of the building as per Figure1 in the Sonus report
- Limit the collection of waste and access to the bins to the least sensitive periods of the day.

The applicant is willing to accede to such conditions.

The Sonus report concludes that all of the above activities can be undertaken on-site and in accordance with the relevant noise standards and policies. As a consequence, there will be no



adverse material interface impacts with the adjacent residential zone as sought by the Development Plan.

## Car Parking

As the land is located in the Mixed Use 1 Zone and is within 200 metres of 'any section of road reserve along which a bus service operates as a high frequency public transit service', it falls within a "Designated Area" per Table Un/5A.

Table Un/5A provides that development should provide off-street vehicle parking at a rate of 3 car parking spaces per 100 metres of gross leasable area. However, a lesser number of parking spaces may be provided based on the nature of the development and parking conditions in the wider locality including (but not limited to) the following:

- (a) the development is a mixed use development with integrated (shared) parking where the respective peak parking demands across the range of uses occurs at different times*
- (b) the development is sited in a locality where the respective peak demands for parking for the range of uses (existing and proposed) occurs at different times and suitable arrangements are in place for the sharing of adjoining or nearby parking areas*
- (c) the development involves the retention and reuse of a place of heritage value, where the provision of on-site parking is constrained*
- (d) suitable arrangements are made for any parking shortfall to be met elsewhere or by other means (including a contribution to a car parking fund)*
- (e) generous on-street parking and/or public parking areas are available and in convenient proximity, other than where such parking may become limited or removed by future loss of access, restrictions, road modifications or widening*
- (f) the site of the development is located within distances specified in the conditions applicable to Designated Areas for at least two different public transit modes. (my emphasis)*

The gross leasable area of the building on the land is approximately 147 square metres meaning the minimum (prior to applying any discount) number of car parks theoretically required to be provide on-site is 4.41 car parking spaces. The site presently provides 5 on-site car parking spaces and can accommodate a further 6 car parking spaces should the need arise through the stacking of cars in the driveway area.

As such, the applicant proposes sufficient car parking as per the requirement of the Development Plan.

Notwithstanding, the applicant proposes to also use the land for temporary events, there is no additional requirement in the development Plan to provide any additional enumerated number of car parks. However, it is accepted that people will visit the subject land to attend such events and even if additional car parking was required to be provided (which it is not), we note the Development Plan provides the ability of the Council to accept a discount in paragraphs (a) – (f) listed above in Table Un/5A.

Clearly, King William Road in Goodwood and Hyde Park is intended to act as a type of centre. As such, communal parking is envisaged and clearly spoken in favour of as "suitable arrangements are made or any parking shortfall to (can) be met elsewhere" and there are "generous on-street and/or public parking areas area available and in convenient proximity" to the subject site.

According to the Council documents, more particularly the “Design King William” website, there are in excess of 400 off-street car parks within a 5 minute walking distance of King William Road precinct. There are additionally significant numbers of car parks in the side streets as illustrated in Figure 4 below, again, taken from the Design King William website.

Smart parking sensors are installed in each on-street car parking space along King William Road, as well as in the Boffa Street Car Park and Walter Street. The sensors connect to digital signs along William Road allowing users to easily identify easily accessible car parks. This technology allows for real time parking information and better management.

As such, there is ample car parking in and about the vicinity of the subject land to accommodate a significant number of visitors to King William Road. An outcome that has been plainly sought by the City of Unley itself.

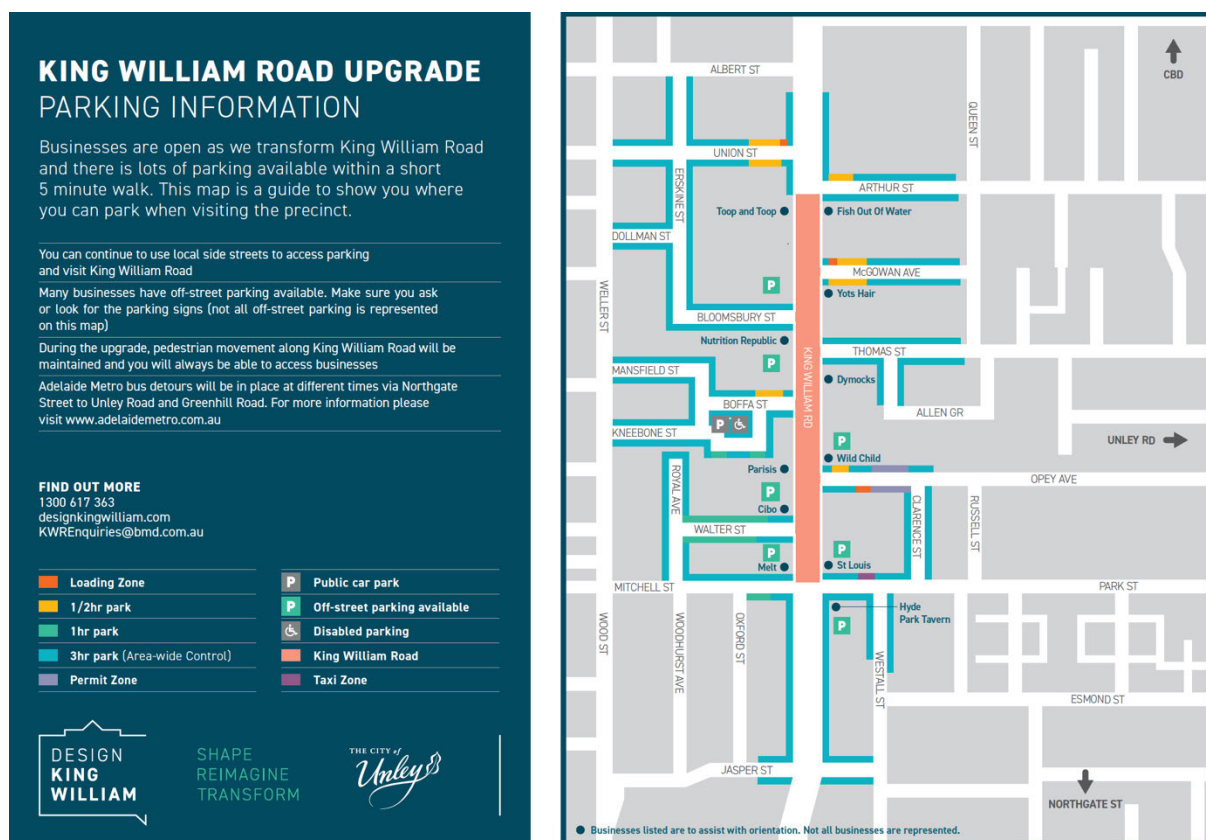


Figure 4 King William Road Parking Information – taken from Design King William

## Representations

The opportunity to respond to the three representations submitted during the public notification process is now taken. Responses to the representations are as follows:

Representor	Issue	Response
Catherine and Tony Mazzamauro - 1 Union Street Goodwood	Noise and Use of Right of Way	The applicant has adequately demonstrated compliance with the relevant Noise Policies and requirements of the

		<p>Development Plan through the acoustic analysis provided by Sonus and accompanying the application. The use of the right of way is a legal right appurtenant to the land occupied by the applicant as identified in the Certificate of Title for the property. Persons may use this right of way as they see fit, however, the applicant will only use it for the reasonable needs and have agreed to ensure loading and unloading activities do not occur closer to the adjoining residence than the western most wall of the Hygge Studio building and at times that minimise noise disturbance.</p>
<p>Stephen Hodgson - 72 King William Road</p>	<p>Car Parking, Use of Right of Way, Covid 19</p>	<p>It is noted that the premises at 72 King William Street does not provide any designated car parking for the three tenancies that occupy that building.</p> <p>Sufficient on-site car parking in accordance with Table Un/5A is provided.</p> <p>As above, the issue of noise and use of the right of way have been dealt with above.</p> <p>Covid 19 is not a reason to refuse this application, In fact, one could argue that the Council should do everything within its power to support a small business where two young people want to “have a go” and make King William Road a better and more vibrant place, employing many South Australians either directly or through their engagement as sub-consultants and contractors in their event management business.</p>
<p>Rosie Davoii – 72 King William Road</p>	<p>Noise, Rubbish, Use of Right of Way (parking in it)</p>	<p>With respect to rubbish, the applicant does not use the Council waste collection but rather uses a private waste</p>

		<p>contractor and therefore, have no reason to place rubbish in the representors' waste receptacles. Likewise, the applicant does not park illegally on the representor's land and there is no reason for them to do so. These matters are all land/tenancy issues that should have no bearing on the assessment of the development application before the Council.</p>
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## Summary

We have concluded from our assessment of the proposal that it is worthy of consent. In support of our conclusion, we wish to highlight that:

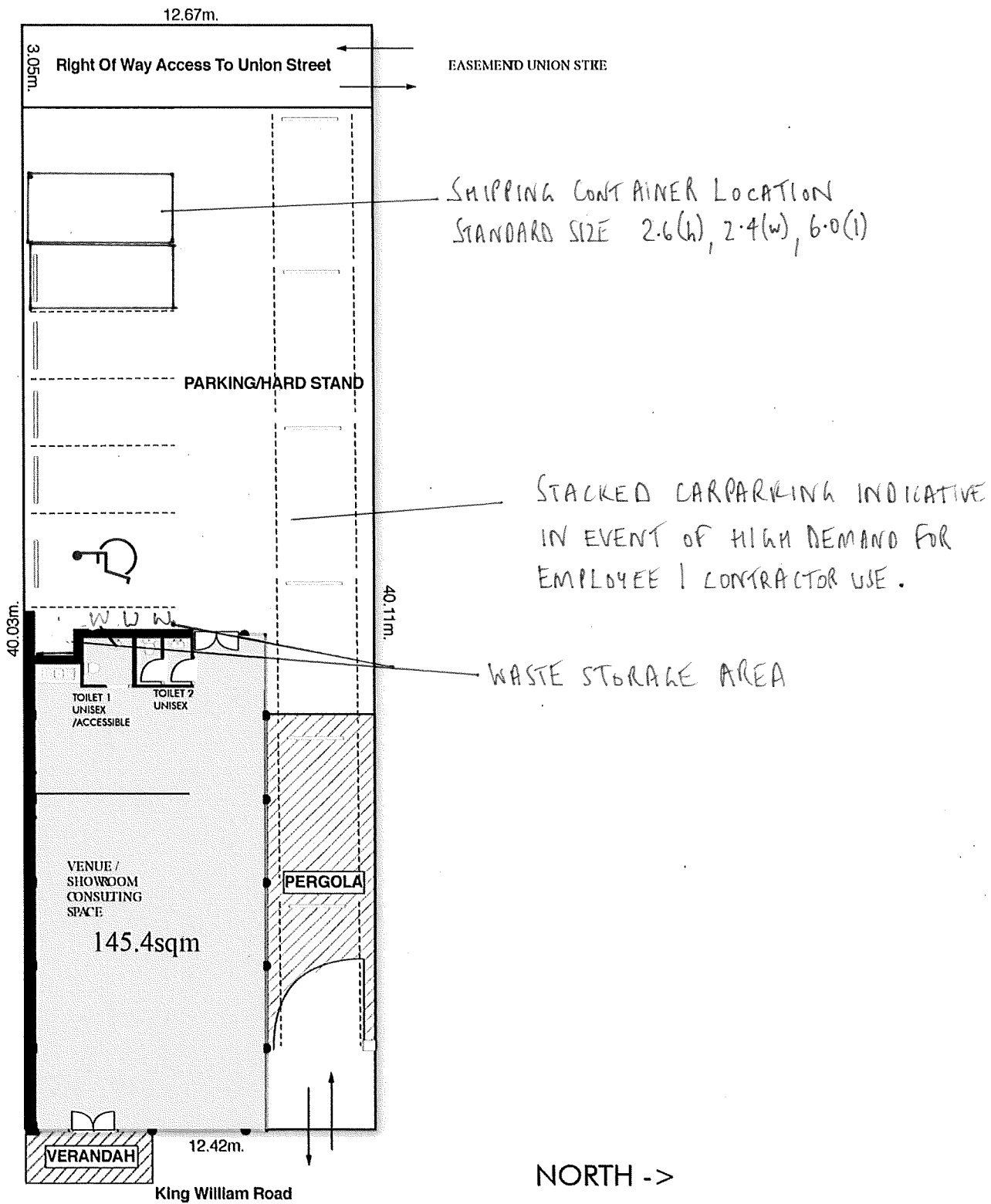
- More than the requisite number of car parks are provided as per Table Un/5A for the proposed use;
- There is sufficient off-street and on-street car parking immediately surrounding the subject land to cater for temporary events and as envisaged by Table Un/5A;
- The land use is entirely envisaged within the Mixed Use 1 Zone;
- All interface impacts, particularly relating to noise will be adequately ameliorated and will be in compliance with the relevant noise policies as modelled by Sonus.

Yours sincerely



**Marc Duncan**  
Director

Floorplan of 74-76 King William Road, Goodwood SA 5034



REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 5151 Folio 949

Parent Title(s) CT 4394/563  
Creating Dealing(s) CONVERTED TITLE  
Title Issued 29/10/1993 Edition 6 Edition Issued 27/10/2016

### Estate Type

FEE SIMPLE

### Registered Proprietor

R. MEYERS NOMINEES PTY. LTD. (ACN: 008 027 003)  
OF 77 PALMER PLACE NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 356 FILED PLAN 11717  
IN THE AREA NAMED GOODWOOD  
HUNDRED OF ADELAIDE

### Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B TO THE MINISTER OF PUBLIC INFRASTRUCTURE (T 324432)

SUBJECT TO RIGHT(S) OF WAY OVER THE LAND MARKED A (T 69968)

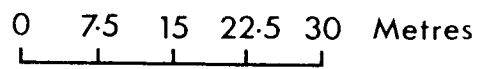
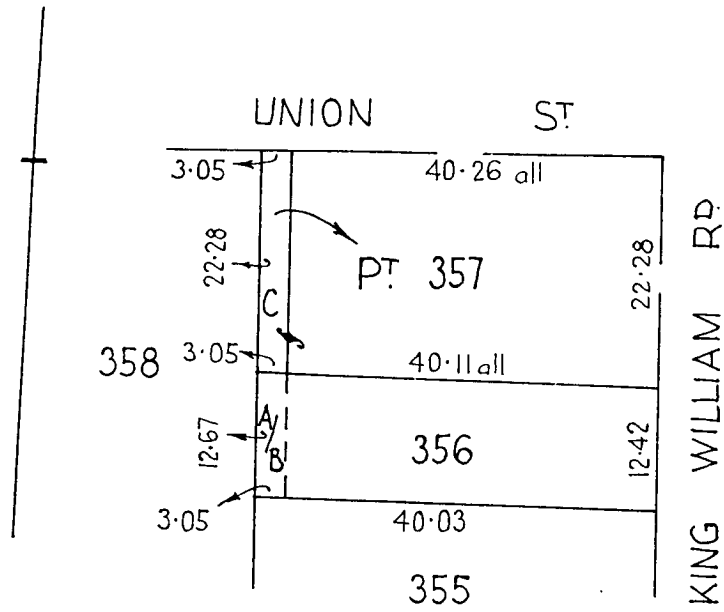
TOGETHER WITH RIGHT(S) OF WAY OVER THE LAND MARKED C (T 79745)

### Schedule of Dealings

Dealing Number	Description
12610825	MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)

### Notations

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



**Document Title** : Hygge Studio  
Environmental Noise Assessment

**Document Reference** : S6562C3

**Date** : November 2020

**Author** : Jason Turner, MAAS

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## 1 INTRODUCTION

An environmental noise assessment has been made of the proposed change of use at 74-76 King William Road, Goodwood, for the Hygge Studio.

The site has approval to be used as a retail space which can be accessed from the west by a right of way and from the east via King William Road. A laneway to the north of the building (the studio) connects the two site access points and provides access to a rear (western) storage area.

The proposal seeks to change the retail use to accommodate a range of activities on the site centred on events, event hire and event management including the following:

### **Studio Based:**

1. Creative workshops with background music, discussions and creative activities;
2. Occasional events with an ambient DJ or similar playing through the in-house system. The events might be corporate functions, networking or private functions;
3. Occasional events (less than six per year) with higher music levels and later finishing times, such as a fashion parade;

### **External to the studio:**

4. Occasional events where the northern lane will be activated (such as a catered meal outside);

### **Off site event management:**

5. Use of the rear (western) area for storage of event hire equipment including shipping containers;
6. Loading and unloading of a fixed axle truck or utility from and to shipping containers and the storage area by hand in readiness and/or after external (off site) events.

### **Timing**

Events in the studio and outside are proposed to be complete by 9.30pm and clients off site by 10pm.

The occasional event (less than six per year) might extend beyond 9.30pm subject to the recommendations of this assessment.

Loading and unloading times would ideally occur whenever the external event started or finished but will be subject to the recommendations of this assessment.

### Other considerations

Activities associated with the approved use including access of vehicles to the rear right of way, the operation of air conditioning systems serving the building and the use and collection of bins are not required to be included in the assessment. Notwithstanding this, information is provided on these aspects to assist in considering the application.

### Assessment

Based on the above, the assessment can be segregated into the following aspects:

- Workshops inside the studio with background levels of music;
- Functions with a level of music above background levels played inside before 9.30pm;
- Events conducted outside in the northern lane during the day;
- Occasional events with a higher level of music played inside that may conclude after 10:00pm; and,
- The loading or unloading of equipment into a truck for off-site events.

The nearest noise sensitive location is to the west of the site, across the public (right of way) lane. The location of the closest residence in relation to the site is shown in Appendix A.

The assessment has been based on:

- Measured levels of the proposed (actual and simulated) activities, taken on 2 November 2020;
- Previous noise measurements taken at similar facilities for other activities, such as patrons; and,
- Continuous background noise measurements at the subject site from 5 to 10 November 2020.

## 2 DEVELOPMENT PLAN

The subject site is located in the *Mixed Use 1 Zone* of the *Unley (City) Development Plan*<sup>1</sup>. The nearest residence is located to the west of the site and is in the *Goodwood and Hyde Park Precinct* of the *Compact (Built Form) Policy Area* in a *Residential Streetscape (Built Form) Zone*. The following provisions relating to environmental noise in the Development Plan have been reviewed:

### **Council Wide Provisions – Interface Between Land Uses**

#### Objectives

1. *Development located and designed to minimise adverse impact and conflict between land uses.*
2. *Protect community health and amenity from adverse impacts of development.*
3. *Protect desired land uses from the encroachment of incompatible development.*

#### Principles of Development Control

1. *Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*  
....  
*(b) noise*  
....
2. *Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.*
6. *Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.*

#### Noise Generating Activities

7. *Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.*
8. *Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.*

---

<sup>1</sup> Consolidated 15 October 2020

9. Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.
10. Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

<b>Noise level assessment location</b>	<b>Desired noise level</b>
<i>Adjacent existing noise sensitive development property boundary</i>	<i>Less than 8 dB above the level of background noise (<math>L_{90,15min}</math>) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise (<math>L_{A90,15min}</math>) for the overall (sum of all octave bands) A-weighted level.</i>
<i>Adjacent land property boundary</i>	<i>Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or less than 8 dB above the level of background noise (<math>L_{90,15min}</math>) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.</i>

It is noted that *Interface Between Land Uses Principle of Development Control (PDC) 10* includes a music related requirement at the “adjacent land property boundary”. This aspect of the PDC is applicable in areas such as the CBD where the Development Plan might promote residences on land which is currently vacant or not developed for that purpose. This aspect of the provision is not relevant in this circumstance and therefore PDC 10 has been applied at the nearest existing residence in order to be consistent with the intention of the provision (being the protection of amenity of residential land use from music).

### 3 CRITERIA

The components of the events will be assessed differently depending on the activities undertaken. The majority of activities on the site will be assessed against the *Environment Protection (Noise) Policy*. Music above a background level is assessed against specific criteria in accordance with the Development Plan. Occasional events will be assessed with input from the Victorian EPA's State Environment Protection Policy (which provides a pragmatic approach to occasional activity).

#### 3.1 Environment Protection (Noise) Policy

*Interface between Land Uses PDC 7* from the Development Plan references the *Environment Protection (Noise) Policy 2007* (the **Policy**), which provides goal noise levels to be achieved at residences. The Policy is most appropriate for the assessment of noise from patrons, vehicle movements, loading activity, waste collection and mechanical plant noise at a site. The noise from low levels of background music during the day time has also been assessed against the requirements of the Policy, noting that by definition such music will be below that generated by a gathering of patrons.

The Policy is based on the World Health Organisation Guidelines to prevent annoyance, sleep disturbance and unreasonable interference on the amenity of an area. Therefore, compliance with the Policy is considered to be sufficient to satisfy all provisions of the Development Plan relating to environmental noise (with the exception of higher levels of music).

The Policy provides goal noise levels based on the principally promoted land use of the Development Plan zones. In this circumstance, the following goal noise levels are provided by the Policy at residences:

- An average ( $L_{eq}$ ) noise level of 52 dB(A) during the day (between 7:00am and 10:00pm);
- An average ( $L_{eq}$ ) noise level of 45 dB(A) during the night (before 7:00am or after 10:00pm); and,
- A maximum ( $L_{max}$ ) noise level of 60 dB(A) during the night (before 7:00am or after 10:00pm).

When measuring or predicting noise levels for comparison with the Policy, adjustments may be made to the average goal noise levels for each "annoying" characteristic of tone, impulse, low frequency, and modulation of the noise source. The characteristic must be dominant in the existing acoustic environment and therefore the application of a penalty varies depending on the assessment location, time of day, the noise source being assessed, and the predicted noise level. The application of penalties is discussed further in the Assessment section of this report.

### 3.2 Unley (City) Development Plan

*Interface between Land Uses PDC 10* provides objective noise criteria for the assessment of music and is consistent with the Environment Protection Authority Guidelines *Music noise from indoor venues and the South Australian Planning System* (the **EPA Guidelines**). Both PDC 10 and the EPA Guidelines provide noise criteria to be met at noise sensitive locations based on the existing acoustic environment, to ensure that the noise from bass beat is adequately controlled. The criteria are designed for venues where music may be played every day until late at night and therefore represent a conservative approach for a venue which will only hold a limited number of functions per year.

To objectively assess music in accordance with the Development Plan and the EPA Guidelines, the existing background noise environment has been measured in the vicinity of the site continuously over a number of weekdays and a weekend from 5 to 10 November 2020. The results are provided as Appendix B of this report.

The following table provides the lowest measured background noise levels ( $L_{90,15min}$ ) during the times that music is proposed to be played (until 9.30pm). The table shows the resulting music noise criteria ( $L_{A10,15min}$ ) at the closest residence determined in accordance with the Development Plan:

**Table 1:** Background noise levels and music noise criteria at residences.

	Total (dB(A))	Noise Level in Octave Band Centre Frequencies (dB)						
		63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Lowest measured background noise levels ( $L_{A90,15min}$ )	38	47	45	40	35	31	23	17
Music noise Criteria at residences ( $L_{A10,15min}$ )	43	55	53	48	43	39	31	25

### 3.3 VIC EPA State Environment Protection Policy No. N-2

The criteria in Section 3.1 and 3.2 apply to activity which could occur every day and do not account for occasional activity.

The Victorian EPA document, “Noise management for outdoor events” provides recommendations for the minimisation of noise from occasional events, utilising the *State Environment Protection Policy (Control of music from public premises) No. N-2 (SEPP N-2)* to apply the following pragmatic approach:

17. The noise limit (for music) for outdoor venues is 65 dB(A) when the measurement point is located outdoors.
27. Operating times.
  - (a) An operation of an outdoor venue may only take place between the hours 12 noon and 11 pm, except where the duration of the operation is greater than five hours in which case the operation may take place only between the hours 12 noon and 10 pm.
29. No more than six concerts may be conducted at an outdoor venue in a financial year.

Whilst the approach is related to outdoor events, it has been applied in this circumstance as a pragmatic approach which acknowledges that on limited occasions, higher levels of music can be accommodated without adversely impacting on the amenity of the nearest dwelling provided broadly accepted community restrictions are in place.

The Victorian EPA approach operates in a similar way to how the South Australian *Environment Protection Act 1993* addresses an occasional party in a residential setting, where music is acceptable within the bounds of reasonable constraints which reinforce community standards like establishing a music level limit and finishing on a Saturday night by 11pm.



#### 4 ASSESSMENT

The assessment has been conducted based on a combination of noise measurements of activity on the site taken on 2 November 2020 and other previous noise measurements including patrons for activity at other similar facilities. The sound power levels used in the assessment are provided in Appendix C.

To assist with predicting the noise level at nearby residences, a noise model of the proposed development and surrounding area has been established using the SoundPlan noise modelling software. The model considers the sound power level of each source, the distance between noise sources and receivers and shielding provided by structures.

##### Creative Workshops

The noise level from a flower arranging workshop within the studio with background music, chatter and alcohol being served was measured with the highest measured result (at the edge of the studio space) shown in the below table.

**Table 2: Measured noise level of creative workshop activity within the venue dB(A).**

	Total	Noise Level in Octave Band Centre Frequencies						
		63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Workshop activity ( $L_{Aeq,15min}$ )	70	36	47	55	64	66	63	56

Given the above level of activity, as well as the operation of the external air-conditioning condensing unit, the noise level at the nearby residence has been predicted. Workshops are only proposed to occur during the day time period, resulting in a criterion of 52 dB(A) at the nearest residence. A predicted noise level of no more than 43 dB(A) is expected with the (western access) doors to the venue open. A lower noise level will be experienced if the venue doors remain closed. This noise level is dominated by noise from the air-conditioning unit. As this is a constant sound, no penalty is warranted in this case.

Based on the above, typical creative workshop activity with background music can occur without restriction.

Functions

The noise level from a function has been predicted based on the following assumed level of activity within any 15-minute<sup>2</sup> period:

- Continuous operation of the air-conditioning unit; and,
- Music played inside the venue, with the rear doors closed.

In order to meet the criterion at the nearest residence, the western access door shall remain closed when music is played up to the levels shown in the below table. It is noted that this level is consistent with other event spaces for ambient DJs. The levels were determined from the transfer testing (from inside to outside) conducted at the studio with the rear doors closed:

**Table 3: Maximum noise level of music within the venue.**

	Total (dB(A))	Noise Level in Octave Band Centre Frequencies (dB)						
		63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Maximum Music Level (L <sub>Aeq,15min</sub> )	80	54	70	72	74	75	72	67

The above music levels can be established on the in-house system and the settings can be recorded to assist Council in establishing Conditions and/or in confirming compliance.

External Events

The noise level from external events located in the northern laneway has been predicted based upon noise from patrons within this space. Noise levels from people conversing in a social setting have been applied along with a penalty for modulation in order to remain conservative. The criterion for external events is therefore 47 dB(A) at the nearest residence.

The predictions of the level of noise from such events have been conducted based on 20 patrons being situated in the northern laneway. In order to maintain compliance with the criteria, the number of patrons in this area should not exceed 20 people at any one time, and must not extend past the western edge of the building. A higher number of people can be accommodated where the space is used for more sedentary activity than a catered meal in a social environment.

<sup>2</sup> Default assessment period of the Policy.

Based on 20 patrons in a social setting, the predicted noise level for external events is no more than 47 dB(A) at the nearest dwelling, therefore achieving the requirements of the Policy.

#### Occasional Events

Larger events, such as fashion shows, with the potential to produce higher levels of music noise should be limited to no more than six per year, in accordance with the approach detailed in SEPP N-2. Additionally, such events should finish no later than 11:00pm on a Friday or Saturday, or 10:00pm on a weeknight.

The above approach acknowledges that higher levels of music than in Table 3 above will be played on occasion; however on a limited and prescribed number of times per year and until a limited time during the night.

#### Loading / Unloading Activity

The noise level from loading activity was simulated and measured on site. This included noise from the following activities:

- Unlocking and opening of the shipping container;
- Removing equipment from the shipping container; and
- Moving tables and furniture on rollers over the paved storage area.

Additional data taken from previous measurements was also used for rigid axle truck movements.

The western right of way lane, being a designated thoroughfare for the commercial properties, has no restrictions on the vehicles which can access it. A loading / unloading path which removes the need for reversing down a lane or onto King William Road has been designed where the truck or utility enters the site via the lane, stops at a prescribed location (to ensure noise impacts are acceptable) and alights forward to King William Road. In this way, the noise from forward vehicle movements on site will be less than that associated with vehicles in the lane and in such a circumstance, cannot adversely impact on the amenity of the nearest dwelling.

Based on the above noise sources, the following level of activity was assumed for a 15-minute period:

- Opening of the shipping container;
- Hand loading activity associated with removing items from the shipping container and placing them in the truck.

Based on the above measurements and assumptions of activity, the predictions at the nearest residence are expected to exceed the criteria for the night period. In order to comply with the criteria for the day period, the following restrictions will apply:

- The loading route shall be forward in via the western lane and forward out via King William Road such that no reversing occurs on site.
- Loading activity and access to the shipping containers is restricted to the day period only and should not occur during the night period.
- With reference to Figure 1 below, all trucks should stop beyond the western edge of the building, indicated by the **RED** line, before commencing loading or unloading activities.
- Trucks should be switched off and not idle while loading or unloading.



*Figure 1: Restrictions to loading activity.*

A penalty is considered warranted in this case due to the nature of the noise associated with the movement of hire equipment. As loading and unloading activities are restricted to the day period only, the applicable criterion therefore becomes 47 dB(A) at the nearest residence.

With the incorporation of the above restrictions, the predicted noise level at the nearest residence is expected to be no more than 46 dB(A).

### Waste Collection

Waste collection is not a new source of noise at the development, and therefore does not need to be assessed with regard to the change of use. Nonetheless, information has been included in this assessment. The noise associated with waste collection is assessed against specific criteria within the Policy, provided within Division 3. Division 3 of the Policy notes the necessity of such a task and limits the collection of waste to the least sensitive period of the day, that is between 9:00am and 7:00pm on a Sunday or public holiday and between 7:00am and 7:00pm on any other day. Further, it is recommended that accessing the bins also be restricted to the least sensitive period of the day, as noted above.

## 5 SUMMARY OF RECOMMENDATIONS

Based on the above scenarios, and the incorporation of the recommended acoustic treatments, it can be seen that the predicted levels will achieve the noise criteria for all scenarios. The requirements of the *Environment Protection (Noise) Policy 2007* will therefore be achieved by the proposed development.

A summary of the recommended acoustic treatments are provided below:

- Limit the timing of events and functions to be complete by 10pm (with the exception of up to six nominated events per year which can extend to 11pm on a Friday or Saturday night);
- Ensure music is only played through the in-house system;
- Limit the level of music played during workshops to background only. This level is defined inside as 65 dB(A) or the level at which people do not need to raise their voice to be heard;
- Limit the level of music played during events to the level shown in Table 3;
- Limit the number of events with music levels higher than those in Table 3 to be no more than six per year, and ensure that these events have limited music levels (65 dB(A) at the nearest dwelling) and restricted operating hours (10pm on a weekday and 11pm on a Friday or Saturday night);
- Ensure the rear door remains closed in the case where higher levels of music are played above background;
- Ensure loading activities occur during the day period only;
- Ensure trucks only move in a forward direction while on site and no reversing occurs on site;
- Ensure trucks are switched off while loading or unloading and are positioned past the western edge of the building, as per Figure 1; and,
- Limit the collection of waste and access to the bins to the least sensitive periods of the day.

## 6 CONCLUSION

An environmental noise assessment has been made of the proposed change of use at 74-76 King William Road, Goodwood for Hygge Studio

The proposal seeks to change the use of the space to incorporate the following activities:

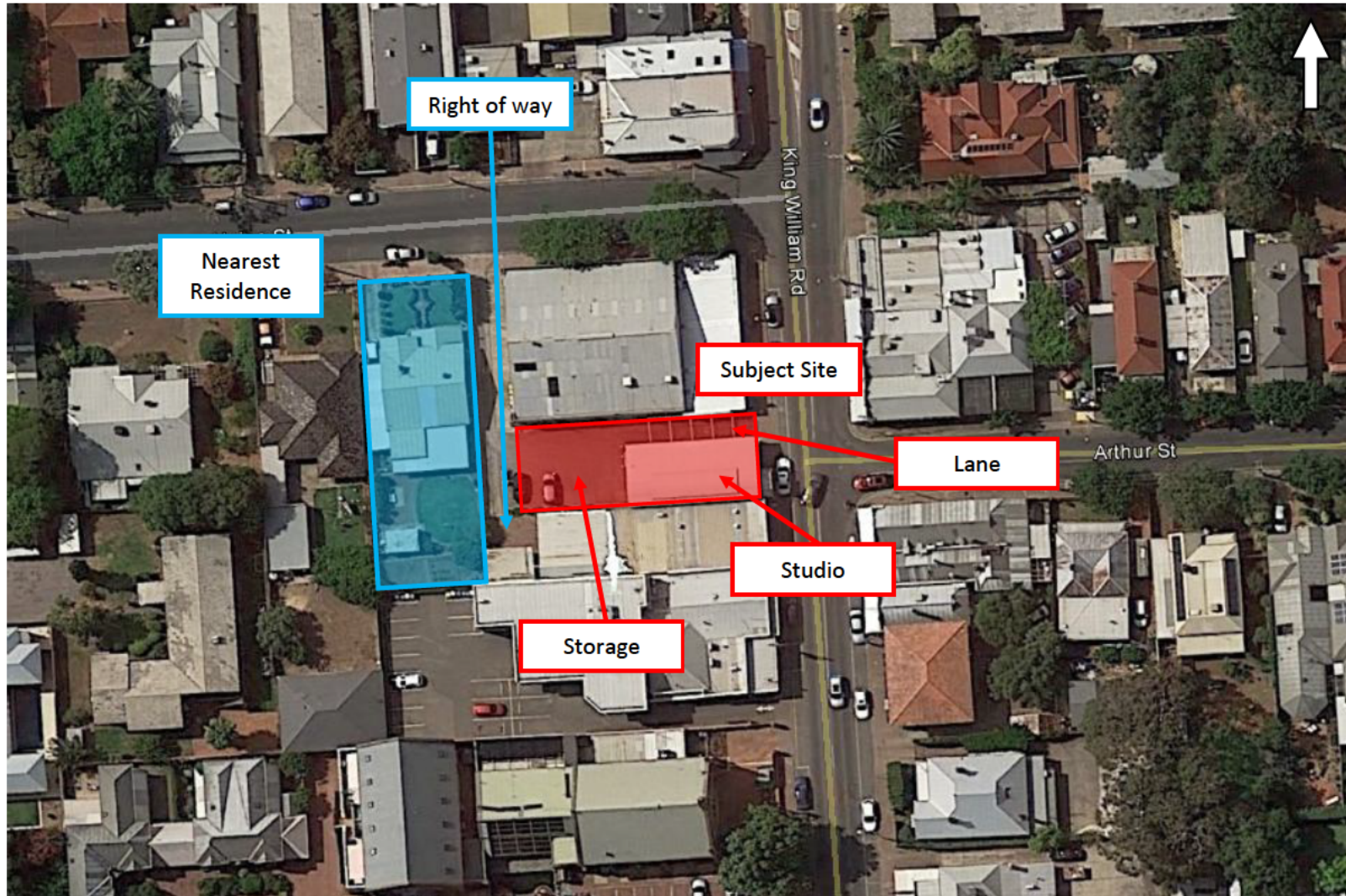
- Workshops inside the studio with background levels of music;
- Functions with a level of music above background levels played inside before 10:00pm;
- Events conducted outside in the northern lane during the daytime;
- Occasional events with a higher level of music played inside that may conclude after 10:00pm; and,
- The loading or unloading of equipment into a truck for off-site events.

Appropriate noise criteria for the various activities have been determined based on the Development Plan, the *Environment Protection (Noise) Policy 2007*, the Environment Protection Authority Guidelines *Music noise from indoor venues and the South Australian Planning System*, and the *State Environment Protection Policy (Control of music from public premises) No. N-2*.

It is predicted that the proposed development will achieve the noise criteria where the treatments detailed in this report are incorporated (refer to Section 5 of this assessment for a summary of the treatments).

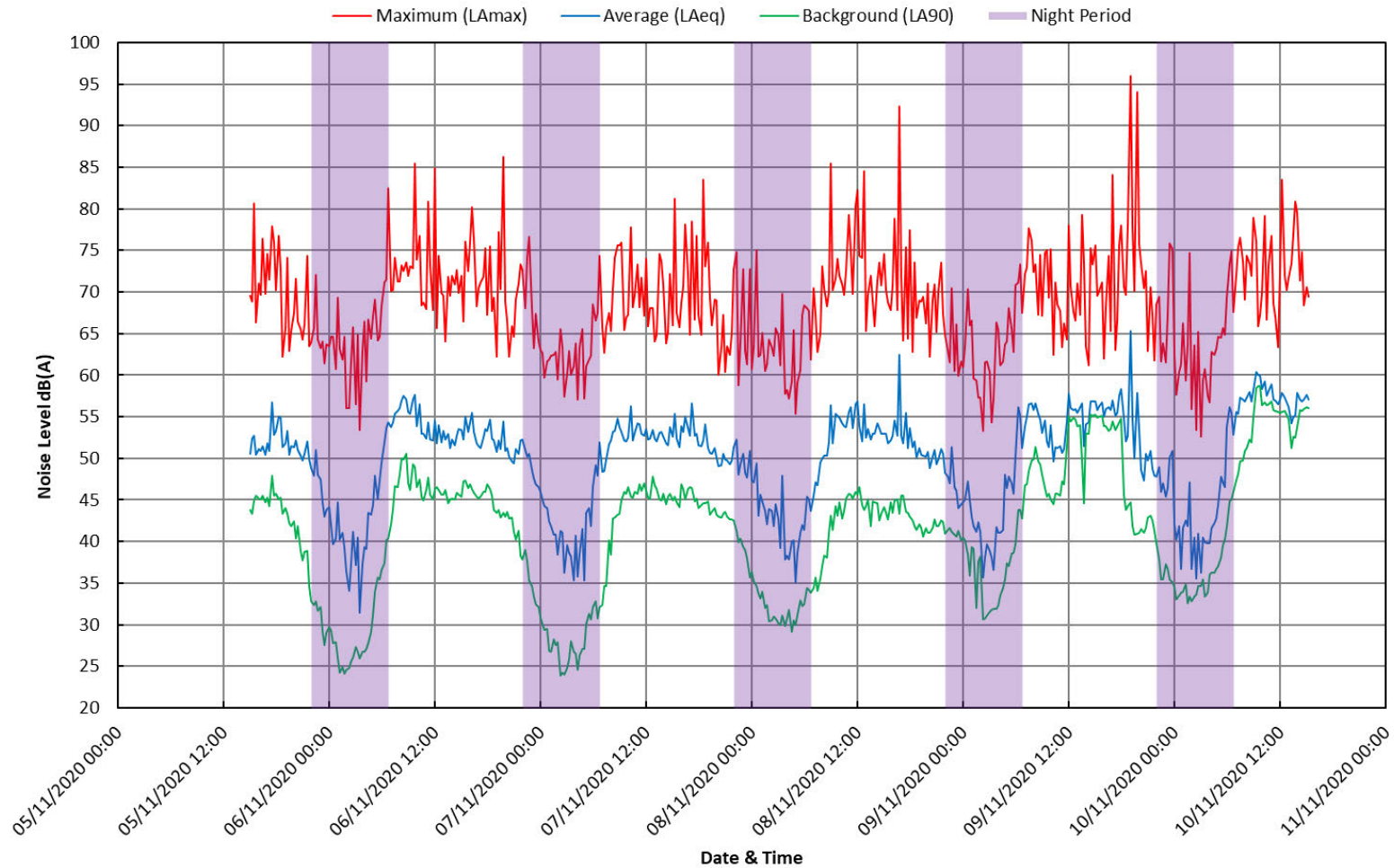
Based on the above, it is considered that the proposal has been designed to *minimise adverse impacts, avoid unreasonable interference on amenity, and will not detrimentally affect the locality by way of noise*, thereby achieving the relevant provisions of the Development Plan related to environmental noise.

APPENDIX A: Site Locality



APPENDIX B: Background Noise Logging Results

Hygge Studio: Noise Logging Results





**APPENDIX C: Noise Level Data**

<b>Activity</b>		<b>Sound Power Level</b>
Loading	Open Shipping Container	79 dB(A)
	Unload/Load Shipping Container/Truck	75 dB(A)
Patrons	Socialising in an outdoor area	75 dB(A)
Mechanical Plant	Air-Conditioner	75 dB(A)
Event	Background music inside	70 dB(A) sound pressure level

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 5151 Folio 949

Parent Title(s) CT 4394/563  
Creating Dealing(s) CONVERTED TITLE  
Title Issued 29/10/1993 Edition 6 Edition Issued 27/10/2016

### Estate Type

FEE SIMPLE

### Registered Proprietor

R. MEYERS NOMINEES PTY. LTD. (ACN: 008 027 003)  
OF 77 PALMER PLACE NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 356 FILED PLAN 11717  
IN THE AREA NAMED GOODWOOD  
HUNDRED OF ADELAIDE

### Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B TO THE MINISTER OF PUBLIC INFRASTRUCTURE (T 324432)

SUBJECT TO RIGHT(S) OF WAY OVER THE LAND MARKED A (T 69968)

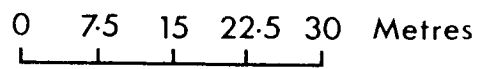
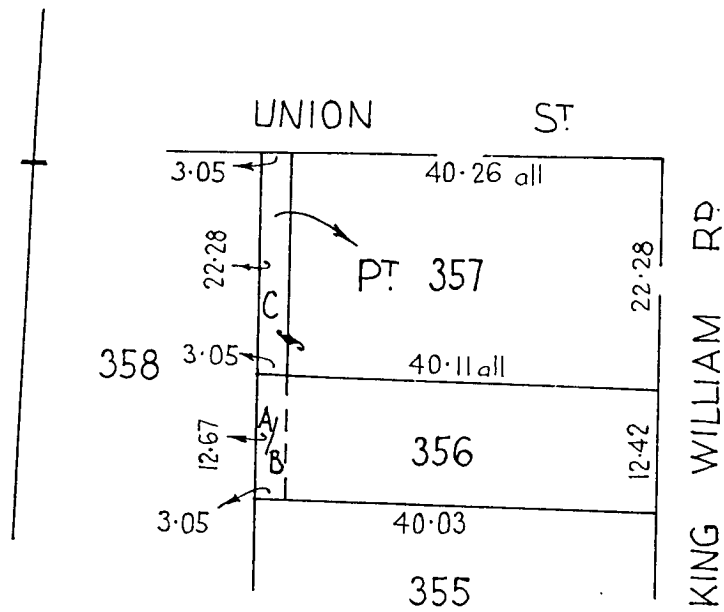
TOGETHER WITH RIGHT(S) OF WAY OVER THE LAND MARKED C (T 79745)

### Schedule of Dealings

Dealing Number	Description
12610825	MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)

### Notations

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



**ITEM 2**  
**DEVELOPMENT APPLICATION – 090/554/2020/C2 – 4 ERIC AVENUE,**  
**BLACK FOREST 5035 (CLARENCE PARK)**

The application was withdrawn at the request of the Applicant.

**ITEM 3**  
**DEVELOPMENT APPLICATION – 090/721/2020/C2 – 14 INVERGOWRIE AVENUE, HIGHGATE SA 5063 (FULLARTON)**

<b>DEVELOPMENT APPLICATION NUMBER:</b>	090/721/2020/C2
<b>ADDRESS:</b>	14 Invergowrie Avenue, Highgate SA 5063
<b>DATE OF MEETING:</b>	19 January 2021
<b>AUTHOR:</b>	Chelsea Spangler
<b>DEVELOPMENT PROPOSAL:</b>	Construct single storey dwelling with fencing and erect habitable outbuilding
<b>HERITAGE VALUE:</b>	Nil
<b>DEVELOPMENT PLAN:</b>	19 December 2017
<b>ZONE:</b>	Residential (Landscape) Zone Landscape Policy Area 11 Precinct 11.2 400
<b>APPLICANT:</b>	G Gibson
<b>OWNER:</b>	R Sun
<b>APPLICATION TYPE:</b>	Merit
<b>PUBLIC NOTIFICATION:</b>	Category 2
<b>REPRESENTATIONS RECEIVED:</b>	YES – (1 oppose)
<b>CAP'S CONSIDERATION IS REQUIRED DUE TO:</b>	Unresolved representation
<b>RECOMMENDATION:</b>	Approval
<b>KEY PLANNING ISSUES:</b>	Front setback Streetscape contribution Dominance of garage

**1. PLANNING BACKGROUND**

PRE/29/2020 – A preliminary application was submitted in May 2020 proposing a single storey dwelling and outbuilding. No elevation plans were provided, only a site and floor plan. The following elements of the proposal were discussed with the applicant:

- Suggested front setback of proposed dwelling should be in line with the dwelling at 12 Invergowrie Avenue;
- Garage provisions of the Zone – suggested that the garage needs to be reduced in its prominence;
- Raised concerns with the new crossover and its proximity to an existing mature street tree. Encouraged use of existing crossover and highlighted that it is unlikely that Council will support the removal of the street tree;
- Wall height of outbuilding should not exceed 3 metres;

- Ensure that impervious areas are below 70% of the site area.

The subject application was submitted with some changes from the preliminary proposal. During the assessment of the formal application, staff requested the following further information:

- Amended plans to address concerns raised (see below); and
- A detailed landscaping plan and plant schedule to soften the built form and driveway paving.

Further, staff also requested the following amendments to the proposal:

- The front setback should, at a minimum, be in line with the front wall of the neighbouring dwelling at 12 Invergowrie Ave;
- The associated garage should be set further back than the dwelling to assist in providing a transition between the subject land and the western neighbouring dwelling and to reduce the prominence of the garage to the street. It was noted that reducing the internal dimensions of the garage should assist with achieving this.

As a result, the applicant has made the following changes:

- The front wall of the proposed dwelling was amended to line up with the face of the dwelling at 12 Invergowrie Avenue;
- Additional details regarding plant species selection and tree retention was included on the plans.

## **2. DESCRIPTION OF PROPOSAL**

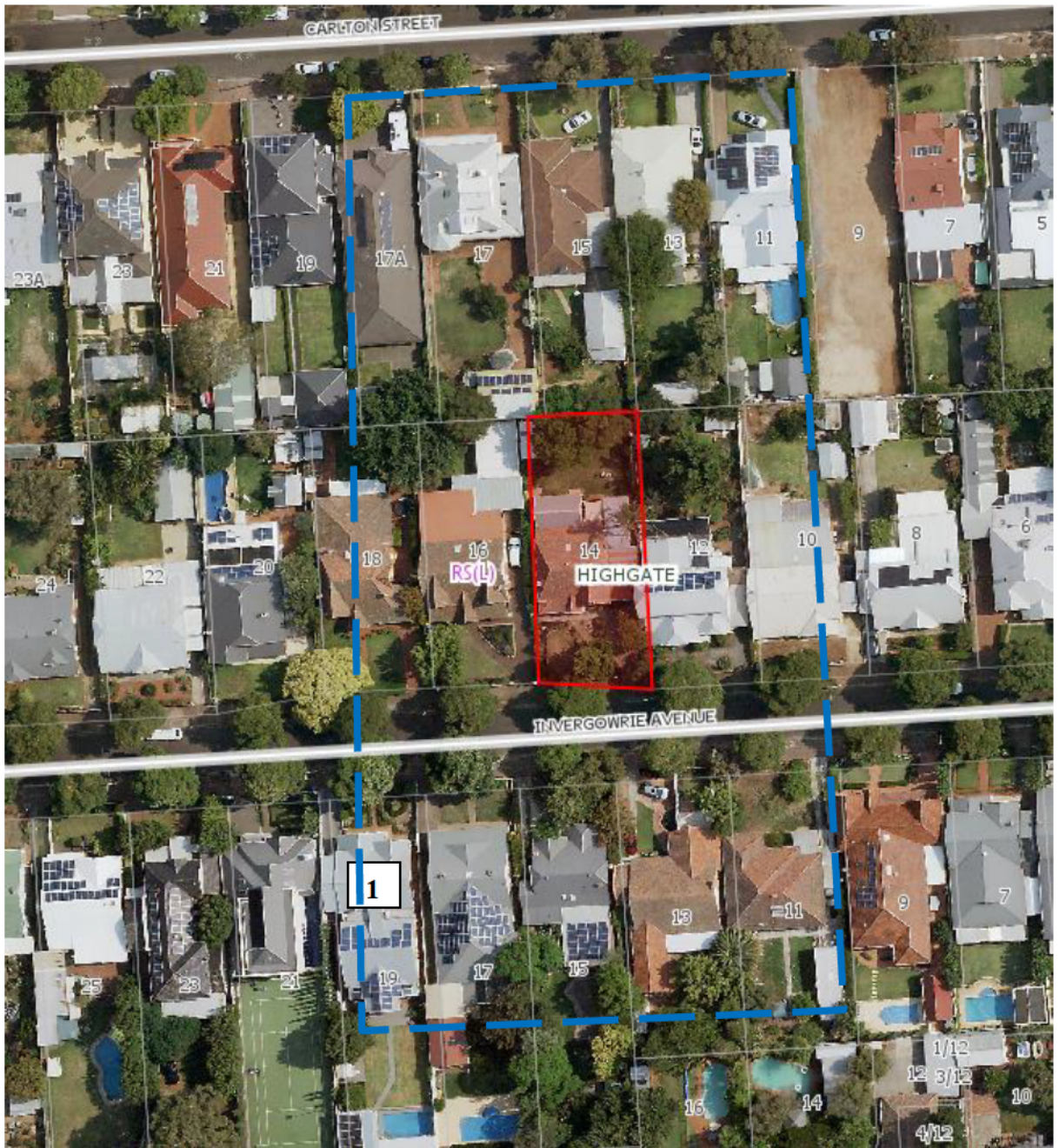
The applicant seeks to construct a new single storey detached dwelling with an attached double garage under a separate roof. A 1.8m high pier and plinth fence is to be located along the front boundary. A habitable outbuilding is also proposed to be located in the north-western rear corner of the site.




## **3. SITE DESCRIPTION**

The subject site is located along the northern side of Invergowrie Avenue and has a north-south orientation. The site contains a single storey detached dwelling with a number of ancillary structures such as a carport and verandah. There is an existing crossover located along the eastern side of the site.

The site has a frontage of 18 metres to Invergowrie Avenue and a total site area of 775m<sup>2</sup>. The site does not contain or is located near any regulated trees. There are currently no easements affecting the subject site. It is noted that the front boundary is angled however the existing fence line does not follow the boundary but rather maintains the straight front fence line along the street.

#### 4. LOCALITY PLAN



 Subject Site  Locality  Representations

#### 5. LOCALITY DESCRIPTION

##### Land Use

The predominant land use within the locality is residential. A neighbourhood centre 'Highgate Shopping Village' is located at the eastern end of Invergowrie Avenue and is within 125 metres of the subject land.

### **Land Division/Settlement Pattern**

The settlement pattern along Invergowrie Avenue is largely intact with consistent frontage widths.

### **Dwelling Type / Style and Number of Storeys**

A vast majority of the dwellings along Invergowrie Avenue are single storey detached dwellings however there are some dwellings that are two storeys in height including the dwelling to the east of the subject land.

### **Fencing Styles**

Front fencing styles within the locality are varied in terms of height, style and materials.

## **6. STATUTORY REFERRALS**

No statutory referrals required.

## **7. NON-STATUTORY (INTERNAL) REFERRALS**

No non-statutory (internal) referrals were undertaken.

## **8. PUBLIC NOTIFICATION**

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period one representation was received as detailed below.

<b>1. 19 Invergowrie Ave, Highgate (oppose – wishes to be heard)</b>	
<b>ISSUES RAISED</b>	<b>APPLICANTS RESPONSE</b>
Development is at odds with Policy Area 11. It does not meet Objective 1, 3 and 4 as the style is completely at odds with 90% of the homes in the street.	We are of the opinion that the proposed development is in accordance with the relevant objectives and principles of development control in the area as: <ul style="list-style-type: none"><li>- The dwelling is a single storey dwelling which is the dominant form of development in the locality;</li><li>- The front setback provides a transition between the two neighbouring dwellings;</li><li>- The dwelling incorporates a hipped roof form and ceiling heights commensurate with the character homes in the locality;</li></ul>



	<ul style="list-style-type: none"> <li>- The use of traditional materials has been utilised in a complementary way;</li> <li>- The dwelling has an articulated front elevation with substantial eaves and a split roof form to reduce visual bulk;</li> <li>- The existing mature tree within the front yard is to be retained.</li> </ul>
The development has not been sited in a sensitive manner, almost spanning the entire width of the block. Wider setbacks to the side boundaries is needed.	<p>The commentary is only pertinent to the garage as the outbuilding is consistent with the relevant principles.</p> <p>The front elevation has been broken into two hipped roof forms to read as separate elements.</p> <p>The neighbouring property to the west raised no objections to the boundary development.</p>
The garaging is too dominant.	<p>There is a separation of 2.23m between the two hipped roofs and breaks up the dominance of the garage.</p> <p>There are several examples of garaging on side boundaries in the locality.</p>

(\* denotes non-valid planning considerations)

## 9. DEVELOPMENT DATA

Site Characteristics	Dwelling with garage and outbuilding	Development Plan Provision
Total Site Area - Existing	775m <sup>2</sup>	400m <sup>2</sup> – Policy Area
Frontage - Existing	18m	12.5m – Policy Area
Depth - Existing	42.2m (minimum)	20m – Council Wide
Building Characteristics		
Floor Area		
Ground Floor	345m <sup>2</sup>	
Site Coverage		
Roofed Buildings	<b>53.2%</b>	<input type="checkbox"/> 50% of site area
Total Impervious Areas	<b>77.4%</b>	<input type="checkbox"/> 70% of site <input type="checkbox"/>
Total Building Height		

From ground level	6.2m	
<b>Setbacks</b>		
Front boundary (south)	<b>7m - 8m</b>	Not less than the average of the two adjoining dwellings
Side boundary (east)	1.2m	On boundary or 1.0m (on boundary on one side only)
Side boundary (west)	0m	
Rear boundary (north)	11.4m	5.0m
<b>Wall on Boundary</b>		
Location	western side boundary	
Length	7m (16.6%)	□9m or □50% □of the boundary length, whichever is the lesser
Height	<b>3.35m – 3.5m</b>	□3m
<b>Private Open Space</b>		
Min Dimension	11.4m x 7.6m	□4m minimum
Total Area	24.5%	□20%
<b>Car parking and Access</b>		
On-site Car Parking	4 spaces	3 per dwelling where 4 bedrooms or more or floor area 250m <sup>2</sup> or more
Covered on-site parking	2 spaces	□2 car-parking spaces
On-street Parking	2 spaces	0.5 per dwelling
Driveway Width	6m	5m double
Garage/Carport Width	<b>7.5m (42%)</b>	□6.5m or □30% of site width, whichever is the lesser
Garage Internal Dimensions	6.6m x 6.2m (minimum)	5.8m x 6m for double
<b>Outbuildings</b>		
Wall Height	<b>3.3m</b>	□3m
Total Height	3.3m	□5m
Total Floor Area	39.6m <sup>2</sup> (5.2%)	□80m <sup>2</sup> or 10% of the site, whichever is the lesser
<b>Colours and Materials</b>		
Roof	Custom Orb Colorbond roof – Woodland Grey	
Walls	Brick veneer (pgh brick crushed grey) with feature wall tiles on front facade	
Fencing	Rendered brick piers and plinth with aluminium slat infill and timber gates	

(items in **BOLD** do not satisfy the relevant Principle of Development Control)

## 10. ASSESSMENT

### Zone Desired Character and Principles of Development Control

<b>Residential Streetscape (Landscape) Zone</b>
<p><i>Objective 1: Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.</i></p> <p><i>Objective 2: A residential zone for primarily street-fronting. Dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.</i></p> <p><i>Objective 3: Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns.</i></p> <p><i>Objective 4: Development that contributes to the desired character of the zone.</i></p>
<b>Desired Character</b>
<p><i>The Residential Streetscape (Landscape) Zone encompasses much of the living area in the south eastern section of Unley. The zone is distinguished by coherent streetscape patterns. These attributes include the consistent:</i></p> <ol style="list-style-type: none"><li><i>rhythm of building sitings, scale, form and setbacks (front and side) and gaps between buildings;</i></li><li><i>allotment and road patterns;</i></li><li><i>landscape features within streetscapes, including the road verge and forward of the building façade.</i></li></ol> <p><i>Development should respect and contribute positively to the streetscape setting, and where appropriate, the collective features of distinctive and primarily coherent streetscapes. The key considerations are:</i></p> <ol style="list-style-type: none"><li><i>siting - sites with generous front and side setbacks to main dwelling buildings and wide road reserves. Building envelopes should reflect this siting, scale and form to maintain the spatial patterns of traditional settlement. Low open style front fences provide transparent streetscape views of landscaped front yards and compatible development.</i></li><li><i>form - a consistent pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and form is associated with the various architectural styles. Infill dwellings and dwelling additions should maintain traditional scale, proportions and building forms when viewed from the primary streetscape.</i></li><li><i>key elements - the articulation of the built form, verandahs and pitched roofs, are important key elements in minimising the visual dominance of buildings to the primary streetscape setting. The careful composition of facades to reduce building mass, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements, assist in complementing the desired character. Low open style front fences complement the style and predominant form of dwellings within the street and streetscape views of landscaped front yards.</i></li></ol>
<b>Assessment</b>

The applicant seeks to construct a new single storey detached dwelling that will front onto Invergowrie Avenue. The proposed development is considered to contribute to the streetscape setting by:

- improving upon its setting in regards to the front setback;
- retaining a mature deciduous tree within the front garden;
- maintaining the largely single storey nature of traditional building stock along with wall heights that will complement the scale of the neighbouring dwellings;
- not replicating the architectural form or being of a scale that will dominate over the character dwellings located within the street.

Although the character of Invergowrie Avenue is kept largely intact through the retention of most of the traditional dwellings, a number of dwellings have been modified and added onto in a way that has diminished some of the character relating to setbacks, garaging and the single storey building heights.

Relevant Zone Principles of Development Control	Assessment
<p><b>PDC 7</b>  <i>Development should retain and enhance its streetscape contribution by being sited and designed to respond positively to the streetscape context of its locality in terms of the:</i></p> <ul style="list-style-type: none"> <li>a) <i>rhythm and setting of buildings and open spaces (front and side setbacks);</i></li> <li>b) <i>dominant garden and landscape vistas;</i></li> <li>c) <i>recessive or low-key nature of vehicle garaging and the associated driveway and minimising the number and width of access points to public roads.</i></li> </ul>	<p>Firstly, it is noted that the demolition of the existing dwelling does not require Planning Consent as per the Schedule 1A of the <i>Development Regulations 2008</i>.</p> <p>The proposed new dwelling will be located closer to the front boundary than the existing dwelling. The existing dwelling however is located over 12 metres from the front fence, which is a substantial setback and results in the dwelling being dominated by the two-storey dwelling to the east. By siting the new dwelling closer to the street but in line with the dwelling to the east, allows for the setbacks along the street to be more consistent, whilst still allowing for ample area for a front garden and landscaping.</p> <p>A front garden has been included as part of the proposal and it is intended that a mature deciduous tree is retain within that garden. This tree complements the leafy nature of the street and therefore its retention is a positive aspect of the proposal.</p> <p>For an assessment regarding the garaging, refer to PDC 13 below.</p>
<p><b>PDC 10</b>  <i>Buildings and structures should suitably reference the contextual conditions of its locality and contribute positively to the</i></p>	<p>The proposed new dwelling is single storey in height which maintains the predominant (and traditional) building height in the locality. The wall heights of</p>

Relevant Zone Principles of Development Control	Assessment
<p><i>desired character, particularly in terms of its:</i></p> <ul style="list-style-type: none"> <li><i>(a) building scale and form relative to its setback and the overall size of its site;</i></li> <li><i>(b) streetscape setting or the pattern of buildings and spaces (front and side setbacks), and gaps between buildings;</i></li> <li><i>(c) front fencing being low and visually permeable to emphasise a strong streetscape landscape character.</i></li> </ul>	<p>the dwelling, being approximately 3.3 metres, will also complement the traditional scale of the dwellings.</p> <p>The new dwelling however does not replicate the rather bulky roof form and front verandah, that are an essential element of the bungalow and tudor styles found in the locality. Whilst this may be perceived as a negative factor of the dwelling design, it actually allows for the existing traditional dwellings to retain their prominence. The new dwelling can then positively influence the streetscape with its setting and subtle references without dominating over the traditional building stock.</p>
<p><b>PDC 13</b>  <i>A carport or garage should form a relatively minor streetscape element and should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be located to the rear of the dwelling as a freestanding outbuilding; or</i></li> <li><i>(b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade and adopt a recessive building presence. In this respect, the carport or garage should:</i> <ul style="list-style-type: none"> <li><i>i. incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and</i></li> <li><i>ii. be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and</i></li> <li><i>iii. have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and</i></li> </ul> </li> </ul>	<p>In accordance with Zone PDC 13 (b), the associated double garage will be attached alongside the dwelling and behind its primary street façade. It is considered however that the garage has not been sufficiently designed to appear as a minor streetscape element. In considering the merits of the proposed garage, it is noted that the garage adopts the following features:</p> <ul style="list-style-type: none"> <li>- the garage is located under a separate hipped roof and is not incorporated as part of the front porch;</li> <li>- the front wall of the garage is setback further than the dwelling;</li> <li>- the eave of the garage will be in line with the dwelling however as the garage wall is setback further will create a larger overhang that will assist to recede the appearance of the garage;</li> <li>- the garage has a lesser width than the associated dwelling and porch;</li> <li>- the garage will be sited alongside the driveway of the property to the west and therefore gaps between buildings are maintained as the associated dwelling is also setback from the eastern boundary;</li> </ul>

Relevant Zone Principles of Development Control	Assessment
<p><i>iv. not be sited on a side boundary, except for minor scale carports, and only where the desired building setback from the other side boundary is achieved.</i></p>	<p>- the garage will be partially screened by a solid timber fence and an existing mature street tree.</p> <p>On balance, it is considered that garage will not be the predominant element when viewing the property from the street. Furthermore, the garage does not result in detrimental impact to the building siting and landscape features that are the key attributes of the Zone.</p>
<p><b>PDC 15</b>  <i>Fencing of the primary street frontage should establish, or maintain, the desired character, compatibility with the style of the associated dwelling and its open streetscape presence, and comprise:</i></p> <p><i>(a) on narrow-fronted dwelling sites of up to 16 metres in street frontage - low and essentially open-style fencing, including picket, crimped wire or decorative mesh of up to 1.2 metres in height or low hedging also of up to 1.2 metres in height</i></p> <p><i>(b) on dwelling sites in excess of 16 metres in street frontage - low and essentially open-style fencing as in (a) but may also include masonry pier and plinth (palisade style) fencing with decorative open sections of up to 1.8 metres in total height.</i></p>	<p>The proposed front fence comprises of a masonry (brick) pillars and with a metal infill and timber gates up to a height of 1.8 metres. As the subject land has a frontage over 16 metres in width, the proposed fencing complies with PDC 15. The open fencing is aligned with the dwelling component, whilst the more solid timber gates will be located in front of the garage.</p> <p>It is noted that the front fence only requires Planning Consent approval as it includes masonry pillars that exceed 1 metre in height. Any fencing, other than masonry, up to a height of 2.1 metres does not require Development Approval.</p>

**Policy Area Desired Character and Principles of Development Control**

<b>Landscape Policy Area 11</b>
<b>Desired Character</b>
<p><i>This policy area comprises three precincts with allotment sizes of 300, 400 and 560 square metres. Development will seek to retain the prevailing low scale of development and the coherent rhythm, building spacing and landscaped setting. The policy area is confined to Fullarton, Highgate, Malvern (south), Forestville (south) and Myrtle Bank.</i></p>
<b>Assessment</b>
<p>The subject site is specifically located within Precinct 11.2 which seeks a minimum site area of 400m<sup>2</sup>. The existing allotment is nearly double this with the proposal maintaining the existing allotment size and shape. A single</p>

detached dwelling is proposed for the site which will also maintain the prevailing low scale residential nature of the locality.

Relevant Policy Area Principles of Development Control	Assessment
<p><b>PDC 2</b>  <i>Development should:</i></p> <p><i>(a) be primarily detached dwellings, with sensitive infill development sited and designed so as to be inconspicuous from the streetscape and maintain the desired character and key streetscape setting features.</i></p> <p><i>(b) conserve the physical attributes and key streetscape setting features comprising:</i></p> <p><i>(i) setting - the regular prevailing subdivision and allotment pattern that produces a characteristic streetscape pattern of allotment frontages, buildings and gardens spaced behind generally open fenced front boundaries. Primary street setbacks are generally 6m to 8m and side setbacks consistently no less than 1 m and most often greater.</i></p> <p><i>(ii) form - the characteristic features of consistent scale and proportions of buildings including wall heights and roof designs to the streetscape</i></p> <p><i>(iii) key elements - good articulation of walls and roofs to street facades to reduce the scale, bulk and dominance of buildings to the streetscape.</i></p>	<p>The front setback of the dwelling and garage is between 7 and 8 metres. This variation is mainly due to the angled front boundary. The allotment is longer along the eastern side than the western side and therefore the 8-metre setback is near the eastern side. The front setback also aligns with the eastern adjacent dwelling.</p> <p>The dwelling will be setback at least 1 metre from the side boundary, with the garage being located on the western side boundary. These setbacks are consistent with the described setbacks of the Policy Area.</p>

## **Relevant Council Wide Objectives and Principles of Development Control**

An assessment has been undertaken against the following Council Wide Provisions:

<b>City-wide Objectives and Principles of Development Control</b>		
<b>Design and Appearance</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2, 3, 12, 13, 14, 15, 18
<b>Landscaping</b>	<i>Objectives</i>	1
	<i>PDCs</i>	1, 2
<b>Residential Development</b>	<i>Objectives</i>	1, 2
	<i>PDCs</i>	1, 5, 6, 13, 14, 15, 16, 17, 19, 20, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 43, 44, 45, 46, 47, 48, 49, 51

The following table includes the Council-wide provisions that warrant further discussion in regards to the proposed development:

<b>Relevant Council Wide Provisions</b>	<b>Assessment</b>
<b>Residential Development</b>	
<b>PDC 16 &amp; 17 – Site Coverage</b>	<p>Although the proposed dwelling will exceed the maximum site coverage and impervious surfaces requirements, it is considered acceptable as:</p> <ul style="list-style-type: none"> <li>- sufficient private open space including soft landscaping surfaces have been provided;</li> <li>- sufficient onsite stormwater retention and detention storage has been provided;</li> <li>- impervious areas are difficult to regulate as paving etc is not defined as development;</li> <li>- sufficient space has been provided for pedestrian and vehicle access and parking, storage and clothes drying areas, entry of natural light;</li> <li>- the relevant setback provisions have been met.</li> </ul>
<b>PDC 29 - Garages</b>	<p>The proposed garage has a width that is greater than 30% of the site width. In consideration of PDC 29, it is however noted that:</p> <ul style="list-style-type: none"> <li>- the garage will have a roof form that is visually distinguished from the dwelling;</li> <li>- the width of the garage is less than the dwelling;</li> <li>- the garage is set slightly behind the dwelling;</li> <li>- the garage will appear further recessed due to a wider eave which will create additional shadow;</li> <li>- the garage will be screened by a timber fence, street tree and existing tree that is to be retained on site.</li> </ul>



Relevant Council Wide Provisions	Assessment
<b>PDC 30 - Outbuildings</b>	Along with the dwelling and garage, a detached habitable outbuilding is also proposed to be located in the rear back corner of the site. The outbuilding is proposed to be located along the rear and western side boundaries. The outbuilding generally satisfies the provisions of PDC 30 except for the wall height, which exceeds the maximum of 3 metres. The outbuilding however will be mostly abutting outbuildings located on neighbouring properties and therefore will not impact on those properties.

## **11. CONCLUSION**

In summary, the application is not considered to be seriously at variance with the Development Plan and is considered to satisfy the provisions of the Development Plan for the following reasons:

- The proposed new dwelling will improve upon the properties setting within the streetscape without resulting in a detrimental impact to the front garden or verge;
- The proposed new dwelling has been designed with sufficient regard to the contextual conditions of the locality whilst presenting a modest façade that will be inconspicuous within the streetscape, allowing the traditional character dwellings to remain predominant;
- The garage has been designed with sufficient regard to the streetscape and allows the associated dwelling to be the predominant element of the property when viewed from the street;
- The habitable outbuilding has been sited and designed to be ancillary to the dwelling and will not visually dominate the locality.

The application is therefore recommended for Development Plan CONSENT.

## **12. RECOMMENDATION**

MOVED:

SECONDED:

That Development Application 090/721/2020/C2 at 14 Invergowrie Avenue, Highgate SA 5063 to 'Construct single storey dwelling with fencing and erect habitable outbuilding', is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

## DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The construction of the crossing place(s)/alteration to existing crossing places shall be carried out in accordance with any requirements and to the satisfaction of Council at full cost to the applicant. All driveway crossing places are to be paved to match existing footpath and not constructed from concrete unless approved by council. Refer to council web site for the City of Unley Driveway Crossover specifications <https://www.unley.sa.gov.au/forms-and-applications#>
3. That the existing crossover shall be closed and reinstated with kerb and water table in accordance with Council requirements, and at the applicant's expense, prior to occupation of the development.
4. All stormwater from the building and site shall be disposed of so as to not adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

## NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:

- It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the **applicant**.
- The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).
- The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Administration
C	Response to Representations	Applicant

# ATTACHMENT A

PROPOSED RESIDENTIAL DEVELOPMENT  
 14 INVERGOWRIE AVENUE HIGHGATE SA 5063

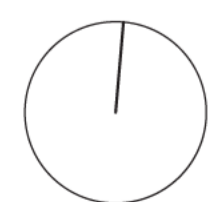


LOCATION PLAN

SCHEDULE OF AREAS

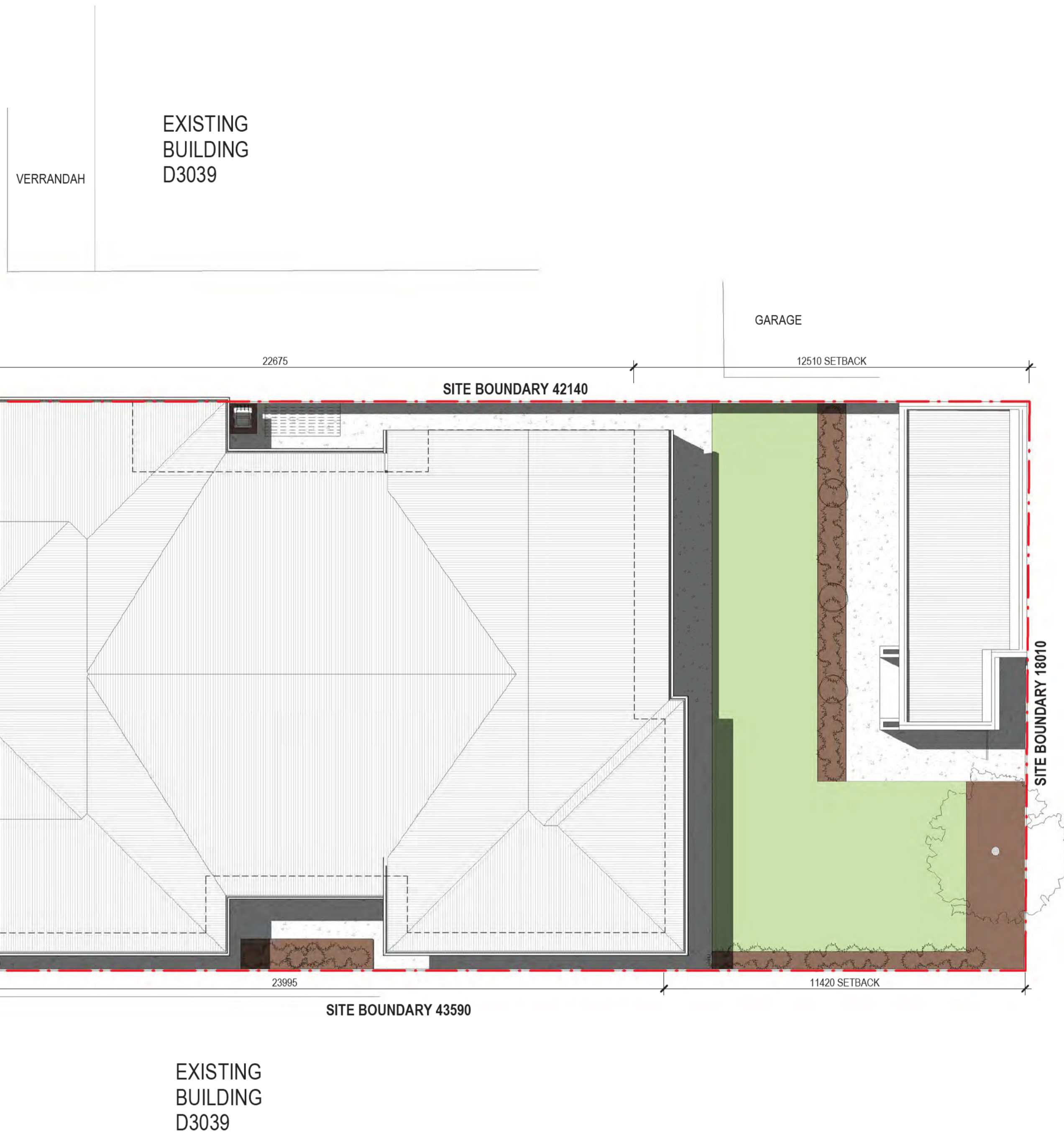
TOTAL SITE AREA	772 SQM
PROPOSED BUILDING AREA	
GROUND FLOOR AREA	295 SQM
GARAGE AREA	46 SQM
TOTAL BUILDING AREA	341 SQM
PRIVATE OPEN SPACE	193 SQM

AMENDED PLAN / DOCUMENT  
 DATE: 17/12/2020

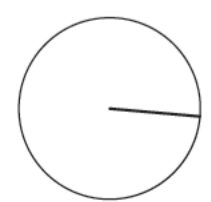


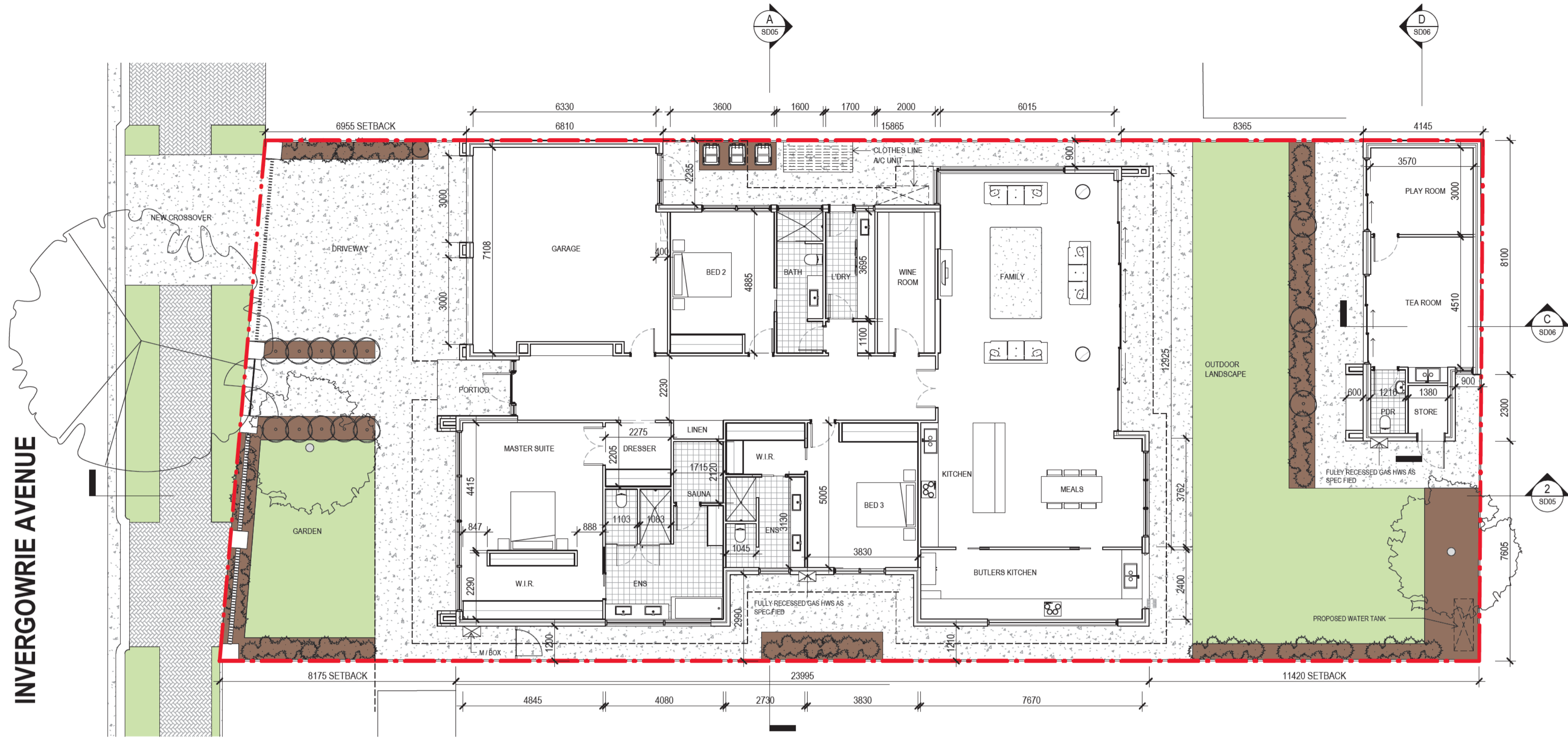
INVERGOWRIE AVENUE

EXISTING STREET TREE TO REMAIN  
EXISTING TREE TO REMAIN  
EXISTING CROSSOVER



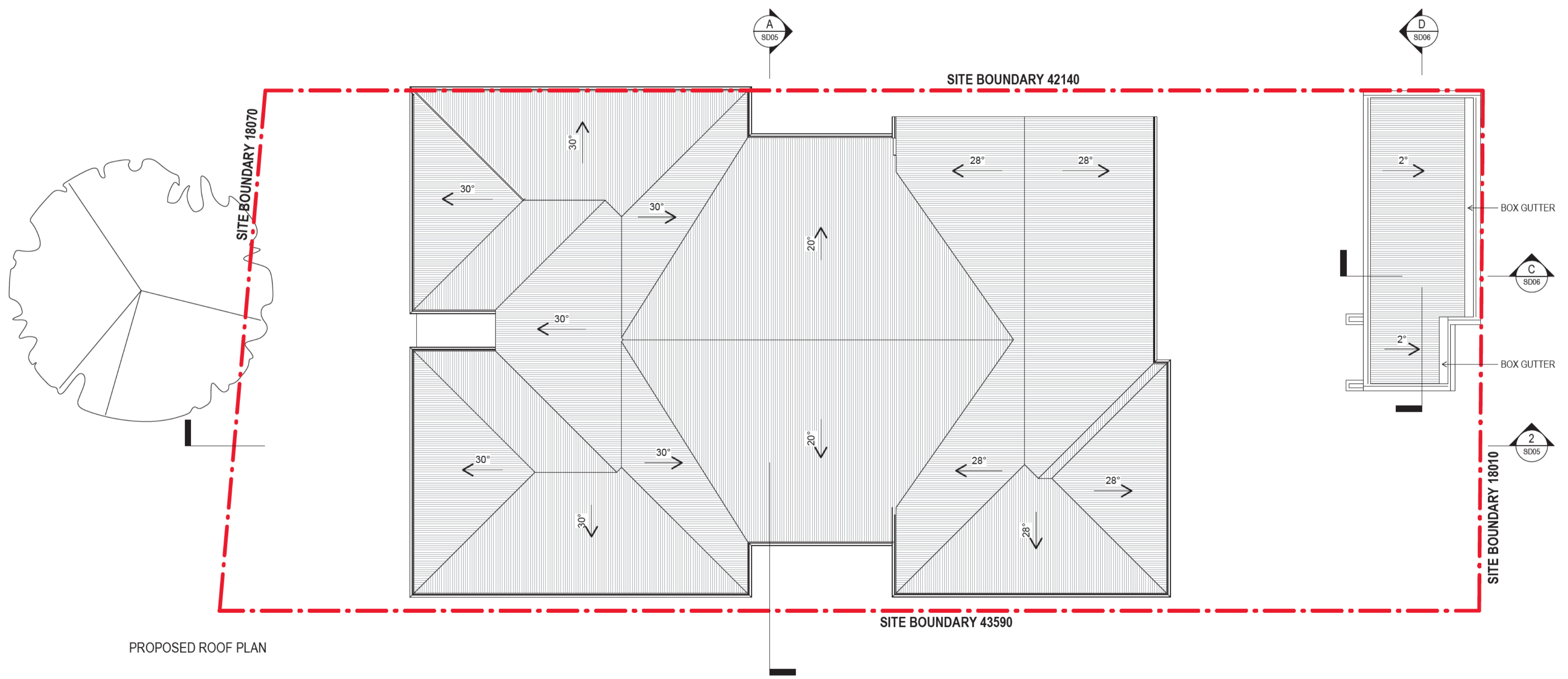
AMENDED PLAN / DOCUMENT  
DATE: 17/12/2020





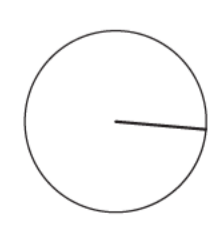
PROPOSED GROUND FLOOR PLAN

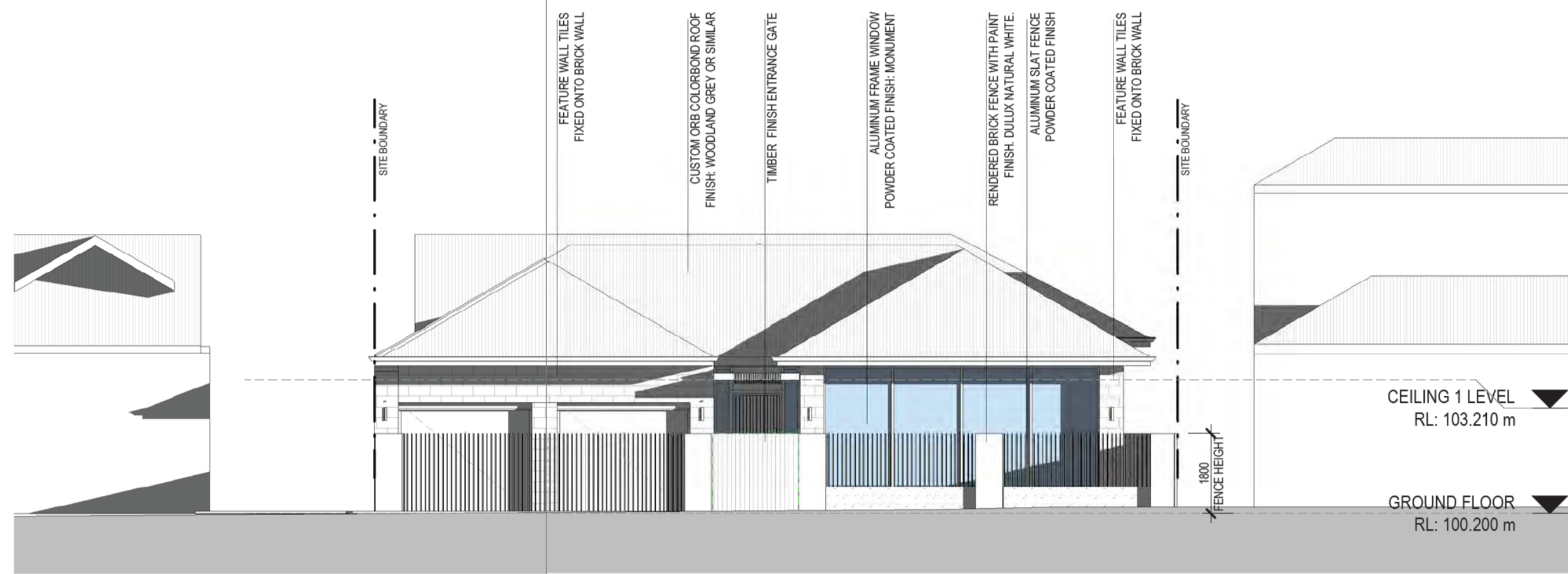
MATERIAL SELECTION SCHEDULE	
IMAGE	DESCRIPTION
	RENDERED BRICK FENCE WITH PAINT FINISH. DULUX NATURAL WHITE.
	ALUMINUM SLAT FENCE POWDER COATED FINISH
	COLORBOND ROOF SHEET
	NOMINATED COLORBOND FENCE WALL
	ALUMINUM FRAME WINDOW POWDER COAT FINISH - MONUMENT
	FEATURE WALL TILES
	BRICK WALL - PGH BRICK CRUSHED GREY



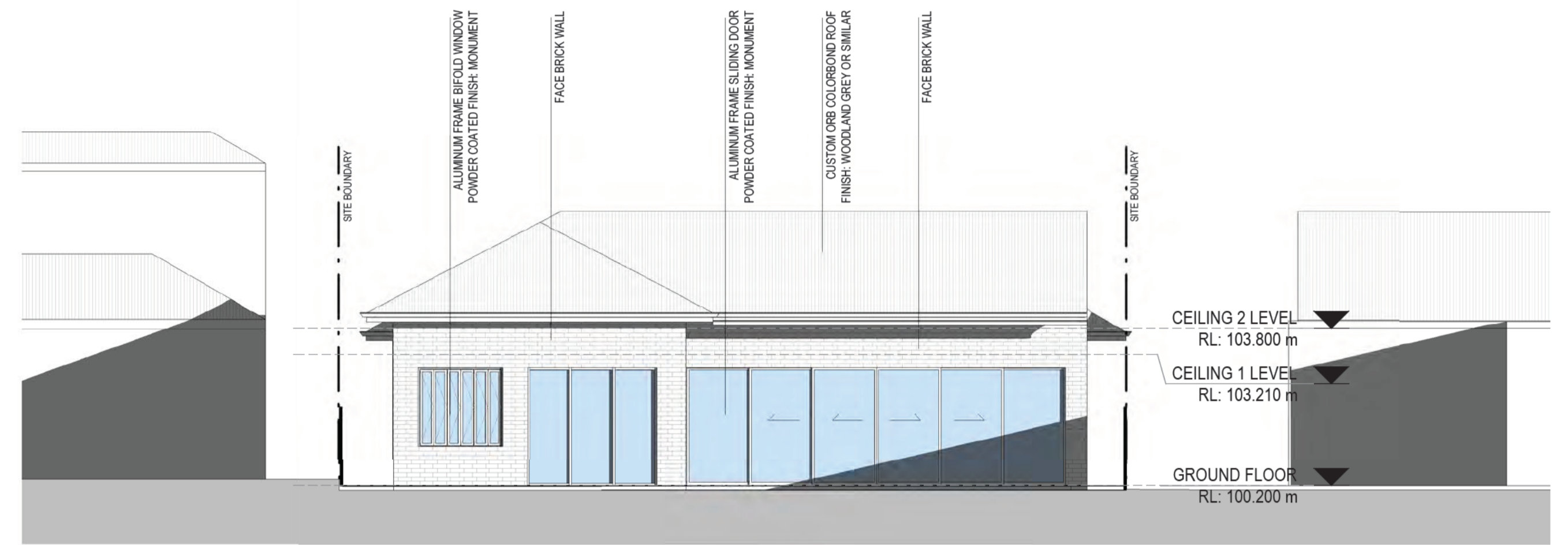
PROPOSED ROOF PLAN

**AMENDED PLAN / DOCUMENT  
DATE: 17/12/2020**

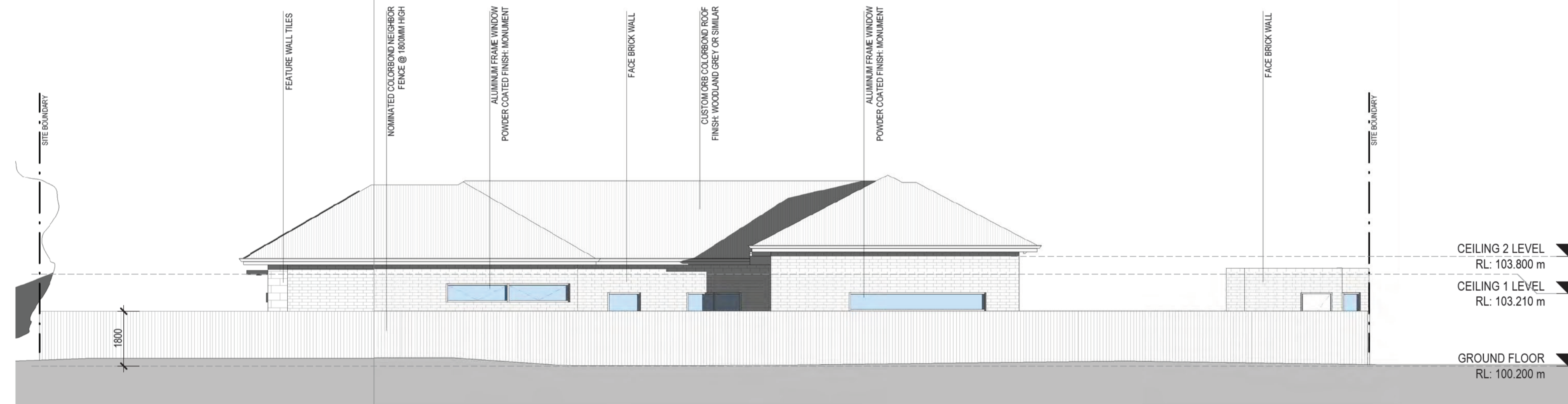




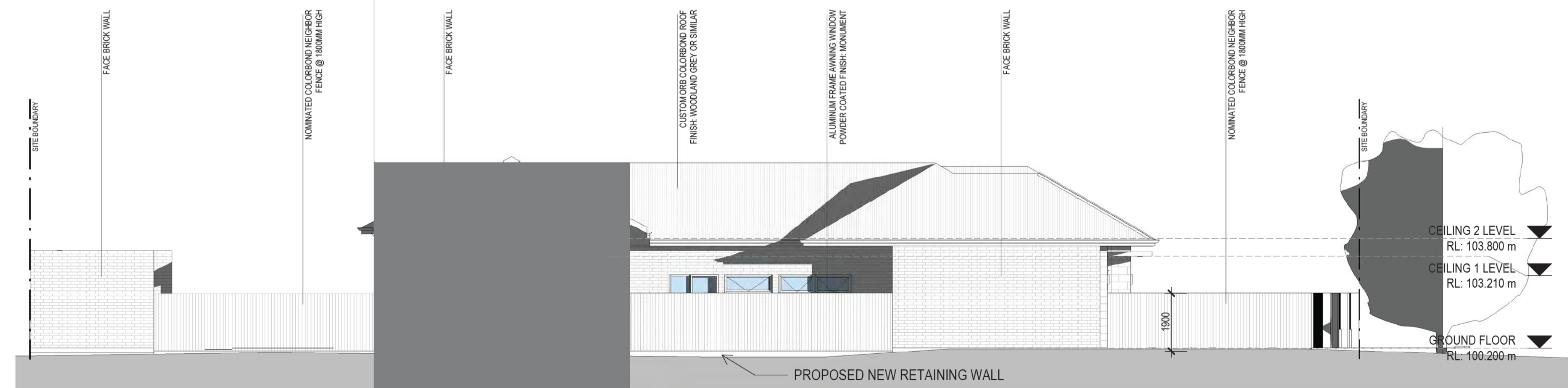
**SOUTH ELEVATION**  
Scale 1:100



**NORTH ELEVATION**  
Scale 1:100



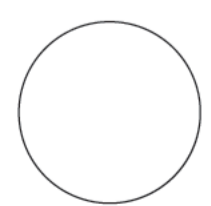
**EAST ELEVATION**  
Scale 1:100

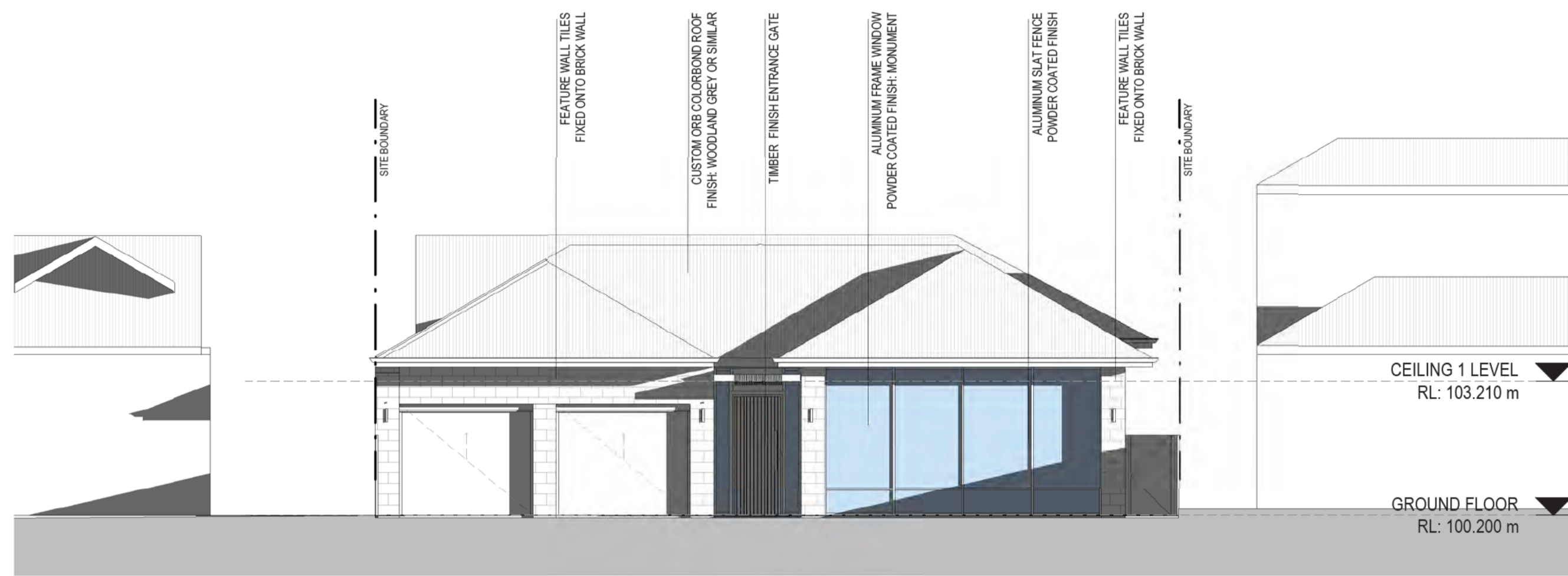


**WEST ELEVATION**  
Scale 1:100

MATERIAL SELECTION SCHEDULE	
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	ALUMINUM SLAT FENCE POWDER COATED FINISH
	COLORBOND ROOF SHEET
	NOMINATED COLORBOND FENCE WALL
	ALUMINUM FRAME WINDOW POWDER COAT FINISH - MONUMENT
	FEATURE WALL TILES
	BRICK WALL - PGH BRICK CRUSHED GREY

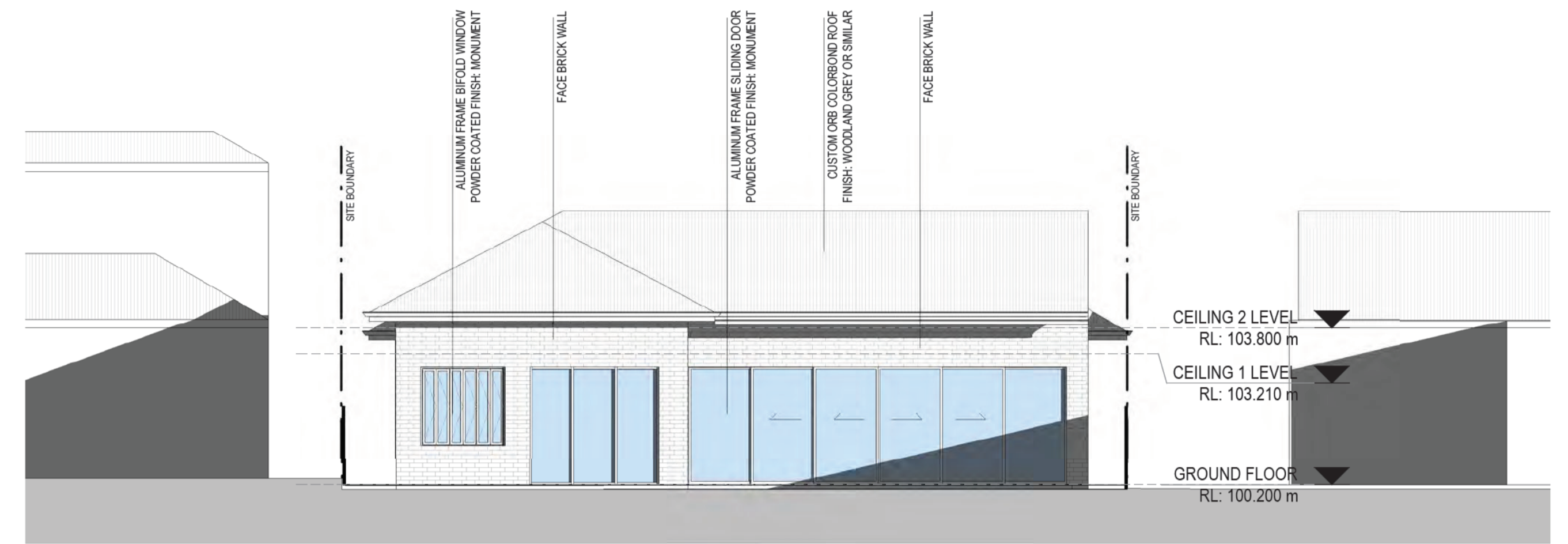
**AMENDED PLAN / DOCUMENT**  
**DATE: 17/12/2020**





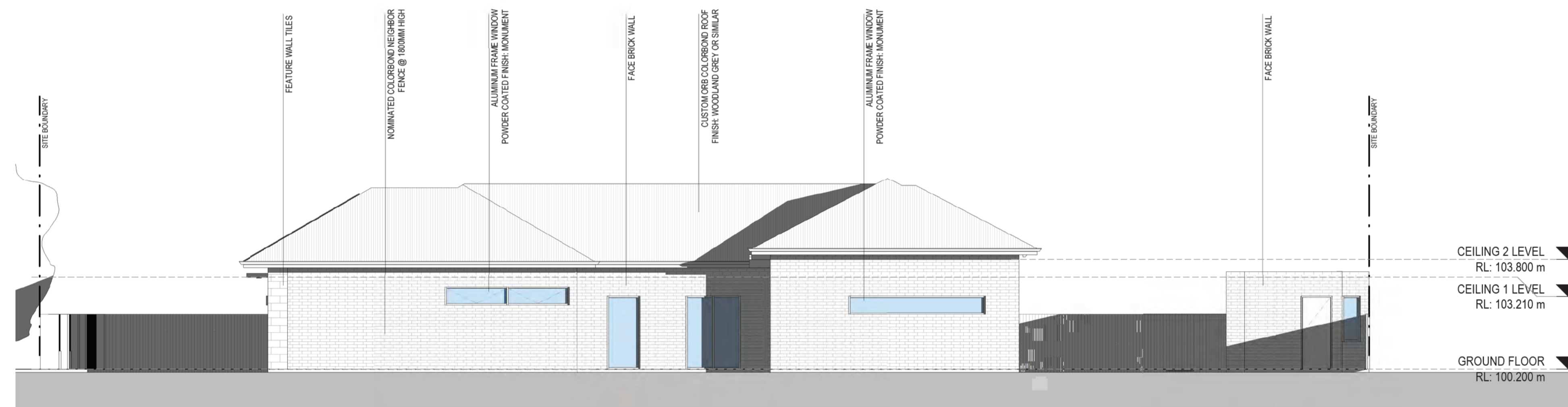
**SOUTH ELEVATION WITHOUT FENCE AND RETAINING WALL**

Scale 1 : 100



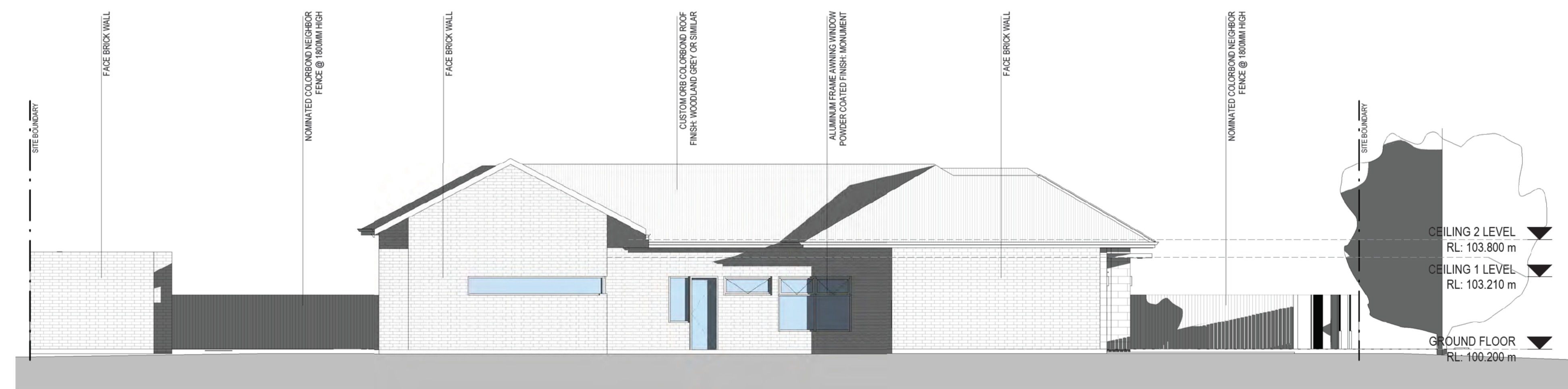
**NORTH ELEVATION WITHOUT FENCE AND RETAINING WALL**

Scale 1 : 100



**EAST ELEVATION WITHOUT FENCE AND RETAINING WALL**

Scale 1 : 100

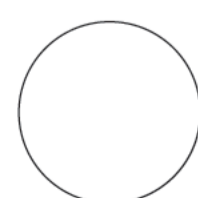


**WEST ELEVATION WITHOUT FENCE AND RETAINING WALL**

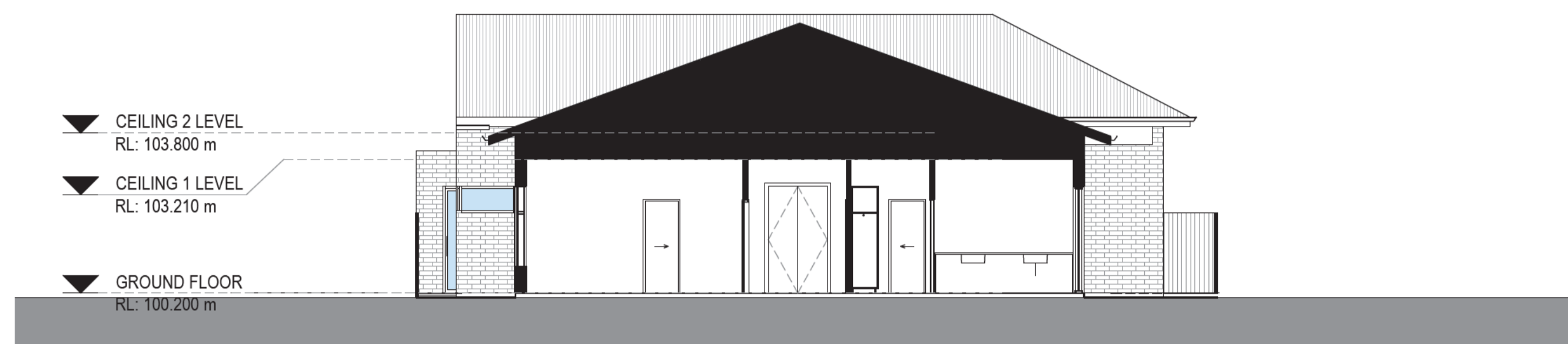
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MATERIAL SELECTION SCHEDULE	
IMAGE	DESCRIPTION
	RENDERED BRICK FENCE WITH PAINT FINISH. DULUX NATURAL WHITE.
	ALUMINUM SLAT FENCE POWDER COATED FINISH
	COLORBOND ROOF SHEET
	NOMINATED COLORBOND FENCE WALL
	ALUMINUM FRAME WINDOW POWDER COAT FINISH - MONUMENT
	FEATURE WALL TILES
	BRICK WALL - PGH BRICK CRUSHED GREY

**AMENDED PLAN / DOCUMENT**  
DATE: 17/12/2020





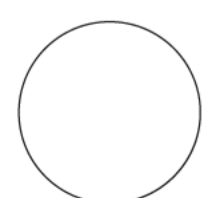


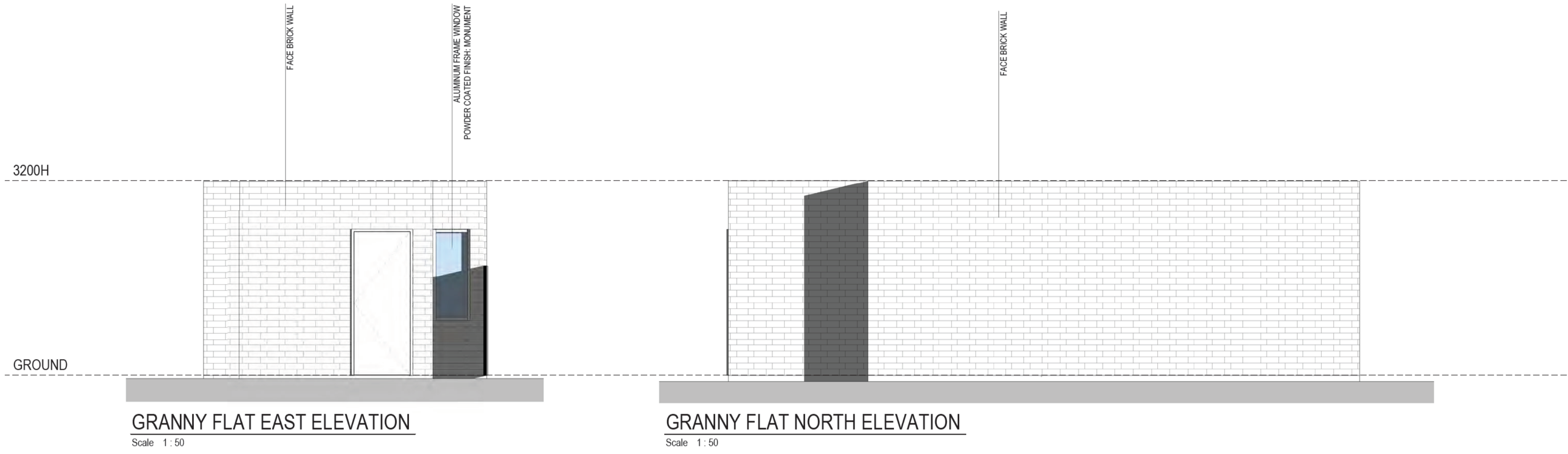
**SECTION A**  
Scale 1 : 100



**SECTION B**  
Scale 1 : 100

**AMENDED PLAN / DOCUMENT**  
**DATE: 17/12/2020**



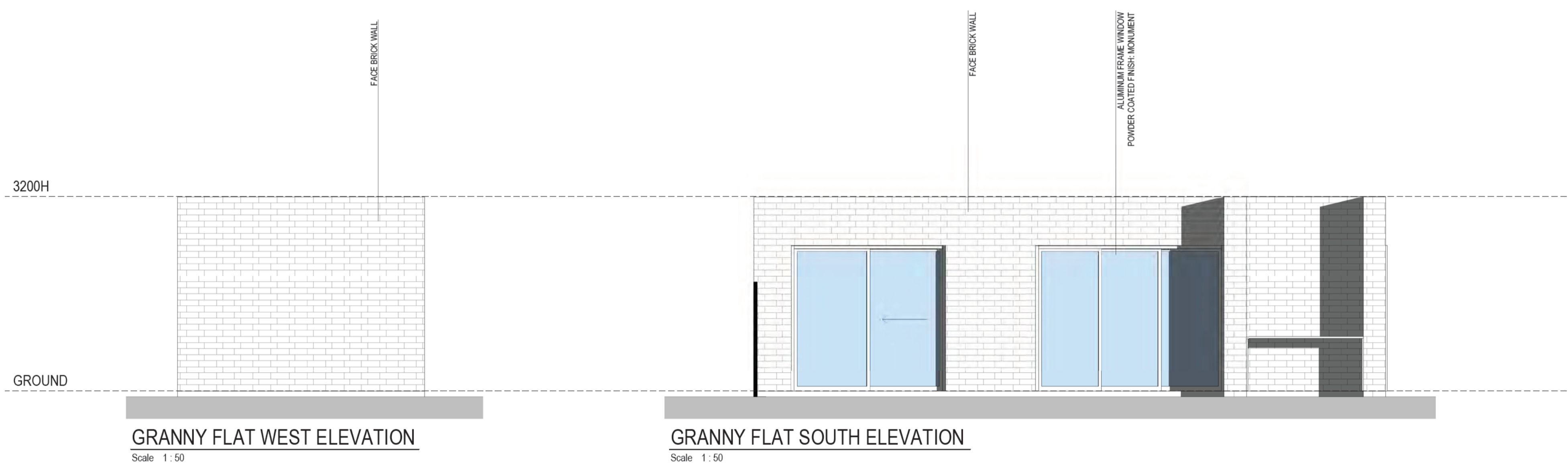


**GRANNY FLAT EAST ELEVATION**

Scale 1:50

**GRANNY FLAT NORTH ELEVATION**

Scale 1:50

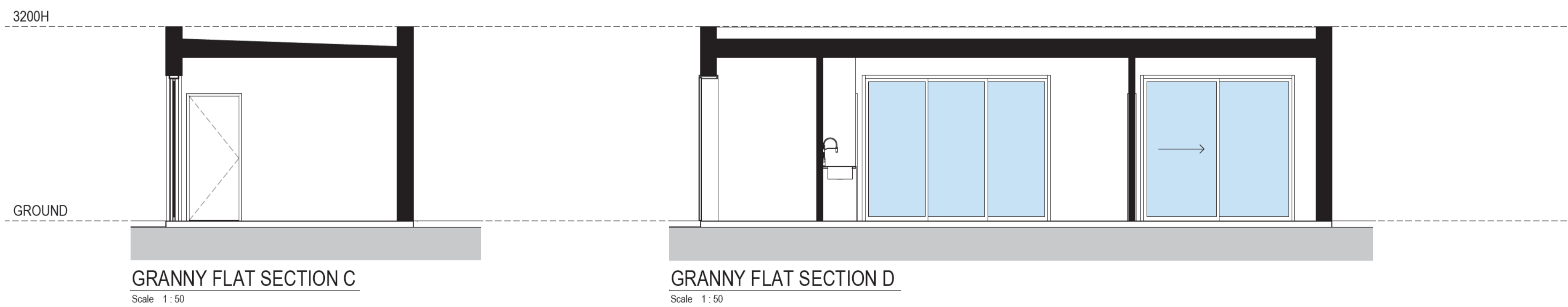


**GRANNY FLAT WEST ELEVATION**

Scale 1:50

**GRANNY FLAT SOUTH ELEVATION**

Scale 1:50



**GRANNY FLAT SECTION C**

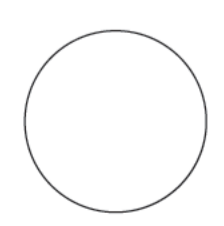
Scale 1:50

**GRANNY FLAT SECTION D**

Scale 1:50

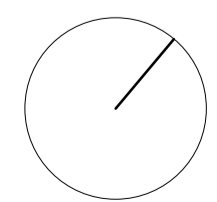
MATERIAL SELECTION SCHEDULE	
IMAGE	DESCRIPTION
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	ALUMINUM SLAT FENCE POWDER COATED FINISH
	COLORBOND ROOF SHEET
	NOMINATED COLORBOND FENCE WALL
	ALUMINUM FRAME WINDOW POWDER COAT FINISH - MONUMENT
	FEATURE WALL TILES
	BRICK WALL - PGH BRICK CRUSHED GREY

**AMENDED PLAN / DOCUMENT**  
DATE: 17/12/2020



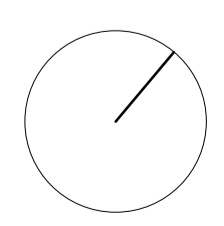


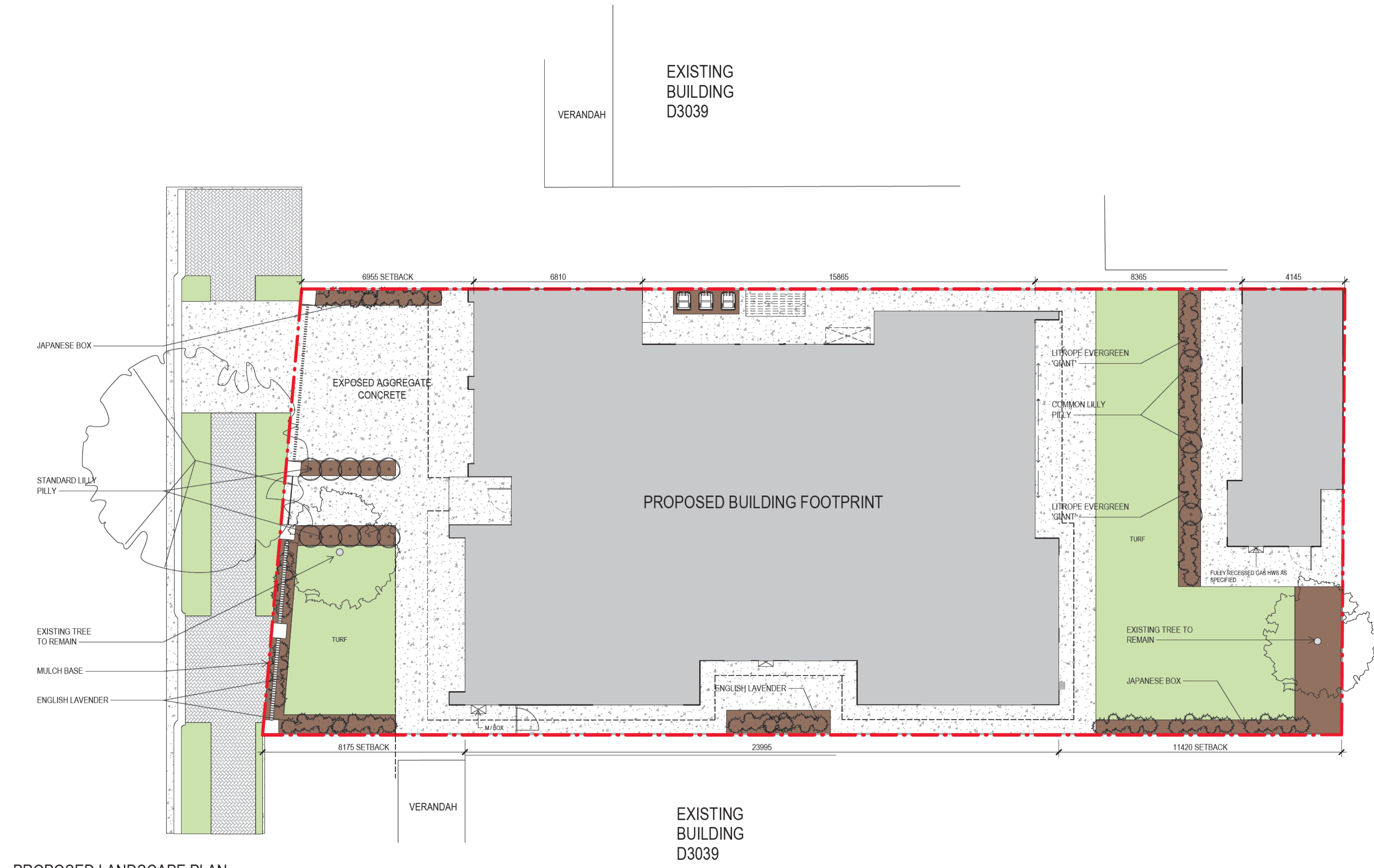
**AMENDED PLAN / DOCUMENT**  
**DATE: 17/12/2020**





**AMENDED PLAN / DOCUMENT**  
**DATE: 17/12/2020**





PROPOSED LANDSCAPE PLAN



ENGLISH LAVENDER



JAPANESE BOX

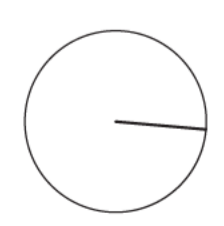


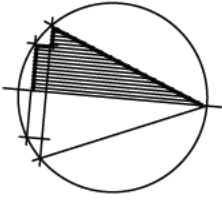
LIRIOPE EVERGREEN 'GIANT'




STANDARD LILLY PILLY

AMENDED PLAN / DOCUMENT  
DATE: 17/12/2020





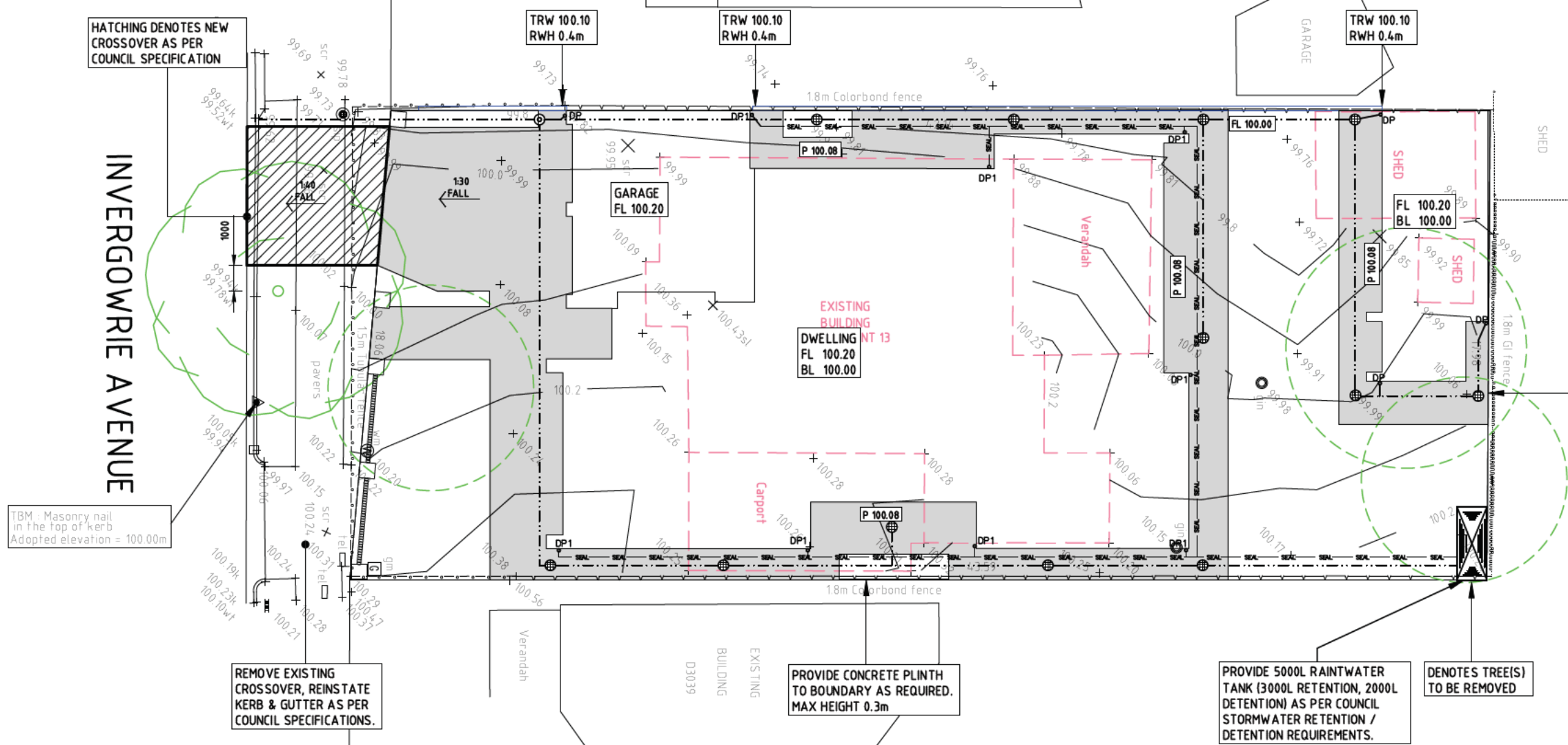
**NOTES:**

- ALL STORMWATER PIPES SHALL BE LAID AS PER AS 3500 TO ACHIEVE MINIMUM COVER AND GRADE (0.5% MIN) U.N.O. IF COVER CAN NOT BE ACHIEVED ENCASE PIPE IN 100 THICK CONCRETE.
- BEDDING AND BACK-FILLING AROUND STORMWATER PIPES SHALL CONFORM TO AS 3725-1989.
- PROVIDE LAGGING TO ALL PIPE PENETRATIONS THROUGH FOOTING BEAMS.  
UP TO H1-D CLASS SITE: 20MM THICK LAGGING  
H2-D - E-D CLASS SITE: 40MM THICK LAGGING
- SEWER & STORMWATER CONNECTIONS FOR THIS SITE:  
UP TO M-D CLASS SITE: FLEXIBLE CONNECTIONS NOT REQUIRED  
H1-D, H2-D & E-D CLASS SITE: FLEXIBLE CONNECTIONS ARE REQUIRED
-  DENOTES 5000L RAINWATER TANK (3000 RETENTION & 2000 DETENTION). IN ACCORDANCE WITH THE AMENDED REQUIREMENTS OF THE BCA ENSURE TANK WATER IS  
(a) PLUMBED TO AT LEAST A WATER CLOSET OR A WATER HEATER OR ALL LAUNDRY COLD WATER OUTLETS.  
(b) THE INLET AND OVERFLOW OF THE TANK MUST BE FITTED WITH MOSQUITO-PROOF, NON DEGRADABLE SCREENS FORMED FROM Ø0.315MM MATERIAL AND HAVE A MINIMUM OF 6X7 OPENINGS SQCM.
- ALL SERVICE LINES ARE SHOWN APPROXIMATELY AND OFFSET ACCORDINGLY FOR DRAFTING PURPOSES. GENERAL LAYOUTS OF THESE SERVICE LINES ARE TO BE FOLLOWED, HOWEVER SPECIFIC OFFSET AND POSITIONING OF THESE LINES IS TO BE DETERMINED BY THE LICENSED INSTALLER ON SITE AT THE TIME OF CONSTRUCTION.















NOTE: LEVEL SURVEY PROVIDED BY CLIENT.

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

NOTE: INVERT OF SEWER IP NOT IDENTIFIED AT TIME OF SURVEY. BUILDER / CONTRACTOR TO CHECK PROPOSED FLOOR LEVELS FOR SEWER FALLS PRIOR TO COMMENCEMENT OF CONSTRUCTION.



PROVIDE CONCRETE PLINTH TO BOUNDARY AS REQUIRED. MAXIMUM HEIGHT 300mm.

- LEGEND**
-  Ø90 uPVC STORMWATER PIPE
  -  Ø100 uPVC STORMWATER SEALED SYSTEM
  -  INTERNAL SEWER (GROUND FLOOR)
  -  PUMP CHAMBER DISCHARGE PIPE
  -  RETAINING WALL (MAX. HT SHOWN)
  -  250 SQ MIN GRATED SUMP (U.N.O)
  -  DOWNPIPE (AS PER ARCHITECT/BUILDER)
  -  Ø90 uPVC DOWNPIPE (SEALED SYSTEM)
  -  GRATED TRENCH (STORMWATER)
  -  METER BOX
  -  STORMWATER INSPECTION POINT
  -  STORMWATER Ø100 PVC GRATE
  -  MAXIMUM 1 IN 2 BATTER
  -  PAVING (AS PER ARCHITECT/BUILDER)

- KEY**
- XX EXISTING
  - XX DESIGN
  - TK TOP OF KERB
  - WT WATER TABLE
  - TPL TOP OF PLINTH
  - BPL BOTTOM OF PLINTH
  - TRW TOP OF RETAINING WALL
  - BRW BOTTOM OF RETAINING WALL
  - P PAVING LEVEL
  - BL BENCH LEVEL
  - FL FLOOR LEVEL

AMENDED PLAN / DOCUMENT  
DATE: 10/11/2020

Rev.	Remark/Comment	Date:	Appr.
P2	ISSUED FOR PLANNING APPROVAL	09.11.20	
P1	ISSUED FOR PLANNING APPROVAL	09.10.20	



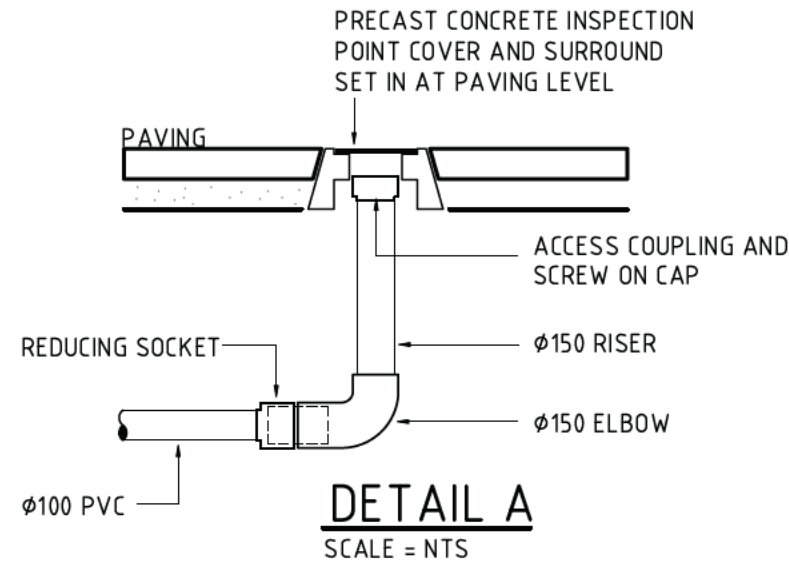
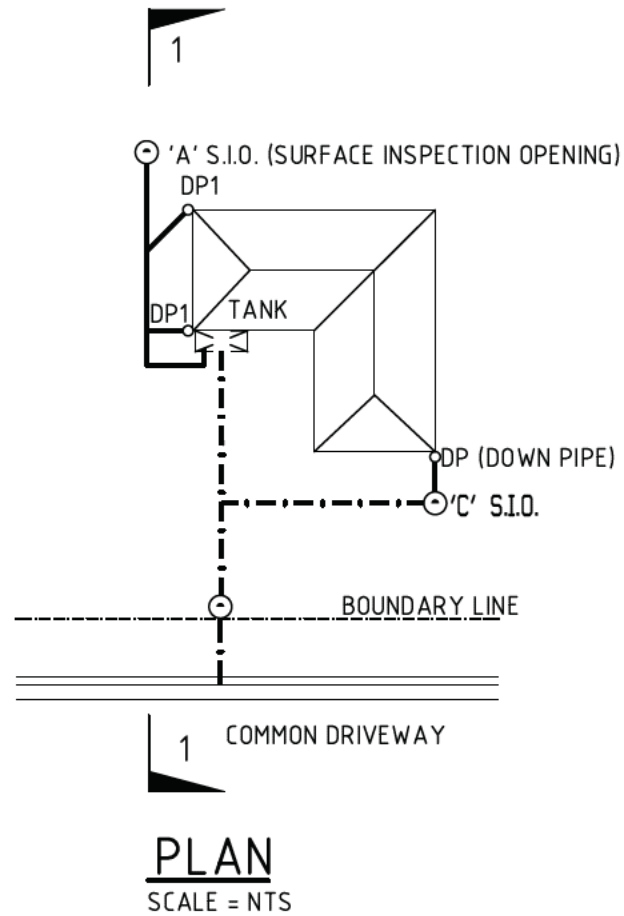
www.intrax.com.au  
Intrax Consulting Group  
VIC | NSW | SA | QLD

Client: AUTA HOMES GROUP

Project: PROPOSED RESIDENCE NO. 14 INVERGOWRIE AVENUE HIGHGATE

Drawing: SITE AND DRAINAGE PLAN

ISSUED FOR PLANNING APPROVAL NOT FOR CONSTRUCTION			
Date: NOV.20	Engineer: L.T.	Drawn: J.Y.	
Scale @ A3: 1:200	Checked: A.N.	No. of Sheets: 2	
Job No. 151699	Drawing No. C01	Rev. 78	P2

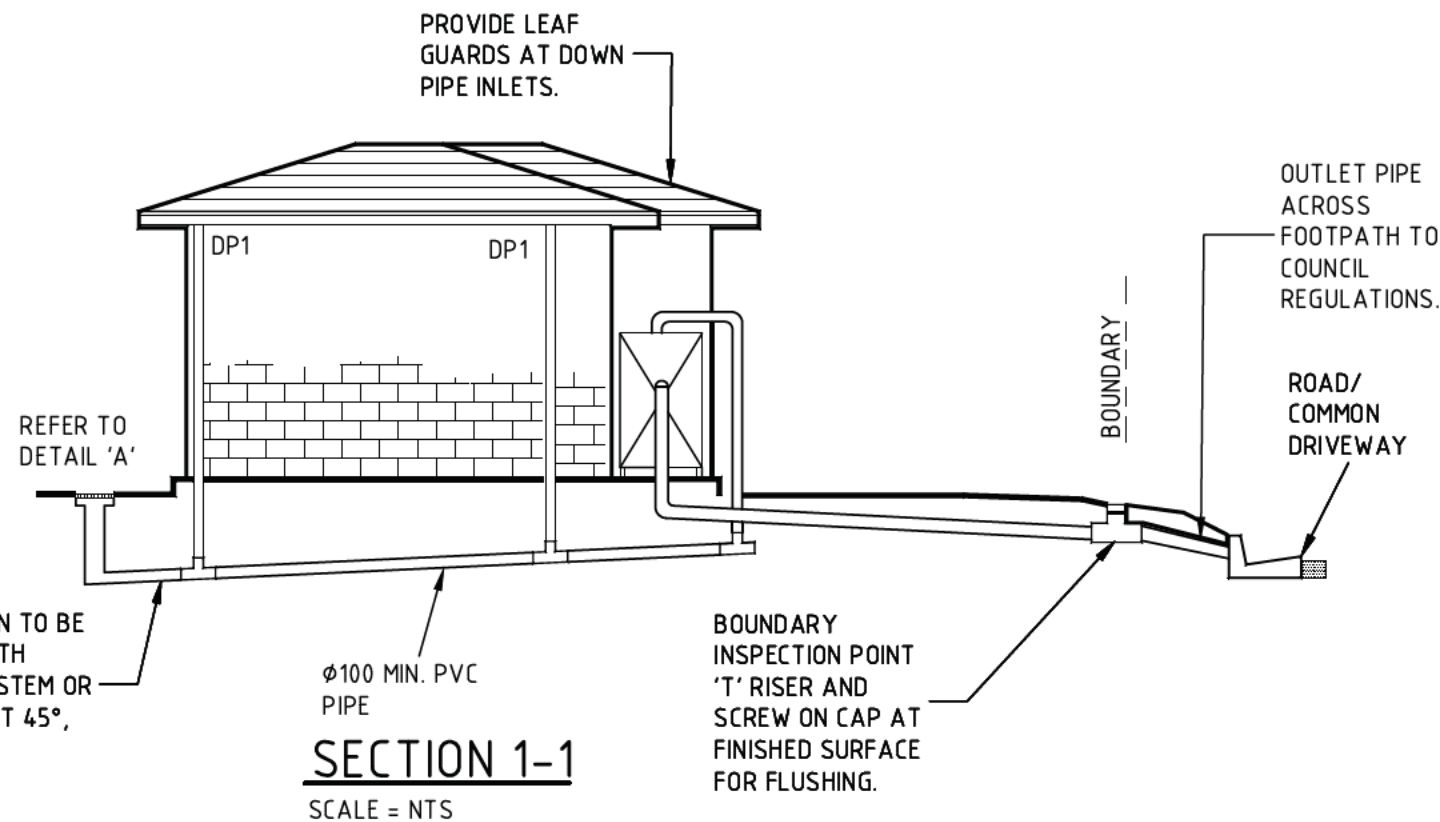
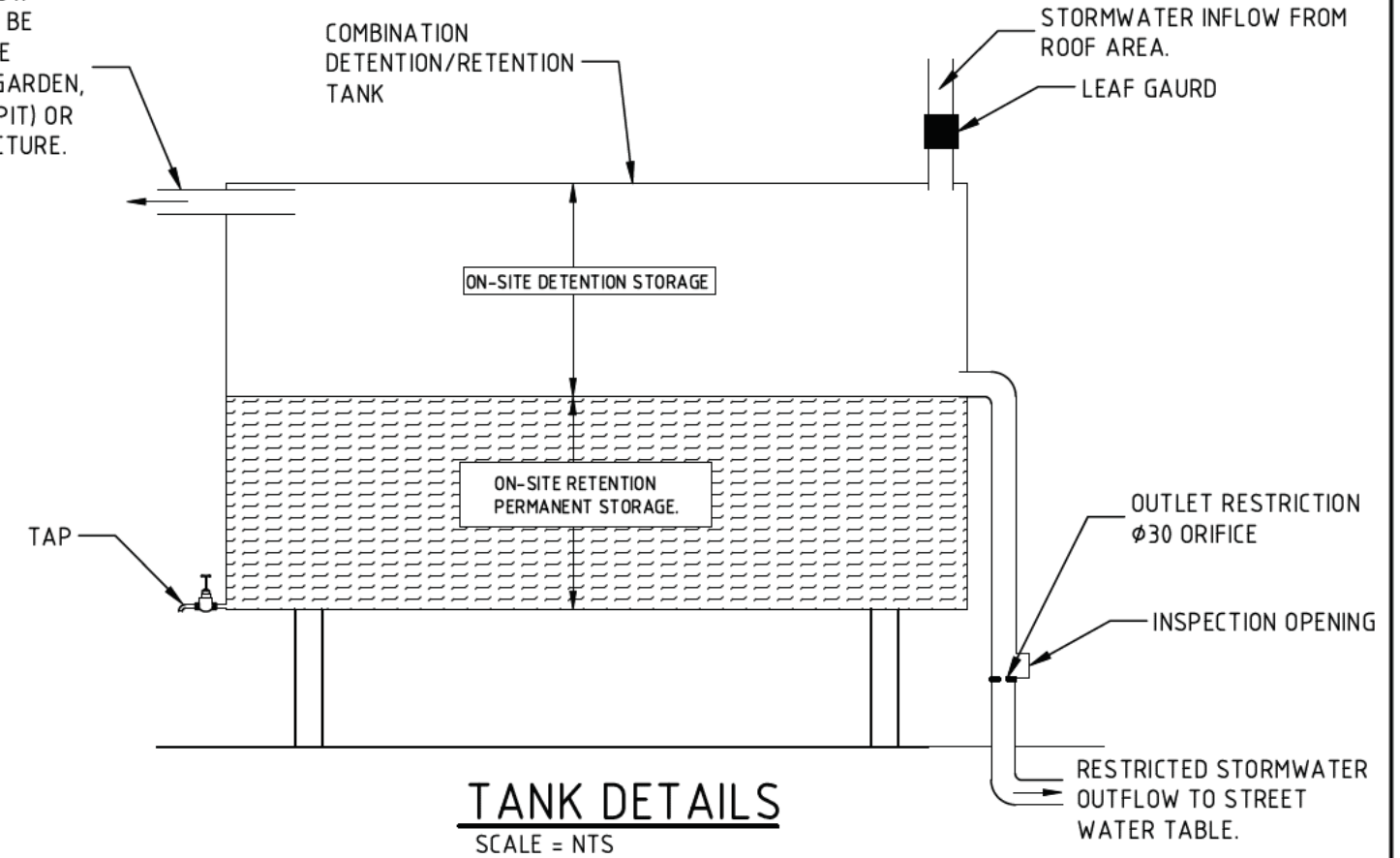


**NOTES:**

1. 'C' DENOTES RISER AND SCREW ON INSPECTION CAP AT FINISH SURFACE LEVEL OR CLEANING EYE IN DOWNPIPE FOR RODDING (AND / OR FLUSHING) PURPOSES AT 'DEAD END' BRANCHES.
2. STORMWATER PIPES TO HAVE A MIN. FALL OF 0.5% (1 IN 200)
3. DO NOT USE SEAMED SHEET METAL DOWN PIPES OR FITTINGS WITH A PRESSURISED SYSTEM.
4. SEALED SYSTEM TO BE CONSTRUCTED TO PRESSURE LINE STANDARD (SOLVENT WELDED JOINTS FOR PVC PIPES) STATIC TESTED BEFORE BACKFILLING.
5. FLUSHING AND MAINTENANCE IS THE RESPONSIBILITY OF THE OWNER

AMENDED PLAN / DOCUMENT  
DATE: 10/11/2020

EMERGENCY OVERFLOW:  
TANK OVERFLOW TO BE DIRECTED TO ON-SITE RETENTION AREAS (GARDEN, LAWN OR SOAKAGE PIT) OR COUNCIL INFRASTRUCTURE.



Rev.	Remark/Comment	Date:	Appr.
P2	ISSUED FOR PLANNING APPROVAL	09.11.20	
P1	ISSUED FOR PLANNING APPROVAL	09.10.20	



Client:  
AUTA HOMES GROUP

Project:  
PROPOSED RESIDENCE  
NO. 14 INVERGOWRIE AVENUE  
HIGHGATE

Drawing:  
SEALED DRAINAGE SYSTEM AND RAINWATER TANK DETAILS

**ISSUED FOR PLANNING APPROVAL**  
NOT FOR CONSTRUCTION

Date: NOV.20	Engineer: L.T.	Drawn: J.Y.
Scale @ A3: AS SHOWN	Checked: A.N.	No. of Sheets: 2
Job No. 151699	Drawing No. C02	Rev. P2

## ATTACHMENT B



## REPRESENTATION Category 2 (Page 1)

To: Chelsea Spangler, City of Unley Development Section

**Please read these notes carefully:**

1. Both pages MUST be completed in full and returned to the City of Unley by the closing date to be a valid representation.
2. This page (ie Page 1) will NOT be published on the internet.
3. Pages 1 and 2 (and any attachments) may be included as attachments in the hard copy of the Council Assessment Panel agenda.
4. Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and attachments) will be forwarded to the Applicant for consultation and response.

The **closing date** for Representations is **5pm on 3 December 2020**.

**Application:** 090/721/2020/C2 14 Invergowrie Avenue, Highgate SA 5063

**Details of Person(s) making Representation:**

Name:

Postal Address:

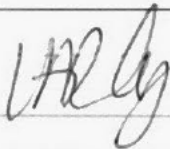
EMAIL ADDRESS:

Daytime Phone No.

Property affected  
by Development



19 Invergowrie Ave, Highgate 5063



(Signature)

24/11/2020

(Date)

CITY OF UNLEY

30 NOV 2020

REF:

## REPRESENTATION Category 2 (Page 2)

To: **Chelsea Spangler, City of Unley Development Section**

1. This page (ie Page 2) and any attachments may be published on the internet and thus be able to be searched via Google and other internet search engines.
2. In accordance with Section 38(8) of the Development Act 1993, a copy of this representation (Pages 1 and 2 and any attachments) will be forwarded to the Applicant for consultation and response.

The closing date for Representations is **5pm on 3 December 2020.**

<b>Application:</b>	090/721/2020/C2 14 Invergowrie Avenue, Highgate SA 5063
<b>Property affected by Development</b>	19 Invergowrie Ave, Highgate 5063

I support the proposed development.

OR (Tick one only)

I object to the proposed development because:

(Please state your reasons so that each planning issue can be clearly identified. Attach extra pages if you wish)

Development is at odds with Policy Area 11: Spacious RS(L). It does not meet objective 1 - it does not enhance the streetscape. It does not meet objective 3 - it is not a sensitive infill as the style is completely at odds with 90% of the homes in the street. It does not meet objective 4 as it is not in the desired character style expected in this zone. It is not sited on the block in a sensitive manner almost spanning the entire width of the block. In addition, the garaging is too dominant. We do not want Invergowrie to be the next Carlton!

**My concerns (if any) could be overcome by:** A more sympathetic facade. Wider setback to the side boundaries.

**WISH TO BE HEARD**

**DO NOT WISH TO BE HEARD**

by the Council Assessment Panel

(Tick one box only. If you do not tick either box it will be assumed that you do not wish to be heard by the Council Assessment Panel.)

## ATTACHMENT C

Dear Chelsea,

I confirm that I have reviewed the one (1) representation received as a result of the Category 2 public notification period.

The subject land is located within the Residential Streetscape (Landscape) Zone, specifically Landscape Policy Area 11.

In the representation, Ms Rodgers raises the following points of concern relating to the Development Plan.

- Objective 3 – It is not a sensitive infill design
- Objective 4 – it is not consistent with the desired character for the zone
- It is not sited in a sensitive manner on the allotment
- The garaging is too dominant

In broad terms, I propose to respond to the concerns through addressing Urban Design and Setbacks

### **Urban Design**

With respect to the Urban Design of the dwelling, the below Objectives and Principles are considered to provide the most appropriate guidance.

*Objective 1: Enhancement of the distinctive and primarily coherent streetscapes by retaining and complementing the built form, setting and surrounding landscape features.*

*Objective 3: Sensitive in-fill development opportunities where appropriate and complementary to the desired character and streetscape setting or providing for the improvement of areas of variable character by replacing discordant buildings and their associated landscape patterns*

#### *Desired Character Statement*

*Development should respect and contribute positively to the streetscape setting, and where appropriate, the collective features of distinctive and primarily coherent streetscapes.*

#### *The key considerations are:*

*(a) siting – sites with generous front and side setbacks to main dwelling buildings and wide road reserves. Building envelopes should reflect this siting, scale and form to maintain the spatial patterns of traditional settlement. Low open style front fences*

*provide transparent streetscape views of landscaped front yards and compatible development.*

*(b) form – a consistent pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and form is associated with the various architectural styles. Infill dwellings and dwelling additions should maintain traditional scale, proportions and building forms when viewed from the primary streetscape.*

*(c) key elements – the articulation of the built form, verandahs and pitched roofs, are important key elements in minimising the visual dominance of buildings to the primary streetscape setting. The careful composition of facades to reduce building mass, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements, assist in complementing the desired character. Low open style front fences complement the style and predominant form of dwellings within the street and streetscape views of landscaped front yards.*

#### *Principle of Development Control 7*

*Development should retain and enhance its streetscape contribution by being sited and designed to respond positively to the streetscape context of its locality in terms of the:*

*(a) rhythm and setting of buildings and open spaces (front and side setbacks);*

*(b) dominant garden and landscape vistas;*

*(c) recessive or low key nature of vehicle garaging and the associated driveway and minimising the number and width of access points to public roads.*

#### *Principle of Development Control 8(b)*

*Development should comprise dwellings of a form and setting consistent with the desired character. In this respect:*

*(b) infill development should maintain and complement the primary streetscape setting of the established settlement pattern, in terms of site width, building siting and providing a single width driveway (for shared use) or utilise a new side road or rear lane driveway where possible, and not impose excessive built form impacts to neighbouring sites and dwellings. Allotment areas may be reasonably varied where the development maintains a consistent primary street frontage and streetscape setting (siting, form and key elements).*

#### *Principle of Development Control 10*

*Buildings and structures should suitably reference the contextual conditions of its locality and contribute positively to the desired character, particularly in terms of its:*

*(a) building scale and form relative to its setback and the overall size of its site;*

- (b) streetscape setting or the pattern of buildings and spaces (front and side setbacks), and gaps between buildings;*
- (c) front fencing being low and visually permeable to emphasise a strong streetscape landscape character.*

Whilst the design team understands and appreciates Ms Rodgers concerns relating to new development, we are of the opinion that the proposed development is in accordance with the relevant objectives and principles of development control for the area.

The dwelling is a single storey detached dwelling, which is the dominant form of development in the immediate locality. The front setback was amended in consultation with Council staff prior to public notification to provide a transition between the dwelling to the east and the property to the west and allow for the siting of the home that was considered appropriate for the locality. The dwelling incorporates hipped, corrugated roof forms and ceiling heights commensurate with the character homes in the locality. The materials schedule includes rendered masonry, face brick work in a neutral tone and contemporary sandstone cladding, all of which are prominent within the locality. We consider that the use of the traditional materials in a complementary way allows the dwelling to fit within the locality and not 'stand out'.

The dwelling has an articulated southern (front) elevation with substantial eaves and a split roof form to reduce the visual bulk when viewed from the street. In this sense the garaging reads as a separate building element within the streetscape which significantly reduces the building mass.

Of note, the applicant is proposing to retain the existing mature tree within the front yard which is approximately 7-8m in height. This will continue to add to the landscaped setting of the site and provide an important feature of the development.

I note that Ms Rodgers has stated that she does not wish Invergowrie to turn into another Carlton Avenue. We respectfully submit that the two streets are significantly different in their built form character, with Invergowrie Avenue retaining a larger proportion of original homes. The proposed dwelling has been designed and considered with the locality in mind. It is our belief that the proposed dwelling is consistent with the relevant design objectives and principles of the Development Plan.

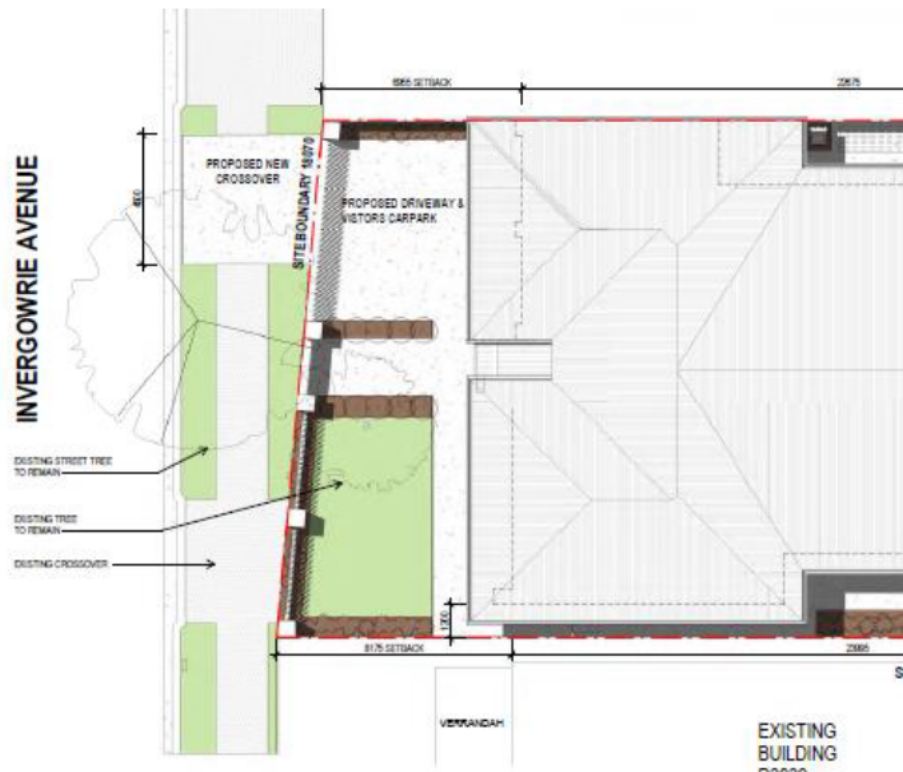
### **Side Setback**

#### *Principle of Development Control 12*

*Building walls on side boundaries should be avoided other than:  
(a) a party wall of semi-detached dwellings or row dwellings; (b)  
a single storey building, or outbuilding, which is not under the*

*main dwelling roof and is setback from, and designed such that it is minor and subservient and not part of, the primary street façade, where: (i) there is only one side boundary wall; (ii) the minimum side setback (on the other side boundary) and collective side setbacks as prescribed under the relevant precinct parameters are met.*

Principle of Development Control 12 specifically addresses and contemplates boundary development. This commentary regarding the boundary development is pertinent to the garage only, as the outbuilding is clearly consistent with part (b)(i). As stated previously, the dwelling has a single roof form, *but* the front elevation has been broken into two (2) hipped roof forms to read as separate elements. The separation of 2230mm is considerable and significantly breaks up the dominance of the garaging. In this regard we consider that the garage is a subservient element. It should be noted that the adjoining property to the west was notified of the development and raised no concerns with the proposed boundary development. There are several examples of garaging on side boundaries in the locality and are appended to this response. As such we are of the opinion that the proposed western boundary development has been considered and treated in such a way to be consistent with the intent of the Development Plan.



Articulated roof form and significant eaves of the proposed dwelling



Perspective of the proposed dwelling – note the existing tree to be retained is not shown for clarity purposes.



21 Invergowrie Avenue, Highgate – note the dominant roof form over the garage, notwithstanding the verandah.

### **Conclusion**

Whilst we appreciate that Ms Rodgers has concerns with the development and is wary of some recent development in the broader



Highgate locality, we are of the opinion that we have considered the specific character of this locality to design a dwelling that will sit comfortably with original building stock and not detract from the character of the locality, which is clearly the key consideration of the Policy Area. Accordingly, we believe that the Development should be granted Development Plan Consent.

We look forward to the Application being presented to the upcoming Council Assessment Panel meeting and are available to respond to any queries you or the Panel may have.

Yours Sincerely



Graeme Gibson  
**State Surveys**

**ITEM 4**  
**DEVELOPMENT APPLICATION – 090/899/2020/C2 – 52 YOUNG STREET,**  
**PARKSIDE SA 5063 (PARKSIDE)**

This application was withdrawn at the request of the Applicant.

